TOWN OF NEW CASTLE, COLORADO
RESOLUTION NO. PZ-2016-04

A RESOLUTION OF THE NEW CASTLE PLANNING & ZONING COMMISSION RECOMMENDING APPROVAL OF LAKOTA RIDGE SENIOR APARTMENTS, LLC'S FINAL PUD DEVELOPMENT PLAN APPLICATION.

WHEREAS, Lakota Ridge Senior Apartments, LLC ("Applicant") submitted a Preliminary PUD Development Plan application ("Preliminary Application") for the property located at TBD Castle Valley Boulevard in the Town of New Castle, Colorado, and more fully described as:

LOT 2A, AMENDED FINAL PLAT, LOT 2, LAKOTA CANYON RANCH PUD, PHASE 7, ACCORDING TO THE PLAT THEREOF RECORDED JULY 30, 2010, UNDER RECEPTION NO. 789213

consisting of approximately 2.87 acres ("Property"); and

WHEREAS, on April 27, 2016, the Town Planning & Zoning Commission ("Commission") held a public hearing to consider Applicant's Preliminary Application and ultimately approved the same with conditions; and

WHEREAS, Applicant submitted the entire approved Preliminary Application and additional required documents as its final PUD development plan application, which submittal documents are enumerated on the list prepared by the Town Clerk and attached hereto as Exhibit A (the "Final Application"); and

WHEREAS, the Town of New Castle owns the Property and has given Applicant permission to submit and pursue both the Preliminary and Final Applications; and

WHEREAS, the Final Application has been deemed complete by the Town Planner; and

WHEREAS, in the Final Application, Applicant proposes to construct an affordable, multi-family senior housing project consisting of fifty (50) units in six buildings located on the Property; and

WHEREAS, pursuant to Sections 16.08.050 and 17.100.080 of the Town Municipal Code, the Commission held a public hearing on June 8, 2016, to consider testimony from the Applicant, staff, and the general public regarding the Final Application; and

WHEREAS, the Commission has considered the criteria set forth in Section 17.100.090 of the Town Municipal Code and hereby finds that:

1. The Final Application is generally compatible with adjacent land uses;
2. The Final Application is consistent with the comprehensive plan;

3. The Town has the capacity to serve the proposed use with water, sewer, fire and police protection;
4. The uses proposed within the PUD are uses permitted outright or by special review within the zoning district or districts contained within the PUD;
5. The number of dwelling units permitted by the underlying zoning districts is not exceeded by the PUD plan; and
6. The PUD utilizes the natural character of the land, includes compatible land uses, provides, as applicable, for fire and police protection, off-street parking, vehicular, pedestrian and bicycle circulation, outdoor recreation, is of overall compatible architectural design, achieves adequate screening, buffering and aesthetic landscaping, avoids development of areas of potential hazard, ensures compliance with the performance standards and meets all other provisions of the Town Municipal Code.

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING & ZONING COMMISSION OF THE TOWN OF NEW CASTLE, COLORADO:

1. Recitals Incorporated by Reference. The foregoing recitals are incorporated by reference herein as findings and determinations of the Commission.

2. Approval. Pursuant to Chapter 17.100 of the New Castle Municipal Code, the Commission hereby recommends that the Town Council approve the Final Application as a final PUD development plan for the construction of an affordable, multi-family senior housing project consisting of fifty (50) units in six buildings located on the Property subject to the conditions set forth in the following section. Pursuant to Section 17.128.020(E)(6), the Commission recommends that the Town Council approve the Final Application to include 50 units on the Property notwithstanding the presumptive maximum density standards for the M-U zone district set forth in Section 17.128.070 of the Code, provided, however, this increase in density shall apply only to the specific PUD development plan included in the Final Application.

3. Conditions. The Commission recommends the following conditions of approval:

A. All representations of the Applicant in written and verbal presentations submitted to the Town or made at public hearings before the Commission or Town Council and reflected in the minutes of such hearings shall be considered part of the Final Application and binding on the Applicant;

B. The Applicant shall comply with all applicable building, residential, electrical and municipal code requirements including all sign code regulations;

C. The Applicant shall reimburse the Town for any and all expenses incurred by the Town regarding this approval, including, without limitation, all costs incurred by the Town's outside consultants such as legal and engineering costs;

D. Applicant shall enter into a development agreement with the Town addressing, among other things, construction of the public road to be dedicated to the Town, payment of development fees, and cost recovery for the road, if applicable.

E. Prior to issuance of a building permit, Applicant shall:

i. pay all water, sewer and water rights dedication fees in an amount approved by Town Council; and

ii. provide construction drawings that are in compliance with (1) the March 23, 2016 Memorandum from Public Works Director, John Wenzel, (2) the March 11, 2016 Preliminary Plan Review letter from the Town Engineer, and (3) the April 21, 2016 letter from Colorado River Fire & Rescue Fire Marshall, Orin Moon;

F. All disturbed land shall be predominantly weed free during and after development and re-seeded according to the seed mix used by the Town of New Castle Park's Department; and

THIS RESOLUTION PZ 2016-4 was adopted by the New Castle Planning and Zoning Commission by a vote of 4 to 4 on the 8th day of June, 2016.

THE TOWN OF NEW CASTLE PLANNING & ZONING COMMISSION COLORADO

NEW CASTLE PLANNING AND ZONING COMMISSION

By: _____
Chuck Apostolik, Chairman

ATTEST:

_____
Mindy Andis, Deputy Town Clerk

EXHIBIT A

The Final Application consists of the following documents:

1) Development application
2) Legal description
3) Checklist for PUD Preliminary Development
4) Written Statement from CRHDC
5) Lakota Canyon Ranch, Phase 7 Final Plat exceptions
6) Final Plat Lakota Canyon Ranch, Phase 7
7) Special Warranty deed
8) Amended Final Plat, Lot 2, Lakota Canyon Ranch, Phase 7
9) Special Warranty deed
10) List of properties within 250 linear feet
11) Lease And Option To Purchase
12) Improvement Survey
13) Floor plans – A - A3.1 – A3.3
14) Floor plans – B – A3.1 – A3.3
15) Building elevations – A5.1 – A5.5
16) Landscape plan (not identified by title)
17) 1st floor plan, 2nd floor plan & 3rd floor plan – A1 – A3
18) Town Engineer preliminary review dated March 11, 2016
19) Memorandum from John Wenzel, Public Works Director dated March 23, 2016
20) Referral comment from Xcel Energy dated March 29, 2016
21) Referral comment from Colorado River Fire & Rescue, Fire Marshall, Orrin Moon dated April 21, 2016
22) Referral comment from Colorado Parks & Wildlife, District Wildlife Manager, Brian Gray dated April 12, 2016.
23) CRHDC request to omit certain requirements dated April 22, 2016
24) Revised floor plans
25) PowerPoint Presentation presented at April 27, 2016 PUD development plan public hearing
26) Preliminary Geotechnical Study dated February 10, 2015
27) Updated Preliminary Planned Unit Development plan with differing dates (includes grading and drainage plan, utility plan, site layout plan, and roadway plan & profile)
28) Performance Standards agreement dated May 9, 2016
29) Response letter from CRHDC dated May 23, 2016
30) Transportation Impact Study dated May 23, 2016
31) CRHDC letter regarding weed free environment dated June 1, 2016