

**TOWN OF NEW CASTLE, COLORADO
ORDINANCE NO. TC-2018-2**

**AN ORDINANCE OF THE NEW CASTLE TOWN COUNCIL APPROVING A
MAJOR AMENDMENT TO THE LAKOTA RIDGE SENIOR APARTMENTS,
LLP'S PUD DEVELOPMENT PLAN.**

WHEREAS, by Ordinance No. 2016-4, Lakota Ridge Senior Apartments, LLP ("Applicant") obtained approval for a final PUD Development Plan ("Plan") for the property located at 705 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

("Property"); and

WHEREAS, the Plan comprises those documents enumerated in Exhibit A to Ordinance No. TC 2016-4, including the architectural and design plans for the buildings to be constructed on the Property; and

WHEREAS, after initiating construction on the Property, Applicant informed Town staff that as a result of budget constraints, Applicant intended to alter several of the exterior design features of the buildings to be located on the Property; and

WHEREAS, because the architectural and design elements of Applicant's project were part of the as-approved Plan, Applicant cannot not implement those changes without processing a Plan amendment pursuant to Section 17.10.110 of the Town Municipal Code; and

WHEREAS, Applicant submitted the documents listed in Exhibit A hereto as its Plan amendment application ("Application");

WHEREAS, pursuant to Section 17.100.110(C) of the Town Municipal Code, Town staff determined that the Application constitutes a major amendment of the Plan; and

WHEREAS, pursuant to Sections 16.08.050, 17.100.080, and 17.100.110(C) of the Code, the Town Planning & Zoning Commission held a public hearing on January 24, 2018, that was continued twice to February 7, 2018, and March 5, 2018, to consider the Application, after which the Commission recommended that Town Council conditionally approve the Application; and

WHEREAS, at a duly-notice public meeting held on March 20, 2018, Town Council considered the Application and testimony regarding the same from Town staff and members of the public; and

WHEREAS, subject to compliance with the terms and conditions of this Ordinance, the Town Council hereby finds that:

1. The Application is generally compatible with adjacent land uses;

2. The 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; and

WHEREAS, based on the Application and testimony presented regarding the same, the Town Council desires to approve the Application subject to the terms and conditions hereof.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL 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. Subject to the conditions set forth in Section 3 of this Ordinance and pursuant to Chapter 17.100 of the New Castle Municipal Code, the Town Council hereby approves the Application as an amendment of Applicant's Final PUD Development Plan for the Property. Only those aspects of the Plan addressed in the Application shall be amended and all other provisions of the Plan shall remain in full force and effect.
3. Conditions. The Application is approved subject to the following conditions:
 - 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 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, when developing the Property according to the Plan, as amended;
 - 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. The plans submitted by Applicant on March 5, 2018, shall be the operative plans for the purposes of the Application and Plan amendment, and Applicant shall construct the buildings on the Property in conformance therewith;

E. Applicant shall obtain approval in writing from the Lakota Design Review Committee for the final exterior paint colors, roof colors, and balcony railing colors, and heavy timber beam sizes prior to completing the same;

F. Applicant shall resolve the HVAC louver cover issue to the satisfaction of Town Staff. In connection therewith, Applicant shall, among other things, provide Town staff and the Lakota Design Review Committee with a mock-up job site sample of a HVAC louver cover, louver trim detail, related window trim, and final paint color, to Town staff and the Lakota Design Review Committee to review;

G. Applicant shall provide a final set of working plans for review and approval by Town staff that details all changes to the areas of the buildings' exterior that are proposed for change. Said plans shall include lumber dimension sizes, balcony details, roof details, engineering details, and all other details necessary for final plan approval by the Building Department;

H. Applicant shall provide documentation demonstrating that the proposed changes in the Application to the heating and cooling systems in the buildings meet or exceed the requirements of the 2009 National Energy Conservation Code as adopted by the Town; and

I. The Application and Plan amendment effectuated thereby are subject to all previous conditions of approval imposed on the Plan.

INTRODUCED on March 20, 2018, at which time copies were available to the Council and to those persons in attendance at the meeting, read by title, passed on first reading, and ordered published in full and posted in at least two public places within the Town as required by the Charter.

INTRODUCED a second time at a regular meeting of the Council of the Town of New Castle, Colorado on April 17, 2018, read by title and number, passed with amendments, approved, and ordered published as required by the Charter.

TOWN OF NEW CASTLE, COLORADO, TOWN
COUNCIL

By:


Art Riddile, Mayor

ATTEST:


Melody Harrison, Town Clerk

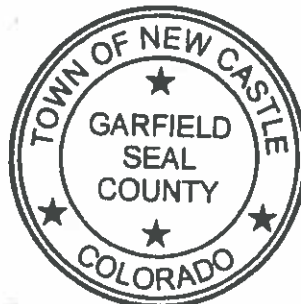


EXHIBIT A

The Final PUD Development Plan amendment application consists of the following documents:

1. Development Application (Jan. 17, 2018)
2. Checklist of PUD final development plan (Jan. 17, 2018)
3. List of property owners within 250 feet of subject property (Jan. 18, 2018)
4. Affidavit as to Notice of Public Hearing (Jan. 18, 2018)
5. Special Warranty Deed (Jan. 18, 2018)
6. Written statement for PUD Amendment (Jan. 18, 2018)
7. Public comments from Steve Craven, Scott Crow, and Connie Henke (Jan. 2018)
8. Town Planner's report – January 31, 2018
9. Town Building Inspector's report – January 31, 2018
10. Lakota Canyon Ranch Design Review Committee e-mail and comment letter – February 28, 2018
11. Elevations for Buildings 2 & 4—February 28, 2018
12. PUD Application revision documentation –February 28, 2018
13. Building Inspector Report – March 2, 2018
14. Town Planner Report – March 2, 2018
15. Architectural and design plans showing 9 units without balconies—March 5, 2018