

**TOWN OF NEW CASTLE, COLORADO  
RESOLUTION NO. PZ-2018-01**

A RESOLUTION OF THE NEW CASTLE PLANNING & ZONING  
COMMISSION RECOMMENDING APPROVAL OF A MAJOR  
AMENDMENT OF 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; and

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

WHEREAS, pursuant to Section 17.100.110 of the Town Municipal Code, Town staff determined that the Application constitute 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 Commission opened a public hearing on January 24, 2018, to consider the Application and continued the hearing to February 7, 2018; and

WHEREAS, following the February 7<sup>th</sup> public hearing, the Commission tabled consideration of the Application until March 5, 2018, to allow Applicant to make changes to its Application in light of the comments and information presented at the hearing; and

WHEREAS, Applicant submitted revised architectural and design plans to the Town on March 5, 2018, which are listed in Exhibit A, replace all prior plans submitted as part of the Application, and reflect Applicant's intended development of the Property; and

WHEREAS, at a duly noticed public meeting, the Commission considered the Application, as supplemented, and the criteria set forth in Section 17.100.090 of the Town Municipal Code;

WHEREAS, based on the Application the information and testimony presented regarding the same, the Commission 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.

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 Application, as supplemented by the March 5, 2018 plans, 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 upon Town Council's approval of the Application, and all other provisions of the Plan shall remain in full force and effect.

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 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. 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;

E. Applicant shall propose a final solution to the HVAC louver cover issue to the satisfaction of Town Staff by, among other things, providing a mock-up job site sample of a HVAC louver cover, window trim, and HVAC louver trim detail, including final paint color, to Town staff and the Lakota Design Review Committee for review;

F. Applicant shall provide a final set of working plans for review by Town staff that detail 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; and

G. 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.

THIS RESOLUTION PZ 2018-1 was adopted by the New Castle Planning and Zoning Commission by a vote of 5 to 0 on the 5<sup>th</sup> day of March, 2018.



ATTEST:

NEW CASTLE PLANNING AND  
ZONING COMMISSION

By:   
Chuck Apostolik, Chairman

  
Mindy Andis Deputy 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