

**TOWN OF NEW CASTLE, COLORADO
RESOLUTION NO. PZ 2011-4**

A RESOLUTION OF THE NEW CASTLE PLANNING AND ZONING
COMMISSION CONDITIONALLY APPROVING A MINOR AMENDMENT
TO A PLANNED UNIT DEVELOPMENT FOR WHITEHORSE VILLAGE,
PHASE 2.

WHEREAS, First Bank of Denver (“Owner”) is the owner of certain real property within the Town of New Castle depicted on the Final Block Plat of Whitehorse Village at Lakota Canyon Ranch, Phase 2 recorded on January 3rd, 2008, in the Office of the Garfield County Clerk and Recorder as Reception No. 740491 (“Whitehorse Village Phase 2” or the “Property”); and

WHEREAS, MJL Development, Inc. (“Applicant”) has submitted a Minor PUD Amendment application pursuant to municipal code section 17.100.110(B) for the Property seeking to create 19 individual lots and 2 open space parcels on Blocks B1-1 through B1-5, a reduction in the overall density for those blocks of 10 units; and

WHEREAS, the Property is subject to Resolution PZ 2007-8 and Ordinance 2007-9 conditionally approving a Final PUD Development Plan and Final Subdivision Block Plat for the Property. Those approval documents remain valid and applicable to the Property except to the extent of any specific changes as set forth in this Resolution; and

WHEREAS, the Property is also subject to the Lakota Canyon Ranch PUD Master Plan approved by Ordinance No. 2002-18 (the “Lakota Master Plan”); and

WHEREAS, the Planning Commission held a duly noticed public hearing on May 25, 2011 to consider the Minor PUD Amendment application; and

WHEREAS, the Planning Commission listened to testimony from Staff, the Applicant, and members of the public concerning the application; and

WHEREAS, subject to compliance with the terms and conditions of this Resolution, the Planning Commission finds that the application, as conditioned herein, will be compatible with current community standards, infrastructure and regulations; and

WHEREAS, based on the application and the testimony, the Planning and Zoning Commission desires to approve the Minor PUD Amendment subject to the terms and conditions set forth below

NOW, THEREFORE, BE IT RESOLVED BY THE NEW CASTLE PLANNING AND ZONING COMMISSION AS FOLLOWS:

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

2. Definition of the Application. The “Application” consists of the documents and information identified by the Town Clerk on Exhibit A, plus all representations of the Applicant reflected in the minutes of the Planning and Zoning Commission public hearing on May 25, 2011.

3. Approval. The Application proposes to reduce the overall density of the Property. The Planning Commission hereby approves the Application as a Minor PUD Amendment pursuant to Section 17.100.110 of the New Castle Municipal Code, subject to the terms and conditions of this Resolution. The Planning Commission hereby approves the construction of nineteen (19) residential single family homes on nineteen (19) lots and two (2) open space parcels on Blocks B1-1 through B1-5, where previously up to twenty-nine (29) lots and homes and two (2) open space parcels were permitted. Concerning the remainder of the Property, the Planning Commission hereby approves up to forty (40) residential single family units on up to forty (40) lots on Blocks A-1 through A-7. The owner of the A Blocks may plat the lots as shown on the existing Final Block Plat, subject to the requirements of Ordinance 2007-9, or the owner may plat them in a manner more consistent with the lot configuration on the B Blocks as approved and conditioned herein.

4. Zoning. The zoning of the Property shall be PUD, but shall be subject to the restrictions and requirements of section 17.128.060 of the Town Code concerning the “cluster lot” requirements in the R-M residential medium density zone district; the detailed final plat(s) filed for the Property, all other applicable provisions of the Code; and all applicable Ordinances of the Town. In the event of any conflict between the zone district text and the final plats for the Property or this Resolution the final plats and/or this Resolution shall control.

5. Detailed Amended Final Plats. No certificates of occupancy will be issued for any lot within the Property until Detailed Amended Final Plats for each block are approved. The Detailed Amended Final Plat shall define and depict final lot size, setbacks and any other zoning limitations for each lot. The Detailed Amended Final Plats may be approved administratively so long as they do not seek to alter the block plat lines on the Final Block Plat recorded as Reception No. 740491.

6. Conditions.

A. All provisions of the previously approved PUD Development Plan relating to improvements including, but not limited to crosswalks, street lighting, signage, drainage, and utilities except as otherwise recommended and approved for modification by the town engineer and planning commission shall remain applicable to this application.

B. The Applicant shall submit a revised landscaping plan and weed management plan addressing all disturbed areas in this subdivision that shall be subject to review and approval by the town staff prior to recordation of the final plat.

C. All development within Whitehorse Village shall comply with the wildfire hazard mitigation and response plan approved for the Lakota Canyon Ranch PUD.

D. All development within Whitehorse Village shall comply with the geotechnical report identified as Job No. 101 441-7 dated March 31, 2004 completed by HP Geotech.

E. Prior to recordation of the final plat the Applicant shall submit revised Covenants Conditions and Restrictions (CCRs) or documents evidencing annexation of the property to the Lakota Canyon Homeowners Association.

F. Prior to issuance of a building permit the Applicant shall provide the town engineer with construction plans that address all of the recommendations and conditions outlined in the attached letter dated May 11, 2011.

G. All representations of the applicant made in the application and in statements during the meetings before the Planning Commission are considered part of the application and conditions of approval and binding on the applicant.

H. The Applicant shall comply with all applicable building, residential, electrical and municipal code requirements.

I. The Applicant shall pay all applicable water and sewer tap fees.

J. 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, planning, and engineering costs.

THIS RESOLUTION PZ 2011-~~4~~⁴ was adopted by the New Castle Planning and Zoning Commission by a vote of 6 to 0 on the 25th day of May, 2011.

NEW CASTLE PLANNING AND
ZONING COMMISSION

By: Kevin G. O'Brien

ATTEST:

Wendy Mead
Wendy Mead, Deputy Town Clerk

