

**New Castle Planning and Zoning Commission Meeting
Wednesday, March 25, 2020, 7:00p.m., Town Hall**

Due to concerns related to the Coronavirus, the meeting was held as a phone conference meeting only. Commission Members and the Public attended by phone.

Call to Order

Commission Chair Apostolik called the meeting to order at 7:00 p.m.

Roll Call

Present Chair Apostolik
Commissioner Bourquin
Commissioner McDonald
Commissioner Riddile
Commissioner Sass
Commissioner Johannsson
Commissioner Lucio

Absent None

Also present at the meeting were Town Administrator Dave Reynolds, Town Planner Paul Smith, Assistant Town Attorney Haley Carmer, Deputy Town Clerk Mindy Andis and members of the public. All persons attended the meeting via phone.

Meeting Notice

Deputy Town Clerk Mindy Andis verified that her office gave notice of the meeting in accordance with Resolution TC 2020-1.

Conflicts of Interest

There were no conflicts of interest.

Citizen Comments on Items NOT on the Agenda

There were no citizen comments.

Public Hearing

Consider Resolution PZ-2020-04 Recommending Approval of a Conditional Use Permit (CUP) for Veterinary Clinic on Property Located in the Industrial Zone District

Chair Apostolik opened the public hearing at 7:01 p.m.

Town Planner Paul Smith said the application was for a Conditional Use Permit (CUP) for a veterinary clinic located at 6420 County Rd. 335, Unit A, in the Industrial Zone District. The applicant requested a CUP to expand their veterinary practice in Glenwood Springs to New Castle. The applicant anticipated that an office in New Castle will provide more effective pet care for both New Castle and Silt residents, many of whom already travel to the Glenwood Springs location. The existing office/warehouse space in Unit A of the Bramco building provided an optimal floor plan for the veterinary clinic.

As a CUP, the Planning and Zoning Commission is required to hold a public hearing in accordance with the procedures set forth in Municipal Code chapter 16.08. Within 30 days after the hearing, Planning and Zoning Commission must make one of three recommendations to Town Council:

- 1) Approve the CUP unconditionally;
- 2) Approve the CUP with conditions;
- 3) Deny the CUP.

The industrial zone stated in 17.52.020 - "The purpose of the industrial district is to provide an area for industrial development in the town with minimal adverse environmental effects on the town." In 17.52.050 - Conditional Uses the code states "Any use not specifically defined in the permitted or non-permitted use categories shall be a conditional use." By virtue of its exclusion from both lists, a veterinary clinic is thereby subject to the conditional use process.

The industrial zone also has specific land use restrictions. 17.52.060 requires:

- A. All service, fabrication, repair operations and storage of materials shall be enclosed by a fence at least six feet in height. Fences and gates shall be constructed of galvanized chain link.
- B. All loading and unloading of materials shall be conducted on private or town-leased property.
- C. All practical means shall be used to confine odor, noise, glare, and vibration to the site, and to avoid excessive emission of fumes, gases, radiation, liquid waste and smoke.

The operation of a veterinary clinic in the prospective lease space will not violate any of the provisions.

The purpose of a CUP is to determine if the nature of the proposed use is appropriate to the location, character of the surrounding development, traffic capacities of adjacent streets, and potential environmental effects, among other factors, that the Town may deem relevant to the type of land use. Although a veterinary clinic may not be strictly classified as an industrial use, by all accounts it is generally compatible with surrounding uses and will add a much needed amenity to this part of the region. The site plans provided intends to demonstrate the compatibility of the clinic with town code and requirements:

Site Plan:

- (1) Adjacent land uses and location of adjacent structures:

Staff Comment - The Bramco building is bound by the Town of New Castle property to the south side (vacant hillside); Roc Gabossi's lot on the west side, granite and tile retailer, Accents on Tops on the east side, and Frank Breslin Memorial Park to the north.

- (2) Boundary and size of lot:

Staff Comment –The boundary and size of lot #1 in the Coal Ridge Industrial Subdivision is sufficient for the veterinarian clinic.

(3)Boundary location, height and setbacks

Staff Comment –The building location is within the industrial zone. The overall building height is 30’ as identified on the original construction drawings. Setbacks and easements are indicated on the plat.

(4)Off-street parking and loading areas

Staff Comment –For commercial offices other than medical and dental, one space for every 300 square feet of floor space is required (Municipal Code 17.76.020§F). The building code requires a dedicated ADA van parking space. In sum, 17 spaces would be necessary for the proposed use. Staff contends this total would far exceed the clinic’s needs. However, according to Municipal Code 17.76.060 Town Council may reduce the number of required spaces in consideration of the following factors:

- Probable number of cars owned by occupants of dwellings in the planned unit development;
- Parking needs of any non-dwelling uses;
- Varying time periods of use; and
- Whatever joint use of common parking areas is proposed.

The Applicant anticipates needing up to four spaces for employees and an additional two spaces for clients. Additionally, because of the nature of use, the parking duration should be minimal for visitors. Also, overflow parking is available in the common areas of the property which can be utilized on occasions of higher demand.

(5)Points of ingress and egress

Staff comment – Shown on the plat are two driveways in which enters and leaves the property. Both are compliant with Town standards and therefore can accommodate parking and egress or large vehicles.

(6)Service and refuse areas

Staff Comment – Dumpsters are personally rented by the tenants. There are no known hazardous materials that will need disposal services.

(7)Signs and exterior lighting

Staff Comment –Applicant will be required to comply with sign code provisions in the municipal code.

(8)Fencing, landscaping and screening

Staff Comment –According to Municipal Code 17.52.060§D, adequate

screening should be provided on property lines adjacent to Town parks. Currently the building is buffered by mature spruce along the north side of the building.

(9) Compliance with performance standards

Staff Comment – The Applicant has submitted a signed document stating they will comply with all performance standards.

(10) Location and size of easements, power poles, fire hydrants, gas lines, water and sewer lines; anticipated utility requirements

Staff Comment – No businesses in the industrial zone district in New Castle are connected to Town water and sewer. They are individually shared septic and well water users. Water storage tanks are buried on the hillside above the building. A buried propane tank is located on the southeast corner of lot 1.

17.84.070 Alterations

No approved conditional use may be altered, structurally enlarged, expanded in parking area or expanded in ground area unless the site plan is amended and approved in accordance with the procedures applicable to approval of a conditional use as set out in chapter 17.84 – Conditional Uses

A CUP shall be approved only if the Town Council finds that the application:

1. Is eligible for conditional review under Section 17.84.040;

Staff Comment: Per Municipal Code 17.20.050, a veterinary clinic requires a conditional use approval in the industrial zone. A complete application with all review materials was submitted on February 26, 2020. The public hearing timetable was reduced by the Planning Commission on March 11, 2020, which moved the hearing to March 25, 2020.

2. Is generally compatible with adjacent land uses;

Staff Comment: The proposed use is classified as light industrial or commercial and is therefore generally compatible with neighboring uses. As a veterinary clinic adverse impacts on the community are not likely.

3. Meets all requirements of Section 17.84.020, is in compliance with this title and minimizes potential adverse impact of the conditional use on adjacent properties and traffic flow;

Staff Comment: The proposal anticipates little negative impact on the community and adjacent properties. Furthermore, the Applicant will satisfy the requirements of all adopted building codes and Town codes as described in the conditions of approval.

4. Is consistent with the Comprehensive Plan;

Staff Comment: The New Castle Comprehensive Plan Policy CG-4D maintains that New Castle supports location of compatible commercial/business development that creates a mix of uses, contributes to economic sustainability, job creation, retail/services, non-motorized accessibility and is within or adjacent to predominantly residential areas.

5. The town has the capacity to serve the proposed use with water, sewer, fire and police protection.

Staff Comment: The building is completely on well and septic. Fire safety access is sufficient for all occupants. A hydrant is located on the northwest corner of the lot and is supplied by a shared well. The police department anticipates utilizing services of the clinic for impounded animals.

Staff advises the Planning and Zoning Commission to consider recommending approval of Resolution No. PZ 2020-04 with the following conditions:

A. The use approved in the application shall not be conducted until the Town Planner has issued a Conditional Use Certificate. The certificate shall be issued only after the Applicant has entered into an agreement with the Town specifying that all conditions imposed by the Town Council will be completed and that the use and improvements will be in accordance with the approved application site plan and development schedule. The Conditional Use Certificate must be issued within one year of the date of final approval by Town Council, or the application is deemed withdrawn by the Applicant and is of no further force and effect.

B. No approved conditional use may be altered, structurally enlarged, expanded in parking area or expanded in ground area unless the site plan is amended and approved in accordance with the procedures applicable to approval of a conditional use as set out in chapter 17.84.070.

C. In the event the Town receives any complaints about the use of the site or observes or becomes aware of any violations of the conditional use approval, the Applicant and/or owner may be summoned before the Town Council in a public meeting to show-cause why the permit should not be revoked, suspended, or additional conditions imposed. Such show-cause hearing shall be open to the public and the Applicant or owner may present testimony or offer other evidence on its behalf.

D. The applicant shall comply with all applicable building, residential, electrical and municipal code requirements including all sign code regulations. Prior to occupancy, the following items must be determined to comply with the adopted Town codes:

- Fire penetration sealant required at headwall between units and mechanical ducts at floor of mezzanine.
- Opening protective is required for opening between mezzanine and neighboring unit. Otherwise a fixed wall may be installed to fill the space.
- Egress stairway required at mezzanine.

- Fire inspector will verify compliance of fire alarm system.
- Signage for the accessible bathroom must be installed.
- Roof leaks will be repaired.

E. Any added exterior lighting will be dark sky compliant pursuant to the Comprehensive Plan Goal EN-4.

F. All representations of the applicant in written and verbal presentations submitted to the Town or made at public hearings before the Planning and Zoning Commission or Town Council shall be considered part of the application and binding on the applicant.

G. 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.

Dr. Lori Pohm, applicant, said that waste from the practice will go into the dumpster, and any deceased animals would be picked up by a cremation service.

Chair Apostolik closed the public hearing at 7:13 p.m.

Commissioner Riddile asked Planner Smith if the parking was sufficient. Planner Smith said it was and there would be no issues.

All the commissioners were in agreement that the veterinary clinic would be a great asset to the town.

MOTION: Chair Apostolik made a motion recommending approval of Resolution PZ-2020-4, A Resolution of the New Castle Planning & Zoning Commission Recommending Approval of a Conditional Use Permit (CUP) for Veterinary Clinic on Property Located in the Industrial Zone District

Commissioner Riddile seconded the motion and it passed on a roll call vote: Commissioner McDonald: Yes; Commissioner Johannsson: Yes; Commissioner Bourquin: Yes; Commissioner Lucio: Yes; Chair Apostolik: Yes; Commissioner Riddile; Commissioner Sass: Yes.

Public Hearing – Continued from February 26, 2020

Consider Continuation of Decision on Resolution PZ-2020-02 Recommending Approval of Castle Valley Ranch PUD Master Plan Amendment Continue Until August 26, 2020

Planner Smith said in email correspondence received by the Town on March 20, 2020, the applicant requested postponing a decision on Resolution PZ 2020-02 until August 26, 2020. The request is predicated on a need for greater time and collaborative effort between the Applicant and Town to work out issues related to the amendment. The Planning and Zoning Commission can decide whether to agree to the request or not. If the Planning and Zoning Commission denied the continuance, then Planning and Zoning Commission is required by the code to make a recommendation on the application at the March 25, 2020 meeting. The

recommendation will then go to Council for final decision. If the Planning and Zoning Commission agreed to the continuance, the applicant will need to re-notice the meeting (mailing, publishing, and posting) at which the continued hearing will take place.

Chair Apostolik asked the commission if there were any concerns to grant the request to continue the Castle Valley Ranch PUD Master Plan Amendment.

There were none stated.

MOTION: Chair Apostolik made a Motion to Grant the Request to Continue the Castle Valley Ranch PUD Master Plan Amendment Until August 26, 2020. Commissioner Sass seconded the motion and it passed on a roll call vote: Commissioner Johansson: Yes; Commissioner Lucio: Yes; Commissioner McDonald: Yes; Commissioner Riddile: Yes; Commissioner Sass: Yes; Chair Apostolik: Yes; Commissioner Bourquin.

Public Hearing

Consider Resolution PZ-2020-05 Recommending Approval of Amendments to Section 16.08.040 of the New Castle Municipal Code Concerning the C-1 Zoning Text Amendment.

Chair Apostolik opened the public hearing 7:20 p.m.

Motion: Chair Apostolik made a motion to continue the public hearing until June 10, 2020. Commissioner Johansson seconded the motion and it passed unanimously.

Staff Reports

There were no staff reports.

Commission Comments and Reports

There were no commission comments or reports.

Review Minutes from Previous Meeting

MOTION: Commissioner Riddile made a motion to approve the March 11, 2020 meeting minutes as submitted. Commissioner McDonald seconded the motion and it passed unanimously.

MOTION: Chair Apostolik made a motion to adjourn the meeting. Commissioner Riddile seconded the motion and it passed unanimously.

The meeting adjourned at 8:25 p.m.

Respectfully Submitted,



Mindy Andis

Deputy Town Clerk Mindy Andis, CMC

Chuck Apostolik
Chair Chuck Apostolik