

**New Castle Planning and Zoning Commission Meeting
Wednesday, June 10, 2020, 7:00 p.m., Town Hall**

Due to concerns related to the Coronavirus, the meeting was held as a virtual meeting only. Commission Members and the Public attended by phone, computer, smart phone or tablet.

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 Westerlind
 Commissioner Lucio

Absent Commissioner Sass

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

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.

Administrator David Reynolds asked for the Action Item, Resolution PZ 2020-06, to be heard first. The commission agreed.

Action Items

Resolution PZ-2020-06 Denying a Combined Preliminary/Final PUD Development Plan and Preliminary/Final Subdivision Plat for Castle Valley Ranch Filing 11, Being a Portion of PA17 and PA19.

Assistant Town Attorney Haley Carmer said she would like to continue the decision on the resolution until the July 8, 2020 meeting.

She said that the purpose in asking for the continuance was to give the attorneys some time. Attorney Carmer said there is a provision in the PUD code that allowed an applicant who had received an adverse ruling from the planning commission to request a review of that decision. The Town Council would review the decision and

determine whether the Planning & Zoning Commission made an error in denying the preliminary plan application. Attorney Carmer said that CVR Investors had requested a council review at the July 21, 2020 council meeting. That will give them some time before the decision on the preliminary application, and the whole application in general, was final for the purposes of their remedies under Colorado law to appeal the decision to the district court.

Chair Apostolik asked if the appeal was allowed since the preliminary application was combined with a final application.

Attorney Carmer said since the commission denied the application, which included the preliminary application for both subdivision and PUD the final application cannot proceed until the preliminary application has been approved. Since the preliminary application was denied, council cannot approve the final. The denial was not a recommendation but effectively a denial altogether. Because there was no preliminary approval, rather it was a denial; the application cannot proceed on to council. However, Attorney Carmer said that the review process which was specific to the PUD application gave council a chance to review the P&Z decision with the respect to the preliminary application. If council believed there was evidence in the record to support the criteria for a PUD Plan approval, council will then send the application back to P&Z to reconsider the decision. Council could alternatively agree with the denial and the application would be officially over. At that point, the timeline for the applicant's right to appeal to district court would begin.

MOTION: Chair Apostolik made a motion to continue Resolution PZ2020-06, a Resolution of the New Castle Planning & Zoning Commission Denying a Combined Preliminary/Final PUD Development Plan and Preliminary/Final Subdivision Plat for Castle Valley Ranch Filing 11, Being a Portion of PA 17 and PA 19 to the July 8, 2020 Planning & Zoning Commission Meeting. Commissioner McDonald seconded the motion and it passed unanimously.

Public Hearing – Continued from March 25, 2020

Consider Resolution PZ-2020-05 Recommending Approval of Amendments to Sections 17.36.040 & 17.36.050 of the New Castle Municipal Code Concerning Uses on Lots Greater Than 10,000 Square Feet Located in the C-1 Zone District.

Chair Apostolik opened the public hearing at 7:22 p.m.

Town Planner Paul Smith said in C-1 zoning, Town Code required a conditional use permit for any uses whatsoever on parcels larger than 10,000 square feet. Staff believed the requirement placed an undue burden on such properties and would be difficult to enforce. The current draft ordinance eliminated the conditional use requirement altogether.

Alternatively, it may be worth considering whether at least some of the current permitted/conditional uses were good candidates for special review when located on

lots greater than 10k sf. In this case, the 10k sf language would be retained and the Commission would be charged with the task of merely rearranging the use lists.

After a brief discussion, the commission agreed to the following Permitted Uses:

A. Any of the uses set out in subsections B through D are permitted outright provided the following requirements are complied with:

1. All fabrication, service and repair operations are conducted within a building;
2. All storage of materials shall be within a building or obscured by a fence of at least six feet in height;
3. Storage areas shall be restricted to the rear twenty-five (25) feet of the lot(s); and
4. ~~No dust, noise, glare or vibration is projected beyond the lot(s).~~

B. Retail establishments for the trade and sales of the following goods and materials:

1. Antiques;
2. Appliances;
3. Art and art supplies;
4. Automotive parts, new;
5. Bakery and doughnut shop;
6. Beverages;
7. Books, magazines, newspapers;
8. Cafe, coffee shop;
9. Clothing;
10. Dry goods;
11. Feed and pet supplies;
12. Food;
13. Furniture;
14. Garden supply and plants;
15. Groceries;
16. Hardware, general and specialty;
17. Jewelry;
18. Office materials and supply.

C. Personal service establishment, including:

1. Art gallery;
2. Automatic laundry/laundromat for individual use;
3. Bank;
4. Barber, beauty shop;
5. Day care facility for children under thirteen (13) years of age;
6. Indoor recreation;
7. Indoor theater;
8. Laundry or dry cleaning station for individual pick-up only;
9. Medical/health clinic limited to human outpatient services with floor area of no more than two thousand (2,000) square feet;
10. Office for the conduct of a business or profession;
11. Pharmacy;
12. Photography supply, studio;
13. Printing shop;
14. Private club;
15. Reading room;
16. Real estate sales office;
17. Restaurant, with or without a bar;
18. Shoe repair;
19. Studio for the conduct of arts and crafts instruction;
20. Tailor shop;
21. Tavern;
22. Travel agency.

D. Residential. One or more residential dwelling unit(s) when located on a floor above the ground floor of a commercial use building, or, when located on a ground floor and within the rear forty (40) feet of a lot, within a commercial use building.

After a brief discussion, the commission agreed to the following Conditional Uses:

- A. Any use listed as a permitted use in Sections 17.36.040(B), (C) and (D), which use is to be a drive-in establishment or facility where the customer receives goods or services while occupying a vehicle.

- B. The following uses may be allowed subject to the provisions and requirements of Chapter 17.84 of this title:
1. Auditorium, public or private;
 2. Automobile service station, with or without minor repairs;
 3. Automobile, small truck, trailer rental facility;
 4. Automobile washing facility;
 5. Church or facility for any recognized established religion;
 6. Community building operated by the public;
 7. Educational facility, public or private;
 8. Emergency response, public safety facility;
 9. Facility for treatment, storage and disposal of wastewater;
 10. Facility for treatment, storage and distribution of drinking water;
 11. Fraternal lodge;
 12. Hotel, motel;
 13. Household appliance repair;
 14. Library, public or private;
 15. Medical/health clinic limited to human outpatient services with floor area of greater than two thousand (2,000) square feet;
 16. Mobile vending carts or stands;
 17. Mortuary;
 18. Municipal shop facility, for maintenance, repair and storage of equipment and materials for municipal services;
 19. Museum, public or private;
 20. Parking lot or garage as principal use of the lot;
 21. Public building for the administration of government;
 22. Residential apartment building;
 23. Residential single-family detached building occupying no more than one thousand two hundred (1,200) square feet of land area;
 24. Rooming and boarding house facility;
 25. Small engine repair and sales shop;

26. Taxidermy shop;

27. Temporary building to be used to conduct a permitted use;

28. Utility substation, electric or gas, public or private;

29. Veterinary clinic limited to small animal outpatient services, not including kennel.

C. Any use not specifically defined in the permitted, conditional, or non-permitted use categories shall be a conditional use.

Chair Apostolik closed the public hearing at 8:02 p.m.

MOTION: Chair Apostolik made a motion to approve Resolution PZ-2020-05 a Resolution of the New Castle Planning & Zoning Commission Recommending Approval of Amendments to Sections 17.36.040 & 17.36.050 of the New Castle Municipal Code Concerning Uses on Lots Greater Than 10,000 Square Feet Located in the C-1 Zone District with the following changes: Remove requirement A4 under permitted uses. Commissioner Lucio seconded the motion and it passed on a roll call vote: Commissioner Bourquin: Yes; Chair Apostolik: Yes; Commissioner Riddile: Yes; Commissioner Westerlind: Yes; Commissioner McDonald: Yes; Commissioner Lucio: Yes.

Items for Next Planning and Zoning Agenda

Planner Smith said tentatively there would be a proposal for changes to the code regarding application process for Preliminary & Final Subdivision and Preliminary & Final PUD Development Plans.

Chair Apostolik asked how does staff dictated to an applicate to do complete a preliminary application and a separate final application So that the commission did not have to consider a combined preliminary/final application.

Attorney Carmer said it was a matter of explaining to the applicant the risks of combining preliminary and final applications. Clarifying what happened and how the application will be reviewed when submitting the combined preliminary and final application.

Staff Reports

There were no staff reports.

Commission Comments and Reports

Chair Apostolik asked if public works could create a written plan or policy regarding snow removal, sidewalks and a list of other requirements.

Planner Smith said yes. He will working with Public Works Director John Wenzel to re-write the Public Works Manuel.

Review Minutes from Previous Meeting

MOTION: Commissioner Bourquin made a motion to approve the May 13, 2020 meeting minutes as submitted. Commissioner Westerlind seconded the motion and it passed unanimously.

MOTION: Commissioner Bourquin made a motion to approve the May 27, 2020 meeting minutes as submitted. Commissioner Westerlind seconded the motion and it passed unanimously.

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

The meeting adjourned at 8:17 p.m.

Respectfully Submitted,




Chair Chuck Apostolik


Deputy Town Clerk Mindy Andis, CMC