

**New Castle, Colorado  
Planning and Zoning Commission  
Wednesday, September 27, 2023, 7:00 PM**

**Call to Order**

Commission Chair Apostolik called the meeting to order at 7:01 p.m.

**Roll Call**

Present Chair Apostolik  
Commissioner Martinez  
Commissioner Riddile  
Commission Alternate Rittner  
Commissioner Sass  
Commissioner Alternate Parks (coin toss)  
Absent Commissioner McDonald  
Commissioner Bourquin  
Commissioner Westerlind

Also present at the meeting was Town Planner Paul Smith and Deputy Town Clerk Remi Bordelon.

**Meeting Notice**

Deputy Town Clerk Remi Bordelon verified that her office gave notice of the meeting in accordance with Resolution TC 2023-1.

**Conflicts of Interest**

There were no conflicts of interest.

**Citizen Comments on Items NOT on the Agenda**

There were no citizen comments.

**Items for Consideration**

Deputy Clerk Bordelon remarked that 'Discussion of Land Use Process for Coal Seam, LLC' was not a Public Hearing but rather an Item for Consideration.

**Discussion of Land Use Process for Coal Seam, LLC**

Town Planner Paul Smith introduced Tom Stevens and Abdi Pirzadeh of Coal Seam, LLC. He reviewed the following staff report with the commission:

*Coal Seam, LLC (Abdi Pirzadeh and Tom Stevens) is currently proposing a commercial development on Parcel 1 in the Riverside Park PUD (directly west of the Riverside Park condominiums). To proceed, Section 17.124.010 (B) requires that the developer of the lot submit both a preliminary and final application for Town approval:*

*“B. Additional Provisions. A preliminary and final PUD application shall be submitted to the town in accordance with Sections [17.100.050](#) and [17.100.060](#) for new development.”*

*The Town recently revised its land use application procedures mandating that preliminary and final PUD application shall be separate and distinct approval measures. However, code Section 17.100.050 (A) does allow combined applications upon Planning Commission consent. Coal Seam recently met with Town Staff during a pre-application meeting to discuss this possibility. During the meeting, Staff communicated the level of detail and planning needed to combine these steps. Coal Seal, LLC anticipates that all necessary packet items will be ready by the initial Planning Commission hearing. Moreover, they are also willing to separate the preliminary and final application steps if the Planning Commission finds that the combined packet is insufficient for final approval. Coal Seam LLC, is here tonight to make their case for this request. The Planning Commission will vote on a motion to allow a combined preliminary/final PUD application for Lot 1 of the Riverside Park PUD.*



Planner Smith verified that the discussion was intended to consider whether to combine the preliminary and final review for this particular project. He asked the commission to consider what merits a combined application and reviewed the details of reviewing an application and described them as robust. He reaffirmed that if the combined application request was approved, Coal Seam would be presenting a final development plan to the commission. He clarified that the presentation tonight was not a sketch plan, the sketch plan would be coming soon.

Commissioner Riddile asked if previously there was an issue with combining a preliminary and final review for an applicant. Planner Smith confirmed and said the past issue was that the packet materials submitted were not complete. He explained that caused issues with the ability to review, to make recommendations and to add conditions. Planner Smith advised that if that were to occur and the materials are not complete for Coal Seam, LLC, the commission can decide to split the application into separate preliminary and final reviews. He said Coal Seam, LLC understood the condition that P&Z could call to continue or split the preliminary and final review if they felt the application was not sufficient. Commissioner Parks asked if the commission were to approve a combined application, would they still have the right to refuse that combination later if they found the application to be lacking or incomplete. Planner Smith confirmed that was the commission's right.

Commissioner Riddile asked what staff's recommendation was. Planner Smith responded that he felt if Coal Seam, LLC had evidence that they could provide everything that the review checklist outlined and staff had adequate time to review the materials, staff felt they could support a combined application. Planner Smith clarified that if the development plans resembled a larger project, such as Romero, he would not recommend a review combination based on the complexity of such a development.

Chair Apostolik asked what the timeline was for development. Mr. Stevens answered their goal was to submit their application in the next 30 - 45 days with plans to break ground in 2024 with an 18-month building process. Chair Apostolik asked about the progress of meeting with each agency/entity to review the plans, such as the Fire Department, Police and County Roads. Mr. Pirzadeh said he would like to hold a meeting with all the required agencies. Mr. Stevens said they would not complete plans without meeting with Town staff and outside agencies.

Commissioner Sass asked if the site itself had been environmentally cleared to build on based on previous use as a gas station. Planner Smith confirmed he had verified it was suitable to build on.

Mr. Stevens said in his experience as a developer that he had never asked for a review combination of preliminary and final before. He said he respects and understands the value of the review process. He shared one reason for the requested review combination came from the pressure of their partner associations wanting immediate and complete development plans. Mr. Stevens said the architecture, site plans, grading/drainage and landscape plans were mostly or fully complete to the point that he felt they could feasible submit a preliminary. Mr. Stevens acknowledged the condition of the commission splitting the review combination if incomplete and agreed with it. He said it was not his intention to circumvent any part of the process. Mr. Stevens said he felt they are at a level with this project to move forward faster than other projects. He stated that showing the commission these early plans hopefully identified how far they were in the process. He said the civil engineering plans still needed time to complete. Mr. Stevens identified his fail-safe steps he took to identify all requirements for a development for the assurance of not missing anything.

Mr. Stevens said the complex would appear as two stories from Road 335, however on the dropped hillside - another row of hotel rooms would be constructed. He said due to the existing foundation and design, not much grading would be involved. Mr. Stevens reviewed the project plans of building:

- a boutique division franchised Best Western hotel of 70 rooms
- a commercial complex anchored by a river focused restaurant and brewpub
- retail space for local businesses with a courtyard

Commissioner Riddile asked if the restaurant would be franchised as well. Mr. Stevens said it would not be franchised but they planned to hire an operational manager. Commissioner Riddile referenced the visual development rendering and highlighted the difficulty of maintaining a beach on a river front with high and low seasonal tides. Mr. Stevens said they did not intend to have a beach along the riverside.

Commissioner Sass asked what size the retail space area would be. Mr. Stevens said they planned for one story of retail space, approximately 5,500 sq. feet in total, with the option to combine the separate retail areas. He shared that they planned to build approximately 6 studio apartments for employees of the project. He said the studio apartments would be made available to the local retail shop owners and the restaurant owner or employees. He said the apartments would have to be priced to where the employees of the businesses could afford to live there. Mr. Stevens and Mr. Pirzadeh clarified they did not plan to have any deed restrictions. Mr. Stevens said he would like

to establish a right of first refusal, making the residential spaces first available to the complex business owners/employees and then to the residents of New Castle.

Commissioner Rittner expressed concern of a potential parking issue where customers may choose to park over in the townhome Riverview parking lot, creating more traffic for those residents. Mr. Stevens said he didn't want to see traffic cutting through the complex to the townhomes and would consider a gate with a lockbox as a preventative measure. She was also concerned with commercial businesses operating next to residential areas and ask if there would be a limit to the hours of operation. Mr. Stevens said he didn't see the store hours being open past 9:00 p.m.

Commissioner Riddile shared the experience of a previous developer wanting an RV park, for that particular property, who did not communicate well with the residents. He suggested Coal Seam, LLC stay in communication with the nearby residents to avoid a repeat of upset citizens wanting to know what's going on. He proposed Coal Seam, LLC holding an open house to inform local residents. He said he was in support of this development plan. Mr. Stevens agreed.

Chair Apostolik asked if they planned to phase the project or build all at once. Mr. Stevens confirmed they planned to build in one phase. Commissioner Riddile asked if Coal Seam, LLC was aware of the potential of rockfall in the area. Mr. Stevens confirmed and said his engineer was looking at rockfall mitigation for the project.

Commissioner Parks asked if they had considered the traffic impact from the planned 2024 roundabout on the northside intersection of the freeway. Commissioner Riddile said it would not impact traffic on the southside. Planner Smith said that was why the town required a Colorado Department of Transportation referral and if need be, traffic counts.

Planner Smith reviewed the conditions of the combination of the Coal Seam, LLC preliminary and final review as:

- The commission had the discretion to split the review process into separate preliminary and final reviews if the commission felt the application was insufficient.
- A condition of time constraint on the approved review combination where Coal Seam, LLC has one year of the review combination approval before it expires. If Coal Seam, LLC was unable to submit a joint application within that one-year approval period, they would have to return to the commission to ask for a combination approval again.
- Water rights direction from the Town Council regarding a water dedication fee of approximately 40 EQRs for the Coal Seam, LLC complex.

Chair Apostolik asked if Coal Seam, LLC investors and partners were made aware of the pending water dedication fee consideration. Mr. Stevens acknowledged that their investors and partners were made aware.

Commissioner Riddile asked if what was presented that evening was a sketch plan. Planner Smith said it was not a sketch plan.

**MOTION: Chair Apostolik made a motion to approve a combination of the Coal Seam, LLC preliminary and final review with the aforementioned conditions. Commissioner Riddile seconded the motion and it passed unanimously.**

Commissioner Riddile said he understood the Town's water rights for Elk Creek encapsulated a complete buildout of New Castle. Planner Smith confirmed that was the case and clarified that the water dedication fees from water of undeveloped properties acted as a reinvestment.

### **Staff Reports**

Planner Smith reviewed upcoming projects including the R2 Group sketch plan scheduled for October and a conditional use permit application planned for November.

### **Commission Comments and Reports**

Chair Apostolik asked to have the commission notified of when Town Council discusses the water dedication fee for the Coal Seam, LLC development.

Commissioner Parks updated the commission regarding the Historic Preservation Commission (HPC). He said HPC decided to focus on individual designations instead of pursuing a Downtown Historic District based on the outcome of the public outreach poll. He said those in favor of the district would be the commission's target audience for future individual designations.

Commissioner Rittner asked if the Town had a tree and plants requirement for more water and fire resistant botany. Planner Smith said the fire resistant vegetation was in the process of being added to the Town code. He clarified that the Town had a tree code but not a plant code. He suggested meeting with the Public Works department to align the Town code with the Wildland Urban Interface regarding, specifically, fire resistant trees and vegetation.

### **Review Minutes from Previous Meeting**

**MOTION: Commissioner Sass made a motion to approve the June 28, 2023 meeting minutes. Commissioner Parks 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 8:15 p.m.

Respectfully Submitted,

  
Deputy Town Clerk Remi Bordelon

  
Chair Chuck Apostolik

