

**New Castle, Colorado  
Planning and Zoning Commission  
Wednesday, July 24, 2024, 7:00 PM**

**Call to Order**

Acting Chair Caitlin Carey called the meeting to order at 7:00 p.m.

**Roll Call**

Present	Chair Apostolik (Present at 7:03pm) Commissioner McDonald Commissioner Carey (Acting Chair) Alternate Commission Rittner Alternate Commissioner Parks Commissioner Martinez Commissioner Westerlind
Absent	Commissioner Sass Commissioner Cotey

Also present at the meeting was Town Administrator Dave Reynolds, Town Planner Paul Smith, Assistant Town Planner Lauren Prentice, Deputy Town Clerk Remi Bordelon, and members of the public.

**Meeting Notice**

Deputy Town Clerk Bordelon verified that her office gave notice of the meeting in accordance with Resolution TC 2024-1.

**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 Bordelon clarified that the agenda item was not a public hearing but rather classified as an 'Item for Consideration' despite the error on the meeting agenda.

Acting Chair Carey noted for the record that Chair Chuck Apostolik was present to the meeting after role call was administered.

**Consider Resolution PZ 2024-5, A Resolution of the New Castle Planning and Zoning Commission Approving a Multiple Lot Line Dissolution for Property Located in the R-1 Residential District.**

Assistant Town Planner Lauren Prentice introduced landowner Valerie Curry. Mrs. Curry reflected that she had been a resident of New Castle for 25 years. She stated she owned all four lots involving the dissolution request. She said her house is located on three of the four lots. She explained her intent for the dissolution was to have the ability to build an ADU within code requirements/standards.

Assistant Planner Prentice introduced Resolution PZ 2024-5, reviewing her summary memo with the commission. She explained that the resolution involved multiple lot line dissolutions. She added that if the resolution only involved one lot line dissolution, it would have been processed administratively.

**To:** Planning and Zoning Commission

**From:** Lauren Prentice

**Re:** P&Z Meeting – Hear and decide on an application for a multiple lot line vacation by Applicants, Valerie and Michael Curry, on their 4 lots, located at 161 and 171 N 4th St.

**Date:** 7/24/2024

**Purpose:** Per Section 16.40.080, decisions on applications for multiple lot line vacations shall be made directly by the Planning Commission. The Applicant submitted a complete application for the dissolution of three (3) lot lines between four (4) lots. Since the vacation request does not exceed 20 lots, the application shall be treated as a request to amend the plat. “Amended plats shall be subject to review by the Planning Commission, Planning Staff, the Town Engineer, and all appropriate review agencies and subject to final approval by the Town Engineer”, Town Municipal Code Section 16.40.080. The Town Engineer has reviewed the provided application and recommends approval, providing the Planning Commission finds no issue.

The four (4) lots, Lots 21-24 in Block A (see Exhibit A), are currently divided into two addressed properties: a single-family home is on the 5,500 square feet (SF) southern lot at 161 N 4th St. Directly to the north, 171 N 4th St. is a vacant lot of roughly 4,000 SF. The requested lot line dissolution would combine the four (4) lots into one (1) lot of 0.220 acres. The address to 171 N 4th St. would become obsolete.

When originally subdivided, the lots downtown, in the Original Townsite, measured 25 feet by 100 to 105 feet. The narrowness of these lots makes it difficult for modern structures to conform with the current R/1 zoning minimum lot size, floor area ratio, parking and setback requirements. On some residential lots downtown, storage sheds or ADUs are infeasible to build without a variance or lot line adjustments. Lot line dissolutions are typically enlisted as a means to improve the adequacy of the lot size and feasibility of making improvements to the lot (e.g. adding an ADU or an addition). Staff is generally supportive of combining adjacent lots of common ownership as long as the no new nonconformance issues are created.

As shown on the lot line dissolution plat, the existing structure on Lots 21 and 22 (161 N. 4th) is nonconforming because the home is within both the front and rear-yard setbacks. The front deck also encroaches slightly onto the 4th Street right-of-way and a standalone shed is located within the rear yard setback. Per Section 17.88.010 and 17.88.030, a nonconforming structure may continue to be occupied provided that any future expansion of the structure does not further violate setback or off-street parking provisions of the Town Code.

In 2007, a prior owner of the property received conditional use approval for an ADU on 161 N. 4th, but the ADU was never built, a conditional use certificate was never signed or issued, and the conditions of approval of the CUP (payment of tap and dedication fees) were not satisfied, so the CUP approval is now void per Section 17.84.050(E). The applicant will need to apply for a new CUP if they desire to construct an ADU in the future.

The application meets the approval criteria outlined in Section 16.40.040 of the Town Municipal Code as follows:

A. The lot line adjustment or vacation does not result in the creation of additional lots;  
*The multiple lot line dissolution creates fewer lots.*

B. The lot line adjustment or vacation does not result in the creation of lots that do not comply with town zoning requirements, including floor area ratio requirements, setback requirements, and minimum lot size requirements;

*While the existing structure is a non-conforming structure as described above that may continue*

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*to be occupied, the resulting single lot does not create any new nonconformance issues with R/1 zoning requirements of Section 17.20.*

*C. The lot line adjustment or vacation does not result in the creation of a lot or lots that will have an infeasible building envelope pursuant to any town setback, foot area ratio, or other building/zoning requirement; **The adjustment should improve existing building envelopes.***

*D. All utility companies and/or any other beneficiaries having an interest in existing easements thereon have granted approval in regard to the disposition of existing easements as a result of the adjustment or vacation; **There are no utility easements within the amended area.***

*E. All easements associated with property involved in the application are properly addressed and/or granted in the proposed deed(s) effectuating the adjustment or vacation; **There are no other easements associated with the property involved in this application.***

*F. The lot line adjustment or vacation does not alter or affect the location or arrangement of any other lot line within the subdivision; **Adjacent properties will be unaffected.***

*G. No lot line adjustment or vacation has been granted by the town with respect to or in connection with the same property or any adjoining property under common ownership or control of same person within the past one (1) year; and **The Town has not granted any lot line adjustment or vacation for the same properties within the past year.***

*H. The lot line adjustment or vacation does not in any way adversely affect any surrounding lot. **The adjustment is to the internal boundaries of the subject properties, so it does not affect any surrounding lot.***

*The Applicant shall be notified in writing of the decision of the town within seven days from the date of such decision. In the event of denial of the application, the applicant will be advised of the reasons for the denial. Time for comments, questions and deliberations will be given tonight, concluding in approval, approval with conditions or denial of Resolution No. PZ 2024-5.*

*Thank you, Lauren Prentice, Assistant Town Planner*

Assistant Planner Prentice reviewed the resolution with the commission. Alternate Commissioner Richard Parks asked if the combined size of the lot would be 0.22 acres and Assistant Town Planner Prentice confirmed. Town Planner Paul Smith noted a correction to the resolution, number three needed to be rewritten to state, "floor area ratio."

**MOTION: Commissioner Westerlind made a motion to approve Resolution PZ 2024-5, A Resolution of the New Castle Planning and Zoning Commission Approving a Multiple Lot Line Dissolution for Property Located in the R-1 Residential District. Commissioner McDonald seconded the motion, and it passed on a roll call vote: Commissioner Westerlind: Yes; Commissioner Martinez: Yes; Alternate Commissioner Parks: Yes; Acting Chair Carey: Yes; Alternate Commissioner Rittner: Yes; Commissioner Apostolik: Yes; Commissioner McDonald: Yes.**

## **Commission Comments and Reports**

Commissioner Parks reported Historic Preservation Commission (HPC) was a representative at the Town's Ice Cream Social. He stated there were not many residents who came by to speak with HPC. He stated the next HPC meeting would be focused on drafting a proposal to designate the town's cemetery.

Commissioner Rittner referenced page 43 of the Downtown Comprehensive Plan regarding desired features which outlined separate sidewalks, garages on alleys and front porches. Planner Smith clarified that both Comprehensive Plans speak to the matter of desired features for alleyway garages. Commissioner Rittner acknowledged that most of Castle Valley Ranch was already built without adhering to those desired features and added it would be unfair to request that from newer developers. She asked if the town were to annex additional land, should there be consideration to adhere to the desired features in the Comprehensive Plan. Acting Chair Carey shared that she found alley way garages have a significantly different urban presence however, she added that alleys are difficult in regard to adding more road for that access. Chair Apostolik shared the intent of the two Comprehensive Plans. Town Administrator Reynolds clarified that there existed wording that spoke to back alley garages in the Comprehensive Plans, however that wording was a suggestion and not mandatory. Chair Apostolik stated that the commission had to look at what each developer wanted to achieve with their plans. He added that the commission was not in a position to demand 'wants' and the Comprehensive Plan was a guide. Planner Smith stated that the development application comes to him first before it goes to the Planning and Zoning Commission. He said it was best to catch it early and discuss with the developers the desired features that were listed in the Comprehensive Plan as an initial review of the development application.

## **Staff Reports**

Town Administrator Reynolds shared his experience with a recent webinar he attended regarding Planning and Zoning. He stated his relief of having a good P&Z Commission for New Castle and added his intention was to only share takeaways from the webinar as friendly reminders. He shared a resource flyer made by Deputy Town Clerk Bordelon that was used as a tool to help navigate public confusion involving the land use development application process.

From the webinar, he identified the focuses of a P&Z land use application process and the different complexities in planning details based on the review process: Sketch Plan, Community Open House, Preliminary and Final. A local example he shared was the TC Fuels Sketch Plan, where he received feedback from the developer stating the discussion of specific details felt to be too soon for them in the process of a land use application as a Sketch Plan meeting. He explained that staff made the decision a few years back to make an open house a mandatory step in the development application process whereby establishing a neighborhood 'reality check' with the public who may otherwise not attend a P&Z or Council meeting. He acknowledged that a Community Open House often lends itself to very specific planning comments from the public. Town Administrator Reynolds clarified that the finer details would be found in a Preliminary and Final application meeting and discussed examples with the commission. He explained that the cost spent on planning was far greater for the applicant as they progressed through the development process into more detailed

stages of planning, allowing for detailed discussions of the project in later stages of the application process.

Town Administrator Reynolds relayed the attended webinar message that a planning and zoning commission must treat each developer the same regardless of differences such as location of the developer's company. He acknowledged that the public could and has, in the past, commented on whether a developer was local to the valley or a nonlocal. He shared an example of the public feedback given to TC Fuels and described it as harsh commentary. He stressed the importance for the commission to remain unbiased and impartial. He added he had heard stories of other P&Z commissions straining relations with developers due to biased opinions. He shared highlights of a P&Z webinar that staff attended:

- Limit personal opinions. P&Z commissions do not get to pick the developer's business model for the proposed project. He added that the Comprehensive Plan helped to navigate general topics of development. He clarified that a discussion of affordability differed from discussing rental units versus sold units with a developer. Town Administrator Reynolds said a denial of a land use application could not be denied if it met code requirements.
- Limit personal preferences. Planner Smith shared the example of paint colors. He said architectural variation was part of the Comprehensive Plan but added when a discussion shifts from variation to something along the line of specific colors or materials – it would cross over into personal preferences.

Acting Chair Carey commented that the commission and the community had a stake in understanding if a development intended to be rentals or sold units and what the price point would be. She added that the questions the commission would ask could help the development team learn as they go through the application process as well as help education the public about the application. She said the questions the commission would ask should be intentional and thoughtful. She proposed to ask the town attorneys for best practices on how the commission can ask questions to get the desired information without overstepping boundaries with the developer. Town Administrator Reynolds agreed and clarified that questions were very important but taking into consideration where the developer was in the application process was something to consider. A suggestion he shared was to have the developer finish their presentation to the commission before any questions are asked.

Acting Chair Carey asked Planner Smith if there existed a quick reference sheet for the commission to know what to expect for a Sketch Plan versus a Preliminary Hearing. Planner Smith said there were many things not covered on a Sketch Plan such as sidewalks. He said depending on the developer, Sketch Plan could be fairly broad with project details or could be more detailed. Deputy Clerk Bordelon offered to create a quick sheet guide for the commission like she had made for the general public regarding the land use development process, specifically identifying required materials from the developer based on the stages of the application process. The commission agreed.

Town Administrator Reynolds discussed staff's efforts regarding packet materials and the timeline for the commission to review packets prior to a meeting. He reminded the commission that he or Planner Smith or Assistant Planner Prentice were available to review packet materials earlier with commissioners, when desired. Deputy Clerk Bordelon added that reminders for upcoming meetings were also listed in the email notices sent out to the commission.

Town Administrator Reynolds summarized the application process and timeline of Filing 11 and answered questions from the commission.

**Review Minutes from Previous Meeting**

**MOTION: Commissioner Martinez made a motion to approve the June 26, 2024 meeting minutes. Acting Chair Carey seconded the motion and it passed unanimously.**

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

The meeting adjourned at 8:55 p.m.

Respectfully Submitted,

  
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Chuck Apostolik, Chair

  
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Remi Bordelon, Deputy Town Clerk

