

**New Castle, Colorado
Planning and Zoning Commission
Wednesday, June 28, 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 Bourquin
 Commissioner Martinez
 Commissioner Riddile
 Commission Alternate Rittner (coin toss)
 Commissioner Westerlind
 Commissioner McDonald
 Commissioner Alternate Parks
Absent Commissioner Sass

Also present at the meeting was Town Planner Paul Smith, Assistant Town Attorney Christine Gazda 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.

Public Hearing

Consider Resolution PZ2023-2, A Resolution of the New Castle Planning and Zoning Commission Recommending the Amendment of Chapter 17.18 of the New Castle Municipal Code, Also Known as the New Castle Sign Code.

Chair Apostolik opened the public hearing at 7:02 p.m.

Town Planner Paul Smith reviewed the amendment of the sign code with the commission. He highlighted the intention of the amendment – to make the sign code consistent, relevant, and non-discriminatory by amending specific language. He used an example of the sign code language allowing signs for restaurants, which in turn discriminated against all other business types. He clarified that the sign code needed to focus on rules of the sign itself instead of the content of the sign. Planner Smith said the aim for the sign code was to avoid types of content signs (realty, election, restaurant signs, etc.) and focus on all types of sign regulations that determine size, locations, aesthetics, safety, duration of the sign, etc. Assistant Town Attorney Christine Gazda confirmed that if the sign code regulated the content of the sign, it

would violate the first amendment. She advised to keep regulations content neutral for sign codes.

Commissioner Riddile asked for an example of what may not be allowed. Assistant Attorney Gazda used the example of a sandwich board sign and said if it was only authorized for restaurants to have sandwich board signs, that would not be allowed as the regulation dictates content versus general sign criteria (size, location, duration, etc.). Planner Smith remarked that the library had a sandwich board sign which would have been prohibited based on past regulations requiring sandwich boards to be of restaurant content. Commissioner Westerlind restated that the amended sign code reflected specific criteria for all signs and not content of a sign. Attorney Gazda confirmed the amendment to the sign code corrected the issue of focusing on content to focusing on criteria of a sign.

Planner Smith reviewed the 'redline' corrections made within the sign code with the commission. He stated that sign permits were not required for all signs, that there existed exemptions/exceptions which were listed in the sign code. Planner Smith highlighted an exemption of bumper stickers to which Assistant Attorney Gazda noted she had added because without noting bumper stickers, the code prohibited them. Commissioner Bourquin asked about the size limit of bumper stickers and requested the size limit be removed from code. Commissioner Bourquin asked for the addition of language identifying any expletive or vulgar language be prohibited in the sign code. Assistant Attorney Gazda said there was a line of case law in the first amendment that spoke about obscenities, hateful language and inciting threats that could be added to the sign code in the review criteria. Commissioner Westerlind asked about the 90-day limit to yard signs and if that included sale signs for properties. He noted that a property may not sell within that timeframe. Planner Smith said he produced the time limits and noted it was at the commission's discretion to shorten or extend any of the time limits. Assistant Attorney Gazda said the time limit for signs was written that if exceeding 90 days, a sign permit would be required. Commissioner Westerlind said 90 days was agreeable for the sign code. While reviewing the sign district map, Assistant Attorney Gazda realized a sentence was missed in the redline corrections. Planner Smith read aloud "the official sign district map shall be kept on file in the Clerk's Office," for the purposes of having it added to the sign code. Planner Smith spoke of temporary banners and how the amended code clarified duration limits and size limits. Planner Smith reiterated that it was at the commission's discretion to make any changes. Planner Smith spoke of temporary site signs and the adjustment from 32 square feet to 6 square feet of required site sign size. Chair Apostolik discussed the difficulty in viewing smaller site signs. Commissioner Bourquin suggested a 12 square foot requirement instead of a 6 square foot sign requirement. Planner Smith noted the change. Commissioner McDonald commented about the 30-day time limit for holiday decorations and the prevalence of the issue in Lakota. Commissioner Bourquin remarked that the HOAs typically had their own set of requirements and suggested removing the time limit for decorations and allow the HOAs to manage holiday decorations. Assistant Attorney Gazda confirmed that there would be a blanket exception for holiday/seasonal decorations. The commission wanted to add the word 'chalk' to the list of exclusions for the sign code. Planner Smith noted that the size for the Sign Height Matrix for temporary yard signs needed to state three and a half feet, not six feet, to meet the definition. Commissioner McDonald asked why monument

signs were not permitted to be illuminated. Planner Smith responded that past illuminated monuments had had complaints of light pollution. Commissioner McDonald requested to allow monument illumination. Commissioner Martinez asked why illumination was prohibited for mixed use but allowed for residential. Commissioner McDonald requested to allow illumination of monument signs in the downtown and mixed use district. Commissioner Martinez asked to remove "child care center and bed and breakfast only," clause of 17.18.132 Sign Area Matrix due to it being content based. Assistant Attorney Gazda agreed. Commissioner Martinez asked if garage sale signs were prohibited. Planner Smith clarified that yard sale signs are allowed on private property but prohibited from public property and public rights-of-way.

Summary of Conditions to Resolution PZ2023-2:

- Remove the size limitation for bumper stickers.
- Add language to the code identifying expletive or vulgar language be prohibited.
- Add to the Sign District Map "the official sign district map shall be kept on file in the Clerk's Office."
- Change the size requirement for temporary site signs to 12 square feet.
- Allow HOAs to supersede in managing holiday/seasonal decoration durations.
- Add the word 'chalk' to the list of exclusions for the sign code.
- Change the size for the Sign Height Matrix for temporary yard signs to three and a half feet from six feet in order to meet the definition.
- Allow illumination of monument signs in the downtown and mixed-use district.
- Remove "child care center and bed and breakfast only," clause of 17.18.132 Sign Area Matrix.

Chair Apostolik closed the public hearing at 8:14 p.m.

MOTION: Chair Apostolik made a motion to approve Resolution PZ2023-2, A Resolution of the New Castle Planning and Zoning Commission Recommending the Amendment of Chapter 17.18 of the New Castle Municipal Code, Also Known as the New Castle Sign Code with the redlined Exhibit A subject to the noted additional conditions. Commissioner Bourquin seconded the motion, and it passed on a roll call vote: Commissioner McDonald: Yes; Commissioner Westerlind: Yes; Commissioner Bourquin: Yes; Commissioner Riddile: Yes; Chair Apostolik: Yes; Commissioner Martinez: Yes; Commissioner Rittner: Yes.

Items For Consideration

Consider Resolution PZ2023-3, A Resolution of the New Castle Planning and Zoning Commission Recommending Approval of the Updated Zoning District Map of the Town of New Castle and the Repeal of Section 17.84.060 of the New Castle Municipal Code

Planner Smith reviewed the edits to the zoning map with the commission. He noted that multi-family zoning was displayed in a brown color to illustrate the distribution within the town. Commissioner Riddile suggested updating the Town Hall chamber room zoning map to reflect the changes.

MOTION: Commissioner Westerlind made a motion to approve Resolution PZ2023-3, A Resolution of the New Castle Planning and Zoning Commission Recommending Approval of the Updated Zoning District Map of the Town of New Castle and the Repeal of Section 17.84.060 of the New Castle Municipal Code. Commissioner Riddile seconded the motion, and it passed on a roll call vote: Commissioner Rittner: Yes; Commissioner Bourquin: Yes; Chair Apostolik: Yes; Commissioner Martinez: Yes; Commissioner Westerlind: Yes; Commissioner McDonald: Yes; Commissioner Riddile: Yes.

Staff Reports

Planner Smith reported that R2 has submitted a new application for developing land near VIX Park that would be replacing the withdrawn BLD Group development plan. He said they would be using the same architect with a plan for 130 units. Planner Smith reported that R2 had gone through preliminary and will be working through sketch plan in the next month. He said R2 had the intention of following a similar look to what the BLD Group had designed. Planner Smith reported an upcoming conditional use permit for the Planning and Zoning Commission to review updated powerlines on the hogback mountain ridges. He reported there being interest in developing the empty corner lot of Riverside Park for a hotel and restaurant with the potential of a pullup rafting dock which would also be a condition use application review.

Commission Comments and Reports

Commissioner Parks reported the progress of the Historic Preservation Commission. He said the museum completed their planned electrical work, installed new breaker panels, new heaters, and lights. He discussed the completion of the historic survey of Main Street and the commission’s goal of formulating a Historic District depending on public interest. Commissioner Rittner asked what the district boundary encompassed, and Commissioner Parks clarified it was the downtown Main Street properties. He reported the commission had reached out to three individual properties for designation as well.


Review Minutes from Previous Meeting

MOTION: Commissioner Bourquin made a motion to approve the April 12, 2023 meeting minutes with the edit of Commissioner Park’s attendance in substitution for Commissioner Westerlind’s absence. Commissioner Martinez 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 8:31 p.m.

Respectfully Submitted,


Deputy Town Clerk Remi Bordelon


Chair Chuck Apostolik



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