

Posted: _____

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Town of New Castle
450 W. Main Street
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New Castle, CO 81647

Administration Department
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Agenda

New Castle Planning and Zoning Commission Regular Meeting Wednesday, March 09, 2022, 7:00 PM

Virtual Meetings are subject to internet and technical capabilities.

**If you prefer to telephone in:
Please call: 1-346-248-7799
Meeting ID: 709 658 8400**

**Follow the prompts as directed. Be sure to set your
phone to mute until called on.**

Call to Order, Roll Call, Meeting Notice

Conflicts of Interest

Citizen Comments on Items NOT on Agenda

Public Hearing

- [A.](#) Consider Resolution PZ2022-2 Recommending Approval of Amendments to sections 16.04.060 & 17.104.020 of the New Castle Municipal Code

Items for Disussion

- B. Road/Traffic Impact Fee
- [C.](#) Review of Conditional Use Permit Process

Comments/Reports

- Items for Next Planning and Zoning Agenda
- Commission Comments/Reports
- Staff Reports

Review Minutes of Previous Meetings

- [D.](#) Draft Minutes February 23, 2022

Adjournment

**TOWN OF NEW CASTLE, COLORADO
RESOLUTION NO. PZ 2022-2**

**A RESOLUTION OF THE NEW CASTLE PLANNING AND ZONING
COMMISSION RECOMMENDING APPROVAL OF AMENDMENTS TO
SECTIONS 16.04.060 & 17.104.020 OF THE NEW CASTLE MUNICIPAL
CODE.**

WHEREAS, pursuant to Chapter 17.08 of the Town of New Castle (“Town”) Municipal Code (“Code”), the Town has established a Planning & Zoning Commission (the “Commission”); and

WHEREAS, pursuant to Section 17.92.030(B) of the Code, the Commission must consider and provide a recommendation regarding amendments to Title 17 of the Code; and

WHEREAS, Town staff has identified the need to amend Sections 16.04.060 and 17.104.020 to correct certain inaccuracies resulting from prior Code amendments; and

WHEREAS, pursuant to section 17.92.030(B) of the Code, the Planning Commission held a public hearing on March 9, 2022, to consider the proposed Code amendments; and

WHEREAS, based on the testimony and evidence presented at the hearing, the Commission now desires to recommend that Council approve the Code amendments set forth herein.

NOW, THEREFORE, BE IT RESOLVED BY THE NEW CASTLE PLANNING AND ZONING COMMISSION AS FOLLOWS:

1. Recitals. The foregoing recitals are incorporated by reference herein as findings and determinations of the Council.
2. Recommendation. The Commission approves of the changes to Code Sections 16.04.060 and 17.104.020 set forth below, with added language in **bold** and **underlined** and removed language ~~stricken~~, and recommends that Town Council adopt the same.

Section 16.04.060 – Planning Commission

The planning commission is responsible for making investigations and reports on the design and improvement of proposed subdivisions and requiring conformance of such subdivisions with the town’s comprehensive plan and any transportation, land use, or other special plans as may be adopted by the town council. This title shall be implemented and administered utilizing the assistance and cooperation of elected and appointed officials of the town, Garfield County and the state as well as the services of consultants when required. **Except for those plats that may be approved administratively under this title, no** ~~No~~ plat of a subdivision of land within the jurisdiction and scope of this title shall be filed and recorded until it has been ~~approved~~ **reviewed**

by the planning commission, ~~as well as~~ **and approved** by the council, ~~and~~ **with** such approval indicated by the signature of the ~~chairperson of the planning commission~~ **mayor** on the final plat.

Section 17.104.020 – Zone District Classifications

Castle Valley Ranch, a planned unit development, is divided into the following zone district classifications. Except for lands within an approved subdivision plat, the boundaries for each zone district and planning area and the location of roadways and easements shall be general only. The precise boundaries and locations of all such features shall be shown on each filing as the same is subdivided and a final plat thereof recorded; provided, however, no major deviations shall be allowed from the general boundaries shown on the updated PUD master plan map. All future subdivision and development of the PUD shall be subject to the approval by the town council of a final subdivision plat and a final PUD development plan for each new filing in accordance with the procedures set forth in ~~Titles 13 and 14~~ **Titles 16 and 17** of this code. In accordance with and subject to the procedures and standards set forth in ~~Title 14~~ **Title 17**, the uses, densities, and other restrictions of each of the zone district classifications listed below may be modified or amended as part of the PUD development plan process for future filings, and the precise zone district text for each filing shall be determined at the time of approval of a final PUD development plan for that filing.

TOWN OF NEW CASTLE, COLORADO,
PLANNING & ZONING COMMISSION

By: _____
Chuck Apostolik, Commission Chair

ATTEST:

Mindy Andis, Deputy Town Clerk

Chapter 17.84 CONDITIONAL USES

Sections:

17.84.010 Purpose.

Although each zoning district is primarily intended for a predominant type of use (such as dwellings in residential districts), there are a number of uses which may or may not be appropriate in a particular district depending upon, for example, the location, nature of the proposed use, character of surrounding development, traffic capacities of adjacent streets and potential environmental effects. These factors may dictate that the circumstances of development should be individually reviewed. It is the purpose of this chapter to provide review of such uses so that the town is assured that such uses are compatible with their locations and surrounding land uses and will further the purposes of this title and meet the objectives of each zoning district as described in the town's land use plan.

(Prior code § 13-06-010)

17.84.020 Application.

- A. An application for approval of a conditional use may be filed by a person having an interest in the property for which the conditional use is requested, with the written consent of the owner, and shall be made on a form provided by the town. The application must include fifteen (15) copies of the following:
1. A complete site plan illustrating:
 - a. Adjacent land uses and location of adjacent structures,
 - b. Boundary and size of site,
 - c. Building location, height and setbacks,
 - d. Off-street parking and loading areas,
 - e. Points of ingress and egress,
 - f. Service and refuse areas,
 - g. Signs and exterior lighting,
 - h. Fencing, landscaping and screening,
 - i. Compliance with performance standards,
 - j. Anticipated utility requirements;
 2. A time schedule for development; and
 3. Other information the applicant believes will support the application.

-
- B. The applicant shall furnish a list of the names and addresses of owners of property located within two hundred fifty (250) feet of the subject site.
 - C. Upon review of the application, the planning commission may determine that additional information is critical to its evaluation of the application. The applicant shall be responsible for furnishing such additional information if so requested.

(Ord. 2004-12 § 5 (part); prior code § 13-06-020)

17.84.030 Coordination with planned unit development plan approval.

If the proposed conditional use is submitted as part of a planned unit development plan, the provisions of this chapter shall be met through approval of the planned unit development plan.

(Prior code § 13-06-030)

17.84.040 Processing of application.

- A. The applicant shall submit the complete application to the town planner. Upon finding the application complete, the planner shall submit the application to the planning commission.
- B. The planning commission shall hold a public hearing to consider the application in accordance with the procedures set forth in Chapter 16.08.
- C. Within thirty (30) days following the public hearing or within such time as is mutually agreed by the planning commission and the applicant, the planning commission shall either recommend approval of the application, with or without conditions, or denial of the application to the town council.
- D. Within sixty (60) days from the date of the planning commission's written decision on an application, or within such time as is mutually agreed by the town council and the applicant, the town council shall approve the application, with or without conditions, or deny the application.
- E. An approved conditional use shall not be conducted until the 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 (1) year of the date of final approval by town council, or the conditional use application is deemed withdrawn by the applicant and is of no further force and effect. Town council may extend this deadline upon good cause shown.

(Ord. 2004-3 § 15 (part); prior code § 13-06-040)

(Ord. No. 2011-6, § 2, 7-5-2011)

17.84.050 Approval criteria and conditions.

- A. A conditional use application shall be approved only if the town council finds that the application:
 - 1. Is eligible for conditional review under Section 17.84.040;
 - 2. Is generally compatible with adjacent land uses;
 - 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;
 - 4. Is consistent with the comprehensive plan; and
 - 5. The town has the capacity to serve the proposed use with water, sewer, fire and police protection.
- B. In considering an application for a conditional use, the town council may impose conditions on the application to ensure compliance with this section.

(Prior code § 13-06-050)

17.84.060 Plans to be endorsed and made part of zoning map.

All approved site plans for conditional uses, including modifications and conditions, shall be endorsed by the town council and made a permanent part of the zoning district map.

(Prior code § 13-06-060)

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 this chapter.

(Prior code § 13-06-070)

17.84.080 Existing conditional uses.

Any use that legally existed prior to the effective date of this title shall continue as an approved conditional use upon written request of the owner or manager or similar representative of such use. In the case of such written request, the request shall be endorsed by the town council and made a permanent part of the zoning map.

(Prior code § 13-06-080)

1 **New Castle Planning and Zoning Commission Special Virtual Meeting**
2 **Wednesday, February 23, 2022, 7:00 p.m.,**

3
4 **Virtual Meetings are subject to internet and technical capabilities.**

5
6 **To join by computer, smart phone or tablet:**
7 **<https://us02web.zoom.us/j/7096588400>**

8
9 **If you prefer to telephone in:**
10 **Please call: 1-346-248-7799**
11 **Meeting ID: 709 658 8400**

12
13 **Call to Order**

14 Commission Chair Apostolik called the meeting to order at 7:02 p.m.

15
16 **Roll Call**

17 Present Chair Apostolik (ZOOM)
18 Commissioner Bourquin
19 Commissioner Martinez
20 Commissioner McDonald
21 Commissioner Riddile
22 Commissioner Sass (7:05 p.m.)(ZOOM)
23 Commissioner Westerlind
24 Commission Alternate Rittner
25 Commission Alternate Parks

26
27 Absent None

28
29
30 Also present at the meeting were Town Administrator Dave Reynolds, Town
31 Planner Paul Smith, Assistant Town Attorney Haley Carmer, Public Works Director
32 John Wenzel, Deputy Town Clerk Mindy Andis and members of the public.

33 **Meeting Notice**

34 Deputy Town Clerk Mindy Andis verified that her office gave notice of the meeting
35 in accordance with Resolution TC 2022-1.

36
37 **Conflicts of Interest**

38 There were no conflicts of interest.

39
40 **Citizen Comments on Items NOT on the Agenda**

41 There were no citizen comments.

42
43
44 **Item for Consideration**

1
2 **Consider Resolution PZ-2022-01, a Resolution of the New Castle Planning**
3 **and Zoning Commission Adopting a Policy Regarding Alternate Members of**
4 **the Commission**
5

6 Town Planner Paul Smith reviewed the proposed resolution with the commission.
7

8 Commissioner Riddile said in "Exhibit A" of the resolution number 3(b) has three
9 scenarios labeled (i) (ii) (ii). The second double i should be (iii).
10

11 Planner Smith said that was a correction that will need to be made.
12

13 Commissioner Martinez asked if the commission could make amendments to the
14 policy if something came up and the policy needed to be changed.
15

16 Planner Smith said yes. He also said that staff will need to be mindful to inform
17 developers that there were alternate members of the commission.
18

19 Assistant Town Attorney Haley Carmer said that currently the town code
20 specifically addressed the term for the regular commissioners but there was
21 nothing related to alternates. She said that town council could add the four year
22 term for alternate commissioners when they approve the ordinance to create the
23 alternate seats.
24

25 **MOTION: Commissioner Riddle made a motion to approve Resolution PZ**
26 **2022-01, a Resolution of the New Castle Planning and Zoning Commission**
27 **Adopting a Policy Regarding Alternate Members of the Commission as**
28 **amended. Commissioner Westerlind seconded the motion and it passed on**
29 **a roll call vote: Commissioner Martinez: Yes; Commissioner Bourquin: Yes;**
30 **Commissioner Westerlind: Yes; Commissioner Sass: Yes; Commissioner**
31 **Riddile: Yes; Commissioner McDonald: Yes; Chair Apostolik: Yes.**
32

33 **Items for Discussion**
34

35 **Update to the Public Works Manual Regarding Street Design Standards**
36

37 Public Works Director John Wenzel reviewed the proposed changes to the Public
38 Works Manual which is attached to these minutes as exhibit "A".
39

40 Director Wenzel said the Public Works Manual was meant to act as a guide for the
41 uniform design and construction of the Town's infrastructure. The manual
42 identified the minimum standards, specifications, and processes necessary to
43 achieve public safety, functional effectiveness, ease of maintenance, and uniform
44 materials. He said the current Public Works Manual had not been revised since
45 1998 and much of the information that it contained was not up to date with
46 modern urban design standards. He said there were many sections of the Public

1 Works Manual that need revision, but his goal for the meeting was to concentrate
2 on the streets "Design Standards", specifically:

- 3 • Construction of private streets.
- 4 • Residential and Arterial Street cross sections.
- 5 • Water and sewer service line standards.
- 6 • Visitor parking spaces for multi-family dwellings.
- 7 • Sidewalk design standards.
- 8 • Snow storage design standards.
- 9 • Public improvement warranty standards, performance indicators, and
10 threshold values.

11
12 Director Wenzel said in the portion of the manual for "Design Standards" a section
13 would be added:

14 "Private Street Development shall not be permitted. All newly constructed streets
15 shall meet the Town of New Castle streets design standards."

16
17 Director Wenzel said private streets were typically not constructed to stringent
18 engineering standards which means those streets failed quickly. The residents and
19 Homeowners Associations (HOA) do not have the training or the knowledge on how
20 to properly maintain the streets, and by the time action was taken it was very
21 expensive to fix. Director Wenzel said that street maintenance was a fundamental
22 service that municipalities should provide.

23
24 Commissioner Riddile asked if there were any other private streets in town other
25 than Walters Lane.

26
27 Director Wenzel said there were a number of them in the Lakota Canyon Ranch
28 Development.

29
30 Commissioner McDonald said that currently the HOA was responsible for snow
31 plowing and maintenance of those streets. He said it was a concern if something
32 happened to one of the streets because the HOA did not know where they would
33 go to get the money or expertise to make repairs to the streets.

34
35 Director Wenzel said that many times there was public pressure for the town to
36 take over a private street and start to maintain it because the HOAs and private
37 residents can't do it. He noted that the developer avoids the expense of building
38 the streets properly, which in turn allows the developer to build more units on the
39 property because they are not required to meet the construction standards for
40 public streets.

41
42 Commissioner McDonald asked what a situation would be to allow for a public
43 street.

44
45 Director Wenzel said that would be review by town council.

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Chair Apostolik suggested putting a definition for what a "Private Street Development" was.
Director Wenzel said he would.

Commissioner Westerlind said he thought private street development should not be excluded but the proposal should come to P&Z for review and for a discussion with town council. He felt the street standards should be met and approved by the Public Works Manual and the commission.

Commissioner Bourquin suggested having some wording in the manual that stated that any deviation from the manual must get approval from the P&Z Commission.

Commissioner Bourquin asked what the current standards were for detached sidewalks or trails along arterial streets.

Director Wenzel said currently there was no standard for that.

Commissioner Bourquin said that should be something to look into because of Castle Valley Boulevard. When Castle Valley Ranch was built out there were existing trails that got a lot of use. The town might want to take that into consideration in the future.

Director Wenzel said he would develop something for cross section for arterial streets which would include separated sidewalks and trails.

Director Wenzel said he wanted to define and have clarity for what was a "Collector Street". Collector streets shall have a minimum right-of-way width ranging from fifty two feet (52') to seventy feet (70') of eighty feet (80'), with a minimum paved portion, measured from flow line to flow line, ranging from twenty six feet (26') to fifty feet (50'), of forty seven feet (47'); Collector street right-of-way size will be determined by the Collector Street Cross Section recommended by the Town Engineer and approved by the Planning Commission.

Director Wenzel said he was suggesting a wider right-of-way for local residential streets shall have a minimum right-of-way of fifty six feet (50') (56'), with a minimum paved portion of thirty-six feet (36'), measured flow line to flow line;

Director Wenzel said the extra six feet would allow for the separated sidewalks. Separated sidewalks are important because it provided snow storage and it also allowed for multiple forms of transportation. People were more likely to get out and they felt safer if there was a separation between the sidewalk and vehicle traffic.

Commissioner Bourquin asked if it would be possible to have some bump outs or pedestrian traffic calming devices in areas. For example having a bump out near a cross walk at a park or along a trail corridor to help shorted the pedestrian

1 crossing distance.

2
3 Director Wenzel said he in the "Alleys and Easements" section he added [Alleys in residential subdivisions shall not be permitted](#). The language is being added to the
4 Public Works manual because it is in the town code. The addition is needed to help
5 the town code and Public Works Manual be consistent with each other.
6

7
8 Commissioner Bourquin said not allowing alleys in residential subdivisions should
9 not be limited.

10
11 Director Wenzel said in the "Water Distribution" he added [Each lot must be provided with an individual service line. Multiple lots may not share a single water service line](#). The reason for the addition was to avoid submains or a shared water
12 service. A shared water main meant that two or more owners would share in the
13 cost of repairing the line even if the repair did not affect both or all water services.
14

15
16
17 Director Wenzel said he added a section for [Visitor Parking Spaces. \(This may conflict with vested rights\)](#)

18
19 [All multi-family developments on lots fifty \(50\) feet or more in width shall provide the following number of off-street visitor parking spaces in addition to the parking required for the residents:](#)
20
21

22

2-3 dwellings	1 visitor space
4-6 dwellings	2 visitor spaces
7-10 dwellings	3 visitor spaces
11 + dwellings	1 space for each 3 dwellings

23

24 Administrator Reynolds asked Attorney Carmer how this would affect vested rights.

25

26 Attorney Carmer said if there were parking provisions in the zoning code relating
27 to a subdivision then it would be an issue. The vested rights have to do with what
28 is in the zoning code because that is specific to the Planned Unit Development
29 (PUD) and its zoning. If, there are parking provisions in the zoning then that is
30 what would control the parking. Otherwise it would apply same as adopting new
31 building code would.
32

33

34 Director Wenzel said the changes to "Sidewalk" [Sidewalks are required on both sides of all streets and shall be at least ~~four feet \(4'\)~~ five feet \(5'\) wide for in residential areas streets and five feet \(5'\) to six feet \(6'\) wide for in commercial areas collector streets](#). Residential areas streets shall generally have the
35 "mountable curb, gutter and detached sidewalks". ~~design on local residential streets~~. Collector streets shall have vertical curb and gutter ~~and attached and sidewalk~~ [detached sidewalks](#). ~~In residential areas, sub-arterial streets shall have a~~
36
37
38
39

1 ~~vertical-curb and detached~~ detached sidewalks at least five feet (5') in width shall
2 be separated from the back of curb by a minimum of four and one-half feet (4½').
3 Design of streets sidewalks in commercial and industrial areas shall be approved
4 by the Planning Commission.

5
6 When right-of-way, geographic, or topographic limitations prevent sidewalks on
7 both sides of the street, then a single sidewalk shall be provided and shall be at
8 least six feet (6') wide. Pedestrians should be further accommodated by alternate
9 pedestrian pathways.

10
11 ~~Construction of sidewalks shall be to specifications set by the Town Council~~
12 ~~through their designated representatives.~~

13
14 Director Wenzel said he added the section "Snow Storage"
15 All newly constructed streets shall be designed to accommodate snow storage. Turf
16 areas, without obstructions, may be utilized for this purpose. A minimum
17 functional area equaling thirty percent (30%) of the paved area shall be provided
18 contiguous to the right-of-way. Individual snow storage areas shall not be
19 separated by more than 300 feet.

20 Director Wenzel said he amended and added the section "Warranty Time"
21 ~~All Public~~ Utility improvements, including water distribution, sanitary sewer
22 collection, street lighting, signage and striping shall have a one (1) year warranty
23 time, beginning on the date of official Town Board Council acceptance. The
24 subdivider/developer shall be responsible for requesting a final inspection of all
25 public the utility improvements at the end of the one-year warranty period. At the
26 subdivider's/developer's request, Town Staff shall make an inspection of the public
27 utility improvements. When the town finds that the public utility improvements
28 meet Town standards, they shall by way of a written letter to the
29 subdivider/developer acknowledge acceptance of the public utility improvements.

30
31 All newly constructed streets, including travel lanes, bike lanes, parking lanes, and
32 sidewalks, shall have a two year performance based warranty. The
33 subdivider/developer shall be responsible for requesting a final inspection of the
34 street improvements at the end of the two-year warranty period. At the
35 subdivider's/developer's request, Town Staff shall make an inspection of the street
36 improvements. When the town finds that the street improvements meet Town
37 standards, performance indicators, and threshold values, they shall by way of a
38 written letter to the subdivider/developer acknowledge acceptance of the street
39 improvements. Warranty work will be required when the threshold limits for a
40 condition parameter has been exceeded and the maximum allowable number of
41 defective was exceeded for one or more condition parameters. The warranty
42 criteria and recommended corrective actions are shown in tables 1 and 2 below.

43
44 Chair Apostolik asked about having road impact fees for developments to help
45 offset repairs to the roads.

1
2 Commissioner Riddile said there currently is a road impact fee in Lakota Canyon
3 Ranch for new construction.

4
5 Attorney Carmer said the impact fee came from the Lakota annexation agreement
6 meaning it was a contractual agreement versus a town wide impact fee. The town
7 can look into having a town wide impact fee, however, there was a process that
8 the town would need to go through such as a study that would need to be done in
9 order to set those types of fees. Those fees are tied into the reasonable cost of
10 development and the impact on the streets. If the fee was a tax that would need
11 to go to the voters for approval.

12
13 Chair Apostolik said his concern was when the new owners of Lakota Canyon
14 Ranch developed the portion off of Faas Ranch Road with commercial and mixed
15 use. The intersection of Fass Ranch Road and Castle Valley Boulevard will have a
16 lot of heavy truck traffic on the road.

17
18 Commissioner Riddile asked if imposing such a fee would affect any owners with
19 vested rights.

20
21 Attorney Carmer said it could. She would need to look at the agreement and what
22 the language was in the agreement.

23
24 Administrator Reynolds asked Attorney Carmer what the next step was to make
25 the changes to the Public Works Manual.

26
27 Attorney Carmer said she was not sure if town council would need to approve the
28 changes with a resolution or if the Public Works Director could make the changes.

29
30 **Staff Reports**

31 There were no staff reports.

32
33 **Commission Comments and Reports**

34 Commissioner Riddile said Town Council was extremely impressed with all the work
35 the Planning and Zoning Commission has done over the last few years. There will
36 be a lot of work coming to the commission. Council feels the current commission is
37 one of the best commissions the town has had.

38
39 **Review Minutes from Previous Meeting**

40 **MOTION: Commissioner Riddile made a motion to approve the July 28,**
41 **2021 meeting minutes as submitted. Commissioner Westerlind seconded**
42 **the motion and it passed unanimously.**

43
44 **Review Minutes from Previous Meeting**

1 **MOTION: Commissioner Riddile made a motion to approve the August 11,**
2 **2021 meeting minutes as submitted. Commissioner McDonald seconded**
3 **the motion and it passed unanimously.**
4

5 **MOTION: Chair Apostolik made a motion to adjourn the meeting.**
6 **Commissioner Westerlind seconded the motion and it passed**
7 **unanimously.**
8

9 The meeting adjourned at 8:18 p.m.

10 Respectfully Submitted,
11
12
13
14
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16
17
18

Chair Chuck Apostolik

19 Deputy Town Clerk Mindy Andis, CMC

DRAFT