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Town of New Castle
450 W. Main Street
PO Box 90
New Castle, CO 81647

Administration Department
Phone: (970) 984-2311
Fax: (970) 984-2716
www.newcastlecolorado.org

Agenda

New Castle Planning and Zoning Commission (Regular Meeting) Wednesday, September 27, 2023, 7:00 PM

Full packets of HPC meetings are available online by visiting
<https://www.newcastlecolorado.org/meetings>
or by scanning the **QR code** below.

Virtual Meetings are subject to internet and technical capabilities.

To join by computer, smart phone or tablet:

<https://us02web.zoom.us/j/7096588400>

Meeting ID: 709 658 8400

If you prefer to telephone in, please call: 1-346-248-7799

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. Discussion of Land Use Process for Coal Seam, LLC

Comments/Reports

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

Review Minutes of Previous Meetings

B. Draft Minutes of June 28, 2023

Adjournment



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To: Planning and Zoning Commission

From: Paul Smith

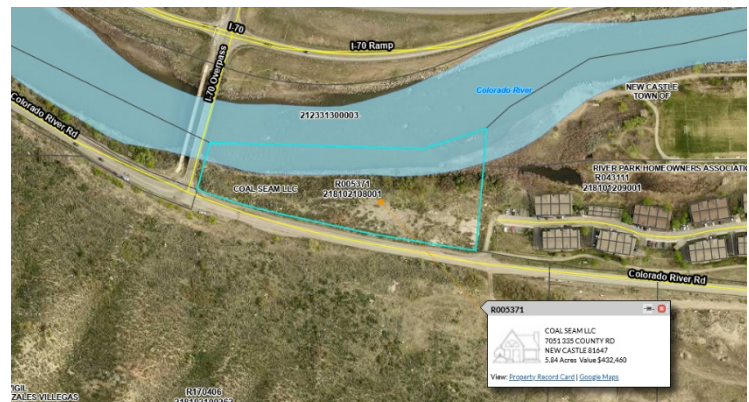
Re: P&Z – Consider request to combine preliminary/final PUD applications for Lot 1 of the Riverside Park PUD pursuant to Section 17.124.010 (B) of the New Castle Municipal Code.

Date: 9/27/23

Purpose:

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.

Thank you,
Paul

Coal Seam, LLC introduction email from 9/20/23:

Paul,

As we discussed in our pre application conference this morning, Coal Seam. LLC would like to request combining Preliminary PUD and Plat with Final PUD and Plat for our proposed hotel, restaurant/brew pub and retail commercial development located at Lot 1 Riverside Park PUD, 7051 County Road 335.

Coal Seam, LLC is made up of Abdi Pirzadeh and Tom Stevens, both local residents that have been working in the planning, design, construction and development fields for decades. As such we understand the process well and the implications of combining the two applications. As a part of this process, we have designed the proposed structures beyond just a preliminary level, including utilities, landscaping, grading etc. to reach a complete understanding of the site and how our proposed program impacts that site. We will provide a site plan and architectural renderings for the meeting with Planning and Zoning. Given this level of current detail we feel a combined Preliminary and Final application makes sense.

Thank you for your consideration

Tom Stevens
1101 Village Rd. # LL-1B
Carbondale, CO 81623
(970)319-0699 mobile

WWW.Aspenbuilt.net
tom@aspenbuilt.net



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**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

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

52
53 Commissioner Riddile asked for an example of what may not be allowed. Assistant
54 Attorney Gazda used the example of a sandwich board sign and said if it was only
55 authorized for restaurants to have sandwich board signs, that would not be allowed as
56 the regulation dictates content versus general sign criteria (size, location, duration,
57 etc.). Planner Smith remarked that the library had a sandwich board sign which would
58 have been prohibited based on past regulations requiring sandwich boards to be of
59 restaurant content. Commissioner Westerlind restated that the amended sign code
60 reflected specific criteria for all signs and not content of a sign. Attorney Gazda
61 confirmed the amendment to the sign code corrected the issue of focusing on content
62 to focusing on criteria of a sign.

63
64 Planner Smith reviewed the 'redline' corrections made within the sign code with the
65 commission. He stated that sign permits were not required for all signs, that there
66 existed exemptions/exceptions which were listed in the sign code. Planner Smith
67 highlighted an exemption of bumper stickers to which Assistant Attorney Gazda noted
68 she had added because without noting bumper stickers, the code prohibited them.
69 Commissioner Bourquin asked about the size limit of bumper stickers and requested
70 the size limit be removed from code. Commissioner Bourquin asked for the addition of
71 language identifying any expletive or vulgar language be prohibited in the sign code.
72 Assistant Attorney Gazda said there was a line of case law in the first amendment that
73 spoke about obscenities, hateful language and inciting threats that could be added to
74 the sign code in the review criteria. Commissioner Westerlind asked about the 90-day
75 limit to yard signs and if that included sale signs for properties. He noted that a
76 property may not sell within that timeframe. Planner Smith said he produced the time
77 limits and noted it was at the commission's discretion to shorten or extend any of the
78 time limits. Assistant Attorney Gazda said the time limit for signs was written that if
79 exceeding 90 days, a sign permit would be required. Commissioner Westerlind said 90
80 days was agreeable for the sign code. While reviewing the sign district map, Assistant
81 Attorney Gazda realized a sentence was missed in the redline corrections. Planner
82 Smith read aloud "the official sign district map shall be kept on file in the Clerk's
83 Office," for the purposes of having it added to the sign code. Planner Smith spoke of
84 temporary banners and how the amended code clarified duration limits and size limits.
85 Planner Smith reiterated that it was at the commission's discretion to make any
86 changes. Planner Smith spoke of temporary site signs and the adjustment from 32
87 square feet to 6 square feet of required site sign size. Chair Apostolik discussed the
88 difficulty in viewing smaller site signs. Commissioner Bourquin suggested a 12 square
89 foot requirement instead of a 6 square foot sign requirement. Planner Smith noted the
90 change. Commissioner McDonald commented about the 30-day time limit for holiday
91 decorations and the prevalence of the issue in Lakota. Commissioner Bourquin
92 remarked that the HOAs typically had their own set of requirements and suggested
93 removing the time limit for decorations and allow the HOAs to manage holiday
94 decorations. Assistant Attorney Gazda confirmed that there would be a blanket
95 exception for holiday/seasonal decorations. The commission wanted to add the word
96 'chalk' to the list of exclusions for the sign code. Planner Smith noted that the size for
97 the Sign Height Matrix for temporary yard signs needed to state three and a half feet,
98 not six feet, to meet the definition. Commissioner McDonald asked why monument

99 signs were not permitted to be illuminated. Planner Smith responded that past
100 illuminated monuments had had complaints of light pollution. Commissioner McDonald
101 requested to allow monument illumination. Commissioner Martinez asked why
102 illumination was prohibited for mixed use but allowed for residential. Commissioner
103 McDonald requested to allow illumination of monument signs in the downtown and
104 mixed use district. Commissioner Martinez asked to remove "child care center and bed
105 and breakfast only," clause of 17.18.132 Sign Area Matrix due to it being content
106 based. Assistant Attorney Gazda agreed. Commissioner Martinez asked if garage sale
107 signs were prohibited. Planner Smith clarified that yard sale signs are allowed on
108 private property but prohibited from public property and public rights-of-way.
109

110 Summary of Conditions to Resolution PZ2023-2:

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

123
124 Chair Apostolik closed the public hearing at 8:14 p.m.
125

126 **MOTION: Chair Apostolik made a motion to approve Resolution PZ2023-2, A**
127 **Resolution of the New Castle Planning and Zoning Commission**
128 **Recommending the Amendment of Chapter 17.18 of the New Castle Municipal**
129 **Code, Also Known as the New Castle Sign Code with the redlined Exhibit A**
130 **subject to the noted additional conditions. Commissioner Bourquin seconded**
131 **the motion, and it passed on a roll call vote: Commissioner McDonald: Yes;**
132 **Commissioner Westerlind: Yes; Commissioner Bourquin: Yes; Commissioner**
133 **Riddile: Yes; Chair Apostolik: Yes; Commissioner Martinez: Yes; Commissioner**
134 **Rittner: Yes.**
135

136
137 **Items For Consideration**
138

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

143 Planner Smith reviewed the edits to the zoning map with the commission. He noted that
144 multi-family zoning was displayed in a brown color to illustrate the distribution within
145 the town. Commissioner Riddile suggested updating the Town Hall chamber room zoning
146 map to reflect the changes.
147

148 **MOTION: Commissioner Westerlind made a motion to approve Resolution**
149 **PZ2023-3, A Resolution of the New Castle Planning and Zoning Commission**
150 **Recommending Approval of the Updated Zoning District Map of the Town of**
151 **New Castle and the Repeal of Section 17.84.060 of the New Castle Municipal**
152 **Code. Commissioner Riddile seconded the motion, and it passed on a roll call**
153 **vote: Commissioner Rittner: Yes; Commissioner Bourquin: Yes; Chair**
154 **Apostolik: Yes; Commissioner Martinez: Yes; Commissioner Westerlind: Yes;**
155 **Commissioner McDonald: Yes; Commissioner Riddile: Yes.**
156

157 **Staff Reports**

158 Planner Smith reported that R2 has submitted a new application for developing land
159 near VIX Park that would be replacing the withdrawn BLD Group development plan. He
160 said they would be using the same architect with a plan for 130 units. Planner Smith
161 reported that R2 had gone through preliminary and will be working through sketch
162 plan in the next month. He said R2 had the intention of following a similar look to what
163 the BLD Group had designed. Planner Smith reported an upcoming conditional use
164 permit for the Planning and Zoning Commission to review updated powerlines on the
165 hogback mountain ridges. He reported there being interest in developing the empty
166 corner lot of Riverside Park for a hotel and restaurant with the potential of a pullup
167 rafting dock which would also be a condition use application review.
168

169 **Commission Comments and Reports**

170 Commissioner Parks reported the progress of the Historic Preservation Commission. He
171 said the museum completed their planned electrical work, installed new breaker
172 panels, new heaters, and lights. He discussed the completion of the historic survey of
173 Main Street and the commission's goal of formulating a Historic District depending on
174 public interest. Commissioner Rittner asked what the district boundary encompassed,
175 and Commissioner Parks clarified it was the downtown Main Street properties. He
176 reported the commission had reached out to three individual properties for designation
177 as well.
178

179 **Review Minutes from Previous Meeting**

180 **MOTION: Commissioner Bourquin made a motion to approve the April 12,**
181 **2023 meeting minutes with the edit of Commissioner Park's attendance in**
182 **substitution for Commissioner Westerlind's absence. Commissioner Martinez**
183 **seconded the motion and it passed unanimously.**
184

185 **MOTION: Chair Apostolik made a motion to adjourn the meeting.**
186 **Commissioner Riddile seconded the motion and it passed unanimously.**
187

188 The meeting adjourned at 8:31 p.m.
189

190 Respectfully Submitted,
191

192 _____
193 Chair Chuck Apostolik
194

195 _____
196 Deputy Town Clerk Remi Bordelon