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Town of New Castle

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New Castle, CO 81647

Administration Department

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Agenda

New Castle Planning and Zoning Commission Regular Virtual Meeting

Wednesday, July 08, 2020, 7:00 PM

Call to Order, Roll Call, Meeting Notice

Conflicts of Interest (Disclosures are on file with Town Clerk & Secretary of State)

Citizen Comments on Items NOT on Agenda

Public Hearing

- [A.](#) Resolution PZ-2020-06 Denying a Combined Preliminary/Final PUD Development Plan and Preliminary/Final Subdivision Plat for Castle Valley Ranch Filing 11, Being a Portion of PA17 and PA19

Public Hearing

- [B.](#) Consider Resolution PZ-2020-07 Recommending Approval Zoning Text Amendment Pursuant to Sections 16.16.020 – 16.16.30 & 17.100.050 of the Town of New Castle Municipal Code Concerning the Application Process For Preliminary & Final Subdivision and Subdivision and Preliminary & Final PUD Development Plans.

Comments/Reports

Review Minutes of Previous Meetings

- [C.](#) Draft Minutes June 10, 2020

Adjournment

**TOWN OF NEW CASTLE, COLORADO
RESOLUTION NO. PZ-2020-6**

A RESOLUTION OF THE NEW CASTLE PLANNING AND ZONING COMMISSION DENYING A COMBINED PRELIMINARY/FINAL PUD DEVELOPMENT PLAN AND PRELIMINARY/FINAL SUBDIVISION PLAT FOR CASTLE VALLEY RANCH FILING 11, BEING A PORTION OF PA 17 AND PA 19.

WHEREAS, CVR Investors, Inc. (“Applicant”) is the owner of certain real property within the Town of New Castle described in the attached Exhibit A, which property as part of Planning Areas 17 and 19 of the Castle Valley Ranch Master Plan (the “Property,” or “Filing 11”); and

WHEREAS, the Applicant has submitted an application requesting approval of a combined Preliminary/Final PUD Development Plan and a Preliminary/Final Subdivision Plat for the first phase of the development, which application is further defined in Section 2 of this Resolution (the “Application”); and

WHEREAS, the Applicant proposes to construct a total of 91 residential units in 28 multi-family buildings on 27 lots on 13.538 acres; and

WHEREAS, the PA 19 portion of the Property is zoned Residential (R), and the PA 17 portion is zoned Mixed Use (MU); and

WHEREAS, the Applicant intends to develop and plat the Property in phases, with the first phase including ten (10) lots, eleven (11) multi-family buildings, and 33 residential units and the public improvements associated with the same; and

WHEREAS, the Town of New Castle Planning & Zoning Commission (“Commission”) held a duly-noticed public hearing on May 13, 2020, which was continued to May 27, 2020, to consider the Application; and

WHEREAS, the Commission listened to testimony from Staff, referral agencies, the Applicant, and members of the public concerning the Application; and

WHEREAS, pursuant to Section 16.16.020(F) and 16.16.030(C), subdivisions creating four or more lots must be found to comply with the Town’s comprehensive plan; and

WHEREAS, pursuant to Section 17.100.090, the following approval criteria apply to a PUD development plan application:

1. that the Application is generally compatible with adjacent land uses;
2. that the Application is consistent with the Town’s Comprehensive Plan;
3. that the Town has the capacity to serve the proposed uses with water, sewer, fire and police protection;

4. that the uses proposed within the PUD are uses permitted outright within the zoning district contained within the PUD;
5. the number of dwelling units permitted by the underlying zone district is not exceeded by the PUD plan;
6. the PUD utilizes the natural character of the land, includes compatible land uses, provides for fire and police protection, off-street parking, vehicular, pedestrian, and bicycle circulation, outdoor recreation, is of overall compatible architectural design, achieved adequate screening, buffering and aesthetic landscaping, avoids development of areas of potential hazard, ensures compliance with performance standards, and meets all other provisions of the applicable ordinances of the Town; and

WHEREAS, based on the Application and the testimony heard, the Commission found that one or more of the approval criteria set forth in Section 17.100.090 have not been met and that the proposed subdivision of the Property does not comply with the comprehensive plan and therefore voted to deny the Application at its May 27, 2020 meeting; and

WHEREAS, the Commission now desires to adopt this Resolution to document its findings and decision regarding the Application.

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING AND ZONING COMMISSION OF THE TOWN OF NEW CASTLE, COLORADO:

1. Recitals. The foregoing recitals are incorporated by reference as findings and determinations of the Planning and Zoning Commission.
2. Definition of the Application. The “Application” consists of the documents and information identified by the Town Clerk on Exhibit B, plus all representations of and other documents presented by the Applicant reflected in the minutes of the Planning and Zoning Commission public hearing opened on May 13, 2020, and continued until May 27, 2020.
3. Summary of Application: The Application (as updated on May 27, 2020) proposes:
 - a. The construction of ninety-one (91) residential units in twenty-seven (28) multi-family buildings on twenty-seven (27) lots on 13.538 acres of land, with the lots, roads, and open space to be platted and developed in accordance with the site/phasing plan dated May 27, 2020 that is included in the Application;
 - b. That the first phase of Filing 11 will include ten (10) lots, ten (11) multi-family buildings, and 33 residential units and the public improvements associated with the same; and
 - c. The development and use of the Property would be zoned as and subject to the restrictions and requirements of the MF-1 Zone District of the Castle Valley

Ranch PUD Zoning Regulations, Section 17.104.080 of the Code (Zone District), as may be modified by the final plats for the Property; and

- d. That the platting of future phases of Filing 11, including subdividing the Property into lots and amending final plats as the multi-family buildings are constructed, be approved at a the staff level, provided that the future phase plats and amended final plats are in substantial conformance with the Application.
4. Decision. The Commission finds that the Application does not meet the approval criteria set forth in the Town Code applicable to the Application, including, without limitation, compliance with the Comprehensive Plan, satisfaction of the issues identified in Section 17.100.090(A)(6), and other grounds as reflected in the record of the public hearing regarding the Application. The Planning Commission therefore denies the Application.
5. Effect of Decision. Pursuant to Sections 16.16.030(B) and 17.100.080(A) of the Town Code, only those portions of a preliminary subdivision plat application and preliminary PUD development plan application that have been approved may be submitted for final application approval. The Commission is the decision maker regarding preliminary PUD and subdivision applications. In light of the decision set forth in Section 4 of this Resolution, no further action will be taken on the final PUD and subdivision portions of the Application.
6. Effective Date. This Resolution and the Commission's decision regarding the Application shall be effective as the date of adoption of this Resolution.

SO RESOLVED this 10th day of June, 2020, by a vote of ____ to ____.

TOWN OF NEW CASTLE
PLANNING & ZONING
COMMISSION

Chuck Apostolik, Chairman

ATTEST:

Mindy Andis, Deputy Town Clerk

EXHIBIT A
Legal Description

Parcel A: A PARCEL OF LAND SITUATE IN THE NE1/4 SECTION 31 AND THE NW1/4 SECTION 32, TOWNSHIP 5 SOUTH, RANGE 90 WEST OF THE 6TH P.M., COUNTY OF GARFIELD, STATE OF COLORADO, SAID PARCEL OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE WEST 1/16 CORNER BETWEEN SAID SECTIONS 29 AND 32 A REBAR AND ALUMINUM CAP LS NO. 36572 SET IN PLACE; THENCE S 01° 19' 34" E 1570.62 FEET TO A POINT ON THE SOUTHERLY RIGHT OF WAY OF LINE CASTLE VALLEY BOULEVARD, AS FILED WITH THE GARFIELD COUNTY CLERK AND RECORDER'S OFFICE RECORDED JANUARY 9, 2001 UNDER RECEPTION NO. 574735, ALSO BEING A POINT ON THE EASTERLY BOUNDARY LINE OF CASTLE VALLEY RANCH PUD AS FILED WITH THE GARFIELD COUNTY CLERK AND RECORDER'S OFFICE RECORDED AUGUST 10, 1983 UNDER RECEPTION NO. 344590 THE TRUE POINT OF BEGINNING; THENCE DEPARTING SAD RIGHT OF WAYS 01°19' 34" E AND ALONG SAID EASTERLY BOUNDARY LINE 1066.16 FEET TO A POINT ON THE SOUTHERLY BOUNDARY LINE OF SAID CASTLE VALLEY RANCH, P.U.D.; THENCE ALONG SAID SOUTHERLY BOUNDARY LINE THE FOLLOWING FOUR (4) COURSES: 1. N 89° 40' 24" W 1195.15 FEET; 2. N 00° 19' 36" E 120.00 FEET; 3. N 89° 40' 24" W 180.00 FEET; 4. N 00° 05'00" W 210.20 FEET; THENCE DEPARTING SAID SOUTHERLY BOUNDARY LINE N 00° 05'00" W 983.59 FEET; THENCE S 89° 56' 5" W 552.43 FEET TO A POINT ON THE EASTERLY BOUNDARY LINE OF CASTLE VALLEY RANCH, PA19A AND PA19B AS FILED WITH THE GARFIELD COUNTY CLERK AND RECORDER'S OFFICE RECORDED NOVEMBER 29, 2005 UNDER RECEPTION NO. 687288; THENCE N 40° 33' 51" E ALONG SAID EASTERLY BOUNDARY LINE 283.40 FEET; THENCE CONTINUING ALONG SAD EASTERLY BOUNDARY LINE N 55° 43' 05" E 455.98 FEET TO A POINT ON SAID SOUTHERLY RIGHT OF WAY LINE OF CASTLE VALLEY BOULEVARD; THENCE DEPARTING SAD EASTERLY BOUNDARY LINE AND ALONG SAID SOUTHERLY RIGHT OF WAY LINE ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 862.01 FEET; AN ARC LENGTH OF 591.51 FEET (CHORD BEARS S61° 39' 09" E 579.98 FEET); THENCE CONTINUING ALONG SAID SOUTHERLY RIGHT OF WAY LINE THE FOLLOWING SEVEN (7) COURSES: 1.S 81° 18' 39" E 261.25 FEET; 2. ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 719.98 FEET, AN ARC LENGTH OF 342.58 FEET (CHORD BEARS S 67° 40' 47" E 339.36 FEET); 3. ALONG THE ARC OF A NON-TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 115.42 FEET, AN ARC LENGTH OF 19.02 FEET (CHORD BEARS S 14° 30' 47" E 19.00 FEET); 4. ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 82.00 FEET, AN ARC LENGTH OF 110.68 FEET (CHORD BEARS S 48° 27' 33" E 102.47 FEET); 5. ALONG THE ARC OF A NON-TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 115.42 FEET, AN ARC LENGTH OF 20.06 FEET (CHORD BEARS S 82° 08' 49" E 20.03 FEET); 6. ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 719.98 FEET, AN ARC LENGTH OF 57.30 FEET (CHORD BEARS S 41° 01' 02" E 57.29 FEET); 7. S 38° 44' 14" E 193.94 FEET TO THE POINT OF BEGINNING.

Parcel B: A PARCEL OF LAND SITUATE IN THE NE1/4 SECTION 31, TOWNSHIP 5 SOUTH, RANGE 90 WEST OF THE 6TH P.M. COUNTY OF GARFIELD, STATE OF COLORADO, SAID PARCEL OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE WEST 1/16 CORNER BETWEEN SAID SECTIONS 29 AND 32, A REBAR AND ALUMINUM CAP LS NO. 36572 SET IN PLACE; THENCE S29° 45' 20" W 2647.04 FEET TO A POINT ON THE SOUTHERLY BOUNDARY LINE OF CASTLE VALLEY RANCH, P.U.D. AS FLED WITH THE GARFIELD COUNTY CLERK AND RECORDER'S OFFICE RECORDED AUGUST 10, 1983 UNDER RECEPTION NO. 344590, THE TRUE POINT OF BEGINNING; THENCE ALONG SAID SOUTHERLY BOUNDARY LINE THE FOLLOWING FOUR (4) COURSES: 1. N 89° 50' 34" W 450.00 FEET; 2. N 00° 09' 26" E 75.00 FEET; 3, N 89° 50' 34" W 275.00 FEET; 4, N 000 09' 26" E 150.00 FEET; THENCE DEPARTING SAID SOUTHERLY BOUNDARY LINE N00° 47' 28" W 548.03 FEET TO A POINT ON THE SOUTHERLY BOUNDARY LINE OF CASTLE VALLEY RANCH, PA 19A & WITH THE GARFIELD COUNTY CLERK AND RECORDER'S OFFICE RECORDED NOVEMBER 29, 2005 UNDER RECEPTION NO. 687288; THENCE ALONG SAID SOUTHERLY BOUNDARY LINE N 40° 33' 51" E 273.86 FEET; THENCE DEPARTING SAID SOUTHERLY BOUNDARY LINE N 89° 56' 25" E 552.43 FEET; THENCE S 00° 0500" E 983,59 FEET TO THE POINT OF BEGINNING

EXHIBIT B
Application Materials

- 1) PUD & Subdivision Combination Applications
- 2) Application Narrative
- 3) Applicant Response to Referrals - SGM
- 4) Referral - Colorado Parks & Wildlife
- 5) Referral - Colorado Fire River Fire and Rescue
- 6) Referral - Town of New Castle Public Works
- 7) Referral - Town Engineer
- 8) Referral + Redlined Plat -Town Attorney
- 9) Referral - Town of New Castle Police Chief
- 10) Referral - Garfield RE-2 School District
- 11) Will Serve Letter - Xcel
- 12) Public Notice
- 13) List of Property owners within 250' of Development
- 14) Affidavit as to Notice of Public Hearing
- 15) Agreement to Pay Consulting Fees & Expenses, February 15th, 2019
- 16) Title Commitment + Legal Description
- 17) Soils Report - A.G. Wassenaar
- 18) Drainage Calculations - SGM
- 19) Utility Report - SGM
- 20) Traffic Impact Study - SGM
- 21) Construction Drawings
- 22) Architectural Floorplans
- 23) Updated site/phasing plan dated May 27, 2020

TOWN OF NEW CASTLE, COLORADO
RESOLUTION NO. PZ 2020-7

A RESOLUTION OF THE NEW CASTLE PLANNING AND ZONING
COMMISSION RECOMMENDING APPROVAL OF AMENDMENTS TO
SECTIONS 16.16.020, 16.16.030 & 17.100.050 through 17.100.090 OF THE
NEW CASTLE MUNICIPAL CODE CONCERNING PRELIMINARY AND
FINAL PLANS FOR SUBDIVISION AND PUD DEVELOPMENT
APPLICATIONS

WHEREAS, Sections 16.16.020 and 16.16.030 of the Town of New Castle (“Town”) municipal code (“Code”) sets forth the provisions and regulations for preliminary and final subdivision plats and applications therefor; and

WHEREAS, Sections 17.100.050 to 17.100.090 of the Code set forth the provisions and regulations for preliminary and final Planned Unit Development (“PUD”) plan applications; and

WHEREAS, preliminary subdivision and PUD plans provide an opportunity for the Town to review and comment on a land use application’s level of conformance with Town regulations and requirements prior to final approval; and

WHEREAS, final subdivision and PUD plans demonstrate a land use application’s final compliance with Town regulations and requirements prior to construction of the proposed development; and

WHEREAS, Town staff has determined that the current preliminary and final plan requirements within Sections 16.16.020, 16.16.030 & 17.100.050 to 17.100.090 are inadequate for assessing an application’s level of conformance with Town regulations and requirements; and

WHEREAS, Town staff has developed proposed amendments to Sections 16.16.020, 16.16.030, & 17.100.050 to 17.100.090 of the Code that it believes will help staff, the Planning Commission, and Town Council better evaluate proposed development applications and streamline the preliminary and final application review process; and

WHEREAS, pursuant to section 17.92.030(B) of the Code, the Planning Commission held a public hearing on July 8, 2020, 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 in the draft ordinance attached as Exhibit A.

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 16.16.020, 16.16.030 & 17.100.050 to 17.100.090 set forth in Exhibit A and recommends that Town Council adopt the same.

TOWN OF NEW CASTLE, COLORADO,
PLANNING & ZONING COMMISSION

By: _____
Chuck Apostolik, Commission Chair

ATTEST:

Mindy Andis, Deputy Town Clerk

EXHIBIT A
Draft Ordinance

TOWN OF NEW CASTLE, COLORADO
ORDINANCE NO. TC 2020-****

**AN ORDINANCE OF THE NEW CASTLE TOWN COUNCIL AMENDING
SECTIONS 16.16.020 – 16.16.030 & 17.100.050 – 17.100.090 OF THE NEW
CASTLE MUNICIPAL CODE CONCERNING PRELIMINARY AND FINAL
PLANS FOR SUBDIVISION AND PUD DEVELOPMENT APPLICATIONS**

WHEREAS, Chapter 16.16.020 to 16.16.030 of the Town of New Castle (“Town”) municipal code (“Code”) sets forth the provisions and regulations for preliminary and final plans relevant to subdivision applications; and

WHEREAS, Chapter 17.100.050 to 17.100.090 of the Code sets forth the provisions and regulations for preliminary and final plans relevant to Planned Unit Development (“PUD”) applications; and

WHEREAS, preliminary plans provide an opportunity for the Town to review and comment on a land use application’s level of conformance with Town regulations and requirements prior to final approval; and

WHEREAS, final plans demonstrate a land use application’s final compliance with Town regulations and requirements prior to the building permit phase; and

WHEREAS, Town staff has determined that the current preliminary and final plan requirements within Sections 16.16.020 to 16.16.030 & 17.100.050 to 17.100.090 are inadequate for assessing an application’s level of conformance with Town regulations and requirements; and

WHEREAS, Town staff has developed proposed amendments to Sections 16.16.020 to 16.16.030 & 17.100.050 to 17.100.090 of the Code that it believes will help staff, the Planning Commission, and Town Council better evaluate proposed development applications and streamline the preliminary and final application review process; and

WHEREAS, the Planning Commission (“Commission”) held a public hearing regarding the changes on *****, and approved Resolution PZ 2020-** recommending approval of the changes to Sections 16.16.020 to 16.16.030 & 17.100.050 to 17.100.090 of the Code and is supportive of the same;

NOW, THEREFORE, BE IT ORDAINED BY THE NEW CASTLE TOWN COUNCIL AS FOLLOWS:

3. **Recitals.** The foregoing recitals are incorporated by reference herein as findings and determinations of the Council.

4. **Section 16.16.020 to 16.16.030 Amendment.** Section 16.16.020 to 16.16.030 of the Town Municipal Code is hereby repealed in its entirety and reenacted as set forth below:

16.16.020 –Preliminary Plan Requirements.

A. Purpose

All subdivisions of a single lot into six (6) or more lots or condominium units shall be deemed a major subdivision per Section 16.04.020. Any major subdivision land use proposal shall require a 3-step subdivision plan review – sketch, preliminary, and final – unless granted an exemption by the Town Administrator. The preliminary review shall generally assess compliance with the Town Code, provisions for utilities and infrastructure, substantial conformance to the Comprehensive Plan, and any adverse impacts to the Town.

The Planning Commission shall conduct a noticed public hearing and make an approval decision on the preliminary application. In instances of combined PUD/Subdivision development applications, both applications shall be processed concurrently pursuant to 17.100.030.

B. Pre-Application Meeting

Prior to submission of a preliminary plan application, the applicant and the Town Administrator or designated Town staff will conduct a pre-application meeting at a mutually agreed upon date. The pre-application meeting is an opportunity for the applicant to discuss any subsequent changes made after sketch plan review and receive guidance on future steps with the application process. An additional pre-application meeting may be required by the Town Administrator if a complete preliminary plan application is not submitted within six (6) months of the initial pre-application meeting. The Town Administrator may waive the pre-application meeting for good cause upon request from the applicant or otherwise at the discretion of the Town Administrator.

C. Preliminary Plan Submittals

All application materials shall initially be submitted in electronic format. Upon receipt of the electronic materials, the Town Administrator or designated Town staff will determine the number of paper copies the applicant will be required to provide.

A plat of the proposed subdivision drafted in preliminary form to a scale of not more than one hundred (100) feet to the inch on a sheet accompanied by an index map appended if the project size dictates, at least twenty-four (24) by thirty-six (36) inches depicting:

1. Preliminary information sufficient to indicate that the final plat will meet requirements established under Section 38-51-106, C.R.S., Land Survey Plat, or as hereafter amended;
2. Contours of the land proposed for subdivision at five-foot intervals (ten (10) foot intervals on rugged topography);

3. The limit of the one hundred (100) year flood, using information provided by the town. When not already available, such information shall be defined through mutual agreement of the town's engineer and the applicant's engineer;
4. Intersecting property lines and the names and addresses of the owners of record of all parcels adjoining the proposed subdivision, including parcels separated only by a public right-of-way from the subject land;
5. Existing or proposed zoning and zone district boundaries for the subdivision and land adjacent to the subdivision;
6. Street layout of the proposed subdivision, including the relationship to existing public rights-of-way and the width, proposed classification, and name of proposed streets;
7. Lot and block layout of the proposed subdivision, including a block and lot numbering system and, in the case of a planned unit development, the area and setback information on each lot if at variance with the applicable zone district regulation;
8. Sites to be reserved or dedicated for public parks, schools and other public buildings, facilities or use;
9. Existing and proposed easements for irrigation, drainage, and utilities;
10. Snow storage locations;
11. Name of the proposed subdivision, which shall be different from any existing recorded subdivision in the town of New Castle;
12. Name and address of the applicant, the person or firm preparing the preliminary plat and the engineer or surveyor, licensed to practice in the state;
13. Proposed terms of reservations or dedications of public rights-of-way, easements and other public lands;
14. Brief description of any proposed covenants;
15. Proposed phasing, if any;
16. A vicinity map, on a scale of one inch to two thousand (2,000) feet;
17. Profiles of the topography both before and after any overlot grading that is proposed, and a map showing the contours after overlot grading.

D. Supplementary Review Materials

To determine feasibility of the proposed development plan, the following supporting materials shall accompany the preliminary application for review and analysis:

1. Utility Plan. A plan corresponding to the preliminary plat showing the line location, size and gradient for proposed water distribution and sewage collection mains within the proposed subdivision in relation to existing town installations;
2. Street Profiles. Centerline profiles of proposed streets shall be plotted at a horizontal scale consistent with the preliminary plat and a distorted vertical scale, with sufficient detail to insure that the proposed streets meet gradient limitations established by this title and bear a logical relationship to the grade of existing public streets at points of intersection;
3. Drainage Plan. When the plat of a proposed subdivision includes a stream course or dry wash subject to flood crests generated by intensive rainfall or rapid spring thaw runoff, or when storm runoff from the subdivision may flow across adjoining properties, a drainage plan based on analysis of the tributary area and detailing drainage easements and structures necessary to accommodate a design twenty-five (25) year storm shall be provided by a registered engineer. The plan shall include computations of peak flow and provide for conveyance of storm runoff in a manner that shall not damage or endanger other properties;
4. Geological Stability Information. Geological stability information and soil datum shall be furnished at this time if the applicant has any objection to any current report of geologic and soil information adopted by the town or by the Garfield County planning department as a reference, or on request of the town administrator in cases where no such report is available for the land being subdivided. At the same time the applicant shall present plans for the correction or avoidance of any problems in his or her report or the adopted reference;
5. Acreage. A schedule shall be submitted showing the total acreage of the land to be subdivided and the acreage intended for each type of usage along with its percentage to the total acreage.
6. Compliance with the Comprehensive Plan. The applicant must include a narrative demonstrating compliance with the comprehensive plan.

E. Completeness Determination & Submittal Deadline

A completeness determination of the application shall be made within thirty (30) days after submission of the preliminary application materials. An application is deemed complete once all fees, signed documentation, and necessary review materials from sections C & D are provided. If the application is deemed incomplete, the applicant will be notified of any deficiencies. The application process—including the scheduling of public meetings—will not continue until all deficiencies are corrected and the application is deemed complete.

Upon notification of completion, the Town Administrator will also set a deadline for receiving supplemental review materials from the Applicant. In consideration of the deadline date, the Town Administrator should allow sufficient time for the Applicant to make changes or corrections in response to referral comments. If the Applicant submits materials later than the deadline, the Planning Commission may continue the hearing if Staff requires more time to review the late submittals.

F. Public Notice & Referrals

As provided in Chapter 16.08 of this title the applicant will be scheduled with the Planning Commission on the first available meeting date at least forty-five (45) days after the date that which the application was determined complete pursuant to Section E, above. The application shall be accompanied by an application for zoning or rezoning if the subdivision is within the town limits and when rezoning is required for the development of the subdivision. Notices of the time and place of the hearing shall also be mailed to all utilities and state agencies who were requested to review the preliminary plat, at least thirty (30) days prior to the hearing.

In addition to the notice requirements, applicable portions of the preliminary plan shall be provided to no fewer than the following referral agencies for review and comment:

- Town departments and Town consultants;
- Colorado Parks and Wildlife;
- Colorado River and Fire Rescue;
- All utility companies serving the area;
- The Colorado Department of Public Health when any new sewage and water treatment facilities are proposed;
- The Colorado Department of Highways when the proposed subdivision borders a state highway, and any other appropriate agency;

G. Application Review Process

The application will be evaluated according to the following review criteria:

1. Consistency with the comprehensive plan;
2. Compliance with zoning and density requirements;
3. Compatibility to neighboring land uses;
4. Availability of Town services from public works, fire, and police;
5. Vehicle, bicycle, and pedestrian circulation; and
6. Preservation of the natural character of the land;

Within thirty (30) days after the close of the public hearing, the planning commission shall make one of three decisions on the application: 1) approve the application unconditionally; 2) approve the application with conditions; 3) deny the application. Approval on the preliminary plan does not constitute a commitment on the part of the planning commission to accept the final plat. A continuance of the hearing may be allowed pursuant to section 16.08.050 of this Title.

G. Duration of Preliminary Plan

The preliminary plan approval conducted pursuant to this Section 16.16.020 will remain in effect for one year from the date the Planning Commission decides on the application. If the applicant does not submit a final plan application within said year or if the applicant's preliminary plan application includes substantial changes (e.g. proposes new uses, higher density development, new or additional variances, etc.) from the original, then, at the discretion of the Town Administrator, the applicant may be required to submit a new preliminary plan before filing a final plat application.

16.16.030 - Final Plan Requirements.

A. Purpose

All subdivisions of a single lot into six (6) or more lots or condominium units shall be deemed a major subdivision per Section 16.04.020. Any major subdivision land use proposal shall generally require a 3-step subdivision plan review – sketch, preliminary, and final – unless granted an exemption by the Town Administrator. Only that part of the preliminary plan that is proposed by the application for recording at any one time must be submitted in final form. Separate improvement agreements and review fees may be required for each portion of the preliminary plat that shall be presented for final approval. A final subdivision application shall demonstrate final compliance with Town regulations and requirements as are necessary prior to the building permit phase.

The Planning Commission shall conduct a noticed public hearing and make a recommendation on the final application to Town Council. Town Council then makes the final decision on the application. In instances of combined PUD/Subdivision development applications, both applications shall be processed concurrently pursuant to 17.100.030.

B. Pre-Application Meeting

Prior to submission of a final plat application, the applicant and the Town Administrator or designated Town staff will conduct a pre-application meeting. The pre-application meeting is an opportunity for the applicant to discuss any subsequent changes made after the preliminary plan review and receive guidance on future steps with the application process. An additional pre-application meeting may be required by the Town Administrator if a complete final plat application is not submitted within six (6) months of the initial pre-application meeting. The Town Administrator may waive the pre-application meeting for good cause upon request from the applicant or otherwise at the discretion of the Town Administrator.

C. Final Plan Submittals

Two permanent, reproducible copies (such as mylar), and print copies (the number of which shall be determined by the town clerk) of a drafted plat of the proposed subdivision drawn at a scale of not more than one hundred (100) feet to the inch on sheets (maps of two or more sheets shall be

referenced on an index map and all certifications and dedications need appear only on the title or cover sheet) which measure twenty-four (24) inches by thirty-six (36) inches with a two-inch clear left margin and a one-half inch margin along the remaining edges of the sheet depicting:

Information shall be as follows:

1. Subdivision Boundaries. Street right-of-way lines and lot lines in solid lines, easements or other right-of-way lines in dashed lines, all with accurate dimensions to the nearest 0.01 foot. Bearings and distances of all lines, centerline angles, radius length, chord length, and arc length of all curves shall be shown;
2. The location and description of all permanent survey control points;
3. Legal description of the subdivision parcel with reference to its location in the records of Garfield County;
4. Street names, block and lot numbers. All street names shall be cleared through Garfield County Communications to avoid any duplication of street names in the county dispatch area. Address numbering shall be sequential and based on distance from entrance of street. Fire Marshal will submit names to Communications for approval.
5. Snow storage locations with square footage;
6. The use, area, and setback restriction on each lot of a planned unit development;
7. Name of the subdivision;
8. Notarized certification of ownership;
9. Surveyor's certificate signed by a licensed surveyor responsible for the survey and plat;
10. Certificate of final approval by planning commission, town council, or town administrator, as applicable;
11. County clerk's certificate for time of recording and reception number;
12. Evidence that provision has been made for facility sites, easements, and rights of access for electrical and natural gas utility service sufficient to ensure reliable and adequate electric or, if applicable, natural gas service for any proposed subdivision. Submission of a letter of agreement between the subdivider and utility serving the site shall be deemed sufficient to establish that adequate provision for electric or natural gas service to a proposed subdivision has been made;
13. The title insurance company or attorney's certificate as required;

14. Areas of street rights-of-way, areas of land dedicated for public use, the area of each lot, and the total lot area.
15. Identify any variances to the original approval ordinance(s), Town Code, or the Public Works Manual in the plat notes;

D. Supplementary Review Materials

1. Three copies of any protective covenants or restrictions placed on the subdivision;
2. Engineered plans and preliminary cost estimates for all utility, street, and drainage improvements to be installed in dedicated land, rights-of-way, or easements shall be made and certified by an engineer licensed to practice in the state of Colorado;
3. A subdivision improvement agreement using a form approved by the town attorney with guarantees executed between the subdivider and the town wherein the subdivider shall agree to install drainage structures, fire hydrants, roads, curb and gutter, complete paving, sidewalks, bicycle paths, culverts and bridges, street lights and signs, and other improvements where required at his or her expense either prior to acceptance of the final plat or within a specific time, no later than one year from the start of any phase of the development, as approved by the town council. Such agreement shall also define responsibility for and describe terms and stipulations relative to provision of water and sewer improvements;
4. A title commitment for all onsite and offsite easements and dedications.

E. Completeness Determination & Submittal Deadline

A completeness determination of the application will be made within thirty (30) days after submission of the preliminary application materials. An application is deemed complete once all fees, signed documentation, and necessary review materials from sections C & D are furnished. If the application is deemed incomplete, the applicant will be notified of any deficiencies. The application process—including the scheduling of public meetings—will not continue until all deficiencies are corrected and the application is deemed complete.

Upon notification of completion, the Town Administrator will also set a deadline for receiving supplemental review materials from the Applicant. In consideration of the deadline date, the Town Administrator should allow sufficient time for the Applicant to make changes or corrections in response to referral comments. If the Applicant submits materials later than the deadline, the Planning Commission may continue the hearing if Staff requires more time to review the late submittals.

F. Public Notice

As provided in Chapter 16.08 of this title the applicant will be scheduled with the Planning Commission on the first available meeting date at least forty-five (45) days after the date that which the application was determined complete pursuant to Section E, above. The application shall be accompanied by an application for zoning or rezoning if the subdivision is within the town limits and when rezoning is required for the development of the subdivision. Notices of the time and place of the hearing shall also be mailed to all utilities and state agencies who were requested to review the final plat, at least thirty (30) days prior to the hearing.

G. Application Review Process

The application will be evaluated according to the following review criteria:

1. Consistency with the comprehensive plan;
2. Compliance with zoning and density requirements;
3. Compatibility to neighboring land uses;
4. Availability of Town services from public works, fire, and police;
5. Vehicle, bicycle, and pedestrian circulation; and
6. Preservation of the natural character of the land;

Within thirty (30) days after the close of the public hearing, the planning commission shall make one of three recommendations on the final application to Town Council: 1) approve the application unconditionally; 2) approve the application with conditions; 3) deny the application. A continuance of the hearing may be granted pursuant to section 16.08.050 of this Title.

Within sixty (60) days from the date of the planning commission's written decision on a final application, or within such time as is mutually agreed by the town council and the applicant, the Town Council shall approve the final plat application, with or without conditions, or deny the application.

H. Recordation of Plat

The town clerk shall cause the final plat to be recorded with the county clerk and recorder upon satisfaction of all conditions required by ordinance. The town clerk shall also retain copies of plats and annexation ordinances as required by state statute.

5. **Section 17.100.050 to 17.100.090 Amendment.** Section 17.100.050 to 17.100.090 of the Town Municipal Code is hereby repealed in its entirety and reenacted as set forth below:

17.100.050 - Preliminary PUD Development Plan and/or PUD Master Plan Application.

A. Purpose

A PUD land use proposal shall generally require a 3-step review – sketch, preliminary, and final – unless given an exemption by the Town Administrator. The preliminary PUD review will assess

zoning conformance, compliance with the Town Code, provisions for utilities and infrastructure, compatibility with the Comprehensive Plan, and address any adverse impacts to the Town. The Planning Commission will make a recommendation on the application at a public hearing. In instances of combined PUD/Subdivision development applications, both applications shall be processed concurrently pursuant to 17.100.030.

B. Pre-Application Meeting

Prior to submission of a preliminary plan application, the Applicant and the Town Administrator or designated Town staff will conduct a pre-application meeting. The pre-application meeting is an opportunity for the applicant to discuss any subsequent changes made after sketch plan review and receive guidance on future steps with the application process. An additional pre-application meeting may be required by the Town Administrator if a complete preliminary plan application is not submitted within six (6) months of the initial pre-application meeting. The Town Administrator may waive the pre-application meeting for good cause upon request from the applicant or otherwise at the discretion of the Town Administrator.

C. Preliminary PUD and/or Master Plan Application Requirements

A preliminary PUD development plan application and/or an application for PUD master plan approval may be filed by the person having an interest in the property for which the planned unit development is requested and shall be made on a form provided by the town. All application materials shall be submitted in electronic format. Upon receipt of the electronic materials, the Town Administrator or designated Town staff will determine the number of paper copies the applicant will be required to provide. A preliminary PUD development plan or PUD master plan submittal will include the following:

1. Adjacent land uses,
2. Boundary and size of site,
3. Existing topographic character of the land at a contour level of two feet if the slope is less than ten (10) percent (spot elevations may be required if the land is too flat for contours) and five feet if the slope is greater than ten (10) percent. An application for PUD master plan approval shall also include proposed contours for all proposed infrastructure improvements, Proposed land uses and their respective acreage,
4. The character of the proposed development and the proposed number of lots, dwelling units, and bedroom count, if applicable,
5. The architectural character and design of all buildings and structures including preliminary floor plan(s), elevations, and plan views,
6. Identify any dedicated open space and common elements on the site plan showing acreage and compliance with applicable annexation agreements, master plan requirements, and Comprehensive Plan policies.

7. The location and size of proposed public and semi-public uses both dedicated and other, including proposed water, sewer and drainage infrastructure to service the project and, for a preliminary PUD development plan, all utility infrastructure,
8. The existing and proposed vehicular circulation system, including arterial, collector and local streets, proposed bicycle/pedestrian paths, off-street parking areas, service and loading areas and major points of access to public rights-of-way, except that the application for a PUD master development plan need only show arterial and collector streets and proposed major points of access to public rights-of-way. In certain cases a street plan view and/or elevation may be required to illustrate the feasibility of on-street parking, snow removal, and accommodation of emergency vehicles.
9. Areas of potential hazards, including the one hundred (100) year floodplain and floodway, geologic hazards including subsidence or other similar hazards, and mineral area if extraction value may be economically feasible;
10. A written statement including:
 - a. The nature, design and appropriateness of the proposed land use arrangement for the size and configuration of the property involved,
 - b. A statement of the present ownership and legal description of all the land included within the planned unit development,
 - c. A general indication of the anticipated development schedule, and, for a PUD master plan, the proposed phasing of the development of the PUD,
 - d. Comparison of the comprehensive plan to the proposed land use including a discussion supporting any modifications to or lack of compliance with the comprehensive plan,
 - e. Fiscal impact projections study, as may be more specifically requested by the town;
11. A traffic impact study;
12. Viewshed analysis or 3D renderings,
13. The applicant shall furnish a list of the names and addresses of the owners of property located within two hundred fifty (250) feet of the subject site.
14. Any other information the applicant believes will support the preliminary PUD development plan application or PUD master plan application.

15. 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.

D. Completeness Determination & Submittal Deadline

A completeness determination of the application will be made within thirty (30) days after submission of the preliminary application materials. An application is deemed complete once all fees, signed documentation, and necessary review materials from sections C are provided. If the application is deemed incomplete, the applicant will be notified of any deficiencies. The application process—including the scheduling of public meetings—will not continue until all deficiencies are corrected and the application is deemed complete.

Upon notification of completion, the Town Administrator will also set a deadline for receiving supplemental review materials from the Applicant. In consideration of the deadline date, the Town Administrator should allow sufficient time for the Applicant to make changes or corrections in response to referral comments. If the Applicant submits materials later than the deadline, the Planning Commission may continue the hearing if Staff requires more time to review the late submittals.

E. Staff Debriefing

Prior to settling a public hearing date for the preliminary plan, applicable Staff (e.g. the Town's administrator, engineer, attorney, planner, public works director, building official) will formally meet with the applicant to discuss the proposal. The purpose of the meeting is for Staff to clearly communicate to the applicant any issues it determines may impact approval of the application.

E. Public Notice & Referrals

As provided in Chapter 16.08 of this title the applicant will be scheduled with the Planning Commission on the first available meeting date at least forty-five (45) days after the date that which the application was determined complete pursuant to Section D, above. Notices of the time and place of the hearing shall also be mailed to all utilities and state agencies who were requested to review the preliminary plan, at least thirty (30) days prior to the hearing.

In addition to the notice requirements, relevant portions of the preliminary plan application shall be submitted to the following referral agencies for review and comment:

- Town departments and Town consultants;
- Colorado Parks and Wildlife;
- Colorado River and Fire Rescue;
- All utility companies serving the area;
- The Colorado Department of Public Health when any new sewage and water treatment facilities are proposed;
- The Colorado Department of Highways when the proposed subdivision borders a state highway, and any other appropriate agency;

F. Application Review Process

The application will be evaluated according to the following review criteria:

1. Consistency with the comprehensive plan;
2. Compliance with zoning and density requirements;
3. Compatibility with neighboring land uses;
4. Availability of Town services from public works, fire, and police;
5. Vehicle, bicycle, and pedestrian circulation; and
6. Preservation of the natural character of the land;

Within thirty (30) days after the close of the public hearing, or within such time as is mutually agreed by the planning commission and the applicant, the planning commission shall make one of three recommendations to Town Council: 1) approve the application unconditionally; 2) approve the application with conditions; 3) deny the application. A continuance may be granted pursuant to section 16.08.050 of this Title.

The applicant may take a disputed decision of the Planning Commission to the town council for review. If, in the Town Council's sole discretion, the finding of the Planning Commission may have been in error, the Town Council shall refer the application back to the Planning Commission for reassessment.

G. Duration of Preliminary Plan Approval

The preliminary plan approval pursuant to this Section 17.100.050 will remain in effect for one year from the date the Planning Commission makes recommendation on the application. If the applicant does not submit a final plan application within said year or if the applicant's preliminary plan application includes substantial changes (e.g. proposes new uses, higher density development, new or additional variances, etc.) from the original, then, at the discretion of the Town Administrator, the applicant may be required to submit a new preliminary plan before filing a final plan application.

17.100.060 - Final PUD Application and/or Final PUD Master Plan Application.

A. Purpose

The final application is the last stage of the approval process for a PUD and/or Master Plan proposal. Only that part of the preliminary plan that is proposed by the application for recording at any one time must be submitted in final form. Separate improvement agreements and review fees may be required for each portion of the preliminary plat that shall be presented for final approval. A final PUD application review will assess zoning conformance, compliance with the Town Code, provisions for utilities and infrastructure, compatibility with the Comprehensive Plan, and address any adverse impacts to the Town. At final application the Planning Commission will make a recommendation on the application to Town Council at a public hearing. In instances of

combined PUD/Subdivision development applications, both applications shall be processed concurrently pursuant to 17.100.030.

B. Pre-Application Meeting

Prior to submission of a final application, the applicant and the Town Administrator or designated Town staff will conduct a pre-application meeting. The pre-application meeting is an opportunity for the applicant to discuss any subsequent changes made after preliminary plan review and receive guidance on the final steps with the application process. An additional pre-application meeting may be required by the Town Administrator if a complete preliminary plan application is not submitted within six (6) months of the initial pre-application meeting. The Town Administrator may waive the pre-application meeting for good cause upon request from the applicant or otherwise at the discretion of the Town Administrator.

C. Final PUD and/or Master Plan Application Requirements

A final PUD development application and/or an application for PUD master plan may be filed by the person having an interest in the property for which the planned unit development is requested and shall be made on a form provided by the town. All application materials shall initially be submitted in electronic format. Upon receipt of the electronic materials, the Town Administrator or designated Town staff will determine the number of paper copies the applicant will be required to provide. A final PUD development plan or PUD master plan submittal will include the following:

1. Boundary, overall size and a legal description of the site,
2. Proposed topographic character of land at a contour interval of two feet if the slope is less than ten (10) percent (spot elevations may be required if the land is too flat for contours) and five feet if the slope is greater than ten (10) percent,
3. The proposed land uses and their respective acreage,
4. The location and size, or building envelopes of all buildings, structures and improvements,
5. The density and type of dwellings, if applicable,
6. Viewshed analysis or 3D renderings,
7. The architectural character and design of all buildings and structures including any updated floor plan(s), elevations, and plan views. Note, substantial changes to building design after preliminary plan approval may require additional review time at the discretion of the Planning Commission. Building design should be nearly complete prior to final application approval.

8. Identify any dedicated open space and common elements on the site plan showing acreage and compliance with applicable annexation agreements, master plan requirements, and Comprehensive Plan policies.
9. The internal vehicular circulation system, including arterial, collector, and local street design, right-of-way widths, curb cuts, turning movement and access control. In certain cases a street plan view and/or elevation may be required to illustrate the feasibility of on-street parking, snow removal, and accommodation of emergency vehicles.
10. Pedestrian and bicycle circulation system,
11. Off-street parking areas, loading areas, service areas, including refuse disposal,
12. The location and design of proposed signs and exterior lighting plan. All exterior illumination shall comply with the International Dark-sky Association (IDA) standards to the maximum extent possible,
13. Areas of known hazards, such as one hundred (100) year floodplain, rockslides, subsidence or other similar hazards, and mineral areas of potentially economically feasible extraction value,
14. A landscape plan illustrating size, type and location of plant materials and an irrigation plan, if applicable,
15. Anticipated utility requirements,
16. If necessary, a construction phasing plan that identifies, at minimum, each of the following components:
 - a. Buildout phases identified/Sequencing of occupancy
 - b. Schedule submitted by Developer that identifies the sequencing of construction, sequencing of occupancy, traffic flow, and traffic control plans during construction;
 - c. Storage and staging areas for construction equipment and materials;
 - d. Illustrate drainage and erosion control best management practices (BMP's);
17. Weed and Dust Management Plan that complies with the Town of New Castle Noxious Weed Management Plan.
18. A written statement including:
 - a. An explanation of the character of the PUD and the manner in which it has been planned to take advantage of the PUD regulations,
 - b. A statement of the present ownership and legal description of all the land included with the PUD,

- c. A brief statement describing the environmental impact of the PUD with specific reference to the performance standards identified in this title,
 - d. Compliance with comprehensive plan,
19. Fiscal impact study as specified by the planner, and
20. Evidence that provision has been made for facility sites, easements, and rights of access for electrical and natural gas utility service sufficient to ensure reliable and adequate electric or, if applicable, natural gas service for any proposed PUD subdivision. Submission of a letter of agreement between the PUD applicant and utility serving the site shall be deemed sufficient to establish that adequate provision for electric or natural gas service to a proposed PUD subdivision has been made. Locations of transformer pedestals, A/C compressors, mail box kiosks, or any other accessory structure shall be identified on the site plan,

D. Completeness Determination & Submittal Deadline

A completeness determination of the application will be made within thirty (30) days after submission of the preliminary application materials. An application is deemed complete once all fees, signed documentation, and necessary review materials from section C are provided. If the application is deemed incomplete, the applicant will be notified of any deficiencies. The application process—including the scheduling of public meetings—will not continue until all deficiencies are corrected and the application is deemed complete.

Upon notification of completion, the Town Administrator will also set a deadline for receiving supplemental review materials from the Applicant. In consideration of the deadline date, the Town Administrator should allow sufficient time for the Applicant to make changes or corrections in response to referral comments. If the Applicant submits materials later than the deadline, the Planning Commission may continue the hearing if Staff requires more time to review the late submittals.

E. Application Review Process

The application will be evaluated according to the following review criteria:

1. Consistency with the comprehensive plan;
2. Compliance with zoning and density requirements;
3. Compatibility with neighboring land uses;
4. Availability of Town services from public works, fire, and police;
5. Vehicle, bicycle, and pedestrian circulation; and
6. Preservation of the natural character of the land;

Within thirty (30) days after the close of the public hearing, or within such time as is mutually agreed by the planning commission and the applicant, the planning commission shall make one of three recommendations to Town Council: 1) approve the application unconditionally; 2) approve

the application with conditions; 3) deny the application. A continuance may be granted pursuant to section 16.08.050 of this Title.

Within sixty (60) days from the date of the Planning Commission's written decision on a final 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.

6. Code Reference Corrections.

1. Section 17.124.010(B) of the Town Municipal Code is hereby repealed in its entirety and reenacted as set forth below:

“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.”

2. Section 17.124.020(B.1) of the Town Municipal Code is hereby repealed in its entirety and reenacted as set forth below:

“1. 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.”

3. Section 17.100.110(C, 1st sentence only) of the Town Municipal Code is hereby repealed in its entirety and reenacted as set forth below:

“Major amendments to a PUD must be approved in accordance with the procedures applicable to the approval of a final PUD development plan application as set forth in [Section 17.100.060](#).”

4. Section 17.100.050(E) of the Town Municipal Code is hereby repealed in its entirety and reenacted as set forth below:

“A PUD master plan application shall be processed and approved in accordance with the requirements of [Section 17.100.050](#) and [Section 17.100.060](#).”

7. **Effective Date.** This Ordinance shall be effective fourteen days after final publication pursuant to section 4.3 of the Town Charter.

INTRODUCED on *****, at which time copies were available to the Council and to those persons in attendance at the meeting, read by title, passed on first reading, and ordered published in full and posted in at least two public places within the Town as required by the Charter.

INTRODUCED a second time at a regular meeting of the Council of the Town of New Castle, Colorado on *****, read by title and number, passed without amendment, approved, and ordered published as required by the Charter.

TOWN OF NEW CASTLE, COLORADO

By: _____
Art Riddle, Mayor

ATTEST:

Melody Harrison, Town Clerk

Land Use Application Procedures – Side-by-Side Comparison:

<u>Current Procedures</u>	<u>Proposed Procedures (Previous)</u>	<u>Proposed Procedures (New)</u> Three Applications: Sketch-Preliminary-Final
	Sketch Pre-Application Meeting Non-binding compliance check with staff	Sketch Pre-Application Meeting - Non-binding compliance check 6-month pre-application expiration
\$400 Sketch Plan Application Non-binding review & recommendation from staff PnZ meeting after 15 days Town Council approval next meeting	\$600 Compulsory Sketch Plan Application - Agreement to pay consulting fees - Determination of completeness 7 days - Staff compliance check - PnZ hearing after 14 days - Approval expires after 6 months	\$600 Sketch Plan Application - Submittal additions: -Traffic circulation -Viewshed analysis -Development narrative - Agreement to pay consulting fees - Completeness determination 30 days - P&Z 15 days after completion check - Council 1st available meeting after P&Z 1-year expiration
	Sketch Plan Community Meeting - Upon approval of sketch plan 14 day noticed meeting - May run concurrent with preliminary plat application - HOA approval?	Community Open House - Prior to preliminary application - Public notice required

\$660 Preliminary Plan Application or \$1,060 “Combo” Application Staff compliance check PnZ hearing after 45 days (30 day notice) Decision within 30 days	\$660 Preliminary Plan Application • Determination of completeness 7 days • Staff compliance check • PnZ hearing after 45 days (30 day notice) • Decision within 30 days • Approval expires after 1 year	\$660 Preliminary Plan Application • Pre-app meeting (valid 6-months) • Submittal additions: -Snow storage locations -Street names -Phasing -Floor plans, elevations, etc. -Open space compliance -Traffic impact & parking -Viewshed analysis • Determination of completeness 30 days • PnZ hearing after 45 Days (30 day notice) • Submittal deadline • Staff debriefing (PUD) • P&Z decision within 30 days • Approval expires after 1 year
\$350 Final Plan Application Staff compliance check PnZ hearing after 45 days (30 day notice) Decision within 30 days	\$350 Final Plan Application • Determination of completeness 7 days • Staff compliance check • PnZ hearing after 45 days (30 day notice) • Decision within 30 days	\$350 Final Plan Application • Pre-app meeting (valid 6-months) • Submittal additions: -Snow storage locations -Street names -Exterior lighting -Detailed phasing -Floor plans, elevations, etc. -Open space compliance -Traffic impact & parking -Viewshed analysis -Weed management plan • Determination of completeness 30 days • PnZ hearing after 45 Days (30 day notice) • Submittal deadline • P&Z recommendation to Council within 30 days
Council Approval of Final Plan As early as next scheduled council meeting Decision within 60 days	Council Approval of Final Plan As early as next scheduled council meeting HOA DRC approval Decision within 60 days	Council Approval of Final Plan Council decision within 60 days after P&Z hearing

Mindy Andis

From: Jeff Simonson <JeffS@sgm-inc.com>
Sent: Wednesday, July 1, 2020 5:57 AM
To: Paul Smith; John Wenzel
Cc: Mindy Andis; Abigail Hutchinson
Subject: RE: prelim/final code amendment changes?

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Paul,

I did get a chance to review the changes and didn't have any issues with the modifications that you are proposing. I do have a few comments as follows:

1. Snow storage locations that provide a minimum area of 15% of the area to be cleared of snow. These areas need to be equally distributed throughout the subdivision so as to avoid the need to plow the snow for excessive distances and will mitigate negative impacts to drainage/roadway and pedestrian infrastructure sensitive to freeze/thaw events.
2. Coordinate the submittal requirements with the Public Works Manual to make sure that the two do not conflict.
3. Need to discuss having reference given to submit the following:
 - a. Geotechnical Report
 - b. Traffic Impact Report that identifies proper improvements are provided to address impacts to the Town's streets providing access to the subdivision. Street geometry,
 - c. Street Design Report
 - d. Utility Reports that identify preliminary layouts, pedestal, transformer and meter layouts to assure that ample room is provided in the plans to assure no conflicts with other improvements exist.
 - e. Water Report that identifies anticipated service pressures, fire flow, demands, velocities under peak flow conditions as well as irrigation demands and design if a separate irrigation system is proposed. We would need to assure that the water report identifies any impacts to the Town's existing storage, treatment and distribution system.
 - f. Wastewater Report that identifies anticipated loadings, velocities, pipe sizes, pumping needs, etc.. We would need to assure that the sewer report identifies what the impacts are anticipated to be to the Town's collection and treatment system.
 - g. Drainage Report that assures compliance with the Public Works Manual.
 - h. Floodplain Study/delineation for drainages that have tributary basin areas in excess of 20 acres in size.

It seems that we should get all of this information at the preliminary plan level with the supplemental information requirement or, as we discussed, at least let an applicant know at the pre-application stage of process. The biggest thing is to understand how we can list the requirements in order to be consistent with our applications.

Thanks!

Jeff

Mindy Andis

From: John Wenzel
Sent: Wednesday, July 1, 2020 8:47 AM
To: Paul Smith; jeffs (jeffs@sgm-inc.com)
Cc: Mindy Andis; Abigail Hutchinson
Subject: RE: prelim/final code amendment changes?

Hi Paul,

Good stuff, thanks for adding the Staff Debrief. The following are a couple of things that came to mind when I was reviewing:

Snow storage - I think it's a good idea to specifically mention Snow Storage Design as a requirement of the submittal process. I think it's ok if we simple reference the Public Works Manual for the design requirements Jeff and I will need to revise the Public Works Manual in order to define Standards and Specifications.

Open Space Dedication – This is another one of those requirements that is not clearly define in our Muni Code or PWM. We need to make sure that the land being dedicated is useful in some way. We also need to determine who will be responsible for maintaining the land. This doesn't relate to submittal requirements, but it's something we should not lose sight of.

Seed Mix Design – Our native seed mix design is currently defined in our Public Works Manual, no need to gain additional approval from the Towns Parks Department.

Submittal Deadline – should we more clearly define the submittal deadline? For example, "Four work days prior to the scheduled P&Z meeting, or otherwise approved by the Town Administrator." It might help to give the applicant a deadline to shoot for.

Thank you.

John

**New Castle Planning and Zoning Commission Meeting
Wednesday, June 10, 2020, 7:00 p.m., Town Hall**

Due to concerns related to the Coronavirus, the meeting was held as a virtual meeting only. Commission Members and the Public attended by phone, computer, smart phone or tablet.

Call to Order

Commission Chair Apostolik called the meeting to order at 7:00 p.m.

Roll Call

Present Chair Apostolik
 Commissioner Bourquin
 Commissioner McDonald
 Commissioner Riddle
 Commissioner Westerlind
 Commissioner Lucio

Absent Commissioner Sass

Also present at the meeting were Town Administrator Dave Reynolds, Town Planner Paul Smith, Assistant Town Attorney Haley Carmer and Deputy Town Clerk Mindy Andis and members of the public. All persons attended the meeting via phone computer, smart phone or tablet.

Meeting Notice

Deputy Town Clerk Mindy Andis verified that her office gave notice of the meeting in accordance with Resolution TC 2020-1.

Conflicts of Interest

There were no conflicts of interest.

Citizen Comments on Items NOT on the Agenda

There were no citizen comments.

Administrator David Reynolds asked for the Action Item, Resolution PZ 2020-06, to be heard first. The commission agreed.

Action Items

Resolution PZ-2020-06 Denying a Combined Preliminary/Final PUD Development Plan and Preliminary/Final Subdivision Plat for Castle Valley Ranch Filing 11, Being a Portion of PA17 and PA19.

Assistant Town Attorney Haley Carmer said she would like to continue the decision on the resolution until the July 8, 2020 meeting.

She said that the purpose in asking for the continuance was to give the attorneys some time. Attorney Carmer said there is a provision in the PUD code that allowed an applicant who had received an adverse ruling from the planning commission to request a review of that decision. The Town Council would review the decision and

1 determine whether the Planning & Zoning Commission made an error in denying
2 the preliminary plan application. Attorney Carmer said that CVR Investors had
3 requested a council review at the July 21, 2020 council meeting. That will give them
4 some time before the decision on the preliminary application, and the whole
5 application in general, was final for the purposes of their remedies under Colorado
6 law to appeal the decision to the district court.

7
8 Chair Apostolik asked if the appeal was allowed since the preliminary application
9 was combined with a final application.

10
11 Attorney Carmer said since the commission denied the application, which included
12 the preliminary application for both subdivision and PUD the final application cannot
13 proceed until the preliminary application has been approved. Since the preliminary
14 application was denied, council cannot approve the final. The denial was not a
15 recommendation but effectively a denial altogether. Because there was no
16 preliminary approval, rather it was a denial; the application cannot proceed on to
17 council. However, Attorney Carmer said that the review process which was specific
18 to the PUD application gave council a chance to review the P&Z decision with the
19 respect to the preliminary application. If council believed there was evidence in the
20 record to support the criteria for a PUD Plan approval, council will then send the
21 application back to P&Z to reconsider the decision. Council could alternatively agree
22 with the denial and the application would be officially over. At that point, the
23 timeline for the applicant's right to appeal to district court would begin.

24
25 **MOTION: Chair Apostolik made a motion to continue Resolution PZ2020-**
26 **06, a Resolution of the New Castle Planning & Zoning Commission Denying**
27 **a Combined Preliminary/Final PUD Development Plan and**
28 **Preliminary/Final Subdivision Plat for Castle Valley Ranch Filing 11, Being**
29 **a Portion of PA 17 and PA 19 to the July 8, 2020 Planning & Zoning**
30 **Commission Meeting. Commissioner McDonald seconded the motion and it**
31 **passed unanimously.**

32 33 34 **Public Hearing – Continued from March 25, 2020**

35
36 Consider Resolution PZ-2020-05 Recommending Approval of Amendments to
37 Sections 17.36.040 & 17.36.050 of the New Castle Municipal Code Concerning Uses
38 on Lots Greater Than 10,000 Square Feet Located in the C-1 Zone District.

39
40 Chair Apostolik opened the public hearing at 7:22 p.m.

41
42 Town Planner Paul Smith said in C-1 zoning, Town Code required a conditional use
43 permit for any uses whatsoever on parcels larger than 10,000 square feet. Staff
44 believed the requirement placed an undue burden on such properties and would be
45 difficult to enforce. The current draft ordinance eliminated the conditional use
46 requirement altogether.

47 Alternatively, it may be worth considering whether at least some of the current
48 permitted/conditional uses were good candidates for special review when located on

lots greater than 10k sf. In this case, the 10k sf language would be retained and the Commission would be charged with the task of merely rearranging the use lists.

After a brief discussion, the commission agreed to the following Permitted Uses:

A. Any of the uses set out in subsections B through D are permitted outright provided the following requirements are complied with:

1. All fabrication, service and repair operations are conducted within a building;
2. All storage of materials shall be within a building or obscured by a fence of at least six feet in height;

3. Storage areas shall be restricted to the rear twenty-five (25) feet of the lot(s); and

~~4. No dust, noise, glare or vibration is projected beyond the lot(s).~~

B. Retail establishments for the trade and sales of the following goods and materials:

1. Antiques;
2. Appliances;
3. Art and art supplies;
4. Automotive parts, new;
5. Bakery and doughnut shop;
6. Beverages;
7. Books, magazines, newspapers;
8. Cafe, coffee shop;
9. Clothing;
10. Dry goods;
11. Feed and pet supplies;
12. Food;
13. Furniture;
14. Garden supply and plants;
15. Groceries;
16. Hardware, general and specialty;
17. Jewelry;
18. Office materials and supply.

1 C. Personal service establishment, including:

- 2 1. Art gallery;
- 3 2. Automatic laundry/laundromat for individual use;
- 4 3. Bank;
- 5 4. Barber, beauty shop;
- 6 5. Day care facility for children under thirteen (13) years of age;
- 7 6. Indoor recreation;
- 8 7. Indoor theater;
- 9 8. Laundry or dry cleaning station for individual pick-up only;
- 10 9. Medical/health clinic limited to human outpatient services with floor area of
- 11 no more than two thousand (2,000) square feet;
- 12 10. Office for the conduct of a business or profession;
- 13 11. Pharmacy;
- 14 12. Photography supply, studio;
- 15 13. Printing shop;
- 16 14. Private club;
- 17 15. Reading room;
- 18 16. Real estate sales office;
- 19 17. Restaurant, with or without a bar;
- 20 18. Shoe repair;
- 21 19. Studio for the conduct of arts and crafts instruction;
- 22 20. Tailor shop;
- 23 21. Tavern;
- 24 22. Travel agency.

25 D. Residential. One or more residential dwelling unit(s) when located on a floor
26 above the ground floor of a commercial use building, or, when located on a ground
27 floor and within the rear forty (40) feet of a lot, within a commercial use building.

28 After a brief discussion, the commission agreed to the following Conditional Uses:

- 29 A. Any use listed as a permitted use in Sections 17.36.040(B), (C) and (D), which
30 use is to be a drive-in establishment or facility where the customer receives
31 goods or services while occupying a vehicle.

1 B. The following uses may be allowed subject to the provisions and requirements of
2 Chapter 17.84 of this title:

- 3 1. Auditorium, public or private;
- 4 2. Automobile service station, with or without minor repairs;
- 5 3. Automobile, small truck, trailer rental facility;
- 6 4. Automobile washing facility;
- 7 5. Church or facility for any recognized established religion;
- 8 6. Community building operated by the public;
- 9 7. Educational facility, public or private;
- 10 8. Emergency response, public safety facility;
- 11 9. Facility for treatment, storage and disposal of wastewater;
- 12 10. Facility for treatment, storage and distribution of drinking water;
- 13 11. Fraternal lodge;
- 14 12. Hotel, motel;
- 15 13. Household appliance repair;
- 16 14. Library, public or private;
- 17 15. Medical/health clinic limited to human outpatient services with floor area of
18 greater than two thousand (2,000) square feet;
- 19 16. Mobile vending carts or stands;
- 20 17. Mortuary;
- 21 18. Municipal shop facility, for maintenance, repair and storage of equipment
22 and materials for municipal services;
- 23 19. Museum, public or private;
- 24 20. Parking lot or garage as principal use of the lot;
- 25 21. Public building for the administration of government;
- 26 22. Residential apartment building;
- 27 23. Residential single-family detached building occupying no more than one
28 thousand two hundred (1,200) square feet of land area;
- 29 24. Rooming and boarding house facility;
- 30 25. Small engine repair and sales shop;

26. Taxidermy shop;

27. Temporary building to be used to conduct a permitted use;

28. Utility substation, electric or gas, public or private;

29. Veterinary clinic limited to small animal outpatient services, not including kennel.

C. Any use not specifically defined in the permitted, conditional, or non-permitted use categories shall be a conditional use.

Chair Apostolik closed the public hearing at 8:02 p.m.

MOTION: Chair Apostolik made a motion to approve Resolution PZ-2020-05 a Resolution of the New Castle Planning & Zoning Commission Recommending Approval of Amendments to Sections 17.36.040 & 17.36.050 of the New Castle Municipal Code Concerning Uses on Lots Greater Than 10,000 Square Feet Located in the C-1 Zone District with the following changes: Remove requirement A4 under permitted uses. Commissioner Lucio seconded the motion and it passed on a roll call vote: Commissioner Bourquin: Yes; Chair Apostolik: Yes; Commissioner Riddile: Yes; Commissioner Westerlind: Yes; Commissioner McDonald: Yes; Commissioner Lucio: Yes.

Items for Next Planning and Zoning Agenda

Planner Smith said tentatively there would be a proposal for changes to the code regarding application process for Preliminary & Final Subdivision and Preliminary & Final PUD Development Plans.

Chair Apostolik asked how does staff dictated to an applicate to do complete a preliminary application and a separate final application So that the commission did not have to consider a combined preliminary/final application.

Attorney Carmer said it was a matter of explaining to the applicant the risks of combining preliminary and final applications. Clarifying what happened and how the application will be reviewed when submitting the combined preliminary and final application.

Staff Reports

There were no staff reports.

Commission Comments and Reports

Chair Apostolik asked if public works could create a written plan or policy regarding snow removal, sidewalks and a list of other requirements.

Planner Smith said yes. He will working with Public Works Director John Wenzel to re-write the Public Works Manuel.

Review Minutes from Previous Meeting

1 **MOTION: Commissioner Bourquin made a motion to approve the May 13,**
2 **2020 meeting minutes as submitted. Commissioner Westerlind seconded**
3 **the motion and it passed unanimously.**

4
5 **MOTION: Commissioner Bourquin made a motion to approve the May 27,**
6 **2020 meeting minutes as submitted. Commissioner Westerlind seconded**
7 **the motion and it passed unanimously.**

8
9 **MOTION: Chair Apostolik made a motion to adjourn the meeting.**
10 **Commissioner McDonald seconded the motion and it passed unanimously.**

11
12 The meeting adjourned at 8:17 p.m.

13
14 Respectfully Submitted,

15
16
17
18
19
20 _____
Chair Chuck Apostolik

21 _____
22 Deputy Town Clerk Mindy Andis, CMC