



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

Posted _____
Remove 2/27/2020

Agenda

New Castle Planning & Zoning Commission Regular Meeting Wednesday, March 11, 2020, 7:00 p.m., Town Hall

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 - Continued from February 26, 2020

- A. Resolution PZ-2020-03 Consider Recommending Approval of Amendments to Section 16.16.010 & 17.100.040 of the New Castle Municipal Code Concerning the Application Process for Subdivision and PUD Development Sketch Plans.

Items for Consideration

- B. Consider Request for Waiver of Section 16.08.030 Timing Requirements for a Conditional Use Permit Application

Comments/Reports

- C. Items for Next Planning and Zoning Agenda
- D. Commission Comments/Reports
- E. Staff Reports

Review Minutes of Previous Meetings

- F. February 26, 2020 Minutes

Adjournment

Item Attachment Documents:

- A. Resolution PZ-2020-03 Consider Recommending Approval of Amendments to Section 16.16.010 & 17.100.040 of the New Castle Municipal Code Concerning the Application Process for Subdivision and PUD Development Sketch Plans.



Town of New Castle
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New Castle, CO 81657

Planning Department
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Fax: (970) 984-2716
www.newcastlecolorado.org

Memorandum

To: Planning Commission

From: Paul Smith

Re: Agenda Item – Code Amendment, PUD and Subdivision Sketch Plan Application Process, TC 2020-1

Date: 2-26-19

Purpose:

Per CRS 31-23-214, amendments to land use code require a public hearing with the Planning Commission. Ordinance TC 2020-1 considers improving the means of assessing the adequacy and compliance of sketch plan applications with Town regulations. The recommended changes generally include:

- A pre-application meeting requirement
- More robust submittal criteria
- An improved process for determining an application completeness
- A sketch review meeting with both PnZ and Council
- A community open house
- Defined approval expirations

One item of concern has been the addition of a community open house meeting. Though transparency with the land use process has been endorsed by all involved, the potential cost, added delays, and the perception that such meetings appear to delegate authority to residents may require that these meetings be reconsidered.

Staff plans to make similar modifications to later steps in the application process, namely changes to the code defining the procedures for preliminary and final applications. The end goal is procedural continuity and increased efficiency with the process.

Paul

TOWN OF NEW CASTLE, COLORADO
RESOLUTION NO. PZ 2020-3

A RESOLUTION OF THE NEW CASTLE PLANNING AND ZONING COMMISSION RECOMMENDING APPROVAL OF AMENDMENTS TO SECTIONS 16.16.010 & 17.100.040 OF THE NEW CASTLE MUNICIPAL CODE CONCERNING THE APPLICATION PROCESS FOR SUBDIVISION AND PUD DEVELOPMENT SKETCH PLANS.

WHEREAS, Chapter 16.16.010 of the Town of New Castle (“Town”) municipal code (“Code”) sets forth the provisions and regulations for sketch plans relevant to subdivision applications; and

WHEREAS, Chapter 17.100.040 of the Code sets forth the provisions and regulations for sketch plans relevant to Planned Unit Development (“PUD”) applications; and

WHEREAS, sketch plans provide an opportunity for the Town to review and comment on the level of conformance with Town regulations and requirements before significant expense is incurred by the developer; and

WHEREAS, Town staff has determined that the current sketch plan requirements within Sections 16.16.010 & 17.100.040 are inadequate for assessing an application’s initial level of conformance with Town regulations and requirements; and

WHEREAS, Town staff has developed proposed amendments to Sections 16.16.010 & 17.100.040 of the Code as set forth in the draft ordinance attached hereto as Exhibit A; and

WHEREAS; Town staff believes the proposed amendments will help staff, the Planning & Zoning Commission (“Commission”), and Town Council better evaluate proposed development at the sketch plan level and streamline and reduce issues at the preliminary and final review levels; and

WHEREAS, pursuant to section 17.92.030(B) of the Code, the Planning Commission held a public hearing on February 12, 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 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 16.16.010 & 17.100.040 set forth in Exhibit A and recommends that Town Council adopt the same.

TOWN OF NEW CASTLE, COLORADO,
PLANNING & ZONING COMMISSION

By: _____
Chuck Apostolik, Chairman

ATTEST:

Mindy Andis, Deputy Town Clerk, CMC

EXHIBIT A

Draft Ordinance

**TOWN OF NEW CASTLE, COLORADO
ORDINANCE NO. TC 2020-1**

**AN ORDINANCE OF THE NEW CASTLE TOWN COUNCIL AMENDING
SECTIONS 16.16.010 & 17.100.040 OF THE NEW CASTLE MUNICIPAL
CODE CONCERNING THE APPLICATION PROCESS FOR SUBDIVISION
AND PUD DEVELOPMENT SKETCH PLANS.**

WHEREAS, Chapter 16.16.010 of the Town of New Castle (“Town”) municipal code (“Code”) sets forth the provisions and regulations for sketch plans relevant to subdivision applications; and

WHEREAS, Chapter 17.100.040 of the Code sets forth the provisions and regulations for sketch plans relevant to Planned Unit Development (“PUD”) applications; and

WHEREAS, sketch plans provide an opportunity for the Town to review and comment on the level of conformance with Town regulations and requirements before significant expense is incurred by the developer; and

WHEREAS, Town staff has determined that the current sketch plan requirements within Sections 16.16.010 & 17.100.040 are inadequate for assessing an application’s initial level of conformance with Town regulations and requirements; and

WHEREAS, Town staff has developed proposed amendments to Sections 16.16.010 & 17.100.040 of the Code that it believes will help staff, the Planning Commission, and Town Council better evaluate proposed development at the sketch plan level and streamline and reduce issues at the preliminary and final review levels; and

WHEREAS, the Planning Commission (“Commission”) held a public hearing on February 12, 2020, to review the proposed changes to Sections 16.16.010 & 17.100.040 of the Code and is supportive of the same;

WHEREAS, the Town Council (“Council”) has considered the amendments to the Code set forth herein and now desires to approve 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 16.16.010 Amendment. Section 16.16.010 of the Town Municipal Code is hereby repealed in its entirety and reenacted as set forth below:

16.16.010 – Sketch 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 plat review – sketch, preliminary, and final – unless granted an exemption by the Town Administrator. The sketch review will assess: initial compliance with the Town Code, provisions for utilities and infrastructure, substantial conformance to the Comprehensive Plan, and any adverse impacts to the Town. At this initial step, no formal approvals are made. In instances of combined PUD/Subdivision development applications, both sketch plans shall be processed concurrently pursuant to 17.100.030.

B. Pre-Application Meeting

Prior to submission of a sketch plan application, the applicant and the Town Administrator or designated Town staff will conduct a pre-application meeting. Pre-application meetings are non-binding for all parties but are an opportunity for the Applicant to receive initial feedback about Code requirements and the Town's application process. Prior to the pre-application meeting, applicant shall provide a description of the project, conceptual drawings identifying proposed uses, zonings, and densities, and any additional information requested by the Town Administrator. A subsequent pre-application meeting may be required by the Town Administrator if a complete sketch 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. Sketch Plan Submittal

The sketch plan application shall include the following:

1. Narrative of proposed development;
2. Topography;
3. Estimated number of residents, occupants, or employees, as applicable;
4. Water & sewer loads;
5. Number of dwelling units and/or non-residential square footage, including the number of bedrooms in any multi-family units;
6. Size of site;
7. Lot Sizes;
8. Density;
9. Approved & proposed land uses;
10. Location of proposed public and semi-public uses (dedicated and otherwise);
11. General circulation: entries and exits, roads, turn lanes, etc.;
12. Open space, trails, sidewalks, and/or parks; and

13. Site Plan showing approximate lot lines and general site layout, including the location of any existing structures.

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 applicant will be required to provide.

D. Completeness Determination

A completeness determination of the application will be made within fifteen (15) days after submission of the initial application materials. An application is deemed complete once all fees, signed documentation, and necessary review materials from section C 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.

E. Review Process

The sketch plan application will be reviewed by both the Planning Commission and Town Council. The Applicant will be scheduled with the Planning Commission on the first available meeting date at least fifteen (15) days after the date that the sketch plat application is deemed complete pursuant to Section D, above. The application will be evaluated according to the following review topics:

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

The Commission shall direct any recommendations for the application to Council. At the first available meeting date after the Commission's review, the sketch plan shall be presented to Council with any comments and recommendations from the Commission and staff members. Council may make further comments and recommendations upon review of the application. Afterwards, the Applicant may elect either: 1.) to make revisions to the sketch plan for further review, or 2.) proceed directly to the preliminary application phase.

F. Community Open House

Prior to submitting a preliminary plat application, the Applicant shall conduct a community open house meeting regarding the sketch plan and any changes recommended by the Town. The open house is an occasion to share the project directly with residents and stakeholders. The Applicant shall notify all property owners within 250 feet of the proposed development by mail at least 15 days prior to the open house.

G. Duration of Sketch Plan

The sketch plan review conducted pursuant to this Section 16.16.010 will remain in effect for one year from the date Town Council reviews the application. If applicant does not submit a preliminary plat application within said year, applicant may be required to submit a new sketch plan application before filing a preliminary plat application. Similarly, if applicant's preliminary plat application includes substantial and material (e.g. proposes new uses, higher density development, new or additional variances, etc.) changes from the original sketch plan, the Town Administrator may require the applicant to conduct a new sketch plan review.

5. Section 17.100.040 Amendment. Section 17.100.040 of the Town Municipal Code is hereby repealed in its entirety and reenacted as set forth below:

17.100.040 - Sketch Plan Requirements.

A. Purpose

Any PUD land use proposal shall generally require a 3-step review – sketch, preliminary, and final – unless granted an exemption by the Town Administrator. The sketch review will assess: initial compliance with the Town Code, provisions for utilities and infrastructure, substantial conformance to the Comprehensive Plan, and any adverse impacts to the Town. At this initial step, no formal approvals are made. In instances of combined PUD/Subdivision development applications, both sketch plans shall be processed concurrently pursuant to 17.100.030.

B. Pre-Application Meeting

Prior to submission of a sketch plan application, the applicant and the Town Administrator or designated Town staff will conduct a pre-application meeting. Pre-application meetings are non-binding for all parties, but are an opportunity for the Applicant to receive initial feedback about Code requirements and the Town's application process. Prior to the pre-application meeting, applicant shall provide a description of the project, conceptual drawings identifying proposed uses, zoning, and densities, and any additional information requested by the Town Administrator. A subsequent pre-application meeting may be required by the Town Administrator if a complete sketch 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. Sketch Plan Submittal

The sketch plan application shall include the following:

1. Narrative of proposed development;
2. Topography;
3. Estimated number of residents or employees, as applicable;
4. Water & sewer loads;
5. Number of dwelling units and/or non-residential square footage, and the number of bedrooms in any multi-family residential unit;

6. Size of site;
7. Lot Sizes;
8. Density;
9. Approved & proposed land uses;
10. Location of proposed public and semi-public uses (dedicated and otherwise);
11. General circulation: entries and exits, roads, turn lanes, etc.;
12. Open space, trails, sidewalks, and/or parks; and
13. Site Plan showing approximate lot lines and general site layout, including the location of any existing structures.

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 applicant will be required to provide.

D. Completeness Determination

A completeness determination of the application will be made within fifteen (15) days after submission of the initial application materials. An application is deemed complete once all fees, signed documentation, and necessary review materials from section C 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.

E. Review Process

The sketch plan application will be reviewed by both the Planning Commission and Town Council. The Applicant will be scheduled with the Planning Commission on the first available meeting date at least fifteen (15) days after the date that the sketch plan application is deemed complete pursuant to Section D, above. The application will be evaluated according to the following review topics:

- Consistency with the comprehensive plan;
- Compatibility of proposed zoning, density, and general development plan to neighboring land uses and applicable Town Code provisions;
- Availability of Town services from public works, fire, and police;
- Vehicle, bicycle, and pedestrian circulation; and
- Preservation of the natural character of the land;

The Commission shall direct any recommendations for the application to Council. At the first available meeting date after the Commission's review, the sketch plan shall be presented to Council with a summary of the comments and recommendations from the Commission and staff members. Council may make further comments and recommendations upon review of the application. Afterwards, the Applicant may elect either: 1.) to make revisions to the sketch plan for further review, or 2.) proceed directly to the preliminary application phase.

F. Community Open House

Prior to submitting a preliminary plan application, the Applicant shall conduct a community open house meeting regarding the sketch plan and any changes recommended by the Town. The open house is an occasion to share the project directly with residents and stakeholders. The Applicant shall notify all property owners within 250 feet of the proposed development by mail at least 15 days prior to the open house.

G. Duration of Sketch Plan

The sketch plan review conducted pursuant to this Section 17.100.040 will remain in effect for one year from the date Town Council reviews the application. If applicant does not submit a preliminary PUD plan application within said year, applicant may be required to submit a new sketch plan application before filing a preliminary plan application. Similarly, if applicant’s preliminary PUD plan application includes substantial and material (e.g. proposes new uses, higher density development, new or additional variances, etc.) changes from the original sketch plan, the Town Administrator may require the applicant to conduct a new sketch plan review.

6. 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

TOWN OF NEW CASTLE, COLORADO
ORDINANCE NO. TC 2020-1

AN ORDINANCE OF THE NEW CASTLE TOWN COUNCIL AMENDING
SECTIONS 16.16.010 & 17.100.040 OF THE NEW CASTLE MUNICIPAL
CODE CONCERNING THE APPLICATION PROCESS FOR SUBDIVISION
AND PUD DEVELOPMENT SKETCH PLANS.

WHEREAS, Chapter 16.16.010 of the Town of New Castle (“Town”) municipal code (“Code”) sets forth the provisions and regulations for sketch plans relevant to subdivision applications; and

WHEREAS, Chapter 17.100.040 of the Code sets forth the provisions and regulations for sketch plans relevant to Planned Unit Development (“PUD”) applications; and

WHEREAS, sketch plans provide an opportunity for the Town to review and comment on the level of conformance with Town regulations and requirements before significant expense is incurred by the developer; and

WHEREAS, Town staff has determined that the current sketch plan requirements within Sections 16.16.010 & 17.100.040 are inadequate for assessing an application’s initial level of conformance with Town regulations and requirements; and

WHEREAS, Town staff has developed proposed amendments to Sections 16.16.010 & 17.100.040 of the Code that it believes will help staff, the Planning Commission, and Town Council better evaluate proposed development at the sketch plan level and streamline and reduce issues at the preliminary and final review levels; and

WHEREAS, the Planning Commission (“Commission”) held a workshop on November 14, 2019 to review the proposed changes to Sections 16.16.010 & 17.100.040 of the Code and is supportive of the same;

WHEREAS, the Town Council (“Council”) has considered the amendments to the Code set forth herein and now desires to approve the same.

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

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

2. Section 16.16.010 Amendment. Section 16.16.010 of the Town Municipal Code is hereby repealed in its entirety and reenacted as set forth below:

16.16.010 – Sketch 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 plat review – sketch, preliminary, and final – unless granted an exemption by the Town Administrator. The sketch review will assess: initial compliance with the Town Code, provisions for utilities and infrastructure, substantial conformance to the Comprehensive Plan, and any adverse impacts to the Town. At this initial step, no formal approvals are made. In instances of combined PUD/Subdivision development applications, both sketch plans shall be processed concurrently pursuant to 17.100.030.

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C. Sketch Plan Submittal

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1. Narrative of proposed development;
2. Topography;
3. Estimated number of residents, occupants, or employees, as applicable;
4. Water & sewer loads;
5. Number of dwelling units and/or non-residential square footage, including the number of bedrooms in any multi-family units;
6. Size of site;
7. Lot Sizes;
8. Density;
9. Approved & proposed land uses;
10. Location of proposed public and semi-public uses (dedicated and otherwise);
11. General circulation: entries and exits, roads, turn lanes, etc.;
12. Open space, trails, sidewalks, and/or parks; and
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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 applicant will be required to provide.

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- Preservation of the natural character of the land;

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G. Duration of Sketch Plan

The sketch plan review conducted pursuant to this Section 16.16.010 will remain in effect for one year from the date Town Council reviews the application. If applicant does not submit a

preliminary plat application within said year, applicant may be required to submit a new sketch plan application before filing a preliminary plat application. Similarly, if applicant's preliminary plat application includes substantial and material (e.g. proposes new uses, higher density development, new or additional variances, etc.) changes from the original sketch plan, the Town Administrator may require the applicant to conduct a new sketch plan review.

3. Section 17.100.040 Amendment. Section 17.100.040 of the Town Municipal Code is hereby repealed in its entirety and reenacted as set forth below:

17.100.040 - Sketch Plan Requirements.

A. Purpose

Any PUD land use proposal shall generally require a 3-step review – sketch, preliminary, and final – unless granted an exemption by the Town Administrator. The sketch review will assess: initial compliance with the Town Code, provisions for utilities and infrastructure, substantial conformance to the Comprehensive Plan, and any adverse impacts to the Town. At this initial step, no formal approvals are made. In instances of combined PUD/Subdivision development applications, both sketch plans shall be processed concurrently pursuant to 17.100.030.

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6. Size of site;

7. Lot Sizes;
8. Density;
9. Approved & proposed land uses;
10. Location of proposed public and semi-public uses (dedicated and otherwise);
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- Consistency with the comprehensive plan;
- Compatibility of proposed zoning, density, and general development plan to neighboring land uses and applicable Town Code provisions;
- Availability of Town services from public works, fire, and police;
- Vehicle, bicycle, and pedestrian circulation; and
- Preservation of the natural character of the land;

The Commission shall direct any recommendations for the application to Council. At the first available meeting date after the Commission's review, the sketch plan shall be presented to Council with a summary of the comments and recommendations from the Commission and staff members. Council may make further comments and recommendations upon review of the application. Afterwards, the Applicant may elect either: 1.) to make revisions to the sketch plan for further review, or 2.) proceed directly to the preliminary application phase.

F. Community Open House

Prior to submitting a preliminary plan application, the Applicant shall conduct a community open house meeting regarding the sketch plan and any changes recommended by the Town. The open house is an occasion to share the project directly with residents and stakeholders. The Applicant shall notify all property owners within 250 feet of the proposed development by mail at least 15 days prior to the open house.

G. Duration of Sketch Plan

The sketch plan review conducted pursuant to this Section 17.100.040 will remain in effect for one year from the date Town Council reviews the application. If applicant does not submit a preliminary PUD plan application within said year, applicant may be required to submit a new sketch plan application before filing a preliminary plan application. Similarly, if applicant's preliminary PUD plan application includes substantial and material (e.g. proposes new uses, higher density development, new or additional variances, etc.) changes from the original sketch plan, the Town Administrator may require the applicant to conduct a new sketch plan review.

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

INTRODUCED on January 21, 2020, 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 February 4, 2020, 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

Item Attachment Documents:

- B. Consider Request for Waiver of Section 16.08.030 Timing Requirements for a Conditional Use Permit Application

To Whom It may Concern,

I (Lori D Pohm) the current owner of All Dogs and Cats Veterinary Hospital in Glenwood Springs, Co. request the formal meeting regarding the business and building use permit for our new location at 6420 County Rd. Unit A, New Castle Co. 81647 to be moved forward to the month of March.

Our anticipated opening is April 13th, 2020. We have hired an additional Veterinarian who is under contract to be working as of April 1, 2020. We also have a pending contract with a laboratory equipment lease that needs to be confirmed and completed by April 1st, with an install date shortly after. We have also been under a lease contract since January 1st, with the current owner of the property. The security of the city's approval is a primary priority before the opening of this new location. Lastly we are hoping to start out strong within the New Castle and Silt communities providing a huge asset in Veterinary care and feel as soon as we open our doors we will be generating business in the community.

--

Sincerely, Lori D. Pohm

Owner and Veterinarian
All Dogs and Cats Veterinary Hospital
1607 Grand Ave. Suite 11
Glenwood Springs, Co. 81601
(970) 945-6762

Item Attachment Documents:

C. Draft Minutes February 26, 2020

1
2
3 New Castle Planning and Zoning Commission Meeting
4 Wednesday, February 26, 2020, 7:00p.m., Town Hall

5
6 Call to Order

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

8
9 Roll Call

10 Present Chair Apostolik
11 Commissioner Bourquin
12 Commissioner McDonald
13 Commissioner Riddile
14 Commissioner Sass

15
16 Absent Commissioner Johannsson
17 Commissioner Lucio
18

19 Also present at the meeting were Town Administrator Dave Reynolds, Town Planner
20 Paul Smith, Assistant Town Attorney Haley Carmer, Deputy Town Clerk Mindy Andis
21 and members of the public.

22 Meeting Notice

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

25
26 Conflicts of Interest

27 There were no conflicts of interest.
28

29 Citizen Comments on Items NOT on the Agenda

30 There were no citizen comments.
31

32 Public Hearing

33 Zoning text amendment pursuant to Sections 16.16.010 & 17.100.040 of the Town
34 of New Castle Municipal Code concerning the application process for Subdivision
35 and PUD Development Sketch Plans.
36

37 Chair Apostolik opened the Public Hearing at 7:01 p.m.
38

39 Motion: Chair Apostolik made a motion to continue the public hearing until
40 March 11, 2020. Commissioner Riddile seconded the motion and it passed
41 unanimously.
42

43 Public Hearing – Continued from February 12, 2020

44 Brief description of application: Application for PUD Master Plan Amendment of
45 Planning Areas PA13, PA17, & PA18 in Castle Valley Ranch – Changing Mixed-Use
46 1&2 Zoning to Residential Zoning;
47

48 Legal description: Town of New Castle, Garfield County, State of Colorado:

1 • Parcel A: A PARCEL OF LAND SITUATE IN THE NE1/4 SECTION 31 AND
2 THE NW1/4 SECTION 32, TOWNSHIP 5 SOUTH, RANGE 90
3 WEST OF THE 6TH P.M., COUNTY OF GARFIELD, STATE OF
4 COLORADO, SAID PARCEL OF LAND BEING MORE
5 PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT
6 THE WEST 1/16 CORNER BETWEEN SAID SECTIONS 29 AND
7 32 A REBAR AND ALUMINUM CAP LS NO. 36572 SET IN
8 PLACE; THENCE S 01° 19' 34" E 1570.62 FEET TO A POINT
9 ON THE SOUTHERLY RIGHT OF WAY OF LINE CASTLE VALLEY
10 BOULEVARD, AS FILED WITH THE GARFIELD COUNTY CLERK
11 AND RECORDER'S OFFICE RECORDED JANUARY 9, 2001
12 UNDER RECEPTION NO. 574735, ALSO BEING A POINT ON
13 THE EASTERLY BOUNDARY LINE OF CASTLE VALLEY RANCH
14 PUD AS FILED WITH THE GARFIELD COUNTY CLERK AND
15 RECORDER'S OFFICE RECORDED AUGUST 10, 1983 UNDER
16 RECEPTION NO. 344590 THE TRUE POINT OF BEGINNING;
17 THENCE DEPARTING SAD RIGHT OF WAYS 01° 19' 34" E AND
18 ALONG SAID EASTERLY BOUNDARY LINE 1066.16 FEET TO A
19 POINT ON THE SOUTHERLY BOUNDARY LINE OF SAID
20 CASTLE VALLEY RANCH, P.U.D.; THENCE ALONG SAID
21 SOUTHERLY BOUNDARY LINE THE FOLLOWING FOUR (4)
22 COURSES: 1. N 89° 40' 24" W 1195.15 FEET; 2. N 00° 19'
23 36" E 120.00 FEET; 3. N 89° 40' 24" W 180.00 FEET; 4. N
24 00° 05' 00" W 210.20 FEET; THENCE DEPARTING SAID
25 SOUTHERLY BOUNDARY LINE N 00° 05' 00" W 983.59 FEET;
26 THENCE S 89° 56' 5" W 552.43 FEET TO A POINT ON THE
27 EASTERLY BOUNDARY LINE OF CASTLE VALLEY RANCH,
28 PA19A AND PA19B AS FILED WITH THE GARFIELD COUNTY
29 CLERK AND RECORDER'S OFFICE RECORDED NOVEMBER 29,
30 2005 UNDER RECEPTION NO. 687288; THENCE N 40° 33'
31 51" E ALONG SAID EASTERLY BOUNDARY LINE 283.40 FEET;
32 THENCE CONTINUING ALONG SAD EASTERLY BOUNDARY
33 LINE N 55° 43' 05" E 455.98 FEET TO A POINT ON SAID
34 SOUTHERLY RIGHT OF WAY LINE OF CASTLE VALLEY
35 BOULEVARD; THENCE DEPARTING SAD EASTERLY
36 BOUNDARY LINE AND ALONG SAID SOUTHERLY RIGHT OF
37 WAY LINE ALONG THE ARC OF A CURVE TO THE LEFT
38 HAVING A RADIUS OF 862.01 FEET; AN ARC LENGTH OF
39 591.51 FEET (CHORD BEARS S61° 39' 09" E 579.98 FEET);
40 THENCE CONTINUING ALONG SAID SOUTHERLY RIGHT OF
41 WAY LINE THE FOLLOWING SEVEN (7) COURSES: 1.S 81°
42 18' 39" E 261.25 FEET; 2. ALONG THE ARC OF A CURVE TO
43 THE RIGHT HAVING A RADIUS OF 719.98 FEET, AN ARC
44 LENGTH OF 342.58 FEET (CHORD BEARS S 67° 40' 47" E
45 339.36 FEET); 3. ALONG THE ARC OF A NON-TANGENT
46 CURVE TO THE LEFT HAVING A RADIUS OF 115.42 FEET, AN
47 ARC LENGTH OF 19.02 FEET (CHORD BEARS S 14° 30' 47" E
48 19.00 FEET); 4. ALONG THE ARC OF A CURVE TO THE LEFT
49 HAVING A RADIUS OF 82.00 FEET, AN ARC LENGTH OF
50 110.68 FEET (CHORD BEARS S 48° 27' 33" E 102.47 FEET);

1 5. ALONG THE ARC OF A NON-TANGENT CURVE TO THE
2 RIGHT HAVING A RADIUS OF 115.42 FEET, AN ARC LENGTH
3 OF 20.06 FEET (CHORD BEARS S 82° 08' 49" E 20.03 FEET);
4 6. ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A
5 RADIUS OF 719.98 FEET, AN ARC LENGTH OF 57.30 FEET
6 (CHORD BEARS S 41° 01' 02" E 57.29 FEET); 7. S 38° 44'
7 14" E 193.94 FEET TO THE POINT OF BEGINNING.
8

- 9
- 10 • Parcel B: A PARCEL OF LAND SITUATE IN THE NE1/4 SECTION 31,
11 TOWNSHIP 5 SOUTH, RANGE 90 WEST OF THE 6TH P.M.
12 COUNTY OF GARFIELD, STATE OF COLORADO, SAID PARCEL
13 OF LAND BEING MORE PARTICULARLY DESCRIBED AS
14 FOLLOWS: COMMENCING AT THE WEST 1/16 CORNER
15 BETWEEN SAID SECTIONS 29 AND 32, A REBAR AND
16 ALUMINUM CAP LS NO. 36572 SET IN PLACE; THENCE S29°
17 45' 20" W 2647.04 FEET TO A POINT ON THE SOUTHERLY
18 BOUNDARY LINE OF CASTLE VALLEY RANCH, P.U.D. AS FILED
19 WITH THE GARFIELD COUNTY CLERK AND RECORDER'S
20 OFFICE RECORDED AUGUST 10, 1983 UNDER RECEPTION
21 NO. 344590, THE TRUE POINT OF BEGINNING; THENCE
22 ALONG SAID SOUTHERLY BOUNDARY LINE THE FOLLOWING
23 **FOUR (4) COURSES: 1. N 89° 50' 34" W 450.00 FEET; 2. N**
24 **00° 09' 26" E 75.00 FEET; 3, N 89° 50' 34" W 275.00 FEET;**
25 **4, N 000 09' 26" € 150.00 FEET; THENCE DEPARTING SAID**
26 SOUTHERLY BOUNDARY LINE N00° 47' 28" W 548.03 FEET
27 TO A POINT ON THE SOUTHERLY BOUNDARY LINE OF
28 CASTLE VALLEY RANCH, PA 19A & WITH THE GARFIELD
29 COUNTY CLERK AND RECORDER'S OFFICE RECORDED
30 NOVEMBER 29, 2005 UNDER RECEPTION NO. 687288;
31 THENCE ALONG SAID SOUTHERLY BOUNDARY LINE N 40°
32 33' 51" E 273.86 FEET; THENCE DEPARTING SAID
33 SOUTHERLY BOUNDARY LINE N 89° 56' 25" E 552.43 FEET;
34 THENCE S 00° 0500" E 983,59 FEET TO THE POINT OF
35 BEGINNING (a/k/a Assessor Account No. R043084.)

- 36
- 37 • Parcel C: A PARCEL OF LAND SITUATE IN THE SW1/4 SECTION 29, SE1/4
38 SECTION 30, THE NE1/4 SECTION 31 AND THE NW1/4
39 SECTION 32, TOWNSHIP 5 SOUTH, RANGE 90 WEST OF THE
40 6TH P.M., COUNTY OF GARFIELD, STATE OF COLORADO,
41 SAID PARCEL OF LAND BEING MORE PARTICULARLY
42 DESCRIBED AS FOLLOWS: COMMENCING AT THE 1/4
43 CORNER BETWEEN SAD SECTIONS 29 AND 30, A BLM BRASS
44 CAP IN PLACE; THENCE S 27° 20' 37" E 2941.40 FEET TO A
45 POINT ON THE WESTERLY LINE OF LAKOTA CANYON RANCH,
46 FIRST AMENDED PLAT FLING NO. 1 AS FILED WITH THE
47 GARFIELD COUNTY CLERK AND RECORDER'S OFFICE
48 RECORDED JULY 18, 2003 UNDER RECEPTION NO. 632116,
49 THE TRUE POINT OF BEGINNING; THENCE DEPARTING SAID
50 WESTERLY LINE S 90° 00' 00" W 34.26 FEET; THENCE
ALONG THE ARC OF A CURVE TO THE LEFT HAVING A

1 RADIUS OF 300.00 FEET; AN ARC LENGTH OF 123.32 FEET,
2 CHORD REARS S 78° 13' 25" W 122.46 FEET; THENCE S66°
3 26' 50" W 88.64 FEET; THENCE ALONG THE ARC OF A
4 CURVE TO THE RIGHT HAVING A RADIUS OF 300.00 FEET,
5 AN ARC LENGTH OF 180.86 FEET, CHORD BEARS S83° 43'
6 05" W 178.13 FEET; THENCE N 79° 00' 40" W 277.49 FEET;
7 THENCE ALONG THE ARC OF A CURVE TO THE RIGHT
8 HAVING A RADIUS OF 300.00 FEET, AN ARC LENGTH OF
9 273.25 FEET, CHORD BEARS N 52° 55' 05" W 263.90 FEET;
10 THENCE N 26° 49' 30" W 358.53 FEET; THENCE ALONG THE
11 ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 175.00
12 FEET; AN ARC LENGTH OF 218.29 FEET, CHORD BEARS N
13 62° 33' 33" W 204.41 FEET; THENCE S 81° 42' 24" W
14 142.08 FEET; THENCE S 08° 42' 12" E 51.58 FEET; THENCE
15 ALONG THE ARC OF A CURVE TO THE LEFT HAVING A
16 RADIUS OF 855.84 FEET, AN ARC LENGTH OF 209.29 FEET,
17 CHORD BEARS S 15° 42' 32" E 208.77 FEET; THENCE S 65°
18 53' 03" W 97.34 FEET; THENCE S 81° 23' 34" W 266.32
19 FEET; THENCE S 51° 51' 16" W 126.84 FEET; THENCE S 36°
20 47' 12" W 88.30 FEET TO A POINT ON THE NORTHERLY
21 RIGHT OF WAY LINE OF CASTLE VALLEY BOULEVARD AS
22 FILED WITH THE GARFIELD COUNTY CLERK AND
23 RECORDERS OFFICE RECORDED JANUARY 9, 2001 UNDEER
24 RECEPTION NO. 574735; THENCE ALONG SAID NORTHERLY
25 RIGHT OF WAY THE FOLLOWING NINE (9) COURSES: 1. S
26 34° 40' 33" E 927.02 FEET; 2. ALONG THE ARC OF A CURVE
27 TO THE LEFT HAVING A RADIUS OF 762.01 FEET, AN ARC
28 LENGTH OF 620.22 FEET, CHORD BEARS S 57° 59' 36" E
29 603.25 FEET; 3. S 81° 18' 39" E 261.25 FEET; 4. ALONG THE
30 ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF
31 819.98 FEET, AN ARC LENGTH OF 395.62 FEET, CHORD
32 BEARS S 67° 29' 21" E 391.79 FEET; 5. ALONG THE ARC OF
33 A CURVE TO THE LEFT HAVING A RADIUS OF 140.42 FEET,
34 AN ARC LENGTH OF 11.84 FEET, CHORD BEARS N 87° 15'
35 43" E 11.84 FEET; 6. ALONG THE ARC OF A CURVE TO THE
36 RIGHT HAVING A RADIUS OF 86.00 FEET, AN ARC LENGTH
37 OF 136.02 FEET; CHORD BEARS S 49° 50' 45" E 122.28
38 FEET; 7. ALONG THE ARC OF A CURVE TO THE LEFT HAVING
39 A RADIUS OF 170.42 FEET, AN ARC LENGTH OF 16.26 FEET,
40 CHORD BEARS S 07° 16' 18" E 16.26 FEET; 8. ALONG THE
41 ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF
42 819.98 FEET, AN ARC LENGTH OF 70.54 FEET, CHORD
43 **BEARS S 41° 12' 06" E 70.52 FEET**; 9. S 38° 44' 14" E 63.19
44 FEET TO A POINT ON SAID WESTERLY LINE OF LAKOTA
45 CANYON RANCH, FIRST AMENDED PLAT FILING NO. 1 AS
46 FLED WITH THE GARFIELD COUNTY CLERK AND
47 RECORDER'S OFFICE RECORDED JULY 18, 2003 UNDER
48 RECEPTION NO. 632116 UNDER RECEPTION NO. 632116;
49 THENCE ALONG SAID WESTERLY LINE THE FOLLOWING
50 NINE (9) COURSES: 1. N 01° 19' 33" W 284.64 FEET; 2. N

1 00° 50' 46" W 298.08 FEET; 3. N 01° 24' 24" W 405.00
2 FEET; 4, N 01° 13' 24" W 135.00 FEET; 5. N 03° 05' 23" E
3 23.82 FEET; 6, N 01° 46' 46" W 247.13 FEET; 7. S 88° 47'
4 17" W 2.05 FEET; 8. N 01° 19' 33" W 12.43 FEET TO THE
5 WEST 1/16 CORNER OF SECTIONS 29 AND 32 A REBAR AND
6 ALUMINUM CAP LS NO. 36572 IN PLACE; 9. N 00° 55' 44" W
7 17.57 FEET TO THE POINT OF BEGINNING.
8

- 9 • Parcel D: A PARCEL OF LAND LOCATED ENTIRELY WITHIN THAT PARCEL
10 DESCRIBED BY THE WARRANTY DEED RECORDED MARCH 9,
11 2006 UNDER RECEPTION NO. 693683 SITUATE IN THE SW
12 1/4 OF SECTION 29, SE 1/4 OF SECTION 30, AND NW 1/4
13 OF SECTION 32, TOWNSHIP 5 SOUTH, RANGE 90 WEST OF
14 THE 6TH P.M., GARFIELD COUNTY, COLORADO, SAID
15 PARCEL BEING MORE PARTICULARLY DESCRIBED AS
16 FOLLOWS: BEGINNING AT A POINT FROM WHENCE A BLM
17 BRASS CAP IN PLACE AT THE 1/4 CORNER OF SAID
18 SECTIONS 29 AND 30 BEARS N 53° 08' 04" W A DISTANCE
19 OF 1655.92 FEET WITH ALL BEARING RELATIVE TO N 89°
20 36' 48" E THE LINE BETWEEN FOUND MONUMENTS FOR
21 SAID W 1/4 CORNER SECTION 29 AND A REBAR AND CAP
22 STAMPED LS 13174 THE NORTHEAST CORNER OF SAID
23 OPTION PARCEL; THENCE S 00° 55' 44" E ALONG THE WEST
24 LINE OF PARCEL A-1 AS DEPICTED ON THE PLAT; THE
25 AMENDED AND RESTATED SUBDIVISION
26 EXCLUSION/EXEMPTION OF LAKOTA CANYON RANCH AS
27 RECORDED JULY 18, 2003 UNDER RECEPTION NO. 632118 A
28 DISTANCE OF 1124.50 FEET TO A POINT ON THE WEST LINE
29 OF BLOCK F AS DEPICTED ON THE PLAT; FIRST AMENDED
30 AND RESTATED FINAL SUBDIVISION PLAT OF LAKOTA
31 CANYON RANCH FILING 1 AS RECORDED JULY 18, 2003
32 UNDER RECEPTION NO. 632116; THENCE N 88° 47' 17" E
33 ALONG A SOUTHERLY LINE OF SAID AMENDED AND
34 RESTATED SUBDIVISION EXCLUSION/EXEMPTION OF
35 LAKOTA CANYON RANCH A DISTANCE OF 0.99 FEET;
36 THENCE S 01° 21' 09" E ALONG SAID WEST LINE BLOCK F A
37 DISTANCE OF 465.00 FEET TO A POINT ON THE NORTH LINE
38 OF SILVERADO TRAIL RIGHT OF WAY AS DEPICTED ON SAID
39 PLAT OF LAKOTA CANYON RANCH FILING 1; THENCE S 88
40 °47' 17" W ALONG THE NORTH LINE OF SAID SILVERADO
41 TRAIL A DISTANCE OF 4.42 FEET; THENCE S 00° 55' 44" E A
42 DISTANCE OF 30.00 FEET TO A POINT ON THE NORTH LINE
43 OF A PARCEL AS DESCRIBED IN INSTRUMENT RECORDED
44 APRIL 17, 2007 UNDER RECEPTION NO. 721293; THENCE
45 THE FOLLOWING NINE (9) COURSES ALONG SAID NORTH
46 LINE; **1. S 90° 00' 00" W A DISTANCE OF 34.26 FEET;** 2.
47 THENCE 123.32 FEET ALONG THE ARC OF A CURVE TO THE
48 LEFT HAVING A RADIUS OF 300.00 FEET, A CENTRAL ANGLE
49 OF 23° 33' 09" AND A SUBTENDING CHORD BEARING S 78°
50 13' 26" W A DISTANCE OF 122.45 FEET; 3. THENCE S 66°

1 26' 50" W A DISTANCE OF 88.64 FEET; 4. THENCE 180.86
2 FEET ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A
3 RADIUS OF 300.00 FEET, A CENTRAL ANGLE OF 34° 32' 30"
4 AND A SUBTENDING CHORD BEARING S 83° 43' 05" W A
5 DISTANCE OF 178.13 FEET; 5. THENCE N 79° 00' 40" W A
6 DISTANCE 277.49 FEET; 6. THENCE 273.25 FEET ALONG
7 THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF
8 **300.00 FEET, A CENTRAL ANGLE OF 52° 11' 11" AND A**
9 **SUBTENDING CHORD BEARING N 52° 55' 05" W A DISTANCE**
10 **OF 263.90 FEET; 7. THENCE N 26° 49' 30" W A DISTANCE**
11 **OF 358.53 FEET; 8. THENCE 218.29 FEET ALONG THE ARC**
12 **OF A CURVE TO THE LEFT HAVING A RADIUS OF 175.00**
13 **FEET, A CENTRAL ANGLE OF 71° 28' 06" AND SUBTENDING**
14 **CHORD BEARING N 62° 33' 33" W A DISTANCE OF 204.41**
15 **FEET; 9. THENCE S 81° 42' 24" W DISTANCES OF 104.99**
16 **FEET TO A POINT ON THE EAST LINE OF THE NORTH WILD**
17 **HORSE DRIVE RIGHT OF WAY AS DESCRIBED IN THE**
18 **SPECIAL WARRANTY DEED RECORDED SEPTEMBER 25, 2007**
19 **UNDER RECEPTION NO. 733780; THENCE THE FOLLOWING**
20 **THREE (3) COURSES ALONG SAID NORTH WILD HORSE**
21 **DRIVE; 1. N 08° 42' 12" W A DISTANCE OF 17.22 FEET; 2.**
22 **THENCE 390.97 FEET ALONG THE ARC OF A CURVE TO THE**
23 **RIGHT, HAVING A RADIUS OF 668.49 FEET, A CENTRAL**
24 **ANGLE OF 33° 30' 34" AND A SUBTENDING CHORD BEARING**
25 **N 08° 03' 05" E A DISTANCE OF 385.42 FEET; 3. THENCE**
26 **228.11 FEET ALONG THE ARC OF A REVERSE CURVE HAVING**
27 **A RADIUS OF 491.25 FEET, A CENTRAL ANGLE OF 26° 36'**
28 **20" AND SUBTENDING CHORD BEARING N 11° 30' 11" E A**
29 **DISTANCE OF 226.07 FEET TO A POINT OF NON-TANGENCY;**
30 **THENCE 103.99 FEET ALONG THE ARC OF A CURVE TO THE**
31 **RIGHT HAVING A RADIUS OF 250.00 FEET, A CENTRAL**
32 **ANGLE OF 23° 50' 00" AND A SUBTENDING CHORD BEARING**
33 **S 79° 12' 35" E A DISTANCE OF 103.24 FEET; THENCE S 67°**
34 **17' 36" E A DISTANCE OF 131.42 FEET; THENCE S 30° 00'**
35 **58" W A DISTANCE OF 50.41 FEET; THENCE S 18° 54' 59" W**
36 **A DISTANCE OF 221.52 FEET; THENCE S16° 07' 55" W A**
37 **DISTANCE OF 50.00 FEET; THENCE 104.09 FEET ALONG THE**
38 **ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 970.00**
39 **FEET, A CENTRAL ANGLE OF 6° 08' 55" AND A SUBTENDING**
40 **CHORD BEARING S 11° 34' 51" W A DISTANCE OF 104.04**
41 **FEET TO A POINT OF NON-TANGENCY; THENCE S 71° 43'**
42 **03" E A DISTANCE OF 57.57 FEET; THENCE S 63° 30' 38" E**
43 **A DISTANCE OF 55.33 FEET; THENCE S 56° 40' 07" E A**
44 **DISTANCE OF 55.13 FEET; THENCE S 44° 48' 48" E A**
45 **DISTANCE OF 174.82 FEET TO A POINT OF NON-TANGENCY;**
46 **THENCE 30.23 FEET ALONG THE ARC OF A NON-TANGENT**
47 **CURVE TO THE LEFT HAVING A RADIUS OF 275.00 FEET, A**
48 **CENTRAL ANGLE OF 6° 17' 51" AND A SUBTENDING CHORD**
49 **BEARING N 42° 06' 34" E A DISTANCE OF 30,21 FEET;**
50 **THENCE S 51° 02' 22" E A DISTANCE OF 247.25 FEET TO A**

1 POINT OF NON-TANGENCY; THENCE 102.92 FEET ALONG
2 THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF
3 **481.00 FEET, A CENTRAL ANGLE OF 12° 15' 34" AND**
4 **SUBTENDING CHORD BEARING N 54° 54' 14" E A DISTANCE**
5 **OF 102.72 FEET; THENCE 122.69 FEET ALONG THE ARC OF A**
6 **REVERSE CURVE HAVING A RADIUS OF 219.00 FEET, A**
7 **CENTRAL ANGLE OF 32° 05' 53" AND A SUBTENDING CHORD**
8 **BEARING N 44° 59' 05" E A DISTANCE OF 121.09 FEET;**
9 **THENCE N 28° 56' 08" E A DISTANCE OF 541.68 FEET;**
10 **THENCE N 14° 00' 12" E A DISTANCE OF 22.45 FEET;**
11 **THENCE N 00° 55' 44" W A DISTANCE OF 289.40 FEET;**
12 **THENCE N 32° 41' 48" W A DISTANCE OF 88.46 FEET;**
13 **THENCE N 00° 02' 34" W A DISTANCE OF 167.50 FEET;**
14 **THENCE N 54° 50' 38" E A DISTANCE OF 173.10 FEET;**
15 **THENCE S 89° 54' 27" E A DISTANCE OF 116.87 FEET TO**
16 **THE POINT OF BEGINNING, LESS AND EXCEPT THE**
17 **FOLLOWING PROPERTIES FROM ALL OF THE ABOVE: LOTS 1**
18 **THROUGH 19 AND OPEN SPACE, CASTLE VALLEY RANCH**
19 **SUBDIVISION PA12, FILING 9, ACCORDING TO THE PLAT**
20 **THEREOF RECORDED SEPTEMBER 25, 2007 UNDER**
21 **RECEPTION NO. 733785; LOTS 1 THROUGH 17, CASTLE**
22 **VALLEY RANCH SUBDIVISION PA13, FILING NO. 10,**
23 **ACCORDING TO THE PLAT THEREOF RECORDED DECEMBER**
24 **28, 2011 UNDER RECEPTION NO. 812500; LOTS 1A, 1B AND**
25 **1C, LOTS 2A, 2B AND 2C, AMENDED FINAL PLAT OF LOTS 1**
26 **AND 2 OF CASTLE VALLEY RANCH PA12, FILING NO. 9; LOTS**
27 **3A, 3B AND 3C, LOTS 14A, 14B AND 14C, AMENDED FINAL**
28 **PLAT OF LOTS 3 AND 14 OF CASTLE VALLEY RANCH PA12,**
29 **FILING NO.9; LOTS 4A, 4B AND 4C, LOTS 15A, 15B AND**
30 **15C, AMENDED FINAL PLAT OF LOTS 4 AND 15 OF CASTLE**
31 **VALLEY RANCH PA12, FILING NO. 9; ALL THOSE STREETS**
32 **AND PUBLIC RIGHTS OF WAY DEDICATED ON THE FINAL**
33 **PLAT OF CASTLE VALLEY RANCH PA12, FILING NO.9; and**
34 **ALL THOSE STREETS AND PUBLIC RIGHTS OF WAY**
35 **DEDICATED ON THE FINAL PLAT OF CASTLE VALLEY RANCH**
36 **PA13, FILING NO.10,**

37
38 Common address: N/A

39
40 Applicant: CVR Investors, Inc. and its assigns

41
42 Landowner: CVR Investors, Inc.

43
44 Town Planner Paul Smith said the application was to change the Mixed-Use Zoning
45 on parcels owned by CVR Investors in Castle Valley Ranch to Residential Zoning.

46
47 Planner Smith said that the owners were restricted from building commercial
48 because of the private restrictive covenant they are bound by with the other
49 developers that own mixed-use parcels in Castle Valley Ranch.

1 Planner Smith said the specifications for the Master Plan allowed up to 100,000sf or
2 2.3 acres of commercial to be built in Castle Valley Ranch.
3
4 Planner Smith said that Lakota Canyon Ranch, which was a separate Planned Unit
5 Development (PUD), had another allowance of up to 100,000sf or 2.3 acres of
6 commercial.
7
8 Commissioner Riddile asked if the commission was being asked to consolidate mix-
9 use and not eliminate any, and Planner Smith said that was correct.
10
11 Planner Smith said there were two main issues with the application. Staff saw
12 changing the zoning as a risk, because if the mix-use was changed on the
13 applicants' parcels it forced the commercial requirement on the other mixed-use
14 parcels in Castle Valley Ranch. There is no obligation on the other owners to build
15 out the 2.3 acres of commercial. The risk in the future might be that there is a need
16 for commercial on one of CVR Investors parcels.
17
18 Planner Smith said the second issue was that the comprehensive plan addressed
19 integrated developments, which meant to live and work in the community to avoid
20 the need to commute. Changing the zoning would limit the possibilities for
21 commercial.
22
23 Planner Smith said the town was potentially risking too much by eliminating a
24 significant portion of mix-use without knowing what might happen in the future. If
25 the parcels were kept mix-use, the applicant could still build residential. Each time
26 the applicant brought in a new filing, they will be questioned about the mix-use.
27 Therefore, the town and CVR Investors were trying to find some kind of middle
28 ground regarding the mixed-use requirement as the applicant moved forward with
29 development.
30
31 Chair Apostolik asked Mr. Steve Craven (CTS Investments, LLC) owner of a parcel
32 in Castle Valley Ranch, if he was still looking at developing his parcels and if he had
33 some kind of timeline for development of commercial.
34
35 Mr. Craven said he was actively pursuing commercial development on his parcels.
36
37 Chair Apostolik asked Mr. Craven if he thought that he would be able to develop the
38 commercial space if there were 500 more homes built in Castle Valley Ranch.
39
40 Mr. Craven said he believed there were enough existing rooftops to support
41 commercial and further stated that he though commercial development was more
42 an identity issue that New Castle had to overcome.
43
44 Chair Apostolik asked Aaron Atkinson, the applicant, if the request to change zoning
45 was denied, what would hold him back from building residential. The parcels are
46 zoned mix-use, but commercial is not required to be built.
47 Mr. Atkinson said the potential restrictions would be from council and the
48 commission. Currently filing 11 was submitted for review and with each filing
49 submitted the same discussion will likely take place Mr. Atkinson said there is also
50 the restrictive covenant that prevented CVR Investors from building commercial.

1 Chair Apostolik asked Mr. Atkinson how many acres there were total in the parcels,
2 and how many homes were left that could be built.
3
4 Mr. Atkinson said believed there were 114 acres remaining which could equal
5 approximately 210 units.
6
7 Chair Apostolik asked Planner Smith what the maximum density allowed on CVR
8 Investors properties was.
9
10 Planner Smith said there was no maximum density other than lot size maximums.
11 When an applicant requested a PUD the applicant could then ask for a higher
12 density.
13
14 **Chair Apostolik asked for staff's opinion on higher density pockets** and Planner
15 Smith said that residential medium density was about 4 units per acre, or
16 approximately 10,000sf lots. He said that there are more than 6 units per acre, it
17 starts to get urban type density.
18
19 Chair Apostolik asked Mr. Atkinson what the lot size was for the tri-plexes built on
20 the north side of Castle Valley Ranch. Mr. Atkinson said he did not know.
21 Mr. Craven said the tri-plexes were about 6 units per acre, single family homes are
22 3.5 units per acre of usable land, not sloped or unbuildable.
23
24 Commissioner Riddile presented a proposal to the commission and to Mr. Atkinson,
25 which is attached to these minutes at Exhibit A.
26
27 Chair Apostolik asked Mr. Atkinson what his thoughts were on the proposal.
28
29 **Mr. Atkinson said "Open Space North"** was not going to happen. The reason is
30 because the bulk of the value of CVR Investors assets in New Castle is where the
31 **"Open Space North"** was located.
32
33 Commissioner Riddile asked what would go there.
34
35 Mr. Atkinson said if filing 11 received approval it will be 2 units per acre. There will
36 have to be a fair amount of open space that would need to be accounted for.
37
38 **Commissioner Riddile asked Mr. Atkinson when "Open Space North"** will be
39 developed.
40
41 Mr. Atkinson said he does not know. CVR Investors had talked about the project
42 being a 15 year build out. Phasing will likely be south to north.
43
44 Commissioner Bourquin stated that Mr. Atkinson was asking for the commission to
45 make decisions for the future and long term use of the property by changing from
46 commercial to residential. Yet Mr. Atkinson was not able to provide much
47 information about how the commission should plan for the future.
48 Rick Davis, New Castle resident. Mr. Davis said he does a lot of walking across
49 **"Open Space North" and there is a** lot of wildlife tracks. There needs to be some
50 consideration for the wildlife corridor and protection of the wildlife.

1 Chair Apostolik said open space will be discussed with each filing separately as they
2 are submitted within each parcel. There will be a public hearing about the filing and
3 how it will be developed. That was the time when dedicated open space, biking or
4 hiking trails being built and wildlife corridors will be discussed. When the filings are
5 submitted to the town, staff will get input from Division of Wildlife, the Fire
6 Department and other emergency services.
7

8 Attorney Carmer said reason for the discussion was because each time the
9 commission received a filing application, the commission will need to make a
10 decision repeatedly. At some point, the concern will be that **the commission won't**
11 be able to make the decision. There would be open land that will not be able to be
12 developed because of a private restrictive covenant and the commission and council
13 will not be able to make the findings that would be needed to approve a filing.
14

15 Chair Apostolik closed the Public Hearing at 7:49 p.m.
16

17 Chair Apostolik said CVR Investors had no time frame and no foresight beyond what
18 was submitted.

19 Mr. Atkinson said he agreed if the chair meant the filing 111 submittal.
20

21 Attorney Carmer said the commission could make some recommendations
22 regarding density on each parcel. CVR Investors had some flexibility to move
23 density around on the parcels.
24

25 Commissioner Riddile said he did not want to keep having the same conversion
26 repeatedly.
27

28 Commissioner Bourquin said she would like to have CVR Investors to come back
29 with more of a detailed master plan and more information, so the commission could
30 make an educated decision about how the different parcels worked together.
31

32 Commissioner Bourquin also said that if CVR Investors were willing to have some
33 **kind trade regarding "Open Space North" then, might be willing to let the**
34 commercial go. But, without some kind of trade, she would like to have the
35 commercial because that was an added value to the community.
36

37 Chair Apostolik asked Mr. Craven the reasoning for the restrictive covenant.
38

39 Mr. Craven said there was a fair amount of density that was allowed in the master
40 plan, which was in the original annexation agreement. There was 2500 units and
41 about 250,000sf of commercial space anticipated. When Castle Valley Ranch was
42 re-planned, the mix-use was to be downzoned because of the oil shale boom that
43 did not happen and the plan then **didn't make sense**. To have a realistic planning
44 tool for the town and other owners, Castle Valley Ranch was re-planned and the
45 town asked for a cap on both residential and commercial. The ask was for 1200
46 residential units and negotiated to 1400 residential units and 100,000sf of
47 commercial. When Eric Williams (Williams Family Investment Company RLLP) asked
48 Mr. Craven to buy him out, water rights and density had to be divided. Mr. Williams
49 wanted a certain amount for his property and rest of it remained with CTS
50 Investors. Mr. Williams has about 10,000sf of commercial space and 70 residential

1 units. The remainder of 523 residential units 90,000sf of commercial is on CTS
2 Investors property. Mr. Craven then sold some property to Village Homes and again
3 water rights and density had to be divided. Village Homes had no desire to build
4 commercial and there was a long conversation about what to do with the
5 commercial. There was a long standing view since the original 1983 annexation
6 agreement that **there would be "core" in Castle Valley Ranch. The "core" would**
7 consist of Kathryn Senor Elementary School, Riverside Middle School and VIX Park,
8 which was zoned as residential and mix-use prior to Mr. Craven dedicating the
9 property to the town.

10
11 Mr. Craven said in 2002 there was an effort put forth to create more open space in
12 Castle Valley Ranch. The current plan had about 40 percent open space on it. The
13 **plan was to bring all the trails to the "core" area which** was next to the round-about
14 and the schools. **The idea was to honor the "core" that was anticipated in 1983.**
15 There was a 30 acre school site, 10 acre park site, and another 3.4 acre park were
16 dedicated, and there were trails to connect it all. It has been a long term plan and
17 everything has been **planned around the "core". There was 82.3 acres planned for**
18 mix-use in the master plan in Castle Valley Ranch. The plan was not to put
19 commercial units on every parcel.

20
21 Chair Apostolik ask Mr. Atkinson if he would be interested in discussing the proposal
22 of Commissioner Riddile or something along those lines.

23
24 Mr. Atkinson said yes and he would like to have clarity and to work together.

25
26 Motion: Commissioner Riddile made a Motion Continue Major Amendment
27 of the Castle Valley Ranch PUD Master Plan to continue until March 25,
28 2020. Commission Chair Apostolik seconded the motion and it passed
29 unanimously.

30
31 Staff Reports
32 There were no staff reports.

33
34 Commission Comments and Reports
35 There were no commission comments or reports

36
37 Review Minutes from Previous Meeting
38 Motion: Chair Apostolik made a motion to approve the February 12, 2020
39 meeting minutes as submitted. Commissioner Riddile seconded the motion
40 and it passed unanimously.

41
42 Motion: Chair Apostolik made a motion to adjourn the meeting.
43 Commissioner McDonald seconded the motion and it passed unanimously.

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1 The meeting adjourned at 8:32p.m.

2

3 Respectfully Submitted,

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Planning and Zoning Commission Chair
Chuck Apostolik

Deputy Town Clerk Mindy Andis, CMC

11

12

DRAFT