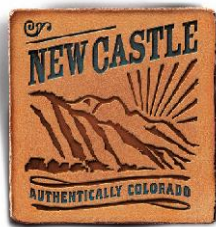


Posted: _____

Remove: _____



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

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

Agenda

New Castle Planning and Zoning Commission Regular Meeting Wednesday, April 10, 2024, 7:00 PM

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

Virtual Meetings are subject to internet and technical capabilities.

To join by computer, smart phone or tablet:

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

Meeting ID: 709 658 8400

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

Be sure to set your phone to mute until called on.



Call to Order, Roll Call, Meeting Notice

Conflicts of Interest

Citizen Comments on Items NOT on Agenda

Public Hearing

- A. Consider Resolution PZ 2024-2, A Resolution of the New Castle Planning and Zoning Commission Recommending Approval of a Conditional Use Permit for Mobile Vending Carts or Stands (I.E., Food Trucks) on Property Located in the C-1 Zone District (Page 2)**

Comments/Reports

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

Review Minutes of Previous Meetings

- B. Draft Minutes of February 14, 2024 (Page 26)**

Adjournment



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

**Building & Planning
Department**
Phone: (970) 984-2311
Fax: (970) 984-2716
www.newcastlecolorado.org

**Planning Commission – Public Hearing
Wednesday, April 10th, 2024
Resolution PZ 2024-2
Staff Report**

Name of Applicant	Colorado Drifters, LLC
Mailing Address	600 Ginseng Rd, New Castle, CO 81647
Property Address	589 W Main St, New Castle, CO 81647
Name of Property Owner	Family Matters, LLC
Existing Zoning	C-1 Commercial
Surrounding Zoning	Commercial (C-1), Residential (R-1), Performance (P)
Surrounding Land Uses	Public parking, Residential, Hotel, Mercantile, Public ROW - Railroad, and Public Works Facility
Most Recent Uses of Property	U-Haul Business - B; Storage – S-1; Auto Repair – F-1; Currently being remodeled as microbrewery - A-2;
Proposed Use of Property	Two (2) mobile food vendors on property, Thursday – Sunday weekly
Property Size	0.229 acres

I. Background:

The Applicant proposes the use of mobile food vendors for the property located at 589 W Main St. in downtown New Castle. “*Mobile vending carts or stands,*” are listed as conditional uses in the Commercial C-1 district (MC Section 17.36.050). There are currently no conditional use permits for mobile food vendors in New Castle, except temporary permits issued during organized events in public open space such as Burning Mountain Park or VIX Park.

The application submittal, **Exhibit A** provides context for the request: The Applicant is currently repurposing the existing “Texaco” structure for a brewery and tavern. Presently no bona fide restaurant is anticipated on the premises but, per state statute, food will be available for purchase

within the brewery itself or from the proposed food vendors. A small music venue is also being considered for the front exterior sitting area. **Exhibit A, Page 6**, shows the proposed food truck locations positioned directly west of the existing building.

The Applicant seeks the Planning Commission’s endorsement to improve dining options and provide a rotating selection of food options for patrons of the brewery. If approved, Colorado Drifters anticipates having at least one food truck regularly available for breakfast and dinner during the week and implementing a lunch option on a later date. The food truck/trailer location will be prepped and ready by July 2024. No more than two (2) food trucks would be in operation on the premises at any one time.

As a conditional use application, the Planning Commission (P&Z) is required to hold a public hearing in accordance with the procedures set forth in Municipal Code Chapter 16.08. The hearing has been noticed, **Exhibits C & D**. Within 30 days of the special hearing, P&Z must make one of these three recommendations:

- 1) Approve the CUP unconditionally;
- 2) Approve the CUP with conditions;
- 3) Deny the CUP.

Approval Criteria: An approved application shall:

- 1.) be eligible for conditional review under § 17.84.040;
- 2.) be generally compatible with adjacent land uses;
- 3.) meet all requirements of § 17.84.020 of the Code, is in compliance with Title 17 of the Code, and minimizes potential adverse impact of the conditional use on adjacent properties and traffic flow;
- 4.) be consistent with the comprehensive plan; and
- 5.) show that the Town has the capacity to serve the proposed use with fire and police protection and is not required to provide water or sewer service.

II. Application Requirements:

The purpose of a conditional use permit is to determine if the nature of the proposed use is appropriate for the location and character of surrounding land uses and poses little negative impact to the health and wellbeing of New Castle residents.

1. Site Plan:

a. Adjacent land uses and location of adjacent structures;

Land uses surrounding the property vary. Single-family homes exist to the north across US 6 and immediately to the east. The Town’s public parking lot (“Kamm Lot”) is found west off of Kamm Ave. To the south, the property is separated from the railroad tracks by an alleyway. Elsewhere in the vicinity are a restaurant, a hotel, and the Town’s sewer treatment facility.

Staff Comment – The C-1 zone allows for a diverse mix of businesses and services, including restaurants. Though food trucks operate similarly to restaurants, they are unique by virtue of their outdoor service component. Food trucks at the proposed location are generally consistent with the C-1 zoning but, like any establishment, may be prone to adverse effects on the immediate surroundings if not properly managed. Therefore, compliance with the attached performance standards (**Exhibit E**) will be enforced throughout the life of the CUP.

b. Boundary and size of lot;

589 W Main Street is 100ftx100ft (about twice the area of a basketball court). The Applicant plans for the mobile food vendors to be situated on the southwest corner of the property at a right angle (**Exhibit A, pg. 6**, see rectangles labeled “1” and “2”). The vendors have been purposely located off the main corner of Kamm Ave. & US 6 in order to preserve the line of sight for vehicle and pedestrian safety (See MC Section 17.72.110). Note also that the submitted site plan shows the food truck footprint only, and omits generators, signage, tables or other accessory items common with these establishments.

Staff Comment – Positioning the vendors on the southwest corner of the lot will help limit the impacts of light, sound, and smells on neighboring residential properties. The food trucks will also be set back from the existing building a minimum of 10ft for purposes of life safety. Staff further recommends, in lieu of fixing the location to the west side of the building, that a 20-25 ft wide parking envelope be considered on the south and west property boundaries, (**Exhibit B**). This alternative will provide flexibility of service for both larger events and/or patio dining in the rear of the property. The Applicant is still finalizing plans for the brewery remodel, including outdoor dining. It may be helpful for the Applicant to specify the remaining use of the outdoor space so that the Planning Commission may ascertain whether the lot size is adequate for the concurrent operation of the brewery and two mobile food trucks.

c. Building location, height and setbacks;

The setbacks for C-1 zone are zero feet in the front/sides and five (5) feet in the rear. Vendors will be parked along the side or rear property lines. Also, the Texaco building is approximately 18 ft tall whereas a typical food truck/trailer is about 10 ft tall. **Exhibit B** depicts the various distances between the existing building, lot lines, and the mobile food vendors.

Staff Comment – Mobile food vendors range in size. Staff recommends retaining the aesthetic of downtown by restricting the truck/trailer heights to no more than that of the existing building. If operations are kept to the perimeter of the property, Staff believes the trucks/trailers will act as an enclosure that enhances the dining appeal and life safety of the rear (south) space.

d. *Off-street parking and loading areas;*

Off-street parking is not a requirement of the C-1 zone district and is therefore not depicted on the site plan. Off-street parking is provided in the nearby Kamm lot (10 total spaces of which two are EV; one is veteran parking). On-street parking is limited to only those spaces on US 6. Public Works is agreeable to two, 30-minute loading spaces on the east side of Kamm Ave. south of the 30' vision triangle illustrated in **Exhibit B**. No loading areas are discussed in the application.

Staff Comment – Kamm Avenue is roughly 34ft wide from face of curb-to-face of curb. Assuming two 12 ft drive lanes, 10 ft may be available for vehicle parking along the street's east side. These few spaces may be advantageous for temporary loading and stocking of the trucks/trailers. Loading areas may also be available in the rear of the lot. Staff recommends that the Applicant specify the use of the south side of the lot (patio seating, food vendors, parking, temp loading, etc.) to aid the Planning Commission's assessment.

The trucks/trailers themselves may access the premises from either Kamm Ave. or the alleyway. In no instance shall vendors use the public rights-of-way for business operations unless approved as part of the CUP.

e. *Points of ingress and egress;*

The property will have an open site plan for dining. Patrons will generally access food vendors from the front (north) side of the premises with some emerging from the rear building exit. Adequate egress from the brewery building is anticipated during all hours.

Staff Comment – In terms of safety and aesthetics, Staff preferences the general southwest lot area for vendor operations. It is possible to stage on the north side of the property, however, this area was rendered less desirable to the Applicant. The mobile food vendors will be prohibited from parking in a manner which interferes with the exit pathway from the south exit of the existing building (**Exhibit B**).

f. *Service and refuse areas;*

The Applicant has not included location of trash receptacles on the site plan. All food preparation is expected to occur within the trucks/trailers or off-site in a commissary kitchen.

Staff Comment – Trash pick-up should take into consideration refuse volumes from both brewery and food trucks. Ideally the refuse containers will be located on the southeast corner of the lot (**Exhibit B**) to facilitate ease of access for trash collectors and

help with curb appeal. Grease or extraneous food waste produced by the mobile food vendors shall be disposed of off-site.

g. Signs and exterior lighting;

Section 17.40.130 requires that exterior lighting in the C-1 district encourage pedestrian activity and, at the same time, limit lighting trespass. The application does not provide lighting specifics, indicating only that signage and lighting will be mounted to the food trucks.

Staff Comment – Exterior lighting shall be downcast and fully shrouded per dark-sky design specifications. “New Castle will require lighting design that minimizes lighting trespass while meeting appropriate safety standards,” as well as “minimize after-hours business lighting,” (Goal EN-4, Comprehensive Plan pg. 66). Flood lights would typically not be permissible. In most cases the proprietor of the truck/trailer will be responsible for a sign permit.

h. Fencing, landscaping and screening;

Town code prohibits (Section 17.40.120) exposed mechanical and electrical equipment from undermining the historic character of the district. The submittal does not indicate locations of auxiliary equipment (e.g. generators, power cords, propane tanks), items often indispensable to the operation of a mobile food vendor. Also, food trucks commonly cordon off space around the vehicle with a combination of cones, ropes, flags, or fencing framing the dining location and buffering patrons from ambient street noise.

Staff Comment – Staff recommends that the Applicant provide means and methods for managing any auxiliary equipment or any other apparatus which may detract from the downtown character.

i. Compliance with performance standards;

Compliance with performance standards is required in the Municipal Code, Section 17.72.090. Performance standards protect the public against nuisances such as smoke, particulate matter, odors, glare, vibration, radiation, electrical disturbances, noise and water pollution. Per Town code (and state statute), the noise produced in a commercial zone shall not exceed the limit of 60 db(A) during 7am-7pm and 55 db(A) during 7pm to 7am, in commercial zones.

Staff Comment – The application is silent on potential noise from generators, fumes from cooking, and exhaust from various equipment. Noise and odors are potential nuisances relevant to this CUP. Staff recommends that the Applicant provide strategies

for managing potential generator noise and cooking odors as necessary. The Applicant has signed the Performance Standards (**Exhibit E**).

j. Anticipated utility requirements;

Utility requirements of food trucks are normally self-reliant with a generator or battery. In some cases electricity may need to be supplemented from the existing building. Propane is the traditional fuel for cooking.

Staff Comment – Other than what is discussed in sections (h.) and (i.), staff does not have further comment on this item.

III. Staff Recommendations:

Staff recommends approval of Resolution 2024-02 with the following conditions:

1. No more than two mobile food vendors will be permitted on the premises within the allowable parking location as depicted in green on **Exhibit B**. Other types of mobile vendors are not authorized to operate under this conditional use permit.
2. Provide a schedule for daily hours of operation.
3. The bathroom facilities of the Texaco building shall be made available to food truck/trailer employees during all hours of operation. Alternatively, 3rd-party bathrooms and hand washing stations shall be supplied per the requirements of Garfield County Public Health and Human Services.
4. Any auxiliary equipment, materials, or supplies necessary for the function of any food trucks/trailers shall be stored out of site or otherwise screened from public view by means of fencing, landscape ornamentation or other approved means of concealment.
5. An adequate trash receptacle shall be provided and maintained on the southeast corner of the premises.
6. Illustrate locations of on-site parking or designated loading areas as necessary. Two, 30-minute loading spaces (10' wide x 20' long) are permitted on the east side of Kamm Ave. south of the 30' vision triangle illustrated in Appendix B.
7. The use approved in the application shall not be conducted until the Town Planner has issued a conditional use certificate. That certificate shall be issued only after the Applicant has entered into an agreement with the Town specifying that all conditions imposed by the Town Planning Commission will be completed and that the use and improvements will be in accordance with the approved application site plan and development schedule. The conditional use certificate

must be issued within one year of the date of final approval by Town Council, or the application is deemed withdrawn by the Applicant and is of no further force and effect.

8. No approved conditional use may be altered or expanded in ground area unless the site plan is amended and approved in accordance with the procedures applicable to approval of a conditional use as set out in § 17.84.070 of the Code.
9. In the event the Town receives any complaints about the use of the site or observes or becomes aware of any violations of the conditional use approval, the Applicant and/or owner may be summoned before the Town Council in a public meeting to show cause why the permit should not be revoked, suspended, or additional conditions imposed. Such show-cause hearing shall be open to the public and the applicant or owner may present testimony or offer other evidence on its behalf.
10. Applicant shall comply with all applicable building and municipal code requirements, including all signage permitting, and county licensing requirements.
11. Any added exterior lighting will be dark sky compliant pursuant to the Comprehensive Plan Goal EN-4.
12. All representations of the Applicant in written and verbal presentations submitted to the Town or made at public hearings before the planning commission or Town Council shall be considered part of the application and binding on the Applicant.
13. The Applicant shall reimburse the Town for any and all expenses incurred by the Town regarding this approval, including without limitation all costs incurred by the Town's outside consultants such as legal and engineering costs.
14. Development of the Property shall be consistent with the site plan shown on **Exhibit B** as approved by the Town Council.

IV. Application Exhibits:

- A. Application Submittal
- B. Staff Recommended Site Plan
- C. Public Notice
- D. Notarized Affidavit of Public Notice
- E. Signed Performance Standards
- F. Property Owners Within 250 Feet



Planning Department
(970) 984-2311
Email:
psmith@newcastlecolorado.org

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

LAND DEVELOPMENT APPLICATION

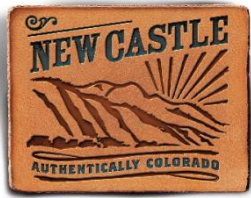
Note: All land use applications must be filed with the Town Clerk. Please consult the Town Planner for codes specific to the Land Development Application. All application materials are subject to the Colorado Open Records Act (CORA), C.R.S. §24-72-201 to 207.

Applicant:	
Address:	Phone: E-mail:
Property Owner:	
Address:	Phone: E-mail:
Contact Person:	
Address:	Phone: E-mail:
Property Location/Address:	
Legal Description:	Acres:
Existing Zone (e.g., Residential R-1, Commercial C-1):	Existing Land Use:

TYPE(S) OF LAND USE(S) REQUESTED

- | | |
|--|--|
| <input type="checkbox"/> Pre-Annexation Agreement | <input type="checkbox"/> Conditional Use Permit or Special Review Use Permit |
| <input type="checkbox"/> Annexation | <input type="checkbox"/> Lot Line Adjustment or Dissolution |
| <input type="checkbox"/> Subdivision (including Minor and Major Subdivisions, Lot Splits, Sketch Plans, Subdivision Preliminary Plans, Subdivision Final Plans, & Condominiumizations) | <input type="checkbox"/> Site Specific Development Plan/Vested Rights |
| <input type="checkbox"/> Amended Plat | <input type="checkbox"/> Variance |
| <input type="checkbox"/> Planned Unit Development (including PUD Sketch Plans, Preliminary PUD Development Plans, PUD Master Plans and Final PUD Development Plans) | <input type="checkbox"/> Zoning |
| <input type="checkbox"/> Master Plan Amendment | <input type="checkbox"/> Zoning Amendment |
| | <input type="checkbox"/> Re-zoning |
| | <input type="checkbox"/> Watershed Permit |

<i>Brad Williams</i> Applicant Signature	3/13/24 Date
--	------------------------



AGREEMENT TO PAY CONSULTING AND ADMINISTRATIVE COSTS

Pursuant to municipal code section 16.08.070, for any land use application, the applicant shall pay all costs incurred by the town for the preparation of plats, plans, other required data and documents, recording fees, publication costs, legal and engineering review and advice, planning review and advice, inspections and all other out-of-pocket costs incurred by the town in connection with the land use application. In the case of withdrawal or denial of a land use application, the applicant shall be responsible for all costs actually incurred by the town in connection with such application regardless of the state of the review process at which the application is withdrawn or denied.

To secure payment of costs incurred by the town, the owner of the land proposed for development (and the applicant, if different) shall be required to sign the following agreement:

By signing below, the applicant and property owner hereby agree to reimburse the Town the actual costs to the Town for engineering, planning, surveying, legal services, and all other costs incurred by the Town in connection with the review and approval of the land use application. I also agree to reimburse the Town for the cost of making any correction or additions to the master copy of the official Town map and for any fees for recording any plats and accompanying documents with the County Clerk and Recorder of Garfield County. I agree that interest shall be imposed at the rate of 1.5% per month on all balances not paid within thirty (30) days of a statement. In the event the Town pursues collection of any amounts due and unpaid, the Town shall be entitled to collect attorney's fees and costs. In addition to all other remedies allowable by law, I agree that in the event any amounts remain due and unpaid for sixty (60) days the Town shall have the power and authority to certify such amounts, plus a ten percent penalty, to Garfield County to be imposed as a tax lien against the real property subject to the development application.

SO AGREED this _____ day of _____, 20_____ .

Applicant (Print Name)	<i>Brad Williams</i>
	Signature of Applicant

Telephone Number	Mailing Address of Applicant
------------------	------------------------------

Email	Email Address of Applicant
-------	----------------------------

Property Owner	<i>Brad Williams</i>
	Signature of Property Owner

Relationship of Owner to Applicant	Owner Mailing Address
------------------------------------	-----------------------

Type of application: _____

Property description: _____

Revised 3/2021

Colorado Drifters - Conditional Use Permit

Purpose: Colorado Drifters wishes to obtain a conditional use permit to provide food services to the local area from the commercial use property. We request approval of a food truck pad on the west side of the property, to host no more than two trucks at a time, so we can offer a new variety of food to the community, support local food truck businesses, and complement our primary offerings of beverages. We take pride in our location and believe the new food offerings will be well received by local residents.

Below is a copy of the municipal code and required sections for application.

Referencing: New Castle Municipal Code Section 17.84

https://library.municode.com/co/new_castle/codes/code_of_ordinances?nodeId=TIT17ZO_CH17.84COUS_17.84.010PU

1. A complete site plan illustrating:

A. Adjacent land uses and location of adjacent structures



B. Boundary and size of site

Boundaries and Site Image

- a. Boundary North - W Main Street
- b. Boundary East - Single Family Home
- c. Boundary South - Alleyway separating building and railroad tracks
- d. Boundary West - Kamm Avenue



C. Building location, height and setbacks

1. Building Location: Lots 7, 8, 9, and 10, Block 9, Town of New Castle, County of Garfield
2. Height: ~18 feet
3. Setbacks and site image





1. Everything is contained to the property and will be parked on private property, with no disruption to public areas in New Castle.
 - a. We plan to have 1 constant and 1 rotating food truck to provide the most variety to residents. The rotating food truck will only be utilized when we expect high volume and/or weekends.

- D. Off-street parking and loading areas
 - a. N/A. There is no current plan for off-street parking. All loading and unloading will be done from the street.

- E. Points of ingress and egress
 - a. Customers and employees of building will access the building from the North on W Main Street or the West on Kamm Avenue. Both directions will have walkways. There is emergency exit on SouthEast corner of building, exiting South.

- F. Service and refuse areas
 - a. Refuse is placed on the SouthWest corner of site and is picked up on the West from Kamm Avenue.

G. Signs and exterior lighting

Description and site image of current signs and exterior lighting

- a. Signs isolated to food trucks.
- b. Exterior Lighting:
 - i. Street light at NW corner of site managed by city
 - ii. Small existing lighting on building above garage doors
- c. Site image:



H. Fencing, landscaping and screening

- a. We will improve the front, usable space that customers and employees will travel to be well-kept and easy to travel.

I. Compliance with performance standards

- a. We currently adhere to all city, state, and federal codes and ordinances and will continue to do so.

J. Anticipated utility requirements

- a. The utilities (water and electricity) are self-contained within the food truck, so there is no additional load on the property.

2. A time schedule for development:

- A. We aim to provide food services in July 2024. The building pad will be developed in May 2024.

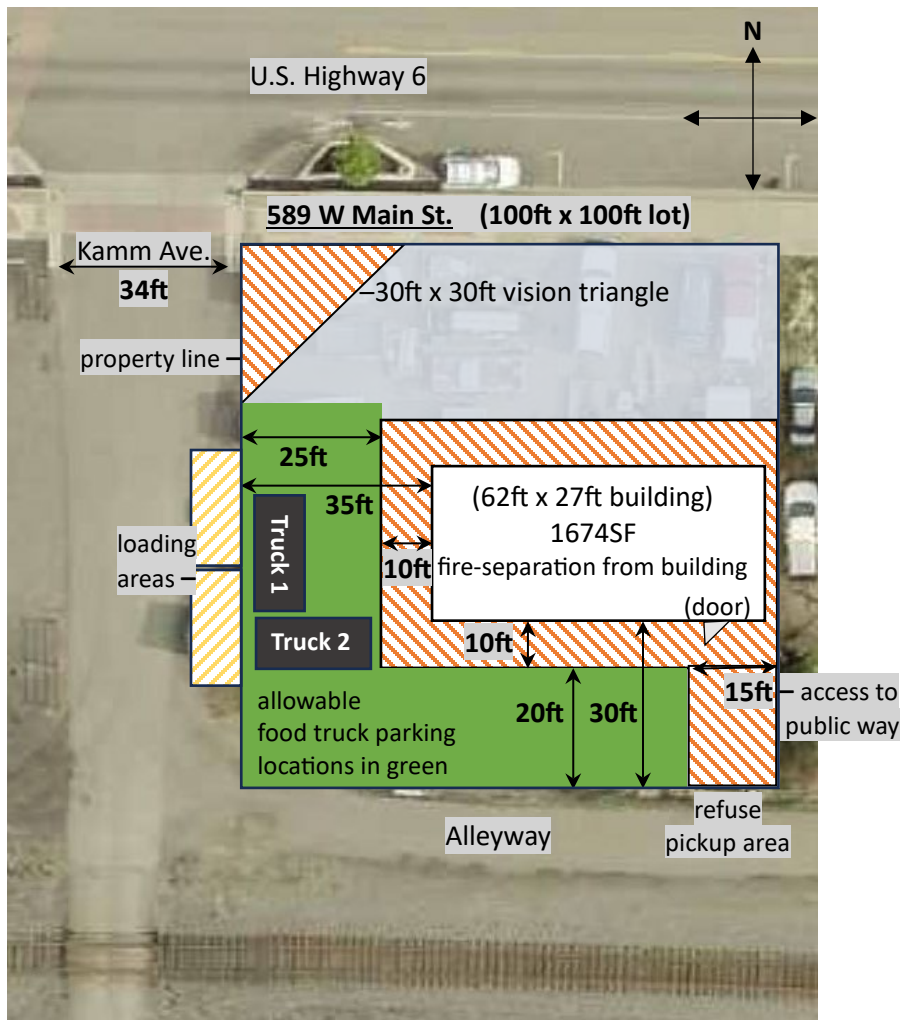
3. Other information the applicant believes will support the application:

- Currently, there are limited options for food to residents of New Castle. As well, some of the local restaurants are closed on weekends, further limiting options.
- We plan to offer a locally owned and operated food truck, 2 Forks. They provide a great variety of choices and high quality food.



- Glenwood Springs has several examples of food trucks benefiting the town. Mama's Pierogi is highly rated and located under the bridge in Bethel Plaza. Similarly, Taqueria Yaqui has 2 locations, one in West Glenwood and the other beside the grocery store, that provide great value and convenience for residents.

Staff Recommended Site Plan:



NOTICE OF PUBLIC MEETING

Town of New Castle

Date: April 10, 2024

Time: 7:00 PM

Place of meeting: 450 W Main St. Town Hall, New Castle, CO

Brief description of meeting:

Presentation of Conditional Use Permit application for up to two (2) food trucks operating on commercial lot downtown.

Legal description: Lots 7, 8, 9 and 10; Block 9; Town of New Castle; County of Garfield

Common address: 589 W Main Street, New Castle, CO 81647

Applicant: Colorado Drifters, LLC

Landowner: Family Matters, LLC

The complete application is available at the Town Clerk's office at 450 West Main Street, P.O. Box 90, New Castle, CO 81647. All interested persons are invited to appear and state their views, protests, or objections. If you cannot appear personally at such hearing, then you are urged to state your views by letter.

Virtual Meetings are subject to internet and technical capabilities.

To join by computer, smart phone or tablet:

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

If you prefer to telephone in:

Please call: 1-346-248-7799

Meeting ID: 709 658 8400

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



AFFIDAVIT AS TO NOTICE OF PUBLIC HEARING

I, Alex Polly, do hereby certify that pursuant to ordinances of the Town of New Castle, Colorado, I provided notice of a public hearing before the New Castle Planning Commission on April 10th, 2024, regarding a conditional use application by doing the following:

1. At least fifteen (15) days prior to such hearing, I sent a copy of the **attached** Notice of Public Hearing by certified mail to the owners of all property within two hundred and fifty (250) feet of the subject property and to the Town of New Castle.
2. If required by Chapter 16.10 of the New Castle Municipal Code, at least thirty (30) days prior to such hearing, I sent a copy of the **attached** Notice of Public Hearing by certified mail to the owners of mineral estates who have requested notification with respect to the subject property at the Garfield County Clerk and Recorder.
3. At least fifteen (15) days prior to such hearing, I posted notice of the hearing on the property on a sign approved by the Town at least twenty-two (22) inches wide, twenty-six (26) inches high, with letters at least one (1) inch in height. The sign was posted so that it was visible from a public street.
4. At least (15) days prior to such hearing, the **attached** Notice of Public Hearing was published on the Town's website.

[Signature]
Signature

STATE OF COLORADO)
) ss.
COUNTY OF Garfield)

Subscribed and sworn to before me this 26 day of March,
2024, by Alexander Polly.

Witness my hand and official seal.

Mindy Andis
Notary Public
My commission expires: May 7, 2025

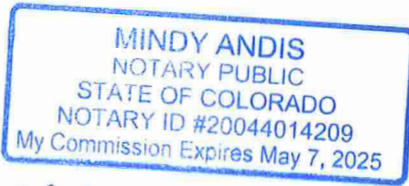




Exhibit E

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

**Building & Planning
Department**
Phone: (970) 984-2311
Fax: (970) 984-2716
www.newcastlecolorado.org

PERFORMANCE STANDARDS

I, Alex Polly, ON THIS DATE 03/26/2024 agree to abide by the following PERFORMANCE STANDARDS:

Performance Standards

- (A) Smoke. No use shall be permitted in any district unless it conforms to the standards established by the Colorado Department of Public Health's rules and regulations pertaining to emission of smoke.
- (B) Particulate Matter. No operation shall be conducted unless it conforms to the standards established by the Colorado Department of Public Health's rules and regulations pertaining to emission of particulate matter.
- (C) Dust, Odor, Gas, Fumes, Glare or Vibration. No operation shall be conducted unless it conforms to the standards established by the Colorado Department of Public Health's rules and regulations pertaining to emission of dust, odor, gas, fumes, glare or vibration.
- (D) Radiation Hazards and Electrical Disturbances. No operation shall be conducted unless it conforms to the standards established by the Colorado Department of Public Health's rules and regulations pertaining to radiation control.
- (E) Noise. No operation shall be conducted unless it conforms to the standards established by the Colorado Department of Public Health's rules and regulations pertaining to noise.
- (F) Water Pollution. No operation shall be conducted unless it conforms to the standards established by the Colorado Department of Public Health's rules and regulations pertaining to water pollution.

Source: Ord. 261, Sec. 15.04.090, 1983

ALLEN, BENJAMIN R
542 W MAIN STREET
NEW CASTLE CO 81647

BOLAND, WHITNEY M & SALO, ANDREW
111 N 6TH STREET
NEW CASTLE CO 81647

BREIDENBACH, SYLVIA PATRICIA
PO BOX 244
NEW CASTLE CO 81647-0244

BRESLIN, FRANK J TRUST DTD 9/8/11
321 STARK MESA ROAD
CARBONDALE CO 81623

BRISTOL, KYLE
116 NORTH 16TH STREET
NEW CASTLE CO 81647

CARTWRIGHT, ADAM H
620 W MAIN STREET
NEW CASTLE CO 81647

CHAPIN, DIANE L & DUSTIN E
PO BOX 257
NEW CASTLE CO 81647

CHAPIN, DUSTIN E & DIANE L
370 JENNY PLACE
NEW CASTLE CO 81647

DAVIS, MARGIE A
PO BOX 255
NEW CASTLE CO 81647

DRILLINSKI LLC
PO BOX 422
NEW CASTLE CO 81647

FAMILY MATTERS LLC
4343 COUNTY ROAD 335
NEW CASTLE CO 81647

MAISON, JOSEPH H & NANCY
15452 HIGHWAY 82
CARBONDALE CO 81623

MALLOY, TODD F
PO BOX 404
NEW CASTLE CO 81647

NEW CASTLE, TOWN OF (SEWAGE PL
PO BOX 90
NEW CASTLE CO 81647-0166

NEW CASTLE, TOWN OF
PO BOX 90
NEW CASTLE CO 81647

NEW CASTLE, TOWN OF
PO BOX 90
NEW CASTLE CO 81647-0166

PICKARD, SAMANTHA L
640 W MAIN STREET
NEW CASTLE CO 81647

REED, RICKIE LEE
PO BOX 871
NEW CASTLE CO 81647

SAMUELSON, WARD A & KERN A
1260 COUNTY ROAD 325
RIFLE CO 81650

SHRULL, JAMES O & SAMANTHA J
PO BOX 294
NEW CASTLE CO 81647

SMYTHE, RYAN C & BRANDI
129 N 6TH STREET
NEW CASTLE CO 81647

WEBBER, JOHN R & HOWARD, DEL
PO BOX 589
NEW CASTLE CO 81647

WIGGER, KURT & ELSBETH
292 CASTLE RIDGE DRIVE
NEW CASTLE CO 81647

**TOWN OF NEW CASTLE, COLORADO
PLANNING AND ZONING COMMISSION
RESOLUTION NO. PZ 2024-2**

A RESOLUTION OF THE NEW CASTLE PLANNING AND ZONING
COMMISSION RECOMMENDING APPROVAL OF A CONDITIONAL USE
PERMIT FOR MOBILE VENDING CARTS OR STANDS (I.E., FOOD
TRUCKS) ON PROPERTY LOCATED IN THE C-1 ZONE DISTRICT.

WHEREAS, on March 13, 2024, Colorado Drifters, LLC, c/o Brad Williams (“Applicant”) submitted a Conditional Use Permit Application (“Application”) concerning property owned by Family Matters, LLC (“Owner”) described in Exhibit A hereto (the “Property”); and

WHEREAS, the Property is zoned C-1; and

WHEREAS, the Property is currently improved with a 1,674 square-foot structure and surrounding parking areas; and

WHEREAS, Applicant intends to operate a microbrewery and two mobile food vendors on the Property; and

WHEREAS, Chapter 17.36 of the New Castle Municipal Code (the “Code”) establishes the permitted and conditional uses for the C-1 District; and

WHEREAS, Applicant’s proposed mobile food vendors, i.e. “mobile vending carts or stands,” use (the “Proposed Use”) is eligible for conditional use review by virtue of its inclusion on the list of conditional uses under § 17.36.050 and, therefore, requires the issuance of a conditional use permit pursuant to Chapter 17.84 of the Code; and

WHEREAS, as required under Code § 17.84.040(B), the New Castle Planning and Zoning Commission (“Commission”) held a duly noticed public hearing on April 10, 2024, to consider the Application; and

WHEREAS, pursuant to Code § 17.84.050, the Commission hereby finds that the Application:

1. is eligible for conditional review under § 17.84.040;
2. is generally compatible with adjacent land uses;
3. meets all requirements of § 17.84.020 of the Code, is in compliance with Title 17 of the Code, and minimizes potential adverse impact of the conditional use on adjacent properties and traffic flow;
4. is consistent with the comprehensive plan; and
5. the Town has the capacity to serve the proposed use with fire and police protection and is not required to provide water or sewer service.

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

1. Recitals Incorporated by Reference. The foregoing recitals are incorporated by reference herein as findings and determinations of the New Castle Planning and Zoning Commission.

2. Listing of Approved Uses. The following constitute the uses of the Property that the Commission recommends be approved under the Application as a conditional use, which may be in addition to other permitted uses of the Property.

A. Use of the Property the operation of up to two mobile food vendors, i.e. “mobile vending carts or stands”

3. Recommendation. The Planning and Zoning Commission hereby recommends that the Town Council approve the Application and the Proposed Use pursuant to § 17.84.050 of the Code, subject to the following conditions:

A. Development of the Property shall be consistent with the site plan shown on Exhibit B to this Resolution and as may be revised by the Town Council. No more than two mobile food vendors will be permitted and only within the allowable parking location as depicted in green on Exhibit B. Other types of mobile vendors are not authorized to operate under this conditional use permit.

B. Applicant shall provide and comply with a schedule for daily hours of operation of the mobile food vendors.

C. The bathroom facilities of the existing building shall be made available to food truck/trailer employees during all hours of operation. Alternatively, 3rd-party bathrooms and hand washing stations shall be supplied per the requirements of Garfield County Public Health and Human Services.

D. Any auxiliary equipment, materials, or supplies necessary for the function of any food trucks/trailers shall be stored out of site or otherwise screened from public view by means of fencing, landscape ornamentation or other approved means of concealment.

E. An adequate trash receptacles shall be provided and maintained on the southeast corner of the Property;

F. Applicant shall update the Application site plan to include locations of on-site parking or designated loading areas as necessary. Two, 30-minute loading spaces (10’ wide x 20’ long) are permitted on the east side of Kamm Ave. south of the 30’ vision triangle illustrated on Exhibit B;

G. The use approved in the Application shall not be conducted until the Town Planner has issued a conditional use certificate. That certificate shall be issued only after the Applicant has entered into an agreement with the Town specifying that all conditions imposed by the Town council will be completed and that the use and improvements will be in accordance with the approved Application site plan and development schedule. The

conditional use certificate must be issued within one year of the date of final approval by Town Council, or the application is deemed withdrawn by the Applicant and is of no further force and effect.

H. No approved conditional use may be altered, structurally enlarged, expanded in parking area or expanded in ground area unless the site plan is amended and approved in accordance with the procedures applicable to approval of a conditional use as set out in § 17.84.070 of the Code.

I. In the event the Town receives any complaints about the use of the site in violation of the conditional use approval or other Code requirements or observes or becomes aware of any violations of the conditional use approval, the Applicant and/or owner may be summoned before the Town Council in a public meeting to show cause why the permit should not be revoked, suspended, or additional conditions imposed. Such show-cause hearing shall be open to the public and the applicant or owner may present testimony or offer other evidence on its behalf;

J. Applicant shall comply with all applicable building and municipal code requirements, including the sign code and all accessibility requirements, as well as all county licensing and public health requirements.

K. Any added exterior lighting will be dark sky compliant pursuant to the Comprehensive Plan Goal EN-4.

L. All representations of the Applicant in written and verbal presentations submitted to the Town or made at public hearings before the Commission or Town Council shall be considered part of the application and binding on the Applicant.

M. The Applicant shall reimburse the Town for any and all expenses incurred by the Town regarding the Application, including without limitation all costs incurred by the Town's outside consultants such as legal and engineering costs.

THIS RESOLUTION PZ 2024-02 was adopted by the New Castle Planning and Zoning Commission by a vote of ___ to ___ on the 10th day of April, 2024.

NEW CASTLE PLANNING AND
ZONING COMMISSION

By: _____
Chuck Apostolik, Chair

ATTEST:

Remi Bordelon, Deputy Town Clerk

EXHIBIT A
Legal Description

The property that is the subject of the Application described in Resolution PZ 2024-2 is legally described as follows:

Lots 7, 8, 9, and 10, Block 9, Town of New Castle, County of Garfield
commonly known as 589 W. Main Street, New Castle, CO 81647.

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New Castle, Colorado
Planning and Zoning Commission
Wednesday, February 14, 2024, 7:00 PM

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Call to Order

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

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Roll Call

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Present	Chair Apostolik
	Commissioner Martinez
	Commissioner Carey
	Commission Alternate Rittner
	Commissioner Alternate Parks
	Commissioner Sass
	Commissioner McDonald
	Commissioner Cotey
Absent	Commissioner Westerlind

Also present at the meeting was Town Administrator David Reynolds, Town Planner Paul Smith, Assistant Town Attorney Haley Carmer, Deputy Town Clerk Remi Bordelon, and members of the public.

Meeting Notice

Deputy Town Clerk Bordelon verified that her office gave notice of the meeting in accordance with Resolution TC 2024-1.

Conflicts of Interest

There were no conflicts of interest.

Citizen Comments on Items NOT on the Agenda

There were no citizen comments.

Items For Consideration

Castle Valley Ranch PA 12 Sketch Plan

Town Administrator Dave Reynolds addressed members of the public in attendance, reviewed the process for a land use application and what the expectations were for a sketch plan. He explained that the intent of a sketch plan was to provide the commission with the opportunity to review a land use application for the very first time. He said the intent of this meeting was "step one" in a long process. Administrator Reynolds explained that after the initial sketch plan meeting with the commission, the land use application then would go to Council as a sketch plan followed by a community open house, a commission preliminary meeting, a final meeting with the commission then to Council for a final decision. He clarified that at any stage of the process of the land use development application, it may be re-reviewed to a previous phase in the process, meaning a sketch plan meeting or preliminary meeting. He outlined the many opportunities the community would have to comment on a development proposal during the process.

50 **Staff Report Castle Valley Ranch PA 12 Sketch Plan**

51 *Planning Commission – February 14th, 2024*

52 *Report Compiled: 2/8/2024*

53 *Project Information*

54 *Applicant: Maarjan Hashami*

55 *Applicant’s Mailing Address: 17774 Preston Rd. Dallas, TX 75254*

56 *Phone/Email: 469-531-4115/maarjan@tcfuels.com*

57 *Property Owner: TC Midwest LLC*

58 *Owner Mailing Address 17774 Preston Rd. Dallas, TX 75254*

59 *Proposed Use: 56–64k sf of Commercial Space:*

- 60 • *Fueling Station*
- 61 • *Bank*
- 62 • *Community Market*
- 63 • *Market*
- 64 • *Café*
- 65 • *Boutique Hotel*
- 66 • *Open Space & Plaza*

67 *Parcel Acreage: 10.77 acres*

68 *Open Space/Floor Area to Land Ratio: ~ 2 acres/13-15.2*

69 *Proposed Zoning: M/U - 1*

70 *Surrounding Zoning: SF homes (N Wild Horse Dr., Redstone Dr, CVB); Open Space (VIX Park), Residential zoning (CVRI), School (Kathryn Senor Elementary)*

72 **I Introduction**

73
 74 *TC Midwest LLC approached the Town in early 2023 to discuss commercial development*
 75 *on Planning Area 12 (PA12) off the Castle Valley Blvd. (CVB) roundabout near Katheryn*
 76 *Senor Elementary (Exhibit A, pg. 4) and across from Pyramid Dr. In those early*
 77 *conversations, the Applicant noted how the prospects of PA12 dovetailed with their*
 78 *history of development in the Valley (Exhibit A, pg. 1). With one of the only remaining*
 79 *commercial parcels available, Staff agreed that a central multifunctional commercial*
 80 *property having amenities within walking distance to the surrounding community, could*
 81 *be a valuable addition to the neighborhood. After a number of congenial discussions and*
 82 *numerous plan edits, the Applicant officially submitted a sketch plan application on*
 83 *November 7th, 2023 to pursue this vision.*

84
 85 *The proposal contemplates the 7 buildings in 4 phases (Exhibit A, pg. 8) all bracketed by*
 86 *a circuitous parking lot/driveway arrangement intersecting at the CVB roundabout to the*
 87 *west and N Wild Horse Dr to the east. Project phasing is summarized as follows:*

- 88 • *Phase 1 – Bank, Fueling Station, Community Market, Restaurant w/ outdoor*
 89 *seating and, a central park/plaza;*
- 90 • *Phase 2 – Flexible, market based development; Potential for Town partnership;*
- 91 • *Phase 3 – Boutique Hotel;*
- 92 • *Phase 4 – Park/Open Space;*

93
 94 *The sketch plan is the first of three application steps required for new planned unit*
 95 *developments (“PUDs”) & subdivisions. The sketch plan review assesses initial*
 96 *compliance with town codes, provisions for utilities and infrastructure, substantial*
 97 *conformance to the comprehensive plan, and adverse impacts to the Town. The review*
 98 *provides the Applicant preliminary, nonbinding feedback from Staff, the Planning*
 99 *Commission, and Town Council before significant expenses are incurred. Though no*
 100 *approvals are made at this initial step, constructive feedback can be anticipated.*

101
 102 *Town Planner Paul Smith introduced TC Midwest LLC, represented by applicant Maarjan*
 103 *Hashami and her team: Owner Brad Jordan of Jordan Architecture, Project Developer*

104 John Shade, Jancy Nickles with Sopris Engineering and her local property management
105 team. Planner Smith described the location of the development proposal as adjacent to
106 Pyramid Drive, next to the roundabout and south from VIX Park. He identified the size
107 of the development proposal as an estimated fifty-five to sixty-five thousand square
108 feet of commercial space on just under 11 acres that did not include residential zoning
109 but rather mixed use. He reviewed the site plan (Exhibit A) and described the
110 development phases as roughly 4 phases:

- 111 • Phase 1 – development off the roundabout to include an office/administration
112 building (potentially a bank), gas station with a supporting community market,
113 and a restaurant with outside open seating in the plaza.
- 114 • Phases 2 through 4 were still being planned but with the idea of a boutique
115 hotel, central outdoor plaza, and other commercial occupancies. He clarified that
116 staff recommended that the applicant’s Phases 2 through 4 be reviewed as
117 separate preliminary and final meetings.

118
119 Commissioner Martinez asked if the commission would be considering the entire
120 development or just Phase 1. Assistant Attorney Carmer clarified that the commission
121 was considering a phased PUD plan for the entire development where Phase 1 would
122 be the first portion constructed. She said the whole application would be considered for
123 approval and, if approved, each phase would build out per the criteria of the approval.
124

125 Ms. Hashami described the intent of the development plan with a vision of providing a
126 centralized community space available for kids to play and many amenities to offer to
127 the community. She said the entire team was present for the meeting in an effort to
128 answer any and all questions regarding the development.
129

130 **II Staff Review:**

131 *Throughout the application process, the submittal documents will be reviewed pursuant*
132 *to the criteria below as outlined in the Municipal Code (MC) for planned unit*
133 *developments (PUDs) and subdivisions. An proposal should show general conformity to*
134 *the following (MC17.100.040(E)):*

- 135 1. Consistency with the comprehensive plan;
- 136 2. Compatibility of proposed zoning, density, and general development plan to
137 neighboring land uses and applicable town code provisions;
- 138 3. Availability of town services from public works, fire, and police;
- 139 4. Vehicle, bicycle, and pedestrian circulation; and
- 140 5. Preservation of the natural character of the land.

141
142 Planner Smith outlined the approval criteria in the staff report as well as the intent of
143 the Castle Valley Ranch (CVR) PUD. He summarized the outlined values and goals of
144 the comprehensive plan and how they matched with the CVR PUD. He explored the
145 application and if it was consistent with the comprehensive plan and stated that the
146 project would provide a centralized area of community amenities and gatherings. He
147 added that the northern buildings could provide a commercial space for the Recreation
148 Department. He identified the proposed development provided a walkable location for
149 the surrounding community. He said the goal with the comprehensive plan was to
150 provide smart growth that included amenities, community, and was walking distance.
151

152 Chair Apostolik asked if the proposed development was the last of the three mixed use
153 zoned areas that included Filing 11 and the Romero Group development. Planner Smith

154 confirmed the TC Midwest, LLC development would probably be the last mixed use area,
155 however he clarified that CVR had the possibility of developing up to 100,000 square
156 feet of commercial development. He said the proposed TC Midwest, LLC development
157 would be utilizing fifty-five to sixty-five thousand square feet, so the remaining about of
158 commercial occupancy could be built within other areas zoned as mixed use within CVR.
159

160 Commissioner Cotey asked for further details of the phasing process of the proposed
161 development plan. Planner Smith referenced the project summary (Exhibit B) and
162 explained that Phase 1 involved development of the property adjacent to Castle Valley
163 Boulevard and included a fueling station, community market, restaurant and office
164 building. He noted concerns from both the Fire Marshal and Town Engineer regarding
165 the need for temporary turnarounds and roundabouts during construction to avoid
166 dead-end streets. Ms. Hashami added that the later phases of 2 and 3 were proposed
167 as interchangeable, meaning either one could be the next in line to develop, with the
168 understanding of connecting the development to North Wild Horse Drive after the
169 completion of Phase 1. She noted the timeline for the process after completing Phase 1
170 as an immediate transition to planning the next phase due to high costs. She clarified
171 that the mockup designs for the buildings in Phases 2 and 3 were merely placeholder
172 businesses without any established tenants. She added the buildings were also simply
173 acting as a reference for the viewshed analysis and not intended as the actual design.
174

175 Planner Smith discussed the design of the road as a private loop comprised of
176 driveways and parking spaces with egress off North Wild Horse Drive with the intent to
177 align with the Silverado Trail (when built) providing direct access to Lakota. He added
178 that the town would not maintain the private circulation.
179

180 **1) Is the proposal consistent with the comprehensive plan?**

181 *According to CVR PUD regulations (MC 17.104.010):*

182 *"The purpose and intent of the Castle Valley Ranch PUD zone district regulations are to:*

183 *A. Encourage variety in the physical development pattern of Castle Valley Ranch;*

184 *B. Provide a variety of housing densities greater than would be normally possible;*

185 *C. Encourage the use of a more creative approach to the development of land;*

186 *D. Encourage a more efficient, aesthetic and desirable use of open space;*

187 *E. Encourage a more efficient use of energy through solar orientation, native
188 vegetation, and water conservation;*

189 *F. Provide a variety of dwelling and building designs;*

190 *G. Provide high standards of development and provide amenities appropriate to
191 the densities involved in the project;*

192 *H. Provide an integrated open space system throughout areas as outlined on the
193 Castle Valley Ranch PUD zoning plan as well as throughout individual districts;*

194 *I. Provide for a variety of housing types in order to best meet the housing
195 demands of all age groups;*

196 *J. Maintain and preserve the general alignment of drainage ways for aesthetic,
197 energy and functional purposes;*

198 *K. Provide pedestrian networks throughout the open space districts as well as
199 throughout individual districts thereby providing an integrated network
200 throughout the entire development;*

201 *L. Provide landscape areas and tree plantings throughout the entire development."*
202

203 *The CVR planning concept is consistent with the major elements of the*
204 *currently adopted Comprehensive Plan ("CP"). Applicants are expected to*

205 clearly demonstrate substantial conformity with the CP in all applications (**Policy**
206 **CG-1B**). Substantial conformance to the CP may include:

- 207 • Fostering distinctive, attractive communities with a strong sense of place and
208 quality of life.
- 209 • Demonstrating a fully-balanced community and land use structure.
- 210 • Ensuring a mix of uses that complement existing land-use patterns.
- 211 • Creating walkable communities and encourage multi-modal transportation.
- 212 • Balancing housing types that support a range of affordability.
- 213 • Preserving open space, natural beauty, and critical wildlife habitat.
- 214 • Encouraging economic development.
- 215 • Providing efficient and cost-effective services.

216
217 Per the submittal narrative (Exhibit A, page 1), the development proposes relevant
218 commercial amenities intending a socio-economic focal point in the core of Castle Valley
219 Ranch (CVR). The centralized location is poised to enhance connectivity of services and
220 amenities to the surrounding community reinforcing key values of the Comprehensive
221 Plan such as "Smart Growth" (Goal CG-5) and Economic Development (Goal E-1). The
222 heart of the proposal (Exhibit A, page 4) is the central event plaza meant for year-round
223 community gatherings flanked by surrounding retail shops, restaurants, and services.
224 The plaza will function as a place for picnics, music venue, food trucks, or even
225 weddings. The commercial uses directly adjacent to Castle Valley Blvd. will support
226 commuters, recreationists, and/or residents with various goods.

227
228 The projected phasing aligns with a number of New Castle goals and values favorable
229 for Smart Growth and quality of life (Goal CG-5) including a focus on conservation of the
230 natural environment (Goals EN-1 thru EN-8), sensitivity to architectural aesthetics, and
231 promoting trails and open space (Goal RT-1). The Applicant aspires to create a space
232 commensurate with community, outdoor recreation, and sustainability. Generous open
233 space, interconnected trail systems, and thoughtful use of resources contribute to these
234 ends.

235
236 **Economic Impact:** Historically the Town has struggled with an imbalance between
237 residential and commercial development. Like the valley-wide effort for affordable
238 housing, New Castle has long encouraged development of commercial square footage to
239 attract businesses and thereby expand the goods and services available to its residents.
240 The current application is one step to neutralize this disparity. Retail and hotel
241 establishments will also improve the tax revenues, with 3.5% and 5% rates respectively.
242 Limited capital costs for utility infrastructure and subsequent maintenance should be
243 incurred by the Town since few of these components will be conveyed to the Town. With
244 added employees, the proposal should add vitality to this part of the community. To be
245 sure, the Applicant is required to include a fiscal Impact study as part of the preliminary
246 plan application.

247
248 **Trails/Open Space/Recreation:** The site plan establishes a baseline commitment to
249 pedestrian friendly communities, trails, and active open space (Exhibit A, pages 4). The
250 central plaza will be the focus for outdoor entertainment, dining, recreating, or just
251 relaxing. Sidewalks and/or trails from the surrounding neighborhoods, trails, and schools
252 are all anticipated to lead towards this central area. Parking areas should provide hi-
253 visibility crosswalks to prioritize pedestrian safety. Likewise, the Applicant should be
254 strategic in traffic calming to deter speeding and shortcutting around the property.
255 Currently two continuous trails will connect N Wild Horse Dr with CVB. Both paths will
256 have connecting spurs (presently not drawn) to access the various commercial amenities
257 by foot or bike. Finally, a play area park on the north end of the property will balance

258 with the Town's pump track and dog park. Whether this park is dedicated to the Town is
259 yet to be decided.

260
261 **Environmental Impact:** New Castle is committed to stewardship of the natural
262 environment and recognizes the potential negative impacts of new development. The
263 Town will work with Colorado Parks and Wildlife (CPW) and the Applicant to identify and
264 protect critical environmental resources (Goal EN-1). Though CPW defers comment until
265 the preliminary stage, the surrounding areas of the property have historically been
266 recognized as year-long habitat for various birds and mammals. It will be important to
267 minimize conflicts by, for instance, prohibiting dogs off-leash, minimizing light trespass,
268 preserving native habitat, and limiting use of fences. In some cases, added landscape
269 buffers in certain locations may offset these impacts with enhanced vegetation and/or
270 landscape features.

271
272 New Castle also endorses sustainable building that minimizes the consumption of fossil
273 fuels and maximizes use of renewables (Goal EN-7). All buildings will comply with the
274 recently adopted Colorado Electrical and Solar Ready codes. It will be important for the
275 Applicant to discuss how sustainable building measures are featured in the proposal as
276 the application progresses. Net-zero/all-electric alternatives are achievable options
277 manifested in new developments throughout the Valley. No less should be expected of
278 this proposal.

279
280 Raw water is being considered as the means to irrigate landscaping (Exhibit A, pg. 10).
281 Raw water is non-potable water which bypasses the town's treatment facility thereby
282 eliminating the processing step. The Applicant also receives a 25% reduction in water
283 tap fees as a result of implementation. Opting for raw water is ultimately economic and
284 sustainability win for all involved.

285
286 Planner Smith said Colorado Parks and Wildlife (CPW) would provide their input of
287 environmental impacts during the preliminary meeting. He outlined the general
288 impacts CPW typically addressed. He added that in an effort to preserve and protect
289 local species and minimize environmental impacts, retention of native vegetation and
290 reduction in fencing was encouraged.

291
292 Planner Smith remarked on the expectations for sustainable building practices with the
293 adoption of the new Colorado Electrical and Solar Readiness requirements. He said the
294 expectation was to build with net zero, meaning zero carbon use in the buildings. He
295 said the hope was to implement net zero with the site plan structures.

296
297 Planner Smith said raw water was anticipated for use for landscaping. He identified the
298 amount of landscaping depicted in the site plan and said the goal would be to minimize
299 the amount of raw water irrigation.

300
301 Commissioner Cotey asked Ms. Hashami what the open space concepts would look like
302 during the integration of the multiple phases of development. Ms. Hashami said Phase
303 1 would have the most immediate impact. She explained the center of the
304 development could be left as a park or a community gathering/event space. She
305 highlighted the intended parking amenity of a designated pickup/drop-off area in Phase
306 1 for the community to utilize the center plaza. She said improvements to the center of
307 the development would be integrated after Phase 1 but before the next phase as that
308 was the focal point of the project. She added they planned to screen around the

309 community plaza when the next phase of construction begins with the intention to
310 preserve the aesthetics for the community.

311
312 Commissioner Cotey stated she liked the vision of community gathering places but was
313 concerned that community areas were not incorporated in Phase 1. She stated that she
314 had reservations of the development making it past Phase 1 and would lose the
315 potential of those community spaces. She requested to include some of the community
316 gathering spaces within Phase 1 buildout.

317
318 **2) Does the proposal demonstrate compatibility with the proposed zoning,**
319 **density, and general development plan to neighboring land uses and applicable**
320 **town code provisions**
321

322 **Land Use:** *The Applicant has elected to develop under the CVR MU-1 zoning criteria.*
323 *According to MC 17.104.080, MU-1 is a "mixed use district providing a mix of residential*
324 *and nonresidential land uses within close proximity to each other that are suitably*
325 *located within the community core. The following land uses are permitted by right:*

- 326 • *SF and multifamily dwellings;*
- 327 • *Childcare facilities;*
- 328 • *Places of worship;*
- 329 • *Administrative and tech;*
- 330 • *Banks;*
- 331 • *Personal service shops;*
- 332 • *Restaurants and taverns;*
- 333 • *Gasoline service;*
- 334 • *Retail;*
- 335 • *Offices;*
- 336 • *Parking;*
- 337 • *Parks*
- 338 • *Recreational facilities;*
- 339 • *Trails and open space;*

340 *Warehousing, manufacturing, and industrial uses are not permitted in MU-1 zoning*
341 *regulations.*

342
343 *The Master PUD allows for the following density standards:*

- 344 • *Maximum floor area/land ratio of 0.6:1;*
- 345 • *Maximum building height of 40';*
- 346 • *Maximum accessory building height of 25'*
- 347 • *Minimum front yard setback 15';*
- 348 • *Minimum side yard setback of 5';*
- 349 • *Minimum rear yard setback of 10'*
- 350 • *Minimum distance between buildings of 10';*

351
352 *Mixed-use districts in CVR emerged from early discussions about Smart Growth and its*
353 *implementation in undeveloped areas of New Castle (Goal CG-5). A key thesis of Smart*
354 *Growth is the blending of residential and commercial in order to reduce traffic and*
355 *environmental impacts, increase pedestrian access, foster social connections, and overall*
356 *improve the quality of life. Live-work structures – buildings with residential units above*
357 *commercial establishments – are often co-extensive with the mixed-use concept. The*
358 *current property could, in theory, be an ideal location for the live-work model. However,*
359 *the Applicant's restrictive covenants (viz. an obligation to develop commercial only)*
360 *contractually prohibits residential on this parcel. Though independent of the vested*
361 *rights with the Town, the restrictive covenants are no less binding on the Applicant. In*

362 *light of this, the Planning Commission will still need to consider whether a commercial*
363 *only development or a bona fide mixed-use venture is the better fit for CVR.*
364

365 *For Phase 1, the Applicant has elected strictly permitted uses per the vested rights, with*
366 *structures complying with density, separation, and height constraints. Uses within*
367 *Phases 2 & 3 are indefinite though multi-functional buildings are anticipated. The Phase*
368 *3 boutique hotel is neither permitted by right nor prohibited and therefore will require*
369 *special attention if approval is considered. Occupancy of later phases will track market*
370 *demand, but could be a central location for child-care services, small offices, or a Town*
371 *partnership for a recreation center adjacent to VIX park.*
372

373 *Setbacks and building heights will be provided at the preliminary application. These*
374 *provisions aside, the Planning Commission should prioritize ways of mitigating the*
375 *potential visual impacts of building massing to the surrounding neighborhoods. Massing*
376 *alternatives, structure orientation, landscape screening, and roof articulation, for*
377 *example, are ways visual impacts can be diminished. Some of these elements have been*
378 *included in the renderings (Exhibit A, pages 20, 22-23, 28-29).*
379

380 *Staff also recognizes that Phases 2 & 3 are currently conceptual and will remain so for*
381 *the unforeseeable future. Future factors could impact anticipated uses and designs in*
382 *ways both functionally and aesthetically detrimental to the Town without some form of*
383 *accountability. Therefore, Staff recommends that all future phases, including site plan,*
384 *building design, and engineering, be reviewed prior to building permit application.1*
385

386 **Off-Street Parking:** *Parking specifications and the parking plan for Phase 1 are*
387 *prepared in Exhibit A, pg. 5. As designed, off-street parking is underrepresented by 10*
388 *spaces. The bulk of this deficit will be found in the restaurant parking lot(s) with a 17*
389 *space shortage. Patrons will likely be compelled to use empty bank or fueling station*
390 *spaces when the nearer lots are full. EV supply equipment (EVSE) will also be required*
391 *at a rate of one per lot or three total for Phase 1. Fueling bays are counted towards the*
392 *parking total, a reasonable request given the nature of fueling stations. Pursuant to*
393 *Section 17.104.100 (M), P&Z may approve joint use parking arrangements to allow*
394 *parking from one lot to overflow to another during off-business hours (e.g. restaurant*
395 *parking overflow to the bank parking lot during the evening). Ultimately, the purpose of*
396 *off-street parking in the PUD "is to ensure that safe and convenient off-street parking is*
397 *provided to serve the requirements of all land uses in the Castle Valley Ranch PUD and*
398 *to avoid congestion in the streets" (MC 17.104.100). P&Z will need to consider whether*
399 *the available parking proposed is commensurate with the commercial square footage*
400 *envisioned.*
401

402 Planner Smith reviewed the list of permitted land uses by vested rights. He said all
403 structures in the development proposal of Phase 1 were approved uses by right. He
404 said when phases 2 through 4 were up for review, they would need to discuss the
405 boutique hotel as that was not an approved use by right. He added that staff had
406 discussed with the applicant the option of a recreation center in Phase 2. Planner
407 Smith discussed the zoning of the proposed development as 'mixed use' outlining the
408 intention of such development as a combination of commercial and residential. He
409 explained that due to private ownership agreements, this particular parcel of land was
410 designated as solely commercial development while the residential portion of
411 development was divided amongst the other owners. He clarified that the applicant
412 was not considering incorporating residential development due to that private
413 agreement. He stated that the Town of New Castle was not subject to that private
414 agreement and needed to take that into consideration. Assistant Attorney Haley

415 Carmer noted that private agreement was a convenient agreement that had been
416 recorded for over a decade. She added that the overall distribution of commercial
417 versus residential 'mixed use' zoning had been heavily focused on residential
418 development. She said this application for commercial development was balancing the
419 zoning allocation for 'mixed use' in CVR specifically. Commissioner Cotey stated that
420 was not the reason for mixed use zoning but rather a commercial zoned district. She
421 added that the desirability of mixed use promotes a sense of place and gathering as
422 outlined in the comprehensive plan and smart growth principles. She stated combining
423 commercial and residential uses was what created the synergy of what was supported
424 in the comprehensive plan. She noted the agreement was made separate from the
425 town by the developers.

426
427 Commissioner Carey and Commissioner Cotey questioned staff and legal counsel as to
428 why gas stations were considered an approved use in 'mixed use' zoning but required a
429 conditional use permit for a commercial zoned district. Assistant Attorney Carmer said
430 the designated zoning was part of a PUD Zoning Act, where CVR was established by
431 determining permitted uses after analysis for each of the zoned districts back in 2002.
432 Commissioner Cotey asked about 'sunsetting' and the ability to change zoning code.
433 Assistant Attorney Carmer responded that CVR had vested zoning rights through 2043,
434 a thirty year term approved by Council in 2013. She added that the landowners who
435 had vested zoning rights would have to approve any changes/modifications to their
436 zoning districts.

437
438 Commissioner Martinez stated that gasoline services was in the permitted uses but
439 warned the developer that there would be pushback regarding a gas station.
440 Commissioner Cotey stated that gasoline services was only permitted in one scheduled
441 permitted land use section and stated it was not noted in the mixed-use zone district.
442 She stated the PUD was not in alignment with Chapter 17 of the Town Code. Assistant
443 Attorney Carmer clarified that comparing permitted and conditional uses of the CVR
444 PUD versus the downtown commercial zoning would be different. She clarified that
445 each zone district had different specifications and requirements.

446
447 Commissioner Carey asked if conditions could be added to avoid big box stores being
448 incorporated into the commercial development site. Assistant Attorney Carmer clarified
449 the commission may require conditions based on design standards, but not denying
450 specific business brands that fall under the category of retail use. As an example,
451 Assistant Attorney Carmer said the commission could agree on a design space of five
452 units intended for five businesses. If the business could fit their operation within that
453 designated space, then there would be no issues. However, she said, if a business tried
454 to expand their operation beyond the individual office space, a required re-review by
455 P&Z would ensue.

456
457 Commissioner Cotey added the importance of ensuring that the commercial buildings
458 had the capacity to accommodate many business types on the off chance that the
459 original business were unsuccessful. Chair Apostolik asked Ms. Hashami if they had
460 any tenants currently in mind. Ms. Hashami confirmed they had tenants for Phase 1.
461 She clarified they did not have tenants for Phase 2 or 3. Chair Apostolik asked if the
462 development team had a timeline for buildout for Phase 2 and 3. Ms. Hashami stated
463 that the development team was in the process of an internal preliminary design for

464 Phase 2 and 3, but not presented to any architects yet. Ms. Hashami explained Phase 1
465 was ready for buildout as it would be a self-tenant situation. Chair Apostolik asked if
466 they were planning on the revenue of Phase 1 to sustain Phase 2 and 3 buildouts. Ms.
467 Hashami clarified that the initial buildout from Phase 1 would allow for greater
468 attainability in funding for Phase 2 and 3.

469
470 Planner Smith discussed the parking layout, after conducting a parking count. He said
471 staff noticed the restaurant parking was lacking in accommodations by 17 spaces. He
472 stated it was an applicant variance request for reduced parking. Planner Smith said it
473 may be considered by the commission for shared parking by the separate businesses
474 within Phase 1, perhaps after hours from the bank to the restaurant. He added there
475 would be electric vehicle charging stations within the fueling station. Commissioner
476 Cotey stated that if the circulation issues were addressed then the development should
477 be walkable. She added that there needed to be a balance between availability in
478 parking as well as open gatherings for the community so as to not have a development
479 overwhelmed by a parking lot, therefore losing pedestrian connectivity. Commissioner
480 Parks voiced concerns of the public choosing to park on North Wild Horse Drive for
481 easy access to the commercial amenities. Commissioner Rittner inquired about
482 accessibility for loading trucks and gas tanker trucks. Planner Smith added that the
483 circulation master plan did not seem to match the street width and parking spaces
484 depicted in Phase 1. Ms. Hashami said that detailed plans of the parking arrangements
485 would be prepared for the preliminary meeting as currently they only had a general
486 sketch concept. Chair Apostolik noted that previously approved shared parking
487 arrangements were considered for residential developments. He said that the
488 commission would need to take that into account for a commercial shared parking
489 agreement. Commissioner McDonald stated the importance of knowing where the
490 sidewalk would be in order to understand how parking would fit into the site plan.
491 Chair Apostolik suggested shifting the administration/bank building over to the
492 northwest to bring parking spaces closer to the restaurant. Ms. Hashami stated that
493 shifting the location of the administration/bank building would not be a problem. She
494 said her team would work on the sidewalk locations as soon as possible. Commissioner
495 Parks referenced the site plan and suggested shifting the landscaping to include a
496 sidewalk.

497
498 Commissioner Cotey asked what the back of the community market would look like as
499 there would be the expectation for grease traps, disposal, and delivery points. She
500 noted there would need to be greater access for retail, restaurant and market
501 locations. Ms. Hashami said she would consider that point and have her engineer look
502 into access possibilities.

503
504 Chair Apostolik asked what the continuation of traffic flow would look like regarding the
505 restaurant. He specifically asked about restaurant deliveries and stated the parking lot
506 cuts off access to the restaurant. Mr. Nickles said most of the deliveries could occur
507 outside of the operating hours of the businesses. Commissioner Carey and
508 Commissioner Rittner both expressed concerns of late-night deliveries to an otherwise
509 residential area. Chair Apostolik stated it was not up to the commission to decide on
510 operating hours but rather to comment on the planning and development in an effort
511 to provide the proposed site plan available space for deliveries during normal business
512 hours. Commissioner Carey clarified that her concern was centered around heavy

513 delivery truck traffic traveling in a residentially dense area that includes dark sky
514 compliance requirements.

515
516 Chair Apostolik asked Assistant Attorney Carmer if there was anything in the town
517 code that limited the hours of operation for a commercially zoned area surrounded by
518 residential homes. Assistant Attorney Carmer said there was nothing in the code or
519 PUD that specifically set a limit on business operating hours. She added that dark sky
520 compliance focused on design of the lighting and not the duration of use. She
521 emphasized that the commission was looking at a PUD plan and said these desired
522 regulations could be incorporated, specific to the development. Planner Smith added
523 that during staff recommendations a condition regarding business operating hours may
524 be included. Ms. Hashami stated they would look into delivery times of supply trucks.

525
526 Commissioner Martinez asked Ms. Hashami if the development team would consider
527 removing the fuel station from the design plans. Ms. Hashami said it was possible, but
528 the entire development team would need to be in agreement of that decision. She
529 added that she would be conducting more research on environmental impacts of the
530 fuel station to better answer the commission's questions. Commissioner Cotey
531 expressed her appreciation of Ms. Hashami's willingness to explore other options. She
532 said she appreciated the concept of a community gathering place in the heart of the
533 community and added that an autocentric fueling station was in direct opposition of
534 that concept. Commissioner Cotey emphasized the severity of impacts the fueling
535 station would leave behind, marking that location as a 'brown field site' that would
536 require environmental remediation should the business fail. Ms. Hashami said she
537 would investigate the options for removing buried fuel tanks.

538
539 **3) Is there availability of town services from public works, fire, and police?**

540
541 **Police:** *There is little indication that police service would be compromised with the*
542 *added commercial traffic. However, the Police Department currently consists of eight*
543 *officers (plus one in training) with an ideal department size of 11 officers. Generally,*
544 *additional officers are considered for every 1,000 resident increase.*

545
546 **Fire:** *In response to the current multi-year drought and the ongoing expansion*
547 *of the wildland-urban interface, Colorado River Fire Rescue now emphasizes the*
548 *resiliency of structures and improving defensible space (**Goal EN-8**). Recently, such*
549 *measures were codified with the adoption of the 2021 International Fire and*
550 *Wildland-Urban Interface Codes. Structures are required to use materials with*
551 *higher ignition resistance than more conventional materials, particularly in buildings.*
552 *Limiting the combustion properties of a structure reduces fuel loads thereby*
553 *inhibiting flame spread and buys time for firefighting during a wildland fire incident.*
554 *Vegetation on lots of new structures will also be required to be thinned to provide*
555 *separation from structures and other combustible materials.*

556
557 **Public Works:** *The CVR Master PUD is approved for 1,400 residential units and*
558 *100,000sf of commercial space. These totals were primarily the result of calculations*
559 *performed on the basis of water dedicated from Elk Creek. At present, the PUD has*
560 *no commercial space developed. The current sewer treatment plant is sufficiently*
561 *sized to process the full build-out of both CVR and Lakota.*

562
563 *Raw Water: Raw water is available at the roundabout on CVB and is expected to*

564 irrigate all common areas within the new PUD. The raw water infrastructure will need
565 to be extended and looped with the installation of the N Wild Horse road connection.
566

567 *Streets/Snow Storage: The proposed design does not contemplate conveying*
568 *public roads to the Town. The proposed looped driveway shows a standard 24'*
569 *width with perpendicular parking on both sides. Snow storage is currently*
570 *omitted at this point, but will be vital to plan early given the density of the*
571 *development. Adequate snow storage is crucial for public safety, cost savings,*
572 *and quality of life. Circulation around the later phases is only conceptual at this*
573 *stage (Exhibit A, pp. 8, 13). However, parking and drive lanes do not seem to*
574 *fit consistently on the current sketch. Staff recommends that the Applicant*
575 *provide an improved driveway alignment consistent with the design of Phase 1*
576 *prior to the Council meeting. Finally, the intersection with N Wild Horse Dr.*
577 *would typically align with future Silverado Tr. Since Silverado Tr. is yet to be*
578 *built, the alignment of the west entry to the property should be considered a*
579 *place holder until the location of the intersection is better formalized.*
580

581 *Open Space: The Applicant has made efforts to integrate active open space*
582 *in two locations (Exhibit A, page 4). The Parklet to the north and the central*
583 *Event Plaza will be available to all residents and will complement the proposed*
584 *commercial uses.*
585

586 Planner Smith reported there were no concerns from the police department. He stated
587 that the Colorado River Fire Rescue was supportive after the adoption of the Wildland-
588 Urban Interface code. He added that Public Works commented on snow storage and
589 the need to incorporate that into the plans for walkability, parking and sidewalks. With
590 regard to Silverado Trail, Planner Smith stated it was unclear if the planned egress
591 east of the development would align with the road as it was unclear where Silverado
592 Trail would connect to North Wild Horse Drive. Planner Smith suggested the
593 commission consider a condition requiring the alignment of the egress and connection
594 points of Silverado Trail to North Wild Horse in whichever order the developments
595 progressed.
596

597 **4) Is there adequate vehicle, bicycle, and pedestrian circulation?**
598

599 *Because of the high density and disrupted lines of sight it will be important for the*
600 *interior driveway loop to provide high visibility pedestrian crosswalks, preferably with*
601 *bump outs, placed in priority locations. This should ease the feeling of one having to*
602 *forge a moat of parking in order reach the project's interior. Peripheral paths with*
603 *connecting spurs will be designed to allow foot/bike access to all amenities. These*
604 *paths will be modestly landscaped and dimly lit along their routes with a soft trail*
605 *surface.*
606

607 Chair Apostolik identified that construction access for Phase 1 would feed from the
608 Castle Valley Boulevard roundabout. He said the pedestrian trail would need to be
609 shifted to the northeast and asked the applicant if they planned to shift the trail with
610 the understanding that the roundabout would one day be a four-lane access at full
611 buildout. He added that there needed to be a temporary pedestrian crossing to ensure
612 public crossing and access to the tunnel during construction. Commissioner Cotey
613 stated the importance of public safety for the school children who use walkways and
614 pedestrian crossings to commute to the school next to the development site. Chair
615 Apostolik asked if the applicant was considering an expansion of the roundabout with

616 separate entry and exit lanes based on the full buildout of four lanes on Castle Valley
617 Boulevard. He noted this would be a commercial access point unlike the residential
618 traffic flows. Mr. Nickles said they could consider that idea but would need to work with
619 town staff. He added that the roundabout functioned better for traffic flow rather than
620 a four way stop with traffic lights. He said he assumed the roundabout had already
621 been built out. He said with the eventual expansion to a four-lane boulevard, he said
622 he would look at planning ahead for that expansion.
623

624 Commissioner Carey expressed concerns of traffic flow and fire safety without a direct
625 link from the roundabout to North Wild Horse Drive/Silverado Trail. Commissioner
626 Cotey added her concerns regarding roundabout movement, school traffic and
627 pedestrian circulation. Commissioner Cotey stated she wanted to see what traffic
628 impacts looked like on Castle Valley Boulevard with a traffic study. Planner Smith
629 clarified that traffic studies were conducted and reviewed at the preliminary meeting.
630 Ms. Hashami said crossings and walkways would be incorporated in later phases of
631 development. Both Commissioner Carey and Commissioner Cotey expressed their
632 desire for safe crossings and sidewalks earlier rather than later in the development
633 phases with consideration of the community and elementary school next to the
634 proposal. Ms. Hashami agreed and said she would work that into the plans.
635

636 **5) Is the natural character of the land preserved?**
637

638 *Topography: Grade (Exhibit A, page 6) slopes gradually downhill from east to*
639 *west dropping 30-40' in 700ft (~4% slope). Such slopes are rarely problematic from*
640 *a design standpoint and therefore structural steps or terracing of landscaping should*
641 *be minimal, if necessary. Nevertheless, the Applicant should demonstrate material*
642 *balance of expected cut-and-fill before construction commences. The structural*
643 *designs appear to preserve and match existing grade features and follow uniformly*
644 *with the current slope.*
645

646 *To conserve water and limit landscape maintenance such as mowing, staff*
647 *requests the applicant consider drought resistant vegetation and seeding of native*
648 *grasses to restore disturbed areas to their original state. Sod with landscape*
649 *irrigation, likewise, should be used sparingly to limit the need for landscape*
650 *maintenance.*
651

652 Planner Smith said the development site had a gradual sloped area. He said the focus
653 would be on the conservation of water as well as building heights and obstructed
654 viewsheds. Planner Smith reminded the commission commercial buildings allowed for
655 forty-foot building heights and added the site plan did not come close to that
656 maximum height from the development team.
657

658 Commissioner Parks said he would like to see details regarding drainage through the
659 development site as it was located on a sixty-foot elevation grade. He added he would
660 like to see water quality ponds. Planner Smith said Town Engineer Jeff Simonson also
661 commented on the need for water quality ponds.
662

663 **IV Staff Recommendations**
664

- 665 A. *Include details for managing potential hazards related to the operation of*
666 *a fuel station, including storage location, managing fuel spills, possible air*

667 *pollutants, and including draft covenants which include best practices for*
668 *daily upkeep and appearance of the fueling station and its immediate*
669 *surroundings.*
670

671 For Item A, Ms. Hashami stated that the fuel station was not planned as a large,
672 corporate gas station but rather a few pumps available with a market/café feel. She
673 clarified that the fuel station was not intended to be the focus of the development
674 (Exhibit C). Commissioner Cotey expressed concerns of air quality from the fuel station
675 in relation to the distance from a school. Commissioner Carey added the proximity to
676 residential homes was also a concern. A member of the local management team,
677 Shaun, working with Ms. Hashami stated he and his team managed gas stations in
678 Glenwood Springs. He reiterated that the proposed fuel station would not be a typical
679 gas station. He identified the fuel station would have an emergency stop switch in the
680 case of an emergency. He said there were gas stations all over the valley and said it
681 was typically a safe operation with no fumes. He added that they could reduce the fuel
682 station bays from four down to two. Commissioner Cotey requested more research be
683 conducted in regard to air quality impacts from the fuel station with close proximity to
684 a school.

685
686 Commissioner Carey referenced the EPA's Siting Guidelines for Elementary Schools and
687 stated the guidelines did not recommend a gas station be within one thousand feet of a
688 school. She questioned if the fuel station would meet substantial conformity with the
689 comprehensive plan and the amenities that were appropriate to the area.

690 Commissioner Cotey added the point of 'adjacent land uses' to Commissioner Carey's
691 comment. Commissioner Carey said the fuel station was five hundred two feet from
692 the school and three hundred forty feet from residential homes. Commissioner Carey
693 said she would like to see staff's recommendation for Item A to be far more robust in
694 order to move forward. Commissioner Cotey shared that her son attends Katherine
695 Senior Elementary School and was a cancer survivor. She said it was very important to
696 her that the commission ensure the health, safety, and wellness of all the children who
697 attend school in New Castle. She said Item A was a key point as it was the town's job
698 to ensure the health, safety and wellness of the community despite economic
699 development. She said there were other ways to support the community of New
700 Castle.

701
702 *B. Provide a lighting plan demonstrating that all parking lot and exterior*
703 *building lighting will be dark-sky compliant per the Comprehensive Plan.*
704 *Parking lot lighting should be on timers to reduce the light duration at*
705 *night while maintaining security lighting as necessary.*
706

707 *C. Applicant shall demonstrate compliance to section 17.104.100(P) related*
708 *to off-street parking specifications within the CVR PUD. Particularly, plans*
709 *shall include:*
710

- 711 *• Entry access divider at N Wild Horse Dr.*
- 712 *• Screening of parking from adjacent residential zones;*
- 713 *• At least 10% landscaping of parking lots;*
- 714 *• Parking lot/driveway snow storage;*

715
716 *D. Consider relocating all refuse containers (i.e. dumpsters) to the rear of*
717 *buildings or out-of-sight of CVB.*

718
719 For Item D, Commissioner Carey requested the containers be completely enclosed and
720 bear resistant. She asked that all trash cans be fully enclosed.

721
722
723 *E. Provide temporary turnarounds for emergency personnel as recommended*
724 *in the referral letter from CRFR.*

725
726 *F. Minimize construction traffic along N Wild Horse Dr. with provisions for a*
727 *temporary construction easement that includes an impervious road*
728 *surface that accommodates construction vehicle circulation for the*
729 *buildout of PA 8 & 9 (R2 Partners LLC) and PA 12 (TC Fuels Midwest LLC)*
730 *until the completion of either PA 12 or PAs 8 & 9, whichever is first.*

731
732 Planner Smith said he had discussed Item F with R2 Partners and TC Midwest. He
733 explained there was the possibility of two development sites to be under construction
734 at the same time. He said he hoped to form a temporary egress between the two
735 development sites until full buildout from one or the other. He said both developments
736 had been amenable to the suggestion. He clarified that all construction traffic would
737 enter through the roundabout until one of the development sites was completed to
738 avoid driving down North Wild Horse Drive.

739
740 *G. Extend raw water infrastructure from existing stub-outs into the new*
741 *development with an extension along N Wild Horse Dr.*

742
743 *H. Specify on the plat open space maintained by the HOA and open space*
744 *maintained by the Town, if applicable.*

745
746 For Item H, Planner Smith stated that Public Works would prefer to maintain the main
747 trail from the pedestrian underpass culvert up to VIX Park. He clarified that all other trails
748 on the property would be maintained privately. He added that the expectation would be
749 to have the development team pave the main trail to which Ms. Hashami agreed.

750
751 *I. Provide a water sampling station per the recommendations of the Town*
752 *Engineer and Public Works Director.*

753
754 *J. A preliminary and final PUD application shall be submitted to the Town in*
755 *accordance with Sections 17.100.050 and 17.100.060 for future phases 2-*
756 *4.*

757
758 *K. Following final PUD approval, minor alterations to architectural plans,*
759 *including changes to design features and exterior materials, and any other*
760 *alteration addressed in Section 17.100.110 of the Code will be processed*
761 *in accordance with said section.*

762
763 For Item K, Planner Smith explained that in the event of any design changes after
764 approval, during or post construction, those alterations would need to come back to
765 P&Z for a re-review. Commissioner Cotey emphasized the importance of defining what
766 significant changes/alterations would look like in order to protect and preserve the
767 agreed upon development design, should the property sell during entitlements prior to
768 construction. Assistant Attorney Carmer said the establishment of those definitions
769 would occur during the Preliminary and Final P&Z meetings.

770
771 Administrator Reynolds shared an example related to the issue of post-approval design
772 changes involving Lakota Senior Housing. He said the town put a stop order to the
773 development construction due to the significant changes made after the approval
774 process. He shared that the development was brought back to P&Z for re-review where
775 they discussed and negotiated the budget engineering changes that were made.
776

777 *L. The development shall comply with all currently adopted building code and*
778 *municipal code requirements, including all sign code regulations in effect*
779 *at the time of building permit application, as well as all recommendations*
780 *of the Town Engineer and Town Public Works Director provided in*
781 *response to review of the Application. All site specific development*
782 *applications subject to the provisions of the International Fire Code or*
783 *matters requiring fire alarms and/or fire suppression shall be submitted to*
784 *the Fire Marshal for review and comment.*
785

786 Chair Apostolik asked if it was worth it to the development team to return to P&Z for a
787 second sketch plan review before moving forward. Ms. Hashami shared that the cost
788 for a design team was expensive resulting in only presenting Phase 1 of the
789 development, ready for buildout, for the current sketch plan meeting. Ms. Hashami
790 said her team could make the necessary changes from the comments received and
791 submit to Planner Smith. She said she hoped to proceed to Preliminary after the
792 adoption of the design changes that the commission feels comfortable with.
793

794 Commissioner Cotey asked if Preliminary was specifically for Phase 1 or for the entire
795 development. She added that Assistant Attorney Carmer stated the development
796 would be submitted under a PUD and asked how that would look regarding the PUD
797 versus Phase 1. Assistant Attorney Carmer stated the development was submitted with
798 general plans depicting circulation connectivity. She said Phase 1 had detailed plans for
799 development but Phase 2 and 3 would plan to return to P&Z for Preliminary and Final
800 for each phase. Commissioner Carey noted the amount of requested changes made by
801 the commission and stated she would prefer not to have the development progress to
802 Preliminary. Chair Apostolik stated that was not a decision the commission could make
803 and was a risk on the applicant's part. Assistant Attorney Carmer clarified that sketch
804 plan did not include a decision or approval from the commission but rather an initial
805 review of the design presented by the developer. Commissioner Cotey agreed and
806 said there were a lot of changes to work through to the point that she would prefer to
807 revisit the development plan as a second sketch plan.
808

809
810
811
812 Commissioner Sass summarized the commission's main points by noting the sensitivity
813 of the development based on proximity to a school and high pedestrian use. She
814 summarized the importance of keeping an open, safe walkway available during
815 construction. She stated that the fuel station was the biggest issue. She agreed that
816 having a marketplace was great without having a fueling station. She was in
817 agreement that moving the location of the bank for added parking for the restaurant
818 would be beneficial. She expressed the same concern of access issues for the back of
819 the restaurant for delivery and trash. Commissioner Sass suggested to identify the

820 distances from homes to businesses when hosting the community open house. She
821 advised the best course of action would be for the development team to return to P&Z
822 with a revised sketch plan. Ms. Hashami said she agreed that the best course of action
823 would be to return to P&Z with the revised changes before moving forward.
824

825 Ms. Hashami summarized her plan to move forward as first hosting a community open
826 house to receive public input then presenting to Council to gather more input before
827 returning to P&Z with another review/sketch of the design incorporating the requested
828 changes. Chair Apostolik said he felt more comfortable with that plan as he didn't want
829 to see TC Midwest spend money on a final design to then have to change it again. He
830 clarified that he didn't want to have to change layout design in Preliminary as it would
831 not be fair to the developer.
832

833 Chair Apostolik concluded with the statement that he thought it was a great idea and
834 said the development team had some work to do, regarding the design changes
835 suggested by the commission. Commissioner Cotey encouraged the public to continue
836 to attend town meetings.
837

838 **Staff Reports**

839 Planner Smith said there were no items for the next meeting.
840

841 **Commission Comments and Reports**

842 There were no commissioner comments.
843

844 **Review Minutes from Previous Meeting**

845 **MOTION: Commissioner McDonald made a motion to approve the January 24,**
846 **2024 meeting minutes. Chair Apostolik seconded the motion and it passed**
847 **unanimously.**
848

849 **MOTION: Chair Apostolik made a motion to adjourn the meeting.**
850 **Commissioner Sass seconded the motion and it passed unanimously.**
851

852 The meeting adjourned at 9:16 p.m.
853

854 Respectfully Submitted,
855

856

857

858

859

Chuck Apostolik, Chair

860

861

862

863

Remi Bordelon, Deputy Town Clerk

864

865

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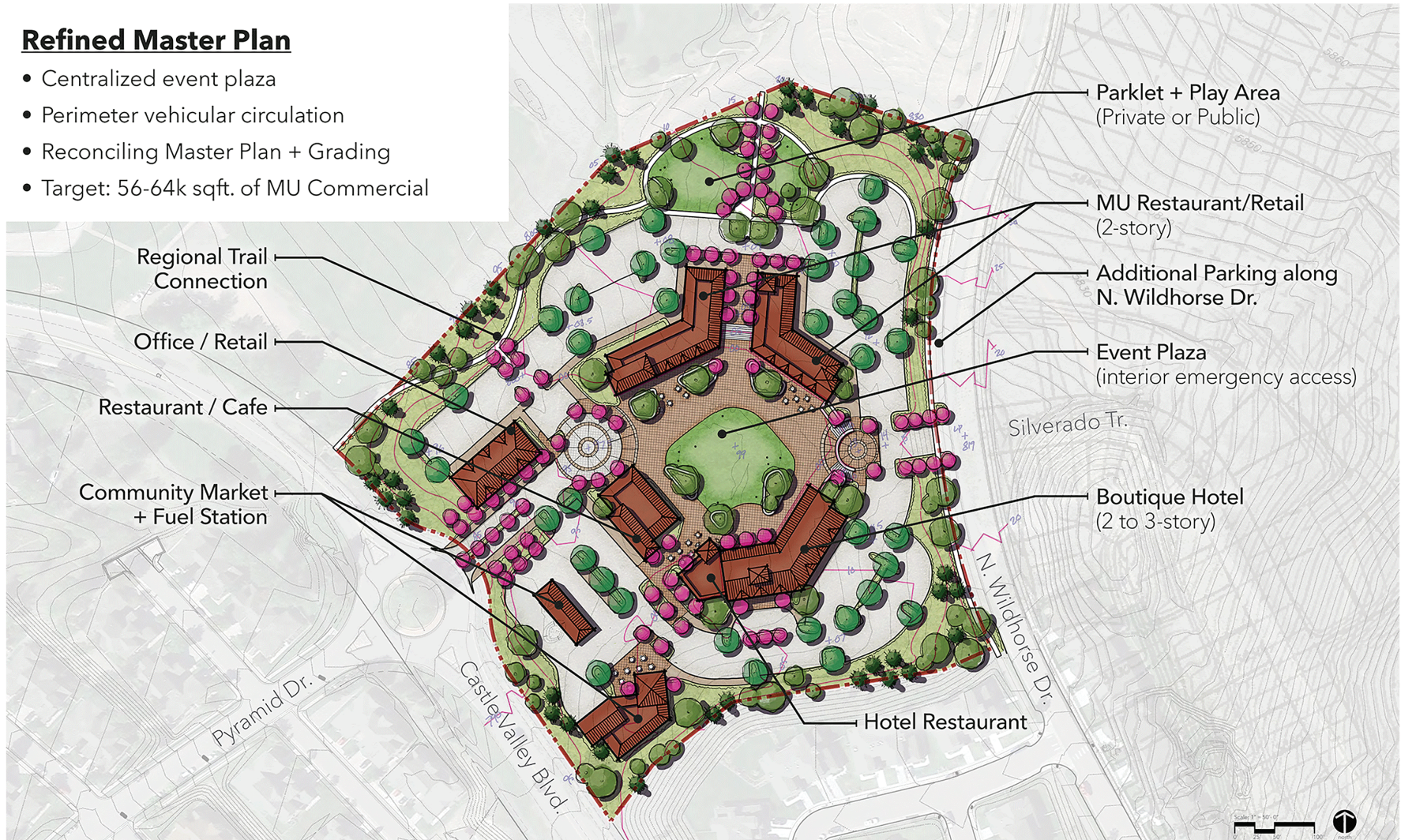
Exhibits

- Exhibit A – Master Plan
- Exhibit B – Project Summary
- Exhibit C – View of the Gas Station

DRAFT

Refined Master Plan

- Centralized event plaza
- Perimeter vehicular circulation
- Reconciling Master Plan + Grading
- Target: 56-64k sqft. of MU Commercial



Phasing Notes

- **Phase 1:** Developing “Main Street” & Mixed use commercial activity
Proposed replat of Phase 1 into lot 1 and 2
- **Phases 2/3:** Flexible development strategies based on Market / Tenants
- **Phase 4:** Can be developed as either a private venue, or as a Public/Private Partnership (PPP) with the Town of Newcastle.





View G - Fuelling Shed/Gas Station