

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, October 08, 2025, 7:00 PM

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

Call to Order, Roll Call, Meeting Notice

Conflicts of Interest

Citizen Comments on Items NOT on Agenda

Items for Consideration

A. Consider Resolution PZ-2025-4 A RESOLUTION OF THE NEW CASTLE PLANNING AND ZONING COMMISSION APPROVING A MULTIPLE LOT LINE ADJUSTMENT FOR CERTAIN BLOCKS OF WHITEHORSE VILLAGE AT LAKOTA CANYON, PHASE 2, AND AN AMENDED PLAT FOR THE SAME.

Comments/Reports

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

Review Minutes of Previous Meetings

Approval of September 24, 2025, Minutes

Adjournment



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

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

To: Planning Commission
From: Paul Smith
Re: P&Z – Decide on an application for a multiple lot line adjustment for White Horse Village Phase 2
Date: 10/8/2025
Purpose:

On August 28, 2025, Sunrise Company (SC Roundup, LLC) applied for a multiple lot line adjustment for Phase 2 of the White Horse Village PUD (WHV) located in Lakota Canyon Ranch. The Applicant wishes to reconfigure the existing lot lines within the remaining A-Blocks of Phase 2 and transition towards a more traditional residential product that better contributes to the success of Lakota.

WHV was originally part of Lakota Canyon Ranch PUD Filing 1 approved in 2003. In 2004, an application was approved for WHV, Phase 1 which included the cluster homes (5-6 pack units) observed today along White Horse Dr., Lakota Dr. and Roundup Drives (**Figure 1**).

WHV, Phase 2 was later approved in 2007 for 13 total blocks and 69 clustered style units (**Figure 2**). This configuration was further amended in 2011 with at least two important provisions:

- 1) The density within the remaining B-Blocks along the golf course (**Figure 4**) were reduced to 19 conventional rectangular lots (**Figure 3**);
- 2) The remaining A-Blocks were allowed up to 40 total units provided that the lot configuration was consistent with the proposed B-Block configuration.

Provision #2 above allows a way to reconfigure the A-Blocks in a manner consistent with the B-Blocks without having to endure an additional PUD amendment.

To optimize the building envelopes on the A-Block lots and improve the compatibility with the 2011 PUD amendment, SC Roundup is proposing the adjustment of five (5) lot lines and four (4) lots as shown on pages 18 and 19 of the packet. The realignment allows for longer lots fronting Roundup Dr. and improved spacing between the lots fronting White Horse Dr. in a manner consistent with the lot configuration approved in 2011. The lot line adjustment will now anticipate 20 units where 28 were once proposed.

Pursuant to section 16.40.080, the multiple lot line adjustment is permitted if it “does not create additional lots or interests in property but is merely a mechanism that adjusts, relocates, or vacates multiple lot lines or combines more than one lot for building purposes. The amended plat process is limited to amendments that affect less than twenty (20) lots within a subdivision.” Staff concludes that the multiple lot line adjustment reconfigures the A-Blocks in a manner consistent with the lots approved in the 2011 Phase 2 amendment in compliance with section 16.40.080 above.

Thank you,
Paul



Figure 1 - White Horse Village, Phase 1

WHITEHORSE VILLAGE

A Tract of Land Situate in the N1
Town of New

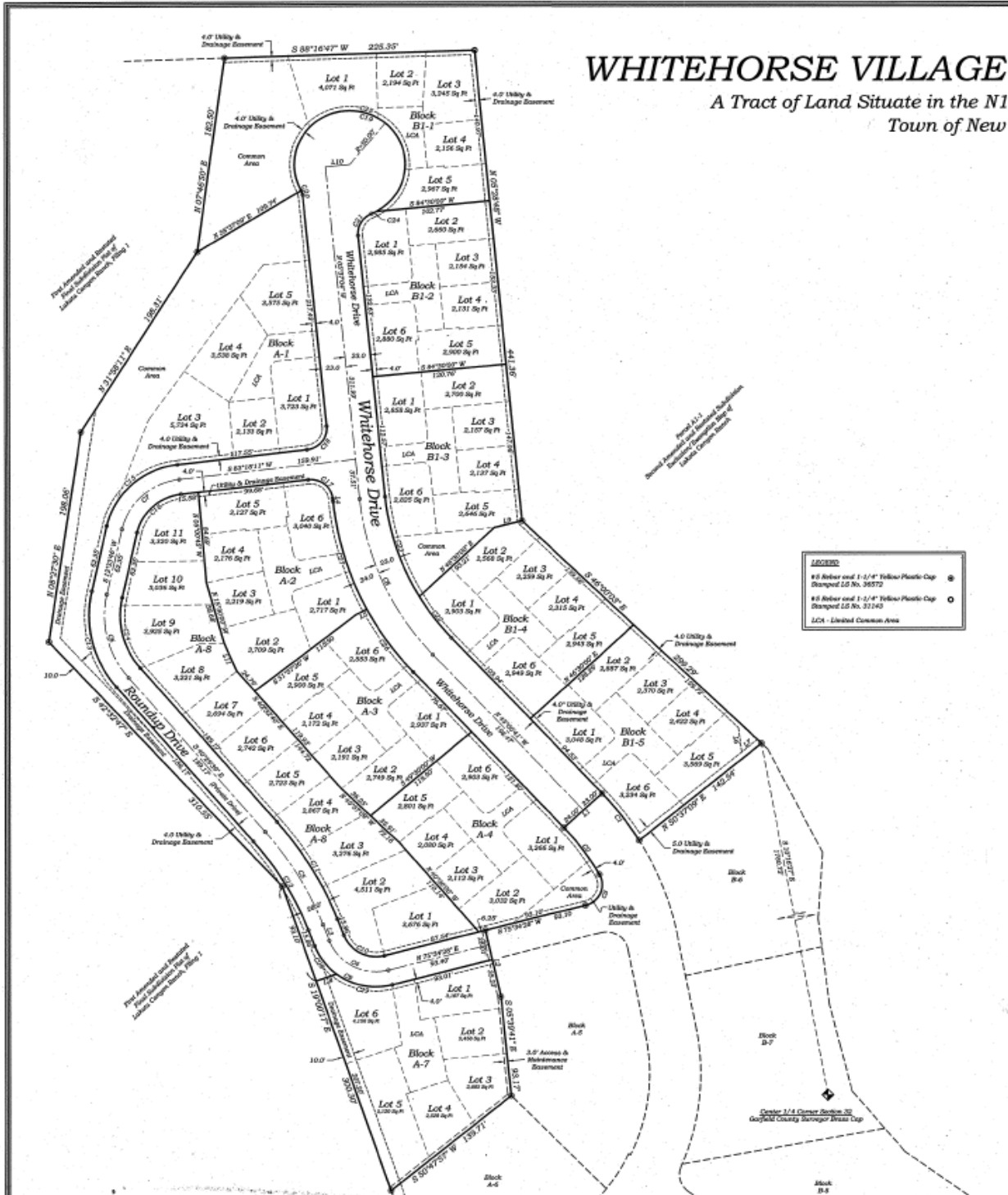


Figure 2 - 2007 Phase 2

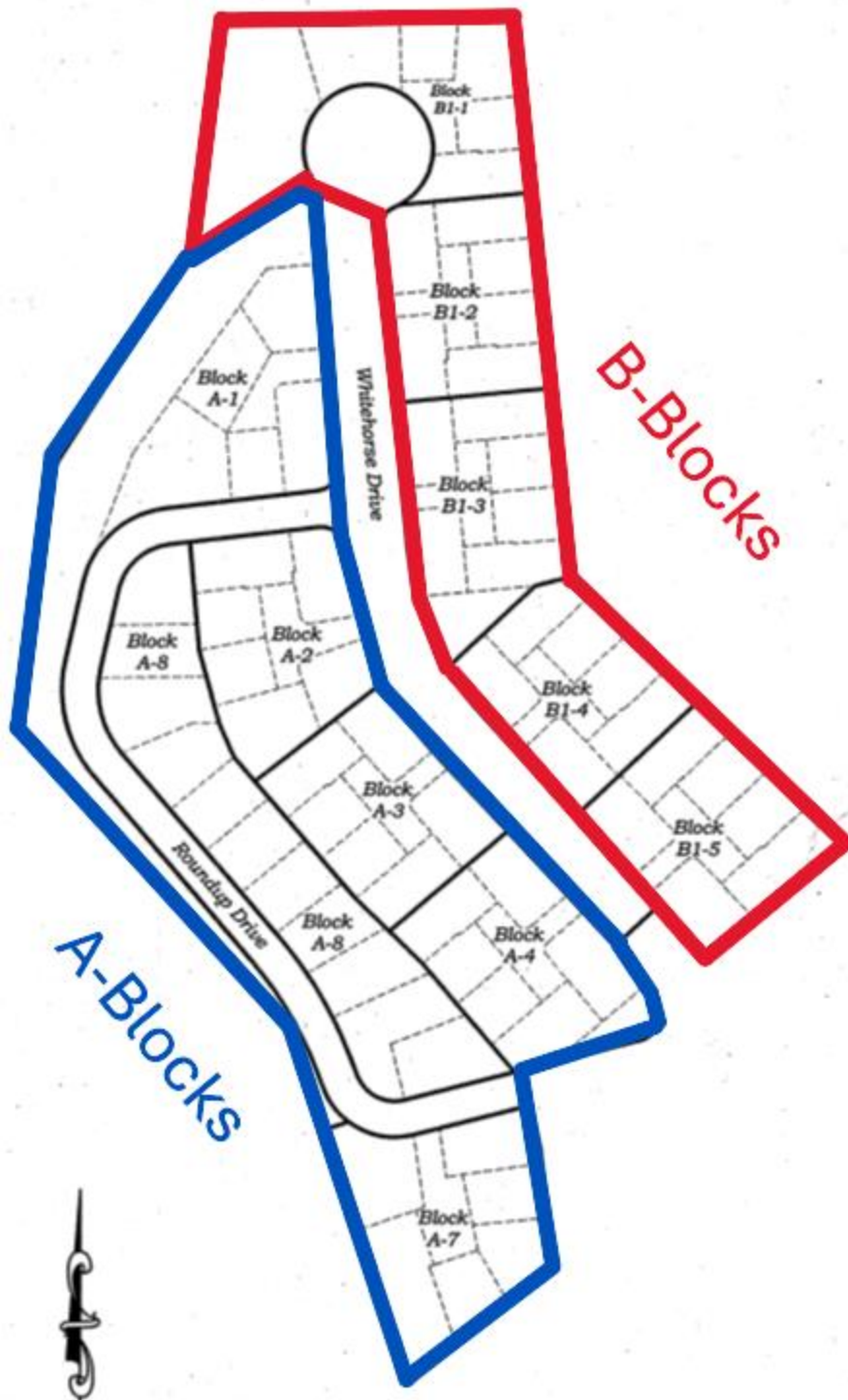


Figure 4 - Phase 2, Remaining A-Blocks and B-Blocks



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: SC Roundup, LLC	
Address: 0115 Boomerang Road, Suite 5201B, Aspen, CO 81612	Phone: E-mail: luke.gosda@sunriseco.com / 408.204.5756
Property Owner: SC Roundup, LLC	
Address: 0115 Boomerang Road, Suite 5201B, Aspen, CO 81612	Phone: E-mail: luke.gosda@sunriseco.com / 408.204.5756
Contact Person: Luke Gosda (Authorized Representative)	
Address: 0115 Boomerang Road, Suite 5201B, Aspen, CO 81612	Phone: E-mail: luke.gosda@sunriseco.com / 408.204.5756
Property Location/Address: Whitehorse Drive and Roundup Drive	
Legal Description: Whitehorse Village Phase 2 - Blocks A-2, A-3, A-4, & A-8	Acres: 2.12
Existing Zone (e.g., Residential R-1, Commercial C-1): Residential - Lakota Canyon Ranch PUD	Existing Land Use: Residential

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 checked="" 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>Luke Gosda</i> Applicant Signature	8/22/2025 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 22 day of August, 2025.

Luke Gosda

Applicant (Print Name)

408.204.5756

Telephone Number

luke.gosda@sunriseco.com

Email

SC Roundup, LLC

Property Owner

Single Asset Entity of Holdings

Relationship of Owner to Applicant

Luke Gosda

Signature of Applicant

0115 Boomerang Road, Suite 5201B, Aspen, CO 81612

Mailing Address of Applicant

luke.gosda@sunriseco.com

Email Address of Applicant

Luke Gosda

Signature of Property Owner

0115 Boomerang Road, Suite 5201B, Aspen, CO 81612

Owner Mailing Address

Type of application: Multiple Lot Line Adjustment

Property description: Whitehorse Village Phase 2 - Blocks A-2, A-3, A-4, & A-8



Thursday, August 28, 2025

Town of New Castle
450 West Main Street – PO Box 90
New Castle, CO 81647

Town of New Castle Planning & Zoning Commissioners and Staff,

Sunrise Company (SC Roundup, LLC) is applying for a Multiple Lot Line Adjustment for the Final Block Plat of White Horse Village at Lakota Canyon Ranch, Phase 2; Blocks A-2, A-3, A-4, and A-8. This Multiple Lot Line Adjustment will aid in the site planning and reconfiguration of our product offering within the project, which we have now branded Lakota Bluff.

Sunrise Company performs virtually every aspect of real estate development, home construction, sales, marketing, operations, and management. Sunrise designs its communities and acts as general contractor directing every aspect of construction. Our self-contained operating divisions provide a comprehensive range of services including new home sales, resales, rentals, professional design centers, construction, and warranty services.

Our reputation as “builder of America’s finest communities”, is based on our longevity and financial strength along with our ability to listen closely to our customers and work with them to craft experiences like no other.

While headquartered in Palm Desert, California, much of our executive team has lived in and called the Roaring Fork Valley home for multiple decades, and understands the grandeur, natural character, and beauty of this place. Like all of us, it holds a special place in our hearts, and is a place that we want to protect and grow with intention.

Sunrise has built over 16,000 homes across the western United States, including in California, Colorado, Nevada, and Texas since 1963. More recently and locally, we built and sold two custom homes in Aspen Equestrian Estates off Catherine Store Road, and purchased the remaining lot inventory available in Ironbridge in 2020, and built and sold 38 semi-custom production homes in the subsequent years within that community.

Now that we are nearing the end of our success in Carbondale and Glenwood Springs, we have acquired the remaining land holdings of Whitehorse Village at Lakota Canyon Ranch, Phase 2 which was originally zoned for 65 condo six-packs with shared driveways like Phase 1 of Whitehorse Village. With our proven track record, strong trade base, and local presence, we aim to bring our recent homebuilding success to Lakota Canyon Ranch and the Town of New Castle.



At Lakota Bluff, we will continue the success of the previous landowner by reconfiguring the six-packs into a traditional front-loaded single-family product that is commensurate with the majority of the product in Lakota Canyon Ranch, as exemplified most recently at 360 and 370 Whitehorse Drive. This reconfiguration was approved previously in the PZ 2011-4 Resolution, and we want to execute on that original vision. Sunrise Company believes that the transition from a condo product with a shared driveway to a more traditional single-family residential product will more aptly meet market demand and prove to be an excellent fit and great success for the Lakota Canyon Ranch community.

As of this application, our programming across Lakota Bluff will consist of four distinct floorplans offered on two lot types, ranging in size from 1,359 to 3,067 square feet. Our product will predominantly be traditional front-loaded, two-story homes with a 3 bed 2.5 bath configuration, with the optionality to expand to an additional bedroom/bathroom or a basement for additional living space, and optional expanded garages and decks for recreation, storage, and outdoor living space. A small share of our product will allow for single level living at a 2 bed 2 bath configuration with the optionality to flex down with a basement. Furthermore, we intend to offer three distinct exterior elevations and a variety of color schemes to eliminate repetition among our offering. Furthermore, with thoughtful planning and engineering, and working with existing setbacks from the streets, rear yards, and golf course, we plan to further enhance the street scene of Whitehorse Drive and Roundup Drive to maximize the appeal of the neighborhood.

We plan to build these product types across the 43 remaining condo lots as contemplated in the 2011 Resolution. Our target buyer pool will be millennials, dual income no kids (DINKs), young families, early retirees, and active adults. We have a strong track record and history of designing, building, and creating products and communities that hit these buyer profiles, and strongly believe that the product that we plan to offer at Lakota Bluff will meet the market demand from these buyer pools.

In order to kick off our success, and allow our project to enter the building phase, the first step we must take is this Multiple Lot Line Adjustment on Blocks A-2, A-3, A-4, and A-8 (those parcels that are confined within the boundaries of Whitehorse Drive to the East and Roundup Drive to the North, West, and South). Put simply and more specifically, the current lots as designed and built in Block A-8 that front onto Roundup are too shallow (~60' or less) to allow any product to be built and meet current market and community demands. We have taken our aforementioned product offering and pre-plotted, engineered, and pre-programmed those lots that front on Roundup Drive to determine exactly how much depth would be required to build houses with appropriate spacing and setbacks to accommodate the surrounding and future build environment. This includes ensuring enough driveway length, and side & rear yard setbacks between all units.



As a result of this effort, we have determined where the future block lot lines for Blocks A-2, A-3, A-4, and A-8 need to be to execute our vision outlined and approved in the 2011 Resolution. This adjustment is depicted in the exhibits attached herein, showing the red bold line representing the existing Block configurations, and the blue bold line representing the new shifted Block configurations.

Overall, we think this Multiple Lot Line Adjustment is necessary to execute our vision at Lakota Bluff, will result in an improved layout of the product within these four blocks, and bring a successful project to the Town of New Castle and Lakota Canyon Ranch. As such, we request your approval. If you have any questions or concerns, I would be more than happy to discuss them and can be contacted via email below or will be available to discuss in person at the public hearing.

Sincerely,

Luke Gosda
Luke.Gosda@sunriseco.com
Senior Development Manager
Sunrise Company



Exhibits

- Whitehorse Village at Lakota Canyon Ranch Site Plan Blocks A-2, A-3, A-4, & A-8
- Whitehorse Village at Lakota Canyon Ranch, Phase 2 Plat
- PZ 2011-4 Resolution

**TOWN OF NEW CASTLE, COLORADO
RESOLUTION NO. PZ 2011-4**

**A RESOLUTION OF THE NEW CASTLE PLANNING AND ZONING
COMMISSION CONDITIONALLY APPROVING A MINOR AMENDMENT
TO A PLANNED UNIT DEVELOPMENT FOR WHITEHORSE VILLAGE,
PHASE 2.**

WHEREAS, First Bank of Denver (“Owner”) is the owner of certain real property within the Town of New Castle depicted on the Final Block Plat of Whitehorse Village at Lakota Canyon Ranch, Phase 2 recorded on January 3rd, 2008, in the Office of the Garfield County Clerk and Recorder as Reception No. 740491 (“Whitehorse Village Phase 2” or the “Property”); and

WHEREAS, MJL Development, Inc. (“Applicant”) has submitted a Minor PUD Amendment application pursuant to municipal code section 17.100.110(B) for the Property seeking to create 19 individual lots and 2 open space parcels on Blocks B1-1 through B1-5, a reduction in the overall density for those blocks of 10 units; and

WHEREAS, the Property is subject to Resolution PZ 2007-8 and Ordinance 2007-9 conditionally approving a Final PUD Development Plan and Final Subdivision Block Plat for the Property. Those approval documents remain valid and applicable to the Property except to the extent of any specific changes as set forth in this Resolution; and

WHEREAS, the Property is also subject to the Lakota Canyon Ranch PUD Master Plan approved by Ordinance No. 2002-18 (the “Lakota Master Plan”); and

WHEREAS, the Planning Commission held a duly noticed public hearing on May 25, 2011 to consider the Minor PUD Amendment application; and

WHEREAS, the Planning Commission listened to testimony from Staff, the Applicant, and members of the public concerning the application; and

WHEREAS, subject to compliance with the terms and conditions of this Resolution, the Planning Commission finds that the application, as conditioned herein, will be compatible with current community standards, infrastructure and regulations; and

WHEREAS, based on the application and the testimony, the Planning and Zoning Commission desires to approve the Minor PUD Amendment subject to the terms and conditions set forth below

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. Definition of the Application. The “Application” consists of the documents and information identified by the Town Clerk on Exhibit A, plus all representations of the Applicant reflected in the minutes of the Planning and Zoning Commission public hearing on May 25, 2011.

3. Approval. The Application proposes to reduce the overall density of the Property. The Planning Commission hereby approves the Application as a Minor PUD Amendment pursuant to Section 17.100.110 of the New Castle Municipal Code, subject to the terms and conditions of this Resolution. The Planning Commission hereby approves the construction of nineteen (19) residential single family homes on nineteen (19) lots and two (2) open space parcels on Blocks B1-1 through B1-5, where previously up to twenty-nine (29) lots and homes and two (2) open space parcels were permitted. Concerning the remainder of the Property, the Planning Commission hereby approves up to forty (40) residential single family units on up to forty (40) lots on Blocks A-1 through A-7. The owner of the A Blocks may plat the lots as shown on the existing Final Block Plat, subject to the requirements of Ordinance 2007-9, or the owner may plat them in a manner more consistent with the lot configuration on the B Blocks as approved and conditioned herein.

4. Zoning. The zoning of the Property shall be PUD, but shall be subject to the restrictions and requirements of section 17.128.060 of the Town Code concerning the “cluster lot” requirements in the R-M residential medium density zone district; the detailed final plat(s) filed for the Property, all other applicable provisions of the Code; and all applicable Ordinances of the Town. In the event of any conflict between the zone district text and the final plats for the Property or this Resolution the final plats and/or this Resolution shall control.

5. Detailed Amended Final Plats. No certificates of occupancy will be issued for any lot within the Property until Detailed Amended Final Plats for each block are approved. The Detailed Amended Final Plat shall define and depict final lot size, setbacks and any other zoning limitations for each lot. The Detailed Amended Final Plats may be approved administratively so long as they do not seek to alter the block plat lines on the Final Block Plat recorded as Reception No. 740491.

6. Conditions.

A. All provisions of the previously approved PUD Development Plan relating to improvements including, but not limited to crosswalks, street lighting, signage, drainage, and utilities except as otherwise recommended and approved for modification by the town engineer and planning commission shall remain applicable to this application.

B. The Applicant shall submit a revised landscaping plan and weed management plan addressing all disturbed areas in this subdivision that shall be subject to review and approval by the town staff prior to recordation of the final plat.

C. All development within Whitehorse Village shall comply with the wildfire hazard mitigation and response plan approved for the Lakota Canyon Ranch PUD.

D. All development within Whitehorse Village shall comply with the geotechnical report identified as Job No. 101 441-7 dated March 31, 2004 completed by HP Geotech.

E. Prior to recordation of the final plat the Applicant shall submit revised Covenants Conditions and Restrictions (CCRs) or documents evidencing annexation of the property to the Lakota Canyon Homeowners Association.

F. Prior to issuance of a building permit the Applicant shall provide the town engineer with construction plans that address all of the recommendations and conditions outlined in the attached letter dated May 11, 2011.

G. All representations of the applicant made in the application and in statements during the meetings before the Planning Commission are considered part of the application and conditions of approval and binding on the applicant.

H. The Applicant shall comply with all applicable building, residential, electrical and municipal code requirements.

I. The Applicant shall pay all applicable water and sewer tap fees.

J. 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, planning, and engineering costs.

THIS RESOLUTION PZ 2011-~~4~~ was adopted by the New Castle Planning and Zoning Commission by a vote of 6 to 0 on the 25th day of May, 2011.

NEW CASTLE PLANNING AND
ZONING COMMISSION

By: Kevin G. O'Brien

ATTEST:

Wendy Mead
Wendy Mead, Deputy Town Clerk





May 11, 2011

Andy Barton, Town Administrator
Town of New Castle
P.O. Box 90
New Castle, CO 81647

**RE: Amended PUD Final Plat Submission for Blocks B1-1 through B1-5
Of Whitehorse Village at Lakota Canyon Ranch, Phase II**

Dear Andy,

The purpose of this letter is to provide you comments and/or concerns following review of the application submittal prepared by Michael Lauterbach, Bookcliff Survey Services and Colorado River Engineering for the PUD Amended Plat for Blocks B1-1 through B1-5 of Whitehorse Village at Lakota Canyon Ranch, Phase II. This letter also follows a staff meeting at Garfield and Hecht's (Glenwood Springs) Offices regarding staff review of the same application. In order to conduct a review we are in receipt of the February 21, 2011 letter from Mr. Lauterbach, the detailed Final Plat dated February 22, 2011 (as modified) and a map dated March 23, 2011 prepared by Colorado Engineering describing improvements necessary to support the application. Relative to our review please note the following comments, concerns and/or questions:

1. Each lot is to have individual curb stops and meters. It will be necessary to call out the specific locations on the drawings so to have proper review preformed in the field during construction.
2. Each lot will have to have individual clean outs for sewer services. As with note Number 1, the Colorado River Engineering drawings will need to call out the specific locations on the drawings so as to assure proper construction occurs in the field.
3. Clarification is necessary to assure that the contactor properly constructs the drainage swales that are to be installed on top of the drain piping along all of the back lots of Blocks B1-2 through B1-5. It will need to be further clarified that these drainage swales will need to flow from north to south and will capture drainage from the individual lots and deposit it into the nyloplastic inlets with grates. Further clarification will need to be made to assure that swale construction will exist along the back (east property lines of Lots 1 through 3 of Block B1-1). This swale will need to deposit its flows into the nyloplastic inlet located at the southeast corner of Lot 3 in Block B1-1.
4. We note on Block B1-1 that two sewer lines are proposed to be abandoned. The drawings will need to provide specific instructions as to how this abandonment is to occur.

I:\1993\93128\A\040\whitehorse village\lauterbach subm\Correspondence\05112011 L to Barton.doc

GUNNSON
103 WEST TOMICH AVE, SUITE A
GUNNSON, CO 81230
970 641 9355
970 641 5358 FAX

ASPEN
101 FOUNDERS PLACE, UNIT 102
PO Box 2155
ASPEN, CO 81611
970.925 6727
970.925 4157 FAX

GRAND JUNCTION
2765 COMPASS DRIVE, SUITE 102
GRAND JUNCTION, CO 81505
970.245.2571
970.245.2571 FAX

MEYER
320 THIRD STREET
MEYER, CO 81041
970.878 5180
970.878 4181 FAX



5. We realize that the proposal for water service extension into the newly configured lots will be required. The drawings will need to provide detail as to how the water service lines will need to be "headered" and be extended. The drawings will need to call out fittings, materials, and specific locations and depths, etc. for construction to assure the proper construction exists in the field and that proper inspection can be preformed of the same.

Given our request for clarifications and further drawings necessary to accomplish the proposed construction, it is obvious that we have not developed any specific concerns relative to the proposal to modify the Lot configurations and to reduce the densities as proposed. We recommend that all of our proposed clarifications and/or additional detailing be performed prior to construction. Therefore, we would recommend approval with the condition that these issues be resolved on the plans submitted to the Town staff for review and approval prior to construction.

Upon your receipt and review, if you have any questions or comments, please do not hesitate to call.

Sincerely,

SCHMUESER GORDON MEYER

A handwritten signature in black ink, appearing to read 'Jeffrey S. Simonson'.

Jefferey S. Simonson, P.E., C.F.M.

Cc: Davis Farrar
David Smith
John Wentzel
Tim Cain

ORIGINALS ENCLOSED
DO NOT DISCARD



Special Warranty Deed
(Pursuant to C.R.S. 38-30-113(1)(b))

State Documentary Fee
Date: May 27, 2025
\$300.00

This Deed, effective as of May 27th, 2025, signed on the date(s) acknowledged below, by Grantor(s), WHITEHORSE VILLAGE, INC, A COLORADO CORPORATION, whose street address is 5342 E CALEY AVE., CENTENNIAL, CO 80121, City or Town of CENTENNIAL, County of Arapahoe and State of Colorado, for the consideration of (\$3,000,000.00) ***Three Million and 00/100*** dollars, in hand paid, hereby sell(s) and convey(s) to SC ROUNDUP, LLC, A DELAWARE LIMITED LIABILITY COMPANY, whose street address is 0115 BOOMERANG RD. SUITE 5201B, ASPEN, CO 81611, City or Town of ASPEN, County of Pitkin and State of Colorado, the following real property in the County of Garfield and State of Colorado, to wit:

See attached "Exhibit A"

also known by street and number as: WHITEHORSE VILLAGE PHASE 2, NEW CASTLE, CO 81647

with all its appurtenances and warrant(s) the title to the same against all persons claiming under me(us), subject to Statutory Exceptions.

(SEE ATTACHED "SIGNATURE PAGE")

When recorded return to: SC ROUNDUP, LLC, A DELAWARE LIMITED LIABILITY COMPANY
0115 BOOMERANG RD. SUITE 5201B, ASPEN, CO 81611





Special Warranty Deed
(Pursuant to C.R.S. 38-30-113(1)(b))

State Documentary Fee
Date: May 27, 2025
\$300.00

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See attached "Exhibit A"

also known by street and number as: WHITEHORSE VILLAGE PHASE 2, NEW CASTLE, CO 81647

with all its appurtenances and warrant(s) the title to the same against all persons claiming under me(us), subject to Statutory Exceptions.

(SEE ATTACHED "SIGNATURE PAGE")

When recorded return to: SC ROUNDUP, LLC, A DELAWARE LIMITED LIABILITY COMPANY
0115 BOOMERANG RD. SUITE 5201B, ASPEN, CO 81611



Exhibit A

PARCEL A:

LOTS 1 AND 2,
FINAL PLAT OF BLOCK B1-5 VILLAS AT LAKOTA (THE "PLAT"),
ACCORDING TO THE PLAT THEREOF RECORDED FEBRUARY 25, 2021 AS RECEPTION NO. 951015.
COUNTY OF GARFIELD, STATE OF COLORADO.

PARCEL B:

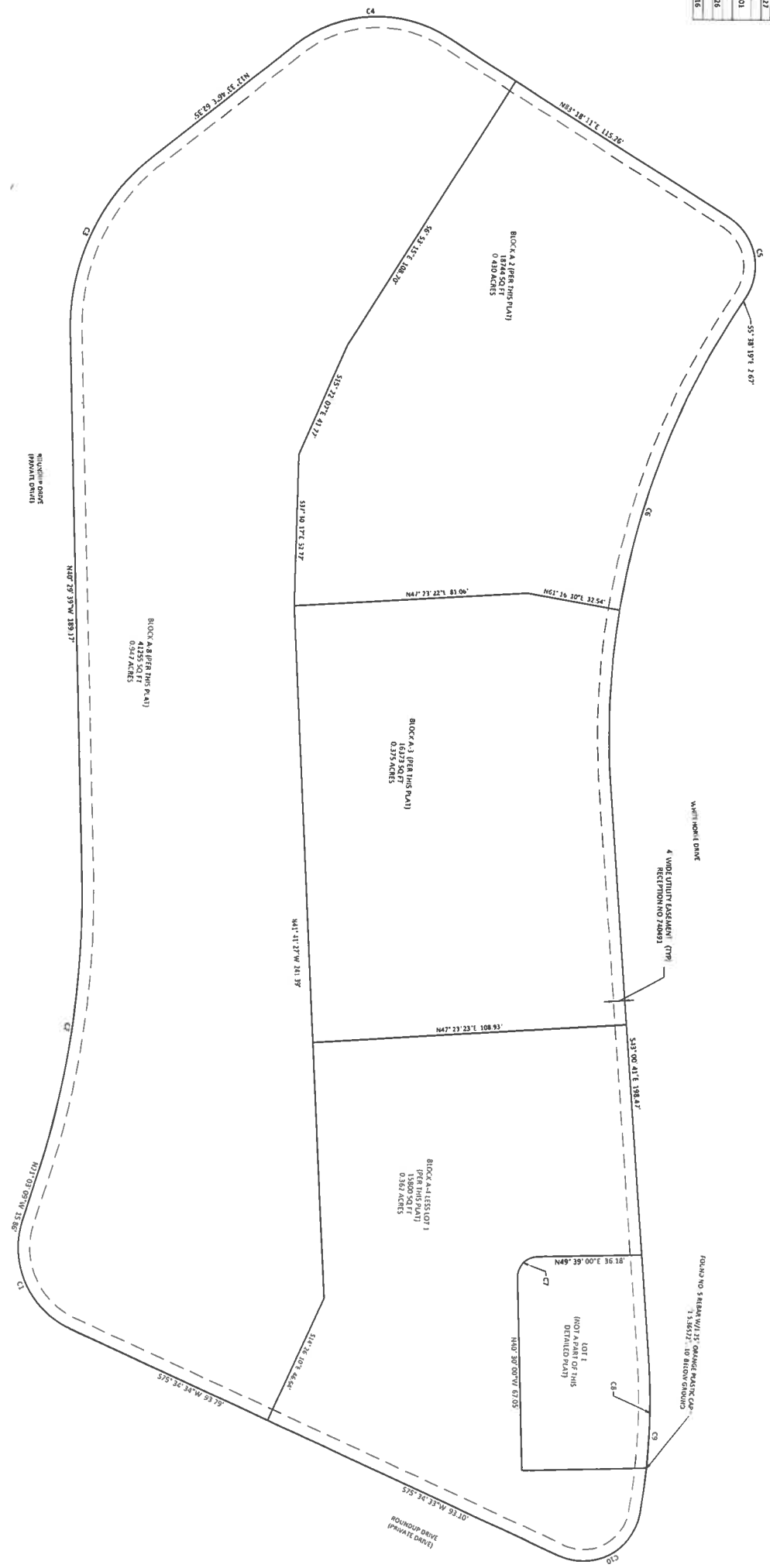
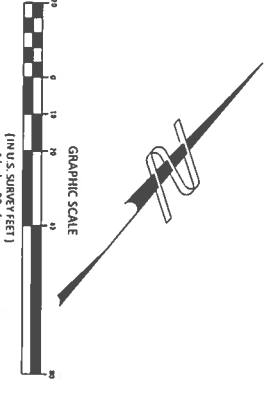
BLOCK A-1,
BLOCK A-2,
BLOCK A-3,
BLOCK A-4,
EXCEPTING THEREFROM, LOT 1, BLOCK A-4,
WHITEHORSE VILLAGE AT LAKOTA CANYON RANCH, PHASE 2,
ACCORDING TO THE PLAT THEREOF RECORDED JANUARY 5, 2009 AT RECEPTION NO. 760970,
BLOCK A-7,
BLOCK A-8,
BLOCK B1-1,
BLOCK B1-2,
BLOCK B1-3,
BLOCK B1-4,
THE PROPERTY DESCRIBED AND DEPICTED AS ROUNDUP DRIVE,
WHITEHORSE VILLAGE AT LAKOTA CANYON PHASE 2,
ACCORDING TO THE PLAT THERE OF RECORDED JANUARY 3, 2008 UNDER RECEPTION NO. 740491.
COUNTY OF GARFIELD, STATE OF COLORADO.


BLOCKS A-2, A-3, A-4 & A-8, WHITEHORSE VILLAGE AT LAKOTA CANYON, PHASE 2
 AMENDED PLAT
 SITUATED IN THE N1/2 SECTION 32, TOWNSHIP 5 SOUTH, RANGE 90 WEST OF THE 6TH P.M.,
 TOWN OF NEW CASTLE, COUNTY OF GARFIELD, STATE OF COLORADO
 SHEET 2 OF 2

AREA TABLE (BLOCKS)			
BLOCK A-2	20,109	SQ. FT.	0.463
BLOCK A-3	18,501	SQ. FT.	0.422
BLOCK A-4 (LOT 1)	1,242	SQ. FT.	0.028
BLOCK A-8	3,589	SQ. FT.	0.082
TOTAL	32,331	SQ. FT.	0.716

AREA TABLE (PER THIS PLAT)			
BLOCK A-2	18,243	SQ. FT.	0.419
BLOCK A-3	18,313	SQ. FT.	0.416
BLOCK A-4 (LOT 1)	15,800	SQ. FT.	0.363
BLOCK A-8	4,135	SQ. FT.	0.092
TOTAL	56,171	SQ. FT.	1.249

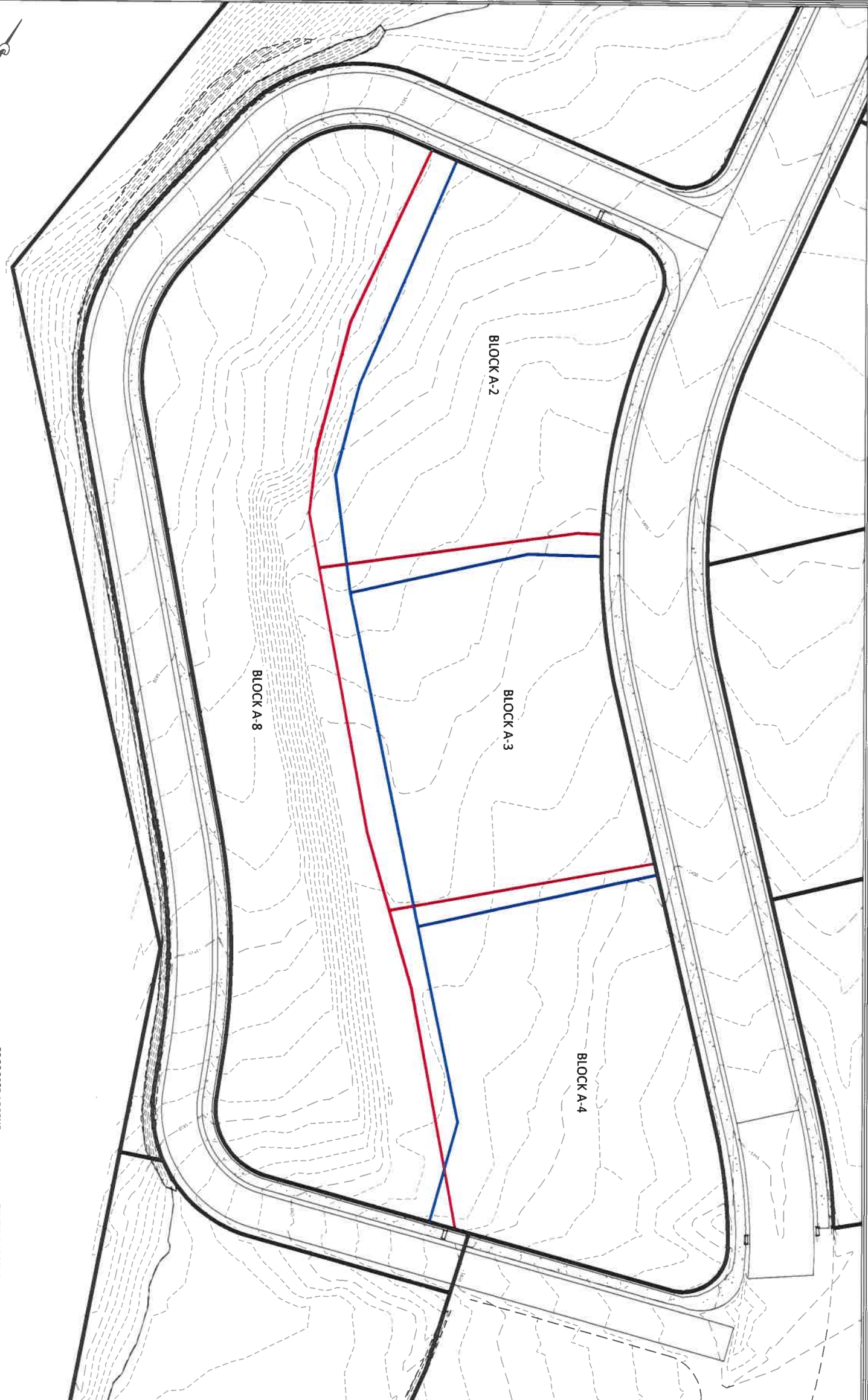
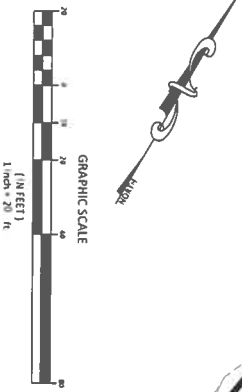
Property Boundary Curve Table						
Curve #	Length	Radius	Angle	Bearing	Chord	Chord Direction
C1	45.10	31.00'	27.62'	87°13'51"	46.24	41.23
C2	196.55'	314.00'	53.76'	127°23'13"	192.48	108.04
C3	70.32'	74.00'	37.84'	57°03'37"	64.17	67.89
C4	54.79'	44.00'	31.65'	72°44'13"	46.77	53.25
C5	31.78'	20.00'	20.38'	97°04'34"	31.57	28.55
C6	119.21'	173.00'	91.39'	37°23'34"	124.18	175.03
C7	11.00'	7.00'	7.00'	90°00'21"	14.70	9.90
C8	34.24'	223.00'	19.17'	9°49'27"	33.87	34.19
C9	54.16'	223.00'	27.22'	17°54'54"	52.07	54.03
C10	34.53'	20.00'	23.90'	102°39'07"	32.74	31.64




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 (970) 704 0311 • soprisengineering.com



2021-2022, 2018-2019, 2014-2015, 2010-2011, 2006-2007, 2002-2003, 1998-1999, 1994-1995, 1990-1991, 1986-1987, 1982-1983, 1978-1979, 1974-1975, 1970-1971, 1966-1967, 1962-1963, 1958-1959, 1954-1955, 1950-1951, 1946-1947, 1942-1943, 1938-1939, 1934-1935, 1930-1931, 1926-1927, 1922-1923, 1918-1919, 1914-1915, 1910-1911, 1906-1907, 1902-1903, 1898-1899, 1894-1895, 1890-1891, 1886-1887, 1882-1883, 1878-1879, 1874-1875, 1870-1871, 1866-1867, 1862-1863, 1858-1859, 1854-1855, 1850-1851, 1846-1847, 1842-1843, 1838-1839, 1834-1835, 1830-1831, 1826-1827, 1822-1823, 1818-1819, 1814-1815, 1810-1811, 1806-1807, 1802-1803, 1798-1799, 1794-1795, 1790-1791, 1786-1787, 1782-1783, 1778-1779, 1774-1775, 1770-1771, 1766-1767, 1762-1763, 1758-1759, 1754-1755, 1750-1751, 1746-1747, 1742-1743, 1738-1739, 1734-1735, 1730-1731, 1726-1727, 1722-1723, 1718-1719, 1714-1715, 1710-1711, 1706-1707, 1702-1703, 1698-1699, 1694-1695, 1690-1691, 1686-1687, 1682-1683, 1678-1679, 1674-1675, 1670-1671, 1666-1667, 1662-1663, 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10-11, 6-7, 2-3



- PROPOSED LEGEND**
- SPUR/DROPPED LINE
- EXISTING LEGEND**
- EXISTING CONDUIT
 - EXISTING POWER/LINE
 - EXISTING BLOCK LINE

DATE	REVISION

TITLE
 SITE PLAN
 BLOCKS A-2, A-3,
 A-4, & A-8

DRAWING NO.
 C-2.0

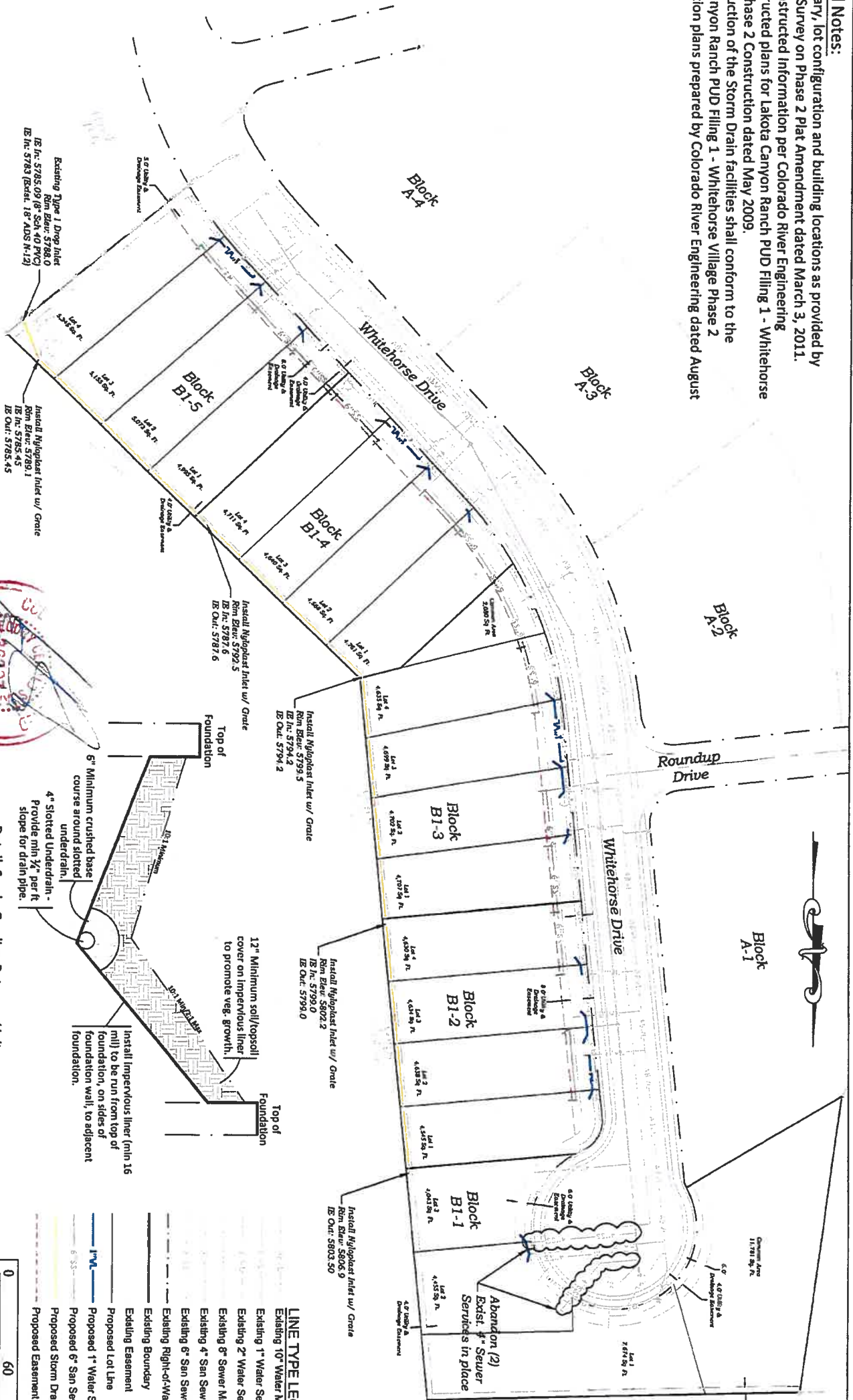
**WHITEHORSE VILLAGE AT LAKOTA CANYON RANCH
 NEW CASTLE, COLORADO**

AMENDED PLAT

DATE:	08.28.2015
JOB NO.	24146
DRAWN BY	AMC
CHECKED BY	YTH

SOPRIS ENGINEERING LLC
 502 MAIN STREET • SUITE A3 • CARBONDALE CO 81623
 (970) 704-0311 • soprisengineering.com

- General Notes:**
1. Boundary, lot configuration and building locations as provided by Bookcliff Survey on Phase 2 Plat Amendment dated March 3, 2011.
 2. As-Constructed Information per Colorado River Engineering As-Constructed plans for Lakota Canyon Ranch PUD Filing 1 - Whitehorse Village, Phase 2 Construction dated May 2009.
 3. Construction of the Storm Drain facilities shall conform to the Lakota Canyon Ranch PUD Filing 1 - Whitehorse Village Phase 2 Construction plans prepared by Colorado River Engineering dated August 2007.



COLORADO RIVER ENGINEERING
 1820 PROSPECT

PO Box 1301
 Rifle, CO 81650
 Tel: 970-625-4933
 Fax: 970-625-4564

Whitehorse Village Phase Two
 Development Review

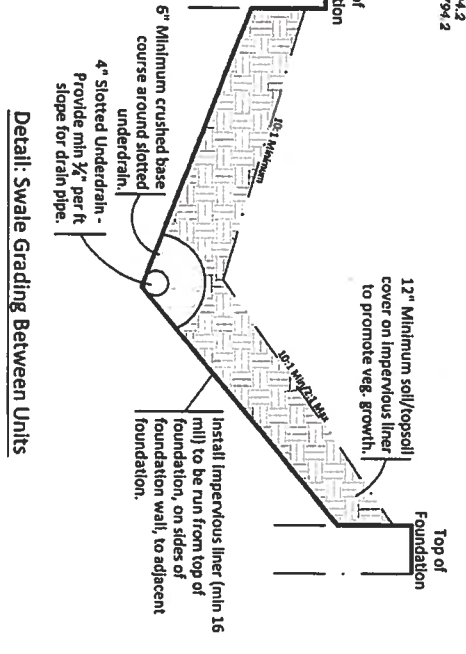
Client: MJL Development
 Date: 3/23/11

LINE TYPE LEGEND

- Existing 10" Water Main
- Existing 1" Water Service
- Existing 2" Water Service
- Existing 6" Sewer Main
- Existing 4" San Sewer Service
- Existing 6" San Sewer Service
- Existing Right-of-Way
- Existing Boundary
- Existing Easement
- Proposed Lot Line
- Proposed 1" Water Service
- Proposed 6" San Sewer Service
- Proposed Storm Drain
- Proposed Easement

Graphical Scale (Units - Feet)
 0 60 120

Figure: **1**



**TOWN OF NEW CASTLE, COLORADO
RESOLUTION NO. PZ-2025-4**

A RESOLUTION OF THE NEW CASTLE PLANNING AND ZONING COMMISSION APPROVING A MULTIPLE LOT LINE ADJUSTMENT FOR CERTAIN BLOCKS OF WHITEHORSE VILLAGE AT LAKOTA CANYON, PHASE 2, AND AN AMENDED PLAT FOR THE SAME.

WHEREAS, SC Roundup, LLC (“Applicants”) is the owner of certain real property within the Town of New Castle (“Town”) described on Exhibit A hereto (“Property”); and

WHEREAS, the Applicant has submitted an amended plat/multiple lot line adjustment application (“Application”) pursuant to Municipal Code § 16.40.080; and

WHEREAS, through the Application, Applicants seek to adjust the block lines within the Property as depicted on the draft amended plat attached hereto as **Exhibit “B;”** and

WHEREAS, because the Application involves more than two lot lines and affects less than twenty lots, the Application must be reviewed and approved by the Planning and Zoning Commission (“Commission”); and

WHEREAS, the Application does not propose a change in zoning; and

WHEREAS, the Commission considered the application at a duly-noticed public meeting on October 8, 2025; and

WHEREAS, upon reviewing the Application, recommendations from Town staff and consultants, and comments Applicant and others made at the meeting, the Commission finds as follows:

- A. The Application does not result in the creation of additional lots;
- B. The Application does not result in the creation of lots that do not comply with Town zoning requirements, including floor area ratio requirements, setback requirements, and minimum lot size requirements;
- C. The Application does not result in the creation of a lot or lots that will have an infeasible building envelope pursuant to any Town setback, floor area ratio, or other building/zoning requirement;
- D. All utility companies and/or any other beneficiaries having an interest in existing easements on the Property have granted approval in regard to the disposition of existing easements as a result of the Application, if any;
- E. All easements associated with Property are properly addressed and/or granted;

- F. The Application does not alter or affect the location or arrangement of any other lot line within the subdivision;
- G. No lot line adjustment or vacation has been granted by the Town with respect to or in connection with the Property or any adjoining property under common ownership or control of same person within the past one year; and
- H. The Application does not in any way adversely affect any lot surrounding the Property.

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

1. Recitals. The foregoing recitals are incorporated by reference as findings and determinations of the Commission.
2. Approval. The Commission hereby approves the Application and amended plat attached as Exhibit A, subject to the following conditions:
 - A. Prior to, and as a condition of, recording the amended plat, Applicant shall enter into a Subdivision Improvements Agreement (“SIA”) with the Town as provided in Section 16.32.010 of the Municipal Code and provide the security required thereunder. The SIA must be approved by Town Council at a public meeting. Applicant shall provide engineering plans and a cost estimate for the improvements covered by the SIA prior to presentation of the SIA to Town Council.
 - B. Prior to recordation of the amended plat, Applicant shall provide an updated title commitment to confirm no new liens or other unsatisfactory encumbrances have been recorded against the Property.
 - C. The plat shall include a subordination and consent certificate to be signed by any lender holding a lien on the Property.
 - D. The final amended plat and plat notes shall be reviewed and subject to approval by the Town Engineer and Town Attorney prior to recordation thereof.
 - E. Development of the Property shall remain subject to the requirements of Resolution No. PZ 2011-4 and all prior PUD approvals.
 - F. All representations of the Applicants made during the public hearing before the Commission and reflected in the minutes thereof shall be considered additional conditions of approval.
 - G. The Applicants shall reimburse the Town for all any and all expenses incurred by the Town regarding the Application, including, without limitation, costs incurred by the Town’s outside legal and engineering consultants.

SO RESOLVED this 8th day of October, 2025, by a vote of ___ to ____.

TOWN OF NEW CASTLE
PLANNING & ZONING COMMISSION

Chair Chuck Apostolik

ATTEST:

Professional Assistant Michelle Huster

EXHIBIT A

Legal Description

Blocks A-2, A-3, A-4, & A-8, excepting therefrom Lot1, Block A-4, Whitehorse Village at Lakota Canyon Ranch, Phase 2, according to the plat thereof recorded January 5, 2009, at Reception No. 760970

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New Castle, Colorado
Planning and Zoning Commission
Wednesday, September 24, 2025, 7:00 PM

Call to Order

Roll Call

Present Vice Chair Cotey
Commissioner G. Riddile
Commissioner Parks
Commissioner McDonald
Commission Alternate Rittner

Absent Commission Alternate Mahaffey
Commissioner Sass
Commissioner Westerlind

Alternate Commissioner Rittner was seated at the Dias.

Also present at the meeting were Town Planner Paul Smith, Town Administrator David Reynolds and Professional Assistant to the Town Clerk Michelle Huster and members of the public.

Meeting Notice

Professional Assistant Huster verified that her office gave notice of the meeting in accordance with Resolution TC 2025-1.

Conflicts of Interest

There were no conflicts of interest.

Citizen Comments on Items NOT on the Agenda

There were no citizen comments.

Public Hearing – Continued from August 27, 2025

Consider Resolution PZ 2025-3 - 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

Vice Chair Cotey called the meeting to order at 7:05 p.m.

Town Planner Paul Smith reviewed the staff report for commission’s consideration of a Conditional Use Permit for mobile vending carts or stands in the C-1 Zone district **(Exhibit A)**. Planner Smith introduced the applicants, Rachel Houchin and Jerome Trappier who are seeking approval for a conditional use permit for two food trucks at their commercial commissary kitchen located at 677 West Main Street between the U Haul business and Roy Glidden’s ADU rental. The commercial kitchen is intended for caterers and food truck operators to use. The space would offer walk-in cooler storage,

1 freezers and storage space for caterers and food vendors. Planner Smith asked Ms.
2 Houchin where the name MOO LLC originated, and she said it is a creative play on
3 words meaning “milk from the cow” because they specialize in French cheeses.
4

5 Vice Chair Cotey asked Planner Smith to explain the reason for a conditional use
6 permit (CUP) and why the applicant is seeking approval. Planner Smith said the C-1
7 Zone district has three uses, non-permitted uses, allowable uses and conditional uses
8 that require approval by the Planning and Zoning Commission (P & Z). Planner Smith
9 said mobile food carts or stands fall under conditional use within the C1 Zone and
10 require approval by P & Z then the application will go to Town Council for final
11 approval. The applicants are seeking approval for two food trucks to operate at the
12 location. Vice Chair Coty asked if the applicants were seeking a CUP for the food trucks
13 or the commissary kitchen, Planner Smith said the applicants needed approval for the
14 food trucks. Vice Chair Coty asked Planner Smith if a commissary kitchen was allowed
15 under C1 zoning use and Planner Smith said the commissary kitchen was allowed as a
16 use by right.
17

18 **Planning Commission – Public Hearing**
19 **Wednesday, September 24, 2025**
20 **Resolution PZ 2025-3**
21 **Staff Report**
22

Name of Applicant	<i>Moo, LLC</i>
Mailing Address	<i>417 Allison Lane, Basalt, CO 81647</i>
Property Address	<i>677 W Main St, New Castle, CO 81647</i>
Name of Property Owner	<i>Moo, LLC</i>
Existing Zoning	<i>C-1 Commercial</i>
Surrounding Zoning	<i>Commercial (C-1), Residential (R-1), Performance (P)</i>
Surrounding Land Uses	<i>Public parking, Residential, UHaul Rental, Public ROW - Railroad, and Public Works Facility; Catering</i>
Most Recent Uses of Property	<i>Fabrication/Welding; Storage; Auto Repair;</i>
Proposed Use of Property	<i>Up to two (2) mobile food vendors on property</i>
Property Size	<i>7,050sf</i>

23
24 **I. Background:**

25 *The Applicant is proposing a mobile food vendor use for the property located at*
26 *677 W Main St. in downtown New Castle. “Mobile vending carts or stands,” are*
27 *listed as conditional uses in the Commercial C-1 district (MC Section 17.36.050).*
28 *There is already a conditional use permit for mobile food vendors in New Castle,*

1 Down Valley Brewing PZ 2024-2, along with temporary permits issued during
2 organized events in public open space such as Burning Mountain or VIX Parks.

3 The submittal (**page 3**) provides context for the request: The Applicant is
4 currently repurposing the existing structure for a catering/commissary location.
5 **Submittal, page 8** shows the proposed food truck placement directly east of the
6 existing building.

7 The Applicant seeks the Planning Commission's recommendation to improve
8 dining options and for downtown. If approved, Moo LLC anticipates having a
9 maximum of two food trucks on site. The site is expected to be prepped and ready
10 by the fall 2025.

11 As a conditional use application, the Planning Commission (P&Z) is required to
12 hold a public hearing in accordance with the procedures set forth in Municipal Code
13 Chapter 16.08. Within 30 days of the special hearing, P&Z must make one of three
14 recommendations:

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

18 **Approval Criteria:** An approved application shall:

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

28
29 **II. Staff Review and Comment:**

30
31 **1.) Is the application eligible for conditional review under 17.84.040?**

32
33 As part of the C-1 zoning district "mobile food carts or stands" are considered
34 conditional uses (17.36.050). No other type of mobile food vendors will be
35 considered with this application.

36
37 **2.) Is the proposal generally compatible with adjacent land uses?**

38 Adjacent land uses include:

- 39 • Public parking
- 40 • UHaul Rental
- 41 • Residential
- 42 • Railroad

The C-1 district allows for a diversity of uses including retail, services, and residential. A food establishment would benefit patrons and employees who frequent those uses, while supplementing the mobile food vendors approved in 2024 at 589 W Main St (i.e. the Down Valley Brewery). A slight uptick in foot/vehicle traffic in the west end of Town is to be expected. However, the Applicant has proposed measures to inhibit excessive noise, smells, lighting, or any general unsightliness during hours of operation (**Submittal, pages 7 & 15**). With those measures in place, up to two additional mobile food vendors appears reasonably compatible with other surrounding uses.

3.) Does the proposal 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?

The requirements of section 17.84.020 are addressed in the table below:

a. Adjacent land uses;	• Discussed in section 2.
b. Boundary and size of lot;	• 7,050sf
c. Building location height and setbacks	• Existing structure: 18'; Mobile vendor: ~10'
d. Off-street parking and loading areas	• Parking: N/A; Loading: rear of lot off alleyway;
e. Points of ingress & egress	• Vehicle access: will mainly be at rear of lot. Some vehicles likely to short-cut at U-Haul entry.
f. Service and refuse areas	• Southeast corner of lot.
g. Signs and lighting	• Signage requires permit. Lights to be dark-sky.
h. Fencing, landscaping, and screening	• No screening is proposed.
i. Compliance with performance standards	• Applicant agrees to comply with performance standards.
j. Anticipated utility requirements	• Adequate services are available.

Note, though no screening is proposed, P&Z and Council did require Down Valley Brewing to store or screen all auxiliary equipment incidental to the use of the food truck. The same condition has been added to the resolution. Otherwise, Staff does not have further concerns with compliance to section 17.84.020 or Title 17.

Commissioner Parks asked if the food trucks would have access to move in that 10ft corridor, or would they need permission from owner of the U Haul business on the adjacent lot. Planner Smith said the food trucks would have access from the ally. Vice

1 Chair Coty clarified that the town owns the U Haul lot and wanted to know if the
2 applicants discussed their plans with Mr. Shrull. Planner Smith said there have been
3 conversations with Mr. Shrull on the neighboring property.
4

5 Vice Chair Coty asked the applicants if the property goes all to the alley. They said yes
6 and Vice Chair Coty asked if the applicants were going to use the space in the alley as
7 parking and Ms. Houchin said no. Vice Chair Coty asked if the screens and fencing in
8 the site plan would go along the Highway 6 edge of the property. Planner Smith said
9 the screen could be plants or fencing but it had not been decided at this time.
10

11 **4) Is the proposal consistent with the comprehensive plan?**
12

13 *A central objective of New Castle’s Downtown Plan is to foster a civic
14 environment that promotes small town ambiance and economic vitality, dubbing it
15 the “heart and soul of the community” (Comprehensive Plan, pg. 9). Restaurants
16 have long filled a social niche for communities, especially city centers. Though New
17 Castle has lost a couple of brick-and-mortar restaurants over the years, restaurants
18 of the mobile variety have the potential to revitalize this invaluable aspect of Town.
19*

20 *One important aspect of mobile food trucks is the lower operational cost. In an
21 era of higher construction costs, labor costs, and higher inflation in general, the
22 adaptability of these businesses often make them better suited for such economic
23 times. Additionally, since the vendors are not permanent, a diversity of food
24 opportunities is potentially available to the community over time.
25*

26 *It is also important for the Commissioners to be mindful that mobile vendors, to
27 some extent, compete with our valued brick-and-mortar operations. A saturation of
28 mobile vendors in any one area could adversely impact traditional restaurant
29 establishments. Done well, Staff feels mobile vendors will function symbiotically
30 with the other restaurants. In other words, more food options generate more
31 downtown activity which improves traffic for other businesses which in turn
32 supports existing restaurants in a virtuous circle.
33*

34 **5) Does the proposal show that the Town has the capacity to serve the
35 proposed use with fire and police protection and is not required to
36 provide water or sewer service.**
37

38 *The site plan was reviewed and discussed with the fire marshal. Public Works
39 does not anticipate any change to water and sewer service.
40*

41 **4III. Staff Recommendations:**

42 *Staff recommends approval of Resolution PZ #2025-3 with the following conditions:*
43

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

- 1
2 B. Applicant shall provide and comply with a schedule for daily hours of operation of
3 the mobile food vendors, which schedule will be reviewed and approved by Town
4 Council.
5
6 C. The bathroom facilities of the existing building shall be made available to food
7 truck/trailer employees during all hours of operation per the requirements of
8 Garfield County Public Health and Human Services. Toilets shall not be available
9 to patrons.
10
11 D. Any auxiliary equipment, materials, or supplies necessary for the function of any
12 mobile food vendors shall be stored out of site or otherwise screened from public
13 view by means of fencing, landscape ornamentation, or other approved means of
14 concealment. Within six months after the issuance of the conditional use
15 certificate, Staff shall inspect the visual impacts of the food truck(s). Any concerns
16 not resolved within 30 days of the inspection shall be subject to condition I, below.
17
18 E. A trash receptacle shall be provided and maintained on the southeast corner of
19 the Property.
20
21 F. 6. Loading, staging, and supplying of mobile food vendors shall occur either off
22 the south alleyway or Mainstreet (i.e. US 6). Vendors shall refrain from accessing
23 the property from adjacent lots.
24
25 G. The use approved in the Application shall not be conducted until the Town Planner
26 has issued a conditional use certificate. That certificate shall be issued only after
27 the Applicant has entered into an agreement with the Town specifying that all
28 conditions imposed by the Town council will be completed and that the use and
29 improvements will be in accordance with the approved Application site plan and
30 development schedule. The conditional use certificate must be issued within one
31 year of the date of final approval by Town Council, or the application is deemed
32 withdrawn by the Applicant and is of no further force and effect.
33
34 H. No approved conditional use may be altered, structurally enlarged, expanded in
35 parking area or expanded in ground area unless the site plan is amended and
36 approved in accordance with the procedures applicable to approval of a conditional
37 use as set out in § 17.84.070 of the Code.
38
39 I. In the event the Town receives any complaints about the use of the site in violation
40 of the conditional use approval or other Code requirements or observes or
41 becomes aware of any violations of the conditional use approval, the Applicant
42 and/or owner may be summoned before the Town Council in a public meeting to
43 show cause why the permit should not be revoked, suspended, or additional
44 conditions imposed. Such show-cause hearing shall be open to the public and the
45 applicant or owner may present testimony or offer other evidence on its behalf.
46
47 J. Applicant shall comply with all applicable building and municipal code
48 requirements, including the sign code and all accessibility requirements, as well
49 as all performance standards, county licensing, and public health requirements.

1
2 K. Any added exterior lighting will be dark sky compliant pursuant to the
3 Comprehensive Plan Goal EN-4.
4

5 L. All representations of the Applicant in written and verbal presentations submitted
6 to the Town or made at public hearings before the Commission or Town Council
7 shall be considered part of the application and binding on the Applicant.
8

9 M. The Applicant shall reimburse the Town for any and all expenses incurred by the
10 Town regarding the Application, including without limitation all costs incurred by
11 the Town's outside consultants such as legal and engineering costs.
12

13 **IV. Application Exhibits:**

14 A. Land development application

15 B. Agreement to pay consulting fees

16 C. Applicant packet

17 D. Signed Performance Standards

18 E. Public Notice

19 F. Property Owners Within 250 Feet

20 G. Notarized Affidavit of Public Notice

21
22 Vice Chair Coty asked the applicants to elaborate on the site plan and Ms. Houchin said
23 they would add seating between the two food trucks and use Gabion, a rock wall to
24 separate the truck from the street. (Exhibit B). Ms. Houchin said the site plan is
25 aesthetically pleasing with two clean picnic tables and nothing would be stored on the
26 exterior, including trash. Ms. Houchin said they expect their food trucks to have
27 consistent hours.
28

29 Vice Chair Coty asked the applicant about the hours of operation for the food trucks.
30 Ms. Houchin said they would leave it up to the food truck applicants and said they
31 would not accept applications until they have CUP approval. Ms. Houchin said she
32 spoke to neighboring businesses and had suggestions for breakfast and they would not
33 operate after 9:00 p.m. Vice Chair Coty asked what Drifter's (Down Valley Brewing)
34 hours are and the owner, Haley Williams said they close at 8:00 or 9:00 p.m. Vice
35 Chair Coty asked specifically what time Down Valley Brewing's food truck closes and
36 Ms. Williams said earlier that 8:00 p.m. because the food truck sells out before 8:00
37 p.m. Planner Smith confirmed Down Valley's closing time is 9:00 p.m. according to
38 their CUP.
39

40 Commissioner McDonald asked the applicants what kind of subsurface would be used
41 on the ground and the applicant said gravel, and they might install a solid surface
42 later. Commissioner McDonald asked if the grease trap would cut into the 10-foot area
43 between the trucks on the site plan. Ms. Houchin clarified that from the grease trap, it
44 is eight feet so the truck will still have the 10-foot allowance. Commissioner McDonald
45 asked if there any consideration of swinging the trucks 90 degrees and Ms. Houchin
46 said yes. Commissioner McDonald was concerned because he measured the Rolling
47 Fork food truck and said it was twenty-two feet long. Commissioner McDonald asked

1 the applicants if they were flexible with their site plan to accommodate different sized
2 trucks and Ms. Houchin said yes. Commissioner McDonald asked the applicants if they
3 were maintaining the picnic tables and asked about the kind of table. Ms. Houchin said
4 they would be purchasing picnic tables like the ones submitted in the packet. **(Exhibit**
5 **B)** Ms. Houchin described them as heavy metal picnic tables with rubber finish on
6 them. Commissioner Riddile asked Planner Smith if temporary seating would be
7 allowed in the 10-foot setback and Planner Smith said yes.
8

9 Commissioner Rittner asked if there will be parking in the area where their van is
10 pictured on the site plan, and the applicant said the parking would be for people using
11 the commissary kitchen. Ms. Houchin said the area would be for deliveries
12 and their trash dumpster.
13

14 Commissioner Riddile asked the applicant if the area at the back would be used for
15 storage and Ms. Houchin said the food trucks will not be allowed to have storage
16 outside of the truck. Vice Chair Coty asked if the food vendors will have access to the
17 commissary kitchen and Ms. Houchin said on a case-by-case basis because most trucks
18 are self-sufficient. Commissioner Riddile asked the applicant to confirm parking, trash
19 and delivery will be the only use for the back of the property and the applicant said
20 confirmed. Commissioner Riddile asked if the dumpster will be from Mountain Waste.
21 Both Commissioners Rittner and Riddile were concerned about the trash bins being
22 bear proof and hidden from view. Ms. Houchin said the container would be bear proof
23 and from Mountain Waste, but they needed easy access and did not want to hide the
24 dumpster. Commissioner McDonald asked if there would be a dumpster enclosure and
25 the applicant said they had not discussed one at this time. Commissioner McDonald
26 recommended an enclosure with doors that swing open for access and smaller
27 containers. Commissioner McDonald asked if there would be a grease reclamation
28 barrel for recycling oil and Ms. Houchin mentioned the grease trap was discussed
29 earlier and will address a reclamation barrel if the commissary kitchen requires one.
30

31 Commissioner Rittner asked if the applicants considered having conversations with the
32 residents along the alley way about delivery times and how . Ms. Houchin said they
33 would be mindful of those hours in the morning and in the evening. Ms. Houchin said
34 the deliveries are fast and take an average of 20 minutes at most. Commissioner
35 McDonald asked if the applicants had a food truck of their own and they said no.
36

37 Commissioner Riddile asked the applicants what their plan is for food truck utilities
38 such as electricity, water, and wastewater. Ms. Houchin said the food trucks would be
39 required to have a Garfield County Food license that also requires them to have access
40 to a toilet, therefore they would have access to the bathrooms in the commissary
41 building. The applicant said food trucks would have access to fresh water through the
42 commissary building and the building was equipped with three phase electrical. The
43 applicants said they had collaborated with an electrician to set up two electrical boxes
44 outside of the building and intended to install an additional spigot for outside water.
45 Vice Chair Coty asked if an additional water tap were required and Planner Smith said
46 no. Commissioner McDonald asked the applicant if the food trucks would empty their
47 wastewater, gray water into the building and dump it inside the commissary building.
48 The applicant said they would be done on a case-by-case basis but said most food
49 trucks were self-contained and may not need access to the building. Planner Smith

1 said the grease trap capacity is for use of the commissary kitchen and would have to
2 consider the type of food being prepared and the volume of grease to not overwhelm
3 the grease trap.

4
5 Commissioner Riddile said he had a concern about the circulation of food trucks and
6 pedestrians crossing US Highway 6 to this location and Drifters. Commissioner Riddile
7 said he would like to see the circulation go from town right-of-way either up the alley
8 or from Main Street. Commissioner Riddile said he would prefer a fence on the east
9 side of the food trucks to separate the property from the neighboring property.
10 Commissioner Riddile said a fence would prevent the food trucks from using the
11 neighbor's property and instead use the right-of-way from the alley or Highway 6/Main
12 Street. Commissioner Riddile said he would like to encourage pedestrians to use the
13 same right-of-way. Vice Chair Coty preferred not to use a fence but planters that have
14 mobile flexibility and are less permanent than a fence. Commissioner Riddile was
15 concerned pedestrians would use Jim Shrull's U Haul business as a walkway.

16
17 Vice Chair Coty said the orientation of the trucks on the site plan were awkward and
18 she said lining them up parallel to the to the property line would have better
19 constructive collaboration to Highway 6 and provide more flexibility to the applicants.
20 The applicants said they chose orientation of the trucks so they would be seen from
21 Highway 6/Main Street. Planner Smith said Down Valley Brewing had a similar plan
22 and council chose to call it a zone and gave the applicants flexibility to align the trucks
23 as they needed. Planner Smith suggested naming it a vendor parking zone that would
24 be lengthwise to the building and allow the applicants flexibility for parking.
25 Commissioner McDonald suggested rotating the trucks 90 degrees and parking them
26 along the line to create a natural barrier and put planters between the food trucks.
27 Commissioner Riddile reiterated the importance of a barrier and Vice Chair Coty said
28 they needed a condition that requires a mobile, nonpermanent, but definitive
29 treatment to prevent movement on the adjacent property. Vice Chair Coty asked Ms.
30 Houchin if that was fair and Ms. Houchin said yes. Vice Chair Coty agreed to name the
31 vendor parking zone to give the applicants flexibility for varied sizes of food trucks.

32
33 Commissioner Rittner said she was mildly concerned with the back ally pedestrian
34 access and people parking in the ally when they should not. Vice Chair Coty said there
35 is a fence, but it is partially blown down.

36
37 Commissioner Parks asked Planner Smith if they would have a sign and Planner Smith
38 said the applicant and food trucks would have to comply with the sign codes.

39
40 Vice Chair Coty asked the commissioners if there were any other questions then
41 opened the meeting for public comment.

42
43 Roy Glidden said he owns the property adjacent to the applicants to the west. Mr.
44 Glidden said many of the concerns he had were addressed by the commission earlier,
45 however he was concerned about noise and asked if the cut-off time would be 9:00
46 p.m. Planner Smith said the hours of operation will be decided when the applicants
47 appear at town council, but 9:00 p.m. is a likely closing time. Mr. Glidden asked if the
48 applicants planned to open at 9:00 a.m. and the applicants had not decided yet. Mr.
49 Glidden said he was concerned about parking for his tenants at his short-term rental

1 business because currently parking is difficult on the west side of town. Mr. Glidden
2 said the weekends were particularly busy and the U Haul business reduced his parking
3 spaces. Mr. Glidden asked the commission if there were any plans for the town to
4 address parking concerns. Mr. Glidden also said safety and privacy was a concern for
5 his tenants and would like to have a fence on the southwest side of his property. Mr.
6 Glidden asked if the town maintains the alley because maintenance, is a concern. Mr.
7 Glidden was also concerned about the electrical utilities because of recent outages and
8 asked if the transformers are sufficient for the new electrical draw. Mr. Glidden said he
9 would like "no parking" signs in the alley because it is his primary driveway. Vice Chair
10 Coty took note of the parking issues and said it needs to be addressed as a town issue.
11 Administrator Reynolds said signs were the responsibility of the town and he would
12 look into it. Vice Chair Coty said the electrical concerns Mr. Glidden had regarding
13 power outages was caused by the grid and assured the building will meet building code
14 standards and Planner Smith agreed.

15
16 Down Valley Brewing business owner Haley Williams said she was concerned about the
17 hours of the new food trucks and how they would affect their business menu. Ms.
18 Williams said her biggest concern was MOO LLC's patrons using the Down Valley
19 Brewing's restrooms. Vice Chair Coty said Ms. William's concern about the restroom
20 facilities are valid for the guests and the adjacent businesses and asked the applicant if
21 they could place a porta potty for patrons to use and the applicants said the Health
22 Department will not allow it. Administrator Reynolds said Planner Smith referred to his
23 staff report because the porta potty creates more hazards than not having one.
24 Planner Smith said he spoke with Garfield County directly and confirmed that food
25 trucks are not allowed to have porta potties for their patrons, but for employees only.
26 Commissioner Riddile said there was a porta potty outside of the food truck in Silt and
27 Ms. Houchin said it is for the employees. Planner Smith said each food truck has its
28 own agreement regarding restroom facilities with the county. Vice Chair Coty and
29 Commissioner Rittner asked if the applicants could make their restrooms available to
30 the public and Planner Smith said it was not feasible to have food truck patrons in the
31 commissary kitchen where food is being prepared. Vice Chair Coty asked the applicant
32 if they had the ability to install an exterior door to the bathroom with a lock to the
33 interior of the building. Ms. Houchin said they were not open to having patrons inside
34 the building. Commissioner Rittner said that it was unfair to put on a fellow business.
35 Ms. Houchin said it is customary practice for food trucks to not have public restrooms.
36 Ms. Houchin asked if there were public restrooms anywhere else in downtown New
37 Castle and Commissioners Riddile and Rittner said there is a porta potty at Burning
38 Mountain Park. Vice Chair Coty and Commissioner McDonald said restroom facilities
39 would be something to consider for downtown in the future.

40
41 Vice Chair Coty closed the public hearing at 7:56 p.m.

42
43 Vice Chair Coty asked the applicant and Mr. Glidden if they would enter a partnership
44 to discuss a fence on the west side of the property because of his privacy concerns. Mr.
45 Glidden and Ms. Houchin both agreed to discuss it later. Vice Chair Coty said the ally is
46 town maintained and asked Planner Smith and Administrator Reynolds to elaborate on
47 maintenance and capacity for trucks and deliveries. Administrator Reynolds said the
48 alley runs the whole way behind the applicant's property and will investigate where the
49 ally dead ends. Commissioner Parks asked the applicants if they were able to pull their

1 own truck through the ally and they said it was tight and there was a need to clear
2 behind the U Haul building. Ms. Houchin said they discussed it with Mr. Shrull, and he
3 is open to clearing up the ally. Vice Chair Coty said the applicants need to be clearer
4 on their plans for parking without putting additional stress on the Main Street parking.
5

6 Commissioner McDonald asked the applicants if they planned to use string lights as
7 adequate lighting and the applicant asked Planner Smith if they are allowed. Planner
8 Smith said it falls under holiday lighting. Commissioner Parks asked Ms. Williams from
9 Down Valley Brewing if they used string lights and she said yes. Vice Chair Coty asked
10 Ms. Williams if they turned the lights off at a certain time and Ms. Williams said at last
11 call around 8:00 p.m. Commissioner Rittner said there are string lights in the town
12 owned Ritter Plaza and they are on all night. Planner Smith said there is not an official
13 law saying strings are not allowed, so that could be added as a condition.
14

15 Vice Chair Coty reviewed the conditions for the resolution to include a food truck
16 vendor zone and Planner Smith that would be added to letter A of the resolution. Vice
17 Chair Coty said there would be a condition for a non-permanent edged barrier to limit
18 movement to the adjacent property on the west and Planner Smith said he would add
19 that to letter F of the resolution. Commissioner Riddile asked if a condition could be
20 added to include a fence on the southwest corner of Commissioner Parks, asked for a
21 permanent fence and Ms. Houchin said they were open to discussion. Vice Chair Coty
22 said it would be a condition from the southwest corner of the building to the ally.
23 Administrator Reynolds suggested naming a specific kind of fence and Commissioner
24 Riddile said a privacy fence. Commissioner Parks asked if they would split the cost with
25 the applicant and Commissioner Riddile said it was part of the condition. Planner Smith
26 said letter N's condition would be a privacy fence to cover the gap of the southwest
27 corner of the applicant's garage to northeast corner. Planner Smith explained to the
28 applicant these are recommendations made to council and the applicant would have
29 time to reflect.
30

31 **MOTION: Commissioner Riddile made a motion to approve Resolution PZ**
32 **2025-3 - A RESOLUTION OF THE NEW CASTLE PLANNING AND ZONING**
33 **COMMISSION RECOMMENDING APPROVAL OF A CONDITIONAL USE PERMIT**
34 **FOR MOBILE VENDING CARTS OR STANDS (I.E., FOOD TRUCKS) ON PROPERTY**
35 **LOCATED IN THE C-1 ZONE DISTRICT as Amended A, F and N. Commissioner**
36 **McDonald seconded the motion and it passed on a roll call vote. Vice Chair**
37 **Coty: Yes; Commissioner Rittner: yes; Commissioner Riddile: Yes;**
38 **Commissioner Parks: yes; and Commissioner McDonald: yes.**
39

40 **Comments/Reports**

41 Planner Smith said October's P & Z calendar was looking light.
42

43 **Items for Next Planning and Zoning Agenda**

44 **Commission Comments and Reports**

45 Commissioner Parks said HPC is hosting a plaque ceremony at Down Valley Brewing on
46 October 2 at 5:00 p.m. and hosting a public hearing on October 20, 2025, to designate
47 Highland Cemetery as a historical landmark.
48
49

1 **Staff Reports**

2 No staff reports

3 **Review Minutes from Previous Meetings**

4 **MOTION: Commissioner Riddile made a motion to approve July 23, 2025,**
5 **meeting minutes with changes. Vice Chair Coty seconded the motion, and it**
6 **passed unanimously.**

7
8 Vice-Chair Cotey adjourned the meeting at 8:18 p.m.

9
10 Respectfully Submitted,

11
12
13
14
15 _____
16 Alison Coty, Commission Vice-Chair

17
18
19 _____
20 Professional Assistant to the Town Clerk Michelle Huster

21
22
23
24
25
26 Exhibits

- 27
28 Exhibit A – Staff Report
29 Exhibit B – Site Plan
30 Exhibit C - Resolution

31
32
33