



Posted _____
Remove 9/25/2014

Town of New Castle Administration Department
450 W. Main Street **Phone:** (970) 984-2311
PO Box 90 **Fax:** (970) 984-2716
New Castle, CO 81647 www.newcastlecolorado.org

Agenda

New Castle Planning & Zoning Commission Regular Meeting Wednesday, September 24, 2014, 7:00 p.m., Town Hall

Call to Order, Roll Call, Meeting Notice

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

Citizen Comments on Items NOT on Agenda

Items for Consideration

- A. Consider Appointing Commission Chair and Vice-Chair

Items for Discussion

- B. Update Lakota Canyon Ranch Clubhouse
- C. Update RFTA Park and Ride
- D. Update Building Department

Comments/Reports

- E. Items for Next Planning and Zoning Agenda
- F. Commission Comments/Reports
- G. Staff Reports

Review Minutes of Previous Meetings

- H. April 9, 2014 Minutes

Adjournment



Town of New Castle **Planning and Code**
450 W. Main Street **Administration Department**
PO Box 90 **Phone:** (970) 984-2311
New Castle, CO 81647 **Fax:** (970) 984-2716

Memo

To: Chairman Chuck Apostolik and Commission Members
From: Tim Cain
Date: September 17, 2014
RE: P&Z Agenda for September 24, 2014

Chairman Apostolik and Commission Members:

The purpose of this Planning and Zoning meeting is to provide you all with updated information on any land use project. This is an open meeting for questions, answers and anything that you may be interested in pursuing during the fiscal year 2015. On the agenda is an update on Lakota Canyon Ranch Clubhouse, RFTA Park and Ride and the Building Department.

I would like to call to your attention that we are still practicing austere measures when deciding how to target funds that will focus on economic prosperity for the Town. With that in mind, we must all continue to understand the need to minimize the expenditure of funds not included in the 2015 Building and Planning Department 2015 budget.

In short, the Lakota Canyon Ranch Clubhouse is on hold while all roads in particular filings are fixed. This does not mean the owner of the proposed clubhouse, Warrior Acquisitions, LLC, cannot proceed with starting construction because the clubhouse building permit was approved in May, 2014. The RFTA Park and Ride has been delayed as well. Also, I have taken over the duties of the Building Department Technician that was previously done in the Town Clerk's office.

I will expand on the above land use issues during the meeting.

Again, please feel comfortable with asking any relevant land use questions.

1 **New Castle Planning and Zoning Commission Meeting**
2 **Wednesday, April 9, 2014, 7:00 p.m.**

3
4 **Call to Order**

5 Commission Chair Chuck Apostolik called the meeting to order at 7:02 p.m.

6
7 **Roll Call**

8 Present Commissioner Borgard
9 Commissioner Leland
10 Commissioner Riddile (arrived 7:07pm)
11 Commissioner Slack Absent Commissioner Means
12 Commissioner Taylor

13
14 Also present at the meeting were Town Attorney David McConaughy, Town Planner
15 Tim Cain and Deputy Town Clerk Mindy Andis.

16
17 **Meeting Notice**

18 Deputy Town Clerk Mindy Andis verified that her office gave notice of the meeting
19 in accordance with Resolution TC-2014-1.

20
21 **Conflicts of Interest**

22 There were no conflicts of interest.

23
24 **Citizen Comments on Items NOT on the Agenda**

25 There were no citizen comments.

26
27 **Public Hearing**

28 **Conditional Use Permit**

29 Purpose: Conditional Use Permit for a Park and Ride

30 Legal description: Burning Mountain PUD, Phase 1 New Castle, Lot C1

31 Common Address: 774 Burning Mountain Ave, New Castle, CO 81647

32 Applicant: Roaring Fork Transportation Authority (RFTA)

33 Landowner: Roaring Fork Transportation Authority (RFTA)

34 Resolution PZ 2014-2

35
36 Chair Apostolik opened the public hearing at 7:03 pm.

37
38 Town Planner Tim Cain reviewed his staff report. Planner Cain said the project is a
39 Special Review Use Permit of the Roaring Fork Transit Authority (RFTA). The
40 process is the same as the town's Conditional Use Permit.

41
42 The property, Lot C1 in Burning Mountain PUD Phase 1, is zoned Commercial Retail
43 (CR) per Municipal Code 17.112.030. A park and ride facility is not specifically listed
44 as a permitted or conditional use, however, the section has a provision for "All
45 other uses not specifically identified under permitted uses." This allows for
46 consideration of a conditional use application.

1 The application proposes a 62-space asphalt lot and will include 7 compact car and
2 3 handicap parking spaces. Concrete pads will be placed in front of the compact
3 spaces for future electric passenger vehicle charging stations.

4
5 The proposed plan includes seasonally adjusted security lighting, landscaping,
6 screening, drainage and pedestrian and ADA accessibility. The low-maintenance
7 xeriscape landscaping and screening will limit visibility of the park and ride from
8 Highway 6, Burning Mountain Avenue and adjacent homes. Pedestrian accessibility
9 includes a handicap ramp, metal staircase and footpath from the parking lot to the
10 bus stop on Highway 6. RFTA will make application to CDOT for a special use permit
11 to provide crosswalks across Highway 6. There will be one vehicle driveway into the
12 lot from Burning Mountain Avenue. Storm water will be directed to the planting
13 areas. RFTA will be responsible for maintenance and snow removal, and an IGA
14 between RFTA and the town will be required for an easement because the trail will
15 encroach into town open space.

16 RFTA busses will not use Burning Mountain Avenue, they will continue to use the
17 highway.

18
19 RFTA Director of Facilities and Project Manager Mike Hermes explained the
20 slideshow presentation which is attached to these minutes as Exhibit B.

21
22 Local Businesses such as City Market and the Motel have concerns about bus riders
23 using their parking lots. The Park and Ride should alleviate this problem, but RFTA
24 said they would work with local businesses for possible overflow parking.

25
26 Commissioner Leland asked for an explanation of the drainage issues. Town
27 Attorney David McConaughy stated that the original drainage plan for the area
28 directed water off the site, down Burning Mountain Ave. towards the west where it
29 eventually reaches a culvert that drains under the road and then goes to the river.
30 RFTA is proposing to capture most of the water in dry wells rather than letting it go
31 into the street. The concern is that because the area is mostly in the shade during
32 the winter water tends to freeze before it gets to the culvert, forming ice on the
33 roadway. The project will provide an opportunity to fix the ice issue, by installing
34 new culvert. This would eliminate the need for dry wells and on-site retention.

35
36 RFTA Engineer Yancy Nichol stated that he agreed with the installation of new
37 culvert and said it would also capture the water that would drain off of Highway 6
38 onto the site.

39
40 Commissioner Leland asked how RFTA would water the landscaping since it could
41 take up two years to establishment. Mr. Hermes stated that RFTA would be
42 installing an irrigation system.

43
44 Attorney McConaughy explained the proposed resolution PZ-2014-2 to the
45 commission.

46
47 Attorney McConaughy explained the conditions to the resolution by stating:

- 1 1. In addition to the items listed on Exhibit A of the resolution, all
2 representations of the Applicant made verbally or in written submittals
3 presented to the Town in conjunction with the Application and before the
4 Planning Commission or Town Council shall be considered part of the
5 Application and binding on the applicant.
- 6 2. The Applicant shall reimburse the Town for any and all expenses incurred by
7 the Town regarding this approval, including without limitation all costs
8 incurred by the Town's outside consultants such as legal, planning, and
9 engineering costs.
- 10 3. The Applicant shall provide a title report or other evidence acceptable to the
11 Town Attorney to demonstrate that it owns the Property free and clear of
12 any liens or other owners whose consent could be required to process the
13 Application.

14 Attorney McConaughy asked RFTA if there were any loans against the property. Mr.
15 Hermes was not sure. Attorney McConaughy said they could obtain a title report
16 online and that would suffice. The purpose was to make sure the lender was aware
17 of easements and agree to them. This would secure the easements in the event of
18 foreclosure.

- 19 4. The proposed pedestrian path within the Town's open space and utility
20 easement shall be subject to a license to encroach for the landscape and the
21 pedestrian path meeting the requirements of Section 12.20.100 of the Town
22 Code. The easement is between the parking lot and the highway which has a
23 sewer line in the easement. It would be a license instead of a new
24 easement.
- 25 5. The Town and RFTA shall enter into an IGA acceptable to Town Council
26 addressing the following issues:
 - 27 A. RFTA shall agree to be responsible for maintenance, repair and
28 replacement of the pedestrian path and landscape improvements within
29 the Town open space/utility easement and to maintain insurance with
30 the Town named as a co-insured party.
 - 31 B. The use, maintenance, repair and replacement of the pedestrian trail and
32 any other improvements within the Town's open space and utility
33 easement shall be subject and subordinate to the Town's rights to use,
34 maintain, repair and replace the existing sewer line and any other public
35 utilities within such area.
 - 36 C. All offsite improvements and any onsite improvements proposed for
37 dedication to the Town shall be identified on a list with estimated costs
38 of construction of each line item and shall be shown on construction-
39 level drawings subject to prior approval of the Town Engineer. This
40 would include the culvert going under Burning Mountain Ave. Prior to
41 construction or issuance of any permit, RFTA shall provide a performance
42 guaranty consistent with the requirements of Chapter 16.32 of the Town
43 Code for all such public improvements.
 - 44 D. Compliance with the license standards referenced above.
 - 45 E. RFTA shall agree to and acknowledge its obligations for snow storage
46 and removal pursuant to Chapter 12.08 of the Town Code.
- 47 6. RFTA shall calculate estimated water usage for irrigation and other needs of

1 the project for review by the Town Engineer and shall pay the appropriate
2 water tap fee required by the Town Code.

- 3 7. RFTA shall comply with any permits required by other governmental
4 agencies including but not limited to the Colorado Department of
5 Transportation, if applicable.
- 6 8. The site plan shall be revised to depict adequate onsite snow storage areas
7 as determined by the Town Engineer and/or Public Works Director.
- 8 9. The privacy fence will be constructed in accordance with the description at
9 Paragraph R1 of the March 21, 2014 response memo from Sopris
10 Engineering to the Town Engineer ("Response Memo").
- 11 10. The landscape wall proposed to be constructed of reclaimed concrete shall
12 instead be constructed of natural boulders.
- 13 11. Handrails shall be constructed as described in Paragraph R4 of the Response
14 Memo.
- 15 12. The Applicant shall work with the Town Engineer to explore potential
16 changes to the drainage design, which may include piping drainage water
17 through a new culvert under Burning Mountain Avenue and eliminating the
18 drywell or other modifications; provided that the Town acquires any
19 necessary easements and further provided that the costs of this alternative
20 design do not significantly exceed the anticipated costs of the design as
21 proposed. If a new culvert under the roadway is constructed, then the
22 pedestrian crossing shall be moved to the area of the culvert and shall be
23 replaced with colored concrete over the culvert. The final design for
24 drainage improvements shall be subject to review and approval by the Town
25 Engineer prior to the issuance of a special review use permit.
- 26 13. Except as modified herein, the Applicant shall comply with its
27 representations and agreements in the Response Memo. Any "final
28 drawings" as proposed in the Response Memo shall be subject to review and
29 approval by the Town Engineer prior to the issuance of a special review use
30 permit.

31
32 Chair Apostolik asked if there were any public comments. There were no public
33 comments.

34
35 Chair Apostolik closed the public hearing at 7:32pm.

36
37 Chair Apostolik asked if RFTA would be allowed to build a two-story parking
38 structure at the same location should there be a need in the future. exceeds their
39 parking space and it becomes popular would RFTA be able to build a double decker
40 park and ride in that area. Planner Cain explained it would require a building
41 permit. Chair Apostolik stated there is a height limit, but what about outside.
42 Attorney McConaughy clarified that it would also be a new conditional use
43 application.

44
45 **Motion: Chair Apostolik made a motion to approve Resolution PZ 2014-2, a**
46 **resolution of the New Castle Planning and Zoning Commission**
47 **recommending Conditional approval of a Special Use Permit for a Park and**

1 **Ride Bus Facility. Commissioner Slack seconded the motion and it passed**
2 **on a roll call vote: Chair Apostolik: yes; Commissioner Leland: yes;**
3 **Commissioner Borgard: yes; Commissioner Riddile: yes; Commissioner**
4 **Slack: yes.**

5
6 **Items for next Planning and Zoning Agenda**

7 None reported
8

9 **Commission Comments and Reports**

10 Commissioner Leland informed the commission that he spoke with a developer who
11 was looking for a place to store and service recreational vehicles (RVs) for people
12 who don't have room to store them at home. The developer found a much larger
13 piece of property than what was needed, and is considering a campground and
14 perhaps a performance arena for special events. The property is out in the county,
15 but within our three-mile sphere of influence. Garfield County Planning will refer the
16 application to the town for input. The developer stated he wanted to come before
17 Town of New Castle Planning and Zoning Commission before he went to the county.
18 Commissioner Leland said he has not heard from the developer since. The property
19 is located across the river past Apple Tree Mobile Home Park.
20

21 **Staff Reports**

22 None reported
23

24 **Review Minutes from Previous Meeting**

25 The commission offered corrections to the minutes.

26 **Motion: Commissioner Borgard made a motion to approve the minutes from**
27 **January 22, 2014 as amended. Commissioner Riddile seconded the motion**
28 **and passed unanimously.**
29

30 The meeting adjourned at 7:45p.m.
31

32 Respectfully Submitted,
33
34
35
36
37

38 _____
39 Planning and Zoning Commission Chair
Chuck Apostolik

40 _____
Deputy Town Clerk Mindy Andis