

**TOWN OF NEW CASTLE, COLORADO
RESOLUTION NO. PZ-2015-03**

**A RESOLUTION OF THE NEW CASTLE PLANNING & ZONING
COMMISSION APPROVING RIVERSIDE RV PARK, INC.'S FINAL PUD
DEVELOPMENT PLAN APPLICATION AND RECOMMENDING THAT
TOWN COUNCIL APPROVE THE SAME.**

WHEREAS, on August 4, 2015, Riverside RV Park, Inc. ("Applicant") submitted a preliminary PUD Development Plan application ("Preliminary Application") for the property located at 7051 CR 335 in the Town of New Castle, and more fully described as Lot 1, Section 2, Township 6, Range 91, Riverside Subdivision, County of Garfield, State of Colorado ("Property"); and

WHEREAS, the Property is subject to that certain Annexation Agreement between Rippy RV Associates and the Town of New Castle ("Town") recorded in the Office of the Garfield County Clerk and Recorder in Book 1139 at page 785 as Reception No. 548660; and

WHEREAS, on September 9, 2015, the Town Planning & Zoning Commission ("Commission") held a public hearing to consider Applicant's Preliminary Application and ultimately approved the same with conditions; and

WHEREAS, Applicant submitted the entire approved Preliminary Application and additional required documents as its final PUD development plan application ("Final Plan"); and

WHEREAS, the Final Application has been deemed complete by the Town Planner; and

WHEREAS, Riverside Partnership, LLC owns the Property and has given Applicant permission to submit and pursue the Final Application; and

WHEREAS, pursuant to Sections 16.08.050 and 17.100.080 of the Town Municipal Code, the Commission held a public hearing on October 14, 2015, to consider testimony from the Applicant, staff, and the general public regarding the Final Application; and

WHEREAS, the Commission has considered the criteria set forth in Section 17.100.090 of the Town Municipal Code and hereby finds that:

1. The Application is generally compatible with adjacent land uses;
2. The Application is consistent with the comprehensive plan;
3. The Town has the capacity to serve the proposed use with water, sewer, fire and police protection;
4. Subject to a Town Council ordinance accepting the recommendation of the Planning Commission, the uses proposed within the PUD are uses permitted outright or by special review within the zoning district or districts contained within the PUD;

5. The number of dwelling units permitted by the underlying zoning districts is not exceeded by the PUD plan; and
6. The PUD utilizes the natural character of the land, includes compatible land uses, provides, as applicable, for fire and police protection, off-street parking, vehicular, pedestrian and bicycle circulation, outdoor recreation, is of overall compatible architectural design, achieves adequate screening, buffering and aesthetic landscaping, avoids development of areas of potential hazard, ensures compliance with the performance standards and meets all other provisions of the Town Municipal Code.

WHEREAS, based on the testimony and evidence presented, by this Resolution, the Commission approves the Application subject to the conditions set forth herein.

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

1. Recitals Incorporated by Reference. The foregoing recitals are incorporated by reference herein as findings and determinations of the Commission.
2. Zoning. The Commission recommends that Section 17.124.010 of the Town Code be amended to include the following and re-numbered accordingly:

D. Conditional Uses. In addition the conditional uses identified in Chapter 17.60 of the Code, Recreational Vehicle (RV) Parks [with guest stays limited to less than thirty (30) days per reservation and no more than __ consecutive reservations] shall also be a conditional use in this PUD zone district.

3. Approval. The Commission hereby approves the Application subject to the following conditions and recommends that the Town Council do the same:

A. 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 and reflected in the minutes of such hearings shall be considered part of the Application and binding on the Applicant;

B. The Applicant shall comply with all applicable building, residential, electrical and municipal code requirements including all sign code regulations;

C. 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;

D. Applicant shall enter into a development agreement with the Town addressing, among other things, berm, bike path, and pathway construction, weed and dust mitigation, site irrigation, tap fee payment, water rights dedication, and other issues deemed necessary by Town staff;

E. Prior to issuance of a building or grading permit, Applicant shall address the conditions and concerns of the Town engineer set forth in Exhibit "A" to the satisfaction of Town staff; and

F. Prior to issuance of a certificate of occupancy, Applicant will construct a 2 or 3 rail fence on the east property line extending approximately 80 feet from the southeast lot corner to the south side of the River Park emergency access gate and from the north end of the gate approximately 50 feet;

G. All lighting on the Property shall be downward-facing and dark-sky compliant;

H. After one year of the Park's being fully operational, Town staff shall review and analyze the Park's metered water and sewer use to determine whether .1 EQR per RV space reflects the Park's actual utility use and adjust tap fees accordingly;

I. Applicant shall not operate the RV Park unless at least one camp host is available to occupy the RV Park; and

J. In the event the Town receives any complaints about the use of the site or observes or becomes aware of any violations of conditions of approval, the Applicant and/or owner may be summoned before the Town Council in a public meeting to show cause why the business license 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.

THIS RESOLUTION PZ 2015-3 was adopted by the New Castle Planning and Zoning Commission by a vote of ___ to ___ on the 14th day of October, 2015.

NEW CASTLE PLANNING AND
ZONING COMMISSION

By: _____
Chuck Apostolik, Chairman

ATTEST:

Mindy Andis, Deputy Town Clerk

October 9, 2015

Mr. Tim Cain, Planner
Town of New Castle
P.O. Box 90
New Castle, CO 81647

**RE: Riverside RV Park
Final PUD Development Plan**

Dear Tim,

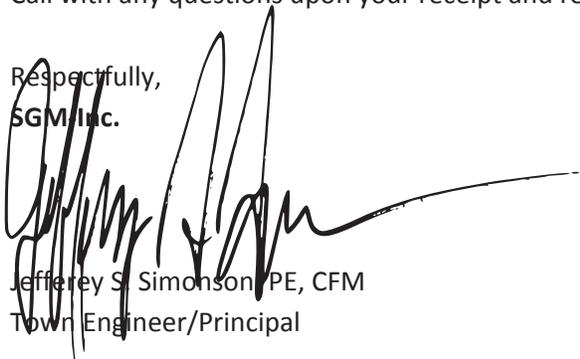
Per our prior phone conversation on this matter, I wanted to follow up with our discussions and recommendations for review of this project. As you are aware, we were able to have a meeting with Mr. Chatmas between our last report for Preliminary Plan Review and this Final Plan Review. The focus of my discussions with Mr. Chatmas was to settle in on a recommendation for the EQR rating for this project coupled with providing an understanding of each of the issues and concerns of our September 1, 2015 letter to you regarding the Preliminary Plan review. As a result, we have re-attached our September 1, 2015 correspondence noting that each issue/concern needs to be addressed with construction drawings prior to any construction commencing and that our recommendation for an EQR rating for this proposed use is as follows:

There will be no RV dump station or an RV potable water fill station and no irrigation will be provided from the potable water system. Given such, the EQR rating for each RV site would be 0.1 EQR. This would be used as a value for assessing the EQR rating for the project. In year two of the project, the EQR rating would be re-assessed based upon actual use and adjusted accordingly.

We have not been in receipt of any other documents submitted since the original submittal of review per our September 1, 2015 letter. If any pertinent information has been submitted we would request subsequent review as applicable.

Call with any questions upon your receipt and review of this letter.

Respectfully,
SGM/Inc.



Jeffrey S. Simonson, PE, CFM
Town Engineer/Principal

September 1, 2015

Mr. Tim Cain, Planner
Town of New Castle
P.O. Box 90
New Castle, CO 81647

**RE: Riverside RV Park
Preliminary PUD Plan Review**

Dear Tim,

The purpose of this letter is to provide you a report or our questions, concerns or need for additional data based upon on our review of the submittal data provided for the Preliminary PUD Plan Application for the Riverside RV Park. The submittal data provided to us to conduct this review is summarized as follows:

1. Introduction letter authored by Mr. Chatmas
2. Completed Town of New Castle Development Application for the proposed action
3. Proof of legal ownership
4. Existing topography map with property lines and easements identified as prepared by Tuttle Survey Services
5. Site Plan with Emergency Vehicle Circulation as prepared by Gamba and Associates
6. Utility infrastructure plan prepared by Gamba and Associates
7. Traffic study prepared by Gamba and Associates
8. Geological hazards report prepared by H-P Geotech
9. Waste Engineering (Phase 1 follow up) no further action report
10. Stormwater analysis report prepared by Gamba and Associates
11. Irrigation supply report by Ashley Moffatt
12. Report on miscellaneous data for the project prepared by Mr. Chatmas.

Based upon our review of the aforementioned submittal data and previous meetings with the applicant and his engineer, we have developed the following comments, concerns and/or questions regarding this project:

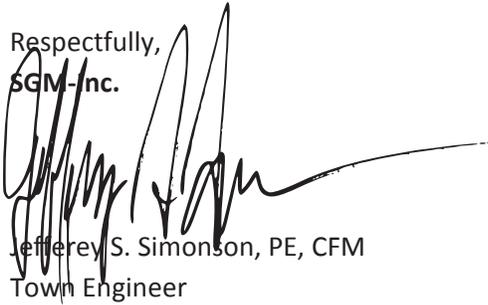
1. As this is a preliminary plan set of drawings, it is anticipated that as the project moves to final approval, construction drawings and cost estimates will be provided for review and approval which define, in specificity, the construction of all improvements and in particular the public improvements. Those improvements identified as public Improvements related to this project are:

- a. The bike path/sidewalk construction from River Park Condominiums throughout the frontage of this property. The path will need to match the existing path construction related to the River Park Condominium project.
 - b. Handicap ramps and that portion of the driveway(s) that will exist in CR 335 right of way.
 - c. Fire Hydrant construction for the new hydrant near the proposed emergency access easement.
 - d. Any ties to the Town's utilities (water and sewer ties).
2. For final approval, we anticipate that a storm water management plan will be presented for subsequent review and approval which will detail all BMP's that will be installed to mitigate erosion, mitigate dust and encourage revegetation of disturbed areas. Likewise, as the site exceeds 1 acre in size, the BMP's necessary for the contractor to follow during construction shall be identified along with submittal of the CDPHE approved SWMP permit.
 3. Prior to final approval, EQR calculations for both water and sewer will need to be prepared, presented to and approved by the Town in order to accurately determine the water rights dedication fees, tap fees and tap fee surcharges for the River Park sewage lift station. It should be noted that the design of the River Park sewage pump station included the development of this property as part of the service area for the lift station thus capacity of the lift station is not a concern.
 4. A letter of concurrence to the proposed emergency access for this project will need to be provided. Any identified improvements will need to be implemented with the final design.
 5. HP Geotech has identified that the rockfall mitigation berm provided with their design is for a higher exceedance value for the "temporary" land use protecting an RV Park. HP also notes that a lower exceedance value should be used if/when permanent housing (ie., future hotel) will be proposed. Any approval should link this recommendation to the conditions of approval or the design and construction of the rockfall protection berm should be constructed originally with the lower exceedance value used.
 6. Again, as this is a preliminary plan and construction details for the improvements have not been provided, we anticipate that the applicant will provide complete construction details for the paved accessways, driveways, utility construction and irrigation system construction proposed. As well, we anticipate that the applicant will provide lighting and landscape plans accordingly.

With this review, and given the applicants ability to provide the information identified above at Final PUD Plan submittal, we do not see specific concerns with this application and the proposed use applied for.

Upon your receipt and review, if you have any questions, please don't hesitate to call.

Respectfully,
SGM-inc.



Jefferey S. Simonson, PE, CFM
Town Engineer