

**TOWN OF NEW CASTLE, COLORADO
RESOLUTION NO. PZ-2015-02**

**A RESOLUTION OF THE NEW CASTLE PLANNING & ZONING
COMMISSION APPROVING RIVERSIDE RV PARK, INC.'S PRELIMINARY
PUD DEVELOPMENT PLAN APPLICATION.**

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

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

WHEREAS, the Application was deemed complete by the Town planner; 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, pursuant to Sections 16.08.050 and 17.100.070 of the Town Municipal Code the Planning & Zoning Commission ("Commission") held a public hearing on September 9, 2015, to consider testimony from the Applicant, staff, and the general public regarding the 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. Approval. The Commission hereby approves the Application subject to the following conditions:

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. Proof that Riverside has secured the water rights necessary for the use of the Property as proposed, including providing the Town with a copy of Riverside's West Divide Water Conservancy contract;

E. Applicant will submit a raw water irrigation application/plan as provided in Chapter 13.38 of the Town code;

F. Executing an agreement with the Town regarding construction of the bike path and berm, with appropriate security and provisions for future maintenance of the berm;

G. Applicant will obtain a business license;

H. Payment of tap fees including the Tap Fee Surcharge (\$1,500/EQR for water taps and \$2,000/EQR for sewer taps) prior to construction or development of the property, and Applicant is hereby advised of the monthly user fee surcharge (\$6.00) to cover lift station costs;

I. 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;

J. Applicant shall submit a weed and dust mitigation plan to be followed once the RV Park is operational;

K. All lighting shall be downward facing and dark-sky compliant;

L. A reclamation plan is required 10 days before the P & Z final hearing that will ensure the security and maintenance of remaining infrastructure and safety in the event the RV Park is abandoned;

M. 3-5 signs will be posted along the high water bank of the Colorado River noting that the property south of the river is private property;

N. Install a sign stating the River Park emergency access shall not be blocked with wording such as "parked vehicles will be towed," and such wording is subject to Town Staff approval;

O. The concrete pedestrian/bicycle path will be constructed according to New Castle Public Works Manual specifications and shall be subject to approval of the Public Works staff;

P. Applicant will submit a landscape plan prior to obtaining a grading permit with said plan subject to planning staff approval;

Q. All pathways to picnic tables on the bench above the Colorado River must be constructed of road base or rock and shall be at least 4 feet wide;

R. Subject to approval by the Town engineer, Applicant shall address the concerns and conditions set forth in the memorandum attached hereto as **Exhibit "A;"**

S. Prior to the final hearing before the Commission, Applicant shall meet with the Riverside HOA Board of Directors to discuss the concerns of Riverside residents brought up at the September 9, 2015, public hearing, develop solutions thereto, and submit a report detailing the results of the meeting; and

T. Applicant and Town staff shall submit a joint report regarding the issue of the length of stay of RV Park guests;

U. Applicant shall revise the rules and regulations of the RV Park to provide that if no camp host is available to occupy the RV Park, the RV Park will not be open to guests, and this condition shall be a condition of approval of Applicant's final PUD Development plan; and

V. 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; and

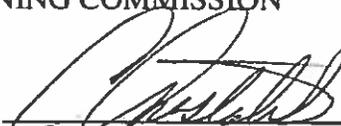
W. The Planning Commission recommends that, as part of any ordinance approving a Final PUD Development Plan, the Town Council amends the zone district text to provide for an RV Park as a conditional use, subject to restrictions on hours, number of units, and other matters consistent with the application as determined by Council.

THIS RESOLUTION PZ 2015-2 was adopted by the New Castle Planning and Zoning Commission by a vote of 5 to 0 on the 9th day of September, 2015.



NEW CASTLE PLANNING AND
ZONING COMMISSION

By: _____


Chuck Apostolik, Chairman

ATTEST:


Mindy Andis, Deputy Town Clerk