

Town of New Castle

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

**Planning & Code Administration
Department**

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(1)

**Staff Report
Shannon Murphy – Conditional Use Permit – Two-Family Residence
New Castle Planning and Zoning – Hearing – January 13, 2016**

Report Date: 12/24/15

Project Information

Name of Applicant: Shannon Murphy

Applicant’s Mailing Address /Phone: 702 W. Main St., New Castle, CO. Telephone – (970) 618-0128
E-mail: shannon@shannonmurphy.net

Property Address: 702 W. Main St., New Castle, CO 81647

Property Owner: Shannon Murphy

Owner Mailing Address /Phone: 702 W. Main St., New Castle, CO 81602. Telephone – (970) 618-0128

Proposed Use: Two-Family Residence

Municipal Code Reference: Chapter 17.84 – Conditional Uses, Chapter 17.68 – Commercial Transitional, Chapter 17.76 – Off-Street parking

Size of Site: 5,000 sq. ft.

Street Frontage: W. Main St. and 7th St.

Existing Zoning: Commercial Transitional

Surrounding Zoning: North – R-1, South – C-1, West – C/T and East C-1 and R-1

Off- Street Parking: Two-off street parking spaces per residence

Description of application:

This application is a request for a conditional use permit for a Two-Family Residential unit and applies to both dwelling units situated on 702 W. Main St. In this zone district there are no conditional uses for an Accessory Dwelling Unit (ADU). The only applicable conditional use that is similar is a two-family residential unit unlike other zone districts where an ADU is a conditional use. The principal building has been occupied and owned by Shannon Murphy and the other unit has been used for various functions such as a dance studio and food co-op. Ms. Murphy proposes to build a kitchen in the other unit and allow for it to be rented out for another individual or family. This is a request for a two (2) bedroom dwelling unit. There will be no exterior changes to either dwelling.

II Development Application Contents:

1. Development Application
2. Performance Standards agreement
3. Proof of Legal Ownership
4. Checklist – Conditional Use Application
5. List of property owners within 250 feet
6. Cover letter dated December 1, 2015
7. Exhibit A – Context Map
8. Exhibit B - Landscape Plan
9. Exhibit C - Site Plan
10. Exhibit D - Photograph showing parking areas
11. Exhibit E - Assessor's Map showing surrounding properties

III Application Issues/Concerns:

Applicant has submitted Exhibit A – Exhibit E in lieu of one site plan. The requirements for a site plan are:

- (1) Adjacent land uses and location of adjacent structures
Staff Comment – The submitted Exhibit A – Context Map - shows the adjacent uses except for properties located south of 702 W. Main St. which is C-1
- (2) Boundary and size of lot
Staff Comment – The submitted site plan describes the boundary and size of 702 W. Main St.
- (3) Boundary location, height and setbacks
Staff Comment – Exhibits A-C and E demonstrate boundary location. Height and setbacks are not listed. Regardless, there are no proposed changes to either height or setbacks.
- (4) *Off-street parking and loading areas
Staff Comment – Off-street parking is not listed in the Commercial Transitional Zone. The off-street requirements using Chapter 17.76 of the Town's code requires two (2) spaces per dwelling unit. There is no need to identify loading areas.

 * 17.76.060 Town Council May Change Number of Spaces
 (A) The Town Council may increase or decrease the number of off-street parking spaces in consideration of the following factors:
 - (1) Probable number of cars owned by occupants of dwellings in the planned unit development;
 - (2) Parking needs of any non dwelling uses;
 - (3) Varying time periods of use; and
 - (4) Whatever joint use of common parking areas is proposed.
 (B) Regardless of a reduction in off-street parking spaces by the Town Council, adequate space and site design shall be provided to accommodate the standard
- (5) Points of ingress and egress
Staff comment – Shown on Exhibits A-E. More specifically, people will enter and leave from 7th Street.
- (6) Service and refuse areas
Staff Comment – Service area and refuse areas do not apply. However, refuse container is found inside the garage on Exhibit C.
- (7) Signs and exterior lighting
Staff Comment – There will be no signs and exterior lighting will not change.

(8) Fencing, landscaping and screening

(3)

Staff Comment – Existing landscaping and screening are shown Exhibit B

(9) Compliance with performance standards

Staff Comment – The applicant has submitted a signed document stating she will comply with all performance standards.

(10) Location and size of easements, power poles, fire hydrants, gas lines, water and sewer lines; anticipated utility requirements

Staff Comment – Easements are prescriptive in the Original Town of New Castle. Gas, water and sewer lines are not shown on the site plan. This is of no major concern. Fire hydrant and light pole is found on Exhibit A.

17.84.070 Alterations

No approved conditional use may be altered, structurally enlarged, expanded in parking area or expanded in ground area unless the site plan is amended and approved in accordance with the procedures applicable to approval of a conditional use as set out in chapter 17.84 – Conditional Uses

V Water and sewer:

Currently the applicant has 1.5 EQR's for both dwelling units. The EQR rate for a two-bedroom dwelling unit is .8 EQR. At the time of building permit application, the applicant will be required to submit additional payment for increased water usage and a water rights dedication fee. The amount is normally determined when the application is processed.

VI Staff Recommendation

The staff recommends approval of the Conditional Use Permit with the following conditions:

1. All representations of the applicant in written and verbal presentations submitted to the Town or made at public hearings before the planning commission or Town Council shall be considered part of the application and binding on the applicant.
2. The applicant shall comply with all applicable building, residential, electrical and municipal code requirements including all sign code regulations.
3. In the event the Town receives any complaints about the use of the site or observes or becomes aware of any violations of the conditional use approval, the Applicant and/or owner may be summoned before the Town Council in a public meeting to show cause why the permit should not be revoked, suspended, or additional conditions imposed. Such show-cause hearing shall be open to the public and the Applicant or owner may present testimony or offer other evidence on its behalf.
4. 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.
5. The applicant will be required to pay additional water and sewer tap fees with the amount determined at the time of building permit application.
6. The applicant will pay for a water rights dedication fee prior at the time of building permit application.