

**New Castle Planning and Zoning Commission Meeting  
Wednesday, July 13, 2016, 7:00p.m., Town Hall**

**Call to Order**

Commission Vice-Chair Larry Borgard called the meeting to order at 7:00p.m.

**Roll Call**

Present Vice-Chair Borgard  
Commissioner Gates  
Commissioner Metzger  
Commissioner Ruggles  
Commissioner Urnise

Absent Chair Apostolik

Also present at the meeting were Town Planner Tim Cain, Deputy Town Clerk Mindy Andis and members of the public.

**Meeting Notice**

Deputy Town Clerk Mindy Andis verified that her office gave notice of the meeting in accordance with Resolution TC-2016-1.

**Conflicts of Interest**

There were no conflicts of interest.

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

There were no citizen comments.

**Public Hearing**

**Conditional Use Permit**

Purpose: Application for Conditional Use Permit (CUP)

Legal description: Ritter Plaza

Common Address: T.B.D. Castle Valley Blvd., New Castle

Applicant: Bronwyn Rittner

Landowner: Town of New Castle

Resolution PZ 2016-5 Recommending Approving Conditional Use Permit For Mobile Vending Cart or Stand on Town Property Located in the Commercial - 1 Zone District.

Vice Chair Borgard opened the Public Hearing at 7:01p.m.

Town Planner Tim Cain reported that the applicant was requesting a conditional use permit to allow a mobile vending cart or stand in the northeast corner of Ritter Plaza. The applicant, Ms. Bronwyn Rittner, and her son, Simon, will have very limited hours and days of operation. Ms. Rittner said she was teaching her son entrepreneurial skills by learning how to run a business.

The type of goods to be sold will not require a State License. Ms. Rittner and Simon planned to sell sealed package ice cream cones, ice cream bars, frozen candy bars, bottled water, soda, iced coffee, juice and lemonade. They would like to have two small bistro style tables with four chairs. There will be a 12 by 12 tent shading the ice cream stand. Christmas-style string lighting will be used to illuminate the ice cream stand after dark. Staff recommended that Ms. Rittner use the smallest output of lumens necessary to illuminate the area because it was very important that lighting did not illuminate the commercial/residential unit immediately west of the subject location.

Planner Cain said Ms. Rittner had suggested leasing the plaza, but he did not recommend it because of the limited scale and length of time for the use of Ritter Plaza. He did, however, recommend that the applicant obtain insurance naming the Town as additionally insured. The reason was to protect the Town and the applicant in the event there was an accident or if they damaged town property.

The applicant will also be responsible for managing the noise level, if any, so as not to disturb nearby residential dwelling units.

The site plan showed a trash can near the ice cream stand that the applicant will provide and remove after each sales event.

There will a sandwich board sign near the sidewalk on the north side of the Plaza. If the sign is 18 inches wide with no more than four square feet total, there will not be a need for a sign permit as it is exempt from the sign code. The sign must be removed when operations cease.

Pending approval from the Planning & Zoning Commission and Town Council, Ms. Rittner will be able to exclusively occupy the northeast corner of Ritter Plaza during operating hours, however, the general public will have free and unabated occupation for the remainder of Ritter Park Plaza. Formal Town events using Ritter Plaza will have seniority for the use of all of Ritter Plaza.

Planner Cain said that no approved conditional use may be altered, structurally enlarged or expanded unless the site plan was amended and approved in accordance with the code.

Staff recommended approval of the Conditional Use Permit for a mobile vending cart or stand in Ritter Plaza 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 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 shall remove the sign, tent, personal items like the cooler and any trash from Ritter Plaza as well as hosing down the area near the ice cream stand after each sales event.
6. The applicant will finish all clean-up work and removal of personal property by 9:00 P.M. from Thursday through Saturday.
7. All Town sponsored events will have priority for the use of all of Ritter Plaza.
8. Lights surrounding the 12' X 12' tent shall not illuminate the commercial/residential unit immediately west of the subject location.
9. Applicant shall obtain all necessary permits or licenses to use the Property and pay all necessary fees, if any, as directed by Town Council.
10. Applicant will obtain insurance naming the Town as additionally insured.

Ms. Rittner told the commission that the stand would be her Son, Simon's business and they would sell water-based products such as frozen popsicles, as well as soda and water. She said they hoped to become licensed next summer to sell dairy products and shaved ice. She said they were trying not to sell products that would encroach on the surrounding businesses.

The tent/stand would be a 10 foot by 10 foot tent. Simon built the cart/stand himself with a commercial grade freezer. The hours of operation will be Thursday-Saturday from 2pm - 7pm. They may stay open later than 7pm. however, it was recommended that all clean-up work be performed and all personal items removed from Ritter Plaza by 9pm. Ms. Rittner and Simon would be participating in the farmers market each Thursday.

Simon said the reason he wanted to run an ice-cream stand was because it would be fun and with it being summer there was not much else to do.

Vice Chair Borgard closed the Public Hearing at 7:18p.m.

**Motion: Commissioner Ruggles made a motion to approve Resolution PZ-2016-05, A Resolution of the New Castle Planning and Zoning Commission Recommending Approval of a Conditional Use Permit For a Mobile Vending Cart or Stand on Town Property Located in the Commercial - 1 Zone District.. Commissioner Commissioner Metzger seconded the motion.**

**The motion passed on a roll call vote: Commissioner Urnise: Yes; Commissioner Gates: Yes; Commissioner Metzger: Yes; Vice Chair Borgard: Yes; Commissioner Ruggles: Yes .**

### **Items for Consideration**

#### **Consider Joint Council/P&Z Discussion of Revisions to the Town's Comprehensive Plan.**

Planner Cain said that the council asked that the joint meeting be scheduled for the regular P&Z meeting of August 10. The original requested date of July 27 was in conflict with other scheduled events. It was suggested that P&Z develop a list of items to address in the Comprehensive Plan update and prepare a brief outline of those issues to discuss with the Council.

In order to provide P&Z with support, Doug Dotson has been asked to work with P&Z and Planner Cain at the meeting to develop a rationale for updating the Comprehensive Plan and to assist with a presentation at the joint meeting. Mr. Dotson would assist in identifying issues and will offer thoughts on a process that P&Z may want to utilize. For instance, deciding if P&Z wanted to create a specific Comprehensive Plan Committee or be the lead committee on the effort.

A variety of issues had been mentioned as possible considerations: affordable housing, update of Trails Master Plan to include the soft trails on BLM land, marketing of outdoor recreation and south alley commercial (storefronts with entrances on the south alley in downtown), and coordinating the town website to reflect the Comprehensive Plan.

Mr. Dotson has worked as a planner in Colorado and Utah for more than 30 years in both the private and public sector. During that time, Mr. Dotson had developed numerous Comprehensive Plans, strategic plans and subarea plans.

Staff felt the P&Z Commission should take control of updating the Comprehensive Plan and consider what was important, what the goals were, and what the objectives of the commission were.

Planner Cain suggested that the P&Z might consider having a workshop with Mr. Dotson to set a framework and discussion on their goals and objectives. However, it was completely up to the Commission how they would like to move forward. Whether it was forming a committee or working on the plan themselves.

The commission decided to have a workshop with Mr. Dotson before meeting with council..

Mr. Dotson stated that he felt New Castle's opportunity was about quality of life: for people to come into the community to live here and make the community what everyone wants it to be. It will improve the economy and create opportunity for businesses to locate here. He felt it was time to brand and market New Castle by planning the community and show what New Castle was all about.

Mr. Dotson further stated that the purpose of updating the Comprehensive Plan was to create a plan that was important for the future of the community; put the plan in place to create New Castle's brand, and then start marketing the brand.

**Items for next Planning and Zoning Agenda**

There were no items.

**Commission Comments and Reports**

There were no comments or reports.

**Staff Reports**

There were no reports.

**Review Minutes from Previous Meeting**

**Motion: Vice-Chair Borgard made a motion to approve the June 8, 2016, meeting minutes as submitted. Commissioner Gates seconded the motion and it passed unanimously.**

**Motion: Commissioner Urnise made a motion to adjourn the meeting. Vice-Chair Borgard seconded the motion and it passed unanimously.**

The meeting adjourned at 7:53p.m.

Respectfully Submitted,



*Mindy Andis*  
Deputy Town Clerk Mindy Andis

Planning and Zoning Commission Vice-Chair  
Larry Borgard