



**Town of New Castle Planning & Code Administration Department**  
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(1)

**Staff Report**  
**First Baptist Church of New Castle – Conditional Use Permit**  
**New Castle Planning and Zoning – Hearing – May 11, 2016**

Report Date: 4/30/16

**Project Information**

**Name of Applicant:** First Baptist Church of New Castle (Church/applicant)

**Applicant's Mailing Address** 190 & 172<sup>th</sup> N. 7<sup>th</sup> St, New Castle, CO. 81647  
**Phone/Email:** Telephone – 970.984.2306 E-mail: [newcastlefirstbaptist@gmail.com](mailto:newcastlefirstbaptist@gmail.com)

**Property Address:** 190 & 172 N. 7<sup>th</sup> St., New Castle, CO 81647

**Property Owner:** First Baptist Church of New Castle

**Owner Mailing Address /Phone:** 190 N. 7<sup>th</sup> St., CO 81602. Telephone – 970-366-2278

**Proposed Use:** Church

**Municipal Code Reference:** Chapter 17.84 – Conditional Uses & Chapter 17.76 – Off-Street Parking

**Size of Site:** .812 acres

**Street Frontage:** N. 7<sup>th</sup> St.

**Existing Zoning:** R-1

**Surrounding Zoning:** R-1 and Open Space (OS)

**Parking Requirements:** One-half off-street parking space per three seats

**Hours of Operation:**  
**Sunday:** - 9 A.M. to 11:30 A.M. and 4:30 P.M. to 6:00 P.M.  
**Tuesday** – 10:00 A.M. to 11:30 A.M.  
**Wednesday** – 6:00 A.M. to 7:00 A.M. & 6:30 P.M. to 8:00 P.M.  
**1<sup>st</sup> Friday of each month** – 10:00 A.M. – 12:00 P.M.  
**Vacation Bible School one month during summer** – 6:00 P.M. to 8:00 P.M.

**1 Description of Application:**

This application is a request for a conditional use permit for the following use as listed in the application cover letter:

1. Church

The applicant proposes a phased development schedule for the construction of a new church. The timing of development will be determined by available discretionary funds. The first phase will involve the demolition of the existing garage on 190 N. 7<sup>th</sup> St. and construction of a new Sanctuary and Greeting Hall. According to the applicant, "The eventual buildout, completed through successive phases, would remove the existing house (parsonage) and the church building while expanding the new one being built in Phase 1 as funds are made available."

According to the applicant a formal development schedule has not been determined. Construction of the project will take about 6 to 9 months to complete. A building permit allows for 18 months before it expires. However, the applicant can apply for an extension of another 18 months if approved by the building official.

Providing the Planning & Zoning Commission (P&Z) approves of this application, the church will process a lot line vacation which is an administrative action that does not require a public hearing. This will allow the expansion of the church to legally build on one lot, not two. The parking area northwest of the parsonage will continue to provide overflow parking during church services which could be any day of the week.

Additionally the church will require a variance which is a separate application allowing for an encroachment into the rear setback. This variance is an action that the Board of Zoning Adjustment (Town Council) will decide before construction commences.

### **II Development Application Contents:**

1. Applicant cover letter/Development Application
2. Proof of legal ownership (various deeds have been provided)
3. List of property owners within 250 feet
4. Site plan
5. Description of variance (to be considered by Board of Zoning Adjustment)
6. Copy of Public Service of Colorado easement
7. Agreement to abide by performance standards
8. Elevations
9. Site plan with Structural, Project General and Project Code notes
10. Footing/Foundation, Floor, Furniture/Exit plans with foundation details.
11. Performance standards agreement
12. Revised site plan

### **III Application Issues/Concerns:**

#### **Site Plan requirements:**

- (1) Adjacent land uses and location of adjacent structures  
**Staff Comment** – The submitted site plan shows the present structures on the properties involved and adjacent land uses but not adjacent structures. The property surrounding most of the church is zoned R-1. The land northeast of the subject property is zoned open space.
- (2) Boundary and size of lot  
**Staff Comment** – The submitted site plan describes the boundary and size of all properties involved.
- (3) Boundary location, height and setbacks  
**Staff Comment** – The submitted site plan shows the buildings location and elevations show the new church to be 28' high which is below the maximum allowable building height in the R-1 zone district. Setbacks have been identified on the revised site plan.
- (4) \*Off-street parking and loading areas  
**Staff Comment** – Off-street parking spaces are depicted on the site plan. There will be 61 total

parking spaces of which 4 will be designated for handicap persons, 16 spaces for compact cars and 41 regular size spaces.

\* 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** – There are two access points for ingress and egress as located on the revised site plan. One is located in the southwest portion of the lot and the other access point is located further north of the first access point.

(6) Service and refuse areas

**Staff Comment** – Not shown on the submitted site plan, although there is enough space on the lot for delivery trucks and one or two refuse containers. A two or three yard refuse container can easily be located on the lot without disrupting pedestrian or traffic circulation. There are no known hazardous materials that will need disposal services.

(7) Signs and exterior lighting

**Staff Comment** – Text on the revised site plan indicates all exterior lighting to be downcast and dark sky compliant which will meet the minimum standard of Municipal Code compliance. The elevations depict a sign for the church. The applicant will be required to complete a sign permit and comply with municipal code sign regulations.

(8) Fencing, landscaping and screening

**Staff Comment** – Existing landscaping and screening are shown on the site plan. Existing fencing is identified on the site plan and it will be removed during expansion of the church. New fencing is shown on the site plan.

(9) Compliance with performance standards

**Staff Comment** – The applicant has submitted a signed document stating he 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** – All existing utility services except for gas lines are shown on the site plan. The actual lines have not been identified by the site plan. There does not appear to be a fire hydrant located on the subject properties. A fire hydrant is located across 7<sup>th</sup> St near the southwest section of the property. The applicant submitted an easement declaration from Public Service of Colorado.

(11) Snow storage

**Staff comment** – Snow storage is located through-out the entire subject property.

**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

**IV Criteria set forth for approval in Section 17.100.090 of the Town Municipal Code**

1. Whether the application is generally compatible with adjacent users  
**Staff Comment:** The Deed for 172 N. 7<sup>th</sup> St. states the property was transferred to First Baptist Church of New Castle in 1951. This author is unsure of the year the church was built, Regardless, the church has been located in the residential neighborhood for a very long time. It is compatible with the surrounding environs and adjacent users
2. Whether the application is consistent with the Town's Comprehensive Plan  
**Staff Comment:** The church has been growing very quickly so there is a need to expand. The Comprehensive Plan does not comment on religious affiliations or their impact on the surrounding zone district. It is generally an accepted use in residential neighborhoods.
3. Whether the Town has the capacity to serve the proposed uses with water, sewer, fire and police protection  
**Staff Comment:** Adequate access and supply for water and sewer is available. Fire and police protection is rated very high due to the location of the police station and firehouse.
4. Whether the uses proposed within the PUD are uses permitted outright within the zone district contained within the PUD  
**Staff Comment:** The subject property is zoned R-1 and it is not a PUD. All churches in the R-1 zone district require a conditional use permit
5. Whether the number of dwelling units permitted by the underlying zone district is not exceeded by the PUD plan  
**Staff Comment:** This does not apply

**VI Staff Recommendation**

The staff recommends approval of the First Baptist Church of New Castle 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. Prior to construction, the applicant will apply for a lot line vacation that will be processed administratively by the New Castle Building and Planning department.

6. The Applicant will apply for a variance to be heard by the Board of Zoning Adjustment prior to building permit approval.