

1
2 New Castle Planning and Zoning Commission Meeting
3 Wednesday, October 24, 2018, 7:00p.m., Town Hall

4
5 Call to Order

6 Commission Vice-Chair Bourquin called the meeting to order at 7:00pm.

7
8 Roll Call

9 Present Vice-Chair Commissioner Bourquin
10 Commissioner Johannsson
11 Commissioner Leland
12 Commissioner Lucio
13 Commissioner Ruggles
14 Commissioner Sass

15
16 Absent Chair Apostolik

17
18 Also present at the meeting were Town Administrator David Reynolds, Town
19 Planner Paul Smith, Deputy Town Clerk Mindy Andis and members of the public.

20 Meeting Notice

21 Deputy Town Clerk Mindy Andis verified that her office gave notice of the meeting
22 in accordance with Resolution TC-2018-1.

23
24 Conflicts of Interest

25 There were no conflicts of interest.

26
27 Citizen Comments on Items NOT on the Agenda

28 There were no citizen comments.

29
30 Public Hearing

31
32 Conditional Use Permit

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34 Purpose: Application for Conditional Use Permit for Accessory Dwelling Unit (ADU)

35
36 Legal description: Block 16, Lots 15 & 16 & west 6 feet of Lot 14 Original Townsite,
37 Town of New Castle

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39 Common Address: 802 West Main Street, New Castle

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41 Applicant: Steve & Shannon Kyle

42
43 Landowner: Steve & Shannon Kyle

44
45 Resolution PZ 2018-5 Recommending Approval of Conditional Use Permit for
46 Accessory Dwelling Unit (ADU)

47
48 Commission Vice-Chair Alison Bourquin opened the Public Hearing at 7:01 p.m.

1 Town Planner Paul Smith said the purpose of the Conditional Use Permit was for an
2 Accessory Dwelling Unit (ADU).
3
4 Accessory dwelling units were intended to be constructed in association with a
5 primary single-family dwelling, to provide increased affordable housing
6 opportunities within the town and to facilitate housing in close proximity to places
7 of employment.
8
9 Planner Smith said that the ADU will be located on same lot as the principle house,
10 on the second floor of a two-car garage. The ADU was within walking distance of
11 the downtown.
12
13 The square footage of the ADU is 780, which is within code requirements, and
14 would meet the minimum code requirements for a kitchen and bathroom.
15
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17
18 He said the ADU would have an open floor plan where the kitchen, bedroom and
19 living room are not partitioned off, but the bathroom would be in its own room.
20 The principle home has ample parking space behind the house, and there would not
21 be another ADU associated with the principal building.
22
23 Prior to ADU building permit issuance, applicants will pay all fees including the
24 additional water and sewer taps fees in the amount of 0.5 EQR or \$3,000 for
25 water, \$3,000 for sewer. In addition, there is a fee of \$3,000 for the water rights
26 dedication fee. The total fees due will be \$9,000.00.
27
28 Planner Smith said that all water service connections made to an ADU must comply
29 with the town's water and wastewater service connection requirements. ADUs may
30 be connected to the water and wastewater service lines serving the principle
31 building or directly to the most convenient water or sewer main line. The landowner
32 must bear all expense of such connections and obtain all necessary permits from
33 the town prior to any road cuts. Prior to connection pay a tap fee to the town equal
34 to
35
36
37
38 Planner Smith said that the applicant had said that they could \$6,000 of the fees
39 due prior to building permit, and had requested that the \$3,000 be deferred until
40 the ADU was ready for a certificate of occupancy (CO). He clarified that the
41 Applicants would pay all fees including the deferred \$3,000, plus interest, prior to
42 CO.
43
44 Planner Smith noted some conditions of an ADU which included that an ADU may
45 not be condominiumized or sold separate and apart from the primary building to
46 which it was an accessory; and that the design, exterior treatments and color of an
47 ADU shall be the same as, or compatible with, the design and exterior color and
48 treatments of the primary building to which it is accessory. He said the ADU would
49 meet the conditions.
50

1
2 The site plan identified land uses and the ADU was located in the R-1 zone district
3 while the principle home was zoned Commercial Transitional (C/T). An ADU is a
4 conditional use of both zone districts.

5 Off-street parking for an ADU is one space per bedroom. The ADU is one bedroom
6 and there is adequate parking.
7

8 Ingress & egress is shown as an alley on the east side of the site plan. Access is
9 from Wheeler Lane, a public right-of-way.
10

11 Planner Smith said that the applicant submitted a signed document stating the
12 applicant would comply with all performance standards.
13

14 Last, he noted that no approved conditional use may be altered, structurally
15 enlarged, expanded in parking area or expanded in ground area unless the site plan
16 is amended and approved in accordance with the procedures applicable to approval
17 of a conditional use as set out in chapter 17.84 – Conditional Uses.
18

19 Planner Smith said that staff recommended approval of the Steve & Shannon Kyle
20 ADU Conditional Use Permit with the following conditions:
21

22 A. New water service will extend from the primary dwelling tap rather than the
23 Wheeler Lane water line. Public Works staff has determined that the Wheeler Lane
24 water line would be at overcapacity with an additional tap. The new water line will
25 maintain the minimum standard separation distance stipulated by the town for
26 sanitary sewer and gas utilities. Concrete encasement measures can be utilized to
27 protect the water line from the sanitary sewer when applicable.
28

29 B. The applicant will be required to pay \$9000.00 for tap fees and water rights
30 dedication fee (re: item VI above). The sum shall be paid within 30 days of
31 approval of the application and prior to, and as a condition of, the issuance of the
32 **Planner's conditional use certificate**
33

34 C. All representations of the applicant in written and verbal presentations
35 submitted to the Town or made at public hearings before the planning commission
36 or town council shall be considered part of the application and binding on the
37 applicant.
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39 D. The applicant shall comply with all applicable building, residential, electrical and
40 municipal code requirements including all sign code regulations.
41

42 E. In the event the town receives any complaints about the use of the site or
43 observes or becomes aware of any violations of the conditional use approval, the
44 Applicant and/or owner may be summoned before the town council in a public
45 meeting to show cause why the permit should not be revoked, suspended, or
46 additional conditions imposed. Such show-cause hearing shall be open to the public
47 and the applicant or owner may present testimony or offer other evidence on its
48 behalf.
49

50 F. The applicant shall reimburse the town for any and all expenses incurred by the

1 town regarding this approval, including without limitation all costs incurred by the
2 towns outside consultants such as legal and engineering costs.
3
4 G. The use approved in the application shall not be conducted until the town
5 planner has issued a conditional use certificate. The certificate shall be issued only
6 after applicant has entered into an agreement with the town specifying that all
7 conditions imposed by the Town council will be completed and that the use and
8 improvements will be in accordance with the approved application site plan and
9 development schedule. The conditional use certificate must be issued within one
10 year of the date of final approval by town council, or the application is deemed
11 withdrawn by the applicant and is of no further force and effect.
12
13 Vice-Chair Bourquin closed the Public Hearing at 7:08 p.m.
14
15 Motion: Commissioner Leland made a motion recommending approval of
16 Resolution PZ-2018-5, Recommending Approval of a Conditional Use
17 Permit for an Accessory Dwelling Unit on Property Located in the
18 Residential - 1 Zone District, Commissioner Johannsson seconded the
19 motion. The motion passed on a roll call vote: Commissioner Sass: Yes;
20 Commissioner Ruggles: Yes; Commissioner Leland: Yes; Vice-Chair
21 Bourquin: Yes; Commissioner Lucio: Yes; Commissioner Johannsson Yes.
22
23 Items for next Planning and Zoning Agenda
24 There were no agenda items.
25
26 Staff Reports
27 There were staff reports.
28
29 Commission Comments and Reports
30 Commissioner Leland said that it was his last meeting as the council representative.
31 Councilor Hazelton will be taking his place as the council representative.
32
33 Review Minutes from Previous Meeting
34 Motion: Commissioner Ruggles made a motion to approve the October 10,
35 2018 meeting minutes as submitted. Commissioner Johannsson seconded
36 the motion and it passed unanimously.
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38 Motion: Vice-Chair Bourquin made a motion to adjourn the meeting.
39 Commissioner Leland seconded the motion and it passed unanimously.
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1 The meeting adjourned at 7:16p.m.

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4 Respectfully Submitted,

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Planning and Zoning Commission Vice-Chair
Alison Bourquin

Deputy Town Clerk Mindy Andis, CMC

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DRAFT