



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

**Planning/Building & Code
Administration Department**
Phone: (970) 984-2311
Fax: (970) 984-2716
www.newcastlecolorado.org

Staff Report
Conditional Use Permit – Quilting Studio
Planning Commission – Hearing
August 26, 2020

Project Information

Name of Applicant: Dara Marquardt

Applicant's Mailing Address: PO Box 398

Property Address: 333 W Main St. New Castle CO

Property Owner: Same

Owner Address/Phone: (970) 355-0595

Proposed Use: Studio

Legal Description: Section: 31 Township: 5 Range: 90 Subdivision: Original Town New Castle Lots: 3 and 4, Town of New Castle, According to the plat thereof recorded;

Size of Lot: 5,000 sq ft

Street Frontage: W Main St

Existing Zoning: C-1

Surrounding Zoning: C-1

I Application:

The application proposes a quilting studio workspace in the C-1 zoning district along the alleyway south of Main St. The studio will consist of a 280 square foot structure which will accommodate assembly area and a large quilting machine used to service quilts for clients. Currently the property is occupied by a single-family home, built in 1909, and accessory structures. The use is currently non-conforming according to code section 17.36.050. In the event that the property should transition from a residential to conforming commercial use, this studio can be readily converted to a single car garage or storage shed. The applicant maintains that the versatility of the structure will be an asset to the community regardless of the proposed use or future use of the property.

Whereas chapter 17.36 of the municipal code does permit analogous uses such as printing shops and photography studios, provisions for quilting studios are neither specified permitted nor not-permitted. Therefore per section 17.36.040 (D), "any use not specifically defined in the permitted, conditional, or non-permitted use categories shall be a conditional use." As a conditional use application, the Planning Commission (P&Z) is required to hold a public hearing in accordance with the procedures set forth in Municipal Code chapter 16.08. Within 30 days after the hearing, P&Z must make one of three recommendations to Town Council:

- 1) Approve the CUP unconditionally;
- 2) Approve the CUP with conditions;
- 3) Deny the CUP.

II Development Application Exhibits:

- A. Development application
- B. Application narrative
- C. Public notice
- D. Affidavit as to notice of public hearing
- E. Certified mail receipts
- F. Property owners within 250'
- G. Signed performance standards
- H. Agreement to pay consulting fees
- I. Warranty deed
- J. Policy title insurance
- K. Property photos
- L. Adjacent land uses & structures
- M. Site plan
- N. 2D renderings

III Application Requirements:

The purpose of a conditional use permit is to determine if the nature of the proposed use is appropriate to the location, character of the surrounding development, vehicle capacity on adjacent streets, and potential environmental effects, among other factors, that the Town may deem relevant to the type of land use.

Site Plan:

- (1) Adjacent land uses and location of adjacent structures:

Staff Comment – The existing building is adjacent to a residential lot to the west, and the Ringer commercial building to the East. The Ringer building is a live/work establishment. The house fronts Main St. to the north, and an alleyway to the south.

- (2) Boundary and size of lot:

Staff Comment – Exhibit M illustrates the boundary and size of lots 3 & 4. In C-1 the minimum lot area for a single-family detached unit is 2,500 square feet per dwelling unit. The current lot size is 5,000 square feet. The minimum floor area is 800 square feet per dwelling unit. The existing floor area is 1,638 square feet. The quilting studio will add 280 square feet of lot coverage.

- (3) Boundary location, height and setbacks:

Staff Comment – The maximum building height in C-1 for residential is 32 feet. The proposed building height is 13' as identified in Exhibit __. Setbacks are noted on the drawings and comply with the C-1 minimum setbacks mentioned in section 17.36.080.

- (4) Off-street parking and loading areas:

Staff Comment – Exhibit M depicts the anticipated off-street parking areas. For residential dwelling units in the C-1 zone there must be one and one-half parking spaces per dwelling unit. (MC 17.76.120§B). A minimum of fifty (50) percent of the required parking spaces in the C-1 zone district shall be provided onsite behind the building and with access from the alley. Currently there are 2.5 off-street parking spaces located entirely in the rear of the lot.

- (5) Points of ingress and egress:

Staff comment – The studio design shows a service door planned at the northern side of the structure and a 7' barn door to the east. Parking for the studio will be accessed by the alleyway from either the east or west.

- (6) Service and refuse areas:

Staff Comment – Shown on Exhibit M & N, there is access for meter readings and ample space beyond the fence for any trash collection services. In the event that the land were to transition to commercial use, the proposed garage would not impede on the function of these areas.

- (7) Signs and exterior lighting:

Staff Comment – There are currently no proposed exterior signs and/or lighting. Should this change, the applicant will be required to comply with lighting and sign code provisions in the municipal code. Any added exterior lighting will need to be dark-sky compliant per the comprehensive plan.

- (8) Fencing, landscaping and screening:

Staff Comment – Landscaping and screening is shown on Exhibit N. The garage will run parallel to the existing fence and contribute to the screening at the rear of the lot. Fencing will remain compliant with R-1 zone standards.

- (9) Compliance with performance standards:

Staff Comment – The Applicant has submitted a signed document stating they 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 – The garage will not be connected to Town water and sewer. Electrical service is anticipated on the west wall of the structure. The garage does not impede on any easement.

IV Commercial District Design Requirements:

Section 17.36.030 of the municipal code states that the Town's goals within the C-1 district are to retain historical characteristics of the downtown business area by preserving existing structures constructed prior to the year 1930. Remodeling and construction is encouraged: to reflect the goals of the zone district; to enhance the town's attraction to residents, tourists, and visitors; to serve as a support and stimulus to business and industry; to reflect a pedestrian orientation; and to enhance property values. Section 17.36.100 states that design and construction in C-1 shall be consistent with the following provisions:

- A. Remodeling and restoration improvements to preexisting and/or nonconforming structures are encouraged and shall not affect their existing uses as described above. Exterior remodeling and improvements shall blend with the existing structure and surrounding neighborhood with the effect to retain and restore the district's historical characteristics.
- B. New additions to existing structures shall meet the setback requirements of this district. The exterior shall blend with the existing structure.
- C. New construction within this C-1 district shall be designed in relation to the historical characteristics of the district, so that the exterior features of such construction shall blend with the historical characteristics as established in this chapter.
- D. Exterior finish materials such as logs, exposed metals or materials of gloss finish, or vinyl-finish siding on nonresidential buildings are not permitted.

Staff anticipates that the design and construction of the quilting studio will not violate these provisions nor conflict with the overall design of the existing house.

V 17.84.050 – CUP Approval Criteria and Comments:

A conditional use application shall be approved only if the town council finds that the application:

1. Is eligible for conditional review under Section 17.35.050;

Comment: Sections 17.36.050, 17.36.050, and 17.36.060 of the municipal code identify the list of permitted uses, conditional uses, and non-permitted uses, respectively. By virtue of its exclusion from all of these lists, a quilting studio is thereby subject to the conditional use process. A complete application with all CUP requirements was confirmed on July 1, 2020. A public hearing with the Planning Commission was scheduled for the first available meeting after 45 days.

2. Is generally compatible with adjacent land uses;

Comment: Although the current land use of this lot is non-conforming in C-1, it is staff's opinion that the proposed addition of the garage will not inhibit the transition of land use from residential to commercial. Moreover the presence of a studio structure will likely enhance the function of the property with any use.

3. Meets all requirements of Section 17.84.020, is in compliance with this title and minimizes potential adverse impact of the conditional use on adjacent properties and traffic flow;

Comment: The proposal anticipates little negative impact on the community and adjacent properties. Furthermore, the Applicant will satisfy the requirements of all adopted

building codes and Town codes as described in the conditions of approval.

4. Is consistent with the comprehensive plan

Comment: The New Castle Comprehensive Plan Policy H-1G maintains that New Castle will encourage new businesses in historic downtown that will create a destination/stop for tourism. New Castle will favor retail and service for its downtown buildings. The proposed quilting studio is consistent with these policies.

5. The town has the capacity to serve the proposed use with water, sewer, fire, and police protection.

Comment: The studio will not be serviced by the Town's water or sewer. Impacts on the Town's infrastructure, including police and fire protection are slight.

VI Staff Recommendations

The staff recommends Planning Commission **approval of Resolution No. PZ 2020-8** with the following conditions:

- A. The use approved in the Application shall not be conducted until the Town Planner has issued a conditional use certificate. That certificate shall be issued only after Applicant has entered into an agreement with the Town specifying that all conditions imposed by the Town council will be completed and that the use and improvements will be in accordance with the approved Application site plan and development schedule. The conditional use certificate must be issued within one year of the date of final approval by Town Council, or the Application is deemed withdrawn by the Applicant and is of no further force and effect.
- B. 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 17.84.070.
- C. 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.
- D. The applicant shall comply with all applicable building, residential, electrical and municipal code requirements including all sign code regulations.
- E. Added exterior lighting will be dark sky compliant pursuant to the Comprehensive Plan Goal EN-4.
- F. 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.
- G. 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.



Planning Department
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 Fax: (970) 984-2716
 Email: tnc@glenwood.net

Town of New Castle
 PO Box 90
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LAND DEVELOPMENT APPLICATION

Note: You are required to meet with the Town Planner to review a checklist of items applicable to your project before filing this application with the Town. All application materials are subject to the Colorado Open Records Act (CORA), C.R.S. §24-72-201 to 207.

Applicant: Dana Marquardt	
Address: PO BOX 398	Phone: 970-355-0595 FAX: E-mail: djl5840@gmail.com

Property Owner: Dana Marquardt	
Address: 333 W. Main St.	Phone: 970-355-0595 FAX: E-mail: djl5840@gmail.com


Contact Person: Dana Marquardt	
Address: 333 W. Main St.	Phone: 970-355-0595 FAX: E-mail: djl5840@gmail.com

Property Location/Address: 333 W. Main St.	
Legal Description: residence	Acres: 5,000 sqf

Existing Zone (e.g., Residential R-1, Commercial C-1): C-1	Existing Land Use: residential
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TYPE(S) OF LAND USE(S) REQUESTED

- Pre-Annexation Agreement
- Annexation
- Subdivision (including Minor and Major Subdivisions, Lot Splits, Sketch Plans, Subdivision Preliminary Plans, Subdivision Final Plans, & Condominiumizations)
- Amended Plat
- Planned Unit Development (including PUD Sketch Plans, Preliminary PUD Development Plans, PUD Master Plans and Final PUD Development Plans)
- Conditional Use Permit or Special Review Use Permit
- Lot Line Adjustment or Dissolution
- Site Specific Development Plan/Vested Rights
- Variance
- Zoning
- Zoning Amendment
- Re-zoning

 Applicant Signature	6/18/2020 Date
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Quilting Studio Design Compatibility

The proposed structure at 333 West Main Street will be used as a quilting studio for custom quilting. It will blend with the house aesthetically while adhering to town guidelines on both setbacks and permitted building materials. By incorporating siding, paint, windows, and native landscaping elements, the quilting studio will not only complement the existing structure, but enhance the visual appeal from both the back yard as well as the alley way. Currently, the rear of the lot is underutilized and visually unremarkable. When the quilting studio is completed it will promote a clean, quaint, and tidy atmosphere while serving as a vital workspace for a local business. While this will be a space best utilized as a quilting studio, should the property be sold in the future, it will enhance the appeal of the overall lot by providing a flexible space for both commercial and residential buyers. Overall, the quilting studio will be a positive addition to New Castle in terms of aesthetic appeal and functionality.

NOTICE OF PUBLIC HEARING Town of New Castle

Due to concerns related to COVID-19, this meeting will be held as a virtual meeting only. The public is invited to attend by computer or telephone.

Date: August 26th, 2020

Time: 7:00 PM

Place of hearing: **To join by computer, smart phone or tablet:**
<https://us02web.zoom.us/j/7096588400>

To Telephone into the meeting:
Please call: 1-346-248-7799
Meeting ID: 709 658 8400

Public body
conducting hearing: Planning and Zoning Commission

Brief description
of application: Conditional Use Permit for Quilting Studio in C-1 Zoning District

Legal description: Lots 3 and 4, Block 7, Town of New Castle, County of
Garfield, State of Colorado

Common address: 333 W Main St.

Applicant: Dara Marquardt

Landowner: Dara Marquardt

The complete application is available at the Town Clerk's office at 450 West Main Street, P. O. Box 90, New Castle, CO 81647. All interested persons are invited to appear and state their views, protests or objections. If you cannot appear personally at such hearing, then you are urged to state your views by letter.



AFFIDAVIT AS TO NOTICE OF PUBLIC HEARING

I, Dara Marguardt, do hereby certify that pursuant to ordinances of the Town of New Castle, Colorado, I provided notice of a public hearing before the New Castle Planning Commission/Town Council on **August 26th, 2020** regarding a **Conditional Use Permit** application by doing the following:

1. At least fifteen (15) days prior to such hearing, I sent a copy of the **attached** Notice of Public Hearing by certified mail to the owners of all property within two hundred fifty (250) feet of the subject property and to the Town of New Castle.
2. If required by Chapter 16.10 of the new Castle Municipal Code, at least thirty (30) days prior to such hearing, I sent a copy of the **attached** Notice of Public Hearing by certified mail to the owners of mineral estates who have requested notification with respect to the subject property at the Garfield County Clerk and Recorder.
3. At least fifteen (15) days prior to such hearing, I posted notice of the hearing on the property on a sign approved by the Town at least twenty-two (22) inches wide, twenty-six (26) inches high, with letters at least one (1) inch in height. The sign was posted so that it was visible from a public street.
4. At least (15) days prior to such hearing, the **attached** Notice of Public Hearing was published on the Town's website.

DARA
Signature

STATE OF COLORADO)
COUNTY OF Garfield) ss.

Subscribed and sworn to before me this 18th day of August, 2020, by Dara Alexandria Marguardt.

Witness my hand and official seal.

Rosana Garcia
Notary Public
My commission expires: July 10, 2023.

ROSANA GARCIA
NOTARY PUBLIC - STATE OF COLORADO
NOTARY ID 20084026083
MY COMMISSION EXPIRES JUL 10, 2023

K2 Spirits	302 W Main St
Joshua Landis & Donna Brown	312 W Main St
Molly Mogauero & Jeff Ellis	316 W Main St
Corrine Gerstner	366 W Main St
Town of New Castle	376 W Main St
C & S Properties LLC	386 W Main St #7
Robert McKissack	386 W. Main St #6
Carlin Properties LLC	386 W Main St #5
Margot H Eicher	335 W Main St
Town of New Castle	423 W Main St
Dustin & Diane Chapin	437 W Main St
Patricia Ringer & William Charle	331 W Main St
Trimble Block LLC	303 W Main St
Samuel & Leticia Garcia	275 W Main St
Laugh More LLC	219 W Main St
Samuel & Leticia Garcia	201 W Main St
Rocky Top LLC	386 W Main St #1
Susan Decillis	386 W Main St # 3
Cindy & Royle Stillman	386 W Main St #2
David Bristol & Lee Teran	386 W Main St #4
Wells Fargo	402 W Main St
Town of New Castle	450 W Main St
Town of New Castle	116 N. 4th St
Robert Rittner	111 N. 3rd St
Joshua & Nicole Moore	111 N. 4th St
Mary ASA Power	121 N. 3rd St
Riverchurch Inc	126 N. 4th St <i>POB 254</i>

PERFORMANCE STANDARDS

I, Dara Marguardt, ON THIS DATE June 22, 2020 agree to abide by the following PERFORMANCE STANDARDS:

Performance Standards

- (A) **Smoke.** No use shall be permitted in any district unless it conforms to the standards established by the Colorado Department of Public Health's rules and regulations pertaining to emission of smoke.
- (B) **Particulate Matter.** No operation shall be conducted unless it conforms to the standards established by the Colorado Department of Public Health's rules and regulations pertaining to emission of particulate matter.
- (C) **Dust, Odor, Gas, Fumes, Glare or Vibration.** No operation shall be conducted unless it conforms to the standards established by the Colorado Department of Public Health's rules and regulations pertaining to emission of dust, odor, gas, fumes, glare or vibration.
- (D) **Radiation Hazards and Electrical Disturbances.** No operation shall be conducted unless it conforms to the standards established by the Colorado Department of Public Health's rules and regulations pertaining to radiation control.
- (E) **Noise.** No operation shall be conducted unless it conforms to the standards established by the Colorado Department of Public Health's rules and regulations pertaining to noise.
- (F) **Water Pollution.** No operation shall be conducted unless it conforms to the standards established by the Colorado Department of Public Health's rules and regulations pertaining to water pollution.

Source: Ord. 261, Sec. 15.04.090, 1983

AGREEMENT TO PAY CONSULTING FEES AND EXPENSES

It is the policy of the Town of New Castle that all land use applications must be filed in the Office of the Town Clerk to receive formal consideration. Please refer to the Town Clerk's Office for all applicable procedures.

However, the Town encourages land use applicants to consult informally with members of the Town Staff, including outside consultants, prior to filing applications if the applicant has questions regarding areas within Staff members' particular expertise; PROVIDED THAT THE POTENTIAL APPLICANT AGREES TO REIMBURSE THE TOWN FOR ALL FEES AND EXPENSES RELATING TO SUCH INFORMAL MEETINGS.

The Town employs outside consultants for engineering, surveying, planning, and legal advice. These consultants bill the Town on an hourly basis as well as for expenses including but not limited to copies, facsimile transmissions, and long distance telephone calls.

It is the Town's policy that all persons wishing to hold informal meetings with members of the Town Staff acknowledge responsibility for all fees and expenses charged by outside consultants by signing this Agreement below.

I acknowledge and agree to pay the Town of New Castle all actual costs incurred by the Town in relation to legal, engineering, surveying, planning, or other services performed by consultants to the Town as a result of such consultants' review and comment upon, or other services related to, land use proposals and/or applications proposed by me or on my behalf, regardless of whether or not such application is formally filed with the Town. Interest shall be paid at the rate of 1.5% per month on all balances not paid within thirty (30) days of the date of the statement. In the event the Town is forced to pursue collection of any amounts due and unpaid, the Town shall be entitled to collect all costs of collection in addition to the amount due and unpaid, including but not limited to reasonable attorney's fees and costs.

SO AGREED this 10 day of June, 2020.

Dara Marquardt
Applicant (Print Name)

DARA
Signature of Applicant

970-355-0595
Telephone

PO Box 398
Mailing Address of Applicant

Dara Marquardt
Property Owner

Mailing Address if different from above

DARA
Signature of Property Owner

Applicant
Relationship to Applicant or Potential Applicant

Type of application: Land Development application
Property description: C-1 non conforming residential structure

POLICY OF TITLE INSURANCE

SCHEDULE A

Amount of Insurance: \$332,500.00

Policy No. 8130606-210696106

Premium \$721.00

File No. 1609045-2

Date of Policy: January 27, 2017 at 5:00 PM

- 1. Name of Insured
James G. Marquardt and Dara A. Marquardt
- 2. The Estate or interest in the land described herein and which is covered by this policy is Fee Simple and is at the date of Policy vested in:
James G. Marquardt and Dara A. Marquardt
- 3. The land referred to in this policy is described in the said instrument, is situated in the County of Garfield, State of CO, and is identified as follows:

**Lots 3 and 4
Block 7
Town of New Castle**

Patrick P. Burwell

Countersigned:

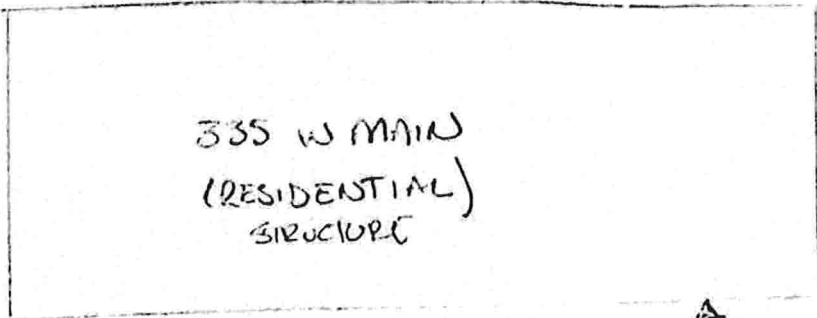
Authorized Officer or Agent

Exhibit K

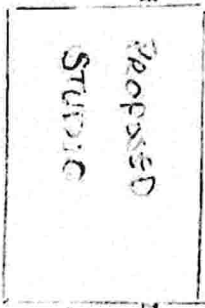
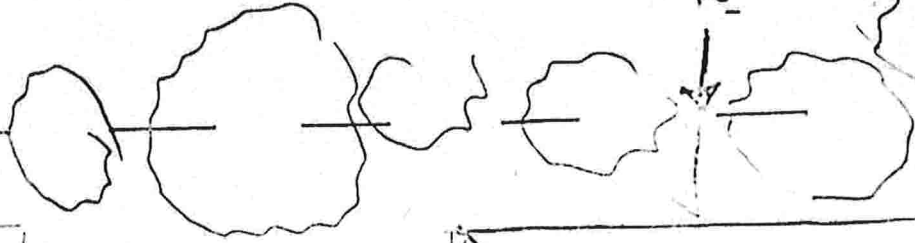




Exhibit L

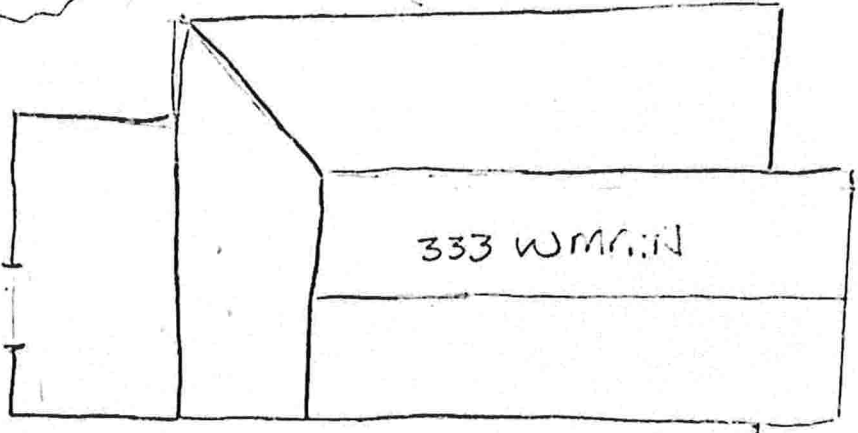


32'



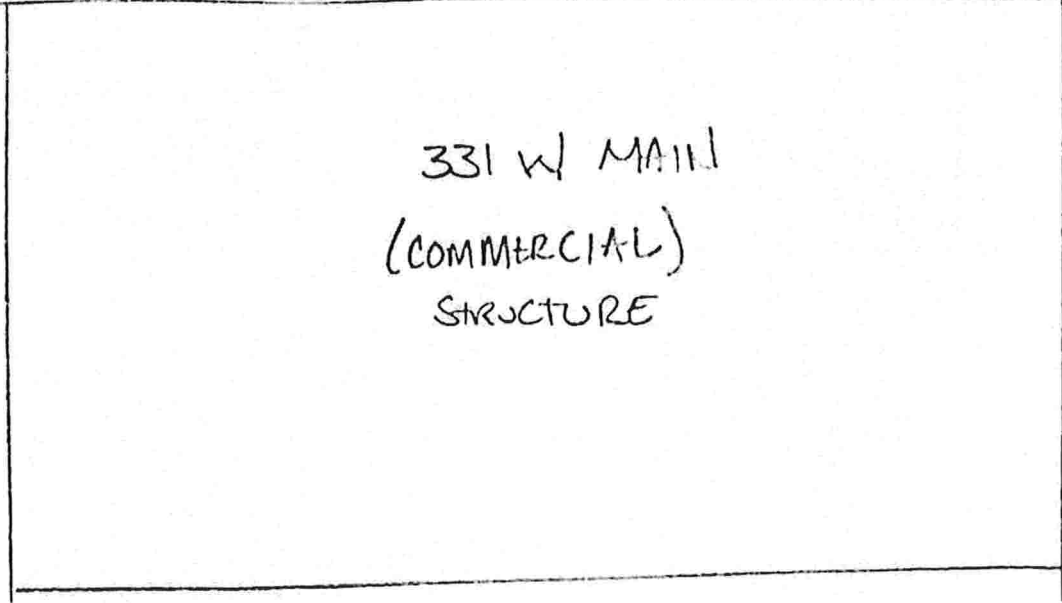
5'

10'



21'6"

10'

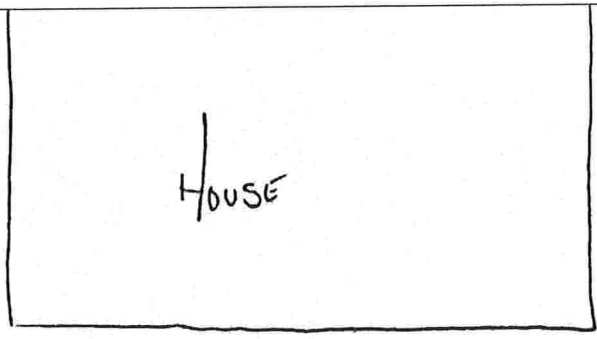


Not to scale



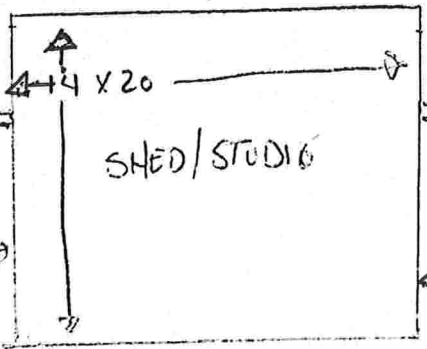
Exhibit m
331
W MAIN
Commercial

RESIDENTIAL
335 W MAIN



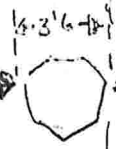
32'

28'



5'

96'



11.5' x 18.5' PARKING

10' SETBACK

10' x 25' PARKING

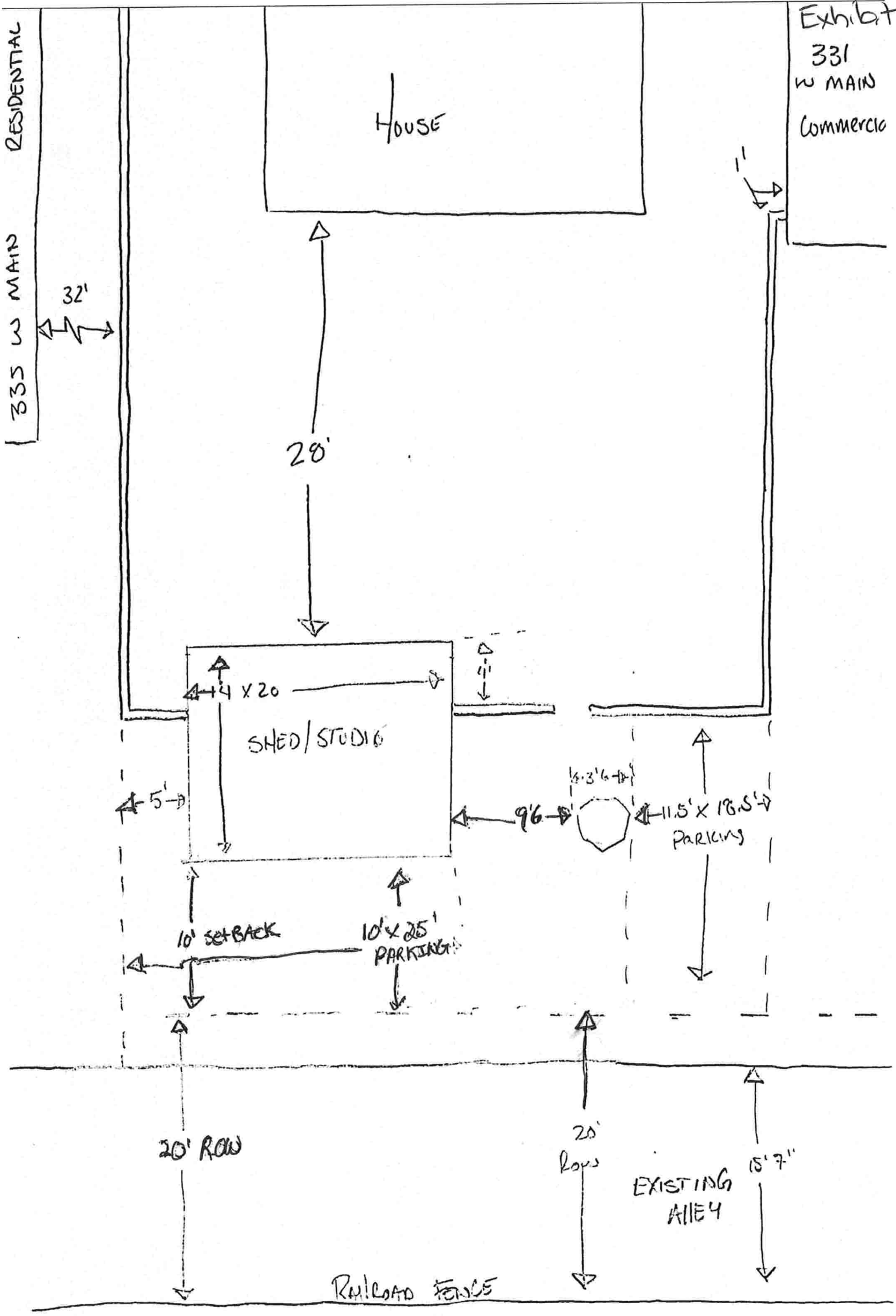
20' ROW

20' ROW

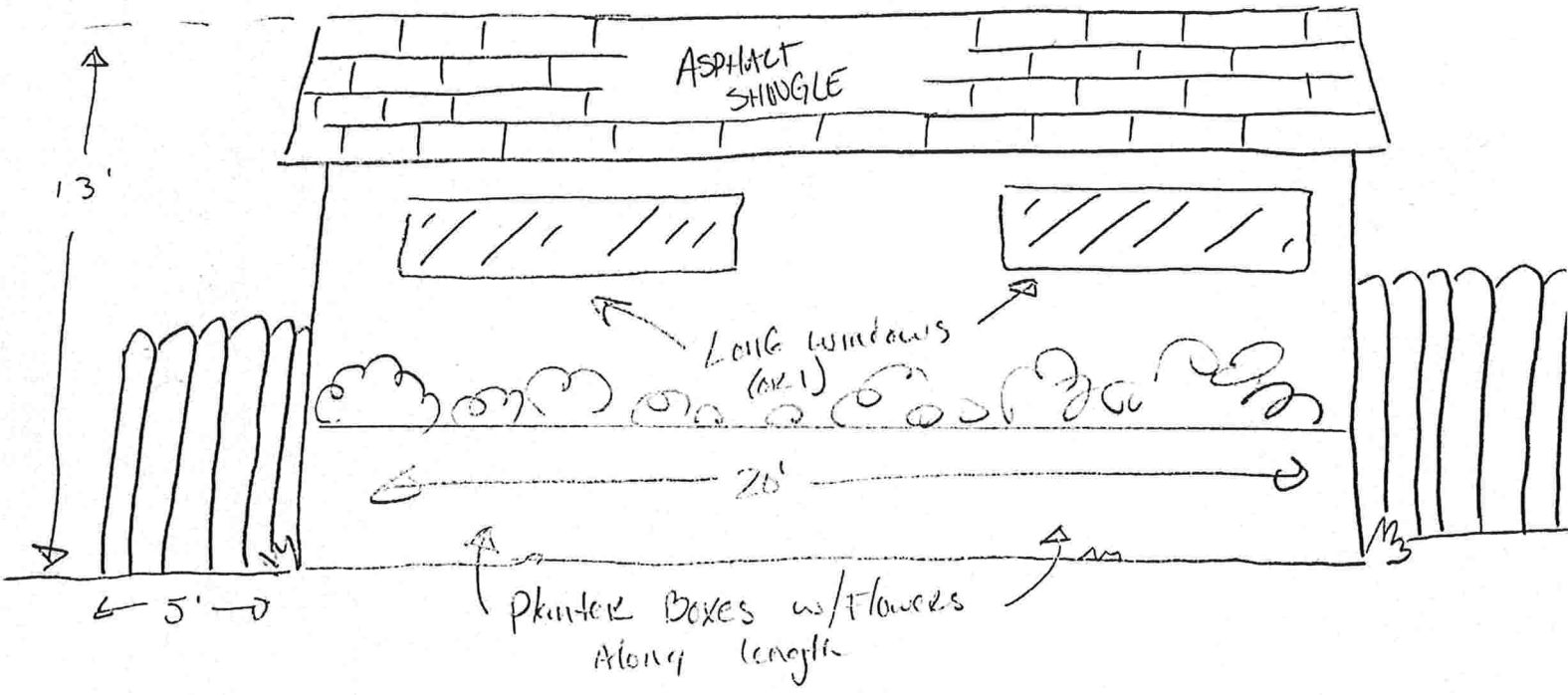
EXISTING ALLEY

15' 7"

RAILROAD FENCE

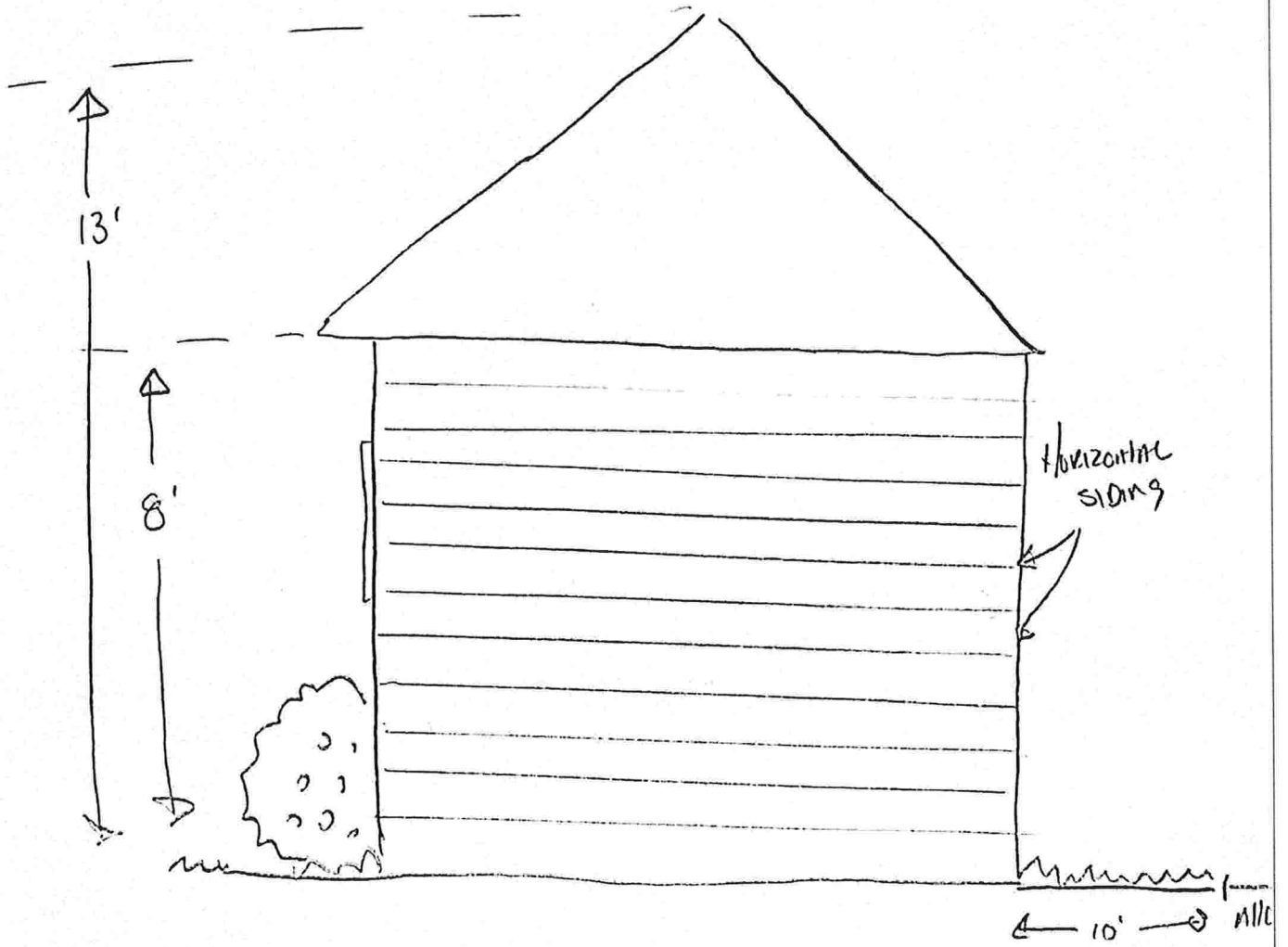


FACING NORTH

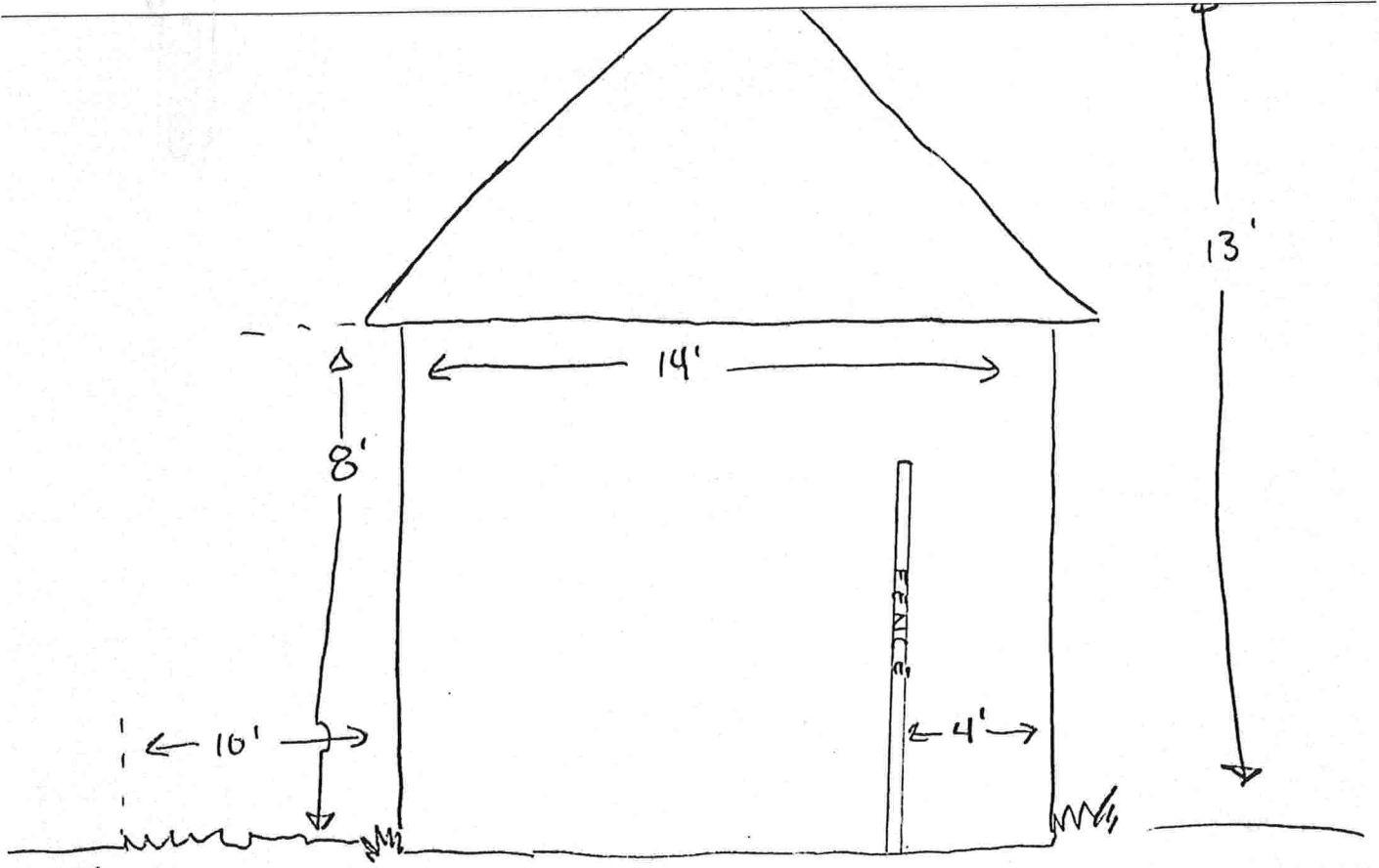


Facing South





FACING EAST



ALLEY

FACING WEST