

**New Castle Planning and Zoning Commission Meeting  
Wednesday, January 23, 2019, 7:00p.m., Town Hall**

**Call to Order**

Commission Chair Apostolik called the meeting to order at 7:17pm.

**Roll Call**

Present Chair Apostolik  
Commissioner Hazelton  
Commissioner Lucio  
Commissioner Sass

Absent Commissioner Bourquin  
Commissioner Johannsson

Also present at the meeting were Town Administrator David Reynolds, Town Planner Paul Smith, 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-2019-1.

**Conflicts of Interest**

There were no conflicts of interest.

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

There were no citizen comments.

**Public Hearing**

Lot Line Dissolution

Purpose: Application for Lot Line Dissolution

Legal description: Block 1, Lots 3, 4, and 5, Coryell's Addition, Town of New Castle and Portions of Second Street, Park Avenue and Alleys as Vacated by Ordinance 500, Series 1997, recorded at Reception No. 513284;

*And*

Block 1, Lots 4 and 5, Hazelton Subdivision, Town of New Castle, according to the plat thereof recorded at Reception No. 912827

Common Address: 465 Shewana Lane, New Castle

Applicant: Neil and Janice Pursley

Commission Chair Chuck Apostolik opened the Public Hearing at 7:18 p.m.

Town Planner Paul Smith said the applicant requested a multiple lot line vacation for the purpose of consolidating three residential lots into a single lot. The applicant is the current owner of the home located at 465 Shewana Lane as well as the two adjoining properties identified as Lots 4 & 5 of Block 1 in the Hazelton Subdivision. Since more than one lot line is to be vacated, section 16.40.080 of the town code required that the application be referred directly to the Planning and Zoning Commission for approval. Upon review of the application, the commission may make one of three recommendations:

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

The Planning and Zoning Commission will approve or deny an application based on the following municipal code requirements (§16.40.040):

A. The lot line adjustment or vacation does not result in the creation of additional lots. The vacated lot lines will consolidate existing three lots into one. No additional lot will be created.

B. The lot line adjustment or vacation does not result in the creation of lots that do not comply with town zoning requirements, including floor area ratio requirements, setback requirements, and minimum lot size requirements. Conformance to the R-1 setback requirements (8' front & side/10' rear) will persist once the lots are consolidated (see amended plat proposal). The amended plat conforms to R-1 zoning regulations (§ 17.20) as follows:

R-1 minimum lot size: 5,000sf;	New lot: 25,387.5sf;
R-1 maximum FAR value: 43%;	New lot: $1,367/25,387 = 5.4\%$
R-1 maximum lot coverage 30%;	New lot: $1,367/25,387 = 5.4\%$

C. The lot line adjustment or vacation does not result in the creation of a lot or lots that will have an infeasible building envelope pursuant to any town setback, foot area ratio, or other building/zoning requirement. All existing structures of the principal property are currently compliant with R-1 zoning. Enlarging the lot area to the east will not threaten compliance. Furthermore, the vacation of the interior lot lines provides a generous area for any future additions and accessory structures. Staff is convinced that the feasibility of the building envelope will be retained with the proposed lot line changes.

D. All utility companies and/or any other beneficiaries having an interest in existing easements thereon have granted approval in regard to the disposition of existing easements as a result of the adjustment or vacation. Since utility and drainage easements lie at the perimeter lot lines, no easements will be impacted by the dissolution of the interior lot lines. Hence, no approval from utility companies was sought.

E. All easements associated with property involved in the application are properly

addressed and/or granted in the proposed deed(s) effectuating the adjustment or vacation. No deeds are required to effectuate a lot line vacation. All easements associated with these properties are defined in the final plat.

F. The lot line adjustment or vacation does not alter or affect the location or arrangement of any other lot line within the subdivision. Only the interior lot lines are being vacated. No other lot lines in the subdivision are affected.

G. No lot line adjustment or vacation has been granted by the town with respect to or in connection with the same property or any adjoining property under common ownership or control of same person within the past one year. A lot line split, including lots 4 & 5 of the current Hazelton Subdivision, was approved on March 7, 2017, more than one year from the date of the current application.

H. The lot line adjustment or vacation does not in any way adversely affect any surrounding lot. With this proposal, all perimeter lot lines and easements remain unchanged. Staff does not foresee any problem with surrounding lots.

Planner Smith said that staff recommended conditional approval of the Pursley Lot Line Vacation Plat with the following conditions:

1. All representations of the applicant in written application materials and in verbal presentations submitted to the Town or made at public hearings before the Planning and Zoning Commission and reflected in the minutes thereof shall be considered part of the application and binding on the applicant;
2. 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;
3. The applicant shall be bound by the requirements of the R-1 zone district for future improvements on the Property;
4. The accessory structure identified as "shed" will be removed by June 1st, 2019. The "barn" structure will continue to perform as storage and remain as a nonconforming structure per section 17.88.010 of the Town of New Castle Municipal Code;
5. The plat shall be reviewed by town attorney and town engineer for final approval before the plat is recorded; and
6. Applicant shall provide the town with a Mylar plat map which has been signed and recorded with Garfield County. Failure of applicant to record evidence of the lot line vacation within one hundred fifty (150) days following approval shall result in an automatic revocation of such approval.

Chair Apostolik closed the Public Hearing at 7:26 p.m.

**Motion: Commissioner Chair Apostolik made a motion recommending approval of Resolution PZ-2019-1, Recommending Approval of a**

**Conditional Use Permit for an Accessory Dwelling Unit on Property Located in the Residential – 1 Zone District, Commissioner Sass seconded the motion. The motion passed on a roll call vote: Chair Apoatolik: Yes; Commissioner Sass: Yes; Commissioner Lucio: Yes; Commissioner Hazelton Yes.**

**Items for next Planning and Zoning Agenda**

Town Administrator David Reynolds said once the edits were done with the Downtown Plan, then Administrator Reynolds will bring the plan back to the commission for a final review before the plan goes to council for their final comments.

**Staff Reports**

There were staff reports.

**Commission Comments and Reports**

There were no commission comments or reports.

**Review Minutes from Previous Meeting**

**Motion: Commissioner Chair Apostolik made a motion to approve the October 24, 2018 meeting minutes as corrected. Commissioner Sass seconded the motion and it passed unanimously.**

**Motion: Chair Apostolik made a motion to adjourn the meeting. Commissioner Lucio seconded the motion and it passed unanimously.**

The meeting adjourned at 7:35p.m.

Respectfully Submitted,



  
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Planning and Zoning Commission Chair  
Chuck Apostolik

  
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Deputy Town Clerk Mindy Andis, CMC