

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

Call to Order

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

Roll Call

Present Vice-Chair Commissioner Bourquin
Commissioner Johannsson
Commissioner Leland
Commissioner Lucio
Commissioner Ruggles
Commissioner Sass

Absent Chair Apostolik

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-2018-1.

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 for Accessory Dwelling Unit (ADU)

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

Common Address: 802 West Main Street, New Castle

Applicant: Steve & Shannon Kyle

Landowner: Steve & Shannon Kyle

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

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

Town Planner Paul Smith said the purpose of the Conditional Use Permit was for an Accessory Dwelling Unit (ADU).

Accessory dwelling units were intended to be constructed in association with a primary single-family dwelling, to provide increased affordable housing opportunities within the town and to facilitate housing in close proximity to places of employment.

Planner Smith said that the ADU will be located on same lot as the principle house, on the second floor of a two-car garage. The ADU was within walking distance of the downtown.

The square footage of the ADU is 780, which is within code requirements, and would meet the minimum code requirements for a kitchen and bathroom.

He said the ADU would have an open floor plan where the kitchen, bedroom and living room are not partitioned off, but the bathroom would be in its own room. The principle home has ample parking space behind the house, and there would not be another ADU associated with the principal building.

Prior to ADU building permit issuance, applicants will pay all fees including the additional water and sewer taps fees in the amount of 0.5 EQR or \$3,000 for water, \$3,000 for sewer. In addition, there is a fee of \$3,000 for the water rights dedication fee. The total fees due will be \$9,000.00.

Planner Smith said that all water service connections made to an ADU must comply with the town's water and wastewater service connection requirements. ADUs may be connected to the water and wastewater service lines serving the principle building or directly to the most convenient water or sewer main line. The landowner must bear all expense of such connections and obtain all necessary permits from the town prior to any road cuts. Prior to connection pay a tap fee to the town equal to

Planner Smith said that the applicant had said that they could pay \$6,000 of the fees due prior to building permit, and had requested that the \$3,000 be deferred until the ADU was ready for a certificate of occupancy (CO). He clarified that the Applicants would pay all fees including the deferred \$3,000, plus interest, prior to CO.

Planner Smith noted some conditions of an ADU which included that an ADU may not be condominiumized or sold separate and apart from the primary building to which it was an accessory; and that the design, exterior treatments and color of an ADU shall be the same as, or compatible with, the design and exterior color and treatments of the primary building to which it is accessory. He said the ADU would meet the conditions.

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

Off-street parking for an ADU is one space per bedroom. The ADU is one bedroom

and there is adequate parking.

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

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

Last, he noted that 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.

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

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

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

C. 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.

D. The applicant shall comply with all applicable building, residential, electrical and municipal code requirements including all sign code regulations.

E. 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.

F. 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 towns outside consultants such as legal and engineering costs.

G. The use approved in the application shall not be conducted until the town planner has issued a conditional use certificate. The 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.

Vice-Chair Bourquin closed the Public Hearing at 7:08 p.m.

Motion: Commissioner Leland made a motion recommending approval of Resolution PZ-2018-5, Recommending Approval of a Conditional Use Permit for an Accessory Dwelling Unit on Property Located in the Residential – 1 Zone District, Commissioner Johannsson seconded the motion. The motion passed on a roll call vote: Commissioner Sass: Yes; Commissioner Ruggles: Yes; Commissioner Leland: Yes; Vice-Chair Bourquin: Yes; Commissioner Lucio: Yes; Commissioner Johannsson Yes.

Items for next Planning and Zoning Agenda

There were no agenda items.

Staff Reports

There were staff reports.

Commission Comments and Reports

Commissioner Leland said that it was his last meeting as the council representative. Councilor Hazelton will be taking his place as the council representative.

Review Minutes from Previous Meeting

Motion: Commissioner Ruggles made a motion to approve the October 10, 2018 meeting minutes as submitted. Commissioner Johannsson seconded the motion and it passed unanimously.

Motion: Vice-Chair Bourquin made a motion to adjourn the meeting. Commissioner Leland seconded the motion and it passed unanimously.

The meeting adjourned at 7:16p.m.

Respectfully Submitted,



Mindy Andis
Deputy Town Clerk Mindy Andis, CMC

Planning and Zoning Commission Vice-Chair
Alison Bourquin