

**New Castle Planning and Zoning Commission Meeting
Wednesday, July 25, 2018, 7:00p.m., Town Hall**

Call to Order

Commissioner Bourquin called the meeting to order at 7:02pm.

Roll Call

Present Chair Apostolik – arrived 7:10pm
Commissioner Bourquin
Commissioner Johannsson
Commissioner Lucio
Commissioner Ruggles
Commissioner Sass

Absent Commissioner Leland

Also present at the meeting were Town Administrator Dave Reynolds, Town Planner Tim Cain, Assistant Town Attorney Haley Carmer, 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 Mechanic Repair Shop

Legal description: Lots 10 Block 14, Original Townsite, Town of New Castle

Common Address: 731 West Main Street, New Castle

Applicant: Rieger Performance Motors

Landowner: John and Leslie Krick

Resolution PZ 2018-2 Recommending Approval of a Conditional Use Permit for an Automotive Repair and Maintenance Facility to be Located on Property within the Commercial -1 Zone District

Commissioner Bourquin opened the Public Hearing at 7:03 p.m.

Town Planner Tim Cain said the purpose of the Conditional Use Permit application hearing was to determine if the proposed use was appropriate for the location and zone district, and for traffic capacities of adjacent streets. In addition, they would consider potential environmental effects relevant to the type of land use proposed. Planner Cain said it was reasonable to consider the possible negative consequences from the operation of an automotive service station. Ultimately, the property owner and applicant will need to ensure a safe and nearly hazard free interior and exterior environment.

Planner Cain said that staff recommended that the conditional use expire after one year, if approved by town council. Staff also recommended that the applicant could renew the CUP by submitting a letter asking for approval to continue operations. He clarified that the CUP may change if there is any change in property ownership or other significant alteration such as expansion of the business.

Planner Cain said that the site plan showed the adjacent land uses and location of structures. North of the subject property was the Commercial Transitional zone district which is 100% single family homes. South of the property is south alley. West of the property is a 25' X 100' vacant lot that is owned by Jerry Senior, zoned C-1/R-1. East of the property is a single family home zoned C-1/R-1.

The property included the west ½ of lot 10 and lots 11 – 15, Block 14 and is 13,750 sq. ft. All land use applications in the C-1 zone district are conditional land uses when the lot size exceeds 10,000 sq. feet.

The applicant did not determine the height of the building, but it did not appear to exceed the maximum height allowed in the C-1 zone district which is 40 feet (Ordinance 2010-9). The side and front setbacks in the C-1 zone district are zero (0) feet and the rear setback is 5 feet. The building is compliant with setbacks.

Planner Cain said there were 5 marked parking spaces on the site plan. The requirement for parking on the property is 12 vehicle spaces.

In order to screen the parking spaces to provide a more pleasing aesthetic curbside appeal, staff recommended several five to six foot tall evergreen trees be planted in the ground or in large, deep barrels. According to the owner of the tree farm, Monte Senior, evergreens should be planted in the fall.

The loading area is located in front of the building on the southeast corner.

There is more than adequate linear distance for two large vehicles to enter and

leave the property at the same time. There is a 15 foot wide alley on the south side of the property, but it does not appear it has been used or maintained by the town residents.

The owners of the house east of the building have to use the West ½ of lot 10 in order to access their house by vehicle. The partial lot is owned by Jon & Leslie Krick. Jon & Leslie have graciously allowed their neighbors to use the partial lot for access to their home. Staff recommends both owners formalize this with some sort of permanent contract so that in the event Jon & Leslie sell their property, future property owners of the building will not obstruct the adjacent neighbor's access to their home.

Hazardous waste will be collected inside the building and will be picked up by Safety-Kleen during business hours. Cardboard, plastic jugs and glasses will be collected for recycling. Other non-hazardous waste will be collected outside the building in a small green dumpster provided by Waste Management and will be collected on demand.

A new sign will require a sign permit. The existing exterior lighting is downcast and dark sky compliant.

The applicant has submitted a signed document stating he will comply with all performance standards.

There is a 20 foot easement that crosses the property diagonally from north lot 13 to the south lot 15. It is imperative that a vehicle not be parked on parking space #5 while service staff are gone and overnight parking is prohibited.

Although the list below may not be all inclusive, the primary issues associated with an automotive service station are:

- (1) Outside storage of new and used auto parts, tires and related items
- (2) Compatibility with the neighborhood
- (3) Air and noise pollution when performing work outside the building (idling vehicles and power tools).
- (4) Disposal and storage of harmful chemicals such as engine oil, anti-freeze and brake fluid
- (5) Adequate provisions for indoor and outdoor fire suppression
- (6) Stacking and storage of vehicles on the property
- (7) Vehicles For Sale
- (8) Expansion of the business to include unrelated non-permitted or conditional uses

such as manufacturing storage sheds for retail sale or building a shed on the property

- (9) Visual aesthetics from W. Main St.
- (10) Parking vehicles on the sewer line easement
- (11) Driveway access for the property owners on the east side of the property

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 of a conditional use as set out in the chapter.

The staff recommends approval of the Reiger Performance Motors Conditional Use Permit with the following conditions:

1. The storage of new or used auto parts, tires and related items shall be confined indoors.
2. Continuous automotive idling shall be confined indoors and have adequate ventilation; idling of automobiles and use of power tools outside shall be restricted to 15 minutes.
3. All automotive work shall be performed indoors except for minor visual and diagnostic analysis.
4. Hazardous chemicals such as motor oil, anti-freeze and brake fluid shall be collected by a professional company that specializes in the disposal of hazardous chemicals.
5. Outside storage of hazardous chemicals such as motor oil, anti-freeze and brake fluid shall be prohibited; all fluids shall be stored in containers that are approved by the Environmental Protection Agency or any other State or Federal Agency that has authority in such matters.
6. The interior of the building shall contain at least two fire extinguishers that are designated for automobiles and chemicals commonly used in automotive service stations.
7. Vehicles slated for sale shall not be stored on the property.
8. Require 5 off-street parking spaces instead of 12.
9. The owners of the property east of the building and owners of this building should formulize a recorded agreement or contract that will allow the adjacent property owners to access their home permanently.

10. 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 of a conditional use as set out in chapter 17.84.
11. 2 to 3 five to six feet tall evergreen trees shall planted in the ground or in large, deep barrels to 3 evergreen trees shall be planted in the ground or in large, deep barrels in the fall of 2018.
12. A vehicle shall not be parked on parking space #5 (closest to the building on the west side) while service staff are gone and overnight parking on space #5 is prohibited.
13. 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.
14. Applicant shall comply with all applicable building, residential, electrical and municipal code requirements including all sign code regulations.
15. 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, 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, with such show-cause hearing open to the public and the Applicant or owner being able to present testimony or offer other evidence on their behalf.
16. 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.

Charles Engelbert, Homeowner, 752 West Main Street, stated that there was a lot of 'stuff' on Mr. Reiger's other lot, and that 'stuff' should not move to the new lot. He also said that the business may be under a lot of scrutiny from the neighbors in the immediate area. He also voiced concern that patrons of Mr. Reiger's existing business took up parking on Main Street in front of the residences, leaving homeowners nowhere to park. Mr. Englebert said he hoped that Mr. Reiger's business would be in New castle a long time, but he hoped to see some strict guidelines for the aesthetic issues.

Bobby Peters told the commission that there was no other business like Mr. Reiger's in New Castle, and he felt the commissions opportunity was to find a way to keep Mr. Reiger from moving to Silt.

Mr. Reiger said that he was asking for the CUP because his business had expanded to the point it was truly necessary. When he started eight years ago he was a one-man show, and three years in the business exploded, and that had contributed to the clutter because he struggled keeping up. He subsequently hired two

technicians, a receptionist and a service writer and they still could not keep up. Another problem he had was that people would simply drop their cars off in the parking lot after hours and on weekends, creating more clutter.

Chair Apostolik asked how Mr. Reiger would control that problem once he was in the new building. Mr. Reiger stated that with an additional bay and a larger, more appropriate building, he felt that problem would be at least partially resolved.

Commissioner Bourquin asked Mr. Reiger if expanding his business into the new building would help alleviate the clutter on the existing business lot. Mr. Reiger said it would because he would hire another technician to keep up with the work because much of the mess was vehicles they could not get to quickly. It would also provide him time to clean up the clutter.

Mr. Reiger agreed that some of the vehicles could be housed at the existing business and rotated into the new lot to keep the aesthetics pleasant.

Commissioner Bourquin asked if Mr. Reiger was alright with adding landscaping, and Mr. Reiger said that it was the first he had heard of it, and he was surprised. Commissioner Bourquin said she would like to see a landscaping plan, and the thought of shrubs would be more appropriate given the space available. She felt it would alleviate some of the neighbor's concerns.

Planner Cain and Attorney Carmer discussed the number of parking spaces required, and the code required 12 spaces, but staff was recommending five, but the applicant could place as many as twelve. After some discussion, the agreement was that there could be 12 spaces used during the business day, and five after hours.

David Turtle, Homeowner, 782 West Main Street. Mr. Turtle read a letter strongly objecting to the expansion of Mr. Reiger's business.

Commissioner Bourquin asked Mr. Reiger if having five parking spaces would be adequate to be able to run his business.

Mr. Reiger said yes for the day-to-day operations.

Chair Apostolik closed the Public Hearing at 7:56p.m.

Commissioner Lucio asked Planner Cain if the revocation of the CUP would be after one complaint or two.

Planner Cain said that he would review the complaint before the CUP would be revoked.

Commissioner Bourquin asked Mr. Reiger about the money that he was planning on putting into the improvement of the structure how would that would affect the appearance of the building.

Mr. Reiger said the money would be for equipment for inside the shop. With the new equipment would allow for faster turnaround of vehicles.

Chair Apostolik felt that item P of the resolution "Approval of the Application shall expire after one year. Upon written request from Applicant received prior to the expiration of the approval, Town staff may renew the approval of the Application for a period deemed appropriate by Town staff provided that use of the Property has not materially changed from that proposed in the Application" was not appropriate because it left Mr. Reiger's business subject to arbitrary closure based on one complaint and he felt it was unfair. Item C of the resolution "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, 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, with such show-cause hearing open to the public and the Applicant or owner being able to present testimony or offer other evidence on their behalf" was enough to revoke the CUP.

Chair Apostolik asked both Mr. Krick and Mr. Reiger to put a landscaping, screening or improvement plan together for the main street and east side of the building for council.

Mr. Krick said he would be willing to work with the town and the neighbors regarding landscaping.

Motion: Commission Chair Apostolik made a motion recommending approval of Resolution PZ-2018-2, with the following changes; striking item "P" out completely, A vehicle shall not be parked in the parking space designated as #5 of the site plan as submitted, stacked parking in the five on-site parking spaces shall only occur during daytime business hours, five off-street parking spaces shall be required on the property, applicant prepare a landscape plan for the property that is acceptable to both applicant and the town to present to town council. Commissioner Bourquin seconded the motion. The motion passed on a roll call vote: Commissioner Sass: Yes; Commissioner Lucio: Yes; Commissioner Chair Apostolik: Yes; Commission Johannsson: Yes; Commissioner Bourquin: Yes; Commissioner Ruggles: Yes.

Conditional Use Permit

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

Legal description: Lots 35-37 Block G, Spencer's Addition, Town of New Castle

Common Address: 140 North B. Ave., New Castle

Applicant: Harold and Carolyn Edwards

Landowner: Harold and Carolyn Edwards

Resolution PZ 2018-3 Recommending Approval of a Conditional Use Permit for an Accessory Dwelling Unit (ADU) on Property Located in the Residential -1 Zone District.

Planner Cain said Accessory Dwelling Units (ADU) 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.

Notwithstanding any maximum or minimum square footage requirements in the zone district per dwelling unit, ADUs shall contain no more than eight hundred fifty (850) square feet and not less than four hundred (400) square feet. Only one ADU shall be allowed per principal building. The square footage of ADUs shall be calculated using the total gross square footage associated with the ADU living space inclusive of storage, hallways, and basements but not including garage space.

ADUs shall not be allowed on lots smaller than five thousand (5,000) square feet. The square footage of the accessory dwelling unit shall not be greater than forty-seven (47) percent of the gross square footage of the principal building (inclusive of basement square footage but not including garages, uncovered decks, patios or porches) or eight hundred fifty (850) square feet whichever is less.

Each ADU shall contain a kitchen equipped, at a minimum, with a cooking appliance, a sink, and a refrigerator/freezer with a capacity not less than six cubic feet.

Each ADU shall contain a bathroom equipped with, at a minimum, a sink, a toilet and a shower.

No ADU shall contain more than two bedrooms, and one off-street parking space shall be provided for each bedroom in addition to the required parking space(s) for the principal building/use.

All water service connections made to an ADU shall comply with the town's water and wastewater service connection requirements. ADUs may be connected to the water and wastewater service lines serving the principal building or directly to the most convenient water or sewer main line; provided that the landowner shall bear all expense of such connections, shall obtain all necessary permits from the town prior to any road cuts, and shall, prior to connection, pay a tap fee to the town equal to 0.5 EQR if the ADU has one bedroom and 0.8 EQR if the ADU has or is capable of having two bedrooms. The owner shall also pay a water rights dedication fee in the same ratio as the tap fee.

An ADU may not be condominiumized and/or sold separate and apart from the

primary building to which it is accessory

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.

An ADU may only be occupied by a single-family as defined in Section 17.04.050 of the New Castle Municipal Code.

The ADU has 702 sq. ft. It has a separate entrance located in the rear portion of the principal building. Utilities are combined with the principal building. The principal building is the applicant's rental unit. The ADU contains a storage room, office, kitchen with a stove and sink, bathroom and one bedroom.

The applicants have applied for a building permit to do minor remodel work. The ADU will not receive a Certificate of Occupancy (CO) until the planning & zoning commission (P&Z) recommends approval and town council approves it.

A one-bedroom ADU requires an additional .5 EQR and water rights dedication fee in the same proportionate amount. The total fee is \$9,000.00.

The applicants are requesting that town council allow them to defer payment of \$6,000.00 over 3 years with 3% interest. The applicants will pay \$3,000.00 upon approval.

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.

Staff recommended approval of the Conditional Use Permit (CUP) 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. The applicant will be required to pay additional water, sewer tap fees and including a water rights dedication fee.

Chair Apostolik opened the Public Hearing at 8:20p.m.

Many of the neighbors were in full support of the recommending approval of the ADU.

Chair Apostolik closed the Public Hearing at 8:24p.m.

Commissioner Bourquin said ADUs are great and a solution to the affordable housing issue.

Motion: Commission Chair Apostolik made a motion recommending approval of Resolution PZ-2018-3, Commissioner Lucio seconded the motion. The motion passed on a roll call vote: Commissioner Bourquin: Yes; Commissioner Johannson: Yes; Commissioner Sass: Yes; Commissioner Ruggles: Yes; Commissioner Lucio: Yes; Commissioner and Chair Apostolik: Yes.

Items for Consideration

Consider Appointing Chair, Vice-Chair and Appointing a Commissioner to the Historic Preservation Commission.

Motion: Commissioner Lucio made a motion to appoint Commissioner Apostolik as Commission Chair. Commissioner Ruggles seconded the motion and passed unanimously.

Motion: Commissioner Lucio made a motion to appoint Commissioner Bourquin as Commission Vice- Chair. Commissioner Ruggles seconded the motion and passed unanimously.

Motion: Commission Chair Apostolik made a motion to appoint Commissioner Johannson as Commissioner to Historic Preservation Commission. Commissioner Lucio seconded the motion and passed unanimously.

Items for next Planning and Zoning Agenda

There were no items.

Staff Reports

Administrator Dave Reynolds, said staff and P&Z had been working on the downtown plan which will be an amendment to the town comprehensive plan. The purpose of the downtown plan was to address what will happen in downtown and what the future looks like and how that would affect other zoning areas of town. There have several workshops with P&Z and it had gone to council twice. It was back to P&Z for a few more workshops until P&Z was comfortable with what the downtown plan looked like. Then, the plan will go back to council for their input and P&Z will have the final approval and adoption.

Administrator Reynolds asked P&Z to look through the plan and have an understanding of the concept of the downtown plan. The downtown plan is meant to be a guideline and a concept of what it should look like. He said there will be workshops at the next few regular meetings to work through the plan and finalize it.

Commission Comments and Reports

There were no comments or reports.

Review Minutes from Previous Meeting

Motion: Commission Chair Apostolik made a motion to approve the March 5, 2018 meeting minutes as submitted. 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 8:55p.m.

Respectfully Submitted,




Deputy Town Clerk Mindy Andis, CMC



Planning and Zoning Commission Chair
Chuck Apostolik