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Remove 5/25/17

**Town of New Castle Administration Department**  
450 W. Main Street **Phone:** (970) 984-2311  
PO Box 90 **Fax:** (970) 984-2716  
New Castle, CO 81647 [www.newcastlecolorado.org](http://www.newcastlecolorado.org)

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## Agenda

### New Castle Planning & Zoning Commission Regular Meeting Wednesday, May 24, 2017, 7:00 p.m., Town Hall

#### Call to Order, Roll Call, Meeting Notice

#### Conflicts of Interest (Disclosures are on file with Town Clerk & Secretary of State)

#### Citizen Comments on Items NOT on Agenda

#### Items for Consideration

A. Brief description of application: Mixed Use Development Sketch Plan

Legal description: Lakota Canyon Ranch, Lot 2B, Phase 7

Common address: TBD, New Castle, CO 81647

Applicant: James P. Colombo

#### Comments/Reports

B. Items for Next Planning and Zoning Agenda

C. Commission Comments/Reports

D. Staff Reports

#### Review Minutes of Previous Meetings

E. February 22, 2017 Minutes

#### Adjournment



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Remove 05/25/16

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## Agenda

New Castle Planning & Zoning Commission  
Workshop Meeting  
Wednesday, May 24, 2017, 7:30 p.m., Town Hall

Commission Workshop to discuss Comprehensive Plan Orientation Meeting lead  
by Doug Dotson



**Town of New Castle Planning & Code Administration Department**  
450 W. Main Street  
PO Box 90  
New Castle, CO 81647  
**Phone:** (970) 984-2311  
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(1)

**Staff Report**  
**James P. Colombo – Sketch Plan – Mixed Use Development**  
**New Castle Planning and Zoning – Meeting – May 24, 2017**

Report Date: 5/6/2017

**Project Information**

**Name of Applicant:** James P. Colombo

**Applicant's Mailing Address:** 300 Horseshoe Dr., Basalt, CO. 81621  
**/Phone/Email** Telephone – (970) 618-9222  
colombo@sopris.net

**Property Address:** TBD, New Castle, CO 81647

**Property Owner:** James P. Colombo

**Owner Mailing Address** 300 Horseshoe Dr., Basalt, CO 81621

**Proposed Use:** Mixed Use Development

**Legal Description:** Lakota Canyon Ranch, Lot 2B, Phase 7

**Street Frontage:** Castle Valley BLVD. and proposed street to the northwest of the subject property

**Existing Zoning:** Mixed Use (M/U/PUD)

**Surrounding Zoning:** North – Mixed Use/PUD (MU), South – R/2/PUD, West – Mixed Use (MU/PUD) and East Mixed Use (MU/PUD)

**I Description of application:**

This is an application for a Sketch Plan for property zoned M/U/PUD northwest and adjacent to the Fire Station on Castle Valley BLVD. The applicant, James P. Colombo is required to submit the Sketch Plan to the Town Planner (Planner) for a completeness review and the Planner refers it to the Planning & Zoning Commission (P&Z). There is no requirement to recommend approval or denial by motion of the P&Z. It merely is a chance for P&Z members to ask questions.

**II Development Application Contents:**

1. Development Application
2. Exhibit “A”
3. Vicinity Map
4. Checklist – Planned Unit Development Sketch Plan
5. Preliminary Site Plan
6. Preliminary Detailed Site Plan

**III Application Checklist Requirements:**

- (1) Development Application

**Staff Comment** –Submitted

- (2) Map of proposed area

**Staff Comment** – Applicant submitted site plan and a detailed site plan

- (3) Size of site

**Staff Comment** – Submitted – 2.607 acres.

- (4) Proposed uses:

**Staff Comment** – The detailed site plan shows Residential/Commercial, Residential Townhouses, and Residential/Shop

- (5) Water and sewer line location maps with anticipated connection sites:

**Staff comment** – Shown on both site plans

- (6) Location of proposed and semi-public uses (dedicated and otherwise)

**Staff Comment** – A park with a playground and gazebo is located on the detailed site plan. A 10’ wide “hike and bike” trail is also on the detailed site plan (to be dedicated to the Town)

**There is no recommendation required**



**DEVELOPMENT APPLICATION**

Applicant:		JAMES P. COLOMBO	
Address:		300 HORSESHOE DRIVE BASALT, CO 81621	Phone: 970 618-9222 FAX: E-mail: colombo@sopris.net
Property Owner:		JAMES P. COLOMBO	
Address:		SAME	Phone: SAME FAX: SAME E-mail: SAME
Contact Person:		JAMES P. COLOMBO	
Address:		SAME	Phone: SAME FAX: SAME E-mail: SAME
Property Location/Address: LOT 2B, LAKOTA CANYON RANCH, PHASE 7			
Legal Description:		SEE ATTACHED	Acres: 2.607
Existing Zone ( <a href="#">Not sure? Click here for help</a> ):		M-U mixed use district	
Existing Land Use:		VACANT	

**TYPE(S) OF LAND USE(S) REQUESTED**

- |   |   |
|---|---|
| <input type="checkbox"/> Pre-Annexation Agreement<br><input type="checkbox"/> Annexation<br><input type="checkbox"/> Subdivision (including Minor and Major Subdivisions, Lot Splits, Sketch Plans, Subdivision Preliminary Plans, Subdivision Final Plans, & Condominiumizations)<br><input type="checkbox"/> Amended Plat<br><input checked="" type="checkbox"/> Planned Unit Development (including PUD Sketch Plans, Preliminary PUD Development Plans, PUD Master Plans and Final PUD Development Plans)<br><input type="checkbox"/> Floodplain Development Permit | <input type="checkbox"/> Lot Line Adjustment or Dissolution<br><input type="checkbox"/> Site Specific Development Plan/Vested Rights<br><input type="checkbox"/> Variance<br><input type="checkbox"/> Zoning<br><input type="checkbox"/> Zoning Amendment<br><input type="checkbox"/> Re-zoning<br><input type="checkbox"/> R-1-HC Identification<br><input type="checkbox"/> Conditional Use Permit or Special Review Use Permit<br><input type="checkbox"/> Other |
|---|---|

This development would create 45 residences and 18,000 square feet of commercial space.

Applicant must also complete and submit the appropriate [charges](#) for the type of land use requested. Both the applicant and the property owner must sign this application.

Applicants are encouraged to schedule a pre-application meeting with the Town Administrator and/or Town Consultants prior to submitting this application.

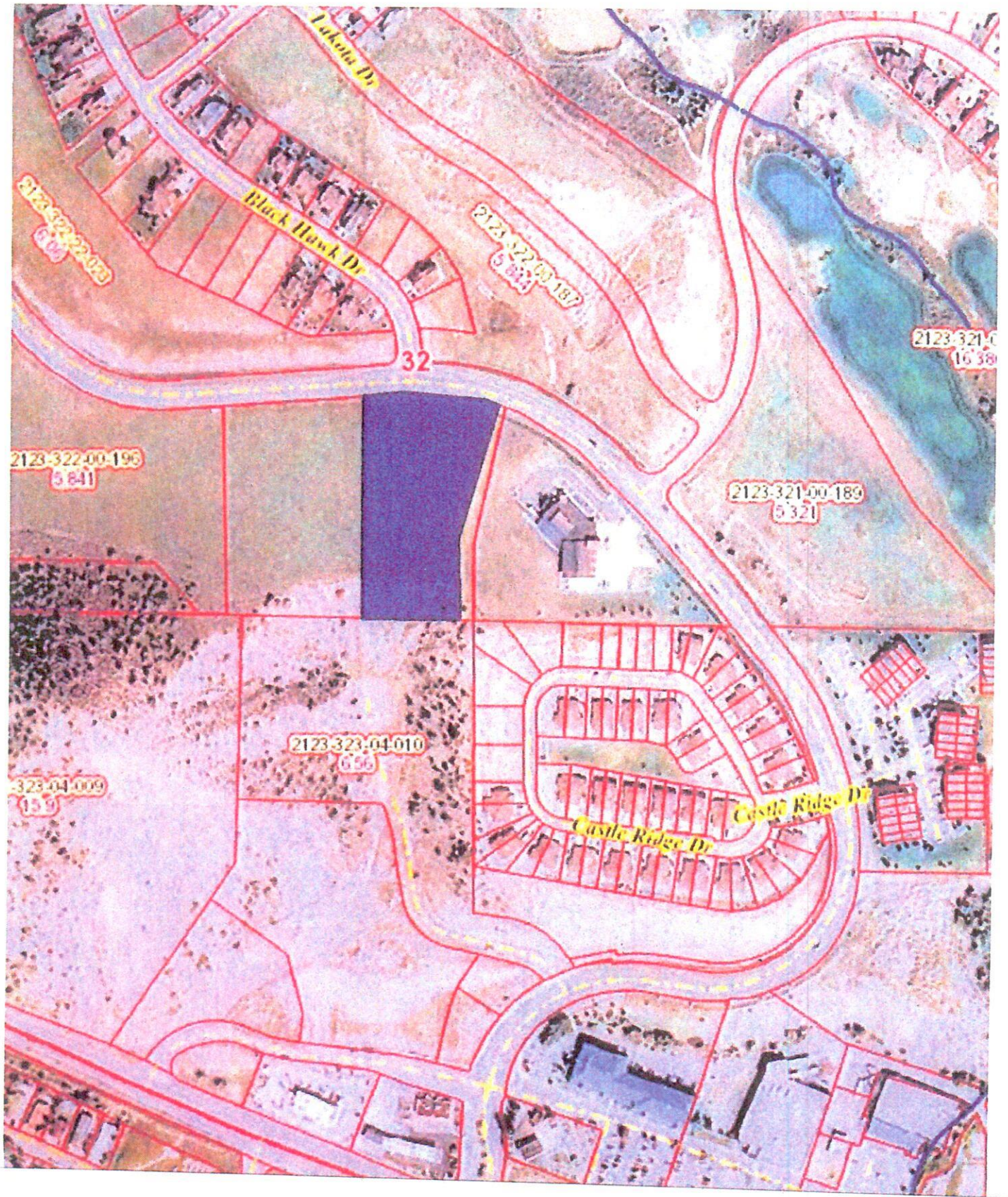
"EXHIBIT A"

PROPERTY DESCRIPTION

A PARCEL OF LAND BEING A PORTION OF LOT 2, LAKOTA CANYON RANCH, PHASE 7 RECORDED AS RECEPTION NO. 763774 IN THE OFFICE OF THE GARFIELD COUNTY CLERK AND RECORDER, SAID PARCEL SITUATE IN SECTION 32, TOWNSHIP 5 SOUTH, RANGE 90 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF GARFIELD, STATE OF COLORADO, ALL BEARINGS RELATIVE TO A BEARING OF N89°40'33"W BETWEEN THE EAST 1/4 CORNER OF SAID SECTION 32 AND THE CENTER 1/4 CORNER OF SAID SECTION 32, BOTH GARFIELD COUNTY SURVEYOR BRASS CAPS IN PLACE, SAID PARCEL OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT SAID CENTER 1/4 CORNER; THENCE N89°41'47"W 17.07 FEET TO THE TRUE POINT OF BEGINNING; THENCE N89°41'47"W 235.30 FEET; THENCE N00°00'00"E 447.87 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY OF CASTLE VALLEY BOULEVARD; THENCE ALONG SAID RIGHT-OF-WAY THE FOLLOWING TWO (2) COURSES:

- 1.) N86°06'36"E 98.06 FEET
- 2.) ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 532.92 FEET, AN ARC LENGTH OF 195.25 FEET (CHORD BEARS S83°23'37"E 194.16 FEET); THENCE DEPARTING SAID RIGHT-OF-WAY S12°25'54"W 278.62 FEET; THENCE S01°37'09"E 161.41 FEET TO THE TRUE POINT OF BEGINNING, SAID PARCEL OF LAND CONTAINING 2.607 ACRES MORE OR LESS.



**VICINITY MAP**

**EAGLES RIDGE RANCH**

Administration Department  
(970) 984-2311  
Fax: (970) 984-2716  
www.newcastlecolorado.org



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

## CHECKLIST PLANNED UNIT DEVELOPMENT SKETCH PLAN

Authority: New Castle Municipal Code §§ 16.08.060 & 17-100-040

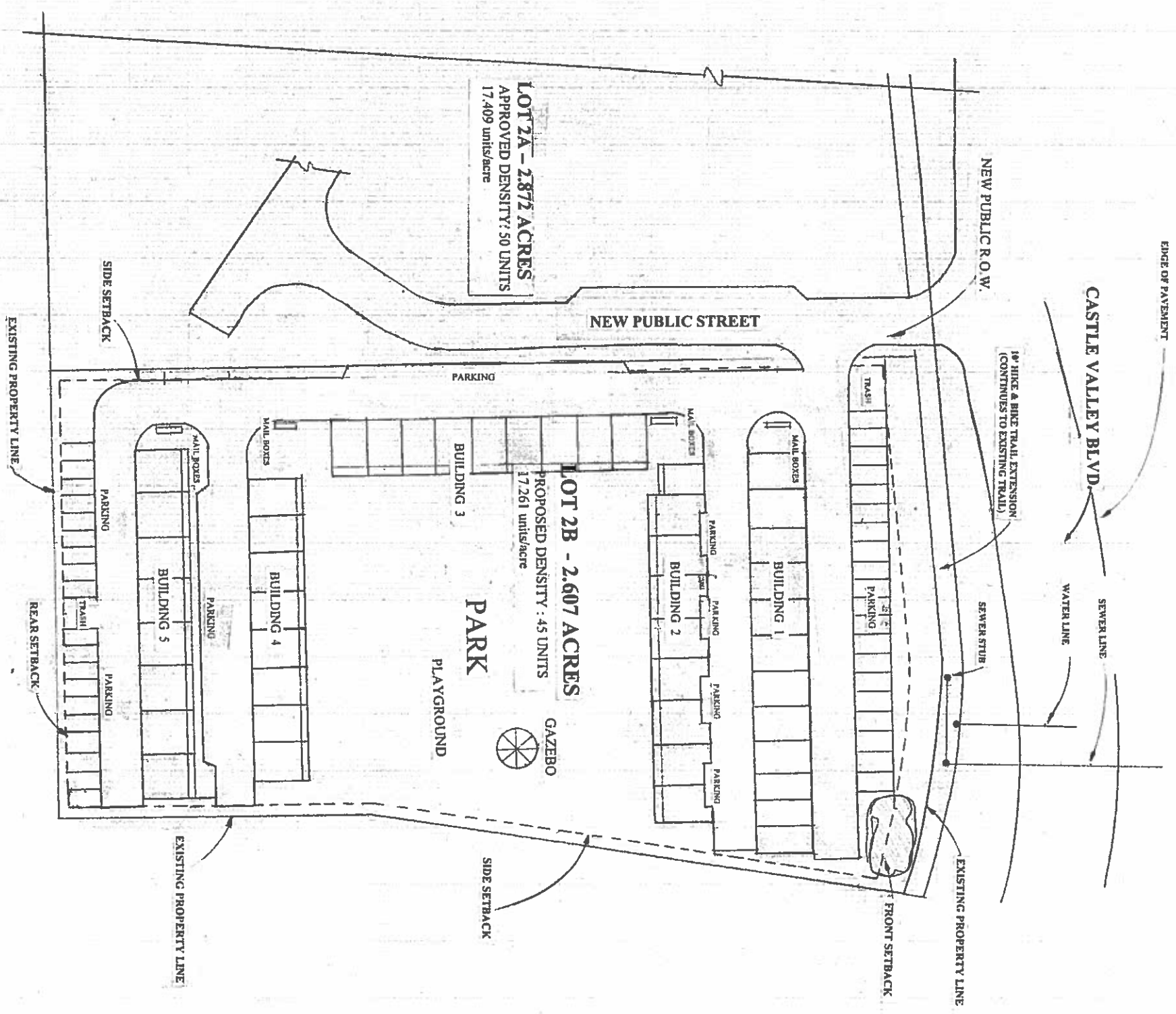
This is a helpful checklist and is not necessarily all inclusive for all Municipal Code requirements. It is still your responsibility to read and comply with all code requirements. All applications must include a non-refundable Application fee.

Signature [Handwritten Signature] Date 11/9/16

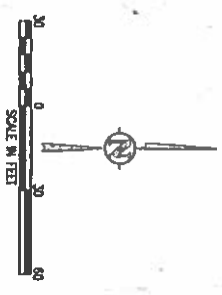
**An original and one (1) copy of the following items must be submitted to the Town Clerk:**

- Development Application
- Map of the proposed area
- Size of site
- Proposed land uses
- Water and sewer line location maps with anticipated connection sites
- Location of proposed public and semi-public uses (dedicated and otherwise)
- \$400.00 Non-refundable Application Fee





- EAGLES RIDGE RANCH**  
PROPOSED DENSITY : 45 UNITS  
17,261 units/acre
- UNIT TYPES**
- BUILDING 1 - TYPE A UNITS RESIDENTIAL/COMMERCIAL
  - BUILDING 2 - TYPE B UNITS - RESIDENTIAL TOWNHOUSES
  - BUILDING 3 - TYPE B UNITS - RESIDENTIAL TOWNHOUSES
  - BUILDING 4 - TYPE B UNITS - RESIDENTIAL TOWNHOUSES
  - BUILDING 5 - TYPE C UNITS - RESIDENTIAL/SHOP



**EAGLES RIDGE RANCH**  
**LOT 2B PHASE 7**  
**LAKOTA CANYON RANCH**

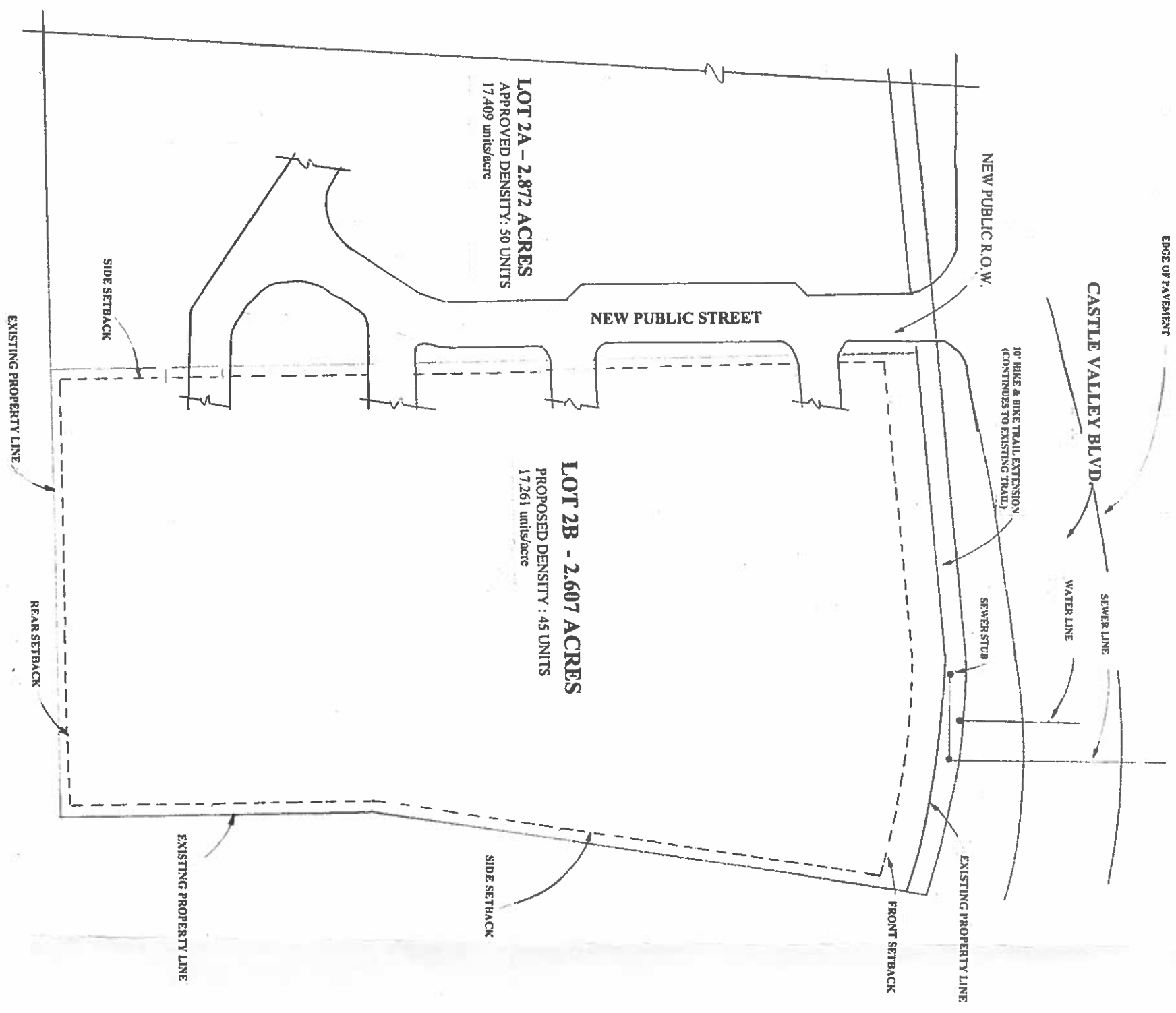
**COLOMBO**

DATE: NOVEMBER 9, 2016

NO.	CHANGE	DATE	BY
1		11/10/16	JJC
2			
3			
4			
5			

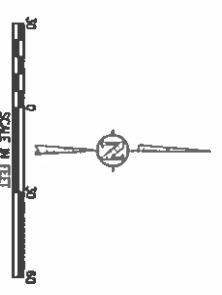
DATE: NOVEMBER 9, 2016  
DRAWN BY: JJC  
REVISION/RECORD

COMMENTS  
SCHEMATIC LEVEL  
SHEET NO. **SP1**



**EAGLES RIDGE RANCH**  
 PROPOSED DENSITY : 45 UNITS  
 17,261 units/acre

- UNIT TYPES
- TYPE A RESIDENTIAL / SHOP  
2 bedrooms
  - TYPE B TOWNHOUSES - 5 UNIT BUILDINGS  
2 bedrooms/3 bedrooms
  - TYPE C RESIDENTIAL / COMMERCIAL  
2 bedrooms / 3 bedrooms



**EAGLES RIDGE RANCH**  
**LOT 2B PHASE 7**  
**LAKOTA CANYON RANCH**

**COLOMBO**

ISSUE DATE: NOVEMBER 9, 2016

PROJECT TITLE	SITE PLAN		
JOB NUMBER	0005-20028		
DATE	NOVEMBER 9, 2016		
DRAWN BY	JTC		
REVISION RECORD	NO.	CHANGE	DATE
	1		
	2		
	3		
	4		
	5		

**SP1**

1  
2 New Castle Planning and Zoning Commission Meeting  
3 Wednesday, February 22, 2017, 7:00p.m., Town Hall

4  
5 Call to Order

6 Commission Chair Chuck Apostolik called the meeting to order at 7:00 p.m.

7  
8 Deputy Town Clerk Mindy Andis swore in Jeff Ellis as a new Planning & Zoning  
9 Commissioner.

10  
11 Roll Call

12 Present Chair Chuck Apostolik  
13 Commissioner Copeland  
14 Commissioner Ellis  
15 Commissioner Gates  
16 Commissioner Graham Riddile  
17 Commissioner Ruggles  
18 Commissioner Urnise

19  
20 Absent None

21  
22 Also present at the meeting were Town Planner Tim Cain, Town Attorney David  
23 McConaughy, Deputy Town Clerk Mindy Andis and members of the public.

24 Meeting Notice

25 Deputy Town Clerk Mindy Andis verified that her office gave notice of the meeting  
26 in accordance with Resolution TC-2017-1.

27  
28 Conflicts of Interest

29 There were no conflicts of interest.

30  
31 Citizen Comments on Items NOT on the Agenda

32 There were no citizen comments.

33  
34 MOTION: Commissioner Ruggles made a motion to appoint Commissioner  
35 Gates as Commission Vice-Chair. Commissioner Graham Riddile seconded  
36 the motion and passed unanimously.

37  
38 Public Hearing

39 Conditional Use Permit

40  
41 Purpose: Application for Multiple Lot Line Adjustment

42  
43 Legal description: Block 1, Lots 6 &7, and Block 2, Lots 1-6, **Coryell's Addition to**  
44 **the Town of New Castle, together with any and all interest in the vacated streets**  
45 **and alleys appurtenant to said Lots as shown on the recorded plat of Coryell's**  
46 **Addition and described in Town of New Castle Ordinance No. 500, Series 1997,**  
47 **recorded in the Garfield County real property records at Book 1032, Page 730.**  
48

1 Common Address: TBD, New Castle

2

3 Applicant: Grady & Suzanne Hazelton

4

5 Landowner: Grady & Suzanne Hazelton

6

7 Resolution PZ 2017-2 Recommending Approving A Multiple Lot Line Adjustment For  
8 Certain Lots And Blocks Of The Coryell Addition To The Town Of New Castle And An  
9 Amended Plat For The Same.

10

11 Chair Apostolik opened the Public Hearing at 7:01 p.m.

12

13 Town Planner Tim Cain reported that the application was a request for a Multiple  
14 Lot Line Adjustment to create five (5) building sites on vacant land adjacent to  
15 Shewana Lane, which served as a utility access road. Planner Cain said that the  
16 code required that all new lots have at least five-thousand square feet (5,000). He  
17 noted the following square footages for each proposed lot:

18

- 19 • Lot one (1) = 5,250
- 20 • Lot two (2) = 5,062.5
- 21 • Lot three (3) = 10,412.5
- 22 • Lot four (4) = 8,087.5
- 23 • Lot five (5) = 5,062.5

24

25 Planner Cain said that if the application were approved, it would amend the  
26 Original Coryell Addition Plat recorded in 1888. The amended plat must be recorded  
27 within one-hundred-fifty (150) days or the application approval will be voided.

28 Planner Cain said that access to the new lots will be from Shewana Lane and a  
29 newly created easement. Water, sewer and other utilities must be installed to serve  
30 the new lots.

31 Planner Cain said there were several policies in the Comprehensive Plan that were  
32 applicable to the application:

33

34

- 35 • Policy CG-5A (D): To create walkable communities.
- 36 • Policy CG-5A (G): To strengthen and direct development towards existing  
37 communities.
- 38 • Policy CG-5A (I): To make development decisions predictable, fair and  
39 cost effective.

40

41 The application will not create new lots but will condense nine (9) non-conforming  
42 lots to five (5) conforming lots. The lots are within a walkable distance to the  
43 downtown, schools and public transportation.

44

45 Development infill to support the local economy and allow future homeowners the  
46 ability to walk downtown to access public transportation and local restaurants, retail  
47 stores and other services, thereby increasing local revenue.

48

49 The lots could not build on until all public improvements were inspected and  
50 accepted by the town. The town will require there be a plat note stating that no

1 building permit may be issued until public improvements are installed.. In addition,  
2 all real estate transfer documents should include such notice as well as  
3 **Homeowner's Association covenants.**

4  
5 Planner Cain recommended that before the lots were marketed for sale, the  
6 applicant place a highly visible sign between lots two (2) and three (3) stating there  
7 is a ten (10) foot wide utility easement proposed. The easement service lines will  
8 connect to lots four (4) and five (5).

9  
10 The **Comprehensive Plan section "Population & Demographics" (page 19) states:**  
11 "The need for housing units in New Castle will increase as the population grows.  
12 Assuming an average growth of 4% from 2007 to 2030, population is expected to  
13 grow to 9,086 a net increase of 5,417 (people). Housing demand generated by  
14 population increase of 5,417 will require 2,037 new residential units based upon an  
15 average household of 2.66".

16  
17 Planner Cain said the Coryell Addition had prescriptive easements. Shewana Lane  
18 Serves as an access and utility easement serving the current adjacent properties  
19 and will serve the proposed five lots..

20  
21 Any construction upon the new lots will have to comply with the R-1 zone district  
22 setbacks, floor area ratio, lot coverage, maximum building height, minimum floor  
23 area, minimum off-street parking and architectural standards.

24  
25 Planner Cain said that written confirmation by a licensed engineer certifying that  
26 historic drainage patterns will not be altered or otherwise affected by the  
27 application.

28 Town Attorney David McConaughy reported if the application were a new  
29 subdivision of vacant land, the Town Code would require that each lot have a  
30 minimum of 25 feet of frontage on a dedicated public street. The Town Code  
31 included an exception where other arrangements were approved as part of a  
32 Planned Unit Development (PUD). NCMC § 16.28.030.

33  
34 Planner Cain suggested that the planning commission should consider the policy  
35 implications of allowing five (5) new lots to be served by a private roadway.  
36 Arrangements for road maintenance will need to be done, **via a homeowners'**  
37 association or a private maintenance agreement amongst lot owners. No proposed  
38 documentation had been submitted with the application. Private maintenance  
39 agreements were often neglected and private roads fall into disrepair. When that  
40 happens, the developer is typically no longer involved, and the lot owners will come  
41 to the town asking the town to help or take on ownership of a roadway that was  
42 never dedicated or constructed to town standards. The town will then face political  
43 pressure to solve the problem, incurring expenses that were avoided by the original  
44 developer. Code Section 16.28.030 was adopted to avoid the situation and to  
45 ensure that all new homes will be served by public streets built in accordance with  
46 Town standards. The commission should consider whether to require a public  
47 roadway built according to town standards.

48  
49 Planner Cain said that public improvements will be required as a condition of the  
50 development and occupancy of the proposed lots. The improvements will include

1 extension of the water main line, fire hydrants, and any work necessary to facilitate  
2 the connections of the private water and sewer service lines to the main line. There  
3 was no information concerning other public utilities such as gas, electric, or cable,  
4 which typically would be also installed as part of the public improvements.

5  
6 Planner Cain said that it is **town's policy to require** a contract obligating the  
7 developer to install all public improvements in accordance with engineered plans  
8 approved by the Town Engineer. No such plans were submitted. If a contract for  
9 public improvements was not done before recording the plat, then the obligation  
10 must be secured by a letter of credit or other collateral to ensure that the work was  
11 completed for the benefit of lot owners. The amount of security required will  
12 represent the cost the town would incur if the developer sold the lots and then  
13 failed to complete the improvements necessary to serve them. It will also including  
14 a contingency amount. While cash or a letter of credit was preferred, town council  
15 had the discretion to approve other forms of security such as an arrangement with  
16 **a construction lender, a contractor's bond**, or a lien on the property. A lien may not  
17 be advisable because of an existing loan, unless the bank agreed to subordinate to  
18 the town.

19  
20 Planner Cain said it was illegal under Colorado Statutes to sell, contract to sell, or  
21 negotiate to sell an unplatted lot, which is why developers typically post security for  
22 the public improvements rather than waiting to record the plat until after the  
23 improvements are done. Developers typically want the revenue from lot sales to  
24 help fund their costs. If the lots cannot be accessed or served with utilities, then  
25 building permits and/or certificates of occupancy (CO) can be withheld.

26  
27 Attorney McConaughy recommend that the developer be required to provide  
28 engineered plans that included cost estimates for all public improvements; to enter  
29 into a development agreement with the town; and to post adequate security prior  
30 to recording the plat. Alternatively, the work could occur after approval and prior to  
31 recording, but no lots may be sold.

32  
33 Attorney McConaughy said that requiring engineered plans and security was an  
34 expense for the developer. Attorney McConaughy recommended that if the planning  
35 commission was inclined to waive the requirement that any such waiver be subject  
36 to review and confirmation by the town council.

37  
38 Attorney McConaughy said that alternative mechanisms to ensure completion of  
39 public improvements could be to refuse to issue building permits until the  
40 improvements were complete or adequate security was provided. Adequate  
41 disclosures and warnings would need to be provided to all potential lot purchasers  
42 that the lots may not be useable until the public improvements were complete,  
43 which could fall on the first lot to developed. That would raise other issues about  
44 contributions from subsequent lot purchasers. Such issues could be addressed via  
45 covenants or other agreements as mentioned above, but no such proposals had  
46 been received.

47  
48 Attorney McConaughy advised that the commission should decide whether to  
49 require access via a public street or private. If they agreed on a public street then  
50 the street design and costs should be included as part of the public improvements.

1  
2 Attorney McConaughy recommended that the application be continued until such  
3 time that the applicant provided engineered plans for all public utility connections;  
4 that the applicant provided proposed documentation for either a Home Owners  
5 Association (HOA) or a shared utility/driveway maintenance agreement; and that a  
6 development agreement with the town had been prepared that included  
7 requirements for adequate security for public improvements.  
8

9 Attorney McConaughy recommended the following alternatives:

10  
11 Alternative #1: All of the following conditions shall be satisfied prior to recording  
12 the plat and prior to the marketing or sale of any lots:  
13

14 A. The applicant shall submit engineered plans for all public improvements for  
15 review and approval by the Town Engineer, including access, water and sewer,  
16 other utilities, and drainage improvements. The plans shall include as-built locations  
17 of any existing utilities and improvements in the construction area. Additional  
18 conditions may be imposed by the Town Engineer relating to construction details in  
19 connection with the review and approval of the engineered plans.  
20

21 B. The applicant shall submit documentation for review and approval by the  
22 Town Attorney **regarding either a homeowner's association or a shared access and**  
23 **utility maintenance agreement.** Either way, the documentation shall be approved  
24 and recorded simultaneously with the final plat and be referenced in a plat note.  
25

26 C. The applicant and the Town shall enter into a development agreement to  
27 provide for the construction of all public improvements and security therefore,  
28 generally consistent with Chapter 16.32 of the Town Code.  
29

30 D. The private water service lines to serve Lots 4 and 5 shall be extended  
31 through the easement on Lot 2 prior to sale of Lot 2 or, alternatively, the easement  
32 area on Lot 2 shall be visibly staked and signed as a utility easement with  
33 additional notation on the final plat.  
34

35 E. Unless the Commission requires a public roadway, the plat shall include  
36 notations concerning the private nature of the access road including a prohibition  
37 on accessing any of the subject lots via any other public street.  
38

39 F. A plat note shall be included to identify the need for private lift stations  
40 maintained by individual homeowners for sewer service on each lot.  
41

42 G. All representations of the applicant during the public hearing before the  
43 Planning Commission shall be considered additional conditions of approval.  
44

45 H. The applicant shall reimburse the Town for all consulting fees and other  
46 expenses incurred in connection with the application.  
47

48 Alternative #2: In lieu of providing security for public improvements, the  
49 completion and acceptance of all public improvements could be required prior to  
50 issuance of building permits for any homes on the individual lots, unless adequate

1 security is provided at a later date. As mentioned above, this approach may create  
2 a risk of shifting the obligation to construct improvements to the first lot purchaser,  
3 who may be in less of a position to recapture a share of costs from the other lots  
4 than the original developer. Therefore, if this is the **Commission's decision, then**  
5 Attorney McConaughy recommends that this approach be subject to review and  
6 approval by town council at a public meeting.  
7

8 Town Engineer Jeff Simonson has recommended that a new fire hydrant be installed  
9 with a six (6) inch new water main line. Individual service lines would tap into the  
10 new main line. Lots four (4) and five (5) would be served via private service lines  
11 through a utility easement over Lot two (2), which would be dedicated on the plat.  
12 If Lot two (2) sold and developed before the private lines were installed, then  
13 excavation and construction will be required through Lot two (2), which may impact  
14 improvements, landscaping, or at least yard area. If the service lines were not  
15 installed before lot sales, then specific disclosures should be required to ensure that  
16 Lot two (2) owner is on notice of the future disturbance. Notice might include plat  
17 notes, a disclosure in deeds or real estate contracts, or perhaps posting signs to  
18 identify the easement area. He felt a better idea to avoid future dispute among lot  
19 owners would be to require installation of the service lines prior to lot sales. Private  
20 service lines were not the **town's responsibility**.  
21

22 Engineer Simonson said the lots will require private pressurized sewer service lines  
23 to connect to the **town's sewer main line**. The pressurized service lines will be  
24 within the private roadway/utility easement, and at least two (2) other service lines  
25 either are or will be in the same area to serve adjacent property. Lots should not be  
26 allowed to share pressurized service lines, and for practical reasons they should all  
27 be installed in the same trench at the same time. The road maintenance agreement  
28 or HOA documents should include provisions regarding those utilities within the  
29 private roadway, including how the road will be repaired when excavation is  
30 needed.  
31

32 Engineer Simonson said that from a drainage perspective, a central ditch existed  
33 that drained through the site that is proposed to be relocated. It will be important  
34 to identify the timing and provide details for construction of that relocation prior to  
35 recording the plat to assure the defined plan can be implemented when on-lot  
36 development ensues as the feature also conveyed offsite drainage through the site.  
37 In order to avoid drainage trespass occurring, he recommended that the proposed  
38 access and utility easement be renamed to be a proposed access, utility and  
39 drainage easement. In that manner, assurance can be provided that allowed  
40 improvements to be constructed in the future (if necessary) to assure drainage  
41 from the site as a whole continued to exit the site in the south west corner of lot  
42 three (3) and the southeast corner of lot four (4).  
43

44 Applicant Grady Hazelton said his intention was to clean up the nine (9) small lots  
45 and make them into five (5) larger lots. In doing that, the lots will be better for  
46 resale. Also, he did not want to have a cluster of homes or the potential for a buyer  
47 to do so.  
48

49 He said the largest lot was 10,000 square feet because it has the most easements  
50 through it and that is why it was bigger than the other four (4) lots.



1 Chair Apostolik asked Mr. Hazelton if he had looked into the cost of utility extension  
2 would the street be maintained by the town. Mr. Hazelton said he had not because  
3 if it became a street to be maintained by the town, then the street would need to  
4 **be built to town's standard which** was not feasible. He said he wanted to go through  
5 the process to see if the proposed lots were acceptable.

6  
7 Marilyn Gleason, 980 W. 2nd Street. Ms. Gleason said there was an easement on  
8 her property which went to the river and was intended for a possible future trail and  
9 a utility easement. She was also concerned about the wetland with cattails on the  
10 subject property and she felt there were issues with wetlands being protected.  
11 Planner Cain said there was an easy solution for the wetland in that a permit could  
12 be obtained from the Army Corps of Engineers to move the natural runoff from the  
13 existing location to another. There was also a pond on the one of the lots which  
14 would need to stay and not to be moved.

15  
16 Nancy Daniels, 445 Shewana Lane. Ms. Daniels said that her concern was that  
17 there was no fire hydrant on Shewana Lane and adding 5 more homes would add  
18 more impact to the area. Her second concern was that the existing road was narrow  
19 and **2 cars can't pass at the same time**. She felt the road would need to be widened  
20 to keep people safe.

21  
22 Attorney McConaughy said that the resolution required actual plans to be submitted  
23 to Engineer Simonson who could impose other conditions. They could include snow  
24 storage, fire truck turn around and more.

25  
26 Scott Daniels, 445 Shewana Lane. Mr. Daniels said his concern was also the impact  
27 the new homes would have on the road. He said that he and Mr. Hazelton maintain  
28 the road. Mr. Daniels said he would stop maintaining the road if the five lots were  
29 added because the liability would go up. He also said that currently there was no  
30 place for a fire truck to turn around, and the runoff drained onto his property, and  
31 any changes to the drainage would affect his property. Mr. Daniels said he was  
32 afraid that when a lot is sold that it will turn into a junk yard for the owner. Planner  
33 Cain said there was code prohibiting junked vehicles to be stored on property,  
34 however, code enforcement was complaint driven.

35  
36 Rob Matthews, 480 Shewana Lane. Mr. Matthews' concern was being forced into an  
37 HOA to have the road maintained, which was an easement through his property.  
38 Mr. Hazelton explained the outer boundaries were not changing.

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

40  
41 Attorney McConaughy walked the commission through the two (2) similar  
42 resolutions for the application.

43  
44 Both resolutions stated under the town code the applicant was not creating new lots  
45 and the lots did meet the current town zoning for the district. The lot or lots that  
46 will have an infeasible building envelope pursuant to any town setback, floor area  
47 ratio, or other building/zoning requirement.

48  
49 All utility companies and/or any other beneficiaries having an interest in existing  
50 easements on the property have granted approval in regard to the disposition of

1 existing easements as a result of the application, if any.  
2  
3 All easements associated with Property are properly addressed and/or granted;  
4  
5 The Application does not alter or affect the location or arrangement of any other lot  
6 line within the subdivision;  
7  
8 No lot line adjustment or vacation has been granted by the Town with respect to or  
9 in connection with the Property or any adjoining property under common ownership  
10 or control of same person within the past one year; and  
11  
12 The Application does not in any way adversely affect any lot surrounding the  
13 Property.  
14  
15 The first proposed resolution said:  
16  
17 The Commission hereby approves the Application and amended plat, subject to the  
18 following conditions, all of which shall be fulfilled prior to recording the amended  
19 plat:  
20  
21 A. The Applicants shall submit engineered plans for all public improvements for  
22 review and approval by the town engineer, including access, water and sewer,  
23 other utilities, and drainage improvements. The plans shall include as-built locations  
24 of any existing utilities and improvements on the property. Additional conditions  
25 may be imposed by the town engineer relating to construction details in connection  
26 with the review and approval of the engineered plans.  
27  
28 B. The Applicants shall submit documentation for review and approval by the  
29 town attorney regarding either a HOA or a shared access and utility maintenance  
30 agreement. Either way, the documentation shall be approved and recorded  
31 simultaneously with the final plat and be referenced in a plat note.  
32  
33 C. Applicants and the town shall enter into a development agreement to provide  
34 for the construction of all public improvements and security therefore, generally  
35 consistent with Chapter 16.32 of the Town Code.  
36  
37 D. The private water service lines to serve Lots four (4) and five (5) shown on  
38 Exhibit A shall be extended through the easement on Lot two (2) prior to sale of Lot  
39 2 or, alternatively, the easement area on Lot two (2) shall be visibly staked and  
40 signed as a utility easement with additional notation on the final plat.  
41  
42 E. The roadway shown on Exhibit A shall be dedicated to the town as a public  
43 road and open for public use and a plat note to that effect shall be included on the  
44 final plat [OR] The final plat shall include notations concerning the private nature of  
45 the access road, including a prohibition on accessing any of the subject lots via any  
46 other public street.  
47  
48 F. A plat note shall be included on the final plat to identify the need for private  
49 lift stations maintained by individual homeowners for sewer service on each lot.  
50

1 G. The plat shall include a subordination and consent certificate to be signed by  
2 any lender holding a lien on the subject property.

3  
4 H. All representations of the Applicants made during the public hearing before  
5 the Commission and reflected in the minutes thereof shall be considered additional  
6 conditions of approval.

7  
8 I. The Applicants shall reimburse the town for all consulting fees and other  
9 expenses incurred in connection with the application.

10  
11 J. The final plat shall be reviewed and subject to approval by the town engineer  
12 and town attorney prior to recordation thereof.

13  
14 The second proposed resolution said:

15  
16 The Commission hereby approves the Application and amended plat, subject to the  
17 following conditions:

18  
19 A. No building permits shall be issued for any dwelling units on the property  
20 until and unless the town engineer has approved engineered plans for all necessary  
21 improvements, including access, water and sewer, other utilities, and drainage  
22 improvements and until all such improvements have been constructed, inspected,  
23 and accepted by the Town in accordance with the procedures and requirements of  
24 Section 16.32.020(B) of the Town Code, including a written warranty.  
25 Alternatively, building permits may be issued if the applicant and the town first  
26 enter into a development agreement with adequate security in general conformity  
27 with Chapter 16.32 of the Town Code. The construction plans shall include as-built  
28 locations of any existing utilities and improvements on the Property. Additional  
29 conditions may be imposed by the town engineer relating to construction details in  
30 connection with the review and approval of the engineered plans.

31  
32 B. The Applicants shall submit documentation for review and approval by the  
33 town attorney regarding either a HOA or a shared access and utility maintenance  
34 agreement. Either way, the documentation shall be approved and recorded  
35 simultaneously with the final plat and be referenced in a plat note.

36  
37 C. The approvals in this resolution shall be subject to, and contingent upon,  
38 review and approval of the conditions set forth herein by the New Castle Town  
39 Council by motion at a regular meeting.

40  
41 D. The private water service lines to serve Lots four (4) and five (5) shown on  
42 Exhibit A shall be extended through the easement on Lot two (2) prior to sale of Lot  
43 two (2) or, alternatively, the easement area on Lot two (2) shall be visibly staked  
44 and signed as a utility easement with additional notation on the final plat.

45  
46 E. The roadway shown on Exhibit A shall be dedicated to the Town as a public  
47 road and open for public use, and a plat note to that effect shall be included on the  
48 final plat [OR] The final plat shall include notations concerning the private nature of  
49 the access road, including a prohibition on accessing any of the subject lots via any  
50 other public street.

1  
2 F. A plat note shall be included on the final plat to identify the need for private  
3 lift stations maintained by individual homeowners for sewer service on each lot.  
4

5 G. The plat shall include a subordination and consent certificate to be signed by  
6 any lender holding a lien on the subject property.  
7

8 H. All representations of the Applicants made during the public hearing before  
9 the Commission and reflected in the minutes thereof shall be considered additional  
10 conditions of approval.  
11

12 I. The Applicants shall reimburse the town for all consulting fees and other  
13 expenses incurred in connection with the application.  
14

15 J. The final plat shall be reviewed and subject to approval by the town engineer  
16 and town attorney prior to recordation thereof.  
17

18 Attorney McConaughy said the commissions' three options were:  
19

- 20 1) Continue the application until there were more details,
- 21 2) Approve it subject to a development agreement with some type of security,
- 22 3) Approve it without security, but hold issuing building permits until everything  
23 got built.

24 He advised that the commission needed to decide if the road would be a public road  
25 or a private road.  
26

27 Commissioner Riddile asked Attorney McConaughy if the road improvement  
28 agreement would be between Mr. Hazelton and the town. Attorney McConaughy  
29 said no. It would work like an HOA, just there was no board. He said before lots  
30 were sold, there should be some recorded document to make sure the road got  
31 maintained and there was a way to pay for it. Once the lots were sold it would be  
32 too late to force someone into an agreement.  
33

34 Commissioner Graham Riddile asked Mr. Hazelton respond whether it would be a  
35 public or private road. Mr. Hazelton said there should be a road agreement between  
36 the five (5) lots and he would extend the offer to any of the current property  
37 owners that would be interested in the agreement. He felt the current property  
38 owners would benefit from the agreement whether they were a part of it or not. Mr.  
39 Hazelton said he was not intending to install curb, gutter and sidewalk because of  
40 the expense.  
41

42 Commissioner Riddile asked Planner Cain what he recommended. Planner Cain said  
43 he supported Attorney **McConaughy's option known** as Alternative 2 which met the  
44 policy goal of CG 5A (I). Planner Cain concurred with Attorney McConaughy that the  
45 burden of public improvements could fall upon the first lot owner. He felt it was  
46 very important that the first buyer be well-informed that s/he cannot gain a  
47 building permit approval until construction documents were approved, security was  
48 posted and an agreement with the town was in place. That will allow Mr. Hazelton  
49 to secure funding upon the sale of the lot and use the money for the infrastructure  
50 and improvements. A road maintenance agreement also needed to be done.

1 Planner Cain said the town could help with mediation to help prepare the  
2 agreement.  
3  
4 Motion: Commission Chair Apostolik made a motion recommending  
5 approval of Resolution PZ-2017-2, Alternate 2 Recommending Approving A  
6 Multiple Lot Line Adjustment For Certain Lots And Blocks Of The Coryell  
7 Addition To The Town Of New Castle And An Amended Plat For The Same.  
8 No Building Permit Will Be Issued. The final plat shall include notations  
9 concerning the private nature of the access road and town council review  
10 and approval of the conditions. Commissioner Ellis seconded the motion.  
11 The motion passed on a roll call vote: Commissioner Graham Riddile: Yes;  
12 Commissioner Urnise: Yes; Commissioner Ellis: Yes; Commissioner  
13 Ruggles: Yes; Commissioner Copeland: Yes; Commissioner Gates: Yes and  
14 Chair Apostolik: Yes.  
15  
16 Items for Consideration  
17  
18 Consider Appointing Vice-Chair and Appointing a Commissioner to the  
19 Historic Preservation Commission.  
20  
21 Motion: Commission Chair Apostolik made a motion to appoint  
22 Commissioner Gates as Commission Vice- Chair. Commissioner Ruggles  
23 seconded the motion and passed unanimously.  
24  
25 Motion: Commission Chair Apostolik made a motion to appoint  
26 Commissioner Gates as Commissioner to Historic Preservation  
27 Commission. Commissioner Graham Riddile seconded the motion and  
28 passed unanimously.  
29  
30 Items for next Planning and Zoning Agenda  
31 There were no items.  
32  
33 Commission Comments and Reports  
34 There were no comments or reports.  
35  
36 Staff Reports  
37 There were no reports.  
38  
39 Review Minutes from Previous Meeting  
40 Motion: Commission Chair Apostolik made a motion to approve the January  
41 25, 2017 meeting minutes as corrected. Commissioner Gates seconded the  
42 motion and it passed unanimously.  
43  
44 Motion: Chair Apostolik made a motion to adjourn the meeting.  
45 Commissioner Gates seconded the motion and it passed unanimously.  
46  
47  
48  
49  
50

1 The meeting adjourned at 8: 55p.m.

2

3

4 Respectfully Submitted,

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11

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Planning and Zoning Commission Chair  
Chuck Apostolik

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Deputy Town Clerk Mindy Andis

12

13

DRAFT