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Town of New Castle Administration Department
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Agenda

New Castle Planning & Zoning Commission Regular Meeting Wednesday, September 28, 2011, 7:00 p.m., Town Hall

Call to Order, Roll Call, Meeting Notice

Introduction of Graham Riddile and Larry Borgard to Commission

1. **Conflicts of Interest** (Disclosures are on file with Town Clerk & Secretary of State)
2. **Citizen Comments on Items NOT on Agenda**
3. **Items for Discussion**
 - A. Annual review/discussion/possible modifications of the Town of New Castle Comprehensive Plan
4. **Comments/Reports**
 - B. Items for next Planning and Zoning Agenda
 - C. Commission Comments/Reports
 - D. Staff Reports
5. **Review Minutes of Previous Meetings**
 - E. June 8, 2011 Minutes

Adjournment

PLANNING MEMORANDUM

TO: NEW CASTLE PLANNING COMMISSION
FROM: DAVIS FARRAR - WESTERN SLOPE CONSULTING LLC
SUBJECT: ANNUAL REVIEW OF COMPREHENSIVE PLAN
DATE: 9/22/2011
CC: TIM CAIN

Next week on September 28, the planning commission will meet for the first time in quite a while. The focus of our discussions will be on the New Castle Comprehensive Plan. I am not sure there is a whole lot to discuss, but the Plan is designed to have an annual review for technical modifications and/or minor changes/updates. It may be useful to look at the population numbers and update that material if the Commission feels it is necessary. For better or worse, the development activity and New Castle shut down about the time the Plan was adopted in 2009. There really has not been an opportunity to "test" the Plan in a real-world situation. One of these days I am confident that the Town will get an application that will be evaluated using the Comprehensive Plan.

For your information, I am including the language below that details the plan update and amendment process. The important thing is that the Commission make it a regular annual process to look at the document, refresh Commissioner's familiarity with the Plan and to keep it current. I look forward to discussing this material with you next week.

Plan Updates and Amendments

The New Castle Comprehensive Plan is designed to be a dynamic community document that articulates the vision goals and policies of the community for future growth and development. This plan is intended to guide community decision making, as New Castle's future becomes its reality. The comprehensive plan needs to remain fresh and current. The basic community values and vision from which this plan is made are not expected to change significantly. However, as time moves on technical details in the document are likely to need modification and updating. Minor errors may be found in the plan that should be corrected. The comprehensive plan amendment process is not directed at changing the plan to fit the needs of a development proposal that does not comply, but rather, it allows the Town and its residents to ensure that the basic tenets remain consistent with New Castle's future.

The comprehensive plan should be subject to review for updates every five years. The practice of periodic updates gives the community, Planning Commission and Town Council a chance to review, evaluate and consider changes to the policies and strategies defined in the document. This is also an opportunity for appointed and elected boards to renew ownership in the Plan. It is ownership in the plan that is in harmony with the community's vision that ensures long-term sustainability.

In addition to the regular plan update process, two other measures are available for modifying the document. The simplest method is an **Insubstantial Amendment** to the plan. Insubstantial amendments are reserved for small changes and/or corrections of errors found as the document is used. For example, population numbers may need to be updated as current information becomes available. Errors in the text or on the maps may be discovered and should be corrected. Language may be revised to better clarify the intent of a particular section. Insubstantial amendments are those that apply to a few sections of the document and do not change the intent or underlying principles of any given section. Insubstantial amendments are typically initiated by the staff, Planning Commission or Town Council annually or as they are needed.

Substantial Amendments are the second method for modifying the document and are reserved for major changes. Substantial Amendments are only available once a year on or near the anniversary of the plan's adoption and must be considered carefully. These amendments typically are directed to policy changes, multiple sections of the document or are a magnitude that warrants larger scale review. Substantial plan amendments involve noticed public hearings before the Planning Commission.

Insubstantial and substantial amendments may also be initiated by municipal residents.

Plan amendments (substantial or insubstantial) shall be evaluated against the following criteria. The town planning staff shall submit written recommendations to the Planning Commission. The Planning Commission is the final decision-making body on these changes and the Commission shall make written findings on each of the following items that shall be presented to the Town Council no later than 45 days after a decision of the Commission.

1. The plan section or sections subject to amendment are erroneous or have been found to be out of date.
2. The proposed amendment will not adversely affect utility planning, transportation, delivery of services, or other major functions of the Town.
3. An amendment does not bestow an individual benefit to a developer, property owner, or requesting party, but confers a benefit to the community as a whole.
4. A proposed change is compatible with existing uses, the plan vision, goals and policies.
5. The amendment is based upon a considerable change in the land use character of an area that warrants modification.
6. The modification does not conflict with or inhibit logical cost-effective annexations.
7. The plan amendment is consistent with logical extension of services, utilities, roadways, parks/open space and other essential municipal functions.
8. The amendment does not adversely affect sensitive environmental areas, air or water quality, or result in increased risks to public health, safety or welfare.
9. Strict compliance with the provisions of the section(s) to be changed conflicts with the intent of the plan or creates conditions that were not intended in the document.
10. The amendment will not result in a reduction and delivery of municipal services, utilities, unmitigated traffic impacts or other conditions that create a financial hardship or other hardship for the town of New Castle.
11. The amendment is in keeping with the overall intent of the New Castle Comprehensive Plan, its vision, its goals and policies and is in the best interest of the community.

1 **NEW CASTLE PLANNING & ZONING COMMISSION**
2 **REGULAR MEETING**
3 **June 8, 2011**

4 The Planning & Zoning Commission of the Town of New Castle, County of Garfield,
5 State of Colorado convened into regular session in the Town Hall on June 8, 2011
6 at 7:00pm.

7 Commission Chair Kevin O'Brien presided.

Commissioners Present:

Commissioner Holley
Commissioner Riddile
Commissioner Newberry
Commissioner Apostolik

Commissioners Absent:

Commissioner Slack

Staff Present:

Tim Cain, Town Planner
Wendy Mead, Deputy Town
Clerk
Davis Farrar, Consultant
Planner
Assistant Town Attorney,
David Smith

8
9 **FINDING AS TO MEETING NOTICE**

10 Deputy Town Clerk Wendy Mead verified that her office gave notice of tonight's
11 meeting in accordance with Resolution TC-2011-1.

12
13 **CONFLICTS OF INTEREST**

14 No Commissioners reported conflicts of interest with respect to items on tonight's
15 agenda.

16
17 **PUBLIC HEARING**

18 **PUD Amendment**

19 Legal Description: Walters Center PUD Lot 5, AMD Plat – Lot Line Vacation of Lots
20 5 & 6

21 Applicant: Schlosser Signs

22 Landowner: McDonalds Corporation

23 Prior to opening the public hearing, Chair O'Brien asked if the description of the
24 application (application type and legal description) were accurate for the public
25 hearing notice. Consultant Attorney David Smith stated that the description was
26 accurate and it was fine to proceed with the public hearing.

27
28 Chair O'Brien opened the public hearing at 7:05pm.

29
30 Consultant Planner Farrar introduced Sam Schlosser, the applicant, of Schlosser
31 signs. Mr. Schlosser explained that he is a sign contractor, out of Fort Collins, for
32 McDonald's Corporation. He explained the McDonald's sign is only visible for a mile
33 and a half on either side of the interstate. McDonald's isn't usually popular in small
34 towns, like New Castle, because citizens tend to be more health conscious.
35 Therefore, McDonald's expects to get the majority of their customers from travelers
36 seeing the sign when driving through on the highway. By raising the sign 11 ft,
37 McDonald's believes the sign will be more noticeable. The noticeably of the sign
38 triggers familiarity which in turn will bring more travelers to McDonald's increasing

1 their revenue. Mr. Schlosser stated that McDonald's did not provide documentation
2 proving the increase in revenue.

3
4 Commissioner Holley asked why the sign height is at its current height. Consultant
5 Planner Farrar explained that McDonald's originally requested sign of 90ft. Town
6 staff didn't approve that height but did approve a 1ft sign height adjustment to 41ft
7 when the application was approved administratively.

8
9 Consultant Planner Farrar presented his report, with a PowerPoint presentation
10 showing the pictures from his report, to the Commission, which is attached as
11 Exhibit A to these minutes.

12
13 Commissioner Riddile asked Mr. Schlosser if there was data proving that the sign
14 height will increase McDonald's revenue. Mr. Schlosser stated that he does not have
15 any data, but other signs that have been put in for McDonald's the noticeably did
16 increase the revenue of McDonald's.

17
18 Chair O'Brien closed the public hearing at 7:30pm.

19
20 Commissioner Holley stated it was a choice between ugly or uglier. The Town was
21 excited to approve the application because of the potential sales tax revenue. The
22 Town should be committed to helping McDonald's succeed. If the sign would help
23 improve business for McDonald's, then the Town should approve the sign height
24 request.

25
26 Chair O'Brien responded to Commissioner Holley's comment by stating there is only
27 so much the Town can do for McDonald's. There are the covenants of the PUD and
28 the sign code that McDonald's should be following and those rules are in place for a
29 reason. In looking at pictures of the other businesses in the area, those other
30 businesses were and are required to follow the same rules, so McDonald's should,
31 too.

32
33 Chair O'Brien stated that McDonald's needed to provide a stronger application. He
34 stated that nothing in the application makes him think that a taller sign is needed.
35 The other businesses in the area have the 40 ft signs and McDonald's is a very
36 recognized brand and a taller sign is not needed.

37
38 **Motion-** Approve the McDonald's major PUD amendment to increase the sign
39 height to 51 feet. (Riddile/Holley)-Commissioner Newberry-no; Chair
40 O'Brien-no; Commissioner Apostolik-no; Commissioner Riddile-no;
41 Commissioner Holley-yes. After roll call vote-**motion failed**.

42
43 Consultant Planner Farrar stated the next step would be, as this is a
44 recommendation to the Town Council, for the application to go before the Town
45 Council. He stated that the same presentation would go before Council and that

1 Mr. Schlosser should plan on attending that meeting. The Town Council will either
2 approve or deny the application.
3

4 **COMMENTS/REPORTS**

5 Items for next Planning and Zoning Agenda

6 Planner Tim Cain stated there weren't any applications or concerns for the
7 Commission to consider.
8

9 Consultant Planner Farrar stated that he did send an email to the New Castle
10 Center applicants to see if they wanted to meet with town staff again, and there
11 has been no response from the applicants.
12

13 The June 22, 2011 Planning and Zoning meeting will be cancelled due lack of items
14 for the agenda.
15

16 Commission Comments

17 Commissioner Holley asked about the Whitehorse Village application and if it went
18 to Town Council. Consultant Attorney David Smith stated that the planning
19 Commission was the deciding body, so it would not go before Council.
20

21 Commissioner O'Brien thanked the Commission and staff for the opportunity to
22 work with them. Chair O'Brien thanked each of the Commissioners and staff
23 personally.
24

25 Commissioner Newberry stated that Chair O'Brien's experience and expertise will be
26 missed.
27

28 Commissioner Riddle stated that Town Council appreciates all the work that Chair
29 O'Brien has done.
30

31 Consultant Planner Farrar and Consultant Attorney Smith thanked Chair O'Brien for
32 the opportunity to work with him and they enjoyed attending the Town of New
33 Castle's Planning Commission meetings because of Chair O'Brien.
34

35 Staff Reports

36 Consultant Planner Farrar stated that the area planners group is meeting next week
37 to discuss the Garfield County Comprehensive Plan being binding or non-binding.
38 He stated that he plans on attending that meeting. He encouraged the Planning
39 Commissioners to attend and voice their comments.
40

41 The Garfield County Board of Commissioner's will be meeting on July 18th, 2011 to
42 consider whether or not the make the County's Comprehensive Plan advisory or
43 not.
44

45 Planning Consultant Farrar stated he had an inquiry on Lot 8 of Walter's Center PUD
46 from a gentleman on the front-range. The interested party wanted to know what

1 uses were allowed on that lot. He stated that he will be mailing a letter to the
2 interested party with the information he has requested. The interested party is
3 thinking of putting a carwash in that location.
4

5 Commissioner Apostolik asked Planner Cain about an update on the Public Works
6 Manual from last meeting. Planner Cain stated that he emailed a request to Public
7 Works Director Wenzel about the status of the Public Works Manual. He stated that
8 he gave Director Wenzel Commissioner Apostolik's phone number, so Director
9 Wenzel could call Commissioner Apostolik directly with an update.
10

11 **Items for Consideration**

12 Consider Appointing Chair of the Planning Commission.

13 **Motion**-Appoint Commissioner Chuck Apostolik as Planning and Zoning Commission
14 Chair- (Holley/Newberry) Commissioner Apostolik accepted the nomination and
15 there were no other nominations. After voice vote –motion carried.
16

17 The Commission decided to wait to a later date to appoint a vice chair, as
18 Commissioner Slack and possibly two new Commissioners would be available to
19 make the decision.
20

21 **REVIEW MINUTES OF PREVIOUS MEETINGS**

22 **Motion** – approve May 25 2011 meeting minutes as amended- (Apostolik/ Riddile).
23 After voice vote, **motion carried**.
24

25 **Adjournment**-8:03pm (Riddile/Holley)
26

27 TOWN OF NEW CASTLE
28 PLANNING & ZONING COMMISSION
29

30
31
32 ATTEST:
33

Kevin O'Brien, Commission Chair

34 _____
Wendy A. Mead, Deputy Town Clerk