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Town of New Castle **Administration Department**
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New Castle, CO 81647 www.newcastlecolorado.org

Agenda

New Castle Planning & Zoning Commission Regular Meeting
Wednesday, December 11, 2013, 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

Public Hearing

A. Consider Amendments to the New Castle Comprehensive Plan to Include Specific Policies Regarding the Development of Parkland as Part of the Annexation of New Lands.
B. Consider PZ Resolution 2013-7 A Resolution of the New Castle Planning and Zoning Commission Adopting an Amendment to the Comprehensive Master Plan For the Town of New Castle.
C. Consider Commission Appointment to Historic Preservation Commission

Comments/Reports

D. Items for next Planning and Zoning Agenda
E. Commission Comments/Reports
F. Staff Reports

Review Minutes of Previous Meetings

G. September 9, 2013 Minutes

Adjournment

New Castle Planning and Zoning Commission Meeting
Wednesday, September 11, 2013, 7:00 p.m., Town Hall

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

Roll Call
Present Commissioner Borgard
Commissioner Breslin
Commissioner Riddile
Commissioner Slack
Commissioner Taylor

Absent Commissioner Holley

Also present at the meeting were Town Planner Tim Cain, Assistant Town Attorney David Smith, Town Engineer Jeff Simonson and Deputy Town Clerk Mindy Andis.

Meeting Notice
Deputy Town Clerk Mindy Andis verified that her office gave notice of the meeting in accordance with Resolution TC-2013-1.

Conflicts of Interest
There were no conflicts of interest.

Citizen Comments on Items NOT on the Agenda
There were no citizen comments.

Items for Consideration
Consider amendment to the Lakota Golf Course Conditional Use Permit to permit construction of a Clubhouse, Cart-Barn, and Temporary Clubhouse.

Chair Apostolik opened the public hearing at 7:01pm.

Warrior Golf Representative Mr. Bob Gibson stated he is asking to amend the conditional use permit (CUP), so they can build a permanent clubhouse, cart storage facility and also have a new temporary clubhouse set up during construction. There are also a few items that they would like to defer until submission of the building permit for an example, drainage and items along that nature.

Town Planner Cain summarized the staff report which are attached to these minutes as exhibit A.

Planner Cain stated this is an amendment to the CUP which was approved by Town Council Resolution 2003-2. The conditional use is for golf cart storage, sale of golf supplies, pro shop, restaurant with 66 seats in the dining area 12 seats in the bar area, there will be

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dining outside, some offices. Most of the zoning is open space, except to the west of the golf cart barn is Castle Valley Ranch, to the south of the parking lot of the clubhouse are some residential lots which is zoned as residential.

The restaurant will be opened year round the hours will be adjusted according to the number of visitors and will change with the demand.

Planner Cain explained there are two parts of the municipal that is being referred to are 17.84 – conditional uses and 17.128.030 which pertains to Lakota Canyon Ranch which states the applicant is required to submit appropriate documentation prior to obtaining a building permit. Some of the documentation is contained on the submitted site plans; however the applicant is required by Municipal Code sections 17.128.030 and 17.128.80 to obtain a recommendation of approval from the Planning and Zoning Commission (P&Z) to the Town Council before building permit application. The following will be required at building permit.

> Drawing and Report Requirements. All plans shall be drawn to scale and submitted on twenty-four (24) by thirty-six (36) inch sheets and include the following information:
>
> a. Legal description including section, township and range.
> b. Name, address and phone number of the owner, applicant and person preparing the map.
> c. North arrow, date and scale that shall not exceed one inch equals fifty (50) feet.
> d. Accurate dimensions of all information shown on the map.
> e. All engineering, drainage and surveying shall be prepared by a professional engineered licensed in the state of Colorado (as applicable).

Town Engineer and Building Official will examine the report and drawings for compliance of various regulations and codes. The applicant will comply with requirements of the Town Engineer as stated in his letter of September 6, 2013 which is exhibit B to these minutes. Providing P&Z approves of the waiver, it will be a condition of approval for the amended CUP.

Attorney Smith explained briefly the plan before the commission the way it is, is originally when the CUP was approved in 2003 for the permanent clubhouse it included a temporary clubhouse permission which would be allowed for a period of three years which has been extended. The last extension currently expires on November 1, 2013, so as of November 1, 2013 if no action is taken on the conditional use application their permission to have the temporary clubhouse that is existing now will expire. This CUP is almost a site specific planned unit development in some ways, the dimensional standards zoning purposes are slightly more flexible then other zone districts because this is contained in the open space zone district. The zoning is really a picture of the building in which the commission will end up approving where it is located on the lot. For informational purposes and to help inform your decision it is important to look at the adjacent zone districts to determine compatibility there is residential medium density in Lakota subdivision to the immediate South, residential master plan zoning in Castle Valley Ranch to the West, residential occupied to the East of the site and the site itself is zoned opened space. So, to determining the dimensional standard that are applicable to this site plan, one of things that staff looked at

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what was the dimensional standard of the adjacent zone districts to what was the proposed building structure looked like and that ended up driving some of the analysis on what the size of the buildings are there being requested and permitted, what the setbacks are and what the building height standard would be. Then, those are written into the CUP as the zone text standard. The zone dimensional standard that are included in the draft resolution are consistent with the adjacent zone districts as far as the dimensional standard regarding height and setback.

Planner Cain explained the applicant has stated there will be no need for employees or customers to park vehicles in the new golf cart barn area. Both will use the clubhouse parking lot to park. If there was a need to park a vehicle, there are 12 compact car parking spaces in the driving range parking lot immediately adjacent to the new golf cart barn. Since there will be no service deliveries, there is no need to identify loading areas on the site plan. All service deliveries will take place in the parking lot of the clubhouse. The loading area is listed on the Clubhouse Site and Parking Plan and is 12'x24'.

There is 106 parking spaces located in the clubhouse parking lot which also includes 5 ADA parking spaces (See Clubhouse Site and Parking Plan). The Americans with Disability Act (ADA) minimum number of accessible parking spaces requires 5 ADA parking spaces for parking lots which have between 101 - 150 parking spaces, therefore the applicant has met this part of Federal regulations. New Castle Municipal Code Off-Street Parking Standards designed for each use includes: for an eating and drinking establishment, one space per three seats and for office space, one space per 300 square feet of floor area. The Clubhouse Site and Parking Plan indicate there will be 66 seats for dining and 12 seats in the bar area with a combined total of 78 seats. Therefore the number of parking spaces needed for this requirement is 26. There is 475 square feet of office space in the clubhouse and 1.6 parking spaces will be needed. There is sufficient parking space for all uses contemplated by the applicant.

Planner Cain went on to explain the traffic plan for both the golf cart barn and the clubhouse. The golf cart barn site plan does not indicate traffic circulation patterns indicating direction of traffic, location of entries/exits, etc. because there will not be a need for customer or employee vehicle usage. Ingress and egress will be located at the junction of the current entry/exit with Clubhouse Dr. It will primarily be used by employees who deliver the golf carts to and from the golf cart barn. There is one 24' foot wide driveway in which golf carts will enter and leave the property. As a condition of approval for the amended CUP, a new crosswalk consisting of textured colored concrete across Clubhouse Dr. and a stop sign in the clubhouse parking lot and at the egress point of the new golf cart barn will be required prior to the applicant receiving a Certificate of Occupancy for either building.

The clubhouse site and parking plan identifies traffic circulation patterns that indicate direction of traffic, location of entries/exits and relationships of parking areas to entrances and exits of the buildings. Unlike current traffic circulation in the parking lot today, there will be one way direction for entries and exits from Clubhouse Dr. The width of the driving lanes is 24 feet which will easily accommodate large delivery trucks and emergency vehicles. One way traffic lanes

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should either be painted with arrows and/or one way signs need to be posted. Both options together are acceptable and will encourage operational convenience.

Planner Cain explained the refuse area (trash) are shown on both the golf cart barn and clubhouse site plans. The golf cart site plan does not indicate if the trash area will be enclosed and screened and whether or not a trash container is bear and wildlife resistant; this is required as a condition of approval. The clubhouse refuse area enclosure is 8'x8'. The clubhouse site and parking plan does not indicate the height of the enclosure; it is recommended that the height be sufficient enough to screen a single dumpster. There will be a requirement of the cart barn to have dense foliage or 6 foot wood fencing. All trash containers must be designed to be bear and wildlife resistant in conformance with previous approvals granted to Lakota Canyon Ranch PUD. Since there will be no service deliveries to the golf cart barn, there is no need to identify it on the site plan. All service deliveries will take place in the parking lot of the clubhouse where the loading area is identified on the site plan. There are no known hazardous materials that will need disposal services. The applicant, though, will need to comply with all Colorado Department Health and Environment regulations.

Commissioner Borgard asked if there will be a dumpster at the cart barn and if so will there be enough room for a trash truck to get in and dump the trash.

Mr. Gibson answered there will not be a dumpster at the cart barn. There will be a couple of trash cans that will be used and then carried over to the dumpster at the clubhouse.

Planner Cain explained the applicant has stated there will be no signs on the golf cart barn. There are no signs identified on the clubhouse site and parking plan. However, the applicant will be required to comply with municipal sign code regulations if this changes and signs are installed.

Planner Cain explained the specific location of all outdoor lighting fixtures and lighting patterns is not on the elevations except for one exterior light on the golf cart barn elevation. This light is downcast and is dark sky compliant. According to the applicant, the mounting height of the pendant is at 18'-7" to the bottom of the beam of the new golf cart barn. The actual fixture is 3 foot high including the chain length. The fixture itself is 16 inches wide and 13 inches high. Each fixture has one 150 watt bulb. The applicant has tried to contact the manufacturer for other specific design specifications to no avail. The applicant will be required to submit an outdoor lighting plan indicating lighting is downcast and dark sky compliant at the time of the clubhouse building permit application.

Planner Cain went on to explain it appears the applicant will remove existing fencing and trees and screen the west side of the boundary with deciduous and evergreen trees. Additional deciduous and evergreen trees will be planted on the south and north side of the entrance as well as the northwest corner of the parcel. Previous approvals of Lakota Canyon Ranch PUD Landscape Plans indicated there would be various types of trees and native grasses on the east boundary from the entrance along Clubhouse Dr. to the north boundary of the golf cart barn parcel. The applicant will be required to amend the golf cart barn landscape plan at the time of the golf cart barn building permit application. The amendment will identify

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types of trees and native grasses along Clubhouse Dr. from the entrance to the north boundary. The original landscape plan in 2003 it shows on the west side of clubhouse at the entrance to the cart barn at the north end of the parcel there were supposed to be trees the applicant needs to abide that form of landscaping according to the plan and increase the number of trees as it was presented to planning and zoning and town council in 2003.

Commissioner Borgard stated he wants to make sure the landscape last longer that two to three years.

Mr. Gibson responded they have a lot of houses to sell over many years and it needs to look good and they can't have dying shrubbery. It is very much in their interest to keep things alive, healthy and looking good.

Planner Cain stated an irrigation plan has not been submitted with the application. The applicant will be required to install temporary irrigation for two (2) growing seasons to on any disturbed non-landscaped areas to permit re-vegetation. Also, the applicant shall attempt to use raw water for all landscape and re-vegetation watering if possible.

The landscaping on the clubhouse landscape plan appears to sufficiently screen the adjacent residential lot south of the parking lot and does provide for aesthetically pleasing trees and grasses along Clubhouse Dr. A seasonally adjusted irrigation drip water supply system should be employed by the applicant. The staff is encouraging using raw water for all irrigation area.

Mr. Gibson stated there is currently a raw water line at the ingress point at the cart barn.

Attorney Smith stated the applicant will not be allowed to build on any existing easements unless they get the easement holders permission to build. The applicant will need to shall identify the location of on-site utilities on the drawing submitted at the time of golf cart barn and clubhouse building permit application and ensure that any permanent construction is not placed within a deeded or platted easement or that any construction within the easement has been approved in advance by the holder of the easement. There are no power poles because utilities are underground. Water and sewer line mains are shown on the Golf Cart Barn Site Plan. Service lines for water, sewer, electric, telephone, and cable are identified on the Existing Conditions and As-Built Map. Gas lines are not shown on the site plan. The applicant will be required to request a "locate" at the time of golf cart barn and clubhouse building permit approval. Anticipated utility requirements have not been provided for either the golf cart barn or clubhouse.

Planner Cain stated architectural illustrations providing enough detail to clearly and accurately depict proposed building elevations for purposes of evaluating design compatibility with adjacent and near-by structures and compliance with Lakota Canyon Ranch PUD design guidelines. However, the applicant has provided

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elevations which illustrate architectural depictions. The Lakota Canyon Master HOA Design Review Committee has provided a letter of approval. The golf cart barn will be "metal construction with natural wood siding, colored roof, downcast lighting, etc. to bring the design features in line with the community. The clubhouse will be single story, approximately 6300 square feet in size, and wood frame construction. The interior and exterior will feature natural wood, exposed beams, and real stone all conforming to the Adirondack or Mountain Rustic style of architecture."

Attorney Smith stated there are two big issues that the town's going to be considering moving forward are public improvements that may require bonding and dedication to the town such as water and sewer lines, that the town owns and maintains, the cross walk that will be in the right-of-way. The second is the water and sewer loading for the facilities are not finalized yet. They have paid for some EQR's and should get credit for the tap, but then will need to determine if there is an excise that they will need to be paid for. Typical things like water and sewer tap fees, cash in lieu for water rights dedication will still need to be done and addressed in the conditions of approval.

Attorney Smith explained what the Conditional Use Permit Agreement is. The agreement was approved in 2003 in a resolution that council approved, approving the CUP, then there is a contract between the developer and the town. This is the agreement that needs to get updated and these conditions will be added to the agreement. The draft agreement was not able to be presented to the commission due to some unanswered questions. Council will have the information prior to making a decision or will tell staff that they will need to address it prior to issuing building permits. The technical issues will get worked out.

Planner Cain handed out and e-mail from Aaron Atkinson, which is attached as exhibit C to these minutes.

Planner Cain explained Mr. Atkinson is the Principal at CVR Investors, and has property that adjoins property lines with Lakota Canyon Ranch.

Commissioner Borgard asked on the west side if there was a 20 foot off of the property line plus a rock wall.

Mr. Gibson stated there is and will adjust to meet the setback requirement and as it is drawn there is about 11 feet and will follow the guidelines by submission of building permit. There is rock retaining on the north side of 4 or 5 feet.

The cart barn is has very low profiling has 8 feet side walls 4 12 pitch, so about the middle will be a little over 17 feet tall.

Engineer Simonson summarized his report by stating most of his report was addressing some of the issues that needed to be dealt with in the construction drawings. Ample time for review and collaboration with the applicant's engineer and architect will be anticipated accordingly. These drawings will need to be prepared

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by a Colorado Registered Professional Engineer in collaboration with the Town's Public Works manual, town staff and town consultants. Any public improvement instructing the cross walk, site drainage and grading and site lighting.

Utility plans reflecting utility relocations and phasing to accommodate the clubhouse, temporary clubhouse and cart barn. Phasing will need to consider proper direction to the contractor to coordinate any ties (or abandonment) to water or sewer lines with the Public Works Department including construction details and timing of such. These plans to reflect locations of water, sewer, gas, electric, phone, cable and irrigation as applicable. Concern as to existing and future conflicts with each will need to be identified and resolved.

The site plan will need to address the phasing of the temporary clubhouse with the construction of the permanent clubhouse (identifying stockpile areas, works zones, parking, etc…) along with reclamation of the area of the temporary clubhouse once the permanent clubhouse is complete.

Identify any need to tie costs associated with ties to public improvements. (i.e., water lines, sewer lines, drainage features, etc..)

The construction drawings will need to also demonstrate the heights of the buildings being in compliance with the municipal code and corresponding zoning.

The Construction drawings will need to address storm water management and identify Best Management Practices to be employed during construction. No mud or debris will be allowed on Clubhouse Drive. A tracking pad or wash down area will be required on sire to mitigate tracing mud and debris onto Clubhouse Drive. Any mud or debris that errantly gets tracked onto Clubhouse Drive. will need to be removed from the roadway daily.

If water and sewer are necessary, a tap for each will need to be purchased after collaboration with the building official as to the proper EQR rating for the service needed. If cart washing is to be performed, then a properly sized sand/oil trap will be necessary prior discharging to the sewer.

For the clubhouse, collaboration with the building official on the EQR rating for the permanent clubhouse will need to ensure and purchase of any additional taps (over what has already been purchased for the current temporary clubhouse) will need to occur prior to construction.

Also, for the clubhouse plumbing, given the restaurant use, the plumbing will need to consider the need to have a grease trap installed on the sewer line prior to discharge into the town's sewage collection system.

For the earthwork on both sites (clubhouse and cart barn), a calculation of the cut/fill volumes needs to be made and an estimate of impact to Clubhouse Drive (and other affected town infrastructure) provided if significant truck trips are

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anticipated to occur as a result of “balancing” the site (i.e., hauling significant quantities of waste material out or fill material in). Any required mitigation of the impacts needs to be identified and incorporated into the planning for the project. Pre-project and post-project photos and evaluations of the existing public improvements will be necessary to identify if the construction results in any damage to public improvements. If damage does occur, the applicant will be required to make repairs in accordance to the Public Works Manual. If any damage occurs that compromises the safety of the public then repair of such shall occur within 48-hours of damage occurring of having been identified.

Drawings need to be referred to the Colorado River Fire Protection District for review and comment. Their concerns should be addressed accordingly.

Planner Cain explained Colorado River Fire Protection District will be involved with a lot of the construction for example the gas area that is contemplated, there will need to be a containment facility and the fire department will make it is up to fire code. They will look at the plans for the golf cart barn, they will determine whether or not require a sprinkler system.

Commissioner Taylor asked if any maintenance on the carts will be done in the cart barn.

Mr. Gibson answered no the maintenance will take place at the maintenance shop on Silverado Trail.

Steve Craven – stated he owns a couple parcels in Castle Valley Ranch which is contiguous to Lakota Canyon cart barn.

Mr. Craven has concerns about the view from Castle Valley Ranch up to the ridge way in Lakota Canyon Ranch. Would like to see the cart barn properly screened.

Mr. Gibson stated there are trees and shrubbery that are already there and will stay if alive, then will put more in.

Mr. Craven asked where the top of slope compared to the property line.

Mr. Gibson answered a 55 foot wide and 100 foot long building 27 ½ foot will be half way through it and 20 feet from the property line.

Mr. Craven stated the other concern is the trash and gas fill area those are at the back of the building at ridge line and will be seen from down below. Would like to see it also screened and landscaped. So, you are looking up at something green and not trash cans and gas pump area.

Mr. Gibson stated not so much because that is the area of some retaining. There will be no trash cans just storage.

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Commissioner Breslin asked if there would be any use of the cart barn in the winter time due to the snow and ice.

Mr. Gibson answered no.

Mr. Craven asked about the lighting fixtures on the cart barn and will be seen from Castle Valley Ranch. If there was any way to make sure it is covered up and down cast enough not to be seen from down below.

Mr. Gibson stated that light is used mainly for security and only used during business hours 7:00am – 7:00pm or 8:00pm. When it's dark it will not be on.

Chair Apostolik closed the public hearing at 7:47pm.

Commissioner Slack asked if the new temporary clubhouse will be another modular.

Mr. Gibson stated yes, just a smaller single wide enough that can be operated out of.

Chair Apostolik asked if 12 months and a 60 day extension would be enough.

Mr. Gibson responded yes. He asked when the time starts.

Attorney Smith stated when the temporary clubhouse is placed and let Planner Cain know when the clubhouse has been set.

Motion: Commissioner Breslin made a motion to approve PZ Resolution 2013-6 A Resolution of the New Castle Planning Commission Recommending Approval of Amendments to the Conditional Use Agreement for Lakota Canyon Golf Club. Commissioner Slack seconded the motion and passed on roll call vote: Breslin yes, Riddile yes, Apostolik yes, Slack yes, Taylor yes, Borgard yes, no votes none.

Items for next Planning and Zoning Agenda

Meeting canceled

Commission Comments and Reports

None reported

Staff Reports

Planner Cain reported the town has applied for a FMLD grant to fund a community sport park across from Lakota Canyon Ranch Recreation Center will find out in October if the town received the grant. Also a small $25,000 grant for the planning and surveying of the LOVA trail connection between the east end of New Castle and Canyon Creek.

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Review Minutes from Previous Meeting

Motion: Commissioner Borgard made a motion to approve the minutes from August 14, 2013 as submitted. Commissioner Breslin seconded the motion and it passed unanimously.

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

The meeting adjourned at 8:00p.m.

Respectfully Submitted,

_____
Planning and Zoning Commission Chair
Chuck Apostolik

_____
Deputy Town Clerk Mindy Andis

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Memorandum

To: **Planning and Zoning Commission**

From: **Tom Baker and Tim Cain**

Date: **December 11, 2013**

Re: **Amendment to Comprehensive Plan for Parkland Development**

Purpose: The purpose of this Public Hearing is to begin the process to amend the New Castle Comprehensive Plan with a specific policy regarding the development of parkland as part of the annexation of new lands into New Castle.

Discussion: As the P&Z is aware, over the past several months, both the P&Z and Town Council have been working to improve the Town's ability to maximize development/developer resources regarding parkland and parkland development. P&Z and Council recently amended the land use code to allow the Town more flexibility when determining how and where to use required parkland resources from new development.

Concurrent with the adoption of the recent amendment to the Parkland Dedication portion of the code, Council has directed staff to undertake the following:

1. Develop a more appropriate Recreation Impact Fee. The current fee is $500 and provides only modest assistance for the development of parks. Council has asked staff to research the cost of park development and report to Council to allow Council an opportunity to adjust this fee and still honor the concept of "rational nexus" to ensure fair treatment to the development community.

2. Review the current Cash Payment In Lieu of Parkland Dedication. The current amount is $120,000 per acre. Staff will review recent appraisals and develop a recommendation for an adjustment, if appropriate.

3. Amend the Comprehensive Plan to clarify that future annexations will be required to provide a minimum of 10% of the development as parkland and that the developer will be required to develop that parkland.

Council has the authority to address items 1 and 2. Item 3 requires both P&Z and Council to work together.

Amendment to Comprehensive Plan:

Substantial Comprehensive Plan Amendments require staff to submit written recommendations to the Planning and Zoning Commission. The Planning and Zoning 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. These items are:

1) The plan section (cited below as Policy POST 2 - G) or sections subject to amendment are erroneous or have been found to be out of date.
   Comment: Staff opinion is that the change to add a new Policy referred to as Policy POST – 2G is not erroneous. It does, in fact, update the previous Comprehensive Plan vision, goals, and policies to reflect the most recent recommendations of Town Council.
2) The proposed amendment will not adversely affect utility planning, transportation, delivery of services, or other major functions of the Town
   Comment: Policy POST – 2G does not effect any of the above major functions in Town. In fact, future development of parklands will be much more progressive, organized along with a real-time table to accomplish the goals of Policy POST – 2G.
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.
   Comment: The proposed amendment does not provide individual benefits to any one individual and only benefit the community as a whole.
4) A proposed change is compatible with existing uses, the plan, vision, goals and policies.
   Comment: Policy POST – 2-G is actually improves upon previous development of parklands existing uses, plans, visions, goals and policies. It makes it much clearer for both the Town and developer as to what to expect during the entitlement process.
5) The amendment is based upon a considerable change in the land use character of an area that warrants modification.
   Comment: This policy will help streamline the approach taken by the Town and previous developers when deciding the most logical and cost-efficient method when deciding upon the appropriate location of parks.
6) The modification does not conflict with or inhibit logical cost-effective annexation.
   Comment: Once again this policy will illuminate not convolute the entitlement process of annexation as to the Town's expectation of Parkland development.
7) The plan amendment is consistent with logical extension of services, utilities, roadways, parks/open space and other essential municipal functions.
   Comment: The amendment would not apply to areas where the Town feasibly cannot proceed or approve of parkland development unless it is in compliance with the above criteria.
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.
   Comment: The Town will not compromise the development of parks if it infringes upon factors stated above.

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.
Comment: There are no previous section(s) that will conflict with new Policy POST – 2-G
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.
Comment: Conversely, the proposed new policy will substantially improves the Town's position when negotiating entitlements for future developments that incorporate parks as a community asset.
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.
Comment: Policy POST – 2-G adds to the vision, goals and policies of the Comprehensive plan by assuring that development pays for its fair share of future impacts generated by the building of new parks.

Staff has reviewed the Comprehensive Plan and finds that the most appropriate approach is to amend the chapter entitled "Guiding Principles, Goals and Policies" section 6 "Parks, Open Space and Trails" to include a policy regarding parkland dedication and parkland development. The new policy can read as follows:

Policy POST - 2G

Developers seeking to annex or construct within the Town of New Castle are required by the municipal code to provide a minimum of 10% of the development as parkland. Developers will be required to fully develop this parkland in accordance with community needs, as described through the public hearing process at the time of annexation or development. Parkland development will be completed in no more than three roughly equal phases, the last phase which will be dedicated to the Town no later than the issuance of building permits on 51% of the lots platted for residential and commercial sales.

Request: P&Z has the following options:

(1) approve the language as presented;

(2) approve different language; or

(3) deny the policy change request.

P&Z is the final decisionmaker for any change to the Comprehensive Plan, but the Comprehensive Plan does require that any changes be forwarded to Council for their

review and input. Once Council has reviewed the P&Z proposed amendment Council can:

1) Agree with the policy as set by the P&Z.
2) Change or reject part or all of the text of the policy and refer back to P&Z for reconsideration. P&Z should hear this request for reconsideration, but it is not bound by the Council's direction and ultimately makes the final decision.

TOWN OF NEW CASTLE, COLORADO
RESOLUTION NO. PZ 2013-7

A RESOLUTION OF THE NEW CASTLE PLANNING AND ZONING COMMISSION ADOPTING AN AMENDMENT TO THE COMPREHENSIVE MASTER PLAN FOR THE TOWN OF NEW CASTLE

WHEREAS, the Town is required by C.R.S. § 31-23-206 to make and adopt a master plan for the physical development of the municipality, including any areas outside of it boundaries; and

WHEREAS, by statute and the Town Code, the Planning and Zoning Commission is tasked with making and adopting the plan; and

WHEREAS, on June 10, 2009 the Commission adopted the current plan; and

WHEREAS, since that time there have been some policy and code changes concerning the dedication and construction of public parks; and

WHEREAS, the Town Council has requested that the Planning Commission consider certain policy changes to the Comprehensive Plan to capture the recent policy and code changes regarding parkland dedication and construction; and

WHEREAS, the Planning Commission is empowered to consider "substantial amendments" annually; and

WHEREAS, the Planning Commission has not considered any amendments to the Comprehensive Plan since 2009; and

WHEREAS, the Commission held a public hearing on the proposed changes on December 11, 2013; and

WHEREAS, the Commission desires to adopt the proposed amendment to the Town Comprehensive Plan as set forth herein.

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING AND ZONING COMMISSION OF THE TOWN OF NEW CASTLE, COLORADO:

1. Recitals. The foregoing recitals are incorporated by reference as findings and determinations of the Planning and Zoning Commission.

2. Findings. The Planning Commission hereby finds as follows:

a. The plan section subject to amendment is found to be out of date;
b. The proposed amendment will not adversely affect utility planning transportation, delivery of services, or other major functions of the Town;
c. The 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;
d. The proposed change is compatible with existing uses, the plan vision, goals and policies;
e. The amendment is based upon a considerable change in the land use character and policies of the area that warrants modification;
f. The amendment does not conflict with or inhibit logical cost-effective annexations;
g. The amendment is consistent with logical extension of services, utilities, roadways, parks/open space and other essential municipal functions;
h. The amendment does not adversely affect sensitive environmental areas, air or water quality, or result in increased risk to public health, safety or welfare;
i. 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;
j. 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 interests of the community.

2. Amendment. The 2009 New Castle Comprehensive Plan is hereby amended to include the following policy in Section 6, Parks, Open Space & Trails, at page 61:

POST - 2G: Developers seeking to annex or construct within the Town of New Castle are required by the municipal code to provide a minimum of 10% of the development as parkland. Developers will be required to fully develop this parkland in accordance with community needs, as described through the public hearing process at the time of annexation or development. Parkland development will be completed in no more than three roughly equal phases, the last phase which will be dedicated to the Town no later than the issuance of building permits on 51% of the lots platted for residential and commercial sales.

SO RESOLVED this 11th day of December, 2013, by a vote of __ to __.

TOWN OF NEW CASTLE
PLANNING & ZONING
COMMISSION

_____
Chuck Apostolic, Chairman

ATTEST:

_____
Town Clerk/Deputy Town Clerk