

**New Castle, Colorado
Planning and Zoning Commission
Wednesday, May 28, 2025, 7:00 PM**

Call to Order

Commission Chair Apostolik called the meeting to order at 7:06 p.m.

Roll Call

Present Chair Apostolik
 Commissioner Sass
 Commissioner McDonald
 Commissioner Graham Riddile
 Commissioner Parks
 Commissioner Cotey
 Commissioner Westerlind
 Commission Alternate Rittner(?)

Also present at the meeting was Town Administrator David Reynolds, Town Planner Paul Smith, Assistant to the Town Planner Remi Bordelon, Town Engineer Jeff Simonson, Assistant Town Attorney Haley Carmer, Deputy Town Clerk Samantha Sorensen, and members of the public.

Meeting Notice

Assistant Bordelon verified that her office gave notice of the meeting in accordance with Resolution TC 2025-1.

Conflicts of Interest

There were no conflicts of interest.

Citizen Comments on Items NOT on the Agenda

There were no citizen comments.

Public Hearing

Consider Resolution PZ 2025-2, A Resolution of the New Castle Planning and Zoning Commission Recommending Conditional Approval of a Final Subdivision Preliminary/Final PUD Development Plan Application for Riverside Park Lot 1

Chair Apostolik opened the public hearing at 7:07 p.m.

Town Planner Smith introduced the Coal Seam Development, located at the I-70 interchange on the South side of the Colorado River just to the west of Riverpark condos. The proposal is for a mixed-use development including a hotel, restaurant, some residential and retail space.

Tom Stevens introduced himself, Abdi Pirzadeh, Caet May, and Lauren Prinz(?) as locals, property owners, and long-time community members. He explained that as a

result it makes them look at things differently, they're not an out-of-town developer looking to make a quick buck.

Planner Smith reminded the commission that Coal Seam had previously presented in 2023 hoping to expedite the process. He mentioned that the lot is unique in that it has (?) underlying the property. He mentioned the lot is undeveloped and there is stipulation in the code that requires both a preliminary and final application, like all other PUDs. In this case Coal Seam was permitted to present a combined preliminary and final application with the understanding that if the commission determined it was not yet ready the proposal would be stepped down to only a preliminary application and they would still need to go through a final hearing with P&Z later.

Planner Smith reviewed his staff report (Exhibit A) and shared the site plan (Exhibit B). The proposed project is commercial based, on property considered to be a prime location for this type of development. He explained there are only a handful of permitted uses allowed per the municipal code, with many other conditional uses. The hope is to tease out during the discussion a list of other uses that will become permitted uses through the PUD process. If the commission does not permit some of the uses through the application, a conditional use process would be required for every new business looking to occupy one of the spaces.

Planner Smith said the development includes residential units which achieve the desired balance between commercial and residential. The residential units will be intended for workers on the property, giving them first right of refusal.

Planner Smith discussed river access and trail access. He pointed out the LoVa trail to the South just off County Road 335, there will be an improved trail along the riverbank. Another hope is for boating access or tethers along the bank, the idea being during low flow boaters could tie off and use the restaurant or businesses. Commissioner Cotey asked if it would connect all the way to the park. Planner Smith said they have not discussed connecting it to the park but currently there is an undeveloped single-track trail. He said it is something that could possibly be coordinated with the Riverpark property.

Planner Smith pointed out there is substantial EV parking, as required by the State. He also pointed out the reserved parking for workforce housing. He further explained the possibility of affordable housing covenant for others outside the development if after the first right of refusal units are still available. They hadn't talked about it at length but there were ideas about who those might be available to, unsure whether or not they would be low cost.

Planner Smith said they had conducted a raw fiscal impact study of the property. Over the 13 years of operation, once fully operational, it looks like just over 4 million in net coming to the town. There is not a lot of expense since there's not going to be much public improvement, used standard numbers out of general fund expenditures. They are primarily looking at use tax, tap fee, lodging tax, sales tax, and property taxes.

Planner Smith discussed zoning and density requirements, along with the previously mentioned uses by right. He asked the commission to consider approval of appropriate

conditional uses, reducing the need for individual businesses looking to occupy a space to first request a conditional use permit. Commissioner Cotey asked if this would be site specific or for zoned use throughout the community, Planner Smith responded it would be site specific. Property setbacks were discussed next, Planner Smith pointed out the lot will be subdivided, and they will be seeking a variance for reduced setbacks on the new dividing property line on the East border. Regarding building height, Planner Smith shared that they looked at the building height of condos to the East to come up with roughly the same elevation, roughly 42 to 50 feet. Commissioner McDonald asked what the heights of the River Park Condos are, Planner Smith said he didn't have them specifically, but they were roughly in the 40-foot range. He concluded there is no building height variance, just a decision as to whether it's considered reasonable.

Planner Smith reviewed compatibility with neighboring land uses. He pointed out this development is one of the gateways to town and provides a first impression of the community, therefore it's important what it looks like and how it functions. The project has been designed to match the topography and features of the surroundings, with a nod to the Town's mining history.

Planner Smith touched on availability of town services from public works. Water and sewer are not an issue. The fire department commented on a couple things. One condition requested was to retain the emergency access easement on the Southeast side of the property. (Exhibit B) Commissioner Cotey asked if access would require a shift in the building or if it would fall within the setback. Planner Smith confirmed access would be within the setback, he elaborated on the fact access has been added to the survey but still needs to be adjusted on the plat. He also mentioned the need to establish management of emergency access maintenance. The access road is a River Park Condo egress, Planner Smith mentioned the HOA and either getting them to provide provisions or agreeing to maintain access. Commissioner McDonald inquired about the current condition of the egress and whether an ambulance could navigate the access road. Planner Smith shared that the surface is dirt and could be difficult for some vehicles but felt an ambulance could use the road. He went on to say there is a gate in disrepair, which the fire marshal recommended removing.

Planner Smith introduced Town Engineer Jeff Simonson and mentioned that he has identified several items he would like to see addressed. Engineer Simonson reminded the commission that they were looking at this as a combined preliminary/final PUD. The traffic study conducted did exceed the 20% threshold for needing a state access permit. He felt the traffic engineer was being conservative with the proposed traffic numbers, as they stand currently an auxiliary left-hand turn lane off County Road 335 into the project would be required. Engineer Simonson would like the traffic engineer to study that a little bit more and confirm with updated information whether the turn lane is necessary. He also mentioned the need for a site distance analysis with Bruce Road and the interchange; Bruce Road being called the 335 interchange. He brought up the need for a finalized design for the shared sewage lift station. He would also like to see finalized construction details such as storm drain piping, updated drawings that accurately account for the paved trail to ensure that their improvements do not conflict with the trail. (Exhibit C) There is also a question about the design of the rockfall berm and how the roadside drainage might affect the trail and the roadway. Commissioner

Graham Riddle asked if the berm could have the potential to create a launching pad, Mr. Pirzadeh shared that CTL Thompson explained the rocks have a deceleration zone and there is enough of a runout before the property line that this was considered a feasible solution. Engineer Simonson explained that these were the main concerns they'd like to see addressed prior to proceeding with the council. Mr. Pirzadeh voiced their desire for conditional approval, pending all outstanding items are resolved with staff prior to proceeding with the council. Commissioner Cotey then asked for clarification and confirmed that the applicants do not plan to put curb and gutter along County Road 335 and that ADA was one of the issues being considered.

Planner Smith shared that he had talked at length with the Coal Seam team about parking. (Exhibit B) He summarized what the code requires for this type of development and described how they want it to function. Per code the required number of off-street parking spaces is 145, the site plan accounts for 115 spaces. Commissioner Cotey asked for clarification regarding the total square footage of retail space. Mrs. May explained they are using a range of square footages because they have not coordinated structural elements yet and the total might change. Commissioner Cotey noted that to properly account for adequate parking, they would need to know the total square footage of retail space. Commissioner McDonald noted the 65% occupancy with relation to calculated parking, Mr. Stevens explained that the calculated parking is based off the total room count assuming 100% occupancy.

Planner Smith recapped with the commission shared parking. In this particular case they don't seem to have as many uses with offsetting arrangements. He explained there will likely be more competition for parking in the evening, in the staff's opinion it could be fine if there were some contingency or alternative to park elsewhere. Commissioner Graham Riddle pointed out that this development is a very auto centric use, to which Commissioner Cotey agreed. Planner Smith pointed out Grand River Park and that parking is prohibited at night; the Police Department doesn't see the park as an option. He also approached City Market, but they already have an issue with people poaching that parking lot. The development has a snow storage area that could accommodate some additional parking, but staff ultimately recommended against it due to several factors. Planner Smith explained that staff would like to see a solution that gives everyone confidence that this is going to work. Commissioner Graham Riddle pointed out that this proposal does not include a full analysis of uses, he agreed there is room for shared parking but maybe not 20%. Commissioner Parks asked if a parking garage had been considered, but it had not mainly due to expense. Commissioner McDonald stated that based on calculations the development is 30 spaces short. Commissioner Cotey voiced that she would hate parking to make or break the proposal, but more analysis might be helpful, her concern is that people will start parking on County Road 335.

Planner Smith pointed out there is no required open space in this area. They may extend or improve the path along the river. He briefly touched on natural character, contours, and viewsheds which he felt they had done a good job at trying to make sure it blends into the hillside. A discussion was had regarding signage, and a need for the public to be notified of dangers during high water.

Planner Smith talked through the list of staff recommendations. Commissioner Sass inquired as to whether Orrin Moon's concerns had been addressed. Planner Smith thought that some of them had been addressed but others were still on the radar, including a formalized maintenance plan for the egress.

Mr. Stevens pointed out that the Best Western franchise, specifically their Signature Series, allows for a building design that looks like it belongs in New Castle. He feels the architectural style and the material on the building is a modern interpretation of a very old architectural style. It was also important to them that the hotel has access to the river and avoid the typical placement of a building in the middle of a parking lot. He added that the proposed grades are nearly identical to the original grades, as a result in some places they've needed to extend the foundation wall to maintain the topography.

Mr. Stevens returned to the topic of parking and touched briefly on the reality of shared spaces. He pointed out that the hotel reservations will give them advance notice of when they are approaching capacity. They are looking at the possibility of valet and parking at a remote location, which may be a potential solution. They will also look at the possibility of extending parking into snow storage. Mr. Stevens explained that the solution may be a combination, but ultimately, they may need to buy off on some plan that doesn't include 145 spaces. Chair Apostolik asked what the intention was for people driving trailers. Mr. Stevens said that the only thing they could do is valet park trailers off site. Chair Apostolik asked how they would handle trailers for the mixed-use portion and if there would be a management group shared between them and the hotel, Mr. Stevens noted that they would manage the entire property. Mr. Stevens also pointed out that for parking to become a problem the hotel would need to exceed the 60-65% target, all the residents would need to be home, plus the restaurant and retail would need to be at capacity. He reiterated that he doesn't feel the best plan for this project is going to be 145 cars, maybe instead it would include valet parking.

Mr. Pirzadeh stated that if they were given conditional approval, they would get the parking resolved by the time it goes in front of the council. Planner Smith said that staff would like to see some of the solutions brought to Planning and Zoning. Commissioner Graham Riddle shared his support for the concept but didn't feel he was ready to send it to the council, referencing several loose ends he was concerned about. Commissioner Parks felt the proposal was a good preliminary but certainly wasn't final. Attorney Carmer reminded the commission they were not deliberating yet; they may have more presentation and public comments.

Mr. Stevens mentioned the marketplace value of the residential units, explaining that their priority is the employees of the project and their second priority would be to house employees here in New Castle. He feels it will be easy for them to target a rent rate that works both for them and employees. He ended with a request for the commission to table the application, so they can return as soon as possible with the additional information. Commissioner McDonald pointed out that the staff recommendations were clear.

Chair Apostolik asked the public if they had any comments or questions. Pam Whittington introduced herself. She described the access road as being well packed and wide enough for an ambulance or fire truck, it is steep at the top but not bad. She mentioned snow removal and the idea of using a dump truck, to eliminate the need for snow storage. She shared she was at the meeting in 2024, she is concerned and can't see putting in a hotel and condos without providing enough parking, however she does like the idea of valet parking on the leveled off lot across the street.

Chair Apostolik asked if there were any additional public comments, including from attendees online, of which there were none. Chair Apostolik closed the public hearing at 8:23 p.m.

The commission discussed various aspects of the proposal, including:

- Parking requirements: the commission discussed a reduction in parking more in line with 10-15% rather than 20% but needs to be presented as a larger strategy. The accommodation of oversized vehicles also needs to be addressed. The commission liked the idea of dedicated parking on the five acres across County Road 335.
- Parks: the commission noted a desire to see the path extended to the park. A trail agreement with River Park HOA may be necessary. The addition of a dog station and dog use area to accommodate people traveling with their pets.
- Snow Storage: the commission had questions regarding the removal of snow if snow storage is converted to parking. Mr. Stevens explained they plan to retain the snow storage area.
- Engineering: the commission encouraged the resolution of incomplete recommendations.
- Traffic Analysis: the commission voiced concern about the possible traffic impacts. Mr. Pirzadeh pointed out that their traffic engineer is working on a response.
- Architectural and Landscaping: Commissioner Westerlind noted that the rooftop design is unlike anything else in town, pointed out the necessity to keep in mind the historical aspect. Also, he recommended an agreement regarding the timeline for landscaping if the plan is phased completion.
- Signage: Commissioner Cotey asked for clarification regarding signage and what the sign code allows for. Planner Smith explained that they plan to repurpose the Phillips 66 sign which does meet code. The applicant will work with staff on making sure additional signage also meets code.

Commissioner McDonald encouraged the completion of staff recommendations, and explained they do not want to send anything to council with a lot of conditions. It's the goal of the commission to send items to the council that are ready for approval.

Chair Apostolik inquired as to how they can allow the applicants to present the additional information requested without starting the process over. It was made clear that although the commission supports the development, they are not yet ready to send it to the council. A discussion was held regarding possible continuation plus the time needed for the applicant and staff to complete requested information.

MOTION: Chair Apostolik made a motion to continue to July 23rd Resolution PZ 2025-2, A Resolution of the New Castle Planning and Zoning Commission Recommending Conditional Approval of a Final Subdivision Preliminary/Final PUD Development Plan Application for Riverside Park Lot 1, along with a public hearing and reopening public comment. Commissioner Westerlind seconded the motion and it passed with a voice vote: Commissioner Parks: Yes; Commissioner Sass: Yes; Commissioner McDonald: Yes; Commissioner Cotey: Yes; Chair Apostolik: Yes; Commissioner Graham Riddle: Yes; Commissioner Westerlind: Yes.

Comments/Reports

Items for Next Planning and Zoning Agenda

Planner Smith said they do not have any items for the next meeting. Commissioner Westerlind asked to have a green roof proposal added to the next agenda. He explained it would entail growing roof tops that would replace or go over roof media, he would like to give a presentation advocating for green roofs. Commissioner Cotey invited Commissioner Westerlind to present to her company, as did Commission Alternate Rittner. Chair Apostolik made it clear he would only be interested in a synopsis if placed on the agenda, he's not interested in using the commission to go through a full detail program. He explained he would be open to details once Commissioner Westerlind has worked with staff on coding. Commissioner Cotey echoed Chair Apostolik and would like to see how green roofs would line up with policy.

Commission Comments and Reports

Commissioner Parks reported they are actively pursuing the dedication of the historic site of the cemetery; a preliminary draft is in front of the Historic Preservation Commission currently. They are hoping to bring it to the council in July or August. A discussion was held regarding historic designation of buildings and the types of permits required to perform the work. Despite the best effort of the Historic Preservation Commission downtown New Castle does not have a historic designation, instead individual properties do. Commissioner Parks shared that Down Valley Brewing is actively pursuing a historic designation through the commission.

Staff Reports

Planner Smith shared that R2 passed the finish line, thanks to Attorney Carmer. R2 is postponing for another year, however, due to construction costs. He added that TC Midwest got through sketch plan, the community meeting, and received great feedback so they are moving to preliminary. Commissioner Cotey asked for clarification regarding the timeline for site plan submissions prior to a meeting. Attorney Carmer explained that an applicant can present anything up to the day of the hearing, but they do that at their peril of being continued since it doesn't give any time for the commission to look at it.

Planner Smith updated the commission on the Walters Center above the Maverick. They are seeking a PUD amendment which was moving forward quickly, but they were a little unprepared for the amount of work needed so they plan to bring a sketch plan before the commission for some feedback before they proceed.

Chair Apostolik asked for an update on the Atkinson property. Planner Smith shared that it was purchased by TC Midwest.

Planner Smith thanked the commission for their willingness to see the applications through and take them further prior to sending to council.

Review Minutes from Previous Meetings

MOTION: Chair Apostolik made a motion to approve the April 9, 2025 meeting minutes. Commissioner McDonald seconded the motion and it passed unanimously.

MOTION: Chair Apostolik made a motion to adjourn the meeting. Commissioner Westerlind seconded the motion and it passed unanimously.

The meeting adjourned at 8:56 p.m.

Respectfully Submitted,

Chuck Apostolik, Commission Chair

Samantha Sorensen, Deputy Town Clerk

Exhibits

Exhibit A – Staff Report for Coal Seam Preliminary/Final PUD, Lot Split, and Variance
Application Resolution PZ 2025-02
Exhibit B – Coal Seam Site Plan A0.04
Exhibit C – Rockfall Mitigation Berm

Exhibit A



Town of New Castle

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Planning & Code Administration Department

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Staff Report

**Coal Seam
Preliminary/Final PUD, Lot Split, and Variance Application
Resolution PZ 2025-02
Planning & Zoning Commission (P&Z) – May 28th, 2025**

Report Compiled: 5/22/2025

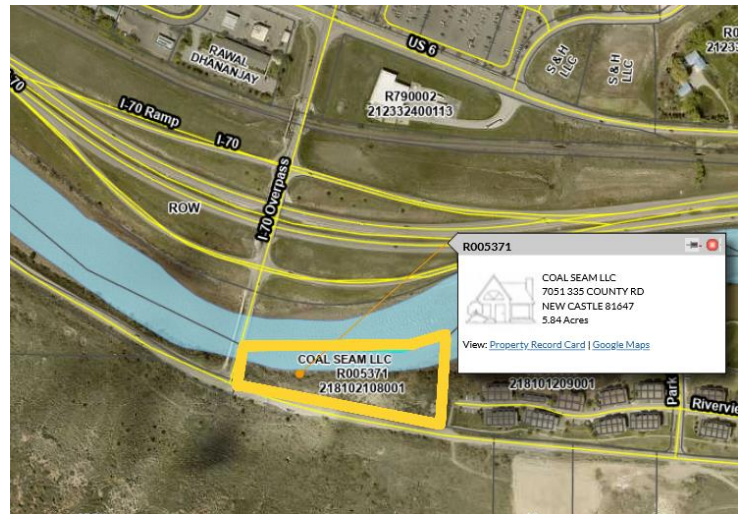
Project Information

Name of Applicant:	Coal Seam, LLC
Phone/Email:	970-618-3555/abdi@aspenbuilt.net
Property Owner:	Coal Seam, LLC
Property Address	7051 CR 335
Proposed Use:	71 room Best Western Signature Hotel, Restaurant/Brew Pub, 11 employee residences, retail/commercial spaces;
Allowed Zoning:	Highway Business/PUD per Ordinance 99-5
Proposed Zoning:	Mixed Use PUD
Surrounding Zoning:	Industrial Garfield County, Rural Low Density Residential, River Park Condos

Planning & Zoning Commission
Wednesday, May 28, 2025

I Introductory Summary

Coal Seam, LLC is a local developer proposing a hotel, restaurant, and live/work concept east of the I-70 interchange, south of the Colorado River. The endeavor offers several community amenities with economic benefits in a central location in the Colorado River Valley. The site contemplates a 71 unit Best Western “Signature” hotel, a model which allows franchisees the chance to curate design features to better suit the locale. The hotel will sit adjacent to a restaurant/brew pub that can be accessed by river floats. The restaurant is surrounded by live/work units that will help offset workforce housing needs while supporting New Castle’s commercial base.



The property was originally annexed in 1999 as Lot 1 of a three zone district PUD including the current River Park condominiums and Grand River Park. The ordinance approving the initial zoning for Lot 1 upon annexation (Ordinance #99-05) provides that all provisions of the Town’s Highway Business zone district apply to Lot 1, subject to the additional provisions and design standards included in the Ordinance. Ordinance #99-5 also indicates that development on Lot 1 is subject to both the preliminary and final PUD Plan application processes. To expediate this process, the Applicant requested these two distinct applications be combined pursuant to Section 17.100.050 (A). On September 27, 2023, The Planning Commission (P&Z) voted unanimously to combine the application steps with the condition that the preliminary and final application steps be considered separately if P&Z finds the combined application to be insufficient for final approval.

The combined application packet was deemed complete on April 11th, 2025. Unless the commissioners deem otherwise, the review will proceed with tonight’s public hearing before P&Z who shall make one of three recommendations to Town Council: 1) approve the application unconditionally; 2) approve the application with conditions; Or 3) deny the application. A Final PUD application assesses zoning conformance, compliance with Public Works requirements, the suitability of utilities and infrastructure, compatibility with the comprehensive plan, and address any adverse impacts to the town. By final approval, all civil drawings should attain construction level readiness. Within thirty (30) days after the close of the public hearing, or within such time as is mutually agreed by the P&Z and the Applicant, the commission's decision will be made by written resolution. A continuance may be granted pursuant to Section 16.08.040(G).

Within sixty (60) days from the date of the P&Z’s written recommendation on the application, or within such time as is mutually agreed by the Town Council and the Applicant, the Town Council shall approve the application, with or without conditions, or deny the application. Town Council’s decision will be made by ordinance which shall be introduced twice at a Town Council meeting and, if approved, shall take effect 14 days after final publication pursuant to Article IV of the New Castle municipal code.

II Staff Review:

Planning & Zoning Commission
Wednesday, May 28, 2025

Throughout the application process, application documents will be reviewed pursuant to the criteria outlined in the Municipal Code (MC) for planned unit developments (PUDs) and subdivisions. At the final plan stage, an application shall show conformity to the following criteria (MC 17.100.050(H)):

1. Consistency with the comprehensive plan;
2. Compliance with zoning and density requirements;
3. Compatibility to neighboring land uses;
4. Availability of town services from public works (including water and sewer services), fire, and police;
5. Adequacy of off-street parking and vehicle, bicycle, and pedestrian circulation;
6. The extent to which any required open space or parks are designed for active or passive use by residents of the subdivision or the public; and
7. Development is consistent with the natural character, contours, and viewsheds of the land.

1) Is the proposal consistent with the comprehensive plan?

Applicants are expected to demonstrate substantial conformity with the CP in all applications (**Policy CG-1B**). The checklist below, though not exhaustive, provides a tool for reviewers to assess conformance with the CP:

- ☐ Foster distinctive, attractive communities with a strong sense of place and quality of life.
- ☐ Demonstrate that individual project fits into a fully-balanced community land use structure.
- ☐ Ensure a mix of uses that complement the existing New Castle land-use patterns.
- ☐ Create walkable communities with non-vehicular interconnection between use areas.
- ☐ Guarantee a balance of housing types that support a range of affordability.
- ☐ Preserve open space, farmland, natural beauty, critical environmental areas, and wildlife habitat.
- ☐ Encourage economic development and supporting hard & soft infrastructure.
- ☐ Concentrate development in ways which provide efficient and cost-effective services.

Coal Seam aspires to fulfill many of the values and goals listed above:

1. The project provides a much in demand commercial base with hotel, retail/office, and dining space in a highly visible location off of Interstate 70 (**Goal E-; Policy E-1E**). At the moment, retail occupants are currently unknown. Because of the limited number of permitted uses, it will be important for the Applicant and Commissioners come to a consensus on future uses so that fewer businesses will be subject to conditional use permit procedures.
2. The proposal provides residential units for its commercial tenants solving for the residential/commercial imbalance (**New Castle Community Vision, CP, page 8; Also Goal CG-4**).
3. A river trail with potential boater access provides a unique river experience (**Goal RT-1**) which helps preserve natural habitat (**POST-4A**). The proposal also preserves the LoVa trail access along CR 335 (**Policy POST-3F**).

4. Building aesthetics will blend with the local topography, landscape colors, and historical mining structures to temper viewshed impacts (**Goal EN-6**).
5. EV charging will be available per state requirements and a nod towards sustainability (**Goal EN-7**).
6. Workforce housing will be available for employees of the development as right of first refusal (**Goal HO-1 & 2**). Any remaining units will be made available for reduced rent to the local workforce. An affordable housing covenant is provided in Exhibit A, page TBD.
7. A fiscal impact study was performed comparing revenues and costs projected to the Town (**Exhibit A, page 276**). The study assesses whether the project will provide a net financial benefit for at least the next 15 years. Items on the revenue side include: use tax, tap fees, lodging tax, sales tax, property tax, and incremental revenues; The cost side is mainly derived from the general fund expenditure per person as provided from the Town budget. Revenues during that time range from \$400k to \$500k with expenses ranging from \$97k to \$110k. In sum, the development is projected to generate a total of \$4,347,429 over the first 13 years once fully operational. The Town's Finance Department has reviewed the assumptions with comparable results.

2) Does the proposal demonstrate compliance with zoning and density requirements?

Zoning: The property, "Lot 1" is part of the original Riverside Park PUD zoned Highway-Business (HB). It is "an area for highway oriented commercial development along major arterial and collector highways in such a manner as to minimize interruption of traffic flow, safeguard pedestrian movement, and optimize the aesthetic appearance to passing motorists" (Chapter 17.60). Permitted uses are few (e.g. underground utilities, open space, accessory uses, offices, police station, retail/office, and laundry). However, by virtue of the PUD application process (Section 17.124.010), the Applicant can specify as part of its PUD plan which uses are permitted, conditional, or prohibited (Section 17.100.020(C)). As such, those uses listed in the Highway-Business zone district as conditional use list can become uses by right through the PUD plan. Some of these include:

1. Church/religious institution;
2. School;
3. Museum;
4. Public institution;
5. Retail and wholesale business;
6. Eating and drinking establishment;
7. Personal, social and professional service;
8. Automobile service station;
9. Vehicle sales lot;
10. Retail or service business;
11. Hotel, motel, or lodge.

Note each of the Applicant's proposed uses are found on the list above.

Setbacks: The required minimum setback from property lines in the HB zone is 20 feet. All structures are setback from the perimeter property line by the required distance. However, the interior lot lines formed by the subdivision of the hotel property from the restaurant property shows a setback of only 14 feet, or six feet less than what is required. Ordinance #99-5 allows for variations from the Highway Business setback requirements through the preliminary and final PUD plan process. Staff has reviewed the proposed setbacks and does not have a concern.

Building Heights: The HB zone allows 30' building heights and two stories for permitted uses. For PUD and conditional use applications, heights are discretionary. The hotel structure is the tallest extending nearly 50' from grade to the ornamental extensions above the roof (**Exhibit A, page 325**). The bulk of the hotel is roughly 42' (i.e. less ornamentation). The retail/restaurant building will rise roughly 42' above grade (**Exhibit A, page 326-329**). Importantly, the Applicant's architect was careful to limit the structure heights to those similar to the River Park Condominiums (**Exhibit A, page 331**). In this way Grand Hogback viewsheds are preserved. The 40'-50' building height is similar to the height's approved in various land use applications to date including: the River Park Condos, the Fire House, Shibui, Senior Housing, Longview (Romero), R2 (9NWH).



3) Does the proposal demonstrate compatibility to neighboring land uses?

South of Interstate 70 and the Colorado River, the Coal Seam parcel adjoins the Riverpark Condominiums directly to the east, Garfield County rural zoning to the south, and the New Castle Industrial District & Breslin Park to the west. The project is also part of what the Comprehensive Plan deems a community "gateway" affording first impressions and a source of identity to the Town (**CP, page 73**). A hotel, restaurant, residential, and retail proposal, whose architecture and style blends with the local history and topography and that serves a unique function among a diversity of surrounding uses, seems suitable to the neighboring properties.

Specifically, the Applicant adopts architecture styles that compliment New Castle's history with a focus on structural and material similarity (e.g. architectural mining themes were added to the exterior of the buildings). Varying roof heights, offsets, and terracing of the buildings are all efforts the Applicant is employing to abate concerns with massing. The parking lot is designed to face south behind the buildings, screening the lot from the river and parts of Town to the south. Per town code 17.76.110(c)(3)&(4), at least ten percent of the parking lot is landscaped and screened from adjoining residential uses.



4) Is there availability of town services from public works (including water and sewer services), fire, and police?

Police: The Police Department currently consists of twelve FTEs which is ideal for a town the size of New Castle. Generally, additional FTEs are considered for every increase of 500 residents. Therefore, the Police Chief concludes that there would be no compromise with police service as a result of a slight population increase.

Fire: CRFR has commented on the status and maintenance of the emergency access easement on the southeast end of the lot. The egress provides the quickest route to CR 335 for the properties furthest west in the River Park Condos. Future maintenance of the egress is a concern not yet addressed in the packet, though it could be something negotiated with the River Park HOA prior to Council approval. The fire department will review all other IFC requirements prior to permitting.

Engineering: The Town Engineer has cited several items that are still insufficient for final review and recommendation. These items shall be updated to the engineer's satisfaction prior to Council review and comment. Some of these items include:

- Coordination with CDOT on the volume increases to the I70 interchange;
- An auxiliary turn lane analysis for access off of CR 335;
- A sight distance analysis at Bruce Rd and the CR 335 interchange;
- Update final design for shared sewage lift station;
- Provide final construction details from Applicant engineer;
- Redesign rockfall berm with rounded top to account for erosion;
- Provide design cross-sections for berms, trails, C&G;
- Provide cross-sections for access to CR 335;
- Update storm drainage design;

Public Works: Water and sewer is available for the property. Public Works cautions against obstructions to any utility easements especially near the rockfall mitigation berm (**Exhibit E, page 317**). Clearances will be verified prior to Council.

5) Is there adequate off-street parking and vehicle, bicycle, and pedestrian

circulation?

Off-Street Parking: Due to the constraints of surrounding land uses and topography, there are no feasible on-street parking alternatives in the immediate vicinity. Therefore, off-street parking will be a critical part of the project's success. Off-street parking requirements relevant to the application are as follows:

- Residential (11 units): two spaces/unit = 22 spaces;
- Hotel Use (71 rooms): 1 space/room + 1 space/two employees = 73;
- Restaurant Use (60 seats): 1 space/3 seats = 20;
- Retail (4,498sf): 2 spaces/300sf = 30;

Total Off-Street Parking Required: 145 spaces

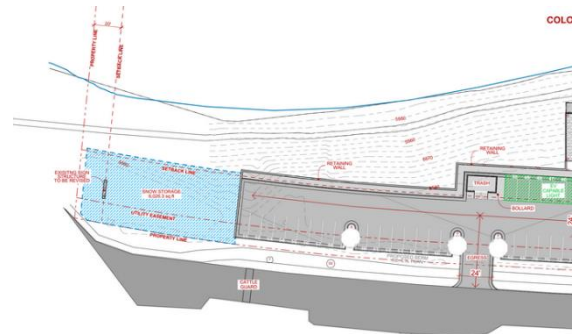
Total Off-Street Parking Planned: 115 spaces

Because of the shortage, the Applicant has requested consideration of a shared parking plan (**Exhibit E, page 321**). A shared parking arrangement is not unprecedented in New Castle. The Lakota Longview application (Romero), for instance, allowed for a 40% reduction in required parking. There the shared parking arrangement was supplemented by yearly audits, performance measures, and mitigation strategies in case the arrangement was ineffective.

In the case of Coal Seam, the parking reduction stands at only 21%. However, a shared parking arrangement at this location could still prove challenging. Shared parking arrangements trade on an equilibrium of peak times among the various uses in a location. For example, office uses generally have offsetting peak times to residential uses, allowing for office users to occupy nearby residential spaces when those residents are off to work elsewhere. Or, restaurant users may occupy office parking at night when offices are closed. The peak parking times balance making shared parking a reasonable way to lower capital expenses, minimize maintenance, and reduce parking lot sprawl.

With Coal Seam, the intended uses all lend themselves to evening parking (with retail as a possible exception). Hotel, residential, and restaurant parking all skew towards evening peaks leaving patrons of these establishments to compete for limited spaces. Moreover, even if the hotel is only 65% occupied, as the application maintains, hotel users will still need to share 5 spaces from the other businesses. All of this may be acceptable if alternatives were available nearby – e.g. on-street parking or parking at Grand River Park. The Town has floated an idea to Balcomb/City Market management about the possibility of sharing 15-30 spaces in their lot. Their response was understandably tepid. If considered, the arrangement would require an available shuttle by the hotel. As a result of these concerns, P&Z should be absolutely clear of the provisions for shared parking and fully confident in a contingency plan if the strategy proves problematic.

Vehicular Circulation: One idea to address parking concerns would be to extend the parking lot further west toward the CDOT bridge. Though this could add up to 7-9 spaces, there are inherent problems with this solution. First, it reduces the required snow storage. Snow management will be an important aspect of this property given that the parking lot is shaded most of the day through winter. Second, a significant retaining wall would be required to extend the lot. The west end of the lot already shows 14' of retainment. The cost of this is prohibitive considering so few parking spaces are gained. Lastly, there is a good possibility that CDOT will require a westbound right turn or splitter lane with a traffic circle at CR 335 and Bruce Rd. once bridge replacement becomes a reality. This modification to CR 335 would likely encroach on a parking lot extension to the west.



Nonvehicular Circulation: The Applicant has made a point not to disrupt the general LoVa trail alignment. The parking lot will also be wrapped with sidewalks that allow uninterrupted paths to all portions of the property. Additional soft trails will extend from the mixed-use area north towards the river and then to the east and west along the river.

6) Are the required open space or parks designed for active or passive use by residents of the subdivision or the public?

The Applicant is not required and does not intend to designate open space to the Town.

However, there are connecting trails and waterfront open areas allowing access for patrons. Though no formalized paths continue to either the east or west, historic use paths along the entirety of the riverbank do exist at low flows. Ten percent of the total land area will be landscaped per Section 17.60.090. Additionally, 10% of the parking area will be landscaped. Otherwise, active open space is available to patrons at Grand River or Breslin Parks which can all be reached via the LoVa trail.



7) Is the development consistent with the natural character, contours, and viewsheds of the land?

The proposal values the preservation of natural landscape and viewsheds to the south. Structures are purposely stepped from back-to-front to minimize cutting and of

the existing slope. South elevations have also been reduced to two levels to improve contouring with the steep topography and soften visual impacts.



To conserve water and limit landscape maintenance such as mowing, Staff encourages drought resistant vegetation and seeding with native grasses to restore disturbed areas to their original state. Sod and landscape irrigation, likewise, should be used sparingly to limit the need for landscape maintenance. Modestly mowed buffers and borders can provide a satisfying manicured look needing little maintenance.

V Staff Recommendations

Staff offers the following recommendations to the final PUD application:

- A. Applicant will add a list of permitted and conditional uses and maximum building height to the Site Plan prior to Town Council review.
- B. Prior to the Council review, the Applicant shall demonstrate compliance with all recommendations of the Town Engineer, Town Public Works Director, Town Attorney, and Fire Marshal provided in response to review of the Application, **Exhibits B, C, D**.
- C. Prior to permit, final construction drawings shall demonstrate compliance with the building heights included in the approved application materials, **Exhibit A, page 325**.
- D. Prior to permit all construction drawings subject to the provisions of the International Fire Code or matters requiring fire alarms and/or fire suppression shall be submitted to the Fire Marshal for review and comment.
- E. Parking lot lighting should be on timers to reduce the light duration at night while maintaining security lighting as needed.
- F. Provisions for an emergency access easement shall be designated on the final plat, as emergency egress for residents of the River Park Condominiums and ingress and egress for emergency personal per the recommendations of the Fire Marshal (**Exhibit A, page 287**). The access road shall be signed "Emergency Access Only".
- G. Prior to Council review, Applicant shall discuss a maintenance agreement with the River Park HOA for the emergency access easement.

- H. All trash dumpsters shall be located within an approved trash enclosure that extends six feet high and includes a bear resistant latching mechanism.
- I. The form of the declaration of covenants for the Property shall be finalized and address any Town Attorney comments before consideration of the Application by the Town Council. Recordation of the declaration of covenants shall be accomplished at or before recording of the final plat.
- J. A parking management plan shall be added to the covenants prior to final approval with provisions for reserved parking for the residential units.
- K. A subdivision improvements agreement ("SIA") containing an engineer's stamped cost estimate of public improvements, to the satisfaction of the Town Attorney. The form of the SIA shall be finalized before consideration of the Application by the town council. Recordation of the SIA shall be accomplished at or before recording of the Final Plat.
- L. Provide a construction phasing plan for inclusion in a subdivision improvements agreement as necessary. Identify, at minimum, each of the following components:
- Buildout phases if necessary;
 - Schedule that identifies the sequencing of construction, sequencing of occupancy, traffic flow, and traffic control plans during construction;
 - Storage and staging areas for construction equipment and materials;
 - Illustrate drainage and erosion control best management practices (BMP's);
 - Conformance to all requirements and specifications approved by the fire marshal concerning temporary access to the project;
 - Dust and weed management plan;
- M. Landscaping shall incorporate native grasses and plants that minimize maintenance, mowing, and irrigating. The landscape plan shall be approved by Public Works prior to issuance of building permit.
- N. All disturbed areas in the project shall be revegetated prior to the 1st growing season following the completion of the entire project and maintained in a predominantly weed free condition.
- O. All representations of the Applicant made verbally or in written submittals presented to the Town in conjunction with the Application before the Commission or Town Council shall be considered part of the Application and binding on the Applicant.
- P. The Applicant shall reimburse the Town for any and all expenses incurred by the Town regarding this approval, including, without limitation, all costs incurred by the Town's outside consultants such as legal and engineering costs.
- Q. The sale of individual lots, parcels or units may not occur until a plat creating the lot, parcel or unit is recorded with Garfield County and security for the public improvements has been received by the Town.
- R. The Applicant shall provide an affordable housing covenant that includes definition of the number of restricted units, the calculation of below market rents, the workforce that qualify to live in the units, and the term for which the affordable housing

covenant shall be in force. The affordable housing covenant shall be finalized before consideration of the Application by Town Council. Recordation of the affordable housing covenant shall be accomplished at or before recording of the Final Plat.

VI Final Plan Exhibits:

- A. Applicant Final Plan Application – March 21st, 2025
- B. CRFR Fire Marshal Referral, Orrin Moon – March 13th, 2025
- C. Town Engineer Comments, Jefferey Simonson – March 8th, 2025
- D. Town Public Works Director Comments, John Wenzel – March 15th, 2025
- E. Public Hearing Notice, with Legal Description for Final Plan P&Z – April 25th, 2025