

**TOWN OF NEW CASTLE, COLORADO
ORDINANCE NO. TC 2026-1**

**AN ORDINANCE OF THE NEW CASTLE TOWN COUNCIL GRANTING
CONDITIONAL APPROVAL OF A FINAL PUD DEVELOPMENT PLAN,
FINAL PLAT, AND VESTED RIGHTS FOR RIVERSIDE PARK LOT 1**

WHEREAS, Coal Seam, LLC (“Applicant”) owns certain real property within the Town of New Castle, Colorado (the “Town”) described in the attached Exhibit A (the “Property” or the “Coal Seam PUD”); and

WHEREAS, the Property is zoned Highway Business as part of the Riverside Park PUD as provided in Ordinance #99-5; and

WHEREAS, on September 27, 2023, pursuant to Section 17.100.050(A) of the Town Municipal Code (“Code”), the Planning Commission (P&Z) voted unanimously to allow Applicant to submit a combined Preliminary/Final PUD Plan application 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; and

WHEREAS, Applicant submitted a combined Preliminary/Final PUD Plan application together with an application for a lot split, variances, and vested rights (collectively, the “Application” as further defined below), which Application was deemed complete on April 11, 2025; and

WHEREAS, the Town of New Castle Planning & Zoning Commission (“Commission”) held a duly noticed public hearing on May 28, 2025, which was continued to July 23, 2025, and again to December 10, 2025, all with Applicant’s consent, to consider the Application; and

WHEREAS, after the public hearing was continued on July 23, 2025, Applicant amended the Application; and

WHEREAS, as amended, the Application proposes ~~the construction of~~ subdivide the Property into two lots and construct a 71-room hotel, a restaurant, and 4 employee residences, on a total of 5.84-acre lot acres; and

WHEREAS, the Applicant intends to develop the Property and the public improvements associated with the same in one phase; and

WHEREAS, at its December 10, 2025, meeting, the Commission recommended that Town Council approve the Application with conditions; and

WHEREAS, Applicant has requested vested rights for the Final Plan, which Final Plan constitutes a site-specific development plan under Section 16.36.020 of the Town Municipal Code; and

WHEREAS, pursuant to Code Section 16.36.060, a duly-noticed public hearing was held by Town Council on ~~March~~ April 7, 2026, to consider the Application and vested rights for the Final Plan; and

WHEREAS, Town Council has considered the Application materials, testimony, and other evidence from Staff, the Applicant, and members of the public concerning the Application; and

WHEREAS, Town Council has determined pursuant to Section 16.36.050 of the Code that vested rights for the Final Plan are appropriate considering the phasing of development, the substantial benefits conferred upon the Town and its citizens by the recreation and open space, sales tax revenue, employment opportunities, and workforce housing opportunities provided by the mixed-use development, and the other unique characteristics of the proposed development; and

WHEREAS, based on the Application, testimony, and other information presented and subject to compliance with the terms and conditions of this Ordinance, Town Council finds that the Application complies with the following review criteria set forth in Sections 16.16.030(G) and 17.100.060(H) of the Code:

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. Required open space or parks designed for active or passive use by residents of the subdivision and the public; and
7. Development consistent with the natural character, contours, and viewsheds of the land; and

WHEREAS, Town Council finds further that the Application meets the goals described in Code Section 16.04.010, satisfies the criteria set forth in Code Section 17.72.090, and conforms or will conform with the conditions of approval of the Preliminary Plan; and

WHEREAS, Town Council now desires to approve the Application and vested rights for the Final Plan pursuant to the terms and conditions of this Ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF NEW CASTLE, COLORADO:

1. Recitals. The foregoing recitals are incorporated by reference as findings and determinations of Town Council.

2. Definition of the Application. The “Application” consists of the documents and information identified on Exhibit B, plus all representations of and other documents presented by the Applicant reflected in the recordings and minutes of the Planning and Zoning Commission public hearings held on May 28, 2025, July 23, 2025, and December 10, 2025, and the ~~Town Council meetings and public hearing held on March 3, 2026, and~~ Town Council meeting and April 7, 2026, public hearing.

3. Approval of Final Plan: The Final Plan proposes:
- a. The development of a 71-room hotel, a restaurant, and 4 employee residences, as depicted on the site plan prepared by RED dated ~~October 30~~ March 2025 2026 (the “Site Plan”), and as otherwise described in the Application, including the most updated versions of all architectural renderings, elevations, and floorplans;
 - b. Use and other zoning standards including parking requirements, maximum height, and setbacks as described and depicted on the Site Plan;
 - c. The subdivision of the Property into two lots as shown on the final subdivision plat included in the Application; and
 - d. Any amended final plats or condominium maps for the mixed-use spaces will be submitted for approval at the staff level, provided that the amended final plats or condominium maps and mixed-use buildings are in substantial conformance with the approved Application

Town Council hereby approves the Final Plan as a site-specific development plan with the elements described in 3a – d, above, subject to compliance with all conditions set forth in Section 7 of this Ordinance.

4. Subdivision. Town Council hereby approves the Final Plat, subject to compliance with the applicable conditions set forth in Section 7 of this Ordinance.

5. Zoning. Development and use of the Property under the Final Plan is subject to the following zoning restrictions and requirements:

- a. The restrictions and requirements of the Final Plan;
- b. Those restrictions and requirements of the Highway Business Zone District that are not covered by the Final Plan. In the event of a conflict between the Final Plan or Final Plat of the Property and the Highway Business Zone district regulations, the Final Plan and Plat shall control;
- c. All other applicable provisions of the Code; and
- d. All applicable Ordinances of the Town.

6. Vested Rights. Town Council finds that the requirements of Section 16.36 for obtaining vested rights for the Final Plan have been satisfied and hereby approves the following vested rights for the Final Plan:

- a. The vested rights period for development of the Property in accordance with the Final Plan will be ~~___~~5 years from the effective date of this Ordinance.
- b. The following are exceptions to the vested rights for the Final Plan:
 - i. Development of the Property in accordance with the Final Plan will be subject to any wildland urban interface regulations in effect at the time of building permit, regardless of the approved Final Plan.
 - ii. Owners of any interest in the Property will be required to comply with the sign code in effect at the time of application for a sign permit. There is no grandfathering of or vested rights for signage within the Property.

7. Conditions. Approval of the Application, Final Plan, and Phase 1 Final Plat are subject to and contingent up on satisfaction of the following conditions:

- ~~a. The Site Plan shall be revised to identify it as a site specific development plan and list all (A) permitted uses, (B) conditional uses, and (C) non permitted uses approved by Council. Non permitted uses shall include gas stations, tire shops, car washes, those listed in section 17.36.060 for the C-1 zone district, and any others required by Council. A fourth section shall be added stating: (D) "Any use not specifically defined in the permitted, conditional, or non permitted use categories shall be a conditional use."~~
- a. ~~b.~~ Prior to submission of a building permit for the Property, final construction drawings shall demonstrate compliance with the building heights included in the final Application materials.
- b. ~~e.~~ All applicable signs shall conform to the conceptual signage depicted in the last-dated Application materials. All other signage shall be subject to the provisions of the sign code, Chapter 17.18.
- c. ~~d.~~ Exterior surfaces for all structural retaining walls shall be clad with equivalent material types to those approved for the hotel structure.
- d. ~~e.~~ If the residential units are to be condominiumized for separate ownership, a minor PUD amendment pursuant to section 17.100.110 will be required.
- e. ~~f.~~ Prior to recordation of the final plat, 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.
- f. ~~g.~~ Parking lot lighting should be on timers to reduce the light duration at night

while maintaining security lighting as needed.

- g. ~~h.~~ All trash dumpsters shall be located within an approved trash enclosure that extends six feet high and includes a bear-resistant latching mechanism.
- h. ~~i.~~ The form of the declaration of covenants for the Property shall be finalized and address any Town Attorney comments prior to recordation. The parking management plan or declaration of covenants shall reserve at least one full-time parking space for each residential unit including suitable reserved parking signage. Recordation of the declaration of covenants shall be accomplished at or before recording of the final plat.
- i. ~~j.~~ A ~~subdivision improvements agreement (SIA)~~ Subdivision Improvements and PUD Development Agreement (SIA) in substantially the form attached as Exhibit C and containing an engineer's stamped cost estimate ~~of~~ for the public improvements serving the development to the satisfaction of the Town Engineer and Town Attorney ~~and approved by Town Council~~ shall be recorded along with and as a condition of recording the Final Plat.
- j. ~~k.~~ 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.
- k. ~~l.~~ As illustrated in the final Application materials, an unimproved, single-track trail system shall be made available for patrons of the Property as well as to the general public. The Town may consider building a trail connector between the proposed trail system and the current trail system at Grand River Park for the benefit of the New Castle community. Parks fees collected for the residential units may be used by the Town to offset the expense of the connecting trail.
- l. ~~m.~~ All representations of the Applicant made verbally or in written submittals presented to the Town before the Commission or Town Council in conjunction with the Application shall be considered part of the Application and binding on the Applicant.
- m. ~~n.~~ The Applicant shall reimburse the Town for any and all expenses incurred by the Town regarding the Application, including, without limitation, all costs incurred by the Town's outside consultants such as legal and engineering costs.
- n. ~~o.~~ The sale of individual lots, parcels, or units within the Property may not occur until a plat creating the lot, parcel, or unit is recorded with Garfield County and security for the public improvements necessary therefor has been received by the Town.
- o. ~~p.~~ No grading or excavation for the construction of a building on the Property shall occur until a permit is issued for that specific building. Applicant may

commence grading and excavation for infrastructure for public improvements in areas of the project for which a plat and subdivision improvements agreement has not yet been recorded, provided that Applicant has obtained a grading permit pursuant to the Town Code and posted security to cover the applicable grading and revegetation work.

8. Severability. Each section of this Resolution is an independent section and a holding of any section or part thereof to be unconstitutional, void, or ineffective for any cause or reason shall not be deemed to affect the validity or constitutionality of any other section or part hereof, the intent being that the provisions of this Resolution are severable.

9. Effective Date. This Ordinance shall be effective 14 days after final publication pursuant to Section 4.3 of the Town Charter

INTRODUCED on first reading on March 3, 2026, at which time copies were available to the Town Council and to those persons in attendance at the meeting, read by title, passed on first reading, and ordered published in full and posted in at least two public places within the Town as required by the Charter.

INTRODUCED a second time at a regular meeting of the Town Council of the Town of New Castle, Colorado, on ~~_____~~ April 7, 2026, read by title and number, passed without amendment, approved, and ordered published as required by the Charter.

TOWN OF NEW CASTLE, COLORADO
TOWN COUNCIL

By: _____
Art Riddile, Mayor

ATTEST:

Mindy Andis, Town Clerk

Exhibits: Exhibit A: Legal Description; Exhibit B: List of Application materials; [Exhibit C: form SIA](#)

EXHIBIT A
Legal Description

Lot 1, Riverside Park Subdivision, according to the plat thereof recorded July 12, 1999,
as Reception No. 548663

EXHIBIT B
Preliminary/Final PUD Application Materials

1. Final PUD Site Plan updated March __, 2026
2. Land Use Application consisting of the following and last updated on February 24, 2026:
 - i. Land Use Application
 - ii. Introduction
 - iii. Project Description - Existing Conditions & Proposed Development
 - iv. Specific Project Parameters
 - v. Preliminary Plat Code Requirements response
 - vi. Final Plat Code Requirements response
 - vii. Preliminary PUD Code Requirements response
 - viii. Final PUD Code Requirements response
 - ix. Lot Splits Code Requirements response
 - x. Ex. A - Legal Description
 - xi. Exhibit B - Adjacent Land Use Map
 - xii. Exhibit C - Geotechnical Subsoil Study (HP Geotech)
 - xiii. Exhibit D - Traffic Impact Study (Kellar Engineering)
 - xiv. Exhibit E - Water and Sewer Report (Pinnacle Design Consulting Group)
 - xv. Exhibit F - Postmaster Approval
 - xvi. Exhibit G - Notarized Certificate of Ownership, Title Commitment
 - xvii. Exhibit H - Rockfall Mitigation Report
 - xviii. Exhibit I - List of Property Owners Within 250 Feet
 - xix. Exhibit J - CCIOA Policies, Assoc. Declaration, Bylaws
 - xx. Exhibit K - Weed and Dust Management Plan
 - xxi. Exhibit L - Fiscal Impact Study
 - xxii. Exhibit M - Will Serve Letters, Xcel Email
 - xxiii. Exhibit N - Drawing Package
 - A. Plat (Pinnacle Design Consulting Group)
 - B. Survey (Tuttle Surveying Services, Inc.)
 - C. Floodplain Maps (Schmueser Gordan Meye Engineers & Surveyors)
 - D. Civil Plans (Pinnacle Design Consulting Group)
 - E. Civil Drainage Report (Pinnacle Design Consulting Group)
 - F. Landscape and Irrigation Plan, Berm Profile (The Stevens Group, Inc.)
 - G. Rockfall Mitigation Plan (CTL Thompson)
 - H. Architectural Site Plan (RED Room Design, LLC)
 - I. Architectural Lot Coverage (RED Room Design, LLC)
 - J. Architectural Gross Area (RED Room Design, LLC)
 - K. Architectural Floor Plans (RED Room Design, LLC)
 - L. Architectural Elevations (RED Room Design, LLC)
 - M. Architectural Signage (RED Room Design, LLC)
 - N. Architectural 3D Rendering (RED Room Design, LLC)
 - O. Structural Retaining Wall Plan (BWR)
 - P. Exhibit O - Employee Housing Agreement

EXHIBIT C
Form SIA

Summary report:	
Litera Compare for Word 11.8.0.56 Document comparison done on 4/2/2026 9:10:21 AM	
Style name: Default Style	
Intelligent Table Comparison: Active	
Original DMS: iw://cloudimanager.com/IMANAGE/3387563/2	
Modified filename: Ordinance TC 2026-1 Coal Seam Final PUD(3387563.3).doc	
Changes:	
<u>Add</u>	115
Delete	32
Move From	0
<u>Move To</u>	0
<u>Table Insert</u>	0
Table Delete	0
<u>Table moves to</u>	0
Table moves from	0
Embedded Graphics (Visio, ChemDraw, Images etc.)	0
Embedded Excel	0
Format changes	0
Total Changes:	147