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**New Castle, Colorado  
Planning and Zoning Commission  
Wednesday, December 10, 2025, 7:00 PM**

**Call to Order**

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

**Roll Call**

Present Chair Apostolik  
Commissioner Sass  
Commission Alternate Rittner attended by Zoom  
Commissioner McDonald  
Commissioner Graham Riddile  
Commissioner Parks  
Commissioner Cotey  
Commissioner Alternate Mahaffey  
Absent Commissioner Westerlind

Also present at the meeting was Town Administrator David Reynolds, Town Planner Paul Smith, Professional Assistant to the Town Clerk, and members of the public.

**Meeting Notice**

Assistant Huster 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.

**Items for Consideration**

**Public Hearing continued July 23, 2025**

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

Chair Apostolik opened the Public Hearing at 7:00 p.m.

Planner Paul Smith said this was a continuation of a public hearing from July 23, 2025. Planner Smith introduced the applicants for the Coal Seam Development as Tom Stevens, Lauren Dufresne, Caet May and Abdi Pirzadah, who attended on Zoom. Planner Smith explained that the staff report had "blue lines" showing the edits from the previous application( **Exhibit A**). Planner Smith showed the updated site plan. (**Exhibit B page 3**) Planner Smith said the original site plan had a hotel, restaurant

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1 with retail and residential units on the east side of the site. Planner Smith said some  
2 parts of the site have been eliminated to create more parking from the original  
3 application.  
4

5 Commissioner Cotey asked Planner Smith to explain the uses. Planner Smith said the  
6 retail and all but four of the residential units were removed, the rest of the plan  
7 remained the same. Planner Smith said he would give more details during the staff  
8 report.  
9



**Town of New Castle Planning & Code Administration**  
450 W. Main Street  
PO Box 90  
New Castle, CO 81647  
**Department**  
**Phone:** (970) 984-2311  
**Fax:** (970) 984-2716

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10  
11  
12 **Staff Report**

13  
14 **Coal Seam**  
15 **Preliminary/Final PUD, Lot Split, and Variance Application**  
16 **Resolution PZ 2025-02**  
17 **Planning & Zoning Commission (P&Z)**  
18 **December 10<sup>th</sup>, 2025**  
19 **(continued from July 23<sup>rd</sup>, 2025 & May 28th, 2025)**

20  
21 Report Compiled: 12/3/2025  
22  
23

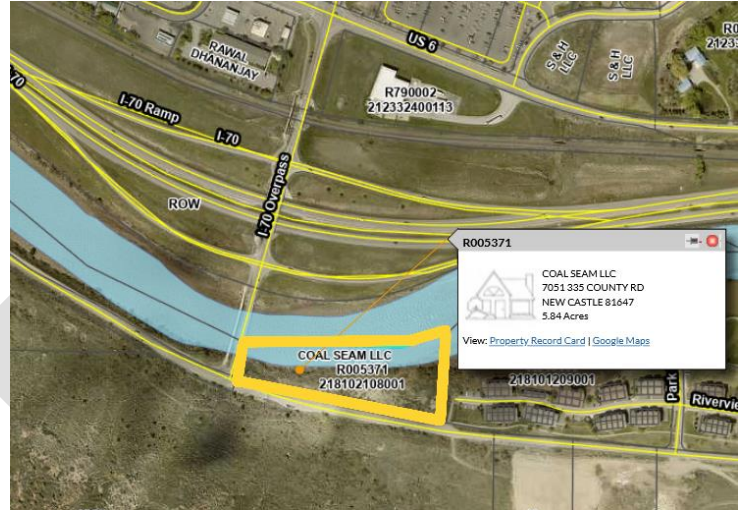
24 **Project Information**

25  
26 **Name of Applicant:** Coal Seam, LLC  
27  
28 **Phone/Email:** 970-618-3555/abdi@aspenbuilt.net  
29  
30 **Property Owner:** Coal Seam, LLC  
31  
32 **Property Address** 7051 CR 335  
33  
34 **Proposed Use:** 71 room Best Western Signature Hotel, Restaurant, 4 – one  
35 bedroom employee residences  
36  
37 **Allowed Zoning:** Highway Business/PUD per Ordinance  
38 99-5  
39  
40 **Proposed Zoning:** Mixed Use PUD  
41  
42 **Surrounding Zoning:** Industrial

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**I Introductory Summary**

Coal Seam, LLC is a local developer proposing a hotel, restaurant, and workforce housing concept east of the I-70 interchange, south of the Colorado River. The endeavor offers several community amenities with economic benefits in a central Colorado River Valley location. 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 sits atop four, one-bedroom residential 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 11<sup>th</sup>, 2025. Unless the commissioners decide otherwise, the review will proceed with the continuation of the public hearing resulting in 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. Since the public hearing has already been continued twice, a further continuance may not be allowed without re-noticing, pursuant to Section 16.08.040(G).

1 Within sixty (60) days from the date of the P&Z's written recommendation on the  
2 application, or within such time as is mutually agreed by the Town Council and the  
3 Applicant, the Town Council shall approve the application, with or without conditions, or  
4 deny the application. Town Council's decision will be made by ordinance which shall be  
5 introduced twice at a Town Council meeting and, if approved, shall take effect 14 days after  
6 final publication pursuant to Article IV of the New Castle municipal code.  
7

8 **II Staff Review:**  
9

10 Throughout the application process, application documents will be reviewed pursuant to  
11 the criteria outlined in the Municipal Code (MC) for planned unit developments (PUDs) and  
12 subdivisions. At the final plan stage, an application shall show conformity to the following  
13 criteria (MC 17.100.050(H)):  
14

- 15 1. Consistency with the comprehensive plan;
- 16 2. Compliance with zoning and density requirements;
- 17 3. Compatibility to neighboring land uses;
- 18 4. Availability of town services from public works (including water and sewer services),  
19 fire, and police;
- 20 5. Adequacy of off-street parking and vehicle, bicycle, and pedestrian circulation;
- 21 6. The extent to which any required open space or parks are designed for active or  
22 passive use by residents of the subdivision or the public; and
- 23 7. Development is consistent with the natural character, contours, and viewsheds of the  
24 land.  
25

26 **1) *Is the proposal consistent with the comprehensive plan?***  
27

28 Applicants are expected to demonstrate substantial conformity with the  
29 CP in all applications (**Policy CG-1B**). The checklist below, though not  
30 exhaustive, provides a tool for reviewers to assess conformance with the CP:  
31

- 32  Foster distinctive, attractive communities with a strong sense of place and  
33 quality of life.
- 34  Demonstrate that individual project fits into a fully-balanced community land  
35 use structure.
- 36  Ensure a mix of uses that complement the existing New Castle land-use  
37 patterns.
- 38  Create walkable communities with non-vehicular interconnection between use  
39 areas.
- 40  Guarantee a balance of housing types that support a range of affordability.
- 41  Preserve open space, farmland, natural beauty, critical environmental areas, and  
42 wildlife habitat.
- 43  Encourage economic development and supporting hard & soft infrastructure.
- 44  Concentrate development in ways which provide efficient and cost-effective  
45 services.  
46

47 Coal Seam aspires to fulfill many of the values and goals listed above:  
48

- 49 1. The project provides a much in demand commercial base with hotel, and  
50 dining space in a highly visible location off of Interstate 70 (**Goal E-; Policy**  
51 **E-1E**). Though retail/office occupancy is currently not being considered, the  
52 Applicant is proposing a list of potential uses-by-right so that future business

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1 prospects are not unnecessarily burdened by lengthy conditional use reviews.

- 2
- 3 2. The proposal provides four residential units for its commercial tenants to
- 4 address the residential/commercial imbalance (**New Castle Community**
- 5 **Vision, CP, page 8; Also Goal CG-4**).
- 6
- 7 3. A river trail with potential boater access provides a unique river experience
- 8 (**Goal RT-1**) which helps preserve natural habitat (**POST-4A**). The proposal
- 9 also preserves the LoVa trail access along CR 335 (**Policy POST-3F**).
- 10
- 11 4. Building aesthetics will blend with the local topography, landscape colors, and
- 12 historical mining structures to temper viewshed impacts (**Goal EN-6**).
- 13
- 14 5. EV charging will be available per state requirements with a nod towards
- 15 sustainability (**Goal EN-7**).
- 16
- 17 6. Market rate workforce housing will be available for employees of the
- 18 development as right of first refusal (**Goal HO-1 & 2**). Any remaining units
- 19 will be made available to Town of New Castle employees then the local
- 20 workforce at large. A housing agreement is provided in in the packet.
- 21
- 22 7. A fiscal impact study was performed comparing revenues and costs projected
- 23 to the Town. The study assesses whether the project will provide a net
- 24 financial benefit for at least the next 15 years. Items on the revenue side
- 25 include: use tax, tap fees, lodging tax, sales tax, property tax, and
- 26 incremental revenues; The cost side is mainly derived from the general fund
- 27 expenditure per person as provided from the Town budget. Revenues during
- 28 that time range from \$260k to \$355k with expenses ranging from \$62k to
- 29 \$84k . In sum, the development is projected to generate a total of \$3,989,808
- 30 over the first 13 years once fully operational which does not included
- 31 \$1,053,146 in construction revenue generated at permitting The Town's
- 32 Finance Department has reviewed the assumptions with comparable results.
- 33

34 2) ***Does the proposal demonstrate compliance with zoning and density***

35 ***requirements?***

36

37 **Zoning:** The property, "Lot 1" is part of the original Riverside Park PUD zoned

38 Highway-Business (HB). It is "an area for highway oriented commercial development

39 along major arterial and collector highways in such a manner as to minimize interruption

40 of traffic flow, safeguard pedestrian movement, and optimize the aesthetic appearance

41 to passing motorists" (Chapter 17.60). Permitted uses are few (e.g. underground

42 utilities, open space, accessory uses, offices, police station, retail/office, and laundry).

43 However, by virtue of the PUD application process (Section 17.124.010), the Applicant

44 can specify as part of its PUD plan which uses are permitted, conditional, or prohibited

45 (Section 17.100.020(C)). As such, those uses listed in the Highway-Business zone

46 district as conditional use list can become uses by right through the PUD plan. Some

47 current conditional uses include:

48

- 49 1. Church/religious institution;
- 50 2. School;
- 51 3. Museum;

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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 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, and residential proposal, whose architecture and style blends with the local history and

1 topography and that serves a unique function among a diversity of surrounding uses,  
2 seems suitable to the neighboring properties.  
3

4 Specifically, the Applicant  
5 adopts architecture styles that  
6 compliment New Castle's  
7 history with a focus on  
8 structural and material  
9 similarity (e.g. architectural  
10 mining themes were added to  
11 the exterior of the buildings).



12 Varying roof heights, offsets,  
13 and terracing of the buildings are all efforts the Applicant is employing to abate concerns  
14 with massing. The parking lot is designed to face south behind the buildings, screening  
15 the lot from the river and parts of Town to the south. Per town code 17.76.110(c)(3)&(4),  
16 at least ten percent of the parking lot is landscaped and screened from adjoining  
17 residential uses.  
18

19 **4) Is there availability of town services from public works (including water and sewer**  
20 **services), fire, and police?**  
21

22 **Police:** The Police Department currently consists of 12.5 FTEs and one special  
23 piece of "equipment" known as Kip which is ideal for a town the size of New Castle.  
24 Generally, additional FTEs are considered for every increase of 500 residents.  
25 Therefore, the Police Chief concludes that there would be no compromise with police  
26 service as a result of a slight population increase.  
27

28 **Fire:** CRFR has commented on the status and maintenance of the emergency  
29 access easement on the southeast end of the lot. The egress provides the quickest  
30 route to CR 335 for the properties furthest west in the River Park Condos. Future  
31 maintenance of the egress is the responsibility of the River Park Condo Association for  
32 the use of their residents. For their part, Coal Seam will refrain from any development  
33 within the prescribed easement. The fire department will review all other IFC  
34 requirements prior to permitting.  
35

36 **Engineering:** The Town Engineer has cited several items that are still insufficient for  
37 Town Council's approval but sufficient for P&Z's review. These items shall be updated  
38 to the engineer's satisfaction prior to Council approval. Some of these items include:  
39

- 40 • Update EQR summary for restaurant retail reconfiguration.
- 41 • Address redline comments on civil drawings provided by SGM 12/2/25.
- 42 • Include updated signage and stripping details.
- 43 • Clarify erosion control, berm design, and drainage plan per SGM comments.
- 44 • Clarify ADA ramp provisions. Update final design for shared sewage lift  
45 station;
- 46 • Provide final construction details from Applicant engineer (ongoing).
- 47 • Provide design cross-sections for berms, trails, C&G;
- 48 • Provide cross-sections for access to CR 335;
- 49

1                    **Public Works:** Water and sewer is available for the property. Public Works  
2 cautions against obstructions to any utility easements especially near the rockfall  
3 mitigation berm (**Exhibit E, page 317**). Clearances will be verified prior to Council.  
4

5 **5) Is there adequate off-street parking and vehicle, bicycle, and pedestrian**  
6 **circulation?**  
7

8                    **Off-Street Parking:** Due to the constraints of surrounding land uses and  
9 topography, there are no feasible -street parking alternatives in the immediate vicinity.  
10 Therefore, off-street parking will be a critical part of the project's success. Off-street  
11 parking requirements relevant to the application are as follows:  
12

- 13                    • Residential (4 units): two spaces/unit = 8 spaces;
- 14                    • Hotel Use (71 rooms): 1 space/room + 1 space/two employees = 73;
- 15                    • Restaurant Use (60 seat capacity): 1 space/3 seats = 20; ;

16  
17                    **Total Off-Street Parking Required: 101 spaces**

18  
19                    **Total Off-Street Parking Planned: 109 spaces**  
20

21                    The elimination of the retail spaces and reduction in residential occupancy resulted in  
22 a significant cut to the project's parking needs. With the revisions, the off-street parking  
23 requirements are now satisfied with a surplus of eight spaces. It is important to note that  
24 the residents will be "assigned" only one space per unit though two spaces per unit are  
25 technically available as shared parking within the property. The Applicant will manage  
26 the assigned residential parking through the covenants.  
27

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32                    **Nonvehicular Circulation:** The Applicant has made a point not to disrupt the  
33 general LoVa trail alignment. The parking lot will also be wrapped with sidewalks that  
34 allow uninterrupted paths to all portions of the property. Additional soft trails will extend  
35 from the mixed-use area north towards the river and then to the east and west along the  
36 river.  
37

38 **6) Are the required open space or parks designed for active or passive use by**  
39 **residents of the subdivision or the public?**  
40

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

43                    However, there are connecting trails and waterfront open areas allowing access for patrons.  
44 Though no formalized paths continue to either the east or west, historic use paths along the  
45 entirety of the riverbank do exist at low flows. Ten percent of the total land area will be  
46 landscaped per Section 17.60.090. Additionally, 10% of the parking area will be  
47 landscaped. Otherwise, active open space is available to patrons at Grand River or Breslin  
48 Parks which can all be reached via the LoVa trail.  
49  
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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.



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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 preliminary/final PUD application:

- A. Prior to Council review, applicant will update the list of permitted and conditional uses proposed in the application narrative and maximum building height to the Site Plan prior to Town Council review.
- B. Prior to 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, **Exhibit C** below..
- C. Prior to permit, final construction drawings shall demonstrate compliance with the building heights included in the approved application materials..
- D. Prior to permit all construction drawings subject to the provisions of the International

1 Fire Code or matters requiring fire alarms and/or fire suppression shall be submitted  
2 to the Fire Marshal for review and comment.  
3

4 E. Parking lot lighting should be on timers to reduce the light duration at night while  
5 maintaining security lighting as needed.  
6

7  
8  
9 F. Prior to Council review, provide design for trash dumpsters that extend six feet high  
10 and includes a bear resistant latching mechanism.  
11

12 G. The form of the declaration of covenants for the Property shall be finalized and  
13 address any Town Attorney comments before consideration of the Application by the  
14 Town Council. Recordation of the declaration of covenants shall be accomplished at  
15 or before recording of the final plat.  
16

17 H. A parking management plan shall be added to the covenants prior to final approval  
18 with provisions for reserved parking for the residential units.  
19

20 I. A subdivision improvements agreement ("SIA") containing an engineer's stamped  
21 cost estimate of public improvements, to the satisfaction of the Town Attorney. The  
22 form of the SIA shall be finalized before consideration of the Application by the town  
23 council. Recordation of the SIA shall be accomplished at or before recording of the  
24 Final Plat.  
25

26 J. Provide a construction phasing plan for inclusion in a subdivision improvements  
27 agreement as necessary. Identify, at minimum, each of the following components:  
28

- 29 • Buildout phases if necessary;
- 30 • Schedule that identifies the sequencing of construction, sequencing of  
31 occupancy, traffic flow, and traffic control plans during construction;
- 32 • Storage and staging areas for construction equipment and materials;
- 33 • Illustrate drainage and erosion control best management practices (BMP's);
- 34 • Conformance to all requirements and specifications approved by the fire  
35 marshal concerning temporary access to the project;
- 36 • Dust and weed management plan;  
37

38 K. Landscaping shall incorporate native grasses and plants that minimize maintenance,  
39 mowing, and irrigating. The landscape plan shall be approved by Public Works prior  
40 to issuance of building permit.

41 L. As depicted in the submittal materials, an unimproved, single-track trail system shall  
42 be made available for patrons of the property as well as to the general public. The  
43 Town will consider building a trail connector between the proposed trail system and  
44 the current trail system at Grand River Park.  
45

46 M. All disturbed areas in the project shall be revegetated prior to the 1<sup>st</sup> growing season  
47 following the completion of the entire project and maintained in a predominantly  
48 weed free condition.  
49

50 N. All representations of the Applicant made verbally or in written submittals presented  
51 to the Town in conjunction with the Application before the Commission or Town

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1 Council shall be considered part of the Application and binding on the Applicant.  
2

3 O. The Applicant shall reimburse the Town for any and all expenses incurred by the  
4 Town regarding this approval, including, without limitation, all costs incurred by the  
5 Town's outside consultants such as legal and engineering costs.  
6

7 P. The sale of individual lots, parcels or units may not occur until a plat creating the lot,  
8 parcel or unit is recorded with Garfield County and security for the public  
9 improvements has been received by the Town.  
10

11 Q. .  
12

13 **VI Updated Exhibits 12/3/25:**  
14

- 15 A. Abridged Applicant Packet – November 25, 2025
- 16 B. Applicant Response to Town Engineer – October 30, 2025
- 17 C. Town Engineer Review – December 2, 2025
- 18 D. Redlined Civil Set by Town Engineer – December 2, 2025  
19  
20

21 Commissioner Cotey asked if there would be a parking area for larger vehicles and  
22 trailers. Mr. Stevens said there was room far west of the site, and he said they would  
23 potentially gravel that area for larger vehicles. Mr. Stevens said the hotel management  
24 would monitor available parking. Commissioner Riddile asked the applicants if they  
25 would manage the hotel and be the general contact, Mr. Stevens said yes.

26 Commissioner Riddile said the Riverpark Condominiums had a problem with parking  
27 because several residents owned several cars per unit and had concern the applicants  
28 would have issues with River Park residents parking at the hotel. Mr. Stevens said he  
29 would approach conflict as a good neighbor and Riverpark Condominium residents  
30 could park there when the hotel is not at 100% capacity. Mr. Stevens said if the hotel  
31 was at capacity and Riverpark residents parked there, they may have to police it.  
32

33 Chair Apostolik asked the applicants if the gravel area on **(Exhibit B, Pg 3)** was a  
34 water feature. Mr. Stevens said no, it was going to be grass and shrubs with a steep  
35 slope towards the river. Chair Apostolik pointed out the legend shows a water feature.  
36 Mr. Stevens explained the area was a water retention area for the parking lot drainage.  
37

38 Commissioner Alternate Mahaffey asked if the applicants would consider connecting  
39 the footpath to the existing path for Riverpark Condominiums . Mr. Stevens said there  
40 would be a single track footpath because it needed to go right along the river and  
41 couldn't guarantee it would be a big sidewalk.  
42

43 Mr. Stevens said the applicants made changes based on the Planning Commissions  
44 concerns for lack of parking. Mr. Stevens said the applicants attempted to redesign the  
45 parking lot, the car park and realized the walkout basement under the restaurant area  
46 was not being used and ideal for the workforce housing. Workforce housing was above  
47 the retail space in the original application. Mr. Stevens said the number of residential  
48 units were eleven and now reduced to four residential units. Mr. Stevens said the  
49 project goal was not to burden New Castle with a need for more housing. Mr. Stevens

1 said the retail and the additional housing units required most of the parking spaces in  
2 the first site plan and now there are extra with the improvements. Mr. Stevens said  
3 the applicants are now comfortable with parking.  
4

5 Mr. Stevens said the hotel would be a signature series hotel that looks different from  
6 other Best Westerns along the I-70 corridor. Mr. Stevens said it is important to the  
7 applicants to have the architecture compliment the community as well as the site plan.  
8 Mr. Stevens said the hotel would be built on the hill side to preserve the river front.  
9

10 Mr. Stevens said there were still small details to amend like the handicapped ramp  
11 outside the hotel is slightly higher than an 8% grade when it should max out at 8%.  
12 Mr. Stevens said there was a request from SGM Engineering asking for single drawings  
13 of the water and sewer line because they are currently on one page. Mr. Stevens said  
14 the applicants prefer to have a single sheet that is laminated with the water and sewer  
15 lines highlighted in different colors. Mr. Stevens said the single sheet shows any  
16 conflicts between utilities on the site. Mr. Stevens acknowledged this made the review  
17 harder and the applicants will be preparing the SGM requests for the plans before they  
18 present the application to council.  
19

20 Commissioner Cotey thanked the applicants for working hard to address the questions  
21 the planning commission had about previous site plans. Commissioner Cotey said she  
22 was disappointed to see the retail removed from the site plan but also appreciated  
23 addressing any potential problems for the community.  
24

25 Commissioner McDonald said the plan looked to him as if they were eliminating the  
26 restaurant group. Mr. Stevens said they are focused on the building itself and the  
27 square footage and will show more detail at a later time. Mr. Stevens said they will  
28 partner with a restaurant manager and model it like the Glenwood Brew Pub where  
29 patrons can access the restaurant from the river in addition to the parking lot.  
30 Commissioner McDonald asked Mr. Stevens if there was restaurant experience within  
31 their company. Mr. Stevens said no, they would partner with an experienced  
32 restaurant manager.  
33

34 Town Attorney, Haley Carmer said the applicants would need to add microbrewery to  
35 the list of permitted uses on the application. Commissioners McDonald and Cotey  
36 asked if there was a need for resolutions. Attorney Carmer said before presenting to  
37 council, the applicants and planning commission would need to finalize their list of  
38 uses. Attorney Carmer said there is a current list in the application and those should be  
39 reviewed. Planner Smith referred to page 6 of (**Exhibit B**) for the proposed uses.  
40 Planner Smith said it was worded exactly like the C1 Zoning uses in downtown. Planner  
41 Smith said the five permitted uses are underground utilities, parks and open space,  
42 accessory uses, offices and police station. Planner Smith said the applicants are under  
43 a PUD process for a hotel and restaurant but warned about requiring a CUP for every  
44 single use beyond hotel and restaurant.  
45

46 Chair Apostolik closed the public hearing at 7:38  
47

1 Commissioner McDonald asked Mr. Stevens if the applicants felt comfortable with the  
2 progress with providing the recommendations from the town engineer. Mr. Stevens  
3 said his team had gone through every recommendation by SGM and was confident  
4 moving forward. Commissioner McDonald asked Planner Smith if he was comfortable  
5 and if the applicants met the recommendations. Planner Smith said he has spoken with  
6 the town engineer, and they were fine with the site plan. Planner Smith said there  
7 were minor edits and only a couple of design features that needed to be updated and  
8 council would be the next to review the application.

9  
10 Commissioner McDonald asked about the exterior look of the hotel. Architects, Caet  
11 May and Lauren Dufresne. Ms. May said she proposed darker exteriors with wood grain  
12 finishes as well as stone for the hotel building. Ms. May said they were inspired by old  
13 mining architecture and had added rustic elements. Ms. May said the restaurant is  
14 mostly stone that would carry over to the hotel building.

15  
16 Commissioner Cotey asked Planner Smith what the sign code requirements were.  
17 Planner Smith said signs are not reviewed with the PUD, but they would go through it  
18 at another time. Planner Smith said the sign would need to be adequate for the site  
19 and reviewed separately to make sure it complied with code and the comprehensive  
20 plan. Planner Smith asked Commissioner Cotey if she had a suggestion and she said to  
21 include "follow New Castle Sign Code" to the current resolution and Planner Smith said  
22 it would be addressed later in the project.

23  
24 Alternate Commissioner Rittner asked for clarification of possible future retail uses and  
25 if Planner Smith would be included in the decision process for retail space.  
26 Commissioner Rittner understood retail is allowed but it was not defined as to what  
27 kind of retail establishment could go there. Planner Smith said the commission could  
28 be more specific as well as exclude possibilities and this could prevent it in the future.  
29 Planner Smith said if the commission approves some sort of retail, the applicants can  
30 put any kind of retail without a review process. Alternate Commissioner Ritter asked  
31 Planner Smith if he had a concept of what kind of business they would want there in  
32 the future.

33  
34 Alternate Commissioner Mahaffey asked the applicants if the roof of the brew pub  
35 would be something that could host a party. Ms. May said that it was possible to utilize  
36 the extra outdoor space to host an event, but this suggestion was preliminary.

37  
38 Chair Apostolik asked Attorney Carmer if the current condition of use is an eating and  
39 drinking establishment if the brew pub might fit under that. Attorney Carmer said this  
40 is currently a PUD and they are doing a PUD plan for this site. Attorney Carmer said as  
41 part of the process is establishing what falls into permitted. Attorney Carmer said  
42 microbrewery is a new definition of a specific use and needs to be named specifically.  
43 Commissioner Cotey asked if it is currently listed as a use. Attorney Carmer said  
44 microbrewery is not current listed. Commissioner Cotey asked if the commission  
45 should amend the conditions to include microbrewery. Attorney Carmer said yes, they  
46 could add condition A to resolution B to a list of conditional uses to the site plan.  
47 Commissioner Cotey suggested adding other uses. Chair Apostolik asked if a  
48 microbrewery could be listed as an additional CUP. Town Attorney Carmer said yes, it

1 would have to be added separately. Commissioner Cotey said under condition A, add  
2 microbrewery as a use and remove gas stations and tire shops. Attorney Carmer asked  
3 the commission to clarify if gas station and tire shops should be prohibited. Chair  
4 Apostolik said yes.

5  
6 Commissioner Cotey asked the applicants if there was anything concerning them based  
7 on the future vision of the site. Mr. Stevens said no, they were appreciative of adding  
8 microbrewery to the list of uses.

9  
10 Commissioner McDonald asked how soon the applicants plan to start building. Mr.  
11 Stevens said the applicants would go to council first, then would need to apply for  
12 building permits. Mr. Stevens predicted breaking ground on site infrastructure and  
13 grading mid to late summer of 2026. Mr. Stevens said he thought the building would  
14 take about two years.

15  
16 Commissioner Cotey proposed that gas stations, tire shops and car wash either move  
17 to conditional uses or are stricken from the list. Mr. Stevens said a gas station,  
18 carwash or tire shop would not fit onsite.

19  
20 Commissioner Alternate Rittner asked if marijuana shops were considered retail space  
21 in the application, Planner Smith said no.

22  
23 Commissioner Mahaffey asked if there would be a rock wall by the parking lot and Mr.  
24 Stevens said yes, and there would be two levels. Mr. Stevens said most of the walls  
25 are located on the south side of the property line and it is to the specifications required  
26 by the rock fall mitigation report which showed how it should be constructed. Mr.  
27 Stevens said there is a break in the rock wall for the west access and if a rock were to  
28 fall it would be blocked by the applicant's garbage dumpster. Mr. Stevens said at the  
29 other end, there is a plaza area out front with a concrete wall that will act as a rockfall  
30 mitigation. Mr. Stevens said he was doubtful a rock would travel that far. Mr. Stevens  
31 said the wall is impenetrable from far east to far west. Commission Alternate Mahaffy  
32 asked how tall the berm would be. Mr. Stevens said it was three feet tall.

33 Commissioner Alternate Mahaffy said there were some big rocks up there and felt the  
34 engineers did a great job. Mr. Stevens said the applicants have spent a lot of time at  
35 the site with the engineers. Mr. Stevens said there are already boulders, about one to  
36 two cubic yards on site and there are none that have gone through the property and  
37 down the other side.

38  
39 **MOTION: Chair Apostolik made a motion to approve Resolution PZ 2025-2, A**  
40 **Resolution of the New Castle Planning and Zoning Commission**  
41 **Recommending Conditional Approval of a Final Subdivision Plat and**  
42 **Preliminary/Final PUD Development Plan Application for Riverside Park Lot 1**  
43 **with the Condition of Adding the Microbrewery and Prohibiting Gas Stations,**  
44 **Tire Shops and Repair Shops. Commissioner Cotey Seconded the Motion, and**  
45 **it passed on a roll call vote. Commissioner Riddle: yes; Commissioner**  
46 **McDonald: yes; Commissioner Sass: yes; Commissioner Cotey: yes; Alternate**  
47 **Commissioner Rittner: yes; Chair Apostolik: yes; Alternate Commissioner**  
48 **Mahaffey: yes.**

1  
2 **Consider PZ 2025-5, A Resolution of the New Castle Planning and Zoning**  
3 **Commission Recommending the Amendment of Provisions of Title 17 of the**  
4 **Town Municipal Code Concerning Food Trucks**

5 Town Attorney Carmer presented her memo, (**Exhibit C**). Attorney Carmer discussed  
6 House Bill 25-1295, and previously requiring food trucks to obtain separate permits  
7 and licenses to operate in multiple jurisdictions imposed a significant burden on those  
8 businesses, so it created statewide reciprocity standard for certain permits and licenses  
9 all food trucks are required to obtain. Carmer said council thought it was important to  
10 differentiate between temporary food trucks and those that are semi-permanent and  
11 temporary food trucks should not have to go through the CUP process. Second, while  
12 HB25-1295 does not require the Town to make any changes to the code, it does  
13 provide a definition and terminology for “food trucks” and a clear source of permitting  
14 requirements that would be helpful to incorporate into the Code. Attorney Carmer said  
15 Council discussed several policies and topics surrounding food truck regulation (e.g.,  
16 setbacks, operating hours, noise/trash standards, etc.), the consensus was not to put  
17 these regulations into the Code but, rather, to either develop a set of guidelines or  
18 continue to address these issues on a case-by case basis through the CUP process.  
19 Attorney Carmer said currently food trucks in place for 14 days or less must go  
20 through a special event permitting process and food trucks in place longer than 14  
21 days need to go through a Conditional Use Permit.

22  
23 Attorney Carmer asked for general feedback for staff regarding guidelines for food  
24 trucks or just address them on a case by case basis. Commissioner Cotey asked what  
25 the guidelines would be for a mobile food truck selling alcohol and what the permitting  
26 process would be like. Chair Apostolik said a cart selling liquor would require liquor  
27 licensing that is under local jurisdiction. Administrator Reynolds said it would need to  
28 go before the liquor board. Attorney Carmer clarified that a special event liquor license  
29 would be required to sell liquor at an event and a permanent liquor license would be  
30 required for a semi-permanent food truck. Attorney Carmer said that a restaurant  
31 must define the liquor premises including the truck and the area around it and if the  
32 truck moved the license would no longer be valid. Attorney Carmer said it would be  
33 difficult to have a liquor license on a semi-permanent food truck because it would  
34 require state licensing as well.

35  
36 Alternate Commissioner Mahaffey asked if the number of food trucks would be tied to a  
37 CUP that would need to come before the planning commission and council for each  
38 occurrence. Administrator Reynolds said yes.

39  
40 Chair Apostolik asked Attorney Carmer to define when a food truck is moved, meaning  
41 if it is a physical address or location within the lot. Attorney Carmer said that the  
42 mobile food establishment can remain and operate from the same lot or parcel for 14  
43 days in any 365 day period.

44  
45 Commissioner Mahaffey asked if mobile coffee carts would be considered a food truck  
46 because they serve beverages. Attorney Carmer said that had come up and would  
47 need to verify the statute and bring the answer back to the commission.

48 Commissioner Cotey suggested generalizing the language from mobile food vendors to

1 a mobile vending establishment and going through the same approval process.  
2 Administrator Reynolds said any mobile vendor would still need to go through the  
3 permitting process and public property use.  
4  
5 Alternate Commission Rittner asked when a food truck that did stay longer than 14  
6 days if the town could inspect it to prevent it from becoming semi-permanent Attorney  
7 Carmer said that would be a part of the CUP.  
8  
9 Commissioner Cotey asked if mobile food trucks should physically report and operate  
10 from a common site kitchen. Commissioner Cotey asked if they are required to have a  
11 commissary. Commissioner McDonald said they are required to work out of a kitchen  
12 regularly inspected for health. Commissioner Cotey clarified that if a food truck that is  
13 self-contained would need to be inspected. Attorney Carmer said yes.  
14  
15 Attorney Carmer said in Condition B of the resolution, they could add food  
16 establishments and small food establishments as a new use so that mobile vending  
17 carts or stands could still operate as non-food related carts. Commissioner Cotey  
18 clarified condition 16n of the resolution. Attorney Carmer corrected it to Condition 17.  
19 Attorney Carmer said there are two separate uses, the mobile vending part stays the  
20 same and they will add mobile food vendors as their own use. Chair Apostolik  
21 inspections are through the State. Administrator Reynolds said they were through the  
22 county.  
23  
24 Commissioner McDonald asked the progress of the mobile food truck and commissary  
25 kitchen discussed in October and Administrator Reynolds said they were getting ready  
26 to open with a truck on site already. Commissioner McDonald asked if any future food  
27 truck would need approval for that property, Planner Smith said the use is already  
28 defined, but the town would do inspections for any mobile food vendor.  
29  
30 Alternate Commissioner Mahaffey asked if there was a future planned central area for  
31 food trucks in New Castle like Moab where they all conglomerate together.  
32 Commissioner Cotey said the town allows food trucks to be on private property and the  
33 town would have to find property. Administrator Reynolds said that people have taken  
34 the idea to council over the years, but no one followed through with an application.  
35  
36 Member of the public, Bruce Bennett, asked if the three Rolling Fork Food Trucks  
37 parked in the Clubhouse parking lot at Lakota Ranch met the discussed resolution.  
38 Members of the commission said Rolling Fork use the kitchen at the clubhouse as a  
39 commissary kitchen because the health department inspects the kitchen.  
40 Commissioner Cotey said that if they started selling food in that parking lot, they  
41 would need to come to the town for a permit.  
42  
43 **MOTION: Commissioner Cotey made a motion to approve PZ 2025-5, A**  
44 **Resolution of the New Castle Planning and Zoning Commission**  
45 **Recommending the Amendment of Provisions of Title 17 of the Town**  
46 **Municipal Code Concerning Food Trucks with an Amendment to 16 to include**  
47 **Mobile Vending Carts and Mobile Food Establishments. Commissioner**  
48 **McDonald Seconded the Motion and it Passed on a Roll Call Vote.**

1 **Commissioner McDonald: yes; Alternate Commissioner Rittner: yes; Chair**  
2 **Apostolik: yes; Alternate Commissioner Mahaffey: yes; Commissioner Cotey:**  
3 **yes; Commissioner Sass: yes; Commissioner Riddile: yes.**  
4

5 Attorney Carmer asked the commission if they would like to see guidelines for food  
6 trucks as an ongoing project, or case by case for CUPs. Alternate Commissioner  
7 Mahaffey said he likes guidelines to keep it fair between CUPs. Administrator Reynolds  
8 said that guidelines are not retroactive and won't solve problems with current CUPs.  
9 Administrator Reynolds said there is more flexibility without guidelines. Commissioner  
10 Cotey said it should be decided on a case by case basis. Commissioner Mahaffey said  
11 guidelines might speed up the approval process in the future. Chair Apostolik said food  
12 trucks are new in this town and the process is a formality. Chair Apostolik said we can  
13 learn from towns like Gypsum in the future. Commissioner Mahaffey asked if current  
14 food truck CUPs would need to come back for a revision if they wanted to add HVAC  
15 units. Commissioner Cotey said guidelines would require more regulation and CUPs are  
16 on the record and specific. Chair Apolostik said every situation is different based on  
17 what they are selling.

18 **MOTION: Chair Apostolik made a motion to approve November 12, 2026,**  
19 **Minutes. Commissioner Riddile seconded the motion, and it approved**  
20 **unanimously.**  
21

## 22 **Staff Reports**

23 Planner Smith said January's meeting is seeking approval of CUP for an Xcel Energy  
24 substation. Planner Smith is hopeful R2 would meet in January for amendment.  
25 Commissioner Cotey asked for an update R2's amendment. Planner Smith said the  
26 townhomes would become for sale, not rentals and adding two car garages to  
27 townhome units. Planner Smith said the other developer, TC Midwest, was getting  
28 close to another proposal.  
29

30 Chair Apostolik asked Planner Smith if there were any updates on the Walter's Center  
31 Development. Planner Smith said no.  
32

## 33 **Commission Comments and Reports**

34 Commissioner Parks reported that the Historic Preservation Commission was finishing  
35 the forms to request designation of the town cemetery with state assistance from  
36 History Colorado.  
37

38 **MOTION: Chair Apostolik made a motion to adjourn the meeting.**  
39 **Commissioner McDonald seconded the motion, and it passed unanimously.**  
40

41 The meeting adjourned at 8:25 p.m.  
42

43 Respectfully Submitted,  
44  
45  
46  
47

1 Chuck Apostolik, Commission Chair

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6 Michelle Huster, Assistant to the Town Clerk

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