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Town of New Castle
PO Box 90
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New Castle, CO 81647

LAND DEVELOPMENT APPLICATION

Note: All land use applications must be filed with the Town Clerk. Please consult the Town Planner for codes specific to the Land Development Application. All application materials are subject to the Colorado Open Records Act (CORA), C.R.S. §24-72-201 to 207.

Applicant: Coal Seam, LLC	
Address: [Redacted] Colorado 81623	Phone: (970) [Redacted] E-mail: [Redacted]
Property Owner: Coal Seam, LLC	
Address: [Redacted] Carbondale, Colorado 81623	Phone: [Redacted] E-mail: [Redacted]
Contact Person: Caetlin Fox	
Address: [Redacted] New Castle CO 81647	Phone: [Redacted] E-mail: [Redacted]
Property Location/Address: Lot 1, Highway Business PUD Riverside Park Subdivision	
Legal Description: RE: Exhibit A - Legal Description	Acres: 5.84
Existing Zone (e.g., Residential R-1, Commercial C-1): H-B/PUD	Existing Land Use: Vacant

TYPE(S) OF LAND USE(S) REQUESTED

- Pre-Annexation Agreement
- Annexation
- Subdivision (including Minor and Major Subdivisions, Lot Splits, Sketch Plans, Subdivision Preliminary Plans, Subdivision Final Plans, & Condominiumizations)
- Amended Plat
- Planned Unit Development (including PUD Sketch Plans, Preliminary PUD Development Plans, PUD Master Plans and Final PUD Development Plans)
- Master Plan Amendment
- Conditional Use Permit or Special Review Use Permit
- Lot Line Adjustment or Dissolution
- Site Specific Development Plan/Vested Rights
- Variance
- Zoning
- Zoning Amendment
- Re-zoning
- Watershed Permit


 Applicant Signature	6/14/2024 Date
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II. INTRODUCTION

Coal Seam, LLC. is proposing to develop a 71-room hotel and a mixed use commercial building consistent with all the allowed and conditional uses listed in Chapter 17.60.303 and 17.60.040 of the New Castle Municipal Code, and Section V of this document, in addition to 4 rental apartments reserved primarily for internal employees, electric vehicle charging stations, and outdoor amenities located at 7051 County Rd 335, in New Castle, Colorado. This land is located directly adjacent to the New Castle interchange off of Interstate 70.

Coal Seam, LLC is in discussion to team with Best Western for franchising of the project. As such the design and construction oversight, marketing and management operational systems will be in line with their proven practice. Best Western offers a Signature series of hotels that allows the developer more flexibility in the design of the structure. This is important as the building needs to “fit” New Castle. This architectural approach is explained in detail in this application.

A unique feature of this development is that the managing members of Coal Seam, LLC, Abdi Pirzadeh, Tom Stevens and Caetlin Fox all have decades of experience in design, construction and development and are local. We believe this brings a better perspective to the project and provides better insight as to the “fit” of this project to the community. In fact, the entire team is local with the architects living in New Castle.

III. PROJECT DESCRIPTION – EXISTING CONDITIONS

The proposed development is located at 7051 County Road 335, New Castle, Colorado, on Lot 1 of the Riverside Park Planned Unit Development. It is 5.84 acres and zoned Highway Business/Planned Unit Development.

Previously the land was developed with a gasoline station which has now been demolished and cleaned. A Phase One Environmental report confirms this. There are slight remnants of the previous use, a sign at the property edge, a small concrete pad where the building sat, but beyond that, no evidence of the past use can be found.

Access to the parcel is via County Road 335 which borders the entire southern property line of the site.

Vegetation on the parcel is predominantly grasses and Gamble Oak. A few Serviceberry trees exist.

Preliminary soil investigations have been conducted showing suitable soils for construction.

No drainage channels or ditches exist on the parcel. Instead, the land slopes gently to the north to a break- point, then slopes steeply north to the Colorado river.

All utilities are present at the property edge, along County Road 335 and sanitary sewer was considered within the design of the River Park Sanitary sewer system, allowing a tie in to this system.

The northern portion of the property is the Colorado River. The property line actually extends into the river to the estimated historic centerline. The floodplain has been identified and shown in Exhibit N - Architectural Site Plan contained within this application. Due to the topography of the site, the 100 year floodplain has little impact on the developable area.

The river does serve as the primary amenity of this site. Grand River Park, just to the east has improved their land along the river for residents. There is an existing, natural “beach” area at the eastern portion of the river frontage. Rafters, float boats and fishermen use this section of river regularly.

IV. PROJECT DESCRIPTION – PROPOSED DEVELOPMENT

As stated above, this land use application seeks the following approvals:

Preliminary and Final Planned Unit Development

The 5.84 acre parcel of land is zoned Highway Business/ Planned Unit Development. The development program calls for the following:

- 71 room hotel with meeting rooms, limited food service, gym and swimming pool,
- restaurant with outdoor deck and patio space overlooking the river,
- 1 mixed use commercial building with basement storage
- 4 employee housing spaces below commercial office
- Associated parking and circulation
- Service and refuse locations,
- Outdoor amenities including “hitching posts” for river craft, and extension of the pedestrian path along the river and charging stations for electric vehicles.

The completed floor area will be approximately 55,725.1 gross square feet. The completed building footprint will be approximately 16,437.4 square feet while the site allows for a 89,311 square foot building footprint on Lot 1A, and 4,204.7 square feet while the site allows 37,938.5 square foot building footprint on Lot 1B.

A part of the development program calls for 4 residential units to be located below (garden level) the commercial space. This will be rental inventory and available as a first priority to employees of this development, second priority to employees working within New Castle and then any unrented units will be available to employees in general.

V. SPECIFIC PROJECT PARAMETERS

Architecture One of the most important aspects of a project this size is that it “fit” the surrounding area, the town and community. By choosing Best Western Signature hotels as a franchise, the architecture has been able to be designed to compliment the character and history of New Castle. Selecting designers that live in New Castle, Steven May and Caetlin Fox, was no coincidence. They have a first hand knowledge of the New Castle architectural vernacular and have been instrumental in creating a program that best fits the community.

Named after the Coal Seam fire, this development blends mining architecture with modern amenities. From the massing of the buildings to the materials used, every effort has been made to make this development compliment the community.

Massing is a key element. Viewed from County Road 335, and the entry to the project, the structures are two stories. Varying roof heights and roof elements give the structure a more interesting appearance. Also, all mechanical and storage has been placed on the lower level in the space buried in the hillside, minimizing the overall massing.

The square footage of the proposed development and allowed square footage are listed below.

**TABLE 1
LOT SIZE, ALLOWABLE SQUARE FOOTAGE, PROPOSED SQUARE FOOTAGE**

HOTEL LOT AREA PER SURVEY
178,622 s.f.

HOTEL MAXIMUM ALLOWABLE COVERAGE
50% or **89,311 s.f. (178,622 x 50%)**

MIXED USE LOT AREA PER SURVEY
75,877 s.f.

MIXED USE MAXIMUM ALLOWABLE COVERAGE
50% or **37,938.5 s.f. (75,877 x 50%)**

BUILDING SQUARE FOOTAGE (ESTIMATED)	
Hotel	46,680.9 s.f.
Mixed Use	9,044.2 s.f.
TOTAL BUILT AREA	55,725.1 Gross s.f.

**TABLE 2
PROPOSED PLANNED UNIT DEVELOPMENT**

Description The subject parcel of land, Lot 1, is currently part of the River Park PUD and carries an underlying zone of Highway Business. As part of this land use application the Applicant is seeking Planned Unit Development approval specific to Lot 1 and the anticipated development of a hotel, restaurant, limited office/commercial space and limited residential space. To accomplish this development program this table describes the parameters of the development.

Proposed Uses

A. Any of the uses set out in subsections (B) through (E) are permitted outright provided the following requirements are complied with:

1. All fabrication, sales, service, and repair operations are conducted within a building;
2. No outdoor storage of materials shall be permitted.
3. Loading and unloading of materials shall be conducted on site of the establishment or in an approved loading zone.

B. Retail establishments for the trade and sales of the following goods and materials:

1. Antiques
2. Appliances
3. Art and art supplies
4. Automotive parts, new
5. Bakery and doughnut shop
6. Beverages
7. Books, magazines, newspapers
8. Cafe, coffee shop
9. Clothing
10. Dry goods
11. Feed and pet supplies
12. Farm and ranch supplies
13. Food
14. Furniture
15. Garden supply and plants
16. Groceries
17. Hardware, general and specialty
18. Jewelry
19. Office materials and supply
20. Fly fishing retail and guide shop
21. Bike shop

C. Personal service establishment, including:

1. Art gallery
2. Bank
3. Barber, beauty shop
4. Indoor recreation
5. Insurance agency
6. Medical/health clinic limited to human outpatient services with floor area of no more than two thousand (2,000) square feet
7. Social services
8. Office for the conduct of a business or profession
9. Pharmacy
10. Photography supply, studio

11. Printing shop
12. Reading room
13. Real estate sales office
14. Restaurant, with or without a bar, sit down fast food restaurant with drivethrough
15. Shoe repair
16. Sporting goods
17. Studio for the conduct of arts and crafts instruction
18. Tailor shop
19. Bar, tavern/liquor store
20. Travel agency
21. Vet clinic, pet grooming
22. Brewery
23. Food trucks

D. Residential. One (1) or more residential dwelling unit(s) when located on a floor above or below the ground floor of a commercial use building, or, when located on a ground floor and within the rear forty (40) feet of a lot, within a commercial use building.

E. General Service establishments, including:

1. Hotel, lodge, motel, extended stay
2. Convenience store
3. Parking lot/EV charging

F. Conditional Uses

1. Entertainment venues
2. Industrial uses, cold storage and refrigerated warehousing
3. PUD
4. Clinics/urgent care/drug and alcohol rehab center

Minimum Lot Area	One Acre
Minimum Floor Area	None
Minimum Setbacks	Front yard - 50 feet Side yard - 20 feet Side yard Between Lots - 7 Feet Rear yard - 20 feet
Maximum Building Height	None unless otherwise specified by Town Council
Maximum Lot Coverage	Fifty (50) Percent
Landscaping	At least 10% of the total land area shall be landscaped in accordance with a landscape plan approved by Town Council.

The hotel and the mixed use buildings have been designed to nestle into the hillside. As stated above, the view from County Road 335 is of two stories with mixed roof heights to give the buildings interest while keeping the perceived mass to a minimum. Viewed from the river, the buildings are all three stories and intersect the site at existing grade. Where necessary, the foundation has been extended to meet existing grade so no additional grading is required. The design goal in nestling the buildings into the hillside is to give the appearance the buildings simply emerge out of the existing grade. The lowest level of the hotel will house storage, mechanical, gym space and meeting rooms on the south side. This side is completely buried in the hillside while the north side is made up of hotel rooms, all facing the river with floor elevations close to existing grade.

It should be noted that the lowest floor of the hotel and restaurant is programmed for storage and mechanical space with one exception, the north half of the hotel's lowest floor is designated as hotel

rooms at grade with the exterior. The lower level of Mixed Use B is programmed for residential housing and storage. All square footage has been included in the calculations above.

3D renderings have been provided depicting the signage, style, massing and materials proposed. These 3D renderings are an invaluable tool in reviewing the proposed architecture as it gives an experiential view of the development from multiple views, including floating down the Colorado River.

Building Height The New Castle Land Use Code provides no building height limitations within the PUD zone as it is to be established by the proposed PUD. Building Height means the vertical distance measured from the average existing grade within the building setback envelope to the uppermost point of the roof of the building.

Landscaping + Irrigation A landscape and irrigation plan has been provided in this application. The main focus of site landscaping is to re-establish the Gambel Oak grove on the hillside between the building and the river, replacing plants that are removed during construction. Beyond this, tree planting will be provided in the parking lot to add shade and break up the visual impact of the parking lot. Areas immediately surrounding the building will receive lawn, either sod or seed, and see the addition of trees to provide shade within the entry courtyard. Irrigation will be provided to landscape areas.

Site Lighting All site lighting will be “Dark Sky” compliant. Parking lot lighting will consist of pole mounted down lights within the boulevards of the parking lot and bollard lighting along exterior walkways where necessary. Lighting for the buildings will consist of wall mounted down lights at entries/exits, step lights at the outdoor stairs. All signage will be lit with “Dark Sky” compliant lighting.

Minimal building lighting will be provided, only to safely light entry/exit locations.

Landscape lighting will be limited to exterior stairs and walkways.

Parking One hundred and nine (109) parking spaces have been provided including five (5) handicap spaces. The breakdown of parking requirements is as below. Note: square footage is based on net usable square footage and not gross building square footage.

71 hotel rooms at 1 space per room	71
4 hotel employees per shift at 1 space per 2 employees	2
Restaurant at 1 space per 3 seats	20
Residential housing at 2 per unit	8
TOTAL REQUIRED	101
TOTAL PROVIDED	109

The proposed development offers a prime opportunity to “share” parking spaces. Specifically, the commercial space will be at its highest use during the day, while the hotel will be at its highest use during the evening and night. Hotels also rarely operate at 100% capacity and in fact average about 70% occupancy most on season days, substantially less during off seasons. For these reasons we feel the parking quantity provided best blends responsible site planning and design with responsible programmatic development.

Electric Vehicle Charging Stations Ten (10) EV "ready" charging stations will be provided, four (4) conventional charging stations, twelve (12) EV "capable" charging stations, and thirteen (13) EV "capable light" charging stations. These will have dedicated parking spaces and have been located along the northern portion of the parking lot as depicted on the Site Plan.

Utilities All existing utilities are located at the property line, along County Road 335.

Water will be brought into the project in two locations as represented on the civil drawings. One location to serve the hotel and one location to serve the commercial. These two lines will be looped.

Private utilities, telephone, gas and electric, again, will come from County Road 335 directly into the project.

Grading and Drainage The overall goal is to fit the project to the site as best as possible. Viewed from County Road 335, the buildings are two stories tall while viewed from the river, are three stories tall. To accomplish this the buildings have been designed to step down the hillside, minimizing mass excavation. As a result, the natural topography can remain as it is, to a large degree. County Road 335 sets the control for grading and two primary and one secondary entry/exit points to the parking lot have been proposed. These points establish grade. From these points, grading slopes to low points within the parking lot. These low points will have an inlet that routes water to two retention/detention ponds below the buildings.

Drainage of building roofs will be collected and piped to the same retention/detention ponds as the parking lot.

Surface drainage, within the landscape, will run off the site as it has historically.

The result of this drainage plan is no new drainage generated by new impervious surfaces will leave the site. Water collected from these impervious surfaces will be retained/detained and released at historic rates sub surface.

Snow Storage Snow storage has been provided at the west end of the parking lot as depicted on the Landscape Plan. The parking lot will be plowed from east to west.

Compliance with the Comprehensive Plan We believe this proposed development aligns precisely with the goals and objectives of the Comprehensive Plan. The plan specifically states the first and second most important commercial development types include restaurant and small-scale independent office, both anchors of this proposal. It further identifies tourism and recreation as being of primary importance. The hotel component of this development supports the tourism and recreation industry by providing lodging for out of town visitors. The Comprehensive Plan states that 50% of Lakota golf course visitors are from out of town. With the growing emphasis on mountain biking and the development of miles of new mountain biking trails in New Castle, this industry can, and likely will surpass the golf industry as the leading form of recreation. Again, those out of town visitors require lodging.

On site employee housing for newly created businesses is also a focus of the Plan. This proposed development will provide units available to business owners within this development for employees. It has become a limiting factor in business to be able to hire employees and the lack of employees is due to lack of affordable housing. For a business owner to be able to provide housing for a potential employee can easily be the difference between securing that employee or not. All housing within the proposed development will be made available to employees of this development first. Any remaining units will be made available to New Castle residents next. In the event units are still available they will be made available to anyone.

Economic development is a prime target of any Comprehensive Plan and New Castle's Plan is no different. Commercial and office development has been severely limited in New Castle resulting in no commercial, office or office space being available within the town. This translates to no new tax revenue for the Town. This proposed development plan will provide a substantial boost in yearly tax revenue while requiring very little service.

Impact on town schools and infrastructure will be minimal to non-existent with this proposal. The hotel does not create the need for additional school or put a burden on the existing facility because no new population is added. In fact, none of the proposed components of this development create any need for additional service or burden existing service. There will be employment opportunities associated with this development. In all likelihood, the employees will already be members of the New Castle community and simply trade their out of town jobs for a closer and better job.

As such, no new demand is placed upon Town services.

Rock Fall Mitigation The subject parcel of land is subject to potential rock fall hazard from the slope to the south side of County Road 335. A Rock Fall analysis and mitigation report has been prepared by CTL Thompson and is contained within this application (see Exhibit H). To summarize, the construction of a three (3) foot tall earthen berm is required along the southern property boundary, with a secondary two (2) foot tall concrete wall along the northern edge of the parking lot by the water feature and Mixed Use Building B. This berm will be located between the existing pedestrian walking path and the parking lot edge. Construction of the berm and dimensions will comply with the report.

VI. 6.16.020 - Preliminary Plat Requirements.

A. Purpose. The subdivision of property into six (6) or more lots or condominium units shall be deemed a major subdivision per Section 16.04.020. Any major subdivision proposal shall require a three-step application process—sketch, preliminary, and final—unless granted an exemption by the commission for good cause shown by the applicant. Review of the preliminary subdivision application shall assess compliance with the town code, provisions for utilities and infrastructure, substantial conformance to the comprehensive plan, and any adverse impacts to the town.

The commission shall conduct a noticed public hearing as provided in Chapter 16.08 of the town code and make a decision regarding the preliminary plat application. In instances of combined subdivision/PUD development applications, both applications shall be processed concurrently pursuant to Section 17.100.030.

B. Pre-Application Meeting. Prior to submission of a preliminary plan application, the applicant and the town administrator or designated town staff will conduct a pre-application meeting at a mutually agreed upon date. The pre-application meeting is an opportunity for the applicant to discuss any subsequent changes made after sketch plan review and to receive guidance on future steps in the application process. An additional pre-application meeting may be required by the town administrator if a complete preliminary plat application is not submitted within six (6) months of the initial pre-application meeting. The town administrator may waive the pre-application meeting for good cause upon request from the applicant or otherwise at the discretion of the town administrator.

Complete.

C. Preliminary Plat Submittals. All application materials shall initially be submitted in electronic format. Upon receipt of the electronic materials, staff will determine the number of printed copies required from the applicant.

A plat of the proposed subdivision drafted in preliminary form to a scale of not more than one hundred (100) feet to the inch on a sheet accompanied by an index map appended if the project size dictates, at least twenty-four (24) by thirty-six (36) inches depicting:

Preliminary information sufficient to indicate that the final plat will meet requirements established under C.R.S. § 38-51-106, land survey plat, or as hereafter amended;

Exhibit N - Plat has included sufficient information to show it will meet Final Plat requirements. As a note, Final Plat has been included in the application as well.

1. Name of the proposed subdivision, which shall be different from any existing recorded subdivision in the Town of New Castle;

Coal Seam LLC. This parcel of land is known as Lot 1, Riverside PUD.

2. A vicinity map, on a scale of one (1) inch to two thousand (2,000) feet;

A vicinity Map has been shown in Exhibit N - Plat.

4. Contours of the land proposed for subdivision at five-foot intervals (ten-foot intervals on rugged topography);

Exhibit N - Survey includes topography at 2 foot intervals.

5. The limit of the one hundred-year flood, using information provided by the town. When not already available, such information shall be defined through mutual agreement of the town's engineer and the applicant's engineer;

The one hundred year flood has been shown in Exhibit N - Floodplain Map - 100 Year Floor Map.

6. Lot and block layout of the proposed subdivision, including a block and lot numbering system and the area and setback information for each proposed lot;

This has been included in Exhibit N - Plat.

7. Intersecting property lines and the names and addresses of the owners of record of all parcels adjoining the proposed subdivision, including parcels separated only by a public right-of-way from the subject land;

All adjacent property owners have been shown in Exhibit N - Plat.

8. Existing or proposed zoning and zone district boundaries for the subdivision and land adjacent to the subdivision;

The underlying zoning is Highway Commercial. This has been labeled in Exhibit N - Plat.

9. Street layout of the proposed subdivision, including the relationship to existing public rights-of-way and the width, proposed classification, and name of proposed streets;

There is no street system proposed in the project, only off street parking with circulation lanes.

10. *Location and dimensions of any pedestrian, bicycle, or trail easements;*

All sidewalks and the pedestrian trail are represented in Exhibit N - Civil Plans contained within this application.

11. *Off-street parking common areas, loading areas, and service areas including refuse disposal;*

All off street parking, loading areas and refuse disposal areas have been depicted in Exhibit N - Architectural Site Plan.

12. *Locations reserved or dedicated for open space, public parks, schools or other public buildings, facilities or uses;*

Open space reservations have been represented in Exhibit N - Architectural Site Plan.

13. *A schedule showing the total acreage of the land to be subdivided and the acreage intended for each type of usage along with its percentage to the total acreage;*

All acreages have been represented in Exhibit N - Plat.

14. *Plat note identifying the party responsible for maintaining proposed open space, parks, trails, and roads within the subdivision;*

Plat notes have been included in Exhibit N - Plat.

15. *Locations of snow storage (See Section 16.16.020(D)(10) below);*

Snow storage has been depicted in Exhibit N - Architectural Site Plan.

16. *Locations of mailbox kiosks with written approval from the local postmaster;*

A mail kiosk is to be located outside the commercial structure in Exhibit N - Architectural Site Plan. The applicant will coordinate all required activity with the local Postmaster who has already provided his approval.

17. *Existing and proposed easements for irrigation, drainage, and utilities. Include the proposed terms of reservations or dedications of public rights-of-way, easements and other public lands;*

All existing and proposed easements have been depicted in Exhibit N - Plat. Existing easements have been preserved with no required revisions.

18. Location and dimensions of any lot access envelopes;

Access points to the parcel have been depicted in Exhibit N - Architectural Site Plan.

19. Name and address of the applicant, the person or firm preparing the preliminary plat and the engineer or surveyor, licensed to practice in the state;

See Land Use Application form.

20. Profiles of the topography both before and after any overlot grading that is proposed, and a map showing the contours after overlot grading.

Existing topography at 2 foot grade intervals is shown in Exhibit N - Survey. Revised grading and drainage has been depicted in Exhibit N - Civil Plans and profiles of existing and proposed grades have been provided.

D. Supplemental Materials. Unless already included as part of a PUD preliminary application, the following review materials shall accompany the preliminary subdivision application to determine the feasibility of the proposed development:

1. *Compliance With the Comprehensive Plan. The applicant shall include a narrative demonstrating compliance with the comprehensive plan;*

We believe this proposed development aligns precisely with the goals and objectives of the Comprehensive Plan. The plan specifically states the first and second most important commercial development types include restaurant and small-scale independent office, both anchors of this proposal. It further identifies tourism and recreation as being of primary importance. The hotel component of this development supports the tourism and recreation industry by providing lodging for out of town visitors. The Comprehensive Plan states that 50% of Lakota golf course visitors are from out of town. With the growing emphasis on mountain biking and the development of miles of new mountain biking trails in New Castle, this industry can, and likely will surpass the golf industry as the leading form of recreation. Again, those out of town visitors require lodging, On site employee housing for newly created businesses is also a focus of the Plan. This proposed development will provide six units available to business owners within this development for employees. It has become a limiting factor in business to be able to hire employees and the lack of employees is due to lack of affordable housing. For a business owner to be able to provide housing for a potential employee can easily be the difference between securing that employee or not. All housing within the proposed development will be made available to employees of this development first. Any remaining units will be made available to New Castle residents next. In the event units are still available they will be made available to anyone.

Economic development is a prime target of any Comprehensive Plan and New Castle's Plan is no different. Commercial and office development has been severely limited in New Castle resulting in no commercial, office or office space being available within the town. This translates to no new tax revenue for the Town. This proposed development plan will provide a substantial boost in yearly tax revenue while requiring very little service.

Impact on town schools and infrastructure will be minimal to non-existent with this proposal. The hotel does not create the need for additional school or put a burden on the existing facility because no new population is added. In fact, none of the proposed components of this development create any need for additional service or burden existing service. There will be employment opportunities associated with this development. In all likelihood, the employees will already be members of the New Castle community and simply trade their out of town jobs for a closer and better job.

As such, no new demand is placed upon Town services.

3. *Geotechnical study;*

A geotechnical study as well as a Phase one and two environmental audit have been conducted and are shown in Exhibit C - Geotechnical Subsoil Study.

4. *Traffic impact study;*

A traffic impact study has been prepared specifically for this proposed development and is shown in Exhibit H - Traffic Impact Study. Summarizing this report, the current road system including the interchange intersection points are adequate to service the proposed development. Additionally, the Colorado Department of Transportation has completed design on a new interchange at Interstate 70 including new round-a-bouts at both north and south sides of the highway. Nothing within the proposed development will interfere with these plans.

5. Water Report. Identify anticipated service pressures, fire flow, demands, velocities under peak flow conditions as well as irrigation demands and design if a separate irrigation system is proposed. Identify any impacts to the town's existing storage, treatment, and distribution system;

A water report prepared by the project Civil Engineer is shown in Exhibit E - Water + Sewer Report.

6. Wastewater Report. Identify anticipated loadings, velocities, pipe sizes, pumping needs, etc.

Explain the impacts anticipated on the town's collection and treatment system;

A wastewater report prepared by the project Civil Engineer is shown in Exhibit E - Water + Sewer Report.

7. Utility Plan. A plan corresponding to the preliminary plat showing the line location, size and gradient for proposed water distribution and sewage collection mains within the proposed subdivision in relation to existing town installations. Identify preliminary layouts, pedestal, transformer, and meter layout to assure no conflicts with other improvements exist;

A utility plan prepared by the project Civil Engineer is shown in Exhibit N - Civil Plans.

8. *Street Design Report.* Centerline profiles of proposed streets, sidewalks, and pedestrian trails shall be plotted at a horizontal scale consistent with the preliminary plat and a distorted vertical scale, with sufficient detail to insure that the proposed streets, sidewalks, and pedestrian trails meet gradient limitations established by this title, the public works manual, and other applicable standards such as those set forth in the Americans with Disabilities Act, and bear a logical relationship to the grade of existing public streets at points of intersection;

All sidewalks and pedestrian trails have been depicted in Exhibit N - Architectural Site Plan, the Landscape + Irrigation Plan, and the Civil Plans. There are no roads within the proposed development, only the parking lot and associated access points. These have been shown on these same plans attached hereto.

9. *Drainage Report.* Show compliance with public works manual;

A Drainage Report prepared by the project Civil Engineer is shown in Exhibit N - Civil Drainage Report.

10. *Floodplain Study.* For drainages that have tributary basin areas of more than twenty (20) acres in size, identify the water surface elevations of the drainage for both the predeveloped conditions as well as the post developed conditions. The study will need to assure that the flood hazards that exist upstream and downstream of the subject property will not cause a rise in water surface elevation by more than six (6) inches nor an increase in velocity of the stream for the one hundred-year event. The hydrological analysis and the hydraulic analysis supporting the study shall be submitted for review and approval by the town engineer;

The one hundred year flood line has been shown in Exhibit N - Architectural Site Plan and Exhibit N - Civil Plans. It should be noted that no construction is planned along the river bank to affect upstream or downstream water conditions.

10. Snow storage and removal report that complies with the public works manual;

11. *Geological Stability Information.* Geological stability information and soil datum shall be furnished at this time if the applicant has any objection to any current report of geologic and soil information adopted by the town or by the Garfield County Planning Department as a reference, or on request of the town administrator in cases where no such report is available for the land being subdivided. At the same time the applicant shall present plans for the correction or avoidance of any problems in his or her report or the adopted reference;

A licensed Geologist has been retained to evaluate the rock fall hazard associated with the property located to the south of the subject property, and make recommendations for mitigation. All aspects of the recommended mitigation will be closely adhered to by the Applicant.

Within the site boundary, little to no geologic instability exists. The architecture has been designed to take advantage of the slopes. Soils are conducive to development. The hazard of rockfall exists due to the steep undeveloped slopes to the south and to the other side of County Road 335 of this parcel. In the event a rockfall should get beyond the boundary of the parcel of land to the south and cross Road 335, it will be stopped by a berm and secondary concrete wall. The specific design parameters of the berm and wall will be created by the project's consulting Geologist and engineer working closely with the Town's consulting engineer and agreed upon prior to issuance of building permits. The identification of the specific hazard as well as the mitigation for this hazard has been identified and included herein, see Exhibit C.

12. Construction Phasing Plan. Identify, at minimum, each of the following components:

a. Buildout phases for infrastructure and vertical improvements;

All infrastructure will be constructed on one single phase followed immediately by all vertical construction.

b. Schedule that identifies the sequencing of infrastructure and vertical construction, sequencing of occupancy, traffic flow, and traffic control plans during construction;

As stated, all construction will be completed in one phase beginning upon issuance of applicable building permits. All construction traffic will access the site to the parking lot area so as to not create traffic congestion on County Road 335.

c. Storage and staging areas for construction equipment and materials;

All construction staging for construction materials and equipment will be on site in the parking lot area.

d. Illustrate drainage and erosion control best management practices (BMP's).

All drainage and erosion control best management practices will be employed during construction including but not limited to silt fencing around the entire property, straw waddles installed per specification at all drainage channels and drainage inlets as shown in Exhibit N - Civil Plans.

13. Fiscal Impact Study. At the discretion of the town administrator, provide a calculation of projected ongoing revenues and costs to be received or incurred by the town as a result of development of the subdivision proposed in the application. Such calculations shall be provided for the first fifteen (15) years after full development of the proposed subdivision;

A fiscal impact study has been prepared for the proposed development and included herein. See Exhibit L.

14. Brief description of proposed covenants, if any;

Covenants have been prepared for the proposed development and included herein. See Exhibit J.

15. List of names and addresses of property owners within two hundred fifty (250) feet of the property being subdivided; and

A list of all owners within 250 feet has been provided herein. See Exhibit I.

16. Current title commitment for the property being subdivided.

A current title commitment has been included herein. See Exhibit G.

E. Completeness Determination and Submittal Deadline. A completeness determination of the application shall be made within thirty (30) days after submission of the preliminary plat application materials. An application is deemed complete once all fees, signed documentation, and all required application materials from subsections (C) and (D) are provided. If the application is deemed incomplete, the applicant will be notified of any deficiencies. The application process—including the scheduling of public meetings—will not continue until all deficiencies are corrected and the application is deemed complete. Once the application is determined to be complete, the applicant may submit new or revised application materials up to fourteen (14) days before the public hearing date. If materials are provided after this deadline, the planning commission may continue the hearing if it determines staff requires more time to review and provide comments regarding the late submittals.

F. Public Notice and Referrals. As provided in Chapter 16.08 of this title, a public hearing regarding the application will be scheduled with the commission on the first available meeting date at least forty-five (45) days after the date the application was determined complete pursuant to subsection (E) above. The application shall be accompanied by an application for zoning or rezoning if the subdivision is within the town limits and when rezoning is required for the development of the subdivision. Notices of the time and place of the hearing shall also be mailed to all utilities and state agencies who were requested to review the preliminary plat, at least thirty (30) days prior to the hearing.

In addition to the notice requirements, applicable portions of the preliminary plat shall be provided to at least the following referral agencies for review and comment:

- *Town departments and town consultants, including the town attorney and town engineer;*
- *Colorado Parks and Wildlife;*
- *Colorado River Fire and Rescue;*

- *All utility companies serving the proposed area;*

- *The Colorado Department of Public Health when any new sewage and water treatment facilities are proposed;*

- *The Colorado Department of Highways when the proposed subdivision borders a state highway, and any other appropriate agency.*

G. Application Review Process. The application will be evaluated according to the following review criteria:

1. Consistency with the comprehensive plan;

This has been addressed within this application. See Section V, Specific Project Parameters.

2. Compliance with zoning and density requirements;

The underlying zoning is Highway Commercial and the proposed development falls within Conditional Use of this zone district. Additionally, this is a PUD application based upon the underlying Riverside Park PUD. As such density requirements are established by the PUD.

3. Compatibility to neighboring land uses;

Neighboring land uses are limited to the River Park condominium development to the east, undeveloped land to the south, the I 70 interchange to the west and the Colorado River to the north. See Exhibit B.

4. Availability of town services from public works (including water and sewer services), fire, and police;

The Applicant has met with the town agencies for input prior to submission of this application. All town services are available.

5. Adequacy of off-street parking and vehicle, bicycle, and pedestrian circulation;

See Section V, Specific Project Parameters for a detailed summary of provided parking. Pedestrian circulation has been provided for all programmatic uses. See Exhibit N - Architectural Site Plan. Pedestrian circulation has also been provided in the form of a riverside trail.

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

Not Applicable.

7. Development consistent with the natural character, contours, and viewsheds of the land.

The natural character of the site has been protected to the greatest extent possible with the design of the project. The site itself comprises two basis sections, the first being the flat bench along the County Road 335 and the second being the sloped hillside from the flat bench to the river. On the flat bench the parking has been located which minimizes grading. On this hillside, the building has been located and nestles into the hillside with two stories to three, allowing existing grade to be maintained. The viewshed of this parcel is of the Colorado River. All emphasis has been placed, architecturally, on maximizing the views. Off site view of the parcel will obviously change with the addition of new construction but no view from off site, looking through the site to a focal point beyond will be impacted. As an example, the view from I 70 to the parcel and then across to the mountainside will not be impacted.

The Applicant believes it has provided adequate information to review the application against these criteria.

Within thirty (30) days after the close of the public hearing, or within such time as is mutually agreed by the commission and the applicant, the commission shall make one of three (3) decisions on the application: 1) approve the application unconditionally; 2) approve the application with conditions; 3) deny the application. The commission's decision will be made by written resolution. Approval or the preliminary plat does not constitute a commitment on the part of the planning commission to accept the final plat. A continuance of the hearing may be allowed pursuant to Section 16.08.040(G) of this title.

H. Duration of Preliminary Plat. Preliminary plat approval granted pursuant to this Section 16.16.020 will remain in effect for one (1) year from the date of the commission resolution regarding the application. If the applicant does not submit a final plat application within said year or if the applicant's preliminary plat application includes substantial changes (e.g., proposes new uses, higher density development, changed layout, new or additional variances, etc.) from the as-approved preliminary plat, then, at the discretion of the town administrator, the applicant may be required to obtain approval of a new preliminary plat application before filing a final plat application.

VII. 16.16.030 - Final Plat Requirements.

A. Purpose. The subdivision of property into six (6) or more lots or condominium units shall be deemed a major subdivision per Section 16.04.020. Any major subdivision proposal shall require a three-step application process—sketch, preliminary, and final—unless granted an exemption by the commission for good cause shown by the applicant. Only that part of the preliminary plat that is proposed by the application for recording at any one time must be submitted in final form. Separate improvement agreements and review fees may be required for each portion of the preliminary plat that shall be presented for final approval. In the case of a partial submission, the approval of the remaining portion of the preliminary plat shall receive an automatic one-year extension. A final subdivision application shall demonstrate final compliance with town regulations and requirements as are necessary prior to the building permit phase.

The commission shall conduct a noticed public hearing as provided in Chapter 16.08 of the town code and make a recommendation on the final plat application to town council. Town council will then make the final decision on the application at a public meeting. In instances of combined PUD/subdivision development applications, both applications shall be processed concurrently pursuant to Section 17.100.030.

B. Pre-Application Meeting. Prior to submission of a final plan application, the applicant and the town administrator or designated town staff will conduct a pre-application meeting at a mutually agreed upon date. The pre-application meeting is an opportunity for the applicant to discuss any subsequent changes made after the preliminary plan review and receive guidance on future steps with the application process. An additional pre-application meeting may be required by the town administrator if a complete final plat application is not submitted within six (6) months of the initial pre-application meeting. The town administrator may waive the pre-application meeting for good cause upon request from the applicant or otherwise at the discretion of the town administrator.

Complete.

C. Final Plat Submittals. The applicant shall produce print copies (the number of which shall be determined by the town administrator) of the proposed final subdivision plat drawn at a scale of not more than one hundred (100) feet to the inch on sheets (maps of two (2) or more sheets shall be referenced on an index map and all certifications and dedications need appear only on the title or cover sheet) which measure twenty-four (24) inches by thirty-six (36) inches with a two-inch clear left margin and a one-half inch margin along the remaining edges of the sheet. Two (2) permanent, reproducible copies (such as mylar) will be required after final approval and prior to recordation.

Additional information required after preliminary plat approval shall be as follows:

1. Subdivision Boundaries. Street right-of-way lines and lot lines in solid lines, easements or other right-of-way lines in dashed lines, all with accurate dimensions to the nearest 0.01 foot. Bearings and distances of all lines, centerline angles, radius length, chord length, and arc length of all curves shall be shown;

Exhibit N - Plat included in this application complies with the above stated criteria.

2. *The location and description of all permanent survey control points;*

Included. See Exhibit N - Plat.

3. *Legal description of the subdivision parcel with reference to its location in the records of Garfield County;*

Included. See Exhibit A - Legal Description.

4. *Street names, block and lot numbers. All street names shall be cleared through Garfield County Communications to avoid any duplication of street names in the county dispatch area. Address numbering shall be sequential and based on distance from entrance of street. Fire marshal will submit names to communications for approval.*

No new streets are proposed in this development. There is only a parking lot and associated access way.

5. *Notarized certification of ownership;*

Included. See Exhibit G - Title Commitment.

6. *Surveyor's certificate signed by a licensed surveyor responsible for the survey and plat;*

See Exhibit N - Survey and Exhibit N - Plat.

7. *Certificate of final approval by town council;*

This is a combined Preliminary and Final Plat submission. Certificate shall be provided once available.

8. *County clerk's certificate for time of recording and reception number;*

See comment above.

9. *Evidence that provision has been made for facility sites, easements, and rights of access for electrical and natural gas utility service sufficient to ensure reliable and adequate electric or, if applicable, natural gas service for any proposed subdivision. Submission of a letter of agreement between the subdivider and utility serving the site shall be deemed sufficient to establish that adequate provision for electric or natural gas service to a proposed subdivision has been made;*

All utilities required to serve the proposed development are contained within adequate easements as shown in Exhibit N - Plat.

10. *The title insurance company or attorney's certificate as required; and*

See Exhibit G - Title Commitment..

11. *Plat note referencing the ordinance number and recordation information for the ordinance approving the final plat.*

This will be added once available.

D. Supplemental Application Materials.

1. *Three (3) copies of any protective covenants or restrictions placed on the subdivision;*

Included. See Exhibit J.

2. *Engineered plans and preliminary cost estimates for all utility, street, and drainage improvements to be installed in dedicated land, rights-of-way, or easements shall be made and certified by an engineer licensed to practice in the state of Colorado;*

No anticipated improvements are planned for public land with the exception of the utility connections which are at the property line within the Right of Way. The Applicant can provide an estimate for this minimal work if necessary.

3. *A subdivision improvement agreement using a form approved by the town attorney with guarantees executed between the subdivider and the town wherein the subdivider shall agree to install drainage structures, fire hydrants, roads, curb and gutter, complete paving, sidewalks, bicycle paths, culverts and bridges, street lights and signs, and other improvements where required at his or her expense either prior to acceptance of the final plat or within a specific time, no later than one (1) year from the start of any phase of the development, as approved by the town council. Such agreement shall also define responsibility for and describe terms and stipulations relative to provision of water and sewer improvements;*

It is anticipated that a subdivision improvements agreement will be created in cooperation with the town attorney and the applicant. Due to the nature of this development, this agreement shall be finalized to the satisfaction of the town's attorney prior to issuance of a building permit or within one year of approval.

4. *A title commitment for all onsite and offsite easements and dedications;*

Included. See Exhibit G - Title Commitment.

5. *List of property owners within two hundred fifty (250) feet of the property being subdivided.*

Included. See Exhibit I - List of Property Owners Within 250 Feet.

E. Completeness Determination and Submittal Deadline. A completeness determination of the application shall be made within thirty (30) days after submission of the final plat application materials. An application is deemed complete once all fees, signed documentation, and all required application materials from subsections (C) and (D) are provided. If the application is deemed incomplete, the applicant will be notified of any deficiencies. The application process—including the scheduling of public meetings—will not continue until all deficiencies are corrected and the application is deemed complete. Once the application is determined to be complete, the applicant may submit new or revised application materials up to fourteen (14) days before the public hearing date. If materials are provided after this deadline, the planning commission may continue the hearing if it determines staff requires more time to review and provide comments regarding the late submittals.

F. Public Notice and Referrals. As provided in Chapter 16.08 of this title, a public hearing regarding the application will be scheduled with the commission on the first available meeting date at least forty-five (45) days after the date the application was determined complete pursuant to subsection (E) above. The application shall be accompanied by an application for zoning or rezoning if the subdivision is within the town limits and when rezoning is required for the development of the subdivision. Notices of the time and place of the hearing shall also be mailed to all utilities and state agencies who were requested to review the final plat, at least thirty (30) days prior to the hearing. Final plat application materials may be provided to one (1) or more of the referral agencies listed in Section 16.16.040(F) if deemed necessary by the town planner.

G. Application Review Process. The application will be evaluated according to the following review criteria:

- 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 consistent with the natural character, contours, and viewsheds of the land.*

The Applicant believes it has provided adequate information to review the application against these criteria. As evidenced in the sections immediately above.

Within thirty (30) days after the close of the public hearing, or within such time as is mutually agreed by the planning commission and the applicant, the commission shall make one of three recommendations to town council regarding the final plat application: 1) approve the application unconditionally; 2) approve the application with conditions; 3) deny the application. The commission's decision will be made by written resolution. A continuance of the hearing may be granted pursuant to Section 16.08.040(G) of this title.

Within sixty (60) days from the date of the commission's written decision on a final application, or within such time as is mutually agreed by the council and the applicant, town council shall approve the final plat application, with or without conditions, or deny the application. Town council's decision will be made by ordinance.

H. Recordation of Plat. The town clerk shall cause the final plat to be recorded with the county clerk and recorder upon satisfaction of all conditions required by the ordinance approving the final plat. The town clerk shall also retain copies of plats and annexation ordinances as required by state statute.

(Ord. No. TC 2020-6, § 2, 9-1-2020)

VIII. 17.100.050 - Preliminary PUD Development Plan and/or PUD Master Plan Application.

A. Purpose. A PUD proposal shall generally require a three-step application process—sketch, preliminary, and final—unless granted an exemption by the commission for good cause shown by the applicant. Review of the preliminary PUD application will assess zoning conformance, compliance with the town code, provisions for utilities and infrastructure, compatibility with the comprehensive plan, and address any adverse impacts to the town.

The commission shall conduct a noticed public hearing as provided in Chapter 16.08 of the code and make a decision regarding the preliminary PUD application. In instances of combined Subdivision/PUD development applications, both applications shall be processed concurrently pursuant to Section 17.100.030.

B. Pre-Application Meeting. Prior to submission of a preliminary plan application, the applicant and the town administrator or designated town staff will conduct a pre-application meeting at a mutually agreed upon date. The pre-application meeting is an opportunity for the applicant to discuss any subsequent changes made after sketch plan review and receive guidance on future steps with the application process. An additional pre-application meeting may be required by the town administrator if a complete preliminary plan application is not submitted within six (6) months of the initial pre-application meeting. The town administrator may waive the pre-application meeting for good cause upon request from the applicant or otherwise at the discretion of the town administrator.

Complete.

C. Preliminary PUD and/or Master Plan Application Requirements. A preliminary PUD development plan application and/or an application for PUD master plan approval may be filed by the person having an interest in the property for which the planned unit development is requested and shall be made on a form provided by the town. All application materials shall be submitted in electronic format. Upon receipt of the electronic materials, the town administrator or designated town staff will determine the number of paper copies the applicant will be required to provide.

A preliminary PUD development plan or PUD master plan submittal will include the following:

1. Boundary and size of site showing existing and proposed zoning (if applicable) and zone district boundaries for the proposed area and land adjacent to the proposed development area;

See Exhibit N - Survey.

2. Density of proposed development;

See Section IV of this land use application for development program and uses applied to the 5.84 acre site.

3. List and location of adjacent land uses;

See Exhibit B - Adjacent Land Use Map.

4. *Name of the proposed development, which shall be different from any existing recorded subdivision in the Town of New Castle;*

Coal Seam PUD

5. *Existing topographic character of the land at a contour level of two (2) feet if the slope is less than ten (10) percent (spot elevations may be required if the land is too flat for contours) and five feet if the slope is greater than ten (10) percent. An application for PUD master plan approval shall also include proposed contours for all proposed infrastructure improvements;*

See Exhibit N - Survey for existing 2 foot interval contours and Grading and Drainage Plan for proposed contours at 2 foot intervals as shown in Exhibit N - Civil Plans.

6. *Lot and block layout and their respective acreage and/or square footage including the setback information for each proposed lot;*

See Exhibit N - Plat.

7. *The architectural character and design of all buildings and structures including floor plan, plan views, and elevations for each building proposed in the development*

A complete architectural package has been included within this land use application which includes Exhibit N - Architectural Site Plan, Lot Coverage, Gross Area, Floor Plans, Elevations, Signage and 3D Renderings.

8. *Proposed number of dwelling units and bedroom count and/or non-residential square footage, as applicable;*

See Section IV of this land use application for the proposed development program.

9. *Location and dimensions of any dedicated open space, public parks, schools, public buildings/facilities and any other common elements on the site plan showing compliance with applicable annexation agreements, master plan requirements, and the comprehensive plan;*

See Exhibit N - Architectural Site Plan.

10. *Identification of the party responsible for maintaining open space, parks, trails, and roads within the development;*

Coal Seam LLC is the property owner and as such responsible for all maintenance.

11. *Locations of snow storage (see Section 17.100.050(D)(9) below);*

Snow storage location has been identified on the Exhibit N - Architectural Site Plan.

12. *Viewshed analysis or 3D renderings of all buildings proposed in the development;*

3D renderings have been provided within this land use application. See Exhibit N - 3D Renderings.

13. *Existing and proposed easements for irrigation, drainage, and utilities. Include the proposed terms of reservations or dedications of public rights-of-way, easements and other public lands;*

All existing and proposed easements have been shown in Exhibit N - Plat.

14. *The existing and proposed vehicular circulation system, including arterial, collector and local streets, proposed bicycle/pedestrian paths, off-street parking areas, service and loading areas and major points of access to public rights-of-way, except that the application for a PUD master development plan need only show arterial and collector streets and proposed major points of access to public rights-of-way. Include a street plan view and/or elevation to demonstrate that the vehicular circulation system can effectively accommodate emergency vehicles and on-street parking;*

To a large degree this review criteria is not applicable to this application. There are no internal roads and vehicular circulation is limited to access points and the parking lot.

15. *Locations of transformer pedestals, A/C compressors, mailbox kiosks, or any other accessory structure shall be identified on the site plan. Locations of mailbox kiosks shall be approved by the local postmaster;*

All utility components have been shown on the Utility Plans within this land use application. See Exhibit N - Civil Plans.

16. *Identify any off-street parking common areas, loading areas, and service areas including refuse disposal;*

All parking, loading, service and trash pickup locations have been shown in Exhibit N - Architectural Site Plan.

17. *Brief description of any proposed covenants;*

See Exhibit J for a draft of the covenants.

18. *Areas of potential hazards, including the one hundred-year floodplain and floodway, geologic hazards including subsidence or other similar hazards, and mineral area if extraction value may be economically feasible;*

The one hundred year floodplain has been shown on the Exhibit N - Civil Plans. Rock fall mitigation has been addressed in this land use application and will call for the construction of an earthen berm along County Road 335. This wall will be engineered to the satisfaction of the Town engineer as well as the project engineer prior to construction.

19. *Profiles of the topography both before and after any overlot grading that is proposed, and a map showing the contours after overlot grading;*

Profiles of topography including existing grade, proposed grade and proposed buildings have been prepared and included in the drawing package contained within this land use application. See Exhibit N - Civil Plans

20. *List of the names and addresses of the owners of property located within two hundred fifty (250) feet of the subject site; and*

See Exhibit I - List of Property Owners within 250 Feet.

21. *Current title commitment for the subject property.*

See Exhibit G - Title Commitment.

C. Supplemental Application Materials. The following applications materials shall accompany the preliminary PUD application in order to determine feasibility of the proposed development:

All Supplemental Materials have been provided within this application and have been referenced in the sections immediately above.

1. *Compliance with the Comprehensive Plan. The applicant must include a narrative demonstrating compliance with the comprehensive plan.*

This has been addressed within this application. See Section V, Specific Project Parameters.

2. *Geotechnical study;*

A geotechnical study has been included in this application. See Exhibit C -Geotechnical Subsoil Study.

3. *Traffic impact study;*

A traffic impact study, prepared specifically for this development has been included in this application. See Exhibit D - Traffic Impact Study.

4. *Water Report. Identify anticipated service pressures, fire flow, demands, velocities under peak flow conditions as well as irrigation demands and design if a separate irrigation system is proposed. Identify any impacts to the town's existing storage, treatment, and distribution system.*

A water report has been prepared by the project engineer and included within this application. See Exhibit N - Water + Sewer Report.

5. *Wastewater Report. Identify anticipated loadings, velocities, pipe sizes, pumping needs, etc. We would need to assure that the sewer report identifies what the impacts are anticipated to be to the town's collection and treatment system;*

A wastewater report has been prepared by the project engineer and included within this application. See Exhibit N - Water + Sewer Report.

6. *Utility Plan. A plan corresponding to the preliminary plat showing the line location, size and gradient for proposed water distribution and sewage collection mains within the proposed subdivision in relation to existing town installations. Identify preliminary layouts, pedestal, transformer, and meter layout to assure no conflicts with other improvements exist;*

A utility plan has been prepared by the project engineer and included within this application. See Exhibit N - Civil Plans.

7. *Street Design Report. Centerline profiles of proposed streets shall be plotted at a horizontal scale consistent with the preliminary plat and a distorted vertical scale, with sufficient detail to insure that the proposed streets meet gradient limitations established by this title and bear a logical relationship to the grade of existing public streets at points of intersection;*

There is no street system proposed within this development. The parking lot will be served via two access points that intersect with County Road 335. Additionally, the emergency access to River Park Condominiums has been preserved and accesses County Road 335 within this development parcel, contained within an easement.

8. *Drainage Report. Show compliance with public works manual;*

A drainage report has been prepared by the project engineer and included within this application. See Exhibit N - Civil Drainage Report.

9. *Floodplain Study. For drainages that have tributary basin areas of more than twenty (20) acres in size, identify the water surface elevations of the drainage for both the predeveloped conditions as well as the post developed conditions. The study will need to assure that the flood hazards that exist upstream and downstream of the subject property will not cause a rise in water surface elevation by more than six (6) inches nor an increase in velocity of the stream for the one-hundred-year event. The hydrological analysis and the hydraulic analysis supporting the study shall be submitted for review and approval by the town engineer;*

See above.

10. *Snow Storage and Removal plan that complies with the public works manual;*

See above.

11. Geological Stability Information. Geological stability information and soil datum shall be furnished at this time if the applicant has any objection to any current report of geologic and soil information adopted by the town or by the Garfield County Planning Department as a reference, or on request of the town administrator in cases where no such report is available for the land being subdivided. At the same time the applicant shall present plans for the correction or avoidance of any problems in his or her report or the adopted reference;

See above.

12. Conceptual landscape sketch showing general locations of turf, native grass, trees, natural screening, and hardscapes;

Provided. See Exhibit N - Landscape + Irrigation Plan.

13. Construction Phasing Plan. Identify, at minimum, each of the following components:

See above.

a. Buildout phases for infrastructure and vertical improvements;

b. Schedule that identifies the sequencing of infrastructure and vertical construction, sequencing of occupancy, traffic flow, and traffic control plans during construction;

c. Storage and staging areas for construction equipment and materials;

d. Illustrate drainage and erosion control best management practices (BMP's);

14. Acreage. A schedule shall be submitted showing the total acreage of the land to be subdivided and the acreage intended for each type of usage along with its percentage to the total acreage.

The Exhibit N - Plat included herein represents total acreage and the acreage of the final two resulting parcels and uses.

15. Fiscal Impact Study. At the discretion of the town administrator, provide a calculation of projected ongoing revenues and costs to be received or incurred by the town as a result of the proposed development. Such calculations shall be provided for the first fifteen (15) years after full build-out of the development.

A fiscal impact study has been included in this application. See Exhibit L - Fiscal Impact Study.

E. A completeness determination of the application shall be made within thirty (30) days after submission of the preliminary PUD plan application materials. An application is deemed complete once all fees, signed documentation, and all required application materials from sections C and D are provided. If the application is deemed incomplete, the applicant will be notified of any deficiencies. The application process—including the scheduling of public meetings—will not continue until all deficiencies are corrected and the application is deemed complete. Once the application is determined to be complete, the applicant may submit new or revised application materials up to fourteen (14) days before the public hearing date. If materials are introduced later than this deadline, the planning commission may continue the hearing if it determines staff requires more time to review and provide comments regarding the later submittals.

F. Staff Meeting. Within fourteen (14) days after determining that the preliminary PUD application is complete, the town administrator, town planner, and other town staff members and consultants requested by the town administrator will meet with the applicant to discuss the application. The purpose of the meeting is for staff to clearly communicate to the applicant any issues staff has identified after reviewing the application that need to be resolved or addressed prior to the public hearing on the application.

G. Public Notice and Referrals. As provided in Chapter 16.08 of this code, a public hearing regarding the application will be scheduled with the planning commission on the first available meeting date at least forty-five (45) days after the date the application was determined complete pursuant to subsection (E) above. Notices of the time and place of the hearing shall also be mailed to all utilities and state agencies who were requested to review the preliminary plan, at least thirty (30) days prior to the hearing.

In addition to the notice requirements, applicable portions of the preliminary plan shall be provided to at least the following referral agencies for review and comment:

Coordination with Referral Agents has been addressed within this application.

- *Town departments and town consultants, including the town attorney and town engineer;*
- *Colorado Parks and Wildlife;*
- *Colorado River Fire and Rescue;*
- *All utility companies serving the proposed area;*
- *The Colorado Department of Public Health when any new sewage and water treatment facilities are proposed;*

- *The Colorado Department of Highways when the proposed subdivision borders a state highway, and any other appropriate agency;*

H. Application Review Process. The application will be evaluated according to the following review criteria:

The following review criteria has been addressed within this application.

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 consistent with the natural character, contours, and viewsheds of the land.*

Within thirty (30) days after the close of the public hearing, or within such time as is mutually agreed by the planning commission and the applicant, the commission shall make one (1) of three (3) decisions regarding the application: 1) approve the application unconditionally; 2) approve the application with conditions; 3) deny the application. The commission's decision will be made by written resolution. A continuance may be granted pursuant to Section 16.08.040(G) of the code.

The applicant may take a disputed decision of the commission to the town council for review. If, in the council's sole discretion, the finding of the commission may have been in error, the council shall refer the application back to the commission for reassessment.

I. Duration of Preliminary Plan Approval. Preliminary plan approval granted pursuant to this Section 17.100.050 will remain in effect for one (1) year from the date of the commission resolution regarding the application. If the applicant does not submit a final PUD plan application within said year or if the applicant's preliminary PUD plan application includes substantial changes (e.g., proposes new uses, higher density development, changed layout, new or additional variances, etc.) from the as-approved preliminary PUD plan, then, at the discretion of the town administrator, the applicant may be required to obtain approval of a new preliminary PUD plan application before filing a final PUD plan application.

IX. 17.100.060 - Final PUD Application and/or Final PUD Master Plan Application.

A. Purpose. A PUD development plan shall generally require a three-step application process—sketch, preliminary, and final—unless granted an exemption by the commission for good cause shown by the applicant. The final application is the last stage of the approval process for a PUD and/or master plan proposal. An applicant may not submit a final PUD plan application until a preliminary PUD plan has been approved by the commission. All or any portion of an approved preliminary PUD plan application may be submitted for final PUD plan application approval. In the case of a partial submission, the approval of the remaining portion of the preliminary PUD plan application shall automatically gain an extension of one (1) year. Review of a final PUD plan application will assess zoning conformance, compliance with the town code, provisions for utilities and infrastructure, compatibility with the comprehensive plan, and address any adverse impacts to the town.

The commission shall conduct a notice public hearing as provided in Chapter 16.08 of this code and make a recommendation on the final PUD plan application to town council. Town council will then make the final decision regarding the application at a public meeting. In instances of combined PUD/subdivision development applications, both applications shall be processed concurrently pursuant to Section 17.100.030.

B. Pre-Application Meeting. Prior to submission of a final PUD plan application, the applicant and the town administrator or designated town staff will conduct a pre-application meeting at a mutually agreed upon date. The pre-application meeting is an opportunity for the applicant to discuss any subsequent changes made after preliminary plan review and receive guidance on the final steps with the application process. An additional pre-application meeting may be required by the town administrator if a complete preliminary plan application is not submitted within six (6) months of the initial pre-application meeting. The town administrator may waive the pre-application meeting for good cause upon request from the applicant or otherwise at the discretion of the town administrator.

Complete.

C. Final PUD and/or Master Plan Application Requirements. A final PUD development application and/or an application for PUD master plan may be filed by the person having an interest in the property for which the planned unit development is requested and shall be made on a form provided by the town. All application materials shall initially be submitted in electronic format. Upon receipt of the electronic materials, the town administrator or designated town staff will determine the number of paper copies the applicant will be required to provide.

A final PUD development plan or PUD master plan submittal shall include the following additional items:

1. Any updated plan views and elevations. Note, substantial changes to building design after preliminary plan approval may require additional review time at the discretion of the planning commission. Building design should be nearly complete prior to final application approval;

The submitted plans are conceptual in nature. Individual building plans may vary but will be evaluated for compliance with design standards contained within the Town of New Castle code of ordinances at the time of submitting a building permit application.

2. The location and design of proposed signs and an exterior lighting plan. All exterior illumination shall comply with acceptable International Dark-sky Association (IDA) standards to the maximum extent possible;

See Exhibit N - Architectural Signage.

3. Areas of known hazards, such as one hundred year floodplain, rockslides, subsidence or other similar hazards, and mineral areas of potentially economically feasible extraction value;

The one hundred year flood plain has been shown on the Exhibit N - Civil Plans, Exhibit N - Architectural Site Plan. We also know of rockfall potential from the hillside to the south of the parcel and across County Road 335. This has been evaluated in the attached rock fall mitigation report prepared by CTL Thompson. See Exhibit H - Rockfall Mitigation Report.

4. A landscape plan illustrating size, type and location of plant materials and an irrigation plan, if applicable;

A Landscape + Irrigation Plan has been provided. See Exhibit N - Landscape + Irrigation Plan.

5. Weed and dust management plan in compliance with the public works manual;

A weed and dust management plan has been included in this application. See Exhibit K - Weed and Dust Management Plan

6. Evidence that provision has been made for facility sites, easements, and rights of access for electrical and natural gas utility service sufficient to ensure reliable and adequate electric or, if applicable, natural gas service for any proposed PUD subdivision. Submission of a letter of agreement between the PUD applicant and utility serving the site shall be deemed sufficient to establish that adequate provision for electric or natural gas service to a proposed PUD subdivision has been made;

All proposed utilities will be located within adequate easements. See Plat attached herein. A letter from the servicing utility companies, gas and electric, has been included in this application. See Exhibit M - Referral Letters.

D. Completeness Determination and Submittal Deadline. A completeness determination of the application shall be made within thirty (30) days after submission of the final PUD plan application materials. An application is deemed complete once all fees, signed documentation, and all required application materials from subsection (C) are provided. If the application is deemed incomplete, the applicant will be notified of any deficiencies. The application process—including the scheduling of public meetings—will not continue until all deficiencies are corrected and the application is deemed complete. Once the application is determined to be complete, the applicant may submit new or revised application materials up to fourteen (14) days before the public hearing date. If materials are provided after this deadline, the planning commission may continue the hearing if it determines staff requires more time to review and provide comments regarding the late submittals.

E. Public Notice and Referrals. As provided in Chapter 16.08 of this code, a public hearing regarding the application will be scheduled with the commission on the first available meeting date at least forty-five (45) days after the date the application was determined complete pursuant to subsection (D) above. Notices of the time and place of the hearing shall also be mailed to all utilities and state agencies who were requested to review the final plat, at least thirty (30) days prior to the hearing. The final PUD application materials may be provided to one (1) or more of the referral agencies referenced in Section 17.100.060(G) if deemed necessary by the town planner.

F. Application Review Process. The application will be evaluated according to the following review criteria:

This application has addressed each of the following review criteria earlier in the application. Please refer to the Preliminary PUD section.

- 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 consistent with the natural character, contours, and viewsheds of the land;*

Within thirty (30) days after the close of the public hearing, or within such time as is mutually agreed by the planning commission and the applicant, the commission shall make one (1) of three (3) recommendations to town council regarding the final PUD plan application: 1) approve the application unconditionally; 2) approve the application with conditions; 3) deny the application. The commission's decision will be made by written resolution. A continuance may be granted pursuant to Section 16.08.040(G) of this title.

Within sixty (60) days from the date of the planning commission's written decision on a final PUD plan 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, and any ordinance approving a final PUD plan shall be recorded in the Garfield County real property records.

16.12.030 - Lot Splits.

This application seeks to split the overall parcel into two independent lots to support the proposed development. It is not anticipated that either lot will change ownership, thus continue to be owned by the Developers, Coal Seam LLC. However, the ultimate financing may require separation of the hotel from the commercial so this would require the lots to be split at this time, providing that flexibility in the future.

A. Application. An applicant for a lot split shall submit the following information:

1. A legal description of the existing lot or parcel proposed to be split.

See Exhibit N - Plat.

2. A statement as to the ownership of the lot or parcel, along with a copy of the deed evidencing such ownership, and a statement as to the ownership of the adjacent lots or parcels.

See Exhibit G for a copy of the deed. See Exhibit I for Adjacent Property Owners list.

• *A drawing, to scale, depicting:*

1. The locations and boundaries of the proposed lots;

See Exhibit N - Plat map for graphic depiction of Lot 1A and Lot 1B.

2. All existing and proposed easements and rights-of-way, including descriptions thereof;

See Exhibit N - Plat for all easements, existing and proposed, and rights of way.

3. An indication of all adjacent property uses.

Adjacent property uses, as identified on the included Existing Conditions Survey include the River Park Condominiums to the east, the Colorado River to the north, the County Road 335 Right of Way to the South, Undeveloped land further to the south, and the I 70 interchange to the west. See Exhibit B - Adjacent Land Use Map.

B. Review Procedure. The applicant shall submit at least fifteen (15) copies of the application and drawing and any supporting information to the town administrator at least forty-five (45) days prior to a regularly scheduled meeting of the planning commission at which the application is to be considered. The town administrator, or a designee, shall review the application and drawing for compliance with all applicable town regulations. When the application is found to be complete, the application shall be referred to appropriate town staff departments, be scheduled for a public hearing before the town planning commission, and be reviewed and a decision made by the planning commission and the town council in the same manner as minor subdivision applications.

After final approval by the town council, and before the newly created lots may be placed into separate ownership, the applicant shall submit to the town administrator a final plat complying with all requirements of Section 16.16.030. The form of the final plat may be approved at a staff level and does not require further approval by the town council provided that it is consistent with the drawing and other materials previously submitted to and approved by the town council. The approved final plat shall be recorded with the Garfield County clerk and recorder.

(Ord. 2004-3 § 15 (part); prior code § 14-02-130(C))