

**TOWN OF NEW CASTLE, COLORADO  
RESOLUTION NO. PZ 2025-2**

**A RESOLUTION OF THE NEW CASTLE PLANNING AND ZONING  
COMMISSION RECOMMENDING CONDITIONAL APPROVAL OF A FINAL  
SUBDIVISION PRELIMINARY/FINAL PUD DEVELOPMENT PLAN  
APPLICATION FOR RIVERSIDE PARK LOT 1**

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

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

WHEREAS, on September 27, 2023, pursuant to Section 17.100.050(A) of the Town Municipal Code (“Code”), the Planning Commission (P&Z) voted unanimously to allow Applicant to submit a combined Preliminary/Final PUD Plan application with the condition that the preliminary and final application steps be considered separately if P&Z finds the combined application to be insufficient for final approval; and

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

WHEREAS, the Application proposes the construction of 71-room hotel, restaurant/Brew Pub, 11 employee residences, and 7 mixed use commercial spaces on a total of 5.84 acres; and

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

WHEREAS, the Town of New Castle Planning & Zoning Commission (“Commission”) held a duly noticed public hearing on May 28, 2025, to consider the Application; and

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

WHEREAS, based on the Application, testimony, and other information presented, subject to compliance with the terms and conditions of this Resolution, the Commission finds that the Application complies with the following review criteria set forth in Sections 17.100.050(H) and .060(F) of the Code:

1. Consistency with the comprehensive plan;

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

WHEREAS, the Commission now desires to recommend that Town Council approve the Application as provided in this Resolution.

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

1. Recitals. The foregoing recitals are incorporated by reference as findings and determinations of the Planning and Zoning Commission.
2. Definition of the Application. The “Application” consists of the documents and information identified on Exhibit B, plus all representations of and other documents presented by the Applicant reflected in the recordings and minutes of the Planning and Zoning Commission public hearing held on May 28, 2025.
3. Recommendation regarding Final Plan: The Final Plan proposes:
  - a. The development of 71-room hotel, restaurant/Brew Pub, 11 employee residences, and 7 mixed use commercial spaces as depicted on the site plan prepared by RED dated January 17, 2025 (the “Site Plan”), and as otherwise described in the Application, including architectural renderings, elevations, and floorplans;
  - b. Use and other zoning standards including parking requirements, maximum height, and setbacks as described and depicted on the Site Plan;
  - c. The subdivision of the Property into two lots as shown on the subdivision plat included in the Application; and
  - d. Any amended final plats or condominium maps for the mixed-use spaces will be submitted for approval at the staff level, provided that the amended final plats or condominium maps and mixed use buildings are in substantial conformance with the approved Application.

The Commission hereby recommends approval of the Final Plan with the elements described in 3a – d, above, subject to compliance with all conditions set forth in Section 6 of this Resolution.

4. Zoning. If Town Council approves the Final Plan, the Commission recommends that the development and use of the Property be subject to the following restrictions and requirements:

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

5. Subdivision. Applicant has submitted the Final Plat for the Property, which proposes to subdivide the Property into two lots, Lot 1A and Lot 2B. The Commission recommends approval of the Final Plat, subject to compliance with the applicable conditions set forth in Section 7 of this Resolution.

6. Conditions. Approval of the Application is subject to and contingent up on satisfaction of the following conditions:

- a. Applicant will add a list of permitted and conditional uses and maximum building height to the Site Plan prior to Town Council consideration.
- 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.
- c. Prior to issuance of a building permit, final construction drawings shall demonstrate compliance with the building heights included in the approved application materials.
- d. Prior to issuance of a building permit, all construction drawings subject to the provisions of the International Fire Code or matters requiring fire alarms and/or fire suppression shall be submitted to the Fire Marshal for review and comment.
- e. Parking lot lighting should be on timers to reduce the light duration at night while maintaining security lighting as needed.
- f. An emergency access easement shall be designated on the final plat to provide emergency egress for residents of the River Park Condominiums and ingress and egress for emergency personnel per the recommendations of the Fire Marshal. The access road shall be signed "Emergency Access Only."

- g. Prior to Council review, Applicant shall discuss a maintenance agreement with the River Park HOA for the emergency access easement.
- h. All trash dumpsters shall be located within an approved trash enclosure that extends six feet high and includes a bear resistant latching mechanism.
- i. The form of the declaration of covenants for the Property shall be finalized and address any Town Attorney comments before consideration of the Application by the Town Council. Recordation of the declaration of covenants shall be accomplished at or before recording of the final plat.
- j. A parking management plan shall be added to the covenants prior to consideration by Town Council with provisions for reserved parking for the residential units.
- k. The Town and Applicant shall enter into a subdivision improvements agreement (“SIA”) containing an engineer’s stamped cost estimate of public improvements approved by the Town Attorney. The form of the SIA shall be finalized before consideration of the Application by Town Council. Recordation of the SIA shall be accomplished at or before recording of the Final Plat.
- l. Provide a construction phasing plan for inclusion in the SIA as necessary that incorporates, at minimum, each of the following components:
  - i. A buildout phasing plan (if necessary);
  - ii. A schedule that identifies the sequencing of construction, sequencing of occupancy, traffic flow, and traffic control plans during construction;
  - iii. Storage and staging areas for construction equipment and materials;
  - iv. Drainage and erosion control best management practices (BMP's);
  - v. Applicant’s conformance with all requirements and specifications approved by the fire marshal concerning temporary access to the project; and
  - vi. A dust and weed management plan;
- m. Landscaping shall incorporate native grasses and plants that minimize maintenance, mowing, and irrigating. The final landscape plan shall be approved by Public Works prior to issuance of a building permit.
- n. All disturbed areas in the project shall be revegetated prior to the 1st growing season following the completion of the entire project and maintained in a predominantly weed free condition.
- o. All representations of the Applicant made verbally or in written submittals presented to the Town in conjunction with the Application before the Commission or Town Council shall be considered part of the Application and binding on the Applicant.

- p. The Applicant shall reimburse the Town for any and all expenses incurred by the Town regarding this approval, including, without limitation, all costs incurred by the Town's outside consultants such as legal and engineering costs.
  - q. The sale of individual lots, parcels, or units may not occur until a plat creating the lot, parcel, or unit is recorded with Garfield County and security for the public improvements has been received by the Town.
  - r. The Applicant shall provide an affordable housing covenant that includes a definition of the number of restricted units, the calculation of below market rents, the workforce that qualify to live in the units, and the term for which the affordable housing covenant shall be in force. The affordable housing covenant shall be finalized before consideration of the Application by Town Council. Recordation of the affordable housing covenant shall be accomplished at or before recording of the Final Plat.
7. Severability. Each section of this Resolution is an independent section and a holding of any section or part thereof to be unconstitutional, void, or ineffective for any cause or reason shall not be deemed to affect the validity or constitutionality of any other section or part hereof, the intent being that the provisions of this Resolution are severable.
8. Effective Date. This Resolution shall be effective upon adoption.

SO RESOLVED this 28th day of May, 2025, by a vote of \_\_\_\_ to \_\_\_\_.

TOWN OF NEW CASTLE  
PLANNING & ZONING  
COMMISSION

\_\_\_\_\_  
Chuck Apostolik, Chairman

ATTEST:

\_\_\_\_\_  
Deputy Town Clerk  
Remi Bordelon

Exhibits:  
Exhibit A: Legal Description  
Exhibit B: List of Application materials

**EXHIBIT A**  
Legal Description

LOT 1

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

**EXHIBIT B**

Preliminary/Final PUD Application Materials

- a. Applicant Final Plan Application – March 21st, 2025 (original submission), plus amendments and supplements submitted through May 22, 2025
- b. CRFR Fire Marshal Referral, Orrin Moon – March 13th, 2025
- c. Town Engineer Comments, Jefferey Simonson – March 8th, 2025
- d. Town Public Works Director Comments, John Wenzel – March 15th, 2025
- e. Public Hearing Notice, with Legal Description for Final Plan P&Z – April 25th, 2025