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**Planning Commission – Public Hearing**  
**Wednesday, January 22<sup>nd</sup>, 2025**  
**Resolution PZ 2025-1**  
**Staff Report**

|                                 |   |
|---------------------------------|---|
| <b>Name of Applicant</b>        | Grady & Suzanne Hazelton a.k.a Western Slope Investments                    |
| <b>Mailing Address</b>          | PO Box 586, New Castle, CO 81647  |
| <b>Property Address</b>         | 6255 CR 335, New Castle, CO 81647   |
| <b>Name of Property Owner</b>   | M&C Fattor, LLC   |
| <b>Existing Zoning</b>          | Industrial (part of Riverside Industrial Park)                              |
| <b>Surrounding Zoning</b>       | Industrial, Open Space  |
| <b>Surrounding Land Uses</b>    | Open Space (Breslin Park), Propane Storage, Construction Storage, Warehouse |
| <b>Recent Uses of Property</b>  | Truck Storage, Currently Vacant   |
| <b>Proposed Use of Property</b> | Outdoor RV, watercraft, trailer, and other motor vehicle storage            |
| <b>Property Size</b>            | 1.0 acre  |

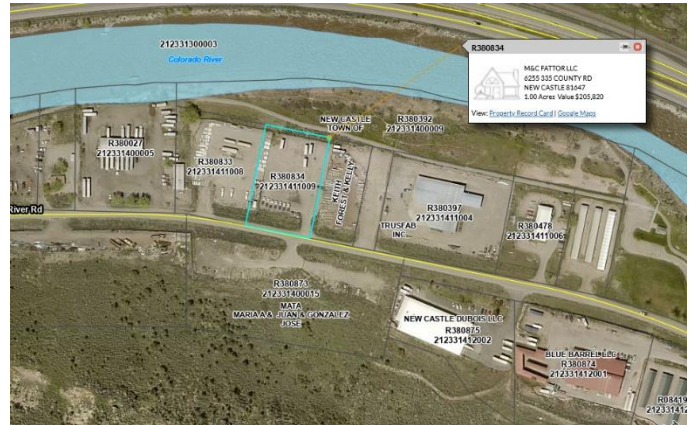
**I. Background:**

The Applicant proposes the use of outdoor RV, watercraft, trailer, and other operable vehicle storage (hereafter “vehicle storage”) for the property located at 6255 CR335 in the Riverside Industrial Park. The Applicant maintains that additional vehicle storage is a much needed resource for the community (**Exhibit A, pg. 3**) and that an established facility will help balance out the townwide parking prohibition for RVs, trailers, and trucks in the public ROW (see Chapter 12.12). The proposal contemplates up to 70 spaces in a gated fence enclosure. Covenants will exclude inoperable vehicles and vehicle repairs. Furthermore, the Town’s performance standards will help control for nuisance concerns.

Prior to submittal, the Applicant and Staff discussed the proposal’s zoning status in terms of permitted (“self-storage facility”) or nonpermitted (“auto storage yard”) uses as listed in Sections

17.52.010-030 (**Exhibit A, pages 28-31**).

Presumably, a self-storage facility could imply outdoor vehicle storage and therefore be permitted (See section 17.52.030). Conversely, the storage of autos in an outdoor yard (“auto storage yard”) is allegedly prohibited (See section 17.52.040). On October 15<sup>th</sup>, 2024, Staff presented the matter to the Board of Adjustments (“BofA”) pursuant to section 17.12.020 (C). This section authorizes the BofA to “decide the proper application of unlisted uses to a use group” within a



certain number of zone districts. So, if the BofA finds that a proposed use is similar enough in function and impact to a listed use (permitted or otherwise), then the status (i.e. permitted/unpermitted) of the listed use may be imputed to the proposed use. In the end, the BofA recommended that the question of outdoor storage of boats, campers, RVs, trailers, etc. be considered by the Planning and Zoning Commission (“P&Z”) since eligibility for CUP review is one of the criteria for CUP approval. Members of the BofA did note that oversight of this type of business would be important.

As a conditional use application, P&Z is required to hold a public hearing in accordance with the procedures set forth in Municipal Code Chapter 16.08. The hearing was officially noticed, **Exhibit A, pg. 35**. Within 30 days of the public hearing, P&Z must recommend to Council unconditional approval, conditional approval, or denial of the application.

**CUP Approval Criteria:** An approved application shall:

- 1.) be eligible for conditional review under § 17.84.040;
- 2.) be generally compatible with adjacent land uses;
- 3.) meet all requirements of § 17.84.020 of the Code, be in compliance with Title 17 of the Code, and minimize potential adverse impact of the conditional use on adjacent properties and traffic flow;
- 4.) be consistent with the comprehensive plan; and
- 5.) show that the Town has the capacity to serve the proposed use with fire and police protection and is not required to provide water or sewer service.

## **II. Staff Review and Comment:**

### **1.) Is the application eligible for conditional review under 17.84.040?**

The foremost question from October 15<sup>th</sup>, 2024 was whether the outdoor storage of boats, campers, RVs, trailers, etc. qualified as a permitted or a nonpermitted use. The code defines neither a “self-storage facility” nor an “auto storage yard” in its list of definitions. Sometimes analyzing the meaning of a term across the field of uses within the code itself can be fruitful. However, a comparative analysis of similar uses in other zones only yielded further ambiguity, especially when accounting for other uses such as “outdoor storage”. For instance:

- C-1 (i.e. the downtown zone) prohibits both self-storage and auto storage yards, but allows outdoor storage in the rear of lots.
- C/G (i.e. Pepsi building) allows self-storage, prohibits auto storage yards. Does not comment on outdoor storage.
- C/T (west end of downtown) allows outdoor storage with a CUP only. Does not comment on self-storage or auto storage yards.
- P (west end of town) allows outdoor storage with a CUP only. Does not comment on self-storage or auto storage yards. Columbine Storage was granted a CUP for self-storage.
- H/B (Coal Seam Hotel proposal) allows for outdoor storage and parking lots by means of CUP. Does not comment on self-storage or auto storage yards.

Among these uses there may be some relevance in how things are stored (i.e. inside/outside) or what is being stored (i.e. operable vehicles, construction materials). This prompted the question of whether use labels of the past were applied uniformly between zones. Staff was ultimately unconvinced that zone district regulations, definitions, or concepts elsewhere in the Code could fully elucidate the meaning of the use in question.

Staff, then, concentrated their efforts on common usage and meaning of these concepts in the world beyond the Town code. For **self-storage**, the Wikipedia definition seemed as good a start as any:

***Self-Storage*** is an industry that rents storage space (such as rooms, lockers, containers, and/or outdoor space), also known as "storage units," to tenants, usually on a short-term basis (often month-to-month). Self-storage tenants include businesses and individuals." (1/10/25)

At face value, this definition endorses the proposed use as a use by right. The images below demonstrate two local self-storage facilities, each with indoor/outdoor or mini-storage and vehicle storage. It is reasonable that both are deemed self-storage.



**Canyon Creek Self Storage**





### Silt Self Storage

Interpreting “self-storage facility” to include both indoor and outdoor storage is also supported to some extent by Section 17.52.060(A), which states that “storage of materials shall be enclosed by a fence at least six feet in height.” This provision suggests outdoor storage may be contemplated as part of “self-storage” because, if storage could only occur in a building, there would be no need for a 6-foot fence. However, “Outdoor storage” is a separate and distinct use in other zone districts, which would suggest outdoor storage is its own type of use that is not subsumed under the general “self-storage facility” use.

Regarding an **auto storage yard**, the Code similarly provides limited guidance. One element that may distinguish “self-storage facility” (including vehicle storage) from an “auto storage yard” is that, generally speaking, self-storage facilities are used by their patrons for **private, non-commercial use**. This is consistent with the UHaul company’s explanation and nuance regarding vehicle storage:

*“U-Haul has the extra space you need. Vehicle storage solves issues with neighborhood parking ordinance and parking space limitations with the added security benefit of keeping your vehicle at a secure self-storage facility.”*

*U-Haul locations have vehicle storage spaces that are up to 45 feet in length to accommodate any sized RV, boat or car. These spaces include enclosed, covered and uncovered storage spaces. U-Haul has the right vehicle storage for you, whether you have an RV, boat, car, pickup truck, ATV, project car, motorcycle or other vehicle.”*  
(<https://www.uhaul.com/Storage/Vehicle-Storage/>).

In other words, “vehicle storage” in a self-storage facility is merely a location to store automobiles or vehicles while their private owners are not using them. A distinction can also be made between auto vs. vehicle storage. Automobiles are self-propelled and include cars, trucks, RVs, UTVs etc. Vehicles would include these and trailers. The Applicant’s use aligns best with vehicle storage.

In contrast, an “auto storage yard” may be understood as limited to a single business or **commercial enterprise** by the storage yard owner. This is consistent with the nature of other prohibited uses in the Industrial zone such as an auto wrecking and salvage yard and truck repair and storage yard. Rendered in this way it’s conceivable that “auto storage yard” intends storage of inoperable automobiles, storage following repair, or perhaps a rental car lot. The Applicant’s proposal would only allow storage of operable vehicles by numerous, private “tenants,” which is more like self-storage and less like an auto storage yard.

Taking all these things into consideration, Staff sees three options:

1. A self-storage facility could be rendered a general category of use allowing for indoor and outdoor storage of various items, including storage of private, operable vehicles. If P&Z were inclined to understand the situation in this manner the Applicant’s use would be a permitted use and not require a conditional use permit.
2. If P&Z feels that the proposed use is coextensive with an auto storage yard, the Applicant’s proposed use is prohibited and ineligible for a CUP.
3. If P&Z determines that outdoor storage, including storage of operable vehicles, is its own unique use that does not fall within the “self-storage facility” or “auto storage yard” uses, it is deemed a conditional use and therefore eligible for conditional review under 17.84.040.

## **2.) Is the proposal generally compatible with adjacent land uses?**

Adjacent land uses include:

- Natural gas storage and distribution (National Propane);
- Stoneyard (CK Stone);
- Truss manufacturing (Trussfab);
- Warehouse and freight company (NAP);
- Distribution Warehouse (Intermountain);
- Self-storage;
- Cabinet Manufacturing (V&R);
- Public Open Space (Breslin Park);

The Industrial District allows for a diverse mix of industrial/commercial uses (**Exhibit A, pg. 29**). With compliance to the performance standards, a vehicle storage facility seems consistent with the aforementioned uses. Though the Industrial district currently lacks a vehicle storage yard, numerous vehicles of various sizes and types are parked – often semi-permanently – throughout the district. Hence, once established, it would likely be a challenge to differentiate a vehicle storage yard from, say, a freight warehouse or V&R Cabinetry’s parking lot. However, it bears remembering

that the consistency of vehicle storage with adjacent uses does not nullify eligibility requirements discussed in section one above.

The Applicant is also subject to screening requirements per section 17.52.060(D). Screening improves curb appeal and security. The code requires vegetative screening (i.e. trees and shrubs). The Applicant prefers to screen with fabric fence screening (**Exhibit A, pg. 3 & pg. 29**), since potable water is unavailable.

**3.) Does the proposal meet all requirements of § 17.84.020 of the Code, is in compliance with Title 17 of the Code, and minimizes potential adverse impact of the conditional use on adjacent properties and traffic flow?**

The requirements of section 17.84.020 are addressed in the table below:

|  |   |
|--|---|
| a. Adjacent land uses;                   | • Discussed in section 2.                                 |
| b. Boundary and size of lot;             | • 43,560sf; 20,000sf minimum per zoning                   |
| c. Building location height and setbacks | • N/A; No building contemplated                           |
| d. Off-street parking and loading areas  | • N/A; All loading of vehicles will occur onsite          |
| e. Points of ingress & egress            | • Same entry and exit at SE corner of lot and CR335       |
| f. Service and refuse areas              | • Service and refuse will be offsite per covenants        |
| g. Signs and lighting                    | • All signage to be permitted. Lights to be dark-sky.     |
| h. Fencing, landscaping, and screening   | • Applicant elects fabric screening. Vegetation required. |
| i. Compliance with performance standards | • Applicant agrees to enforce performance standards.      |
| j. Anticipated utility requirements      | • No utilities required.                                  |

Other than the required screening, Staff does not have further concerns with compliance to section 17.84.020 or Title 17.

**4) Is the proposal consistent with the comprehensive plan?**

With close proximity to the Colorado River (~170ft) and a Town pedestrian trail (30-40ft), preservation of the natural environment is a priority (**Goals EN-2, EN-6**). The Applicant's lease commits them to hazardous free operations. The Applicant allows only operable vehicles, the assumption being that leaks or spills from operable vehicles would be minimal. Staff recommends that the Applicant demonstrate enforcement policies in a draft lease so that P&Z can be confident management is sufficient.

The west end of the property (along the Colorado River) does appear to have ample native vegetation to screen operations from public view. P&Z will need to assess whether fabric fence

screening is an adequate substitute to vegetative screening along the property line. Screening requirements are described below (section 17.52.060D):

*All property lines adjacent to the New Castle public parks are to be screened with trees and shrubs approved by the New Castle parks and recreation committee, and shall be in compliance with the tree city requirements as specified in Chapter 12.20. All property which is not adjacent to the New Castle public parks shall be screened with trees and shrubs on at least twenty-five (25) percent of their private property lines in compliance with Chapter 12.20, and with the approval of the New Castle parks and recreation committee. Review of screening by the parks and recreation committee shall be completed prior to the issuance of a building permit.*

Lastly, Staff considered the anticipated vehicle density (up to 70 vehicles). With the protection of viewsheds in mind, it is vital that each lot be maintained without significant clutter or congestion. 6255 CR 335 is a one acre lot without structures. By comparison, Canyon Creek Storage (pictured above) is 3.43 acres. The picture shows 72 vehicles plus drive lanes and open space. Though not all 3.42 acres are usable, Staff had a concern whether the one acre proposal here would accommodate a comparable number of vehicles.

**5) Does the proposal show that the Town has the capacity to serve the proposed use with fire and police protection and is not required to provide water or sewer service.**

The site plan was reviewed and discussed with the fire marshal. Though the Town does not supply water service, need for fire flow was deemed unnecessary. The Police Department recommends a surveillance system to discourage trespassing and make the identification of potential violators easier. Public Works does not anticipate any change to water and sewer service.

**III. Staff Recommendations:**

Provided that P&Z agrees that the proposed use is conditional use, staff recommends approval of the application with the following conditions to Resolution 2025-1:

1. Prior to Council, the Applicant shall provide proposed management policies demonstrating consistency with and enforcement of Town performance standards.
2. Applicant shall provide a security plan for the property for review and approval by Council. To the extent security cameras are part of the plan, the number and location of the security cameras shall be reviewed by the Town of New Castle Police Chief.
3. Perimeter fencing shall be screened with fabric or otherwise comply with Section 17.52.060(D).
4. Applicant shall provide hours of operation for review and approval by Council.

5. No auxiliary equipment, materials, or supplies shall be stored onsite.
6. Applicant shall provide a trash management plan for review and approval by Council.
7. The use approved in the application shall not be conducted until the Town Planner has issued a conditional use certificate. That certificate shall be issued only after the Applicant has entered into an agreement with the Town specifying that all conditions imposed by the Town Planning Commission will be completed and that the use and improvements will be in accordance with the approved application site plan and development schedule. The conditional use certificate must be issued within one year of the date of final approval by Town Council, or the application is deemed withdrawn by the Applicant and is of no further force and effect.
8. No approved conditional use may be altered or expanded in ground area unless the site plan is amended and approved in accordance with the procedures applicable to approval of a conditional use as set out in § 17.84.070 of the Code.
9. In the event the Town receives any complaints about the use of the site or observes or becomes aware of any violations of the conditional use approval, the Applicant and/or owner may be summoned before the Town Council in a public meeting to show cause why the permit should not be revoked, suspended, or additional conditions imposed. Such show-cause hearing shall be open to the public and the applicant or owner may present testimony or offer other evidence on its behalf.
10. Insofar as necessary, Applicant shall comply with all applicable building and municipal code requirements, including all signage permitting, and county licensing requirements.
11. Any added exterior lighting will be dark sky compliant pursuant to the Comprehensive Plan Goal EN-4.
12. All representations of the Applicant in written and verbal presentations submitted to the Town or made at public hearings before the planning commission or Town Council shall be considered part of the application and binding on the Applicant.
13. 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.
14. Development of the Property shall be consistent with the site plan shown in **Exhibit. A, pages 7-8**, as approved by the Town Council.

**IV. Application Exhibits:**

A. Applicant Submittal