

**TOWN OF NEW CASTLE, COLORADO  
PLANNING AND ZONING COMMISSION  
RESOLUTION NO. PZ 2018-02**

**A RESOLUTION OF THE NEW CASTLE PLANNING AND ZONING  
COMMISSION RECOMMENDING APPROVAL OF A CONDITIONAL USE  
PERMIT FOR AN AUTOMOTIVE REPAIR AND MAINTENANCE  
FACILITY TO BE LOCATED ON PROPERTY WITHIN THE  
COMMERCIAL-1 ZONE DISTRICT.**

WHEREAS, on May 30, 2018, Rieger Performance Motors (“Applicant”) submitted a Conditional Use Permit Application (“Application”) for the property located at 731 W. Main St, New Castle, Colorado, and described in Exhibit A hereto (“Property”), which is within the Commercial 1 (C-1) zone district; and

WHEREAS, Jon and Leslie Krick own the Property and have consented to Applicant’s filing and pursuing the Application and using the Property as proposed therein; and

WHEREAS, Applicant seeks a permit to allow the Property to be used for an automotive repair and maintenance facility; and

WHEREAS, pursuant to § 17.36.050 of the New Castle Municipal Code (“Code”), the use proposed by Applicant is a conditional use in the C-1 zone district, requiring the issuance of a conditional use permit pursuant to § 17.84 of the Code; and

WHEREAS, as required under § 17.84.040(B), the New Castle Planning and Zoning Commission held a duly-noticed public hearing on July 25, 2018, to consider the Application; and

WHEREAS, pursuant to Code § 17.84.050 the Planning Commission hereby finds that the Application:

1. is eligible for conditional review under Section 17.84.040;
2. is generally compatible with adjacent land uses;
3. meets all requirements of Section 17.84.020, is in compliance with Title 17 of the Code, and minimizes potential adverse impact of the conditional use on adjacent properties and traffic flow;
4. is consistent with the comprehensive plan; and
5. the Town has the capacity to serve the proposed use with water, sewer, fire and police protection.

NOW, THEREFORE, BE IT RESOLVED BY THE NEW CASTLE PLANNING AND ZONING COMMISSION AS FOLLOWS:

1. Recitals Incorporated by Reference. The foregoing recitals are incorporated by reference herein as findings and determinations of the New Castle Planning and Zoning Commission.

2. Listing of Approved Uses. The following constitute the uses for this Property the Commission recommends be approved under the Application:

A. Automotive repair and maintenance facility

3. Recommendation. The Planning and Zoning Commission hereby recommends that the Town Council approve the Application pursuant to § 17.84.050 of the New Castle Municipal Code subject to the following conditions:

A. All representations of the Applicant in written Application materials and in verbal presentations submitted to the Town or made at public hearings before the Planning Commission or Town Council and reflected in the minutes thereof shall be considered part of the Application and binding on the Applicant;

B. Applicant shall comply with all applicable building, residential, electrical and municipal code requirements including all sign code regulations;

C. 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, 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, with such show-cause hearing open to the public and the Applicant or owner being able to present testimony or offer other evidence on their behalf;

D. 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;

E. The storage of new or used auto parts, tires and related items shall be confined indoors;

F. Continuous automotive idling shall be confined indoors and have adequate ventilation; idling of automobiles and use of power tools outside shall be restricted to 15 minutes per vehicle or use, respectively;

G. All automotive work shall be performed indoors except for minor visual and diagnostic analysis;

H. Hazardous chemicals such as motor oil, anti-freeze, and brake fluid shall be collected and disposed of by a professional company that specializes in the disposal of hazardous chemicals;

I. Outside storage of hazardous chemicals such as motor oil, anti-freeze, and brake fluid is prohibited and all such fluids shall be stored in containers that are approved by the necessary state and/or federal agency;

J. The interior of the building on the Property shall contain at least two fire extinguishers that are designed for automobiles and chemicals commonly used in automotive service stations;

K. Vehicles offered for sale shall not be stored on the Property;

L. Five off-street parking spaces shall be required on the Property;

M. Applicant prepare a landscape plan for the Property that is acceptable to both Applicant and the Town to present to Town Council;

N. A vehicle shall not be parked in the parking space designated as #5 of the site plan submitted with the Application while service staff are gone from the Property, and overnight parking on said space is prohibited;

O. Stacked parking in the five on-site parking spaces shall only occur during daytime business hours;

P. No approved conditional use may be altered, structurally enlarged, expanded in parking area or expanded in ground area unless the site plan is amended and approved in accordance with the applicable procedures set forth in Chapter 17.84 of the Town Municipal Code; and

Q. 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 Applicant has entered into an agreement with the Town specifying that all conditions imposed by the Town council 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.

THIS RESOLUTION PZ 2018-02 was adopted by the New Castle Planning and Zoning Commission by a vote of 7 to 0 on the 25th day of July, 2018.



NEW CASTLE PLANNING AND  
ZONING COMMISSION

By: \_\_\_\_\_

Chuck Apostolik, Chairman

ATTEST:

Mindy Andis, CMC  
Mindy Andis, Deputy Town Clerk