

**TOWN OF NEW CASTLE, COLORADO
RESOLUTION NO. PZ 2017-01**

A RESOLUTION OF THE NEW CASTLE PLANNING AND ZONING
COMMISSION RECOMMENDING APPROVAL OF A CONDITIONAL USE
PERMIT FOR PROPERTY LOCATED IN THE COMMERCIAL ZONE
DISTRICT.

WHEREAS, on December 16, 2016, Hector E. Ramos (“Applicant”) submitted a Conditional Use Permit Application (“Application”) for the property located at 731 W. Main Street in New Castle, Colorado (“Property”) located in the Commercial (C-1) zone district; and

WHEREAS, Jon and Leslie Krick (“Owners”) own the Property; and

WHEREAS, the Owners have authorized Applicant to pursue the Application; and

WHEREAS, the Property comprises approximately 13,750 square feet; and

WHEREAS, Applicant seeks a permit allowing Applicant to operate a car detailing business on the Property; 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 January 25, 2017, 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 that the Commission recommends be approved under the Application:

A. Automobile detailing, washing, and detail products retail facility with a single wash bay.

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 and 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. In the event the Town receives any complaints about the use of the Property or observes or becomes aware of any violations of the conditional use approval, Applicant and/or the Owners 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;

C. 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;

D. Applicant shall obtain all permits and/or licenses from all applicable federal, state, and local authorities that may be necessary for the lawful operation of the proposed business on and use of the Property;

E. Applicant shall comply with all federal, state, and local laws applicable to the operation of the proposed business and use of the Property including, but not limited to, environmental laws and workplace safety laws;

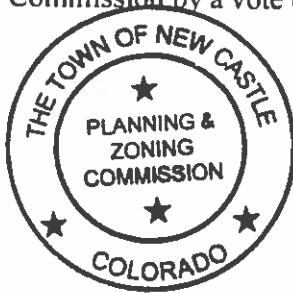
F. Applicant shall not materially alter, structurally enlarge, or expand in parking area or in ground area the approved conditional use beyond what is set forth in the Application unless the site plan is amended and approved in accordance with Chapter 17.84 of the Town Code;

G. Applicant shall pay all necessary fees, if any, as directed by Town Council;

H. Applicant shall comply with the Town's sign and other applicable code requirements; and

I. 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 2017-01 was adopted by the New Castle Planning and Zoning Commission by a vote of 6 to 0 on the 25th day of January, 2017.



NEW CASTLE PLANNING AND
ZONING COMMISSION

By: _____


Chuck Apostolik, Chairman

ATTEST:


Mindy Andis, Deputy Town Clerk