

**TOWN OF NEW CASTLE, COLORADO
RESOLUTION NO. PZ 2017-3**

**A RESOLUTION OF THE NEW CASTLE PLANNING AND ZONING
COMMISSION MAKING RECOMMENDATIONS REGARDING ZONING OF
CERTAIN REAL PROPERTY PROPOSED FOR ANNEXATION INTO THE TOWN.**

WHEREAS, on or about March 17, 2017, Turtlepoop LLC (“Applicant”) filed with the Town Clerk of the Town of New Castle, Colorado (“Town”), an annexation petition (“Petition”) and request that the Town Council commence proceedings to annex into the Town pursuant to C.R.S. § 31-21-104 a certain unincorporated parcel of land located in the County of Garfield, State of Colorado, at TBD Bruce Road, New Castle, Colorado, and described in **Exhibit “A”** attached hereto and incorporated herein by reference (“Property”); and

WHEREAS, the Municipal Annexation Act of 1965 governs the Town’s annexation process; and

WHEREAS, pursuant to C.R.S. § 31-12-115(1), the Town may initiate its procedures to zone property proposed for annexation at any time after an annexation petition has been found to be in substantial compliance with C.R.S. § 31-12-107; and

WHEREAS, at its duly noticed public meeting held April 4, 2017, the New Castle Town Council found Applicant’s annexation petition to be in substantial compliance with the requirements set forth in C.R.S. § 31-12-107 and set a public hearing regarding the annexation for May 16, 2017; and

WHEREAS, Applicant has requested that the Property be zoned Commercial General (CG) upon annexation; and

WHEREAS, pursuant to Section 16.08.050 of the Town Code, the Town Planning and Zoning Commission (“Commission”) is required to hold a duly-noticed public hearing to consider the proper zoning designation for the Property upon annexation thereof; and

WHEREAS, the public hearing was originally scheduled and noticed for May 10, 2017, but a quorum of the Commission was not present to hold the hearing; and

WHEREAS, the public hearing was re-noticed for and held on June 14, 2017; and

WHEREAS, under the Municipal Annexation Act and the Town Code, the zoning designation for the Property must comply with the Town’s 2009 Comprehensive Plan (“Comp Plan”); and

WHEREAS, the Comp Plan designates the Property as an area of “mixed-use commercial” focus; and

WHEREAS, based on the Comp Plan and testimony presented by Applicant, Town staff, and the general public, the Commission makes the following recommendation regarding a zoning designation for the Property upon annexation.

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 Commission.

2. Recommendation. The Planning and Zoning Commission hereby recommends that the Town Council deny Applicant's request to zone the Property as Commercial General and that Town Council zone the Property as Mixed-Use Commercial once that zoning district goes into effect. The Commission finds that a Mixed-Use Commercial zoning designation is consistent with and furthers the Town's comprehensive zoning plan and is the more appropriate designation considering the Comp Plan and Applicant's anticipated use of the Property.

THIS RESOLUTION PZ 2017-3 was adopted by the New Castle Planning and Zoning Commission by a vote of 7 to 0 on the 14th day of June, 2017.

NEW CASTLE PLANNING AND ZONING
COMMISSION

By: 
Chuck Apostolik, Chairman

ATTEST:


Mindy Andis, Deputy Town Clerk

EXHIBIT A

Legal Description

The Property that is the subject of this Resolution No. PZ 2017-3 is fully described as:

A parcel or tract of land situated in the East 1/4 of the SE 1/4 of Section 32, Township 5 South, Range 90 West of the 6th Principal Meridian, County of Garfield, State of Colorado, said parcel being a portion of that parcel of land described in Reception No. 887954 of the Garfield County records, and being more particularly described as follows:

Beginning at the Southwest Corner of said parcel described in Reception No. 887954, also being at the Northerly right-of-way of Garfield County Road No. 240, from which the East One-Quarter Corner of said Section 32 bears N44°08'57"E a distance of 1646.86 feet;

thence N 05°22'05" W along the Westerly Line of said parcel described in Reception No. 887954, distance of 846.96 feet;

thence N 90°00'00" E a distance of 162.87 feet;

thence S 08°00'00" E a distance of 722.72 feet to the Southerly Line of said parcel described in Reception No. 887954, also being the Northerly right-of-way of Garfield County Road No. 240;

thence S 55°18'00" W along said Southerly Line of said parcel described in Reception No. 887954, and also the Northerly right-of-way of Garfield County Road No. 240, a distance of 224.07 feet to the point of beginning, said parcel containing 3.237 acres (141,006 square feet), more or less.