

**TOWN OF NEW CASTLE, COLORADO  
PLANNING AND ZONING COMMISSION  
RESOLUTION NO. PZ 2020-01**

**A RESOLUTION OF THE NEW CASTLE PLANNING AND ZONING  
COMMISSION RECOMMENDING APPROVAL OF A CONDITIONAL USE  
PERMIT FOR AN ACCESSORY DWELLING UNIT ON PROPERTY  
LOCATED IN THE RESIDENTIAL-1 ZONE DISTRICT.**

WHEREAS, on December 26, 2019, Vance and Elyse Hutchinson (collectively, "Applicant") submitted a Conditional Use Permit Application ("Application") for the property located at 226 N. 7<sup>th</sup> Street, New Castle, Colorado, and legally described in Exhibit A hereto ("Property"); and

WHEREAS, the Property is zoned Residential 1 (R-1); and

WHEREAS, Applicant owns the Property; and

WHEREAS, a single-family dwelling is currently located on the C-1 portion of the Property and a detached garage is located on the R-1 portion of the Property; and

WHEREAS, Applicant seeks a permit to create and use an accessory dwelling unit ("ADU") above the garage that is located on the Property; and

WHEREAS, pursuant to § 17.20.050(M) of the New Castle Municipal Code ("Code"), the use proposed by Applicant is a conditional use in the R-1 zone district, requiring the issuance of a conditional use permit pursuant to Chapter 17.84 of the Code; and

WHEREAS, as required under Code § 17.84.040(B), the New Castle Planning and Zoning Commission held a duly-noticed public hearing on February 12, 2020, 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 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;
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 the Property that the Commission recommends be approved under the Application:

A. One Accessory Dwelling Unit as that term is defined in §17.04.050 of the New Castle Municipal Code

3. Recommendation. The Planning and Zoning Commission hereby recommends that the Town Council approve the Application and use proposed therein pursuant to § 17.84.050 of the 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 other municipal code requirements, including all sign code regulations and § 17.72.230 of the Town Municipal Code;

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. Applicant shall be required to pay all water and sewer tap fees and water rights dedication fees associated with the conditional use at 0.8 EQRs, which totals \$14,400.00. The Applicant shall pay \$4,800.00 of said fees within 30 days of Council approval of the Application and prior to, and as a condition of, the issuance of the Planner's conditional use certificate. Applicant shall pay the remaining balance (\$9,600.00) prior to the issuance of the building permit for the construction of the ADU over the garage;

F. New water service will extend from the primary dwelling tap and will maintain adequate sewer and water separation as determined and required by the Town Public Works Department;

G. Any new exterior lighting will be dark-sky compliant pursuant to the Comprehensive Plan Goal EN-4;

H. 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 procedures applicable to approval of a conditional use as set out in Section 17.84.070 of the Code; 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 2020-01 was adopted by the New Castle Planning and Zoning Commission by a vote of 5 to 0 on the 12<sup>th</sup> day of February, 2020.



NEW CASTLE PLANNING AND  
ZONING COMMISSION

By:   
Chuck Apostolik, Chairman

ATTEST:

  
Mindy Andis, Deputy Town Clerk, CMC

**EXHIBIT A**  
**Legal Description**

The property that is the subject of the Application described in Resolution PZ 2020-1 is legally described as follows:

Lot 5A, a resubdivision of Lots 4 and 5, Gordon Subdivision, Town of New Castle, according to the plat thereof recorded October 17, 1991, at Reception No. 428362, County of Garfield, State of Colorado