

**TOWN OF NEW CASTLE, COLORADO  
PLANNING AND ZONING COMMISSION  
RESOLUTION NO. PZ 2020-04**

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

WHEREAS, on February 26, 2020, Lori Pohm d/b/a All Dogs and Cats Veterinary Clinic (“Applicant”) submitted a Conditional Use Permit Application (“Application”) for the property located at 6420 County Road 335, Unit A, New Castle, Colorado, and legally described in Exhibit A hereto (“Property”); and

WHEREAS, the Property is zoned Industrial (I); and

WHEREAS, Bramco, LLC owns the Property, is leasing it to Applicant, and has authorized Applicant to pursue the Application; and

WHEREAS, Applicant seeks a permit to operate a veterinary clinic in one of the units in the building that is located on the Property; and

WHEREAS, Chapter 17.52 of the New Castle Municipal Code (the “Code”) establishes the permitted, conditional, and nonpermitted uses for the Industrial zone district; and

WHEREAS, pursuant to §17.52.050 of the Code, any use not specifically defined in the permitted or nonpermitted use categories for the Industrial zone district shall be a conditional use requiring the issuance of a conditional use permit pursuant to Chapter 17.84 of the Code; and

WHEREAS, “veterinary clinic” is not listed in the permitted or nonpermitted use categories for the Industrial zone district, making it a conditional use; and

WHEREAS, as required under Code §17.84.040(B), the New Castle Planning and Zoning Commission (“Commission”) held a duly-noticed public hearing on March 25, 2020, to consider the Application; and

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

1. is eligible for conditional review under §17.84.040;
2. is generally compatible with adjacent land uses;
3. meets 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;
4. is consistent with the comprehensive plan; and

5. 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.

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. the operation of a veterinary clinic

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. Prior to occupancy, the leaks in the roof of the unit shall be repaired and the following items must be completed and found in compliance with the adopted Town codes:

- Fire penetration sealant required at headwall between units and mechanical ducts at floor of mezzanine.
- Opening protective is required for opening between mezzanine and neighboring unit. Otherwise a fixed wall may be installed to fill the space.
- Egress stairway required at mezzanine.
- Compliance of fire alarm system as verified by Fire inspector
- Signage for the accessible bathroom must be installed.

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

- D. 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;

E. 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;

F. 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

G. 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 2020-04 was adopted by the New Castle Planning and Zoning Commission by a vote of 7 to 0 on the 25<sup>th</sup> day of March, 2020.



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 the Application described in Resolution PZ 2020-4 is legally described as follows:

Lot 1, Coal Ridge Industrial Subdivision, according to the Plat thereof recorded October 27, 2000, as Reception No. 571484, County of Garfield, State of Colorado,

commonly known as 6420 County Road 335, New Castle, Colorado 81647