

**TOWN OF NEW CASTLE, COLORADO
PLANNING AND ZONING COMMISSION
RESOLUTION NO. PZ 2020-08**

A RESOLUTION OF THE NEW CASTLE PLANNING AND ZONING
COMMISSION RECOMMENDING APPROVAL OF A CONDITIONAL USE
PERMIT FOR A QUILTING STUDIO ON PROPERTY LOCATED IN THE
COMMERCIAL-1 ZONE DISTRICT.

WHEREAS, on June 18, 2020, Dara Marquardt (“Applicant”) submitted a Conditional Use Permit Application (“Application”) for the property owned by Applicant located at 333 W. Main Street, New Castle, Colorado, and legally described in Exhibit A hereto (“Property”); and

WHEREAS, the Property is zoned Commercial-1 (C-1); and

WHEREAS, the Property is currently improved with a single family dwelling used for residential purposes; and

WHEREAS, Applicant seeks to construct a 280 square-foot workshop on the Property to be used as a quilting studio; and

WHEREAS, Chapter 17.36 of the New Castle Municipal Code (the “Code”) establishes the permitted, conditional, and nonpermitted uses for the C-1 zone district; and

WHEREAS, pursuant to §17.36.040(D) of the Code, any use not specifically defined in the permitted, conditional, or non-permitted use categories for the C-1 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, the use Applicant proposes for the Property is not listed as a permitted, condition, or non-permitted use within the C-1 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 August 26, 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. The existing residential use of the Property may continue in addition to the use set forth below.

- A. the operation of a quilting studio

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;

- 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 2020-08 was adopted by the New Castle Planning and Zoning Commission by a vote of 10 to 0 on the 26th day of August, 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 2020-8 is legally described as follows:

Lots 3 and 4, Block 7, Town of New Castle, County of Garfield, State of Colorado,

commonly known as 333 W. Main Street, New Castle, Colorado 81647