

**TOWN OF NEW CASTLE, COLORADO**  
**RESOLUTION NO. TC 2020-28**

A RESOLUTION OF THE NEW CASTLE TOWN COUNCIL APPROVING 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 held a duly-noticed public hearing on August 26, 2020, to consider the Application and has recommended approval thereof; and

WHEREAS, the Town of New Castle Town Council considered the Application at a duly-noticed public meeting held on September 15, 2020; and

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

1. is eligible for conditional review under Code §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 TOWN OF NEW CASTLE TOWN COUNCIL AS FOLLOWS:

1. Recitals Incorporated by Reference. The foregoing recitals are incorporated by reference herein as findings and determinations of the Town Council.

2. Listing of Approved Uses. The following constitute the uses for the Property 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. Approval. The Town Council hereby approves 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, 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 TC 2020-28 was adopted by the New Castle Town Council by a vote of 6 to 0 on the 15th day of September, 2020.

TOWN OF NEW CASTLE TOWN COUNCIL

By:   
Art Riddile, Mayor

ATTEST:

 MC  
Melody Harrison, Town Clerk



Agreement

By signing below, Applicant hereby agrees to complete and comply with all conditions imposed by the Town Council in this Resolution No. TC 2020-28. Applicant further agrees that the use and improvements approved in said Resolution will be conducted and constructed in accordance with the approved Application site plan and development schedule.

DATED this 17 day of September, 2020.

  
Dara Marquardt

**EXHIBIT A**  
Legal Description

The property that is the subject of the Application described in Resolution TC 2020-28 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



**Town of New Castle  
Conditional Use Agreement  
Resolution TC-2020-28**

This agreement is dated Sept. 16, 2020 and is between the TOWN OF NEW CASTLE, COLORADO, a Colorado municipal corporation ("Town"), and Dara Marquardt ("Applicant").

**WITNESSETH:**

WHEREAS, on September 15th, 2020, the Town Council approved an application by the Applicant for a Conditional Use Permit for the operation of a **quilting studio in the C-1 zone** (street address: 333 W Main St), ("the subject property") upon certain conditions; and

WHEREAS, the parties desire to enter into this Agreement to set forth their understanding regarding conduct of the above use.

NOW, THEREFORE, for and in consideration of the mutual promises and covenants contained herein, and other good and valuable consideration, the adequacy and sufficiency of which are hereby acknowledged, the Town and the Applicant agree as follows:

1. Conditions of Permit. The following conditions will be completed or observed in connection with the above conditional use permit:
  - 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

2. Site Plan and Development Schedule. Applicant agrees that the conditional use and improvements shall be in accordance with the approved application site plan and development schedule.

3. Complete Agreement. This document embodies the entire and complete agreement of the parties on the subject matter herein. No promise or undertaking has been made by any party, and no understanding exists with respect to the transaction contemplated, except as expressly set forth herein. All prior and contemporaneous negotiations and understandings between the parties are integrated and merged into this Agreement.

4. Modification. This Agreement shall not be modified or amended except by written agreement of the parties.

5. Severability. If any covenant, term, condition, or provision contained in this Agreement is held by a court of competent jurisdiction to be invalid, illegal, or unenforceable in any respect, such covenant, term, condition, or provision shall be severed or modified to the extent necessary to make it enforceable, and the resulting Agreement shall remain in full force and effect.

6. Binding Effect. This Agreement shall inure to the benefit of and be binding upon the parties, their heirs, devisees, executors, administrators, assignees, transferees, and successors in interest.

IN WITNESS WHEREOF, the Town and Applicants have executed this Conditional Use Agreement on the day and year first above written.

TOWN OF NEW CASTLE

Art Riddile

Art Riddile, Mayor

ATTEST:

Melody Harrison CMC  
Melody Harrison, Town Clerk



Dara Marquardt

Dara Marquardt

STATE OF COLORADO     )  
COUNTY OF GARFIELD   )     ss.

Subscribed to before me this 17 day of September, 2020, by Dara Marquardt.

Witness my hand and official seal.

My commission expires: April 21, 2022

Deborah Nichols

Notary Public

