

**TOWN OF NEW CASTLE, COLORADO
PLANNING AND ZONING COMMISSION
RESOLUTION NO. PZ 2022-3**

A RESOLUTION OF THE NEW CASTLE PLANNING AND ZONING
COMMISSION RECOMMENDING APPROVAL OF A CONDITIONAL USE
PERMIT FOR A STORAGE FACILITY ON PROPERTY LOCATED IN THE
PERFORMANCE ZONE DISTRICT.

WHEREAS, on January 27, 2022, Columbine Moving & Storage C/O Patrick Pelton (“Applicant”) submitted a Conditional Use Permit Application (“Application”) for the property owned by Church Extension Plan located at TBD Highway 6 & 24, New Castle, Colorado, and legally described in Exhibit A hereto (“Property”); and

WHEREAS, the Property is zoned Performance District; and

WHEREAS, the Property is currently unimproved, vacant land; and

WHEREAS, Applicant seeks to operate a storage business on the Property, which will involve the construction of up to 1,600 square feet of office space and the location of up to 50 movable storage containers totaling 6,400 square feet on the Property; and

WHEREAS, Chapter 17.56 of the New Castle Municipal Code (the “Code”) establishes the permitted and conditional uses for the Performance District; and

WHEREAS, Applicant’s proposed “outdoor storage” use is eligible for conditional use review by virtue of its inclusion on the list of conditional uses under § 17.56.040 and, therefore, requires 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 (“Commission”) held a duly noticed public hearing on March 23, 2022, 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. Operation of a personal storage business including an office/administrative building and not more than 50 transportable storage containers

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. Designate a 15' setback along the north property line consistent with *MC* 17.56.070(C) for emergency egress and landscape screening.

B. Provide a gable roof for the office building that is more consistent with the public works facility;

C. No hazardous or flammable materials shall be stored in any storage container or elsewhere on the Property;

D. In the event Applicant's business model changes to allow customers to regularly access their storage containers at the Property whether during or outside business hours, Applicant will update its traffic study upon request from Town staff to confirm that Applicant's use of the Property remains in compliance with the CDOT access permit;

E. Prior to issuance of a building permit, an easement deed or other conveyance document approved by the Town attorney establishing the access, parking, and utility easements called for in that certain Cost Sharing Agreement dated December 16, 2008, between the Town and Owner's predecessor shall be signed and recorded;

F. 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 the 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;

G. 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 § 17.84.070 of the Code;

H. 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, the 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. Such show-cause hearing shall be open to the public and the applicant or owner may present testimony or offer other evidence on its behalf;

I. Applicant shall comply with all applicable building and municipal code requirements, including all accessibility requirements;

J. Applicant shall be required to pay all water and sewer tap fees and water rights dedication fees associated with the conditional use at a rate of 1.0 EQRs. The applicant shall pay the dedication fee (\$6,000) within 30 days of the effective date of this resolution and prior to, and as a condition of, the issuance of the town planner's conditional use certificate. Applicant shall pay remaining tap fees prior to the issuance of the building permit for the office building;

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

L. All representations of the Applicant in written and verbal presentations submitted to the Town or made at public hearings before the planning commission or Town Council shall be considered part of the application and binding on the Applicant; and

M. 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.

N. Applicant shall submit a detailed landscape/screening plan for the north and south boundaries of the Property for review and approval by Town Council. The plan shall also reconfigure the arrangement of the proposed storage containers such that the containers are located on both the north and south sides of the gravel road depicted on Applicant's site plan.

O. Applicant shall update its site plan to include a "T" or hammerhead turnaround at the west end of the internal gravel road to be used for fire and emergency vehicles. The design and dimensions of the turnaround shall be approved by the fire marshal prior to issuance of a building permit.

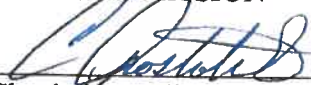
P. Applicant shall install security cameras around the storage containers. The number and location of the security cameras shall be approved by the Town of New Castle Police Chief.

Q. The stacking of storage containers is prohibited. No storage container stored on the Property shall exceed the following dimensions: 8 feet wide x 8 feet tall x 16 feet long.

THIS RESOLUTION PZ 2022-03 was adopted by the New Castle Planning and Zoning Commission by a vote of 7 to 0 on the 23rd day of March, 2022.



NEW CASTLE PLANNING AND
ZONING COMMISSION

By: 
Chuck Apostolik, Chair


ATTEST: 
Mindy Andis, Deputy Town Clerk

EXHIBIT A
Legal Description

The property that is the subject of the Application described in Resolution PZ 2022-3 is legally described as follows:

Lot 1, SHILO SUBDIVISION, according to the plat thereof recorded September 30, 1999, as Reception No. 553022, County of Garfield, State of Colorado

commonly known as TBD Highway 6 & 24, New Castle, Colorado 81647.