

**TOWN OF NEW CASTLE, COLORADO
PLANNING AND ZONING COMMISSION
RESOLUTION NO. PZ 2023-4**

A RESOLUTION OF THE NEW CASTLE PLANNING AND ZONING
COMMISSION RECOMMENDING APPROVAL OF A CONDITIONAL USE
PERMIT FOR A SMALL TRUCK AND TRAILER RENTAL FACILITY ON
PROPERTY LOCATED IN THE C-1 ZONE DISTRICT.

WHEREAS, on October 4, 2023, James Shrull (“Applicant”) submitted a Conditional Use Permit Application (“Application”) concerning property owned by the Town of New Castle (the “Town”) described in Exhibit A hereto (the “Property”); and

WHEREAS, the Property is zoned C-1; and

WHEREAS, the Property is currently improved with a 1,200 square-foot warehouse structure and surrounding parking areas; and

WHEREAS, Applicant seeks to operate his Uhaul rental business on the Property and use a portion of the warehouse for personal storage and repair work; and

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

WHEREAS, Applicant’s proposed “small truck and trailer rental” use (the “Proposed Use”) is eligible for conditional use review by virtue of its inclusion on the list of conditional uses under § 17.36.050 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 November 29, 2023, 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 small truck and trailer rental business with office space supporting the same, along with personal storage and repair work

3. Recommendation. The Planning and Zoning Commission hereby recommends that the Town Council approve the Application and the Proposed Use pursuant to § 17.84.050 of the Code, subject to the following conditions:

A. The Uhaul trucks and trailers allowed on the Property are limited to the following:

- i. One (1) permanent 26-foot box truck
- ii. One (1) 6' x 12' enclosed trailer
- iii. One (1) 5' x 8' enclosed trailer
- iv. One (1) 6' x 12' open bed trailer
- v. A maximum number of Uhaul trucks and trailers, including those dropped off by customers in the ordinary course of business, shall be proposed by Applicant prior to review by Town Council. Applicant shall also evaluate the feasibility of utilizing the rear portion of Parcel No. 212331301004 for Uhaul vehicle parking in lieu of the western 40 feet of said parcel. If the foregoing is feasible and desired, Applicant shall submit an updated site plan for the same to Town Council.

B. The following outdoor decorations & signage shall be permitted on the Property:

- i. One (1) 1' x 1.5' U-Haul sign hanging on warehouse;
- ii. One (1) 3' x 2' portable advertisement sign to be located out of public ROW, parking spaces and ingress/egress areas; and
- iii. "Standard Oil" decorative sign above overhead doors and/or an antique, decorative gas pump in front of the building

C. Applicant shall clean up and restore the exterior of Applicant's prior Uhaul business location (589 W. Main Street) and remove all outdoor cars, equipment, and other personal property on or before March 31, 2024;

D. Applicant shall provide ADA van parking and loading areas that shall be signed, available, and accessible directly in front of the U-Haul office door per International Existing Building Code (IEBC) section 410;

E. All vehicles associated with the Proposed Use are to load, park, stage, etc. only on the Property. The portion of Parcel No. 212331301004 not included in the Property and public on-street parking in the Town are not to be used for Applicant's business or personal storage and shall remain public parking; provided, however, that said area may be used for access to the Property provided that a 20-foot wide drive aisle is maintained;

F. Aside from the personal storage shed and temporary parking of vendor truck as shown on the site plan submitted with the Application, customers and personal loading, parking, and storage is prohibited behind and along the western side of the warehouse. The storage shed and vendor truck shall be located so as not to disrupt access to utilities located at the southwest corner of the warehouse;

G. Office hours of operation of the Proposed Use shall be limited to 9 am to 4 pm, Monday through Friday, which hours shall be clearly posted on the exterior of the building. The office hours of operation do not include vehicle drop-off by customers or personal use of the Property by Applicant.

H. Applicant shall install a split rail fence along the eastern boundary of the Property to match existing fence along Kamm Avenue. The fence will have an opening at least 20 feet wide to accommodate vehicle access over Parcel No. 212331301004.

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 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;

J. 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;

K. In the event the Town receives any complaints about the use of the site in violation of the conditional use approval or other Code requirements 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;

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

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

N. 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;

O. If the Application is approved by Town Council, one year after the effective date of such approval, Town staff shall conduct a review of Applicant's business operations on the Property, the functionality of the approved site plan and maximum Uhaul parking, and compliance with all conditions of approval.

THIS RESOLUTION PZ 2023-04 was adopted by the New Castle Planning and Zoning Commission by a vote of 7 to 0 on the 29th day of November, 2023.



NEW CASTLE PLANNING AND
ZONING COMMISSION

By: 
Chuck Apostolik, Chair

ATTEST:


Remi Bordelon, Deputy Town Clerk

EXHIBIT A
Legal Description

The property that is the subject of the Application described in Resolution PZ 2023-4 is legally described as follows:

Block 9, Lots 11 through 16, Original Townsite, New Castle

commonly known as 667 W. Main and the western 40 feet of 645 W. Main, New Castle, Colorado 81647.