

**TOWN OF NEW CASTLE, COLORADO  
RESOLUTION NO. PZ 2011-2**

**A RESOLUTION OF THE NEW CASTLE PLANNING AND ZONING  
COMMISSION RECOMMENDING CONDITIONAL APPROVAL OF A  
CONDITIONAL USE PERMIT FOR THE REMODEL OF THE NEW CASTLE  
BRANCH LIBRARY.**

WHEREAS, the Garfield County Public Library District (hereinafter "Applicant") is seeking a Conditional Use Permit for Lots 1-4 of Block A of the original Townsite plat (hereinafter "Library Property") located in the C-1 zone district to permit a public library; and

WHEREAS, pursuant to § 17.36.050 of the Town's Municipal Code the uses proposed by Applicant are conditional uses in the C-1 zone district, requiring the issuance of a conditional use permit under § 17.84; and

WHEREAS, pursuant to Municipal Code § 17.84.050 the Planning Commission hereby finds that the conditional use permit application:

1. is eligible for conditional review under Section 17.84.040;
2. is generally compatible with adjacent land uses;
3. meets all requirements of Section 17.84.020, is in compliance with this title 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 water, sewer, fire and police protection.

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 permitted uses for this property:

A. Public Library

3. Recommendation. The recommendation provided herein is predicated on the approval by the Board of Zoning Adjustment of any and all necessary variances. To the extent any variances are not approved or otherwise alter the site plan as submitted to the Planning Commission, then this recommendation is subject to further review and input by the Planning Commission. The Planning and Zoning Commission hereby recommends that the Town Council

approve the Applicant's conditional use permit pursuant to Section 17.84.050 of the New Castle Municipal Code on the following conditions:

4. Conditions.

A. The Applicant shall comply with all applicable building, residential, electrical and municipal code requirements.

B. The Applicant shall pay all applicable water and sewer tap fees.

C. The Applicant shall enter into a conditional use/development agreement in a form acceptable to the Town to address the installation of all required public improvements, including, but not limited to all improvements in the rights-of-way and all landscaping improvements.

D. The Applicant shall enter into a temporary construction easement in a form acceptable to the Town for the use of Town-owned Lot 5.

E. The Applicant shall work with the Town to develop an acceptable plan for Lot 5 that incorporates xeric landscaping, lighting and public seating.

F. The Applicant shall comply with the items identified by the Town Engineer in his memorandum of January 17, 2011, with the exception of the elimination of the recommendation concerning diagonal parking found in paragraph 6.

G. All exterior lighting shall be "dark sky compliant" and shall be shielded to prevent glare or direct view of the light source by pedestrians or vehicles from the adjacent right of way.

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. All representations of the Applicant made verbally or in written submittals presented to the Town in conjunction with the application and before the Planning Commission or Town Council shall be considered part of the application and binding on the applicant.

J. The 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, planning, and engineering costs.

THIS RESOLUTION PZ 2011-2 was adopted by the New Castle Planning and Zoning Commission by a vote of 6 to 0 on the 23<sup>rd</sup> day of February, 2011.

NEW CASTLE PLANNING AND  
ZONING COMMISSION

By: *Kevin O'Brien*  
Kevin O'Brien, Chariman

ATTEST:

*Wendy Mead*  
Wendy Mead, Deputy Town Clerk

