

**TOWN OF NEW CASTLE, COLORADO
RESOLUTION NO. PZ 2011-3**

**A RESOLUTION OF THE NEW CASTLE PLANNING AND ZONING
COMMISSION RECOMMENDING CONDITIONAL APPROVAL OF
A CONDITIONAL USE PERMIT FOR RIEGER PERFORMANCE
MOTORS.**

WHEREAS, Rieger Performance Motors (hereinafter “Applicant”) is seeking a Conditional Use Permit for Unit A Lots 1-6 of Block 17 and Lot 16 of Block 14 of the original Townsite plat located in the C-1 zone district to permit an automobile service station; 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. Automobile service station and accessory uses

3. Recommendation. 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:

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

B. The storage of new or used auto parts, tires and related items shall be confined indoors or in a self-contained storage unit located on the property that does not interfere with vehicle circulation and complies with all building and zoning code requirements.

C. Continuous automotive idling shall be confined indoors and have adequate ventilation; outside idling of automobiles shall be restricted to the specific needs of automobiles but shall not exceed fifteen (15) minutes.

D. All automotive work shall be performed indoors except for minor visual and diagnostic analysis; outside work on automobiles, boats or other similar mechanical or motorized devices that exceed the size of the shop bays is allowed.

E. Hazardous chemicals such as motor oil, anti-freeze and brake fluid shall be collected by a professional company that specializes in the disposal of hazardous chemicals.

F. Outside storage of hazardous chemicals such as motor oil, anti-freeze and brake fluid shall be prohibited unless stored in containers that are approved of by the Environmental Protection Agency or any other State or Federal Agency that has authority in such matters.

G. The interior of the building shall contain at least two fire extinguishers that are designated for automobiles and chemicals commonly used in automotive service stations.

H. Vehicles slated for sale shall not be stored on the property.

J. The applicant and property owner will work with the New Castle Public Works Department to locate a stop sign on the northeast side of 8th street adjacent to West Main St.

I. 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.

J. 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.

THIS RESOLUTION PZ 2011-3 was adopted by the New Castle Planning and Zoning Commission by a vote of 6 to 0 on the 13th day of April, 2011.



NEW CASTLE PLANNING AND
ZONING COMMISSION

By: Kevin O'Brien
Kevin O'Brien, Chairman

ATTEST:

Wendy Mead
Wendy Mead, Deputy Town Clerk