

**TOWN OF NEW CASTLE, COLORADO
RESOLUTION NO. TC 2011-5**

A RESOLUTION OF THE NEW CASTLE TOWN COUNCIL APPROVING A
CONDITIONAL USE PERMIT FOR LOTS 1-4, BLOCK A OF THE
ORIGINAL TOWNSITE PLAT TO PERMIT A PUBLIC 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, the Planning Commission held a public hearing on the application on February 23, 2011, accepted testimony from the Staff, Applicant, and general public and voted 6-0 to recommend approval of the Conditional Use Permit; and

WHEREAS, the Town Council considered the application at its meeting of March 1, 2011; and

WHEREAS, pursuant to Municipal Code § 17.84.050 the Town Council 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 TOWN COUNCIL AS FOLLOWS:

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

2. Approval. The Town Council hereby approves the conditional use permit pursuant to Section 17.84.050 of the New Castle Municipal Code as follows:

3. Listing of Approved Uses. The following constitute the permitted uses for the Library Property:

A. Public Library

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.

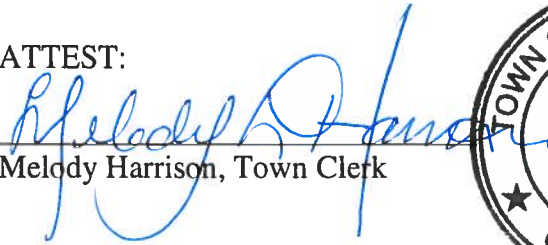
J. The applicant shall reimburse the Town for any and all expenses incurred by the Town regarding this approval, including without limitation all costs incurred by the Town's outside consultants such as legal, planning, and engineering costs.

THIS RESOLUTION TC 2011-5 was adopted by the New Castle Town Council by a vote of ___ to ___ on the 1st day of March, 2011.

NEW CASTLE TOWN COUNCIL

By: 
Frank Breslin, Mayor

ATTEST:


Melody Harrison, Town Clerk

