

**TOWN OF NEW CASTLE, COLORADO  
RESOLUTION NO. TC 2011- 8**

A RESOLUTION OF THE NEW CASTLE TOWN COUNCIL  
APPROVING A CONDITIONAL USE PERMIT FOR UNIT A , LOTS  
1-6 BLOCK 17 AND LOT 16 BLOCK 14 OF THE ORIGINAL  
TOWNSITE PLAT TO PERMIT AN AUTOMOBILE SERVICE  
STATION.

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, the Planning Commission held a public hearing on the application on April 13, 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 May 3, 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 this property:

A. Automobile service station and accessory uses

4. 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 8<sup>th</sup> 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 TC 2011- 8 was adopted by the New Castle Town Council by a vote of 7 to 0 on the 3<sup>rd</sup> day of May, 2011.

NEW CASTLE TOWN COUNCIL

By: Frank Breslin  
Frank Breslin, Mayor

ATTEST:

Melody Harrison  
Melody Harrison, Town Clerk

