

**TOWN OF NEW CASTLE, COLORADO
RESOLUTION NO. TC 2013-20**

A RESOLUTION OF THE NEW CASTLE TOWN COUNCIL APPROVING
AMENDMENTS TO THE CONDITIONAL USE AGREEMENT FOR THE
LAKOTA CANYON GOLF CLUB.

WHEREAS, by Town of New Castle Resolution No. TC 2003-2 the Town Council conditionally approved a conditional use permit application for the construction and operation of a golf course and associated structures on Parcels A-1 and A-2 of Lakota Canyon Ranch; and

WHEREAS, approval of such conditional use permit is subject to the Conditional Use Agreement for Lakota Canyon Golf Club attached as Exhibit B to Resolution No. TC 2003-2 (“Agreement”); and

WHEREAS, the Agreement permitted the construction and operation of a temporary clubhouse pending construction of a permanent facility; and

WHEREAS, the original period of authorization for the temporary clubhouse was three (3) year, but such authority has been extended repeatedly and currently expires November 1, 2013; and

WHEREAS, Warrior Golf Development, LLC (“Warrior Golf” or “Applicant”) is the new owner of the Lakota Canyon Ranch Golf Course, including parcels A-1 and A-2 that are subject to the Conditional Use Permit; and

WHEREAS, Warrior Golf has applied to the Town for certain amendments to the Conditional Use Permit, including the construction of a new permanent clubhouse, the construction of a separate cart-barn, and for permission to use a new temporary clubhouse for the duration of construction; and

WHEREAS, pursuant to Section 17.84.070 and 17.84.040 of the Municipal Code the Planning Commission held a public hearing on September 11, 2013 to consider testimony from the applicant, staff, and the general public on the proposed alterations; and

WHEREAS, the New Castle Planning Commission by resolution PZ 2013-6 unanimously recommended that the Town Council approve Warrior Golf’s request for amendments to the Conditional Use Permit Agreement, subject to certain conditions; and

WHEREAS, pursuant to Section 17.84.050 of the Municipal Code, based on the testimony presented at the public hearing of September 11, 2013, the Planning Commission found that:

- (1) That the property is eligible for conditional use review;
- (2) That the uses proposed in the application are generally compatible with adjacent land uses;

- (3) That the application meets all requirements of Section 17.84.020, is in general compliance with title 17, and does or will minimize potential adverse impacts of the proposed conditional use on adjacent properties and traffic flow;
- (4) That the use proposed is consistent with the Comprehensive Plan;
- (5) That the Town has the capacity to serve the proposed use with water, sewer, fire, and police protection.

WHEREAS, the Town Council considered the requested amendment at its meeting of September 17, 2013, agrees with the findings of the Planning Commission, and hereby approves the amendments, subject to the conditions herein.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF NEW CASTLE, COLORADO:

1. Incorporation of Recitals. The foregoing Recitals are incorporated herein as findings and determinations of the Town Council.

2. Approval of Amendments. The Town Council hereby approves the proposed amendments to the Conditional Use Permit Agreement for the Lakota Canyon Ranch Golf Course subject to the terms and conditions set forth herein. Nothing in this approval creates any new vested rights pursuant to the Municipal Code or C.R.S. § 24-68-101 *et seq.*

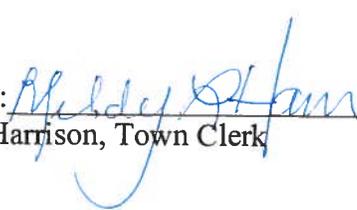
3. Definition of the Application. The "Application" consists of those items listed on the attached Exhibit A, plus any representations of the Applicant reflected in the minutes of the Planning Commission public hearing of September 11, 2013 and in the minutes of the Town Council meeting from September 17, 2013.

4. Amendment to Conditional Use Agreement. This approval is conditioned on the execution by the Applicant and the Town Council of the Amendment to the Conditional Use Permit Agreement attached hereto as Exhibit B. The Mayor is authorized to execute the Amendment to the Conditional Use Permit Agreement when finalized and after execution by the Applicant.

5. Recording. The Town Clerk is authorized to record this Resolution and the fully executed Amendment to the Conditional Use Permit Agreement in the real property records for Garfield County, Colorado.

THIS RESOLUTION was adopted by the New Castle Town Council by a vote of 4 to 0 on the 17th of September, 2013.

NEW CASTLE TOWN COUNCIL

ATTEST: 
Melody Harrison, Town Clerk



Frank Bostin, Mayor