

**TOWN OF NEW CASTLE, COLORADO  
RESOLUTION NO. TC 2013-8**

A RESOLUTION OF THE NEW CASTLE TOWN COUNCIL APPROVING A  
CONDITIONAL USE PERMIT FOR FIRST BAPTIST CHURCH D/B/A NEW  
HOPE CHURCH FOR LOTS C9C AND C9D IN THE BURNING MOUNTAIN  
PHASE II PUD.

WHEREAS, the First Baptist Church d/b/a New Hope Church (hereinafter "Applicant") is seeking special review use approval pursuant to municipal code section 17.112.040(B) for Lots C9C and C9D of the Burning Mountains P.U.D. (Phase II) (hereinafter "Subject Property"); and

WHEREAS, the Applicant is seeking to locate a church and related uses in the General (Lot C9) district; and

WHEREAS, special review uses under section 17.112.040(B) of the code are processed as conditional use permit applications pursuant to § 17.84 of the municipal code; and

WHEREAS, on April 10, 2013 the Planning Commission held a noticed public hearing on the special review use application, accepted testimony from Staff, the Applicant and members of the 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 April 16, 2013; 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 Sections 17.112.040(B) and 17.84.040 of the New Castle Municipal Code;
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. As more fully set forth on the site plan, which is expressly incorporated herein by this reference, the following constitute the permitted uses for the Subject Property:

1. Church
2. Community room
3. After school teen center

4. Conditions.

A. The applicant shall comply with all applicable building, residential, electrical and municipal code requirements including sign code regulations.

B. 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.

C. 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.

D. 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 and engineering costs.

THIS RESOLUTION TC 2013-8 was adopted by the New Castle Town Council by a vote of 7 to 0 on the 16<sup>th</sup> day of April, 2013.

NEW CASTLE TOWN COUNCIL

By: Frank Breslin  
Frank Breslin, Mayor

ATTEST:

Melody Harrison  
Melody Harrison, Town Clerk

