**TOWN OF NEW CASTLE, COLORADO**
**RESOLUTION NO. PZ 2016-01**

A RESOLUTION OF THE NEW CASTLE PLANNING AND ZONING COMMISSION RECOMMENDING APPROVAL OF A CONDITIONAL USE PERMIT FOR TWO-FAMILY RESIDENTIAL USE ON PROPERTY LOCATED IN THE COMMERCIAL TRANSITIONAL ZONE DISTRICT.

WHEREAS, on December 3, 2015, Shannon Murphy ("Applicant") submitted a Conditional Use Permit Application ("Application") for the property located at 702 W. Main Street, New Castle, Colorado ("Property") located in the Commercial Transitional (CT) zone district; and

WHEREAS, Applicant owns the Property; and

WHEREAS, Applicant seeks a permit to allow for two-family residential use of the Property; and

WHEREAS, pursuant to § 17.68.040 of the New Castle Municipal Code ("Code"), the use proposed by Applicant is a conditional use in the CT zone district, requiring the issuance of a conditional use permit pursuant to § 17.84 of the Code; and

WHEREAS, as required under § 17.84.040(B), the New Castle Planning and Zoning Commission held a duly-noticed public hearing on January 13, 2016, to consider the Application; and

WHEREAS, pursuant to Code § 17.84.050 the Planning Commission hereby finds that the 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 Title 17 of the Code, 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 uses for this Property approved under the Application:

A. Two-Family Residential

3. Recommendation. The Planning and Zoning Commission hereby recommends that the Town Council approve the Application pursuant to § 17.84.050 of the New Castle Municipal Code subject to the following conditions:

A. All representations of the Applicant in written and verbal presentations submitted to the Town or made at public hearings before the Planning Commission or Town Council shall be considered part of the application and binding on the applicant;

B. Applicant shall comply with all applicable building, residential, electrical and municipal code requirements including all sign code regulations;

C. 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, 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, with such show-cause hearing open to the public and the Applicant or owner being able to present testimony or offer other evidence on their behalf;

D. 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;

E. Applicant is required to pay additional water and sewer tap fees in an amount to be determined and paid at the time of building permit application;

F. Subject to Town Council approval, Applicant shall be required to pay a water rights dedication fee in an amount to be determined and paid at the time of building permit application and that covers the full EQR calculation for the conditional use approved in the Application; and

G. The use approved in the Application shall not be conducted until the Town Planner has issued a conditional use certificate. That certificate shall be issued only after Applicant has entered into an agreement with the Town specifying that all conditions imposed by the Town council will be completed and that the use and improvements will be in accordance with the approved Application site plan and development schedule. The conditional use certificate must be issued within one year of the date of final approval by Town Council, or the Application is deemed withdrawn by the Applicant and is of no further force and effect.

THIS RESOLUTION PZ 2016-01 was adopted by the New Castle Planning and Zoning Commission by a vote of 4 to ø on the 13th day of January, 2016.

NEW CASTLE PLANNING AND ZONING COMMISSION

By: _____
Chuck Apostolik, Chairman

ATTEST:

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Mindy Andis, Deputy Town Clerk

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