TOWN OF NEW CASTLE, COLORADO
RESOLUTION NO. PZ 2016-05

A RESOLUTION OF THE NEW CASTLE PLANNING AND ZONING COMMISSION RECOMMENDING APPROVAL OF A CONDITIONAL USE PERMIT FOR A MOBILE VENDING CART OR STAND ON TOWN PROPERTY LOCATED IN THE COMMERCIAL - 1 ZONE DISTRICT.

WHEREAS, on May 10, 2016, Bronwyn Rittner ("Applicant") submitted a Conditional Use Permit Application ("Application") for the property located at Ritter Plaza, New Castle, Colorado ("Property") located in the Commercial-1 zone district; and

WHEREAS, The Town of New Castle owns the Property; and

WHEREAS, Applicant seeks a permit to allow for a mobile vending cart or stand on the Property; and

WHEREAS, pursuant to § 17.36.050(16) of the New Castle Municipal Code ("Code"), the use proposed by Applicant is a conditional use in the C-1 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 July 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. Mobile vending cart or stand

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 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 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 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. 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;

F. Applicant shall remove the sign, tent, personal items like the cooler and any trash from Ritter Plaza as well as hosing down the area near the ice cream stand after each sales event;

G. Applicant shall finish all clean-up work and removal of personal property by 9:00 P.M. from Thursday through Saturday;

H. All Town sponsored events will have priority for the use of all of Ritter Plaza;

I. Lights surrounding the 12' X 12' tent shall not illuminate the commercial/residential unit immediately west of the subject location;

J. Applicant shall obtain all necessary permits or licenses to use the Property and pay all necessary fees, if any, as directed by Town Council; and

K. Applicant will obtain insurance naming the Town as additionally insured.

THIS RESOLUTION PZ 2016-05 was adopted by the New Castle Planning and Zoning Commission by a vote of 5 to 5 on the 13th day of July, 2016.

THE TOWN OF NEW CASTLE
PLANNING & ZONING COMMISSION
COLORADO

NEW CASTLE PLANNING AND ZONING COMMISSION

By: _____
Larry Borgard, Vice-Chairman

ATTEST:

_____
Mindy Andis, Deputy Town Clerk