

**TOWN OF NEW CASTLE, COLORADO  
RESOLUTION NO. TC 2018-18**

**A RESOLUTION OF THE NEW CASTLE TOWN COUNCIL APPROVING A  
CONDITIONAL USE PERMIT FOR AN AUTOMOTIVE REPAIR AND  
MAINTENANCE FACILITY TO BE LOCATED ON PROPERTY WITHIN  
THE COMMERCIAL-1 ZONE DISTRICT.**

WHEREAS, on May 30, 2018, Rieger Performance Motors (“Applicant”) submitted a Conditional Use Permit Application (“Application”) for the property located at 731 W. Main St, New Castle, Colorado, and described in Exhibit A hereto (“Property”), which is within the Commercial 1 (C-1) zone district; and

WHEREAS, Jon and Leslie Krick own the Property and have consented to Applicant’s filing and pursuing the Application and using the Property as proposed in the Application; and

WHEREAS, Applicant seeks a permit to allow the Property to be used for an automotive repair and maintenance facility; and

WHEREAS, pursuant to § 17.36.050 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 25, 2018, to consider the Application and recommends conditional approval of the Application; and

WHEREAS, Town Council considered the Application at a duly-noticed public meeting held August 7, 2018; and

WHEREAS, pursuant to Code § 17.84.050 the Town Council 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 TOWN COUNCIL AS FOLLOWS:

1. Recitals Incorporated by Reference. The foregoing recitals are incorporated by reference herein as findings and determinations of the Town Council.

2. Listing of Approved Uses. The following constitute the uses of the Property that are approved under the Application:

A. Automotive repair and maintenance facility

3. Approval. The Town Council hereby approves 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 Application materials and in verbal presentations submitted to the Town or made at public hearings before the Planning Commission or Town Council and reflected in the minutes thereof 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. All storage of any type, to include but not be limited to, new or used auto parts, tires, and related items shall be confined indoors. All outdoor space shall be used for customer and employee parking only;

F. Continuous automotive idling shall be confined indoors and have adequate ventilation; idling of automobiles and use of power tools outside shall be restricted to 15 minutes per vehicle or use, respectively;

G. All automotive work shall be performed indoors except for minor visual and diagnostic analysis;

H. Hazardous chemicals such as motor oil, anti-freeze, and brake fluid shall be collected and disposed of by a professional company that specializes in the disposal of hazardous chemicals;

I. Outside storage of hazardous chemicals such as motor oil, anti-freeze, and brake fluid is prohibited and all such fluids shall be stored in containers that are approved by the authorized and appropriate state and/or federal agency;

J. The interior of the building on the Property shall contain at least two fire extinguishers that are designed for automobiles and chemicals commonly used in automotive service stations;

K. Vehicles offered for sale shall not be stored on the Property;

L. Only five off-street parking spaces shall be required on the Property but up to twelve off-street spaces may be located thereon;

M. Applicant and the Property owners acknowledge that there is a Town sewer easement running across the west side of the Property and they agree, upon short notice, to temporarily relocate any vehicles which may block or interfere with the maintenance of said easement or any other Town-owned utility on the Property;

N. Applicant shall avoid the stacked parking of vehicles in the primary paved parking areas shown on the site plan. Applicant shall limit the parking of customer and employee vehicles on the Property during daylight operating hours to a total of twelve vehicles. After 5:00 p.m. and on weekends, Applicant shall limit outdoor parking on the Property to a total of five vehicles. Applicant will adjust the marked parking spaces shown on the site plan by shifting them approximately three feet to the south and will place no less than three large seasonal planters with maintained decorative plants along the northern Property boundary in the paved parking area. Planter sizes shall be no less than 24" in diameter and no less than 24" tall;

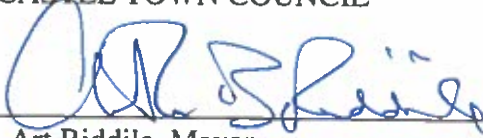
O. Upon prior approval from Town staff and compliance with all applicable building and zoning provisions, Applicant may construct an enclosure on the southwest portion of the Property to be used for tire storage;

P. Except as specifically provided in this Resolution, no approved conditional use may be altered, structurally enlarged, expanded in parking area or expanded in ground area unless the site plan is amended and approved in accordance with the applicable procedures set forth in Chapter 17.84 of the Town Municipal Code; and

Q. 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 TC 2018-18 was adopted by the New Castle Town Council by a vote of 6 to 0 on the 7th day of August, 2018.

NEW CASTLE TOWN COUNCIL

By:   
Art Riddile, Mayor

ATTEST:

  
Melody Harrison, Town Clerk

By signing below, Applicant hereby agrees to complete and comply with all conditions imposed by the Town Council in this Resolution No. TC 2018-18. Applicant further agrees that the use and improvements approved in said Resolution will be in accordance with the approved Application site plan and development schedule.

DATED this 21 day of August, 2018.

RIEGER PERFORMANCE  
MOTORS

  
By: Michael Rieger  
Title: Owner

**EXHIBIT A**

Legal Description

The property that is the subject of the Application described in Resolution TC 2018-18 is legally described as follows:

West 1/2 of Lot 10 and all of Lots 11 – 15, Block 14, Original Townsite, Town of New Castle