



Town of New Castle
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**Building & Planning
Department**
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**Planning Commission – Public Hearing
Wednesday, September 24, 2025
Resolution PZ 2025-3
Staff Report**

Name of Applicant	Moo, LLC
Mailing Address	417 Allison Lane, Basalt, CO 81647
Property Address	677 W Main St, New Castle, CO 81647
Name of Property Owner	Moo, LLC
Existing Zoning	C-1 Commercial
Surrounding Zoning	Commercial (C-1), Residential (R-1), Performance (P)
Surrounding Land Uses	Public parking, Residential, UHaul Rental, Public ROW - Railroad, and Public Works Facility; Catering
Most Recent Uses of Property	Fabrication/Welding; Storage; Auto Repair;
Proposed Use of Property	Up to two (2) mobile food vendors on property
Property Size	7,050sf

I. Background:

The Applicant is proposing a mobile food vendor use for the property located at 677 W Main St. in downtown New Castle. “*Mobile vending carts or stands,*” are listed as conditional uses in the Commercial C-1 district (MC Section 17.36.050). There is already a conditional use permit for mobile food vendors in New Castle, Down Valley Brewing PZ 2024-2, along with temporary permits issued during organized events in public open space such as Burning Mountain or VIX Parks.

The submittal (**page 3**) provides context for the request: The Applicant is currently repurposing the existing structure for a catering/commissary location. **Submittal, page 8** shows the proposed food truck placement directly east of the existing building.

The Applicant seeks the Planning Commission's recommendation to improve dining options and for downtown. If approved, Moo LLC anticipates having a maximum of two food trucks on site. The site is expected to be prepped and ready by the fall 2025.

As a conditional use application, the Planning Commission (P&Z) is required to hold a public hearing in accordance with the procedures set forth in Municipal Code Chapter 16.08. Within 30 days of the special hearing, P&Z must make one of three recommendations:

- 1) Approve the CUP unconditionally;
- 2) Approve the CUP with conditions;
- 3) Deny the CUP.

Approval Criteria: An approved application shall:

- 1.) be eligible for conditional review under § 17.84.040;
- 2.) be generally compatible with adjacent land uses;
- 3.) meet all requirements of § 17.84.020 of the Code, comply with Title 17 of the Code, and minimizes potential adverse impact of the conditional use on adjacent properties and traffic flow;
- 4.) be consistent with the comprehensive plan; and
- 5.) show that the Town has the capacity to serve the proposed use with fire and police protection and is not required to provide water or sewer service.

II. Staff Review and Comment:

1.) Is the application eligible for conditional review under 17.84.040?

As part of the C-1 zoning district "mobile food carts or stands" are considered conditional uses (17.36.050). No other type of mobile food vendors will be considered with this application.

2.) Is the proposal generally compatible with adjacent land uses?

Adjacent land uses include:

- Public parking
- UHaul Rental
- Residential
- Railroad

The C-1 district allows for a diversity of uses including retail, services, and residential. A food establishment would benefit patrons and employees who frequent those uses, while supplementing the mobile food vendors approved in 2024 at 589 W Main St (i.e. the Down Valley Brewery). A slight uptick in foot/vehicle traffic in the west end of Town is to be expected. However, the Applicant has proposed measures to inhibit excessive noise, smells, lighting, or any general unsightliness during hours of operation (**Submittal, pages 7 & 15**). With those measures in place, up to two additional mobile food vendors appears reasonably compatible with other surrounding uses.

3.) Does the proposal meet all requirements of § 17.84.020 of the Code, is in compliance with Title 17 of the Code, and minimizes potential adverse impact of the conditional use on adjacent properties and traffic flow?

The requirements of section 17.84.020 are addressed in the table below:

a. Adjacent land uses;	• Discussed in section 2.
b. Boundary and size of lot;	• 7,050sf
c. Building location height and setbacks	• Existing structure: 18'; Mobile vendor: ~10'
d. Off-street parking and loading areas	• Parking: N/A; Loading: rear of lot off alleyway;
e. Points of ingress & egress	• Vehicle access: will mainly be at rear of lot. Some vehicles likely to short-cut at U-Haul entry.
f. Service and refuse areas	• Southeast corner of lot.
g. Signs and lighting	• Signage requires permit. Lights to be dark-sky.
h. Fencing, landscaping, and screening	• No screening is proposed.
i. Compliance with performance standards	• Applicant agrees to comply with performance standards.
j. Anticipated utility requirements	• Adequate services are available.

Note, though no screening is proposed, P&Z and Council did require Down Valley Brewing to store or screen all auxiliary equipment incidental to the use of the food truck. The same condition has been added to the resolution. Otherwise, Staff does not have further concerns with compliance to section 17.84.020 or Title 17.

4) Is the proposal consistent with the comprehensive plan?

A central objective of New Castle's Downtown Plan is to foster a civic environment that promotes small town ambiance and economic vitality, dubbing it the "heart and soul of the community" (Comprehensive Plan, pg. 9). Restaurants have long filled a social niche for communities, especially city centers. Though New Castle has lost a couple of brick-and-mortar restaurants over the years, restaurants of the mobile variety have the potential to revitalize this invaluable aspect of Town.

One important aspect of mobile food trucks is the lower operational cost. In an era of higher construction costs, labor costs, and higher inflation in general, the adaptability of these businesses

often make them better suited for such economic times. Additionally, since the vendors are not permanent, a diversity of food opportunities is potentially available to the community over time.

It is also important for the Commissioners to be mindful that mobile vendors, to some extent, compete with our valued brick-and-mortar operations. A saturation of mobile vendors in any one area could adversely impact traditional restaurant establishments. Done well, Staff feels mobile vendors will function symbiotically with the other restaurants. In other words, more food options generate more downtown activity which improves traffic for other businesses which in turn supports existing restaurants in a virtuous circle.

5) Does the proposal show that the Town has the capacity to serve the proposed use with fire and police protection and is not required to provide water or sewer service.

The site plan was reviewed and discussed with the fire marshal. Public Works does not anticipate any change to water and sewer service.

III. Staff Recommendations:

Staff recommends approval of Resolution PZ #2025-3 with the following conditions:

- A. Development of the Property shall be consistent with the site plan shown on Exhibit A to this Resolution and as may be revised by the Town Council. No more than two mobile food vendors will be permitted on the Property and only within the allowable parking location as depicted on Exhibit A. Other types of mobile vendors are not authorized to operate under this conditional use permit.
- B. Applicant shall provide and comply with a schedule for daily hours of operation of the mobile food vendors, which schedule will be reviewed and approved by Town Council.
- C. The bathroom facilities of the existing building shall be made available to food truck/trailer employees during all hours of operation per the requirements of Garfield County Public Health and Human Services. Toilets shall not be available to patrons.
- D. Any auxiliary equipment, materials, or supplies necessary for the function of any mobile food vendors shall be stored out of site or otherwise screened from public view by means of fencing, landscape ornamentation, or other approved means of concealment. Within six months after the issuance of the conditional use certificate, Staff shall inspect the visual impacts of the food truck(s). Any concerns not resolved within 30 days of the inspection shall be subject to condition I, below.
- E. A trash receptacle shall be provided and maintained on the southeast corner of the Property.

- F. 6. Loading, staging, and supplying of mobile food vendors shall occur either off the south alleyway or Mainstreet (i.e. US 6). Vendors shall refrain from accessing the property from adjacent lots.
- 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 the 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.
- H. 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 procedures applicable to approval of a conditional use as set out in § 17.84.070 of the Code.
- I. In the event the Town receives any complaints about the use of the site in violation of the conditional use approval or other Code requirements 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.
- J. Applicant shall comply with all applicable building and municipal code requirements, including the sign code and all accessibility requirements, as well as all performance standards, county licensing, and public health requirements.
- K. Any added exterior lighting will be dark sky compliant pursuant to the Comprehensive Plan Goal EN-4.
- L. All representations of the Applicant in written and verbal presentations submitted to the Town or made at public hearings before the Commission or Town Council shall be considered part of the application and binding on the Applicant.
- M. The Applicant shall reimburse the Town for any and all expenses incurred by the Town regarding the Application, including without limitation all costs incurred by the Town's outside consultants such as legal and engineering costs.

IV. Application Exhibits:

- A. Land development application
- B. Agreement to pay consulting fees
- C. Applicant packet
- D. Signed Performance Standards
- E. Public Notice
- F. Property Owners Within 250 Feet
- G. Notarized Affidavit of Public Notice