



# TOWN OF NEW CASTLE CONDITIONAL USE CERTIFICATE

## Resolution TC 2024-12

This conditional use permit (CUP) is hereby issued to *Colorado Drifters LLC, c/o Brad Williams* concerning property owned by *Family Matters LLC* to *permit the use of mobile food vendors* on Block 9, Lots 7 through 10 of the Original Townsite within the Town of New Castle C-1 Zoning District in conformance with the requirements of the New Castle Municipal Code Chapter 17.84. The Property at 589 W Main St. currently consists of a 1,647 square foot structure and surrounding parking areas to the west and south of the structure. The conditional use permit application was considered at a public hearing on April 10, 2024, before the New Castle Planning & Zoning Commission and recommended for approval with conditions by Resolution PZ 2024-2 and subsequently approved by the New Castle Town Council on May 7, 2024, by Resolution TC 2024-12 for the aforementioned Property and shall be subject to the following uses and conditions.

### Listing of approved use(s).

A. Operation of up to two mobile food vendors, i.e. "mobile vending carts or stands", on the Property.

### Conditions of approval.

1. Development of the Property shall be consistent with the approved site plan for the Application. No more than two mobile food vendors will be permitted on the Property and only within the allowable parking location depicted in the approved site plan. Other types of mobile vendors are not authorized to operate under this approved conditional use certificate.
2. Daily operation will be no earlier than 7:00 a.m. and no later than 10:00 p.m.
3. The bathroom facilities of the existing building shall be made available to food truck/trailer employees during all hours of operation. Alternatively, 3rd-party bathrooms and hand washing stations shall be supplied per the requirements of Garfield County Public Health and Human Services.
4. Any auxiliary equipment, materials, or supplies necessary for the function of any food trucks/trailers shall be stored out of site or otherwise screened from public view by means of fencing, landscape ornamentation or other approved means of concealment.
5. Adequate trash receptacles shall be provided and maintained on the southeast corner of the Property.
6. Illustrate locations of on-site parking or designated loading areas as necessary. Any on-site parking shall comply with the accessibility requirements of the International Building Code Section 1106. Two, 60-minute loading spaces (10' wide x 20' long) are permitted on the east side of Kamm Ave. south of the 30' vision triangle as illustrated on the approved site plan for the Application.
7. 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.
8. 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.
9. 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;

10. Applicant shall comply with all applicable building and municipal code requirements, including the sign code and all accessibility requirements, as well as all Town performance standards, county licensing, and public health requirements.
11. Any added exterior lighting will be dark sky compliant pursuant to the Comprehensive Plan Goal EN-4.
12. 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.
13. 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.
14. One year after the effective date of approval, Applicant shall meet with Town Council to review the operations and impacts of the second food truck and compliance with all conditions of approval.

This conditional use permit is hereby approved by the New Castle Town Planner upon signature below.

Paul Smith, Paul Smith — New Castle Town Planner