

TOWN OF NEW CASTLE, COLORADO
RESOLUTION NO. TC 2025-20

A RESOLUTION OF THE NEW CASTLE TOWN COUNCIL APPROVING A
CONDITIONAL USE PERMIT FOR MOBILE VENDING CARTS OR STANDS
(I.E., FOOD TRUCKS) ON PROPERTY LOCATED IN THE C-1 ZONE
DISTRICT.

WHEREAS, on or about July 7, 2025, Moo, LLC, c/o Rachel Houchin (“Applicant”) submitted a Conditional Use Permit Application (“Application”) concerning its property described as Block 14, Lots 1, 2, and the East ½ of Lot 3, Original Townsite of New Castle, and having an address of 677 W. Main Street, New Castle, CO (the “Property”); and

WHEREAS, the Property is zoned C-1; and

WHEREAS, the Property is currently improved with a 1,536 square-foot structure and surrounding parking areas; and

WHEREAS, Applicant intends to operate a catering/commissary business and two mobile food vendors on the Property; and

WHEREAS, Chapter 17.36 of the New Castle Municipal Code (the “Code”) establishes the permitted and conditional uses for the C-1 District; and

WHEREAS, Applicant’s proposed mobile food vendors, i.e. “mobile vending carts or stands,” use (the “Proposed Use”) is eligible for conditional use review by virtue of its inclusion on the list of conditional uses under § 17.36.050 and, therefore, requires the issuance of a conditional use permit pursuant to Chapter 17.84 of the Code; and

WHEREAS, as required under Code § 17.84.040(B), the New Castle Planning and Zoning Commission (“Commission”) held a duly noticed public hearing on September 19, 2025, to consider the Application and has recommended that Town Council approve the Application with conditions; and

WHEREAS, pursuant to Code § 17.84.050, Town Council finds that the Application:

1. is eligible for conditional review under § 17.84.040;
2. is generally compatible with adjacent land uses;
3. meets 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;
4. is consistent with the comprehensive plan; and
5. the Town has the capacity to serve the proposed use with 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 New Castle Town Council.

2. Listing of Approved Uses. The following constitute the uses of the Property that are approved under the Application as a conditional use, which may be in addition to other permitted uses of the Property.

A. Use of the Property for the operation of up to two mobile food vendors, i.e. “mobile vending carts or stands”

3. Action on Application. Town Council hereby approves the Application and the Proposed Use pursuant to § 17.84.050 of the Code, subject to the following conditions:

A. Development of the Property shall be consistent with the site plan shown on Exhibit A to this Resolution. No more than two mobile food vendors will be permitted on the Property and only within the designated parking zone depicted on Exhibit A. Other types of mobile vendors are not authorized to operate under this conditional use permit.

B. Mobile food vendors shall have daily hours of operation starting no earlier than 8:00 a.m. and ending no later than 9:00 p.m.

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. Loading, staging, and supplying of mobile food vendors shall occur either off the south alleyway or Main Street (i.e. US 6). Vendors and patrons shall be blocked from accessing the Property from the adjacent lot to the east with the use of non-permanent barriers such as vegetative landscaping, gabion walls, signage, or otherwise with an alignment of the food trucks/trailers that obstructs such access.

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.

N. Prior to issuance of the conditional use certificate, a 6-foot-tall privacy fence shall be constructed in the location shown on Exhibit A to connect the southwest corner of the existing structure on the Property and the northeast corner of the garage structure located on the adjacent lot to the west at 681 W Main Street to preempt nuisance concerns during hours of operation. The fence shall be of the general design and materials shown in the Application materials submitted to Town Council at its October 21, 2025, meeting.

THIS RESOLUTION TC 2025-20 was adopted by the New Castle Town Council by a vote of ___ to ___ on the 21st day of October, 2025.

NEW CASTLE TOWN COUNCIL

By: _____
Art Riddile, Mayor

ATTEST:

Mindy Andis, Town Clerk

EXHIBIT A
Site Plan

