

**TOWN OF NEW CASTLE, COLORADO
PLANNING AND ZONING COMMISSION
RESOLUTION NO. PZ 2024-2**

**A RESOLUTION OF THE NEW CASTLE PLANNING AND ZONING
COMMISSION RECOMMENDING APPROVAL OF 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 March 13, 2024, Colorado Drifters, LLC, c/o Brad Williams (“Applicant”) submitted a Conditional Use Permit Application (“Application”) concerning property owned by Family Matters, LLC (“Owner”) described in Exhibit A hereto (the “Property”); and

WHEREAS, the Property is zoned C-1; and

WHEREAS, the Property is currently improved with a 1,674 square-foot structure and surrounding parking areas; and

WHEREAS, Applicant intends to operate a microbrewery 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 April 10, 2024, to consider the Application; and

WHEREAS, pursuant to Code § 17.84.050, the Commission hereby 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 and is not required to provide water or sewer service.

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 of the Property that the Commission recommends be 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 the operation of up to two mobile food vendors, i.e. “mobile vending carts or stands”

3. Recommendation. The Planning and Zoning Commission hereby recommends that the Town Council approve 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 B to this Resolution and as may be revised by the Town Council. No more than two mobile food vendors will be permitted and only within the allowable parking location as depicted in green on Exhibit B. 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.

C. 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.

D. 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.

E. An adequate trash receptacles shall be provided and maintained on the southeast corner of the Property;

F. Applicant shall update the Application site plan to include locations of on-site parking or designated loading areas as necessary. Two, 30-minute loading spaces (10’ wide x 20’ long) are permitted on the east side of Kamm Ave. south of the 30’ vision triangle illustrated on Exhibit B;

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 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.

THIS RESOLUTION PZ 2024-02 was adopted by the New Castle Planning and Zoning Commission by a vote of ____ to ____ on the 10th day of April, 2024.

NEW CASTLE PLANNING AND
ZONING COMMISSION

By: _____
Chuck Apostolik, Chair

ATTEST:

Remi Bordelon, Deputy Town Clerk

EXHIBIT A
Legal Description

The property that is the subject of the Application described in Resolution PZ 2024-2 is legally described as follows:

Lots 7, 8, 9, and 10, Block 9, Town of New Castle, County of Garfield
commonly known as 589 W. Main Street, New Castle, CO 81647.