TOWN OF TIMNATH, COLORADO
RESOLUTION NO. 5, SERIES 2017

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF TIMNATH APPROVING THE
CONDITIONAL USE FOR TIMNATH BEERWERKS, GENERALLY LOCATED
SOUTH OF AND ADJACENT TO 3RD AVENUE, EAST OF AND ADJACENT TO MAIN
STREET.

WHEREAS, CRAIG MILLER has made application to the Town for a Conditional Use Permit for
a conditional use at 4138 Main Street; and

WHEREAS, all notice, hearing, and referral processes as identified in the Timnath Land Use
Code have been completed regarding the approval of a conditional use on this property; and

WHEREAS, the conditional use application meets all review criteria found in the Town Code for
approval of such use; and

WHEREAS, the above described conditional use was recommended for approval with
conditions by the Town of Timnath Planning Commission on January 3rd, 2017; and

WHEREAS, the Town Council, upon hearing the statements of staff, the applicant(s) and giving
consideration to the recommendations, determines as provided below.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF
TIMNATH, COLORADO:

Section 1. The Town of Timnath Town Council approves a conditional use for 4138 Main
Street, Timnath, Colorado with the following conditions:

1. The hours of operation cannot exceed 9 p.m.;
2. The number of food trucks cannot exceed 1 at a time unless a special events permit is issued
   by the Town;
3. The food trucks can only utilize the Feed & Grain property or 3rd Ave west of the alley on the
   north side;
4. Food truck operation is limited 11:00 a.m. to 7:30 p.m. unless a special events permit is
   issued by the Town;
5. Any outside music cannot exceed 7:30 p.m.;
6. Food trucks cannot utilize generators unless associated with a Special Events Permit;
7. Special events shall be limited to 2 per quarter;
8. Look into the possibility of screening the outside patio.

PASSED, APPROVED AND ADOPTED THIS 10 DAY OF JANUARY, 2017.

TOWN OF TIMNATH, COLORADO

[Signature]
Mayor

ATTEST:

Milissa Peters, CMC
Town Clerk
GENERAL NOTES

1. ALL MATERIALS, WORKMANSHIP, AND CONSTRUCTION OF PUBLIC IMPROVEMENTS SHALL MEET OR EXCEED THE REQUIREMENTS OF THE CITY OF LAFAYETTE, COLORADO, AS HERETOFORTH DESIGNATED IN THE GENERAL AREA STREET STANDARDS AND APPLICABLE STATE AND FEDERAL REGULATIONS. WHERE THERE IS DISCREPANCY BETWEEN THIS DOCUMENT AND ANY STANDARDS OR SPECIFICATIONS, THE MOST STRICT STANDARD SHALL APPLY. ALL WORK SHALL BE INSPECTED AND APPROVED BY THE CITY OF LAFAYETTE PRIOR TO ACCEPTANCE.

2. THE DEVELOPER IS SPECIFICALLY CAUTIONED THAT THE LOCATION AND/OR ELEVATION OF EXISTING UTILITIES, OR ANY PUBLIC UTILITIES, AS SHOWN ON THE DRAWINGS, IS BASED ON INFORMATION AND DATA PROVIDED BY THE VARIOUS UTILITIES COMPANIES AND, WHERE POSSIBLE, MEASUREMENTS TAKEN IN THE FIELD. THE INFORMATION IS NOT GUARANTEED TO BE ACCURATE OR COMPLETE. THE ENGINEER MAY CONSIDER THE UTILITY NOTIFICATION CENTER OF COLORADO (UNC) AT 1-800-922-5736, AT LEAST 10 WORKING DAYS PRIOR TO START OF CONSTRUCTION, TO CONFIRM VIABILITY OF THE LOCATIONS SHOWN. OTHER UNIDENTIFIED UTILITY ENTITIES (E.G., TELECOMMUNICATIONS COMPANY) MAY ALSO BE LOCATED BY THE DEVELOPER OR SUBCONTRACTORS TO HAVE THEIR UTILITIES IDENTIFIED PRIOR TO COMMENCEMENT OF CONSTRUCTION. THE DEVELOPER WILL BE THE RESPONSIBILITY OF THE DEVELOPER TO ACCURATELY LOCATE ALL UTILITIES TO THE SATISFACTION OF THE ENGINEER PRIOR TO COMMENCEMENT OF CONSTRUCTION.

3. NO WORK MAY BE COMMENCED UNLESS ALL PERMITS, WHEN REQUIRED, ARE OBTAINED AND APPROPRIATE PERMITS AND CONSTRUCTION REGULATIONS ARE APPLICABLE TO THE PROPOSED WORK. THE DEVELOPER SHALL SUBMIT A CONSTRUCTION PLAN APPLICATION IN ACCORDANCE WITH MUCD 360.2.16.2.16. CONSTRUCTION PLAN APPLICATIONS SHALL BE REVIEWED AND APPROVED BY THE CITY OF LAFAYETTE, COLORADO, PRIOR TO COMMENCEMENT OF CONSTRUCTION.

4. THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FOR ALL APPLICABLE AGENCIES. THE DEVELOPER SHALL NOTIFY THE LOCAL ENGINEER AT LEAST 2 WORKING DAYS PRIOR TO START OF ANY EXCAVATION, GRADING, OR CONSTRUCTION ACTIVITY ON ANY PUBLIC IMPROVEMENTS. IF THE LOCAL ENGINEER IS NOT AVAILABLE AFTER PROPER NOTICE OF CONSTRUCTION ACTIVITY HAS BEEN PROVIDED, THE DEVELOPER MAY COMMENCE WORK ON THE ENGINEER’S ABSENCE. HOWEVER, THE LOCAL ENGINEER RESERVES THE RIGHT TO NOT TO ACCEPT THE IMPROVEMENT IF SUBSEQUENT TESTING REVEALS AN IMPROPER INSTALLATION.

5. THE ENGINEER WHO HAS PREPARED THESE PLANS, BY EXECUTION AND/OR SEAL HERETO, DOES HEREBY AFFIRM RESPONSIBILITY TO THE TOWN OF THATCHER, AS BENEFICIARY OF SAID IMPROVEMENTS, FOR PREPARATION AND ALL ERRORS AND OMISSIONS CONTAINED IN THESE PLANS AND APPROVAL OF THESE PLANS BY THE TOWN OF THATCHER ENGINEER WILL NOT RELIEVE THE DEVELOPER WHO HAS PREPARED THESE PLANS OF ALL SUCH RESPONSIBILITIES.

6. ALL UTILITIES, INCLUDING GROUNDWATER SOURCES AND THEIR ADOPTION OF ELECTRICAL SYSTEMS, SHALL BE LOCATED AND ACCURATELY MARKED PRIOR TO UNDERGROUND CONSTRUCTION. THE TOWN OF THATCHER, AND ITS OFFICERS AND EMPLOYEES, FROM ANY AND ALL LAWS, CLAIMS, ACTIONS AND SUITS WHICH MAY ARISE FROM ANY ERRORS AND OMISSIONS CONTAINED IN THESE PLANS.

7. THE DEVELOPER SHALL COORDINATE AND COOPERATE WITH THE LOCAL ENTITY, AND ALL VARIOUS UTILITIES INVOLVED IN THE RECEIPT, DISTRIBUTION, AND REINFORCEMENT OF EXISTING UTILITIES DURING CONSTRUCTION, AND TO ASSURE THAT THE WORK PERFORMED IS IN ACCORDANCE WITH THE REQUIREMENTS OF THE ADOPTED PLANS.

8. NO WORK MAY BE PERFORMED WITHIN ANY PUBLIC STREET, WATER, SANITARY SEWER OR POTABLE WATER SYSTEM UNLESS THE DEVELOPER NOTICES THE UTILITY PROVIDER. NOTIFICATION SHALL BE MADE IN WRITING TO THE UTILITY PROVIDER PRIOR TO COMMENCEMENT OF ANY WORK. AT THE REQUEST OF THE WATER OR SEWER UTILITY PROVIDER, A PRE-CONSTRUCTION MEETING MAY BE REQUIRED PRIOR TO PERFORMANCE OF THE WORK.

9. THE DEVELOPER SHALL BE RESPONSIBLE FOR PROTECTING ALL UTILITIES DURING CONSTRUCTION AND COORDINATING WITH THE APPROPRIATE UTILITY COMPANY FOR ANY UTILITY CROSSINGS REQUIRED.

10. THE TYPE, SIZE, LOCATION AND NUMBER OF ALL UNKNOWING UTILITIES ARE APPROXIMATE WHEN SHOWN ON THE DRAWINGS. IT SHALL BE THE RESPONSIBILITY OF THE DEVELOPER TO ACCURATELY MARK ALL UTILITIES PRIOR TO UNDERGROUND CONSTRUCTION. THE DEVELOPER SHALL BE RESPONSIBLE FOR ANY MEASUREMENT ERROR.

11. WHEN APPLICABLE, THE DEVELOPER SHALL HAVE ON SITE AT ALL TIMES, EACH OF THE FOLLOWING:

   a. NOTICE OF INTENT (NOI)
   b. BEST PRACTICE (BMP) MAINTENANCE FOLDER
   c. THE UST (UNDERGROUND STORAGE TANK) CERTIFICATE
   d. A COPY OF THE APPROPRIATE STANDARDS AND SPECIFICATIONS
   e. A COPY OF ANY PERMITS AND EXTENSION AGREEMENTS NEEDED FOR THE JOB.

12. THE DEVELOPER SHALL BE RESPONSIBLE FOR ALL ASPECTS OF SAFETY INCLUDING, BUT NOT LIMITED TO, EXCAVATION, TREES, HOEING, TRAFFIC CONTROL, AND SECURITY. REFER TO THE DISCUSSION OF EXCAVATION, TREES, HOEING, TRAFFIC CONTROL AND SECURITY REQUIREMENTS IN THE GENERAL AREA STANDARDS AND SPECIFICATIONS.

13. IF, DURING THE CONSTRUCTION PROCESS, CONDITIONS ARE ENCOUNTERED WHICH COULD RESULT IN A RISK OF PUBLIC HARM OR INJURY, THE DEVELOPER SHALL CONTACT THE ENGINEER OF THE CITY OF LOCAL ENTITY IMMEDIATELY.

14. ALL REFERENCES TO ANY PUBLISHED STANDARDS SHALL REFER TO THE LATEST REVISION OF SAID STANDARDS, UNLESS SPECIFICALLY STATED OTHERWISE.