

**TOWN OF TIMNATH, COLORADO
RESOLUTION NO. 65, SERIES 2023**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF TIMNATH
APPROVING A TOWN COUNCIL WAIVER OF THE LANDSCAPE BUFFER YARD
REQUIREMENTS RELATED TO THE RED BARN COFFEE SITE PLAN,
GENERALLY LOCATED EAST OF AND ADJACENT TO COLORADO BOULEVARD**

WHEREAS, the Town Council of the Town of Timnath (“Town”) pursuant to C.R.S. § 31-15-103, has the power to pass resolutions; and

WHEREAS, 5258 Ranch LLC (the “Developer”) has submitted a Waiver Request for The Red Barn Coffee Site Plan, more particularly described in **Exhibit A** (legal description) [the “Property”] and **Exhibit B** (Requested Waiver) and attached hereto and incorporated herein by this reference; and

WHEREAS, a hearing with the Town Council was held on October 24, 2023 and upon hearing the statements of staff, the applicant(s) and giving consideration to the recommendations, the Town Council determines as provided below.

WHEREAS, the Town Council has considered the following conditions set forth in Sec. 2.9.15.2 of the Town’s Land Use Code for approval of a Town Council Waiver.

- A. The alternative better achieves the stated intent;
- B. The intent cannot be achieved by application of the standard in this circumstance;
- C. The effect of other standards will be improved by not applying a particular standard;
- D. Strict application or unique site features make the standards impractical.

WHEREAS, the Town Council has considered the following criteria set forth in Sec. 2.9.15.5 of the Town’s Land Use Code for approval of a Town Council Waiver.

- A. The waiver or reduction in a development standard is required for construction of the development project at the density to which the project is entitled and with all concessions or other incentives approved for the project.
- B. The waiver or reduction in a development standard will not have a specific adverse impact on public health, public safety, or the physical environment.
- C. The waiver or reduction in a development standard is necessary because application of the development standards would physically preclude construction of a project otherwise meeting the requirements of the Code, or the intent of the Code.

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

Section 1. Findings

Based on the information provided at the public hearing on October 24, 2023 and based on its review of whether the application for a Town Council Waiver for required surface material

should be approved or denied in accordance with the provisions of Land Use Code Sections 2.9.15.2 and 2.9.15.5, the Council makes the following findings:

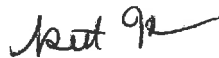
1. **Condition 2.9.15.2 (A) is not applicable.**
2. **Condition 2.9.15.2 (B) is not applicable.**
3. **Condition 2.9.15.2 (C) is not applicable.**
4. **Condition 2.9.15.2 (D) is met.** Strict application of this standard is not practical nor sustainable due to constraints to the site from an overhead power easement to the north and limited spacing to the east and south of the site following the application of Timnath parking requirements.
5. **Criteria 2.9.15.5 (A) is not applicable.**
6. **Criteria 2.9.15.5 (B) is met.** This waiver would not have specific adverse impacts to health safety, or the environment.
7. **Criteria 2.9.15.5 (C) is met.** A strict application of this Code, in conjunction with the Overhead Power Easement located on the property, would significantly shrink the width of the lot available to develop the site.

Section 2 Approval.

The Town Council Waiver request for landscape buffer yard requirements related to the Red Barn Coffee Site Plan is hereby approved by the Timnath Town Council based on the application meeting Land Use Code Town Council Waiver condition 2.9.15.2 (D) and criteria 2.9.15.5 (C). Based on the evidence presented at the public hearing before Town Council on October 24, 2023, the proposed waiver does meet the Timnath Land Use code criteria.

INTRODUCED, MOVED, AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF TIMNATH, ON OCTOBER 24, 2023

TOWN OF TIMNATH, COLORADO



Brett Hansen, Mayor Pro Tem

ATTEST:



Milissa Garcia-Peters, CMC
Town Clerk



EXHIBIT A

Legal Description of Property Proposed for the Site Plan

A PARCEL OF LAND SITUATE IN THE SOUTHWEST QUARTER OF SECTION
NINETEEN (19),
TOWNSHIP SEVEN NORTH (T.7N.), RANGE SIXTY-SEVEN WEST (R.67W.) OF THE
SIXTH PRINCIPAL
MERIDIAN (6TH P.M.) BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

LOT A, LOT LINE ADJUSTMENT #LLA22-0019, COUNTY OF WELD, STATE OF
COLORADO.

EXHIBIT B

Requested Waivers

Existing Requirement

5.7.7.3.F.2.D Buffer Yard Requirements

Buffer Descriptions • Buffer yard 40 shall consist of a landscaped area a minimum of 40 feet in width x 100 lineal feet of buffer yard as a landscape barrier with (2) possible tree schedules:

Option 1: 6 Conifer-Medium Trees, 2 Shade Trees

Option 2: 4 Ornamental Trees, 4 Shade Trees

Requested Buffer Yard Requirement

This waiver permits a 50% reduction of the required standard of Code Section 5.7.7.3.F.2.D Buffer Descriptions – Buffer Yard 40. The width of the standard may be variable so long as the planting standard is at a minimum of 50% of the existing requirement.