

**TOWN OF TIMNATH, COLORADO
RESOLUTION NO. 64, SERIES 2023**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF TIMNATH
APPROVING A TOWN COUNCIL WAIVER FOR REQUIRED SURFACE MATERIAL
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 met.** The application of TRUEGRID as the surface material for six of the thirty-nine required parking spaces and associated driveway areas will better achieve the stated intent of the Code and Timnath Comprehensive Plan promoting an agrarian aesthetic.
2. **Condition 2.9.15.2 (B) is not applicable.**
3. **Condition 2.9.15.2 (C) is met.** The application of TRUEGRID in lieu of the surface materials required by the Code, will enhance the overall appearance and design of the site.
4. **Condition 2.9.15.2 (D) is not applicable.**
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 not applicable.**

Section 2.

The Town Council Waiver request for required surface material 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 conditions 2.9.15.2 (A) and 2.9.15.2 (C), and criteria 2.9.15.5 (B). 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

DocuSigned by:

Brett Hansen

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Brett Hansen, Mayor Pro Tem

ATTEST:

DocuSigned by:

Milissa Peters-Garcia

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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

5.3.1.3.A Surface. Interior Design of Parking Lots

All parking and driveway areas and primary access to parking facilities shall be surfaced with asphalt, concrete or similar materials Parks and Open Space Exempted

Requested Surface Material Requirement

This Waiver permits the application of a semi-permeable paver system (TRUEGRID) as the surface material for six of the required 39 parking spaces and associated driveway areas.