

**AGENDA  
APRIL 18, 2023**

**REGULAR MEETING OF THE DEVELOPMENT PERMITS AND APPEALS BOARD  
HYBRID MEETING**

**Attend Virtually: <https://thorntonco.zoom.us/j/83624612397>**

**or**

**In Council Chambers – City Hall 9500 Civic Center Drive**

- 1) CALL TO ORDER
- 2) ROLL CALL
- 3) APPROVAL OF AGENDA
- 4) APPROVAL OF MINUTES – **FEBRUARY 21, 2023**
- 5) OLD BUSINESS - None
- 6) NEW BUSINESS - None
- 7) OTHER MATTERS
  - A. Historic Preservation Plan Presentation
  - B. Planning Commission and Board of Adjustment Discussion – Attachment A
  - C. Election of Officers
  - D. There are currently no items scheduled for the May 2, 2023 meeting.
- 8) ADJOURNMENT

**MINUTES  
THORNTON DEVELOPMENT PERMITS AND APPEALS BOARD  
FEBRUARY 21, 2023**

ROLL CALL:

Bruce Thomas	Present
Paul Hepner	Present
Leon Reed	Present
Rahem Mulatu	Present
Jeffrey Tompkins	Absent
Prabodh Telang (Vice Chair)	Present
Anna Sparks (Chair)	Present
VACANT	
Chris Russell	Present

Also attending were Erika Delaney Lew, Senior Assistant City Attorney, Collin Wahab, Principal Planner, Lori Hight and Kira Stoller, City Planners, Alexis Alarid and Desirae Lovato, Recording Secretaries of the City Development Department.

The meeting was called to order at **6:00 p.m.**

APPROVAL OF AGENDA:

**MOTION WAS MADE BY MR. HEPNER AND SECONDED BY MR. THOMAS TO APPROVE THE AGENDA. MOTION PASSED UNANIMOUSLY.**

APPROVAL OF MINUTES:

**MOTION WAS MADE BY MR. REED AND SECONDED BY MR. TELANG TO APPROVE THE JANUARY 17, 2023 MEETING MINUTES. MR. THOMAS AND MS. MULATU ABSTAINED FROM VOTING AS THEY WERE NOT PRESENT AT THE PREVIOUS MEETING. MOTION PASSED UNANIMOUSLY.**

NEW BUSINESS – PUBLIC HEARINGS:

At this time, individuals wishing to provide testimony during the public hearings were sworn in by the Recording Secretary for item 6A.

**PLDPA202201695:** Resolution to consider approval of an amendment to a previously approved Development Permit (DP) which includes a site plan, landscaping plan, architectural elevations, and a lighting plan to add an approximately 35,000 square-foot canopy in front of the existing building. The property is generally located south of East 128<sup>th</sup> Avenue and west of Lafayette Street (Hunter Douglas Business Park A3 L3B).

The floor was opened at **6:05 PM.**

Mr. Wahab introduced Lori Hight as the case presenter for Hunter Douglas Business Park A3 L3B. Ms. Hight presented a staff report, slides and entered into the record *City's Exhibit A, the Affidavit of Posting* and *City's Exhibit B, the Affidavit of Postings Legal Notice of Public Hearing* published on the City's official website and at City Hall, the Margaret W. Carpenter Recreation Center, the Thornton Active Adult Center and Trail Winds Recreation Center.

Mr. Hepner asked for clarification on what items the Board are reviewing for approval.

Ms. Mulatu asked a question regarding the lighting, odor and noise and potential impact to the surrounding neighborhoods. Ms. Sparks stated it would be best to defer to the applicant.

Tareq Wafaie, 1475 South Washington Street, Denver Colorado, was introduced as the applicant, they confirmed that they had been sworn. Mr. Wafaie presented additional information regarding the project.

Mr. Reed asked questions about drainage.

The floor closed to further testimony at **6:30 PM**.

**MOTION WAS MADE BY MR. RUSSELL AND SECONDED BY MR. HEPNER TO APPROVE.**

**THE BOARD DISCUSSED THE MOTION AND THE PROJECT.  
MOTION PASSED 7-0**

At this time, individuals wishing to provide testimony during the public hearings were sworn in by the Recording Secretary for item 6B.

**PLDP202200927:** Resolution to consider approval of a DP for the construction of a 4,375 square-foot tunnel car wash which includes a site plan, landscape plan, architectural elevations, and a photometric plan. The property is generally located south of East 120<sup>th</sup> Avenue and east of Holly Street (Snydal Substation A1 L3A).

The floor was opened at 6:36 PM.

Mr. Wahab introduced Kira Stoller as the case presenter for Snydal Substation A1 L3A. Ms. Stoller presented a staff report, slides and entered into the record *City's Exhibit A, the Affidavit of Posting* and *City's Exhibit B, the Affidavit of Postings Legal Notice of Public Hearing* published on the City's official website and at City Hall, the Margaret W. Carpenter Recreation Center, the Thornton Active Adult Center and Trail Winds Recreation Center and *City's Exhibit C* public email comment.

Philip Walz, 6170 South Newbern Way, Aurora, Colorado, was introduced as the applicant, they confirmed that they had been sworn. Mr. Walz presented additional information regarding the project.

Mr. Hepner asked questions about signage.

Brandon Thill, 11965 Kearney Circle, Thornton, CO was sworn in at this time. Mr. Thill asked questions about sound barriers.

The floor closed to further testimony at **7:20 PM**.

**MOTION WAS MADE BY MR. RUSSELL AND SECONDED BY MR. HEPNER TO APPROVE.**

**THE BOARD DISCUSSED THE MOTION.**

OTHER MATTERS:

Scheduled public meetings – there is currently no scheduled cases for the March 7, 2023.

Ms. Lovato stated that Board Elections will be in April.

**THE MEETING WAS ADJOURNED AT 8:02 PM.**

DEVELOPMENT PERMITS AND  
APPEALS BOARD OF THE  
CITY OF THORNTON, COLORADO

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Anna Sparks, Chairperson

ATTEST:

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Recording Secretary

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**City of Thornton**  
**City Development Department**  
**Staff Report to the Development Permits and Appeals Board**  
**Meeting Date: April 18, 2023**

**Subject:** Discussion regarding the formation of a Planning Commission and Board of Adjustment to replace the Development Permit and Appeals Board

**Prepared by:** Karen Widomski, Senior City Development Analyst

**SYNOPSIS:**

Staff will discuss upcoming changes to the City's development review process. Per City Council direction, the City intends to create a Planning Commission (PC) and Board of Adjustment (BOA) that will replace the Development Permit and Appeals Board (DPAB). The purpose of the changes is to expand options for public input and increase efficiency. Staff is seeking DPAB's input on logistical aspects of the new boards as well as level of interest in serving on the PC and BOA.

**BACKGROUND:**

The City's approach to development review has varied over the decades. The types of commissions, boards and procedures have been revised numerous times to meet the changing conditions of Thornton's growth. The last significant changes occurred in 2004 with the establishment of DPAB.

The City's current development review process involves review of a Conceptual Site Plan (CSP) by staff and consideration by Council at a public hearing. A CSP is often presented in conjunction with a Zoning application, therefore involving a high level of land use discretion. If approved, the developer is then required to apply for a Development Permit, which must be approved by DPAB at another public hearing. DPAB considers the technical details of a development plan but retains no authority over land uses.

***Goal of Changes to the Development Review Process***

In recent years, feedback from developers and the general public has highlighted several inefficiencies and redundancies in the City's development review process. Staff researched options to improve the process and, at the direction of City Council, is proceeding with drafting an ordinance to amend the City Code to create a new PC and BOA which will replace DPAB and revise the review procedures for certain applications. This change is intended to expand opportunity for public input, increase efficiency, and address the following issues:

- Opportunities for public input are not optimized, resulting in public confusion over when to influence the outcome of a project
- City Council lacks the benefit of an advisory body that provides recommendations on applications prior to Council's decision

## Development Permit and Appeals Board Staff Report

- Redundancy between Conceptual Site Plan (CSP) and Development Permit applications results in lengthy process
- DPAB lacks ability to impact development as details are already approved by Council with the CSP
- For some applications, required process is a mismatch for the scope or type of project, causing uncertainty for developers
- Process is confusing for developers and the public as it is dissimilar to most other jurisdictions

Additionally, the City will begin a major update of the Development Code in mid-2023 and the revisions to the development review process are an essential first step to adequately inform and guide the selected consultant.

### ***Role of the Planning Commission***

The PC will be an advisory board of residents appointed by City Council tasked with reviewing and providing recommendations to Council regarding the following applications:

- Annexations
- Conceptual Site Plan (CSP) and Overall Development Plan (ODP)
- Zoning and Rezoning
- Comprehensive Plan Amendments
- Master Plans, Area Plans and other land use-related assessments or analyses (e.g., housing needs assessment)
- New Use Classifications
- Development Code Amendments

The Planning Commission will be a quasi-judicial body that conducts public hearings to evaluate land use proposals based on the City Code. Unlike DPAB, the PC will review applications and plans prior to City Council. The benefits of this approach include additional opportunities for public comment, vetting of issues prior to Council, and negotiation earlier in the process.

### ***Role of the Board of Adjustment***

The BOA will be a separate board, but staff is proposing that it be comprised of the Planning Commissioners appointed by City Council. The BOA will be authorized to determine:

- Appeals of a denial of a building permit, interpretations, or other decisions of the Director
- Variances

## Development Permit and Appeals Board Staff Report

As is common in many cities, the PC would procedurally convene separately as the BOA at a designated time immediately before or after the Planning Commission meeting. Some cities have a separate Board of Adjustment with board members who are distinct from Planning Commissioners. However, the former process is more efficient particularly if there are not a significant number of appeal and variance requests since the board may not convene regularly but still requires staff administrative time and resources and an interest among the community to fill the additional board positions.

### ***Changes to Administrative Approvals***

To increase efficiency and reduce the timing of the application process, staff is recommending administrative approval of Development Permits and Specific Use Permits, since the substantive details are already approved by Council with the CSP and/or ODP. Often, the Development Permit is nearly identical to the CSP and/or ODP. Currently Development Permits for commercial and multifamily development are approved by DPAB except for Projects of Economic Significance, which are approved by the City Manager.

Under the proposed new review process, the CSP and/or ODP would be reviewed by the PC for a recommendation to Council, and subsequently considered by Council for final approval. Requiring another public hearing for the Development Permit is redundant. However, the application may be referred to the PC by the Director under certain circumstances. In the case that an applicant proposes a Development Permit that substantially deviates from the approved CSP, the applicant would be required to first obtain a CSP amendment from Council.

### ***Changes to Timing of Community Meetings***

Under the new process, staff recommends that the developer hold the community meeting for the project earlier in the process. Currently, these meetings are held far into the staff review process and the community often feels like their input at this stage does not make a significant difference. The community meeting could be pushed up towards the beginning of an application submittal before staff goes through multiple rounds of review so that community input is better incorporated into the proposal.

### ***Logistics and Decision Points***

Following are proposed logistics and pending decision points. These details have not been finalized and input from DPAB will help City Council and staff determine the best way to structure the new PC and BOA.

- ***Structure***. Staff recommends that the PC and the BOA will be the same members, but they will convene separately either at the beginning or end of the PC meeting, as needed.
- ***Number of Members***. Staff recommends that the PC (also acting as the BOA) consist of seven members. This is similar to many Colorado cities but would differ from DPAB which consists of nine members. City Council has also requested that the PC/BOA be comprised of members from each ward (e.g., one from each ward

Development Permit and Appeals Board  
Staff Report

and three ‘at large’). City Council wants to offer interested DPAB members the opportunity to apply to the PC/BOA.

- **Member Criteria.** Members must be residents and qualified electors of Thornton. Staff recommends that the city require the PC/BOA to have at least one member with professional land use experience such as, but not limited to, work or formal education in the fields of real estate, land use development or planning, home building, architecture, or civil engineering.
- **Appointment.** Applicants would be appointed by City Council after an interview process. Generally, the PC/BOA will be appointed for four-year overlapping terms. However, initially the Council will designate some initial appointments as two-year terms in order to achieve the overlapping tenure.
- **Meeting Dates.** Staff recommends that the PC/BOA hold regular meetings on the first and third Tuesdays of the month, opposite City Council meeting dates. This would be consistent with the times that DPAB currently meets. Due to the number of tasks that the PC would have, it is likely that the PC will have enough items to convene bimonthly.
- **Meeting Times.** One of the goals of changing the development review process is to increase opportunities for public input. Currently, all public meetings related to a development application, including City Council, DPAB and the community meetings held prior to public hearings are held in the evenings. To provide more options for people with evening obligations to attend meetings and have input into the development process, daytime meetings could be considered for the PC/BOA. Since the applications heard by the PC will also be heard and approved by Council, this would give the public multiple options for attending a hearing on a proposed development. Additionally, the public can attend meetings and provide input virtually via Zoom. However, the City also needs to ensure that meeting times are feasible for residents interested in serving on the PC/BOA. Following is an assessment of the benefits and challenges of different meeting time options.

**Option 1: Daytime (Morning or Afternoon) Meetings**

<b>Benefits:</b>	<b>Challenges:</b>
<ul style="list-style-type: none"> <li>• Provides an alternative for people who cannot attend in the evenings.</li> </ul>	<ul style="list-style-type: none"> <li>• Inconvenient for people who work, attend school, or have other obligations during the day.</li> </ul>
<ul style="list-style-type: none"> <li>• If meetings last long, the public does not have to stay until late at night waiting to provide input on an item.</li> </ul>	<ul style="list-style-type: none"> <li>• May prevent some people with daytime jobs or obligations from applying to be on the PC/BOA.</li> </ul>
<ul style="list-style-type: none"> <li>• Level of participation may be higher as studies show people are often more engaged and alert earlier in the day.</li> </ul>	



### **Option 2: Evening Meetings**

<b>Benefits:</b>	<b>Challenges:</b>
<ul style="list-style-type: none"><li>• Traditionally considered the time when the public has most availability based on standard day jobs of the past few decades.</li></ul>	<ul style="list-style-type: none"><li>• Inconvenient for people who work, attend school, or have other obligations in the evening. Parents with young children often cannot attend night meetings.</li></ul>
	<ul style="list-style-type: none"><li>• If meetings last long, the public does not have to stay until late at night waiting to provide input on an item.</li></ul>
	<ul style="list-style-type: none"><li>• Although traditional, evening meetings may be outdated as remote and “gig” jobs, working from home, online classes, and technology have resulted in more schedule flexibility and ways to access a public meeting.</li></ul>

Council is interested in hearing from DPAB on what times would work best for attracting members interested in serving on the PC/BOA and any observations on whether a daytime meeting would be a feasible way to expand opportunities for residents wishing to learn about and provide input on a proposed development. If there was an interest in expanding meeting time options, the PC/BOA could convene in the morning or afternoon, such as at 3:00 p.m. Alternatively, if the preference was for a more traditional meeting time, staff recommends the PC/BOA convene at 5:00 p.m. or as soon as possible thereafter.

### ***Requested DPAB Input***

City Council and staff are interested in DPAB’s overall opinion regarding the pending changes to the development review process and input on the following decision points will be provided to City Council:

- How many DPAB members are interested in serving on the PC/BOA?
- What days of the week does DPAB recommend for meetings? Do Tuesday meetings work well, or is another day suggested?
- What meeting times does DPAB recommend for meetings? If daytime meetings are an option, what time does DPAB recommend? If evening meetings are preferred, how soon after 5pm is recommended?
- Does DPAB have additional suggestions, recommendations or considerations regarding the development review process changes?

### **NEXT STEPS:**

The estimated timeline for completing the transition from DPAB to PC/BOA is late Q3 2023 / early Q4 2023. During this timeframe, the following tasks must be completed:

- Share DPAB and developer input about the changes with City Council

Development Permit and Appeals Board  
Staff Report

- Bring forward Code amendments and PC/BOA bylaws for Council adoption
- Council appointment of PC/BOA members
- Discontinue DPAB meetings and convene PC and BOA