AGENDA
OCTOBER 15, 2019
REGULAR MEETING OF THE DEVELOPMENT PERMITS AND APPEALS BOARD
COUNCIL CHAMBERS
6:00 P.M.

1) CALL TO ORDER
2) ROLL CALL
3) APPROVAL OF AGENDA
4) APPROVAL OF MINUTES – August 20, 2019
5) OLD BUSINESS - None
6) NEW BUSINESS
   A. PLDP201900302: A Resolution to consider the approval of a Development Permit (DP) for the approval of the site plan, landscape plan, and architectural elevations for a motor vehicle fueling station and an approximate 3,000 square-foot convenience store located at the northeast corner of East 144th Avenue and Washington Street (Stargate Charter School Subdivision, A1 Tract D1).
7) OTHER MATTERS
   A. Introduction of new Board Member - Glen Lambertson.
   B. Scheduled Public Meetings - The next scheduled meeting is November 26, 2019.
8) ADJOURNMENT
ROLL CALL:

Allan Inge Present
Bruce Thomas Present
Paul Hepner Present
Leon Reed Present
Rick Zetterman Present
Jeffrey Tompkins (Vice Chair) Present
Anna Sparks (Chair) Present
Prabodh Telang Present

Also attending were Brian Garner, Lori Hight, Ty Robbins, and Katelyn Puga of the City Development Department; Jessica Whitney, Assistant City Attorney II; and Sarah Galindo and Erinn Rogowski, Recording Secretaries.

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. ZETTERMAN AND SECONDED BY MR. TOMPKINS TO APPROVE THE JULY 16, 2019 MEETING MINUTES. 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.

PLDP201801634: A Resolution to consider the approval of a Development Permit (DP) for the architectural elevations, site plan, and landscape plan for a 244-unit multifamily complex located at the northeast corner of Washington Center Parkway and Washington Street (Washington Center F1 Lots 1 to 6 and Lot A B3).

The floor was opened at 6:02 p.m.
Ms. Whitney introduced City’s Exhibit A, email communication and related attachments between City staff and the Board that occurred prior to the meeting regarding this project and the mitigation of prairie dogs.

Mr. Garner introduced Ms. Hight as the case presenter for Washington Center Filing Number 1, Lots 1 to 6 and Lot A, Block 3. Ms. Hight presented a staff report, slides and entered into the record City’s Exhibit B, the Affidavit of Posting, and City’s Exhibit C, the Affidavit of Postings Legal Notice of Public Hearing, both published on the City’s official website and at City Hall, the Margaret W. Carpenter Recreation Center, and the Thornton Active Adult Center.

Mr. Reed asked whether there were handicapped parking spots, and if they would need to be established before the DP was approved. Ms. Hight referred to the applicant for handicapped parking information.

Jared Carlon, 1101 Bannock Street, Denver, Colorado, was introduced as the applicant, they confirmed that they had been sworn. Mr. Carlon presented additional information regarding the project. Mr. Carlon responded to the Board’s questions on handicapped parking requirements. Mr. Carlon provided Material boards for the Board to review.

There was further discussion between the Board and Mr. Carlon.

The Board discussed handicapped parking and the parking code.

Connie Bobka, 12150 Washington Center Parkway, confirmed they had been sworn. Ms. Bobka discussed her concern with prairie dog mitigation on this project.

Arielle Bonnell, 12150 Washington Center Parkway, confirmed they had been sworn. Ms. Bonnell discussed her concern of the toxins on the site, and the effects on the soil and children living there.

Mr. Carlon included he would provide six extra handicapped spaces if the Board preferred.

The Board discussed handicapped parking further.

The floor closed to further testimony at 7:09 p.m.

MOTION WAS MADE BY MR. HEPNER AND SECONDED BY MR. TELANG TO APPROVE.

MOTION PASSED 7-1.
PLDP201900424: A Resolution to consider the approval of a DP for the architectural elevations, site plan, and landscape plan for the construction of a 5,894 square-foot car wash located at the northeast corner of 144th Avenue and Washington Street (Stargate Charter School A1 Tract D1).

The floor was opened at 7:16 p.m.

Mr. Garner introduced Mr. Robbins as the case presenter for Stargate Charter School Subdivision, Amendment 1, Tract D1. Mr. Robbins 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, and the Thornton Active Adult Center.

The Board members discussed access points with Mr. Robbins.

Mr. Hepner inquired about the signage for the carwash, and Mr. Robbins explained that signage is reviewed by separate permits and is not part of the DP review and approval.

Mr. Telang inquired about the widening of East 144th Avenue in relation to this project, and Mr. Robbins provided clarification.

Chad Roach, 2329 South Evans Way, Frankfurt, Colorado was introduced as the applicant, he confirmed that he had been sworn. Mr. Roach presented additional information regarding the project.

The Board asked the applicant questions, and Mr. Roach responded.

Lindsey Paquette, 4498 Red Deer Trail, Broomfield, Colorado, confirmed she had been sworn. Ms. Paquette discussed her concern regarding the toxic fumes and increased traffic resulting from vehicle-oriented uses proposed as part of the overall project near the Stargate School.

The floor closed to further testimony at 7:41 p.m.

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

The Board discussed Ms. Paquette’s concerns and explained that the project is compliant with the City development code.

**MOTION PASSED 8-0.**
At this time, individuals wishing to provide testimony during the public hearings were sworn in by the Recording Secretary.

PLDP201900447: A Resolution to consider the approval of a DP for the site plan, landscape plan, and architectural elevations of a renovation and addition to an existing building for conversion into a proposed 4,332 square-foot medical clinic located at 2616 East 120th Avenue (Yorktowne Subdivision, A1 B1 L2A).

The floor was opened at 7:46 p.m.

Mr. Garner introduced Ms. Puga as the case presenter for Yorktowne Subdivision, A1 B1 L2A). Ms. Puga 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, and the Thornton Active Adult Center.

Mr. Hepner inquired about the monument sign on East 120th Avenue, and Ms. Puga replied.

Bob Reflogal, 5757 Cole Lane, Arvada, Colorado was introduced as the applicant, he confirmed that he had been sworn. Mr. Reflogal presented additional information regarding the project.

The floor closed to further testimony at 8:01 p.m.

MOTION WAS MADE BY MR. ZETTERMAN AND SECONDED BY MR. TOMPKINS TO APPROVE.

MOTION PASSED 8-0.

OTHER MATTERS:

The Board inquired about the vacant DPAB position and Ms. Whitney responded that City Council has interviewed the second applicant. There has not been a decision made on appointing a new member.

The Board discussed handicapped parking with Mr. Garner and Ms. Whitney.

Scheduled public meetings – there are currently no cases scheduled for the September 3, 2019 meeting.

Mr. Telang mentioned he will be out of town on September 3rd.

THE MEETING WAS ADJOURNED AT 8:14 P.M.
DEVELOPMENT PERMITS AND APPEALS BOARD OF THE CITY OF THORNTON, COLORADO

Anna Sparks, Chairperson

ATTEST:

Recording Secretary

F:\dpabmin-form.doc
1. I would like to present Application Number PLDP201900302 for a Development Permit for property located at Northeast corner of East 144th Avenue and Washington Street, requested by the Applicant The Dimension Group on behalf of the Owner Evergreen Devco, Inc.

2. **Call the Public Hearing to Order:**

   This public hearing is hereby called to order. I, Anna Sparks, am the Chairperson of the Development Permits and Appeals Board ("the Board") of the City of Thornton ("City"). I will be presiding over this hearing.

3. **Opening Comments of Chairperson:**

   This public hearing is being held pursuant to Section 18-50 of the Thornton City Code ("Code") for the purpose of receiving testimony and evidence concerning a request for issuance of a Development Permit, as noted in the Applicant's application, dated March 15, 2019, and filed on behalf of the Owner. Appeals from decisions of the Board to City Council can be made pursuant to Section 18-50(b) of the Code by filing a written request with the Director within ten days following the action of the Board.

   The Board must use the following criteria in its evaluation of a requested development permit:

   - The proposed development is consistent with any approved conceptual site plan for the property; and
   - The proposed development meets the requirements of this chapter and other applicable development regulations, standards, requirements, or plans adopted by the council.

   The Board does not have the authority to review zoning classifications or uses of the property as authorized for development.

   The hearing procedure will be governed by applicable provisions of the Board's By-Laws and Robert's Rules of Order. Colorado Rules of Evidence will not be strictly adhered to but will be used as a guide for presentation of evidence. The Applicant has the burden of satisfying the Board that granting the application is appropriate by a preponderance of the evidence. The Applicant will have the opportunity to present testimonial evidence, documentary evidence and has the right to cross-examine any City employee or witnesses testifying in opposition to the application.

   Is the City prepared to proceed?

   Is the Applicant prepared to proceed?

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**SWEARING IN OF ALL PERSONS PRESENT WHO WISH TO TESTIFY ON AN AGENDA ITEM**
4. **Call on Staff**

- Have Current Planning Manager or designee present the case.

- After staff presentation, ask Board members if they have questions (Chairperson can ask questions just like Board members).

5. **Applicant**

- Call on Applicant to make a presentation to the Board and have staff swear in Applicant and any witnesses.

- After Applicant’s presentation, ask Board members if they have questions (Chairperson can ask questions just like Board members).

- Ask City Attorney if there are any questions of the Applicant.

- Ask Board members if there are any further questions based on the City Attorney’s questioning of the Applicant.

- Ask Applicant if they have any witnesses to make a presentation to the Board.

- After a witness testifies, ask Board members if they have questions (Chairperson can ask questions just like Board members).

- Ask City Attorney if there are any questions of the Applicant’s witnesses.

- Ask Board members if there are any further questions based on the City Attorney’s questioning of Applicant’s witness.

Each of Applicant’s witnesses are to be allowed to testify in the above manner unless the Applicant’s witness represents a group of persons whose testimony is similar, in which case, a representative of these persons may testify for the group.

6. **Other person(s) interested in the application, remember there may be more than one person interested.**

- Ask staff to identify any interested person who wishes to testify, then call on each interested persons to make a presentation to the Board.

- Ask Board members if they have questions (Chairperson can ask questions just like Board members).

- Ask the City Attorney if there are any questions of the interested person.

- Ask Board members if there are any further questions based on Applicant’s or the City Attorney’s questioning of the opponents.
➢ Call on any other persons who are interested in the application and follow the same procedure for questions as listed above.

Each opponent may testify in the above manner unless the interested person represents a group of persons whose testimony is similar, in which case, a representative of these persons may testify for the group.

7. **Call on staff to check the sign in sheet to determine if any other persons have signed up to testify, follow same procedure.**

8. **Rebuttal Evidence**

➢ Ask Applicant if there is any rebuttal evidence – if so, same procedure as Applicant’s first presentation.

➢ Ask Staff if there is any rebuttal evidence – if so, same procedure as Staff’s first presentation.

9. **Staff Recommendation**

Staff recommendation as applicable should be requested by the Board.

10. After each case has evidence presented as outlined above, CLOSE the floor for further testimony. The case will then be ready for a motion, either to approve or deny and once a motion has been made and a second announced (chair needs to state who made the motion and seconded the motion) discussion on the motion should be encouraged. After discussion, call for a vote on the motion. Amendments to the motion can be made and voted on during discussion.

11. After the last public hearing, CLOSE the public hearing portion of the Agenda and move on to next Agenda item.
City of Thornton
City Development Department
Staff Report to the Development Permits and Appeals Board
Hearing Date: October 15, 2019

Title: Tract D1, Stargate Charter School Subdivision, Amendment No. 1 – Development Permit (DP) in the Community Retail (CR) Zoning District

File: PLDP201900302

Prepared by: Ty Robbins, Planner II

Location: Northeast corner of East 144th Avenue and Washington Street

Applicant: The Dimension Group

Owner: Evergreen Devco, Inc.

This report is based on the following documentation on file with the City Development Department:

1. Application (March 15, 2019)
2. Site Plan (September 25, 2019)
3. Landscape Plan (October 3, 2019)
4. Grading Plan (September 25, 2019)
5. Utility Plan (September 25, 2019)
6. Photometric Study (September 25, 2019)
7. Architectural Elevations (July 23, 2019)

REQUEST SUMMARY:

This application is a request for approval of a DP for the construction of a motor vehicle fueling station and an approximate 3,000 square-foot convenience store.

The property is zoned CR, and a motor vehicle fueling station and convenience store are uses permitted by right.

PROPERTY INFORMATION:

- Existing Zoning: CR
- Existing Land Use: Vacant
- Size of Site: 0.844 acres
- Comprehensive Plan Designation: Commercial
SURROUNDING ZONING AND LAND USE(S):

West: Regional Commercial (RC); vacant
East: Business Park (BP); Big Dry Creek drainage and floodplain area
South: Agricultural-3 (unincorporated Adams County); vacant
North: BP; Stargate Charter School

PROPERTY HISTORY:

- The property was annexed into the City on July 23, 1990 by Ordinance Number 1994 and subsequently zoned BP.
- The Stargate Charter School Subdivision plat was recorded on April 9, 2015 to subdivide the property into six tracts for the transfer of ownership and to grant easements.
- The Stargate Charter School Subdivision, Amendment No. 1 plat was recorded on July 26, 2018 to replat all tracts for the transfer of ownership and to grant easements.
- The Stargate Commercial Conceptual Site Plan (CSP) was approved by City Council on January 8, 2019 through Resolution C.D. Number 2019-004.
- A Comprehensive Plan amendment to change the property’s Future Land Use designation from Urban Village to Commercial was approved on January 8, 2019 by Resolution C.D. Number 2019-003.
- The property was rezoned to CR on January 22, 2019 through Ordinance Number 3515.

GENERAL SITE LAYOUT:

The proposed site layout meets all development standards in Chapter 18 of the Thornton Municipal Code, including off-street parking, landscaping, building setbacks, and lighting.

The motor vehicle fueling station and convenience store is proposed to be developed on a portion of Tract D1, Stargate Charter School Subdivision, Amendment Number 1 (future Lot 6 under Amendment 2). The property is one of several future commercial/retail sites within the subdivision.

The proposed 3,121 square-foot convenience store is generally located at the south side of the lot with the fueling canopy and parking to the north of the building. Fourteen parking spaces are required for the use and a total of fourteen spaces are provided, including one van-accessible space. A sidewalk connection is provided from East 144th Avenue for pedestrian access into the building. Additional sidewalks are proposed for pedestrian connectivity between adjacent lots.

Fuel Pump Vapor Mitigation: In accordance with the CSP approval, the applicant is proposing to install fuel dispensers equipped with technology to mitigate potential harmful environmental impacts associated with the use. The fuel dispensers will be equipped with low permeation hoses and enhanced conventional nozzles which result in a reduction
in drips and splashing, and a reduction in the amount of fuel that diffuses through the hose wall. Refer to the attached exhibit for a detailed description and specifications.

**Building Setbacks:** The proposed development complies with minimum building setback requirements as follows:

Convenience Store:

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<tr>
<th></th>
<th>Minimum Permitted: 0 or 15 feet</th>
<th>Proposed: 152 feet</th>
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<tbody>
<tr>
<td><strong>North</strong></td>
<td></td>
<td></td>
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<tr>
<td><strong>South</strong></td>
<td>Minimum Permitted: 25 feet</td>
<td>Proposed: 25.74 feet</td>
</tr>
<tr>
<td><strong>East</strong></td>
<td>Minimum Permitted: 0 or 15 feet</td>
<td>Proposed: 64.40 feet</td>
</tr>
<tr>
<td><strong>West</strong></td>
<td>Minimum Permitted: 0 or 15 feet</td>
<td>Proposed: 28.67 feet</td>
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Fueling Canopy:

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<tr>
<th></th>
<th>Minimum Permitted: 0 or 15 feet</th>
<th>Proposed: 60.88 feet</th>
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<tbody>
<tr>
<td><strong>North</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>South</strong></td>
<td>Minimum Permitted: 25 feet</td>
<td>Proposed: 126.53 feet</td>
</tr>
<tr>
<td><strong>East</strong></td>
<td>Minimum Permitted: 0 or 15 feet</td>
<td>Proposed: 66.00 feet</td>
</tr>
<tr>
<td><strong>West</strong></td>
<td>Minimum Permitted: 0 or 15 feet</td>
<td>Proposed: 12.50 feet</td>
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**TRAFFIC, CIRCULATION AND DRAINAGE:**

The development will utilize a total of three access points to serve the fueling station project as well as future projects. One existing right-in/right-out access on Washington Street will be shared with Stargate Charter School. Two new accesses will be on East 144th Avenue: one right-in/right-out approximately midway along the property's frontage and one full movement signalized on the property's eastern edge, where access will also be provided to Stargate Charter School. Construction of the new accesses will be phased throughout the overall development, subject to Fire Department approval.

Internal vehicle circulation has been approved by Traffic Engineering and the Thornton Fire Department to ensure adequate and safe movement of emergency vehicles through the site.

Preliminary grading and drainage plans have been approved by Development Engineering. The developer will manage stormwater detention and water quality offsite in a joint-use pond owned by the City.

**LANDSCAPING:**

The proposed development complies with all landscaping regulations provided in Chapter 18 of the Code. The City's Landscape Architect is supportive of the landscape plan as the landscape design is of good quality, contributes to the overall landscape character of the development, and is a water-wise plan. The overall landscape area and plant material exceed code requirements.
The proposed landscaping will be a significant improvement to existing conditions and a welcome addition to the streetscape along East 144th Avenue. Trees and shrubs are proposed to enhance views and overall appearance from the adjacent roadway and properties. Special focus was placed on landscaping at the southeast corner of the property to establish a strong sense of arrival into the development. A 3-foot tall curved gabion wall is proposed at this corner to complement the landscaping and to provide an aesthetic focal point at the entryway.

All landscaping, including within the Right-of-Way, will be installed and maintained by the property owner. The following is a summary of the required landscaping for the site:

- Site Area: 0.844 acres (36,758 square feet)
- Landscape area required: 7,352 square feet (20 percent)
- Landscape area provided: 7,423 square feet (20 percent)

PUBLIC LAND DEDICATION (PLD):

Public Land Dedication (PLD) was previously satisfied through the dedication of the Big Dry Creek floodplain and other Rights-of-Way (ROW) to the City when the property was annexed in 1990.

ARCHITECTURE:

The proposed exterior design of the building meets or exceeds the commercial design standards outlined in Chapter 18 of the Code and conforms to the approved CSP, which established a design theme incorporating building arches, matching materials, and complementary colors to provide visual uniformity throughout the development.

The proposed development meets the 360-degree architecture Code requirement by using consistent materials and building forms on all four sides of the structure. A variety of materials have been incorporated into the design of the building. The primary materials are brick masonry and Exterior Insulation and Finish System (EIFS) which will also be used throughout the development to create a cohesive and unified appearance. Design details are maximized along the south facade to enhance views from the public ROW. Building articulation is achieved on all sides of the building through vertical masonry columns, roofline variations and complementary colors. The fueling canopy will feature materials and colors to match the convenience store building. The canopy will also feature a beveled cornice treatment to enhance the visual appeal of the structure. The trash enclosure will be clad with brick masonry to match the building. Design details on future buildings will be consistent throughout the development including the roof arches, colors, and materials.

The proposed development complies with building height requirements as follows:

- Convenience Store Height: Maximum: 35 feet Proposed: 25 feet - 2 inches
- Fueling Canopy Height: Maximum: 35 feet Proposed: 18 feet - 7 inches
LIGHTING:

The proposed lighting plan complies with City Code requirements by providing appropriate levels of illumination throughout the site. Parking lot lighting fixtures are downcast to avoid glare and light spill onto adjacent properties and will match other fixtures throughout the development. Building-mounted fixtures are also downcast and were selected to enhance the building architecture.

PUBLIC NOTICE AND RESPONSE:

Public Notification: Public notice of the hearing was advertised at the Margaret W. Carpenter Recreation Center, Thornton Active Adult Center, City Hall, and on the City’s website beginning on September 25, 2019. All property owners within at least 1,500 feet of this site were sent notice of the public hearing at least ten days prior to October 15, 2019. Notification of the Development Permits and Appeals Board hearing was posted on the property for ten days prior to the October 15, 2019 public hearing.

ACTIONS AND OPTIONS OF THE DEVELOPMENT PERMITS AND APPEALS BOARD:

Requests for a DP are heard by the Board at a public hearing pursuant to Section 18-50 of the Thornton Municipal Code. The Board is the decision-maker for the approval or denial of the DP application.

APPROVAL of the DP will allow the construction of a motor vehicle fueling station and convenience store.

DENIAL of the DP will not allow construction of a motor vehicle fueling station and convenience store.

FINDINGS:

1. The proposed development meets the minimum design standards of Chapter 18 of the Thornton Municipal Code in all areas and is consistent with the approved CSP.

2. The site layout and architectural design for the project are of good quality and enhance the development and surrounding area.

3. The proposed development is consistent with the zoning regulations of the CR Zoning District.

4. The proposed development is in conformance with the City’s Comprehensive Plan.
RECOMMENDATION:

Staff recommends **APPROVAL** of PLDP201900302 based on the Findings and subject to the **Conditions as listed in the attached approval Resolution.**

Ty Robbins, Planner II

(BG) (GP)

V:\PROJECTS\Stargate\Stargate Commercial\DP\Stargate Commercial Tract D PLDP201900302\DPAB\Staff Report.docx
AFFIDAVIT OF POSTING

PUBLIC NOTICE

State of Colorado  
County of Adams  

I, Lori Leppke, being first duly sworn upon oath depose and say that I did, on September 25, 2019, post the PUBLIC NOTICE of the Development Permits and Appeals Board of the City of Thornton, Colorado, for the Public Hearing concerning a Development Permit for a portion of Tract D1, Stargate Charter School Subdivision, Amendment No. 1. The applicant is proposing the development of a fueling station and convenience store. The subject property is located at the northeast corner of E. 144th Avenue and Washington Street. This hearing will be held on October 15, 2019 at 6 p.m. at the Thornton City Hall in the Council Chambers, 9500 Civic Center Drive, Thornton, Colorado, a copy of which posted Notice is attached hereto and posted at the following locations:

1. Thornton City Hall, 9500 Civic Center Dr.
2. Margaret W. Carpenter Recreation Center, 11151 Colorado Blvd.
3. Thornton Active Adult Center, 9471 Dorothy Blvd.

Signed: [Signature]
Administrative Specialist

Date: 10/11/2019

Subscribed and sworn to before me by Lori Leppke, in the County of Adams, State of Colorado, this 1st day of October, 2019.

Notary Public

My Commission Expires

09/06/23

[Notary Stamp]
AFFIDAVIT OF POSTING

LEGAL NOTICE OF PUBLIC HEARING

State of Colorado  
) ss.
County of Adams  
)

I, Sheri Woodson, being first duly sworn upon oath depose and say that I did, on September 25, 2019, post legal notice of the Development Permits and Appeals Board of the City of Thornton, CO for a public hearing regarding a Development Permit for a fueling station and convenience store in Stargate Charter School Subdivision Amendment No 1, PLDP201900302. The subject property is located at the northeast corner of East 144th Avenue and Washington Street.

This hearing will be held on October 15, 2019 at 6:00 p.m. at the Thornton City Hall in the Council Chambers, 9500 Civic Center Drive, Thornton, CO.

The legal notice was posted at the following location, pursuant to City Code Section 2-1:


Signed:  Sheri Woodson  
Title: Administrative Specialist III  
Date: 9-25-19

Subscribed and sworn to before me by  Sheri Woodson  
In the County of Adams, State of Colorado, This 25th day of September, 2019.

Notary Public

DESIRAE A LOVATO  
NOTARY PUBLIC  
STATE OF COLORADO  
NOTARY ID 20164048475  
MY COMMISSION EXPIRES 12/27/2020
NOTICE OF PUBLIC HEARING
PLDP201900302

The Development Permits and Appeals Board of the City of Thornton will conduct a public hearing concerning a Development Permit for a portion of Tract D1, Stargate Charter School Subdivision, Amendment No. 1. The applicant is proposing the development of a fueling station and convenience store.

The subject property is located at the northeast corner of E. 144th Avenue and Washington Street.

This hearing will be held on October 15, 2019 at 6 p.m. at the Thornton City Hall in the Council Chambers, 9500 Civic Center Drive, Thornton, Colorado.

The Development Permits and Appeals Board agenda is on the City of Thornton website at www.thorntonco.gov.

A copy of the Development Code (Chapter 18 of the Code of the City of Thornton) and the Zoning Map are on file with the City Clerk of the City of Thornton for inspection by any interested party or can be viewed on the website at www.thorntonco.gov. Further, any interested party may appear at this hearing or may communicate their interest to the Development Permits and Appeals Board by written notice. Written notice must be received prior to, or during the public hearing.

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

Anna Sparks, Chairperson

ATTEST: Kristen N. Rosenbaum, City Clerk
APPROVED AS TO FORM: Luis A. Corchado, City Attorney
September 30, 2019

RE: NOTICE OF PUBLIC HEARING – PLDP201900302

Property Owner:

The city of Thornton Development Permits and Appeals Board will conduct a public hearing concerning a Development Permit for a portion of Tract D1, Stargate Charter School Subdivision, Amendment No. 1. The applicant is proposing the development of a fueling station and convenience store.

The subject property is located at the northeast corner of East 144th Avenue and Washington Street, and you are receiving this notice because you own property in the vicinity of the project.

This hearing will be held on October 15, 2019, at 6 p.m. at Thornton City Hall in the Council Chambers, 9500 Civic Center Drive, Thornton, Colorado.

The Development Permits and Appeals Board agenda is on the city of Thornton website at www.TorntonCO.gov.

Any interested party may appear in person at this hearing or communicate their interest to the Development Permits and Appeals Board by written notice. Written notice must be received prior to, or during the public hearing. You may also email your comments to CityDevelopment@ThorntonCO.gov. If you have any questions concerning this matter, please contact the City Development Department at 303-538-7443.

If you have a disability and need reasonable accommodation to attend or participate in the meeting, please contact the city's ADA Coordinator at 303-538-7245, at least eight hours in advance and arrangements will be made to provide reasonable accommodation. TDD access is available through Colorado Relay at 711 or you can also email the City Development Department at CityDevelopment@ThorntonCO.gov.

Sincerely,

Ty Robbins
Planner II

cc: FILE: PLDP201900302
The fuel dispensers will be equipped with low permeation hoses and enhanced conventional (ECO) nozzles (or equivalent). These measures are above and beyond the standard requirements for both the pump handle and the hose system. These enhancements include:

- Auto shut-off when the handle is removed from the tank;
- Reduction in drips, splashing, etc.;
- Reduction in turbulence in flow which reduces splash back;
- Reduction in needed force on lever;
- Reduction in the amount of fuel that diffuses through the standard hose wall.
OPW 14E Enhanced Conventional (ECO) Nozzle
## Component List

<table>
<thead>
<tr>
<th>Component</th>
<th>Manufacturer / Model</th>
<th>Hose Size (inch)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Low Permeation Curb Hose and Whip Hose</td>
<td>ContiTech¹ Futura Low Perm</td>
<td>3/4</td>
</tr>
<tr>
<td></td>
<td>Parker 7282 Low Perm</td>
<td>5/8, 3/4, 1</td>
</tr>
<tr>
<td></td>
<td>VST V58EC Low Perm</td>
<td>5/8</td>
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<td></td>
<td>VST V34EC Low Perm</td>
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<tr>
<td></td>
<td>Husky EagleFlex Low Perm</td>
<td>5/8, 3/4, 1</td>
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<tr>
<td>Enhanced Conventional Nozzle</td>
<td>OPW 14E</td>
<td>3/4</td>
</tr>
</tbody>
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¹ ContiTech is a registered trademark of Continental ContiTech Global, LLC.
ContiTech Futura Low Perm Conventional Hose Assembly

NOTE:
6 digit serial number shown for demonstration only – actual serial number will be different
Parker 7282 Low Perm Conventional Hose Assembly

Date Code (day/year/shift)
VST V58EC and V34EC Low Perm Conventional Hose Assembly

Serial Number
**DEVELOPMENT PERMIT**

**STARGATE COMMERCIAL CONVENIENCE**

**LOT 6, STARGATE CHARTER SCHOOL SUBDIVISION, AMENDMENT NO. 2**

SITUATED IN A PORTION OF THE BNSF OF SECTION 14, T.1S., R.66W., OF THE 6TH P.M. OF TOWNSHIIP 1 SOUTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY OF THORNTON, COUNTY OF ADAMS, STATE OF COLORADO.

**LEGAL DESCRIPTION**

LOT 6, STARGATE CHARTER SCHOOL SUBDIVISION, AMENDMENT NO. 2, RECORDED AT RECEPTION NO. 0000000000 OF THE RECORDS OF ADAMS COUNTY CERKAND RECORDER.

LOCATED IN THE SOUTHWEST QUARTER OF SECTION 14, TOWNSHIP 1 SOUTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY OF THORNTON, COUNTY OF ADAMS, STATE OF COLORADO.

**SITE DATA TABLE**

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<tr>
<th>LOT SIZE</th>
<th>36,766 SQ. FT.</th>
<th>0.844 AC.</th>
</tr>
</thead>
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<tr>
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<td>2,121.1 SQ. FT.</td>
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<tr>
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<td>LAND USE</td>
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<td>BALCONY HEIGHT</td>
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<tr>
<td>FLOOR AREA RATED</td>
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<td>STORAGE</td>
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<td>OFF STREET PARKING</td>
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<tr>
<td>LANDSCAPE AREA</td>
<td>7,381.5 SQ. FT. (2024)</td>
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</table>

**PROJECT BENCHMARK:**

BENCHMARK: ADAMS COUNTY 3 2/3 ALUMINUM SUBSURFACE MARK DISK STAMPED "ADAMS COUNTY 1994 15MM PEARL" BURIED TO THE TOP OF A 12" PANKED ALUMINUM ROOF END CAP IN A 6" PVC PIPE WITH A LOGO CAP SET IN A CONCRETE FOOTING 17 FEET BELOW GROUND LEVEL. STATION IS LOCATED EAST OF THE INTERSECTION OF 74TH AVENUE AND 14TH AVENUE, 224.5' EAST OF 74TH AVENUE, AND 877.5' EAST OF THE UNION PACIFIC RAILROAD TRACKS. ELEVATION 5150.51', AGWD NM.

**PROJECT BASIS OF BEARING:**

BEARINGS ARE BASED ON THE WEST LINE OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 14, TOWNSHIP 1 SOUTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN, WHICH WAS ASSIGNED TO BRAN NORTH STREET 307' EAST.

**PROPERTY OWNER / APPLICANT:**

FUTURES DEVELOPMENT

2380 S. CAMELBACK ROAD, SUITE 410

PHOENIX, ARIZONA 85016

MR. ZACH LAUTENBACH

**ARCHITECT:**

THE DIMENSION GROUP

860 E. QUEBEC STREET

SUITE 300

DENVER, COLORADO 80206

(303) 558-3370

MR. SHAW, PE

**CIVIL ENGINEER:**

THE DIMENSION GROUP

860 E. QUEBEC STREET

SUITE 300

DENVER, COLORADO 80206

(303) 558-3410

MR. DOCH, PE

**LANDSCAPE ARCHITECT:**

THE DIMENSION GROUP

860 E. QUEBEC STREET

SUITE 300

DENVER, COLORADO 80206

(303) 558-3410

MR. MILLER, LEED AP

**ARCHITECTURAL ENGINEER:**

THE DIMENSION GROUP

860 E. QUEBEC STREET

SUITE 300

DENVER, COLORADO 80206

(303) 558-3410

MR. MILLER, LEED AP
PROJECT BENCHMARK:

BENCHMARK: ADAMS COUNTY 2'2" ALUMINUM SURVEY MARK DEP. STAMPED "ADAMS COUNTY 1963." STAFFED TO THE TOP OF A 5/8" FINISHED ALUMINUM ROD ENGAGED IN A 4" PVC PIPE WITH A 1" DUAL CAP. SET INTO A CONCRETE POST 3' BELOW GROUND LEVEL.

PROJECT BASIS OF BEARING:

BEARINGS ARE BASED ON THE WEST LINE OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 14, TOWNSHIP 1 SOUTH, RANGE 3 WEST OF THE 6TH PRINCIPAL MERSIAN, WHICH WAS ASSUMED TO BE NORTH 90-01'-00" EAST.
### PLANT SCHEDULE

<table>
<thead>
<tr>
<th>CODE</th>
<th>COMMON NAME</th>
<th>COMMON NAME</th>
<th>CONT</th>
<th>CAL</th>
<th>SIZE</th>
<th>TE</th>
</tr>
</thead>
<tbody>
<tr>
<td>PM</td>
<td>PINUS NIGRA</td>
<td>AUSTRIAN BLACK PINE</td>
<td>B &amp; B</td>
<td>0.5</td>
<td>1.0</td>
<td></td>
</tr>
<tr>
<td>PP</td>
<td>POKO-PUNIQUE HORTIST</td>
<td>HOERSKI BLUE SPRUCE</td>
<td>B &amp; B</td>
<td>0.5</td>
<td>2.0</td>
<td></td>
</tr>
<tr>
<td>AB</td>
<td>ACER NEGUNDO 'Sensation'</td>
<td>SENSATION BOX ELDRED MAPLE</td>
<td>B &amp; B</td>
<td>1.0</td>
<td>3.0</td>
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<tr>
<td>AT</td>
<td>ACER TAMANAX SOUR WINGS</td>
<td>HOT WINGS TAMANAX MAPLE</td>
<td>B &amp; B</td>
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</tr>
<tr>
<td>GM</td>
<td>QUERCUS MUELLENSIGEI</td>
<td>CHINNAPAP OAK</td>
<td>B &amp; B</td>
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<td>3.0</td>
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<tr>
<td>CD</td>
<td>CARYOPHYLLUS X CLAVIOMUMENTIS 'DARK KNIGHT'</td>
<td>BLUE MIST SHRUB</td>
<td>5 GAL</td>
<td>1/2</td>
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<td>HD</td>
<td>HEMISCALYX X 'GOLDEN GATE'</td>
<td>GOLDEN GATE BUTTERFLY</td>
<td>1 GAL</td>
<td>1/2</td>
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<td>PA</td>
<td>PERSICARIA ATROPHOICOLA</td>
<td>RUSSIAN BISTORT</td>
<td>5 GAL</td>
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<td>4.4</td>
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<td>RG</td>
<td>RUBUS LABRADOR</td>
<td>GOLDEN Currant</td>
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<td>RH</td>
<td>RHUS AMERICANA 'ORIO LOW'</td>
<td>ORIO-LOW FRAGRANT SUBAC</td>
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<td>JH</td>
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### CITY OF THORNTON GENERAL NOTES

1. **SOIL:**
   - The minimum sod requirement for all landscape areas shall be four cubic yards per one thousand square feet. The total cubic yard requirement for this project is 34 CY. Contractor shall provide a copy of Thornton's official soil amendment installation.

2. **PLANTS:**
   - All planting beds adjacent to the blue drain area shall have a minimum depth of 18 inches (12 inches in native soil area). Designers/distributors/contractors shall install cedar mulch or approved equal, with geotextile fabric if other carry soil amendment which shall be approved or approved equal. Miracastall 329 or approved equal, all planting lot and perimeter planting beds shall have a minimum 7" depth river rock mulch. All design shall be 1/2" diameter gravel over geotextile fabric with fabric. installation. Rock mulch shall be a minimum 1" depth and site rock areas shall have a 1/2" depth wood mulch or specified on planting details, do not use fabric (under pebbles).

3. **GRAVEL RIVER ROCK MULCH:**
   - A minimum of 15" diameter minimum over landscape fabric.

4. **GREENSTONE:**
   - All landscape shall be 1/2" x 1/2" greenpatina painted garden trim with 1/2" metal strips with endure signs and guard rails. Stakes per manufacturer's specifications on equal.

5. **IRRIGATION:**
   - All landscape areas shall be irrigated by a permanent automatic underground irrigation system. The system shall be property zoned to separate plant materials. By this requirement, the controllers shall include an automatic irrigation controller that operates in native seed areas. All landscape areas shall be irrigated by using low-water (10 to 15) systems. All turf areas shall be irrigated using pop-up or rotor application.

6. **MAINTENANCE:**
   - Property owner shall maintain the landscaping areas, including the right-of-way landscaping.

7. **PRE-CONSTRUCTION MEETING:**
   - A pre-construction meeting shall be required between the developer, contractor and City of Thornton's Department of Public Works personnel. Before start of construction.

### LANDSCAPE SCHEDULE

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RESOLUTION

A RESOLUTION OF THE THORNTON DEVELOPMENT PERMITS AND APPEALS BOARD ("BOARD") APPROVING A DEVELOPMENT PERMIT ("DP") FOR A SITE PLAN, LANDSCAPE PLAN, AND ARCHITECTURAL ELEVATIONS FOR A MOTOR VEHICLE FUELING STATION AND CONVENIENCE STORE PURSUANT TO CHAPTER 18 OF THE THORNTON CITY CODE.

WHEREAS, The Dimension Group is the applicant ("Applicant") and Evergreen Devco, Inc. is the owner ("Owner") of certain real property ("Property") within the City of Thornton ("City"), legally described as Tract D1, Stargate Charter School Subdivision, Amendment No. 1; and

WHEREAS, the Property is zoned Community Retail ("CR"); and

WHEREAS, the Owner is desirous of developing a motor vehicle fueling station and convenience store on the property which is currently vacant; and

WHEREAS, in order to develop the Property, the Owner has submitted an application for a DP on the Property; and

WHEREAS, the proposed use is consistent with the approved zoning for the Property and the Comprehensive Plan Future Land Use Designation; and

WHEREAS, the proposed DP is consistent with the goals and desires of the City, and provides for orderly growth within the City, and allows for a beneficial and efficient use of said Property; and

WHEREAS, the aforesaid application is a matter of public record in the custody of the City Development Department of the City and is available for public inspection during business hours of the City; and

WHEREAS, the aforesaid DP, and all supporting documents attached thereto, is hereby incorporated as if fully set forth herein; and

WHEREAS, on October 15, 2019, a public hearing was conducted before the Board on said application pursuant to the procedural and notice requirements of the City Charter and Chapter 18 of the Thornton City Code, and the Board having considered the evidence presented in support of and in opposition to the application, and so having considered the record and having given appropriate weight to the evidence, takes the following action.
NOW, THEREFORE, BE IT RESOLVED BY THE DEVELOPMENT PERMITS AND APPEALS BOARD OF THE CITY OF THORNTON, COLORADO, AS FOLLOWS:

1. The Board finds that the application for the DP on the Property has been submitted in compliance with the provisions of Chapter 18 of the Thornton City Code.

2. The Board finds that approval of the DP for the Property is appropriate in that said DP meets the site design standards, landscape standards and architectural review criteria provided in Chapter 18 of the Thornton City Code and is consistent with the approved Conceptual Site Plan for the Property.

3. The Board finds that the proposed development is in conformance with the Comprehensive Plan land use designation of Commercial by supporting other retail uses and promoting the development of healthy, sustainable, and viable commercial centers.

4. For these reasons, the Board finds that the DP meets the criteria found in Section 18-50 of the Thornton City Code.

5. The Board hereby approves the DP for the Property, subject to the following conditions:

   a. The Applicant shall install fuel dispensers equipped with low permeation hoses and enhanced conventional nozzles in accordance with the specifications contained in the approved plans.

   b. The DP shall be null and void in the event that no building permit is applied for on the Property within three years of approval. Once a Certificate of Occupancy has been issued for the Property, the DP shall be valid in perpetuity.

   c. Prior to any changes to the approved design, the Owner shall obtain approval of an amendment to the DP from the City. Based upon the extent of any changes, the Development Director shall determine at that time whether or not the application for changes listed above will be administrative or shall require another public hearing.

6. All land use approvals and building permits for the Property shall be subject to all City requirements in effect at the time that such proposed development applies for a building permit.

7. The conditions set forth in this Resolution shall be binding upon the Owner and/or Developer, their successors and assigns.
PASSED AND ADOPTED at a regular meeting of the Development Permits and Appeals Board of the City of Thornton, Colorado, this 15th day of October 2019.

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

__________________________
Anna Sparks, Chairperson

ATTEST:

__________________________
Secretary

V:\PROJECTS\Stargate\Stargate Commercial\DP\Stargate Commercial Tract D PLDP201900302\DPAB\Resolution of Approval.doc