AGENDA

NOVEMBER 26, 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 – October 15, 2019

5) OLD BUSINESS - None

6) NEW BUSINESS
   
   A. **PLDP201900404**: A Resolution to consider the approval of a Development Permit (DP) for construction of a multitenant commercial building located at the southeast corner of East 98th Avenue and Washington Street (Lambertson Lakes A3 B1 L59B).

7) OTHER MATTERS
   
   A. Approval of the 2020 DPAB Calendar.

   B. There are currently two cases scheduled for the December 10, 2019 meeting.

8) ADJOURNMENT
ROLL CALL:

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

Also attending were Brian Garner, and Ty Robbins 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.

In the absence of both Chair and Vice Chair, the Recording Secretary called the Board to order and called roll. The Board then unanimously elected Mr. Inge as temporary Chair.

APPROVAL OF AGENDA:

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

APPROVAL OF MINUTES:

MOTION WAS MADE BY MR. THOMAS AND SECONDED BY MR. HEPNER TO APPROVE THE AUGUST 20, 2019 MEETING MINUTES. MR. LAMBERTSON ABSTAINED FROM VOTING AS HE WAS 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.

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).

The floor was opened at 6:04 p.m.

Mr. Garner introduced Mr. Robbins as the case presenter for Stargate Charter School Subdivision A1 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.

Tanner Kinde, 5600 South Quebec Street, 325C, Greenwood Village, Colorado, was introduced as the applicant, he confirmed that he had been sworn. Mr. Kinde presented additional information regarding the project.

Mr. Zetterman asked questions related to the fuel nozzles that will be used. Mr Kinde responded.

Mr. Inge asked questions related to the use of electric vehicle charging. Mr. Kinde responded.

The floor closed to further testimony at 6:17 p.m.

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

MOTION PASSED 6-0.

OTHER MATTERS:

Mr. Lambertson was introduced as the newest Board Member.

Scheduled public meetings – there is currently one hearing scheduled for the November 26, 2019 meeting.

Since all vacancies on the Board have been filled, Ms. Whitney and Mr. Garner are working on scheduling study sessions with the Board.
THE MEETING WAS ADJOURNED AT 6:32 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 PLDP201900404 for a Development Permit for property located at 9750 Washington Street, requested by the Applicant Terra Associates, Inc. on behalf of the Owner Thornton Retail Partners, LTD.

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 April 4, 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?

   **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: November 26, 2019

Title: Lambertson Lakes A3 B1 L59B – Development Permit (DP), in the Planned Development (PD) Zoning District, at 9750 Washington Street.

File: PLDP201900404

Prepared by: Sadie Naglich, Planner I

Location: Southeast Corner of East 98th Avenue and Washington Street

Applicant: Terra Associates, Inc.

Owner: Thornton at Washington, LLC

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

1. Application (April 4, 2019)
2. Letter of Intent (April 4, 2019)
3. Site Plan (October 15, 2019)
4. Landscape Plan (November 7, 2019)
5. Grading Plan (October 15, 2019)
6. Photometric Plan (October 15, 2019)
7. Architectural Elevations (October 15, 2019)

REQUEST SUMMARY:

This application is a request for approval of a Development Permit (DP) for the site plan, landscape plan, and architectural elevations for a 10,192 square-foot multitenant commercial building. The property is located in Lambertson Lakes Amendment 3, Block 1, Lot 59B, generally at the southeast corner of East 98th Avenue and Washington Street.

The property is zoned PD. The Lambertson Lakes PD Standards state that this lot is regulated by the Community Retail zone district, per Chapter 18 of the Thornton City Code. General merchandise or food stores greater than 3,500 square feet are a use allowed by right in the Community Retail zone district.
PROPERTY INFORMATION:

- Existing Zoning: PD
- Existing Land Use: Vacant
- Size of Site: 52,832 square feet
- Comprehensive Plan Designation: Commercial

SURROUNDING ZONING AND LAND USE(S):

West: PD – Lambertson Lakes, Residential
East: PD – Highpoint Park, Commercial
South: PD – Lambertson Lakes, Commercial
North: PD – Lambertson Lakes, Commercial

PROPERTY HISTORY:

- The property was annexed into the City of Thornton on December 3, 1963, by Ordinance No. 189, and subsequently zoned Residential-1-C (R-1-C).
- The property was rezoned to Single Family Detached (SFD) as part of the overall City-wide rezoning on January 25, 1993 by Ordinance No. 2230.
- The property was rezoned to PD on March 27, 2000 by Ordinance No. 2601. The PD included an Overall Development Plan (ODP).
- City Council approved the Lambertson Lakes Preliminary Plat on July 24, 2000.
- The property was subdivided into Lambertson Lakes Lot 59, Block 1 on May 13th, 2002.
- The property was re-subdivided from Lambertson Lakes Lot 59, Block 1 to Lambertson Lakes – 3rd Amendment, which established Lots 59A, 59B and 59C, on April 21, 2006.

GENERAL SITE LAYOUT:

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

The existing site is vacant and slopes downward in elevation from south to north. The site is proposed to be graded level with a retaining wall along the south side property line.

The proposed 10,192 square-foot multitenant building will be located central to the lot, with the retail entrances facing Washington Street. Parking will be located on the east and west sides of the building, with 55 proposed parking spaces. Bike racks are located at the northwest corner of the building. A new sidewalk located on the east side of the site will connect to existing sidewalks to the north and south of the site and a new sidewalk connection is provided from Washington Street to the building. The trash enclosure is located at the southeast side of the property.
The proposed site plan meets or exceeds the site design standards specified in Chapter 18 of the Thornton City Code for all of the applicable development standards.

<table>
<thead>
<tr>
<th>Site Data</th>
<th>Allowed</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Building Height</td>
<td>35 feet</td>
<td>26 feet 9 inches</td>
</tr>
<tr>
<td>Front Setback (West)</td>
<td>25 feet</td>
<td>99 feet 6 inches</td>
</tr>
<tr>
<td>Rear Setback (East)</td>
<td>0 or 15 feet</td>
<td>130 feet 1 inch</td>
</tr>
<tr>
<td>Side Setback (North)</td>
<td>0 or 15 feet</td>
<td>28 feet</td>
</tr>
<tr>
<td>Side Setback (South)</td>
<td>0 or 15 feet</td>
<td>15 feet</td>
</tr>
<tr>
<td>Floor Area Ratio Maximum</td>
<td>50 percent</td>
<td>19.3 percent</td>
</tr>
</tbody>
</table>

**TRAFFIC, CIRCULATION AND DRAINAGE:**

There is an existing private drive located on the east side of the property, which connects East 98th Avenue to East 97th Avenue. This drive provides access to the three existing developed properties to the north and south of the subject site. Two access points will be provided from this drive into the subject site, located at the north and south sides of the site. Internal circulation is provided along the north property line to the west side of the building.

Access and internal 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 plans have been approved by Development Engineering. Drainage plans are in review with Construction Drawings. Regional detention, which considered this site, was approved under the Final Drainage Plan for the Culver's Restaurant (located on the property to the north).

**LANDSCAPING:**

The proposed landscaping complies with regulations provided in Chapter 18 of the Thornton City Code. The landscaping contributes to the overall character of the development and is water-wise. The proposed landscaping area exceeds the required 20 percent minimum.

All landscaping, including within the Right-of-Way street frontage will be installed by the Developer, and maintained by the property owner.
PUBLIC LAND DEDICATION (PLD):

PLD requirements were previously satisfied with the dedication of 47.94 acres as shown on the March 27, 2000 Lambertson Overall Development Plan.

ARCHITECTURE

The proposed exterior design of the building meets or exceed the commercial design standards outlined in Chapter 18 of the Code.

The proposed development includes 360-degree architecture, using consistent, high quality materials on all four sides of the structure. Materials used on all sides include fieldstone, brick, and stucco. The front, rear and north side exteriors include storefront glazing and metal awnings, and the front and side exteriors include roof articulation.

There are also decorative concrete sidewalks around the building.

PUBLIC NOTICE AND RESPONSE:

Public Notification: A 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 November 6, 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 November 26, 2019. Notification of the Development Permits and Appeals Board hearing was posted on the property for ten days prior to the November 26, 2019 public hearing.

ACTIONS AND OPTIONS OF THE DEVELOPMENT PERMITS AND APPEALS BOARD:

The Board will consider requests for approval of a Development Permit at a public hearing pursuant to Section 18-50 of the Thornton City 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 multitenant commercial building.

DENIAL of the DP will not allow the construction of a multitenant commercial building.

FINDINGS:

1. The proposed development meets the minimum design standards of Chapter 18 of the Thornton City Code in all areas.

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 PD Zoning District and the Comprehensive Plan future land use designation of Commercial.

RECOMMENDATION:

Staff recommends **APPROVAL of PLDP201900404** based on the previous Findings and subject to the **conditions as listed in the attached approval Resolution.**

Sable Naglich, Planner I

V:\PROJECTS\Lambertson Lakes\Lambertson Lakes A3 B1 L59B\DP\Lambertson Lakes A3 B1 L59B PLDP201900404\DPAB Docs
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 November 6, 2019, post legal notice of the Development Permits and Appeals Board of the City of Thornton, CO for a public hearing regarding Lambertson Lakes Amendment 3, Block 1, Lot 59B, PLDP201900404. The property is located at the southeast corner of East 98th Avenue and Washington Street.

This hearing will be held on November 26, 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: 11-6-19

Subscribed and sworn to before me by Sheri Woodson. In the County of Adams, State of Colorado, This 6th day of November, 2019.

Notary Public

ERIN ROGOJSKI
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 20184047232
MY COMMISSION EXPIRES 12/11/2022
AFFIDAVIT OF POSTING

PUBLIC NOTICE

State of Colorado
County of Adams

) ss.

I, Lori Leppke, being first duly sworn upon oath depose and say that I did, on November 6, 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 Lambertson Lakes Amendment 3, Block 1, Lot 59B. The applicant is proposing the development of an approximate 10,192 square-foot multi-tenant commercial building. The subject property is located at the southeast corner of East 98th Avenue and Washington Street. This hearing will be held on November 26, 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: ___________________________ Date: 11/16/19
Lori Leppke, Administrative Specialist

Subscribed and sworn to before me by Lori Leppke, in the County of Adams, State of Colorado, this 6th day of November, 2019.

Notary Public

My Commission Expires 09/06/23

BRICEIDA ORTEGA QUINTERO
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 20190094204
MY COMMISSION EXPIRES SEPTEMBER 06, 2023
NOTICE OF PUBLIC HEARING
PLDP201900404

The Development Permits and Appeals Board of the City of Thornton will conduct a public hearing concerning a Development Permit for Lambertson Lakes Amendment 3, Block 1, Lot 59B. The applicant is proposing the development of an approximate 10,192 square-foot multi-tenant commercial building.

The subject property is located at the southeast corner of East 98th Avenue and Washington Street.

This hearing will be held on November 26, 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
November 12, 2019

RE: NOTICE OF PUBLIC HEARING – PLDP201900404

Property Owner:

The city of Thornton Development Permits and Appeals Board will conduct a public hearing concerning a Development Permit for Lamberton Lakes Amendment 3, Block 1, Lot 59B. The applicant is proposing the development of an approximate 10,192 square-foot multi-tenant commercial building.

The subject property is located at the southeast corner of East 98th Avenue and Washington Street. You are receiving this notice because you own property in the vicinity of the project.

This hearing will be held on November 26, 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.thorntonCO.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@cityofthornton.net. If you have any questions concerning this matter, please contact the City Development Department at 303-538-7295.

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@cityofthornton.net.

Sincerely,

[Signature]

Sadie Naglich
Planner I

cc: FILE: PLDP201900404
Looking East at Drive
DEVELOPMENT PERMIT
LAMBERTSON LAKES A3 B1 L59B
9750 WASHINGTON STREET
THORNTON, CO 80229

LEGAL DESCRIPTION
LOT 598 LAMBERTSON LAKES 3RD AMENDMENT A PORTION OF THE SW 1/4 OF SEC 14 Township 72S, Range 21W, OF THE 6TH PM, CITY OF THORNTON, COUNTY OF ADAMS

GENERAL NOTES
1. THESE DOCUMENTS ARE NOT TO BE USED FOR ANY CONSTRUCTION
2. ALL LAND USE APPROVALS AND BUILDING PERMITS FOR THE DEVELOPMENT DESCRIBED HEREIN SHALL BE SUBJECT TO REQUIREMENTS INCLUDING, BUT NOT LIMITED TO, THE PAYMENT OF IMPACT FEES AND DEVELOPMENT CHARGES, CONCURRENCE MANAGEMENT REQUIREMENTS, DESIGN STANDARDS, MORATORIUMS, BUILDING PERMIT LIMITATIONS, AND OTHER LAND USE AND DEVELOPMENT REQUIREMENTS IN EFFECT AT THE TIME THAT SUCH PROPOSED DEVELOPMENT APPLIES FOR A BUILDING PERMIT.
3. THIS PROPERTY IS ZONED PLANNED DEVELOPMENT (PD) AND DEVELOPMENT ON LOT SHALL MEET ALL OF THE CITY OF THORNTON CODE PD ZONING DISTRICT, INCLUDING BUT NOT LIMITED TO PARKING, SEATING, BUILDING HEIGHT AND FLOOR AREA RATION (FAR).
4. DEVELOPER, OR Assigns, SHALL MAINTAIN ALL R.O.W. LANDSCAPING.
5. ALL SURROUNDING SHALL BE APPROVED THROUGH SEPARATE BUILDING PERMIT.
6. RETAINING WALLS THAT ARE GREATER THAN OR EQUAL TO A FT IN HEIGHT, MEASURED FROM BOTTOM OF FOUNDATION TO TOP OF WALL, ARE REQUIRED TO BE ENGINEERED AND PERMITTED UNDER A SEPARATE APPLICATION TO O.E.

VICINITY MAP
SCALE: 1"=400'
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 MULTITENANT COMMERCIAL BUILDING PURSUANT TO CHAPTER 18 OF THE THORNTON CITY CODE.

WHEREAS, Thornton at Washington, LLC is the owner ("Owner") of certain real property within the City of Thornton ("City"), commonly described as Lambertson Lakes Amendment 3, Block 1, Lot 59B ("Property"); and

WHEREAS, the Property is zoned Planned Development (PD); and

WHEREAS, the Owner is desirous of developing the Property with a multitenant commercial building on the currently vacant land; 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 this Property; 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 November 26, 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 criteria designated in Section 18-50 of the Thornton City Code, as the site design standards, landscape standards and architectural review criteria provided in Chapter 18 of the Thornton City Code.

3. The Board finds that the DP is consistent with the PD ordinance and the overall development plan for the Property.

4. 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.

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

   a. 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.

   b. 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.

5. All land use approvals and building permits for the Property shall be subject to requirements including, but not limited to, the payment of impact fees and development charges, concurrency management requirements, design standards, moratoriums, building permit limitations, and other land use and development requirements in effect at the time that such proposed development applies for a building permit.

6. Two exclusive easements in favor of the City of Thornton, one for a water main and one for a fire hydrant, shall be recorded in the real property records against the Property prior to the issuance of a building permit.

7. The conditions set forth in this Resolution shall be binding upon the Owner 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 26th day of November 2019.

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

ATTEST:

Anna Sparks, Chairperson

Secretary