

City of Thornton
Planning Commission Meeting
Minutes
April 16, 2024

ROLL CALL: Those Present were: Chair Anna Sparks; and Commission Members Jacque Phillips, Bruce Thomas; Nora Brandon, Andrew Bryant; Jeff Tompkins, Randall Stutz. Absent – Vice-Chair Rahem Mulatu and Commissioner Julorie Davidson.

Commissioner Davidson and Vice-Chair Mulatu absences were excused.

STAFF MEMBERS PRESENT - Jessica Whitney, Senior Assistant City Attorney; Mike Garrott Planning Director; Erinn Rogowski, City Planner II, Desirae Lovato and Alexis Alarid, Recording Secretaries.

The meeting was called to order at **6:01 p.m.**

APPROVAL OF AGENDA:

Ms. Lovato stated that Attachment A to the Agenda was the incorrect document, and the correct Attachment A was provided to the Commissioners.

MOTION WAS MADE BY COMMISSIONER THOMAS AND SECONDED BY COMMISSIONER BRYANT TO APPROVE THE AMENDED AGENDA. MOTION PASSED UNANIMOUSLY.

Commissioner Bryant stated that his name was misspelled on page 11 of the previous meeting minutes.

MOTION WAS MADE BY COMMISSIONER BRYANT AND SECONDED BY COMMISSIONER STUTZ TO APPROVE THE AMENDED PREVIOUS MEETING MINUTES. MOTION PASSED UNANIMOUSLY. COMMISSIONER THOMAS ABSTAINED AS THEY WERE NOT IN ATTENDANCE AT THE PREVIOUS MEETING.

NEW BUSINESS – PUBLIC HEARINGS

PLDP202301389: A public hearing regarding a resolution for a Development Permit and a Specific Use Permit in the Community Retail zone district to allow the development of a drive-through restaurant on a site generally located southwest of the intersection of East 128th Avenue and Quebec Street (Creekside Village Subdivision Filing No. 2, Lot 4A).

The floor was opened at **6:11 p.m.**

At this time, individuals wishing to provide testimony during the public hearing were sworn in by the Recording Secretary.

Ms. Rogowski was introduced as the case presenter for PLDP202301389. Ms. Rogowski entered into the record City's Exhibit A, the Affidavit of Sign Posting, and presented the project.

The applicant, Xavier Gavin, 8813 Penrose Lane, Suite 400 Lenexa, KS 66219, confirmed he had been sworn. Mr. Gavin provided additional information regarding the project.

Commissioner Phillips asked where the handicapped parking was located on the plans. Ms. Rogowski responded.

Commissioner Phillips asked if all the green indicated landscaping or an umbrella for tables. Ms. Rogowski responded. Mr. Gavin also responded.

Commissioner Phillips asked who would be responsible for the landscaping. Mr. Gavin responded.

Commissioner Phillips asked if water is a concern and if the landscape plan aligned with any of Thornton water conservation plans. Mr. Gavin responded.

Commissioner Phillips asked if there is any outside seating. Mr. Gavin responded.

Chair Sparks stated there is a table on the plans that indicates that there are low-water demand plants. Ms. Rogowski responded.

Commissioner Phillips stated that this development is providing jobs which is a plus, and asked if they would be offering minimum wage or salaried jobs. Mr. Gavin responded.

Commissioner Phillips asked which mode of transportation they anticipate for staff to use to get to and from work. Mr. Gavin responded.

Commissioner Phillips stated one of the criteria of an SUP is to promote the welfare of the area and asked if that criteria could be explained further. Mr. Gavin responds.

Commissioner Phillips asked why there was not any outside seating. Mr. Gavin responded.

Chair Sparks stated there is a High School near this location and that the students would make use of outside seating.

Commissioner Brandon asked if there have been any evaluations of the impact that the neighboring Sonic has had on this community and if there is any data or research that

demonstrates what that establishment has brought to the welfare of the community or if the pedestrian access has benefited the community in any way. Mr. Gavin responded.

Commissioner Thomas asked if the plans show two drive through lanes and asked about the process for delivering food to the second lane. Mr. Gavin responded.

Discussion ended and staff recommended approval.

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

Ms. Whitney clarified to the Commission that approval of the resolutions would be the final approval or denial of the project, and this was not a recommendation to council.

Commissioner Phillips asked if they could make the outside seating a condition of the approval before the motion was made, or if there was another process. Chair Sparks responded.

Commissioner Phillips stated that they wanted to make an amendment to the resolution with outside seating as a requirement for approval.

Ms. Whitney asked for clarification on which resolution they were making a motion on since the DP and SUP required two separate votes.

Chair Sparks asked which motion would be more appropriate to have outside seating added as an amendment. Ms. Whitney responded that the SUP would need to be amended.

Chair Sparks asked if the SUP would need to be approved first or second. Mr. Garrott clarified that the SUP should go first.

Commissioner Phillips made a motion for approval with the condition of including outside seating in the final plans.

Commissioner Phillips discussed the motion, adding that it is important to provide outside seating and that gathering places and communities are important when we talk about crime in the city of Thornton, stating that Thornton Police often discuss gathering spaces are effective crime prevention.

Commissioner Tompkins respectfully disagreed and added that they would not vote in favor of the proposed amendment as it would add undue hardship on a very tight site plan and that outdoor seating is very unusual for a Panda Express. Commissioner Tompkins added that while they agree it is a nice amenity it was too late in the process to require outside seating.

Commissioner Thomas asked where this type of seating would go or if this amendment would mean the applicant would be required to start the application process from the beginning.

Mr. Garrott stated that that type of question is typically asked to the applicant.

Ms. Whitney stated that if the Board would like more information from the applicant, the Chair could reopen the comment portion of the public hearing.

Ms. Sparks asked Commissioner Thomas if they would like to reopen the floor for additional testimony. Commissioner Thomas affirmed.

Ms. Sparks asked how they would procedurally move forward. Ms. Whitney stated they would hold a vote to reopen the floor after a motion was made.

MOTION WAS MADE BY COMMISSIONER BRYANT TO REOPEN THE FLOOR FOR PUBLIC TESTIMONY, SECONDED BY COMMISSIONER BRANDON.

MOTION PASSED UNANIMOUSLY.

Floor was reopened at 6:41 p.m.

There was discussion among the Commissioners, the applicant and case presenter regarding the process of adding outside seating.

The floor closed to further testimony at **6:56 p.m.**

Mr. Garrott recommended that a motion should be made since the floor was reopened.

Ms. Whitney stated that a new motion would not be needed, but a restatement of the original motion was required as it was never withdrawn and was pending at that time.

Chair Sparks asked which commissioner would need to restate the original motion.. Ms. Whitney responded.

Commissioner Phillips withdrew the motion recommending an amendment to the resolution to add outdoor seating given feedback from their colleagues.

MOTION WAS MADE BY COMMISSIONER TOMPKINS AND SECONDED BY COMMISSIONER BRANDON TO APPROVE THE RESOLUTION FOR THE SPECIFIC USE PERMIT.

Commissioner Tompkins stated the plans complied with city code and met all requirements and the project would bring jobs and food to the area.

Commissioner Brandon stated that they thought the outdoor seating was a good idea but did not seem feasible within the space available adding that they really appreciated the inclusion of bike racks as they would provide people with different access options, especially those coming in off the pedestrian areas.

Chair Sparks stated they thought the proposal was a good use and was compatible with the surrounding area and will be utilized by citizens in the general area.

MOTION PASSED 7-0.

MOTION WAS MADE BY COMMISSIONER THOMAS AND SECONDED BY COMMISSIONER BRANDON TO APPROVE THE RESOLUTION FOR THE DEVELOPMENT PERMIT.

Commissioner Thomas stated the project met all the city of Thornton code criteria and would fit well in the proposed location.

MOTION PASSED 7-0.

OTHER MATTERS:

There is currently one special meeting anticipated for the 30th of May 2024 for a presentation from the consultants working on the City's Code rewrite.

Presentation on Bylaw Amendments for the Planning Commission. Ms. Whitney discussed the proposed amendments to the Planning Commission Bylaws and asked for additional feedback from the commission on the changes. Joyce Hunt provided additional information.

The Commissioners discussed the Bylaws and made recommendations to include procedures for instances where they do not receive applicants from each ward, or when the applicants are not qualified.

Ms. Whitney responded.

THE MEETING WAS ADJOURNED AT 7:37 P.M.

PLANNING COMMISSION OF THE
CITY OF THORNTON, COLORADO



Rahem Mulatu, Vice Chair

ATTEST:



Recording Secretary