AGENDA

July 19, 2016

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 – July 5, 2016
5) OLD BUSINESS – NONE
6) NEW BUSINESS
   A. MDP 2016-035: A Resolution for a Minor Development Permit (MDP) to consider approval to amend the previously approved architecture for Candlewood Suites hotel (The Grove Filing No. 1, Amendment No. 5, Lot 6-E, Block 1 – located on the southeast corner of I-25 and East 144th Avenue).
   B. DP 2016-006: A Resolution for a Development Permit/Specific Use Permit (DP/SUP) to consider approval of the site plan for a 2,481 square-foot drive-thru restaurant (York Street Station - Godfather’s Pizza Restaurant – located south of East 120th Avenue and west of York Street).
7) OTHER MATTERS
   A. Scheduled public meetings – there is one item scheduled for the August 3, 2016 meeting.
8) ADJOURNMENT
ROLL CALL:

Donald Schieferecke (Chair) Present
Daniel Alonzo (Vice-Chair) Present
Bruce Thomas Present
Paul Hepner Present
Leon Reed Present
Rick Zetterman Present
Allan Inge Present
Anna Sparks Present
Jessica Ohrstrom Sandgren Present

Also attending were Grant Penland, and Jay Ruchti of the City Development Department; Joanne Herlihy, Assistant City Attorney; and Victoria Nagel and Alicia Dominguez, 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. INGE AND SECONDED BY MR. HEPNER TO APPROVE THE JUNE 21, 2016 MEETING MINUTES. MR. ZETTERMAN REQUESTED THAT HIS NAME BE CORRECTED ON PAGE FOUR OF THE JUNE 21 MINUTES. MOTION PASSED UNANIMOUSLY.

NEW BUSINESS – PUBLIC HEARINGS:

DP 2015-026: A Resolution for a Development Permit (DP) to consider approval of the site plan, landscape plan and architectural elevations to develop an approximately 42,000 square-foot grocery store with an accessory motor vehicle fueling station on approximately 6.048 acres. (Thornton Valley Wal-Mart Neighborhood Market – located south of Thornton Parkway between Welby Road and Colorado Boulevard).

The floor was opened at 6:03 p.m.

At this time, individuals wishing to provide testimony during the public hearings were sworn in by the Recording Secretary.
Grant Penland introduced Jay Ruchti as the case presenter for DP 2015-026. Mr. Ruchti presented a staff report, slides and entered into the record *City’s Exhibit A, the Affidavit of Posting* and the legal notice for the case from the Thornton/Northglenn Sentinel which is the *City’s Exhibit B*.

Charlie Smith attorney with the law firm of Brownstein Hyatt Farber and Schreck, 41017 17th Street, Suite 2200 Denver, CO 80202, noting he had been sworn. Mr. Smith provided a brief description of the project. He then introduced Matt Loevenguth from Galloway.

Matt Loevenguth of Galloway located at 6162 South Willow Drive, Greenwood Village, CO 80210 confirmed that he had been previously sworn. He provided details of the building structure, site plan and access drives.

Paul Sanders from BRR Architecture, 6700 Antioch Plaza, Suite 250, Merriam, KS 66202 indicated that he was previously sworn. Mr. Sanders stated he was the architect of the project and provided an overview of the project.

Mr. Zetterman asked if there would be an attendant on duty at the fueling station. Mr. Sanders indicated there would be a person inside the convenience store.

Mr. Alonzo asked the square footage of the store and if it were open 24 hours per day. Mr. Sanders stated the square footage is 740 and that the store is open 24 hours.

Dr. Ernestine Garcia, 3573 East 94th Avenue, Thornton, CO confirmed she was previously sworn. Dr. Garcia voiced concerns regarding rodent control and drainage. She questioned the construction start date and any new traffic signals. Mr. Loevenguth responded that strict measures, meeting both state and local code, would be used to control rodents. He explained the drainage plans mentioning support and approval of the Ditch Board Company. Anticipated construction start is between November 1, 2016 and March 1, 2017. Traffic signals will be installed at 95th Avenue and Colorado Boulevard.

Victor Jaramillo, 9456 Cherry Street, Thornton, CO confirmed he was previously sworn. Mr. Jaramillo states that he is opposition. He mentions there are other stores within a two-mile radius. He is concerned about traffic volume and potential accidents. Mr. Reed asked if there had been community meeting regarding this project. Mr. Ruchti stated there was not a community meeting as code does not require it.

Toni Klein, 9208 Welby Circle, Thornton, CO 80229 was sworn in at this time. Ms. Klein has concerns about shopping carts being managed. Mr. Loevenguth responded that the store personnel would be responsible for carts and mentioned cart corrals as displayed on the plans.
Miguel Salazar, 3725 East 94th Avenue, Thornton, CO 80229 confirmed he was previously sworn. He asked about flood mitigation plans and tree replacement. He also asked if a wildlife study had been done. Mr. Salazar mentioned his concern about the traffic study. Mr. Loevenguth responded that the retention pond has been sized to accommodate a 100 year flood.

Mr. Schieferecke asked what would occur when the retaining tank reached capacity. Scott Brown with Galloway, 6162 South Willow Drive, Suite 320 Greenwood Village, CO states that he has been sworn. Mr. Brown discussed the over-flow plan.

Mr. Loevenguth further explained that trees, larger than the required minimum size, will be used to replace existing smaller trees.

Ms. Ohrstrom Sandgren asked about the 2015 Traffic Study. Mr. Rutchi explained that the City Engineers are responsible for the review of the Traffic Study and are not in attendance because it is not in the Board’s purview to review. The Traffic Study was completed in 2015. Ms. Ohrstrom Sandgren then inquired why a wildlife study was not completed. Mr. Ruchti said that the Colorado Division of Wildlife did not respond to a request for comments, as there are no endangered species on site.

Lou Monarez, 3749 East 94th Avenue, Thornton, CO 80229 confirmed he was previously sworn. Mr. Monarez voiced his concerns regarding traffic accidents, rodent population, property values and requested the distance between the homes and the store be specified. Mr. Loevenguth stated the distance between the homes is approximately 800 feet.

Janet Copler, 3861 East 94th Avenue, Thornton, CO 80229 was sworn in at this time. Ms. Copler voiced her thoughts about drainage, traffic accidents, community concerns, crime, and property values. Mr. Schieferecke stated the traffic studies have been completed and is in adherence to code.

Kenneth Winslow, 9386 Jackson Street, Thornton, CO 80229 was sworn in at this time. Mr. Winslow states that he feels that this is a welcome addition to the neighborhood. He believes having a market and light-rail station within walking distance is a positive.

Tamara Luthye, 9430 Bellaire Street, Thornton CO was sworn in at this time. Ms. Luthye asked if a cross-walk would be established at 95th Avenue and Welby Road. Mr. Loevenguth stated that there are not any current plans for a cross-walk in that location.

George Silva, 9391 Garfield Street, Thornton, CO 80229 was sworn in at this time. Mr. Silva questioned police resources for increased crime potential in the area. Mr. Ruchti stated that the police department was not involved in the review of this development project.
Closed floor at 7:18 p.m.

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

**DISCUSSION:**

Mr. Zetterman stated that the proposed project meets all design standards of Thornton and will enhance the surrounding area. He mentioned that he felt it would bring jobs to the area. He believes it will help the community.

Mr. Inge stated that many concerns brought to the board are not in the pervue. He believes it will be a nice addition to the community.

Ms. Ohrstrom Sandgren agreed that this will be a nice addition to the community. She thinks it’s great to have jobs within walking distance.

**MOTION PASSED UNANIMOUSLY.**

**OTHER MATTERS:**

Grant Penland made the board aware that at this time the expectation is for one item for the next meeting on July 19.

**THE MEETING WAS ADJOURNED AT 7:24 p.m.**

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

____________________________
Donald Schieferecke, Chairperson

ATTEST:

_____________________________________
Recording Secretary
The City placed a notice of tonight’s public hearing in the July 7, 2016 Northglenn-Thornton Sentinel and sent notices by first class mail to adjacent property owners as required by Code. The applicant did not post signs on the property as required by Code; therefore, the Board cannot take any action on the case. The case will be rescheduled for a later date. New notices will be placed in the newspaper and sent to adjacent property owners as required by Code.

The Board should not take any action on the application at this July 19, 2016 public hearing.
CITY OF THORNTON
DEVELOPMENT PERMITS AND APPEALS BOARD
PUBLIC HEARING
OPENING REMARKS

1. Announce Name of Agenda Item for Public Hearing and Include Case Number.

2. Call the Public Hearing to Order:

   This public hearing is hereby called to order. I, Donald Schieferecke, 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 Sections 18-50 and 18-52 of the Thornton City Code ("Code") for the purpose of receiving testimony and evidence concerning a request for issuance of a Development Permit with a Specific Use Permit, as noted in the Applicant's application, dated March 8, 2016, by Daniel J. Smith on behalf of Osborne LTD.

   Requests for Development Permits are reviewed based upon the following factors:

   - Compliance with architectural requirements of the Code for compatibility with the surrounding developments sites;
   - Site plan review related to orientation of the structures, fencing, lighting, vehicle and pedestrian access, and parking locations on the development site;
   - Landscaping type and orientation on the development site.

   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?

   SWARING 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: July 19, 2016

Title: York Street Station - Godfather's Pizza Restaurant with Drive-Through –
Development Permit/Specific Use Permit (DP/SUP), in the Community Retail
(CR) Zoning District

File: DP 2016-006

Prepared by: Ty Robbins, Planner I

Location: 2350 East 120th Avenue; south of East 120th Avenue and west of York Street

Applicant: Daniel J. Smith

Owner: Osborne LTD

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

1. Application (March 8, 2016)
2. Site Plan (June 9, 2016)
3. Architectural Elevations (June 9, 2016)
4. Letter Addressing SUP Criteria (April 29, 2016)

REQUEST SUMMARY:

This application is a request for approval of a Development Permit/Specific Use Permit (DP/SUP) including the site plan for a 2,481 square-foot drive-thru restaurant. The property is located south of East 120th Avenue and west of York Street. The building is existing and the restaurant recently obtained a Certificate of Occupancy to begin operations with the exception of drive-through service, which requires a Specific Use Permit in the Community Retail zoning district.

PROPERTY INFORMATION:

- Existing Zoning
  Community Retail (CR)
- Existing Land Use
  Vacant
- Size of Site
  0.8672 acres
- Comprehensive Plan Designation
  Commercial
SURROUNDING ZONING AND LAND USE(S):

West: Zoned CR and developed as retail/personal service  
East: Zoned CR and developed as retail/personal service  
South: Zoned MF and developed as multifamily residential  
North: Zoned CR and developed as retail/personal service

PROPERTY HISTORY:

- The site was annexed into the City in January of 1971, by Ordinance No. 371.
- The property was rezoned to Planned Unit Development (PUD) on August 26th, 1985, by Ordinance No. 1468 to allow the use of the property as an automotive-oriented neighborhood retail shopping center.
- A PUD amendment was approved on September 9th, 1991, by Ordinance No. 2114 to expand the permitted land uses to include an amusement arcade and a billiard hall.
- The York Street Station Subdivision Plat was recorded on May 13th, 1992, by Reception No. B1065760.
- The property was rezoned to CR on January 25, 1993, by Ordinance No. 2230 as part of the transitional rezoning of the City.
- The site has been developed and used for automotive repair, amusement, and various retail, personal service and office uses.

GENERAL SITE LAYOUT:

The proposed development plan is consistent with the site design standards specified in Chapter 18 of the Thornton City Code, including building setbacks, on-site parking, landscaping, architecture and related site design requirements.

The existing one-story building is located on the south side of East 120th Avenue between York Street and the RTD commuter rail line. Pedestrian and vehicular access is provided on the north side of the property with ingress/egress on East 120th Avenue. The proposed drive-through lane is located on the west side of the building. Five drive-through stacking spaces have been provided per Code requirements.

An administrative Minor Development Permit (MDP 2016-008) was approved on February 23rd, 2016 for a 202 square-foot outdoor seating area and a 246 square-foot building addition, which included a walk-in cooler and the proposed pick-up window area. As a condition of approval for the MDP, the applicant is restricted from using the pick-up window for drive-through service until a Specific Use Permit is approved.

Development Permit Factors to Consider: Pursuant to Sec. 18-50, the Board shall use the following criteria to evaluate a major development permit:

a. The proposed development is consistent with an approved conceptual site plan for the property; and
A Conceptual Site Plan does not exist for the development. The commercial center was originally developed in 1985.

b. The proposed development meets the requirements of this chapter and other applicable development regulations, standards, requirements, or plans adopted by the council.

The proposed development meets all requirements of Chapter 18, including setbacks, parking, landscaping and architecture.

Specific Use Permit Factors to Consider: A restaurant with drive-through within this zoning district is only allowed with the approval of an SUP. An SUP is evaluated as to its probable effect on the adjacent property and the community welfare. In order to grant an SUP pursuant to Section 18-52 of the Thornton City Code, the use shall:

- Complement or be compatible with the surrounding uses and community facilities.
- Contribute to, enhance, or promote the welfare of the area of request and adjacent properties.
- Not be detrimental to the public health, safety or general welfare.
- Conform in all other respects to all applicable zoning regulations and standards.
- Be in conformance with the Comprehensive Plan.

The proposed restaurant with drive-through use will complement and be compatible with the surrounding land uses. There are several existing commercial land uses in the immediate vicinity including an automotive service center, car wash, liquor store, medical office, restaurants, and a variety of retail and personal service uses. In addition, there are existing drive-through restaurants located along East 120th Avenue, including two that are within 1,000 feet of the subject property. The proposed use will contribute to the economic welfare of the area by providing more options for consumers, thus supporting a healthy and competitive retail environment in the City. The use should not be detrimental to the public health, safety or general welfare, since restaurants with drive-throughs are common along arterial streets. The proposed use conforms to all applicable zoning regulations and standards, and it is in conformance with the Comprehensive Plan land use designation of Commercial. The use further supports the Comprehensive Plan by supporting the following policies:

5.5.3 Address issues of declining competitiveness of older centers with new development.
The proposed development will help revitalize a commercial development that has existed for decades. New business in this development promotes the competitiveness and overall vitality of an older commercial center.

5.5.4 Ensure that all new residential neighborhoods are adequately served by quality community and neighborhood scale commercial centers at appropriate locations.

There are many residential neighborhoods within close proximity to the proposed development, and the proposed drive-through restaurant will serve those residents of the surrounding neighborhoods. Located along an arterial roadway, the restaurant will also provide service to customers traveling to or from communities further away.

6.2.1 Promote the development and maintenance of healthy, sustainable, and viable commercial centers.

The proposed development promotes the health and sustainability of a commercial center that has existed for many years. The improvements will ensure that the commercial center remains competitive and will contribute to the overall economic welfare of the City.

Potential impacts on adjacent properties: There are minimal anticipated impacts on adjacent properties. The site has historically been used for a variety of commercial uses, and the proposed drive-through restaurant should not be detrimental to the surrounding areas.

Parking: A total of 17 regular parking spaces and one handicap accessible space are required for the proposed restaurant. A total of 36 regular spaces and two handicap accessible spaces are proposed. The parking requirement for restaurants with drive-through service is one parking space for every 150 square feet of floor area. Before a Certificate of Occupancy is granted for the vacant tenant space, staff will re-evaluate the parking requirements to ensure minimum on-site parking for both uses is met.

Site Lighting: There are no proposed changes to site lighting.

Zoning Compliance: This property is zoned CR. The development of a drive-through restaurant is permitted with approval of a Specific Use Permit.

Signage: All on-site signage for the project was reviewed and approved administratively by separate permit. If the SUP is granted for the drive-through, directional signage will be installed for the drive-through lane area as depicted on the site plan.
TRAFFIC, CIRCULATION AND DRAINAGE:

Internal circulation on the site was reviewed by Current Planning and Development Engineering. Adequate vehicle access and circulation have been provided.

The traffic impacts of the proposed development can be accommodated by the existing roadways.

There are no proposed changes to site grading or impervious surface. Drainage for the site will continue to conform to existing conditions.

LANDSCAPING:

There are no proposed changes to landscaping on the site.

ARCHITECTURE:

Modifications to the existing architecture were previously reviewed and approved administratively under MDP 2016-008. The existing stucco façade was re-painted and a new aluminum storefront system and patio railing were installed. A portion of the roof was replaced with metal panels. As part of the drive-through plans, a bollard will be installed to provide for safe pedestrian access into the building and will be painted to match the storefront and patio railing. All changes comply with the commercial design standards contained in Section 18 of the City Code.

PUBLIC NOTICE AND RESPONSE:

Public Notification: All landowners within 1,500 feet of this site were sent notice of the public hearing ten days prior to July 19, 2016. A public notice of the hearing was advertised in the Northglenn-Thornton Sentinel on July 7, 2016. Notification of the public hearing was posted on the property for ten days prior to the public hearing.

ACTIONS AND OPTIONS OF THE DEVELOPMENT PERMITS AND APPEALS BOARD:

Requests for a DP/SUP are heard by the Board at a public hearing pursuant to Section 18-50 and 18-52 of the Thornton City Code. The Board is the decision-maker for the approval or denial of the DP/SUP application.

APPROVAL of the DP/SUP will allow the property to be used as a restaurant with a drive-through.

DENIAL of the DP/SUP will not allow the property to be used as a restaurant with a drive-through. The business will be allowed to continue to operate as a restaurant without a drive-through.
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 CR Zoning District.

4. The proposal satisfies the criteria contained in Section 18-52 for granting a Specific Use Permit.

RECOMMENDATION:

Staff recommends APPROVAL of DP 2016-006 based on the previous Findings and subject to the Conditions as listed in the attached approval Resolution.

Ty Robbins, Planner I
(GP)
(JO)
NOTICE OF PUBLIC HEARING
DP/SUP 2016-006

The Development Permits and Appeals Board of the City of Thornton will conduct a public hearing concerning a Development Permit/Specific Use Permit for a proposed drive-through restaurant located at 2350 E. 120th Ave.

The subject property is generally located south of E. 120th Ave. and west of York St.

This hearing will be held on July 19, 2016 at 6:00 p.m. at the Thornton City Council Chambers, 9500 Civic Center Drive, Thornton, Colorado.

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

If you are disabled and planning to attend this public meeting and require assistance in understanding or participating, please notify the City’s ADA Coordinator at (303) 938-7246, at least eight hours in advance and arrangements will be made to provide any assistance that may be required. TDD access is available through Colorado Relay at 711 or you can also email the City Development Department at citydevelopment@cityofthornton.net.

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 located at www.cityofthornton.net. Further, any interested party may appear at this hearing or may communicate to the Development Permits and Appeals Board by written notice. Written notice must be received prior to, or during the public hearing.

Donald Schieferecke, Chairperson

ATTEST: Nancy A. Vincent, City Clerk
APPROVED AS TO FORM: Margaret Emerich, City Attorney
PUBLISHED: July 7, 2016
July 5, 2016

RE: NOTICE OF PUBLIC HEARING DP/SUP 2016-006

Property Owner:

The Development Permits and Appeals Board of the city of Thornton will conduct a public hearing concerning a Development Permit/Specific Use Permit for a proposed drive-through restaurant located at 2350 E. 120th Ave.

You are receiving this notice because you own property within 1500 feet of the subject property, which is generally located south of E. 120th Ave. and west of York St.

This hearing will be held on July 19, 2016 at 6 p.m. at the Thornton City Hall in the Council Chambers, 9500 Civic Center Drive, Thornton, Colorado.

All concerned residents and business representatives are invited to attend. If you have any questions concerning this matter, please contact the City Development Department at 303-538-7443.

The Development Permit Appeals Board agenda is on the city of Thornton website at www.cityofthornton.net.

If you are disabled and planning to attend this public meeting and require assistance in understanding or participating, please notify the City’s ADA Coordinator at 303-538-7245, at least eight hours in advance and arrangements will be made to provide any assistance that may be required. TDD access is available through Colorado Relay at 711 or contact the City Development Department by email at citydevelopment@cityofthornton.net.

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 located at www.cityofthornton.net. 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.

Sincerely,

Ty Robbins
Planner I

cc: FILE DP/SUP 2016-006
March 8, 2016
REVISED: April 29, 2016

Mr. Ty Robbins - Planning Technician
City Development Department
9500 Civic Center Drive
Thornton, Colorado 80229-4326

RE: Godfather’s Pizza #01 – Thornton, CO
Specific Use Permit Application – Pick-Up Window - Letter of Intent

Mr. Robbins,

On behalf of our client, Samus Enterprises, we submit this Letter of Intent for the Specific Use of a drive-through (pick-up) window for Godfather’s Pizza.

Our client is a leasing tenant in an existing building located at 2350 E. 120th Ave. The space will be a 2,481 square foot dine-in/take-out pizza restaurant. As there are many examples of casual restaurants in the immediate vicinity, Godfather’s Pizza and the pick-up window use are compatible with the surrounding uses and complements the area by providing a dining alternative to the business and residences nearby. As most of the existing restaurants in this area are located on the north side of E 120th Avenue, the location of Godfather’s Pizza will enhance the existing development at York Street Station and provide more value and revenue than the previous outlet bakery tenant. The proposed use is not detrimental to the public welfare and conforms to all applicable zoning regulations and standards.

The building was originally developed as a Conoco service center. One of the aspects of the site that appealed to our client is the existing covered area where the fuel pumps were previously located. The structure and the former use lend themselves well to the proposed pick-up window and facilitate vehicular circulation through the site.

Unlike a typical drive through use, the Godfather’s pick-up window is a convenience for guests who have pre-ordered (and most often, pre-paid). There will be no exterior menu board and corporate policy dictates that no orders be taken at any point in the process.

Per our previous discussions with you, we have proposed a plan with five vehicle stacking spaces for the pick-up lane as required by code.

Directional striping and signage will direct customers into a ‘Pick-Up Window Only’ lane while maintaining the required 22’ width for ingress/egress lane to parking. We propose significant directional striping and signage to direct cars to the pick-up window.

Also, at the request of the landlord, we will provide a stop sign in the north-bound lane to freely allow southbound cars from 120th to enter the Godfather’s parking and pick-up lanes.

Thank you very much for your consideration. Please let us know if you need anything further.

Sincerely,

Shane Martin, AIA
Principal – Arrow B Architecture, LLC
SPECIFIC USE PERMIT
GODFATHER'S PIZZA
LOT 2, YORK STREET STATION SUBDIVISION

SITE NOTES:
1. EXISTING EXTERIOR LIGHTING TO REMAIN. NO CHANGE

PARKING:
PARKING ANALYSIS PER CODE OF THE CITY OF THORNTON, ARTICLE V - DEVELOPMENT STANDARDS, DIVISION 6, OFF-STREET PARKING - SECTION 18.96.

RESTAURANT WITH DRIVE THRU: ONE SPACE FOR EACH 150 SQUARE FEET OF FLOOR AREA. MINIMUM OF FOUR SPACES IS REQUIRED.

SPACES REQUIRED FOR TENANT: 2,641 SF / 15 SPACES

SPACES PROVIDED: 36 SPACES

ACCESSIBLE SPACES REQUIRED: 2
ACCESSIBLE SPACES PROVIDED: 2

EXISTING SPACES FOR BUILDING = 36
General Description:
The R-7576 Decorative Bollard offers a classic, simple design suitable for any location. Made from malleable carbon steel, R-7576 bollards feature decorative annular rings for added texture. Bollard surfaces are protected by a durable powder coating, available in 8 standard colors, to prevent wear and corrosion. Use as fixed, stand-alone bollards or cover impact-resistant security posts. Removable bollard bands are available.

Specifications:
- Height: 36 1/4"
- Base Diameter: 3 1/4"
- Weight: 51 lbs (Bollard Only)
- Material: Ductile Iron
- Max. Interior Security Post Size: 4 1/2" x 3/8" (Diameter x Height)

Finish Options:
- Polymer Powdercoated
  See Reliance Foundry's standard color options at www.reliance-foundry.com/products/finish.html

Installation Options:
- Filled - Anchor Castings in New Concrete
- Filled - Concrete Insert Anchors in Existing Concrete
- Filled - Adhesive Anchors in Existing Concrete
- Post Cover - New Post in New Concrete
- Post Cover - New Post with Adhesive Anchors
- Removable - Anchor Castings in New Concrete
- Removable - Concrete Insert Anchors in Existing Concrete
- Removable - Base Plate
- Removable - Premium Base Plate

For more information on bollard post installation, please visit www.reliance-foundry.com/brdinst/instatnluat.html

Care and Maintenance:
Reliance's line of bollards are finished with a long-lasting powder coat. Proper care and maintenance are required. Regularly performed inspections and routine cleaning will ensure that a bollard retains its aesthetic appeal and does not become damaged by the elements.

See Reliance Foundry's maintenance guide at www.reliance-foundry.com/products/maintenance.html

PARTS LIST

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<th>PART NUMBER</th>
<th>DESCRIPTION</th>
<th>MATERIAL</th>
<th>WEIGHT</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>1</td>
<td>R7576B</td>
<td>R7576 Base</td>
<td>Ductile Iron</td>
<td>47 lbs</td>
</tr>
<tr>
<td>2</td>
<td>1</td>
<td>R7576C</td>
<td>R7576 Cap</td>
<td>Ductile Iron</td>
<td>4 lbs</td>
</tr>
<tr>
<td>3</td>
<td>1</td>
<td>R7500INSERT 3/4&quot;</td>
<td>R7500 Drop-In Concrete Anchor 3/4&quot; - requires 2 1/2&quot; x 3/8&quot; hole (dia. x depth)</td>
<td>Steel Plated</td>
<td>3 lbs</td>
</tr>
<tr>
<td>1</td>
<td>1</td>
<td>R7500BMA 3/4&quot;</td>
<td>R7500 Threaded Bar 3/4&quot; x 32&quot;</td>
<td>Steel</td>
<td>1.5 lbs</td>
</tr>
<tr>
<td>5</td>
<td>1</td>
<td>plain Washer 3/4&quot;</td>
<td>plain washer 3/4&quot;</td>
<td>Steel Plated</td>
<td>0.5 lbs</td>
</tr>
<tr>
<td>6</td>
<td>1</td>
<td>Hex Nut 3/4&quot;</td>
<td>hex nut 3/4&quot;</td>
<td>Steel Plated</td>
<td>0.1 lbs</td>
</tr>
<tr>
<td>7</td>
<td>1</td>
<td>Hexagon Socket set screw 3/8&quot; x 1/4&quot;</td>
<td>Hexagon socket set screw 3/8&quot; x 1/4&quot;</td>
<td>Stainless Steel</td>
<td>0.05 lbs</td>
</tr>
<tr>
<td>8</td>
<td>1</td>
<td>Polyethylene plug for 3/8&quot; set screw</td>
<td>Polyethylene plug for 3/8&quot; set screw</td>
<td>Polyethylene Plastic</td>
<td>0.05 lbs</td>
</tr>
</tbody>
</table>

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RESOLUTION

A RESOLUTION OF THE THORNTON DEVELOPMENT PERMITS AND APPEALS BOARD (BOARD) APPROVING A DEVELOPMENT PERMIT/SPECIFIC USE PERMIT (DP/SUP) FOR A SITE PLAN FOR AN APPROXIMATE 2,500 SQUARE-FOOT RESTAURANT WITH DRIVE-THROUGH PURSUANT TO CHAPTER 18 OF THE THORNTON CITY CODE.

WHEREAS, Daniel J. Smith is the applicant ("Applicant") and Sook Investment Corp. is the owner ("Owner") of certain real property (Property) within the City of Thornton (City), commonly described as Lot 2, York Street Station Subdivision; and

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

WHEREAS, the Applicant is desirous of developing the Property for a restaurant with drive-through; and

WHEREAS, the proposed use is consistent with the approved zoning for this Property; and

WHEREAS, the proposed DP/SUP 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, in order to develop the Property, the Applicant has submitted an application for a DP/SUP on the 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/SUP, and all supporting documents attached thereto, is hereby incorporated as if fully set forth herein; and

WHEREAS, on July 19, 2016, 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/SUP 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/SUP for the Property is appropriate in that said DP/SUP meets all of the site design standards provided in Chapter 18 of the Thornton City Code.

3. The Board finds that the proposed restaurant with drive-through use conforms to the requirements of Section 18-52 of the Thornton City Code for a SUP as follows:
   a. The proposed restaurant with drive-through use will be compatible with the surrounding uses, which are small businesses such as personal service, inline retail, and automotive service.
   b. The proposed use will contribute to, enhance, and promote the welfare of the area of the request and adjacent properties by developing a vacant infill parcel.
   c. The proposed restaurant with drive-through use will not be detrimental to the public health, safety, or general welfare.
   d. The proposed restaurant with drive-through use conforms in all other respects to all applicable zoning regulations and standards.
   e. The proposed restaurant with drive-through use is consistent with the Comprehensive Plan and will facilitate implementation of the following goals of the Comprehensive Plan:
      5.5.3 Address issues of declining competitiveness of older centers with new development.
      5.5.4 Ensure that all new residential neighborhoods are adequately served by quality community and neighborhood scale commercial centers at appropriate locations.
      6.2.1 Promote the development and maintenance of healthy, sustainable, and viable commercial centers.

4. The Board hereby approves the DP/SUP for the Property, subject to the following conditions:
   a. The DP/SUP 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 (CO) has been issued for the Property, the DP/SUP 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/SUP 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. 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 19th day of July 2016.

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

__________________________
Donald Schieferecke, Chairperson

ATTEST:

__________________________
Secretary