



MEETING OF THE PLANNING COMMISSION BOULDER COUNTY, COLORADO

Regular Meeting Minutes

April 19, 2023, 2:00 p.m.
Third Floor Hearing Room
County Court House
1325 Pearl Street, Boulder

Commissioners Present: Ann Goldfarb
Sam Libby, Chair
Mark Bloomfield, Chair
Dave Hsu
Chris Whitney
George Gerstle
Rachel Medaugh

Commissioners Excused: Gavin McMillan, Vice Chair
Conor Canaday

1. **CALL TO ORDER**

2. **ROLL CALL**

3. **APPROVAL OF MINUTES/MISCELLANEOUS BUSINESS**

MOTION: Ann Goldfarb MOVED that the Boulder County Planning Commission APPROVE the meeting minutes from March 15, 2023.

SECOND: Chris Whitney

VOTE: Motion PASSED {6:0} Abstained: George Gerstle

4. **STAFF UPDATES**

Kim Sanchez, Deputy Director of Planning, welcomed new Planning Commissioners George Gerstle and Rachel Medaugh.

5. **ITEMS**

5.1 **Docket SU-18-0011: Mackintosh Academy**

Hannah Hippely, Long Range Planning Division Manager, presented the application for Jessica Dauchy, Mackintosh Academy and Danica Powell, Special Use and Site Specific Development Plan review amendment for an Educational Facility including: allowing an expanded use of the property through the reduction of the no build area, the construction of a new 4,355 -square-foot building (resulting in a maximum 25,000 sq. ft.) and site improvements, an increase in the number of students from 155 to 190 maximum all of which will be Kindergarten through 8th grade (removing the High School element of previous approvals), the removal of the restriction on staff numbers. The property is in the Estate Residential zoning district at 6717 S. Boulder Road, on the northwest corner of the intersection of S. Boulder Road and EDS Way (a private road), in Section 2, Township 1S, Range 70W.

PUBLIC HEARING OPENED

SPEAKERS: Danica Powell and Lyn Eller (agents for Mackintosh Academy); Jim Parker - Boulder, Svein Groem - Boulder.

PUBLIC HEARING CLOSED

MOTION: Dave Hsu **MOVED** that the Planning Commission **CONDITIONALLY APPROVE and recommend to the Board of County Commissioners conditional approval of Docket SU-18-0011: Mackintosh Academy with the conditions listed in the staff packet and with a further recommendation to amend condition 18 to specify more clearly occupancy limits of these events and also to clarify how condition 17 does not conflict with condition 18 after amending.**

SECOND: Sam Libby

Conditions of approval:

1. The applicants shall provide a Development Agreement, for review and approval by County staff, prior to the issuance of a license or permits by the Boulder County Community Planning & Permitting Department and prior to the recordation of said agreement within one year of approval.
2. Prior to the issuance of any building or grading permit related to the parking lot expansion, the applicant shall provide the details regarding the required EV charging station installation. The installation of the EV charging facilities shall occur as part of the parking lot expansion.
3. Prior to the issuance of any building or grading permit associated with the parking lot expansion or construction of the new building, the applicant shall provide a site lighting plan for review and approval which demonstrates that all proposed exterior site lighting meets the requirements found in Article 7.
4. Prior to issuance of any permit for the new building the applicant shall demonstrate compliance with applicable Public Health regulations including but not limited to those associated with childcare and the use of the kitchen in the new building.
5. Prior to the issuance of any building or grading permit, the applicant shall submit a revegetation plan for review and approval.
6. At the time of building or grading permit, the applicants must work with the Public Works Department to obtain a Stormwater Quality Permit (SWQP).
7. Prior to the issuance of a building permit for the new structure the applicant shall provide a letter from the City of Lafayette indicating that adequate water service and facilities are provided to the site and that the permit may be issued.
8. The Educational Facility will serve pre K-8th grade students and shall not include students beyond 8th grade.
9. The no build zone is approved to be reduced to allow for the construction of the new

building, the revised No build Zone shall be documented in the development agreement as an exhibit.

10. The maximum allowed Floor Area on the site is 25,000 sq. ft. The applicant shall obtain building permits for the deconstruction of all Floor Area so that the overall Floor Area on the parcel can be tracked over time. A building permit for the new structure shall not be issued until there is a sufficient reduction in existing Floor Area so the 25,000 sq. ft. limit is observed.

11. Prior to the issuance of a building permit the exterior color of the new building shall be reviewed and approved by staff. Colors must be medium to dark earth tone colors to mitigate the visual impact of the building.

12. Prior to any application for any building or grading permits, the applicants shall develop a wildfire mitigation plan for the site, the plan shall be reviewed and approved by a county wildfire mitigation specialist.

13. The full implementation of the proposed Transportation Demand Management Plan is required. This plan shall be included in the development agreement.

14. The installation of the proposed of a crosswalk at Ed's Way and the development of a signing plan for the crosswalk is required. Prior to execution of the development agreement, the signing plan must be agreed to or approved. The plan must be implemented prior to increases in student population or within a timeframe agreed to within the development agreement.

15. The development of mitigation measures to facilitate a safe crossing of South Boulder Road from the bus stop on the south side of the road are required. Prior to execution of the development agreement, the mitigation plan must be approved by the Public Works Department and included in the development agreement. The plan must be implemented prior to increase in student population or within a timeframe agreed to within the development agreement.

16. Prior to execution of the development agreement, a dimensioned parking plan that demonstrates compliance with the Boulder County Multimodal Transportation Standards including but not limited to the provision of sufficient bicycle parking and ADA compliant spaces shall be provided.

17. Occupancy of the site is limited to 240 people; this would allow the requested 190 students and 50 staff members.

18. Twenty annual Student Events (such as drama productions, art shows, science fairs where students and parents attend the events) and 5 annual Parent Events (such as back to school night, conferences where only parents attend the events) are permitted under this approval. No other events are authorized except as expressly provided herein.

19. Outdoor amplification will be allowed on the new building facing campus inward only between the hours of 8a.m. – 5 p.m., with occasional performances/gatherings that would end by 9 p.m.

20. The applicants shall be subject to the terms, conditions, and commitments of record and in the file for docket SU-18-0011: Mackintosh Academy.

VOTE: Motion PASSED {7:0}

5.2 Docket SU-22-0010: Prairie Orchard Reception Hall and Vacation Rental

Pete L'Orange, Planner II, presented the application for Prairie Orchard LLC (Stephanie and Jason Duffy), Special Use Review request for the establishment of a Reception Hall venue with a second primary use of a Vacation Rental, using existing structures on an

approximately 3.65 acre parcel in the Agricultural zoning district. The property is at 5114 Niwot Road, Parcel number 131733000002, located approximately 0.5 mile west of the intersection of Niwot Road and 55th Street, Section 33, Township 2N, Range 70W.

At approximately 4 p.m., Commissioner Sam Libby departed the hearing.

PUBLIC HEARING OPENED

SPEAKERS: Kim Lord (Agent) - Boulder, Stephanie and Jason Duffy - Longmont (Applicants)

At approximately 4:35 p.m., the Planning Commission took a brief break. They resumed the meeting at approximately 4:45 p.m.

Juliana Massaro - Boulder, pooled time with Terri Benjamin, Kathy Schneider, Christl Reinig-Everett (virtual) - all of Longmont, Dee Coulter pooled time with Mary Hiegel, Larry Royds, Debra Scott - all of Longmont, Paula Shuler pooled time with Joe Schapp and Terry Stonehocker - all of Longmont, Wayne Wagner pooled time with Susan Hicks (virtual) - both of Niwot, Chris Rahkshan - Longmont, Mary Bonial - Longmont, Alice Mead pooled time with Ryan Mead - both of Longmont, Daniel Moorer of Longmont pooled time with Marcia Purdy & Paul Griffin of Longmont, Michael Leidesdorff - Longmont, Rick Weidenbach - Niwot, Catherine McHale - Niwot, Robyn Morgan - Longmont, Sabrina Gerringer - Longmont, Debra Royds - Longmont, Kristin Lhatso - Longmont pooled time with Louisa McGarty of Longmont, Ed Byrne - Boulder, Mary Stewart - Niwot/Longmont, Beth Potter - Longmont, Kitty Kaler - Longmont, Barbara Fusco - Longmont, Jordan Belfast - Niwot, Floyd Duffy - Eagle, Paul Camky - Rocklin, CA, Sue Boorman - Niwot, Scott Collins - Longmont, Rebecca Mayernik- Longmont.

PUBLIC HEARING CLOSED

MOTION: Dave Hsu **MOVED** that the Planning Commission enter Executive Session to receive legal advice pursuant to C.R.S. § 24-6-402(4)b.

SECOND: Chris Whitney

VOTE: Motion PASSED {6:0}

At approximately 7:05 p.m., the Planning Commission entered Executive Session. They reconvened at approximately 7:13 p.m.

MOTION: George Gerstle **MOVED** that the Planning Commission **DENY** and recommend to the Board of County Commissioners **DENIAL** of Docket SU-22-0010: Prairie Orchard Reception Hall and Vacation Rental.

SECOND: David Hsu

VOTE: Motion PASSED {5:1}

6. ADJOURNMENT

Chair Bloomfield adjourned the meeting at approximately 7:50 p.m.