



# Community Planning & Permitting

Courthouse Annex • 2045 13th Street • Boulder, Colorado 80302 • Tel: 303.441.3930

Mailing Address: P.O. Box 471 • Boulder, Colorado 80306 • [www.bouldercounty.gov](http://www.bouldercounty.gov)

## August 15, 2023 Business Meeting Memo

**STAFF PLANNER:** Sam Walker – Planner II

### **SU-20-0005: Hillside School Modification**

**Request:** Modification to an existing Special Review and Site Specific Development Plan (SU-03-09) to approve the phased construction of a new school building and reconstruction of an existing school building, for a total floor area of 14,284 square feet, containing 13 total classrooms for up to 136 students (68 during a morning session, and 68 during an afternoon session).

**Location:** 7415 Lookout Road, located on the north side of Lookout Road approximately 650 feet west of its intersection with N. 75th Street, in Section 1, Township 1N, Range 70W.

**Zoning:** Suburban Residential (SR) Zoning District

**Applicant:** Caddis PC

**Owner:** Hillside Learning Center

### **PACKET CONTENTS**

Item	Pages
o Staff Memo	1 - 2
o Applicant’s Extension Request (Attachment A)	A1
o BOCC Action Letter and Resolution 2022-031 (Attachment B)	B1 – B8

### **SUMMARY**

On August 2, 2022, the Board of County Commissioners approved docket SU-20-0005 Hillside School Modification, subject to several conditions of approval that were reflected in Resolution 2022-056. Condition 1 of the Resolution requires the recordation of a Development Agreement within one year of the date of approval. Staff and the applicant request an extension of this 1-year deadline to allow for review of the completed Development Agreement.

### **DISCUSSION**

Docket SU-20-0005: Hillside School Modification was approved during a hearing by the Board of County Commissioners (BOCC) on July 7, 2022. As part of their approval, the BOCC upheld the staff-recommended conditions, one of which required that:

*The Applicant shall provide a Development Agreement to the Community Planning & Permitting Department for review and approval prior to the issuance of a license or permits and prior to the recordation of said agreement within one year of approval.*

For the purposes of this condition, staff consider the adoption date of the BOCC resolution approving a docket to be the start of the 1-year timeframe for approval of the required Development Agreement. Resolution 2022-056 was adopted on August 2, 2022, meaning that the deadline to record an approved Development Agreement was August 2, 2023. A copy of the BOCC Action Letter and Resolution were provided to the applicant on August 25, 2022.

Staff and the applicant worked together throughout 2022 and 2023 to complete the post-approval requirements for SU-20-0005, and the applicant submitted a proposed Development Agreement on July 7, 2023, but staff have not had time to review or approve the document. Staff and the applicant request that the Board of County Commissioners **extend the deadline for recordation of a Development Agreement for SU-22-0005 Hillside School Modification by one year, with an end date of August 2, 2024.**

**Walker, Samuel**

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**From:** Kelly Siu <kelly@caddispc.com>  
**Sent:** Tuesday, July 11, 2023 10:21 AM  
**To:** Walker, Samuel  
**Cc:** Bryan Bowen; Lindsay Eddy  
**Subject:** [EXTERNAL] Hillside School Request for extension of Development Agreement

Dear Sam and County Commissioners,

This communication is to request a 12 month extension for review and approval of the Development Agreement for Hillside School Modification Docket SU-20-0005. Hillside's team is working through the Requirements to be met prior to recordation of the development agreement. However, the property has a mortgage and is taking time to execute an agreeable Subordination agreement. This extension would be more suitable for Hillside's internal timelines for fundraising, accommodating summer school break schedules, and working through mortgage agreements. Thank you for the continued project support and considering this extension request.

Kind Regards,

KELLY SIU | SENIOR ARCHITECT | LEED AP | NCARB

**caddis collaborative**

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August 24, 2022

Hillside Learning Center  
 7415 Lookout Road  
 Longmont, CO 80503

Caddis PC  
 Attn: Rachel Baker  
 1510 Zamia Ave., Suite 3  
 Boulder, CO 80304

Dear Applicants:

This letter certifies that a hearing of the Board of County Commissioners, County of Boulder, State of Colorado, was duly called and held on July 7, 2022 in consideration of the following request:

**Docket SU-20-0005: Hillside School Modification**

**REVISED REQUEST:** Modification to an existing Special Review and Site Specific Development Plan (SU-03-09) to approve the phased construction of a new school building and reconstruction of an existing school building, for a total floor area of 14,284 square feet, containing 13 total classrooms for up to 136 students (68 during a morning session, and 68 during an afternoon session). **ORIGINAL:** Modification to an existing Special Review and Site Specific Development Plan (SU-03-09) to construct a new 10,500-square-foot school building with 12 new classrooms for up to 68 students total on an approximately 1-acre parcel. The application is submitted by Hillside Learning Center (applicant/owner). The proposal is in the Suburban Residential (SR) Zoning District at 7415 Lookout Road, located on the north side of Lookout Road approximately 650 feet west of its intersection with N. 75th Street, in Section 1, Township 1N, Range 70W.

The Board of County Commissioners has determined that the request is CONDITIONALLY APPROVED, subject to the terms in the attached resolution.

Your approval may have included certain conditions that must be met. Please contact the Community Planning & Permitting Department for more information on any necessary requirements.

If you have any additional questions, please feel free to contact me at 303-441-3930 or via email at [swalker@bouldercounty.org](mailto:swalker@bouldercounty.org).

Sincerely,

Sam Walker, Planner II  
 Planning Division  
 Community Planning & Permitting Department

## RESOLUTION 2022-056

### **A resolution conditionally approving Boulder County Community Planning & Permitting Docket SU-20-0005: Hillside School Modification**

#### Recitals

A. Hillside Learning Center (the “Applicant”) requested Special Review approval under Article 4-600 of the Boulder County Land Use Code (the “Code”), and Site-Specific Development Plan approval for a modification of SU-03-09 to approve the phased construction of a new school building and reconstruction of an existing school building, for a total floor area of 14,284 square feet, containing 13 total classrooms for up to 136 students (68 during a morning session and 68 during an afternoon session) on an approximately 1-acre parcel.

B. The subject property is located at 7415 Lookout Road, on the north side of Lookout Road approximately 650 feet west of its intersection with N. 75th Street, in Section 1, Township 1 North, Range 70 W, in a Suburban Residential zoning district of unincorporated Boulder County (the “Property”).

C. The Property is platted as part of the Gunbarrel Estates 2nd Replat. It is located adjacent to the Niwot United Methodist Church and homes within the Gunbarrel Estates subdivision, and it is currently developed with a 4,264-square-foot school building.

D. The Boulder County Comprehensive Plan indicates that the Property is located entirely within an area of Very High Swelling Soil Potential.

E. The Applicant proposed a modification of the existing Special Use approval as an Educational Facility to add a new building, replace the existing building, and increase the number of allowed students.

F. This proposal results from a long history of schools operating on the Property, with multiple approvals modifying the original Special Use approval. A school was first proposed and approved on the Property under SU-17-0591: Raggedy Ann Preschool (approved September 30, 1971) when the Board of County Commissioners (the “Board”) conditionally approved the operation of a preschool on the Property with a cap of 80 three- and four-year-old students. SU-71-0591 was subsequently modified in 1979 under docket SU-71-0591-SR: Children’s World Early Learning Center to allow the construction of an addition to the school building, an increase in the allowed number of students to 110, and provisions for preschool, kindergarten, and before-, after-, and summer-school programs for students ages 2-12.

G. SU-71-0591-SR was then modified with a new proposal in 2003 as part of docket SU-03-0009: Boulder Jewish Day School. SU-03-0009 conditionally approved the establishment of a new kindergarten-through-fifth-grade school for 100 students along with regular- and after-school programming, evening events, seasonal festivals, and a carnival.

H. The Hillside School moved on the Property and began operating under the existing Special Use approval in 2005.

I. In 2019, the Hillside School submitted MD-19-0023 (SU-03-09): Hillside School Classroom Building to modify the existing Special Use approval to allow the construction of a 960-square-foot modular classroom building and 80 total students on the Property daily (students were split into morning and afternoon sessions such that 40 were present on the Property at any given time). This modification request was found to be minor according to the process outlined in Article 4-603 of the Code and was approved administratively by Community Planning & Permitting Department staff on October 9, 2019. The current project narrative submitted by the Applicants indicated that although this minor modification was approved, it was never acted on. Instead, the school currently operates in a morning and an afternoon session, each with 32 students, and the approved classroom building was never constructed.

J. The Applicant proposed to modify the existing approvals of SU-03-09 and MD-19-0023 to allow the continued use of the Property as an Educational Facility through phased expansion of the school facilities from 4,264 square feet to 14,238 square feet and an increase in the number of students from 64 to 136 split into morning and afternoon sessions. Staff notes that although the Hillside School currently serves a total of 64 students, the existing Special Use approval allows for up to 110.

K. The Applicant also indicated that the school currently serves students ages 6-14 but may extend the program to include an additional classroom for students ages 14-18. The Code requires three parking spaces per elementary- and middle-school classroom, and ten parking spaces per classroom for all other facilities (including high schools). These requirements have been incorporated into the Development Review Team – Access & Engineering referral response as well as the recommended conditions of approval.

L. Although the Applicant indicated a phased construction plan, with Phase 1 being construction of the new northern building and Phase 2 being the reconstruction of the existing building, the Applicant did not provide a timeline for the construction phases. The Applicant indicated the project timeline is dependent on fundraising by the school.

M. The Boulder County Planning Commission (the “Planning Commission”) considered the application at an online public hearing on March 16, 2022. The Planning Commission unanimously recommended approval subject to the conditions of approval listed in the staff

recommendation along with an additional condition requiring the Applicant to submit a lighting plan for staff approval prior to building permit submittal. The Planning Commission certified the docket for action to the Board.

N. The above-described request was processed and reviewed as Boulder County Community Planning & Permitting Docket SU-20-0005 (the “Docket”), as further described in the memorandum and written recommendation to the Board by Boulder County Community Planning & Permitting Department planning staff dated July 7, 2022, together with its attachments (the “Staff Recommendation”). The Staff Recommendation found that the Docket could meet the criteria for approval, and therefore, recommended that the Board conditionally approve the Docket.

O. At an online public hearing on the Docket held on July 7, 2022 (the “Public Hearing”), as further reflected in the official record of the Public Hearing, the Board considered the Staff Recommendation as well as the documents and testimony presented by Community Planning & Permitting Department staff. The Board also heard testimony from Jill Michaud and Bryan Bowen on behalf of the Applicant. Four members of the public spoke at the Public Hearing.

P. Based on the Public Hearing, the Board finds that the Docket meets the criteria for special use approval, as set forth in Articles 4-601 of the Code, subject to the conditions stated below.

Q. Therefore, the Docket can be approved subject to the conditions stated below.

Therefore, the Board resolves:

Docket SU-20-0005 is approved on the basis and terms set forth in this Resolution, above, and subject to the following conditions:

1. Within one year of the signing of this Resolution, the Applicant shall provide a Development Agreement to the Community Planning & Permitting Department for review and approval prior to the issuance of any permits and prior to the recordation of said agreement.

2. Prior to issuance of a Certificate of Occupancy for Phase 1, the Applicant shall submit evidence that they have obtained all applicable local, state, and federal permits for operation of the school.

3. The development must meet all requirements outlined in the Building Safety and Inspection Services Team referral response and the Building Code, including but limited to:

- a. Building Permits;
- b. Minimum Plumbing Fixtures;
- c. Accessibility;
- d. Design Wind and Snow Loads, and
- e. Plan Review

4. The size of the development is approved as proposed in the revised calculations submitted to staff on March 9, 2022. The total approved floor area is 14,238 square feet, including the 6,719-square-foot building to be located north of the existing building in Phase 1 and the 7,519-square-foot building that will replace the existing school building in Phase 2.

5. The maximum number of students allowed to attend the school is 136, split into a morning session and an afternoon session of 68 students each.

6. The submitted site plan dated November 10, 2021 is approved as proposed.

7. At building permit submittal, the plans should show access for fire apparatus within 150 feet of all ground-level areas of the building exterior.

8. At building permit submittal, the Applicant shall include a letter or other written confirmation from the City of Boulder expressly confirming that the City has no concerns with the following elements of the proposal:

- a. anticipated traffic impacts as identified in the Transportation System Impact Study dated September 16, 2020; and
- b. the proposed student drop-off/pick-up plan that utilizes two access points to Lookout Road (one from the Hillside School parcel and one from the Niwot United Methodist Church parcel).

9. At building permit submittal, the Applicant shall submit a copy of a City of Boulder access permit or other documentation of access permission for each point of access to Lookout Road.

10. At building permit submittal, the Applicant shall submit a revised parking plan that includes:

- a. confirmation of long-term legal access to 48 parking spaces. If, in the future, the Applicant does not have legal access to 48 parking spaces, the Applicant shall notify the Community Planning & Permitting Department and modify the number of students before the start of the upcoming school year to conform with the requirements of the Code;



- b. dimensions and labels as necessary to demonstrate compliance with the Boulder County Multimodal Transportation Standards' ADA parking requirements, including two ADA-accessible spaces, at least one of which must be van-accessible;
  - c. a minimum of four required bicycle parking spaces;
  - d. clear identification of where students will be dropped off/picked up and a traffic circulation pattern for vehicles used during drop-off/pick-up that demonstrates that student drop-off/pick-up will not disrupt traffic flow on Lookout Road. If the drop-off/pick-up location(s) will be located off-site, the plan must identify how students will get from those locations to the main entrance of the school; and
  - e. the locations and type of EV parking to demonstrate compliance with Article 4-516.W.5.c of the Code.
11. Plans submitted for permit must identify designated staging and worker parking areas.
12. The maximum height allowed for construction is 30 feet above existing grade.
13. The revised elevations dated March 3, 2022 are approved as proposed.
14. The submitted landscaping plan dated November 10, 2021 is approved as proposed.
15. To minimize adverse visual impacts to nearby residential properties, lighting on-site should be limited to one (1) fixture for each exterior entrance, and the use of landscape or driveway lighting is discouraged.

Prior to issuance of building permits, the Applicant shall submit to the Community Planning & Permitting Department for review and approval one copy of a proposed lighting plan. The lighting plan shall be included as part of the building plan set required at the time of permit application.

Down lighting is required, and all bulbs must be fully shielded to prevent light emissions above a horizontal plane drawn from the bottom of the fixture. All exterior light fixtures must conform to Articles 7-1600 and 18-162.A of the Code.

At final inspection, the Community Planning & Permitting Department must inspect and approve the full installation of the approved lighting plan.

16. Prior to issuance of building or grading permits, the Applicant shall submit to the Community Planning & Permitting Department for review and approval details regarding the placement and construction of the silt fencing or other appropriate erosion control measures. The

silt fence must be installed before construction commences and remain in place until vegetation is sufficiently established on the disturbed soil.

Prior to any grading or site disturbance, the silt barrier location and materials must be installed as required per the approved plans.

At the time of footing foundation inspection and all subsequent inspections, the Community Planning & Permitting Department must confirm the silt barrier location and materials have been installed as required per the approved plans. Any other areas on-site are subject to installation of silt fences, if needed.

17. At building permit submittal, the Applicant shall submit a revised drainage study that provides for consistent hydraulic details. The plan must be signed and stamped by a Colorado-registered Professional Engineer, Landscape Architect, or Architect.

a. The drainage study includes hydraulic analysis for 8-inch and 10-inch PVC pipes in Appendix C. However, plan sheet C1.O Drainage Plan in the application materials identifies 8-inch and 6-inch pipes, and the sheet notes mention the use of 4-inch perforated pipes. These issues must be rectified in the revised plan.

18. The Applicant shall be subject to the terms, conditions, and commitments or record and in the file for Docket SU-20-0005: Hillside School Modification.

**[Signature Page to Follow]**

A motion to approve the Docket was made by Commissioner Claire Levy, seconded by Commissioner Marta Loachamin, and passed by a 3-0 vote.

**ADOPTED** as a final decision of the Board on this 2nd day of August 2022.

**BOARD OF COUNTY COMMISSIONERS  
OF BOULDER COUNTY:**

Marta Loachamin  
Marta Loachamin, Chair

Claire Levy  
Claire Levy, Vice Chair

Matt Jones  
Matt Jones, Commissioner

ATTEST:

Cecilia Lacey  
Clerk to the Board