



Staff Report

Meeting Date: 03/12/18

Planner: Pam Hall

APPLICATION SUMMARY:

Project Name: Mackintosh Academy

Case Number: CDU17-0003

Application type: Amend existing Conditional Use to add an additional 4,200 square feet of building area

Location: 7018 S. Prince Street

Size of Property: 2.806 acres

Zoning: R-E Residential Estates District

Applicant: Mark Rudnicki

Owner: Mackintosh Academy

Applicant Request: The applicant is proposing to amend one of the conditions of CDU02-0800-011 to add an additional 4,200 square feet of building area

PROCESS:

A Conditional Use request calls for a Quasi-Judicial decision. **Quasi-judicial decisions** involve individual applications that are being considered for approval. Here, broad policies are being applied to a specific parcel or project. Decision-makers must base their decision on the facts presented to them during the public hearing and on the information in the official record, applicable codes, statutes, and court decisions, just as a judge bases its decision on the evidence presented at trial. Members of the body must maintain their impartiality and avoid actions that can bring their impartiality into question. In a quasi-judicial hearing, decision-makers should be present for all evidence and should avoid ex parte communication. If an ex parte contact occurs, the affected decision-maker should disclose the contact and the substance of the communication at the hearing prior to receipt of public testimony.

LOCATION:

The site is located at 7018 S. Prince Street

**VICINITY MAP****BACKGROUND:**

Mackintosh Academy is proposing to amend one of the conditions of their original Conditional Use to increase the maximum square footage of building coverage. The original Conditional Use was approved in 1985 for a school in the R-E zone district and had 4 conditions related to the approval. They are as follows: maximum students (148), maximum amount of structures (3), maximum building height (25'8" which was reduced in 1998 to 23'8") and maximum square footage of building coverage (14,000 sf). The applicant is proposing to add a total of an additional 4,200 square feet of building coverage in phases of the next several years. The proposed additional space will be added to all three buildings: gymnasium (2,933 square feet), northwest classroom building (1,056 square feet) and administration building (636 square feet) which totals 4,625 square feet minus the 425 square feet previously approved but remaining from original Conditional Use. Any amendments to a Conditional Use must be reviewed and approved by the Planning Commission.

CRITERIA & STAFF ANALYSIS:

Staff has evaluated the request for conditional use permit application against the following criteria:

10-8-1(A): The proposed use, at the size and intensity contemplated and at the proposed location, will provide a development that is necessary or desirable for, and compatible with, the neighborhood and/or the community.

The request for additional building area square footage is to continue to offer a cutting-edge approach to teaching and learning. It is not to increase the enrollment cap, building height or amount of buildings, just the square footage of building coverage. The R-E zone district would allow up to 50 percent lot coverage. Mackintosh is proposing a building coverage of just over 10 percent. The property has more than 75 percent of unobstructed open space.

10-8-1(B); The use proposed will not be detrimental to the health, safety, general welfare of persons residing or working in the vicinity, or to property, improvements or potential development in the vicinity. This determination shall be based on:

- 1. The nature of the proposed site, including its size, shape and topography and the proposed size, location and arrangement of structures;*
- 2. The accessibility and patterns of pedestrian and vehicular traffic, including the type and volume of such traffic, location of points of ingress and egress, and the adequacy of off street parking and loading;*
- 3. The provisions for conformance with the performance requirements contained herein and in [chapter 4](#) of this title, as applicable; and*
- 4. The provisions for landscaping, screening, unobstructed open space, service areas, lighting and signage.*

There is no proposed modification to the site access or vehicular circulation patterns. If the request to amend the Conditional Use to allow for the additional square footage is approved, the next step will be the submittal of a site development plan. Site development plans are reviewed administratively. No new signage is proposed.

10-8-1(C): The proposed use will comply with the applicable provisions of this title and of this code; any design guidelines adopted by the planning commission, and will not adversely affect the comprehensive plan.

The proposed project is consistent with Policy 1.5(c) of the 2014 Citywide Plan, in that it is a service-oriented business that serves a larger market as well as the surrounding neighborhood.

10-8-2(B): Childcare Centers; Private Schools; Church Facilities: Childcare centers and private schools for any number of children, and church facilities are permitted with conditions in all zone districts, provided the following are met:

- 1. The operators of childcare centers and private schools shall be licensed in accordance with State requirements.*

- 2. Open play areas shall be screened or otherwise buffered to minimize noise and negative visual impacts on or from adjacent properties.*
- 3. Play areas shall be protected from vehicular traffic by distance separation or by physical barriers.*
- 4. A safe drop off/pick up point for children shall be provided on site.*
- 5. Adjacent public streets shall have adequate capacity to safely carry any additional vehicular traffic which may be generated by the facility.*

All of these criteria were met with the original Conditional Use. The applicant is proposing to amend only one of the conditions required by Planning Commission in 1985, which will not affect requirements stated in 10-8-2(B).

NEIGHBORHOOD OUTREACH & PUBLIC NOTICE:

The applicant conducted a neighborhood outreach meeting on December 20, 2017. Mailed public notice of the Conditional Use proposal was also sent to all property owners within 700 feet of the site. Notice of a public hearing was posted on the subject property and at city locations in advance of tonight's board meeting in compliance with the city's public notice requirements.

STAFF RECOMMENDATION:

Staff finds that the proposed amendment to the Conditional Use for Mackintosh Academy at 7018 S. Prince Street, meets the criteria for approval in Section 10-8-1(A), (B), (C) and 10-8-2(B) of the Littleton City Code. Staff, therefore, recommends approval of PC Resolution #05-2018.