



RECORD OF PROCEEDINGS

MINUTES

**Meeting of the Planning Commission for the Town of Frisco
Town Hall, 1 East Main Street
Thursday, May 3, 2018 at 5:00 P.M.**

Call to Order: Andy Stabile, Chair

Roll Call: Jason Lederer, Donna Skupien, Andy Stabile, Steve Wahl, Kelsey Withrow

Minutes: Approval of the April 19, 2018 Planning Commission meeting minutes

Public Comment (non-agenda items): There was no public comment.

Agenda Items:

1. **Planning File No. 297-17-DA:** A public hearing for the Development Application for the proposed Vistas on Granite Street multi-family residential project, located at 317 Granite Street / Lots 21-24, Block 9, Frisco Townsite. Applicant: E2MH, LLC represented by Architectural Innovators, Inc.

Planner Katie Kent reviewed previous Commissioner requests from the last meeting and noted updates from the applicant. As revised engineering plans were received just prior to the meeting, other agencies were unable to review and provide comments. Changes included lowering the bulkplane, dens were listed in the plans which did not meet the definition of a bedroom, and staff was confident that the landscaping would be sufficient. 3D images were difficult to interpret and staff recommended as a condition of approval that the applicant provide accurate renderings. Commission concerns such as a reduction in mass, bulkplane, ridgelines were addressed.

Commissioner questions for staff included:

- How does the density compare to surrounding developments?
- Is there a bulkplane encroachment associated with neighboring projects?
- Clarification on the function of the 5-foot lower level parking aisle turn around.
- At what point in the permitting process is an Improvement Locations Certificate (ILC) required? How are they regulated?
- Certificate of Occupancy clarifications.
- Clarification of room requirements as pertains to dens between the old code and the new UDC.

Ms. Kent noted that the applicant revised the access which was now proposed off of the alley. The Town still retains the potential to add angled parking in the Right-Of-Way.

The Applicant, Architect Michael Caistor, presented noting the changes since last hearing including architectural features.

Commissioner questions for the Applicant:

- Is the small, upper-level courtyard only for the adjacent units or is it common element?
- Has a builder been selected for this project?
- Clarification on the material for the support beams.
- Clarification on roof shape including the third floor rotunda.
- Rooftop landscaping clarifications.

Public comments included favor for the project and a current resident on the property who asked for the timeline of building construction.

Commissioner discussion included the mass and bulkplane of the project, upper-level landscaping, and small town mountain character. Clarifications on the hexagon roofline were requested and architecture was discussed. The Commissioners also conferred on the four conditions presented in the staff report and some dislike for the west elevation was noted.

Commission final comments included a desire for the project to be improved and a request that the third floor roofline be eliminated or step backed. Appreciation was mentioned that the project now allowed the possibility of future angled parking for town parking. Both concern and lack of concern regarding the bulkplane was expressed and a Commissioner commented that in order to avoid poor design, a few architectural features needed to encroach into the bulkplane. A Commissioner was doubtful that the upper level landscaping would be maintained.

With respect to Planning File No. 297-17-DA, Commissioner Wahl moved to table the application to the May 17, 2018 meeting to request the applicant further reduce the bulkplane encroachments and allow agency review time regarding engineering concerns. Commissioner Withrow second.

Vote:

LEDERER	YEA
SKUPIEN	YEA
STABILE	YEA
WAHL	YEA
WITHROW	YEA

MOTION CARRIED

2. **Planning File No. 035-17-VAC:** A public hearing of a request for the vacation of a portion of a public right-of-way consisting of a 4,131 sq. ft. (0.095 acres) triangular tract of the South 1st Avenue right-of-way within Block 38, Frisco Townsite; generally located adjacent to and west of 421 Juniper Street / Lots 13-15, Block 38, Frisco Townsite. Applicant: Brian and Debra Reiss

Commissioner Stabile recused himself due to conflict of interest.

Assistant Community Development Director Bill Gibson gave a brief summary of the project and noted that a recommendation from the Planning Commission to the Town Council was required for a vacation of public Right-Of-Way (ROW) request. The code stipulates that an overriding public interest needed to be established in order to vacate the ROW and the Town and County did not anticipate a future need for this part of the ROW. This revised proposal proposed creating two new single family homes, one designated as deed restricted for Frisco workforce housing. The proposal was to cap the income limit for the deed restricted unit at 125% AMI with a maximum sale price of approximately \$510,000. The Town Council would ultimately determine if the proposal demonstrated an overriding public interest in order to approve the vacation.

Commissioner questions for staff included:

- Was any consideration given on how to ensure the deed restricted unit was built given the expense of the current construction market?
- Was there any foreseeable need to widen Juniper Drive at any point in the future?
- Confirmed the remaining bounds of the street ROW with absence of the triangle ROW.
- How close to the edge of the ROW could the applicant build?
- Would the lot need to be subdivided?
 - Mr. Gibson noted that the two structures would be considered stand-alone townhomes.
- How much would the allowable density increase if the ROW was vacated?
- Are there prescriptive easements for the current structure? Clarification on the lot lines.
- Clarification on required location of new buildings in relation to the lot.
- Clarification of vacation process and setback requirements.

The Applicant, Architect Suzanne Allen Sabo presented, discussing the reapportioning of the ROW and the benefits that included providing a deed restricted workforce unit, no monetary cost to the Town, increased property tax revenue, and the project reflected true public-private partnership. Ms. Allen Sabo illustrated future plans for the site and noted a duplex was initially considered though reconsidered due to site logistics. Ms. Allen Sabo opined that the 120-160% AMI was an underserved market.

A Commissioner asked the applicant if the deed restricted unit could be built at \$340 per square foot to meet their AMI and sale price standards.

Public comments included an opinion that there wasn't an overriding public interest and that the proposal appeared to solely benefit the landowner. Another citizen asked clarifying questions to determine the size of the proposed affordable unit, what was approved, the appraised value, and what the current and future zoning of the property was. A request was made for future vacation applications to include zoning requests to avoid density surprises to neighbors. The last comment expressed favor for the project and opined that too much ROW obstructs smart and creative infill development and the Town has an excess of ROW that could be utilized for workforce housing.

The applicant noted that the land allocation to the current owner would remain roughly the same equivalent after the second unit was built. Mr. Gibson noted that if density was a concern, a condition in the approval could be made. This project could be viewed as a buy-down opportunity offering land value; the Town Council would negotiate the specifics of AMI.

Commissioner Wahl asked the applicant how long ago the owners had purchased the land.

Commissioner comments and discussion:

- The target AMI is definitely a missing segment in the market though the feasibility of a two-person household in that range being able to afford the proposed listing for the unit appears slim. There is a need for the County to look at AMI.
- If the density does increase in the future that would be reasonable and perhaps two smaller houses would be better, though the proposal is fine as-is and is a creative use of a vacation.
- The overriding public interest was not clearly established and if providing affordable housing was the goal, emphasis would be better placed on creating two deed-restricted units in lieu of one.
- It's not up to Commissioners to create stipulations for private land and favor was expressed for including rezoning with vacations to reduce potential pitfalls for neighbors. Not comfortable leaving the potential number of units in the air and would like to work out suggestion to Council. Is this a smart affordable housing choice?
- This project would clean up another odd ROW triangle.

- The ROW doesn't hold much value to the Town and it's good to have additional affordable units being added to the market.

Community Development Director Joyce Allgaier reiterated the creative opportunity to gain affordable housing with this project and noted the current parcel size allowed for two units by right and with the increased lot size the project still proposed two units, nicely integrating into the single family neighborhood. Staff would recommend a rezoning of the ROW to Town Council. It was made clear that the neighbors were aware of this proposal.

If the Commission or Council became concerned with the proposal not having enough return on investment, Mr. Gibson noted that options were available to negotiate the agreement such as a reduction in the AMI. It was clarified that the Commission was only providing a recommendation to Town Council for their final decision and ordinance negotiation. Recommended conditions for the motion were included in the staff report.

WITH RESPECT TO FILE NO. 035-17-VAC, COMMISSIONER LEDERER MOVED THAT THE RECOMMENDED FINDINGS BE MADE AND THAT THE RECOMMENDED CONDITIONS SET FORTH THEREIN BE TAKEN AND THAT THE PLANNING COMMISSION HEREBY FORWARDS A RECOMMENDATION OF APPROVAL TO THE TOWN COUNCIL FOR THE VACATION OF A 4,131 SQ.FT. (0.095 ACRES) TRIANGULAR TRACT OF THE SOUTH 1ST AVENUE RIGHT-OF-WAY WITHIN LOT 13, BLOCK 38, FRISCO TOWNSITE; GENERALLY LOCATED ADJACENT TO AND WEST OF 421 JUNIPER DRIVE/LOTS 13-15, BLOCK 38, FRISCO TOWNSITE.

Conditions as recommended in the staff report were also included in this motion. Commissioner Skupien second.

Vote:

LEDERER	YEA
SKUPIEN	YEA
STABILE	RECUSED
WAHL	NO
WITHROW	YEA

MOTION CARRIED

3. **Work Session:** Discussion of potential revisions to Frisco Unified Development Code, Section 180-5.2.4, Outdoor Commercial Establishments

Planner Katie Kent presented a PowerPoint and gave a brief overview of the history of Outdoor Commercial Establishment (OCE) regulations (not included in the staff report), mentioning that the last update to these regulations was in 2012. The goal of this discussion was to present ideas formulated by an OCE working group and to garner feedback from the Planning Commission regarding these ideas and the current regulations. Having met on March 20, 2018, the OCE working group was a collaboration between members of the business community and staff with the goal of reviewing and clarifying the existing regulations.

Planning Commissioners discussed the importance of the duration of a mobile vendor, parking and signage. Commissioners expressed enthusiasm for mobile vendors and the vitality that they could bring to parts of the community. Commissioners agreed that formal seating should not be allowed in conjunction with mobile vendors but rather a "grab and go" operation. Commissioners requested a joint work session with Town Council prior to revising the Outdoor Commercial Establishment regulations.

Staff and Commissioner Updates

None

Adjournment

There being no further business, the meeting adjourned at 7:38 pm.

Respectfully submitted,
Sarah Hoffman
Community Development Department