



## RECORD OF PROCEEDINGS

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### MINUTES

**Meeting of the Planning Commission for the Town of Frisco  
Town Hall, 1 East Main Street  
Thursday, July 20, 2017 at 5:00 P.M.**

**Call to Order:** Melissa Sherburne, Chair

**Roll Call:** Brian Birenbach, Jason Lederer, Melissa Sherburne, Donna Skupien, Andy Stabile, Steve Wahl, Kelsey Withrow

**Absent:** Andy Stabile, Steve Wahl

**Minutes:** No approvals of previous Planning Commission meeting minutes

**Public Comment (non-agenda items):** There were no public comments.

**Agenda Items:**

- 1. Planning File No. 092-17-DA/CU:** A public hearing for the Development Application and Conditional Use request for the proposed Library Lofts multi-family residential project located at 90 S. Madison Avenue / "Summit County Library Tract" TR 5-78, Sec 34, Qtr 1 Sq. Ft. 21,127 Pt of Flora Placer Cont. .32 acres and Lot E-4, Frisco West .165 acres. Applicant: Madison Avenue Properties LLC represented by Crowe Architects.

Planner Katie Kent noted a change from the staff report in that the conditional use still needed to be recommended to the Town Council instead of being approved at the Planning Commission level as the application was submitted under the old code; the decision on the development application would proceed as stated. The conditional use is required for the proposed 100% residential use as it does not meet the mixed-use district requirement that a single use be not less than twenty percent (20%) of the total floor area. Ms. Kent presented the staff report, noting the proposed seven (7) residential units consisted of the following:

- One (1) approximate 3,000 sq. ft. two-bedroom residential unit (repurposing the existing building)
- An approximate 3,000 sq. ft. common area with lounge, ski lockers, bar, spa and restrooms
- Expand existing building to create six (6) additional approximately 2,029 sq. ft. two-bedroom residential dwelling units
- Fifteen (15) enclosed parking spaces
- Exterior building materials included hard coat stucco, colored concrete, dry stacked stone, glass block, glulam beam, and slate roofing

Ms. Kent also noted that the pavers on the plan encroach on the setback lines and do not count toward lot coverage as they are permeable. She also noted how the use of glass fit with nearby architecture and

that the wall and roof façade did not meet geometric length code requirements in the Main Street Overlay District. In regards to the proposed drainage, the Town Engineer had comments and met with the Applicant earlier in the week.

**Commissioner questions to Staff included:**

- Will there be two motions for the design approval and conditional use?
- Where is the existing tenant moving to?

The Applicant, architect Todd Crowe, presented noting the project's civil engineer Gray Pierson was also present. The Applicant spoke to the zoning in that it was historically residential zoning before being annexed into the Town and noted that it currently does not meet code requirements as it is 100% commercial use. The Applicant elaborated on the elevations that were in non-conformance and presented a materials board, requesting future flexibility on the tower materials.

**Questions and clarifications for the Applicant included:**

- Why the cantilever decks on the south sides were eliminated
- If the units were intended to be market rate
- Clarification on the current property ownership
- If any soil samples have been conducted to determine what material could be used for the columns. Additional clarification was provided by the Applicant that the type of material proposed for the columns would depend on using existing soil to add to the concrete mixture. If the soil did not have the ability to mix with the concrete, switching to a different material would be necessary.
- Any elaboration in reconciling the engineering comments regarding landscaping and storm water management?

**Public comments**

Two public comments were heard which expressed the difficulty in finding good commercial space in Frisco and curiosity about the traffic patterns created by accessing the lot and snow removal concerns.

Staff noted that the submitted traffic report indicated a decrease in traffic due to the residential use rather than a commercial use. The Applicant responded to public comment noting that there are no snow storage requirements for covered parking.

**Final Commissioner discussion and comments:**

- Consideration of requiring a deed restricted unit in exchange for the conditional use approval.
- Concern was expressed about the decline in available commercial space in the town and discussion followed.
- The traffic intersection was discussed as were comments on the design including the circular balconies, the roof line, and continuity of materials. There was a general favor for the project.

Discussion followed on making a motion and staff noted that the roof line did not meet overlay district standards and the Applicant would need to pursue a variance request to allow it unless the Commission interprets that the roof design conformed to these standards. The Commission opined that the roof line complied with the standard as it was necessary for the entire architectural design. As such, the second condition was removed from the motion.

WITH RESPECT TO FILE NO. 092-17-DA/CU, COMMISSIONER LEDERER MOVED THAT THE RECOMMENDED FINDINGS SET FORTH IN THE JULY 20, 2017 STAFF REPORT BE MADE AND THAT THE RECOMMENDED ACTION SET FORTH THEREIN BE TAKEN AND THAT THE PLANNING COMMISSION APPROVES THE DEVELOPMENT APPLICATION REQUEST FOR THE LIBRARY LOFTS MULTI-FAMILY RESIDENTIAL PROJECT LOCATED AT 90 SOUTH MADISON AVENUE / "SUMMIT COUNTY LIBRARY TRACT" (TR 5-78, SEC 34, QTR 1, PT OF FLORA PLACER CONT.) AND LOT E-4, FRISCO WEST FILING.

COMMISSIONER LEDERER ALSO MOVED THAT THE PLANNING COMMISSION RECOMMENDS APPROVAL TO TOWN COUNCIL THE REQUEST OF A CONDITIONAL USE TO ALLOW ONE-HUNDRED PERCENT (100%) OF THE PROPERTY TO BE RESIDENTIAL USE WITH THE PROPOSED SEVEN (7) RESIDENTIAL DWELLING UNITS LOCATED AT 90 SOUTH MADISON AVENUE/ "SUMMIT COUNTY LIBRARY TRACT" (TR 5-78, SEC 34, QTR 1, PT OF FLORA PLACER CONT.) AND LOT E-4, FRISCO WEST FILING 1. COMMISSIONER BIRENBACH SECOND.

Discussion followed about the motion and the possibility of amendment.

**VOTE:**

BIRENBACH	YEA
LEDERER	YEA
SHERBURNE	YEA
SKUPIEN	NO
STABILE	ABSENT
WAHL	ABSENT
WITHROW	YEA

***MOTION CARRIED***

- 2. Planning File No. 030-17-DA/CU:** A public hearing for the Development Application and Conditional Use request for the proposed West Main Lofts mixed-use project located at 101 West Main Street / Lot B-1, West Frisco 70 Subdivision Filing #2. Applicant: Westmain Professional Building LLLP represented by Robert S. Philippe

Commissioner Birenbach moved to table Planning File No. 030-17-DA/CU at the Applicant's request (not present) to August 17th. Commissioner Lederer second.

- 3. 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 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. Applicants: Brian and Debra Reiss

Planner Katie Kent noted that three public comments were received. Ms. Kent presented the history of the property and explained the process of vacation, noting the Planning Commission would be making a recommendation to Town Council and highlighted Section 142-1 which declares the general policy of the Town to only grant a vacation of Town right-of-way for an overriding public interest. The property is located in the Residential Low Density District which allows eight units per acre and should the Commission recommend approval for the variance, staff requested a condition of approval to limit the density of future development to what exists currently. Ms. Kent continued to present the staff report noting that the Public Works Department and Summit County expressed no issues with the proposed vacation, reiterated staff's recommendation of denial, and noted a list of conditions should the Commission wish to recommend approval to Council.

**Commissioner questions to Staff included:**

- If the vacation were granted, what utilities would be maintained by the Town?
- Concern with potential pedestrian access was expressed.
- Points of clarification of the project and if a variance could be possible instead of vacation.
- What would staff consider examples of overriding public interest?

- How would the appraisal process work and would there be a property transfer fee?
- Could the Applicant provide a public benefit to another part of the town?
- Clarification of examples of previous vacations.
- Could the Applicant improve the land in the right-of-way without owning it?
- This type of vacation isn't common, correct?
- If the footprint remained the same, could it be grandfathered in for improvements?
- Clarification on what led to the property line issues?
- If the vacation passes along with a non-motorized access easement would it inhibit the town from widening the road in the future?
- What is the standard right-of-way for this property and could a sidewalk still be added in the future if the town vacated the section of right-of-way?

The Applicants, Brian and Debra Reiss, presented, giving a background on the purchase of the property and how the vacation would establish overriding public benefit by meeting the Frisco Community Plan by enhancing the neighborhood. The Applicants noted an existing 30 foot snow storage easement on the site for the Town and the intention of moving forward with a similar snow storage easement should the vacation be approved. The Applicant's architect, Suzanne Allen, was also present and noted the house has no existing foundation and needed to be completely rebuilt due to its deteriorated condition. She also addressed drainage and snow storage questions. The Applicants may be willing to construct two units instead of one, and could donate a sculpture or other public benefit to the Town. Mr. Reiss noted if the vacation wasn't granted, the structure and land would remain an eyesore.

**Questions and clarifications for the Applicant included:**

- If the Applicants receive the vacation, would their future development include using the existing driveways, one of which currently cuts through the right-of-way?
- If the Applicants were willing to limit the development, would they consider one unit to be deed restricted to function as a greater benefit to the overriding public interest?
- If a vacation was not granted, is there another way to redevelop the land with conditions as-is?

**Public comments**

- A neighboring property owner commented on the continually neglected lot and as the Town and County had no foreseeable plans for the land, he would appreciate landscaping to add value to the community.

**Final Commissioner discussion and comments:**

- As long as the Town can retain an easement for future access, a Commissioner did not have an issue with the vacation
- Appreciation was shown for the Applicant's intention to benefit the neighborhood
- The landscaping could be improved even if the Applicants do not own the land
- Two homes constructed on the lot would improve the neighborhood but a variance would most likely be a better avenue
- A general consensus was reached that the language of the code shows that the application does not meet the criteria for an overriding public interest required for a vacation request and expressed hesitancy for creating a potential precedence.

WITH RESPECT TO FILE NO. 035-17-VAC, COMMISSIONER BIRENBACH MOVED THAT THE RECOMMENDED FINDINGS SET FORTH IN THE JULY 20, 2017 STAFF REPORT BE MADE AND THAT THE PLANNING COMMISSION HEREBY FORWARDS A RECOMMENDATION OF DENIAL TO THE TOWN COUNCIL FOR THE VACATION OF A 4,131 SQ.FT. (00.095 ACRES) TRIANGULAR TRACT OF THE 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. COMMISSIONER WITHROW SECOND.

**VOTE:**

BIRENBACH	YEA
LEDERER	YEA
SHERBURNE	YEA
SKUPIEN	NO
STABILE	ABSENT
WAHL	ABSENT
WITHROW	YEA

***MOTION CARRIED***

**Staff and Commissioner Updates:**

- Meetings in August are anticipated to be full agendas

**Adjournment:**

There being no further business, the meeting adjourned at 6:46 p.m.

Respectfully submitted,

Sarah Hoffman  
Community Development Department