



RECORD OF PROCEEDINGS

MINUTES

**Meeting of the Planning Commission for the Town of Frisco
Town Hall, 1 East Main Street
Thursday, September 7, 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

Minutes: Approval of July 20, 2017 and August 3, 2017 Planning Commission meeting minutes

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

Agenda Items:

1. **Planning File No. 188-16-DA:** A public hearing for a Development Application for the Kum & Go commercial project (gas station and convenience store) located at 55 Lusher Court / Lot 2B, Block A, Discovery Interchange West Subdivision. Applicant: Ryan Halder, Kum & Go LC (Continued from August 17, 2017)

Community Development Assistant Director Bill Gibson referenced two public comments distributed to Commissioners received on July 12, 2017 from Mark Piper and Jennifer Wolinetz. It was noted that the Planning Commission discussed the proposed Kum & Go project with gas station, small retail and restaurant features, and gas canopy at the June 22, 2017 Planning Commission meeting. At that time, access and traffic impacts were the primary concern.

Mr. Gibson presented the staff report addressing zoning requirements, building and landscape design, lighting standards and parking. Stephen Pouliot from WSP was re-introduced to the Commissioners as the traffic consultant assisting the Town with the review of the project. Staff is recommending approval subject to suggested findings and conditions as stated in the staff report. Mr. Gibson reviewed the special conditions staff was recommending in relation to access to the property including:

1. The applicant shall provide a mountable curb in place of the painted curb at the driveway entrance to allow long vehicles and trailered vehicles access into the site.
2. The applicant shall place a restriction on vehicles over 30 feet in length from making a right turn into the site. The applicant shall install the necessary signage for this restriction at their own expense in manner acceptable to the Town of Frisco Public Works Department.
3. The applicant shall not conduct refueling and/or delivery operations during the traffic peak hour (both AM and PM).

An additional condition is requested by Staff which would require that a stop sign and stop bar be installed at the intersection of the Kum & Go driveway exit and the Baymont Inn exit.

Commissioner questions to Staff included:

- Commissioners requested a definition of a mountable curb and how much maintenance was necessary.
- Concern was raised about sign clutter and placement of signs to allow drivers time to react to instructional signage.
- How will the Town enforce the proposed special conditions including restricting vehicles larger than thirty feet from making right turns and no deliveries during peak hours?
- When signage and striping will be installed and how will the applicant be required to keep it maintained?
- Is it within the Commission's purview to request the special conditions?
- Will CDOT weigh in on the proposed signage?
- How will the mountable curb and other striping work when under snow?
- Commissioners requested further information on what a driver of a vehicle over thirty feet would do when they realized they could not turn right; concern was expressed that it would cause stacking issues at the intersection of Summit Boulevard and Lusher Court.
- Why has pedestrian circulation and access not been clearly delineated despite it being brought up at the June 22, 2017 meeting? Would like to see a connection to the existing pathways that exist in the area. There is a standard of review in the code that specifically addresses this.
- Commissioners requested further information on the proposed access/traffic safety conditions and how they ensured that the access in and out of the project was designed so as to create a safe condition and reduce potentially hazardous or inadequate situations.
- Can Baymont Hotel have a one-way traffic circulation to aid in conflicts of people exiting from Baymont in the shared access?
- Commissioners requested more information on why the third bullet point from Stephen Pouliot's correspondence (dated September 7, 2017) that recommended the applicant pursue an access separate from the Baymont Inn was not addressed.

Staff confirmed that the Town Attorney assisted in writing the language of the conditions and Lusher Court is a town road which CDOT does not have jurisdiction over. Staff noted that the applicant submitted prior to the adoption of the 2017 Frisco Trails Master Plan and the existing pedestrian improvements are on the opposite side of the road. Staff asked if the applicant had looked for a way to provide a walkway up to the street level, across from the existing sidewalk/rec path on Lusher.

Mr. Pouliot stated that the primary access concern is that it conflicts with the same access being shared by the existing Baymont Hotel and proposed Kum & Go. If stacking occurs, it will cause delays on Lusher Court which could create rear end accidents as well as other unsafe situations. The queued traffic could cause problems as far back as the Lusher/Summit Blvd intersection that might not allow cars coming from I-70 to make the turn to Lusher. This means that stacking could occur from the applicant's access point all the way back to the Lusher/Summit intersection, causing delays. Mr. Pouliot elaborated on the intersection and different points of traffic flow. A mountable curb, additional signage and adding a stop sign/stop bar to assist exiting vehicles would be of assistance to avoid conflicts within the shared access. The suggested conditions could help to reconcile the access concerns by getting the proposed project where it is safe to be approved. Mr. Pouliot noted that the access would not be ideal or completely adequate and safe unless separated from the Baymont Hotel; however it is likely not dangerous with the slow speeds perhaps causing fender benders but not likely fatalities. If a vehicle over thirty feet could not turn right, the driver would need to proceed down Lusher Court and decide where to go.

The Applicants, Kum & Go, represented by civil engineer Boundaries Unlimited, Horn and Associates, and the property owner were present. Kum & Go presented stating that it is an operational standard of their business to not allow deliveries in peak hours and it is enforceable and striping can be included in their annual maintenance plan. Horn and Associates reviewed traffic impacts and noted that they felt have a workable means for access. It was stated that this is an existing access and they are proposing

mitigation and improvements to improve the existing access to the best under their control. Boundaries Unlimited stated that the raised median would help and that signage stating no vehicles greater than thirty feet would be installed approximately one-hundred feet before the access to give drivers adequate time to react. It was echoed that the simple solutions the Town has suggested (stop signs, stop bars, and raised curb) will make the project better. The property owner, Chris Viscardi, stated that he had been working with the Baymont Hotel for a long time to find a viable solution and the Baymont does not want to commit to anything at this time so the opportunity for a separate access is not on the table.

Questions and clarifications for the Applicant included:

- What are normal hours of operation?
 - Kum & Go responded 24 hrs/day.
- How often are gas deliveries?
 - Kum & go responded that it depends on the volume of site; once a day is average but it could be more.
- Was an employee unit considered?
 - Kum & Go responded that it is not something that was being contemplated.
- What are the top three advantages to Town of Frisco?
 - Kum & Go responded stating incremental revenue; the customer-focused company is good for the community, and 10% of profits of go back to the community; and sustainability practices of the building including a LEED constructed building.
- What the sign will look like? Concern was expressed over the freestanding sign and its height, blocking views including of Buffalo Mountain. Would prefer to see a 20 – 25’ sign height. Commissioners asked if the company ever modified their signage to blend into the surrounding context or that of a small mountain town, like Frisco.
 - The Applicants showed a perspective view and explained it would be a twenty-nine foot sign but only twenty feet above the street level. It was stated that they would be open to suggestions on the design but it was important that their logo and price sign remain.
- It was requested the applicant help the Commission better understand non-motorized access.
 - The applicant responded that one of main constraints is the Town requirement that they narrow the driveway down to twenty-four foot wide access. They could widen the access more for a biking/pedestrian way but the Town would not support the increased access width was their understanding. It was stated that there is not a lot of area to actually provide pedestrian access and there are no existing connections on their side of Lusher Court.

Public comments

No public comments.

Staff asked the applicant to address if there was a way to provide a pathway to access the site along the property from an existing crosswalk across Lusher Court adjacent to Summit Boulevard. The applicant responded that there is a crosswalk there but there are no pedestrian facilities on the north side of Lusher Court or west side of Summit Boulevard. CDOT did not address connections when they modified the intersection in past.

Final Commissioner discussion and comments based on the testimony, staff report, consultant’s report (WSP, dated 9/1/17), and the applicable codes identified in the staff report:

Commissioners discussed the definition of “safe” and if they thought that the access in and out of the project was designed so as to create a safe condition and reduce potentially hazardous or inadequate situations as required by the Town Code 180-20 (1)(a)(iii).

- The project has been tabled a number of times and does not feel that the applicant has made headway to creating a safe situation for turning into and out of the site. Can’t find that the setting works safely. The design worsens an already incredibly busy intersection, versus

reducing an inadequate situation. Stacking could occur due to the poor K&G access point operations that could affect traffic efficiency and safety all the way back to Summit Blvd. and cars coming over the bridge from I-70.

- Great idea having healthy food concept and energy efficient building; appreciation for business practices.
- Does not find the project to be the best example of following code but suggested that access/traffic-related conditions are a plausible compromise.
- Does not find as being an improvement to create a safe situation or reasonable solution to the intersection pursuant to code. Suggested the best thing is to wait for new Baymont ownership since the best solution is to separate entrances, but acknowledged that the Commission must address the application at hand. Need solution that works for both businesses.
- Unfair to the community to allow this intersection as designed when the entire intersection and connection to I-70 would be negatively impacted. The Lake Hill project was delayed because of traffic impact at this intersection. People could get off the highway and then get stuck in a queue.
- Other uses may be more reasonable that do not generate the amount and type of vehicles/traffic associated with a gas station.
- The applicant needs to address community needs such as pedestrian access to the site, a requirement of the code.
- Evidence was presented that this would be appropriate access meeting code. It was reiterated that the evidence which they have to make decision on is showing it code compliant and they do not see a reason to deny.
- Consultant key findings do not find that the project has presented an adequate solution that will provide a safe environment to drivers. Not convinced proposed conditions are still providing a safe alternative; sayings such as “best can do” and “not unsafe” are not convincing that the proposal meets the code iii.
- If everything goes right and the intersection is operating perfectly, it will be good, but things will go wrong. Need to plan for Christmas week, snow, ice, etc.
- To meet code specifically, ultimate condition would be to separate accesses.

The property owner reiterated this is a platted access previously approved by the Town of Frisco and the applicant is making it better with improvements.

WITH RESPECT TO FILE NO. 188-16-DA, COMMISSIONER BIRENBACH MOVED THAT THE RECOMMENDED FINDINGS SET FORTH IN THE SEPTEMBER 7, 2017, STAFF REPORT BE MADE AND THAT THE PLANNING COMMISSION HEREBY APPROVES THE DEVELOPMENT APPLICATION FOR THE PROPOSED KUM & GO COMMERCIAL PROJECT (GAS STATION AND CONVENIENCE STORE), LOCATED AT 55 LUSHER COURT / LOT 2B, BLOCK A, DISCOVERY INTERCHANGE WEST SUBDIVISION WITH THE ADDITIONAL CONDITION AS SUGGESTED BY STAFF AT THE MEETING REQUIRING THE ADDITION OF A STOP SIGN AND STOP BAR AT THE INTERSECTION OF THE KUM & GO DRIVEWAY EXIT AND THE BAYMONT INN EXIT. COMMISSIONER SKUPIEN SECOND.

VOTE:

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

MOTION FAILED 2-5

2. Work Session; Three Mile Plan update

Community Development Director Joyce Allgaier distributed copies of the Three Mile Plan to the Commissioners and explained that the plan is a document required by statute which is usually reviewed on an annual basis but was last done in 2009. Staff requested the Commissioners review the plan and at a future work session Staff will engage Planning Commissioners in a discussion with regards to this plan. A future meeting with the County Ten Mile Planning Commission will also be held.

Staff and Commissioner Updates:

- Community Development Director Joyce Allgaier gave the Commissioners an update of current projects under construction.

Adjournment:

There being no further business, the meeting was adjourned at 6:23 pm.

Respectfully submitted,

Joyce Allgaier
Community Development Department