



## 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, November 16, 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:** No approval of previous Planning Commission meeting minutes

**Public Comment (non-agenda items):**

**Agenda Items:**

1. **Planning File No. 191-17-DA/RZ:** A public hearing for a Development Application of the proposed "Foote's Rest Block 11" mixed-use project and a final public hearing for the rezoning of the subject property to Historic Overlay District, located at 502, 510, 512, and 518 East Main Street and 107 South 6th Avenue / Lots 1-12, Block 11, Frisco Townsite. Applicant: Nathaniel Kelly Foote, 512 Main Street, LLC

Community Development Director Joyce Allgaier utilized a power point to present an overview of the Historic Overlay (HO) provisions and the Commission's role in deciding on incentives provided by the HO district. The more goals met, the more incentives can be given. The review process for this project was also outlined.

A Commissioner requested clarification regarding the proposed moving of cabins 1 and 2 in conjunction with the purchase and sales contract which require them to remain in place.

Assistant Community Development Director Bill Gibson presented. Mr. Gibson noted there were two components to the approval which included the Development Application (DA) and a rezoning recommendation to the Town Council. The project encompassed the preservation of six existing historic structures on the site along with a proposed new hotel with an underground garage, a bowling alley, an outdoor plaza, a restaurant, and commercial tenant spaces. A conference room in the hotel and six employee housing units, two ground level plazas, and a rooftop deck with a pool were also proposed. Mr. Gibson spoke about the project in context with the Frisco Community Plan and the Frisco Master Plan. Zoning regulations and project compliance were outlined including requested waivers which included roof eave plane, bulkplane encroachment, and roof pitch standards. The proposed density complied with the code and there is no lot coverage limit in the Central Core District. An overview of the

HO standards was presented. A draft recommendation from Planning Commission to Town Council regarding an amendment to the purchase and sales agreement for the relocation of the Staley Rouse House to the corner of Main Street and S. 5<sup>TH</sup> Avenue was included in the staff report. Development Standards as noted in the staff report were reviewed. Parking requirements were also reviewed including:

- The bowling alley use required twenty-five (25) spaces though these spaces were eligible for on-street parking credit as they would not be overnight use.
- The overnight parking for the hotel and employee units required one (1) parking space per room, totaling seventy-five (78) required on-site parking spaces.
- A mixed-use development can allow for a 20% parking reduction which then lowers the required spaces to sixty-two (62)
- Forty-four (44) parking spaces were proposed, leaving a deficit of eighteen (18) spaces from the requirement
- As tandem spaces are only able to be utilized for residential uses, the Applicant is seeking relief from this requirement under the HO so they may be used by all uses on the property

Ms. Allgaier noted that the Town's consulting engineer, Bill Lindfield, was present and available for questions.

Mr. Gibson noted recommended conditions of approval listed in the staff report and that staff could provide a recommendation for the Town Council to approve a new location for the Staley Rouse House if the Commission decided to make one.

**Commission questions to staff included:**

- Is the underground parking exclusively valet?
- At sketch plan, there was a height encroachment issue at the SE which the NE's front door also mimicked; was the encroachment on the NE corner corrected?
- A request for further explanation of the 20% parking credit and the criteria needed to achieve this credit
- Is the assumption that the code requires one overnight parking space for every one lodging unit because the Town does not provide public overnight parking? As residential has a similar parking requirement, how similar are these uses? Clarified that all of the onsite parking was designated for the residential and lodging uses. Are the commercial spaces not required to provide on-site parking? Criteria B requires parking serving two or more distinctly different land uses; if both on-site uses are not distinctly two separate uses, how is this criteria met? Is it correct that the residential and lodging uses would be competing for the same spaces, though not the commercial use as they utilize off-site parking? Have the standards of the Urban Land Institute and the Institute of Transportation Engineers mixed-use parking been explored? As it appears that Staff considers the parking credit applicable, have the other commercial and lodging uses been considered?
- Which lots were currently designated as HO? In order to move the building, would the Applicant have to meet the specific HO relocation requirements? In order for the Staley Rouse House to be moved it would have to meet the criteria of its current HO designation which stipulates that in order to move a historic structure it must be demonstrated that moving it is required in order to preserve it; why is it required that the Staley Rouse House be moved for restoration?
- As the code was updated to designate HO incentives and standards to also apply to new structures, the Commission then has to find that the new building is sensitive and compatible with the historic structures being preserved? If the cabins are going to be moved, will they remain grandfathered in residential use?
- There are provisions in the code for off-site parking, correct? In order to be eligible to use off-site parking as a solution, a parking easement or deed-restriction on the lot is required? Is the off-site parking only for non-overnight use? What is the distance required from the project for

these off-site spaces? If the project doesn't have enough parking to accommodate their guests and/or residents, will it become a situation the town will have to actively monitor?

- Has Staff looked at other Main Street hotels to get a sense if the proposed reduced parking makes sense?
- Was the Applicant proposing to demolish any of the existing buildings on any of the parcels? Is it known if there is any historical value to the building being demolished? Are any cabins being demolished? Don't the HO standards prohibit the demolition of structures unless they meet all of the criteria for approval of demolition?
- As the Commission cannot grant incentives on height limits, is the only way to approve the encroachment of the feature in the center of building to consider it an architectural feature? This is not connected with the HO, correct?
- Does the Town Code specifically regulate noise or the time of day at which it occurs? Is the Commission able to make a condition of approval requesting the Applicant to adhere to noise provisions?
- Were the employee units still designated for employees and their relatives or has this changed since Sketch Plan?
- Clarified that the project did not designate parking spaces for the residents and if the Commission could require the Applicant to designate spaces.
- Is the finalized sale and purchase agreement contingent on this application?
- Were there any onsite facilities proposed and are there any parking requirements for it?
- Requested clarification on how the drainage would work with pervious areas changing to impervious
- If the Staley Rouse House is moved, would it stay on the state registry?
- If the Staley Rouse House would be better served somewhere else onsite, could the Commission make a condition of approval for relocation?
- What is to prevent the property owner from redeveloping the site in the future? Is this site now protected in perpetuity?
- Who would be responsible for maintaining the snow melt system?
- Are there any alternative options through which the Commission can request more parking?
- Does the purchase and sales agreement require a bowling alley?

The Applicant, owner Kelly Foote, spoke noting his commitment to the town and how the project encourages the regrowth of an existing historical property. Elena Scott of Norris Design presented an overview of the property including its historical significance and the intent of this project to be a community gathering place as shown with the expansion of open space on the site. An overview of the site plan was given and the reduction of parking created openness on the site and gave more space for the development of pedestrian access. Rowland and Broughton architect Scott McHale highlighted revisions from the Sketch Plan including that the black smith shop was no longer proposed as a drive-thru, a few adjustments were made to the plaza, ski storage in the underground parking lot was added, and there was an increase to the size of the access to the underground valet service. Stairs were added to the rear of the building to improve employee access and added features to the rear of the building activated the alley. Additional tandem parking spaces were included, the commercial space below the historic section of the project was removed, and there was an increase in the number of underground parking spaces. The rooftop pool was relocated along with other configuration refinements. As illustrated through examples of surrounding architecture and materials, the project remained true to the heritage and history of the town. 3D renderings of the project were presented.

**Commission questions to the Applicant included:**

- Architecture:
  - Have space-saving mechanical lifts been considered for the underground parking?
  - As the design of the mine head frame is not clear, would it be possible to remove the clock from the rooftop feature?

- What is the square footage of the new construction and the existing structures being kept in the project?
- Who are the four tandem spaces intended for?
- Is access to the employee units only through the outside stairs or is there also interior access? Are the apartments one or two levels?
- Is the historic courtyard open to the public or for private use only?
- Is the rooftop bar and pool only for hotel guests? Is the pool gated off from the bar?

A public comment was made requesting the development team be identified as they presented for the record.

BendonAdams historic preservation specialist Sarah Adams provided an overview of the project's historic preservation tactics. Megan Testin of Norris Design spoke to community benefits including historic preservation, economic development, and the addition of public gathering spaces along with workforce housing. Ms. Testin also noted they were requesting four of seventeen available waivers. Parking was discussed including the increase in public parking spaces on Main Street and 5<sup>th</sup> and 6<sup>th</sup> Avenues as well as a request for three loading zone spaces. Access would be reduced in one location on the alley to improve snow plowing. On-site parking was reviewed along with strategies to reduce the project's parking impact including ride share and shuttle programs, a complimentary bike fleet, and the use of the Summit Stage bus system.

**Questions regarding parking:**

- Who are the four tandem spaces intended for and where will the Foote's park?
- If the hotel provides a shuttle, where would it park?
- What is the current plan for the first car that shows up to a full underground valet?
- In designing a parking plan, were the standards of Urban Land Institute and the Institute of Transportation Engineers referenced?

Craig Lawrence with Rowland and Broughton Architecture expounded on the project's requested incentives.

**Final Commissioner questions included:**

- What was the reasoning for adding a prep kitchen to the rooftop and why was this feature not discussed at sketch plan?
- Explanation on how the hotel appeared to gain length in comparison to the sketch plan phase.
- Who is going to own and operate the hotel?
- What is the height of the lowest point on the rock wall?
- Was there a specific reason as to why the Council required the cabins to be in the corner?
- Would the Staley Rouse House cast a substantial shadow on the neighboring cabins if moved to the corner?
- Are there any historical implications to the Staley Rouse House if moved to the corner rather than the center of the historic courtyard?
- Is the proposed brick material real brick?
- Please expand on renewable energy opportunities and drainage. Has a sub-surface infiltration system been considered? Could the groundwater be recycled?
  - Kevin Vecchiarelli with JVA Inc. noted that all of the site run-off would be captured in the courtyards through downspouts, pipes, and pumps that would travel to a discharge point at the SE corner of the site into the alley way storm sewer. The project was also preparing for storm water management in the event of future alley flooding.
- Is the bike share program for hotel guest use only?

Ms. Allgaier noted that the Town's consulting engineer, Bill Linfield, reviewed the storm water management plan if there were additional questions.

### **Public Comments:**

- A neighboring business reiterated their parking concerns regarding the restaurant, bowling alley, and conference center patrons. Appreciation was expressed for the sense of community and vitality of the project though a big challenge would be noise emanating from the property and would like to see a plan for the noise during business hours.
- A Main Street business owner sees this project as a good addition for the town and doesn't see this establishment turning guests away for parking and imagines that they are creating a workable solution. The additional business drawn to Frisco will help the general bottom line of Frisco businesses and the parking will work itself out.
- A current tenant on the Foote property noted parking regulations do need to be re-examined. Parking regulations were meant to give business relief from strict parking requirements on their property. There are many businesses on Main Street who have music projecting outside.
- A citizen thought it made sense to use this project as a catalyst to have an overall parking discussion. If this project does not offer the capacity to meet the required parking it could create future conversations circulating around parking for other projects. Groundwater could be pumped but due to water rights, it couldn't be reused.
- A citizen expressed favor for the project noting its attractive design and its added value to the community.
- A citizen and Main Street business owner expressed favor for the project, though indicated a dislike of the design.
- Another citizen noted that parking remained a concern as visitors prefer to drive to other attractions in the county during their stay. Good project that compliments what we're trying to do in Frisco. Guests who are towed indicate that they will not return to Frisco.
- An employee of Foote's Rest expressed favor for the project and as a benefit to the town.
- A Main Street business owner expressed a desire for the Staley Rouse House to be more prominently featured and to keep Main Street parking available. The twenty percent mixed-use parking reduction was not mentioned and it seems that there is a bigger parking concession asked for than noted. Businesses have been instrumental in the success of Main Street for Frisco. What is the increase of additional trips generated by the project? Questioned the hours of the parking demand as stated by the Applicant and square footage of the project. Questioned the occupancy rate estimates and noted that CDOT is expanding I-70 in anticipation of increasing traffic.
- A Main Street business owner noted their issues with the parking incentives granted to a single developer at the expense of the Main Street core and the project not being held to the same development standards as other Main Street businesses. With the current absence of parking monitoring, the citizen worries that the increase in traffic trips generated by this project would cause parking to overflow and the current traffic flow would continue to worsen. Relying on car sharing programs in the future is not realistic in considering the type of visitors that Frisco receives.
- A Main Street hotel owner noted their continuing parking issues which required entering an easement with the Town for overnight parking. Also, visitors sometime arrive with two cars for one room. The magnitude of the hotel building being located on Main Street was of concern in addition to the big-box essence of the design that did not quite capture the style of Main Street. The historical buildings seem cramped and don't integrate well into the proposed new construction. There was also concern that a hotel chain would move in when the Foote's no longer opted to run the hotel.
- A member of the public and Main Street business owner noted their support for the project and the added benefit to the town. It was evident that the town needs a noise ordinance and that there were no clear goals in place for the central core and parking needed to be added as well as sidewalks on Granite and Galena. During Frisco's BBQ Challenge, there were no issues with overflow parking in residential neighborhoods and if the decision to grant the parking waivers

creates a precedence it would be a good way to jumpstart the conversation of ensuring enough parking for others.

- A citizen noted that growth is inevitable and that this project would be a big benefit for the town. Visiting families with young kids would benefit from the bowling alley which would increase the familial atmosphere.
- A Main Street business owner commended the project design and the inclusion of workforce housing and thanks were extended for lowering the building height since the sketch plan stage. Concern with parking was noted and parking plans should be disclosed before a decision could be reached.

**Commission discussion included:**

- Appreciation was expressed for the preservation of six historic buildings and in considering the Community Plan, the benefits of this project outweighed the negatives. Articulated preference for the Staley Rouse House to be showcased on the corner. The top of the staircase should be lowered to meet the height regulations or re-designed. The Applicant's assessment on transportation was too optimistic and the clientele the project would attract will expect the convenience of parking. Noise is a big issue with rooftop bars though the Commission has no prevue to make stipulations; the public was encouraged to raise their concerns at a Town Council meeting. With the exception of parking, the reliefs requested were acceptable.
- It's a good-looking project and provides a great use for the area but when looking more closely at the Code, there are impediments. The 20% reduction is does not appear applicable to the project as there are no distinct uses for the parking. The overnight uses are all going to be onsite so there is no mixed-use parking onsite and the Applicant was asking for 56% of the required parking. Issues with the HO incentives included that the intent of the HO incentives was to preserve historic structures in place and that the Applicant was required to demonstrate that in order to preserve the structure it must be relocated. With the mass and scale, the proposed new structure does not integrate with the character of the existing historic structures and instead overwhelms them. Policy issues with HO code language.
- Favor for the project was expressed with an appreciation for the great amenities to be provided not only to hotel guests but also to the community at large. Parking was an issue and the Commissioner was willing to consider approval with a condition that prior to building permit issuance a firm parking plan must be in place. The requested incentives were more than a fair trade for preserving the historic structures. Preference was noted for the elimination of the clock feature and for the Staley Rouse House to be located on the corner, though the location as proposed is also fine.
- Keeping the Staley Rouse House in its original location would have been ideal though accepting that it's moving is necessary. Even though the current proposal is aesthetically pleasing, favor was expressed for moving the Staley Rouse House to the corner which would also open up Foote's Rest. The architecture and the requested waivers are fine, excluding the parking. Doesn't think the second fire pit is necessary and it would negatively impact the Foote's onsite residence. Excitement for the project.
- Expressed appreciation for the Applicant's hard work and favor for the project. No preference for the location of the Staley Rouse House was given though if the Applicant presents the alternate location to Town Council, having a street view showing shadows would be recommended. Believes the roof top would be better served for hotel-use only as it would limit liability, plenty of public spaces on the street level were being offered, and the exclusivity of the rooftop would be important to the boutique hotel business. The mass reflects the existing projects surrounding it and the historic courtyard helps to alleviate the scale. The hope is that the Foote's continue to own and operate the hotel though it is not in the Commission's purvue to regulate how the business is run. The onus of the parking problem does not lie entirely with the project as it is a town-wide problem also encountered with short term rentals. Uneven parking requirements exist between this project and Main Street businesses and with the preservation of six historic cabins concessions should be expected. A condition of approval

should be included for having a plan in place when the valet parking is at capacity with the Town working with all of the business to figuring out a parking solution.

- Expressed excitement for this project and parking is an issue as Frisco is becoming a tourist destination. Encouraged members of the public to bring their parking concerns to Town Council meetings as they have the ability to make code changes. There was not a desire to deny the project and as such was okay with tabling or approving with a condition regarding parking. Drainage concerns were highlighted. Encouraged the Applicant to better define the mining feature on the rooftop with removing the clock feature, and the height of the elevator overhang was not a big concern. Noise is a key issue.
- Requests to remove the clock and lower the stairwell to meet code were made. Noise is a bigger town issue. The Staley Rouse House would be better served on the corner. There didn't appear to be a connection between the HO and requested parking concessions; an overarching sustainability narrative for the property would make the requested parking allowances more viable. Parking for the workforce housing units needed to be designated and a condition of approval for designating spaces would be preferred. A stipulation regarding parking in relation to building permits must be included. Need to look toward the future of the overall increase in traffic to Frisco.

Discussion between the Commission and Staff encompassed the options and procedural matters for motions, tabling, and conditions with approval.

The Applicant, Mr. Foote, assured the Commission that a satisfactory parking plan would be finalized at the building permit stage and requested the Commission to not deny the project as contractual deadlines with the Town Council needed to be met.

Commissioner Birenbach moved to table Planning File No. 191-17-DA/RZ to December 7, 2017. Members of the Commission asked for clarification of the ramifications should a denial of this project occur. Commissioner Wahl seconded the motion to table.

**VOTE:**

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

***MOTION CARRIED***

**Staff and Commissioner Updates:**

**Adjournment:**

There being no further business, the meeting adjourned at 9:14 pm.

Respectfully submitted,

Sarah Hoffman  
Community Development Department