



RECORD OF PROCEEDINGS

**Meeting of the Planning Commission for the Town of Frisco
Town Hall, 1 East Main Street
Thursday, December 6, 2018 at 5:00 P.M.**

Call to Order: Donna Skupien, Commissioner, opened the meeting.

Roll Call: Robert Anton Franken, Andy Held, Lina Lesmes, Donna Skupien
Absent: Andy Stabile, Kelsey Withrow, Jason Lederer

Minutes: The November 1, 2018 Planning Commission meeting minutes were approved unanimously.

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

Agenda Items:

1. Planning File No. 110-18-MDA/CU: A public hearing of modifications to the approved Development Application and Conditional Use Application for the Library Lofts multi-family residential project, located at 90 South Madison Avenue / Unplatted (TR 5-78, Sec 34, Qtr 1 Sq. Ft. 21,127 Pt of Flora Placer Cont. 0.32 acres and Lot E-4, Frisco West 0.165 acres) also known as the "Summit County Library Tract". Applicant: Todd Crowe

Planner Katie Kent entered into the record public comments from Tim Sabo and Linda Simon that were distributed to Planning Commission members. Kent presented an overview of the staff report noting that the applicant is proposing a modification to the development application approved in July 2017 due to structural concerns with the existing building on-site. A conditional use is required to permit 100% residential use on the property; the Planning Commission will make a recommendation to the Town Council who will make a decision at a future public hearing. In August 2018, the application came before the Planning Commission who asked the applicant to return when they had full compliance with all Code requirements and Summit County Road & Bridge and Engineering comments. Kent noted changes made since August 2018 included adding cupolas to ridgelines and connecting two structures and so there are now two structures which do not duplicate each other on-site. Summit County Engineering and Road & Bridge Departments have provided feedback that the revised plans are in compliance with their regulations. Kent referenced that requirements of the Mixed-Use District have been complied with and the Community Plan standards were referenced.

Kent requested the Planning Commission provide feedback on the cupolas in reference to building height and if the Commissions found they are of a reasonable, balanced proportion. If the Planning Commission finds the cupolas are exempt from building height, then the Main Street Overlay District Standards #2.1, 2.2, 4.1, 4.2 and 4.3 are complied with. Kent described findings and special conditions proposed in the staff report.

Commission questions for staff included:

- Where is the Summit County boundary? Kent identified the boundary.

- If the Applicant were applying under the new code, would the conditional use require Council approval? Staff responded, no, the Unified Development Code (UDC) has the conditional use decision through the Planning Commission.
- Is the AMI for the deed restricted unit 100%? Kent replied yes.
- How far is the cupula extending above the maximum height? Kent replied approximately three feet.

Applicant and Architect, Todd Crowe, Crowe Architects, presented. Crowe described modifications made to the plans since August including a reduced footprint of the building and pulling it back to comply with Summit County access requirements. Mr. Crowe described the colors and materials for the structure stating that they were chosen to echo Mt. Royal in the back drop. Mr. Crowe stated that he thought the material selection is appropriate for this design since less is more for this building. The functions of the cupulas were described including that they not only break up the roof plane but they also bring in natural daylight.

Commission questions for the Applicant included:

- Can you describe the parking? The applicant noted tandem parking spaces in the garage for 2-bedroom units and the unenclosed driveway space for the one-bedroom units.
- Disappointed in number of trees being cut down, can you preserve more? The applicant explained that his landscape architect decided tree removal based on the health of the trees and forest management but he is happy to revisit this.
- Explain the use of the cupulas? The Applicant explained that they add to the project both aesthetically and to provide daylight to the units. The applicant noted that the height does not extend beyond the height of the chimney.

Public comments:

- There were no public comments.

Commissioner discussion included:

- Request for the Applicant revisit the number of trees to be removed.
- Sad to see library building come down as it seems we are losing a piece of our history but do appreciate the new design.
- The modified design is a big improvement over the previous design with the glass staircase facing the street. No problem with cupulas going over the height restriction of three feet. Still monotone in appearance.
- Appreciation to the Applicant for design changes. Would like to see commercial space but the residential would be allowed under current code. Landscaping is fine as long as the number of trees to be removed is addressed. Passive light is a good addition. Project is acceptable but would have liked to have seen more deed restrictions although the application is meeting code. Seems monotone due to a lot of stucco. Further discussion ensued on the use of stucco and the Planning Commission determined that the stucco is in compliance with being balanced with other materials. Commissioners noted that suggested condition #9 should be removed.
- Well balanced material and building height. The cupolas will work well since this location does not receive much sunlight. The building appears to be mountain modern and is a favorable design.

WITH RESPECT TO FILE NO. 110-18-MDA/CU, COMMISSIONER LESMES MOVED THAT THE RECOMMENDED FINDINGS SET FORTH IN THE DECEMBER 6, 2018, STAFF REPORT BE MADE AND THAT THE RECOMMENDED

ACTION SET FORTH THEREIN BE TAKEN AND THAT THE PLANNING COMMISSION APPROVE THE MODIFICATIONS TO THE APPROVED MAJOR DEVELOPMENT APPLICATION, WITH THE REMOVAL OF RECOMMENDED CONDITION #9, 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 1 AND ALSO MOVED THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF THE REQUEST FOR A CONDITIONAL USE TO ALLOW ONE-HUNDRED PERCENT (100%) OF THE PROPERTY TO BE RESIDENTIAL USE WITH THE PROPOSED NINE (9) 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 FRANKEN SECONDED.

Vote:

FRANKEN	YEA
HELD	YEA
LEDERER	ABSENT
LESMES	YEA
SKUPIEN	YEA
STABILE	ABSENT
WITHROW	ABSENT

MOTION CARRIED

1. Planning File No. 238-18-MAJ: A review of the sketch plan step of the Major Site Plan Application for the proposed Rainbow Court East Building mixed-use project, located at 310 East Main Street / Lots 3-5, Block 9, Frisco Townsite. Applicant: MM Properties LLC, represented by TC3 Architects

Commissioner Skupien disclosed that the Applicant has a second home two doors down from her but this will not affect her actions relative to the project. Commissioners Franken and Skupien disclosed that they serve on the Ten Mile Planning Commission alongside the architect of the project, Tom Connolly with TC3 Architects. Both expressed that there is no conflict and any actions taken are not affected by this.

Planner Katie Kent presented an overview of the staff report describing the proposed project, proposed materials and layout and relevancy to the Community Plan. Kent requested the Planning Commission provide feedback on the proposed motel room in connection with the UDC definition of a hotel/motel. Kent explained that per the UDC, residential uses are prohibited on the ground floor in those portions of a building that front along Main Street and/or a numbered Avenue. Kent noted that parking is not compliant at time of sketch plan but if the applicant removes the half bathroom from the lower level, does not provide a closet, and does not separate the space from the upstairs with a door, it will not qualify as a bedroom and parking will then be in compliance. Kent requested the Planning Commission provide the applicant feedback on if the structure is compatible with the neighborhood character, proposed building materials, the proposed courtyard as a public amenity and the proposed bulk plane encroachment.

Commission questions for staff included:

- Can you expand on the bulk plane encroachments? Kent requested the architect explain the bulk plane encroachments and how they provide architectural relief.
- Is this two lots? Staff responded that it is all one development site.
- Is Vinny's staying? Kent requested the architect respond during his presentation.

- Is the courtyard getting smaller? Kent responded yes.
- Is the hotel room a stand-alone? Kent requested the architect respond during his presentation.
- Request for clarification on parking credits for offices on the west side still being evaluated even though not altered. Kent replied that since this is one property, the Town must ensure that adequate parking continues to remain for all uses on the property since the project requires additional parking.
- Is a conditional use required for this project? Kent replied no.
- What is the percentage of commercial space required? Kent stated that there is no requirement for a portion of commercial in the UDC; just that residential uses are prohibited on the ground floor in those portions of a building that front along Main Street and/or a numbered Avenue.

Tom Connolly, TC3 Architects representing Myra Mesko, MM Properties LLC presented. Dede Dighero-Tuso, Broadstroke Design distributed the colors/materials board. Mr. Connolly described the proposed modifications to the building including changes to existing TC3 Architects office space and the existing wine shop. Mr. Connolly noted that the front space was designed to be for either retail or restaurant space and there would be no problem making the residential units comply with parking by becoming one-bedroom units. Connolly described the proposed solar panels and electric to the site.

Commissioner questions for the Applicant:

- Request for clarification on the proposed hotel room; who it is for, how will it be rented, will there be onsite management? Mr. Connolly noted that the owner will rent it out, most likely through the internet, and there will be no onsite management. Connolly noted it is designed to be 100% accessible.
- Clarification on modifications and the entrance to Vinny's? Mr. Connolly described the entry on the west side.
- Will there be any upgrade to the west wing of the building? Mr. Connolly replied no. Ms. Dighero-Tuso interjected later in the meeting that there would be new windows and doors for the west wing.
- Who would the rooftop deck serve? Mr. Connolly replied it could be split vertically but would be for the retail use. Further discussion ensued regarding the feasibility of a rooftop deck for retail space.
- Clarification on how much of the courtyard is disappearing? Connolly replied five feet by the depth of courtyard.
- Is the courtyard public use space? Mr. Gibson replied it is private property and no easements were in place.
- Clarification on the residential use proposed on the ground level? Mr. Connolly noted that he was previously unaware of the Code provision regarding residential uses permitted on ground floor if in a portion of building not on Main Street or numbered Avenue and when he learned that at the DRC meeting, he decided it was in his client's best interest to move forward with designs to meet that UDC requirement. Connolly further described the transition of the project over the past year.
- Is the courtyard still going to be grass and if so, won't it be affected by shade? Mr. Connolly replied yes it would be grass and would not be more affected than it is now.
- Clarification on how the proposed building is compatible with the neighborhood; especially the west wing? Mr. Connolly responded that Frisco is eclectic and noted the various buildings and different designs on the block. Mr. Connolly stated that due to size, variety of material and scale it is compatible.
- Clarification on drainage from building? Mr. Connolly gave a quick review of new vault to be added and gutters and downspouts to prevent drainage onto alley.
- Does the accessible parking space to hotel room have an accessible entrance? Connolly replied yes.
- What is the depth of the lot? Mr. Connolly replied 140' x 75' (3 town lots).
- Clarification on entrance door to restaurant/retail space; is there another door on Main Street? Mr. Connolly described the entrances to the building and the internal staircase.
- Will the residential units be sold? Mr. Connolly stated they have not yet determined that.
- How will the applicant guarantee the grass will grow in the courtyard? Mr. Connolly responded that he can provide a sun study but will need to know the exact days and times for the study to be performed.

- Clarification on percentage of grass permitted? Kent stated would need to see if the UDC permits exceptions in the Central Core but the primary standard is that the maximum amount of lawn shall not exceed ten percent of the undeveloped area of the site.
- Clarification on if they would have to condominiumize? Staff replied if they wanted to sell the units, then yes.

Public comments:

- There were no public comments.

Commissioner discussion included:

- Sad to see retail leaving the area and wish there was a little upgrade to the other half of the building; it feels like it is rundown. Ms. Dighero-Tuso stated that there would be new windows and doors for the west wing for an upgrade.
- Seems weird to have a rooftop deck on top of retail unless it is a restaurant. Is there an option to tie it in to another area?
- Disingenuous to call it a hotel room. It's a single room. Sounds like an Air BnB. Not ready to say no but not quite in favor.
- Like the design but not that there is residential on the ground floor.
- Agreement that do not like residential on ground floor and statement that they do not like the proposed arches. Does not think the proposed building is compatible with the neighborhood. Would like to see redesign of courtyard instead of grass that doesn't grow due to shade and cold in that location. Would like the courtyard to be a place that people will use.
- Appreciate that applicant is putting in solar panels and fully appreciate keeping the courtyard but not sure what they could do with it to make more functional; maybe a landscape architect could help.
- Would like to see the proposed hotel/motel room space used as office or retail instead. Agreement that gothic arches are too New Orleans. Reiteration that would like to see more commercial space and not residential on ground floor.
- Proposed hotel/motel room does not fall into the definition of hotel/motel. Solar is well integrated into design. Satisfied with materials and bulk plane at this time but depends on what it's going to look like in the final design. Do not think that this is compatible to other buildings on Main Street. If it turned into a lodge with 2 stories of rooms that would be compatible but because the proposed ground floor is residential, it is odd. Agreement with Commissioners that the hotel/motel room should be commercial space.
- If it is restaurant space, then the third floor deck makes sense but not for retail. Understand the rainbow shaped design elements but agree with the comments that the arches do not work with the design.
- Commissioners discussed the next step for the applicant and stated they felt comfortable with the applicant making revisions based on comments given and moving forward to the full site plan application. Clarification was given that the applicant can return with another sketch plan if they want to.
- Commissioners noted that they want to see a sun study provided with the full application and shall include December 21 (winter solstice) 9 a.m., noon, and 2 p.m. and on June 21 (summer solstice) 9 a.m., noon and 2 p.m.

Staff and Commissioner Updates:

- December 20th Planning Commission meeting is cancelled.
- Anticipating meeting on January 3rd and will Commissioners present be available? Commissioners present responded they will be able to attend.

- Reminder that the Town's holiday party is at Silverheels and RSVP to HR.
- Clarification that everyone who wanted a Nordic pass received one. Commissioners present responded they had received.
- Commissioners requested update on the Community Plan. Mr. Gibson stated that the Community Resource Group meeting scheduled for the end of November will be rescheduled for after the holidays. Staff is continuing to work with Clarion and the consultant regarding a parking study and so there is a lot happening in the background and the plan update is moving forward.
- Mr. Franken alerted Staff he would be absent the second meeting in January and the first meeting in February.
- Commissioners stated they would like Staff to consider changes to the UDC regarding 180-5.2.8 permitting residential uses in a "portion of building" not on Main Street or a numbered Avenue and that Staff consider adding the requirement that the Mixed-Use district have a requirement that there be a minimum of twenty percent commercial and residential uses on a property.
- Commissioners requested Staff explain the definition of a bedroom in the UDC. Staff noted that if there is a bathroom or closet or the space is separated from rest of unit, it qualifies as a bedroom.

Adjournment:

There being no further business, Commissioner Lesmes made a motion to adjourn, seconded by Franken and was unanimous. The meeting adjourned at 7:00 p.m.

Respectfully submitted,
Cheryl Mattka

Community Development Department