



TOWN COUNCIL STAFF REPORT

P.O. BOX 4100 ♦ FRISCO, COLORADO 80443

To: MAYOR AND TOWN COUNCIL

FROM: JOYCE ALLGAIER, COMMUNITY DEVELOPMENT DIRECTOR
KATIE KENT, PLANNER

RE: PLANNING FILE No: 092-17-DA/CU: A PUBLIC HEARING FOR THE CONDITIONAL USE REQUEST TO ALLOW ONE-HUNDRED PERCENT (100%) RESIDENTIAL USES WITHIN THE PROPOSED LIBRARY LOFTS MULTI-FAMILY RESIDENTIAL PROJECT

DATE: AUGUST 8, 2017

Applicant: Crowe Architects, Todd Crowe
12700 Willow Lane
Lakewood, CO 80215
croweworks@att.net

Owner: Madison Avenue Properties, LLC
73 Kendrick Court
Golden, CO 80401

Summary: A conditional use request for Crowe Architects to have one-hundred percent (100%) residential use within their proposed Library Lofts multi-family residential project located at 90 South Madison Avenue. The property is zoned Mixed Use (MU) District. The MU District states that all permitted uses in the MU District must consist of a mixture of residential and commercial uses, with each such sort of use making up not less than twenty percent (20%) of the total floor area of all uses within a single zone lot. Since the applicant is proposing to remove the existing office use, the property will contain 100% residential use and this requires conditional use approval.

The overall structure is proposed to entail:

- Repurpose existing building to create one (1) ~3,000 sq. ft. two-bedroom residential unit and ~3,000 sq. ft. common area with lounge, ski lockers, bar, spa and restrooms
- Expand existing building to create six (6) additional ~2,029 sq. ft. two-bedroom residential dwelling units
- Fifteen (15) enclosed parking spaces

Background: The subject property, 90 South Madison Avenue, fronts along South Madison Avenue and Mount Royal Drive (CR 1010). An existing one-story commercial structure, approximately 6,300 sq. ft. of floor area, exists on the east side of the property with unenclosed off-street parking spaces provided on the western portion of the lot. According to the Summit County Assessor's data, the existing structure was constructed in 1975. The existing building previously housed the Summit County Library and currently contains the offices of an accounting firm.

Formerly in Summit County jurisdiction, in 1998, Town of Frisco Ordinance No. 98-2 approved the annexation of the subject parcel, known as the County Library Parcel. This was followed by Ordinance 98-3 which rezoned the parcel from Summit County R-2 to the Frisco Mixed Use District with the Main Street Overlay. This is still the zoning which applies to the property.

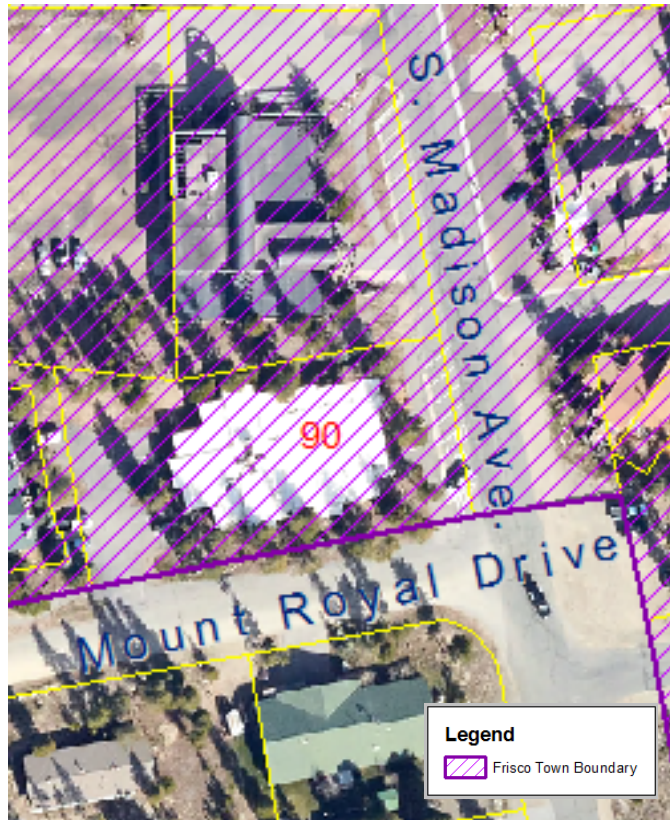
Concurrently with this conditional use application, Crowe Architects submitted a development application for the proposed multi-family residential structure. The Planning Commission held a public hearing on the development application and conditional use at their July 20, 2017 meeting and approved the development application. They also forwarded a recommendation of approval to the Town Council for the request of a conditional use for the residential use by a vote of 4-1. The development application approval is contingent upon the Town Council approval of the conditional use. (This application was received under the old code.)

The application before the Town Council is for the conditional use application by Crowe Architects in order to allow one-hundred percent (100%) residential use within the proposed Library Lofts structure proposed for 90 S. Madison Avenue.

Below is a vicinity map of the subject property with an aerial photography base layer. Also included for reference are photographs of the subject property.



Vicinity Map



Town of Frisco Boundary



View from southeast corner (04/20/2017)



View from northeast corner (April 20, 2017)



View from southwest corner (Google Earth, August 2008)

Project Review:

Analysis - Conditional Use [§180-30]

The Planning Commission reviews all conditional use applications and forwards a recommendation to the Town Council for the approval, approval with conditions, or denial of the

application. The Town Council has the final decision in authorizing a conditional use. At their meeting on July 20, 2017, the Planning Commission voted 4-1 to recommend approval to Town Council with the findings and conditions as stated in the staff report.

The property is zoned Mixed-use (MU) District. The Frisco Town Code (Code) [§180-15] states that all permitted uses in the MU District must consist of a mixture of residential and commercial uses, with each such sort of use making up not less than twenty percent (20%) of the total floor area of all uses within a single zone lot. Since the applicant is proposing to remove the existing office use, the property will contain 100% residential use requiring a conditional use review and approval.

Staff notes that the proposed Library Lofts multi-family residential project meets the required parking (for seven (7) two-bedroom units plus required guest parking spaces). If the applicant was to provide a commercial use, parking would need to be re-evaluated and additional parking from what is currently provided would most likely be required.

It is the responsibility of the applicant to establish that each of the following conditional use criteria has been met. The applicant's response to each of these review criteria is below. A staff review is also provided for each criterion:

a. That the proposed use in its particular location is necessary or desirable to provide a service or facility that will contribute to the general welfare of the community.

Applicant's Response: *"Given the proposed Library Lofts development is bordered on three contiguous sides by solely residential developments, with the exception of Peak One School to the north, the proposed conditional use request for residential is consistent and compatible with its residential neighbors and as such does not adversely change the complexion or intent of the masterplan or the integrity/fabric of the neighborhood".*

Staff's Analysis: This project provides a suitable residential use in this particular location that can contribute to the general welfare of the community. The conditional use proposes seven (7) new residential housing units within walking distance to Main Street businesses, a Summit Stage bus stop, the Post Office, Town Hall, and the recreation path. We can see that the location of residences in such a place as being complementary to the existing uses, can provide vitality, and has the potential to allow greater use of transit. Some concerns of staff include the change of commercial uses to free-market residential in a place so close to Main Street. The areas on and near Main Street are where people should work, where services are provided, and where the work force, as well as visitors, can meet their needs by finding professional services, along with restaurants and retail. Employees, especially during shoulder seasons keep a downtown core alive. The subject property is in a transition area between residential and a commercialized Main Street, where we seek year-round vitality to allow businesses to prosper. Employees in places like the subject property are those who visit Main Street for the above-mentioned reasons, and Frisco needs to be careful that (because of the burgeoning housing market) too much conversion to residential occurs that erodes a vital downtown core. None of the units are proposed for work force housing and there is a high potential for these units to be second homes as they will be free market.

b. That such use will not, under the circumstances of the particular case and the conditions imposed, be detrimental to the health, safety and general welfare of persons nor injurious to property or improvements in the community.

Applicant's Response: *"The 'Conditional' Residential use is consistent with adjacent properties and the existing sidewalks and bike paths have been built in anticipation of such pedestrian use and flow".*

Staff's Analysis: The proposed use does not appear to be detrimental to the health, safety and general welfare of the community. It is not anticipated that the use will create any negative noise, odors, or visual impacts because of its residential nature. The project will not be detrimental to the health, safety and welfare to the community if the project is approved pursuant to the proposed conditions referenced below. This criterion can be met.

c. That the proposed use will comply with the regulations and conditions specified in the Town Code for such use.

Applicant's Response: *"The proposal use will comply and fall within all conditions and regulations for this use per the Town Code".*

Staff's Analysis: Conditions of this staff report allow for this criterion to be met.

d. That the proposed use conforms to the goals and objectives of the Community Plan for the Town of Frisco.

Applicant's Response: *"In light of the proposed developments context within a predominantly residential environment it will enhance not diminish the peaceful enjoyment of the neighborhood by both reducing traffic and providing a compatible occupancy that is aesthetically congruent and consistent with the Main Street Overlay District's Goals and Objectives, which will in turn serve to expand and enrich the Main Street Corridor".*

Staff's Analysis: Staff has evaluated the current proposal for consistency with the Master Plan and Staff does not feel that the proposal is in direct conflict with any of the policies outlined in the Plan. This conditional use request appears to be both supported by and at odds with the direction in the Frisco Community Plan, specifically:

- A&C 2. Enhance Frisco as a cohesive community, which includes full-time residents, second homeowners, businesses, and visitors.
- BE 1. Encourage eclectic and sustainable designs for new construction and redevelopment to enhance the community's character.
- BE 3. Preserve and enhance the Main Street area as the heart of the community.
- EC 3. Encourage and direct economic growth.
- HS 2. Ensure new housing is compatible with adjacent properties and compliments existing neighborhoods.

Staff has a concern about the loss of office/commercial space that can support businesses in the core. This criterion can be met.

e. That the proposed use furthers the architectural qualities and character of the community.

Applicant's Response: *"In light of the proposed developments context within a predominantly residential environment it will enhance not diminish the peaceful enjoyment of the neighborhood by both reducing traffic and providing a compatible occupancy that is aesthetically congruent and consistent with the Main Street Overlay District's Goals and Objectives, which will in turn serve to expand and enrich the Main Street Corridor".*

Staff's Analysis: The architectural qualities of the proposed building are compatible with the small mountain town character of Frisco. The applicant is proposing a mountain contemporary style architectural design that is complementary to Frisco's eclectic character. The Planning Commission discussed the architecture in detail and supported the architecture because of its contemporary approach that is both unique to the streetscape and vicinity, yet reflects a "refreshing" mountain style with peaked roofs and a variety of materials. This criterion can be met.

f. That the proposed use is compatible in function and design with surrounding land uses.

Applicant's Response: *"Although the elimination of retail/office may seem to diminish the retail tax base, the addition of residents to the Central Core/Main Street District actually serves to enhance the economic sustainability of the existing businesses via the economic stimulation and vitality these new families/residents will bring to the commerce of Main Street as well as Summit Boulevard. The proposed development will not only enhance the streetscape but is a sustainable solution given the preservation of the existing structure. In the end, people not buildings create economic sustainability; therefore affording the opportunity to bring to fruition fresh new dwellings, will serve to maintain and enhance economic growth which in turn will increase the vitality and vibrancy of the community".*

Staff's Analysis: Staff finds that the proposed use can be found to be compatible to the surrounding land uses. Generally, owner-occupied residential uses are of a lower impact than commercial or office uses. However, if the residential use is in short term rental there could potentially be a greater trip generation, than say, a professional office as is located on the site today. (However, proximity to transit and Main Street can significantly cut down on trips.) The proposed residential use would be compatible to the residential dwelling units located within adjacent properties. Having residential units in close proximity to Main Street's retail, restaurants and office uses can provide support to those uses as well. The nearby transit stop on West Main Street can support the use of public transportation for the residents. The location serves as a transition between Main Street and the low density residential neighborhoods to the south and west. The use is compatible with surrounding land uses but perhaps not in keeping with the overall intent of the Mixed Use land use designation of the area. This criterion can be met.

Agency Review

The proposed Library Lofts building was reviewed and discussed at a Community Development Department "DRC" meeting. (DRC is the Development Review Committee, comprised of representatives from the Public Works Department, Water Department, Town Engineer, Frisco Sanitation District, Lake Dillon Fire and Rescue District, Summit County Environmental Health, and Xcel Energy.) These entities analyzed the project and provided comment to the applicants regarding code requirements, standards, and fees. No issues were identified by the DRC that would disallow the use as long as those requirements are met. Many of these (such as fire code, ventilation, etc.) are handled at the time of building permit application.

Public Comment

The Community Development Department has not received any formal public comments as of August 2, 2017.

Recommendation

On July 30, 2017, by a vote of 4-1, the Frisco Planning Commission conditionally approved the development application for the proposed multi-family residential project, located at 90 South

Madison Avenue. By the same vote, the Planning Commission recommended the Town Council approve the subject conditional use request. On that basis, it is Staff's

RECOMMENDATION

That the Town Council consider the recommendation of the Planning Commission and staff.

APPROVE the Conditional Use Request for one-hundred (100%) residential use within the proposed 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, subject to the following recommended findings and conditions:

Recommended Findings are written in the affirmative to support the application, however further discussion by the Town Council is encouraged, especially regarding whether a conversion of office/commercial space to 100% residential is the desired land use outcome for the subject property, considering the underlying Mixed Use zoning. Should the Town Council come to a different conclusion, staff would prepare alternative findings for adoption.

Based upon the review of the staff memorandum dated August 8, 2017, and the evidence and testimony presented at the public hearing on that date, the Town Council finds:

1. The proposed conditional use request for the multi-unit residential dwellings is in general conformance with the Town of Frisco Zoning Code, specifically Section 180-30, Conditional Uses, because the following criteria established for allowing a conditional use have been met:
 - a. Because the Community Plan encourages providing a desirable service and facility to the community and the proposed multi-unit residential dwellings will contribute to the general welfare of the community by adding residential dwelling units. The conditional use proposal will provide seven (7) new residential housing units in a desired location within walking distance to Main Street businesses, Summit Stage bus stop, a school, the Post Office, Town Hall, and the recreation path. The location of residences are in a place as being complementary to the existing uses, provides vitality, and has the potential to allow greater use of transit.
 - b. Because the proposed structure is required to comply with all applicable Town codes, and the conditions set forth in this staff memo are intended to address health, safety, and welfare, the use will not, under the circumstances of the particular case and conditions imposed, be detrimental to the health, safety, and general welfare of persons nor injurious to property or improvements in the community.
 - c. Because all the conditions of the staff report must be met, the proposed residential dwelling use will comply with the regulations and conditions in the Town Code for such use.
 - d. Because the proposed residential dwelling use conforms to the goals and objectives of the Frisco Community Plan including enhancing Frisco as a cohesive community which includes full-time residents and second homeowners, encouraging eclectic and sustainable designs for new construction and redevelopment to enhance the community's character, preserving and enhancing the Main Street area as the heart of the community

and ensuring new housing is compatible with adjacent properties and compliments existing neighborhoods.

- e. Because the proposed structure will be compatible with the other structures located in the vicinity, providing a mountain contemporary style of architecture that is complementary to Frisco's eclectic character, it meets the small mountain town character of Frisco, and the proposed use furthers the architectural qualities and character of the community.
- f. Because the proposed residential dwelling use provides Frisco residential units in close proximity to Main's Street retail, restaurants and office uses, it will be compatible to the surrounding land uses. The nearby transit stop on West Main Street will support the use of public transportation for the residents. The use is compatible with surrounding land uses and in keeping with the overall intent of the land use designation of the area.

Recommended Standard Conditions

1. Conditional Use Expiration: Unless a business license has been issued for the use or a building permit issued for the project within a period of one (1) year from the date of conditional use approval, the conditional use approval shall expire. [§180-30-D-3, Final Approval, Town of Frisco Zoning Ordinance]
2. Building Permits: This Notice of Decision does not constitute the issuance of a building permit. A building permit will be required for this project. For additional information, please contact the Town of Frisco Building Division. [Chapter 65, Building and Construction and Housing Standards, Code of the Town of Frisco]
3. Excavation Permits: This Notice of Decision does not constitute the issuance of a utility excavation permit. A utility excavation permit may be required for this project. For additional information, please contact the Town of Frisco Public Works Department. [Chapter 87, Excavations, Code of the Town of Frisco]
4. Business Licenses: It shall be unlawful for any person to operate and maintain or conduct any business within the town, including the delivery of goods by wholesalers within the town, which are purchased or contracted for outside the limits of the town, without first obtaining a general business license to conduct such business. A business license is required for all construction contractors operating within the Town of Frisco. For additional information, please contact the Town of Frisco Town Clerk's Office. [Chapter 110, Licensing of Businesses, Code of the Town of Frisco]
5. Compliance with the Town Code: The applicant is hereby on notice that compliance with all other provisions of the Frisco Town Code, which are applicable to this project, is mandatory. The applicant is advised that unmet code provisions, or code provisions that are not specifically listed as conditions of approval, does not, in any way, create a waiver or other relaxation of the lawful requirements of the Frisco Town Code or state law.
6. Violations: It shall be unlawful to erect, construct, reconstruct, alter, maintain or use any building or structure or to use any land in violation of any provisions of the Town of

Frisco Zoning Ordinance. The Town may impose any and all penalties and actions prescribed by the Code of the Town of Frisco against any person, firm, corporation, either as owner, lessee, occupant or otherwise, who violates any provisions of the Zoning Ordinance. [§180-47, Violations & Penalties, Town of Frisco Zoning Ordinance]

Draft Motion:

"I move to **APPROVE** the Conditional Use Request for one-hundred (100%) residential use within the proposed 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, subject to the recommended findings and conditions.

Attachments:

- Town of Frisco Zoning Ordinance:
 - §180-13. Mixed Use District
 - §180-30. Conditional Uses
- Conditional Use Application Materials

cc: Todd Crowe, Crowe Architects