

Pinnacle Basecamp
March 16, 2017 Packet



**PLANNING COMMISSION
STAFF REPORT**

March 16, 2017

AGENDA ITEM: Planning File No. 010-17-SK: A sketch plan review of the Pinnacle Basecamp commercial project located on the "Major Retailer" building site of the Basecamp Development

LOCATION: 268 Lusher Court / Lot 2A, Summit Stage Transit Center

ZONING: Accommodations (AC) District / Summit Boulevard Corridor Overlay District

APPLICANT Pinnacle Mountain Homes
Chris Renner
335 N. Main Street
Breckenridge, CO 80424
chris@pinnaclemtnhomes.com

OWNER: Brynn Grey X, LLC
1000 S McCaslin Blvd, Suite 300
Superior, CO 80027

ARCHITECT: Pinnacle Mountain Homes
335 N. Main Street
Breckenridge, CO 80424

TOWN STAFF: Katie Kent, Planner (970) 668-9131
katiek@townoffrisco.com

PROJECT DESCRIPTION

The applicant, Pinnacle Mountain Homes, is requesting a sketch plan review for a proposed commercial building located on the pad site identified for a Regional Retail building (commonly referred to as Pad 5) on Lot 2A, Summit Stage Transit Center. According to the application materials, this project entails:

- 13,000 sq. ft. floor area, two-story structure with mezzanine area
- 1st floor consisting of 5,000 sq. ft. design center for local business and 2,000 sq. ft. restaurant use for one or two restaurants
- 2nd floor consisting of 5,000 sq.ft. office space with additional 1,000 sq. ft. on upper mezzanine level

- Twenty-two (22) parking spaces proposed for the pad site to provide for the Pinnacle Basecamp commercial building

The project will require a future Development Application to be reviewed by the Planning Commission. In addition, “Offices” use is a conditional use in the Accommodations zoning district. A conditional use to allow offices will be reviewed by Town Council with a recommendation provided by the Planning Commission.

For a more complete project description, please refer to the attached application materials.

BACKGROUND

The proposed site is located within Lot 2A, Summit Stage Transfer Center, also known as the “Interstate Parcel”. A Development Application and Conditional Use permit for the overall site was approved by the Planning Commission in December 2012 (150-12-DA/CU). At the time of this approval, the project at build out was stated to consist of five buildings, with a maximum allowable total of 105,000 square feet of rentable space.

Whole Foods Market: 25,000 square feet (with future expansion area of 15,000 sq. ft.)
Inline Retail Building: 15,000 square feet
Gateway Building: 5,000 square feet
Wellness Building: 20,000 square feet (two stories – 10,000 sq. ft. per level)
Regional Retail: 25,000 square feet

It should be noted that there was not a minimum of commercial square footage required on Pad 5.

As of March 2017, the Regional Retail building is the only vacant pad site remaining on the parcel. The proposed Pinnacle Basecamp commercial building is proposed for this site. Concurrently, a sketch plan application has been submitted by Basecamp Shops and Residences to construct a 23,036 square foot mixed-use building adjacent to the Pinnacle Basecamp Building, also on Pad 5.

It was stated in the December 20, 2012 Staff Report to Planning Commission that “*Once a tenant is found for the Regional Retail building, a development application with architectural elevations will be required to go through the development review process*”.

The Conditional Use for the property was approved by Town Council on January 22, 2013 to allow the proposed “office” and “medical office” uses for up to 10,000 sq. ft. These uses were proposed for the Wellness building and were not discussed for the Regional Retail pad site at that time.

Special conditions of the Development Application and Conditional Use specifically related to the Regional Retail building included:

“Special conditions to be met with any future development applications for the Major Retailer Building and/or an expansion to the Whole Foods Market:

1. *That the maximum height permitted for both the Major Retailer building and an expansion to the Whole Foods Market is 30 feet as a result of the applicant taking advantage of the lot cover exemption under Section 180-13, Accommodations District.*

2. *That further enhancements of aesthetics and streetscape are addressed for the paved pathway (which comes from Meadow Drive and Meadow Park) as it enters the site adjacent to the Major Retailer building. (Design Criteria of Lease Agreement between Town and Brynn Grey, #4).*

In March 2015, Brynn Grey Partners, LTD requested a modification to the development application in regards to the Wellness Building commercial project. These modifications included minor changes to building footprint location, window detail and fly roofs, building parapet, stairway reconfiguration, and dumpster relocation. The proposed modifications resulted in the net increase of one (1) additional parking space for the project.

The Town of Frisco and Brynn Grey X LLC had a lease document effective June 6, 2012. This Lease Agreement was terminated through the Real Covenant and Agreement dated May 28, 2013 between the Town of Frisco and Brynn Grey X LLC. The Real Covenant and Agreement outlines development regulations, rentable area and prohibited uses for the property. Brynn Grey X LLC has requested the Town of Frisco amend the covenant to allow residential uses. This will be discussed at the March 14, 2017 Town Council meeting. The proposed residential use must first be approved by Town Council, and the Real Covenant and Agreement amended, prior to formal development application submittal for the Basecamp Shops and Residences structure.

It shall be noted that the applicant is proposing ~36,000 square feet between the proposed Basecamp Shops and Residences structure and Pinnacle Basecamp commercial structure. The Real Covenant Agreement states that a maximum of 105,000 square feet of Rentable area can be permitted on Lot 2A, Summit State Summit Stage Transit Center. In addition, at no time shall the total Rentable Area available for rental to all tenants and subtenants other than Whole Foods Market, Inc., or other the tenant of the WFM Site, exceed 65,000 square feet of Rentable Area. The Regional Retail structure was originally allotted 25,000 square feet. Prior to submitting formal Development Application, the applicant will need to demonstrate compliance with the total Rentable area requirements of the Real Covenant and Agreement dated May 28, 2013.

Below is a vicinity map of the subject property. Also included for reference are photographs of the subject property.



Vicinity Map



View looking Northeast at property (Google Earth October 2016 Imagery)



View from Meadow Drive looking Northwest at property (Google Earth October 2016 Imagery)



View from Meadow Drive looking West at property (Google Earth October 2016 Imagery)



View looking southeast at property March 7, 2017

SKETCH PLAN REVIEW

A sketch plan review is an opportunity for Planning Commission to comment on the various aspects of a development proposal including proposed uses, parking and traffic circulation, architecture, landscape design, and compatibility with the neighborhood. It is also an opportunity for the applicant to listen to Commissioners' comments and make changes to the proposal prior to a formal development application submittal.

Pursuant to Section §180-19-C-6-b, Frisco Town Code (in part):

All applications for commercial development projects, and residential development projects consisting of three or more units, shall be required to present an informal sketch plan of the development before a regularly scheduled meeting of the Planning Commission.

Materials to be presented in support of the development must be of sufficient nature to allow the Planning Commission and Community Development Department staff to provide informed feedback on the project.

An existing conditions plan and artist renderings, conceptual plans and sketches are strongly encouraged to be presented to help staff and the Planning Commission envision the project clearly. If necessary, the Planning Commission may require an applicant to return for additional sketch plan presentations if sufficient information is not received or if substantial changes to a proposal are recommended.

The consideration of, and comment on the sketch plan by the Planning Commission does not bind the Planning Commission or Town Council to approve a preliminary plan or plat, nor does it confer on the applicant any vested rights.

Notwithstanding the foregoing requirements, if an applicant has alternative conceptual site plans for the same general project that they would like to review with the Planning Commission, then the submission of the items set forth in subparts i through viii above are not required with respect to such alternative plans. At the time that the applicant makes a choice from among its alternative plans, the applicant shall make a submission for a sketch plan review by the Planning Commission that contains each of the items set forth in the Town Code. At no time shall the applicant proceed to the development application process with only having had alternative conceptual site plans reviewed by the Planning Commission.

A formal development application for this proposal will require Planning Commission review at a future public hearing. The proposal will be reviewed in detail for conformance with the Frisco Community Plan and compliance with the Frisco Zoning Ordinance at that time.

ANALYSIS - FRISCO COMMUNITY PLAN

The following elements of the Frisco Community Plan are applicable to the review of the proposed development:

Plan Overview (excerpt)

The Frisco Town Charter requires that the Town's master plan be updated every five years in order to respond to changing times. The 2011 master plan update is titled the 'Frisco Community Plan.' Periodically updating the Frisco master plan is a critical step in the process to maintain a vibrant mountain town, balance the town's reputation as a great destination, ensure a strong yet diverse economic base, and preserve our quality of life. The community realizes intentional planning for the future is necessary to ensure that the Town of Frisco continues to evolve as a resilient community.

Purpose ~ The Frisco Community Plan's purpose is to identify common values and guide direction to connect, sustain and create the future of the Town of Frisco over the next 5 years.

Connect ~ Connections are a core tenet of the Frisco Community Plan; they reflect the way people, organizations and neighbors relate to each other in the Frisco community. Connections help to address needs of the community.

Sustain ~ Everything is interrelated. Sustainability is the fundamental approach of the Frisco Community Plan; it recognizes the social, environmental and economic influences on the community, and aims over the long-term to balance these influences to support community success.

Create ~ Creation of lasting community relationships is an important aspect of the Frisco Community Plan. The plan creates the community's direction for a preferred future of Frisco."

Chapter 2. Community Direction (excerpts)

The Frisco Community embraces itself as a vibrant mountain town, and seeks opportunities to enhance and maintain vibrancy through art and culture, the built environment, community services, energy, the economy, health and well-being, housing, natural resources, recreation and transportation. ~ Community Plan Quality of Life statement

Art & Culture

Frisco is a community that celebrates its history, honors its eclectic influences and promotes artistic and cultural opportunities.

- *A&C 2. Enhance Frisco as a cohesive community, which includes fulltime residents, second homeowners, businesses and visitors.*

Built Environment

Frisco is a community that encourages land uses and architectural styles to fit its mountain town identity, and strives for development with sustainable design, materials and practices.

- *BE 1. Encourage eclectic and sustainable designs for new construction and redevelopment to enhance the community’s character.*
- *BE 4. Enhance the Summit Boulevard area as a primary gateway and as a functional and efficient economic center of the town*

Economy

Frisco is a community that promotes a diverse, sustainable, year-round economy.

- *EC 1. Develop economic strategies to encourage a diversity of commercial businesses in town.*
- *EC 2. Continue to promote the town as a year-round destination.*
- *EC 3. Encourage and direct economic growth.*
- *EC 5. Support the creation and outlet for local markets and support local workforce policies.*

Energy

Frisco is a community that supports zero waste principles, encourages use of clean energy opportunities and promotes resource conservation.

- *EN 4. Encourage the use of recycled materials, renewable energy sources and the use of green and energy efficient building practices.*
- *EN 5. Promote conservation and use of resources to maintain a sustainable community for generations to come.*

Transportation and Mobility

Frisco is a community that provides a safe and efficient multi-modal transportation system, and promotes walkability, bicycling and alternative modes of travel.

- *TM 2. Maintain the town’s paved pathway system, and enhance connections to the community’s neighborhoods, parks, commercial areas and to the county-wide recpath system.*

PUBLIC COMMENT

The Community Development Department has not received any formal public comments concerning this project as of March 9, 2017.

ANALYSIS – ACCOMMODATIONS (AC) ZONE DISTRICT [§180-13]

The requirements of the Accommodations District are applicable to the review of the proposed Basecamp Shops and Residences project as follows:

Purpose: The purpose of the AC district is as follows:

“To allow for the development of different types of accommodations and other commercial services for the tourist and short-term visitor, promote non-vehicular access to uses within the area, to allow for commercial and service oriented facilities to be located in close proximity along the Highway 9 and Interstate 70 interchange area, and to provide connections to mass transit and multi-modal transportation systems.”

Permitted and Conditional Uses: “Light Retail” and “Regional Retail” are permitted uses in the AC Zoning District. “Offices” are a conditional use which had been approved for the up to 10,000 sq. ft. in the Wellness Building by the Town Council in a January 22, 2013 Notice of Decision regarding 150-12-DA/CU. The applicant will be required to apply for “Offices” as a conditional use for the proposed Pinnacle Basecamp structure. The applicant will be applying for conditional use approval by the Town Council with a recommendation by the Planning Commission.

Minimum Lot Area: N/A

Minimum Lot Frontage: N/A

Dimensional requirements: In the AC District, there is a front yard setback of twenty (20) feet. Side and rear yard setback shall be ten (10) feet. These setbacks shall be applied to the Basecamp site as a whole. At time of original development, the north property line was designated as the front with a twenty (20) foot setback.

	Minimum Setback	Proposed Setback
Front Yard (north property line)	Twenty (20) feet	>300'
Side Yard (east property line)	Ten (10) feet	>100'
Side Yard (west property line)	Ten (10) feet	> 300'
Rear Yard (south property line)	Ten (10) feet	~ 50 feet

The application appears to meet this standard.

Maximum Building Height: In the AC District, the Maximum building height is stated as fifty (50) feet for a pitched roof and forty (40) feet for a flat roof. Upon the 2012 Planning Commission approval, the maximum height was reduced by ten (10) feet to allow the overall site development a larger lot coverage.

With regards to the maximum building height, the staff report dated December 20, 2012 for 150-12-DA/CU stated:

“The lot size of the property is 9.4 acres and the portion of Lusher Court to be vacated as a right-of-way is 1.035 acres. So for purposes of lot coverage, both of these have been included for an aggregate of 10.44 acres. Seventy percent lot coverage is proposed. In order for the lot coverage to be allowed to increase 10%, the heights of the buildings must be a minimum of 10 feet below the maximum height requirement. The Gateway building, Whole Foods Market, Inline buildings, and Wellness building are 10 feet below their respective height limits

The site is 10.44 acres or 454,766 square feet and proposes a lot coverage of 7.31 acres or 318,336 square feet, which is 70% of the site. The 60% lot coverage is able to be increased to up to 70% based on the buildings’ heights. The lot coverage requirement is met. For future reference, the major retailer building and any expansion of the WFM will be required to meet a 30 foot maximum height limit”.

Whereas the staff report discussed height requirements based on the proposed flat roof building at the time, stating that the major retailer building shall be required to meet a thirty (30) foot maximum height limit, it also stated that the height of the building must be a minimum of ten (10) feet below the maximum height requirement. Town Code Section 180-13 D. (6) (b) states that a five percent (5%) increase in lot coverage is permitted for every 5 feet below the maximum height the building(s) is constructed. The property has a lot coverage allowance of 70% which is a 10% increase in permitted lot coverage. Therefore, the building shall be ten (10) feet below the maximum height requirement allowing the maximum height of the proposed structure to be forty (40) feet for a pitched roof and thirty (30) feet for a flat roof.

The proposed site plan illustrates the height of the proposed structure as being approximately forty-five (45) feet. The applicant will be responsible for showing compliance with building height requirements at the time of formal development application.

Lot Coverage: In the AC District, the lot coverage shall not exceed sixty (60) percent of the total lot area. If additional lot coverage incentives are utilized, in no instance shall the aggregate lot coverage be allowed more than an additional 12% of lot area. At the time of original site development, the developer utilized an additional ten (10) percent lot coverage by reducing the building height by ten (10) feet. Since the applicant has already utilized a ten (10) percent increase in lot area, there is a maximum of two (2) percent remaining.

The applicant has referred to providing affordable housing for locals in their proposed Basecamp Shops and Residences structure. However, no specific details, including if housing units would be deed restricted, was clearly stated in the application. If the applicant requests the Accessory housing unit exemption, Frisco Town Code Section 180-13 D. (6) (a) states that when a deed restricted accessory housing unit meeting the town’s requirements is constructed, the lot coverage requirements shall be increased such that the lot coverage shall not exceed sixty-five (65%) of the total lot area. The applicant could utilize the accessory housing unit exemption to allow an additional five (5) feet of building height if used to off-set the previous height incentives.

The applicant is responsible to show compliance with overall site lot coverage at time of formal Development Application.

ANALYSIS - DEVELOPMENT STANDARDS [180-20]

The project will be reviewed thoroughly for compliance with the specific development standards of the Frisco Zoning Ordinance when a formal development application is submitted.

Snow Storage and Snow Shedding: The original development application for the site showed compliance with required snow storage. The applicant will be responsible for ensuring continued compliance with both snow storage and snow shedding at time of the formal development application.

Road Construction and Maintenance Standards: No new public or private roads are proposed in association with the project. A special condition of the original site approval for 150-12-DA/CU stated:

“That further enhancements of aesthetics and streetscape are addressed for the paved pathway (which comes from Meadow Drive and Meadow Park) as it enters the site adjacent to the Major Retailer building. (Design Criteria of Lease Agreement between Town and Brynn Grey, #4).”

The applicant shall be required to continue to comply with the conditions of Planning File 150-12-DA/CU. This includes the special condition to provide enhancements for the paved pathway as it enters the site adjacent to the Major Retailer Building. The applicant shall address this condition at time of formal Development Application.

Outdoor Lighting: A lighting plan shall be submitted at time of formal development application. This shall show exterior fixtures proposed for the new structure along with parking areas and pedestrian walkways and show compliance with all regulations stated in Section 180-20.2 of the Frisco Town Code.

Landscaping and Revegetation: A landscaping plan shall be submitted at time of formal development application. This shall show compliance with all regulations stated in Section 180-20.1 of the Frisco Town Code.

Parking: Section 180-23 of the Frisco Town Code references parking requirements. At the time of original site plan review the parking calculations based on the proposed uses in 2012 were as follows:

“Number of spaces required: At full build-out, the total square footage of the site will be 105,000 square feet of commercial space. The following parking calculations are determined per the uses proposed that make up the 105,000 sf of commercial space.

Proposed uses, based on a total of 105,000 sf of commercial space at full build-out, are as follows: Retail/Restaurant/Health/Financial Uses of 95,000 sf (of this amount, 8,900 sf is proposed as restaurant use); and, Office/Medical Office uses of up to 10,000 sf.

For 96,100 sf of retail/health financial/medical office/office use, the code requires 275 spaces. For 8,900 sf of restaurant use, the code requires 36 spaces. 311 spaces are required for this proposed project. 414 are provided per the parking plan. Eight accessible parking spaces are required and 12 are provided (6 of the 12 are van accessible).”

The applicant will be responsible for submitting a parking plan for the overall site at time of formal Development Application to show compliance with all regulations as stated in Section 180-23 of the Frisco Town Code. One parking space is required for every 350 square feet of GFA for “Medical Offices”, “Office” and “Retail Use”. One parking space is required for every 250 square feet of GFA of “Restaurants, Bars and Taverns”.

Traffic Study: Frisco Town Code requires a traffic study, prepared by a professional engineer licensed in the State of Colorado, be submitted for any structure requiring a conditional use. Since the applicant is proposing to alter the uses and site plan originally analyzed with the October 2012 Traffic Impact Analysis, the Traffic Analysis must be reevaluated and updated. The applicant will be required to submit this update, illustrating compliance with Frisco Town Code, at the time of formal Development Application.

Summit Boulevard Corridor Overlay District: The sketch plan submittal materials do not provide adequate information to review the Summit Boulevard Corridor Overlay District at this time. The applicant has stated in their narrative they are aware of requirements and will address at time of development application. The project will be reviewed for compliance with the Summit Boulevard Corridor Overlay District at time of Development Application review.

STAFF RECOMMENDATIONS

Staff recommends the Planning Commission provide the applicant feedback on the proposed Pinnacle Basecamp structure in the context of the recommendations and requirements of the Frisco Community Plan and the Frisco Town Code.

Some observations:

- Staff favors a site plan that includes more buildings versus one large box-style structure. More structures in this setting can break up the mass and also lend themselves better to fitting the site and making the site more visually interesting, especially considering the integration of residential units.
- It will be important for the traffic circulation as well as the relationship (scale, use relationships, window direction, noise impacts, etc.) between the buildings located on Pad 5, to be looked at closely.

The formal development application will require the submittal of as-built lot coverage, snow storage, drainage, landscaping and parking analysis for the entire parcel. At the time of Development Application, the applicant will be required to demonstrate compliance with the Frisco Town Code, the conditions required through Planning File 150-12-DA/CU, and the Real Covenant and Agreement between Brynn Grey X LLC and the Town of Frisco.

ATTACHMENTS

Attachments:

- Accommodations (AC) District
- Summit Boulevard Corridor Overlay District
- Sketch plan application materials

cc: Pinnacle Mountain Homes

ZONING

§ 180-13. Accommodations District. [Amended 03-07-00, Ord. 00-04; 01-02-01, Ord. 00-10; 12-13-05, Ord. 05-28; 03-14-06, Ord. 06-14; 02-12-08, Ord. 08-03]

In the AC Accommodations District, the following regulations apply:

- A. Purpose: To allow for the development of different types of accommodations and other commercial services for the tourist and short-term visitor, promote non-vehicular access to uses within the area, to allow for commercial and service-oriented facilities to be located in close proximity along the Highway 9 and Interstate 70 interchange area, and to provide connections to mass transit and multi-modal transportation systems.
- B. Permitted uses:
- (1) Accessory housing unit, one (1) per principle commercial unit
 - (2) Arts and entertainment centers
 - (3) Auto fuel sales and service
 - (4) Boarding, rooming or lodging facilities
 - (5) Condominium hotel
 - (6) Fast food restaurants
 - (7) Financial services
 - (8) Fractional share units
 - (9) Health, recreation, and exercise establishments
 - (10) Home offices
 - (11) Hotels and motels
 - (12) Light retail
 - (13) Open space
 - (14) Public buildings and uses
 - (15) Regional retail
 - (16) Restaurants
 - (17) Sexually oriented businesses
 - (18) Transit oriented facilities and uses

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(19) Accessory Uses and Buildings

C. Conditional uses:

- (1) Medical offices
- (2) Multi-unit residential dwellings
- (3) Offices

D. Dimensional requirements:

- (1) Minimum lot area: none
- (2) Minimum lot frontage: none
- (3) Setback requirements:
 - (a) Front yard: twenty (20) feet
 - (b) Side yard: ten (10) feet
 - (c) Rear yard: ten (10) feet

[1] Roof eave exception: Upon approval from Planning Commission, and if it adds to the aesthetic character of the structure and meets the intent of the Summit Boulevard Corridor Overlay District (Section 180-18.4), roof eaves two (2) feet and greater are permitted to encroach up to five (5) feet into the side and/or rear setbacks.

(4) Maximum Density: sixteen (16) units per developable acre

- (a) Accessory Housing Unit Exemption: Any accessory housing unit meeting the town's requirements may be exempted from the density calculation as long as the unit is deed-restricted for rent to persons earning a maximum of 80% of the area median income, at a rate established by the Summit Housing Authority for that income level and other criteria as established from time to time by the town or the Summit Housing Authority.
- (b) Density bonus exemption: A density bonus over the maximum allowable base density is available if approved by Planning Commission. A density bonus is an increase in the allowable number of dwelling units over the base density, provided that a minimum of 50% of the total number of bonus units is provided as affordable housing.

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- (5) Maximum building height: Fifty (50) feet for a pitched roof and forty (40) feet for a flat roof
- (6) Lot coverage: Lot coverage shall not exceed sixty percent (60%) of the total lot area. If additional lot coverage incentives are utilized, in no instance shall the aggregate lot coverage allowed by more than an additional 12% of the lot area
 - (a) Accessory housing unit exception: When a deed-restricted accessory housing unit meeting the town's requirements is constructed, the lot coverage requirements shall be increased such that lot coverage shall not exceed sixty-five percent (65%) of the total lot area.
 - (b) Building Height exception: A five percent (5%) increase in lot coverage is permitted for every 5 feet below the maximum height the building(s) is constructed.

E. Development standards:

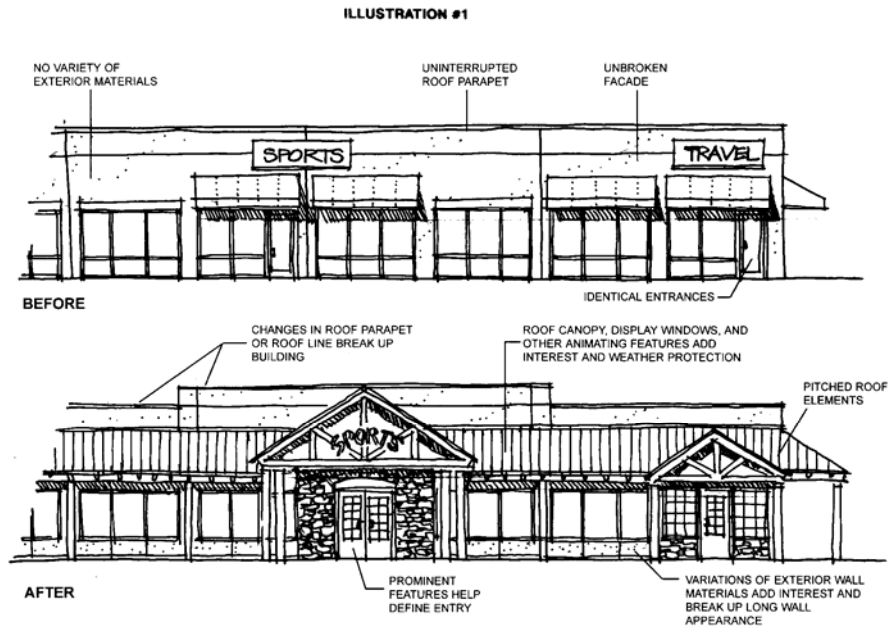
All development is subject to the goals and standards of the Summit Boulevard Overlay District as set forth in §180.18.4

ZONING

180-18.4 Summit Boulevard Corridor Overlay District. [Added 12-1-98 by Ord. No. 98-18. Amended 06-13-06, Ord. 06-19]

A. Title and Applicability.

This section of the Frisco Zoning Code shall be known as the "Summit Boulevard Corridor Overlay District Regulations", and shall be applicable for all development located within the Summit Boulevard Corridor Overlay District; the boundaries of which are shown on the Town of Frisco Zoning District Map as amended from time to time by the Frisco Town Council. This section establishes standards, and criteria to be used in the review of development applications proposed within the Summit Boulevard Corridor Overlay District. In no instance shall this ordinance require renovation or changes to existing structures when no development applications are required to be submitted. These regulations shall only be applicable when development is proposed by an applicant.



B. Purpose.

The purpose of this section is to promote the health, safety, and welfare of the citizens of Frisco by encouraging a variety of high quality designs and development along the Summit Boulevard Corridor. The purpose is also to preserve, promote and over time enhance development that is similar but not identical in design; eclectic while still compatible with the small mountain town character of Frisco as depicted in Illustration No. 1. The Town believes the location and design of buildings on a site and their relationship to adjoining properties and the community as a whole is a critical component of the zoning process. The design of buildings and sites as seen from the Summit Boulevard Corridor, which includes the view from Summit Boulevard, Interstate 70, the Dam Road and Ten Mile Drive, is critical.

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C. Development Classifications and Definitions.

In addition to the definition of development contained within Section 180-5 of the town's zoning chapter the following terms and definitions are hereby adopted and shall be utilized in the review of any development proposed within the Summit Boulevard Corridor Overlay District. Within the Summit Boulevard Corridor Overlay District the following terms shall have the following meanings:

1. Class I Development shall mean;

- (1.1) Any addition to an existing building which includes disturbing less than 350 square feet of lot area (coverage), or
- (1.2) Any exterior renovation or remodel, including but not limited to painting of the structure, which changes the basic character of the exterior facade of the building.

2. Class II Development shall mean;

Any addition to an existing building which includes disturbing 350 square feet of lot area (coverage) or more and which addition is less than 2,500 square feet of gross floor area in size.

3. Class III Development shall mean;

- (3.1) Any new development up to 25,000 square feet of gross floor area in size, or
- (3.2) Any addition to an existing building between 2,500 square feet of gross floor area and 25,000 square feet of gross floor area in size.

4. Class IV Development shall mean;

Any new development or addition to an existing building greater than 25,000 square feet of gross floor area in size.

Where a proposed development does not fit into one of these categories, or includes a combination of new buildings and additions it shall be the responsibility of the Community Development Director to place the development within a classification, or classifications, that are appropriate based on the overall size and general impacts of the proposed development.

D. Summit Boulevard Corridor Overlay Standards and Criteria.

Within the Summit Boulevard Corridor Overlay District the following standards and criteria shall apply to the various classifications of development. No development shall be approved by the Town of Frisco unless all relevant standards and criteria have been met.

ZONING

1. Class I Development: Class I development applications, including tenant and exterior finishes, proposed within the Summit Boulevard Corridor Overlay District shall meet the following standards and criteria:

(1.1) All development shall be designed in a manner compatible to the "small mountain town" character of Frisco, and in no instance shall development be allowed that is based on a theme or design character representative of environments or locations other than those generally found in Frisco's mountain environment. This would prohibit designs that are based on Southwestern Adobe, Colonial, Contemporary Suburban, or other designs not generally found in Frisco.

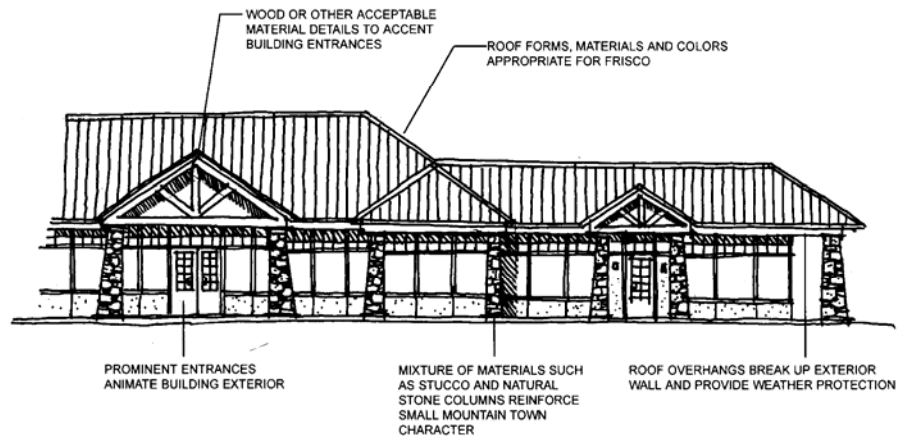
(1.2) Additions to existing buildings that do not presently meet the guidelines, shall be complimentary to the existing structure and blend with the existing structure rather than providing a different building façade, style, materials or color.

(1.3) Provide a mixture of exterior facade materials and natural colors that will blend with the aesthetic, environmental and climatic conditions found in Frisco, in a manner consistent with Illustration No. 2 of these standards.

- a. Where concrete or concrete panels are utilized they shall be textured or scored and shall be used in combination with other materials or such concrete shall be faced with another material, such as stone, stucco, or other textures and/or materials generally found in Frisco or other small mountain town environments.
- b. Where concrete block is utilized it shall be a split, textured or scored block and it shall be used in combination with other materials, generally found in Frisco or other small mountain town environments, rather than as a single exterior building material.
- c. Where metal is utilized it shall have a matte finish or a finish proven to fade and not be reflective. Untreated or unpainted galvanized sheet metal is prohibited as a primary exterior façade material.

ZONING

ILLUSTRATION #2



(1.4) The use of mirrored or reflective glass shall be prohibited. Clear glass shall be used for windows. Tinted, colored or opaque glass may be approved on a case by case basis when shown by the applicant to be compatible with the purpose of these regulations, section 180-18.4B.

(1.5) Where secondary structures are provided, such as storage buildings, the materials and colors used on the secondary structure shall be the same or similar to the primary building on site.

(1.6) Any general color may be used as the exterior color for building facades and roof materials within this district, as long as the color to be used meets the chroma standards and is a color generally found within Frisco's small mountain town environment. Colors with a chroma of up to 4, within the Munsell Book of Colors, may be used as the primary building and roof color, while colors with a chroma which does not exceed 8, within the Munsell Book of Colors, may be used as accent or trim colors on building and roof elements such as trim or railings. Luminescent, fluorescent and/or reflective colors and building materials shall not be utilized on any exterior portion of any building within this district.

(1.7) The bulk of the building shall be restricted on all street facades by a bulk plane. This bulk plane requirement shall be in effect for the area located within the Mixed Use Districts located adjacent to Summit Boulevard. The bulk plane shall start from a point 24' feet above the existing grade measured ten (10) feet into the property from the street front and any street side yard property line, and shall extend upward at a 22.5 degree angle, and directly away from the property lines to a point where the envelope intersects with the maximum allowed height for the property based on the underlying zoning district, at which point the bulk plane envelope and the allowed maximum height shall be the same. In addition, the bulk plane for the rear yard shall start from a point 24 feet above the existing grade measured ten (10) feet into the property from the rear property line, and shall extend upward at a 45 degree angle, and directly away from the property line to a point where the envelope intersects with the maximum allowed height for the property, at which point the bulk plane envelope and the allowed maximum

ZONING

height shall be the same. Where a conflict exists between the allowed height along a rear yard, and a street side yard, the more restrictive measurement shall



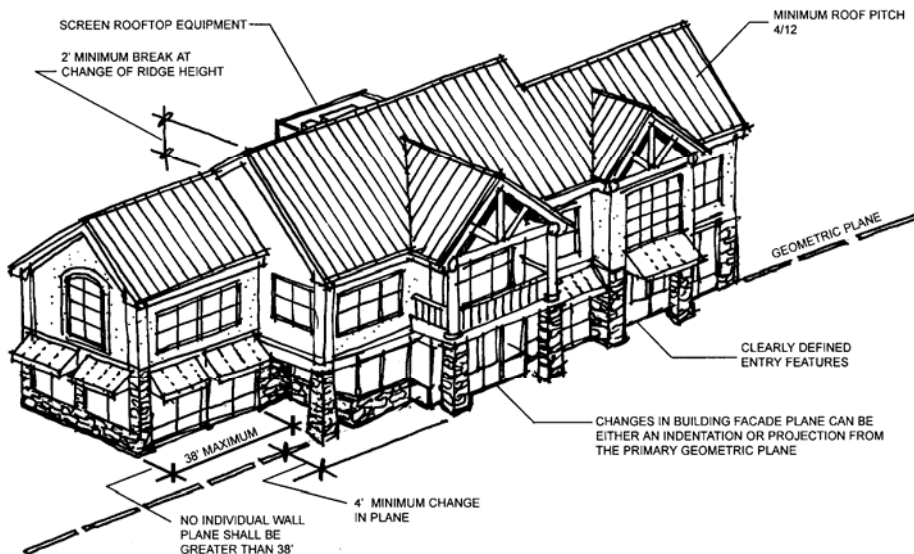
govern. Building forms may deviate from this standard and project beyond the bulk plane if they receive Planning Commission approval, meet the building height, and the encroachment provides for substantial architectural relief.

2. Class II Development: All class II development applications within the Summit Boulevard Corridor Overlay District shall meet the following standards and criteria:

(2.1) Meet all applicable requirements of Class I Developments.

(2.2) Provide visual relief and breaks in all new exterior walls. Building facades facing a public street or parking lot shall not exceed 38 feet in length along the same geometric plane, at which time the facade shall be broken up with a change in the geometric plane by a minimum of four (4) feet in depth for a distance of not less than six (6) feet as shown in Illustration No. 3. Where the length of a building facade exceeds 38 feet, no more than 66% of any facade shall be located along the same geometric plane. Upon approval by the Planning Commission, the minimum dimension of 38 feet for a building façade break and

ILLUSTRATION #3

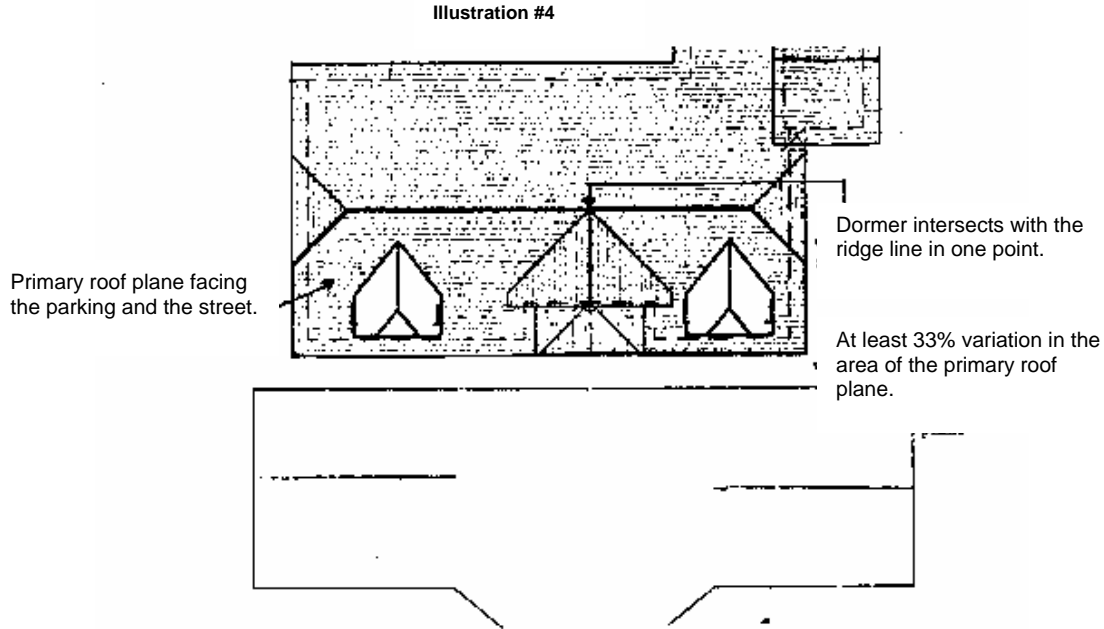


ZONING

the maximum dimension of 38 feet for the length of a building façade may be extended as much as ten feet for a total of 48 feet, upon a finding that the design furthers the intent of this section.

(2.3) Provide visual relief and breaks in all new roof ridge lines, flat roofs and large expanses of sloped roof planes.

- a. Either the elevation of the ridge line, or the horizontal line of a flat roof, shall change by a minimum of two (2) feet up or down so that no more than 66% of the ridge line or roof line is on the same elevation, in general compliance with Illustration No. 3 for a sloped roof or Illustration No. 1 (after) for a flat roof, or
- b. The primary sloped roof plane facing a public street or parking lot shall be broken up with dormers, shed roofs, or other architectural elements which intersect with the ridge line in at least one place, so that there is a minimum variation of 33% in the primary roof plane, in general compliance with Illustration No. 4.

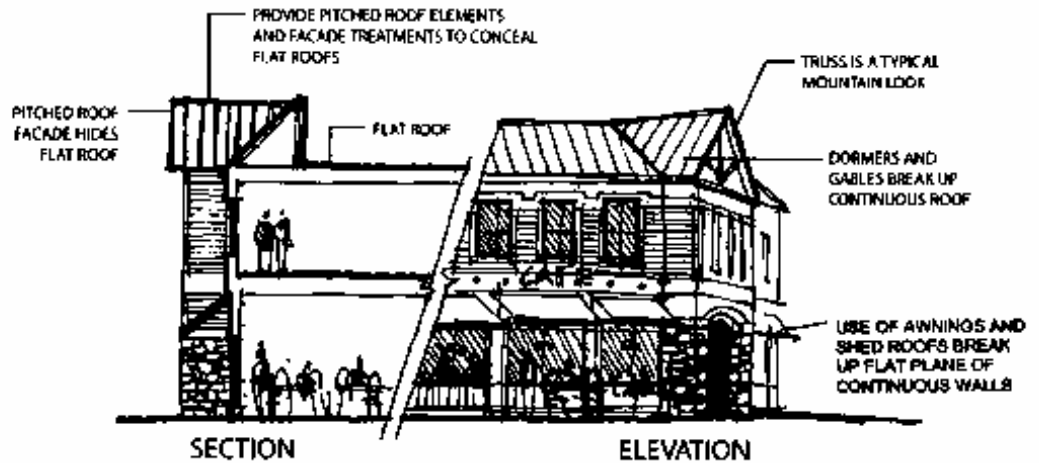


(2.4) Provide either pitched roofs with a minimum pitch of 4/12, or in those instances where flat roofs are proposed they shall have a substantial number of pitched roof elements, including but not limited to peaked or sloped façade elements or vertical parapets facing all street sides and parking lots, as shown in Illustration No. 5. A shed roof with a minimum pitch of 3/12 may be used if that element is below the primary roof level and terminates into the roof or wall of the structure.

- a. The use of Mansard roofs is prohibited.

ZONING

Illustration #5



- (2.5) All rooftop equipment shall be screened, and it may be enclosed, from public view, including from any public street or parking lot accessible to the general public or customers of the project, with the same materials and colors utilized on the primary building.
3. Class III Development: All class III development applications within the Summit Boulevard Corridor Overlay District shall meet the following standards and criteria:
- (3.1) Meet all applicable requirements of Class I and Class II Development, with the exception of standard 1.2.
- (3.2) Additions to existing buildings, where the existing building does not reflect the intent of these guidelines, shall be designed to be in compliance with these guidelines, even if not entirely compatible with the existing building.
- (3.3) Where a parking lot abuts any property boundary, a landscaping buffer located between the property line and the paved surface shall be provided. Preferably, the landscaping shall be in a raised planter at least two feet (2') higher than the paved surface, or other landscape buffer deemed acceptable to the town. It shall have a minimum width of ten feet (10'), and contain at least twice the number of trees required by the town's landscaping requirements as outlined in Section 180.20.1 of the Town's Code. All sight distance requirements for traffic and visibility safety issues at intersections must be met with the location and type of plantings.
- (3.4) Provide a variety of building elements that "animate" the building, and are features generally found within the Frisco environment that help define the appropriate design character for Frisco as depicted in Illustration No. 1. Buildings shall provide a minimum of three (3) exterior "animating" features, per every 75' of linear building facade visible from public streets or from any parking lot

ZONING

provided for the use of the general public or project customers. The animating features shall include a prominent building entry feature and any two or more of the following features: display windows, deep roof overhangs (a minimum of 18 inches), awnings, arcades, covered outdoor patios, or other animating building features as may be approved by the town.

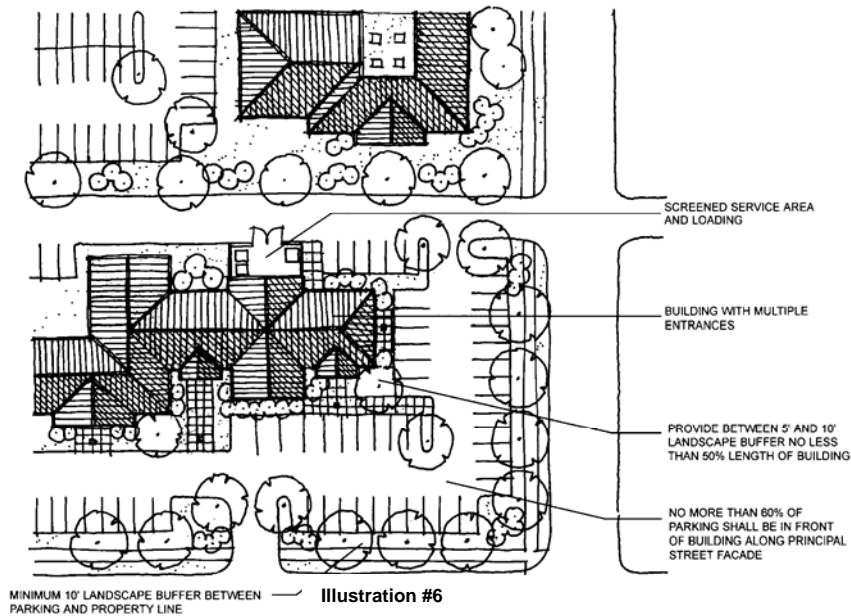
(3.5) Provide a minimum of one or more community spaces. Community spaces shall include the following: public benches, water features, public kiosk/gazebo, public patio/seating areas, public plazas, public art, or other improvements as approved by the Town that meet the general intent of this section.

(3.6) Bicycle racks shall be provided in an amount equal to a minimum of twenty percent (20%) of the required vehicular parking for the project, or a lesser number if reasonably justified by the applicant and approved by the town.

4. Class IV Development: All class IV development applications within the Summit Boulevard Corridor Overlay District shall meet the following standards and criteria, as depicted in Illustration No. 6:

(4.1) Meet all applicable requirements of Class I, Class II and Class III Development, with the exception of standard 1.2 and with the exception that standard 2.2 shall only require visual relief and breaks (a minimum of four (4) feet in depth) in all new exterior wall facades that face a public street or parking lot such that no more than 66% of any building façade shall be located along the same geometric plane.

(4.2) Provide a minimum of two separate and distinct public entrances into the building.



(4.3) Provide a minimum of two additional community spaces, for a total of three, as defined in section 3.5 above.

ZONING

(4.4) Provide parking in a manner where no more than 60% of the required parking is located in front of the building along the principal street façade, with the exception that if a building or other structure blocks the view of the parking from the principal street then the parking in front of the building does not count toward this percentage.

(4.5) Where a building abuts paving or parking areas, provide a landscaped area adjacent to the building that varies from 5 to 10 feet in width. The landscaped area shall be a minimum of 50% of the length of the building and half of the landscaped area shall be a minimum of 10' in width. The landscaping shall be planted in compliance with Section 180-20.1 of the Town's Code.

(4.6) Provide a screened service area, including screening any loading or trash areas from any public rights of ways, or customer parking areas.

INCENTIVE: If an applicant elects to have less than 50% of the required parking in the front of the building along the principal street façade, the landscaped area required in standard 4.5 may be reduced to a minimum of 35% of the length of the building upon approval of the Planning Commission.

INCENTIVE: If an applicant provides perimeter landscaping in an amount no less than double the plant quantities and area required in Standard 3.3, or double the requirement in Section 180-20.1.4.G, Perimeter Landscape Area, or double the requirement in Section 180-20.1.4.H, Parking Area Landscaping, whichever is greater, then the applicant may locate up to 75% of the required parking in the front of the building along the principal street façade upon the approval of Planning Commission.

Basecamp Shops and Residences

March 9, 2017

The Town of Frisco
Planning Commission
1 Main Street
Frisco, CO 80443

Dear Frisco Planning Commission,

Overview

Five years ago we set out to provide the Frisco community with an outstanding, unique retail experience at Basecamp, anchored by a Whole Foods Market. Since its opening in April 2014, Whole Foods has transformed grocery shopping in Frisco, generating over \$1,000,000 annually in sales tax revenue, and being a catalyst for others to improve their stores or locate new stores in Frisco.

In addition to Whole Foods, Basecamp has become home to Kaiser Permanente, Epic Mountain Gear, Basecamp Wine & Beverage, the Rio Mexican Restaurant and most recently Chuck and Don's Pet Supply and Outer Range Brewery. We are so proud of the unique businesses that Basecamp has brought to Frisco, which are remarkably true to the vision originally laid out with the Town.

The complete program consists of:

- Pad 1: Whole Foods Market (Completed)
- Pad 2: Inline Shops (Completed with tenants Basecamp Wine & Spirits and Epic Mountain Gear)
- Pad 3: Gateway Building (Completed with tenants Rio Grande Mexican Restaurants and Outer Range Brewery)
- Pad 4: Wellness Building (Building completed, 60% leased with tenants Kaiser Permanente, Chuck & Don's and Complete Family Eye Care)
- Pad 5: Regional Retail Building (Originally conceived as a pad for a major retail building, it is currently undeveloped)

This sketch plan submittal pertains to the final phase of development at Basecamp, Pad 5. Our research suggests that the future of mountain retail — and maximizing retail sales tax collections — rests with creating destinations that are full of life, offering experiences, shopping and services not available on the Internet. To that end, we are proposing that Pad 5 be re-tasked from one large Regional Retail Building to two buildings configured as follows:

- Pinnacle Building: approximately 13,000 sf:
 - Retail Building, 11,000 square feet sf: 1st floor 5,000 sf Design Center (locally owned and operated); 2nd floor, 5,000 sf offices; plus 1,000 sf on the mezzanine level.
 - Basecamp Restaurants, 2,000 sf: single floor consisting of either one or two restaurants.
- Basecamp Shops and Residences, 23,036 sf:
 - 1st floor consisting of 11,340 sf retail, including garages (likely retail condominium)
 - 2nd floor consisting of 11,696 sf residential units (likely residential condominium)

Regarding residential, the primary drivers are:

1. *Keep the lights on at Basecamp.* Having full time residences creates vibrancy within the center, generates sales tax, and solidifies Basecamp as a real place for locals and visitors (i.e. not just a shopping center). With the transformation of the Frisco Transit Center, Basecamp is even more so a place to spend time, and live, in Frisco.
2. *Provide much needed housing options for businesses and locals.* The unique product – the micro-unit – would meet a need not currently available in Frisco. Local businesses could buy a unit for rotating staff, or lease the unit to a full-time employee. Local residents could also purchase the unit, who want a transit-oriented lifestyle with a modern well-appointed space. We are working with Council to give priority to locals -- either individuals, who work 30 hours a week in Summit County, or a local business.
3. *Maximize retail sales tax generation.* Much has changed in the years since Basecamp was originally envisioned. Big-box retail is declining and mixed-use retail is on the rise. Our team firmly believes that a mixed-use program with several unique businesses and restaurants far better aligns with the Frisco Community Vision, and the market viability of the space.

Frisco Community Plan

Basecamp Shops & Residences promote the goals of the Frisco Community Plan in many ways: the development will promote overall quality of life, create diverse economic development and locals' housing, and establish Frisco's first transit-oriented development.

The following policy statements particularly align with the proposal:

- *Arts & Culture 2.* Enhance Frisco as a cohesive community, which includes full-time residents, second homeowners, businesses and visitors.
- *Built Environment 1.* Encourage eclectic and sustainable designs for new construction and redevelopment to enhance the community's character.
- *Built Environment 4.* Enhance the Summit Boulevard area as a primary gateway and as a functional and efficient economic center of the town.
- *Economy 1.* Develop economic strategies to encourage a diversity of commercial businesses in town.
- *Economy 2.* Continue to promote the town as a year-round destination. EC 3. Encourage and direct economic growth.
- *Economy 5.* Support the creation and outlet for local markets and support local workforce policies.
- *Housing 3.* Provide a variety of affordable housing opportunities, regulations and/or programs that meet the needs of the Frisco residents.
- *Housing 4.* Promote and encourage public/private partnerships for the development of affordable housing to achieve the highest quality housing possible.
- *Housing 5.* Implement strategies that complement existing housing programs to ensure a diverse community.

Summit Boulevard Overlay District

Basecamp is a part of the Summit Boulevard Overlay District, which has a stated purpose to: *"promote the health, safety, and welfare of the citizens of Frisco by encouraging a variety of high quality designs and development along the Summit Boulevard Corridor. The purpose is also to preserve, promote and over time enhance development that is similar but not identical in design; eclectic while still compatible with the small mountain town character of Frisco"* – *Community Development Code Section 180-18.4*

Generally, the proposed development will enhance Frisco's small mountain town character by using architectural patterns and elements that are reflective of the town's heritage, in a modern context. These will complement the design of buildings already established in Basecamp, while having their own unique look.

We plan to address the requirements of the Summit Boulevard Overlay District at the time of development application. Snow storage, bulk plane envelope, mechanical equipment screening, trash enclosures, landscaping requirements, and length of linear building facades have been noted by the team and we will work with staff to ensure that requirements are satisfied, or appropriate measures taken.

We look forward to your input regarding this important next step in the completion of Basecamp.

Thank you.

David O'Neil
Founder/CEO
Brynn Grey Partners

Pinnacle Mountain Homes Basecamp Design Center and Offices

Color and Material Board

1.



- 1. Metal Cladding
Sierra Pacific Slate Grey

2.



- 2. Rough Cut Limestone

3.



- 3. Western Red Cedar
Warm Brown Semi-Transparent Stain



PINNACLE

MOUNTAIN HOMES LODGING *design studio*

Pinnacle Basecamp

March 6, 2017 ::

Basecamp Development :: Frisco, CO 80443

BASECAMP SHOPS AND RESIDENCES

FRISCO, COLORADO

Sketch Plan

MARCH 4, 2017

PROJECT DATA

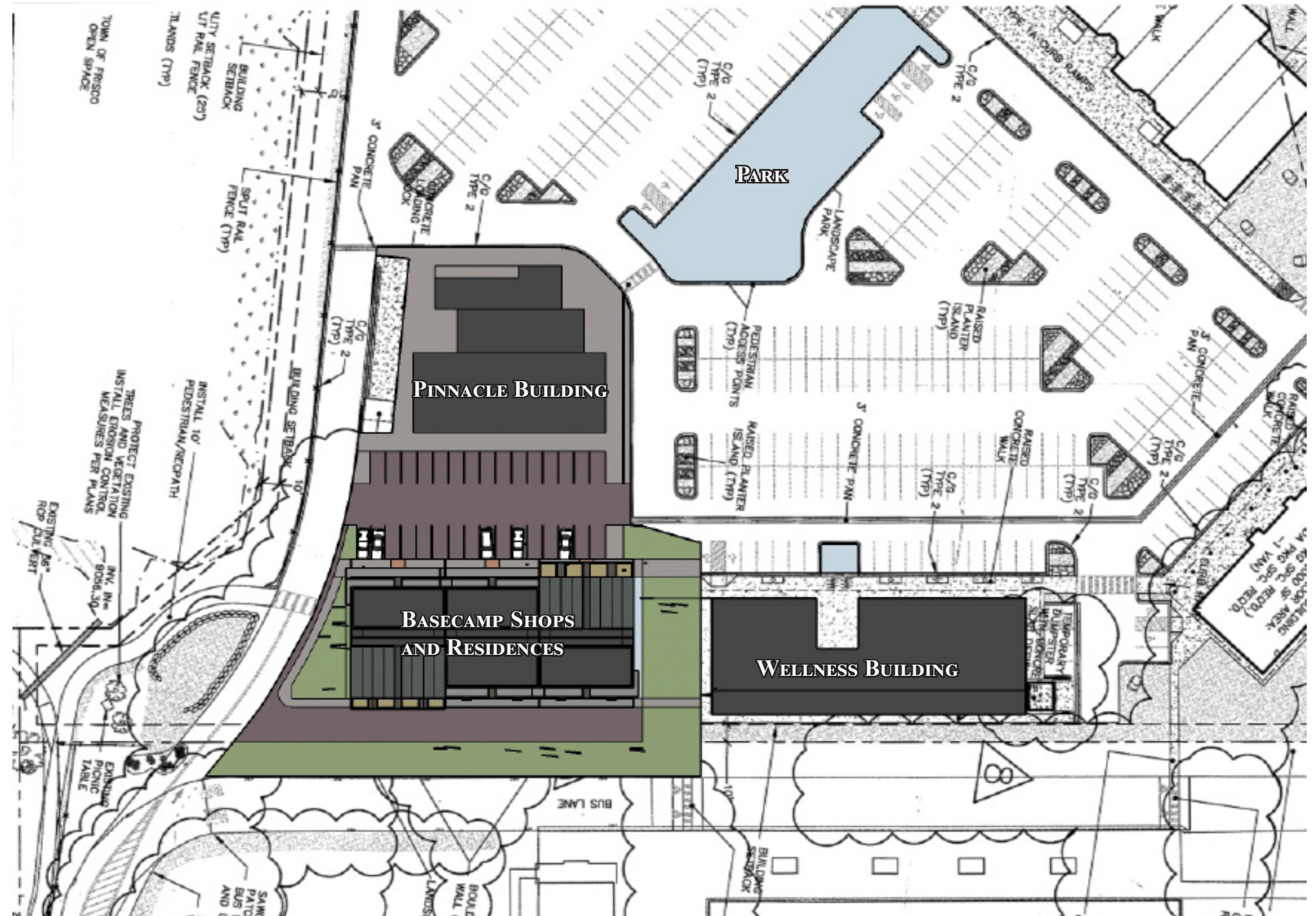
Main Floor Leasable			
6	retail bays @	1,350 SF	8,100 SF
12	garages @ ~	270 SF	3,240 SF
Building footprint (NIC decks and arcades)			11,340

Upper Floor Residential			
3	8-unit modules		24 Units
Unit mix			
16	Type A lofts @	462 SF	7,392 SF
8	Type B lofts @	538 SF	4,304 SF
			11,696 SF

Total heated building area	19,796 SF
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Parking	
12	Garages in Bldg.
12	On-site, uncovered (currently unspecified)
24	(one space per unit)

Building Height	
Flat roof sections	
code (with affordable units)	< 35 feet
proposed	~ 30 feet
Sloping roof sections (over 2:12)	
code (with affordable units)	< 40 feet
proposed	~ 35 feet



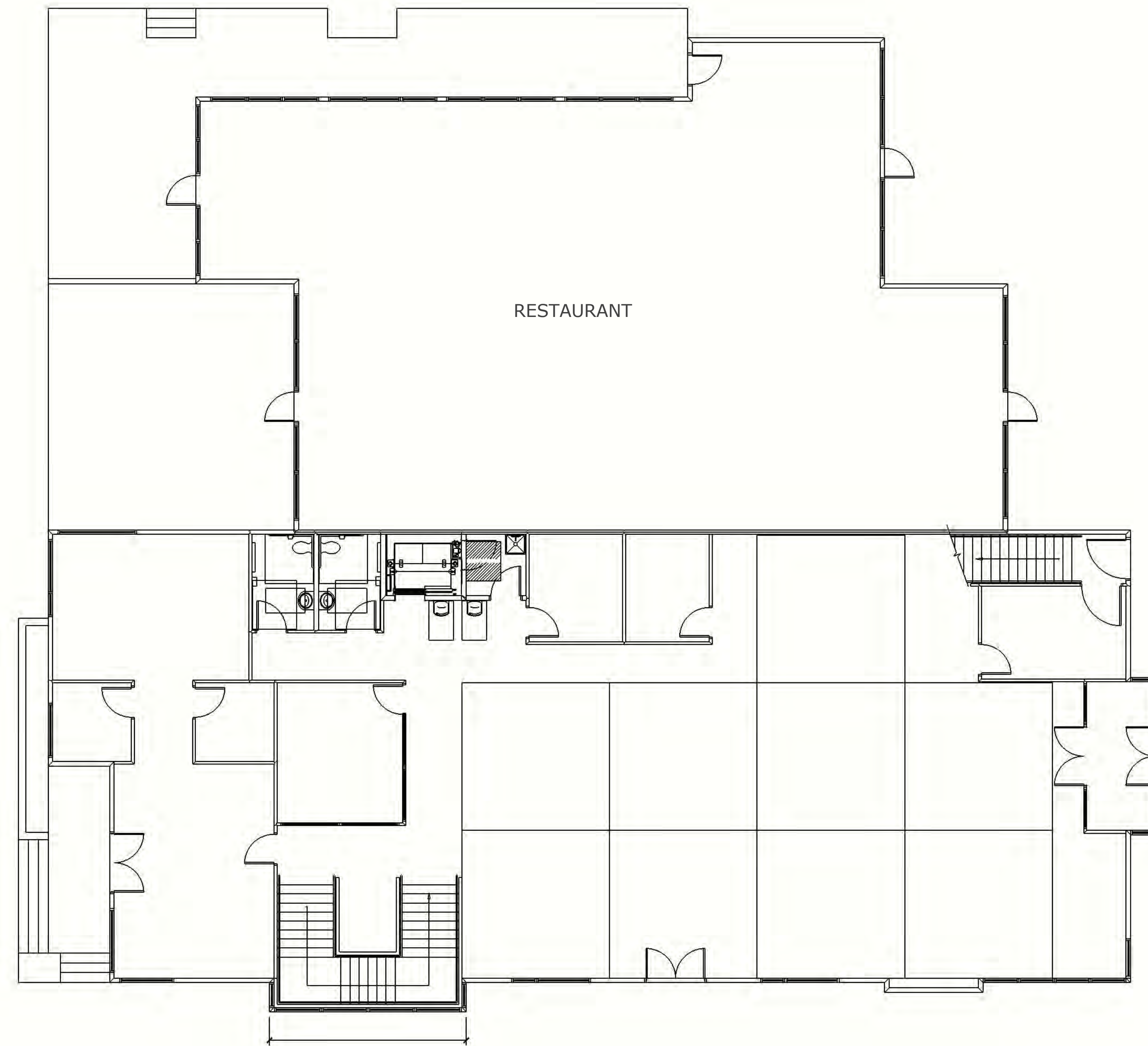
SITE PLAN

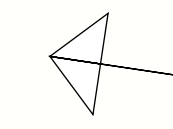




MAIN FLOOR

SCALE: 1/16" = 1'-0"

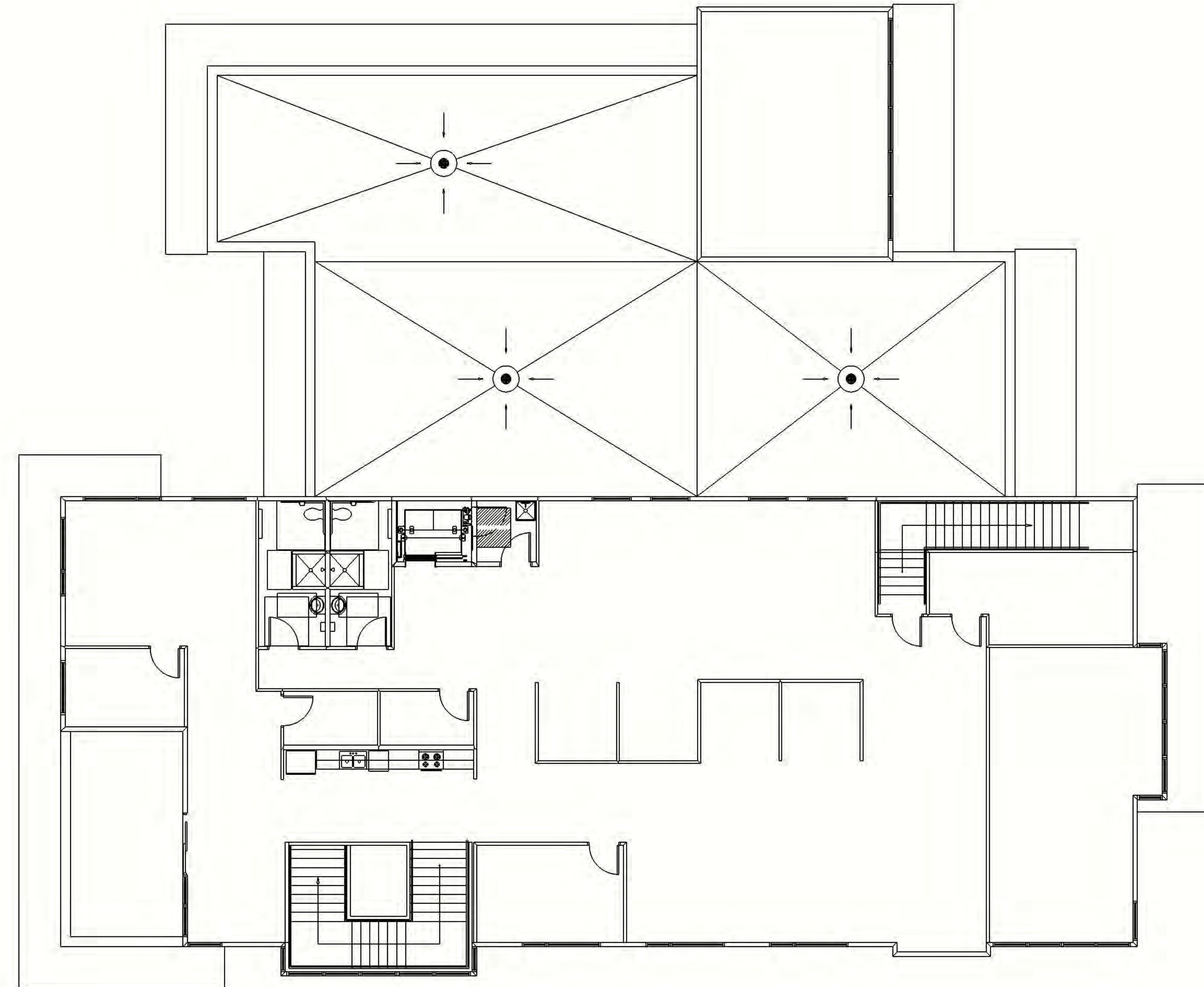




NORTH

UPPER FLOOR

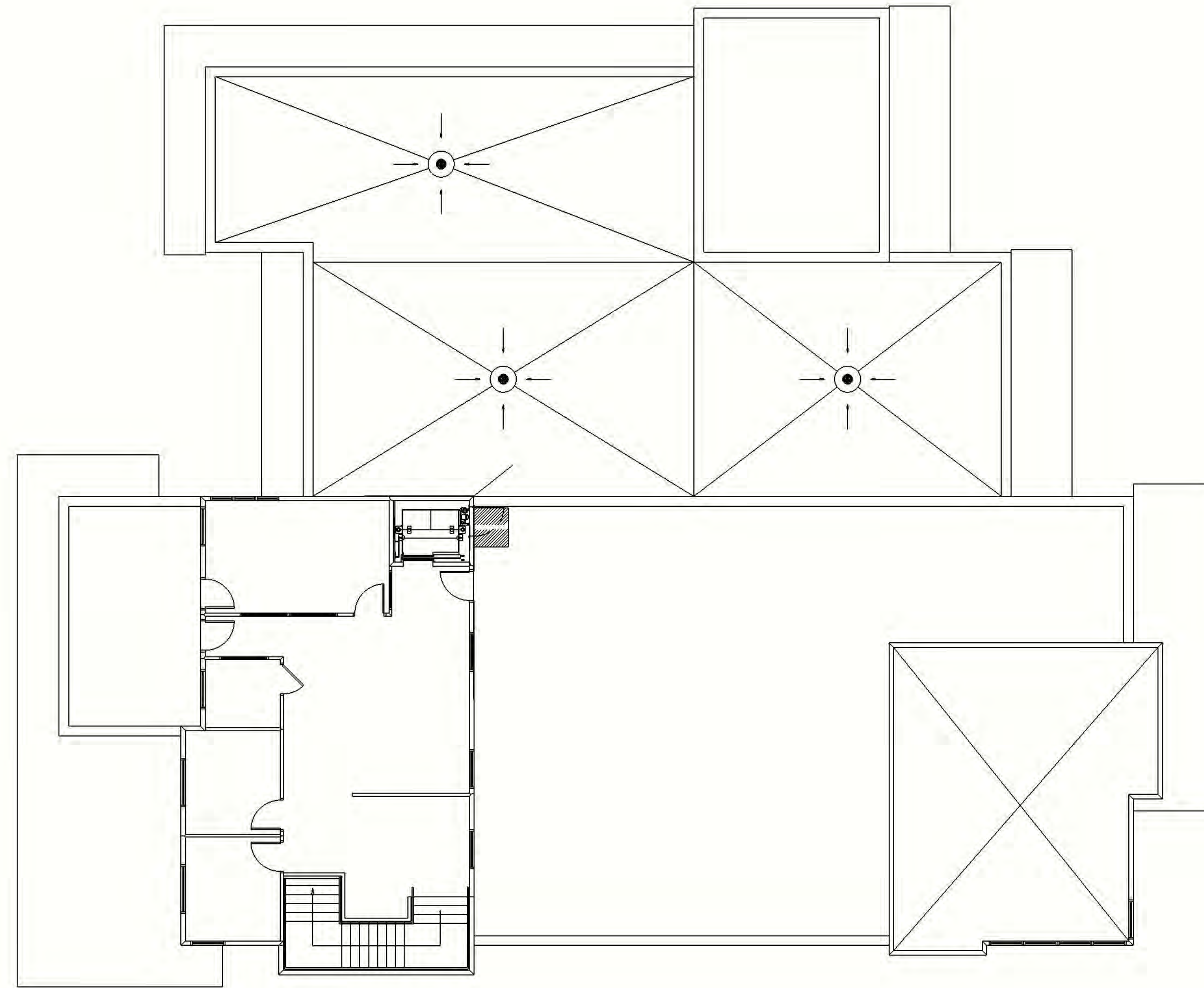
SCALE: 1/16" = 1'-0"





MEZZANINE

SCALE: 1/16" = 1'-0"



NORTH ELEVATION

SCALE: 1/8" = 1'-0"



EAST ELEVATION

SCALE: 1/8" = 1'-0"



SOUTH ELEVATION

SCALE: 1/8" = 1'-0"



WEST ELEVATION

SCALE: 1/8" = 1'-0"



**Shops and Residences
Basecamp**

March 16, 2017 Packet



**PLANNING COMMISSION
STAFF REPORT**

March 16, 2017

AGENDA ITEM: Planning File No. 019-17-SK: A sketch plan review of the Basecamp Shops and Residences mixed-use project located on the “Major Retailer” building site of the Basecamp Development

LOCATION: 268 Lusher Court / Lot 2A, Summit Stage Transit Center

ZONING: Accommodations (AC) District / Summit Boulevard Corridor Overlay District

APPLICANT Basecamp Shops and Residences LLC
777 Pearl Street, Suite 200
Boulder, CO 80302
mgardner@brynngrey.com

OWNER: Brynn Grey X, LLC
1000 S McCaslin Blvd, Suite 300
Superior, CO 80027

ARCHITECT: Wolff Lyon Architects
777 Pearl Street
Boulder, CO 80302

TOWN STAFF: Katie Kent, Planner (970) 668-9131
katiek@townoffrisco.com

PROJECT DESCRIPTION

The applicant, Basecamp Shops and Residences, is requesting a sketch plan review for a proposed mixed-use building located on the pad site identified for a Regional Retail building, (commonly referred to as Pad 5) on Lot 2A, Summit Stage Transit Center. According to the application materials, this project entails:

- 23,036 sq. ft. floor area, two-story structure with lofts
- Approximately thirty-five (35) feet in height
- 1st floor consisting of 11,340 sq. ft. retail use
 - Six (6) 1,350 sq. ft. retail bays
 - Twelve (12) 270 sq. ft. unheated garages
- 2nd floor consisting of 11,696 sq. ft. containing twenty-four (24) residential dwelling units*
 - Sixteen (16) 462 sq. ft. studio residential units

- Eight (8) 538 sq. ft. one-bedroom residential units
- Twenty-eight (28) parking spaces proposed for the Basecamp Shops & Residences
 - Twelve (12) garage spaces in Basecamp Shops and Residences building
 - Sixteen (16) on-site, uncovered parking spaces to west of structure for retail customers
 - Additional required residential parking spaces to be addressed through overall site plan submitted at time of formal development application

*Staff is aware that the applicant has recently requested an amendment of the Real Covenant and Agreement regarding the Base Camp development be approved by the Town Council. The proposed amendment is requesting allowing residential units on Pad 5 and only on 2nd floors or above. Through the current amendment proposal, the applicants have indicated that they plan to designate the residential units as workforce housing (those people working a minimum of 30 hours a week in Summit County). Further details regarding the provisions and deed restrictions relating to the work force housing are forthcoming and staff will be able to provide more information to the Planning Commission at their meeting.

The project will require a future Development Application to be reviewed by the Planning Commission. In addition, residential uses are a conditional use in the Accommodations zoning district. A conditional use to allow residential units will be reviewed by Town Council with a recommendation provided by the Planning Commission.

For a more complete project description, please refer to the attached application materials.

BACKGROUND

The proposed site is located within Lot 2A, Summit Stage Transfer Center, also known as the “Interstate Parcel”. A Development Application and Conditional Use permit for the overall site was approved by the Planning Commission in December 2012 (150-12-DA/CU). At the time of the 2012 approval, the project at build out was proposed to consist of five buildings, with a maximum allowable total of 105,000 square feet of rentable space.

Whole Foods Market: 25,000 square feet (with future expansion area of 15,000 sq. ft.)
 Inline Retail Building: 15,000 square feet
 Gateway Building: 5,000 square feet
 Wellness Building: 20,000 square feet (two stories – 10,000 sq. ft. per level)
 Regional Retail: 25,000 square feet

It should be noted that there was not a minimum of commercial square footage required on Pad 5.

As of March 2017, the “Regional Retail building”, referred to as Pad 5, is the only vacant pad site remaining on the parcel. The proposed Basecamp Shops and Residences are proposed for this site. Concurrently, a sketch plan application has been submitted by Pinnacle Mountain Homes to construct a 13,000 square foot commercial building adjacent to the Basecamp Shops and Residences, also on Pad 5.

It was stated in the December 20, 2012 Staff Report to Planning Commission that “*Once a tenant is found for the Regional Retail building, a development application with architectural elevations will be required to go through the development review process*”.

The Conditional Use for the property was approved by Town Council on January 22, 2013 to allow the proposed “office” and “medical office” uses for up to 10,000 sq. ft. These uses were proposed for the Wellness building and were not discussed for the Regional Retail pad site at that time.

Special conditions of the Development Application and Conditional Use specifically related to the Regional Retail building included:

“Special conditions to be met with any future development applications for the Major Retailer Building and/or an expansion to the Whole Foods Market:

- 1. That the maximum height permitted for both the Major Retailer building and an expansion to the Whole Foods Market is 30 feet as a result of the applicant taking advantage of the lot cover exemption under Section 180-13, Accommodations District.*
- 2. That further enhancements of aesthetics and streetscape are addressed for the paved pathway (which comes from Meadow Drive and Meadow Park) as it enters the site adjacent to the Major Retailer building. (Design Criteria of Lease Agreement between Town and Brynn Grey, #4).*

In March 2015, Brynn Grey Partners, LTD requested a modification to the development application in regards to the Wellness Building commercial project. These modifications included minor changes to building footprint location, window detail and fly roofs, building parapet, stairway reconfiguration, and dumpster relocation. The proposed modifications resulted in the net increase of one (1) additional parking space for the project.

The Town of Frisco and Brynn Grey X LLC had a lease document effective June 6, 2012. This Lease Agreement was terminated through the Real Covenant and Agreement dated May 28, 2013 between the Town of Frisco and Brynn Grey X LLC. The Real Covenant and Agreement outlines development regulations, rentable area and prohibited uses for the property. Brynn Grey X LLC has requested the Town of Frisco amend the covenant to allow residential uses. This will be discussed at the March 14, 2017 Town Council meeting. The proposed residential use must first be approved by Town Council, and the Real Covenant and Agreement amended, prior to formal development application submittal.

It shall be noted that the applicant is proposing ~36,000 square feet between the proposed Basecamp Shops and Residences structure and Pinnacle Basecamp commercial structure. The Real Covenant Agreement states that a maximum of 105,000 square feet of Rentable area can be permitted on Lot 2A, Summit State Summit Stage Transit Center. In addition, at no time shall the total Rentable Area available for rental to all tenants and subtenants other than Whole Foods Market, Inc., or other the tenant of the WFM Site, exceed 65,000 square feet of Rentable Area. The Regional Retail structure was originally allotted 25,000 square feet. Prior to submitting formal Development Application, the applicant will need to demonstrate compliance with the total Rentable area requirements of the Real Covenant and Agreement dated May 28, 2013.

Below is a vicinity map of the subject property. Also included for reference are photographs of the subject property.



Vicinity Map



View looking Northeast at property (Google Earth October 2016 Imagery)



View from Meadow Drive looking Northwest at property (Google Earth October 2016 Imagery)



View from Meadow Drive looking West at property (Google Earth October 2016 Imagery)



View looking southeast at property March 7, 2017

SKETCH PLAN REVIEW

A sketch plan review is an opportunity for Planning Commission to comment on the various aspects of a development proposal including proposed uses, parking and traffic circulation, architecture, landscape design, and compatibility with the neighborhood. It is also an opportunity for the applicant to listen to Commissioners' comments and make changes to the proposal prior to a formal development application submittal.

Pursuant to Section §180-19-C-6-b, Frisco Town Code (in part):

All applications for commercial development projects, and residential development projects consisting of three or more units, shall be required to present an informal sketch plan of the development before a regularly scheduled meeting of the Planning Commission.

Materials to be presented in support of the development must be of sufficient nature to allow the Planning Commission and Community Development Department staff to provide informed feedback on the project.

An existing conditions plan and artist renderings, conceptual plans and sketches are strongly encouraged to be presented to help staff and the Planning Commission envision the project clearly. If necessary, the Planning Commission may require an applicant to return for additional sketch plan presentations if sufficient information is not received or if substantial changes to a proposal are recommended.

The consideration of, and comment on the sketch plan by the Planning Commission does not bind the Planning Commission or Town Council to approve a preliminary plan or plat, nor does it confer on the applicant any vested rights.

Notwithstanding the foregoing requirements, if an applicant has alternative conceptual site plans for the same general project that they would like to review with the Planning Commission, then the submission of the items set forth in subparts i through viii above are not required with respect to such alternative plans. At the time that the applicant makes a choice from among its alternative plans, the applicant shall make a submission for a sketch plan review by the Planning Commission that contains each of the items set forth in the Town Code. At no time shall the applicant proceed to the development application process with only having had alternative conceptual site plans reviewed by the Planning Commission.

A formal development application for this proposal will require Planning Commission review at a future public hearing. The proposal will be reviewed in detail for conformance with the Frisco Community Plan and compliance with the Frisco Zoning Ordinance at that time. A Conditional Use application to allow residential units will also require Town Council review with Planning Commission recommendation.

ANALYSIS - FRISCO COMMUNITY PLAN

The following elements of the Frisco Community Plan are applicable to the review of the proposed development:

Plan Overview (excerpt)

The Frisco Town Charter requires that the Town's master plan be updated every five years in order to respond to changing times. The 2011 master plan update is titled the 'Frisco Community Plan.' Periodically updating the Frisco master plan is a critical step in the process to maintain a vibrant mountain town, balance the town's reputation as a great destination, ensure a strong yet diverse economic base, and preserve our quality of life. The community realizes intentional planning for the future is necessary to ensure that the Town of Frisco continues to evolve as a resilient community.

Purpose ~ The Frisco Community Plan's purpose is to identify common values and guide direction to connect, sustain and create the future of the Town of Frisco over the next 5 years.

Connect ~ Connections are a core tenet of the Frisco Community Plan; they reflect the way people, organizations and neighbors relate to each other in the Frisco community. Connections help to address needs of the community.

Sustain ~ Everything is interrelated. Sustainability is the fundamental approach of the Frisco Community Plan; it recognizes the social, environmental and economic influences on the community, and aims over the long-term to balance these influences to support community success.

Create ~ Creation of lasting community relationships is an important aspect of the Frisco Community Plan. The plan creates the community's direction for a preferred future of Frisco."

Chapter 2. Community Direction (excerpts)

The Frisco Community embraces itself as a vibrant mountain town, and seeks opportunities to enhance and maintain vibrancy through art and culture, the built environment, community services, energy, the economy, health and well-being, housing, natural resources, recreation and transportation. ~ Community Plan Quality of Life statement

Art & Culture

Frisco is a community that celebrates its history, honors its eclectic influences and promotes artistic and cultural opportunities.

- *A&C 2. Enhance Frisco as a cohesive community, which includes fulltime residents, second homeowners, businesses and visitors.*

Built Environment

Frisco is a community that encourages land uses and architectural styles to fit its mountain town identity, and strives for development with sustainable design, materials and practices.

- *BE 1. Encourage eclectic and sustainable designs for new construction and redevelopment to enhance the community's character.*
- *BE 4. Enhance the Summit Boulevard area as a primary gateway and as a functional and efficient economic center of the town*

Economy

Frisco is a community that promotes a diverse, sustainable, year-round economy.

- *EC 1. Develop economic strategies to encourage a diversity of commercial businesses in town.*
- *EC 2. Continue to promote the town as a year-round destination.*
- *EC 3. Encourage and direct economic growth.*
- *EC 5. Support the creation and outlet for local markets and support local workforce policies.*

Energy

Frisco is a community that supports zero waste principles, encourages use of clean energy opportunities and promotes resource conservation.

- *EN 4. Encourage the use of recycled materials, renewable energy sources and the use of green and energy efficient building practices.*
- *EN 5. Promote conservation and use of resources to maintain a sustainable community for generations to come.*

Housing

Frisco is a community that recognizes the importance of ensuring a variety of housing opportunities are available for people to live and work here.

- *HS 1. Encourage a mixture of housing unit sizes and types within new residential developments.*
- *HS 2. Ensure new housing is compatible with adjacent properties and compliments existing neighborhoods.*

Transportation and Mobility

Frisco is a community that provides a safe and efficient multi-modal transportation system, and promotes walkability, bicycling and alternative modes of travel.

- *TM 2. Maintain the town’s paved pathway system, and enhance connections to the community’s neighborhoods, parks, commercial areas and to the county-wide recpath system.*

PUBLIC COMMENT

The Community Development Department has not received any formal public comments concerning this project as of March 9, 2017.

ANALYSIS – ACCOMMODATIONS (AC) ZONE DISTRICT [§180-13]

The requirements of the Accommodations District are applicable to the review of the proposed Basecamp Shops and Residences project as follows:

Purpose: The purpose of the AC district is as follows:

“To allow for the development of different types of accommodations and other commercial services for the tourist and short-term visitor, promote non-vehicular access to uses within the area, to allow for commercial and service oriented facilities to be located in close proximity along the Highway 9 and Interstate 70 interchange area, and to provide connections to mass transit and multi-modal transportation systems.”

Permitted and Conditional Uses: “Light Retail” and “Regional Retail” are permitted uses in the AC Zoning District. “Offices” are a conditional use which had been approved for the up to 10,000 sq. ft. in the Wellness Building by the Town Council in a January 22, 2013 Notice of Decision regarding 150-12-DA/CU. “Multi-unit Residential Dwellings”, such as those in the Basecamp Shops and Residences proposal, is a conditional use in this zone district. The applicant will be applying for conditional use approval by the Town Council with a recommendation by the Planning Commission.

Minimum Lot Area: N/A

Minimum Lot Frontage: N/A

Dimensional requirements: In the AC District, there is a front yard setback of twenty (20) feet. Side and rear yard setback shall be ten (10) feet. These setbacks shall be applied to the Basecamp site as a whole. At time of original development, the north property line was designated as the front with a twenty (20) foot setback.

	Minimum Setback	Proposed Setback
Front Yard (north property line)	Twenty (20) feet	>300’
Side Yard (east property line)	Ten (10) feet	~fifteen (15) feet
Side Yard (west property line)	Ten (10) feet	> 300’
Rear Yard (south property line)	Ten (10) feet	~forty (40) feet

The application appears to meet this standard.

Maximum Building Height: In the AC District, the Maximum building height is stated as fifty (50) feet for a pitched roof and forty (40) feet for a flat roof. Upon the 2012 Planning Commission approval, the maximum height was reduced by ten (10) feet to allow the overall site development a larger lot coverage.

With regards to the maximum building height, the staff report dated December 20, 2012 for 150-12-DA/CU stated:

“The lot size of the property is 9.4 acres and the portion of Lusher Court to be vacated as a right-of-way is 1.035 acres. So for purposes of lot coverage, both of these have been included for an aggregate of 10.44 acres. Seventy percent lot coverage is proposed. In order for the lot coverage to be allowed to increase 10%, the heights of the buildings must be a minimum of 10 feet below the maximum height requirement. The Gateway building, Whole Foods Market, Inline buildings, and Wellness building are 10 feet below their respective height limits

The site is 10.44 acres or 454,766 square feet and proposes a lot coverage of 7.31 acres or 318,336 square feet, which is 70% of the site. The 60% lot coverage is able to be increased to up to 70% based on the buildings’ heights. The lot coverage requirement is met. For future reference, the major retailer building and any expansion of the WFM will be required to meet a 30 foot maximum height limit”.

Whereas the staff report discussed height requirements based on the proposed flat roof building at the time, stating that the major retailer building shall be required to meet a thirty (30) foot maximum height limit, it also stated that the height of the building must be a minimum of ten (10) feet below the maximum height requirement. Town Code Section 180-13 D. (6) (b) states that a five percent (5%) increase in lot coverage is permitted for every 5 feet below the maximum height the building(s) is constructed. The property has a lot coverage allowance of 70% which is a 10% increase in permitted lot coverage. Therefore, the building shall be ten (10) feet below the maximum height requirement allowing the maximum height of the proposed structure to be forty (40) feet for a pitched roof and thirty (30) feet for a flat roof.

The proposed site plan states that the flat roof sections are proposed to be approximately thirty (30) feet and the sloped roof sections are proposed to be approximately thirty-five (35) feet. The applicant will be responsible for showing compliance with building height requirements at the time of formal development application.

Density: In the AC District, the maximum density is sixteen (16) units per developable acre. The subject property contains 10.44 acres. 167 units of density are permitted on the property. Twenty-four residential units are proposed. The application meets this standard.

Lot Coverage: In the AC District, the lot coverage shall not exceed sixty (60) percent of the total lot area. If additional lot coverage incentives are utilized, in no instance shall the aggregate lot coverage be allowed more than an additional 12% of lot area. At the time of original site development, the developer utilized an additional ten (10) percent lot coverage by reducing the building height by ten (10) feet. Since the applicant has already utilized a ten (10) percent increase in lot area, there is a maximum of two (2) percent remaining.

The applicant has referred to providing affordable housing for locals throughout their narrative, and housing is anticipated. As noted earlier, the specific details of any deed restrictions is forthcoming. If the applicant requests the Accessory housing unit exemption, Frisco Town Code

Section 180-13 D. (6) (a) states that when a deed restricted accessory housing unit meeting the town's requirements is constructed, the lot coverage requirements shall be increased such that the lot coverage shall not exceed sixty-five (65%) of the total lot area. The applicant could utilize the accessory housing unit exemption to allow an additional five (5) feet of building height if used to off-set the previous height incentives.

The applicant is responsible for showing compliance with overall site lot coverage at time of formal Development Application.

ANALYSIS - DEVELOPMENT STANDARDS [180-20]

The project will be reviewed thoroughly for compliance with the specific development standards of the Frisco Zoning Ordinance when a formal development application is submitted.

Snow Storage and Snow Shedding: The original development application for the site showed compliance with required snow storage. The applicant will be responsible for ensuring continued compliance with both snow storage and snow shedding at time of the formal development application.

Road Construction and Maintenance Standards: No new public or private roads are proposed in association with the project. A special condition of the original site approval for 150-12-DA/CU stated:

“That further enhancements of aesthetics and streetscape are addressed for the paved pathway (which comes from Meadow Drive and Meadow Park) as it enters the site adjacent to the Major Retailer building. (Design Criteria of Lease Agreement between Town and Brynn Grey, #4).”

The applicant shall be required to continue to comply with the conditions of Planning File 150-12-DA/CU. This includes the special condition to provide enhancements for the paved pathway as it enters the site adjacent to the Major Retailer Building. The applicant shall address this condition at time of formal Development Application.

Outdoor Lighting: A lighting plan shall be submitted at time of formal development application. This shall show exterior fixtures proposed for the new structure along with parking areas and pedestrian walkways and show compliance with all regulations stated in Section 180-20.2 of the Frisco Town Code.

Landscaping and Revegetation: A landscaping plan shall be submitted at time of formal development application. This shall show compliance with all regulations stated in Section 180-20.1 of the Frisco Town Code.

Parking: Section 180-23 of the Frisco Town Code references parking requirements. At the time of original site plan review the parking calculations based on the proposed uses in 2012 were as follows:

“Number of spaces required: At full build-out, the total square footage of the site will be 105,000 square feet of commercial space. The following parking calculations are determined per the uses proposed that make up the 105,000 sf of commercial space.

Proposed uses, based on a total of 105,000 sf of commercial space at full build-out, are as follows: Retail/Restaurant/Health/Financial Uses of 95,000 sf (of this amount, 8,900 sf is proposed as restaurant use); and, Office/Medical Office uses of up to 10,000 sf.

For 96,100 sf of retail/health financial/medical office/office use, the code requires 275 spaces. For 8,900 sf of restaurant use, the code requires 36 spaces. 311 spaces are required for this proposed project. 414 are provided per the parking plan. Eight accessible parking spaces are required and 12 are provided (6 of the 12 are van accessible).”

The proposed change of use from retail to mixed-use will require the existing parking to be re-analyzed to show compliance with all regulations as stated in Section 180-23 of the Frisco Town Code. The applicant will be responsible for submitting a parking plan for the overall site at time of formal Development Application. Multi-Family Units are required to provide one space per bedroom with a maximum of four (4) spaces per unit. In addition, one (1) space for every five (5) units is required for visitor parking. Required accessible parking spaces shall not count towards any required visitor parking space requirement. One parking space is required for 350 square feet of GFA for “Retail Use”.

The applicant has stated that the twelve (12) interior parking spaces will be for residences but the sixteen (16) parking spaces west of the structure are for the retail use. Other required parking spaces for residential uses will be shown within the overall site development at time of formal development application.

Traffic Study: Frisco Town Code requires a traffic study, prepared by a professional engineer licensed in the State of Colorado, be submitted for any structure requiring a conditional use. Since the applicant is proposing to alter the uses and site plan originally analyzed with the October 2012 Traffic Impact Analysis, the Traffic Analysis must be reevaluated and updated. The applicant will be required to submit this update, illustrating compliance with Frisco Town Code, at the time of formal Development Application.

Summit Boulevard Corridor Overlay District: The sketch plan submittal materials do not provide adequate information to review the Summit Boulevard Corridor Overlay District at this time. The applicant has stated in their narrative they are aware of requirements and will address at time of development application. The project will be reviewed for compliance with the Summit Boulevard Corridor Overlay District at time of Development Application review.

STAFF RECOMMENDATIONS

Staff recommends the Planning Commission provide the applicant feedback on the proposed Basecamp Shops and Residences structure in the context of the recommendations and requirements of the Frisco Community Plan and the Frisco Town Code.

Some observations:

- Staff thinks that residential uses can be a very compatible use integrated into the Base Camp development; in essence creating a transit-oriented development due to the transit center so close by. Residential uses supply housing to workers who work in this employment center and can also provide added vitality to the area.
- Staff favors a site plan that includes more buildings versus one large box-style structure. More structures in this setting can break up the mass and also lend themselves better to fitting the site and making it more visually interesting, especially considering the integration of residential units.

- It will be important for the traffic circulation as well as the relationship (scale, use relationships, window direction, noise impacts, etc.) between the buildings located on Pad 5, to be looked at closely.

The formal development application will require the submittal of as-built lot coverage, snow storage, drainage, landscaping and parking analysis for the entire parcel. At the time of Development Application, the applicant will be required to demonstrate compliance with the Frisco Town Code, the conditions required through Planning File 150-12-DA/CU, and the Real Covenant and Agreement between Brynn Grey X LLC and the Town of Frisco.

ATTACHMENTS

Attachments:

- Accommodations (AC) District
- Summit Boulevard Corridor Overlay District
- Sketch plan application materials

cc: Basecamp Shops and Residences LLC

ZONING

§ 180-13. Accommodations District. [Amended 03-07-00, Ord. 00-04; 01-02-01, Ord. 00-10; 12-13-05, Ord. 05-28; 03-14-06, Ord. 06-14; 02-12-08, Ord. 08-03]

In the AC Accommodations District, the following regulations apply:

- A. Purpose: To allow for the development of different types of accommodations and other commercial services for the tourist and short-term visitor, promote non-vehicular access to uses within the area, to allow for commercial and service-oriented facilities to be located in close proximity along the Highway 9 and Interstate 70 interchange area, and to provide connections to mass transit and multi-modal transportation systems.
- B. Permitted uses:
- (1) Accessory housing unit, one (1) per principle commercial unit
 - (2) Arts and entertainment centers
 - (3) Auto fuel sales and service
 - (4) Boarding, rooming or lodging facilities
 - (5) Condominium hotel
 - (6) Fast food restaurants
 - (7) Financial services
 - (8) Fractional share units
 - (9) Health, recreation, and exercise establishments
 - (10) Home offices
 - (11) Hotels and motels
 - (12) Light retail
 - (13) Open space
 - (14) Public buildings and uses
 - (15) Regional retail
 - (16) Restaurants
 - (17) Sexually oriented businesses
 - (18) Transit oriented facilities and uses

ZONING

(19) Accessory Uses and Buildings

C. Conditional uses:

- (1) Medical offices
- (2) Multi-unit residential dwellings
- (3) Offices

D. Dimensional requirements:

- (1) Minimum lot area: none
- (2) Minimum lot frontage: none
- (3) Setback requirements:
 - (a) Front yard: twenty (20) feet
 - (b) Side yard: ten (10) feet
 - (c) Rear yard: ten (10) feet

[1] Roof eave exception: Upon approval from Planning Commission, and if it adds to the aesthetic character of the structure and meets the intent of the Summit Boulevard Corridor Overlay District (Section 180-18.4), roof eaves two (2) feet and greater are permitted to encroach up to five (5) feet into the side and/or rear setbacks.

(4) Maximum Density: sixteen (16) units per developable acre

- (a) Accessory Housing Unit Exemption: Any accessory housing unit meeting the town's requirements may be exempted from the density calculation as long as the unit is deed-restricted for rent to persons earning a maximum of 80% of the area median income, at a rate established by the Summit Housing Authority for that income level and other criteria as established from time to time by the town or the Summit Housing Authority.
- (b) Density bonus exemption: A density bonus over the maximum allowable base density is available if approved by Planning Commission. A density bonus is an increase in the allowable number of dwelling units over the base density, provided that a minimum of 50% of the total number of bonus units is provided as affordable housing.

ZONING

- (5) Maximum building height: Fifty (50) feet for a pitched roof and forty (40) feet for a flat roof
- (6) Lot coverage: Lot coverage shall not exceed sixty percent (60%) of the total lot area. If additional lot coverage incentives are utilized, in no instance shall the aggregate lot coverage allowed by more than an additional 12% of the lot area
 - (a) Accessory housing unit exception: When a deed-restricted accessory housing unit meeting the town's requirements is constructed, the lot coverage requirements shall be increased such that lot coverage shall not exceed sixty-five percent (65%) of the total lot area.
 - (b) Building Height exception: A five percent (5%) increase in lot coverage is permitted for every 5 feet below the maximum height the building(s) is constructed.

E. Development standards:

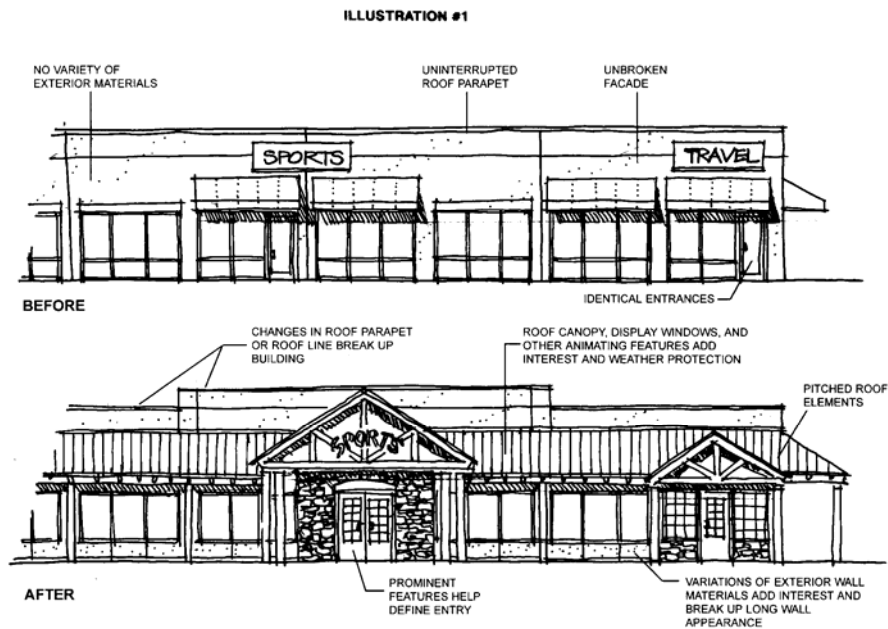
All development is subject to the goals and standards of the Summit Boulevard Overlay District as set forth in §180.18.4

ZONING

180-18.4 Summit Boulevard Corridor Overlay District. [Added 12-1-98 by Ord. No. 98-18. Amended 06-13-06, Ord. 06-19]

A. Title and Applicability.

This section of the Frisco Zoning Code shall be known as the "Summit Boulevard Corridor Overlay District Regulations", and shall be applicable for all development located within the Summit Boulevard Corridor Overlay District; the boundaries of which are shown on the Town of Frisco Zoning District Map as amended from time to time by the Frisco Town Council. This section establishes standards, and criteria to be used in the review of development applications proposed within the Summit Boulevard Corridor Overlay District. In no instance shall this ordinance require renovation or changes to existing structures when no development applications are required to be submitted. These regulations shall only be applicable when development is proposed by an applicant.



B. Purpose.

The purpose of this section is to promote the health, safety, and welfare of the citizens of Frisco by encouraging a variety of high quality designs and development along the Summit Boulevard Corridor. The purpose is also to preserve, promote and over time enhance development that is similar but not identical in design; eclectic while still compatible with the small mountain town character of Frisco as depicted in Illustration No. 1. The Town believes the location and design of buildings on a site and their relationship to adjoining properties and the community as a whole is a critical component of the zoning process. The design of buildings and sites as seen from the Summit Boulevard Corridor, which includes the view from Summit Boulevard, Interstate 70, the Dam Road and Ten Mile Drive, is critical.

ZONING

C. Development Classifications and Definitions.

In addition to the definition of development contained within Section 180-5 of the town's zoning chapter the following terms and definitions are hereby adopted and shall be utilized in the review of any development proposed within the Summit Boulevard Corridor Overlay District. Within the Summit Boulevard Corridor Overlay District the following terms shall have the following meanings:

1. Class I Development shall mean;

- (1.1) Any addition to an existing building which includes disturbing less than 350 square feet of lot area (coverage), or
- (1.2) Any exterior renovation or remodel, including but not limited to painting of the structure, which changes the basic character of the exterior facade of the building.

2. Class II Development shall mean;

Any addition to an existing building which includes disturbing 350 square feet of lot area (coverage) or more and which addition is less than 2,500 square feet of gross floor area in size.

3. Class III Development shall mean;

- (3.1) Any new development up to 25,000 square feet of gross floor area in size, or
- (3.2) Any addition to an existing building between 2,500 square feet of gross floor area and 25,000 square feet of gross floor area in size.

4. Class IV Development shall mean;

Any new development or addition to an existing building greater than 25,000 square feet of gross floor area in size.

Where a proposed development does not fit into one of these categories, or includes a combination of new buildings and additions it shall be the responsibility of the Community Development Director to place the development within a classification, or classifications, that are appropriate based on the overall size and general impacts of the proposed development.

D. Summit Boulevard Corridor Overlay Standards and Criteria.

Within the Summit Boulevard Corridor Overlay District the following standards and criteria shall apply to the various classifications of development. No development shall be approved by the Town of Frisco unless all relevant standards and criteria have been met.

ZONING

1. Class I Development: Class I development applications, including tenant and exterior finishes, proposed within the Summit Boulevard Corridor Overlay District shall meet the following standards and criteria:

(1.1) All development shall be designed in a manner compatible to the "small mountain town" character of Frisco, and in no instance shall development be allowed that is based on a theme or design character representative of environments or locations other than those generally found in Frisco's mountain environment. This would prohibit designs that are based on Southwestern Adobe, Colonial, Contemporary Suburban, or other designs not generally found in Frisco.

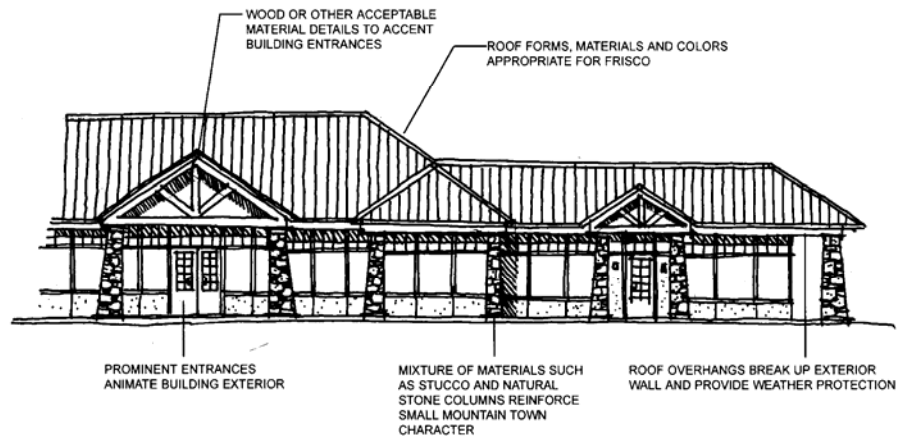
(1.2) Additions to existing buildings that do not presently meet the guidelines, shall be complimentary to the existing structure and blend with the existing structure rather than providing a different building façade, style, materials or color.

(1.3) Provide a mixture of exterior facade materials and natural colors that will blend with the aesthetic, environmental and climatic conditions found in Frisco, in a manner consistent with Illustration No. 2 of these standards.

- a. Where concrete or concrete panels are utilized they shall be textured or scored and shall be used in combination with other materials or such concrete shall be faced with another material, such as stone, stucco, or other textures and/or materials generally found in Frisco or other small mountain town environments.
- b. Where concrete block is utilized it shall be a split, textured or scored block and it shall be used in combination with other materials, generally found in Frisco or other small mountain town environments, rather than as a single exterior building material.
- c. Where metal is utilized it shall have a matte finish or a finish proven to fade and not be reflective. Untreated or unpainted galvanized sheet metal is prohibited as a primary exterior façade material.

ZONING

ILLUSTRATION #2



(1.4) The use of mirrored or reflective glass shall be prohibited. Clear glass shall be used for windows. Tinted, colored or opaque glass may be approved on a case by case basis when shown by the applicant to be compatible with the purpose of these regulations, section 180-18.4B.

(1.5) Where secondary structures are provided, such as storage buildings, the materials and colors used on the secondary structure shall be the same or similar to the primary building on site.

(1.6) Any general color may be used as the exterior color for building facades and roof materials within this district, as long as the color to be used meets the chroma standards and is a color generally found within Frisco's small mountain town environment. Colors with a chroma of up to 4, within the Munsell Book of Colors, may be used as the primary building and roof color, while colors with a chroma which does not exceed 8, within the Munsell Book of Colors, may be used as accent or trim colors on building and roof elements such as trim or railings. Luminescent, fluorescent and/or reflective colors and building materials shall not be utilized on any exterior portion of any building within this district.

(1.7) The bulk of the building shall be restricted on all street facades by a bulk plane. This bulk plane requirement shall be in effect for the area located within the Mixed Use Districts located adjacent to Summit Boulevard. The bulk plane shall start from a point 24' feet above the existing grade measured ten (10) feet into the property from the street front and any street side yard property line, and shall extend upward at a 22.5 degree angle, and directly away from the property lines to a point where the envelope intersects with the maximum allowed height for the property based on the underlying zoning district, at which point the bulk plane envelope and the allowed maximum height shall be the same. In addition, the bulk plane for the rear yard shall start from a point 24 feet above the existing grade measured ten (10) feet into the property from the rear property line, and shall extend upward at a 45 degree angle, and directly away from the property line to a point where the envelope intersects with the maximum allowed height for the property, at which point the bulk plane envelope and the allowed maximum

ZONING

height shall be the same. Where a conflict exists between the allowed height along a rear yard, and a street side yard, the more restrictive measurement shall



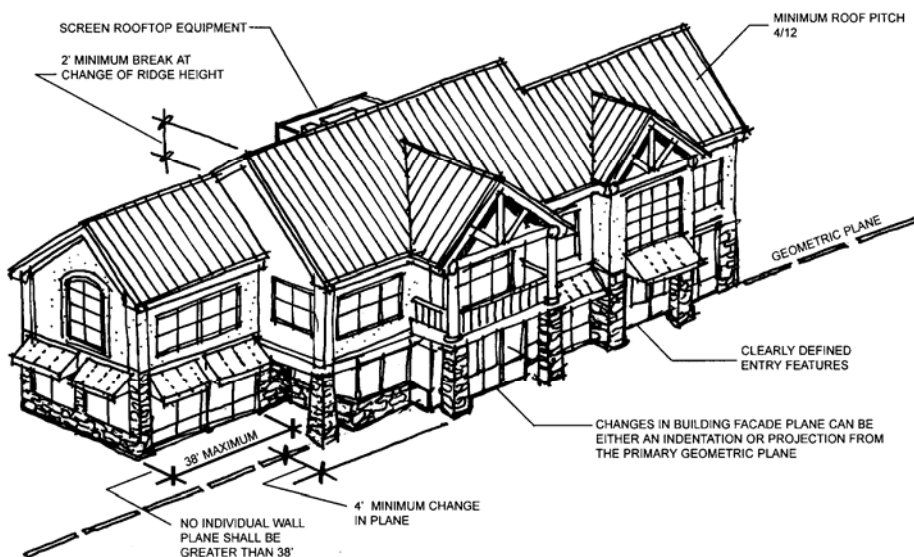
govern. Building forms may deviate from this standard and project beyond the bulk plane if they receive Planning Commission approval, meet the building height, and the encroachment provides for substantial architectural relief.

2. **Class II Development:** All class II development applications within the Summit Boulevard Corridor Overlay District shall meet the following standards and criteria:

(2.1) Meet all applicable requirements of Class I Developments.

(2.2) Provide visual relief and breaks in all new exterior walls. Building facades facing a public street or parking lot shall not exceed 38 feet in length along the same geometric plane, at which time the facade shall be broken up with a change in the geometric plane by a minimum of four (4) feet in depth for a distance of not less than six (6) feet as shown in Illustration No. 3. Where the length of a building facade exceeds 38 feet, no more than 66% of any facade shall be located along the same geometric plane. Upon approval by the Planning Commission, the minimum dimension of 38 feet for a building façade break and

ILLUSTRATION #3

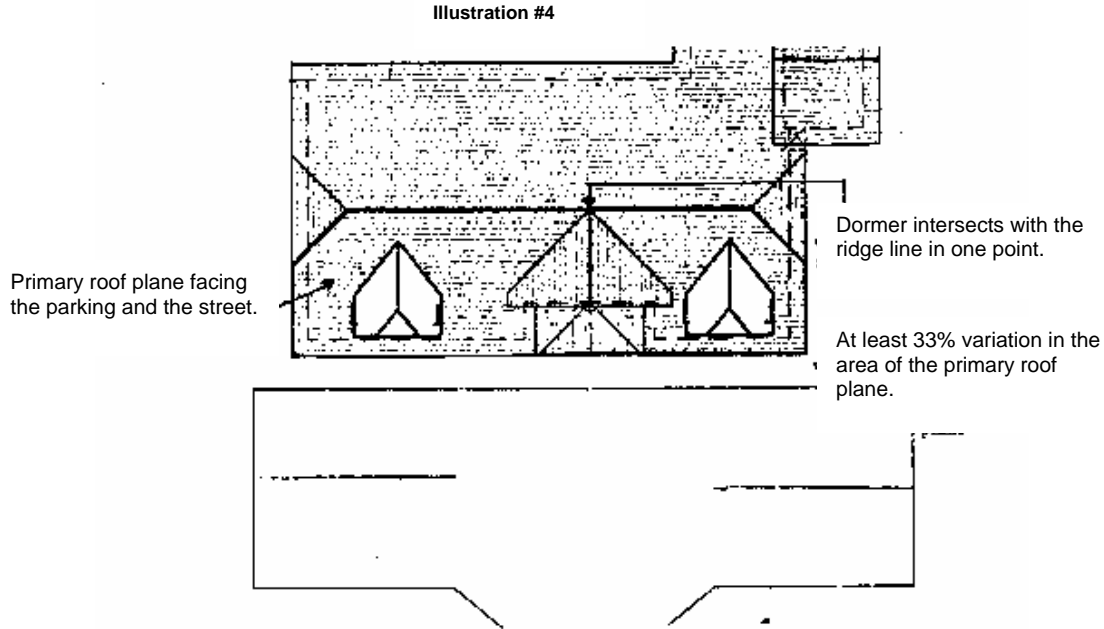


ZONING

the maximum dimension of 38 feet for the length of a building façade may be extended as much as ten feet for a total of 48 feet, upon a finding that the design furthers the intent of this section.

(2.3) Provide visual relief and breaks in all new roof ridge lines, flat roofs and large expanses of sloped roof planes.

- a. Either the elevation of the ridge line, or the horizontal line of a flat roof, shall change by a minimum of two (2) feet up or down so that no more than 66% of the ridge line or roof line is on the same elevation, in general compliance with Illustration No. 3 for a sloped roof or Illustration No. 1 (after) for a flat roof, or
- b. The primary sloped roof plane facing a public street or parking lot shall be broken up with dormers, shed roofs, or other architectural elements which intersect with the ridge line in at least one place, so that there is a minimum variation of 33% in the primary roof plane, in general compliance with Illustration No. 4.

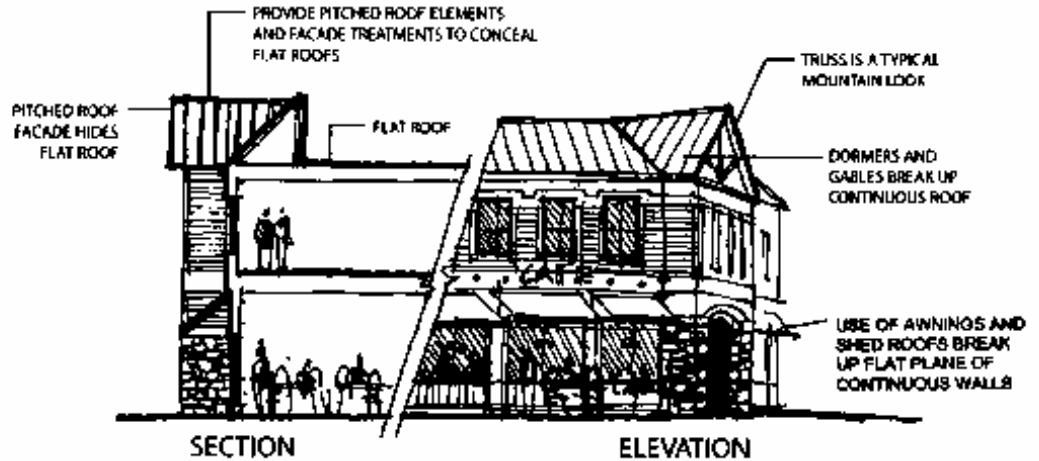


(2.4) Provide either pitched roofs with a minimum pitch of 4/12, or in those instances where flat roofs are proposed they shall have a substantial number of pitched roof elements, including but not limited to peaked or sloped façade elements or vertical parapets facing all street sides and parking lots, as shown in Illustration No. 5. A shed roof with a minimum pitch of 3/12 may be used if that element is below the primary roof level and terminates into the roof or wall of the structure.

- a. The use of Mansard roofs is prohibited.

ZONING

Illustration #5



(2.5) All rooftop equipment shall be screened, and it may be enclosed, from public view, including from any public street or parking lot accessible to the general public or customers of the project, with the same materials and colors utilized on the primary building.

3. Class III Development: All class III development applications within the Summit Boulevard Corridor Overlay District shall meet the following standards and criteria:

(3.1) Meet all applicable requirements of Class I and Class II Development, with the exception of standard 1.2.

(3.2) Additions to existing buildings, where the existing building does not reflect the intent of these guidelines, shall be designed to be in compliance with these guidelines, even if not entirely compatible with the existing building.

(3.3) Where a parking lot abuts any property boundary, a landscaping buffer located between the property line and the paved surface shall be provided. Preferably, the landscaping shall be in a raised planter at least two feet (2') higher than the paved surface, or other landscape buffer deemed acceptable to the town. It shall have a minimum width of ten feet (10'), and contain at least twice the number of trees required by the town's landscaping requirements as outlined in Section 180.20.1 of the Town's Code. All sight distance requirements for traffic and visibility safety issues at intersections must be met with the location and type of plantings.

(3.4) Provide a variety of building elements that "animate" the building, and are features generally found within the Frisco environment that help define the appropriate design character for Frisco as depicted in Illustration No. 1. Buildings shall provide a minimum of three (3) exterior "animating" features, per every 75' of linear building facade visible from public streets or from any parking lot

ZONING

provided for the use of the general public or project customers. The animating features shall include a prominent building entry feature and any two or more of the following features: display windows, deep roof overhangs (a minimum of 18 inches), awnings, arcades, covered outdoor patios, or other animating building features as may be approved by the town.

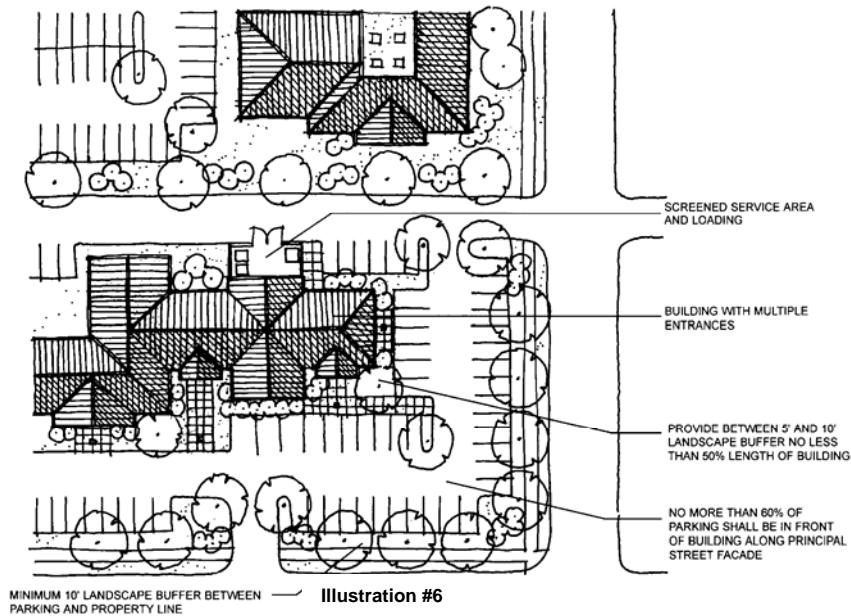
(3.5) Provide a minimum of one or more community spaces. Community spaces shall include the following: public benches, water features, public kiosk/gazebo, public patio/seating areas, public plazas, public art, or other improvements as approved by the Town that meet the general intent of this section.

(3.6) Bicycle racks shall be provided in an amount equal to a minimum of twenty percent (20%) of the required vehicular parking for the project, or a lesser number if reasonably justified by the applicant and approved by the town.

4. Class IV Development: All class IV development applications within the Summit Boulevard Corridor Overlay District shall meet the following standards and criteria, as depicted in Illustration No. 6:

(4.1) Meet all applicable requirements of Class I, Class II and Class III Development, with the exception of standard 1.2 and with the exception that standard 2.2 shall only require visual relief and breaks (a minimum of four (4) feet in depth) in all new exterior wall facades that face a public street or parking lot such that no more than 66% of any building façade shall be located along the same geometric plane.

(4.2) Provide a minimum of two separate and distinct public entrances into the building.



(4.3) Provide a minimum of two additional community spaces, for a total of three, as defined in section 3.5 above.

ZONING

(4.4) Provide parking in a manner where no more than 60% of the required parking is located in front of the building along the principal street façade, with the exception that if a building or other structure blocks the view of the parking from the principal street then the parking in front of the building does not count toward this percentage.

(4.5) Where a building abuts paving or parking areas, provide a landscaped area adjacent to the building that varies from 5 to 10 feet in width. The landscaped area shall be a minimum of 50% of the length of the building and half of the landscaped area shall be a minimum of 10' in width. The landscaping shall be planted in compliance with Section 180-20.1 of the Town's Code.

(4.6) Provide a screened service area, including screening any loading or trash areas from any public rights of ways, or customer parking areas.

INCENTIVE: If an applicant elects to have less than 50% of the required parking in the front of the building along the principal street façade, the landscaped area required in standard 4.5 may be reduced to a minimum of 35% of the length of the building upon approval of the Planning Commission.

INCENTIVE: If an applicant provides perimeter landscaping in an amount no less than double the plant quantities and area required in Standard 3.3, or double the requirement in Section 180-20.1.4.G, Perimeter Landscape Area, or double the requirement in Section 180-20.1.4.H, Parking Area Landscaping, whichever is greater, then the applicant may locate up to 75% of the required parking in the front of the building along the principal street façade upon the approval of Planning Commission.

Basecamp Shops and Residences

March 9, 2017

The Town of Frisco
Planning Commission
1 Main Street
Frisco, CO 80443

Dear Frisco Planning Commission,

Overview

Five years ago we set out to provide the Frisco community with an outstanding, unique retail experience at Basecamp, anchored by a Whole Foods Market. Since its opening in April 2014, Whole Foods has transformed grocery shopping in Frisco, generating over \$1,000,000 annually in sales tax revenue, and being a catalyst for others to improve their stores or locate new stores in Frisco.

In addition to Whole Foods, Basecamp has become home to Kaiser Permanente, Epic Mountain Gear, Basecamp Wine & Beverage, the Rio Mexican Restaurant and most recently Chuck and Don's Pet Supply and Outer Range Brewery. We are so proud of the unique businesses that Basecamp has brought to Frisco, which are remarkably true to the vision originally laid out with the Town.

The complete program consists of:

- Pad 1: Whole Foods Market (Completed)
- Pad 2: Inline Shops (Completed with tenants Basecamp Wine & Spirits and Epic Mountain Gear)
- Pad 3: Gateway Building (Completed with tenants Rio Grande Mexican Restaurants and Outer Range Brewery)
- Pad 4: Wellness Building (Building completed, 60% leased with tenants Kaiser Permanente, Chuck & Don's and Complete Family Eye Care)
- Pad 5: Regional Retail Building (Originally conceived as a pad for a major retail building, it is currently undeveloped)

This sketch plan submittal pertains to the final phase of development at Basecamp, Pad 5. Our research suggests that the future of mountain retail — and maximizing retail sales tax collections — rests with creating destinations that are full of life, offering experiences, shopping and services not available on the Internet. To that end, we are proposing that Pad 5 be re-tasked from one large Regional Retail Building to two buildings configured as follows:

- Pinnacle Building: approximately 13,000 sf:
 - Retail Building, 11,000 square feet sf: 1st floor 5,000 sf Design Center (locally owned and operated); 2nd floor, 5,000 sf offices; plus 1,000 sf on the mezzanine level.
 - Basecamp Restaurants, 2,000 sf: single floor consisting of either one or two restaurants.
- Basecamp Shops and Residences, 23,036 sf:
 - 1st floor consisting of 11,340 sf retail, including garages (likely retail condominium)
 - 2nd floor consisting of 11,696 sf residential units (likely residential condominium)

Regarding residential, the primary drivers are:

1. *Keep the lights on at Basecamp.* Having full time residences creates vibrancy within the center, generates sales tax, and solidifies Basecamp as a real place for locals and visitors (i.e. not just a shopping center). With the transformation of the Frisco Transit Center, Basecamp is even more so a place to spend time, and live, in Frisco.
2. *Provide much needed housing options for businesses and locals.* The unique product – the micro-unit – would meet a need not currently available in Frisco. Local businesses could buy a unit for rotating staff, or lease the unit to a full-time employee. Local residents could also purchase the unit, who want a transit-oriented lifestyle with a modern well-appointed space. We are working with Council to give priority to locals -- either individuals, who work 30 hours a week in Summit County, or a local business.
3. *Maximize retail sales tax generation.* Much has changed in the years since Basecamp was originally envisioned. Big-box retail is declining and mixed-use retail is on the rise. Our team firmly believes that a mixed-use program with several unique businesses and restaurants far better aligns with the Frisco Community Vision, and the market viability of the space.

Frisco Community Plan

Basecamp Shops & Residences promote the goals of the Frisco Community Plan in many ways: the development will promote overall quality of life, create diverse economic development and locals' housing, and establish Frisco's first transit-oriented development.

The following policy statements particularly align with the proposal:

- *Arts & Culture 2.* Enhance Frisco as a cohesive community, which includes full-time residents, second homeowners, businesses and visitors.
- *Built Environment 1.* Encourage eclectic and sustainable designs for new construction and redevelopment to enhance the community's character.
- *Built Environment 4.* Enhance the Summit Boulevard area as a primary gateway and as a functional and efficient economic center of the town.
- *Economy 1.* Develop economic strategies to encourage a diversity of commercial businesses in town.
- *Economy 2.* Continue to promote the town as a year-round destination. EC 3. Encourage and direct economic growth.
- *Economy 5.* Support the creation and outlet for local markets and support local workforce policies.
- *Housing 3.* Provide a variety of affordable housing opportunities, regulations and/or programs that meet the needs of the Frisco residents.
- *Housing 4.* Promote and encourage public/private partnerships for the development of affordable housing to achieve the highest quality housing possible.
- *Housing 5.* Implement strategies that complement existing housing programs to ensure a diverse community.

Summit Boulevard Overlay District

Basecamp is a part of the Summit Boulevard Overlay District, which has a stated purpose to: *"promote the health, safety, and welfare of the citizens of Frisco by encouraging a variety of high quality designs and development along the Summit Boulevard Corridor. The purpose is also to preserve, promote and over time enhance development that is similar but not identical in design; eclectic while still compatible with the small mountain town character of Frisco"* – *Community Development Code Section 180-18.4*

Generally, the proposed development will enhance Frisco's small mountain town character by using architectural patterns and elements that are reflective of the town's heritage, in a modern context. These will complement the design of buildings already established in Basecamp, while having their own unique look.

We plan to address the requirements of the Summit Boulevard Overlay District at the time of development application. Snow storage, bulk plane envelope, mechanical equipment screening, trash enclosures, landscaping requirements, and length of linear building facades have been noted by the team and we will work with staff to ensure that requirements are satisfied, or appropriate measures taken.

We look forward to your input regarding this important next step in the completion of Basecamp.

Thank you.

David O'Neil
Founder/CEO
Brynn Grey Partners

BASECAMP SHOPS AND RESIDENCES

FRISCO, CO.

Sketch Plan

Brynn Grey Partners, LLC
777 Pearl Street, suite 210
Boulder, CO 80302

March 4th, 2017



VIEW LOOKING SOUTHEAST FROM MAIN PARKING LOT

BASECAMP SHOPS AND RESIDENCES

FRISCO, COLORADO

Sketch Plan

MARCH 4, 2017



SITE PERSPECTIVE



WOLFF LYON ARCHITECTS, 777 PEARL STREET, BOULDER, COLORADO 80302

SITE PERSPECTIVE

BASECAMP SHOPS AND RESIDENCES

FRISCO, COLORADO

Sketch Plan

MARCH 4, 2017

PROJECT DATA

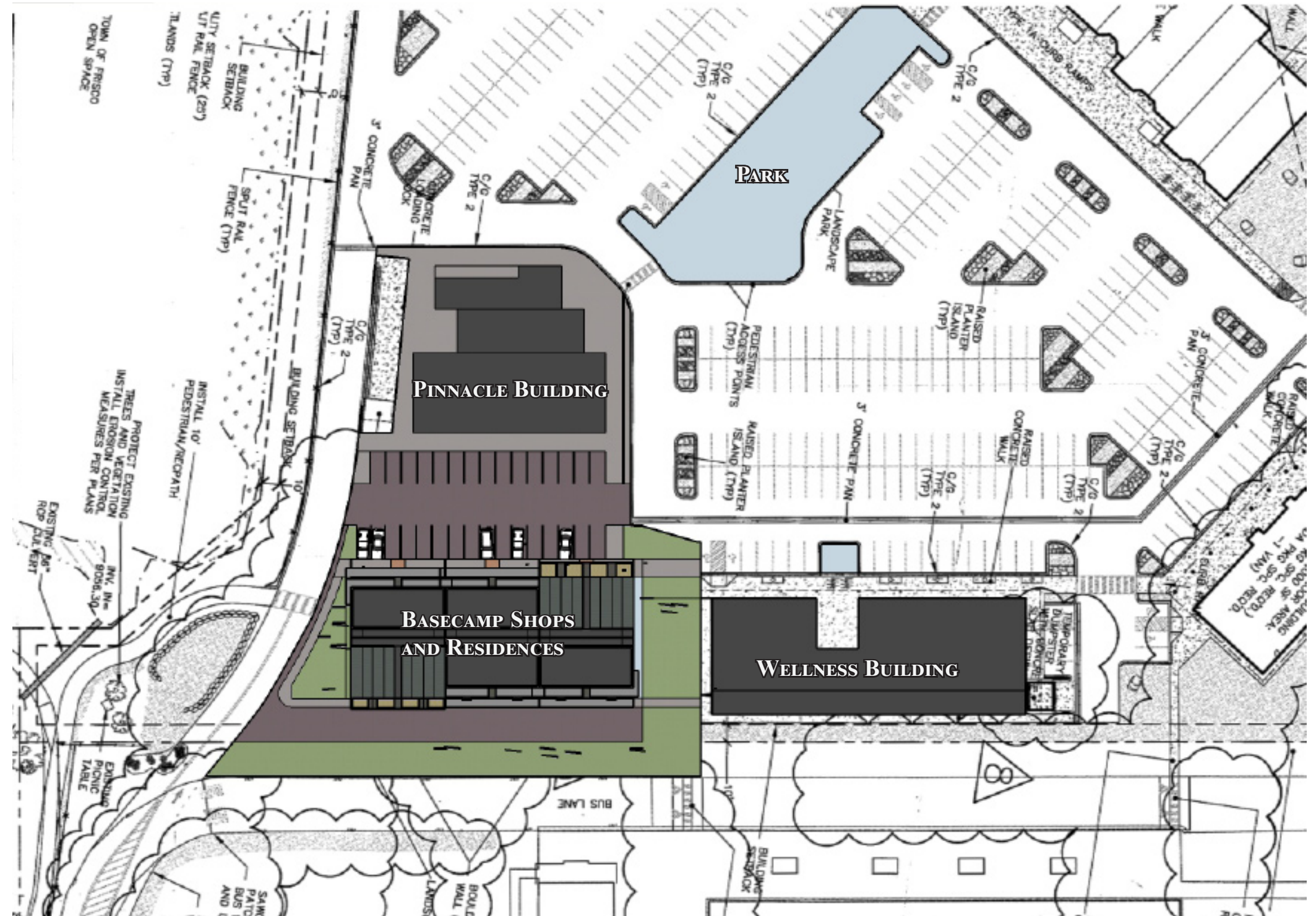
Main Floor Leasable			
6	retail bays @	1,350 SF	8,100 SF
12	garages @ ~	270 SF	3,240 SF
Building footprint (NIC decks and arcades)			11,340

Upper Floor Residential			
3	8-unit modules		24 Units
Unit mix			
16	Type A lofts @	462 SF	7,392 SF
8	Type B lofts @	538 SF	4,304 SF
			11,696 SF

Total heated building area	19,796 SF
----------------------------	-----------

Parking	
12	Garages in Bldg.
12	On-site, uncovered (currently unspecified)
24	(one space per unit)

Building Height	
Flat roof sections	
code (with affordable units)	< 35 feet
proposed	~ 30 feet
Sloping roof sections (over 2:12)	
code (with affordable units)	< 40 feet
proposed	~ 35 feet



SITE PLAN



BASECAMP SHOPS AND RESIDENCES

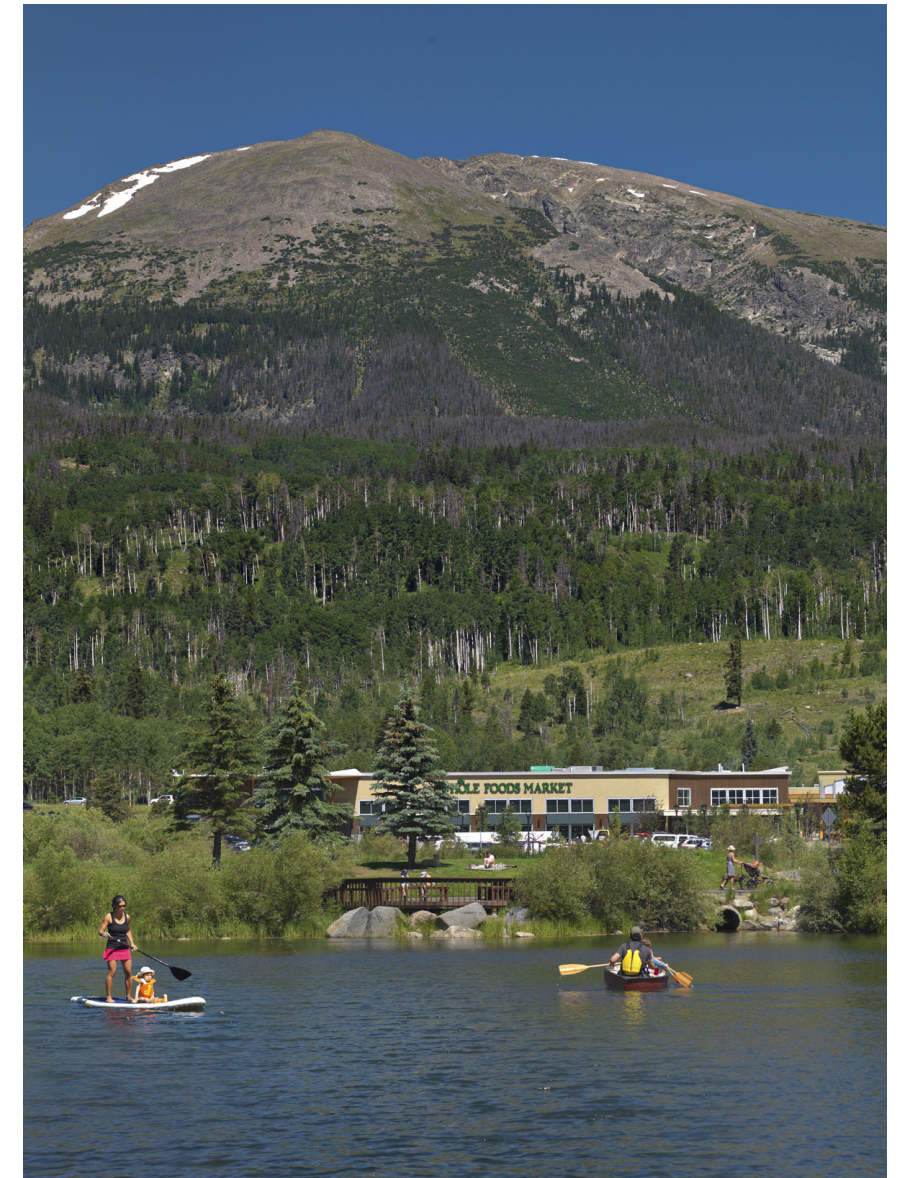
FRISCO COLORADO

Sketch Plan

MARCH 4, 2017



CONTEXT:



BASECAMP SHOPS AND RESIDENCES

FRISCO COLORADO

Sketch Plan

MARCH 4, 2017



BASECAMP SHOPS AND RESIDENCES

FRISCO COLORADO

Sketch Plan

MARCH 4, 2017



BASECAMP SHOPS AND RESIDENCES

FRISCO COLORADO

Sketch Plan

MARCH 4, 2017



View looking northeast of storefronts with residences above



Aerial view looking east

ARCHITECTURAL DETAILS AND MATERIALS:

- * STONE BASE TO MATCH PINNACLE
- * NARROW LAP HORIZ. SIDING
- * EARTHY NATURAL COLORS
- * METAL AND WOOD RAILINGS
- * METAL ROOFING
- * EXPANSIVE WINDOW WALLS



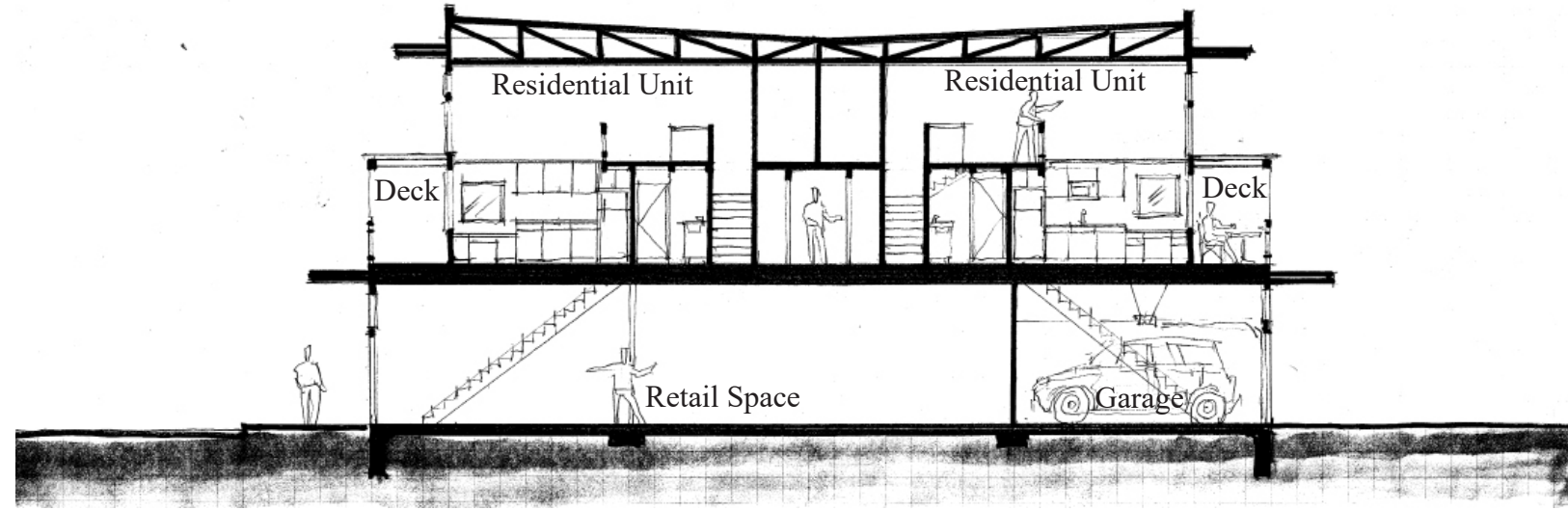
View looking southeast of storefronts with residences above

BASECAMP SHOPS AND RESIDENCES

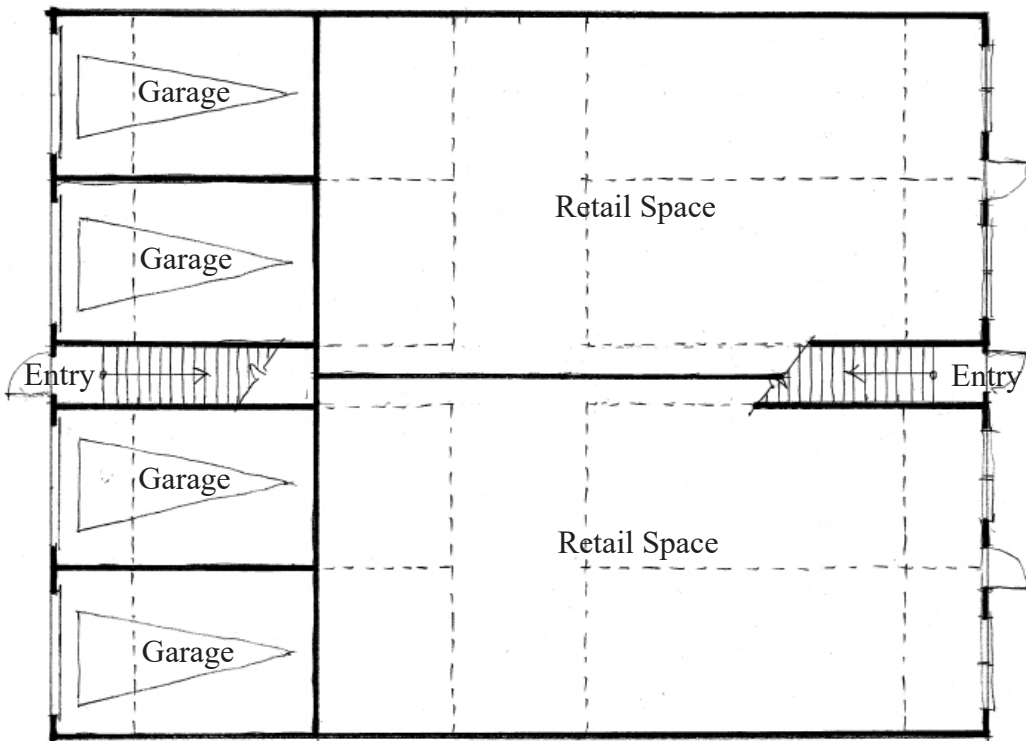
FRISCO, COLORADO

Sketch Plan

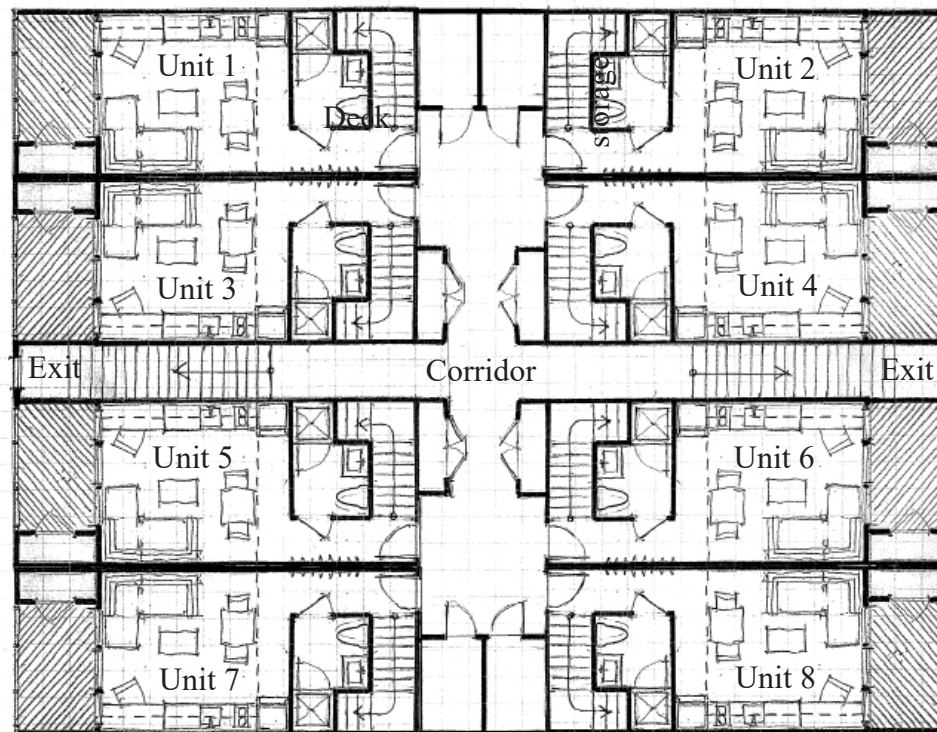
MARCH 4, 2017



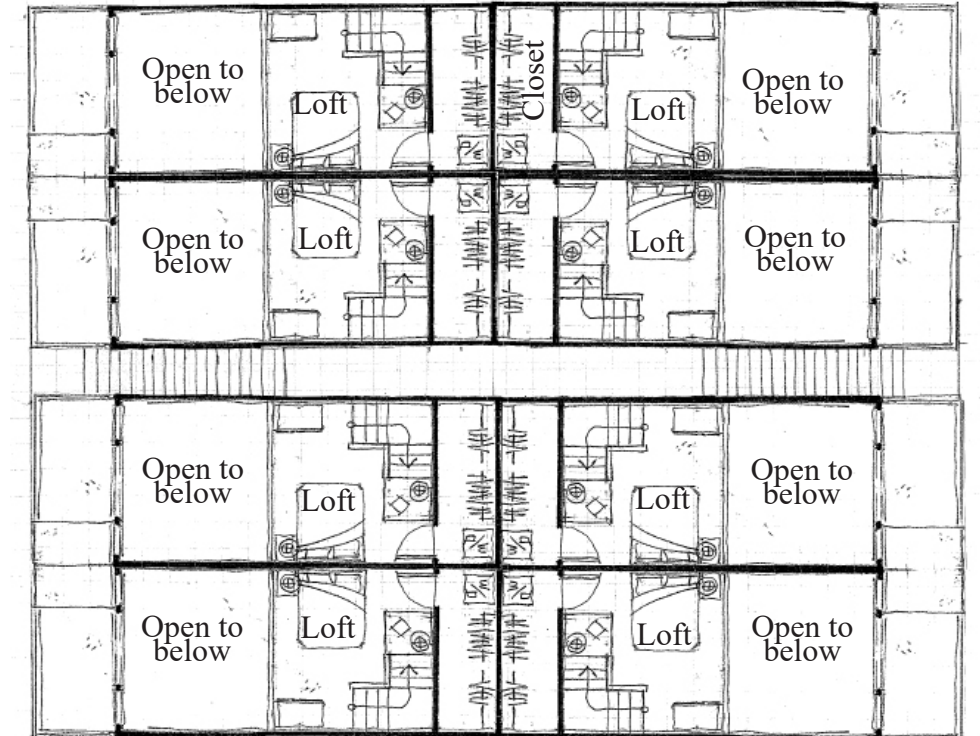
Building Section



Retail Level Plan



Typical Eight-unit Module Plan



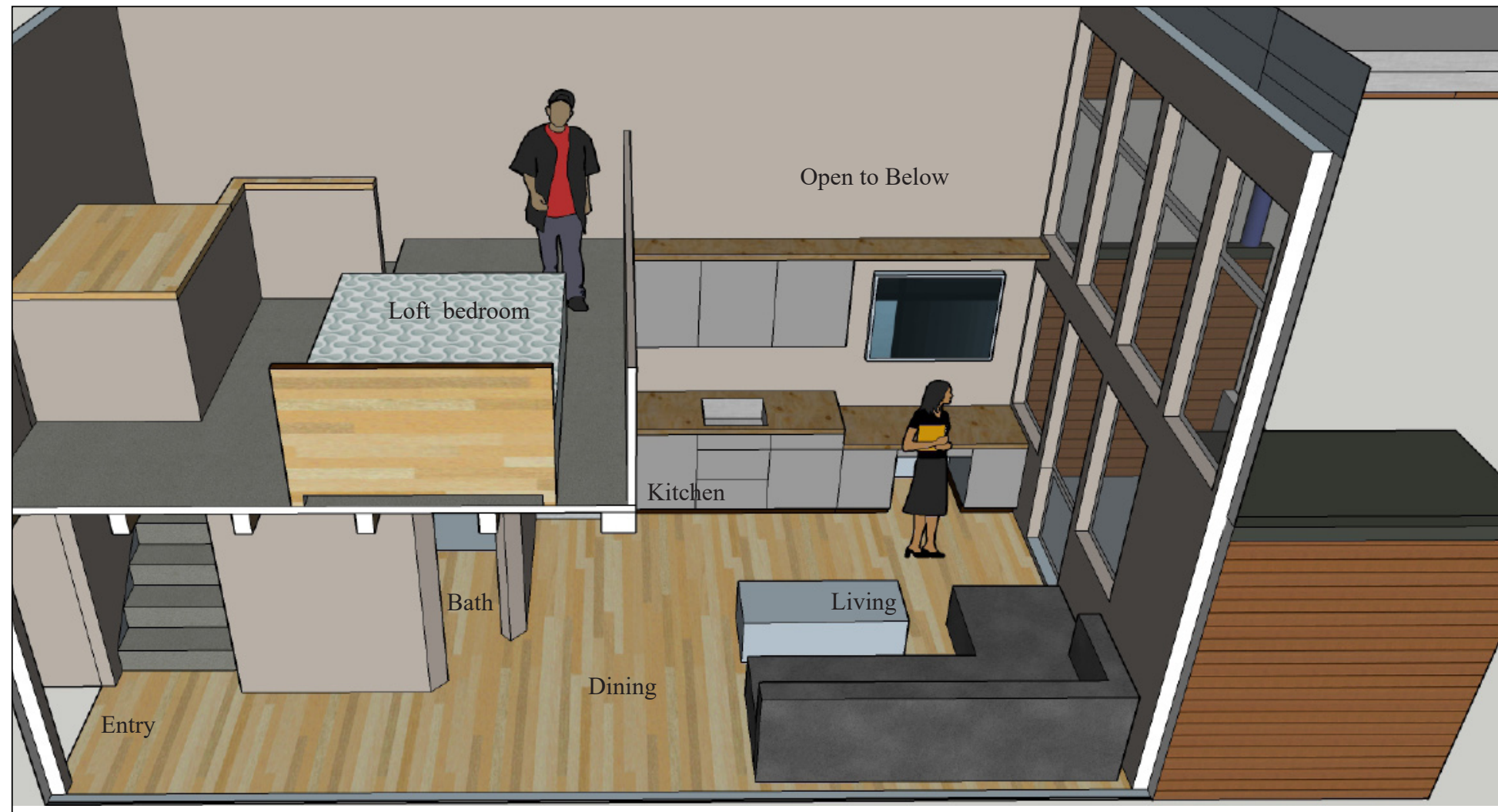
Loft Level Plan

BASECAMP SHOPS AND RESIDENCES

FRISCO, COLORADO

Sketch Plan

MARCH 4, 2017



Typical unit Layout

ORD

March 16, 2017 Packet

MEMORANDUM

TO: Frisco Planning Commission
FROM: Joyce Allgaier, Community Development Director
 Bill Gibson, Assistant Director
DATE: March 16, 2017
RE: Public Hearing, Code Amendments

UDC "Quick Fix" Items

	Item	Description
1	Re. Chapter 180-18.1 Refine the building articulation requirements in the Main Street Overlay District for properties located along Main Street with zero side setback requirements	<ul style="list-style-type: none"> • The Main Street Overlay District includes various building articulation requirements. For properties along Main Street where neighboring buildings abut at a zero side setbacks, articulating the side wall facades of these buildings has little aesthetic value since the facades are not visible from public view. • The articulations can have the undesirable effect of creating inaccessible voids between buildings where snow and debris accumulate.
2	Re. Chapter 180-18.2 Refinements to the Historic Overlay District Provisions	<ul style="list-style-type: none"> • Describe applicability of provisions to historic structures, features, land, and new development • The CC and MU districts require a minimum 10' first-floor ceiling height. These requirements are listed under the "Maximum Building Height" • A 10' first floor ceiling height may not be appropriate for redevelopment projects striving for compatibility with the scale and character of an existing historic building. • Allow relief from the 10' minimum first-floor ceiling height requirement in the Central Core (CC) District and Mixed Use (MU) District through the Historic Overlay (HO) District. Clarify that first-floor means street level. • The 10 foot plate height for first floors is included as a development standard that can be waived.
3	Re. Chapter 180-5, Definitions Formalize whether or not lot coverage limits apply to hot tubs	<ul style="list-style-type: none"> • The zoning code is ambiguous on whether or not lot coverage limits apply to hot tub installations. Over the years, the Town has inconsistently applied, and not applied, lot coverage limits and setbacks to hot tubs. Recent direction from council and commission is to include these improvements. • The zoning code needs to state whether or not lot coverage applies to hot tubs to eliminate

	Item	Description
		ambiguity and future inconsistency. Staff would like to discuss with the commission the goals of lot coverage requirements to help clarify the code. (Such goals might be light and air, permeability, storm water management, etc.)
4	<p style="text-align: center;">Chapter 180.19 General Regulations and Restrictions</p> <p style="text-align: center;">Delete Foundation Only Building Permit requirements from the zoning code Update the Improvement Location Certificate (ILC) policies</p>	<ul style="list-style-type: none"> • The zoning ordinance includes a building permit process regulating Foundation Only Building Permits. • Building permit processes should be addressed in the building code rather than the zoning code. • This requirement was originally adopted in response to a building that was not constructed in the correct location. This issue is better addressed through Improvement Location Certificate (ILC) required of the zoning code than by creating an additional building permit process. • ILC's are required by the zoning code to verify building locations. Additional clarity is needed in what information should be provided by an ILC and which construction projects require an ILC.
5	<p style="text-align: center;">Chapter 180.19 -& 180.48 Clarify the scheduling processes for applications.</p>	<ul style="list-style-type: none"> • The zoning code requires development applications and rezoning applications to be submitted a minimum of 52 days prior to an upcoming Planning Commission meeting date. • Simple development applications and straightforward rezoning applications could be reviewed and prepared for a Planning Commission meeting in less than 52 days from the application date, so this current requirement causes unnecessary delay of certain applications. • After review of these procedures, only few amendments were made to help clarify the process.

ZONING

§ 180-18.1 Main Street Overlay District. [Added Ord. 93-05, 03-16-93; Amended Ord. 97-24, 12-16-97; Replaced Ord. 99-01, 02-16-99; Amended Ord. 02-10, 07-02-02, Ord. 04-01, 02-10-04; Ord. 14-01, 02-11-14]

A. PURPOSE

The purpose of the Main Street Overlay District is to conserve and enhance important community qualities by requiring base design standards and providing incentives to help achieve desired attributes. The standards relate to the scale, mass, architecture and overall design character of development which will occur along Main Street in the future.

There are already a number of zoning criteria related to site design which will continue to apply to all developments in Town; this overlay district simply adds additional criteria to conserve and enhance these community attributes.

This overlay district will require future developments to be designed in a manner that will protect and promote the character and sense of this critical street. The overall appearance and function of the Main Street area should be compatible with the existing structures in the area and the community's general small mountain town environment.

B. APPLICABILITY

The provisions of this Section shall apply to the development (as defined in the Frisco Town Code, Section 180-5) of any property within the Main Street Overlay District as shown on the Town of Frisco Zoning map, which is separated into three Main Street Overlay Sub-Areas as indicated on exhibit A, following this section.

C. GOALS

The goal of this overlay district is to require new projects to meet basic design standards that will ensure future developments which are compatible with the desired character of the Main Street area. Coupled with these basic standards are incentives to encourage certain design elements that will further preserve and strengthen the architectural character of the area. While these standards and incentives are aimed at preserving and enhancing the area, one of the overriding goals of the community is to allow for a variety of design, with an eclectic effect, while still protecting the character of the area. There is no desire to change the land uses or basic zoning in this area, nor is there any desire to restrict commercial development within this area, other than to guide the architectural and site planning components of future development.

D. CHARACTER

There are three distinct subdistricts within the Main Street Overlay area. This Section has been tailored to meet the specific needs and characteristics of each of these three areas.

The Central Core subdistrict contains predominantly commercial land uses with interspersed residential uses, some of which are located above the commercial uses. There are also a number of historic buildings in this area. The central Main Street area represents the focal point of the downtown area and therefore the subdistricts to either side of the core area should appear to "taper" or transition out from this area.

ZONING

The Marina Subdistrict, east of the Central Core, is also predominantly commercial in nature at this time, and is the Town's primary view from Main Street to Lake Dillon. The preservation of this critical view corridor is an important component of the design guidelines established for this particular subdistrict.

The third Main Street area is the West End Subdistrict which is made up of a variety of commercial and residential uses located in a linear fashion from the Central Core, west to Interstate Highway 70. This area is characterized by a larger than normal street right of way along West Main Street which separates uses from the street by a greater distance than elsewhere in the Main Street area, and by building styles and architecture that are primarily residential in nature and scale.

E. DEVELOPMENT GOALS AND STANDARDS

The following goals should be considered, and standards followed, when designing projects within the Main Street Overlay District and Subdistricts.

GOAL #1.

Structures should be compatible with existing structures, their surroundings and with Frisco's "Small Mountain Town" character whenever possible. The existing land forms and historic structures on a site should be preserved on-site whenever possible and reinforced by development rather than destroyed or replaced by it.

It is not inferred that buildings must look like the existing structures to be compatible. Compatibility can be achieved through proper consideration of scale, design, proportions, site planning, landscaping, materials and colors, and compliance with the standards contained herein.

Standard #1.1.

Buildings shall be designed in a manner that is architecturally fitting with Frisco's small mountain town character and:

- Provides significant variation in all the wall planes.
- Provides significant variation in all roof lines and roof forms.
- Groups elements (e.g. windows) to provide balanced facade composition.
- Provides projecting elements (e.g. turrets, bay windows, decks, etc.).

Standard # 1.2.

Buildings shall be designed to provide deep (at least 24 inches) eaves and overhangs, and other building elements that provide shelter from natural elements and provide visual relief, including the use of porches and patios to add interest along street yards. When a substantial number and variety of building elements are provided the eaves may be less than 24 inches deep in some locations.

ZONING

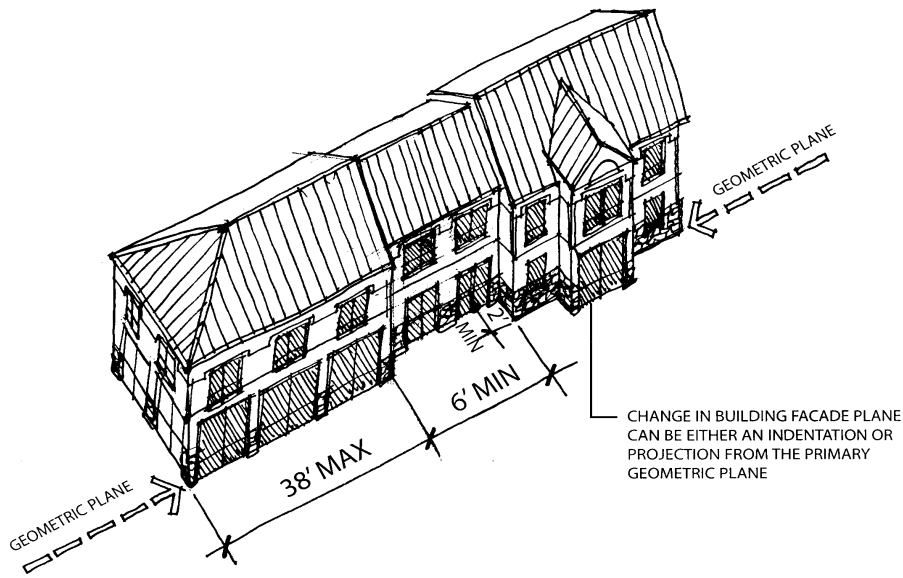
GOAL #2.

In general, buildings should be designed in a manner that provides elements that relieve the feeling of mass and provides for the graduation of mass as one moves back from the front of a lot, with the smaller elements located near the street, and the larger elements usually located further away from the street.

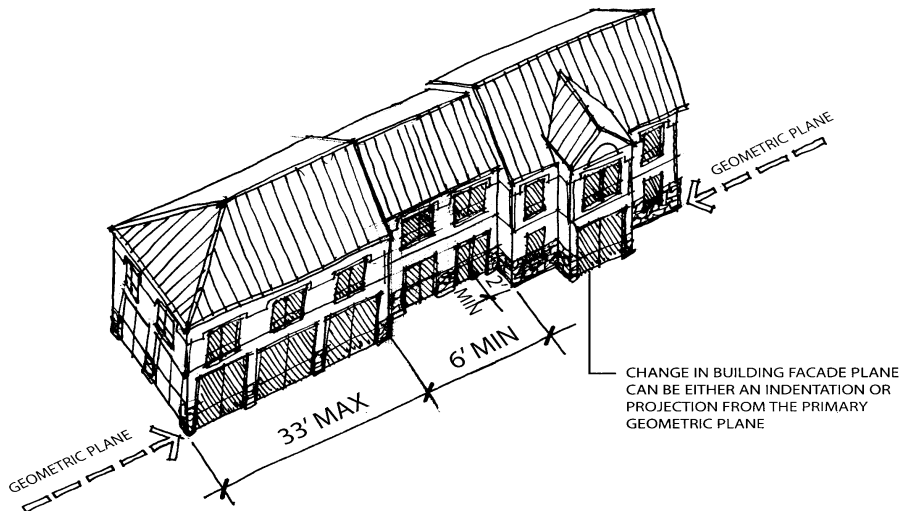
Standard # 2.1.

- a. Within the Central Core Subdistrict of the Main Street Overlay District building facades and roof fascia/eaves shall not exceed 38 feet in length along the same geometric plane, at which time the wall facade shall be broken up with a change in the geometric plane by a minimum of two (2) feet in depth for a distance of not less than six (6) feet, and the corresponding roof fascia/eaves shall be either indented or project from the primary geometric plane by a minimum of 2 feet. For buildings that exceed 74 feet in length the change in the geometric plane shall be increased to a minimum of four (4) feet in depth. In circumstances where All buildings havewith a total facade length of 38 feet or less or where a zero setback along an internal sideyard lot line is permitted, this building wall façade break provision is not requiredare exempt from this provision. Upon approval by the Planning Commission, the dimension of 38 feet for the length of a building façade which necessitates a building wall façade break and corresponding roof fascia/eave change may be extended as much as two (2) feet for a total of 40 feet, upon a finding that the design furthers the intent of this section.
- b. Within the Marina Subdistrict of the Main Street Overlay District the building facades and the corresponding roof fascia/eaves shall not exceed 38 feet in length along the same geometric plane, at which time the wall facade shall be broken up with a change in the geometric plane by a minimum of two (2) feet in depth for a distance of not less than six (6) feet, and the roof fascia/eave shall either be indented or project from the primary geometric plane by a minimum of 2 feet.. For buildings that exceed 74 feet in length the change in the geometric plane shall be increased to a minimum of four (4) feet in depth. All buildings with a total facade length of 38 feet or less are exempt from this provision. Upon approval by the Planning Commission, the dimension of 38 feet for the length of a building façade which necessitates a building wall façade break and corresponding roof fascia/eave change may be extended as much as two (2) feet for a total of 40 feet, upon a finding that the design furthers the intent of this section.

ZONING



- c. Within the West End Subdistrict of the Main Street Overlay District the building facades and corresponding roof fascia/eaves shall not exceed 33 feet in length along the same geometric plane, at which time the wall facade shall be broken up with a change in the geometric plane by a minimum of two (2) feet in depth for a distance of not less than six (6) feet, and the roof fascia/eave shall either be indented or projected from the primary geometric plane by a minimum of 2 feet. For buildings that exceed 54 feet in length the change in the geometric plane shall be increased to a minimum of four (4) feet in depth. All buildings with a total facade length of 33 feet or less are exempt from this provision. Upon approval by the Planning Commission, the dimension of 33 feet for the length of a building façade which necessitates a building wall façade break and corresponding roof fascia/eave change may be extended as much as five (5) feet for a total of 38 feet, upon a finding that the design furthers the intent of this section.



Standard # 2.2.

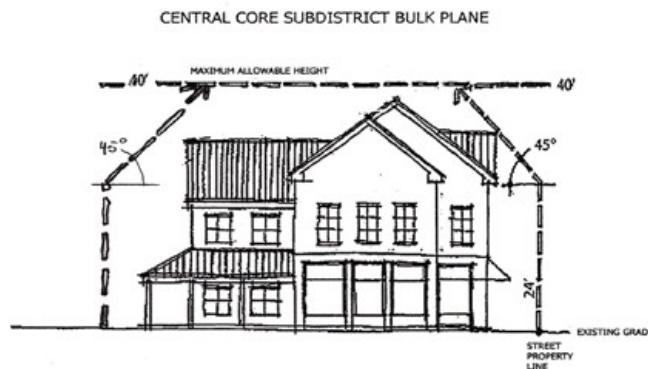
ZONING

Within the Central Core Subdistrict, the Marina Subdistrict and the West End Subdistrict of the Main Street Overlay District no building facade or roof ridgeline facing a front yard or street side yard shall have more than 66% of the length of the wall or roof ridgeline along the same geometric plane, with the exception that buildings with a total facade length of less than 38 feet may generally be located on the same geometric plane.

Standard # 2.3.

The bulk of a building shall be restricted on any site within the Main Street Overlay District through the use of a bulk plane envelope. The bulk plane envelope within the various subdistricts shall be as follows:

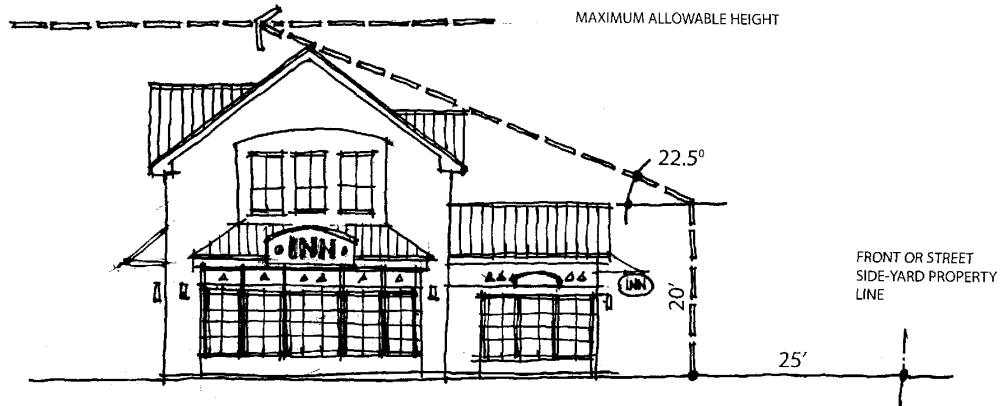
- a. Central Core Subdistrict: The bulk of the building shall be restricted on all street and rear yard facades by a bulk plane. The 40 foot height limit of the bulk plane may be increased, if provision 180-23.C (4) is utilized. Building forms may deviate from this standard and project beyond the bulk plane if they receive Planning Commission approval, meet the building height, and provide substantial architectural relief, or if they are structures which meet incentive VI.A.
 1. The bulk plane shall start from a point 24 feet above the average existing grade measured on all street property lines and shall extend upward at a 45 degree angle toward the rear and/or opposite sides of the property until it intersects with a horizontal plane 40 feet above the average existing grade at the property line.
 2. From the rear, the bulk plane shall start from a point 24 feet above the average existing grade measured on the rear property line and shall extend upward at a 45 degree angle toward the front of the property until it intersects with a horizontal plane 40 feet above the average existing grade at the property line.



- b. Marina Subdistrict: The bulk of the building shall be restricted on all street and side yard facades by a bulk plane. The bulk plane shall start from a point 24 feet above the existing grade and 25 feet into the property from all street, front and side yard property lines, and shall extend upward at a 22.5 degree angle and directly away from the property lines to a point where the envelope intersects with the maximum allowed height for the property based on the underlying zoning district, at which point the bulk plane envelope and the allowed maximum height shall be the same. The maximum height limit of the bulk plane may be increased, if provision 180-23.C.(4) is utilized. Building forms may deviate from this standard and project beyond the bulk plane if they receive Planning Commission approval, meet the building height, and provide substantial architectural relief.

ZONING

MARINA SUBDISTRICT BULK PLANE



- c. West End Subdistrict: The bulk of the building shall be restricted on all street and side yard facades by a bulk plane. The bulk plane requirement within this subdistrict shall be in effect for the area located within 100 feet of the West Main Street right of way. The bulk plane shall start from a point 24' feet above the existing grade measured ten (10) feet into the property from all street, front and side yard property lines, and shall extend upward at a 22.5 degree angle, and directly away from the property lines to a point where the envelope intersects with the maximum allowed height for the property based on the underlying zoning district, at which point the bulk plane envelope and the allowed maximum height shall be the same. The maximum height limit of the bulk plane may be increased, if provision 180-23.C.(4) is utilized. In addition, the bulk plane for the rear yard shall start from a point 24 feet above the existing grade measured ten (10) feet into the property from the rear property line, and shall extend upward at a 45 degree angle, and directly away from the property line to a point where the envelope intersects with the maximum allowed height for the property, at which point the bulk plane envelope and the allowed maximum height shall be the same. Where a conflict exists between the allowed height along a rear yard, and a street side yard, the more restrictive measurement shall govern. Building forms may deviate from this standard and project beyond the bulk plane if they receive Planning Commission approval, meet the building height, and provide substantial architectural relief.

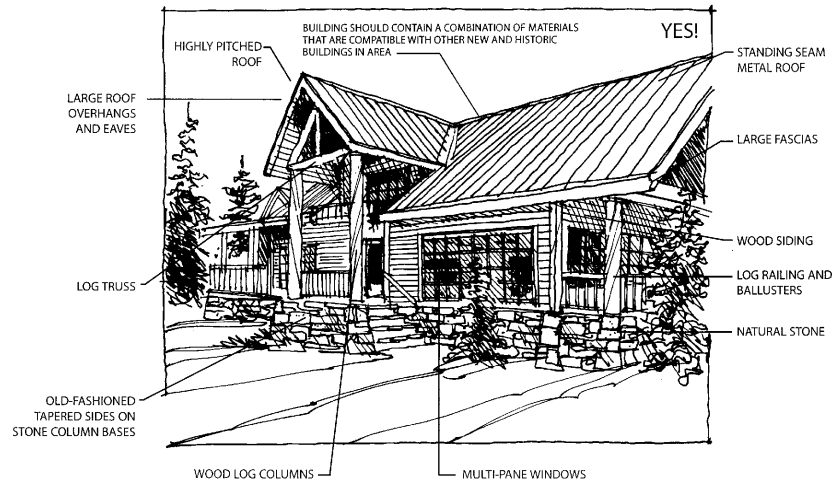
ZONING

WEST END SUBDISTRICT BULK PLANE

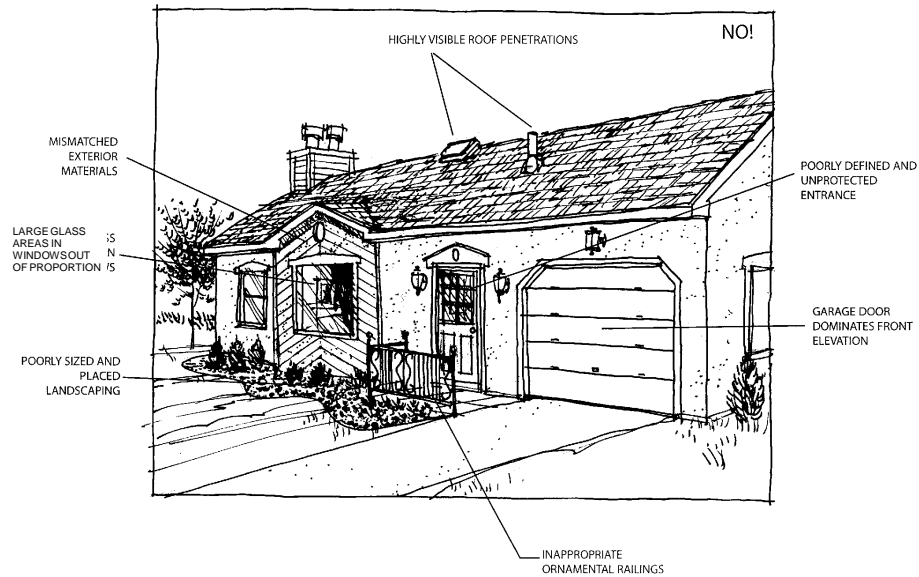


GOAL #3.

Buildings should be designed in a manner and constructed of materials that are compatible, and complementary to the existing historic and surrounding buildings in the area, and should contain a mixture or combination of materials, such as utilizing wood as the primary building material and stone, brick or other similar materials as accents or base materials.



ZONING



Standard #3.1.

Primary exterior building materials shall be predominantly natural, including, but not limited to wood siding, wood shakes, logs, stone, brick or similar materials. Other materials that have proven durability in the Town of Frisco's climate and imitate natural materials may be used only if their texture, shape, and size are substantially similar to the natural materials they are simulating and are not obviously artificial materials.

Standard #3.2.

Stucco or metal shall not be used as the primary exterior building material, but may be used as an accent, or in combination with other acceptable materials. Where metal is utilized it shall have a matte finish or a finish proven to fade and not be reflective. Untreated or unpainted galvanized sheet metal is prohibited. Concrete block shall not be used as the primary exterior finish, and when used as an accent shall be a split block, which is textured and painted a color that is compatible with the building.

Standard #3.3.

Aluminum and plastic exterior siding shall not be used as an exterior building material, except as allowed in Standard #3.1.

Standard #3.4.

The same or substantially similar building materials shall be used on main structures and any accessory structures located on the same site, unless an alternative design is provided that will complement the project and meet the remaining standards.

ZONING

Standard #3.5.

A material board, including material and color samples of all proposed exterior materials shall be submitted and reviewed as a component of all applications within this overlay district.

Standard #3.6.

Additions, which are substantially less than the square footage of the existing building, may be allowed to complement the existing structure, even if the building does not presently meet the guidelines, and blend with the existing structure rather than providing a different building façade, style, materials or color.

Standard #3.7.

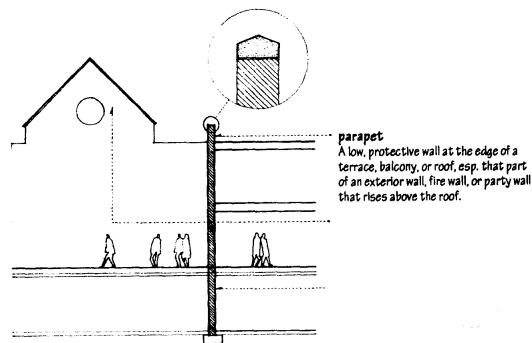
The use of mirrored or reflective glass shall be prohibited. Clear glass shall be used for windows. Tinted, colored or opaque glass may be approved on a case by case basis when shown by the applicant to be compatible with the purpose of these regulations.

GOAL # 4.

Roof elements, including materials and colors, should be of a design that is compatible with, and complementary to the historic and surrounding roofs found in the area, and should provide pitched (sloped) roof elements, or facades with pitched element, which can be seen from public rights of ways and places.

Standard #4.1.

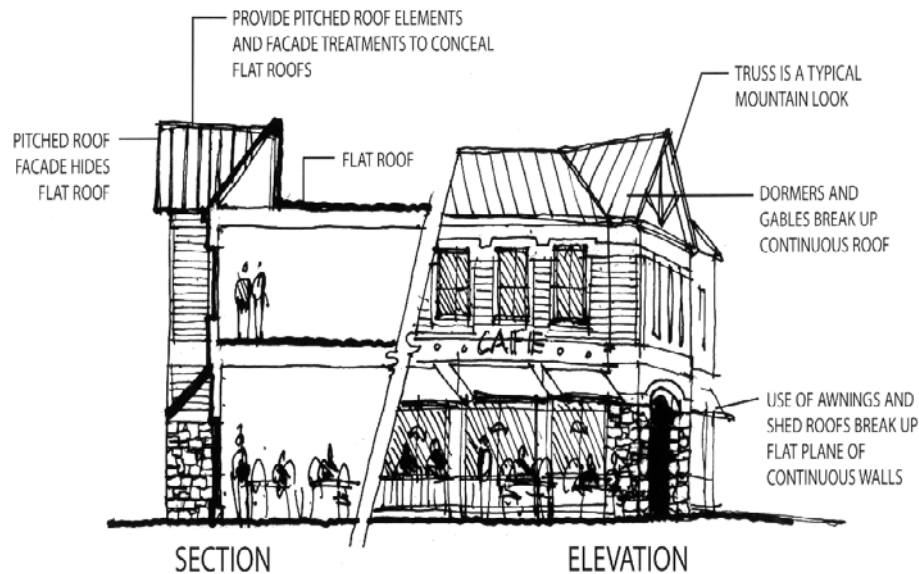
Steep pitched roofs are encouraged, but in those instances where flat roof construction is proposed, it shall be augmented with pitched roof elements, including but not limited to: peaked or sloped façade elements or parapets facing all street sides. Pitched roof elements shall vary by a minimum of two (2) feet, up or down and are encouraged to change in relationship to changes that occur in the wall plane as required in Standard #2.1, #2.2 and elsewhere in the overlay district. Mansard roofs are not appropriate and shall not be allowed.



ZONING

Standard # 4.2.

Where pitched roofs are utilized, the use of dormers (shed, peaked, etc.) shall be used to break up large expanses of roof, to enhance the usability of attic spaces, and to add architectural interest to the roofscape. A pitched roof shall have a minimum pitch of 6/12 in the Central Core Subdistrict and the Marina Subdistrict and a minimum pitch of 5/12 in the West End Subdistrict. A shed roof with a minimum pitch of 3/12 may be used if that element is below the primary roof level and terminates into the roof or wall of the structure.



Standard #4.3.

Ridge lines shall change by a minimum of two (2) feet, up or down, and are encouraged to change in relationship to changes that occur in the wall plane as required elsewhere in this overlay district.

Standard # 4.4.

Roof lines shall be designed in a manner in which they do not deposit snow onto required parking areas, sidewalks, trash storage areas, stairways, decks, balconies or entryways.

Standard # 4.5.

If metal roofs are used, they shall be surfaced with a low-gloss finish or shall be of a material which shall, within a reasonable period, weather to a dull finish in order not to be reflective.

Standard # 4.6.

Metal roofs shall have a standing seam or be of a design that provides relief and shadow to the roof surface. Asphalt and fiberglass shingles shall be permitted provided that they are of heavy material so as to provide relief and shadow, and are of a design and color so as to be compatible with the building.

ZONING

Standard # 4.7.

Bright colored roofs, which exceed a chroma of four (4) on the Munsell Color chart shall not be allowed.

Standard # 4.8.

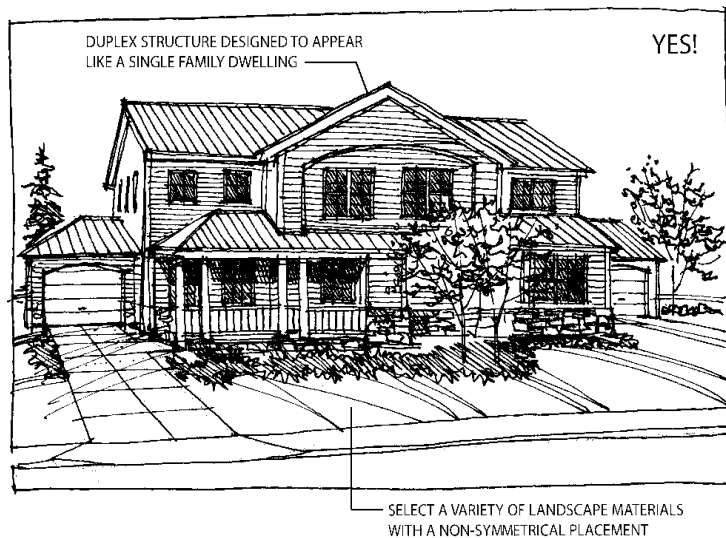
All rooftop mechanical, electrical, and electronic equipment shall be screened in a manner that is compatible and substantially similar with the colors and materials of the building or the roof.

GOAL #5.

Development should create a variety of designs while still being compatible with the desired character of the area.

Standard#5.1.

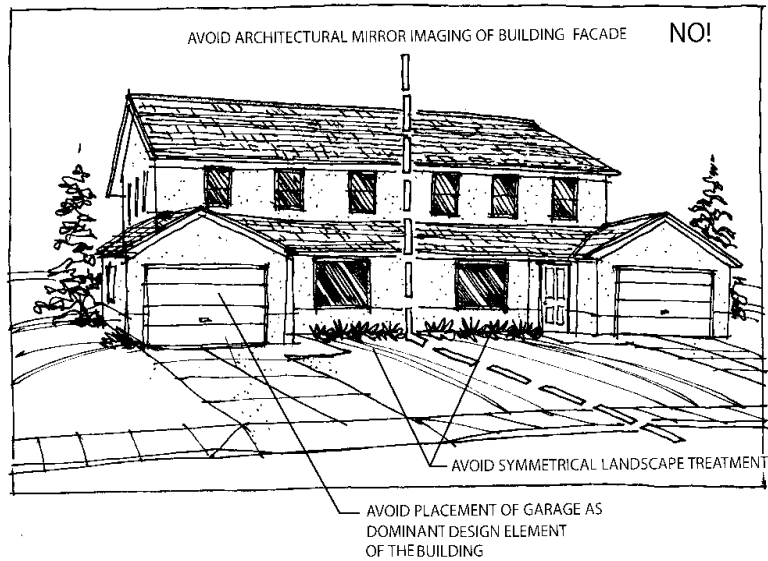
Duplex structures shall be designed to look like a single family structure to the extent possible, and shall not be designed in a manner that results in each half of the structure appearing substantially similar or mirror image in design to the other half.



ZONING

Standard # 5.2.

Building designs that duplicate, or are significantly similar in design to existing or proposed structures within the Main Street Overlay District and the Granite Street and Galena Street Overlay District shall not be allowed, with the exception that accessory structures on the same lot or parcel as the primary structure shall be similar in design as the primary structure.



GOAL # 6.

Building colors should be compatible with the existing characteristics of the area and not conflict with the goals of the community to provide a “small mountain town” feel. Exterior wall colors should be compatible with the site and surrounding buildings. Natural colors (earth tones found within the Frisco area) and stains on wood should be utilized. Darker colors are recommended for roofs.

Standard # 6.1.

No color may be used as the primary color of the building that exceeds a chroma of four (4) on the Munsell Color chart.

Standard # 6.2.

Colors that exceed a chroma of four (4) but do not exceed a chroma of eight (8) on the Munsell Color chart may be used only as accents and then sparingly, such as upon trim or railing, and in no instance shall luminescent, fluorescent, or reflective colors be utilized on any exterior portion of the building.

Standard # 6.3.

The same, or substantially similar colors shall be used on the main structure and on any accessory structures upon the site.

Standard # 6.4.

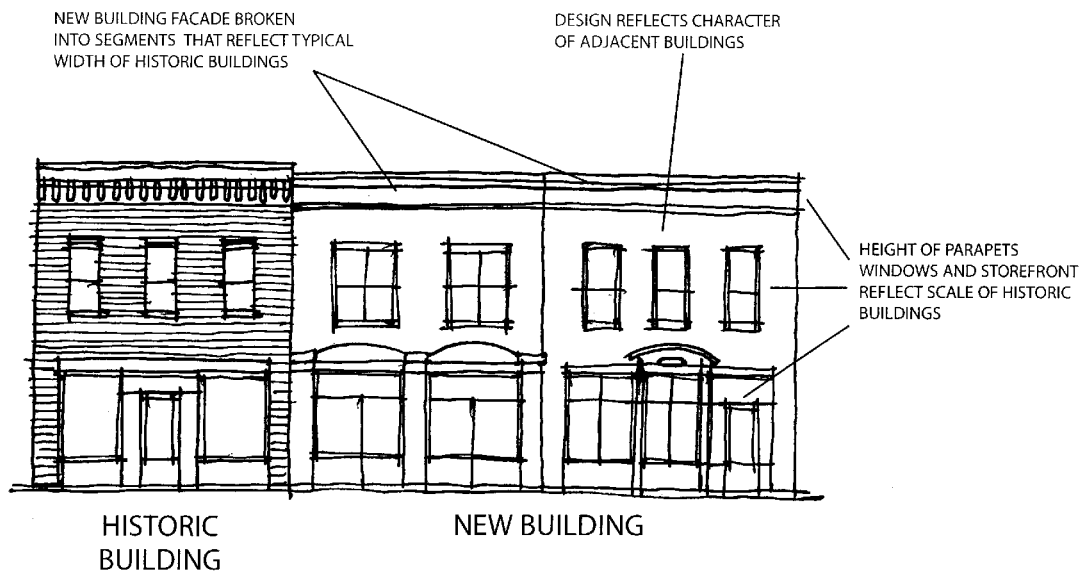
A color board shall be submitted and reviewed showing all proposed primary and accent colors and intensities for the exterior walls of the building.

ZONING

VI. DEVELOPMENT INCENTIVES.

The Town shall allow the following modifications to the requirements of the Main Street Overlay District in order to promote better design and encourage the preservation of historic resources within this critical area of the community.

- A. To promote the preservation of historic resources within Frisco, the town shall waive the rear yard (alley) bulk plane descent requirements within the Central Core Subdistrict Area and allow the maximum height of 40 feet to be maintained to the rear property line in those instances where the project substantially meets the following standards, as determined by the Planning Commission, based on recommendations from the Frisco Historic Preservation Board.
1. The property contains a historic structure or structures as designated within the Town of Frisco, Historic Overlay District; and
 2. All significant historic structures are maintained on-site and renovated in a manner that preserves them in a state similar to what they looked like historically. This may include the installation of a foundation in those instances where one does not presently exist, and those improvements necessary to bring the building up to current building and electrical code standards related to life safety issues; and
 3. Any additions or new buildings placed on-site shall meet the following standards:
 - a. The proportions of window and door openings are similar to historic buildings within the Central Core Subdistrict Area.

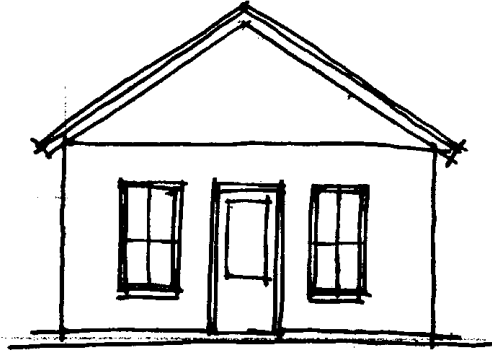


- b. The perceived width of nearby historic buildings is maintained in new construction.

ZONING

- c. The proposed new building or addition shall appear to be similar in width and scale within the neighborhood and its historic context, as perceived from public ways.

ORIGINAL
BUILDING



YES!



NEW ADDITION REFLECTS
SCALE AND CHARACTER
OF ORIGINAL BUILDING

NEW WINDOWS
SIMILAR IN PROPORTION
TO EXISTING

NO!



NEW ADDITION
OVERWHELMS ORIGINAL
BUILDING MASS

NEW ELEMENTS
NOT IN CHARACTER
WITH ORIGINAL
BUILDING

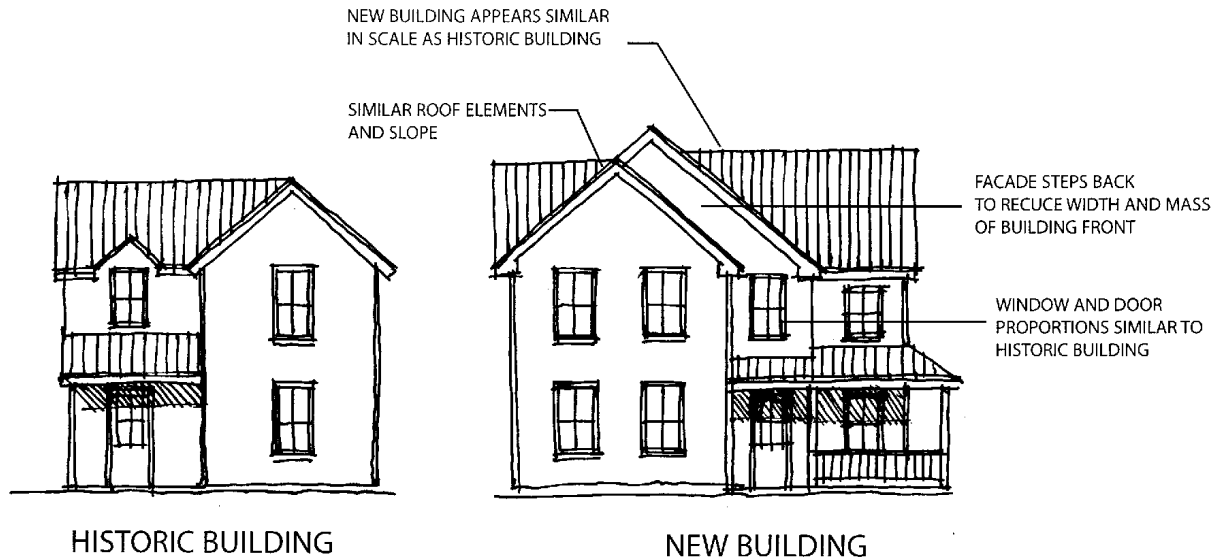
WINDOWS OUT OF
PROPORTION WITH
EXISTING

HISTORIC ENTRANCE
ELIMINATED

- d. New buildings and additions shall be designed to be similar in mass with the historic character of the area in which they are located.
- e. New buildings and additions shall be designed so they do not noticeably change the character of the area as seen from a distance.

ZONING

- f. The perceived building scale established by historic structures shall be respected within the relevant character area. An abrupt change in scale within the district is inappropriate, especially where a new, larger structure would directly abut smaller historic buildings.



F. DECISIONS AND FINDINGS.

No development located within the Main Street Overlay Zone shall be approved by the Town unless the project is in substantial compliance with the intent of the goals, and specific standards and regulations of the Town and, after review of the project, findings are made to that effect.

§ 180-18.2 Historic Overlay (HO) District. [Added 6-1-93, Ord. 93-07, Amended 9-5-00, Ord. 00-13; 4-1-03, Ord. 03-07]

A. Purpose: To preserve and promote Frisco's historical heritage. The HO designation is not a requirement for historical properties; rather it encourages the voluntary preservation of historic buildings, preferably on the original site, and properties through incentives and allows for alteration and rehabilitation of historic structures, and the addition of new development on lands designated HO. Inclusion of properties into the HO will enhance the visual, historic, and cultural character of Frisco.

Historic properties within the HO may be eligible for state tax incentives.

B. Applicability: An owner of a historic building or property within the Town of Frisco may request that the subject property be rezoned to ~~include~~ the ~~Historic Overlay~~ designation. The underlying zone district will remain. Once a property is designated with ~~in~~ the HO ~~District~~, any incentives as described herein may be utilized and be applied to the entire site.

C. Designation of Historic Overlay Zone District areas. Pursuant to the procedures and criteria hereinafter set forth in this section, the Town Council may, by ordinance:

1. Designate properties that have special historical value as being within the Historic Overlay Zoning District. Such designation must be accomplished through the standard zoning amendment procedures as listed in § 180- 48, Amendments; variances and rezoning, excepting Subsection A.3, area required, of the Frisco Town Code. Each such ordinance shall designate a historic overlay to the existing zoning, shall include a description of the characteristics of the historic site which justify its designation and shall include a legal description of the location and boundaries of the historic site. Any such designation shall be in furtherance of and in conformance with the purposes and criteria of this section. The property included in any such designation shall be subject to the controls and standards, and may also be eligible for the zoning incentives, as set forth in this zoning chapter.

2. The criteria for designating historical properties are as follows:

a. That the structure(s) be at least fifty (50) years old, and

b. That the structure(s) or ~~L~~lot(s) have unique historical significance, and

c. That remodeling has not covered the original features of the structure(s), or that the structure(s) has been or is in the process of being rehabilitated to its original configuration and design.

D. Procedures for nominating and designating buildings, properties, and

historic districts for historic preservation. An application for designation may be made by the owner or by 100% of owners for a historic district, or the Town and/or the Frisco Historical Society, at the owner's or owners' request(s). The Community Development Department shall review the proposal to ensure that the proposed designation conforms with town policies and plans.

1. Proceedings by the Planning Commission. The Commission shall review such designation through the standard zoning amendment procedures as listed in § 180-48, Amendments; variances and rezoning, excepting Subsection A.3, Area required, and through the public notice procedures listed in Section 180-46.E, of the Frisco Town Code. The Commission shall also review the application for conformance with the established criteria for designation and with the purpose of this zoning chapter. The Commission shall review the application for conformance with the purposes of the Town Code and the Frisco Master Plan. The Commission shall recommend either approval, approval with conditions or denial of the proposal and shall refer the proposal with a recommendation to the Town Council.
 2. Proceedings by the Town Council. Such designation must be accomplished by Town Council through the standard zoning amendment procedures as listed in § 180-48, Amendments; variances and rezoning, excepting Subsection A.3, Area required, and through the Public Notice procedures as listed in § 180-46E, of the Frisco Town Code. The Council shall ~~either approve~~ approve, approve with conditions, or deny the proposal for historic district designation by ordinance. Once a historic property or historic district has been designated by the Town Council as provided above, the Community Development Department shall cause the designation to be reflected on the Frisco Zoning Map. After approval, any structural alterations to the designated property(s) shall follow the procedure described in Subsection F (Alterations of Structures within the Historic Overlay District).
 3. Revocation of designation. For historic structures or properties that have taken advantage of any of the incentives outlined in this chapter, if the historic structure or feature on the historic property was lawfully relocated or demolished (per 180-18.2. F.5), the owner may apply to the town for a revocation of the HO designation on that property. In such an instance, the town shall revoke the HO designation if it determines that without the demolished structure or feature, the property no longer meets the purpose, intent and criteria of this zoning chapter. For historic structures or properties that have not utilized any of the incentives outlined in this chapter, the owner shall be entitled to revocation of designation upon filing of the same application and following the review procedures as outlined for the original designation.
- E. Purchase of development rights: If proposed by the owner of a historic property, the town may consider purchasing some or all of the remaining market-based development rights, which rights are not utilized with the current development or an approved development application, and which rights would exist prior to a preservation easement. As a condition to utilize this incentive, a preservation easement must be established and granted to the town or other entity designated

by the town on the subject historic property.

The process of purchasing development rights shall be adhered to as outlined in the town’s adopted Historic Preservation Plan, and any related town policies or plans. Any decision of the town to purchase or refrain from purchasing any remaining development rights pursuant to this subsection shall be made in the town’s sole and absolute discretion. It is not the intent of this subsection to provide any person with a right to have the town purchase the development rights to their property.

F. Alterations of Structures within the Historic Overlay District. No person shall carry out or permit within a designated historic district any new construction, alteration, rehabilitation, removal/relocation, demolition or any other structural alteration of a building or other designated feature, without first receiving approval of the proposed work, as described in this section, as well as any other permits required by this code or other ordinances of the town.

1. Any proposed addition, alteration or rehabilitation to a historic structure or feature must comply with all of the US Secretary of the Interior’s Standards for Rehabilitation as listed below:

- a. A property shall be used for its historic purposes or be placed in a new use that requires minimal change to the defining characteristics of the structure and its site and environment.
- b. The historic character of a property shall be retained and preserved. The removal of historic materials or alternations of features and spaces that characterize a property shall be avoided.
- c. Each property shall be recognized as a physical record of its time, place and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.
- d. Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.
- e. Distinctive features, finishes and construction techniques or examples of craftsmanship that characterize a property shall be preserved.
- f. Deteriorated historic features shall be repaired rather than replaced. When the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical or pictorial evidence.

2. Incentives for additions, alterations and rehabilitation to historic structures or new development on properties features within the Historic

Overlay District. Any proposed addition, alteration or rehabilitation to a historic structure or feature that preserves the integrity of the existing historic property and, meets a minimum of two of the following criteria, and ~~all of~~ the standards in Subsection F.1, shall be

eligible to utilize some or all of the incentives described in Subsection F. 3., ~~New development on HO properties is not subject to the standards in Subsection F.1, but must be found to be sensitive to and compatible with the architectural character of the historic structure(s) on the property. In evaluating the granting incentives, the Planning Commission may grant a greater number of incentives when more criteria are met, and fewer incentives when a with the lesser number of criteria are met. Criteria for review are that the development project; justifying fewer incentives and a greater number of criteria met justifying more incentives:~~

- a. Protects and preserves the town's historic and cultural heritage by retaining and/or remodeling aspects of ~~a the~~ historic building(s) such as, but not limited to, the facades to be compatible with the character of the historic era; and
- b. Increases economic and financial benefits by enhancing the property and making it more accessible and/or attractive for heritage tourism or brings new development/redevelopment on the site that allows for the preservation of historic resources on the site; and
- c. Provides educational opportunities to increase the public's awareness and appreciation of Frisco's unique heritage; and
- d. Maintains the structural integrity of the historic structure and/or rectifies safety concerns for the structure or brings the structure into greater compliance with life, health, and safety codes; and
- e. Retains some or all of the historic structure(s) on the original site; and
- f. Structural or use changes further goals or objectives of the Master Plan for the town.

3. Incentives

- a. Relief from underlying zoning requirements: The following development standards may be modified or waived (up to 100 percent) within the underlying zone district requirements:
 1. lot coverage
 2. setbacks
 3. lot area, within a minimum allowability of 6,000 square feet, or 3,000 sf if a duplex

4. lot frontage

5. driveway width

6. density bonus (deed restriction requirement)

7. ten foot (10') minimum first-floor ceiling height requirement of the Central Core and Mixed Use Zone Districts

~~6-8.~~ building height or no change?

b. Relief from architectural overlay district requirements: Architectural overlay (GGO, MO, SBCO or RO) standards may be modified or waived (up to 100 percent).

c. Relief from development standard requirements: The following development standards may be modified or waived (up to 100 percent), if applicable:

1. Snow storage (180-20 G)

2. Parking and loading (180-23)

3. Landscaping (180-

20.1) 4. Access (180-20 I)

5. Bicycle racks (180-20

k) 6. Refuse (180-20 w)

7. Lighting (180-20.2)

3.1 In the event that an owner of a historic property intends to requestutilize any or all of the incentives outlined in this subsection, such development application will require a final decision to be made by the Planning Commission during a public hearing.

4. Unsafe or dangerous conditions exempted. Nothing in this section shall be construed to prevent any measures of construction, alteration, removal or demolition necessary to correct an unsafe or dangerous condition of any structure, other feature or parts thereof where such condition is declared unsafe or dangerous by the Frisco Building Department or Lake Dillon Fire Authority,

5. Demolition of a historic structure or feature in the HQ. An owner of a designated historic property must provide data to clearly demonstrate that the situation meets all of the following criteria before demolition can occur:

a. Review for total demolition:

1. The structure proposed for demolition is not structurally sound

despite evidence of the owner's efforts to properly maintain the structure; and

2. The structure cannot be rehabilitated or reused onsite to provide for any reasonable beneficial use of the property; and
3. The structure cannot be practically moved to another site in Frisco; and
4. The applicant demonstrates that the proposal mitigates to the greatest extent practicable the following:
 - a. Any impacts that occur to the visual character of the neighborhood where demolition is proposed to occur.
 - b. Any impact on the historic importance of the other structure(s) located on the property and adjacent properties.
 - c. Any impact to the architectural integrity of the other structure(s) located on the property or adjacent properties.
6. In the case of archaeological sites or relocation of a historic structure, consideration will be given to whether information can be recovered as part of the demolition or relocation process.
 - a. Review criteria for partial demolition or relocation:
 1. The partial demolition or relocation is required for renovation, restoration or rehabilitation of the structure in its present location or future site; and
 2. The applicant has mitigated to the greatest extent possible:
 - I. Impacts on the historic importance of the structure(s).
 - II. Impacts on the architectural integrity of the structure(s).
7. Procedures for Alterations or Demolition of Structures within the Historic Overlay District:
 - a. Department review. The Community Development Department shall maintain a current record of all designated H.O. historic district areas and pending designations. The Community Development Department will review all development application information within these areas by the criteria as noted in Section F. 1 (a-f), and make a determination as to whether there would be a significant impact or potential detriment to the historical character of the site as a result of the proposal. If no significant impact is determined and the structural change is considered to be minor, the Community Development Department may approve these applications without Planning Commission review. ~~Both—the~~ Community Development Department shall provide Frisco Historical Society and the Planning

~~Commission shall receive~~ updates of all changes to buildings within the HO to the Planning Commission.

- b. Planning Commission review. If the Community Development Department determines there may be a significant impact or potential detriment to the historical character of the site as a result of the proposal, or if any incentive is requested as noted in Section F. 2, or if a permit application for demolition of a historic structure(s) has been received then prior to the Community Development Department signing off on the building permit or demolition permit, the Planning Commission will be notified of the proposed change and given a maximum of forty-five (45) days to review and approve or deny the application. Additional information such as but not limited to comments or analysis from a historic preservation specialist~~the Frisco Historical Society~~, may be requested if it is determined to be beneficial for a comprehensive review of the application. Planning Commission comments and a decision will be in writing and mailed to the owner and/or applicant, ~~and the Frisco Historical Society~~.

- 8. Construction on proposed buildings. No person shall receive a permit to construct, alter, remove, or demolish any structure or other feature on a proposed historic property after an application has been filed to initiate the designation of such property as a historic district and designation status is pending.

- G. Property maintenance and enforcement. The Town Council intends to preserve from deliberate or inadvertent neglect the exterior portions of structures within designated historic district properties. No owner, lessee or occupant of any building within the Historic Overlay District shall allow significant deterioration of the exterior of the structure.

Owner notification. The Community Development Department ~~ommission, in cooperation with the Community Development Department~~, shall notify the property owner, lessee or occupant of the designated historic district property of the need to repair, maintain, or restore the property. The Town shall assist the owner, lessee or occupant in determining how to preserve the property and shall provide the owner with possible incentives and a reasonable time to perform such work.

- H. Waiver of fees. At the discretion of the Community Development Director for purposes such as but not limited to fiscal ability, any and/or all planning and building application fees may be waived for designation into the HO District, and/or for review of development applications that occur within the HO.

- I. Enforcement penalties. No person shall violate or permit to be violated the requirements of this section. Violations of this section are punishable as provided in §180-47 (Violations and penalties)

ZONING

§ 180-5. Definitions. [Amended 04-16-85, Ord. 85-03; 01-07-86, Ord. 86-01; 06-17-86, Ord. 86-05; 11-17-87, Ord. 87-15; 09-19-89, Ord. 89-22; 03-06-90, Ord. 90-03; 11-20-90, Ord. 90-19; 04-07-92, Ord. 92-07; 03-16-93, Ord. 93-04; 03-01-95, Ord. 95-01; 08-16-95, Ord. 95-07; 09-05-95, Ord. 95-08; 09-05-95, Ord. 95-9; 12-19-95, Ord. 95-14; 03-16-96, Ord. 96-04; 03-19-96, Ord. 96-06; 05-07-96, Ord. 96-09; 08-06-96, Ord. 96-14; 12-17-96, Ord. 96-26; 03-04-97, Ord. 97-02; 03-04-97, Ord. 97-05; 10-07-97, Ord. 97-17; 11-18-97, Ord. 97-21; 12-16-97, Ord. 97-19; 03-17-98, Ord. 98-04; 04-14-98, Ord. 98-07; 05-19-98, Ord. 98-08; 04-20-99, Ord. 99-07; 07-06-99, 99-11; 12-21-99, Ord. 99-23; 03-07-00, Ord. 00-04; 05-16-00, Ord. 00-09; 11-06-01, Ord. 01-18; 09-18-01, Ord. 01-07; 11-06-01, Ord. 01-18; 03-05-02, Ord. 02-02; 03-05-02, Ord. 02-02; 03-05-02, Ord. 02-06; 10-28-03, Ord. 03-18; 07-27-04, Ord. 04-11; 01-11-05, Ord. 04-23; 01-11-05, Ord. 04-25; 06-28-05, Ord. 05-14; 06-28-05, Ord. 05-17; 12-13-05, Ord. 05-31; 01-24-06, 06-06; 02-28-06, Ord. 06-12; 09-12-06, Ord. 06-23; 08-08-06, Ord. 06-26; 02-12-08, Ord. 07-14; 05-13-08, Ord. 08-08; 01-27-09, Ord. 09-01; 11-10-09, Ord. 09-20]

LOT COVERAGE – The percentage of total lot area used for parking, roads, drives or which is covered by above and below-grade structures, including but not limited to hot tubs, decks, sheds or other paved or impervious areas. The following elements are excluded from the maximum allowable lot coverage calculation: roof eaves up to two (2) feet in width as measured perpendicular from the exterior building wall; all publicly used non-vehicular pathways and up to three (3) feet in width for privately used pathways; all approved dumpster enclosures that provide adequate space for refuse and recyclingable containers.

ZONING

ARTICLE III

General Regulations and Restrictions

§ 180-19. Development Application Regulations. [Amended 04-16-85, Ord. 85-03; 01-07-86, Ord. 86-01; 08-18-87, Ord. 87-12; 04-07-92, Ord. 92-07; 03-16-93, Ord. 93-05; 09-05-95, Ord. 95-09; 05-17-96, Ord. 96-09; 08-06-96, Ord. 96-15; 12-17-96, Ord. 96-26; 03-04-97, Ord. 97-06; 04-14-98, Ord. 98-09; 12-01-98, Ord. 98-22; 12-15-98, Ord. 98-23; 05-02-00, Ord. 00-08; 03-20-01, Ord. 01-02; 03-05-02, Ord. 02-06; 04-01-03, Ord. 03-08; 05-06-03, Ord. 03-11; 10-28-03, Ord. 03-18; 10-12-04, Ord. 04-16; 01-11-05, Ord. 04-24; 01-11-05, Ord. 04-25; 09-09-08, Ord. 08-12; 01-26-10, Ord. 10-03]

- A. Applicability. This section describes the various types of development applications and the procedures that will be used to review development applications for compliance with the Town of Frisco's Zoning Code. The provisions of this section shall apply to all proposed development within the Town of Frisco.
- B. Purpose. The purpose of this section is to:
1. Guide future growth and development in accordance with the Frisco Master Plan and related municipal ordinances.
 2. Provide for an efficient process to review development proposals.
 3. Provide a framework by which development proposals are reviewed to ensure safe and functional developments which are compatible with the natural and man-made environment.
 4. Assist orderly, efficient and integrated development.
 5. Promote the health, safety and general welfare of the present and future residents of the town.
 6. Ensure conformance of development applications with public improvement plans of the Town of Frisco, Summit County, the State of Colorado, and other public agencies.
 7. Ensure coordination of all plans and programs of the town.
 8. Secure equitable handling of all development applications, providing due process and uniform procedures and standards.
 9. Protect natural vegetation, wetlands and scenic areas.
 10. Prevent and control erosion, sedimentation and other pollution of surface and subsurface water.
 11. Prevent flood damage to persons and properties and minimize expenditures for flood control.
 12. Restrict building on flood lands, steep slopes, areas covered by poor soils or in areas otherwise poorly suited for construction.
 13. Prevent loss or injury from landslides, expansive soils and other geological hazards.

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- C. Development Application Review and Approval. The Community Development Department shall use the information outlined in each applicable section to determine if the proposal complies with all of the requirements of the Town Code. Additional information may be required based on staff's initial review of the submittal. All development of land within the Town of Frisco shall require the owner, developer or lessee of such land to prepare and submit the following applications:
1. Tenant Finish/Remodel (Interior Only). All tenant finishes or interior remodels shall submit the following information. The Community Development Department staff may approve these applications and shall use the information to determine if the proposal complies with all requirements of the Town Code. Additional information may be required based on staff's initial review of the submittal.
 - a. Present use of the building.
 - b. Proposed use of the building, including complete architectural floor plans.
 - c. If additional bedrooms are being proposed, a site plan showing existing parking must be submitted for review.
 - d. Applications for the installation of solid fuel burning devices must submit evidence that the device has been certified by the Colorado Department of Health.
 2. Exterior Finish. Minor changes to the appearance of the outside of a building, including but not limited to window and door replacements, roofing or siding, or painting or repainting may be permitted with Community Development Department approval if the following are not changed: the building footprint, floor area, height, or any substantial change to the building's appearance. Planning Commission review may be required at staff's discretion. The following information must be submitted:
 - a. Present architecture (elevations), colors, material and floor plans of the building.
 - b. Proposed architecture (elevations), colors, materials, and floor plans of the building.
 - c. Written permission from the homeowners association is required for any improvements proposed on common area.
 3. Small Project Applications. All commercial and residential small projects may be approved by the Community Development Department, but Planning Commission review and approval may be required at staff's discretion. A small project is any development which disturbs 350 square feet of buildable area or land area or less. Small projects include, but are not limited to: building additions, paving for driveways and parking, flatwork or flagstone for sidewalks or patios, hot tub installations, decks sheds and other similar structures, and changes to the outside of a building that substantially change the building appearance or require structural modifications. The following information must be submitted for any small project:
 - a. Completed small project application form and payment of all applicable fees.
 - b. Written permission from the homeowners association is required for any improvements proposed on common area.

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- c. Three (3) full sets of architectural plans, including elevation drawings and floor plans, if applicable.
 - d. A color and material board with proposed material and color samples, if applicable.
 - e. One (1) site plan. Site plans shall be at a scale of no smaller than one (1) inch equals thirty (30) feet and consist of the following information:
 - i. Property boundaries and dimensions.
 - ii. Setbacks from property boundaries with dimensions.
 - iii. Existing and proposed topography of the property shown at 2 foot contour intervals, with reference to mean sea level, prepared by a surveyor or engineer licensed in the State of Colorado, if applicable.
 - iv. Building perimeter, including all eaves and decks, if applicable.
 - v. Location of the driveway and parking area, if applicable.
 - vi. Location of utilities (including sewer cleanouts and water shutoff valves), if applicable.
 - vii. Location of top of stream bank, if applicable.
 - viii. One-hundred-year floodplain boundary, if applicable.
 - ix. Location of wetlands, if applicable.
4. Detached Single-Family. Development applications for detached single-family structures, additions to detached single-family structures, and/or construction of any associated accessory structures require Community Development Department staff approval after review of the following information:
- a. A signed application with a completed owner's information section.
 - b. Three (3) full sets of architectural plans, including elevation drawings and floor plans.
 - c. Three (3) site plans. Site plans shall be at a scale of no smaller than one (1) inch equals thirty (30) feet and consist of the following information:
 - i. Property boundaries with dimensions.
 - ii. Setbacks from property boundaries with dimensions.
 - iii. Existing and proposed topography of the property shown at 2 foot contour intervals with reference to mean sea level, prepared by a surveyor or engineer licensed in the State of Colorado.
 - iv. Building perimeter, including all eaves and decks.

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- v. Location of the driveway and parking area.
 - vi. Location of utilities (including sewer cleanouts and water shutoff valves).
 - vii. Location of top of stream bank (if applicable).
 - viii. One-hundred-year floodplain boundary (if applicable).
 - ix. Location of wetlands (if applicable).
 - x. Construction trailers (if applicable): the number, use, and placement of construction trailers to be used on-site.
 - xi. Location of on-site snow storage areas.
5. Duplexes. Development applications for duplex structures, additions to duplex structures, and/or construction of any associated accessory structures require Community Development Department staff approval after review of the following information:
- a. A Frisco building permit sign-off card with a completed owner's information section.
 - b. Three (3) full sets of architectural plans, including elevation drawings and floor plans.
 - c. Three (3) site plans. Site plans shall be at a scale of no smaller than one (1) inch equals thirty (30) feet and consist of the following information:
 - i. Property boundaries with dimensions.
 - ii. Setbacks from property boundaries with dimensions.
 - iii. Existing and proposed topography of the property shown at 2 foot contour intervals with reference to mean sea level, prepared by a surveyor or engineer licensed in the State of Colorado.
 - iv. Building perimeter, including all eaves and decks.
 - v. Location of the driveway and parking area.
 - vi. Location of on-site snow storage areas.
 - vii. Location of utilities (including sewer cleanouts and water shutoff valves).
 - viii. Location of top of stream bank (if applicable).
 - ix. One-hundred-year floodplain boundary (if applicable).
 - x. Location of wetlands (if applicable).
 - xi. Construction trailers (if applicable): the number, use, and placement of construction trailers to be used on-site.

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6. Multifamily Residential and Commercial Projects. Development applications for multifamily residential projects, commercial projects and any associated accessory structures, and modifications to multifamily residential projects and commercial projects which do not meet the small project criteria require Planning Commission approval after review of the following information:

a. Preapplication Conference.

- i. The applicant shall attend a preapplication conference with the planning staff for information about development application procedures and regulations. At the time of the informal consultation, should a problem arise which directly concerns another agency; it shall be the responsibility of the applicant to obtain that agency's opinion.
- ii. The purpose of the preapplication conference is to define the scope of the project, alert the applicant and the town to any particular circumstances concerning the proposed development and in general to provide a preliminary review of the proposed development prior to detailed project design.
- iii. An informal sketch shall be submitted at the preapplication conference, with a brief nonlegal description of the existing land use of the site and of the proposed land use change, including number of living units. The sketch should show total acreage, land owners, land uses, streets, highways, utilities, major physical features (including drainages) and the location of natural hazards.

b. Sketch Plans. All applications for commercial development projects, and residential development projects consisting of three or more units, shall be required to present an informal sketch plan of the development before a regularly scheduled meeting of the Planning Commission. The applicant shall notify Community Development Department staff in writing at least 14 calendar days prior to the Planning Commission meeting at which the sketch plan is desired to be presented. At that time, 10 copies of the presentation materials must be submitted. The Planning Department has two (2) business days after the sketch plan submittal to review the application to insure that the minimum submittal requirements have been met. If the Planning Department determines that the minimum submittal requirements have not been met, then all of the materials will be returned to the applicant and the sketch plan will not be scheduled for the desired meeting.

Materials to be presented in support of the development must be of sufficient nature to allow the Planning Commission and Community Development Department staff to provide informed feedback on the project. At a minimum, the applicant must submit the following information:

- i. A written project description; this description shall include a clear, concise written synopsis of the proposal and how the project will meet the principles of the Master Plan, see application form;
- ii. A site plan showing the location of the building(s); north arrow, streets and rights-of-way, designations of areas as public or private spaces, existing structures, easements and utility lines, wetlands, lot dimensions, and trails;
- iii. Existing and proposed topography;

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- iv. Parking and traffic circulation; including non-vehicular (e.g. bike and pedestrian) access;
- v. Proposed landscaping- and snow storage;
- vi. Scaled and labeled drawings of all building elevations;
- vii. Samples of all colors and materials proposed; and
- viii. An overview of sustainability components anticipated for the project, including but not limited to day lighting, energy efficiency and east/west axis of the structure or structures.

An existing conditions plan and artist renderings, conceptual plans and sketches are strongly encouraged to be presented to help staff and the Planning Commission envision the project clearly. If necessary, the Planning Commission may require an applicant to return for additional sketch plan presentations if sufficient information is not received or if substantial changes to a proposal are recommended. The consideration of, and comment on the sketch plan by the Planning Commission does not bind the Planning Commission or Town Council to approve a preliminary plan or plat, nor does it confer on the applicant any vested rights.

Notwithstanding the foregoing requirements, if an applicant has alternative conceptual site plans for the same general project that they would like to review with the Planning Commission, then the submission of the items set forth in subparts i through viii above are not required with respect to such alternative plans. At the time that the applicant makes a choice from among its alternative plans, the applicant shall make a submission for a sketch plan review by the Planning Commission that contains each of the items set forth in subparts i through viii above. At no time shall the applicant proceed to the development application process with only having had alternative conceptual site plans reviewed by the Planning Commission.

c. Development Application Process and Content. The applicant must furnish the Community Development Department with the information listed in this subsection not less than fifty- two (52) days prior to an upcoming Planning Commission meeting targeted as the application review date. Within this time frame, the Community Development Department shall have threetwo working days to determine if the application has the items necessary for review, based upon the submittal checklist(s) ~~available~~. The applicant shall, within threetwo working days, supply the Department with any items noted as missing from the submittal. If the necessary information has been provided within this period, the application is considered complete. If the information and materials requested are not received as required within sixty (60) days, the Town will consider the application incomplete withdrawn and the process and timeline for application submittal will begin again will return all submitted materials. In order to proceed, the applicant will be required to submit a new application materials, including all applicable fees and supporting materials. All complete applications will be placed on a Planning Commission agenda on a first come, first served basis. The scheduling of applications is subject to change if an application is determined to be deficient on the basis of the review contained in the preliminary staff report. Planning Commission agendas will be determined by the Community Development Director, based on a roughly four hour meeting length.

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Complete applications processed for an upcoming Planning Commission agenda will be referred to the representatives of various departments and review agencies, as appropriate. Within fifteen (15) working days, following the determination that an application is complete, the Community Development department shall compile written comments into a preliminary ~~staff~~ report. Such report shall begin a substantive review of the development and begin to identify areas of non-compliance with regulations, concerns of referral agencies, design or site planning concerns or problems, additional information, reports, or materials needed, etc. in order to have the application proceed.

If, as noted in the preliminary ~~staff~~ report, any deficiencies in the application warrant additional work by the applicant or require further discussion by staff and the developer, or if additional information from the developer is received too late to be adequately processed and reviewed, the Community Development Director may defer sending the matter to the Planning Commission until the applicant has adequately addressed all issues, and the staff and the review agencies have adequately reviewed new information. If the information and materials requested in the preliminary staff report are not received within sixty (60) days of the date of the preliminary ~~staff~~ report, the Town will consider the application withdrawn and will return all submitted materials. In order to proceed, the applicant will be required to submit a new application, including all applicable fees and materials. Once all necessary information has been received and reviewed and the Department is satisfied that sufficient information has been submitted to demonstrate whether the applicable standards of the Frisco Town Code have been met, and that the legal notice requirements can be met,—the application will be placed on the next available Planning Commission meeting.

At a minimum the following information shall be submitted and reviewed:

- i. A development application form, available from the Town Hall, showing: the name and addresses of owners, street name or general location of the property, area in square feet of the property, legal description, present zoning, existing use of the property, proposed use for the property, date of submission and nature of request.
- ii. All application fees including payment of noticing costs and the establishment of a development review account (please see Section 180-46D.(4), Schedule of fees for publication, legal and engineering fees).
- iii. A vicinity ~~sketch~~ map showing location of the site to be developed in relation to surrounding properties.
- iv. Fifteen (15) copies of the site plan and other documentation with the following information displayed at a scale no less than one (1) inch equals ~~twenty~~ thirty (30) feet:
 - 1) A boundary survey, prepared by a surveyor or engineer licensed in the State of Colorado.
 - 2) Topography at two-foot contour intervals with reference to mean sea level, prepared by a surveyor or engineer licensed in the State of Colorado.
 - 3) Location and dimensions of all existing streets, alleys, easements, drainage areas, floodplains, floodways, wetlands, steep slopes and other significant

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features within or adjacent to the site.

- 4) Location of all existing trees with a diameter of six (6) inches or more measured one (1) foot above grade. If the site is heavily wooded, a photograph or graphic

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indication on the site plan illustrating the density of the trees will suffice. Please refer to §180-20.1 (Landscaping and Revegetation Requirements).

- 5) Location and size of all existing and proposed utilities within or adjacent to the site.
 - 6) Location, dimensions and setbacks to the exterior wall of the foundation and to the outermost edge of the structure, including roof eaves, decks and other projections.
 - 7) Traffic circulation and parking plan, including points of entrance and exit and delivery areas.
 - 8) Non-vehicular circulation including size and type (including surface material) of pathway and points of connection. Refer to §180-20 for Access Requirements.
 - 9) Location, type, size and height of fencing, retaining walls and screen planting where required under provisions of the Town Code. Please refer to § 180-24 (Fences, Hedges and Walls) and §180-25 (Outdoor Storage Areas).
 - 10) All other site improvements, including but not limited to the following:
 - a) Snow storage area. Refer to Section 180-23, Parking and Loading Regulations for specific requirements.
 - b) Location of dumpster enclosures.
 - c) Location of streetlights, parking lot lighting and/or outside lighting. Refer to Section 180-20.2, Outdoor Lighting, for specific requirements.
 - d) Location of all signs.
 - e) Proposed open spaces with an indication as to use and ultimate ownership.
- v. Architectural plans. Fifteen (15) complete sets that include the following information:
- 1) Floor plans with gross square footage, including a breakdown of gross floor area by use, if applicable.
 - 2) All building elevations.
 - 3) Building materials: type and color.
 - 4) Dumpster enclosure plans.
 - 5) Location, type and intensity of building illumination.
 - 6) Roof materials: type and color.
- vi. Construction trailers: The number, use and location of construction trailers to be used on site must be indicated.

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- vii. Drainage plans [three (3) complete sets], prepared by an engineer registered in the State of Colorado, that meet the requirements set forth in §180-20E (Drainage Plans). Drainage plans shall address conditions both during and after construction.
- viii. Landscaping and revegetation plans [fifteen (15) complete sets] which meet the requirements set forth in §180-20.1 (Landscaping and Revegetation Requirements).
- ix. Three-dimensional representation. The Community Development Department, the Planning Commission or, in the case of an appeal, the Town Council, may require the applicant to prepare an accurate three-dimensional scale model, three-dimensional computer simulation or other similar graphical representation of the project. Conditions that may cause the requirement for a three-dimensional scale model, computer simulation or other similar graphical representation of the project include, but are not limited to: the project's location within the Central Core zoning district; the project's location in a highly visible place; the project's location in a transition area where two different zoning districts meet; or a project's location on a site that has unique topography such as steep slopes or wetlands.

If required to prepare a three-dimensional scale model, three-dimensional computer simulation or other similar graphical representation of the project, the applicant shall:

- 1) Prior to preparing the model, simulation or representation, confer with the Community Development Department to determine whether and the degree to which the model, simulation or representation will also show topography and existing buildings or properties adjacent to the subject property to provide neighborhood context for the proposed development.
 - 2) Provide the model, simulation or representation to the Community Development Department a minimum of two weeks prior to the meeting at which the application will be reviewed.
- x. The Community Development Department, the Planning Commission, or the Town Council may request additional information if they feel it is necessary or desirable to make a complete and thorough evaluation of a development application. The information shall be prepared by a professional in the applicable field and includes the following:
 - 1) Geological stability data.
 - 2) Detailed soils information.
 - 3) Fiscal impact analysis.
 - 4) Any other special studies or information necessary or desirable for the Community Development Department, Planning Commission, or Town Council to make an informed decision.
 - xi. Traffic Studies are required for the following:

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- 1) Conditional use or rezoning applications.
- 2) Locations adjacent to either Main Street or Summit Boulevard.
- 3) Locations containing only one point of access.
- 4) Locations containing an access point off a road with a service level of D or F as defined by the Transportation Research Board, Department of Transportation.
- 5) Residential projects with five (5) or more dwelling units.
- 6) When required by Town staff or the Planning Commission in their reasonable discretion.

The area to be included in a traffic study shall be determined by Town staff. Elements of a traffic study shall include, but not be limited to, the following:

- 1) Existing traffic flow conditions within the defined study area, considering the peak hours and average daily traffic
- 2) Future conditions due to the traffic impacts from the proposed development within the defined study area.
- 3) Pedestrian circulation within the study area accessing the proposed development.
- 4) Recommendations to relieve impacts to traffic due to the proposed development, including but not limited to, pedestrian access, intersections, current roadway sections, noise, signage and safety.

- D. Review Period for Small Projects, Detached Single Family, and Duplex Applications. Small projects (as noted in Section 180-20.T), detached single family and duplex applications shall be noticed in accordance with §180-46.F. Staff shall wait 10 calendar days from the date of notice for the return of public comments on the application. If public objections are received, the objection application will be scheduled for the next available Planning Commission meeting. Additionally, at its discretion, the Community Development Department may refer any small project, detached single family or duplex application to the Planning Commission for approval, subject to the noticing procedures outlined in §180-46.E. A one-time administrative fee and a one-time noticing fee, the costs of which are referenced in the Fee Schedule established by the Community Development Director, shall be charged to the applicant making the objection at the time the objection application is filed. A Development Review Account (DRA) (as described in Section 180.46 D (4)) will be required to be established by both the objector and the project proponent if the Planning Commission finds that legal, engineering, or other similar technical review or consultation is necessary or desirable to resolve any outstanding issues. After a final determination by the Planning Commission concerning the objection application, the fees associated with legal, engineering, or other similar technical review or consultation will be deducted from the DRA established by the party that does not prevail with respect to the objection application. The DRA established by the party that prevails with respect to the objection application shall not be charged for items related to the objection application.

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- E. Conditional Use Application. Conditional use approval shall be required for those uses listed as conditional uses in the zoning district regulations. An application for conditional use approval is required and shall be submitted at the same time as the development application. The specific requirements of a conditional use application are listed in § 180-30.
- F. Variance Applications. A variance application is required when a waiver or modification of the specific requirements of the zoning requirements is requested by the applicant. An application for a variance must be submitted and approved by the Planning Commission prior to the submittal of a development application. The specific requirements of a variance application are listed in § 180-48.
- G. Resubdivision and Planned Unit Developments. If the project includes subdivision, resubdivision, condominiumization or planned unit development, an application and all required materials for these requests must be submitted at the same time as the development application.
- H. Frisco's Overlay Districts. Development applications within the Main Street Overlay District (MO), Granite Street and Galena Street Overlay District (GGO), Residential Overlay District (RO), Historic Overlay District (HO) or Summit Boulevard Corridor Overlay District (SBCO) shall meet all zoning district regulations with regard to the underlying zoning requirements. In addition, said development application must also meet the development regulations specific to each overlay district (see the Town of Frisco Zoning District Map).
- I. Modifications to the Approved Development Application. Such documentation, constituting a development application, shall be reviewed by the Planning Commission. Once the development application has been approved, no substantial variation of the plan shall be permitted without the approval of the Community Development Department. Modifications to approved development applications may be brought to Planning Commission for review at the discretion of the Community Development Department.
- J. Expiration of the Development Application Approval. If construction of the project has not begun within three (3) years or been completed within four (4) years from the date of the final development plan approval or if the owner has failed otherwise to comply with the approved development plan, the Planning Commission shall revoke development plan approval. Notwithstanding the above, the Planning Commission may reconfirm and extend the time period for compliance or approve modification to such development plan, upon good cause shown by the owner. Such reconfirmation, extension or modification shall be at the discretion of the Planning Commission.
- ~~K. Building Permit Procedure. After final site plan approval by the town, the developer may apply to obtain a foundation only permit from the Building Department. An improvement location certificate survey (ILC), certified to the town, showing the location of all foundations for structures approved on the site plan; the USGS elevation at the top of the foundation walls; the elevation of any adjacent paved street(s) as measured at the edge of adjacent asphalt or alley right-of-way; and the location of all sewer cleanouts and water curb stops, with a bearing and distance reference to two points on a foundation wall shall be submitted to the Community Development Department before a full building permit will be issued allowing construction beyond that specified on the foundation-only permit. Such survey may be performed at any time after the foundation forms or the foundation itself is in place. The survey shall be certified by a land surveyor licensed in the State of Colorado.~~

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A. Purpose

An Improvement Location Certificate (ILC) is required to verify compliance with location specific development requirements such as setbacks, building height, and bulk plane.

B. Applicability

A foundation ILC that shows the distance from the property lines to a foundation is required for all new buildings. A foundation ILC is also required for building additions proposed within 5 feet of a setback, easement, property line, or other similar boundary. A roof ILC that shows the location and height of the roof is required for all new buildings. A roof ILC is also required for building additions proposed within 5 feet of the maximum building height limit or required bulk plane. At the discretion of the Community Development Department Director, these requirements may be waived if compliance with the setback and building height requirements for a new building or building addition can be reasonably verified in the field by the Community Development Department without an ILC.

C. Review Procedures

A foundation ILC must be performed after the foundation itself is in place. A foundation ILC must be submitted to the Community Development Department for review prior to the approval of a final foundation inspection. If the ILC shows that the completed foundation is located as required by the approved site plan, the developer will be permitted to proceed with further construction. If the ILC shows that the completed foundation is not located as required by the approved site plan, the developer will not be permitted to proceed with further construction until the foundation has been properly located and verified with an updated ILC. If the ILC is prepared prior to the installation of the sewer cleanouts and water curb stops, an amended ILC showing the location of the sewer cleanouts and water curb stops must be submitted to the Community Development Department prior to the issuance of a certificate of occupancy or certificate of completion.

A roof ILC must be performed after the roof itself is in place. A roof ILC must be submitted to the Community Development Department for review prior to the approval of a final framing inspection. If the ILC shows that the roof is located as required by the approved architectural plans, the developer will be permitted to proceed with further construction. If the ILC shows that the roof is not located as required by the approved architectural plans, the developer will not be permitted to proceed with further construction until the roof has been properly located and verified with an updated ILC.

D. Content

The ILC shall be prepared in a form consistent with professional land surveying practices and be certified by a land surveyor licensed in the State of Colorado. An ILC must contain the information necessary to demonstrate compliance with the applicable location specific development requirements such as setbacks, building height, and bulk plane. A foundation ILC shall show the location and principal dimensions of all foundations for structures approved on the site plan, the USGS elevation at the top of the foundation walls, and the location of all sewer cleanouts and water curb stops with a bearing and distance reference to two points on a foundation wall. A roof ILC shall show the location and heights of all roof forms for structures approved on the site plan and include the USGS elevations of all roof ridges.

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1. If the survey shows the foundation form or completed foundation is located as required by the approved site plan, the developer will be permitted to proceed with construction. If the survey shows that the foundation form or completed foundation is not located as required by the approved site plan, the developer will not be permitted to proceed with construction until a resurvey shows that the foundation form or completed foundation is properly located.
2. The completed structure shall comply with the approved site plan with respect to building height, and setbacks for the roof eaves, decks and other projections. The completed structure shall not extend into a required setback yard.

If the improvement location certificate is prepared prior to the installation of the sewer cleanouts and water curb stops, and amended ILC showing the location of the sewer cleanouts and water curb stops with a bearing and distance reference to two points on a foundation wall must be submitted to the Community Development Department prior to the issuance of a certificate of occupancy.

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§ 180-48. Amendments; variances and rezoning [Amended 3-7-00, Ord. 00-04; 7-8-03, Ord. 03-12; 10-12-04, Ord. 04-16].

A. Amendments.

1. Requirements for change. Whenever the public necessity, safety, general welfare or good zoning practice justifies such action and after consideration and recommendation by the Planning Commission, as provided herein, the Council may change zone district boundaries, use groups or the regulations established by this chapter after a public hearing for which public notice is given.
2. Initiation of change. A proposed change of zone district boundaries or regulations may be initiated by the Council, the Planning Commission or by application of one (1) or more of the owners of property within the area requested to be changed .
3. Area required. Changes in the Zoning District Planning Map of the Town of Frisco involving any zoning district requires a minimum of 20,000 square feet or 42,000 one (1) acre in area for consideration, unless the area requested for rezoning abuts an existing zone district of the same general classification as that being requested on all or part of one (1) side. **[Amended 12-17-96, Ord. 96-27]**
4. Written statement. All requests for changes in the Zoning District Planning Map of the Town of Frisco must include a written statement outlining the reasons and intent of such a change. **[Amended 12-17-96, Ord. 96-27]**.
5. Fees and expenses. All requests for changes in the Zoning Ordinance or the Zoning District Planning Map of the Town of Frisco, except as initiated by the Council or Planning Commission, shall be accompanied by a minimum fee of one hundred dollars (\$100.), together with such other costs as are determined by the town to be reasonable.**[Amended 12-17-96, Ord. 96-27]**
6. Hearing and recommendation. The Planning Commission shall recommend approval or disapproval, either in whole or in part, of a change initiated by an owner or owners of property within the area requested to be rezoned. Recommendations for such changes shall be presented to the Council and an ordinance embodying such changes in whole or in part may be adopted by the Council after public hearing, public notice of which is given. In the event of adoption by the Council of such changes in part, if such partial adoption has not been recommended as such by the Planning Commission, a favorable vote of at least three-fourths (3/4) of the members of the entire membership of the Council shall be necessary.
7. Protest against change. In case of a protest against changes in regulations or restrictions or changes in the zone district applicable to particular land,

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which protest is filed with the Town Clerk at least twenty-four (24) hours prior to the Council's vote on the change and is signed by the owners of twenty percent (20%) or more of the area of land extending a radius of one hundred (100) feet from the land which is subject to the proposed change, disregarding intervening public streets and alleys, such changes shall not become effective except by the favorable vote of two-thirds (2/3) of all the members of the Council.

B. Rezoning procedures. **[Amended 7-8-03, Ord. 03-12]**

1. Application Materials. All requests for rezoning shall be upon written application fifteen (15) copies addressed to the Planning Commission and Town Council, and shall contain the following information:
 - a) The names and addresses of the owners of the property.
 - b) A legal description of the property.
 - c) The names and addresses of all adjacent property owners within a radius of three hundred (300) feet of the property requesting the rezoning.
 - d) A detailed explanation of the request for rezoning, including all reasons for the request
 - e) Supporting documents and maps.
2. Rezoning Criteria. For the purpose of establishing and maintaining sound, stable, and desirable development within the Town, the applicant for rezoning shall establish that at least one of the following criteria is met:
 - a) The land to be rezoned was initially zoned in error or the rezoning is of a technical or corrective nature in order to conform zone district boundaries with lot lines;
 - b) Because of changed or changing conditions in a particular area or in the Town generally, it is in the public interest and reasonably necessary in promotion of the public health, safety or welfare to rezone a property to encourage development or redevelopment;
 - c) The rezoning is necessary to conform to the Town of Frisco Master Plan; or
 - d) The rezoning is necessary to provide land for a community related use that was not anticipated at the time of adoption of the Town of Frisco Master Plan, but which use is generally consistent with the policies and goals of said plan, is in the public interest, and is

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reasonably necessary in promotion of the public health, safety, or welfare.

3. Review Process. The application for rezoning shall be filed with the Community Development Department together with the payment of the associated fee to cover the cost of processing the application, publication and postage.
 - a) A complete application containing all of the application information shall be furnished to the Community Development Department not less than fifty-two (52) days prior to an upcoming Planning Commission meeting on which the application is targeted for scheduling. Within this time frame the Community Development Department shall have ~~threetwo~~ working days to determine if the application has the items necessary for review and shall notify the applicant. The applicant shall within ~~threewe~~ working days supply the department with any items noted as missing from the submittal. If the necessary information has been provided within this period, the application is considered complete. **[Amended 10-12-04, Ord. 04- 16]**
 - b) All complete applications will be placed on a Planning Commission meeting agenda for the preliminary public hearing on a first come, first served basis. Such scheduling of applications is subject to change if an application is defined on the basis of deficiency as stated herein. Rezoning applications shall be subject to the noticing procedures outlined in Section 180-46.E.
 - c) At the preliminary public hearing the Commission shall consider said application, hear comments and objections, and request additional information or make preliminary recommendations and shall set the matter for a final public hearing. Such final public hearing shall be set for at a meeting of the Commission based on whether additional information is necessary, a complete final application, and timing to ensure proper legal noticing requirements can be met. ~~the next regular meeting of the Commission.~~
 - d) At the final public hearing, the Planning Commission shall consider all submitted data, comments and objections and shall either continue the matter for further information and study for not more than thirty (30) days or shall render its decision to the Town Council and the applicant, recommending approval, disapproval or conditional approval of the application, ~~and advise all persons present of the date when the matter shall appear on the agenda of the Town Council.~~

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- e) Upon receiving the recommendation of the Planning Commission, a rezoning ordinance shall be prepared for consideration by the Town Council, and scheduled for public hearing before the Council subject to the noticing procedures specified in Section 180-46.E. Town Council shall approve, conditionally approve, or deny the application for rezoning.
- f) No request for a rezoning shall be reconsidered by the Planning Commission or Town Council until the expiration of six (6) months or a substantial change of circumstances shall have first occurred.
- g) Upon approval of any request for rezoning, the Community Development Department shall forthwith note the amendment of the official Zoning Map of the Town of Frisco, keep appropriate records thereof and notify the Clerk and Recorder of Summit County of said amendment of the official Zoning Map.

C. Power to authorize variances.

1. In establishing the provisions of this part, the Planning Commission hereby finds and determines that there may be exceptional or extraordinary circumstances or conditions which are applicable to properties within the Town that do not generally apply to the property, and such that denial of an application for relief would result in an inability to reasonably utilize property. Therefore, it is necessary to provide for such extraordinary relief in the form of variances. In reviewing such applications for variances, the burden shall be upon the applicant to meet the criteria set forth in this part.
2. Non-Use Variances. Authorization. Subject to the requirements of this part and this Zoning Code, Non-Use Variances are hereby authorized.
3. Due diligence. An applicant for a variance must prove that due diligence was exercised by the applicant before the condition giving rise to the request for a variance occurred. Due diligence shall require a persistent and reasonable inquiry to investigate relevant and applicable facts through both personal and professional actions required of any reasonably prudent person acting as a fiduciary exercising professional judgment and common sense. If an applicant fails to exercise due diligence in discovering, preventing or attempting to remedy a non-conforming condition the request for a variance shall be denied.
4. Criteria for Granting a Non-Use Variance. The variance application shall be reviewed on its own merits and Planning Commission shall not approve the variance unless all of the following criteria are met: **[Amended 12-17-96, Ord. 96-27]**
 - a) The property has extraordinary or exceptional physical conditions that do not generally exist in nearby properties in the same zoning district; and

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- b) That the extraordinary or exceptional physical condition of the property will not allow reasonable use of the property in its current zone in the absence of relief; and
 - c) That the granting of the variance will not have an adverse impact on the surrounding properties, the neighborhood, or the community as a whole; ~~and~~
 - d) The granting of a variance will not be detrimental to public health, safety and welfare or injurious to surrounding property values and neighborhood character; ~~and~~
 - e) The granting of the variance shall not be substantially inconsistent with any plans adopted by the Town; ~~and~~
 - f) The granting of the variance shall not materially weaken the general purpose of the Zoning Ordinance or its regulations; ~~and~~
 - g) The variance, if granted, shall only be to the extent necessary to afford a reasonable use of the property.
- (5) No variance authorizing a change in the permitted uses of property shall be granted.

(6) Application.

An application for a Non-Use Variance shall be filed with the Community Development Department with the appropriate fee. No other applications may be submitted concurrently with a variance application. An applicant must have received approval of a non-use variance prior to submitting any development application or any other related application. Additional application materials may be required at the discretion of the Community Development Department as needed to clarify the variance request. **[Amended 12-17-96, Ord. 96-27]**

(7) Hearings and notice.

The application for a Non-Use Variance shall be reviewed by the Planning Commission. Provisions for a public hearing, notice and appeals of a Planning Commission decision shall be in accordance with Section 180-46 of the Town Code. A complete application containing all of the applicable information shall be presented not less than fifty-two (52) days prior to the regular Planning Commission meeting at which it will be heard. The Community Development Department may, at its discretion and for good cause, require a longer submittal period. The applicant must contact the Community Development Department for further information on the application submittal process. **[Amended 10-12-04, Ord. 04-16]**

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(8) Conditions of approval.

Special conditions may be imposed upon any variance approval in order to alleviate or mitigate potential adverse impacts. Conditions must relate to the property and/or vehicle and may relate to specific persons or organizations which have a direct association with the use of the property as contemplated by the requested variance. Every variance authorized hereunder shall be transferable and shall run with the land.

(9) Expiration and termination of right.

A Non-Use Variance, together with the accompanying site or development plan granted pursuant to this Section shall expire within two years from the date of final approval if action has not been taken within said time. This time may be extended with the approval of the Planning Commission or Town Council, if the petitioner can show due cause. For purposes of this Subsection, action means obtaining a building permit or other applicable Town permit/license pursuant to the granting of the variance, or if a permit or license is not required, the right that is granted pursuant to the variance is put to use.

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§ 180-18.1 Main Street Overlay District. [Added Ord. 93-05, 03-16-93; Amended Ord. 97-24, 12-16-97; Replaced Ord. 99-01, 02-16-99; Amended Ord. 02-10, 07-02-02, Ord. 04-01, 02-10-04; Ord. 14-01, 02-11-14]

A. PURPOSE

The purpose of the Main Street Overlay District is to conserve and enhance important community qualities by requiring base design standards and providing incentives to help achieve desired attributes. The standards relate to the scale, mass, architecture and overall design character of development which will occur along Main Street in the future.

There are already a number of zoning criteria related to site design which will continue to apply to all developments in Town; this overlay district simply adds additional criteria to conserve and enhance these community attributes.

This overlay district will require future developments to be designed in a manner that will protect and promote the character and sense of this critical street. The overall appearance and function of the Main Street area should be compatible with the existing structures in the area and the community's general small mountain town environment.

B. APPLICABILITY

The provisions of this Section shall apply to the development (as defined in the Frisco Town Code, Section 180-5) of any property within the Main Street Overlay District as shown on the Town of Frisco Zoning map, which is separated into three Main Street Overlay Sub-Areas as indicated on exhibit A, following this section.

C. GOALS

The goal of this overlay district is to require new projects to meet basic design standards that will ensure future developments which are compatible with the desired character of the Main Street area. Coupled with these basic standards are incentives to encourage certain design elements that will further preserve and strengthen the architectural character of the area. While these standards and incentives are aimed at preserving and enhancing the area, one of the overriding goals of the community is to allow for a variety of design, with an eclectic effect, while still protecting the character of the area. There is no desire to change the land uses or basic zoning in this area, nor is there any desire to restrict commercial development within this area, other than to guide the architectural and site planning components of future development.

D. CHARACTER

There are three distinct subdistricts within the Main Street Overlay area. This Section has been tailored to meet the specific needs and characteristics of each of these three areas.

The Central Core subdistrict contains predominantly commercial land uses with interspersed residential uses, some of which are located above the commercial uses. There are also a number of historic buildings in this area. The central Main Street area represents the focal point of the downtown area and therefore the subdistricts to either side of the core area should appear to "taper" or transition out from this area.

ZONING

The Marina Subdistrict, east of the Central Core, is also predominantly commercial in nature at this time, and is the Town's primary view from Main Street to Lake Dillon. The preservation of this critical view corridor is an important component of the design guidelines established for this particular subdistrict.

The third Main Street area is the West End Subdistrict which is made up of a variety of commercial and residential uses located in a linear fashion from the Central Core, west to Interstate Highway 70. This area is characterized by a larger than normal street right of way along West Main Street which separates uses from the street by a greater distance than elsewhere in the Main Street area, and by building styles and architecture that are primarily residential in nature and scale.

E. DEVELOPMENT GOALS AND STANDARDS

The following goals should be considered, and standards followed, when designing projects within the Main Street Overlay District and Subdistricts.

GOAL #1.

Structures should be compatible with existing structures, their surroundings and with Frisco's "Small Mountain Town" character whenever possible. The existing land forms and historic structures on a site should be preserved on-site whenever possible and reinforced by development rather than destroyed or replaced by it.

It is not inferred that buildings must look like the existing structures to be compatible. Compatibility can be achieved through proper consideration of scale, design, proportions, site planning, landscaping, materials and colors, and compliance with the standards contained herein.

Standard #1.1.

Buildings shall be designed in a manner that is architecturally fitting with Frisco's small mountain town character and:

- Provides significant variation in all the wall planes.
- Provides significant variation in all roof lines and roof forms.
- Groups elements (e.g. windows) to provide balanced facade composition.
- Provides projecting elements (e.g. turrets, bay windows, decks, etc.).

Standard # 1.2.

Buildings shall be designed to provide deep (at least 24 inches) eaves and overhangs, and other building elements that provide shelter from natural elements and provide visual relief, including the use of porches and patios to add interest along street yards. When a substantial number and variety of building elements are provided the eaves may be less than 24 inches deep in some locations.

ZONING

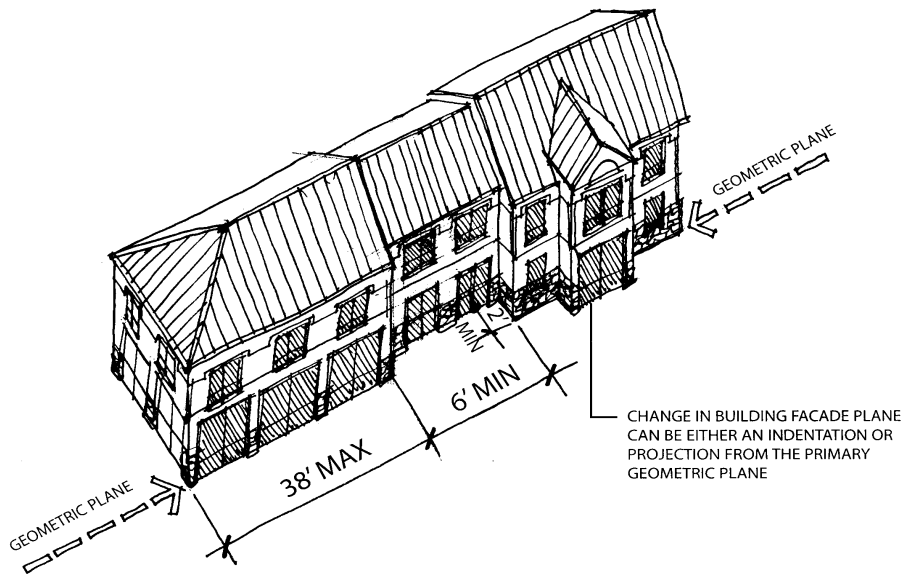
GOAL #2.

In general, buildings should be designed in a manner that provides elements that relieve the feeling of mass and provides for the graduation of mass as one moves back from the front of a lot, with the smaller elements located near the street, and the larger elements usually located further away from the street.

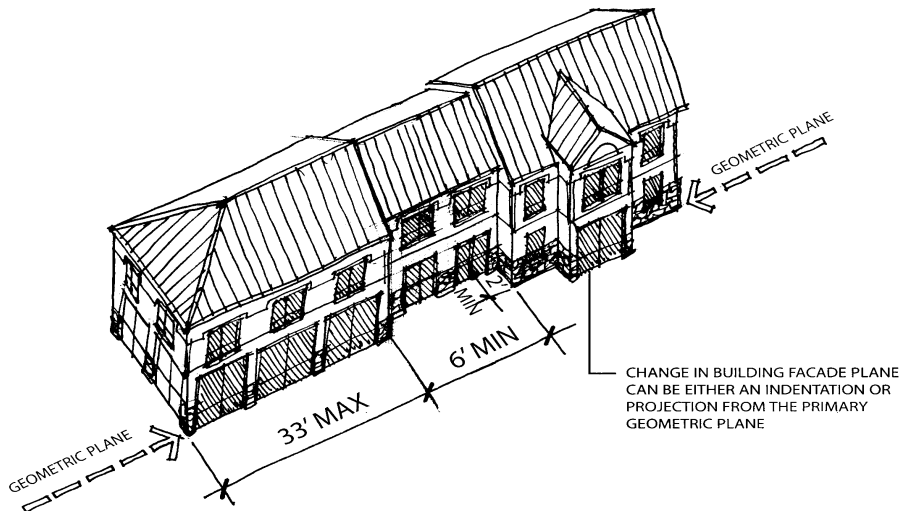
Standard # 2.1.

- a. Within the Central Core Subdistrict of the Main Street Overlay District building facades and roof fascia/eaves shall not exceed 38 feet in length along the same geometric plane, at which time the wall facade shall be broken up with a change in the geometric plane by a minimum of two (2) feet in depth for a distance of not less than six (6) feet, and the corresponding roof fascia/eaves shall be either indented or project from the primary geometric plane by a minimum of 2 feet. For buildings that exceed 74 feet in length the change in the geometric plane shall be increased to a minimum of four (4) feet in depth. In circumstances where All buildings ~~havewith~~ a total facade length of 38 feet or less or where a zero setback along an internal sideyard lot line is permitted, this building wall facade break provision is not requiredare exempt from this provision. Upon approval by the Planning Commission, the dimension of 38 feet for the length of a building facade which necessitates a building wall facade break and corresponding roof fascia/eave change may be extended as much as two (2) feet for a total of 40 feet, upon a finding that the design furthers the intent of this section.
- b. Within the Marina Subdistrict of the Main Street Overlay District the building facades and the corresponding roof fascia/eaves shall not exceed 38 feet in length along the same geometric plane, at which time the wall facade shall be broken up with a change in the geometric plane by a minimum of two (2) feet in depth for a distance of not less than six (6) feet, and the roof fascia/eave shall either be indented or project from the primary geometric plane by a minimum of 2 feet.. For buildings that exceed 74 feet in length the change in the geometric plane shall be increased to a minimum of four (4) feet in depth. All buildings with a total facade length of 38 feet or less are exempt from this provision. Upon approval by the Planning Commission, the dimension of 38 feet for the length of a building facade which necessitates a building wall facade break and corresponding roof fascia/eave change may be extended as much as two (2) feet for a total of 40 feet, upon a finding that the design furthers the intent of this section.

ZONING



- c. Within the West End Subdistrict of the Main Street Overlay District the building facades and corresponding roof fascia/eaves shall not exceed 33 feet in length along the same geometric plane, at which time the wall facade shall be broken up with a change in the geometric plane by a minimum of two (2) feet in depth for a distance of not less than six (6) feet, and the roof fascia/eave shall either be indented or projected from the primary geometric plane by a minimum of 2 feet. For buildings that exceed 54 feet in length the change in the geometric plane shall be increased to a minimum of four (4) feet in depth. All buildings with a total facade length of 33 feet or less are exempt from this provision. Upon approval by the Planning Commission, the dimension of 33 feet for the length of a building façade which necessitates a building wall façade break and corresponding roof fascia/eave change may be extended as much as five (5) feet for a total of 38 feet, upon a finding that the design furthers the intent of this section.



Standard # 2.2.

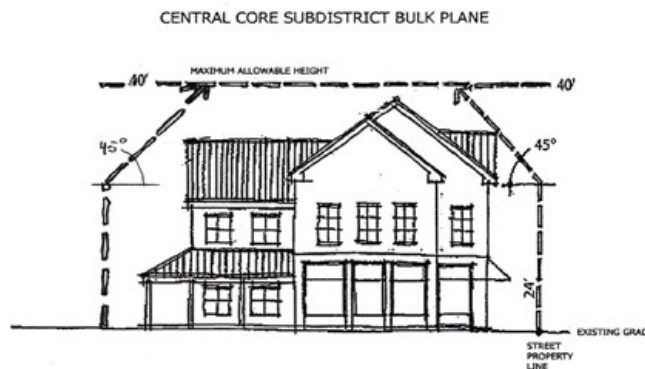
ZONING

Within the Central Core Subdistrict, the Marina Subdistrict and the West End Subdistrict of the Main Street Overlay District no building facade or roof ridgeline facing a front yard or street side yard shall have more than 66% of the length of the wall or roof ridgeline along the same geometric plane, with the exception that buildings with a total facade length of less than 38 feet may generally be located on the same geometric plane.

Standard # 2.3.

The bulk of a building shall be restricted on any site within the Main Street Overlay District through the use of a bulk plane envelope. The bulk plane envelope within the various subdistricts shall be as follows:

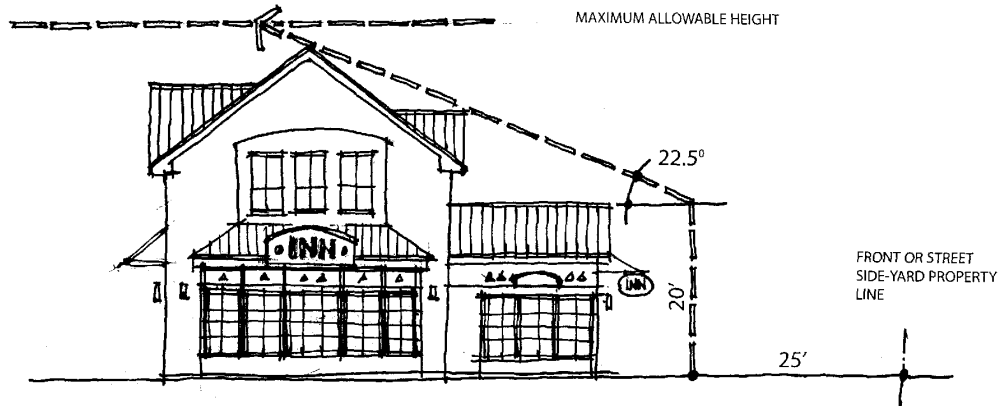
- a. Central Core Subdistrict: The bulk of the building shall be restricted on all street and rear yard facades by a bulk plane. The 40 foot height limit of the bulk plane may be increased, if provision 180-23.C (4) is utilized. Building forms may deviate from this standard and project beyond the bulk plane if they receive Planning Commission approval, meet the building height, and provide substantial architectural relief, or if they are structures which meet incentive VI.A.
 1. The bulk plane shall start from a point 24 feet above the average existing grade measured on all street property lines and shall extend upward at a 45 degree angle toward the rear and/or opposite sides of the property until it intersects with a horizontal plane 40 feet above the average existing grade at the property line.
 2. From the rear, the bulk plane shall start from a point 24 feet above the average existing grade measured on the rear property line and shall extend upward at a 45 degree angle toward the front of the property until it intersects with a horizontal plane 40 feet above the average existing grade at the property line.



- b. Marina Subdistrict: The bulk of the building shall be restricted on all street and side yard facades by a bulk plane. The bulk plane shall start from a point 24 feet above the existing grade and 25 feet into the property from all street, front and side yard property lines, and shall extend upward at a 22.5 degree angle and directly away from the property lines to a point where the envelope intersects with the maximum allowed height for the property based on the underlying zoning district, at which point the bulk plane envelope and the allowed maximum height shall be the same. The maximum height limit of the bulk plane may be increased, if provision 180-23.C.(4) is utilized. Building forms may deviate from this standard and project beyond the bulk plane if they receive Planning Commission approval, meet the building height, and provide substantial architectural relief.

ZONING

MARINA SUBDISTRICT BULK PLANE



- c. West End Subdistrict: The bulk of the building shall be restricted on all street and side yard facades by a bulk plane. The bulk plane requirement within this subdistrict shall be in effect for the area located within 100 feet of the West Main Street right of way. The bulk plane shall start from a point 24' feet above the existing grade measured ten (10) feet into the property from all street, front and side yard property lines, and shall extend upward at a 22.5 degree angle, and directly away from the property lines to a point where the envelope intersects with the maximum allowed height for the property based on the underlying zoning district, at which point the bulk plane envelope and the allowed maximum height shall be the same. The maximum height limit of the bulk plane may be increased, if provision 180-23.C.(4) is utilized. In addition, the bulk plane for the rear yard shall start from a point 24 feet above the existing grade measured ten (10) feet into the property from the rear property line, and shall extend upward at a 45 degree angle, and directly away from the property line to a point where the envelope intersects with the maximum allowed height for the property, at which point the bulk plane envelope and the allowed maximum height shall be the same. Where a conflict exists between the allowed height along a rear yard, and a street side yard, the more restrictive measurement shall govern. Building forms may deviate from this standard and project beyond the bulk plane if they receive Planning Commission approval, meet the building height, and provide substantial architectural relief.

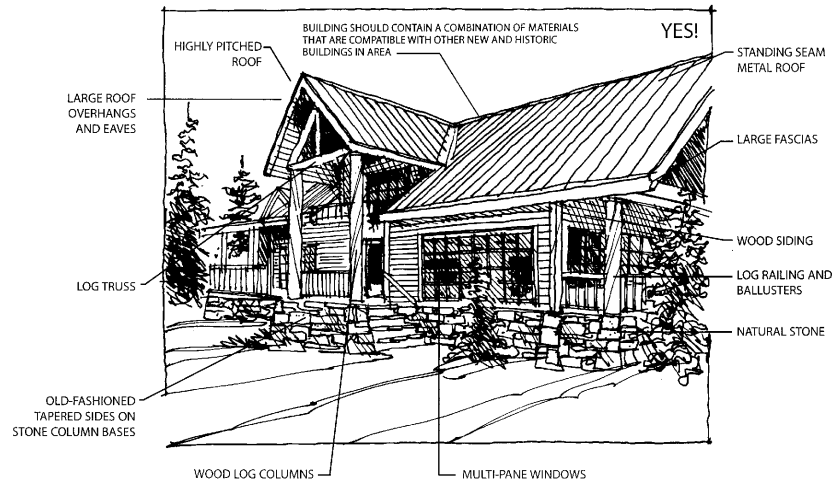
ZONING

WEST END SUBDISTRICT BULK PLANE

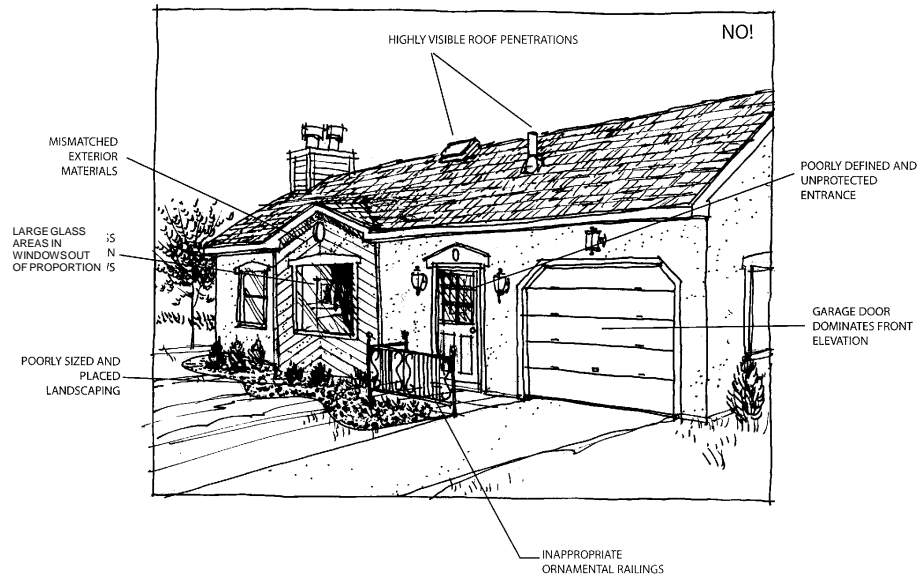


GOAL #3.

Buildings should be designed in a manner and constructed of materials that are compatible, and complementary to the existing historic and surrounding buildings in the area, and should contain a mixture or combination of materials, such as utilizing wood as the primary building material and stone, brick or other similar materials as accents or base materials.



ZONING



Standard #3.1.

Primary exterior building materials shall be predominantly natural, including, but not limited to wood siding, wood shakes, logs, stone, brick or similar materials. Other materials that have proven durability in the Town of Frisco's climate and imitate natural materials may be used only if their texture, shape, and size are substantially similar to the natural materials they are simulating and are not obviously artificial materials.

Standard #3.2.

Stucco or metal shall not be used as the primary exterior building material, but may be used as an accent, or in combination with other acceptable materials. Where metal is utilized it shall have a matte finish or a finish proven to fade and not be reflective. Untreated or unpainted galvanized sheet metal is prohibited. Concrete block shall not be used as the primary exterior finish, and when used as an accent shall be a split block, which is textured and painted a color that is compatible with the building.

Standard #3.3.

Aluminum and plastic exterior siding shall not be used as an exterior building material, except as allowed in Standard #3.1.

Standard #3.4.

The same or substantially similar building materials shall be used on main structures and any accessory structures located on the same site, unless an alternative design is provided that will complement the project and meet the remaining standards.

ZONING

Standard #3.5.

A material board, including material and color samples of all proposed exterior materials shall be submitted and reviewed as a component of all applications within this overlay district.

Standard #3.6.

Additions, which are substantially less than the square footage of the existing building, may be allowed to complement the existing structure, even if the building does not presently meet the guidelines, and blend with the existing structure rather than providing a different building façade, style, materials or color.

Standard #3.7.

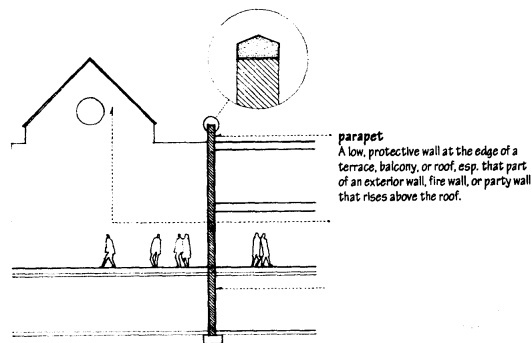
The use of mirrored or reflective glass shall be prohibited. Clear glass shall be used for windows. Tinted, colored or opaque glass may be approved on a case by case basis when shown by the applicant to be compatible with the purpose of these regulations.

GOAL # 4.

Roof elements, including materials and colors, should be of a design that is compatible with, and complementary to the historic and surrounding roofs found in the area, and should provide pitched (sloped) roof elements, or facades with pitched element, which can be seen from public rights of ways and places.

Standard #4.1.

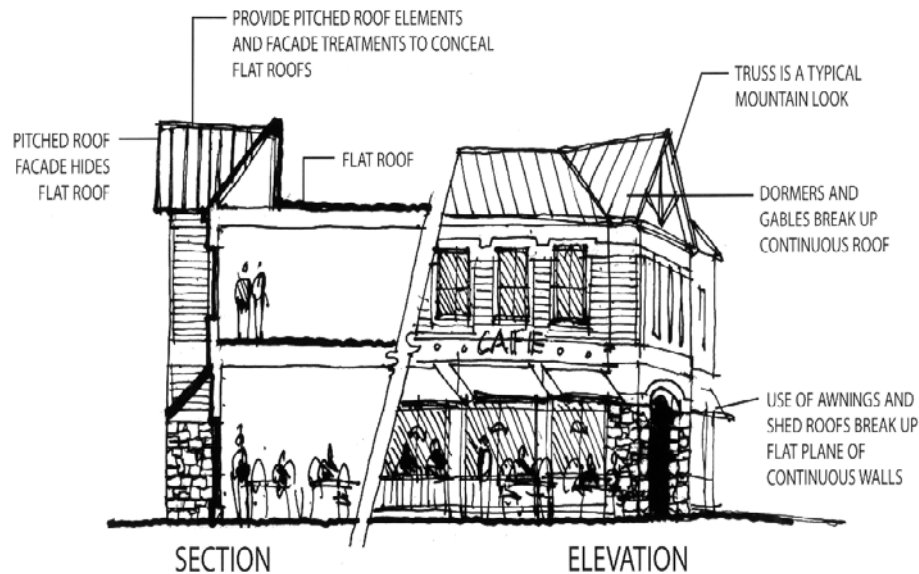
Steep pitched roofs are encouraged, but in those instances where flat roof construction is proposed, it shall be augmented with pitched roof elements, including but not limited to: peaked or sloped façade elements or parapets facing all street sides. Pitched roof elements shall vary by a minimum of two (2) feet, up or down and are encouraged to change in relationship to changes that occur in the wall plane as required in Standard #2.1, #2.2 and elsewhere in the overlay district. Mansard roofs are not appropriate and shall not be allowed.



ZONING

Standard # 4.2.

Where pitched roofs are utilized, the use of dormers (shed, peaked, etc.) shall be used to break up large expanses of roof, to enhance the usability of attic spaces, and to add architectural interest to the roofscape. A pitched roof shall have a minimum pitch of 6/12 in the Central Core Subdistrict and the Marina Subdistrict and a minimum pitch of 5/12 in the West End Subdistrict. A shed roof with a minimum pitch of 3/12 may be used if that element is below the primary roof level and terminates into the roof or wall of the structure.



Standard #4.3.

Ridge lines shall change by a minimum of two (2) feet, up or down, and are encouraged to change in relationship to changes that occur in the wall plane as required elsewhere in this overlay district.

Standard # 4.4.

Roof lines shall be designed in a manner in which they do not deposit snow onto required parking areas, sidewalks, trash storage areas, stairways, decks, balconies or entryways.

Standard # 4.5.

If metal roofs are used, they shall be surfaced with a low-gloss finish or shall be of a material which shall, within a reasonable period, weather to a dull finish in order not to be reflective.

Standard # 4.6.

Metal roofs shall have a standing seam or be of a design that provides relief and shadow to the roof surface. Asphalt and fiberglass shingles shall be permitted provided that they are of heavy material so as to provide relief and shadow, and are of a design and color so as to be compatible with the building.

ZONING

Standard # 4.7.

Bright colored roofs, which exceed a chroma of four (4) on the Munsell Color chart shall not be allowed.

Standard # 4.8.

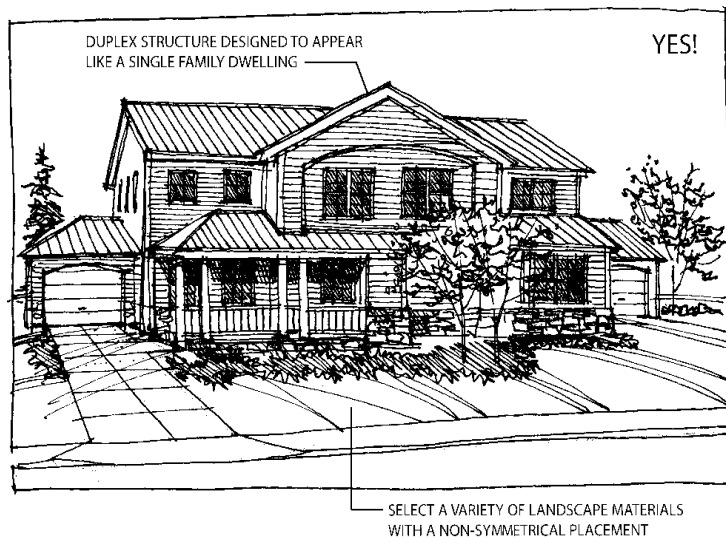
All rooftop mechanical, electrical, and electronic equipment shall be screened in a manner that is compatible and substantially similar with the colors and materials of the building or the roof.

GOAL #5.

Development should create a variety of designs while still being compatible with the desired character of the area.

Standard#5.1.

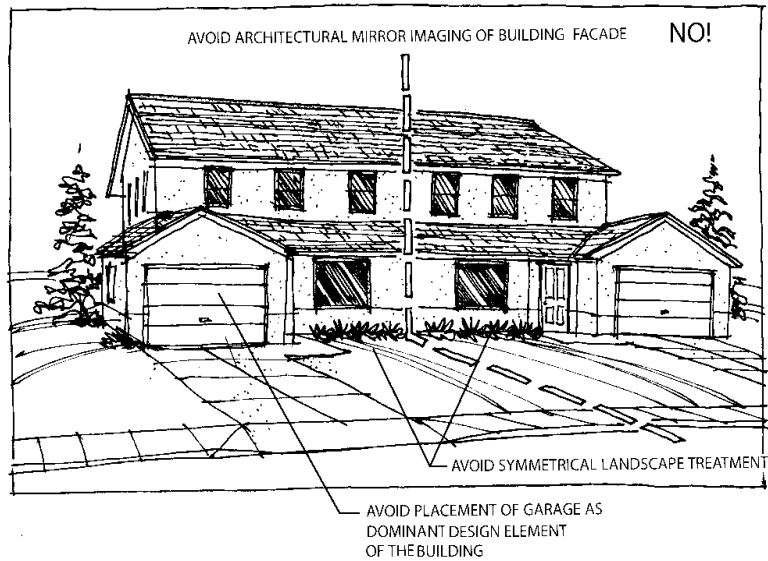
Duplex structures shall be designed to look like a single family structure to the extent possible, and shall not be designed in a manner that results in each half of the structure appearing substantially similar or mirror image in design to the other half.



ZONING

Standard # 5.2.

Building designs that duplicate, or are significantly similar in design to existing or proposed structures within the Main Street Overlay District and the Granite Street and Galena Street Overlay District shall not be allowed, with the exception that accessory structures on the same lot or parcel as the primary structure shall be similar in design as the primary structure.



GOAL # 6.

Building colors should be compatible with the existing characteristics of the area and not conflict with the goals of the community to provide a “small mountain town” feel. Exterior wall colors should be compatible with the site and surrounding buildings. Natural colors (earth tones found within the Frisco area) and stains on wood should be utilized. Darker colors are recommended for roofs.

Standard # 6.1.

No color may be used as the primary color of the building that exceeds a chroma of four (4) on the Munsell Color chart.

Standard # 6.2.

Colors that exceed a chroma of four (4) but do not exceed a chroma of eight (8) on the Munsell Color chart may be used only as accents and then sparingly, such as upon trim or railing, and in no instance shall luminescent, fluorescent, or reflective colors be utilized on any exterior portion of the building.

Standard # 6.3.

The same, or substantially similar colors shall be used on the main structure and on any accessory structures upon the site.

Standard # 6.4.

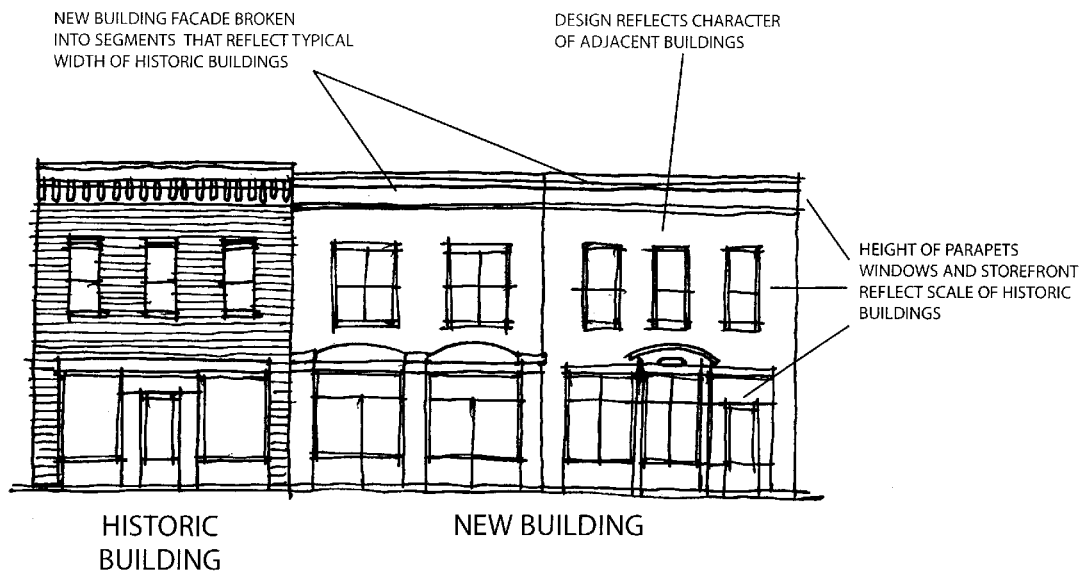
A color board shall be submitted and reviewed showing all proposed primary and accent colors and intensities for the exterior walls of the building.

ZONING

VI. DEVELOPMENT INCENTIVES.

The Town shall allow the following modifications to the requirements of the Main Street Overlay District in order to promote better design and encourage the preservation of historic resources within this critical area of the community.

- A. To promote the preservation of historic resources within Frisco, the town shall waive the rear yard (alley) bulk plane descent requirements within the Central Core Subdistrict Area and allow the maximum height of 40 feet to be maintained to the rear property line in those instances where the project substantially meets the following standards, as determined by the Planning Commission, based on recommendations from the Frisco Historic Preservation Board.
1. The property contains a historic structure or structures as designated within the Town of Frisco, Historic Overlay District; and
 2. All significant historic structures are maintained on-site and renovated in a manner that preserves them in a state similar to what they looked like historically. This may include the installation of a foundation in those instances where one does not presently exist, and those improvements necessary to bring the building up to current building and electrical code standards related to life safety issues; and
 3. Any additions or new buildings placed on-site shall meet the following standards:
 - a. The proportions of window and door openings are similar to historic buildings within the Central Core Subdistrict Area.

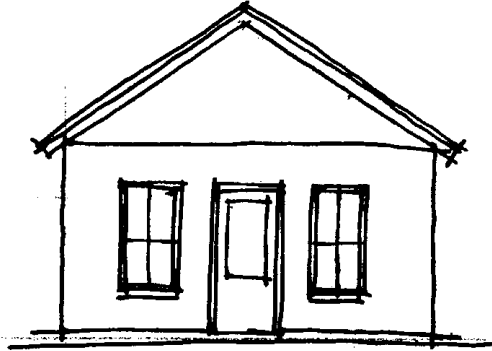


- b. The perceived width of nearby historic buildings is maintained in new construction.

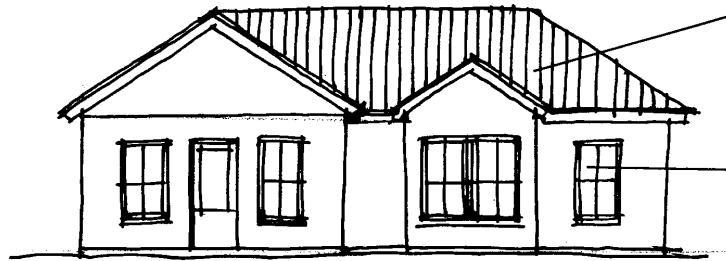
ZONING

- c. The proposed new building or addition shall appear to be similar in width and scale within the neighborhood and its historic context, as perceived from public ways.

ORIGINAL
BUILDING



YES!



NEW ADDITION REFLECTS
SCALE AND CHARACTER
OF ORIGINAL BUILDING

NEW WINDOWS
SIMILAR IN PROPORTION
TO EXISTING

NO!



NEW ADDITION
OVERWHELMS ORIGINAL
BUILDING MASS

NEW ELEMENTS
NOT IN CHARACTER
WITH ORIGINAL
BUILDING

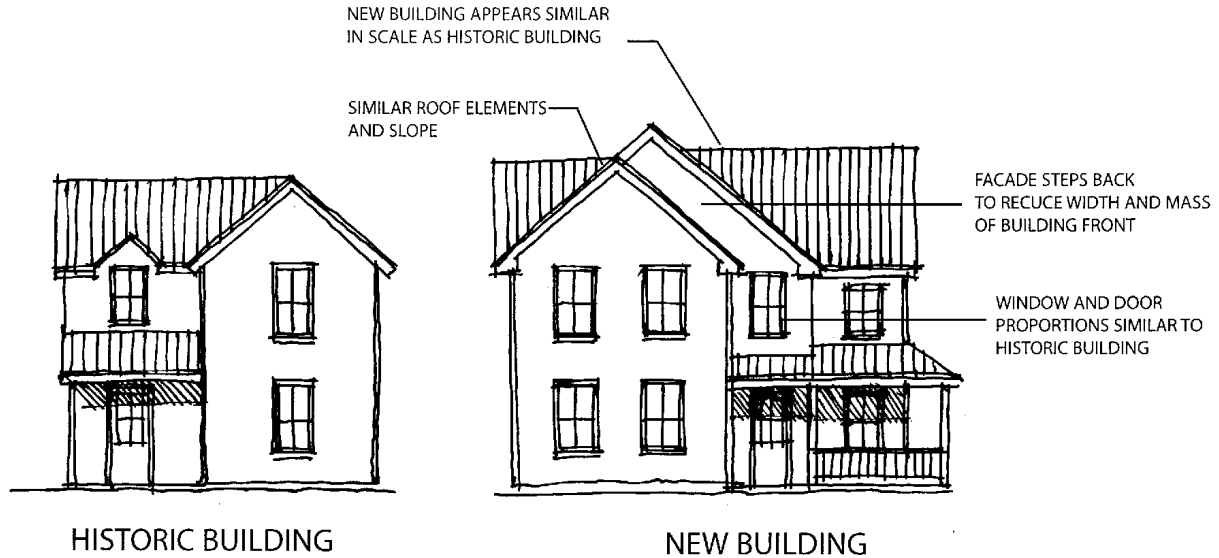
WINDOWS OUT OF
PROPORTION WITH
EXISTING

HISTORIC ENTRANCE
ELIMINATED

- d. New buildings and additions shall be designed to be similar in mass with the historic character of the area in which they are located.
- e. New buildings and additions shall be designed so they do not noticeably change the character of the area as seen from a distance.

ZONING

- f. The perceived building scale established by historic structures shall be respected within the relevant character area. An abrupt change in scale within the district is inappropriate, especially where a new, larger structure would directly abut smaller historic buildings.



F. DECISIONS AND FINDINGS.

No development located within the Main Street Overlay Zone shall be approved by the Town unless the project is in substantial compliance with the intent of the goals, and specific standards and regulations of the Town and, after review of the project, findings are made to that effect.

§ 180-18.2 Historic Overlay (HO) District. [Added 6-1-93, Ord. 93-07, Amended 9-5-00, Ord. 00-13; 4-1-03, Ord. 03-07]

A. Purpose: To preserve and promote Frisco's historical heritage. The HO designation is not a requirement for historical properties; rather it encourages the voluntary preservation of historic buildings, preferably on the original site, and properties through incentives and allows for alteration and rehabilitation of historic structures, and the addition of new development on lands designated HO. Inclusion of properties into the HO will enhance the visual, historic, and cultural character of Frisco.

Historic properties within the HO may be eligible for state tax incentives.

B. Applicability: An owner of a historic building or property within the Town of Frisco may request that the subject property be rezoned to ~~include~~ the ~~Historic Overlay~~ designation. The underlying zone district will remain. Once a property is designated with ~~in~~ the HO ~~District~~, any incentives as described herein may be utilized and be applied to the entire site.

C. Designation of Historic Overlay Zone District areas. Pursuant to the procedures and criteria hereinafter set forth in this section, the Town Council may, by ordinance:

1. Designate properties that have special historical value as being within the Historic Overlay Zoning District. Such designation must be accomplished through the standard zoning amendment procedures as listed in § 180- 48, Amendments; variances and rezoning, excepting Subsection A.3, area required, of the Frisco Town Code. Each such ordinance shall designate a historic overlay to the existing zoning, shall include a description of the characteristics of the historic site which justify its designation and shall include a legal description of the location and boundaries of the historic site. Any such designation shall be in furtherance of and in conformance with the purposes and criteria of this section. The property included in any such designation shall be subject to the controls and standards, and may also be eligible for the zoning incentives, as set forth in this zoning chapter.

2. The criteria for designating historical properties are as follows:

a. That the structure(s) be at least fifty (50) years old, and

b. That the structure(s) or ~~L~~lot(s) have unique historical significance, and

c. That remodeling has not covered the original features of the structure(s), or that the structure(s) has been or is in the process of being rehabilitated to its original configuration and design.

D. Procedures for nominating and designating buildings, properties, and

historic districts for historic preservation. An application for designation may be made by the owner or by 100% of owners for a historic district, or the Town and/or the Frisco Historical Society, at the owner's or owners' request(s). The Community Development Department shall review the proposal to ensure that the proposed designation conforms with town policies and plans.

1. Proceedings by the Planning Commission. The Commission shall review such designation through the standard zoning amendment procedures as listed in § 180-48, Amendments; variances and rezoning, excepting Subsection A.3, Area required, and through the public notice procedures listed in Section 180-46.E, of the Frisco Town Code. The Commission shall also review the application for conformance with the established criteria for designation and with the purpose of this zoning chapter. The Commission shall review the application for conformance with the purposes of the Town Code and the Frisco Master Plan. The Commission shall recommend either approval, approval with conditions or denial of the proposal and shall refer the proposal with a recommendation to the Town Council.
 2. Proceedings by the Town Council. Such designation must be accomplished by Town Council through the standard zoning amendment procedures as listed in § 180-48, Amendments; variances and rezoning, excepting Subsection A.3, Area required, and through the Public Notice procedures as listed in § 180-46E, of the Frisco Town Code. The Council shall ~~either approve~~ approve, approve with conditions, or deny the proposal for historic district designation by ordinance. Once a historic property or historic district has been designated by the Town Council as provided above, the Community Development Department shall cause the designation to be reflected on the Frisco Zoning Map. After approval, any structural alterations to the designated property(s) shall follow the procedure described in Subsection F (Alterations of Structures within the Historic Overlay District).
 3. Revocation of designation. For historic structures or properties that have taken advantage of any of the incentives outlined in this chapter, if the historic structure or feature on the historic property was lawfully relocated or demolished (per 180-18.2. F.5), the owner may apply to the town for a revocation of the HO designation on that property. In such an instance, the town shall revoke the HO designation if it determines that without the demolished structure or feature, the property no longer meets the purpose, intent and criteria of this zoning chapter. For historic structures or properties that have not utilized any of the incentives outlined in this chapter, the owner shall be entitled to revocation of designation upon filing of the same application and following the review procedures as outlined for the original designation.
- E. Purchase of development rights: If proposed by the owner of a historic property, the town may consider purchasing some or all of the remaining market-based development rights, which rights are not utilized with the current development or an approved development application, and which rights would exist prior to a preservation easement. As a condition to utilize this incentive, a preservation easement must be established and granted to the town or other entity designated

by the town on the subject historic property.

The process of purchasing development rights shall be adhered to as outlined in the town’s adopted Historic Preservation Plan, and any related town policies or plans. Any decision of the town to purchase or refrain from purchasing any remaining development rights pursuant to this subsection shall be made in the town’s sole and absolute discretion. It is not the intent of this subsection to provide any person with a right to have the town purchase the development rights to their property.

F. Alterations of Structures within the Historic Overlay District. No person shall carry out or permit within a designated historic district any new construction, alteration, rehabilitation, removal/relocation, demolition or any other structural alteration of a building or other designated feature, without first receiving approval of the proposed work, as described in this section, as well as any other permits required by this code or other ordinances of the town.

1. Any proposed addition, alteration or rehabilitation to a historic structure or feature must comply with all of the US Secretary of the Interior’s Standards for Rehabilitation as listed below:

- a. A property shall be used for its historic purposes or be placed in a new use that requires minimal change to the defining characteristics of the structure and its site and environment.
- b. The historic character of a property shall be retained and preserved. The removal of historic materials or alternations of features and spaces that characterize a property shall be avoided.
- c. Each property shall be recognized as a physical record of its time, place and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.
- d. Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.
- e. Distinctive features, finishes and construction techniques or examples of craftsmanship that characterize a property shall be preserved.
- f. Deteriorated historic features shall be repaired rather than replaced. When the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical or pictorial evidence.

2. Incentives for additions, alterations and rehabilitation to historic structures or new development on properties within the Historic

Overlay District. Any proposed addition, alteration or rehabilitation to a historic structure or feature that preserves the integrity of the existing historic property and, meets a minimum of two of the following criteria, and ~~all of~~ the standards in Subsection F.1, shall be

eligible to utilize some or all of the incentives described in Subsection F. 3., ~~New development on HO properties is not subject to the standards in Subsection F.1, but must be found to be sensitive to and compatible with the architectural character of the historic structure(s) on the property. In evaluating the granting incentives, the Planning Commission may grant a greater number of incentives when more criteria are met, and fewer incentives when a with the lesser number of criteria are met. Criteria for review are that the development project; justifying fewer incentives and a greater number of criteria met justifying more incentives:~~

- a. Protects and preserves the town's historic and cultural heritage by retaining and/or remodeling aspects of ~~a the~~ historic building(s) such as, but not limited to, the facades to be compatible with the character of the historic era; and
- b. Increases economic and financial benefits by enhancing the property and making it more accessible and/or attractive for heritage tourism or brings new development/redevelopment on the site that allows for the preservation of historic resources on the site; and
- c. Provides educational opportunities to increase the public's awareness and appreciation of Frisco's unique heritage; and
- d. Maintains the structural integrity of the historic structure and/or rectifies safety concerns for the structure or brings the structure into greater compliance with life, health, and safety codes; and
- e. Retains some or all of the historic structure(s) on the original site; and
- f. Structural or use changes further goals or objectives of the Master Plan for the town.

3. Incentives

- a. Relief from underlying zoning requirements: The following development standards may be modified or waived (up to 100 percent) within the underlying zone district requirements:
 1. lot coverage
 2. setbacks
 3. lot area, within a minimum allowability of 6,000 square feet, or 3,000 sf if a duplex

4. lot frontage

5. driveway width

6. density bonus (deed restriction requirement)

7. ten foot (10') minimum first-floor ceiling height requirement of the Central Core and Mixed Use Zone Districts

~~6-8.~~ building height or no change?

b. Relief from architectural overlay district requirements: Architectural overlay (GGO, MO, SBCO or RO) standards may be modified or waived (up to 100 percent).

c. Relief from development standard requirements: The following development standards may be modified or waived (up to 100 percent), if applicable:

1. Snow storage (180-20 G)

2. Parking and loading (180-23)

3. Landscaping (180-

20.1) 4. Access (180-20 I)

5. Bicycle racks (180-20

k) 6. Refuse (180-20 w)

7. Lighting (180-20.2)

3.1 In the event that an owner of a historic property intends to requestutilize any or all of the incentives outlined in this subsection, such development application will require a final decision to be made by the Planning Commission during a public hearing.

4. Unsafe or dangerous conditions exempted. Nothing in this section shall be construed to prevent any measures of construction, alteration, removal or demolition necessary to correct an unsafe or dangerous condition of any structure, other feature or parts thereof where such condition is declared unsafe or dangerous by the Frisco Building Department or Lake Dillon Fire Authority,

5. Demolition of a historic structure or feature in the HQ. An owner of a designated historic property must provide data to clearly demonstrate that the situation meets all of the following criteria before demolition can occur:

a. Review for total demolition:

1. The structure proposed for demolition is not structurally sound

despite evidence of the owner's efforts to properly maintain the structure; and

2. The structure cannot be rehabilitated or reused onsite to provide for any reasonable beneficial use of the property; and
3. The structure cannot be practically moved to another site in Frisco; and
4. The applicant demonstrates that the proposal mitigates to the greatest extent practicable the following:
 - a. Any impacts that occur to the visual character of the neighborhood where demolition is proposed to occur.
 - b. Any impact on the historic importance of the other structure(s) located on the property and adjacent properties.
 - c. Any impact to the architectural integrity of the other structure(s) located on the property or adjacent properties.
6. In the case of archaeological sites or relocation of a historic structure, consideration will be given to whether information can be recovered as part of the demolition or relocation process.
 - a. Review criteria for partial demolition or relocation:
 1. The partial demolition or relocation is required for renovation, restoration or rehabilitation of the structure in its present location or future site; and
 2. The applicant has mitigated to the greatest extent possible:
 - I. Impacts on the historic importance of the structure(s).
 - II. Impacts on the architectural integrity of the structure(s).
7. Procedures for Alterations or Demolition of Structures within the Historic Overlay District:
 - a. Department review. The Community Development Department shall maintain a current record of all designated H.O. historic district areas and pending designations. The Community Development Department will review all development application information within these areas by the criteria as noted in Section F. 1 (a-f), and make a determination as to whether there would be a significant impact or potential detriment to the historical character of the site as a result of the proposal. If no significant impact is determined and the structural change is considered to be minor, the Community Development Department may approve these applications without Planning Commission review. ~~Both the Community Development Department shall provide Frisco Historical Society and the Planning~~

~~Commission shall receive~~ updates of all changes to buildings within the HO to the Planning Commission.

- b. Planning Commission review. If the Community Development Department determines there may be a significant impact or potential detriment to the historical character of the site as a result of the proposal, or if any incentive is requested as noted in Section F. 2, or if a permit application for demolition of a historic structure(s) has been received then prior to the Community Development Department signing off on the building permit or demolition permit, the Planning Commission will be notified of the proposed change and given a maximum of forty-five (45) days to review and approve or deny the application. Additional information such as but not limited to comments or analysis from a historic preservation specialist~~the Frisco Historical Society~~, may be requested if it is determined to be beneficial for a comprehensive review of the application. Planning Commission comments and a decision will be in writing and mailed to the owner and/or applicant, ~~and the Frisco Historical Society~~.

- 8. Construction on proposed buildings. No person shall receive a permit to construct, alter, remove, or demolish any structure or other feature on a proposed historic property after an application has been filed to initiate the designation of such property as a historic district and designation status is pending.

- G. Property maintenance and enforcement. The Town Council intends to preserve from deliberate or inadvertent neglect the exterior portions of structures within designated historic district properties. No owner, lessee or occupant of any building within the Historic Overlay District shall allow significant deterioration of the exterior of the structure.

Owner notification. The Community Development Department ~~ommission, in cooperation with the Community Development Department~~, shall notify the property owner, lessee or occupant of the designated historic district property of the need to repair, maintain, or restore the property. The Town shall assist the owner, lessee or occupant in determining how to preserve the property and shall provide the owner with possible incentives and a reasonable time to perform such work.

- H. Waiver of fees. At the discretion of the Community Development Director for purposes such as but not limited to fiscal ability, any and/or all planning and building application fees may be waived for designation into the HO District, and/or for review of development applications that occur within the HO.

- I. Enforcement penalties. No person shall violate or permit to be violated the requirements of this section. Violations of this section are punishable as provided in §180-47 (Violations and penalties)

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§ 180-5. Definitions. [Amended 04-16-85, Ord. 85-03; 01-07-86, Ord. 86-01; 06-17-86, Ord. 86-05; 11-17-87, Ord. 87-15; 09-19-89, Ord. 89-22; 03-06-90, Ord. 90-03; 11-20-90, Ord. 90-19; 04-07-92, Ord. 92-07; 03-16-93, Ord. 93-04; 03-01-95, Ord. 95-01; 08-16-95, Ord. 95-07; 09-05-95, Ord. 95-08; 09-05-95, Ord. 95-9; 12-19-95, Ord. 95-14; 03-16-96, Ord. 96-04; 03-19-96, Ord. 96-06; 05-07-96, Ord. 96-09; 08-06-96, Ord. 96-14; 12-17-96, Ord. 96-26; 03-04-97, Ord. 97-02; 03-04-97, Ord. 97-05; 10-07-97, Ord. 97-17; 11-18-97, Ord. 97-21; 12-16-97, Ord. 97-19; 03-17-98, Ord. 98-04; 04-14-98, Ord. 98-07; 05-19-98, Ord. 98-08; 04-20-99, Ord. 99-07; 07-06-99, 99-11; 12-21-99, Ord. 99-23; 03-07-00, Ord. 00-04; 05-16-00, Ord. 00-09; 11-06-01, Ord. 01-18; 09-18-01, Ord. 01-07; 11-06-01, Ord. 01-18; 03-05-02, Ord. 02-02; 03-05-02, Ord. 02-02; 03-05-02, Ord. 02-06; 10-28-03, Ord. 03-18; 07-27-04, Ord. 04-11; 01-11-05, Ord. 04-23; 01-11-05, Ord. 04-25; 06-28-05, Ord. 05-14; 06-28-05, Ord. 05-17; 12-13-05, Ord. 05-31; 01-24-06, 06-06; 02-28-06, Ord. 06-12; 09-12-06, Ord. 06-23; 08-08-06, Ord. 06-26; 02-12-08, Ord. 07-14; 05-13-08, Ord. 08-08; 01-27-09, Ord. 09-01; 11-10-09, Ord. 09-20]

LOT COVERAGE – The percentage of total lot area used for parking, roads, drives or which is covered by above and below-grade structures, including but not limited to hot tubs, decks, sheds or other paved or impervious areas. The following elements are excluded from the maximum allowable lot coverage calculation: roof eaves up to two (2) feet in width as measured perpendicular from the exterior building wall; all publicly used non-vehicular pathways and up to three (3) feet in width for privately used pathways; all approved dumpster enclosures that provide adequate space for refuse and recyclingable containers.

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ARTICLE III

General Regulations and Restrictions

§ 180-19. Development Application Regulations. [Amended 04-16-85, Ord. 85-03; 01-07-86, Ord. 86-01; 08-18-87, Ord. 87-12; 04-07-92, Ord. 92-07; 03-16-93, Ord. 93-05; 09-05-95, Ord. 95-09; 05-17-96, Ord. 96-09; 08-06-96, Ord. 96-15; 12-17-96, Ord. 96-26; 03-04-97, Ord. 97-06; 04-14-98, Ord. 98-09; 12-01-98, Ord. 98-22; 12-15-98, Ord. 98-23; 05-02-00, Ord. 00-08; 03-20-01, Ord. 01-02; 03-05-02, Ord. 02-06; 04-01-03, Ord. 03-08; 05-06-03, Ord. 03-11; 10-28-03, Ord. 03-18; 10-12-04, Ord. 04-16; 01-11-05, Ord. 04-24; 01-11-05, Ord. 04-25; 09-09-08, Ord. 08-12; 01-26-10, Ord. 10-03]

- A. Applicability. This section describes the various types of development applications and the procedures that will be used to review development applications for compliance with the Town of Frisco's Zoning Code. The provisions of this section shall apply to all proposed development within the Town of Frisco.
- B. Purpose. The purpose of this section is to:
1. Guide future growth and development in accordance with the Frisco Master Plan and related municipal ordinances.
 2. Provide for an efficient process to review development proposals.
 3. Provide a framework by which development proposals are reviewed to ensure safe and functional developments which are compatible with the natural and man-made environment.
 4. Assist orderly, efficient and integrated development.
 5. Promote the health, safety and general welfare of the present and future residents of the town.
 6. Ensure conformance of development applications with public improvement plans of the Town of Frisco, Summit County, the State of Colorado, and other public agencies.
 7. Ensure coordination of all plans and programs of the town.
 8. Secure equitable handling of all development applications, providing due process and uniform procedures and standards.
 9. Protect natural vegetation, wetlands and scenic areas.
 10. Prevent and control erosion, sedimentation and other pollution of surface and subsurface water.
 11. Prevent flood damage to persons and properties and minimize expenditures for flood control.
 12. Restrict building on flood lands, steep slopes, areas covered by poor soils or in areas otherwise poorly suited for construction.
 13. Prevent loss or injury from landslides, expansive soils and other geological hazards.

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- C. Development Application Review and Approval. The Community Development Department shall use the information outlined in each applicable section to determine if the proposal complies with all of the requirements of the Town Code. Additional information may be required based on staff's initial review of the submittal. All development of land within the Town of Frisco shall require the owner, developer or lessee of such land to prepare and submit the following applications:
1. Tenant Finish/Remodel (Interior Only). All tenant finishes or interior remodels shall submit the following information. The Community Development Department staff may approve these applications and shall use the information to determine if the proposal complies with all requirements of the Town Code. Additional information may be required based on staff's initial review of the submittal.
 - a. Present use of the building.
 - b. Proposed use of the building, including complete architectural floor plans.
 - c. If additional bedrooms are being proposed, a site plan showing existing parking must be submitted for review.
 - d. Applications for the installation of solid fuel burning devices must submit evidence that the device has been certified by the Colorado Department of Health.
 2. Exterior Finish. Minor changes to the appearance of the outside of a building, including but not limited to window and door replacements, roofing or siding, or painting or repainting may be permitted with Community Development Department approval if the following are not changed: the building footprint, floor area, height, or any substantial change to the building's appearance. Planning Commission review may be required at staff's discretion. The following information must be submitted:
 - a. Present architecture (elevations), colors, material and floor plans of the building.
 - b. Proposed architecture (elevations), colors, materials, and floor plans of the building.
 - c. Written permission from the homeowners association is required for any improvements proposed on common area.
 3. Small Project Applications. All commercial and residential small projects may be approved by the Community Development Department, but Planning Commission review and approval may be required at staff's discretion. A small project is any development which disturbs 350 square feet of buildable area or land area or less. Small projects include, but are not limited to: building additions, paving for driveways and parking, flatwork or flagstone for sidewalks or patios, hot tub installations, decks sheds and other similar structures, and changes to the outside of a building that substantially change the building appearance or require structural modifications. The following information must be submitted for any small project:
 - a. Completed small project application form and payment of all applicable fees.
 - b. Written permission from the homeowners association is required for any improvements proposed on common area.

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- c. Three (3) full sets of architectural plans, including elevation drawings and floor plans, if applicable.
 - d. A color and material board with proposed material and color samples, if applicable.
 - e. One (1) site plan. Site plans shall be at a scale of no smaller than one (1) inch equals thirty (30) feet and consist of the following information:
 - i. Property boundaries and dimensions.
 - ii. Setbacks from property boundaries with dimensions.
 - iii. Existing and proposed topography of the property shown at 2 foot contour intervals, with reference to mean sea level, prepared by a surveyor or engineer licensed in the State of Colorado, if applicable.
 - iv. Building perimeter, including all eaves and decks, if applicable.
 - v. Location of the driveway and parking area, if applicable.
 - vi. Location of utilities (including sewer cleanouts and water shutoff valves), if applicable.
 - vii. Location of top of stream bank, if applicable.
 - viii. One-hundred-year floodplain boundary, if applicable.
 - ix. Location of wetlands, if applicable.
4. Detached Single-Family. Development applications for detached single-family structures, additions to detached single-family structures, and/or construction of any associated accessory structures require Community Development Department staff approval after review of the following information:
- a. A signed application with a completed owner's information section.
 - b. Three (3) full sets of architectural plans, including elevation drawings and floor plans.
 - c. Three (3) site plans. Site plans shall be at a scale of no smaller than one (1) inch equals thirty (30) feet and consist of the following information:
 - i. Property boundaries with dimensions.
 - ii. Setbacks from property boundaries with dimensions.
 - iii. Existing and proposed topography of the property shown at 2 foot contour intervals with reference to mean sea level, prepared by a surveyor or engineer licensed in the State of Colorado.
 - iv. Building perimeter, including all eaves and decks.

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- v. Location of the driveway and parking area.
 - vi. Location of utilities (including sewer cleanouts and water shutoff valves).
 - vii. Location of top of stream bank (if applicable).
 - viii. One-hundred-year floodplain boundary (if applicable).
 - ix. Location of wetlands (if applicable).
 - x. Construction trailers (if applicable): the number, use, and placement of construction trailers to be used on-site.
 - xi. Location of on-site snow storage areas.
5. Duplexes. Development applications for duplex structures, additions to duplex structures, and/or construction of any associated accessory structures require Community Development Department staff approval after review of the following information:
- a. A Frisco building permit sign-off card with a completed owner's information section.
 - b. Three (3) full sets of architectural plans, including elevation drawings and floor plans.
 - c. Three (3) site plans. Site plans shall be at a scale of no smaller than one (1) inch equals thirty (30) feet and consist of the following information:
 - i. Property boundaries with dimensions.
 - ii. Setbacks from property boundaries with dimensions.
 - iii. Existing and proposed topography of the property shown at 2 foot contour intervals with reference to mean sea level, prepared by a surveyor or engineer licensed in the State of Colorado.
 - iv. Building perimeter, including all eaves and decks.
 - v. Location of the driveway and parking area.
 - vi. Location of on-site snow storage areas.
 - vii. Location of utilities (including sewer cleanouts and water shutoff valves).
 - viii. Location of top of stream bank (if applicable).
 - ix. One-hundred-year floodplain boundary (if applicable).
 - x. Location of wetlands (if applicable).
 - xi. Construction trailers (if applicable): the number, use, and placement of construction trailers to be used on-site.

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6. Multifamily Residential and Commercial Projects. Development applications for multifamily residential projects, commercial projects and any associated accessory structures, and modifications to multifamily residential projects and commercial projects which do not meet the small project criteria require Planning Commission approval after review of the following information:
- a. Preapplication Conference.
 - i. The applicant shall attend a preapplication conference with the planning staff for information about development application procedures and regulations. At the time of the informal consultation, should a problem arise which directly concerns another agency; it shall be the responsibility of the applicant to obtain that agency's opinion.
 - ii. The purpose of the preapplication conference is to define the scope of the project, alert the applicant and the town to any particular circumstances concerning the proposed development and in general to provide a preliminary review of the proposed development prior to detailed project design.
 - iii. An informal sketch shall be submitted at the preapplication conference, with a brief nonlegal description of the existing land use of the site and of the proposed land use change, including number of living units. The sketch should show total acreage, land owners, land uses, streets, highways, utilities, major physical features (including drainages) and the location of natural hazards.
 - b. Sketch Plans. All applications for commercial development projects, and residential development projects consisting of three or more units, shall be required to present an informal sketch plan of the development before a regularly scheduled meeting of the Planning Commission. The applicant shall notify Community Development Department staff in writing at least 14 calendar days prior to the Planning Commission meeting at which the sketch plan is desired to be presented. At that time, 10 copies of the presentation materials must be submitted. The Planning Department has two (2) business days after the sketch plan submittal to review the application to insure that the minimum submittal requirements have been met. If the Planning Department determines that the minimum submittal requirements have not been met, then all of the materials will be returned to the applicant and the sketch plan will not be scheduled for the desired meeting.

Materials to be presented in support of the development must be of sufficient nature to allow the Planning Commission and Community Development Department staff to provide informed feedback on the project. At a minimum, the applicant must submit the following information:

- i. A written project description; this description shall include a clear, concise written synopsis of the proposal and how the project will meet the principles of the Master Plan, see application form;
- ii. A site plan showing the location of the building(s); north arrow, streets and rights-of-way, designations of areas as public or private spaces, existing structures, easements and utility lines, wetlands, lot dimensions, and trails;
- iii. Existing and proposed topography;

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- iv. Parking and traffic circulation; including non-vehicular (e.g. bike and pedestrian) access;
- v. Proposed landscaping- and snow storage;
- vi. Scaled and labeled drawings of all building elevations;
- vii. Samples of all colors and materials proposed; and
- viii. An overview of sustainability components anticipated for the project, including but not limited to day lighting, energy efficiency and east/west axis of the structure or structures.

An existing conditions plan and artist renderings, conceptual plans and sketches are strongly encouraged to be presented to help staff and the Planning Commission envision the project clearly. If necessary, the Planning Commission may require an applicant to return for additional sketch plan presentations if sufficient information is not received or if substantial changes to a proposal are recommended. The consideration of, and comment on the sketch plan by the Planning Commission does not bind the Planning Commission or Town Council to approve a preliminary plan or plat, nor does it confer on the applicant any vested rights.

Notwithstanding the foregoing requirements, if an applicant has alternative conceptual site plans for the same general project that they would like to review with the Planning Commission, then the submission of the items set forth in subparts i through viii above are not required with respect to such alternative plans. At the time that the applicant makes a choice from among its alternative plans, the applicant shall make a submission for a sketch plan review by the Planning Commission that contains each of the items set forth in subparts i through viii above. At no time shall the applicant proceed to the development application process with only having had alternative conceptual site plans reviewed by the Planning Commission.

c. Development Application Process and Content. The applicant must furnish the Community Development Department with the information listed in this subsection not less than fifty- two (52) days prior to an upcoming Planning Commission meeting targeted as the application review date. Within this time frame, the Community Development Department shall have threetwo working days to determine if the application has the items necessary for review, based upon the submittal checklist(s) ~~available~~. The applicant shall, within threetwo working days, supply the Department with any items noted as missing from the submittal. If the necessary information has been provided within this period, the application is considered complete. If the information and materials requested are not received as required within sixty (60) days, the Town will consider the application incomplete withdrawn and the process and timeline for application submittal will begin again will return all submitted materials. In order to proceed, the applicant will be required to submit a new application materials, including all applicable fees and supporting materials. All complete applications will be placed on a Planning Commission agenda on a first come, first served basis. The scheduling of applications is subject to change if an application is determined to be deficient on the basis of the review contained in the preliminary staff report. Planning Commission agendas will be determined by the Community Development Director, based on a roughly four hour meeting length.

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Complete applications processed for an upcoming Planning Commission agenda will be referred to the representatives of various departments and review agencies, as appropriate. Within fifteen (15) working days, following the determination that an application is complete, the Community Development department shall compile written comments into a preliminary ~~staff~~ report. Such report shall begin a substantive review of the development and begin to identify areas of non-compliance with regulations, concerns of referral agencies, design or site planning concerns or problems, additional information, reports, or materials needed, etc. in order to have the application proceed.

If, as noted in the preliminary ~~staff~~ report, any deficiencies in the application warrant additional work by the applicant or require further discussion by staff and the developer, or if additional information from the developer is received too late to be adequately processed and reviewed, the Community Development Director may defer sending the matter to the Planning Commission until the applicant has adequately addressed all issues, and the staff and the review agencies have adequately reviewed new information. If the information and materials requested in the preliminary staff report are not received within sixty (60) days of the date of the preliminary ~~staff~~ report, the Town will consider the application withdrawn and will return all submitted materials. In order to proceed, the applicant will be required to submit a new application, including all applicable fees and materials. Once all necessary information has been received and reviewed and the Department is satisfied that sufficient information has been submitted to demonstrate whether the applicable standards of the Frisco Town Code have been met, and that the legal notice requirements can be met,—the application will be placed on the next available Planning Commission meeting.

At a minimum the following information shall be submitted and reviewed:

- i. A development application form, available from the Town Hall, showing: the name and addresses of owners, street name or general location of the property, area in square feet of the property, legal description, present zoning, existing use of the property, proposed use for the property, date of submission and nature of request.
- ii. All application fees including payment of noticing costs and the establishment of a development review account (please see Section 180-46D.(4), Schedule of fees for publication, legal and engineering fees).
- iii. A vicinity ~~sketch~~ map showing location of the site to be developed in relation to surrounding properties.
- iv. Fifteen (15) copies of the site plan and other documentation with the following information displayed at a scale no less than one (1) inch equals ~~twenty~~ thirty (30) feet:
 - 1) A boundary survey, prepared by a surveyor or engineer licensed in the State of Colorado.
 - 2) Topography at two-foot contour intervals with reference to mean sea level, prepared by a surveyor or engineer licensed in the State of Colorado.
 - 3) Location and dimensions of all existing streets, alleys, easements, drainage areas, floodplains, floodways, wetlands, steep slopes and other significant

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features within or adjacent to the site.

- 4) Location of all existing trees with a diameter of six (6) inches or more measured one (1) foot above grade. If the site is heavily wooded, a photograph or graphic

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indication on the site plan illustrating the density of the trees will suffice. Please refer to §180-20.1 (Landscaping and Revegetation Requirements).

- 5) Location and size of all existing and proposed utilities within or adjacent to the site.
 - 6) Location, dimensions and setbacks to the exterior wall of the foundation and to the outermost edge of the structure, including roof eaves, decks and other projections.
 - 7) Traffic circulation and parking plan, including points of entrance and exit and delivery areas.
 - 8) Non-vehicular circulation including size and type (including surface material) of pathway and points of connection. Refer to §180-20 for Access Requirements.
 - 9) Location, type, size and height of fencing, retaining walls and screen planting where required under provisions of the Town Code. Please refer to § 180-24 (Fences, Hedges and Walls) and §180-25 (Outdoor Storage Areas).
 - 10) All other site improvements, including but not limited to the following:
 - a) Snow storage area. Refer to Section 180-23, Parking and Loading Regulations for specific requirements.
 - b) Location of dumpster enclosures.
 - c) Location of streetlights, parking lot lighting and/or outside lighting. Refer to Section 180-20.2, Outdoor Lighting, for specific requirements.
 - d) Location of all signs.
 - e) Proposed open spaces with an indication as to use and ultimate ownership.
- v. Architectural plans. Fifteen (15) complete sets that include the following information:
- 1) Floor plans with gross square footage, including a breakdown of gross floor area by use, if applicable.
 - 2) All building elevations.
 - 3) Building materials: type and color.
 - 4) Dumpster enclosure plans.
 - 5) Location, type and intensity of building illumination.
 - 6) Roof materials: type and color.
- vi. Construction trailers: The number, use and location of construction trailers to be used on site must be indicated.

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- vii. Drainage plans [three (3) complete sets], prepared by an engineer registered in the State of Colorado, that meet the requirements set forth in §180-20E (Drainage Plans). Drainage plans shall address conditions both during and after construction.
- viii. Landscaping and revegetation plans [fifteen (15) complete sets] which meet the requirements set forth in §180-20.1 (Landscaping and Revegetation Requirements).
- ix. Three-dimensional representation. The Community Development Department, the Planning Commission or, in the case of an appeal, the Town Council, may require the applicant to prepare an accurate three-dimensional scale model, three-dimensional computer simulation or other similar graphical representation of the project. Conditions that may cause the requirement for a three-dimensional scale model, computer simulation or other similar graphical representation of the project include, but are not limited to: the project's location within the Central Core zoning district; the project's location in a highly visible place; the project's location in a transition area where two different zoning districts meet; or a project's location on a site that has unique topography such as steep slopes or wetlands.

If required to prepare a three-dimensional scale model, three-dimensional computer simulation or other similar graphical representation of the project, the applicant shall:

- 1) Prior to preparing the model, simulation or representation, confer with the Community Development Department to determine whether and the degree to which the model, simulation or representation will also show topography and existing buildings or properties adjacent to the subject property to provide neighborhood context for the proposed development.
 - 2) Provide the model, simulation or representation to the Community Development Department a minimum of two weeks prior to the meeting at which the application will be reviewed.
- x. The Community Development Department, the Planning Commission, or the Town Council may request additional information if they feel it is necessary or desirable to make a complete and thorough evaluation of a development application. The information shall be prepared by a professional in the applicable field and includes the following:
 - 1) Geological stability data.
 - 2) Detailed soils information.
 - 3) Fiscal impact analysis.
 - 4) Any other special studies or information necessary or desirable for the Community Development Department, Planning Commission, or Town Council to make an informed decision.
 - xi. Traffic Studies are required for the following:

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- 1) Conditional use or rezoning applications.
- 2) Locations adjacent to either Main Street or Summit Boulevard.
- 3) Locations containing only one point of access.
- 4) Locations containing an access point off a road with a service level of D or F as defined by the Transportation Research Board, Department of Transportation.
- 5) Residential projects with five (5) or more dwelling units.
- 6) When required by Town staff or the Planning Commission in their reasonable discretion.

The area to be included in a traffic study shall be determined by Town staff. Elements of a traffic study shall include, but not be limited to, the following:

- 1) Existing traffic flow conditions within the defined study area, considering the peak hours and average daily traffic
- 2) Future conditions due to the traffic impacts from the proposed development within the defined study area.
- 3) Pedestrian circulation within the study area accessing the proposed development.
- 4) Recommendations to relieve impacts to traffic due to the proposed development, including but not limited to, pedestrian access, intersections, current roadway sections, noise, signage and safety.

- D. Review Period for Small Projects, Detached Single Family, and Duplex Applications. Small projects (as noted in Section 180-20.T), detached single family and duplex applications shall be noticed in accordance with §180-46.F. Staff shall wait 10 calendar days from the date of notice for the return of public comments on the application. If public objections are received, the objection application will be scheduled for the next available Planning Commission meeting. Additionally, at its discretion, the Community Development Department may refer any small project, detached single family or duplex application to the Planning Commission for approval, subject to the noticing procedures outlined in §180-46.E. A one-time administrative fee and a one-time noticing fee, the costs of which are referenced in the Fee Schedule established by the Community Development Director, shall be charged to the applicant making the objection at the time the objection application is filed. A Development Review Account (DRA) (as described in Section 180.46 D (4)) will be required to be established by both the objector and the project proponent if the Planning Commission finds that legal, engineering, or other similar technical review or consultation is necessary or desirable to resolve any outstanding issues. After a final determination by the Planning Commission concerning the objection application, the fees associated with legal, engineering, or other similar technical review or consultation will be deducted from the DRA established by the party that does not prevail with respect to the objection application. The DRA established by the party that prevails with respect to the objection application shall not be charged for items related to the objection application.

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- E. Conditional Use Application. Conditional use approval shall be required for those uses listed as conditional uses in the zoning district regulations. An application for conditional use approval is required and shall be submitted at the same time as the development application. The specific requirements of a conditional use application are listed in § 180-30.
- F. Variance Applications. A variance application is required when a waiver or modification of the specific requirements of the zoning requirements is requested by the applicant. An application for a variance must be submitted and approved by the Planning Commission prior to the submittal of a development application. The specific requirements of a variance application are listed in § 180-48.
- G. Resubdivision and Planned Unit Developments. If the project includes subdivision, resubdivision, condominiumization or planned unit development, an application and all required materials for these requests must be submitted at the same time as the development application.
- H. Frisco's Overlay Districts. Development applications within the Main Street Overlay District (MO), Granite Street and Galena Street Overlay District (GGO), Residential Overlay District (RO), Historic Overlay District (HO) or Summit Boulevard Corridor Overlay District (SBCO) shall meet all zoning district regulations with regard to the underlying zoning requirements. In addition, said development application must also meet the development regulations specific to each overlay district (see the Town of Frisco Zoning District Map).
- I. Modifications to the Approved Development Application. Such documentation, constituting a development application, shall be reviewed by the Planning Commission. Once the development application has been approved, no substantial variation of the plan shall be permitted without the approval of the Community Development Department. Modifications to approved development applications may be brought to Planning Commission for review at the discretion of the Community Development Department.
- J. Expiration of the Development Application Approval. If construction of the project has not begun within three (3) years or been completed within four (4) years from the date of the final development plan approval or if the owner has failed otherwise to comply with the approved development plan, the Planning Commission shall revoke development plan approval. Notwithstanding the above, the Planning Commission may reconfirm and extend the time period for compliance or approve modification to such development plan, upon good cause shown by the owner. Such reconfirmation, extension or modification shall be at the discretion of the Planning Commission.
- ~~K. Building Permit Procedure. After final site plan approval by the town, the developer may apply to obtain a foundation only permit from the Building Department. An improvement location certificate survey (ILC), certified to the town, showing the location of all foundations for structures approved on the site plan; the USGS elevation at the top of the foundation walls; the elevation of any adjacent paved street(s) as measured at the edge of adjacent asphalt or alley right-of-way; and the location of all sewer cleanouts and water curb stops, with a bearing and distance reference to two points on a foundation wall shall be submitted to the Community Development Department before a full building permit will be issued allowing construction beyond that specified on the foundation-only permit. Such survey may be performed at any time after the foundation forms or the foundation itself is in place. The survey shall be certified by a land surveyor licensed in the State of Colorado.~~

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A. Purpose

An Improvement Location Certificate (ILC) is required to verify compliance with location specific development requirements such as setbacks, building height, and bulk plane.

B. Applicability

A foundation ILC that shows the distance from the property lines to a foundation is required for all new buildings. A foundation ILC is also required for building additions proposed within 5 feet of a setback, easement, property line, or other similar boundary. A roof ILC that shows the location and height of the roof is required for all new buildings. A roof ILC is also required for building additions proposed within 5 feet of the maximum building height limit or required bulk plane. At the discretion of the Community Development Department Director, these requirements may be waived if compliance with the setback and building height requirements for a new building or building addition can be reasonably verified in the field by the Community Development Department without an ILC.

C. Review Procedures

A foundation ILC must be performed after the foundation itself is in place. A foundation ILC must be submitted to the Community Development Department for review prior to the approval of a final foundation inspection. If the ILC shows that the completed foundation is located as required by the approved site plan, the developer will be permitted to proceed with further construction. If the ILC shows that the completed foundation is not located as required by the approved site plan, the developer will not be permitted to proceed with further construction until the foundation has been properly located and verified with an updated ILC. If the ILC is prepared prior to the installation of the sewer cleanouts and water curb stops, an amended ILC showing the location of the sewer cleanouts and water curb stops must be submitted to the Community Development Department prior to the issuance of a certificate of occupancy or certificate of completion.

A roof ILC must be performed after the roof itself is in place. A roof ILC must be submitted to the Community Development Department for review prior to the approval of a final framing inspection. If the ILC shows that the roof is located as required by the approved architectural plans, the developer will be permitted to proceed with further construction. If the ILC shows that the roof is not located as required by the approved architectural plans, the developer will not be permitted to proceed with further construction until the roof has been properly located and verified with an updated ILC.

D. Content

The ILC shall be prepared in a form consistent with professional land surveying practices and be certified by a land surveyor licensed in the State of Colorado. An ILC must contain the information necessary to demonstrate compliance with the applicable location specific development requirements such as setbacks, building height, and bulk plane. A foundation ILC shall show the location and principal dimensions of all foundations for structures approved on the site plan, the USGS elevation at the top of the foundation walls, and the location of all sewer cleanouts and water curb stops with a bearing and distance reference to two points on a foundation wall. A roof ILC shall show the location and heights of all roof forms for structures approved on the site plan and include the USGS elevations of all roof ridges.

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1. If the survey shows the foundation form or completed foundation is located as required by the approved site plan, the developer will be permitted to proceed with construction. If the survey shows that the foundation form or completed foundation is not located as required by the approved site plan, the developer will not be permitted to proceed with construction until a resurvey shows that the foundation form or completed foundation is properly located.
2. The completed structure shall comply with the approved site plan with respect to building height, and setbacks for the roof eaves, decks and other projections. The completed structure shall not extend into a required setback yard.

If the improvement location certificate is prepared prior to the installation of the sewer cleanouts and water curb stops, and amended ILC showing the location of the sewer cleanouts and water curb stops with a bearing and distance reference to two points on a foundation wall must be submitted to the Community Development Department prior to the issuance of a certificate of occupancy.

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§ 180-48. Amendments; variances and rezoning [Amended 3-7-00, Ord. 00-04; 7-8-03, Ord. 03-12; 10-12-04, Ord. 04-16].

A. Amendments.

1. Requirements for change. Whenever the public necessity, safety, general welfare or good zoning practice justifies such action and after consideration and recommendation by the Planning Commission, as provided herein, the Council may change zone district boundaries, use groups or the regulations established by this chapter after a public hearing for which public notice is given.
2. Initiation of change. A proposed change of zone district boundaries or regulations may be initiated by the Council, the Planning Commission or by application of one (1) or more of the owners of property within the area requested to be changed .
3. Area required. Changes in the Zoning District Planning Map of the Town of Frisco involving any zoning district requires a minimum of 20,000 square feet or 42,000 one (1) acre in area for consideration, unless the area requested for rezoning abuts an existing zone district of the same general classification as that being requested on all or part of one (1) side. **[Amended 12-17-96, Ord. 96-27]**
4. Written statement. All requests for changes in the Zoning District Planning Map of the Town of Frisco must include a written statement outlining the reasons and intent of such a change. **[Amended 12-17-96, Ord. 96-27]**.
5. Fees and expenses. All requests for changes in the Zoning Ordinance or the Zoning District Planning Map of the Town of Frisco, except as initiated by the Council or Planning Commission, shall be accompanied by a minimum fee of one hundred dollars (\$100.), together with such other costs as are determined by the town to be reasonable.**[Amended 12-17-96, Ord. 96-27]**
6. Hearing and recommendation. The Planning Commission shall recommend approval or disapproval, either in whole or in part, of a change initiated by an owner or owners of property within the area requested to be rezoned. Recommendations for such changes shall be presented to the Council and an ordinance embodying such changes in whole or in part may be adopted by the Council after public hearing, public notice of which is given. In the event of adoption by the Council of such changes in part, if such partial adoption has not been recommended as such by the Planning Commission, a favorable vote of at least three-fourths (3/4) of the members of the entire membership of the Council shall be necessary.
7. Protest against change. In case of a protest against changes in regulations or restrictions or changes in the zone district applicable to particular land,

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which protest is filed with the Town Clerk at least twenty-four (24) hours prior to the Council's vote on the change and is signed by the owners of twenty percent (20%) or more of the area of land extending a radius of one hundred (100) feet from the land which is subject to the proposed change, disregarding intervening public streets and alleys, such changes shall not become effective except by the favorable vote of two-thirds (2/3) of all the members of the Council.

B. Rezoning procedures. **[Amended 7-8-03, Ord. 03-12]**

1. Application Materials. All requests for rezoning shall be upon written application fifteen (15) copies addressed to the Planning Commission and Town Council, and shall contain the following information:
 - a) The names and addresses of the owners of the property.
 - b) A legal description of the property.
 - c) The names and addresses of all adjacent property owners within a radius of three hundred (300) feet of the property requesting the rezoning.
 - d) A detailed explanation of the request for rezoning, including all reasons for the request
 - e) Supporting documents and maps.
2. Rezoning Criteria. For the purpose of establishing and maintaining sound, stable, and desirable development within the Town, the applicant for rezoning shall establish that at least one of the following criteria is met:
 - a) The land to be rezoned was initially zoned in error or the rezoning is of a technical or corrective nature in order to conform zone district boundaries with lot lines;
 - b) Because of changed or changing conditions in a particular area or in the Town generally, it is in the public interest and reasonably necessary in promotion of the public health, safety or welfare to rezone a property to encourage development or redevelopment;
 - c) The rezoning is necessary to conform to the Town of Frisco Master Plan; or
 - d) The rezoning is necessary to provide land for a community related use that was not anticipated at the time of adoption of the Town of Frisco Master Plan, but which use is generally consistent with the policies and goals of said plan, is in the public interest, and is

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reasonably necessary in promotion of the public health, safety, or welfare.

3. Review Process. The application for rezoning shall be filed with the Community Development Department together with the payment of the associated fee to cover the cost of processing the application, publication and postage.
 - a) A complete application containing all of the application information shall be furnished to the Community Development Department not less than fifty-two (52) days prior to an upcoming Planning Commission meeting on which the application is targeted for scheduling. Within this time frame the Community Development Department shall have ~~threetwo~~ working days to determine if the application has the items necessary for review and shall notify the applicant. The applicant shall within ~~threewe~~ working days supply the department with any items noted as missing from the submittal. If the necessary information has been provided within this period, the application is considered complete. **[Amended 10-12-04, Ord. 04- 16]**
 - b) All complete applications will be placed on a Planning Commission meeting agenda for the preliminary public hearing on a first come, first served basis. Such scheduling of applications is subject to change if an application is defined on the basis of deficiency as stated herein. Rezoning applications shall be subject to the noticing procedures outlined in Section 180-46.E.
 - c) At the preliminary public hearing the Commission shall consider said application, hear comments and objections, and request additional information or make preliminary recommendations and shall set the matter for a final public hearing. Such final public hearing shall be set for at a meeting of the Commission based on whether additional information is necessary, a complete final application, and timing to ensure proper legal noticing requirements can be met. ~~the next regular meeting of the Commission.~~
 - d) At the final public hearing, the Planning Commission shall consider all submitted data, comments and objections and shall either continue the matter for further information and study for not more than thirty (30) days or shall render its decision to the Town Council and the applicant, recommending approval, disapproval or conditional approval of the application, ~~and advise all persons present of the date when the matter shall appear on the agenda of the Town Council.~~

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- e) Upon receiving the recommendation of the Planning Commission, a rezoning ordinance shall be prepared for consideration by the Town Council, and scheduled for public hearing before the Council subject to the noticing procedures specified in Section 180-46.E. Town Council shall approve, conditionally approve, or deny the application for rezoning.
- f) No request for a rezoning shall be reconsidered by the Planning Commission or Town Council until the expiration of six (6) months or a substantial change of circumstances shall have first occurred.
- g) Upon approval of any request for rezoning, the Community Development Department shall forthwith note the amendment of the official Zoning Map of the Town of Frisco, keep appropriate records thereof and notify the Clerk and Recorder of Summit County of said amendment of the official Zoning Map.

C. Power to authorize variances.

1. In establishing the provisions of this part, the Planning Commission hereby finds and determines that there may be exceptional or extraordinary circumstances or conditions which are applicable to properties within the Town that do not generally apply to the property, and such that denial of an application for relief would result in an inability to reasonably utilize property. Therefore, it is necessary to provide for such extraordinary relief in the form of variances. In reviewing such applications for variances, the burden shall be upon the applicant to meet the criteria set forth in this part.
2. Non-Use Variances. Authorization. Subject to the requirements of this part and this Zoning Code, Non-Use Variances are hereby authorized.
3. Due diligence. An applicant for a variance must prove that due diligence was exercised by the applicant before the condition giving rise to the request for a variance occurred. Due diligence shall require a persistent and reasonable inquiry to investigate relevant and applicable facts through both personal and professional actions required of any reasonably prudent person acting as a fiduciary exercising professional judgment and common sense. If an applicant fails to exercise due diligence in discovering, preventing or attempting to remedy a non-conforming condition the request for a variance shall be denied.
4. Criteria for Granting a Non-Use Variance. The variance application shall be reviewed on its own merits and Planning Commission shall not approve the variance unless all of the following criteria are met: **[Amended 12-17-96, Ord. 96-27]**
 - a) The property has extraordinary or exceptional physical conditions that do not generally exist in nearby properties in the same zoning district; and

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- b) That the extraordinary or exceptional physical condition of the property will not allow reasonable use of the property in its current zone in the absence of relief; and
 - c) That the granting of the variance will not have an adverse impact on the surrounding properties, the neighborhood, or the community as a whole; ~~and~~
 - d) The granting of a variance will not be detrimental to public health, safety and welfare or injurious to surrounding property values and neighborhood character; ~~and~~
 - e) The granting of the variance shall not be substantially inconsistent with any plans adopted by the Town; ~~and~~
 - f) The granting of the variance shall not materially weaken the general purpose of the Zoning Ordinance or its regulations; ~~and~~
 - g) The variance, if granted, shall only be to the extent necessary to afford a reasonable use of the property.
- (5) No variance authorizing a change in the permitted uses of property shall be granted.

(6) Application.

An application for a Non-Use Variance shall be filed with the Community Development Department with the appropriate fee. No other applications may be submitted concurrently with a variance application. An applicant must have received approval of a non-use variance prior to submitting any development application or any other related application. Additional application materials may be required at the discretion of the Community Development Department as needed to clarify the variance request. **[Amended 12-17-96, Ord. 96-27]**

(7) Hearings and notice.

The application for a Non-Use Variance shall be reviewed by the Planning Commission. Provisions for a public hearing, notice and appeals of a Planning Commission decision shall be in accordance with Section 180-46 of the Town Code. A complete application containing all of the applicable information shall be presented not less than fifty-two (52) days prior to the regular Planning Commission meeting at which it will be heard. The Community Development Department may, at its discretion and for good cause, require a longer submittal period. The applicant must contact the Community Development Department for further information on the application submittal process. **[Amended 10-12-04, Ord. 04-16]**

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(8) Conditions of approval.

Special conditions may be imposed upon any variance approval in order to alleviate or mitigate potential adverse impacts. Conditions must relate to the property and/or vehicle and may relate to specific persons or organizations which have a direct association with the use of the property as contemplated by the requested variance. Every variance authorized hereunder shall be transferable and shall run with the land.

(9) Expiration and termination of right.

A Non-Use Variance, together with the accompanying site or development plan granted pursuant to this Section shall expire within two years from the date of final approval if action has not been taken within said time. This time may be extended with the approval of the Planning Commission or Town Council, if the petitioner can show due cause. For purposes of this Subsection, action means obtaining a building permit or other applicable Town permit/license pursuant to the granting of the variance, or if a permit or license is not required, the right that is granted pursuant to the variance is put to use.