



RECORD OF PROCEEDINGS

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**MINUTES**

**Meeting of the Planning Commission for the Town of Frisco  
Town Hall, 1 East Main Street  
Thursday, July 13, 2017 at 5:00 P.M.**

**Call to Order:** Andy Stabile, Co-Chair

**Roll Call:** Brian Birenbach, Jason Lederer, Melissa Sherburne, Donna Skupien, Andy Stabile, Steve Wahl, Kelsey Withrow

**Absent:** Brian Birenbach, Melissa Sherburne

**Minutes:** Previous Planning Commission meeting minutes from May 11, May 18, June 1, and June 22, 2017 were approved.

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

**Agenda Items:**

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

Commissioner Lederer moved to table the hearing at the request of the Applicant (not present) to August 8, 2017. Commissioner Skupien second.

**Planning File No. 054-17-DA/RZ:** A public hearing for a Development Application of the proposed Deming Crossing multi-family residential project and a final public hearing for the rezoning of the subject property to Historic Overlay District. The property is located at 112 North 5<sup>th</sup> Avenue / South half of Lots 13-16, Block 4, Frisco Townsite. Applicant: James Haass, Frisco Foray LLC, represented by Seidel Design Group

Community Development Director, Joyce Allgaier, presented noting the Development Application included updates from the Sketch Plan application that addressed previous Commissioner comments. This hearing also included a preliminary plat hearing for the proposed townhomes and a final public hearing for Historic Overlay District (HO) rezoning. Ms. Allgaier utilized a Power Point to give an overview of the project which proposed four townhouses; one three-bedroom unit, two two-bedrooms units, and one one-bedroom unit, with a total of eight parking spaces. One of these units used a density bonus for which a waiver of the deed-restricted requirement was requested. The Deming Cabin would be preserved and Unit 1 will be connected to the historic structure with a breezeway. The front property line was identified as 5<sup>th</sup> Avenue for the purposes of zoning measurements. The criteria for HO rezoning and how the project met these criteria and the requested waivers were outlined (the

waivers included the bulkplane of Units 1-4, setbacks, and the ten foot ceiling height requirement, the third floor stepback, setbacks on the decks for Units 1 and 3, and the indoor parking encroachment). Additional HO standards and possible Commission actions were reviewed.

**Commissioner questions to Staff included:**

- Clarification of parking space regulations and allowed encroachments,
- If the proposed sidewalk was located on the property or in the right-of-way (It was determined that no sidewalk was proposed.),
- If the proposed fence was located on the property or in the right-of-way and clarification on who would maintain it. (Maintained by owner, a license agreement with town is required.), and
- Inquiry on the change of number of proposed bedrooms.

The Applicant, Jamie Haas presented noting that the originally proposed two buildings in the front of the project had been redesigned into one building to better comply with the Building and Fire Departments requests. A ten foot drainage easement was created between the north and south lots.

Staff clarified the Commissioner question regarding the parking encroachment in that the Code required an eight-foot height clearance over parking spaces but allowances could be granted for certain uses such as lighting, etc.

Stephen Seidel from the Seidel Design Group expounded on the intention behind the design and the requested waivers which included a parking encroachment to allow a staircase over the indoor parking space, a deck extension, bulkplane encroachments on Units 3 and 4, and alleviating a third floor setback to preserve the integrity of the design.

**Questions and clarifications for the Applicant included:**

- Stormwater clarifications to see if the proposed berm could be converted into a swail to convert rather than divert runoff
- If any soil amendments were planned
- Elaboration of the construction plan as it involved the Deming Cabin
- In converting the two buildings into one, a long wall façade was created; is there a way to break up the façade, perhaps even a siding transition? The stair tower presents a larger mass, could windows be added to help break up the design?

**Public comments**

One public comment expressed favor for the project.

**Final Commissioner discussion and comments:**

- Discussion circled around the waiver request of extending the alley deck, previous deed restriction conversations, bulkplane encroachments, and a general consensus that the materials do need to be changed.
- Excitement was expressed for the project and appreciation shown for the preservation of the historic cabin and the Applicant's participation in discussions with the Commission
- Dislike for the location of the front door for Unit 1 being on the alley though landscaping helps
- Reiteration that drainage can be a critical component to projects
- General dislike for the bulkplane encroachments but willingness to allow the waiver

Staff noted the addition of special conditions of approval based on Commission discussing which included a 1.) siding transition on the wall between Units 1 and 2 and on the wall of Unit 2 and the addition of windows on the stairwell, 2.) to engage the town engineer to seek best management practices for storm water, and 3.) for the Applicant to obtain a license agreement for the proposed fence in the public right of way and for the fence to be complementary to the historic structure.

WITH RESPECT TO PLANNING FILE NO. 054-17-DA/RZ, COMMISSIONER WAHL MOVED THAT THE RECOMMENDED FINDINGS SET FORTH IN THE JULY 13, 2017, STAFF REPORT BE MADE AND THAT THE RECOMMENDED CONDITIONS SET FORTH THEREIN BE TAKEN AND THAT THE PLANNING COMMISSION HEREBY APPROVES THE DEVELOPMENT APPLICATION FOR A PROPOSED THE DEMING CROSSING MULTI-FAMILY PROJECT LOCATED AT 112 NORTH 5TH AVENUE/SOUTH HALF OF LOTS 13-16, BLOCK 4, FRISCO TOWNSITE. COMMISSIONER WAHL ALSO MOVED THAT THE PLANNING COMMISSION RECOMMENDS APPROVAL OF A REZONING OF 112 NORTH 5TH AVENUE/SOUTH HALF OF LOTS 13-16, BLOCK 4, FRISCO TOWNSITE TO THE HISTORIC OVERLAY DISTRICT. COMMISSIONER WAHL ALSO MOVED TO APPROVE THE PRELIMINARY PLAT APPLICATION. COMMISSIONER LEDERER SECOND.

**VOTE:**

BIRENBACH	ABSENT
LEDERER	YEA
SHERBURNE	ABSENT
SKUPIEN	YEA
STABILE	YEA
WAHL	YEA
WITHROW	YEA

***MOTION CARRIED***

**Planning File No. 079-17-SK/RZ:** A sketch plan review of a proposed new mixed-use project and a preliminary public hearing for the rezoning of the subject property with a Historic Overlay District, located at 502, 510, 512, and 518 East Main Street and 107 South 6th Avenue / Lots 1-12, Block 11, Frisco Townsite. Applicant: Nathaniel Kelly Foote, 512 Main Street, LLC

Community Development Assistant Director Bill Gibson noted the Commission would be hearing both a sketch plan application for this mixed-use project in addition to holding a preliminary hearing of the proposed rezoning to the Historic Overlay District (HO). Mr. Gibson also presented a high level overview of the project and noted the purchase sales agreement for the property previously reached with the Town Council that outlined future project design requirements. If the Commission recommended changes to the proposal that affect this agreement, the Applicant would have to re-approach the Council for an amendment to the purchase sales agreement should they choose to pursue the requested changes. Mr. Gibson outlined the project design which included a below-grade bowling alley, venue space and parking garage, the ground level containing a restaurant/bar, hotel lobby, retail space and courtyard, and employee housing was proposed that would not be deed restricted but would require the tenants to work on the property as outlined in the purchase sales agreement. The hotel would have a rooftop deck with a swimming pool. The project appears to be eligible for the HO rezoning request and requested waivers included relief from the third floor façade set back, façade lengths, bulkplane, roof design, a reduction in the minimum driveway width, and reducing the required number of off street parking spaces.

**Commissioner questions to Staff included:**

- If there were any contingencies on the sales contract that relate to this application process
- If Staff thought any of the historic overlay waiver requests would negatively impact neighboring properties
- Clarification of the purchase of development rights in the Town Code
- How the waiver request of the on-street parking worked in conjunction with the town right-of-way
- Clarification on the employee housing units and the proposed tenant selection plan if the units couldn't be filled by employees
- If the underground lot is full where would the additional hotel patrons park?

- Clarification of the requirement for an elevated balcony in the purchase sales agreement
- It appeared that Cabins 1 and 2 were contractually required to stay in place but the sketch plan proposed moving them; what is the process to bring the contract and proposal into agreement?

The project team which included Norris Design, owner Kelly Foote, Rowland and Broughton Architecture, and the Bendon Adams firm (with an expertise in historic preservation) gave a Power Point presentation. Owner Kelly Foote briefly outlined the history of the property and introduced the project team. Mr. Foote also outlined project goals and how the proposal fit with and complimented the surrounding neighborhood. Following Mr. Foote, the project team elaborated on the historical preservation strategy, the overall and specific architectural design of the project, and the proposed parking plan. Third floor setback encroachments were described in addition to façade lengths in relation to required breaks and requested waivers concerning the roof pitch and bulkplane encroachments were described in more detail.

**Questions and clarifications for the Applicant included:**

- What are the proposed uses for the historic structures?
- Are the sidewalks and the hotel rooftop going to be heated?
- What does the drive-thru black smith shop connect?
- Will customers have access to valet-parked cars in the underground parking once it is parked?
- Is the proposed outdoor space going to be shared with restaurant patrons?
- If there was a possibility to break up the façade on the alley
- The possibility of installing additional parking spaces into the currently undesignated, underground space
- Will the employee units be designed to have kitchens?
- Clarification on third floor step-back request
- Inquiry for the reason behind choosing to put in a bowling alley and if it would be accessible to the public as well as hotel guests
- There are only two accessible spaces in the underground parking; is that enough or is that not an issue with valet service?
- Where the residential parking is located and clarification of locations of access to employee units
- How the final number of employee units was decided
- If there was a plan for the Counihan house
- If the undesignated underground space was utilized, could any of the trees above be saved?
- If the corner on 5<sup>th</sup> Avenue could be altered to mimic the other corners for improved architectural interest
- What is the rain screen material and how well does it weather?
- Is the elevator overrun on the roof driving the roof design and are there other elevators available requiring less of an overrun? Is the roof above as low as it can be?
- If any thought had been lended to utilizing renewable energy for the roof deck pool, heated sidewalks and roof
- If the inside walls of the Staley rouse House could be preserved without adding drywall
- Would the hotel ownership remain within Foote operation or will it become an out of town hotel chain?
- Location of service entrances
- If the courtyard design was entirely hardscape or if there were any permeable spaces
- Is the outdoor space going to be used for the restaurant’s dining space in addition to public use?

Staff requested clarification of intended structural changes to the Staley Rouse House and of the dimensions of the space between the cabins and the entrance from Main Street into the courtyard.

**Public comments**

Public comments generally expressed favor for the project and its likely ability to attract people to Frisco with the energizing and active space. Appreciation was shown for the owner’s commitment to preserve the historical integrity of the site.

A recurring concern with parking was strongly expressed, principally regarding public access on Main Street as well as the lack of spaces for daily employee parking. Conversely, a member of the public was not concerned with parking as in their professional experience, many hotel guests utilize shuttles and the percentages of times at which the hotel will be at full occupancy are minimal.

Architectural concerns were raised regarding the architectural feature on the roof and the bold corner on 5<sup>th</sup> Avenue and its lack of landscaping. A request to consider a more welcoming angle on this corner to complement the west entrance was made.

Additional concerns included the noise increase with the roof top deck, planning for cyclist safety, what a future plan would be for the bowling alley if the activity became less popular, and the cramped historical buildings which would also detract from the Staley Rouse House's prominence.

#### **Final Commissioner discussion and comments:**

- General consensus was favor for the project and that it was impressive
- Commended the owner's effort to preserve the historic buildings and for revitalizing the underutilized lot and integrating it into the neighborhood
- Appreciation for keeping Foote's Rest and noted it was important to not alter it
- Many concerns with parking were expressed which included:
  - Immediate concerns with the lack of availability on site for daytime visitors
  - A larger scale parking plan for the Town needs to be addressed
  - Noting that all of the parking requirements could fit under ground with the absence of the bowling alley
  - Valet parking for a boutique hotel may not be as feasible
  - Zip cars at the hotel could be a solution
  - would like to have a concrete answer as to satellite parking options
- The 5<sup>th</sup> Avenue corner had the following concerns:
  - Needs more thought, perhaps along the lines of a peaked roof though that may compete too much with the natural peaks
  - The corner on 6<sup>th</sup> is okay as architectural relief
  - The corner, as well as the building, is a bit too close to contemporary architecture and a more Main Street feel would be appreciated
- A shadow study was requested
- Favor for the historic park but would like to see it incorporated more with the plaza
- Favor for the rooftop deck
- Would like to see the trees stay on 5<sup>th</sup> and Main
- Though preference was to keep the Staley Rouse House in its existing location, the new place is okay
- Concern the hotel could be sold to a big chain
- Asked to consider using the black smith shop as a commercial space rather than a drive-thru
- Suggestion to have small gourmet food shops in the cabins
- Would like to push renewable sources options
- Would appreciate having the elevator core come down

#### **Staff and Commissioner Updates:**

- Staff asked how many Commissioners would like a physical code book
- Ms. Allgaier will be taking a vacation with Mr. Gibson taking the lead in her absence
- Upcoming agendas will be fuller as the majority of staff's concentration up until now has been focused on completing the code update

**Adjournment:**

There being no further business, the meeting adjourned at 8:37 p.m.

Respectfully submitted,

Sarah Hoffman  
Community Development Department