



**PLANNING COMMISSION  
STAFF REPORT**

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July 13, 2017

AGENDA ITEM: Planning File 054-17-DA/SD/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, and preliminary townhouse plat.

LOCATION: 112 North 5<sup>th</sup> Avenue/South half of Lots 13-16, Block 4, Frisco Townsite

ZONING: Central Core District/Granite Street and Galena Street Overlay District

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NOTICING: Published in the Summit Daily – 7/7/17  
Mailed to adjacent property owners – 6/29/17  
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**PROJECT DESCRIPTION**

The applicant is proposing to construct a new multi-family residential project of four (4) townhouse units to be called, Deming Crossing. The development project requires approval through a development application and subdivision for the creation of townhomes.

In conjunction with the development application for this project, the applicant is requesting designation of the property with the Historic Overlay (HO) District. This process is considered a rezoning and requires two (2) public hearings with the Planning Commission as well as public hearings and final action by the Town Council. The HO provisions of the zoning code serve as an incentive to applicants by offering possible waivers of some development standards as a way to encourage the preservation of historic buildings on the site.

The subject development site is approximately 7,000 square feet in size with very little topographic variation across the site. On the property is located what is known as “The Deming Cabin”. The small (approximately 340 sq. ft.) historic cabin was believed to have been built in the 1930’s and is uniquely constructed of treated telephone pole logs. The Deming Cabin is noted on the town’s list of historically significant buildings. (This list was originally created by the Frisco Historical Society, and is kept and used by the Frisco Historic Park, in making determinations about acquisitions.) Attachment A is an informational sheet about both the ‘Deming Cabin Architectural History’ and ‘Deming Family History’. (This sheet was prepared by Simone Belz, Manager, Frisco Historic Park and Museum.) The Demings were prominent and interesting people in the town of Frisco and it is fortunate that the cabin still stands today.

The proposed Deming Crossing project entails:

- Four (4) residential units in two (2) separate buildings:
  - Unit 1 – a two (2) bedroom unit in a building with Unit 2 (west side of property)
  - Unit 2 – a three (3) bedroom unit in a building with Unit 1
  - Units 3 – two (2) bedroom unit in a building shared with Unit 4 (east side of property)
  - Unit 4 – one (1) bedroom unit in a building shared with Unit 3 (10 total bedrooms in the project)
- A maximum 39.84 ft. building height is shown where 40 feet is allowed for a pitched roof, (buildings are mostly three (3) stories above grade, with the entry ways and Deming cabin shown at one story).
- Four (4) residential dwelling units
  - Three (3) units permitted by right (16 units per acre @ .16 acre site)
  - One (1) density bonus unit requested (see list of waiver requests below)
- Eight (8) parking spaces are proposed, where 8 spaces are required based on the number of bedrooms. There is a shared driveway court with access from Galena Street Alley with a 24 foot wide circulation area.
- Lot coverage is not a required development standard in the CC Zone District.
- Exterior building materials include: wood siding, corrugated metal siding, stone veneer, wood deck railing with wire slats, and standing seam metal roofing. The exterior of the Deming Cabin would need to be restored in accordance with the US Secretary of the Interior’s Standards for Rehabilitation.

The Deming Crossing was reviewed by the Planning Commission at its sketch plan stage on February 2, 2017, and a preliminary public hearing was conducted for the HO rezoning at the same meeting. A subdivision process for the creation of townhomes is also required.

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

## BACKGROUND

The subject development site is composed of the southern one-half of four (4) original Frisco Townsite lots. The lots were resubdivided in an east-west direction to create the two existing properties. There is a “twin” Deming cabin located to the north of the subject property on the northern one-half of the four (4) original Frisco Townsite lots.

The subject property includes the Deming Cabin and another historic outbuilding. Otherwise, the subject parcel is vacant. Over the years public parking has encroached on the private property especially along the Galena Street Alley frontage. The property has frontage on both the Galena Street Alley and North 5<sup>th</sup> Avenue. Adequate access is available to serve the 4 units with one shared driveway from the alley. Galena Street Alley has a 40 foot wide right-of-way and North 5<sup>th</sup> Avenue has a 75 foot wide right-of-way.

Sewer and water utilities are available in the adjacent rights-of-way and the civil plans shows how the new development would be served with these utilities.

Below is a vicinity map of the subject property. The location of the property lines shown on this map vary in accuracy and should only be used for reference purposes. Also included for reference are photographs of the subject property.



Vicinity map





Deming Cabin - View from the west



Deming Cabin - View from the southwest

## REQUIRED ACTION

Planning Commission: Approval, approval with conditions, or denial of the proposed development application and preliminary plat. A recommendation to Town Council of approval, approval with conditions, or denial of the proposed rezoning.

Town Council: Approval, approval with conditions, or denial of the proposed rezoning.

## ANALYSIS - FRISCO COMMUNITY PLAN

The following elements of the Frisco Community Plan are applicable to the review of this application:

### 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 (excerpt)

*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 1. Preserve and enhance the Town’s historic resources.
- A&C 2. Enhance Frisco as a cohesive community, which includes fulltime residents, second homeowners, businesses and visitors.
- A&C 5. Celebrate and highlight Frisco’s heritage

**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 2. Ensure the design of Frisco’s public spaces, streets and pathways reflect Frisco’s mountain town character.
- BE 3. Preserve and enhance the Main Street area as the heart of the community.
- BE 5. Promote attractive and safe connections between all areas and sections of the town.

**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.

The proposed application appears to further the quality of life statements above. The application conforms to the recommendations of the Frisco Community Plan.

**ANALYSIS – CENTRAL CORE (CC) ZONE DISTRICT [§180-17]**

**Purpose:** The purpose of the CC District is as follows:

*To promote the development of Frisco's Main Street commercial district for retail, restaurant, service, commercial, recreational, institutional and residential uses, and to enhance the visual character, scale and vitality of the central core.*

**Permitted and Conditional Uses:** Residential uses are permitted in this zone district. The application meets this requirement.

**Lot Area:** The minimum lot area in this zone district is 3,500 sq.ft. The existing site is approximately 7,000 sq.ft. in size. The application meets this requirement.

**Lot Frontage:** No minimum requirement. This standard does not apply to this application.

**Setbacks:** The subject property is located along 5<sup>th</sup> Avenue and the Galena Street Alley. The minimum required setbacks and proposed the setbacks for this property are as follows:

	Minimum Setback	Proposed Setback	Step-back
Front Yard (N. 5 <sup>th</sup> Ave. line)	5 feet	1" (cabin)	
Side Yard (north line)	5 feet	5'4"	
Side Yard (Alley line)	3 feet	1 ft. (unit 3)	10' req., proposing 3 feet from deck, 5 feet from building
Rear Yard (east line)	5 feet	5'10"	

The application meets this standard if the requested HO incentives are approved.

**Building Height:** The maximum building height is 40 feet for pitched roofs and 35 feet for flat roofs in this zone district. The proposed pitched roof is approximately thirty-nine (39) feet in height. The application meets this standard. An Improvement location certificate will need to be filed at an appropriate time to confirm compliance with the height requirement.

**Lot Coverage:** For one or two unit residential units on Galena Street, the maximum lot coverage shall not exceed 55%. There is no maximum lot coverage requirement for other types of projects. This is a multi-family not located on Galena Street, so this standard does not apply to this application.

**Density:** The subject property is allowed three (3) units based on the underlying zoning and lot size. One (1) additional unit of density (unrestricted as to affordability) is being requested as part of the HO incentive program. The application meets this standard if the requested HO incentives are approved.

**ANALYSIS – HISTORIC OVERLAY DISTRICT REZONING [§180-18.2]**

The purpose of the Historic Overlay (HO) District is to preserve and promote Frisco’s historical heritage. The HO designation is not a requirement for historical properties, but 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.

The review process for a proposed HO rezoning is as follows:

1. Owner requests and makes application for an HO rezoning.
2. Standard rezoning procedures are followed, except the HO review criteria are applied in lieu of the standard rezoning criteria.
3. Pursuant to Pursuant to §180-18.2-C, Frisco Town Code, the criteria for designating historical properties is as follows:
  - a. *That the structure(s) be at least fifty (50) years old;*

Staff comment: The cabin was built in the 1930. The application meets this standard.

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

Staff comment: See the Deming Cabin Infosheet prepared by Simone Belz. The Deming family had a lively history in the Town of Frisco. The building is unique as it was constructed of telephone poles from the Ten Mile Canyon. The application meets this standard.

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 or design.*

Staff comment: As it exists on the lot, the Deming cabin is very much in its original design and the building's design integrity is very much intact. Roof materials have changed over time. The application meets this standard.

4. Preliminary and final public hearings are held before the Planning Commission, and then the Planning Commission makes a recommendation to the Town Council.
5. Town Council holds public hearings on the first and second reading of an ordinance to rezone the property to HO.
6. Following designation as HO, any future changes, alterations, and development must conform to the standards outlined in §180-18.2-F, Frisco Town Code.

Pursuant to §180-18.2-F, Frisco Town Code, the any addition, alteration, or rehabilitation of a historic structure must meet US Secretary of the Interior's Standards for Rehabilitation as follows:

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.*

Staff comment: The Deming Cabin will be preserved, although rotated on the site for better visibility from Main Street/5 Avenue. The front door will face the alley versus 5<sup>th</sup> Avenue. The structure will remain intact, and will be connected to the new building by a breezeway. This is a desired technique so that the historic resource will be minimally altered. Staff is pleased that all four corners of the structure, roof lines, and openings will remain intact.

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.*

Staff comment: The Deming Cabin door opening and window shapes will not be altered. The character of the cabin will remain in its historic form. Treatment of the logs, chinking, trim, door and window trim and frames are proposed to remain intact but where rot or other decline is shown, they will be replaced by the same material.

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.*



Staff comment: No falsification of another historic time period or alternative architectural style is proposed. The Deming Cabin should look like it does today in terms of style with improvements to the roof that reinforces a time period in history. The town's historic preservation consulted suggested a metal roof replacement vs. asphalt or wood shingles.

- d. *Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.*

Staff comment: Very little change has occurred to the Deming Cabin, with the exception of the door and roof materials. A professional recommendation has been made that the roof be taken back to a metal roof, likely a roof type that the cabin had in the early 1900's.

- e. *Distinctive features, finishes and construction techniques or examples of craftsmanship that characterize a property shall be preserved.*

Staff comment: No defining or distinctive characteristics of the Deming Cabin will be altered. The cabin is a simple design of log construction; the architectural style and construction technique will not be changed.

- 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.*

Staff comment: The applicant notes in their preservation submittal that any structural outside features of the building that require replacement or repair will be done so with materials that matches the old structure.

Pursuant to §180-18.2-F, Frisco Town Code, the applicant may request the use of incentives and the Planning Commission may allow for the use of some or all incentives (with a fewer number of criteria met justifying fewer incentives and a greater number of criteria justifying more incentives) based upon the following:

- a. *Protects and preserves the town's historic and cultural heritage by retaining and/or remodeling aspects of a historic building(s) such as, but not limited to, the facades being compatible with the character of the historic era;*

Staff comment: *Project can meet through the preservation of the cabin versus razing. The cabin will be brought up to preservation standards that will extend the life of the building.*

- b. *Increases economic and financial benefits by enhancing the property and making it more accessible and/or attractive for heritage tourism;*

Staff comment: *The building presently is on the historic walking tour of the Frisco Historic Park and Museum and will be able to continue to be a part of Frisco's heritage if preserved. Economic analysis and visitor surveys show that heritage tourism plays a significant role in the town's visitor economy.*

- c. *Provides educational opportunities to increase the public's awareness and appreciation of Frisco's unique heritage;*

Staff comment: *As noted above, the building will still be in place and can be used to raise awareness about the town's history and architecture. The building is quite representative of a time period in Frisco's history, representing thrift of materials, small structures, and modest finishes.*

- 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;*

Staff comment: *The building will be rehabilitated as required by the HO standards to conform to the Secretary of the Interior Standards. Equally important is that the cabin will be put to an adaptive reuse that will prolong the life of the structure through actual use, through upgrade of the heating and energy systems, insulation, and both exterior and interior remodeling.*

- e. *Retains some or all of the historic structure(s) on the original site.*

Staff comment: *The cabin will be retained on the site. At this time, the shed is not proposed for preservation.*

- f. *Structural or use changes that further the goals or objectives of the Frisco Master Plan;*

Staff comment: The application preserves a small, unique and notable historic resource that many people walk and drive by. The prominence of the cabin at the corner of the lot and visible from Main Street will allow for even greater observance. The development furthers the following goals of the Frisco Community Plan:

Arts & Culture:

- Preserve and enhance the Town's historic resources.
- Celebrate and highlight Frisco's heritage

Built Environment:

- Encourage eclectic and sustainable designs for new construction and redevelopment to enhance the community's character.
- Preserve and enhance the Main Street area as the heart of the community.

Energy:

- Encourage the use of recycled materials, renewable energy sources and the use of green and energy efficient building practices.

Economy:

- Encourage and direct economic growth.

- g. *Brings new development/redevelopment on the site that allows for the preservation of historic resources on the site that would not likely occur without the development.*

Staff comment: The Frisco Town Code does not preclude property owners from demolishing historically significant buildings. This applicant has the right to raze this resource. It is very likely that the reason the resource can be preserved is because of the economics of the new development, coupled with the incentives of the HO. The HO

District is intended to encourage historic preservation while also allowing property owners the opportunity to take advantage of the underlying zoning and development opportunity.

Pursuant to §180-18.2-F, Frisco Town Code, the applicant may request relief from the underlying zone district standards, the architectural overlay district requirements, and the general development standards of the zoning ordinance. The application materials identify the proposed incentives being requested. In summary, waivers and/or modifications from the following requirements are being requested as shown on the application submittal, entitled, Deming Cabin Waiver Summary.

All of the waivers requested fall within the categories allowed by the HO district. Height increases are not allowed.

### **ANALYSIS – GRANITE STREET AND GALENA STREET OVERLAY DISTRICT [§180-18.3]**

**Purpose:** The purpose for the section of the Zoning Ordinance is as follows:

*The purpose of the Granite and Galena Street Overlay District is to promote and enhance important neighborhood qualities by requiring base standards and providing incentives to achieve desired attributes. The standards relate to the scale, mass, architecture and overall design character of development.*

A purpose statement describes why the standards within a section of the Zoning Ordinance were established. A purpose statement is not a standard in and of itself. The application meets the standards prescribed by this section of the Zoning Ordinance and is therefore in conformance with this purpose statement.

**Applicability:** The provisions of this overlay apply to the development of any property within the Overlay Zone as indicated on the Town of Frisco Zoning District Map. This property is within the Granite Street and Galena Street Overlay District as identified on the Town of Frisco Zoning District Map.

**Primary Goals for The Overlay District:** The goal of the overlay district is as follows:

*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 neighborhoods. Coupled with these basic standards are incentives to encourage certain architectural elements that will further preserve and strengthen the architectural and neighborhood character of the area. 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 neighborhood.*

The proposed development includes a building design that is unique to this project but that is also reflective of the architectural elements and styling of other buildings in Frisco. Heights are not dissimilar to other buildings in the general area. The application is consistent with this goal.

**Development Goals and Standards:**

Pursuant to §180-49.1, Word Usage and Mathematical Calculations, Frisco Town Code (in part): *“When used in this chapter, certain words shall be interpreted as follows: ...the word ‘shall’ is mandatory, and the word ‘may’ is permissive.”*

**GOAL #1:** *Structures should be compatible with existing neighborhood structures, their surroundings and with Frisco's "Small Mountain Town" character whenever possible. The existing landforms and historic structures (As noted in the 1991 Historic Resource Inventory for the Town) on a site should be preserved onsite whenever possible and reinforced by development rather than destroyed or replaced by it.*

*It should not be inferred that buildings must look like the existing structures within the neighborhood 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.*

The proposed building appears to be compatible with the existing neighborhood and consistent with Frisco's small mountain town character. As noted above, the proposed development includes building designs that are unique to this project but that are also reflective of the architectural elements and styling of other buildings in Frisco. The proposed scale, design, proportions, site planning, landscaping, materials and colors are in compliance with the standards of this section. The application is consistent with this goal.

***Standard #1.1:*** *Buildings shall be designed in a manner that is fitting with Frisco's small mountain town character and:*

- Provides significant variation in all the wall planes*
- Provides significant variation in all the roof lines and roof forms*
- Provides projecting elements (e.g. turrets, bay windows, decks, etc.)*

The proposed application incorporates variations in wall planes, roof lines, roof forms, and provides street-facing window elements and projecting elements including decks. The applicant has incorporated Colorado vernacular architecture to fit into Frisco's small mountain town character. The application meets this standard.

***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 utilized the eaves may be less than 24 inches deep in some locations.*

The proposed buildings have a variety of pitched roof forms and elements with roof eave depths between (1) and three (3) feet. Architectural drawings show a variety of building elements incorporating the eaves and overhangs to replicate Colorado vernacular architecture. The application meets this standard.

**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 located further away from the street.*

The proposed building incorporates a variety of architectural elements including decks, second story roof projections and other similar features along with doors, windows, exterior materials

changes, and other detailing to relieve the feeling of mass from the street. The application is consistent with this goal.

**Standard #2.1:** *Building façades and roof fascia/eaves shall not exceed 27 feet in length along the same geometric plane, at which time the wall facade shall be broken up by a change in the plane by a minimum of 2 feet in depth for a distance of not less than 6 feet, and the corresponding roof fascia/eave shall either be indented or projected from the primary geometric plane by a minimum of 2 feet. All building facades with a total length of 33 feet or less are exempt from this provision. For buildings that exceed 54 feet in length the change in wall relief shall be increased to a minimum of 4 feet in depth. Upon approval by the Planning Commission the dimension of 27 feet for the length of a building wall façade which necessitates a building façade break and roof fascia/eave change may be extended as much as five (5) feet for a total of not more than 32 feet along the same geometric plane, upon a finding that the design furthers the intent of this section.*

The facades of the proposed building have changes in wall relief that allow the project to meet this standard.

**Standard #2.2:** *No building facade or roof fascia/eave shall have more than 66% of the length of the wall or roof line along the same geometric plane, with the exception that buildings of less than 33 feet in width or length may have that wall and roof fascia/eave located on one geometric plane.*

There are no large expanses of roof or ridge lines over 66% of the length of the wall and/or roof line. The application meets this standard.

**Standard #2.3:** *The bulk of the building shall be restricted on any site lying within the underlying RH zoning district through the use of a bulk plane envelope. The bulk plane envelope for buildings that exceed 28 feet in height shall start from a point 20 feet above the existing grade measured 20 feet in from the street front property line, and 10 feet from a side property line, and from a point 24 feet above the existing grade measured in 10 feet from the rear property line, and extends at a forty-five (45) degree angle upward, and directly away from the property lines to a point where the envelope intersects with the maximum allowed height for the property (35'), at which point the bulk plane envelope and the maximum allowed height shall be the same. 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. Where a conflict exists between the allowed height along a front yard, and a side or rear yard, the more restrictive measurement shall govern.*

The subject property is located in the CC District. This standard does not apply to this application.

**Standard #2.4:** *The bulk of the building shall be restricted on all street and side yard facades, on any site located within the underlying CC zoning district through the use of a bulk plane envelope.*

*- The bulk plane envelope for buildings that do not exceed 28 feet in height shall start from a point 24 feet above the existing grade measured on the street property line(s) and side yard property line(s), and shall extend upward at a 45 degree angle toward the rear and opposite sides of the property until it intersects with the height (28'), at which point the bulk plane envelope and the maximum allowed height shall be the same. 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.*

***- The bulk plane envelope for buildings that exceed 28 feet in height shall start from a point 20 feet above the existing grade measured on the street property line(s) and side yard property line(s), and shall extend upward at a 45 degree angle toward the rear and opposite sides of the property until it intersects with the maximum allowed height (35' for a flat roof or 40' for a pitched roof), at which point the bulk plane envelope and the maximum allowed height shall be the same. 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.***

The proposed building encroaches into the bulk plane as noted on the proposed elevation drawings. Again, refer to the applicant's submittal Deming Cabin Waiver Summary. During the February 2, 2017 sketch plan work session, the Commission gave the applicant direction to proceed forward to the development application process with the minor bulk plane encroachments. Should the Planning Commission find that the encroachments provide substantial architectural relief and advance the intent of Goal #2, then the application meets this standard.

***GOAL #3:*** *Buildings should be constructed of materials that are compatible, or complementary to the existing historic, and/or contributing buildings in the area, and should contain a mixture or combination of natural materials, such as utilizing wood as the primary building material and stone, brick or other similar materials as accents or base material.*

The proposed exterior materials include horizontal wooden lap siding, metal, architectural shingles and stone veneer. These materials are compatible and complementary to other structures in the neighborhood and throughout Frisco. The various exterior siding materials generally wrap around the proposed buildings. The application is consistent with this goal.

***Standard #3.1:*** *Buildings materials shall be predominantly natural, including, but not limited to wood siding, wood shakes, logs, stone, brick or other similar materials. Other materials that imitate natural materials such as Masonite or other materials are also acceptable only if their texture, shape, and size are similar to the natural materials they are simulating, and are not obviously artificial materials.*

The proposed materials are mostly natural and are common to the neighborhood. The application meets this standard.

***Standard #3.2:*** *While not acceptable as the primary exterior materials for the majority of the building, stucco or steel are acceptable materials when used as an accent, or when used 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 allowed as the primary or extensive exterior finish, and when used as an accent shall be a split block, or other similarly shaped, textured, and colored materials that are found to be compatible with the building, and the goals of this chapter.*

This application does not involve the use of stucco or concrete block. The proposed exterior metal seems appropriate as an accent and to add variety to the building aesthetic. The application meets this standard.

**Standard #3.3:** *Aluminum, steel, mirrored or reflective glass and plastic exterior sidings which do not simulate natural materials (as noted in 3.1) shall not be permitted.*

All proposed materials simulate natural materials. This standard does not apply to this application.

**Standard #3.4:** *The same or similar building materials shall be used on main structures and any accessory structures located on the same site, unless an alternative design can be provided that will complement the project and which meets the remaining standards.*

There are no accessory structures proposed with this application. This standard does not apply to this application.

**Standard #3.5:** *A material board, including samples of all proposed exterior building and roofing materials shall be submitted and reviewed as a component of all applications.*

A material and color board was submitted with the application. The color and material samples are the same as those reviewed with the sketch plan. Page T-1.1 shows the proposed materials. The application meets this standard.

**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.*

This standard does not apply to this application.

**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.*

The application does not propose mirrored or reflective glass. The application meets this standard.

**GOAL #4:** *Roof elements, including materials and colors, should be of a design that is compatible with, or complementary to the historic or contributing roofs found in the neighborhood, and should provide pitched (sloped) roof elements, or facades with pitched element, which can be seen from public rights of ways and places.*

The roof of the Deming Cabin will be unaltered in terms of its shape. The proposed metal roof is an appropriate material given the historic time frame of the cabin. The roof elements are of a Colorado vernacular architecture design which complement historic roofs in the area and the neighborhood. Sloped roof elements are provided and can be seen from the public rights of ways. The application is consistent with this goal.

**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 facade 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.*

There are no proposed mansard roofs. A variety of pitched roof forms with dormers, shed roofs, and upper and lower accent roofs are proposed. The application meets this standard.

**Standard #4.2:** *Where pitched roofs are utilized, the use of dormers (shed, peaked, etc.) shall be used to help break up large expanses of roof, to enhance the usability of attic spaces, and to add architectural interest to the roofscape. Ridge lines shall change elevation by no less than two feet for every 27 feet of length, with the exception that buildings of 33 feet or less in length, as noted in section 2.1 are exempt from this provision (please reference sketches by Goal #2). Architectural elements which intersect with the ridge line may qualify as ridge line changes upon a finding that the design furthers the intent of this section.*

The roofs on the proposed buildings are very well broken up with various pitches, changes, and dormers. There are no large expanses of roof or ridge lines over twenty-seven (27) feet in length without dormers and intersecting primary roof elements adding architectural interest to the roofscape. The application meets this standard.

**Standard #4.3:** *Roof lines shall be designed in a manner where they do not substantially deposit snow onto required parking areas, sidewalks, trash storage areas, stairways, decks, balconies or entryways.*

The proposed roof forms generally deposit snow away from parking areas, sidewalks, trash storage areas, stairways, decks, balconies, and entryways. The need for snow guards, snow clips, snow fences, and other similar rooftop snow retention is evaluated by the Town of Frisco Building Department as part of the building permit application review process. The application meets this standard.

**Standard #4.4:** *If metal roofs are used they shall be surfaced with a low-gloss finish or capable of weathering to a dull finish in order to not be reflective.*

Asphalt shingles are proposed on the main buildings. The Deming Cabin will be restored with a metal roof and it is not clear what finish will be used. This should be clarified by the applicant in order to find compliance.

**Standard #4.5:** *Metal roofs shall have a standing seam or be of a design that provides relief to the roof surface. Asphalt and fiberglass shingles shall be permitted provided that they are of heavy material to provide substantial relief and shadow, and are of a design and color to be compatible with the building. Spanish/Mission style roofs and other similar roof materials are prohibited. Historic buildings, as noted in the Town's 1991 Historic Resource Inventory, may be permitted to utilize rolled asphalt roofing materials.*

The proposed and metal asphalt shingles appear to be compatible with the building. The application meets this standard.

**Standard #4.6:** *Bright colored roofs, which exceed a chroma of 4 on the Munsell Color chart shall not be allowed.*

The proposed asphalt shingles do not appear to exceed a Chroma of 4. The application meets this standard.

**GOAL #5:** *Development should create a variety of designs while still being compatible with the desired character of the neighborhood.*

The proposed materials are commonly found in the vicinity of the subject property. The variety of materials and earth tone are compatible with the neighborhood and the “small mountain town” character of Frisco. The application is consistent with this goal.

**Standard #5.1:** *Duplex structures shall be designed to look like a single family structure to the extent architecturally feasible, and shall not be designed in a manner that results in each half of the structure appearing substantially similar or mirror image in design.*

Two duplex style building are proposed and there are differences in the design of each unit.

**Standard #5.2:** *Building designs that duplicate, or are substantially similar in design to existing or proposed structures within the Overlay Zone shall not be allowed, with the exception that accessory structures on the same lot or parcel as the primary structure may be similar in design as the primary structure. In those instances where a proposed building contains a multiple of identical units, the building design shall provide architectural relief from the duplication of units by providing a variety in windows, decks, balconies, or exterior facade composition (As noted in section 1.2).*

The building design provides architectural relief from the duplication of units. The application meets this standard.

**GOAL #6:** *Building colors should be used that are compatible with the existing neighborhood characteristics, and that do 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.*

The proposed exterior colors are compatible with the neighborhood and the “small mountain town” character of Frisco. The application is consistent with this goal.

**Standard #6.1:** *No color may be used as the primary color of the building that exceeds a chroma of 4 on the Munsell Color chart.*

The primary building colors associated with the proposed materials do not appear to exceed a Chroma of 4. The application meets this standard. Staff will review the final color selection prior to building permit issuance.

**Standard #6.2:** *Colors that exceed a chroma of 4, but that do not exceed a chroma of 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.*

The accent colors proposed do not exceed a Chroma of 8 and are not luminescent, fluorescent or reflective colors. The application meets this standard.

**Standard #6.3:** *The same, or similar colors shall be used on the main structure and on any accessory structures upon the site, unless an alternative scheme can be provided that will complement the primary structure.*

There is no accessory structure proposed for this site. The standard does not apply to the application.

**Standard #6.4:** *A color board shall be submitted and reviewed showing all proposed primary and accent colors and intensities proposed for the building and how each will be utilized.*

A material and color board was submitted with the application. The application meets this standard.

## ANALYSIS - DEVELOPMENT STANDARDS [180-20]

**Purpose:** The purpose for the section of the Zoning Ordinance is as follows:

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 development, 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 and guests of the town.*
6. *Ensure conformance of development applications with the public improvements plans of the town, Summit County and the State of Colorado and other public agencies.*
7. *Protect natural flora and fauna, wetlands and scenic areas.*
8. *Prevent and control erosion, sedimentation and other pollution of surface and subsurface water.*
9. *Prevent flood damage to persons and properties and minimize expenditures for flood control.*
10. *Restrict building on flood lands, steep slopes, areas covered by poor soils or in areas otherwise poorly suited for construction.*
11. *Prevent loss or injury from landslides, expansive soils and other geological hazards.*
12. *Provide for adequate access, circulation and other functional considerations of site design.*

A purpose statement describes why the standards within a section of the Zoning Ordinance were established. A purpose statement is not a standard in and of itself. The application meets the standards prescribed by this section of the Zoning Ordinance and is therefore in conformance with this purpose statement.

**Drainage Plan:** A drainage plan for the site has been submitted by the applicant and reviewed by the Town of Frisco Public Works Department and the Town Engineer. Refer to any applicable comments of Town of Frisco Public Works Department and the Town Engineer. The applicant's civil engineer, Pearson Engineering, has been in communication with the Town Engineer and they are working toward resolution of the review comments concerning the drainage plan and civil engineering drawings. Staff recommends the Planning Commission imposes a special condition that the applicant shall satisfy the review comments of the Town Engineer.

**Water Quality Protection:** These standards are intended to maintain natural buffers, protect riparian habitat and the visual appearance of the Town's waterways, lakeshores, and wetlands. There are no waterways, lakeshores, or wetlands on or adjacent to this lot, so this standard does not apply to this application.



**Snow Storage and Snow Shedding:** There are adequate locations and drainage of snow storage areas on the lots. One-hundred (100) square feet of snow storage is required for every 350 square feet of paving. Each driveway has adjoining snow storage areas meeting these requirements. Additionally, snow does not appear to shed onto outward swinging doors or windows and snow does not shed onto the public way. The need for snow guards, snow clips, snow fences, and other similar rooftop snow retention is evaluated by the Town of Frisco Building Department as part of the building permit application review process. The application meets this standard.

**Road Construction and Maintenance Standards:** No new public or private roads are proposed in association with the project. This standard does not apply to this application.

**Vehicular Access:** All vehicular access must comply with the standards set forth in Chapter 155, Street Design Criteria, Frisco Town Code. The applicant was required by the Fire District and the Frisco Public Works Department to amend their plan to come into compliance regarding driveway width and separation of buildings for firetruck access. This compliance has been accomplished.

Driveway grades shall not exceed 10%. The proposed driveway grades do not exceed 10%. The application meets this standard.

Where development abuts a Town road, location of access points to the road must be approved by the Frisco Public Works Director. The Public Works Director and Town Engineer have approved the access points.

In addition, all vehicular access shall meet the following standards:

*i. Applicant shall provide safe and adequate access to each structure for all public services, including but not limited to fire and emergency equipment.*

Access can be safely accomplished with the proposed layout of the central access. The proposed driveways have been reviewed by both the Town Engineer and the Lake Dillon Fire District. The application meets this standard.

*ii. Applicant's project shall not impose excessive vehicular traffic thereby creating an unacceptable level of service (roadway levels of service D-F) on any of the surrounding roadways.*

A traffic study prepared by Pearson Engineering, Inc. dated August 12, 2016, concluded that:

*It is my opinion that the existing street and parking system in Frisco can accommodate the expected traffic for this project.*

*Gray Pearson, P.E.*

The application meets this standard.

*iii. Access in and out of a project shall be designed so as to create a safe condition and reduce potentially hazardous or inadequate situations, including but not limited to inadequate access, parking or loading of the project site, for residents or employees of the project as well as the general public.*

The point of access is well located away from the intersection of the alley and 5<sup>th</sup> Avenue. Parking requirements are met. The proposed driveways have been reviewed by both the Town Engineer and the Lake Dillon Fire District. The application meets this standard.

**Non-vehicular Access:** It is the purpose of this section to promote the use of non-vehicular modes of transportation through a town-wide network of connecting non-vehicular pathways and provide safe access year-around. All site plans must provide for and show non-vehicular access in accordance with the standards set forth in Chapter 155, Street Design Criteria, Frisco Town Code. Every principal structure must provide safe and convenient non-vehicular access to a public street or road year-round. The proposed sidewalks and driveways provide access to the adjacent public roads. The application meets this standard.

**Bicycle Racks:** All commercial development shall provide bicycle racks, in an appropriate location, with bicycle stalls in the amount of no less than twenty percent of the total number of parking spaces required for the project, with a minimum of five bicycle stalls. This is not a commercial development and the Overlay District does not require bicycle racks be provided. This standard does not apply to this application.

**Stream Crossings by Roads and Utilities:** The application does not involve a stream crossing. This standard does not apply to this application.

**Buildings Occupying More Than One Lot:** Where a duplex or multifamily residential project has been resubdivided into more than one (1) lot, it shall be considered to be occupying one (1) lot for purposes of complying with district regulations such as lot coverage, minimum lot size, lot frontage, and setbacks. For purposes of this section, the boundaries of the one (1) lot shall be the outermost lot lines of all lots occupied by the duplex or multifamily residential project. The application includes subdividing the four (4) proposed dwelling units into stand-alone townhomes. In accordance with this section of the Frisco Town Code, the development site will continue to be considered one lot for purposes of complying with zone district regulations. The application meets this standard.

**Development on Steep Slopes:** All development in areas with steep slopes between 15% and 30%, the net site disturbance shall not exceed 50% of the total area within this range of slopes. This lot does not have steep slopes, so this standard does not apply to this application.

**Grading Permit:** The developer will be subject to the standards regulating grading permits.

**Construction Trailers:** The developer will be subject to the standards regulating the use and placement of construction trailers.

**Nuisances (performance standards):** The developer will be subject to the nuisance standards prescribed by this section.

**Air Quality Protection:** All fireplaces are reviewed for compliance with the adopted air quality protection standards at the time of building permit and mechanical permit application. This project will be subject to these standards.

**Refuse Management:** All commercial, mixed-use, and multi-family residential development projects shall provide adequate space for the collection and storage of refuse and recyclable materials. Dumpsters are required for commercial and mixed-uses projects, but only suggested

for multi-family residential projects. This is a multi-family residential project, so dumpsters are not required as part of this application. The applicant has submitted a letter from Timberline Disposal LLC indicating that service can be provided to the site. The application meets this standard.

**Use of Town Right of Way:** There are no proposed improvements located in the Main Street or Granite Street Alley right-of-ways, so this standard does not apply to this application.

## ANALYSIS – LANDSCAPING AND REVEGETATION [180-20.1]

**Purpose:** The purpose for this section of the Zoning Ordinance is as follows:

*The purpose of this Section is to provide landscaping standards for sites undergoing development in the Town of Frisco. It is the Town's goal that landscape design protects the area's unique natural beauty and environment and enhances its aesthetic appeal. Since mountain climactic conditions affect the probability of plant establishment, landscape improvements shall respect the unique mountain environment of Frisco. The applicant shall consider key elements of good landscape design practices and appropriate use of plant materials that consider Frisco's semi-arid climate during the design and construction process. Reduction of environmental and visual impacts within and between developments, consideration of on-site characteristics, encouragement of plantings that require less water and long-term maintenance, and control and reduction of noxious weeds, are all integral aspects of Town design objectives for landscaping.*

A purpose statement describes why the standards within a section of the Zoning Ordinance were established. A purpose statement is not a standard in and of itself. The application meets the standards prescribed by this section of the Zoning Ordinance and is therefore in conformance with this purpose statement.

**Landscaping Requirements by Project Type:** This proposal is subject to the landscaping requirements for a residential development.

**Required Vegetation/Size/Diversity:** In residential developments, for every 875 square feet of project lot area or fraction thereof, a minimum of one tree must be planted on the site and one shrub shall be required for every 1,500 square feet of lot area. With a lot size of 7,000 square feet, this formula requires eight (8) trees and five (5) shrubs. The proposal meets this standard with a variety of vegetation types that are in keeping with the preferred landscaping species noted in the code. The applicant is proposing to plant thirty-three (33) 5The application meets this standard.

**Water Conservation:** All landscaping plans should be designed to incorporate water conservation materials and techniques. Sod lawn areas shall not exceed 10% of the site. The application does not include any proposed sod lawn areas instead using native grasses. It is recommended that irrigation be provided for at least 2 years for establishment of grasses. The application meets this standard.

**Revegetation of Disturbed Land:** All areas disturbed by grading or construction, not being formally landscaped, shall be revegetated. As noted on the site plan, areas not occupied by structures or parking will be landscaped with native grasses. The application meets this standard.

**Credit for Preservation of Existing Trees:** The use of existing healthy vegetation is encouraged and existing trees may be substituted for up to 50% of the required tree number. The application meets the tree requirements with new plantings and planter beds and does not utilize any credits for the preservation of existing trees. The application meets this standard.

**Protection of Existing Vegetation:** The Zoning Ordinance allows existing trees to be removed from a site without replacement when those trees are located on land to be occupied by buildings, parking, and paving plus an adjacent clearance strip. The application meets this standard.

**Irrigation System Requirements:** Landscape plantings must be properly irrigated during periods of time necessary to establish and maintain the landscape in good health and condition. The application proposes the installation of drip irrigation and has outlined irrigation notes and specifications on the submitted landscape plan. The application meets this standard.

**Landscape Maintenance:** Landscaping shall be maintained in good health and condition perpetually. If any vegetative landscaping required by this chapter shall die, it shall be replaced within one year. The proposed landscape plans include maintenance notes for the contractor and owner. The application meets this standard.

## ANALYSIS – OUTDOOR LIGHTING [180-20.2]

**Purpose:** The purpose for the section of the Zoning Ordinance is as follows:

*The purpose of this section is to establish regulations to allow for outdoor illumination levels which are appropriate for the visual task, safety and security while minimizing the undesirable side effects of excessive illumination such as glare, sky glow and light pollution.*

*Over time, it is the intent that this section will allow for reasonably uniform illumination levels in our community. It is also the purpose of this section to establish recommendations for the design of outdoor lighting fixtures that will enhance the small mountain town atmosphere of Frisco.*

A purpose statement describes why the standards within a section of the Zoning Ordinance were established. A purpose statement is not a standard in and of itself. The application meets the standards prescribed by this section of the Zoning Ordinance and is therefore in conformance with this purpose statement.

**Exterior Fixtures:** Exterior light fixtures on multi-family properties shall conform with the Illuminating Engineer Society of North America (IESNA) criteria for full cut-off fixtures, that is, no significant amount of the fixture's total output may be emitted above a vertical cutoff angle of 90 degrees. Any structural part of the fixture providing this cutoff angle must be permanently affixed. The proposed exterior lights are full cut-off fixtures. The application meets this standard.

**Light Emissions:** Outdoor light fixtures must be placed so there are no direct light emissions onto adjacent properties. The proposed exterior lights are full cut-off and appear to emit minimal light past the property lines. The lighting photometric plan notes:

*There will be no off-site glare allowed.*

The application meets this standard.

**Design:** It is required that light fixture designs reflect the small mountain town character of Frisco. The application meets this standard.

**Energy Savings:** Wherever practicable, it is encouraged (not required) that lighting installations include timers, dimmers, and/or sensors to reduce overall energy consumption and unnecessary lighting. The application proposes the use of LED bulbs. The application meets this standard.

#### ANALYSIS – PARKING AND LOADING [180-23]

**Purpose:** The purpose for the section of the Zoning Ordinance is as follows:

*The intent of these regulations is to require that parking and loading spaces be provided relative to the impacts created by proposed new developments, while promoting a pedestrian oriented commercial and downtown area.*

A purpose statement describes why the standards within a section of the Zoning Ordinance were established. A purpose statement is not a standard in and of itself. The application meets the standards prescribed by this section of the Zoning Ordinance and is therefore in conformance with this purpose statement.

**On-Premise Parking Requirements:** The parking requirements for multi-family residential uses are one (1) parking space per bedroom with a maximum requirement of four (4) spaces for any single unit. The proposal meets this standard by providing 8 parking spaces for a project of 8 bedrooms. The application meets this standard.

**Visitor Parking:** Visitor parking is required for multi-family residential developments at a rate of one (1) parking space for every five (5) units. There are only four (4) dwelling units proposed, so this standard does not apply to this application.

**Parking Dimensions and Design:** Required parking spaces shall be a minimum of 9 feet by 18.5 feet in size. The application meets this standard.

**Accessible Parking:** All facilities, commercial and multi-family projects with seven (7) attached units or more must provide accessible parking. The application proposes four (4) detached dwelling units, so this standard does not apply to this application.

**Snow Storage Areas:** One-hundred (100) square feet of snow storage is required for every 350 square feet of paving. As noted on the site plan, each driveway has adjoining snow storage areas meeting this requirement. Snow storage areas shall be located adjacent to the applicable paved areas and shall be a minimum of 8 feet in depth. The application also meets this standard.

#### ANALYSIS – AMENDMENTS, VARIANCES, AND REZONING [180-48]

Review of the rezoning standards to allow for the Historic Overlay is included elsewhere in this staff report.



**ANALYSIS – AGENCY REVIEWS**

**TOWN OF FRISCO PUBLIC WORKS DEPARTMENT**

No comment.

**TOWN ENGINEER**

As of this writing, the Town Engineer is revising comments regarding the drainage plan. Staff will report on this matter at the public meeting.

**LAKE DILLON FIRE RESCUE**

*Thank you for the opportunity to review and comment on the above proposed site plan. The fire department has the following comments and concerns regarding the proposed project plans:*

- 1. A construction permit through the fire department is required for this project. Please advise the developer/contractor to contact the fire department for details.*
- 2. Advise the developer to contact fire department for details on permits required for all fire protection systems.*
- 3. The construction chain link fence entry gate shall incorporate a fire department lock to facilitate emergency access during evening hours.*
- 4. Site address shall be posted on the construction fence by the entry gate.*

Steven Skulski  
Assistant Chief/Fire Marshal  
Lake Dillon Fire District

**FRISCO SANITATION DISTRICT**

- 1. Applicable tap fees will be due prior to issuance of Building Permit*
- 2. All service line construction must conform to the Frisco Sanitation Design Standards for Sewer Lines.*

Matt Smith, Manager

**SUMMIT COUNTY GIS**

“Deming Crossing name is approved. The physical addressing of 112 N. 5<sup>th</sup> Avenue. Units 1-4 is in conformance with our Addressing and Road Naming Standards.

Sally Nowak, GIS Analyst

**XCEL ENERGY**

No approved meter location for Unit 4. Changes will be necessary prior to building permit.

**PUBLIC COMMENT**

The Community Development Department has not received any written public comments as of July 9, 2017.

## STAFF RECOMMENDATIONS

### Recommended Findings

The Community Development Department recommends the following findings pertaining to the development application for proposed Deming Crossing multi-family residential project and a final public hearing for the rezoning of the subject property to Historic Overlay District located at 112 North 5<sup>th</sup> Avenue/South half of Lots 13-16, Block 4, Frisco Townsite:

*Based upon the review of the Staff Report dated July 13, 2017 and the evidence and testimony presented, the Planning Commission finds:*

#### Development Application

- 1. The proposed development application is in general conformance with the principals and policies of the Frisco Community Plan, specifically, the quality of life statements and associated criteria related to the built environment, economy, and housing.*
- 2. The proposed development application is in general conformance with the Town of Frisco Zoning Regulations, specifically Section 180-17, Central Core District, since all of the applicable requirements have been met by the submittal and the recommended conditions of approval; including: permitted uses, lot area, lot frontage, building height, setbacks, lot coverage, building height, and density.*
- 3. The proposed development application is in general conformance with the Town of Frisco Zoning Regulations, specifically Section 180-18.3, Granite Street and Galena Street Overlay District, since all of the applicable requirements have been met by the submittal and the recommended conditions of approval; including: that the development is designed in a manner compatible with the neighborhood and the small mountain town character of Frisco; the development includes shelter from natural elements and provides visual relief, the building is designed to relieve the feeling of mass, building façade and roof lines are broken up, compliance with bulk plane envelopes, exterior materials and colors are compatible with the surrounds and meet specific standards, roof forms and design are compatible with the surrounding area and a variety of standards, and the other recommendations and standards of the Granite Street and Galena Street Overlay District.*
- 4. The proposed development application is in general conformance with the Town of Frisco Zoning Regulations, specifically Section 180-18.2, Historic Overlay District providing for the preservation of a historic resource that is on the town's list of historic properties.*
- 5. The proposed development application is in general conformance with the Town of Frisco Zoning Regulations, specifically Section 180-20, Development Standards since all of the applicable requirements have been met by the submittal and the recommended conditions of approval; including: drainage plan, snow storage and snow shedding, vehicular access, non-vehicular access, traffic studies, and refuse management.*
- 6. The proposed development application is in general conformance with the Town of Frisco Zoning Regulations, specifically Section 180-20.1 Landscaping since all of the applicable requirements have been met by the submittal and the recommended*

*conditions of approval; including: required vegetation, water conservation, irrigation system, and landscaping maintenance.*

- 7. The proposed development application is in general conformance with the Town of Frisco Zoning Regulations, specifically 180-20.2 Outdoor Lighting since all of the applicable requirements have been met by the submittal and the recommended conditions of approval; including: exterior light fixtures, light emissions, design, and energy savings.*
- 8. The proposed development application is in general conformance with the Town of Frisco Zoning Code, specifically Section 180-23, Parking and Loading Regulations and the 1995 Mount Royal Plaza Development Plan, since all of the applicable requirements have been met by the submittal and the recommended conditions of approval; including: on-premise parking, visitor parking, accessible parking, parking dimensions & design, and snow storage areas.*

#### Rezoning Application

- 1. The proposed rezoning application is in general conformance with the principals and policies of the Frisco Community Plan, specifically, the quality of life statements and associated criteria related to the built environment, economy, and housing.*
- 2. The proposed rezoning application is in general conformance with the Town of Frisco Zoning Regulations, specifically Section 180-18.2, Historic Overlay District, since the subject property, including the existing Deming Cabin building, has special historic value and should be designated as historical. The proposed designation of the subject property as a historical property meets the criteria outlined in Section 180-18.2-C.2, as follows:*
  - a. That the structure(s) be at least fifty (50) years old, because the records and research of the Frisco Historic Museum show that the Deming Cabin was constructed in the 1930's, over 70 years ago.*
  - b. That the structure(s) or Lot(s) have unique historical significance, because the property is listed on the town's Historic Inventory and is of unique and representative architecture of the early days of Frisco. Additionally, the Deming family was an early mining family and is notable in terms of their involvement in the community.*
  - 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, because inspection of the property and historic resource*
- 3. The proposed rezoning application is in general conformance with the Town of Frisco Zoning Regulations, specifically Section 180-18.2, Historic Overlay District, since the proposed addition, alteration or rehabilitation to a historic structure or feature complies with the following US Secretary of Interior's Standards for Rehabilitation outlined in Section 180-18.2-F.1:*

- g. *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; because the Deming Cabin will be preserved, although rotated on the site for better visibility from Main Street/5 Avenue. The structure will remain intact, and will be connected to the new building by a breezeway. This is a desired technique so that the historic resource will be minimally altered. Staff is pleased that all four corners of the structure, roof lines, and openings will remain intact.*
  - h. *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; because the Deming Cabin door opening and window shapes will not be altered. The character of the cabin will remain in its historic form. Treatment of the logs, chinking, trim, door and window trim and frames are proposed to remain intact but where rot or other decline is shown, they will be replaced by the same material.*
  - i. *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; because no falsification of another historic time period or alternative architectural style is proposed. The Deming Cabin should look like it does today in terms of style with improvements to the roof that reinforces a time period in history. The town's historic preservation consulted suggested a metal roof replacement vs. asphalt or wood shingles.*
  - j. *Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved; because very little change has occurred to the Deming Cabin, with the exception of the door and roof materials. A professional recommendation has been made that the roof be taken back to a metal roof, likely a roof type that the cabin had in the early 1900's.*
  - k. *Distinctive features, finishes and construction techniques or examples of craftsmanship that characterize a property shall be preserved; because no defining or distinctive characteristics of the Deming Cabin will be altered. The cabin is a simple design of log construction; the architectural style and construction technique will not be changed.*
  - l. *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; because the applicant notes in their preservation submittal that any structural outside features of the building that require replacement or repair will be done so with materials that match the old structure.*
4. *The proposed rezoning application is in general conformance with the Town of Frisco Zoning Regulations, specifically Section 180-18.2, Historic Overlay District, since the applicant may request the use of incentives and the Planning Commission may allow for the use of some or all incentives (with a fewer number of criteria met justifying fewer*

incentives and a greater number of criteria justifying more incentives) based upon the following outlined in Section 180-18.2-F.2:

- a. *Protects and preserves the town's historic and cultural heritage by retaining and/or remodeling aspects of a historic building(s) such as, but not limited to, the facades being compatible with the character of the historic era;*

Staff comment: *Project can meet through the preservation of the cabin versus razing. The cabin will be brought up to preservation standards that will extend the life of the building.*

- b. *Increases economic and financial benefits by enhancing the property and making it more accessible and/or attractive for heritage tourism;*

Staff comment: *The building presently is on the historic walking tour of the Frisco Historic Park and Museum and will be able to continue to be a part of Frisco's heritage if preserved. Economic analysis and visitor surveys show that heritage tourism plays a significant role in the town's visitor economy.*

- c. *Provides educational opportunities to increase the public's awareness and appreciation of Frisco's unique heritage;*

Staff comment: *As noted above, the building will still be in place and can be used to raise awareness about the town's history and architecture*

- 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;*

Staff comment: *The building will be rehabilitated as required by the HO standards to conform to the Secretary of the Interior Standards. Equally important is that the cabin will be put to an adaptive reuse that will prolong the life of the structure through actual use, through upgrade of the heating and energy systems, insulation, and both exterior and interior remodeling.*

- e. *Retains some or all of the historic structure(s) on the original site.*

Staff comment: *The cabin will be retained on the site. At this time, the shed is not proposed for preservation.*

- f. *Structural or use changes that further the goals or objectives of the Frisco Master Plan;*

Staff comment: The application preserves a small, unique and notable historic resource that many people walk and drive by. The prominence of the cabin at the corner of the lot and visible from Main Street will allow for even greater observance. The development furthers the following goals of the Frisco Community Plan:

Arts & Culture:

- Preserve and enhance the Town's historic resources.
- Celebrate and highlight Frisco's heritage

**Built Environment:**

- Encourage eclectic and sustainable designs for new construction and redevelopment to enhance the community's character.
- Preserve and enhance the Main Street area as the heart of the community.

**Energy:**

- Encourage the use of recycled materials, renewable energy sources and the use of green and energy efficient building practices.

**Economy:**

Encourage and direct economic growth.

- g. *Brings new development/redevelopment on the site that allows for the preservation of historic resources on the site that would not likely occur without the development.*

Staff comment: The Frisco Town Code does not preclude property owners from demolishing historically significant buildings. This applicant has the right to raze this resource. It is very likely that the reason the resource can be preserved is because of the economics of the new development, coupled with the incentives of the HO. The HO District is intended to encourage historic preservation while also allowing property owners the opportunity to take advantage of the underlying zoning and development opportunity. The development will bring new vitality while integrating a historic resource into the development. Over time, the resource will become even more special and a unique vestige of Frisco's past.

**Recommended Action**

Based upon the findings above, the Community Development Department recommends APPROVAL of the development application for the proposed Deming Crossing multi-family project located subject to the following conditions:

*Special Conditions:*

1. *The applicant shall satisfy the comments of the Town of Frisco Public Works Department, Frisco Sanitation District, Xcel, and Lake Dillon Fire Protection District.*
2. *This development application approval is contingent upon the approval of the associated rezoning application by the Town Council.*
3. *The recommendations contained with the document, "Saving and Restoring the Deming Cabin – 112 N. 5<sup>th</sup> Frisco" shall be implemented in order to achieve meeting of the Secretary of the Interior Standards. Staff will work with the applicant in the final details of the restoration strategy in conjunction with a preservation specialist before a building permit is issued.*
4. *The applicant shall submit a height analysis to the nearest tenth of a foot (referencing natural grade and ridge heights) for the proposed structures for Town Staff review demonstrating that all structures within the project comply with the height requirements prior to submittal of a building permit. A roof ILC will be required during construction of each unit.*

*Standard Conditions:*

1. *Development Application Appeals: Planning Commission decisions may be appealed to the Planning Commission by filing the appropriate form with the Community Development Department within ten (10) calendar days from the date of the decision. An appeal stays all proceedings and authorizations, including building permits, issued in conjunction with the decision being appealed. Planning Commission decisions may also be called-up before an appeal hearing before Town Council with the concurrence of any two Council members. [§180-46-C, Appeals, Town of Frisco Zoning Ordinance]*
2. *Development Application Modifications: Once a development plan has been approved, no substantial variation of the plan shall be permitted, including changes to the building design or exterior materials and colors, without the approval of the Community Development Department or the Planning Commission. [§180-19-I, Modifications to Approved Plans, Town of Frisco Zoning Ordinance]*
3. *Development Application Expiration: If construction of this project has not begun within three (3) years or been completed within four (4) years from the date of this Notice of Decision or if the owner has failed otherwise to comply with the approved development plan, the development plan approval shall be revoked. 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. [§180-19-J, Expiration of Development Application Approval, Town of Frisco Zoning Ordinance]*
4. *Improvement Location Certificate Survey (ILC): An improvement location certificate survey 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. Such survey may be performed 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. [§180-19-K, Town of Frisco Zoning Ordinance]*
5. *Limit of Work Area Fence: Existing trees, shrubs, and/or sensitive native landscape areas that are to be preserved shall be defined in the field. These plants and areas shall be defined by a minimum of a four (4) foot high visibility fence (polyethylene, painted, wood slat, snow fence, etc.) which is to be located no closer than the drip line of the vegetation to be preserved and which is to remain and be maintained throughout the construction period until ready for revegetation. [§180-20.1-E-4, Limit of Work Area, Town of Frisco Zoning Ordinance]*
6. *Zoning Violations: It shall be unlawful to erect, construct, reconstruct, alter, maintain or use any building or structure or to use any land in violation of any provisions of the Town of Frisco Zoning Ordinance. The Town may impose any and all penalties and actions prescribed by the Code of the Town of Frisco against any person, firm, corporation, either as owner, lessee, occupant or otherwise, who violates any provisions of the Zoning Ordinance. [§180-47, Violations & Penalties, Town of Frisco Zoning Ordinance]*

7. *Building Permits: This Notice of Decision does not constitute the issuance of a building permit. A building permit will be required for this project. For additional information, please contact the Town of Frisco Building Division. [Chapter 65, Building and Construction and Housing Standards, Code of the Town of Frisco]*
8. *Excavation Permits: This Notice of Decision does not constitute the issuance of a utility excavation permit. A utility excavation permit may be required for this project. For additional information, please contact the Town of Frisco Public Works Department. [Chapter 87, Excavations, Code of the Town of Frisco]*
9. *Business Licenses: It shall be unlawful for any person to operate and maintain or conduct any business within the town, including the delivery of goods by wholesalers within the town, which are purchased or contracted for outside the limits of the town, without first obtaining a general business license to conduct such business. A business license is required for all construction contractors operating within the Town of Frisco. For additional information, please contact the Town of Frisco Town Clerk's Office. [Chapter 110, Licensing of Businesses, Code of the Town of Frisco]*
10. *Compliance with the Town Code: Should the Planning Commission grant approval of the application request, the applicant is hereby on notice that compliance with all other provisions of the Frisco Town Code, which are applicable to this project, is mandatory. The applicant is advised that unmet code provisions, or code provisions that are not specifically listed as conditions of approval, does not, in any way, create a waiver or other relaxation of the lawful requirements of the Frisco Town Code or state law.*

### **Recommended Motion**

Should the Planning Commission choose to approve this development application, the Community Development Department recommends the following motion:

***“With respect to File No. 054-17-DA/RZ, I move 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 5<sup>th</sup> Avenue/South half of Lots 13-16, Block 4, Frisco Townsite. I also move that the Planning Commission RECOMMENDS APPROVAL of a rezoning of 112 North 5<sup>th</sup> Avenue/South half of Lots 13-16, Block 4, Frisco Townsite to the Historic Overlay District.”***

<b>ATTACHMENTS</b>
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Attachments:

- Deming Cabin Architectural History and Deming Family History
- §180-17, Central Core District
- §180-18.2, Historic Overlay District (Ordinance 17-03)
- §180-18.3, Granite Street and Galena Street Overlay District
- Application Materials

cc: Jamie Haass and Stephen Seidel