



RECORD OF PROCEEDINGS

**Regular Meeting of the
Planning Commission for the Town of Frisco
Town Hall, 1 East Main Street
Thursday, June 20, 2019
5:00 P.M.**

Call to Order: Andy Stabile, Chair, opened the meeting.

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

Minutes: The June 6, 2019 Planning Commission meeting minutes were approved unanimously.

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

Agenda Items:

1. **Planning File No. 062-18-MAJ:** A public hearing of the Major Site Plan Application for a proposed addition to the Frisco Emporium Building, located at 307, 309, 311 East Main Street/Lots 6-9, Block 6, Frisco Townsite and 313 East Main Street/Lots 4-5, Block 6, Frisco Townsite. Applicant: Robert Philippe

Planner Susan Lee presented an overview of the staff report. Applicant is proposing a 2,250 addition to the east side. The Planning Commission reviewed the Sketch Plan submittal at the September 20, 2018, meeting. The project is being treated as a single development site that includes Lots 4-9, Block 6, Frisco Townsite pursuant to Town Code regulations that deal with buildings that occupy more than one lot.

At the sketch plan review Planning Commission advised the applicant to resolve issues associated with the adjacent properties at 307, 309, and 311 East Main Street (Greco's building) involving: shared parking and access, snow storage, and trash removal.

The applicant was also advised to ensure the building materials comply with Town Code. The application meets the parking standards. There is no required parking for retail, second floor office, or restaurant uses within the CC District. The four, two-bedroom units in the Greco's building require 8 parking spaces including one ADA van accessible space. 10 spaces have been provided including the ADA van accessible space. The required bicycle parking is also being provided. A rack with a 6 bike capacity is shown on the plans at the rear entrance to the Greco's building.

For access and loading purposes, Public Works has reviewed and approved alley loading for this project site. The snow storage shown on the application materials meets the town code minimum requirements. The dumpster enclosure shown includes room for recycling and meets

the Town Code standards. The applicant has resolved all issues with Xcel regarding the dumpster location.

- Compatibility with neighborhood character and
- Facade variation.

Because the addition is substantially smaller than the existing building the project is exempt from the building articulation and roof ridgeline standards. The roof and building material standards are being met. The primary building material will be cedar clap board siding to match existing, with accent areas of a dark, red, metal, standing seam. The roof will be a dull grey metal standing seam to match existing, with accent areas of corten steel. A complete analysis of the development standards can be found on pages 8-13

Based upon the findings, found on page 14 -15 of the staff report, the Community Development Department recommends APPROVAL of the proposed Major Site Plan application for the proposed addition to the Frisco Emporium Building, located at 307, 309, 311, and 313 East Main Street / Lots 4-9, Block 6, Frisco Townsite. For your reference there is a recommended motion for approval on page 16 of the staff report.

Commission questions for staff included:

- Commissioners asked about the landscaping. Staff responded with a description of the landscaping. The Applicant described the existing outdoor art. Staff added that due to the Emporium crossing lot lines it is being considered as one whole project even though there are 5 townsite lots.
- Is there was a written agreement for the trash? Currently there is no written agreement as all are under the same ownership.
- Is there a reason not to combine the lots? Staff responded that Town Code currently does not require the lots be combined and noted that the Code has been changed for future developments.
- The commission expressed concern over the accessibility to restrooms, currently there is one men's toilet and one women's toilet? Staff responded that if required, by the Town of Frisco Building Department, additional restrooms could be added.

Robert Philippe, property owner, described the project stating that it is a simple addition to what he built in 1986. There is no discussion on use, it is just retail adding that the number of bathrooms is correct for the existing use. Applicant expressed appreciation if approved.

Commission questions for the Applicant included:

- What is the timeline, will the project get underway this summer? Mr. Philippe responded yes, Excel is set up to demo late August/September and added that construction will be similar to existing build, post and beam.
- Will the other buildings remain open during construction? Applicant's response was yes. Mr. Philippe added that they will possibly be adding a distillery. The railroad car will be a part of the distillery as a tasting room. Applicant's plan is to modernize the front existing tenants and will attract more quality retail. They will be building retail frontage on the alley (glass on the north side of the building) and highlight the railroad car.
- What is the plan to help activate the alley entrance? Mr. Philippe responded that this will depend on the tenants. Right now everything happens on Main Street.
- Is the garage door glass? Applicant replied, yes, this is to allow visibility to the railroad car.
- Are you thinking about putting in solar? Mr. Philippe replied saying that this was hard to do with a 49' wide x 150' long gabled roof that faces east and west. Applicant further

responded that he might come back with something if a patio is added at a later date to the Ein Prosit location.

- What will the landscaping consist of? Mature aspen trees, a sculpture in front of Greco's, and on the east and south corner there is the Jonny field lift (the mine elevator from Leadville).
- Is there a reason you are not combining all of the lots? Mr. Philippe responded that he doesn't have debt so he can do it. The commission asked if it was because he wanted the option to sell off pieces? The applicant responded no, it's in a trust and he plans on keeping the property.
- If you bring in a distillery will you add restrooms? Applicant replied that he will have far more plumbing under slab than most so restrooms can be added later if needed without cutting through the slab. Also noting that the distillery does not require a lot of infrastructure.

Public comments:

- None

Commissioner discussion included:

- Commissioners discussed the project and expressed their support and expressed the bathrooms need to be re-worked. This is a favorite building on Main Street. The hope is that this encourages others to do things on the alley. Commission appreciates the changes Applicant has made since Sketch Plan.

WITH RESPECT TO FILE NO. 062-18-MAJ, COMMISSIONER WITHROW MOVED THAT THE RECOMMENDED FINDINGS SET FORTH IN THE JUNE 20, 2019, STAFF REPORT BE MADE AND THAT THE RECOMMENDED CONDITIONS SET FORTH THEREIN BE TAKEN AND THAT THE PLANNING COMMISSION HEREBY APPROVES THE REQUEST FOR A MAJOR SITE PLAN APPLICATION FOR THE PROPOSED ADDITION TO THE FRISCO EMPORIUM BUILDING, LOCATED AT 307, 309, 311, AND 313 EAST MAIN STREET / LOTS 4-9, BLOCK 6, FRISCO TOWNSITE.

SECONDED BY COMMISSIONER FRANKEN.

Vote:

FRANKEN	Yea
HELD	Yea
LEDERER	Absent
LESMESS	Yea
SKUPIEN	Yea
STABILE	Yea
WITHROW	Yea

2. **Planning File No. 039-19-MAJ/CU:** A review of the sketch plan step of the Major Site Plan Application for the proposed Fox Meadows multi-family residential project and the Conditional Use Application for a development with less than a 20% mixture of residential and nonresidential uses within the Mixed-Use Zoning District, located at 25 Watertower Way/ Tract A, Watertower Place Condominiums. Applicant: Town Centre, Ltd.

Commissioner Stabile asked that the Commission address the Conditional Use portion of this application prior to discussing the development standards.

Planner Katie Kent noted that one public comment, from Cody Horn, dated June 19, 2019, was received and was emailed to Commissioners. Kent presented an overview of the staff report noting that Tract A Expansion Area is platted on the Condominium Map of Watertower Place Condominiums as a designated building site subject to future development. However, it is not a separate platted property and therefore shall be reviewed in association with the already constructed Buildings B and C.

Kent described the proposed site plan and noted the property is located within the Mixed-Use (MU) District. The Mixed-Use district requires both residential and commercial uses making up no less than 20 percent of the total gross floor area of all uses within the property. Since the application proposes 100% residential use on the property, a conditional use is required.

Kent noted the criteria for approving a conditional use permit and stated that Staff does not support 100% residential uses on the property and explained why as described in the staff report.

Commission questions for staff included:

- Clarification that the Planning Commission can discuss the conditional use but no vote will be taken.
- Clarification of previous conditional use approvals on the property. Staff noted that all previous approvals have expired.
- Clarification that entire site is reviewed as one development site and that it is zoned Mixed-Use. Staff confirmed that yes, it is one development site and zoned Mixed-Use.
- Clarification on if the triangle land to the east is part of the application? Staff replied it is not part of the application before the Commission.
- How much square footage of commercial space would equal 20%? Staff responded they would need to figure out that exact number.

Larry Feldman, of Town Centre Ltd, introduced his architect Jim Junge. Mr. Feldman reiterated that they are in a mixed use Zone District and previous conditional use approvals were for 20% and then 1% commercial. Mr. Feldman stated that it is basically a residential neighborhood and there are no commercial uses south of Granite Street. Mr. Feldman noted that there are multiple commercial spaces, including a block north, that are not successful in finding commercial tenants. Mr. Feldman suggested if the Planning Commission thinks there should be commercial uses there, they discuss what they think could be put there for vitality. Mr. Feldman reiterated properties in town that have commercial space not renting.

Commission questions for the Applicant included:

- Since the Town is currently looking at changes in the Master Plan, doesn't the applicant think these changes may make this area of Town better? Mr. Feldman responded stating there is 2,000 sq. ft. space a block north on Main Street available for rent and unsuccessful and he does not see a need for more commercial.

Public comments:

- Maris Davies of Altitude Community Law P.C. representing the Watertower Place Owners Association reviewed a letter she sent to the applicant dated June 10, 2019. Davies stated that she wanted the Planning Commission to be aware that there is an issue over property ownership as the applicant recorded a Surveyor's Affidavit of Correction which is not accurate. Ms. Davies reviewed C.R.S. §38-51-111.

Commissioners stated that this sounded more like a legal issue than a Planning Commission issue with no bearing on the application. Staff noted that they had been cc'd on the letter regarding this issue and the Town Attorney was aware of it. Since the property is being reviewed as one development site, it is a legal matter, not a zoning matter.

Mr. Feldman noted that he has not received a letter.

- Steven Krapes, 407 Granite Street, stated that he is concerned with the transition of the traffic being pushed off to the Granite Street if there was commercial on the property. Mr. Krapes stated that there is an HOA Board (Condos Off Main) for between Granite and Granite Alley. Krapes stated that there is a vacancy for commercial at Condos off Main because there is no foot traffic. Mr. Krapes expressed his support for 100% residential use.
- Cody Horn, 30 Watertower Way, Building C, Unit 102. Stated that he is pro development and pro density and this is a great opportunity to require commercial as it is a unique location being by Highway 9. There are other examples of other mixed use successful areas such as Gentlemen's Barber. This would be an area to capitalize on and the mixed use zoning is appropriate.

Commissioner discussion included:

- Commissioners discussed concern over losing commercial space and that the area has potential with brewery, coffee and music hall one block to the north and that stretch of Granite Street needs commercial space to tie into Main Street.
- Commissioners noted that it once was a very vibrant lot when it used to have commercial on it.
- Commissioners noted that the Summit Boulevard frontage is going to change. It was recognized that whereas Granite Street is currently not conducive to foot traffic, the master plan shows sidewalks going down Granite Street.
- Commissioners noted that they can talk about existing commercial vacancies but they are not privy to their rates and requirements and exactly why people are not renting those spaces.
- Commissioners agreed that having Granite Street come to life and to activate alleys, combined with the new marina, people will seek going to this space.
- Commissioners discussed the percentage of commercial and did not have set agreement on a percentage the applicant should come back with but agreed that the property is an ideal location for commercial use.

Chairman Stabile requested a show of hands of who was in favor of the Conditional Use Permit. No Commissioners supported 100% residential use; all Commissioners were in favor unanimously that there be commercial on the property.

Mr. Feldman requested his application be withdrawn; requested guidance as to how to proceed with what percentage of Commercial.

Chairman Stabile noted that it is his choice but to note that the code states under 20% will require a conditional use.

Staff suggested the application be tabled so that the applicant can modify it for another sketch plan.

WITH RESPECT TO FILE NO. 039-19-MAJ/CU, COMMISSIONER FRANKEN MOVED TO TABLE THE PUBLIC HEARING FOR BOTH THE SKETCH PLAN AND CONDITIONAL USE TO A DATE UNCERTAIN AND REQUIRED THE APPLICANT TO RETURN TO THE PLANNING COMMISSION WITH A REVISED SKETCH PLAN.

SECONDED BY COMMISSIONER WITHROW.

Vote:

FRANKEN	Yea
HELD	Yea
LEDERER	Absent
LESMES	Yea
SKUPIEN	Yea
STABILE	Yea
WITHROW	Yea

Stabile asked that the Commission take a short break at 6:21 p.m.

Meeting resumed at 6:28 p.m.

3. **Planning File No. 059-19-ADM:** A public hearing of the Administrative Site Plan Application for changes to the appearance of the Baymont Hotel building, located at 1202 North Summit Boulevard/Lot 2A, Block A, Discovery Interchange West Subdivision. Applicant: 4U2 Relax Inc., represented by CTA Architects Engineers

Planner Katie Kent noted that the application was submitted as an Administrative Site Plan but due to the size, location and changes to the exterior façade, the Director referred it to the Planning Commission as is permitted by Frisco Town Code. Kent presented an overview of the staff report noting that there are existing nonconformities on the property and the application does not increase the existing nonconformities. Kent reviewed the revised site plan submitted June 19, 2019 and stated that the application is now in compliance with parking space dimensions and snow storage requirements. Kent explained that the application now illustrated 128 spaces which is reduced from the writing of the staff report but is still in compliance. Kent noted that the Town Engineer has stated that the modifications satisfy his comments.

Kent noted that the proposed exterior finishes to the structure and landscaping are enhancing the site. Staff is requesting the Planning Commission provide feedback on the proposed exterior finishes and if they find the project is compatible with the Non Residential Development Standards. Kent explained the proposed special conditions, and noted that special condition number two (2) can be removed since the applicant has adjusted the parking space dimensions.

Commission questions for staff included:

- Was there any conversation about doing something different about the access? Staff noted that they requested multiple times that the applicant consider revisions where the access connects with Kum & Go but the applicant chose not to.
- Is the access with Kum & Go technically still the main entrance? Staff replied yes unless patrons knew about and used the other entrance.
- Are there raised or leveled parking islands? Is there drainage? Staff replied yes, curb and gutter with landscaping and noted that the Town Engineer has reviewed modifications and supports them.
- Is there any renewable energy? Staff requested the applicant speak to this.
- Question on why proposing so much EIFS material? Staff requested the applicant speak to this.
- Porte cochere goes ten feet into the setback? Staff replied yes, seven feet has to be cut off from what is currently proposed as it cannot exceed existing conditions.

Justin Repath of CTA Architects Engineers introduced the property owner Jason Truong . Repath described the project stating that the building is going on forty years and needs upgrades to meet code and improve usability. Repath noted that most changes are to meet Marriott codes and requirements, i.e., additional elevator.

Commission questions for the Applicant included:

- Clarification on new elevator? Repath described proposed elevator and confirmed it does not provide guests rooftop access.
- Why did they decide not to change access? Jason Truong, owner, stated that all parking is on the west side and is inconvenient for access.
- Commissioners noted that putting the access on the West side would alleviate issues with Kum and Go and the porte cochere. Mr. Truong replied that there was some consideration and it was discussed but he did not think Marriott would go for it.
- What is the current facade on the material from 2nd floor up? Mr. Repath responded stucco on lower level and upper story front glass.
- Commissioners noted that EIFS has problems in this climate. Mr. Repath responded if installed correctly it will eliminate separation issues and will not have problems.
- Is the stucco part of the Marriott brand? Repath responded, yes, these colors are taken from Marriott hotels.
- Commissioners questioned if the proposed colors fit into the mountain character and noted that everything is square and boxy and then they have an organic entryway porte cochere? Mr. Repath responded that the wave is part of the Marriott branding accenting the entrance. Regarding the color scheme, it works pretty well with the area and softens the stair tower ends.
- Where is the signage? Mr. Repath responded the upper portion of the panels.
- What is provided with renewable energy? Mr. Repath responded that they are looking at installing a solar array on the roof. Staff noted that this will need submittal and approval by Planning. Noted.
- What is the reason the elevator shaft is so tall? Mr. Repath explained it encloses the mechanical system for the elevator “dog house”. Mr. Repath reiterated that the car does not go up that high for access to roof.
- Will the existing roof over the pool area be painted or replaced? Mr. Repath stated it will depend upon what happens during construction and the shape the roof is in.

Public comments:

- None

Commissioner discussion included:

- Commissioners discussed that this will be a big improvement over existing conditions. Commissioners thanked the applicant for revitalizing one of the Town’s older buildings.
- Commissioners agreed that improving the entrance with Kum & Go would be a benefit and the applicant should still consider it and work with staff for an alternate design.

WITH RESPECT TO FILE NO. 059-19-ADM, COMMISSIONER FRANKEN MOVED THAT THE RECOMMENDED FINDINGS SET FORTH IN THE JUNE 20, 2019, STAFF REPORT BE MADE AND THAT THE RECOMMENDED CONDITIONS SET FORTH THEREIN BE TAKEN AND THAT THE PLANNING COMMISSION HEREBY APPROVES

THE REQUEST FOR AN ADMINISTRATIVE SITE PLAN APPLICATION FOR CHANGES TO THE APPEARANCE OF THE BAYMONT INN & SUITES BUILDING, LOCATED AT 1202 NORTH SUMMIT BOULEVARD/LOT 2A, BLOCK A, DISCOVERY INTERCHANGE WEST SUBDIVISION.
 SECONDED BY COMMISSIONER SKUPIEN.

Vote:

FRANKEN	Yea
HELD	Yea
LEDERER	Absent
LESMES	Yea
SKUPIEN	Yea
STABILE	Yea
WITHROW	Yea

4. **Planning File No. 070-19-CU:** A public hearing of a Conditional Use Application for a development with less than a 20% mixture of residential and nonresidential uses within the Mixed-Use Zoning District, located at 105 North Summit Boulevard/Lots 7-12, Block 1, Frisco Townsite. Applicant: Leslie Newcomer, Frisco Thrift & Treasure

Assistant Community Development Director, Bill Gibson, presented an overview of the staff report adding that this is a procedural change in the use. Based on the lease agreement the retail use is roughly 37% of building for retail use. Retail would require 5 to 7 parking spaces. We believe there is adequate parking for this use. Restriping the 5 spaces would be beneficial. Staff would like the Planning Commission to address any outdoor display restrictions.

Commission questions for staff included:

- What access is there from Highway 9? Staff responded there is access.
- Would access enter from Marina Road? Staff responded, yes that is correct.
- Is this Conditional Use only for Thrift & Treasure? Staff responded that it is for a retail use, it is not for Ferrellgas.
- Would parking be changed if the site were all retail? Staff's response was no, the property has functioned prior with a real estate office in addition to Ferrellgas.
- Is there a way to make the north lot Ferrellgas employee parking and stripe the area east of the building for parking in order to alleviate backing out on to Marina Road? This could be a possibility.
- What is the use of the other building located on site? Staff responded that this is for storage of tanks.
- Ferrellgas will still operate out of the office? Applicant will address.
- Doesn't the zoning map have this area zoned as Mixed Use? Staff responded yes.
- Being retail do they have to have additional parking? No.

Leslie Newcomer, Frisco Thrift and Treasure, addressed the Commission and described the project stating she is relocating her business for the second time. One parking spot is taken by Ferrellgas and they have a single employee. A&A Pet Supply is the only pet store and Frisco Thrift & Treasure is the only thrift store in the Town. Applicant would like to improve the site's appearance.

Commission questions for the Applicant included:

- The parking on Marina Road is not really viable because of the difficulty to access and back out of the 5 parking spots. Applicant responded that there is additional parking in the back area.
- Could you live with blocking off the 5 parking spots on Marina Road?
- Dorcus Beck, friend of Applicant addressed the Planning Commission asking if the 5 spots could be changed to 3 spots perpendicular to the highway? Commissioner responded you could not get 3 spots in that space due to the spaces needing to be 9' in width.
- Knowing this would possibly be a redevelopment site at some point, does that give you pause or hope? Applicant responded yes, but the timing may be a ways out.
- If we added a condition, would striping the lot be a condition you could live with? Ms. Newcomer responded that she sublets and there is also a parking lot across Marina Road.

Public comments:

- None

Commissioner discussion included:

- Commissioners discussed the parking issues and resolved that parking could be open to the back lot with no striping given there is signage (café type signage would be allowed) indicating parking is in the back lot. Applicant could also block off the 5 parking spots by adding planter boxes in this area.
- The Applicant interjected to ask if there could be outdoor displays? Commissioners discussed and responded saying that this would be allowed only on the sidewalk under the overhang.
- Overall the commissioners commented that the project would be a huge improvement, bringing an area back to life and added that retail belonged at this intersection.
- Public safety plays a big role in this parking condition.
- The commissioners commented that the property line is a little ambiguous and it was noted that a survey is in the works.

WITH RESPECT TO FILE NO. 070-19-CU, COMMISSIONER FRANKEN MOVED THAT THE RECOMMENDED FINDINGS SET FORTH IN THE JUNE 20, 2019, STAFF REPORT BE MADE AND THAT THE RECOMMENDED CONDITIONS AS AMENDED TO BE STOPPED AT STORAGE AND INCLUDING THE TWO CONDITIONS BELOW SET FORTH THEREIN BE TAKEN AND THAT THE PLANNING COMMISSION HEREBY APPROVES THE REQUEST FOR A CONDITIONAL USE APPLICATION FOR A DEVELOPMENT WITH LESS THAN A 20% MIXTURE OF RESIDENTIAL AND NONRESIDENTIAL USES WITHIN THE MIXED-USE ZONING DISTRICT, LOCATED AT 105 NORTH SUMMIT BOULEVARD/LOTS 7-12, BLOCK 1, FRISCO TOWNSITE.

- 1) THE APPLICANT SHALL SATISFY THE REVIEW COMMENT OF THE TOWN OF FRISCO PUBLIC WORKS DEPARTMENT THAT PARKING FOR THIS BUSINESSES SHALL NOT IMPEDE TRAFFIC ON MARINA ROAD.
- 2) THERE SHALL BE NO OUTDOOR STORAGE.
- 3) OUTDOOR DISPLAY OF MERCHANDISE ASSOCIATED WITH THE RETAIL USE SHALL ONLY OCCUR UNDER THE EXISTING ROOF OVERHANG ON THE WEST (SUMMIT BOULEVARD) SIDE OF THE BUILDING.
- 4) THAT THE POINT OF ACCESS BE DELINEATED WITH SOME TYPE OF BARRIER AND A SIGN THAT WILL PRACTICALLY DIRECT PARKING INTO THE INTERIOR OF THE LOT AND NOT ALLOW PARKING ON THE SOUTH SIDE OF THE BUILDING. SUCH DELINEATION MUST MEET WITH THE APPROVAL OF THE COMMUNITY DEVELOPMENT DIRECTOR AND PUBLIC WORKS DIRECTOR.

SECONDED BY COMMISSIONER SKUPIEN.

Vote:

FRANKEN	Yea
HELD	Yea
LEDERER	Absent
LESMES	Yea
SKUPIEN	Yea
STABILE	Yea
WITHROW	Yea

Staff and Commissioner Updates:

- Parking at Mary Ruth is being monitored by the Police Department and one car has been towed.
- Annual American Planning Associate Colorado Chapter 2019 Conference is scheduled September 18-20 in Snowmass Village. Commissioner Stabile requested a field trip to Aspen for the Planning Commission to observe planning efforts in another mountain town and to coordinate with this conference.
- A Community Plan Update is scheduled for Wednesday, June 26, 2019, at the 1st and Main Building.
- The Parks Master Plan Update will be presented at the Town Council meeting, Tuesday, June 25, 2019.

Adjournment:

There being no further business, Commissioner Withrow moved to adjourn, seconded by Commissioner Held. Motion passed unanimously and the meeting adjourned at 7:57 p.m.

Respectfully submitted,
Cheryl Mattka
Community Development Department