



RECORD OF PROCEEDINGS

**Regular Meeting of the
Planning Commission for the Town of Frisco
Town Hall, 1 East Main Street
Thursday, November 7, 2019
5:00 P.M.**

Call to Order: Andy Stabile, Chair, opened the meeting at 5:01 P.M.

Roll Call: Present: Robert Anton Franken, Andy Held, Andy Stabile, and Kelsey Withrow

Absent: Jason Lederer, Lina Lesmes, and Donna Skupien

Lina Lesmes arrived at 5:04 P.M.

Minutes: The October 17, 2019 Planning Commission meeting minutes were approved unanimously.

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

Agenda Items:

1. **Planning File No. 212-19-TSU:** A public hearing of a Telecommunication Special Use Permit Application for the installation of a new monopole and noncommercial wireless communication antennas within the existing substation yard located at 39 School Road / TR 5-78 Sec 26, Qtr 3. Applicant: Xcel Energy representing Public Service Company of Colorado

Planner Katie Kent reviewed the staff report outlining the project. Kent noted that the property is zoned Public Facilities (PF) which has a maximum building height of twenty-five feet. The Telecommunications section of Town Code states that a special use permit is required for telecommunication facilities that exceed the height limitation. The proposed eighty-foot tall monopole, with five-foot tall antennas, will have gray galvanized treatment and complies with setbacks for the PF District. Kent noted that the location contains the existing secure Substation and is surrounded by light industrial and public facility uses and the closest residential uses are within Mountain Pines Subdivision, across Summit Boulevard. Kent clarified that the Town exempts Public Service Agencies from obtaining building permits for transmission, distribution and metering equipment and so no building permit will be required for the proposed project. Kent explained that the applicant has stated that the exact location and height of this Project is strategic to the overall FAN Program and the applicant evaluated the use of existing transmission or distribution structures but determined they are not feasible because of safety concerns and insufficient elevations for signal coverage. The applicant cannot consider other communication structures due to cyber and physical security concerns. Kent noted that Community Plan Guiding Principle 3.1 addressing high quality public infrastructure and services to meet growth needs is relevant to the application. Kent stated that Staff recommends approval of the application since the application has demonstrated a need for the facility and it will provide a general public safety and customer service by providing quicker, most responsive service with reduced outages and the increased integration of renewable energy.

Commission questions for staff included:

- There were no questions from Commissioners.

The Applicant, Jaxon Fagan, representative for Xcel Energy, presented a powerpoint of the project outlining the Field Area Network (FAN) Project, describing the site and including photosimulations of the proposed monopole. Mr. Fagan described the FAN project and noted that the benefits to Public Safety included faster response, isolation of faults, reduced outage durations, proactively prevent power loss and integration of more renewable energy. Mr. Fagan provided specific details on the monopole design and compared with a 125-foot tall tower. Mr. Fagan emphasized issues with co-location including cyber security, maintenance coordination, safety and access concerns, electric equipment interference and engineering limitations.

Commission questions for the Applicant included:

- Commissioners requested further information explaining why the monopole is proposed so close to School Road? Mr. Fagan responded that the engineers had evaluated the site for underground communication and electrical lines along with required separation requirements and that was the location that worked best on the site.
- Commissioners asked that the applicant speak to the renewable energy. Mr. Fagan replied that the proposed system would help the electrical grid better use the variable solar and wind energy loads instead of them not being utilized; this system allows more information so that all energy is generated and pushed to areas in need.
- Commissioners asked what the construction timeline was. Mr. Fagan responded about three weeks and noted they would like to get it constructed this year.
- Commissioners requested information regarding Wi-Fi on individual meters and personal security. Mr. Fagan noted the monopole is one phase of an overall project and that they are highly regulated to keep data secure.
- Commissioners asked why the northeast corner was not considered for the monopole? Mr. Fagan replied that it was looked at and the engineers had concluded that was not the ideal location for the pole.
- Commissioners asked if this was 5G capable? Mr. Fagan noted that this will not be used for commercial wireless services and would not be in conflict with wireless service.
- Commissioners requested further information regarding if the pole height could be reduced to less than eighty-five feet. Mr. Fagan noted that they were able to reduce it from the standard 125-foot height but it would not be as functional if lowered.
- Commissioners asked how many poles have been approved in the state. Mr. Fagan replied they have approval for about fifty and they have less than twenty remaining to get approved.
- Commissioners asked if there would be the need for another monopole in the County. Mr. Fagan replied yes, there are two proposed in unincorporated Summit County; near the landfill and on Ptarmigan.
- Commissioners asked if the monopoles are within site distance of each other? Mr. Fagan replied he was unsure.

Public comments:

- Steve Cornwell, 560B Gold Dust Drive. Mr. Cornwell noted that he is within 300-feet of the property and requested further information regarding traffic control, construction equipment, and what information is available regarding radiation effects.
 - Mr. Fagan replied that there will be no traffic control needed; infrastructure will be brought onto property in pieces and assembled on site with small crane. Mr. Fagan noted they are regulated by FCC and they will comply with all standards.
- Andy Aerenson, 116 Primrose Place. Mr. Aerenson asked if any other towers in the state were being co-located.

- Mr. Fagan replied no with one exception in Idaho Springs where they are co-locating with a County owned tower that has state and emergency towers due to geographic constraints, but no commercial carriers.
- Jan Cornwell, 560B Gold Dust Drive. Mrs. Cornwell requested the Planning Commission consider if they are opening Pandora's box with all of the towers that will be proposed in the future and requested information on the diameter of the monopole.
 - Commissioner Stabile noted that any future poles will still need to come before the Commission for review.
 - Mr. Fagan noted that the top of the pole is sixteen inches and the base is thirty-six inches.
- Steve Cornwell, 560B Gold Dust Drive. Asked if it was true that Verizon is installing a cell tower on Main Street? Interim Community Development Director, Bill Gibson replied yes, it is installed and is operational.

Commissioner Discussions:

- Commissioner Held stated he is torn over this project because it is intrusive yet he understands that they need the infrastructure.
- Commissioner Franken stated that he would like it relocated to the northeast corner of the lot. Additionally, he requested the Commission ask the applicant to provide further information to prove that the northeast corner location is not feasible.
- Commissioner Withrow stated the existing structures on the property are already an eyesore and power is important and better resources are invaluable. Agreed, she would like to know why the northeast corner was not selected.
- Commissioner Lesmes stated she would like to see what other locations were explored on the property as it would be preferred to be installed further from the road and in a less visible location.
- Commissioner Stabile stated that it is not attractive but people have been conditioned to ignore these types of poles as they are installing them all over the country. Stated that he would agree to stipulating staff verify that there were other locations studied on the property and proven not feasible. Noted that if this helps with transmission line problems, it is an important piece of infrastructure.
- Commissioners agreed that the applicant should provide data to show why the northeast location of the fenced in area is not feasible. If that location is proven to be feasible, the tower should be installed in that location. Commissioners agreed that they trusted Staff to meet with the applicant and analyze.

WITH RESPECT TO FILE NO. 212-19-TSU, COMMISSIONER FRANKEN MOVED THAT THE RECOMMENDED FINDINGS SET FORTH IN THE NOVEMBER 7, 2019, STAFF REPORT BE MADE AND THAT THE RECOMMENDED CONDITION SET AT THE MEETING BE TAKEN AND THAT THE PLANNING COMMISSION HEREBY APPROVES THE REQUEST FOR A TELECOMMUNICATION SPECIAL USE PERMIT APPLICATION FOR THE CONSTRUCTION OF A NEW TELECOMMUNICATION FACILITY, INCLUDING A MONOPOLE AND NONCOMMERCIAL WIRELESS COMMUNICATION ANTENNAS, AT THE EXISTING XCEL ENERGY ELECTRICAL SUBSTATION LOCATED AT 39 SCHOOL ROAD / UNPLATTED (TR 5-78 SEC 26 QTR 3)

SPECIAL CONDITION:

1. THIS APPROVAL IS SUBJECT TO REVIEWING THE PROPOSED LOCATION WITH COMMUNITY DEVELOPMENT STAFF AND UNDERSTANDING THAT THE PLANNING COMMISSION PREFERENCE FOR THE LOCATION IS THE NORTHEAST CORNER WITHIN THE FENCED AREA.

Motion seconded by Commissioner Lesmes.

Vote:

FRANKEN	YES
HELD	YES
LEDERER	ABSENT
LESMES	YES
SKUPIEN	ABSENT
STABILE	YES
WITHROW	YES

MOTION CARRIED

2. Planning File No. 226-19-CU: A public hearing of a Conditional Use Application to permit an “Office, Medical” use on the ground level within the Light Industrial (LI) District at 719 Ten Mile Drive / Unit F, Peak Two Condominiums. Applicant: Jolina Karen Ewing.

Planner Katie Kent reviewed the Staff Report noting the applicant is proposing to locate a variety of offices, including medical offices, within Suite F. Kent explained that the uses are allowed on the second floor within the Light Industrial (LI) District; however, a conditional use application is required for any offices, including medical offices, proposed on the ground level. Kent described the background of Suite F, including prior medical uses within the unit. Kent reviewed the criteria for approval of a conditional use noting that the proposed office use is not displacing an existing industrial use, there are no changes to the structure or site and the new office use will generate minimal impacts on pedestrian and vehicular circulation, parking, refuse, etc. Kent noted the staff report analyzed parking and in summary, thirty-one spaces are required and thirty-four spaces are provided.

Commission questions for staff included:

- Commissioners asked for Staff’s thoughts on taking away the light industrial use when it seemed to move away from the Community Plan. Staff responded that they did discuss and determined that due to the historical office uses within the unit, and the unique space with access on first floor but not on the second floor, it made sense for this unit. Staff noted the conditional use is limited to Suite F.
- Commissioners asked if this would be tied to this tenant or future tenants? Mr. Gibson responded that the Planning Commission can allow a broader scope for any medical office and office uses through future tenants, or they could limit just to this tenant. Mr. Gibson noted that through Town Code there is a sunset clause and if an office use vacates and a permitted use goes into the suite, an office use cannot go back in unless a new conditional use is approved.
- Commissioners stated a preference to restrict this conditional use to the current tenant only.
- Commissioners asked is there a demand for light industrial in the Town of Frisco? Kent responded that Town Staff does not have that information.

Doug Sullivan, representing the applicant Jolina Ewing, stated that he had Ms. Ewing on the phone for questions.

Commission questions for the Applicant included:

- Commissioner Held asked what type of uses are proposed? Through the phone, Ms. Ewing replied potential uses included a chiropractor, acupuncturist, and massage therapist. Ms. Ewing noted the two offices on the second level are permitted to have medical and office uses and she is only requesting the three offices be allowed on the lower floor.

- Commissioner Lesmes asked why the tenant picked this space? Ms. Ewing replied through the phone that her business relates to health and wellness often involving groups and the upstairs has a conference room that can meet her needs.
- Commissioners requested confirmation Ms. Ewing is a tenant and not the building owner? Mr. Sullivan replied that is correct.

Public comments:

- Anne Clark, 610 Little Chief Way. Ms. Clark noted she is a friend and colleague of Ms. Ewing. Clark noted that she works as a life coach and there is not much tenant space available for practitioners, therapists, etc. for a reasonable amount of money. Ms. Clark noted that the practitioner space downstairs and meeting space upstairs is valuable for a speaker and group as their uses may utilize.

Commissioner Discussions:

- Commissioner Held stated that he is okay with the use for this space at this time, appreciates it will be used for small businesses; and, the office and medical uses lend itself to the space. Noted that he would like to limit it to just this tenant.
- Commissioner Franken stated he is not particularly enthused with this due to the recent Community Plan discussions noting how important the Light Industrial area is. Stated he will vote against this application.
- Commissioner Withrow noted that she agrees it is an invaluable area but she does support this since it is solely for Unit F and it makes sense for this use due to the layout of the unit.
- Commissioner Lesmes stated that she does support this due to the configuration of the unit with only entrance being on the first floor but the conditional use needs to be limited solely to this tenant.
- Commissioner Stabile stated if there was a need for light industrial use in this space, he would hope that the owner would work with that tenant but since they are seeing office proposed, assuming there was not industrial tenants interested. Noted that he would like to limit to this tenant only.
- Commissioner Franken noted that the entrances to the building could be redesigned. Reiterated that it is a good applicant but he is standing by the principal of the Community Plan.

WITH RESPECT TO FILE NO. 226-19-CU, COMMISSIONER WITHROW MOVED THAT THE RECOMMENDED FINDINGS SET FORTH IN THE NOVEMBER 7, 2019, STAFF REPORT BE MADE AND THAT THE RECOMMENDED CONDITION SET FORTH AT THE MEETING BE TAKEN AND THAT THE PLANNING COMMISSION HEREBY APPROVES THE REQUEST FOR A CONDITIONAL USE APPLICATION TO JOLINA KAREN EWING FOR OFFICES AND MEDICAL OFFICES ON THE GROUND FLOOR WITHIN THE LIGHT INDUSTRIAL ZONING DISTRICT, LOCATED AT 719 TEN MILE DRIVE, UNIT F / UNIT F, PEAK TWO CONDOMINIUMS.

SPECIAL CONDITION:

1. THIS CONDITIONAL USE PERMIT IS APPROVED FOR THIS PARTICULAR APPLICATION. FUTURE OFFICE OR MEDICAL USES ARE SUBJECT TO A SEPARATE CONDITIONAL USE APPLICATION.

Motion seconded by Commissioner Held.

Vote:

FRANKEN	NO
HELD	YES
LEDERER	ABSENT
LESMES	YES
SKUPIEN	ABSENT

STABILE	YES
WITHROW	YES

MOTION CARRIED

Staff and Commissioner Updates:

- Mr. Gibson noted that the next meeting will be November 21, 2019 at 5:00 p.m.
- Mr. Gibson reminded Commissioners that the application for Nordic Passes is due November 8th.
- Commissioner Franken asked if the Planning Commission could revoke an approved Conditional Use? Commissioner Stabile stated that it may not be necessary to revoke but they have to be enforced. Kent noted that a letter was recently emailed, hand delivered, and sent to Thrift and Treasure, reminding them of conditions. Mr. Gibson stated that the Public Works Director recently reported that Ferrell Gas is not allowing Thrift and Treasure customers to park in the back of the building. Staff noted they will continue to enforce the conditional use permit.
- Commissioner Withrow requested information on height compliance. Mr. Gibson stated that all new buildings are required to submit a height ILC and if the structure does not comply, it must be brought into conformance.
- Commissioner Withrow asked about the status of the Vistas on Granite project? Staff replied that the existing buildings have received a demolition permit and the Owner has stated that they will be moving forward with a different project.
- Commissioner Held asked about the Community Development Director status. Staff noted that the position is being advertised nationally and that applications are due Nov 22nd.

Public Comments (agenda items):

None

Adjournment:

There being no further business, Commissioner Withrow moved to adjourn, seconded by Commissioner Franken. Motion passed unanimously and the meeting adjourned at 6:24 p.m.

Respectfully submitted,

Cheryl Mattka
Community Development Department