



**PLANNING COMMISSION
STAFF REPORT**

June 20, 2019

AGENDA ITEM: Planning File No. 070-19-CU: A Conditional Use Application request for a development with less than a 20% mixture of residential and nonresidential uses within the Mixed-Use Zoning District.

LOCATION: 105 North Summit Boulevard/Lots 7-12, Block 1, Frisco Townsite

ZONING: Mixed Use (MU) District

APPLICANT Leslie Newcomer, Frisco Thrift & Treasure
PO Box 993
Frisco, CO 80443

OWNER: Giberson Limited Partnership
PO Box 5553
Frisco, CO 80443

NOTICING: Published in the Summit County Journal: 6/14/2019
Mailed to adjacent property owners: 6/6/19
Posted at the Post Office: 6/6/19
Posted at the Site: 6/6/19

TOWN STAFF: Bill Gibson, Assistant Community Development Director (970) 668-9121
billg@townoffrisco.com

PROJECT DESCRIPTION

The Applicant, Frisco Thrift & Treasure, is proposing to relocate their retail business from their previous address of 416 Main Street (fronting along South 5th Avenue) to a tenant space within the existing Ferrellgas Building located at 105 North Summit Boulevard. The Ferrellgas Building is located at the northeast corner of the intersection of North Summit Boulevard/Hwy. 9 and Main Street/Marina Road. The subject tenant space is approximately 936 square feet in floor area. The tenant space is located in the westernmost portion of the existing building and fronts along North Summit Boulevard.

The Applicant is not proposing to remodel or physically alter the exterior of the existing building, with the exception of installing a business sign which will be reviewed administratively under a separate application. Ferrellgas will continue to occupy the remainder of the site.

The subject property is zoned Mixed Use (MU) District. The Frisco Thrift & Treasure business is defined as a “retail use” by the Frisco Unified Development Code (UDC). Retail uses are allowed within the MU District; however, a conditional use application is required for any development with less than a 20% mixture of residential and nonresidential uses. There is no existing residential use of this property and no future residential use is proposed. Since there is no existing or proposed residential use of this development site and the Applicant is proposing to change the type of commercial use occupying the subject tenant space from the previously approved Ferrellgas use to a retail use, a conditional use application is required.

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

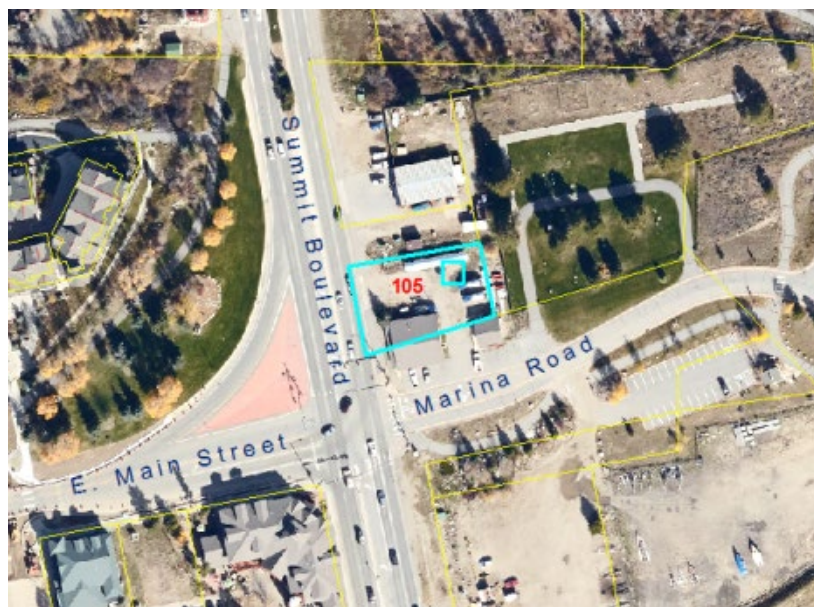
BACKGROUND

Ferrellgas began occupying the entirety of the 105 North Summit Boulevard site in 1976.

The subject tenant space was occupied by a RE/MAX real estate office from the late 1980's to the late 1990's while Ferrellgas continued to use the remainder of the property.

In 2000, the Town of Frisco approved a conditional use application to allow Ferrellgas to move back into the tenant space vacated by RE/MAX. At that time, Ferrellgas proposed to use the tenant space area for office expansion and a showroom. A conditional use application was required since Ferrellgas was a stand-alone commercial use not located within a mixed use building. At that time and still today, the Town Code does not list propane sales as a separately defined land use. The Planning Commission and Town Council staff reports from that time also indicate that due to the unique nature of the Ferrellgas business, it did not fit the definitions of a retail use or office use. So, the conditional use approval more broadly defined the Ferrellgas business as a general “commercial use”.

Below is a vicinity map of the subject property with an aerial photography base layer. The location of the property lines shown on this map vary in accuracy and should only be used for reference purposes. A photograph of the subject property is included for reference.



Vicinity Map



View from the southwest (6/13/19)

REQUIRED ACTION

Planning Commission: Approval, approval with conditions, or denial of the Conditional Use Application.

ANALYSIS - FRISCO COMMUNITY PLAN

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

Plan Overview (excerpt)

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

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

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

Sustain ~ Everything is interrelated. Sustainability is the fundamental approach of the Frisco Community Plan; it recognizes the social, environmental and economic influences on the

community, and aims over the long-term to balance these influences to support community success.

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

Chapter 2. Community Direction (excerpts)

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

The Community Plan's Quality of Life Topics relevant to this application include:

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 full-time residents, second homeowners, businesses and visitors.***
- *A&C 3. Promote public art.*
- *A&C 4. Improve existing community programs and/or explore opportunities to develop new effective programs to benefit Frisco.*
- *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 4. Enhance the Summit Boulevard area as a primary gateway and as a functional and efficient economic center of the town.***
- *BE 5. Promote attractive and safe connections between all areas and sections of the town.*

ECONOMY

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

- ***EC 1. Develop economic strategies to encourage a diversity of commercial businesses in town.***
- ***EC 2. Continue to promote the town as a year-round destination.***
- ***EC 3. Encourage and direct economic growth.***

- *EC 4. Allocate public resources to effectively support and encourage cost-effective private investments that enhance the community.*
- *EC 5. Support the creation and outlet for local markets and support local workforce policies.*

Retail use of the subject tenant space appears to further the quality of life statements in bold. The application appears to be in conformance with the purpose and recommendations of the Frisco Community Plan.

CONDITIONAL USE [§180-2.5.1]

The subject property is zoned Mixed Use (MU) District. The Frisco Town Code (Code) states in Section 180-5.2.13, Mixture of Uses in the Mixed Use District, that for properties located in the Mixed Use District, development shall be a mixture of residential and nonresidential uses, with each such use making up no less than 20 percent of the total gross floor area of all uses within the property. Developments with a lesser mixture of residential or nonresidential uses, including single use developments, are a conditional use. The application proposes to continue the one-hundred percent (100%) commercial use of this site and changes the existing Ferrellgas general commercial use of the subject tenant space to a retail use thus requiring a conditional use application.

The purpose of a conditional use is for land uses that, because of their unique character, size, operating characteristics, and potential impacts, must undergo special review with the potential for conditional approval in order to be undertaken in a particular zoning district. The conditional use process allows for the integration of certain land uses within the Town based on appropriate conditions imposed by the Planning Commission. Review is based primarily on compatibility of the use with its proposed location and with surrounding land uses and by reviewing the impacts a conditional use may have. Conditions are intended to minimize or ameliorate any negative circumstances that might arise by the use. Conditional uses shall not be allowed where the conditional use would create a nuisance, traffic congestion, a threat to the public health, safety, or welfare of the community or a violation of any provision of the Town Code, state law, rule, or regulation promulgated pursuant thereto.

The purpose statement for the MU District reads:

To increase the efficiency of land use, the number of residents and the diversity of commercial activities in those transition areas between the core commercial districts and residential districts, and to emphasize and encourage pedestrian and bicycle circulation.

It shall be the duty of the applicant to establish that each of the conditional use criteria has been met. Section 2.5.1.D of the Unified Development Code states that the Planning Commission may approve a conditional use permit application upon finding that each of six criteria are met. Please refer to the attached Applicant's narrative.

1. The conditional use is consistent with the purpose and intent of the zone district in which it is proposed to be located, furthers the applicable goals of the Frisco Community Plan, and is a desirable use that will contribute to the general welfare of the community; and

Staff's Analysis: The subject property does not serve as a transition between residential and commercial uses. Instead, this property serves as a transition between the public

open space uses and outdoor recreational uses of the cemetery and marina to the core commercial areas along Summit Boulevard and Main Street. The subject property is in close proximity to pedestrian and bicycle traffic generated by Main Street, the marina, and the recreation path. Given the design of the existing buildings, there is low demand for a residential use of this property at this time. The desire for residential uses in this location could increase if the existing buildings were to be demolished and the property redeveloped. The proposed continuation of a 100% commercial development with the inclusion of a new retail use creates a new opportunity for commerce at the intersection of Summit Boulevard/Hwy. 9 and Main Street/Marina Road thus increasing the diversity of commercial activities in Frisco.

The application also appears to follow the recommendations in the Frisco Community Plan, specifically Quality of Life Statements:

- *A&C 2. Enhance Frisco as a cohesive community, which includes full-time residents, second homeowners, businesses and visitors.*
- *BE 3. Preserve and enhance the Main Street area as the heart of the community.*
- *BE 4. Enhance the Summit Boulevard area as a primary gateway and as a functional and efficient economic center of the town.*
- *EC 1. Develop economic strategies to encourage a diversity of commercial businesses in town.*
- *EC 2. Continue to promote the town as a year-round destination.*
- *EC 3. Encourage and direct economic growth.*

The application meets this criterion.

2. The conditional use is compatible with the mix of development in the immediate vicinity of the parcel in terms of density, height, bulk, architecture, landscaping, and open space, as well as with any applicable adopted regulatory master plan or PUD; and

Staff's Analysis: There are no proposed changes to the existing density, height, bulk, architecture, landscaping or open space. The application meets this criterion.

3. The conditional use is consistent and compatible with the character of the immediate vicinity of the parcel proposed for development and surrounding land uses and enhances the mixture of complimentary uses and activities in the immediate vicinity of the parcel proposed for development; and

Staff's Analysis: There are no proposed changes to the existing buildings or site improvements; however, a new retail use within a portion of the existing building will add vibrancy to this location. Retail use of the subject property will be compatible and complimentary to the mixture of nearby commercial core uses along Summit Boulevard and Main Street as well as the marina. The application meets this criterion.

4. The location, size, design and operating characteristics of the proposed conditional use minimizes adverse effects, including visual impacts, impacts on pedestrian and vehicular circulation, parking, refuse and recycling services/area, service delivery, noise, vibrations and odor on surrounding properties; and

Staff's Analysis: There are no proposed changes to the existing buildings or site improvements and a new retail use will generate minimal visual impacts, impacts on

pedestrian and vehicular circulation, parking, refuse and recycling services/area, service delivery, noise, vibrations and odor on surrounding properties. The application meets this criterion.

5. There are adequate public facilities and services to serve the conditional use including but not limited to roads, potable water, sewer, solid waste, parks, police, fire protection, emergency medical services, hospital and medical services, drainage systems and schools; and

Staff's Analysis: There are no proposed changes to the existing buildings or site improvements and a new retail use will have minimal impact to roads, potable water, sewer, solid waste, parks, police, fire protection, emergency medical services, hospital and medical services, drainage systems and schools. The application meets this criterion.

6. The Community Development Director may recommend and the Planning Commission may impose such conditions on a conditional use that are necessary to maintain the integrity of the Town's Zone Districts and to ensure the conditional use complies this Chapter; is compatible with surrounding land uses; and is served by adequate public facilities. This includes, but is not limited to, imposing conditions on size, bulk, location, open space, landscaping, buffering, lighting, signage, off-street parking and other similar design features, the construction of public facilities to serve the conditional use and limitations on the operating characteristics and hours of operation.

Staff's Analysis: Staff recommends the Planning Commission impose a special condition based upon the review comments of the Town of Frisco Public Works Department that parking for this business shall not impede traffic on Marina Road.

Staff also recommends the Planning Commission evaluate the appropriateness of outdoor storage and outdoor displays of merchandise in this location. If the Planning Commission does not support these activities in this location, Staff recommends a condition restricting their occurrence.

ANALYSIS – AGENCY REVIEWS

TOWN OF FRISCO PUBLIC WORKS DEPARTMENT

Parking for this business shall not impede traffic on Marina Road.

Addison Canino, Assistant Public Works Director

PUBLIC COMMENT

As of June 13, 2019, the Community Development Department has not received any public comments concerning this application.

STAFF RECOMMENDATIONS

Recommended Findings

The Community Development Department recommends the following findings pertaining to the conditional use application:

Based upon the review of the Staff Report dated June 20, 2019 and the evidence and testimony presented, the Planning Commission finds:

The proposed conditional use is in general conformance with the Town of Frisco Code, specifically Section 180-30, Conditional Uses, because the following criteria established for allowing a conditional use have been met:

- 1. The conditional use is consistent with the purpose and intent of the Mixed Use District, furthers the applicable goals of the Frisco Community Plan, and is a desirable use that will contribute to the general welfare of the community, including Quality of Life Statements A&C 2, BE3, BE4, EC1, EC2 and EC3; and*
- 2. The conditional use is compatible with the mix of development in the immediate vicinity of the parcel in terms of density, height, bulk, architecture, landscaping, and open space, as well as with any applicable adopted regulatory master plan, since there are no proposed changes to the existing buildings or site improvements and there will be minimal impacts to the items; and*
- 3. The conditional use is consistent and compatible with the character of the immediate vicinity of the parcel proposed for development and surrounding land uses and enhances the mixture of complimentary uses and activities in the immediate vicinity of the parcel proposed for development; and*
- 4. The location, size, design and operating characteristics of the proposed conditional use minimizes adverse effects, including visual impacts, impacts on pedestrian and vehicular circulation, parking, refuse and recycling services/area, service delivery, noise, vibrations and odor on surrounding properties, since there are no proposed changes to the existing buildings or site improvements and there will be minimal impacts to the items; and*
- 5. There are adequate public facilities and services to serve the conditional use including but not limited to roads, potable water, sewer, solid waste, parks, police, fire protection, emergency medical services, hospital and medical services, drainage systems and schools, since there are no proposed changes to the existing buildings or site improvements and there will be minimal impacts to these items; and*
- 6. The proposed conditions on the conditional use are necessary to maintain the integrity of the Town's Zone Districts and to ensure the conditional use complies the Frisco Unified Development Code; is compatible with surrounding land uses; and is served by adequate public facilities.*

Recommended Action

Based upon the findings above, the Community Development Department recommends APPROVAL of the conditional use application, subject to the following conditions:

Conditions:

- 1. The applicant shall satisfy the review comment of the Town of Frisco Public Works Department that parking for this business shall not impede traffic on Marina Road.*
- 2. There shall be no outdoor storage or outdoor display of merchandise associated with the retail use.*

Recommended Motion

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

With respect to File No. 070-19-CU, I move 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 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.

ATTACHMENTS

Attachments:

- Application Materials

cc: Leslie Newcomer