



**PLANNING COMMISSION
STAFF REPORT**

November 7, 2019

AGENDA ITEM: Planning File No. 226-19-CU: A Conditional Use Application for Offices and Medical Offices on the ground floor within the Light Industrial (LI) Zoning District, located at 719 Ten Mile Drive, Unit F.

LOCATION: 719 Ten Mile Drive / Unit F, Peak Two Condominiums

ZONING: Light Industrial (LI) District

APPLICANT Jolina Karen Ewing
PO Box 212
Frisco, CO 80443

OWNER: Frisco Plaza Investments, LLC
PO Box 5157
Breckenridge, CO 80424

NOTICING: Published in the Summit County Journal: 11/1/2019
Mailed to adjacent property owners: 10/24/19
Posted at the Post Office: 10/24/19
Posted at the Site: 10/24/19

TOWN STAFF: Katie Kent, Planner (970) 668-9131
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PROJECT DESCRIPTION

The Applicant, Jolina Ewing, is proposing to locate a variety of offices, including medical offices, within Suite F at Peak Two Condominiums. Suite F contains both ground and second level office space. The applicant has stated that they will utilize the space for a variety of businesses providing health related services such as massage therapy, kinesiology, and wellness and fitness related consulting.

The proposed businesses are defined as a "Office, Medical" use by the Frisco Unified Development Code (UDC). This use is 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. Suite F is unique in that it is one tenant space that you enter on the first floor then proceed upstairs for additional space. The only access into the upstairs portion of the tenant space is from lower level of the unit. If approved, the conditional use would permit any Office and/or Office, Medical use on the ground level of Suite F in the

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

BACKGROUND

The proposed businesses are defined as a “Office, Medical” use by the Frisco Unified Development Code (UDC). This use is allowed on the second floor within the Light Industrial (LI) District; however, a conditional use application is required for any office use, including medical offices, proposed on the ground level. The tenant space is located in the southernmost portion of the existing building and fronts along Lagoon Drive and Ten Mile Drive. Other uses existing in the building are Resort Internet and Crossfit Low Oxygen. Crossfit received a conditional use to allow an exercise and wellness facility in 2011.

The building was resubdivided into Peak Two Condominiums in 1991. Town records indicate that Krystal 93 radio station occupied Suite F since 1988 and was considered a non-conforming use at that time. In 2005, a conditional use was issued to Alpine Anesthesia and Pain Management for Suite F. The staff report in 2005 stated that the proposal included two exam rooms on the ground floor and administrative and bookkeeping space on the second floor for a total of 2,044 sq. ft. of office space/medical space. In 2010, Superior Alarm and Electronics moved into Suite F and occupied it most recently.

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.

Frisco Town Code, Chapter 180, Section 5.2.12. Light Industrial Zoning District states:

A. Offices and Medical Offices

Offices and medical offices on the ground floor are a conditional use. Offices and medical offices not located on the ground floor are a permitted use

Article 9 provides the following definitions:

Office

A building or portions of a building in which commercial activities take place but where goods are not produced, sold or repaired. These include but are not limited to general and professional services, governmental offices, insurance offices, real estate offices, travel agency, utility offices; radio broadcasting and similar uses.

Office, Medical

A building or portion of buildings that contains establishments dispensing health services, and/or that provides support to the medical profession and patients. Examples include but are not limited to medical and dental laboratories, blood banks, oxygen providers, integrative medicine and holistic or homeopathic therapies, and other miscellaneous types of medical services.

Below is a vicinity map of the subject property with an aerial photography base layer. A section of the Frisco Zoning Map is included to show where the Light Industrial District is located within the Town. Photographs of the subject property are included for reference.



Vicinity Map



Zoning Map showing LI District locations



View looking east (Google Earth)



View from the southwest (Google Earth)

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:

Vision and Guiding Principles (excerpts)

The vision and guiding principles are a statement of community values. Together, they reflect characteristics that residents value about Frisco today, and the kind of community that residents would like to see Frisco become as it continues to grow and evolve over time. The vision and guiding principles serve as an organizing framework for subsequent chapters and policy guidance in the Community Plan, as well as for the Town Council's Strategic Plan.

Guiding Principle 2: Thriving Economy

The Frisco economy is built upon a unique balance of tourism and its role as a commercial-service hub for the region. Tourism, driven by recreational opportunities, and the small, mountain town appeal of Main Street, creates jobs and revenue. Locals and visitors utilize the large retailers, grocery stores, and services located along Summit Boulevard, and support the small businesses on Main Street. While the Frisco economy has seen steady growth in the past decade, diversification of the economy is important. More year-round opportunities will provide stability through the seasons and economic downturns. The Town should focus on small, incremental changes that preserve the town character and a healthy small business community that attracts residents and visitors.

2.1: Maintain a diverse and strong economy

- **2.1A Continue to attract and retain businesses that support and enhance Frisco's tourism revenues, while also seeking to build upon entrepreneurship and new or emerging niches.**
- 2.1B *Provide opportunities for a balanced mix of housing and services to support local businesses, employees, residents and visitors.*
- 2.1C *As development and infill occurs, ensure that the Town's overall mix of land uses remains aligned with community goals.*
- 2.1D *Participate in regional and state economic development efforts that support a diverse economy.*
- 2.1E *Support the creation of home-based businesses and remote workers.*

2.2: Strengthen Frisco's role as the year-round-local commercial and service hub for the region

- **2.2A Support the retention and expansion of regionally-serving commercial and service uses.**
- **2.2B Protect the Light Industrial zone district from dilution and intrusion by other uses.**
- **2.2C Encourage continued reinvestment in existing commercial centers.**

2.3: Facilitate the retention and expansion of locally-owned businesses

- **2.3A Create a positive business environment that encourages investment and expansion.**
- **2.3B Support efficient regulations and processes that foster a supportive business environment.**
- 2.3C *Expand workforce housing options to support small businesses, and local employees.*

The proposed application appears to further the policy statements above in bold. The proposed office uses will attract and retain businesses into Suite F that are similar to what have existed

within the tenant space over the previous thirteen years and create a positive business environment that complements other uses in the area. 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 Light Industrial (LI) District. The Frisco Town Code (Code) states in Section 180-5.2.12. Light Industrial Zoning District:

A. Offices and Medical Offices

Offices and medical offices on the ground floor are a conditional use. Offices and medical offices not located on the ground floor are a permitted use

This application proposes Medical Offices on the ground floor of Suite F, thus requiring a conditional use application. If approved, the conditional use would permit any Office and/or Office, Medical use on the ground level of Suite F in the future.

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.

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.

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 purpose statement for the LI District reads:

To promote the development of professional trade, industrial, general services, storage, and contractor services in Frisco, and to allow for other associated uses complementary to contractor trades and light manufacturing.

The proposed uses including massage therapy, kinesiology, and wellness and fitness related consulting. Historically, office type uses have occurred within the tenant space since the 1980s. The proposed office use is not displacing an existing industrial use. The layout of the tenant space is unique in that the space is two levels with access to the upper level from interior stairs within Suite F. There is no other access to the upstairs portion of Suite F. With office uses being

permitted on the second level, the conditional use is to permit a variety of office uses, including medical, on the ground level in the future.

The Light Industrial (LI) District is very limited in area and serves as an important area for uses that are essential to the functioning of a well-rounded community. In general, in industrially zoned areas, tenant rental and property values tend to be lower than in prime arterial streets with commercial zoning such as Summit Boulevard, and Main Street. From a land planning perspective, these lands are very important to have in a community.

The application appears to follow the recommendations in the Frisco Community Plan, specifically Purpose Statements:

- 2.1A *Continue to attract and retain businesses that support and enhance Frisco's tourism revenues, while also seeking to build upon entrepreneurship and new or emerging niches.*
- 2.2A *Support the retention and expansion of regionally-serving commercial and service uses.*
- 2.2B *Protect the Light Industrial zone district from dilution and intrusion by other uses*
- 2.2C *Encourage continued reinvestment in existing commercial centers.*
- 2.3A *Create a positive business environment that encourages investment and expansion.*
- 2.3B *Support efficient regulations and processes that foster a supportive business environment.*

The proposed uses including massage therapy, kinesiology and wellness and fitness consulting are desirable uses within the community and do contribute to the general welfare of the community.

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. There is no applicable master plan or PUD for the property. 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 office use within a portion of the existing building will add vibrancy to this location. No elements of the existing building are detrimental to the health, safety, or convenience of those residing or working in the area, and no modifications are proposed which could possibly have such impacts. Uses in the vicinity include Lagoon Townhomes to the east, a variety of light industrial uses and retail uses to the north and south and Alpine Bank to the west. 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: The proposed use is required to comply with all applicable Town codes, and the conditions set forth at the end of this staff memo are intended to address health, safety, and welfare. There are no proposed changes to the existing buildings or site improvements and a new office 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. Uses in the vicinity include Lagoon Townhomes to the east, a variety of light industrial uses and retail uses to the north and south and Alpine Bank to the west. 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 office 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 does not recommend any conditions be imposed on the conditional use application.

ANALYSIS – PARKING [180-6.13]

The existing building is ~10,000 sq. ft. in floor area with Suite F containing ~1,800 sq. ft. of floor space.

There are thirty (30) designated parking spaces located in the front and along the sides that are available to building tenants. Four (4) on-street parking spaces are permitted by a license agreement executed between the Town and the owners of the building. An analysis of parking for the building is as follows:

SUITE	SQ. FT.	USE TYPE	PARKING SPACES REQUIRED	# PARKING SPACES REQUIRED
SUITES A & B	4,383	Contractor Trades	1 per 750 sq. ft. GFA	6
SUITES	4,042	Health, Recreation	1 per 200 sq. ft. GFA	20

C, D & E		and Exercise		
SUITE F	1,753	Office, Medical	1 per 350 sq. ft. GFA	5
	10,178			31

Thirty-one (31) parking spaces are required for the proposed and existing uses within the structure. Thirty-four (34) parking spaces are provided for the property. The application meets this criteria.

PUBLIC COMMENT

As of October 31, 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 November 7, 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 Light Industrial 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 Policy Statements 2.1.A, 2.2.A, 2.2.B, 2.2.C, 2.3.A and 2.3.B; 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*
- 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 since there are not proposed changes to the existing buildings or site improvements; 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. *There are no proposed conditions on the conditional use necessary to maintain the integrity of the Town's Zone Districts and to ensure the conditional use complies the Frisco Unified Development Code.*

Recommended Action

Based upon the findings above, the Community Development Department recommends APPROVAL of the conditional use application.

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. 226-19-CU, I move that the recommended findings set forth in the November 7, 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 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.

ATTACHMENTS

Attachments:

- Town of Frisco Zoning Ordinance:
 - §180-2.5.1 Conditional Uses
 - §180-3.10 Light Industrial District
- Application Materials

cc: Jolina Karen Ewing

Council and an ordinance embodying such changes in whole or in part may be adopted by the Council after public hearing, public notice of which is given. In the event of adoption by the Council of such changes in part, if such partial adoption has not been recommended as such by the Planning Commission, a favorable vote of at least three-fourths of the members of the entire membership of the Council shall be necessary.

D. Code Amendment Approval Criteria

An amendment to the text of this Chapter is a legislative decision by the Town Council. Prior to recommending approval or approving a proposed amendment, the Planning Commission and Council shall consider whether and to what extent the proposed amendment:

1. Is consistent with the Master Plan and other Town policies;
2. Conflicts with other provisions of this Chapter or other provisions in the Frisco Town Code;
3. Is necessary to address a demonstrated community need;
4. Is necessary to respond to substantial changes in conditions and/or policy; and
5. Is consistent with the general purpose and intent of this Chapter.

180-2.5 Development Processes, Permits, and Approvals

[Amended 03-13-18, Ord. 18-03; 04-09-19, Ord. 19-04]

180-2.5.1. CONDITIONAL USES

A. Purpose

Conditional uses are 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.

B. Applicability

1. Conditional use approval is required for those uses listed as conditional uses in the table of allowed uses in Section 180-5.1.
2. An application for conditional use approval is required and shall be submitted at the same time as the site plan review, if one is necessary.
3. Conditional use permits run with the land and approval may be revoked upon failure to comply with conditions associated with the original approval of the conditional use.

C. Review Procedures

Figure 2-D identifies the applicable steps from the common review procedures in Section 180-2.3 that apply to the review of applications for conditional uses. Additions or modifications to the common review procedures are noted below.

Figure 2-D: Conditional Use Review Procedures



1. Pre-Application Conference

A pre-application conference shall be held in accordance with Section 180-2.3.1.

2. Application Submittal

The application for a conditional use shall include all documentation specified in 180-2.3.2.

3. Public Hearing

- a. The Planning Commission shall hold a public hearing for which public notice is given to hear testimony and evidence pertinent to the proposed conditional use. The Planning Commission may approve, approve with conditions, or deny the conditional use application. In authorizing a conditional use, the Planning Commission shall consider public comments, testimony, and evidence pertinent to the proposed use, and shall impose such requirements and conditions as may be necessary or desirable for the public welfare and achievement of the Master Plan and community goals and objectives.

- b. If a site plan application is a component of the proposed conditional use, a site plan development application must be submitted concurrently for the Town to adequately review the full proposal.

4. Final Approval

Final approval or disapproval of a conditional use rests with the Planning Commission. The Commission shall make findings, which shall be put forth in a notice of decision. Such notice of decision will include any conditions of approval and will be recorded in the records of the Summit County Clerk and Recorder. Unless a business license has been issued for the use, or a building permit issued for the project within a period of one year from the date of notice of decision of the conditional use approval, the conditional use approval shall expire. Where a conditional use has been abandoned or discontinued for a period of one year or longer, or where a conditional use has been changed to a permitted use or to any other conditional use, the conditional use approval shall become null and void.

5. Expansion or Enlargement

Expansion or enlargement of a conditional use shall require a new application, unless the Director determines that:

- a. The expansion or enlargement is not expected to increase potential negative impacts to surrounding property or the Town; and
- b. The expansion or enlargement will not require adjustments to any standards greater than allowed through the administrative adjustment procedures in Section 180-2.7.2.

D. Approval Criteria

The Planning Commission may approve a conditional use permit application upon finding that each of the following criteria are met:

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
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
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; 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; and
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.

180-3.10 Light Industrial (LI) District

180-3.10.1. PURPOSE

To promote the development of professional trade, industrial, general services, storage, and contractor services in Frisco, and to allow for other associated uses complementary to contractor trades and light manufacturing.

180-3.10.2. DISTRICT STANDARDS

A. Dimensions

See Figure 3-H and Section 180-3.16.

B. Development Standards

All non-residential development is subject to the Non-Residential Development Standards in Section 180-6.21.

TABLE 3-8: LI DISTRICT DIMENSIONAL STANDARDS	
LOT STANDARDS	
Minimum lot area	10,500 sf
Minimum lot frontage	50 ft.
SETBACKS	
Minimum front yard setback	15 ft.
Minimum side yard setback	None
Minimum rear yard setback	10 ft.
BUILDING STANDARDS	
Maximum building height	45 ft. (pitched); 35 ft. (flat)

Figure 3-H: Illustration of LI District Dimensional Standards

