



**PLANNING COMMISSION
STAFF REPORT**

May 2, 2019

AGENDA ITEM: Planning File No. 238-18-MAJ: A public hearing of the Major Site Plan application for the proposed Rainbow Court East Building mixed-use project

LOCATION: 310 East Main Street / Lots 3-5, Block 9, Frisco Townsite

ZONING: Central Core (CC) District

APPLICANT & OWNER: Myra Mesko, MM Properties LLC
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PROJECT DESCRIPTION

The applicant, MM Properties LLC, represented by TC3 Architects is proposing to demolish and redevelop the “east wing” of the existing Rainbow Court Building located at 310 East Main Street. The proposed project entails a 6,375 sq. ft. gross floor area within the east wing including:

- First Floor Retail/Restaurant space, 1,817 sq. ft. gross floor area.
- First Floor Retail space, 1,851 sq. ft. gross floor area.
- Existing dining area to remain on second level above 577 sq. ft. of retail space.
- Four (4) one-bedroom dwelling units ranging from 829 sq. ft. to 865 sq. ft.
- Five (5) parking spaces
 - One (1) dedicated parking space per residential unit
- Exterior building materials include cedar shiplap siding, architectural panels, and stone veneer.

The proposal has been revised to have retail spaces on the ground floor in place of where the lower level of residential units was originally proposed. Four (4) residential units are proposed on the second and third levels of the proposed east building. Due to the change in proposed

uses, design changes were made to the west façade of the proposed east building to reflect the retail spaces on the ground level. Colors and materials are proposed to remain the same as proposed at March 21, 2019 Planning Commission meeting. Additional changes to the application include a reduced courtyard size which brings the percentage of lawn area into compliance. A revised traffic study was submitted and reviewed in this staff report.

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

BACKGROUND

The subject property consists of three (3) lots from the original Frisco Townsite with a total lot area of 10,500 square feet. The subject property fronts along East Main Street and abuts the Granite Street Alley on the rear. The property includes the existing Rainbow Court Building which is occupied by a variety of existing commercial uses including restaurants, offices, personal services, and retail. The adjacent uses are Hotel Frisco to the west and the Frisco Market Place Condominiums and Bagali's Restaurant to the east.

According to the submitted application, the existing Rainbow Court Building is composed of renovated elements of former motel buildings from the 1950's and 1970's. The Community Development Department's archives do not include any information about the original construction of this building.

On December 6, 2018, the applicant presented a sketch plan application to the Planning Commissioner for the proposed redevelopment of this building. Overall Commissioner feedback was general support for the proposed design with the exception of proposed arches. Commissioners agreed they would prefer to see commercial space on the first floor instead of residential use. Commissioners requested the applicant provide further justification to how the proposed structure is compatible with other structures on the same block of Main Street and provide a sun study that shall include December 21 (winter solstice) 9 a.m., noon, and 2 p.m. and on June 21 (summer solstice) 9 a.m., noon and 2 p.m.

Changes made to the application after sketch plan review included lower decks and posts being eliminated and upper deck cantilevered with a steel beam which opens the courtyard area to a greater width.

On March 21, 2019 the Planning Commission opened the public hearing for the proposed mixed-use development. At this meeting, Commissioner discussion included:

- Commissioners discussed the Community Plan and if the project encouraged economic growth and was compatible with Main Street.
- Commissioners stated that they did not believe this encourages economic growth and the project is not compatible with Main Street due to residential use proposed on the ground floor.
- Commissioners noted that they thought this project takes away from Main Street which is the heart of the community.
- The Commission agreed that the entire buildings fronts on Main Street and so the residential units are a portion fronting Main Street and not in compliance with the UDC.
- Commissioners discussed the purpose statement of the Central Core District and noted residential is listed last.
- Commissioners agreed that they were not against residential on Main Street but they did not find it compatible when located on the ground floor.

- Commissioners discussed the short term rentals and their concerns over parking problems and no concierge service monitoring compliance with regulations.
- Commissioners agreed that the project is not in conformance with the community plan.
- Commissioners stated that the project is not compatible with the adjacent properties.

The applicant's representative requested that the item be continued to April 18, 2019 to allow them to make amendments to the application based on feedback heard at the March 21, 2019 meeting. The applicant has submitted revised plans in response to comments received at the March 21, 2019 Planning Commission meeting.

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. Photographs of the subject property are included for reference.



Vicinity Map



North side



Interior View of the East Wing



South Side

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

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.*

Housing

Frisco is a community that recognizes the importance of ensuring a variety of housing opportunities are available for people to live and work here.

- **HS 1. Encourage a mixture of housing unit sizes and types within new residential developments.**
- **HS 2. Ensure new housing is compatible with adjacent properties and compliments existing neighborhoods.**
- *HS 3. Provide a variety of affordable housing opportunities, regulations and/or programs that meet the needs of the Frisco residents.*
- *HS 4. Promote and encourage public/private partnerships for the development of affordable housing to achieve the highest quality housing possible.*
- *HS 5. Implement strategies that complement existing housing programs to ensure a diverse community.*

The proposed application appears to further the quality of life statements above in bold. The application proposes to provide six (6) retail spaces, one (1) retail/restaurant space and four (4) residential units in the east building. The proposed mixed-use development provides housing units while continuing to promote economic growth with retail/restaurant spaces on the ground floor. The proposed use of solar installed on the roof encourages a sustainable design. The application conforms to the recommendations of the Frisco Community Plan.

ANALYSIS – CENTRAL CORE (CC) DISTRICT [§180-3.11]

Purpose: The purpose of the CC district is as follows:

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

Minimum Lot Area: 3,500 square feet. The existing lot size is 10,500 square feet.

Minimum Lot Frontage: None required.

Setbacks: The subject property is located along Main Street. The minimum required setbacks and the proposed setbacks for this application are as follows:

	Minimum Setback	Proposed Setback
Front Yard (Main Street)	3 feet	3 feet
Side Yards	0 feet	East: 0 feet West: no change to existing 0 feet
Rear Yard (Alley)	0 feet	0 feet
Minimum Stepback for the third and above floors of street-facing wall facades	10 feet	North (Main Street): ~20 feet South (Alley): ~40 feet

Section 3.17.11 of the Town of Frisco UDC states that in the Central Core District, the following encroachments into a required stepback are allowed:

- A. *Roof overhangs, limited to two feet in depth; and*
- B. *Railings, limited to the minimum height required by the building code.*

An Improvement Location Certificate (ILC) will be required during construction to ensure the structure, including roof eaves, do not encroach into the setback. The application meets the setback standards.

Maximum Lot Coverage: None required.

Maximum Building Height: The maximum building height is forty (40) feet for pitched roofs and thirty-five (35) feet for flat roofs in this zone district. The application meets this standard with the pitched roofs proposed at forty (40) feet and flat roofs proposed at thirty-five (35) feet. Compliance with building height will further be verified through an Improvement Location Certificate (ILC) during construction.

Section 3.17.8 of the Town of Frisco UDC states that for properties along Main Street in the Central Core District, the ground floor ceiling height for all uses shall be a minimum of ten (10) feet in height. The application meets the building height standards.

Density: The permitted density in the Central Core District is sixteen (16) dwelling units per developable acre. With a developable lot size of 0.24 acres, the maximum allowed residential density is 3.86 units, which pursuant to the UDC is rounded up to four (4) dwelling units. The application proposes four (4) residential dwelling units and meets this standard.

The Density Bonus affordable housing incentive is available in the Central Core District. The application does not propose the use of this provision. Since the proposed application does not exceed the allowable density of this zoning district, there is no requirement for deed restricted affordable housing units with this proposal.

ANALYSIS – USE STANDARDS [§180-5]

Permitted and Conditional Uses: In the Central Core District, a variety of commercial uses are permitted including multi-unit dwellings, townhomes, hotel and motel, restaurants/bars/taverns, offices, personal service, and light retail. For the east building, the applicant is proposing four (4) residential townhouse units, an 1,817 sq. ft. retail/restaurant space and 1,851 sq. ft. retail space. The application meets this standard.

Residential Uses in Central Core (§180-5.2.8): For properties located between Main Street and Galena Alley and properties located between Main Street and Granite Alley, residential uses are prohibited on the ground floor in those portions of a building that front along Main Street and/or a numbered Avenue. Residential units are only proposed on the second and third levels of the structure. The application meets this standard.

Accessory Uses and Structures (§180-5.3.3): Solar Energy Facilities: Roof mounted solar energy facilities are proposed by this application. Pursuant to §180-5.3.3, Solar Energy Facilities:

Solar energy facilities may be ground-mounted or mounted on principal or accessory structures, provided they comply with the following requirements:

- A. Solar energy facilities shall not be located in the front yard between the principal structure and the public right-of-way;*
- B. Solar energy facilities shall be located a minimum of 6 feet from all property lines and other structures except the structure on which it is mounted;*

- C. Solar energy facilities shall not exceed the greater of one-half of the footprint of the principal structure;
- D. Ground mounted solar energy facilities shall not exceed 5 feet in height.
- E. A solar energy facility shall not extend more than 18 inches above the roofline of a one-family or two family residential structure, or more than ten feet above the roofline of a multi-family or non-residential structure.

The submitted narrative states:

The solar panels will not be seen from the primary view which is from Main Street, and it would be very hard to see them from the Alley with the exception of the existing panels which may be replaced with newer and more efficient panels. They might recognize that there is something on the roofs, which is nothing more than the thickness of the panel flush mounted to the roof. The existing solar panels face the Alley and are visible from the Alley. The proposed panels as shown are approximately 9'-6" from the east property line, and both the existing and proposed solar panels do not exceed one half of the foot print of the connected structures, while no solar panel extends beyond the peak of any roof ridge line.

Staff will ensure full compliance with Section §180-5.3.3 of the UDC at time of building permit submittal. The application meets this standard.

ANALYSIS - DEVELOPMENT STANDARDS [180-6]

Joint Use Restrictions (§180-6.3.1): This application does not involve the joint use of any yard, open space, or portion of a lot. This standard does not apply to this application.

Buildings Occupying More Than One Lot (§180-6.3.2): Lots 3-5, Block 9, Frisco Townsite are one development site. This standard does not apply to this application.

Development on Steep Slopes (§180-6.5.1): For all development in areas with steep slopes between 15% and 30%, the net site disturbance shall not exceed 50% of the total area within this range of slopes. The proposed site modifications do not impact steep slopes. This standard does not apply to this application.

Grading Permit (§180-6.5.2): The developer will be subject to the standards regulating grading permits.

Water Quality Protection (§180-6.7): These standards are intended to maintain natural buffers, protect riparian habitat and the visual appearance of the Town's waterways, lakeshores, and wetlands. This standard does not apply to this application.

Air Quality Protection (§180-6.8): There are no solid fuel (wood) burning fireplaces or appliances proposed with this project. This standard does not apply to this application.

Road Construction (§180-6.9): No new public or private roads are proposed in association with the project. This standard does not apply to this application.

Stream Crossings by Roads and Utilities (§180-6.10): The application does not involve a stream crossing. This standard does not apply to this application.

Access (§180-6.11): All vehicular access must comply with the standards set forth in Chapter 155, Street Design Criteria, Frisco Town Code. The project is proposing to continue access off Granite Street Alley. The Town Engineer and Public Works has reviewed the proposed new access and stated that the existing asphalt and concrete to be replaced shall be replaced to the nearest control joint within the right of way. The application meets this standard.

Traffic Study (§180-6.12): Frisco Town Code requires a traffic study, prepared by a professional engineer licensed in the State of Colorado, be submitted for any large project that:

- A. *Requires a conditional use or rezoning approval;*
- B. *Is located adjacent to either Main Street or Summit Boulevard;***
- C. *Contains only one point of access;*
- D. *Contains an access point off an unimproved roadway or unincorporated area;*
- E. *Contains an access point off a road with a service level of D or F; or*
- F. *Is expected to generate 400 or more daily trips per day.*

The applicant has submitted an updated letter from Felsburg, Holt & Ullevig dated April 4, 2019, recognizing the proposed revision to build retail spaces on the ground floor, summarizing:

When considering the several factors of the Rainbow Court redevelopment – uses in a downtown setting, opportunities for walking/biking, the relatively small increase in projected vehicle-trips – we believe that the reconstruction will have a relatively small impact to the surrounding street network, possibly one that is indistinguishable from existing conditions. As such, we do not anticipate any changes to travel patterns or the need for any signing or striping changes along the Town’s network of public streets.

The Town Engineer and Public Works have reviewed the updated traffic letter dated April 4, 2019 and agreed that it is acceptable from a traffic standpoint.

The application meets this standard.

Refuse Management (§180-6.17): All commercial, mixed-use and multi-family residential development projects shall provide adequate space for the collection and storage of refuse and recyclable materials. Dumpsters are required for commercial and mixed-uses projects. The applicant proposed to continue to use the existing dumpster located at the Hotel Frisco, 308 East Main Street.

The applicant has submitted a letter from Timberline Disposal & Recycling dated December 27, 2018 stating:

I have reviewed the re-development plans and feel confident that Timberline Disposal and Recycling can continue to provide weekly trash and recycling services to the dumpsters located behind the proposed development. The new development and future tenants can be serviced using the existing dumpsters in place. If needed, the service can be increased accordingly to accommodate any increase in refusal from the expansion.

Staff has requested a dumpster agreement be submitted from the property owner of 308 East Main Street with commitment to continued shared use of the dumpster. The agreement shall be

in a form that is acceptable to the Town Attorney. Staff recommends a condition of approval that the dumpster agreement be recorded at the Summit County Clerk & Recorder's office prior to application for a building permit. The application meets this standard.

Fences and Walls (§180-6.18): Fences may be eight (8) feet in height when enclosing outdoor storage areas in non-residential districts. There are no fences proposed with the site plan application. This standard is not applicable.

Nuisances (performance standards) (§180-6.20): The developer will be subject to the nuisance standards prescribed by this section. The application meets this standard.

Bulk Standards (§180-6.23): Table 6-K of the UDC outlines bulk plane requirements. Per footnote 1, side property line bulk plane does not apply to properties located between Main Street and the Granite Street Alley. Bulk plane shall be measured at the front property line and extend up twenty (20) feet prior to extending at a 45 degree angle. The applicant has shown a bulk plane encroachment on the submitted elevation drawings. As stated on plan sheet DA-1, the only encroachment beyond the bulk plane envelope delineation is a part of the arched Retail-Restaurant roof deck parapet which is encroaching 46 sq. ft. §180-6.23.3 of the UDC states that building forms may deviate from this standard and project beyond the bulk plane if they do not exceed maximum building height and provide substantial architectural relief, with Planning Commission approval. Should the Planning Commission find that the encroachments provide substantial architectural relief and advance the intent of Section 180-6.23, then the application meets this standard.

ANALYSIS – NON-RESIDENTIAL DEVELOPMENT STANDARDS [§180-6.21]

6.21.2. Applicability:

- A. *This section shall apply to the development of any non-residential use that requires site plan review. Findings shall be made that a non-residential development is in compliance with the standards of this section prior to approval of a site plan review. Failure to meet the mandatory standards shall constitute grounds for the decision-making body to request amendments to the proposed design or to deny a final plan or site plan.*
- B. **Mixed-use development shall comply with these non-residential development standards.**

6.21.3. Standards

- A. **Compatibility with Neighborhood Character**
 - a. *Compatibility. Compatibility shall be achieved through proper consideration of scale, design, proportions, site planning, landscaping, materials and colors, and compliance with the standards in this section.*
 - i. *Compatibility of development on Main Street shall be determined based on proper consideration of the above features of nearby properties on Main Street rather than properties on other streets, as well as compliance with the standards in this section.*
 - b. *The existing landforms and historic structures, as noted in the town's Historic Resource Inventory, on a site shall be preserved onsite whenever possible and reinforced by development rather than destroyed or replaced by it.*

At time of sketch plan review, the Planning Commission requested the applicant provide further evidence of how the proposed structure is compatible to development on nearby properties on Main Street. The applicant stated in their submitted narrative:

As to its compatibility, this project is compatible with the variety and eclectic styles of Main Street that has a character unto itself. The entirety of Main Street should be considered when reviewing compatibility, as it has its own fabric. Even within this block, it's compatible as well as complementary and in size, scale, materials, finish and uses. It's not theme architecture or design and Frisco's Main Street should never be that. It's okay to mix contemporary and historic and everything in between, and there's a lot of in between designs all up and down Main Street. And it works! It's a very walkable, comfortable and visually interesting stroll. And that's to include the Foote's Rest development that was recently approved by the Town. It too is a blend of the new and the old.

The Town has taken strides to make sure that the architecture and designs don't dominate through the use of the Bulk Plane Envelope that has been a part of Main Street since the onset of the Planning Codes as well as with the step back of a third level that came about a few years back. Main Street has a wide Right-of-Way and keeping the upper parts of designs back, gives it added visual and vertical relief in allowing it feel more open.

The desire was to not level the entirety of the property as many had suggested. That's the easy answer. Myra's intent was to keep the west side but to introduce a contemporary component to compliment and contrast against the existing older structure. During the redesign process, and as a result of the comments during the Sketch Review, we came across a color photograph of Main Street that was taken in the 1960's which is included in this packet, and were amazed at how many red buildings there were, including that of the Frisco Hotel, as well as this property. We knew the buildings were painted red at some point in time because of what we can see on some of the existing west side logs. We wanted the 1950's building up front on the west side to have that color again, and we wanted to repeat it on the new building, and in this design it's at that top level. There are a few other buildings painted in a similar finish, most notable being the Moose Jaw.

This application preserves half of an existing building and proposes an addition to be constructed in place of the existing east half of the structure. If the Planning Commission finds that the proposed development is compatible with the scale, design, site planning, landscaping, exterior materials and colors, and is compatible with other nearby properties on Main Street, then the application meets this standard.

B. Façade Standards

2. Building Elements.

All building elevations shall employ varied articulation of wall surfaces, as shown in Figure 6-00.

- a. Each street-facing façade shall include one or more deep eaves or overhangs, at least 24 inches in depth.*
- b. Each façade or each 75 foot portion of a façade visible from public streets or parking lots shall be articulated through the use of at least four of the following building elements that provide shelter from natural elements and provide visual relief.*
 - i. Balconies, porches, or patios;*
 - ii. Building elements that provide shelter from natural elements;*

- iii. *Offsets, insets, bays, or other similar architectural features to add a variety of depths to the wall plane;*
- iv. *A change in texture or material, provided all exterior wall textures and materials are consistent with the overall architectural style of the building;*
- v. *Variation in roof planes or roof forms, including dormers or gables;*
- vi. *Variation in window sizes and shapes; or*
- vii. *Prominent building entrance features.*

The north and south facades are considered street facing. The west façade of the new east building faces a courtyard that is interior to the lot. However, portions of this façade may be visible from a public street along with the north and south facades. The proposed north and south facades include deep eaves or overhangs, at least 24 inches in depth. The north façade of the proposed east building contains a second floor deck which provides a variety of depth to the horizontal wall plane, a change in material, variation in roof plane and a variety of window sizes. The south façade of the proposed east building contains a covered parking overhang which provides a variety of depth to the horizontal wall plane, building elements that provide shelter from natural elements, variation in roof plane and a variety of window sizes. The west façade of the proposed east building contains third floor decks/patios, a variety of depth to the wall plane, a change in material, variation in roof plane and a variety of window sizes. The application meets the façade standards.

3. *Building Articulation*

- a. *Building walls and corresponding eaves shall not exceed 27 feet in the same geometric plane.*
- b. *Building walls over 27 feet in length shall change geometric planes by at least two feet in depth for a minimum length of six feet.*
- c. *Building walls that exceed 54 feet in total building façade length shall change geometric planes by at least four feet in depth for a minimum length of six feet.*
- d. *Building walls or roof ridgelines over 33 feet in length and facing a front yard or street side yard shall not have more than 66 percent of the length of the wall or roof ridgeline along the same geometric plane.*

The south (Alley facing) façade of the existing building is nonconforming. The north (Main Street facing) façade of the proposed addition is approximately twenty-six (26) feet in length. The total length of the north frontage of the addition combined with the existing structure is seventy-six (76) feet. The existing courtyard breaks up the street façade and provides the required breaks in building wall geometric planes. The application meets this standard.

4. *Entrances*

- a. *For development with over 25,000 square feet of gross floor area, at least two separate and distinct public entrances into the building shall be provided.*

The development is proposed to have a total gross floor area of 14,139 sq. ft. This standard does not apply to this application.

C. *Bulk Plane Standards*

- 1. *Buildings shall be designed in a manner that provides elements that relieve the feeling of mass and provides for the graduation of mass as one moves back from the front of a lot, with the smaller elements located near the street, and the larger elements located further away from the street.*

2. See Section 180-6.23 for bulk plane requirements.

Bulk Standards (§180-6.23): Table 6-K of the UDC outlines bulk plane requirements. Per footnote 1, side property line bulk plane does not apply to properties located between Main Street and the Granite Street Alley. Bulk plane shall be measured at the front property line and extend up twenty (20) feet prior to extending at a 45 degree angle. The applicant has shown a bulk plane encroachment on the submitted elevation drawings. As stated on plan sheet DA-1, the only encroachment beyond the bulk plane envelope delineation is a part of the arched Retail-Restaurant roof deck parapet which is encroaching 46 sq. ft. §180-6.23.3 of the UDC states that building forms may deviate from this standard and project beyond the bulk plane if they do not exceed maximum building height and provide substantial architectural relief, with Planning Commission approval. Should the Planning Commission find that the encroachments provide substantial architectural relief and advance the intent of Section 180-6.23, then the application meets this standard.

D. Roof Standards

2. Roof Pitch

- a. Steep pitched roofs are encouraged.
- b. Flat roof construction shall be augmented with pitched roof elements, including but not limited to, peaked or sloped facade elements or parapets facing all street sides.
- c. Pitched roof elements shall vary by a minimum of two feet in elevation.
- d. Mansard roofs are not appropriate and are not allowed.

The proposed east building consists of a variety of flat and pitched roofs which add visual interest to the project. Pitched roofs are proposed at 5/12 and 3/12 pitches. Mansard roofs are not proposed. The application meets this standard.

3. Roof Design

- a. Where pitched roofs are utilized:
 - i. A minimum pitch of 4/12 is required.
 - ii. Dormers shall be incorporated to break up the roof, to enhance the usability of attic spaces, and to add architectural interest.
 - iii. Ridgelines shall change elevation by no less than two feet for each 27 feet of building length. Architectural elements which intersect with the ridgeline may qualify as ridgeline changes upon a finding that the design furthers the purpose of this section.
- b. Shed roofs with a minimum pitch of 3/12 may be utilized only if the shed roof element is below the primary roof level and terminates into the roof or wall of the structure.
- c. No more than 66 percent of a ridgeline or roof line shall be on the same elevation.
- d. Roof lines shall be designed in a manner where they do not substantially deposit snow onto required parking areas, sidewalks, trash storage areas, stairways, decks, balconies, or entryways.

The proposed addition includes a combination of flat and sloped roofs. The proposed sloping roof elements have a 5/12 pitch and shed roofs are proposed with a 3/12 pitch. No new

ridgelines greater than twenty-seven feet of building length are proposed. The proposed shed roof with 3/12 pitch are located below the primary roof level. At the March 21, 2019 Planning Commission meeting, Commissioners questioned the primary sloped roofs being shed roofs. Staff interprets that the primary sloped roofs are not shed roofs as they are the primary roof and can also be considered a sawtooth roof design. This sawtooth roof design permits the addition of solar panels to be installed effectively for maximum solar capacity. A similar design appearance could be created by a combination of flat roofs with sloping parapets. The proposed addition shows no more than 66 percent of a ridgeline is on the same elevation. The new roofs created by the proposed addition do not appear to deposit snow onto parking areas, sidewalks, trash storage areas, stairways, decks, balconies or entryways. The need for snow clips, snow fences, and other similar rooftop snow management techniques on both the existing and proposed roof elements will be reviewed with the building permit application. The application meets this standard.

4. Roof Materials

- a. If metal roofs are used they shall be surfaced with a low gloss finish or be capable of weathering to a dull finish in order to not be reflective.*
- b. Metal roofs shall have a standing seam or shall be of a design that provides relief to the roof surface.*
- c. Asphalt and fiberglass shingles are permitted provided that they are a heavy material that provides substantial relief and shadow, and the design and color are compatible with the building.*
- d. Spanish or Mission style roofs and other similar roof materials are prohibited.*
- e. Historic buildings, as noted in the Town's Historic Resource Inventory, may use rolled asphalt roofing materials.*
- f. Bright colored roofs that exceed a chroma of four on the Munsell Color chart shall not be allowed.*
- g. All rooftop mechanical, electrical, and electronic equipment shall be screened in a manner that is compatible with and substantially similar to the colors and materials of the building or the roof.*

As shown on the exterior finish material board, the roof is proposed to be an metal roof of a dark bronze color. The application meets this standard.

E. Building Material Standards

2. Primary Materials

- a. To ensure that building materials are compatible and complementary to existing historic or contributing buildings in the area, using a combination of mainly natural materials.*
- b. Other materials that imitate natural materials are also acceptable, provided their texture, shape, and size are similar to the natural materials they are imitating, and are not obviously artificial materials.*
- c. Stucco, steel, or concrete block shall not be primary exterior materials for the majority of a building.*

The primary exterior material for the proposed building addition is cedar shiplap siding. Stone veneer, metal wall panels and architectural panels are proposed as accent and base materials. Stucco and concrete block are not proposed. The application meets this standard.

3. *Specific Material Standards*

a. *Concrete Block*

Concrete block used as an accent material shall be a split, textured, or scored block.

b. *Concrete Panel*

Concrete or concrete panels shall be textured or scored and used in combination with other materials, or shall be faced with another material such as stone, stucco, or other similar materials.

c. *Glass*

Clear glass shall be used for windows. Tinted, colored, or opaque glass may be approved when demonstrated by the applicant to be compatible with the purpose of this section.

d. *Metal*

Metal shall have a matte finish or a finish proven to fade and not be reflective.

e. *Steel*

Steel may only be used as an accent material or used in combination with other materials.

f. *Stucco*

Stucco may only be used as an accent material or used in combination with other materials.

The primary exterior material for the proposed building addition is cedar shiplap siding. Stone veneer, metal wall panels and architectural panels are proposed as accent and base materials. The color of the proposed metal wall panels and accents is "dark bronze". Stucco and concrete block are not proposed. The metal panels are proposed to be of a matte finish. The application meets this standard.

4. *Prohibited Materials*

The following materials are prohibited:

- a. *Aluminum, steel, or plastic exterior siding that does not imitate natural materials;*
- b. *Mirrored or reflective glass; and*
- c. *Untreated or unpainted galvanized sheet metal*

No aluminum or plastic exterior siding, mirrored glass or untreated galvanized steel is proposed. The application meets this standard.

5. *Accessory Structures*

The same or similar building materials shall be used on main structures and any accessory structures located on the same site, unless an alternative design can be provided that will complement the project and meet the purpose of this section.

No accessory structures are proposed. This standard is not applicable.

F. *Building Colors*

2. *Maximum Color Chroma. No color may be used as the primary color of the building that exceeds a chroma of four on the Munsell Color chart.*

3. *Exception for Building Accents. Colors that exceed a chroma of four, but do not exceed a chroma of eight on the Munsell Color chart may be used only sparingly as accents, such as on trim or railings. Luminescent, fluorescent, or reflective colors shall not be utilized on any exterior portion of the building.*
4. *Accessory Structures. The same or similar colors shall be used on main structures and on any accessory structures on the site, unless an alternative scheme can be provided that will complement the project and meet the purpose of this section.*

The proposed building colors include a brown and red sealers for the cedar shiplap siding. Architectural panels are proposed in a pearl gray and the color of the proposed metal wall panels and accents is “dark bronze”. The application meets this standard.

G. *Design Variety*

2. *Duplicate Building Design Prohibited*

- a. *Building designs that duplicate, or are substantially similar in terms of roof pitch, building articulation, materials, colors, and building elements to existing or proposed structures within a 300 foot radius of the property are not allowed, with the exception of accessory structures, which may be designed similarly to the primary structure.*
- b. *Where a proposed building contains multiple identical units, the building design shall provide architectural differentiation from the duplication of units by providing a variety in windows, decks, balconies, or exterior facade compositions.*

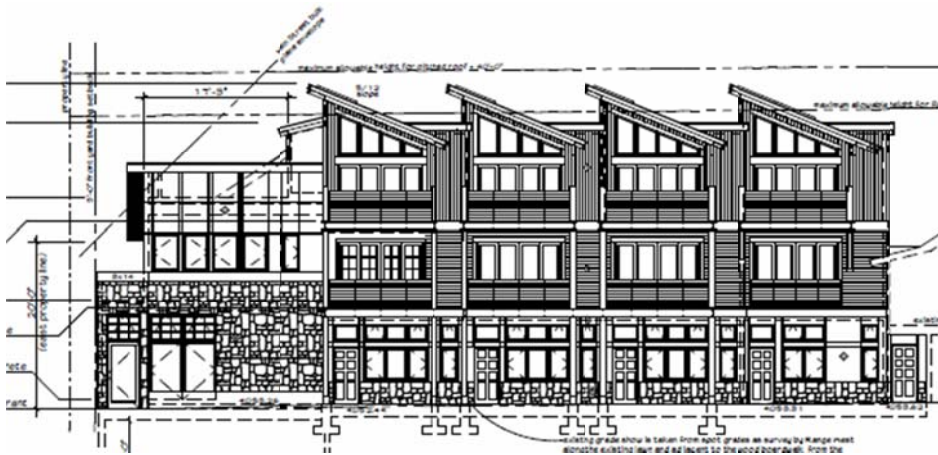
The proposed building contains four (4) residential units. As can be seen in the below pictures, the applicant has made changes to the west façade of the new addition so that the four units are not identical. Changes made include variation in windows and changes in colors and materials. Further design changes, including additional doors on the ground floor, have been made since the March 21, 2019 Planning Commission meeting to accommodate the addition of retail spaces proposed on the ground level of the east building.



West Façade of Addition: May 2, 2019



West Façade of Addition: March 21, 2019



West Façade of Addition: Sketch Plan Review

The application meets this standard.

H. Additions

Additions that are substantially smaller than the square footage of the existing building may be designed to complement the existing structure, even if the existing building does not currently meet the façade, roof, material, or color standards of this section.

The proposed construction is not considered an addition since the existing east building is being proposed to be demolished and rebuilt. This standard is not applicable to the application.

I. Parking and Loading

2. Parking

- a. No more than 60 percent of required parking spaces may be located in front of a building along the principal street façade. If another building or other structure blocks the view of parking from the street, the blocked parking spaces may be excluded from this percentage.*

There are five (5) existing on-site parking spaces located in the rear of the building along Granite Street Alley. These parking spaces are being maintained in their existing configuration.

No parking spaces are proposed in front of the building along Main Street. The application meets this standard.

3. *Landscaping of Parking Lots*

- a. *Except in the Central Core District, parking lots abutting a property line shall incorporate a landscaped buffer between the property line and the paved surface of the parking lot. Non-raised planters in parking lots are encouraged so that, where possible, stormwater may be accommodated through such landscaped areas and maintenance is reduced.*
 - i. *Required landscaped buffers shall meet the following standards:*
 - a) *Buffers shall be a minimum of ten feet wide and contain twice the required number of trees required by Section 6.14.*
 - b) *The location and type of all plantings shall meet sight distance requirements.*
 - ii. *The following incentive is available:*
 - a) *If a landscaped buffer incorporates double the plant quantities and area required above, or double the requirement in Section 6.14.3.F, Parking Area Landscaping, whichever is greater, then the applicant may locate up to 75 percent of the required parking in the front of the building along the principal street façade, with approval by the Planning Commission.*

The property is located in the Central Core District; this standard is not applicable to the application.

- b. *Except in the Central Core District, where a building abuts parking or paved areas, a landscaped area shall be provided that varies from five to ten feet in width.*
 - i. *Required landscaped areas shall meet the following standards:*
 - a) *At least half of the landscaped areas shall be 10 feet in width.*
 - b) *This landscaped area shall be at least 50 percent of the length of the building.*
 - c) *Landscaping shall also comply with Section 6.14.*
 - ii. *The following incentive is available:*
 - a) *If less than 50 percent of the required parking spaces are located in front of the building along the principal street façade, the landscaped buffer may be reduced to a minimum of 35 percent of the length of the building, with approval by the Planning Commission.*

The property is located in the Central Core District; this standard is not applicable to the application.

4. *Loading*

- a. *Service, loading, and trash areas shall be screened from all public rights-of-way and parking areas.*

The existing property does not have a service, loading or trash area. Trash has been, and will continue to be, at the dumpster location at Hotel Frisco and loading from the alley off-site. This standard is not applicable to the application.

J. Amenities

2. Bicycle Parking

Bicycle parking spaces shall be provided in an amount equal to at least 20 percent of the required vehicular parking spaces for the development. A lesser number may be approved by the Town if reasonably justified by the applicant.

The proposed development will contain two bicycle racks. The application meets this standard.

3. Community Spaces

a. Development with over 10,000 square feet of gross floor area shall provide community spaces, including but not limited to, public benches, water features, public kiosk/gazebo, public patio/seating areas, public plazas, or public art.

i. A minimum of one community space shall be provided for any development with between 10,000 and 25,000 square feet of gross floor area.

ii. A minimum of three community spaces shall be provided for any development with over 25,000 square feet of gross floor area.

The development is proposed to have a total gross floor area of 13,847 sq. ft. The application proposes a landscaped courtyard on the site. The application meets this standard.

ANALYSIS – PARKING AND LOADING [180-6.13]

Purpose: The intent of the parking and loading regulations is to require parking be provided relative to the impacts created and proposed by new development, while promoting a pedestrian oriented commercial and downtown area.

On-Premise Parking Requirements (§180-6.13.3.D) For properties that front along East Main Street there are no parking requirements for many commercial uses including restaurant, personal service, and retail uses. There are also no parking requirements for office uses not located on the ground floor. The following is a parking analysis:

Use Type	Parking Standard	Required Spaces	Proposed Spaces
Restaurant/Bar/Tavern	0 per 350 square feet of seating area 0 per 450 square feet of non-seating area	0	0
Retail/Personal Services	0 per 450 square feet of GFA	0	0
Office, Ground Floor*	1 per 450 square feet of GFA	2	4*
Office, Non-Ground Floor	0 per 450 square feet of GFA	0	0
Residential Dwellings	1 per bedroom	4	4
Total		6	8

*Includes three on-street parking credits

A total of one (1) bedroom is proposed for each residential unit requiring four (4) parking spaces for the four (4) new residential dwelling units. The existing ground floor office space in the west building requires two (2) parking spaces. The application includes five (5) total on-site parking spaces assigned to each residential unit accessing the Granite Street Alley plus one (1) additional accessible parking space. Three (3) spaces for nonresidential uses may be utilized on-street through §180-6.13.3.E as stated below. The application meets this standard.

Visitor Parking: Visitor parking is not required for four (4) residential units. This standard is not applicable.

On-Street Parking Credits (§180-6.13.3.E): Parking requirements for non-overnight uses may be reduced within the Central Core District. For every twenty-five (25) feet of linear frontage abutting a public right-of-way on which legal on-street parking exists within 300 feet of the property, there may be one (1) parking space reduction. With seventy-five (75) foot frontage along Main Street, three (3) on-site street credits may be utilized. Numerous on-street parking spaces exist within 300 feet of this property along both sides of Main Street, North & South 3rd Avenue, and North & South 4th Avenue.

These on-street parking credits meet the two (2) parking space requirement for the existing first floor real estate office in the west wing of the Rainbow Court Building. These on-street parking credits would also accommodate some repurposing of the existing and/or proposed building areas to first floor office or medical office uses if such a repurposing were ever proposed in the future.

Multi-use Shared Parking Provisions (§180-6.13.3.F): Within the Central Core District, parking reductions for multi-use developments may be allowed of up to twenty percent (20%) of the required parking upon approval by the Planning Commission according to the following criteria:

- a. The proposed parking for both uses shall be on-site; and*
- b. The parking is provided in areas designed to serve two (2) or more distinctly different land uses; and*
- c. The reduction in parking is justified using industry standards such as those established by the Urban Land Institute, the Institute of Transportation Engineers or other acceptable standards.*

The applicant has not requested a multi-use shared parking reduction with this application.

Accessible Parking (§180-6.13.3.H): All facilities, commercial, **mixed-use**, and multi-family projects (with seven (7) attached units or more) must provide accessible parking. One (1) accessible parking space is required for parking lots with 1 to 25 spaces. One accessible space must be van accessible. The applicant is providing one (1) accessible space, which is a van accessible parking space. The application meets this standard.

Bicycle Parking: (§180-6.13.4, §180-6.21.3.J.2): For all commercial and mixed-use development, bicycle parking shall be provided in an amount equal to at least twenty percent (20%) of the required vehicular parking spaces for the development, with a minimum of five (5) bicycle stalls. Five (5) bicycle stalls are required. The application materials note two bicycle racks. The application meets this standard.

Parking Standards and Criteria (§180-6.13.6): Required parking spaces shall be a minimum of 9 feet by 18.5 feet in size. Required accessible spaces shall be a minimum of 8 feet by 18.5

feet in size with a minimum accessibility aisle area of five (5) feet for each space. All accessible spaces designated for accessible van must have a minimum aisle width of eight feet. The application meets this standard.

Snow Storage Areas (§180-6.13.7.): One-hundred (100) square feet of snow storage is required for every 350 square feet of paved surface area for any unpaved parking and driveway areas. Four (4) of the proposed parking spaces abut the south property line and are covered parking. The one (1) accessible parking space will be uncovered and shall require 39 sq. ft. of snow storage. Forty (40) sq. ft. of snow storage is provided. The application meets this standard.

ANALYSIS – LANDSCAPING AND REVEGETATION [6-14]

Landscaping Requirements by Project Type (§180-6.14.3): This proposal is subject to the landscaping requirements for a Mixed-Use Large Project Development.

1. *For commercial and mixed-use large projects as defined in this Chapter, for every 1,500 square feet of project lot area or fraction thereof, a minimum of one tree shall be planted on the site. One shrub shall be required for every 2,500 square feet of project lot area or fraction thereof.*
2. *Large projects are eligible for substitution of hardscape and planter boxes for a portion of the landscaping required as outlined in Section 180-6.14.4, Required Vegetation.*

Landscaping Alternatives for Mixed-Use, Commercial and Large Projects (§180-6.14.4.B.): *The following alternative forms of landscaping may be used to meet the vegetation requirements:*

1. *For properties fronting Main Street or along Summit Boulevard: Up to 50 percent of the landscaping required by Sections 180-6.14.3.B, 180-6.14.3.C, or 180-6.14.3.D may be provided in the form of street furniture, planter boxes, or other forms of landscaping. To be substituted for landscaping that is otherwise required; planter boxes shall have a minimum plantable area of 16 square feet. Each bench or each 16 square feet of plantable planter box area or other non-vegetative landscaping may be substituted for one required tree.*
2. *For properties fronting Main Street, East and West Main Street or along Summit Boulevard: Up to 25 percent of the landscaping required by Sections 180-6.14.3.B, 180-6.14.3.C, or 180-6.14.3.D may be provided in the form of public art or public space such as a patio, plaza, or outdoor seating area. To be substituted for landscaping required by Sections 180-6.14.3.B, 180-6.14.3.C, or 180-6.14.3.D public spaces shall have a minimum area of 100 square feet. Each 100 square feet of public space may be substituted for one required tree.*

Seven (7) trees and four (4) shrubs are required and the proposed application includes five (5) existing quaking aspen trees and a total of four (4) shrubs. The application requests the substitution of three (3) coniferous trees with the plaza, planters and the existing walkway beams as allowed by the code.

At time of sketch plan review, the Planning Commission requested the owner provide further information to how grass could grow in the courtyard. The owner has stated:

I have owned the Rainbow Court Professional Building for 18 years. The lawn and flowerbeds in the courtyard are easily managed and add to the ambiance of the courtyard. Although the growing season is very short here in Frisco, I still get plenty of beautiful flowers growing in all areas of the courtyard. Pansies are the first to start growing, showing life and blossoms after mud season ends typically in mid-May, but I have seen them bloom as early as April. Lawn and flower bed spring clean-up happens in May and maintenance (mowing) starting around the end of May. At that point the sun is making its way higher in the sky to shine in the courtyard for grass and some sun loving plants to grow in the planters and flowerbeds framing the lawn. For several years I even planted sunflowers in the planters with great success. Some of my favorite perennials are columbine, snow-in-summer, lupine, black eye Susan, oriental poppy, Icelandic poppy, and daisies. There are plenty of annuals such as pansy, petunia, lobelia, zinnia, even moss roses which grow in the courtyard soil. One year I planted herbs such as parsley, arugula and mustard greens in the planters with great success. Tenants and Visitors to the courtyard have enjoyed a variety of flowers and lush grass which grows mid spring through late September and sometimes into the first part of October. Not all plants or grasses require full sun, especially high altitude sun. The growing season is very limited in Summit County, but the Rainbow Court lawn has always been healthy due to the sun being at a much higher position when the lawn is ready to flourish. When the lawn is replaced after construction, I will plant hardy rye grass or another variety which also does not require much direct sunlight to sustain. This courtyard receives adequate sunlight during our growing season for a healthy lawn to sustain, and I don't see any problem in doing that again with this design.

The application meets this standard.

Plant Sizes (§180-6.14.4.A.): Plant materials must meet the following size requirements:

Required Planting Sizes	Planting Proposed
Deciduous trees 50% min. 3- inch diameter	> 3-inch diameter = 100% (5 trees)
Coniferous trees 25% ten foot minimum height	0 (landscaping substitution)
Coniferous trees 25% eight foot minimum height	0 (landscaping substitution)
Coniferous trees 50% six foot minimum height	0 (landscaping substitution)
Shrubs minimum five gallon	five gallon = 100% (4 shrubs)

The application meets this standard.

Species Diversity: To prevent uniformity and insect or disease susceptibility, species diversity is required and extensive monocultures of trees are prohibited. For projects required to provide 1 to 9 trees there is no diversity requirement. This project requires only seven (7) trees, so the diversity standard is not applicable to this application.

Water Conservation: All landscaping plans should be designed to incorporate water conservation materials and techniques. Sod lawn areas shall not exceed 10% of the site (1,050 sq. ft.). The application proposes 741 sq. ft. of lawn area (7%) which is reduced from the existing nonconforming 2,252 sq. ft. of lawn area bringing this nonconforming property into compliance with these standards. All proposed plantings utilize plant materials found on the Town's approved plant material list. The application meets this standard.

Credit for Preservation of Existing Trees: The use of existing healthy vegetation is encouraged and existing trees may be substituted for up to 50% of the required tree number.

The application is requesting to utilize the proposed planters, planter boxes, and courtyard for credits for fifty percent (50%) of the existing trees. The application meets this standard.

Revegetation of Disturbed Land (§180-6.14.5.E.): All areas disturbed by grading or construction, not being formally landscaped, shall be revegetated. The applicant has included a note on the landscape plan stating that all areas disturbed by grading or construction, not being formally landscaped, shall be revegetated. The application meets this standard.

Protection of Existing Vegetation (§180-6.14.5.H.): The Unified Development Code allows existing trees to be removed from a site without replacement when those trees are located on land to be occupied by buildings, parking, and paving plus an adjacent clearance strip. The applicant has included a landscape note stating that all existing trees are to be protected by fencing to prevent damage during construction. The application meets this standard.

Irrigation System Requirements: Landscape plantings must be properly irrigated during periods of time necessary to establish and maintain the landscape in good health and condition. The application proposes the installation of drip irrigation controlled by the use of a timer system. The application meets this standard.

Landscape Maintenance (§180-6.14.6.): Landscaping shall be maintained in good health and condition perpetually. If any vegetative landscaping required by this chapter shall die, it shall be replaced within one year. The applicant is aware of this requirement. The application meets this standard.

ANALYSIS – OUTDOOR LIGHTING [180-6.16]

General Requirements (§180-6.16.3.): Exterior light fixtures on multi-family properties shall conform with the Illuminating Engineer Society of North America (IESNA) criteria for full cut-off fixtures, that is, no significant amount of the fixture's total output may be emitted above a vertical cutoff angle of 90 degrees. Any structural part of the fixture providing this cutoff angle must be permanently affixed. The proposed Beacon wall mount sconce light fixtures does not appear to be a full cut-off fixture. Staff recommends a condition of approval requiring all new exterior light fixtures to comply with Section 180-6.16 of the UDC prior to receiving a Certificate of Occupancy. With this condition, the application complies with this standard.

Height (§180-6.16.4.): Wall mounted light fixture shall not exceed the height of the wall to which it is mounted. The applicant will be required to show compliance with Section 180-6.16 of the UDC prior to a Certificate of Occupancy being issued.

Design (§180-6.16.7.): It is required that light fixture designs reflect the small mountain town character of Frisco. Design features shall eliminate off-site light spillage. The applicant will be required to show compliance with Section 180-6.16 of the UDC prior to a Certificate of Occupancy being issued.

Lighting Plan (§180-6.16.8.): A photometric plan is illustrated on submitted Sheet DA-1. The application meets this standard.

PUBLIC COMMENT

The Community Development Department has received formal public comments concerning this project which are attached to this staff report.

ANALYSIS – AGENCY REVIEWS

SUMMIT FIRE & EMS

1. *A construction permit through the fire department is required for this project. Please advise the developer/contractor to contact the fire department for details.*
2. *A fire lane with approved signs will be established for the area around the proposed location of the fire department connection (FDC). See fire department for details.*
3. *Based on the size of the building, this project will require the following fire protection systems: an approved fire sprinkler, fire alarm, and standpipe systems. Please advise the developer to size the waterline into the building accordingly. Retrofit of the existing building shall be required.*
4. *Advise the developer to contact the fire department for details on permits required for all fire protection systems.*
5. *If the retail/restaurant is built as a "Core and Shell", additional Tenant Finish permits will be required for tenant build-out. See fire department for details.*
6. *All new buildings shall have an approved radio coverage for emergency responders within the buildings. See fire department for details.*
7. *The installation of new solar arrays on the roofs of the townhomes will require a permit under the Fire Code. See fire department for details.*
8. *Please have the developer provide more detailed information on access to the new Mechanical Room.*
9. *The fire department suggests a meeting with the developer and architect to discuss fire code requirements and fire protection systems concepts for the buildings.*

Kim J. McDonald, Fire Marshal

FRISCO PUBLIC WORKS

1. *All water line installations and connections must comply with TOF water construction standards in effect at the time of building permit issuance.*
2. *Please contact TOF Public Works to determine if additional tap fees will be required.*
3. *A drawing of the water line entrance into building as well as meter and backflow prevention piping and meter remote readout location will be required before a building permit is issued.*
4. *All water inspections require 24 hour notice.*
5. *Existing asphalt and concrete to be replaced. Concrete to be replaced to the nearest control joint.*
6. *All road and concrete cuts will be brought back up to Town standards.*
7. *Would like to see only one storm sewer penetration, if possible.*
8. *Verify roof drainage is captured and not directly discharged on to Town ROW.*

An update was provided on April 10, 2019 after reviewing the revised traffic report:

I agree with Bill Linfield, the traffic letter is fine.

Addison Canino, Assistant Public Works Director

FRISCO ENGINEERING

I concur with Jeff and Addison's comments. I also add the following

- 1) I am ok with the traffic study as submitted.*
- 2) The plans specify a heat tape in the storm drain overflow pipe. Please clarify that this heat tape will be the full distance of the pipe.*
- 3) The plans give no information on the existing Town storm drain in the alley. The plans simply show the overflow pipe flowing by gravity to the alley pipe. Elevations are needed to show this will work. Also the connection should match crowns with the two pipes, the overflow pipe should not flow into the bottom portion of the alley pipe.*
- 4) Given the limited cover over the storm overflow should it also be insulated similar to the sewer service line?*

An update was provided on March 14, 2019 after reviewing plan revisions:

- I looked over the Rainbow Court plans, in particular the civil sheet c2 with revisions dated 2-22-19. It appears Joe Maglicic did address my comments from my original email of 1-15-19*

An update was provided on April 10, 2019 after reviewing the revised traffic report:

I find this letter to be acceptable from a traffic standpoint.

Bill Linfield, Frisco Engineer

SUMMIT COUNTY GIS

It looks like they assigned unit numbers to the condo units that would fall on top of the retail units. My only comment is I would consider a shift in unit numbers so that there is no Unit 201 and Unit 202 falls above Retail Unit 102, Unit 203 falls above Retail Unit 103, Unit 204 falls above Retail Unit 104, and Unit 205 falls above Retail Unit 105.

Suzanne Kenney, GIS Analyst II

FRISCO SANITATION DISTRICT

Please show grease interceptor on plan set. An appropriately sized interceptor will be required to service the restaurant that is occupying this structure. Contact the Frisco Sanitation District for sizing requirements.

Matt Smith, Manager

XCEL ENERGY

Transformer location and clearance information – approximate base size 68"x 78" (may be bigger, will depend on load)

- Cannot be placed in an enclosed area or under an overhand
Transformers shall not be located under any overhang (roof, balcony, stairs, etc.).
(page 59)*

- Located outside with safe access under a non-drip side
- 10' from combustible wall – 30" from non-combustible 2hr rated wall,
- 20' outward and 10' to either side from any door

Further details relating specifically to transformers can be found in Section 5. Refer to the Illustrations Section, Drawings CC-10, CC-30, CC-40, CC-50, CR-20, CR-30, CR-40, CR-50, CR-60 and CR-90 for typical pad-mounted transformer installation and clearance requirements

Meter Location and clearance information

- Meter shall be installed outdoors.
All self-contained and transformer-rated meters, including CT enclosures, shall be installed outdoors. (48 Section 4. 14. 1. Page 51.)
- Located outside with safe access under a non-drip side(gable edge)
In locations with heavy snowfall or ice loading and in locations above 6000 feet in elevation, all meters shall be installed on the gable or non-drip side of a building or other structure, and there shall be no adjacent rooflines, which will drip directly on or towards a neighboring meter installation. (section 4.14.1 Page 52)
- Gas meters 3' from any opening and electric meters or other electric (outlets, lights etc) 6' from any intake (Page CR-10)

An update was provided on April 25, 2019 after reviewing the revised plans submitted April 4, 2019:

Site plan has changed since I last viewed it is now calling out that the meters on the building to the north be relocated. This is going to cause MAJOR issues for the existing building. This would require the building to find a new location to place the meters, upgrade to current NEC and Xcel standards as well as trigger a new transformer that would need to be placed on the property. I don't believe there is any space available to relocate either. Is there a way that they rainbow property would allow an easement and the meters could stay as is?

Amy Lagace, Designer

STAFF RECOMMENDATIONS

Recommended Findings

The Community Development Department recommends the following findings pertaining to the Major Site Plan application for the proposed Rainbow Court East Building mixed-use project located at 310 East Main Street / Lots 3-5, Block 9, Frisco Townsite:

Based upon the review of the Staff Report dated May 2, 2019 and the evidence and testimony presented, the Planning Commission finds:

1. *The proposed site plan application is in general conformance with the principals and policies of the Frisco Community Plan, specifically, the quality of life statements and associated criteria related to the art & culture, built environment, economy, and housing.*

2. *The proposed site plan application is in general conformance with the Town of Frisco Unified Development Code, specifically Section 180-3.11, Central Core (CC) District, since all of the applicable requirements have been met by the submittal and the recommended conditions of approval; including: lot area, lot frontage, building height, setbacks, lot coverage, and density.*
3. *The proposed site plan application is in general conformance with the Town of Frisco Unified Development Code, specifically Section 180-5.2.8, Residential Uses in Central Core since residential uses are not proposed on the ground floor and Section 180-5.3.3, Solar Energy Facilities, since all of the applicable requirements have been met by the submittal.*
4. *The proposed site plan application is in general conformance with the Town of Frisco Unified Development Code, specifically Section 180-6.21, Non-Residential Development Standards, since all of the applicable requirements have been met by the submittal and the recommended conditions of approval; including: that the development is designed in a manner compatible with the neighborhood and the small mountain town character of Frisco. The Planning Commission finds that the bulk plane encroachment provides substantial architectural relief and advance the intent of Section 180-6.23.*
5. *The proposed site plan application is in general conformance with the Town of Frisco Unified Development Code, specifically Section 180-6, Development Standards since all of the applicable requirements have been met by the submittal and the recommended conditions of approval; including: drainage plan, snow storage and snow shedding, vehicular access, non-vehicular access, traffic studies, and refuse management.*
6. *The proposed site plan application is in general conformance with the Town of Frisco Unified Development Code, specifically Section 180-6.14 Landscaping. The Planning Commission finds that the site meets the landscape requirements and all of the applicable requirements have been met by the submittal; including: required vegetation, water conservation, irrigation system, and landscaping maintenance.*
7. *The proposed site plan application is in general conformance with the Town of Frisco Unified Development Code, specifically 180-6.16 Outdoor Lighting since all of the applicable requirements have been met by the submittal and the recommended conditions of approval; including: exterior light fixtures, light emissions and design.*
8. *The proposed site plan application is in general conformance with the Town of Frisco Unified Development Code, specifically Section 180-13, Parking and Loading Regulations, since all of the applicable requirements have been met by the submittal and the recommended conditions of approval; including: on-premise parking, visitor parking, accessible parking, parking dimensions & design, and snow storage areas*

Recommended Action

Based upon the findings above, the Community Development Department recommends APPROVAL of the proposed Major Site Plan application for the proposed Rainbow Court East Building mixed-use building located at 310 East Main Street / Lots 3-5, Block 9, Frisco Townsite, subject to the following conditions:

Special Conditions:

1. *The applicant shall satisfy the comments of the Town Engineer.*
2. *The applicant shall satisfy the comments of the Town of Frisco Public Works.*
3. *The applicant shall satisfy the comments of the Summit County GIS Department.*
4. *The applicant shall satisfy the comments of the Frisco Sanitation District.*
5. *The applicant shall satisfy the comments of Summit Fire and EMS.*
6. *The applicant shall satisfy the comments of Xcel.*
7. *A dumpster agreement between the applicant and Hotel Frisco shall be prepared in a form that is acceptable to the Town Attorney and shall be recorded at the Summit County Clerk & Recorder's office prior to application for a building permit.*
8. *Prior to the issuance of a certificate of occupancy, the applicant shall submit a lighting cut sheet for proposed exterior light fixtures and demonstrate compliance with Section 180-6.16 of the UDC.*

Recommended Motion

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

With respect to File No. 238-18-MAJ, I move that the recommended findings set forth in the May 2, 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 Rainbow Court East Building located at 310 East Main Street / TR 5-78, Lots 3-5, Block 9, Frisco Townsite.

ATTACHMENTS

Attachments:

- Application Materials
- Public Comment

cc: Myra Mesko, MM Properties LLC

To Town of Frisco Planning Commission

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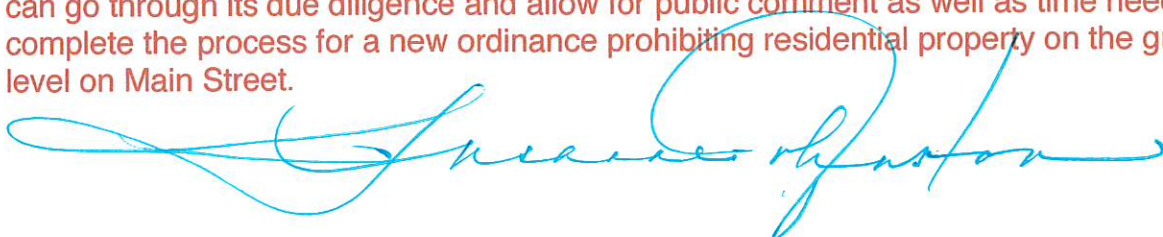
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The Planning Commission meeting on February 21, 2019 was all about code changes. Within the codes that were addressed was code 180-5.2.10 regarding the residential uses in central core and mixed use districts. The Planning Department recommended a change stating that residential use of ground floor be prohibited. The Planning Commission agreed with this recommendation and sent the approved recommendation to Town Council.

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The wheels of Democracy turn slowly. We are asking that they are allowed to fully complete the cycle. This project was introduced to the public three days before many concerned citizens were even aware of it and then action was taken within five. *We are asking that any approval or denial of this application be postponed until Town Council can go through its due diligence and allow for public comment as well as time needed to complete the process for a new ordinance prohibiting residential property on the ground level on Main Street.*

A handwritten signature in blue ink, appearing to read "Luanne Johnston", is written over the bottom portion of the text.



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A handwritten signature in black ink, appearing to read "Paul [unclear]", is written over the bottom portion of the text.

Please get involved.

Sign the letter and return in to Town before March 7. The more signatures the better.

Show up at the Planning Meeting scheduled for 5:00 PM Thursday, March 7 and voice your opinion.

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**Garden of Eden
Flowers & Gifts**

Carla W. Pettit, owner

279 Main Street
PO Box 4685
Frisco, CO 80443
970-668-4466



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A handwritten signature in black ink, appearing to read "J. Shaeffer", is written over a horizontal line. The signature is fluid and cursive, with a long horizontal stroke extending to the right.

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John L. GATHAN



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Concerned
Citizen of
Frisco

Sandra J. Ruschneus
SANDRA J. RUSCHNEUS
147 Lupine Lane

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^{THIS}
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*Michael & Elizabeth Lane
3015 8th Street Unit 118
Burlington, VT*

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Michelle CAREY


400C Bayview Dr. Frisco CO 80443

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From: Info=townoffrisco.com@mg.townoffrisco.com on behalf of [Frisco Gov Website](#)
To: sarahh@townoffrisco.com; [Kent, Katie](#)
Subject: New submission from Post a Comment for Planning Commission Meetings
Date: Thursday, March 21, 2019 7:01:30 PM

Your Full Name

Lisa Holenko

Email

lisa@nextpagebooks.com

Phone

(973) 452-3133

Physical Address

529 South 2nd Avenue
Frisco, Colorado 80443
United States
[Map It](#)

Your Comment

I was at tonight's meeting, but had to leave before getting a chance to speak. I own Next Page Books & Nosh on Main St. and first let me say that I am incredibly insulted by the architect's comment that Summit Blvd. is the money maker and Main St. is just the charm. People come to Frisco for the Main St. merchants. Without us, there is no Safeway or Walmart. Also, while I understand that the units being considered for short-term rentals are not street facing, their addresses are Main St. are they not? That makes them Main St spaces. This is a blatant disregard for what is best for Frisco and there is no denying that. To repeat Suzanne Johnston, just because we can, should we? Also, I'd like to add that everyone in that room tonight knew that lies were being told about the current tenants in Rainbow Court. Has Myra been asked directly? Will she lie also? Please do what is best for downtown and refuse this petition. If Main St. becomes all residential and office space, we will lose what this town is.

Submitted from:

<https://www.frisco.gov/meeting/planning-commission-meeting-15/>

From: Info=townoffrisco.com@mg.townoffrisco.com on behalf of [Frisco Gov Website](#)
To: sarahh@townoffrisco.com; [Kent, Katie](#)
Subject: New submission from Post a Comment for Planning Commission Meetings
Date: Thursday, March 21, 2019 7:23:46 PM

Your Full Name

Lisa Holenko

Email

lisa@nextpagebooks.com

Phone

(973) 452-3133

Physical Address

529 South 2nd Avenue
Frisco, Colorado 80443
United States
[Map It](#)

Your Comment

I would just like to add, imagine the Frisco Mall and the courtyard where Peppino's is as short-term rentals. Where does this end?

Submitted from:

<https://www.frisco.gov/meeting/planning-commission-meeting-15/>

From: Info=townoffrisco.com@mg.townoffrisco.com on behalf of [Frisco Gov Website](http://Frisco.Gov.Website)
To: sarahh@townoffrisco.com; [Kent, Katie](#)
Subject: New submission from Post a Comment for Planning Commission Meetings
Date: Tuesday, April 02, 2019 4:18:28 PM

Your Full Name

jill thornton winckler

Email

jilltw7@gmail.com

Phone

(303) 717-5853

Physical Address

310 Main Street Suit C
Frisco, Colorado 80443
United States
[Map It](#)

Your Comment

I have a few concerns regarding the Rainbow Court Project. The 1st one is that the new build does nothing to enhance the look or tie the 2 sides of Rainbow court together. It ascetically makes the side being left looking completely dilapidated. That said when someone doesn't take care or pride in their existing property will they take any better care of a new property? Or will they just let is fall apart and be maintained on an "emergency" basis i.e.like if the pipes burst or the roof caves in. The landlord behind this project takes ZERO responsibility for her property and that is not good for the community. When will the other side get brought up to speed? Is that in the plans with this build out? The businesses that are here now are finding it a mixed blessing to be leaving. I am here working 7 days a week. I haven't seen a plumber in the lower unit that was flooded yet. So if it floods again, is the tenet responsible to rework all the pipes? This is crazy.

Also on the trash, the businesses that are here produce a minimal amount of trash. When renters come for the weekend or week the amount of trash they produce is significant. (I've had renters and I'm generally amazed at the amount of trash. The 2 dumpsters outback will never handle that extra trash. There will need to be another dumpster.

Then there's the unit with the shower. I was surprised at Tom on this note. As long as they don't run 220 into the unit it can't be lived in. Seriously. Between skillets, microwaves, hot plates and a college size frig it would be a breeze to live there. Just saying.

I think refurbishing a building with so much history is possible. Look at this as a whole and create a place with all new plumbing, electrical and have businesses on the ground and a unit or 2 on top.... being mindful that these rooms/shops are small. I have a couch in one of the spaces and it just fits.

One last note.... if there is a deck above the restaurant where is the snow going to go. If you noticed this year the snow in the court yard was bananas, we were shoveling the snow up over our heads.... just my thoughts.

thank you,

jill

Submitted from:

<https://www.frisco.gov/meeting/planning-commission-meeting-17/>