



**PLANNING COMMISSION
STAFF REPORT**

August 6, 2020

AGENDA ITEM: Planning File No. 113-20-CU: A Conditional Use Application for a “Health, Recreation and Exercise Establishment” within the Crossroads PUD/Mixed-Use (MU) Zoning District, located at 710 North Summit Boulevard, Unit C-101

LOCATION: 710 North Summit Boulevard / Unit 101, Building C, Crossroads Condominiums

ZONING: Crossroads PUD/Mixed-Use (MU) Zoning District

APPLICANT: Christie Charleston
PO Box 1189
Frisco, CO 80443

OWNER: FBB Land CO LLC
PO Box 1698
Breckenridge, CO 80424

NOTICING: Published in the Summit County Journal: 7/31/2020
Mailed to adjacent property owners: 7/23/2020
Posted at the Post Office: 7/23/2020
Posted at the Site: 7/23/2020

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

The Applicant, Christie Charleston, is proposing to locate a “health, recreation, and exercise establishment” within Unit C-101 at Crossroads Condominiums. Application materials note that the space will be utilized for a personal training studio providing a variety of training methods and nutrition programs through individual and group training sessions along with nutrition coaching.

The proposed business is defined as a “health, recreation, and exercise establishment” use by the Frisco Unified Development Code (UDC) based on the group fitness classes proposed. This use is stated as a conditional use within the Mixed-Use (MU) District. The Crossroads PUD does not delineate specific commercial uses within the unit. If approved, the conditional use

would permit any health, recreation, and exercise establishment within the unit. For a more complete description of this project, please refer to the attached application materials.

BACKGROUND

A condominium map of The Crossroads Condominiums was recorded on May 13, 1997 (Reception #538763). Through the Condominium Map, the subject unit was designated as Commercial Unit 101 within Building C which is located within Lot 3, The Crossroads. The tenant space is located in the southernmost portion of Building C and the entrance faces North Summit Boulevard. The unit was most recently occupied by Gonzo's Coffee.

The Crossroads Condominiums contains ten commercial condominium units and twenty residential condominium units. Commercial uses within the Crossroads Condominiums include medical offices, retail, office space and personal services. Lot 1, Crossroads Subdivision contains the existing restaurant Nuevo Vallarta and Lot 2, Crossroads Subdivision contains the Frisco Animal Hospital.

Due to the numerous businesses within this development site, many planning applications have been processed since the original development. Staff notes relevant applications below which are referenced due to development plan requirements and/or amendments along with parking modifications to the site.

On April 18, 1996, the Planning Commission approved a development application and preliminary plat (Planning File # 040-96-PD/DA/SD) for the "Crossroads at Frisco" and recommended approval to Town Council for the preliminary PUD. Town Council approved the preliminary PUD on May 7, 1996. On June 6, 1996 the Planning Commission recommended approval for the final PUD plan and final plat and Town Council approved the proposal on June 18, 1996. The Agreement for The Crossroads PUD was recorded on September 6, 1996.

The Frisco Animal Hospital (Planning File #073-05-DA) was developed in 2005 and was required sixteen parking spaces to serve their use.

The existing restaurant on Lot 1 was approved in 1996 (Planning File #108-96-DA). Parking was analyzed based on 1 space for every 250 square feet of GFA and the associated staff report noted that there were twenty spaces required and over thirty parking spaces within close proximity to the building.

In 2001, the Planning Commission approved a request (Planning File #166-01-DA) to permit a reduction in the required parking at the Crossroads Development PUD through the use of a "shared parking" credit for multi-use developments. Through the staff report for this project, it is noted that the existing uses on the property which included Restaurants, Retail, Medical Offices, 1-bedroom condominiums and 2-bedroom townhomes required 201 parking spaces and the lot contained 114 parking spaces. Additionally, staff noted "Staff would recommend that at this time approximately 5% of the surface parking lot parking spaces be considered for a "shared parking" reduction, which would equate to a six (6) parking space credit. At some future time when an amended plan has been approved and recorded and the site is fully built-out, additional review and consideration may be given to an increased reduction in parking".

In 2002, the Planning Commission recommended approval for a request to amend the approved Crossroads at Frisco PUD (Planning File #054-02-PD) to add two parking spaces, reduce the commercial floor area approved for Pad 2 from a 5,000 square foot restaurant pad to 4,500 square feet of retail/ office, and reduce the overall number of approved townhome units on the

property from 30 units to 26 units. The PUD Agreement Amendment was recorded on July 10, 2002. The PUD language does not delineate specific uses for the Commercial units within the PUD.

In 2008, the Town approved a conditional use application (Planning File #11-08-CU) to operate an aerobics studio at Unit 103, Building C, Crossroads at Frisco. This use was classified as a health, recreation and exercise establishment by the Town Code. The associated staff report noted that parking was not defined for the proposed use and it was calculated as a one space per 350 Gross Floor Area (GFA).

In July, 2019, the Town approved an Administrative Site Plan application (Planning File #078-19-ADM) to modify the existing landscaping on the site. Through modifications made, one additional parking space was constructed on the development site.

Below are vicinity maps of the subject property with an aerial photography base layer. A section of the Frisco Zoning Map is included to show where the Mixed-Use District is located within the area. Photographs of the subject property are included for reference.



Vicinity Map



Zoning Map



View looking west at unit and adjacent parking (July 28, 2020)



View looking west at unit (July 28, 2020)

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 1: Inclusive Community

Frisco cares about our neighbors, visitors, and the whole of our community. We are an inclusive community that welcomes people of all backgrounds and income levels. We support a balance of housing options to create opportunities for a diverse population to reside here. Our history is integral to our identity and it is also a guiding principle for our future. As the Town grows and changes, we need to be rooted in the values of our past. The Ten Mile Range mountain backdrop, historic structures, vibrant neighborhoods, and a lively Main Street characterize Frisco along with the friendly people and welcoming vibe. As Frisco grows, this character and identity should be preserved and enhanced throughout Town.

1.2: Improve the aesthetic appeal and functionality of the Summit Boulevard Corridor and the Exit 203 Gateway.

- **1.2A** Support public improvements and gateway redevelopment that is aesthetically appealing, inviting to visitors, and reflects a cohesive community image of Frisco. See page 64 for design concepts and Area Specific Policies/Design Principles to enhance the West Main Gateway.
- **1.2B** Encourage infill and redevelopment along Summit Boulevard that improves the aesthetic appeal, and supports an economically thriving corridor. See page 67 for additional discussion of opportunities along Summit Boulevard.
- **1.2C** Support the integration of workforce housing as part of future redevelopment efforts along Summit Boulevard through the potential intensification of land uses throughout the Summit Boulevard corridor and the greater Mixed Use Gateway District.

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 “health, recreation, and exercise establishment” will attract and retain businesses into Unit C-101 which are compatible with the adjacent units within the Crossroads PUD including a physical therapy office, float studio and medical office. The proposed use will create a positive business environment that complements other uses in the area. Additionally, the proposed use will allow redevelopment in a unit space that is vacant along North Summit Boulevard. 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 Crossroads PUD and Mixed-Use (MU) District. The Frisco Town Code (Code) states in Section 180-3.12, Mixed-Use (MU) District that the purpose of the district is:

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

This application proposes a “health, recreation, and exercise establishment” within Unit C-101 at Crossroads Condominiums. Application materials note that the space will be utilized for a personal training studio providing a variety of training methods and nutrition programs through individual and group training sessions along with nutrition coaching.

The proposed business is defined as a “health, recreation, and exercise establishment” use by the Frisco Unified Development Code (UDC) based on the group fitness classes proposed. The Crossroads PUD does not delineate specific commercial uses within the unit. If approved, the conditional use would permit a health, recreation, and exercise establishment to operate within Unit C-101 any time in the future with any applicable conditions required by the Planning Commission.

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

Applicant’s Analysis:

With current COVID conditions, it is unknown when recreation centers will be reopening, causing lower physical activity levels in the community. A personal training studio is a smaller location where cleaning and sanitizing procedures can remain consistent with regulated standards, ensuring the clientele’ safety and aiding with increased physical activity— contributing to a positive benefit on the community

This proposed use furthers the following goals of the Frisco Community Plan:

- 1.2A – Support public improvements and gateway redevelopment that is aesthetically appealing, inviting to visitors, and reflects a cohesive community image of Frisco.*
- 2.1A – Continue to attract and retain business 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.*
- 2.2A – Support the retention and expansion of regionally-serving commercial and service uses.*
- 2.3B – Support efficient regulations and processes that foster a supportive business environment.*

Staff’s Analysis:

The purpose statement for the MU District reads:

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

The proposed health, recreation, and exercise establishment serves as a unique use within the Town of Frisco and will serve as an ideal use to be located within the transition area between the core commercial and residential districts.

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

- 1.2A Support public improvements and gateway redevelopment that is aesthetically appealing, inviting to visitors, and reflects a cohesive community image of Frisco. See page 64 for design concepts and Area Specific Policies/Design Principles to enhance the West Main Gateway.*
- 1.2B Encourage infill and redevelopment along Summit Boulevard that improves the aesthetic appeal, and supports an economically thriving corridor. See page 67 for additional discussion of opportunities along Summit Boulevard.*

- 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.*
- 2.2C *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 health, recreation, and exercise establishment is 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

Applicant’s Analysis:

The conditional use is compatible with the plaza development because it is an existing tenant space where the density, height, bulk, architecture, and landscaping were already determined to be consistent. A personal training studio would be compatible in character with the other businesses in the plaza, where the same walk-in use is occurring. As a health-promoting business, a personal training studio would work well amongst the physical therapy, dermatology, medical group, and spa offices in the Crossroads location. Additionally, located in the vicinity of the Crossroad plaza is a CrossFit facility, offering compatible services.

Staff’s Analysis:

There are no proposed changes to the existing density, height, bulk, architecture, landscaping or open space. The Crossroads PUD does not delineate which commercial uses are permitted within the PUD. In 2008, a similar use classified as “health, recreation, exercise establishment” was granted a conditional use to operate within the development site. The application is compatible with the Crossroads PUD. 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

Applicant’s Analysis:

The conditional use is compatible with the plaza development because it is an existing tenant space where the density, height, bulk, architecture, and landscaping were already determined to be consistent. A personal training studio would be compatible in character with the other businesses in the plaza, where the same walk-in use is occurring. As a health-promoting business, a personal training studio would work well amongst the physical therapy, dermatology, medical group, and spa offices in the Crossroads location. Additionally, located in the vicinity of the Crossroad plaza is a CrossFit facility, offering compatible services.

Staff's Analysis: There are no proposed changes to the exterior of existing buildings or site improvements; however, a new 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 a combination of retail, medical offices, offices, animal hospital, physical therapy, restaurants and residential uses. 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

Applicant's Analysis:

The proposed method of music is a portable Bluetooth speaker that creates minimal noise pollution. Additionally, the location is an end-unit with concrete flooring known to absorb sound adequately. Sign usage will be followed as directed in the Master Sign Plan, approved by the Crossroads Master Association Board that adheres to the Town of Frisco Sign Code, not to create visual impacts. The clientele will utilize the general parking spaces allowing for vehicular circulation consistent with current conditions; additionally, the sidewalk in front of the location will remain open as not to create pedestrian impacts. With Crossroads currently having approximately 100 parking spaces for all businesses, parking should not be a concern, considering the parking lot has never reached full capacity. This location will utilize the current plaza dumpster to dispose of trash.

Staff's Analysis: The proposed use is required to comply with all applicable Town codes. There are no proposed changes to the existing buildings or site improvements and the proposed use will generate minimal visual impacts, impacts on pedestrian and vehicular circulation, parking, refuse and recycling services/area, service delivery, noise, vibrations and odor on surrounding properties. The application meets this criterion.

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

Applicant's Analysis:

There are already adequate public facilities to serve the conditional use, including two bathrooms, potable water, parking, sewer, solid waste, fire protection, emergency medical services, police, hospital and medical services.

Staff's Analysis: There are no proposed changes to the existing buildings or site improvements and the proposed 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: Application materials note that the group training classes will never exceed ten people and the facility could be operating seven days per week from 6 a.m. to 8 p.m. with classes occurring during operating hours. As determined in the parking section of this report, adequate parking exists for the proposed use. Staff does not recommend any conditions be imposed on this conditional use application.

ANALYSIS – PARKING [180-6.13]

The commercial tenant space is ~1,194 sq. ft. of floor space. The proposed use requires 1 space per 200 square feet of gross floor area. The proposed use requires six (6) parking spaces. The prior coffee shop required five (5) parking spaces as a “restaurant, bar and tavern use”. At time of the original development of the property the unit was required three (3) parking spaces for a proposed “retail” use. Required parking spaces for Unit C-101 since original time of development are referenced in the table below.

Unit C-101 (1,194 sq. ft. floor space)			
<i>Time Period</i>	<i>Use Type</i>	<i>Parking Requirement</i>	<i>Spaces Required</i>
Original Development	Retail	1 per 350 square feet of GFA	3
Coffee Shop (Starbucks then Gonzos)	Restaurant, bar and tavern	1 per 250 square feet of GFA	5
August, 2020	Proposed Health, recreation, and exercise establishment	1 per 200 square feet of GFA	6

To determine that adequate parking is provided for the proposed health, recreation and exercise establishment, the Planning Commission must find that there are three (3) additional parking spaces on the property from time of original development. This has been accomplished through the following measures:

Parking requirement modifications through the Town Code

At time of original development, medical offices required 1 parking space per 350 sq. ft. of GFA plus one space per exam room. Additionally, the animal hospital was calculated with the same formula. The Unified Development Code currently requires one parking space for every 350 GFA without additional parking spaces for exam rooms leading the original medical office to require seven (7) fewer parking spaces today than during original development. The animal hospital requires three (3) fewer parking spaces today than at time of original construction. The change in zoning standards for medical offices on the site has led to a net reduction in the parking requirement of ten (10) spaces.

Crossroads PUD Amendments

The Crossroads PUD Plan, originally dated May 3, 1996 delineated parking for original uses within the development including townhomes, condominiums, residential visitor parking spaces, restaurant, retail and medical office. A total of 183.7 spaces were required at time of original development, with 184 spaces provided. Revisions were made to the PUD Plan in November 1998, January 2000, December 2001, and July 2019. Through the reduction in floor area, residential units, and landscaping reconfigurations, the on-site parking design and requirements have been modified since original development. In July 2019, the property added one (1) parking space while reconfiguring landscaping on the property.

Current Construction of Parking Spaces

Comparing the commercial area of the original PUD development plan with a current aerial photograph of the property, there appears to be an additional nine (9) parking spaces constructed today. This is most likely due to landscaping modifications that have occurred over time. The modifications in parking configuration that have occurred have led to a net increase of nine (9) parking spaces on the site.

With ten (10) fewer required parking spaces for the original medical office and animal hospital and nine (9) additional parking spaces constructed, there appears to be nineteen (19) surplus parking spaces that may be utilized by this proposed health, recreation and exercise establishment. The application meets this standard.

PUBLIC COMMENT

As of July 30, 2020, 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 August 6, 2020 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 Crossroads PUD and the Mixed-Use District, furthers the applicable goals of the Frisco Community Plan, and is a desirable use that will contribute to the general welfare of the community, including Policy Statements 1.2A, 1.2B, 2.1.A, 2.1.B., 2.1.C, 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. In 2008, a conditional use was issued for another health, recreation, and exercise establishment on the development site; 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 no 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. Through the Crossroads PUD and associated amendments, modifications to the Town Code parking requirements, and existing conditions on the development site, adequate parking is provided for the proposed use; 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 with the Frisco Unified Development Code.*

Recommended Action

Based upon the findings above, the Community Development Department recommends APPROVAL of the conditional use application for the proposed "Health, Recreation and Exercise Establishment" within the Crossroads PUD/Mixed-Use (MU) Zoning District, located at 710 North Summit Boulevard, Unit C-101.

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. 113-20-CU, I move that the recommended findings set forth in the August 6, 2020, staff report be made and that the Planning

Commission hereby APPROVES the request for a conditional use application for a Health, Recreation and Exercise Establishment within the Crossroads PUD / Mixed-Use Zoning District, located at 710 North Summit Boulevard / Unit 101, Building C, Crossroads Condominiums.

ATTACHMENTS

Attachments:

- Town of Frisco Zoning Ordinance:
 - §180-2.5.1 Conditional Uses
 - §180-3.12 Mixed-Use District
- Application Materials

cc: Christie Charleston

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.

180-3.12 Mixed-Use (MU) District

180-3.12.1. PURPOSE

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

180-3.12.2. DISTRICT STANDARDS

A. Dimensions

See

Figure 3-M and Sections 180-3.16 and 180-3.17.

B. Development Standards

1. For properties with frontage on Main Street, on-site parking shall not be located along the part of the property abutting Main Street.
2. All residential development is subject to the Residential Development Standards in Section 180-6.22.
3. All non-residential development is subject to the Non-Residential Development Standards in Section 180-6.21.

TABLE 3-2: MU DISTRICT DIMENSIONAL STANDARDS	
PROJECT STANDARDS	
Maximum density	14 du/acre
LOT STANDARDS	
Minimum lot area	None
Minimum lot frontage	None
Minimum open space	10% of GFA
Maximum lot coverage	60%
SETBACKS	
Minimum front yard setback	20 ft.
Minimum front yard setback, Main Street requirements	5 ft.
Minimum side yard setback	10 ft.
Minimum side yard setback, Main Street requirements	5 ft.
Minimum rear yard setback	10 ft.
Minimum rear yard setback, Main Street requirements	10 ft.
BUILDING STANDARDS	
Maximum building height	45 ft. (pitched); 35 ft. (flat)

Figure 3-M: Illustration of MU District Dimensional Standards

