



**PLANNING COMMISSION  
STAFF REPORT**

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October 6, 2022

AGENDA ITEM: MAJ-22-0001: A final review of the Major Site Plan Application for a proposed 30-unit multi-family residential development to be in addition to the existing Alpine Inn on site.

CU-22-0001: A conditional use request to allow multi-family residential units in the Gateway District.

LOCATION: 105 Lusher Ct. / Lot 1, Block A Discovery Interchange West Sub

ZONING: Gateway (GW) District

APPLICANT: Michael Marchand, Basecamp Residences LLC  
105 Lusher Ct., Frisco, CO 80443

ARCHITECT: Ronnie Pelusio  
Pel-Ona Architects & Urbanists  
4696 Broadway, Boulder, CO 80304

OWNER: Alpine Inn LLC  
P.O. Box 4473, Frisco, CO 80443

NOTICING: Mailed to adjacent property owners: 9/23/2022  
Posted at the Site: 9/22/2022

TOWN STAFF: Emily Weber, Planner II  
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**PROJECT DESCRIPTION**

The applicant, Basecamp Residences LLC, representing Alpine Inn LLC, is proposing a new, 30-unit multi-family residential development at 105 Lusher Court in addition to the existing Alpine Inn on site. There are no proposed changes to the Alpine Inn and no subdivision of the property is proposed at this time. This project involves two buildings with three stories above grade with a total of 13,510 square feet of ground floor area. The northerly building will contain 22 units and the easterly building will include 8 units.

The applicant is proposing to place a form of deed restriction on all 30 units. Twenty-two (22) of the units will be subject to a 30-day right-of-first refusal period giving priority to businesses located within one mile of the Ten Mile Basin in Summit County and individuals who are employed within one mile of the Ten Mile Basin in Summit County. Eight of the units will be deed restricted, prohibiting short term rental, and require that the unit be sold or leased only to businesses or employed individuals located within Summit County. The deed restriction on these eight units also provides for the 30-day right-of-first refusal for businesses and employed individuals located within one mile of the Ten Mile Basin in Summit County. The deed restrictions proposed are custom to this development and do not follow the form of the Town's standard deed restriction. There are several key differences between the proposed deed restrictions and the Town's standard deed restriction.

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

## BACKGROUND

The subject property, Lot 1, Block A, is located within the Discovery Interchange West subdivision. Discovery Interchange West was surveyed on February 28, 1973, with the plat filed on May 14, 1973. Land uses currently existing on the property are the Alpine Inn and associated surface parking and landscaping, and a snow storage easement for off-site storage of snow removed from nearby commercial properties.

The snow-storage easement was granted by the property owner in 1986 to permit snow storage for nearby commercial properties. On February 15, 2022, staff approved an Administrative Site Plan application to amend and relocate the snow storage easement to the far western most portion of the property.

The Alpine Inn was initially approved by the Planning Commission as a 37-room motel on July 7, 1994, with a Certificate of Occupancy issued for the Alpine Inn on January 19, 1995. On May 3, 2012, the Planning Commission unanimously voted 7-0 to approve a development application for the Alpine Inn to add 2,197 sq. ft. of gross floor area to the hotel.

The Basecamp Lofts + Studios application was first submitted and reviewed as a sketch plan by the Planning Commission at their March 3, 2022 meeting as a multi-family residential development, which in the Gateway Zone District requires a conditional use permit. Based on feedback received at that meeting, the applicant reconfigured the application and re-submitted it as a condominium-hotel project, which is a permitted use in the Gateway Zone District; removed the conditional use request; and modified the design of the project. The application modifications were reviewed at the July 21, 2022 Planning Commission meeting. In summary, the Planning Commission provided the following feedback:

- *Commissioners commented that the project does not meet the condo-hotel definition and noted that it will be operated as a residential development with a high number of units being short-term rentals.*
- *Commissioners felt that the Gateway District is a good zone district to have short-term rentals but that the applicant will have to request a conditional use.*
- *Commissioners thought that the vision for the project was there but that the applicant will need to work within the constraints of the code and work with staff to get there.*

For a more in depth analysis of Planning Commission comments, refer to the meeting minutes for the July 21, 2022 meeting. The Planning Commission moved that the application be tabled. The

applicant has since modified their application and submitted a conditional use request with the most recent submittal.

An aerial photography base layer is shown below. The location of the property lines shown on this map vary in accuracy and should only be used for reference purposes.



Vicinity Map

**MAJOR SITE PLAN REVIEW**

The Major Site Plan application requires Planning Commission review and decision. The proposal is reviewed in detail for conformance with the Frisco Community Plan and compliance with the Frisco Unified Development Code (UDC).

The Planning Commission shall review the Major Site Plan application and approve, approve with conditions, or deny the Major Site Plan in accordance with Section 180-2.3.7 and the approval criteria in Subsection 180-2.5.2.E.

**ANALYSIS - FRISCO COMMUNITY PLAN**

Community Plan Vision and Guiding Principles: 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.

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

**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**

- 1.2B 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.

### **1.5: Promote a balanced community through support for diverse and equitable housing options**

- 1.5A Develop a diverse portfolio of workforce housing programs to support a broad range of housing needs—type of unit, rental vs. ownership, and price points—at the community and neighborhood level.
- 1.5B Stimulate the creation of workforce housing through town policies, incentives, and regulatory procedures.
- 1.5C Collaborate with community partners and the private sector to expand the reach of Frisco’s workforce housing efforts.

**Applicant Narrative** – *This site is a true gateway to many amenities for both locals and those passing by on I-70. Nearby amenities include the Frisco Transit Center, Whole Foods Market, Basecamp Wine and Spirits, Epic Mountain Gear, and Outer Range Brewery. The addition of housing to this site helps to bolster area businesses. The 24-hour presence of people increases activity and safety in the area where residents can take full advantage of the surrounding offerings.*

*The scale and mass of the proposed housing is consistent with the existing Campus of buildings and takes cues from the existing residential building on site, Basecamp Shops & Residences. A mix of front facing gables and shed roofs are reminiscent of traditional architecture, while asymmetrical window compositions and material changes bring a contemporary feel to the design.*

**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.

***Applicant Narrative*** – *The addition of these types of dwelling units to this area provides a greater balance of uses in the immediate area. Their presence will support the local businesses, therefore contributing to the local economy.*

**Guiding Principle 4: Mobility** - Frisco is a small, compact town where schools, parks and trailheads, restaurants, shops, and other businesses are located in close proximity. A well-connected, year-round, multi-modal transportation network that encourages active uses must continue to enable residents and visitors to reach destinations without the use of automobiles. Supporting multi-modal transportation options, creating off-road connections, and reducing gaps in the walking, biking and transit network will alleviate parking needs and congestion and promote active lifestyles.

### **4.2: Promote walking, bicycling, and other alternative modes of travel**

- 4.2A Improve the safety and efficiency of bicycle and pedestrian crossings and travel along Summit Boulevard. See pages 66-67 for additional policies and design concepts for Summit Boulevard.
- 4.2D Improve year-round connections between neighborhoods and commercial areas, and the County-wide recreational pathway system.

***Applicant Narrative*** – *By the nature of its location, Basecamp Lofts + Studios is well-connected. It has access to the major thoroughfares of Summit Boulevard and I-70. The Frisco Transit Center is just across the street and the proximity to surrounding amenities encourage walking over driving. Bike racks, storage lockers and a network of sidewalks place a higher priority on cycling and pedestrian options. Existing crossings at Lusher Court are proximal and offer a safe crossing at the southern and eastern edges of the site and are connected by the proposed public sidewalk along the entire southern edge of the property. Proposed parking is deemphasized through its placement on the east and west sides of the buildings, allowing for usable outdoor space and unobstructed views of Peak One from the buildings.*

**Guiding Principle 5: Vibrant Recreation** - Frisco is an active, inviting place with a multitude of recreation opportunities making Frisco a fantastic place to live, visit, and play. Residents and

visitors greatly enjoy the Town’s accessible year-round trail system, dynamic waterfront and many parks. These assets and amenities should be preserved and enhanced to provide diverse recreation opportunities for a variety of experiences and abilities.

### **5.3: Create more opportunities, and improve the quality of our interaction with the natural environment**

- 5.3A Enhance opportunities for passive enjoyment of open space and scenic areas such as walking, jogging, hiking, snowshoeing, and other less intensive recreation uses.
- 5.3B Recognize that the park system provides important ecological functions and should be maintained and operated to preserve and enhance those functions (i.e. storm water management, water quality, wildlife migration corridors, etc.).
- 5.3C Ensure that recreation opportunities do not create negative impacts on the natural environment and surrounding community.

***Applicant Narrative*** – *The site is connected, via a short walk through Basecamp Center, to Meadow Creek Park and the Meadow Creek Trailhead. A network of paths and sidewalks within the property connects units to adjacent sidewalks and helps to define the green court. All units face the green where people and pets can gather for outdoor activities. This space, as well as the existing detention area to the south, help buffer the units from Lusher Court and create an area that is large enough to throw a ball, walk a dog and simply enjoy being outdoors. On-site, outdoor community amenities include public benches, a picnic area, and seating along the internal pathways.*

**Guiding Principle 6: Sustainable Environment** - Frisco’s natural environment is the primary quality that attracts residents and visitors. It supports our economy and drives our recreational pursuits. Protecting the surrounding mountains, forests, waterways, and views are all deeply important to the community. These natural assets make Frisco beautiful, unique, and drive a thriving year-round economy. Pollution, wildfires, avalanches, and floods are threats to Town resources that should be recognized and minimized to the extent possible. The community should embrace measures for sustainability that reduce greenhouse gas emissions and conserve its water resources.

### **6.1 Lead by example on efforts to advance community sustainability and the region’s ability to prepare for, and adapt to, the impacts of climate change**

- 6.1A Support implementation of the Climate Action Plan and 100% Renewable Energy initiatives.
- 6.1B Expand waste reduction and recycling rates within the Town organization and the community as a whole.
- 6.1C Expand the use of alternative energy sources, water conservation measures, and other sustainable development practices in Town facilities and operations.
- 6.1D Explore opportunities to incentivize the use of green building practices for development.

***Applicant Narrative*** – *This infill site allows for the addition of dwelling units at a location where the ability to live, work, and play is within walking distance to the front door. This will decrease the need for personal vehicles and cut down on carbon emissions. EV-ready*

*charging stations will be available. Buildings are designed to accommodate photovoltaic panels with roofs oriented at appropriate solar angles.*

**ANALYSIS – GATEWAY (GW) DISTRICT [§180-3.8]**

This parcel shall be developed in accordance with the requirements of the Gateway (GW) District as follows:

**Purpose:** The purpose of the GW district is to allow for the development of different types of visitor accommodations, commercial, and service oriented facilities in close proximity to Highway 9 and the Interstate 70 interchange area, to provide connections to mass transit and multi-modal transportation systems, and to allow for residential uses.

**Maximum Density:** Maximum residential density in the GW District is 16 dwelling units per acre. The lot size is 2.456 acres; therefore, the allowable density is **39** units. The application is proposing **30** residential units on this lot. The application meets this requirement.

During sketch plan review, the Planning Commission questioned whether the existing Alpine Inn building counted as density, especially because Summit County has leased the Inn for employee housing. Because the configuration of the hotel rooms has not been altered to accommodate this temporary use, and there are no individual kitchens in any of the Alpine Inn rooms, these are not counted as dwelling units, and do not count towards density. If, in the future, the Alpine Inn were to be converted to full-time residential use, the conversion would have to comply with the total density on the property, which could require deed restricting some portion of the units on the overall property in accordance with the bonus density provisions in Town Code.

**Minimum Lot Area:** There is no minimum lot area in the GW District.

**Minimum Lot Frontage:** There is no minimum lot frontage in the GW District.

**Maximum Lot coverage:** Maximum lot coverage in the GW District is 60%. The total lot coverage of the existing and proposed development including footprint, walkways, driveways, and parking areas is 53,354 square feet or 50% of the site. The application meets this requirement. Lot coverage will be verified as part of building permit application review.

**Setbacks:** Setbacks on this property are governed by setback requirements for the GW Zone District:

	Minimum Setback	Proposed Setback
Front Yard	20 feet	South: 25 feet
East Side	10 feet	Northeast: >200 feet
West side	10 feet	Southwest: >200 feet
Rear Yard	10 feet	North: 10 feet

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

**Maximum Building Height:** The application proposes a pitched roof with gabled elements around the perimeter of the building. The maximum building height is 50 feet for pitched roofs in the GW District. The maximum height of the proposed buildings is approximately 37 feet;

maximum height will be verified as part of building permit application review and a roof plan with USGS elevations will be required prior to building permit issuance. The application meets this requirement.

**District Standards:** The development of this property is mixed use, adding two multi-unit residential buildings to the existing Alpine Inn. For mixed-use development in the Gateway (GW) District, development is subject to the Non-Residential Development Standards in Section 180-6.21. Additional development standards are analyzed in subsequent sections of this staff report.

### **ANALYSIS – USE STANDARDS [§180-5]**

**Permitted and Conditional Uses:** In the Gateway Zone District, a variety of commercial uses are permitted including hotels and motels, condominium–hotels, regional retail, restaurants, bars, taverns, offices, and personal services. A number of additional commercial uses are permitted with a conditional use permit, such as medical offices, greenhouses, veterinary services, and auto sales. The Gateway Zone District also allows multi-unit residential dwellings as a conditional use, therefore, the applicant has applied for a conditional use request. In order to receive Major Site Plan approval, the applicant will be required to demonstrate compliance with the standards set for in the Town Code (§180-2.5.1), Conditional Uses.

### **CONDITIONAL USE [§180-2.5.1]**

*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.*

The property is zoned Gateway Zone (GW) District. There is one conditional use associated with the Major Site Plan application:

- **CU-22-0001:** A conditional use request to allow multi-family residential units in the Gateway District.

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.

The conditional use application offers the following in response to each criteria:

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 Response:** The addition of residential units to this site is consistent with the Gateway Zone district as it enriches the surrounding Basecamp Campus. The proximity of residents to the existing center amenities bolsters the commercial uses of this area and encourages greater pedestrian activity for the residents allowing them to walk to shop, work and play while reducing the impacts of vehicular use and promoting the use of multi-modal transportation options available at the Frisco Transit Center. See full response in the attached narrative.

**Staff Analysis:** The intent of the Gateway Zone District is to allow residential use provided that it does not have a negative effect on the surrounding area and further promotes the Frisco Community Plan. While the applicant is proposing eight deed restricted units that prohibit the units from being short term rentals and require the units to be sold or leased only to businesses or employed individuals located within Summit County, the proposed covenant does not further the goals of the Frisco Community Plan. As provided in the attached comments from the Town's Housing Manager, the language in the proposed covenant does not prioritize workforce housing.

The Town of Frisco generally uses two standard covenants for deed restricted properties. The first covenant is highly utilized in collaboration with the Summit Combined Housing Authority (SCHA) that implements appreciation caps on the property and income caps that must be at or below a certain percentage of the Area Median Income (AMI). The second covenant is a program known as Housing Helps and is an occupancy-only deed restriction. These two covenants have proven to be consistent with the goals and policies of the Town Council Strategic Plan and the Community Plan. Furthermore, they help achieve more affordable and/or available local workforce housing. Below is a chart to summarize the applicant's proposed deed restriction covenant and the Town of Frisco's preferred covenants.

	Applicant Proposed Covenant on 8 units	Housing Helps Covenant	SCHA Covenant
Requires that the unit be sold or leased only to businesses or employed individuals located within Summit County.	X		
Owner must work a minimum of 30-hours a week at a business operating in Summit County.			X
Owner/Occupant must work a minimum of 30-hours a week at a business operating within one mile of the Ten Mile Basin in Summit County.		X	
Owner may not own other residential property.		X	X
Owner must notify the SCHA and Town of Frisco of their intent to sell the property AND must be listed publicly. <i>Ensures proper eligibility verification processes are followed.</i>		X	X
Prohibits STRs.	X	X	X
AMI qualifications in order to be eligible to purchase the property.			X
Appreciation caps.			X

Staff does not support the applicant's proposed deed restriction as presented, as they do not further the goals of the Frisco Community Plan and therefore the application does not meet the Conditional Use criteria. Staff would support either of the two standard covenants provided by the Town.

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 Response:** *The proposed buildings are designed to be compatible within the context and are referential in mass and scale to the existing buildings and residential units nearby. A mix of front facing gables and shed roofs are reminiscent of traditional residential architecture, while asymmetrical window compositions and material changes, bring a contemporary feel to the design. Each unit has a private covered porch with ample storage for gear. Activity on the porches animate the courtyard and encourage neighborly interactions. In addition to their more practical functions, the porches and storage units provide significant building articulation.*

**Staff Analysis:** The proposed development meets the UDC development guidelines and has similar architectural features as adjacent developments.

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 Response:** *This site is a true gateway to many amenities for both locals and those passing by on I-70. Nearby amenities include the Frisco Transit Center, Whole Foods Market, Basecamp Wine and Spirits, Epic Mountain Gear, and Outer Range Brewery. The addition of housing to this site helps to bolster area businesses. The 24-hour presence of people increases activity and safety in the area where residents can take full advantage of the surrounding offerings. The proposed addition of residential units add to the inventory of housing options that currently exist on the Basecamp Campus at the Alpine Inn and Basecamp Shops & Residences. These residential units help to balance the mixture of uses and activities in the immediate vicinity.*

**Staff Analysis:** The proposed development is compatible with the transient character of the surrounding area and will enhance the adjacent mixed use and commercial uses.

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 Response:** *The proposed buildings help to anchor the northeastern edge of the Basecamp Campus. Units face onto a communal outdoor space and look across the Basecamp Campus and over to mountain views to the southwest. Conversely, views back across to the development site are anchored by the new buildings, which better shield users from I-70. Our proposed buildings are scaled in detail to be compatible with the existing context of the immediate area. Pedestrian circulation is enhanced through the extension of the sidewalk along Lusher Court to the East and is woven into the open space that is created on the Southern edge of the development parcel. Parking, refuse, and recycling are deemphasized through their placement at the Western and Eastern sides of the buildings. Proposed carports further shield the view of parked cars from those passing by, while providing a covered amenity to residents.*

**Staff Analysis:** The applicant has broken the design of the proposal into two buildings, which minimizes the visual impacts of the development. By connecting internal sidewalks to exterior walkways, the applicant is minimizing congestion within the immediate area.

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 Response:** *Public facilities to make this project possible are abundant as local amenities are proximal and utilities exist in Lusher Court. Fire service is achieved with appropriately sized parking lanes and turning radii. Opportunities for snow storage and drainage exist across the site. The proximity to the Frisco Transit Center allows residents to virtually live without a car while maintaining access to the amenities in surrounding Summit County communities as well as those in Denver and Denver International Airport.*

**Staff Analysis:** The applicant is proposing adequate public facilities.

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

**Applicant's Response:** *To accompany this Conditional Use request, the Project Team is proposing a deed restriction with the following terms:*

- *All 30 units will be subject to a 30- day first right period giving purchasing priority to businesses located within one mile of the Ten Mile Basin in Summit County and individuals who are employed within one mile of the Ten Mile Basin in Summit County.*
- *Twenty-two (22) units subject to a 30-day first right period giving purchasing priority to local businesses located within one mile of the Ten Mile Basin in Summit County and individuals who are employed within one mile of the Ten Mile Basin in Summit County.*
- *Eight (8) units subject to a deed restriction prohibiting short term rentals and requiring that the unit be sold or leased only to businesses or employed individuals located within Summit County; the restriction on these units also provides for the 30-day first right period for businesses and employed individuals located within one mile of the Ten Mile Basin in Summit County.*

**Staff Analysis:** The proposed deed restrictions are not consistent with the goals and policies of the Town Council Strategic Plan or the Community Plan. The Town Attorney has indicated that the standard covenant should be used.

**Per the criteria outlined in §180-2.5.1.D, staff finds that the application does not meet the Conditional Use standards as it does not further the goals of the Frisco Community Plan. Staff recommends that the Planning Commission discuss the proposed deed restricted covenants.**

## ANALYSIS - DEVELOPMENT STANDARDS [180-6]

This project has been reviewed for compliance with all development standards of the Unified Development Code (UDC). Standards that are not included in the discussion of this section have been analyzed to determine whether they are applicable, and are not included in the staff report if not applicable.

**Joint Use Restriction** (§180-3.1): No part of a yard or other open space required about or in connection with any building for the purpose of complying with this Chapter shall be included as part of a yard or other open space similarly required for any other building, except as approved by the Town under the planned unit development regulations. No part of a lot designated for any use(s) or structure(s) for the purpose of complying with the provisions of this Chapter shall be designated as a part of a lot similarly required for another use(s) or structure(s), except as approved by the Town under the planned unit development regulations.

Per the requirements of this section, the applicable development regulations are applied to the entire Lot as a whole, including density, lot coverage, parking, drainage and other requirements. The application meets this standard.

**Site Grading and Development** (§180-6.5) and **Drainage Plan** (§180-6.6): Grading plans, a drainage plan, and erosion and sediment control plans were submitted as part of the Major Site Plan application. These plans were reviewed by the Town Engineer and Public Works Department. Bill Linfield, Frisco Town Engineer, offered comments on the submitted drainage plan:

1. All design and construction should be in compliance with the project soils report which recommends extensive site work prior to construction of the buildings. It also contains very specific recommendations for foundation and slab construction.
2. What is the width of the new sidewalk being provided along Lusher Court?
3. What is the sizing of the storm sewer shown north east and west of the new buildings? Are any portions heated?
4. Need a full construction management plan including erosion control measures both during construction and long term.
5. The plans are difficult to read as to locations of snow storage and potential conflicts with landscaping. Landscaping should not interfere with snow storage areas and should not impact approved grading and drainage plans
6. Existing storm drainage systems upstream and downstream from the site should be inspected for condition, and cleaned out if necessary
7. The drainage design engineer should verify that the final civil drawings comply with the recommendations of the drainage report.

The applicant submitted a written response and updated the plans to address these comments; the building permit application materials will be required to incorporate the responses. With this proposed condition of approval, the application meets this standard.

**Access** (§180-6.11): All vehicle access shall comply with the standards set forth in Chapter 155, Minimum Street Design and Access Criteria. Where development abuts a Town road, the location and design of access points to the road must be approved by the Frisco Public Works Director. Commercial/Business projects shall have a driveway width of twelve feet for one-way and twenty-four (24) feet for two-way.

Lusher Court adjacent to the Alpine property is comprised of two segments. The easterly portion, ending at the west end of the intersection with the Frisco Transit Center access, is Town of Frisco right-of-way, and maintained by the Town. West of that intersection are private access drives within the Basecamp development. This project is proposing two access points from the Alpine Inn parcel to the private Basecamp access drives. The easterly access is shared with the Alpine Inn and accesses Lusher Ct. west of the Transit Center access. The westerly access point accesses a service road that connects to Lusher Ct. and circles behind the Basecamp commercial buildings. Both driveways have a minimum width of 24 feet.

No two driveways connecting to a public or private street, alley or highway shall be within thirty (30) feet of one another as measured from edge of driveway to edge of driveway within the right-of-way. Both accesses are separated by at least 30 feet from any other driveways or accesses.

The proposed project access meets the access standards.

**Non-vehicular Access Requirements (§180-6.11.2):** The purpose of this section to promote the use of non-vehicular modes of transportation through a Town-wide network of connecting non-vehicular pathways and provide safe access year round. All site plans shall provide for and show non-vehicular access in accordance with the standards set forth in the Frisco Trails Master Plan and Chapter 155, Minimum Street Design and Access Criteria. In addition, all non-vehicular access shall meet the following standards:

- A. All multi-family, mixed-use, non-residential developments, and residential subdivisions shall provide safe and convenient non-vehicular access to a public street or road year-round. Developments shall install paved, year round access from and through the development to adjacent public sidewalks, bicycle and pedestrian facilities, or right of way both existing and proposed pursuant to the Frisco Trails Master Plan and in accordance with the Standards of Chapter 155, Minimum Street Design and Access Criteria.
- B. Every principal structure shall provide access to adjacent trail systems or public open space usable for recreation activities.
- C. Developments shall integrate pedestrian ways, trails, and/or bicycle paths with similar existing and planned facilities on adjacent properties. The Frisco Trails Master Plan should be used as a reference when planning for the integration of these facilities.

The non-vehicular access for the project includes sidewalks adjacent to the internal access drives. These sidewalks connect to a pathway with an elevated section over a proposed stormwater detention basin, and leads to Lusher Court. There is an existing privately maintained sidewalk on the south side of Lusher Ct. A new sidewalk will also be installed along the northerly edge of Lusher Ct. along the entire length of the property frontage, to the edge of the Summit Suites driveway access. At that point, a new crosswalk will be created to cross Lusher Ct. and connect to the Recpath which extends along the west side of Meadow Drive. The application meets the non-vehicular access standards.

It is also noted that the adjacent Summit Suites has proposed a modification to their property to consolidate access and create a single access point that aligns with Meadow Drive, approximately 30 feet east of the existing access location. The current Summit Suites driveway crosses a portion of the Alpine Inn property, and the relocated drive will as well. Therefore, staff suggests a condition be added to this application that the sidewalk termination and cross walk location be extended to the western edge of the Meadow Drive intersection with Lusher Ct.

**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 meets certain criteria. A traffic study was submitted with the Major Site Plan application, which indicates that the trips generated by the addition of residential units would not cause operational issues for the streets and intersections in the vicinity of the project. The application meets this standard.

**On-Premise Parking Requirements** (§180-6.13.3.D): One (1) parking space is required per bedroom with a maximum of four (4) parking spaces per unit. One visitor parking space is required for every five units. So, for 30 studio or 1-bedroom units, 30 spaces are required for the units and 6 visitor spaces are required. There are 36 spaces shown for the new proposed development; 13 in covered carports on either side of the building, and 23 uncovered surface parking spaces.

Since this project is in addition to the existing Alpine Inn on the property, the parking requirements for the Alpine Inn also must be evaluated. The Alpine Inn has 37 guest rooms and a unit for an on-site manager. At one space required per each of these units, a total of 38 parking spaces are required for the Alpine Inn. Combining the current use and the proposed residential units, a total of 74 parking spaces are required. The submitted plans show a total of 76 spaces. The application meets this standard.

**Electric Vehicle Charging Stations:** Chapter 65 of the Code of Ordinances of the Town of Frisco concerning Building Construction and Housing Standards, Section C405.10.1 references electric vehicle charging stations for new construction. The submitted plans indicate 2 EV installed and 7 EV capable spaces; the standard appears to be met at this time. The property will be required to comply with requirements as outlined in Section C405.10.1 at the time of building permit submittal.

**Bicycle Parking** (§180-6.13.4): All multi-family residential developments must provide both enclosed, secure bicycle parking, and outdoor bicycle parking facilities. One bicycle parking space is required for every bedroom. 50% of the total spaces must be enclosed, secure bicycle parking. Dwelling units with a private garage are not required to provide enclosed, secure bicycle parking.

Based on the number of bedrooms in the 30-unit multi-family development, 30 bicycle parking spaces are required, and 15 of those shall meet the “enclosed and secure” requirement. The application shows two new bicycle racks with a total of 12 outdoor spaces, and states that 30 enclosed secure spaces are provided, in the individual exterior storage for each unit. The application meets this standard.

**Snow Storage Areas** (§180-6.13.7): One-hundred (100) sq. ft. of snow storage is required for every 350 sq. ft. of paving. When considering the property as a whole, there is a total of 28,833 square feet of uncovered paved area shown, requiring 8,238 square feet of snow storage. 10,867 square feet of snow storage is provided.

The landscaping plan includes some trees in the snow storage area. Landscaping may be permitted in snow storage areas if the landscaping is designed to be compatible with large amounts of snow. The application narrative and landscaping plan identify these plantings as bristlecone pines and shrubs. The application meets this standard.

**Landscaping and Revegetation** (§180-6.14): This proposal is subject to the landscaping requirements for a Mixed-Use Large Project Development.

1. For commercial and mixed-use large projects, 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.

The landscape plan submitted shows 50 existing trees around the Alpine Inn portion of the property, and proposes 44 additional trees around the new residential portion of the property. A total of 67 shrubs will also be installed. The application meets this standard. The landscape plan will be required to comply with the Firewise program, including defensible space zones, as regulated by Summit Fire & EMS at time of building permit review.

**Outdoor Lighting** (§180-6.16): Outdoor lighting installed for new structures shall be full cut-off fixtures and be positioned so that there is no direct light emission onto adjacent properties. The application materials include a photometric plan and outdoor lighting fixtures that meet the requirements. The application meets this standard.

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

**Non-Residential Development Standards** (§180-6.21): The purpose of the non-residential development standards is to ensure high-quality site and building design in Frisco; to establish minimum standards related to the scale, mass, architecture, materials, and overall design character of development; and to protect and enhance existing neighborhood character.

While the project under review consists of two multi-unit residential buildings, it is on a parcel that includes an existing commercial hotel, so the entire parcel is considered a mixed-use development. Mixed-Use development shall comply with the non-residential development standards.

**Compatibility with Neighborhood Character** (§180-6.21.3.A): The intent of this section is to ensure that the design of the development is compatible with Frisco's small mountain town character. 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.

The immediate vicinity of this proposed application includes the Summit Suites hotel to the east, the Frisco Transit Center to the south, and the Basecamp commercial development to the west. On the development property is the existing Alpine Inn. These projects have been built at varying times, greatly vary in development styles and utility, and range from two to five stories in height. As redevelopment occurs on these surrounding properties, the area will likely take on more of the characteristics of the existing Basecamp development, being less car-oriented with more non-vehicular mobility connections, and architectural design that meets the current UDC standards. As this development has similarities to the Basecamp development, the application meets this standard.

**Façade Standards** (§180-6.21.3.B): These standards are intended to ensure that the exterior façades of a development are compatible with Frisco's small mountain character and existing buildings.

2. Building Elements. All building elevations shall employ varied articulation of wall surfaces.

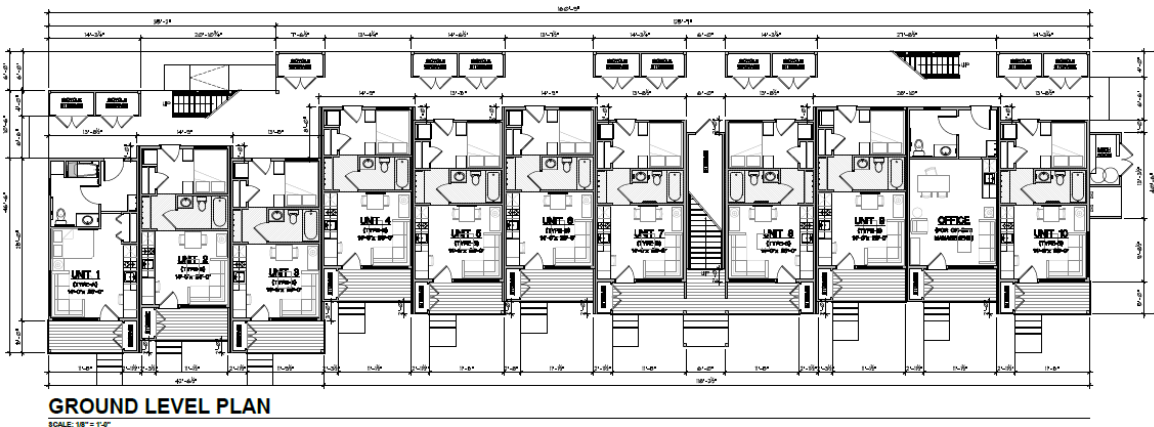
- a. Each street-facing façade shall include one or more deep eaves or overhangs, at least 24 inches in depth.

The application meets this standard.

- 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.

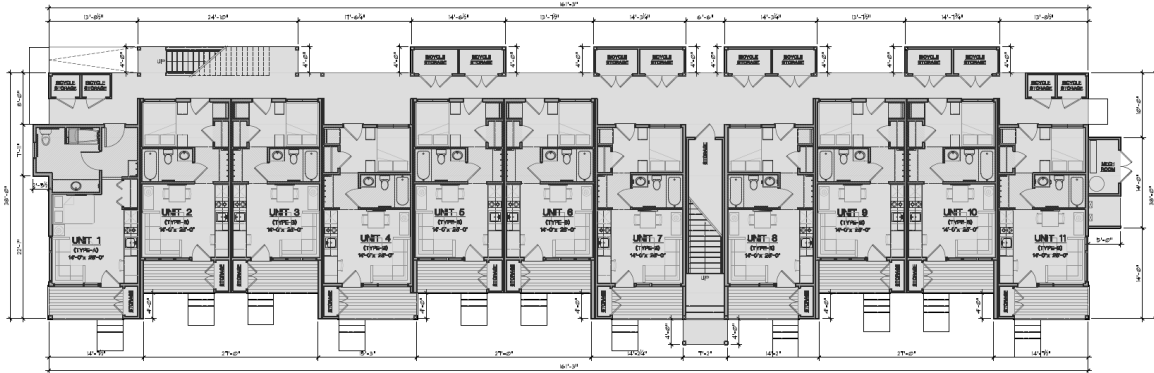
As oriented on the site plan, the north and south façades of the 22-unit building each are over 75-feet in length and are visible from public streets. As shown on the submitted elevations, the proposed structure is utilizing a minimum of four of the building elements as stated above on each of these façades. Building elements utilized include balconies on the first and second levels; building elements that provide shelter from natural elements including covered decks; offsets, insets and architectural features to add variety of depths to the wall plane; change in texture and material; variation in roof planes and forms including gables; and variation in window sizes and shapes. The application meets this standard.

**July 21, 2022 Major Site Plan submittal (North Building):**



**Current Major Site Plan submittal (North Building):**





**GROUND LEVEL PLAN**

SCALE: 1/8" = 1'-0"

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.

Both of the proposed buildings meet the articulation standards outlined in the UDC.

**Roof Standards** (§180-6.21.3.D): These standards are intended to ensure that roof elements are compatible with or complementary to existing historic buildings in the area and to encourage visibly pitched roofs or roof elements.

2. Roof Pitch. Steep pitched roofs are encouraged; 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; pitched roof elements shall vary by a minimum of two feet in elevation; and mansard roofs are not appropriate and are not allowed.

The proposed building roofs are a combination of roof pitches that vary between 4:12 and 10:12 with the majority of the roof at a 4:12 pitch. Shed roofs over decks and walkways with 2:12 and 3:12 pitches are also proposed. There are no proposed mansard roofs. The application meets this standard.

3. Roof Design.
  - a. Where pitched roofs are utilized a minimum pitch of 4/12 is required; dormers shall be incorporated to break up the roof, to enhance the usability of attic spaces, and to add architectural interest; and 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.

The proposed building roofs are a combination of pitched roofs, alternating between front-facing gables at a 10:12 pitch and ridgelines with 4:12 pitches. Architectural elements have been added in the form of false chimneys around clustered roof vents to the longer ridgelines to create a visual break in the ridgeline. **If the Planning Commission finds that the architectural elements along the ridgeline furthers the intent of this section, the application meets this standard.**

- 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.

Shed roofs and flat roofs over decks and walkways with 2:12 and 3:12 pitches are proposed, below the primary roof structure. The application meets this standard.

- c. No more than 66 percent of a ridgeline or roofline shall be on the same elevation.

The 22-unit building includes multiple roof segments, with the main ridgeline being at an elevation of 133'4", per the elevation drawings, with a total length of ridgeline of 79.3 feet (49.2%) at this elevation. The 8-unit building includes a 37.5-foot ridgeline with a total building length of 56.9 feet (65.9%). The application meets this standard.

- d. Rooflines 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 roof forms generally deposit snow away from parking areas, decks, and entryways. The need for snow guards, snow clips, snow fences, and other similar rooftop snow retention will be evaluated by the Town of Frisco Building Department as part of the building permit application review process. The application meets this standard.

- 4. Roof Materials. These standards generally direct that roof materials should be durable, non-reflective, provide substantial relief and shadow, with colors that are compatible with the building.

The application indicates the roof materials will be a gray color asphalt shingle and gray ribbed steel roof panels for the lower sections. The application meets this standard.

### **Major Site Plan submittal (North Building):**



**SOUTH ELEVATION (COURTYARD)**

SCALE: 1/8" = 1'-0"

### **Major Site Plan (8-Unit Building):**



**Building Material Standards** (§180-6.21.3.E): The intent of these standards is 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. Primary building materials shall be predominantly natural, including but not limited to, wood siding, wood shakes, logs, stone, brick, or other similar materials. 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. The same or similar building materials shall be used on any accessory structures located on the site, unless an alternative design can be provided that will complement the project and meet the purpose of this section.

Proposed exterior building materials include horizontal lap siding and trim in shades of gray, vertical siding in brown, with black metal railings and windows. The various exterior siding materials wrap around the proposed buildings. The proposed metal is used in combination with other acceptable materials. The proposed exterior materials appear to be in balance and proportional on all elevations of the building. The accessory buildings on the property are carports and trash enclosures, to be constructed with corrugated metal roofs and wood columns and cribbing. The application meets these standards.

**Building Colors** (§180-6.21.3.F): The intent of these standards is to promote building colors that are compatible with the site and surrounding buildings. No color may be used as the primary color of the building that exceeds a chroma of four on the Munsell Color chart. 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 part of the building. The same or similar colors shall be used 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 applicant is proposing a variety of gray and brown tones which meet the standards in the Town Code. There are no proposed colors that exceed a chroma of four on the Munsell Color chart. The application meets these standards.

**Design Variety** (§180-6.21.3.G): The intent of these standards is to promote design variety that is also compatible with the character of Frisco.

#### 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 be allowed, with the exception of accessory structures, which may designed similarly to the primary structure.

The building design does not duplicate other buildings on the property or within a 300-foot radius of the property. The application meets this standard.

- b. Where a proposed building contains multiple identical units, the building design shall provide architectural differentiation from the duplication of units by utilizing a variety of windows, decks, balconies, or exterior facade compositions.

The project provides some architectural relief from the duplication of units on the property through utilizing a variety of windows, decks, balconies and roof pitches. However, in reviewing the elevation drawings for each building, there is repetition of various features across units. If the Planning Commission finds that there is adequate architectural differentiation to limit duplication of units, the application meets this standard.

**Parking and Loading** (§180-6.21.3.I): The intent of this standard is to mitigate the impact of parking facilities. No more than 60% of required parking spaces may be located in front of a building along the principal street façade. Parking lots adjoining a property line shall incorporate a landscaped buffer between the property line and the paved portion of the parking lot. If the landscaped buffer incorporates double the amount of required plantings, then up to 75% of the required parking may be located in the front of the building with approval by the Planning Commission.

All 40 of the existing parking spaces on the Alpine Inn portion of the development are located within the front setback, with a minimal landscape buffer included. The new parking added for this application is located on the east and west sides of the proposed building. 14 of the 37 new parking spaces are covered using carports. Due to the irregular shape of the parcel, with the configuration of the parking lots as presented, approximately 7 of the new parking spaces for this application could be considered to be in front of the buildings. For the development as a whole, 47 of the 74 required spaces are in the front of the buildings. The landscape plans show new landscaping between the new portions of the parking lot and Lusher Ct, creating a landscaping buffer for the new lot.

Since the sketch plan review, the applicant has increased the landscaping in front of the surface parking areas and added carports to further lessen the visual impact of proposed surface parking. The application meets this standard.

**Amenities** (§180-6.21.3.J): The intent of this section is to enhance development with the amenities that promote alternative modes of transportation and provide community gathering spaces.

2. Bicycle Parking. Bicycle parking spaces in the amount of 20% of the required vehicular parking spaces is required.

The bicycle parking requirement for multi-family residential units exceeds the 20% requirement of this section, so the application will have to comply with the bicycle parking requirements of §180-6.13.4 for enclosed, secure bicycle parking for the residential units. Based on the number of units for the condominium-hotel, 29 bicycle parking spaces are required, and 15 of those shall meet the “enclosed and secure” requirement. The application shows two new bicycle racks with a total

of 12 spaces, and states that 30 enclosed secure spaces are provided, in the individual exterior storage for each unit. The application meets this standard.

3. Community Spaces. A minimum of three community spaces shall be provided for any development with over 25,000 sq. ft. of gross floor area. A community space may include, but is not limited to: public benches, water features, public kiosk/gazebo, public patio/seating areas, public plazas, or public art.

Because this is an addition to the development that will increase the development size to over 25,000 sq. ft., the community space amenities shall be required. The proposed plans show public benches along the interior sidewalk of the site, meeting the community space requirement.

## **PUBLIC COMMENT**

The Community Development Department has not received any formal public comments concerning this project as of September 28, 2022.

## **STAFF RECOMMENDATIONS**

### **Recommended Findings**

The Community Development Department recommends the following findings pertaining to the Major Site Plan application for the proposed new condominium-hotel project located at 105 Lusher Ct., Lot 1, Block A Discovery Interchange West Sub.

*Based upon the review of the Staff Report dated October 6, 2022 and the evidence and testimony presented, the Planning Commission finds:*

1. *The proposed development application is not in compliance with the criteria outlined in §180-2.5.1.D and does not meet the Conditional Use standards. Staff finds that the proposed deed restricted covenants do not further the goals of the Community Plan as they do not help achieve more affordable and/or available local workforce housing.*

### **Recommended Action**

Based upon the findings above, the Community Development Department recommends DENIAL of the proposed Major Site Plan application for the proposed 30-unit multi-family residential development to be in addition to the existing Alpine Inn located at 105 Lusher Ct., Lot 1, Block A Discovery Interchange West Sub.

### **Recommended Motion**

Should the Planning Commission choose to DENY this major site plan application, the Community Development Department recommends the following motion:

***With respect to File No. MAJ-22-0003, I move that the recommended findings set forth in the October 6, 2022 staff report be made and that the recommended conditions set forth therein be taken and that the Planning Commission hereby DENIES the request for the Major Site Plan application for the proposed 30-unit***

***multi-family residential development located at 105 Lusher Ct., Lot 1, Block A  
Discovery Interchange West Sub.***

**ATTACHMENTS**

Attachments:

Attachment A – Minutes from the July 21, 2022 PC Meeting

Attachment B – Applicant Narrative and Proposed Deed Restricted Covenant

Attachment C – Housing Manager Comments on Proposed Deed Restricted Covenant

Attachment D – Housing Helps Deed Restricted Covenant

Attachment E – Final Application Materials for MAJ-22-0001