



**PLANNING COMMISSION
MEMORANDUM**

August 7, 2025

AGENDA ITEM: Planning File No. MAJ-24-0005: A final plan review of multi-unit residential development with 11 units and CU-24-0001, a Conditional Use application to allow for less than 20% mix of uses in the Mixed-Use District located at 200 N 7th Ave

LOCATION: 200 N 7th Ave / Lot E-2 River Pines Sub Resub Outlot E Replat A River Pines

ZONING: River Pines Planned Unit Development (PUD) and Mixed-Use (MU)

APPLICANT: Seth Francis, Blue River Builders

OWNER: Blue River Real Estate Fund III LLC
C/O Seth Francis
PO Box 7035
Breckenridge, CO 80424

TOWN STAFF: Kris Valdez, AICP, Principal Planner

PROJECT DESCRIPTION

The applicant, Seth Francis of Blue River Builders, hereinafter referred to as “Applicant,” has submitted the final site plan application. The project has been amended since the sketch plan was developed based on comments from the Planning Commission and the public at meetings held on November 7, 2024, December 5, 2024, February 6, 2025, and April 17, 2025. The updated application materials are included as Attachment A and herein referred to as “Application”.

The Applicant is proposing a new multi-unit development consisting of eleven (11) units. The previous sketch plan application totaled 55,809 square feet, was subsequently reduced to 44,387 square feet, and has been further reduced to the current level of 43,570 square feet. The application materials show:

Unit Matrix – 11 Market Rate Units						
Unit Number	Parking	Bedrooms	Offices	Baths	Finished Square Feet	Compliance with Code
101	4	5	1	4.5	3,029 SF	The loft is considered a bedroom.
103	4	4	1	3.5	2,757 SF	Yes
105	3	3	1	3.5	2,345 SF	No, the office is a bedroom
107	4	4	1	3.5	2,757 SF	Yes
109	3	3	1	3	2,709 SF	Yes
102	4	4	1	4.5	2,939 SF	Yes
104	4	4	1	3.5	3,106 SF	Yes
106	4	6	0	4.5	3,859 SF	Yes
108	4	6	1	5.5	4,170 SF	Yes
110	3	3	0	3.5	2,682 SF	Yes
111	4	4	1	4.5	2,926 SF	Yes
Six (6) surface visitor parking spaces provided						

The lower level of each unit includes a garage and storage area, with parking spaces within the garages ranging from three to four spaces. Four parking spaces are the maximum number of spaces required by the Unified Development Code (Code), regardless of the number of bedrooms in each unit. The project also includes six (6) additional visitor spots. The garage level also provides bike and gear storage closets.

There are two access points proposed in the property; the northern access point provides three (3) surface-level parking spaces, and one surface space assigned to Unit 105. The secondary access exists on the south side of the property and provides three (3) additional guest parking spaces. For properties located in the Mixed-Use District, development shall be a mixture of residential and nonresidential uses, with each such use making up not less than 20 percent of the total gross floor area of all uses within the property. Developments with a lesser mixture of residential or nonresidential uses, including single-use developments, are conditional uses. The



Vicinity Map

Application proposes 100% residential use, and the Applicant has submitted a formal conditional use application to run concurrently with the Final Site Plan. Both projects, the sketch plan and the conditional use, will be collectively referred to as the “Application” herein.

BACKGROUND

The subject property, herein referred to as “Property,” is a 1.960-acre developed site with wetlands and is located between N 7th Ave and Summit Blvd. When the River Pines Planned Unit Development (PUD) was approved, Outlot E was mentioned in the PUD Agreement as being subject to review in any future application under the standards of the MU zone district. Therefore, the Property is being reviewed in accordance with the Mixed Use (MU) District standards. The properties to the north are part of the PUD with the underlying zoning of Residential Low Density (RL). The property to the south is the recreation path, also identified as the 7th Avenue Alley. The property to the west is also part of the PUD and has an underlying zone district of MU. The property to the east is the right-of-way for Summit Boulevard.

Planning Commissioner Comments from the April 17, 2025, Meeting

- Commissioners acknowledged the significant improvement in the building's appearance and thanked the applicant, recognizing that it is much better than during the project's first presentation
- Commissioners noted that the large building currently on the property is not very visible, and this will be visible
- Commissioners expressed difficulty in determining whether a 45-foot high building fits the neighborhood character next to a 25-foot structure
- Commissioners inquired about the possibility of relocating the wetland due to the wetlands being man-made
- Commissioners had different opinions about whether the increased number of bedrooms in a unit might cause a parking problem
- Commissioners stated their appreciation for the applicant's proposal to include a pathway and lighting along 7th Avenue and to connect to the recreation path if supported by Public Works and to maintain the path
- Commissioners requested that the transition to adjacent neighbors be improved
- Commissioners requested a sun study with the full Site Plan application, noting that it cannot be considered compatible if the neighboring property remains in shade all year round
- Commissioners suggested that a possible solution would be to reduce the size of the buildings, which may help alleviate parking issues
- Commissioners noted they would like the Town to consider a four-way stop at 6th Avenue and Main Street
- Commissioners observed that the metal roof should be a darker color to reduce its reflectiveness
- Commissioners expressed the desire for the proposed pathway along 7th Avenue to meet Town standards and to ensure its maintenance during winter by the community HOA

MAJOR SITE PLAN REVIEW

A Major Site Plan application requires review and discussion by the Planning Commission. The proposal is reviewed in detail for conformance with the Frisco Community Plan and compliance with the Frisco Unified Development Code, referred to as the “Code.” 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

The following elements of the Frisco Community Plan apply to the review of the Application:

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.

1.1: Protect the character and livability of Frisco's residential neighborhoods

- **1.1A Ensure new housing complements adjacent properties and neighborhoods through appropriate mass, scale, and design. See page 68 for Area Specific Policies/Design Principles to help encourage compatible neighborhood development.**
- **1.1B Invest in targeted improvements (e.g., trail connections, bike paths, sidewalks, and drainage improvements) that enhance the safety and quality of life of residents.**
- **1.1C Strive to create an appropriate balance of full-time residents, second homes, and short-term rentals to maintain a diverse and vibrant community.**

Since the original sketch plan design, the Applicant has reduced the overall units from a maximum of 20 units including a density bonus unit to go above the allowed 19 units by zoning to the current number of units being proposed, which is eleven (11). The Application also includes a reduction in height to the buildings on the north side of the parcel since the sketch plan application to reduce the shading impacts to the adjacent property owners.

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.

This neighborhood is primarily single-family residential. The Property had changed use since its original construction in 1970, transitioning from a mixed-use development to a modification in 1993, when the Town Council approved a conditional use application to convert an existing multi-use structure (the old Villain's Lair) to all residential use.

The Property is located within an area that contains a mix of residential building designs and materials. Based on Staff's analysis of the current Application, Staff has determined the Application meets the intent of the 2019 Community Plan.

ANALYSIS – MIXED USE [§180-3.12]

The requirements of the Mixed Use (MU) Density District apply to the review of the Application as follows:

Purpose: The purpose of the MU District is as follows:

"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."

Minimum Lot Area: The MU district does not have a minimum lot area. The total lot area in the Application is 85,460 square feet or 1.9619 acres. Frisco Town Code defines a developable acre as

"Acre, Developable. 43,560 square feet of horizontal land area neither occupied by a public way nor under a water body nor in a wetland as designated pursuant to procedures under Section 404 of the Clean Water Act, nor in a floodway, as defined on the Flood Insurance Rate Map, nor designated as public open space."

According to a 2021 survey, the Property has wetlands, which were surveyed at 27,372 square feet, or approximately 0.6284 acres. Therefore, the total developable area on the Property is 58,088 square feet or 1.3335 acres. The Application meets this standard.

Minimum Lot Frontage: The MU district does not have a minimum lot frontage. The Property has a lot frontage of 271.08 feet. The frontage is considered to be off N 7th Avenue. The Application meets this standard.

Minimum Open Space: According to the Code, the MU District requires 10% of the total gross floor area to be dedicated as open space. According to the Application, the total gross floor area is 43,570 square feet. Therefore, the total amount of required open space is 4,357 square feet. The Applicant is proposing 58,595 square feet, or 68.7% of the Property. The Application meets this standard.

Maximum Lot Coverage: Per the Code, lot coverage shall not exceed 60% of the total lot area in the MU District.

Per the Code definition, lot coverage is defined as *“The percentage of total lot area used for parking, roads, drives; and above or below-grade structures or improvements, including but not limited to hot tubs, decks, patios, and sheds. The following elements are excluded from the calculation of lot coverage: two feet of roof eaves as measured perpendicular from the exterior building wall; ground-mounted solar energy facilities as an accessory use; 100 percent of publicly used nonvehicular pathways and three feet of the width of privately used non-vehicular pathways; and approved dumpster enclosures that provide adequate space for recycling containers.”*

The proposed lot coverage is 26,865 square feet or 31.3% and includes the building footprint, driveways, decks, parking, and patios. The Application meets this requirement.

Setbacks: Pursuant to §180-9, Definitions, Frisco Town Code:

“Lot Line, Front – The property line separating a lot from the street except, where a lot is bordered by more than one (1) street, the property owner shall determine which side of the lot having street frontage is to be considered the front for setback purposes. Each lot proposed for development shall have at least one (1) property line designated as the front lot line.”

There are two street frontages for this Property. Both access points are from N 7th Ave. Therefore, the front lot line is adjacent to N 7th Avenue. Based on the submitted plans, the Application meets the setbacks of the Property. An Improvement Location Certificate (ILC) will be required during construction to ensure the structure, including roof eaves, does not encroach into the setback.

The minimum required setbacks and proposed setbacks for this Application are as follows:

	Minimum Setback	Proposed Setback
Front Yard	20 feet	20 feet
Side Yard (north)	10 feet	~13 feet
Side Yard (south)	10 feet	~167 feet
Rear Yard	10 feet	~62 feet

Maximum Building Height: The maximum building height is 35 feet for a flat roof and 45 feet for a pitched roof in the MU district. The Applicant is proposing a maximum building height of 45 feet. A roof ILC will be required during construction to ensure that the building does not exceed the maximum building height. The Town Code defines a flat roof as:

Roof, Flat. A roof having a slope of 2:12 or less.

As noted in the Application, the Applicant is proposing that the majority of roof pitches will be 2.01:12 to be defined as a pitched roof and therefore have a maximum height of forty-five (45) feet permitted. Ridge heights that are proposed to be 1:12 shall not exceed a maximum height of thirty-five (35) feet. Due to the unique proposal of roof pitches being 2.01:12, Staff suggests a special condition that a written statement be issued by the project contractor acknowledging that they will be constructing roof pitches as proposed on the submitted plans and understand all height requirements in the Town Code shall be complied with.

The Application states that the garage floor elevations would be dropped below grade, and the finished grade would be raised wherever possible.

Per the Code, Building Height is defined as,

“Building Height. The vertical distance measured from any point on a proposed or existing roof to the natural grade or the finished grade, whichever is lowest, located directly below said roof point, excluding chimneys, steeples, cupolas, turrets, clock towers, similar rooftop decorative elements, mechanical equipment and screening, and solar panels of reasonable, balanced proportions. The building height is thus measured parallel to the existing grade in any direction as depicted in Figure 9-A. Where a building utilizes multiple roof styles or pitches, the highest point of each type of roof or parapet wall shall be in conformance with applicable height regulations as established for the respective roof pitches in each zoning district.”

The Applicant will be required to demonstrate the roof height and roof pitch with an Improvement Location Certificate during the building permit process.

Density: The permitted density in the MU District is 14 dwelling units per developable acre. The 85,460 square foot lot (0.1.9619 acres) with a developable area of 58,088 square feet (1.335 acres) allows up to 19 units on site. The Applicant is proposing 11 units of density on the Property. The Application meets this standard.

ANALYSIS – USE STANDARDS [§180-5]

Permitted and Conditional Uses: A variety of residential uses are permitted in the MU District, including duplex and two-unit townhomes, single-household detached dwelling, townhomes (attached or standalone), and multiunit dwellings. The Application meets this standard but requires a conditional use permit, as outlined below, to be run concurrently with the Final Site Plan application.

Mixture of Uses in the Mixed Use District (§180-5.2.13): For properties located in the Mixed Use District, development shall be a mixture of residential and nonresidential uses, with each such use

making up not less than 20 percent of the total gross floor area of all uses within the property. Developments with a lesser mixture of residential or nonresidential uses, including single use developments, are a conditional use.

Frisco Town Code, 180-9, defines gross floor area as:

Floor Area, Gross (GFA) The area included within the exterior walls of a building or portion thereof including basements, lofts, usable spaces, and other areas with floors but excluding parking in garages.

The Application materials note that the proposed residential use is one hundred percent (100%) of the gross floor area. A conditional use permit has been submitted, was discussed at the sketch plan phase, and will now require a vote to approve, approve with conditions, or deny with the Final Site Plan application. At the April 17, 2025, Planning Commission meeting, the Planning Commission was supportive of having 100% residential on this Property.

ANALYSIS - DEVELOPMENT STANDARDS [180-6]

The Development Standards outlined in this section establish the minimum requirements and design expectations for all new development and redevelopment within the Town of Frisco. These standards are intended to promote high-quality, sustainable, and context-sensitive development that reflects the unique mountain character of Frisco, protects community values, ensures public health and safety, and supports long-term resilience. These standards apply to site design, building form, access, parking, landscaping, lighting, and other essential elements that contribute to the built environment.

Development on Steep Slopes (§180-6.5.1): All development in areas with steep slopes greater than 15% shall comply with the following standards:

- On slopes from 15% to less than 30%, net site disturbance shall not exceed 50% of the total area within this range of slopes.
- On slopes greater than 30%, net site disturbance shall not exceed 15% of the total area over this range of slope.

The Application does not indicate any development or disturbance on steep slopes, and therefore, it does not need to meet the requirements of this Code section.

Drainage Plan (§180-6.6): The Town Engineer has provided comments on the Application. Complete drainage plan submittal requirements, design standards, and erosion and sediment control were reviewed as outlined in §180-6.6 of the Code by the Town Engineer. The Town Engineer has signed off on the drainage plan with comments provided to the Applicant. A condition of approval has been suggested requiring that the Application meet all the requirements of the Town Engineer prior to issuance of the building permit. With the suggested condition, 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 the Town right-of-way (ROW), the location and design of access points to the road must be approved by the Frisco Town Engineer. Multifamily projects shall have a minimum driveway width of nine (9) feet and a maximum

width of 20 feet. The width is measured within the Town ROW from the ROW line to the edge of the pavement.

The Application proposes one driveway into the site off N 7th Ave, which provides access to the garages. The driveway is 20 feet wide, meeting the required width. The secondary access is approximately 10 feet wide. This is an existing driveway/access point to the site. Staff is discouraging the expansion of the driveway because wetlands exist on both sides of the secondary access. The Town Engineer has reviewed the Application and provided comments to the Applicant. A condition of approval has been suggested requiring that the Application meet all the requirements of the Town Engineer prior to the issuance of the building permit. With the suggested condition, the application meets this standard.

Non-vehicular Access Requirements (§180-6.11.2):

It is 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 Application now shows pedestrian access to N 7th Ave. The Applicant has also collaborated with the Town Engineer and Public Works to install a new six (6) foot sidewalk along the front property line on N 7th Ave, connecting pedestrians to the existing bike path and Summit Boulevard. The Applicant, the Town, or their assigns will be required to clear the sidewalk of snow. A maintenance agreement or Town ownership of the sidewalk will be required prior to the issuance of a building permit. With this suggested condition of approval, the Application meets this standard.

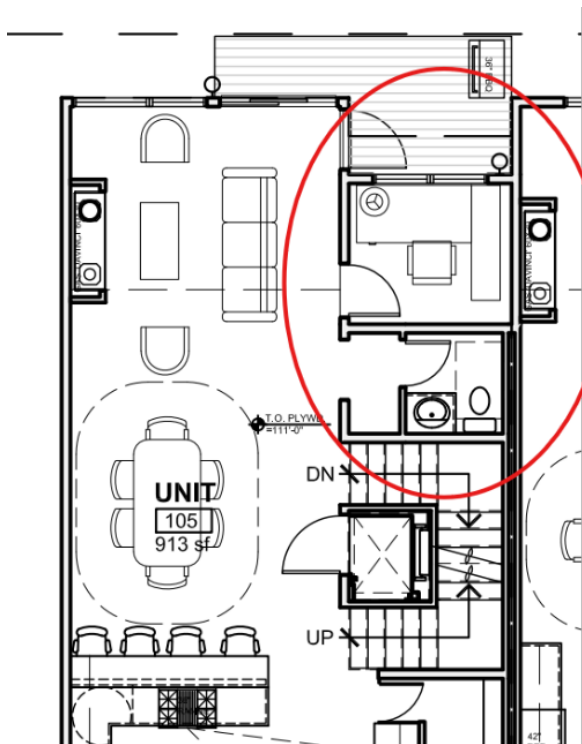
On-Premise Parking Requirements (§180-6.13.3. D): One (1) parking space is required per bedroom, with a maximum of four (4) parking spaces per unit. One (1) visitor parking space is required for five (5) units.

The following is a parking analysis:

Use Type	Parking Standard	Unit Number	Bedrooms/ Units	Required Spaces	Spaces Provided
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Residential	1 per bedroom Maximum of 4 spaces per unit	N-101*	5-bedroom unit	4	4
	1 per bedroom Maximum of 4 spaces per unit	N-103	4-bedroom unit	4	4
	1 per bedroom Maximum of 4 spaces per unit	N-105*	3-bedroom unit	3	3
	1 per bedroom Maximum of 4 spaces per unit	N-107	4-bedroom unit	4	4
	1 per bedroom Maximum of 4 spaces per unit	N-109	3-bedroom unit	3	3
	1 per bedroom Maximum of 4 spaces per unit	S-102	4-bedroom unit	4	4
	1 per bedroom Maximum of 4 spaces per unit	S-104	4-bedroom unit	4	4
	1 per bedroom Maximum of 4 spaces per unit	S-106	6-bedroom unit	4	4
	1 per bedroom Maximum of 4 spaces per unit	S-108	6-bedroom unit	4	4
	1 per bedroom	S-110	3-bedroom unit	3	3

	Maximum of 4 spaces per unit				
	1 per bedroom Maximum of 4 spaces per unit	S-111	4-bedroom unit	4	4
Visitor Parking	1 per five units			2	6
ADA Parking	2 spaces			N/A	N/A
Total Required				43	47



The office in Unit 105 qualifies as a bedroom, as defined in the Code, thereby classifying the unit as a four-bedroom unit. This unit only has three parking spaces provided. At the time of the building permit, the Applicant will need to either modify the layout to ensure the office does not meet the definition of a bedroom or assign the extra visitor spaces to Unit 105. A condition of approval has been added to address this discrepancy. With this condition, the Application meets this standard.

Tandem Parking (§180-6.13.6): For multifamily residential projects, two (2) stacked (tandem) spaces may be permitted if the Planning Commission finds that the layout of the parking is functional and, at a minimum, finds two (2) out of the following four (4) criteria are met:

- i. That some of the spaces could be used as potential visitor parking space; and/or,
- ii. That, given the layout and design of the building, adequate storage space is provided for the residents so that it is not anticipated the parking space(s) will be needed predominately for storage; and/or,
- iii. That the architecture of the building façade which faces or accesses the parking spaces avoids a canyon effect, such that movement is provided in the building design; and/or,
- iv. That an adequate turning radius area is provided with the parking layout to allow for turning and backing into or out of the tandem parking spaces.

The proposed parking plan features two stacked tandem spaces for the garages with four (4) spaces for Units 101, 102, 103, 104, 106, 107, 108, and 111. Unit 105 has a tandem design for two (2) parking spaces. The Planning Commission must determine if the tandem spaces in each of the garages meet the intent of the parking regulations.

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 Application will be required to comply with requirements as outlined in Section C405.10.1 at the time of building permit submittal.

Accessible Parking (§180-6.13.3.H): All facilities, including commercial, mixed-use, and multifamily projects with seven (7) or more attached units, must provide accessible parking. The Application does not have seven (7) attached units. Therefore, the accessible parking standard does not apply. However, staff would encourage the Applicant to consider adding ADA parking out of consideration for guests who require ADA parking spaces. No ADA spaces have been added since the sketch plan submittal.

Bicycle Parking (§180-6.13.4): All multifamily residential developments must provide both enclosed, secure bicycle parking and outdoor bicycle parking facilities. Dwelling units with a private garage are not required to provide enclosed, secure bicycle parking. The Application is still required to provide outdoor parking spaces. The Application now demonstrates outdoor bicycle parking located on the west side of the Property, adjacent to N 7th Ave. The application meets this standard.

Snow Storage Areas (§180-6.13.7): The Code requirements state that *“snow storage shall be provided on premises in the amount of twenty-five percent of paved surface area and any unpaved parking and driveway areas, including uncovered decks. The Applicant must demonstrate that snow removal operations for upper floor decks will not impact adjacent property.”*

The Application shows 10,830 square feet of hardscaped area and 3,315 square feet of snow storage. The standard requires 2,707.5 square feet of snow storage. The Application materials only calculate for uncovered decks along the drive aisle. At the time of the building permit, the Application materials must reflect all uncovered decks. Staff thinks these standards can be met.
















Staff have concerns regarding the proposed locations for the snow storage. The area adjacent to N. 7th Ave is behind the visitor parking spaces. If these parking spaces are occupied during a snowfall event, it is unclear how the snow storage will be used if it is blocked by parked vehicles. Also, at the end of the access road where the snow storage is on the side of the road, there is a high probability that the snow will be plowed directly into the wetland setback. Per the Code, *“Snow Storage is not permitted within the 25-foot waterbody and wetland setback.”* The Applicant has stated that a wall will be built at the end of the driveway to prevent snow from being pushed into the wetland set. The Application shall demonstrate at the time of the building permit that the wall is a sufficient height to prevent snow from being pushed into the wetland setback. With the suggested condition, the application meets this standard.

Outdoor Lighting (§180-6.16): Outdoor lighting installed for new structures shall be full-cut-off fixtures and positioned so that there is no direct light emission onto adjacent properties. The Applicant has provided a lighting specification sheet and a photometric plan, which demonstrates that the proposed lighting is in compliance with Town Code. The Application meets this standard.

Landscaping and Revegetation (§180-6.14): The Application is subject to the landscaping requirements for residential development. In residential developments, for every 875 square feet of project lot area or fraction thereof, a minimum of one (1) tree must be planted on the site, and one

(1) shrub shall be required for every 1,500 square feet of lot area. With a lot size of 85,460 square feet, 98 trees and 57 shrubs are required. The Application shows a total of 101 trees with a 50% credit for the preservation of existing trees. The Application shows 60 shrubs on the landscape plan.

A minimum of one tree shall be planted within the yard setback adjacent to any public street for every 30 feet of total street frontage or a fraction thereof. The Application shows 271.08 feet of street frontage, which requires nine (9) trees in the front yard setback. The Application shows 24 trees in the front yard setback.

PLANTING LIST					
KEY	COMMON	BOTANICAL	NO.	SIZE	NOTES
EXISTING TREES					
	EXISTING	VARIES	--	SEE SITE PLAN	
EXISTING TREES TO BE REMOVED (NOTED PINE TREES $\geq 6"$ & , ASPENS $\geq 4"$)					
	PINE TREE W/ TRUNK DIAMETER 6" & <		3	SEE PLAN	
	SPRUCE		0	SEE PLAN	
	ASPEN		19	SEE PLAN	
	WILLOW PLANT		4	SEE PLAN	
PROPOSED TREES/SHRUBS TO BE ADDED					
	COLORADO SPRUCE	PICEA PUNGENS -blue spruce	22	(10) 8' TALL (12) 10' TALL	
	COLORADO SPRUCE	PICEA ENGELMANNI -englemen spruce	22	(10) 8' TALL (12) 10' TALL	
	ASPEN-broad leaf	POPULUS TREMULODES	22	2"-3" CALIPER 50% MULTI-STEM	
	ASPEN-big tooth	POPULUS GRANDIDENTATA	22	2" CAL	
	POTENTILLA	POTENTILLA FRUTICOSA	12	5 GAL.	NEEDS SUN (36" TALL, 4'-0" WIDE)
	BUFFALO JUNIPER	JUNIPERUS SABINA	12	5 GAL.	NEEDS SUN (12" TALL, 8'-0" WIDE)
	SILVER BUFFALO BERRY	SHEPHERDIA ARGENTA	12	5 GAL.	GROWS TO 6-10' TALL
	ALPINE CURRANT	RIBIES ALPINUM	12	5 GAL.	GROWS TO 3-6' TALL
	PEKING COTONEASTER	COTONEASTER LUCIDAS OR APICALTUS	12	5 GAL.	GROWS TO 6-10' TALL
	NATIVE GROUND COVER AND PERENNIALS	PROVIDE SUBMITTAL	8	1 FLAT	PROVIDE TO ALL DISTURBED AREAS

The Application will be required to comply with the Firewise program, including defensible space zones, as regulated by Summit Fire & EMS at the time of building permit review. The Application meets the landscaping standards.

Refuse Management (§180-6.17): All commercial, mixed-use, and multifamily residential development projects containing five (5) or more units shall utilize a trash enclosure for the collection and storage of refuse and recyclable materials. Per the Code, *"Dumpster enclosures shall provide space for the collection and storage of recyclable materials, including compost, in an*

amount equal to the space provided for the collection and storage of trash materials, and shall meet the following standards:

- A. *Equal space for refuse, recycling, and compost collection must be accommodated within the dumpster enclosure in an amount determined to be acceptable by the waste collection provider, based upon the size and use of the development.*
- B. *Storage and collection containers shall be clearly labeled or identified to indicate the type of materials accepted."*

The Application shows a trash enclosure and a recycling center. The Application also includes a letter from Timberline Disposal & Recycling stating, "We have reviewed the plans for your future development at 200 North 7th Ave, Frisco, CO; after examining this proposed site plan, we have determined that we will be able to provide refuse services for the property." Therefore, the Application meets this standard.

Residential Development Standards (§180-6.22): The purpose of the residential development standards is to promote high-quality development while still providing for creative and unique building designs; to establish minimum standards related to scale, mass, architecture, materials, and overall design character of development and provide incentives to help achieve desired attributes; and to preserve established neighborhood scale and character, ensuring that residential areas contribute to the streetscape and are conducive to walking.

The Application shall be held to the following residential development standards:

A. Facade Standards

- 1. *Intent. To ensure that the façade design of development is compatible with Frisco's small mountain town character and provides a human scale to enhance the walking experience in the neighborhood.*
- 2. *Building Elements. All building elevations shall employ varied articulation of wall surfaces, as shown in Figure 6-UU. Each façade shall be articulated through the use of at least four of the following techniques:*
 - a. *Deep eaves or overhangs, at least 24 inches in depth;*
 - b. **Balconies, porches, or patios;**
 - c. *Building elements that provide shelter from natural elements;*
 - d. **Offsets, insets, bays, or other similar architectural features to add a variety of depths to the wall plane;**
 - e. **A change in texture or material, provided all exterior wall textures and materials are consistent with the overall architectural style of the building;**
 - f. *Variation in roof planes or roof forms, including dormers or gables; or*
 - g. **Variation in window sizes and shapes.**

The Application includes building designs that are unique to this project but have a similar styling to other buildings throughout Frisco. A variety of building elements are utilized on all four (4) facades of

the buildings. Varied building articulation is achieved by using the bolded techniques listed above. Therefore, this standard is met.

3. 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 shall not be allowed, with the exception that accessory structures on the same lot or parcel as the primary structure may be similar in design as the primary structure.*
- b. *Where a project contains two or more buildings or units, not identical units, the building design shall provide architectural relief from the duplication of buildings and units by utilizing a variety of windows, decks, balconies, or exterior facade composition.*

Staff finds that the proposed building designs do not duplicate each other, and all buildings and units demonstrate variation to avoid appearing identical. Therefore, this standard is met.



VIEW FROM SOUTH AT OLD DRIVE

SCALE: N.T.S.



VIEW FROM WEST ON 7TH AVE.

SCALE: N.T.S.



VIEW FROM EAST ON SUMMIT BLVD.

SCALE: N.T.S.



VIEW FROM NORTH AT BIKE PATH

SCALE: N.T.S.

C. Roof Standards

1. *Intent. To ensure that roof elements are compatible with or complementary to existing historic or contributing buildings in the area and to encourage visibly pitched roofs or roof elements and the use of dormers and breaks in ridgelines.*

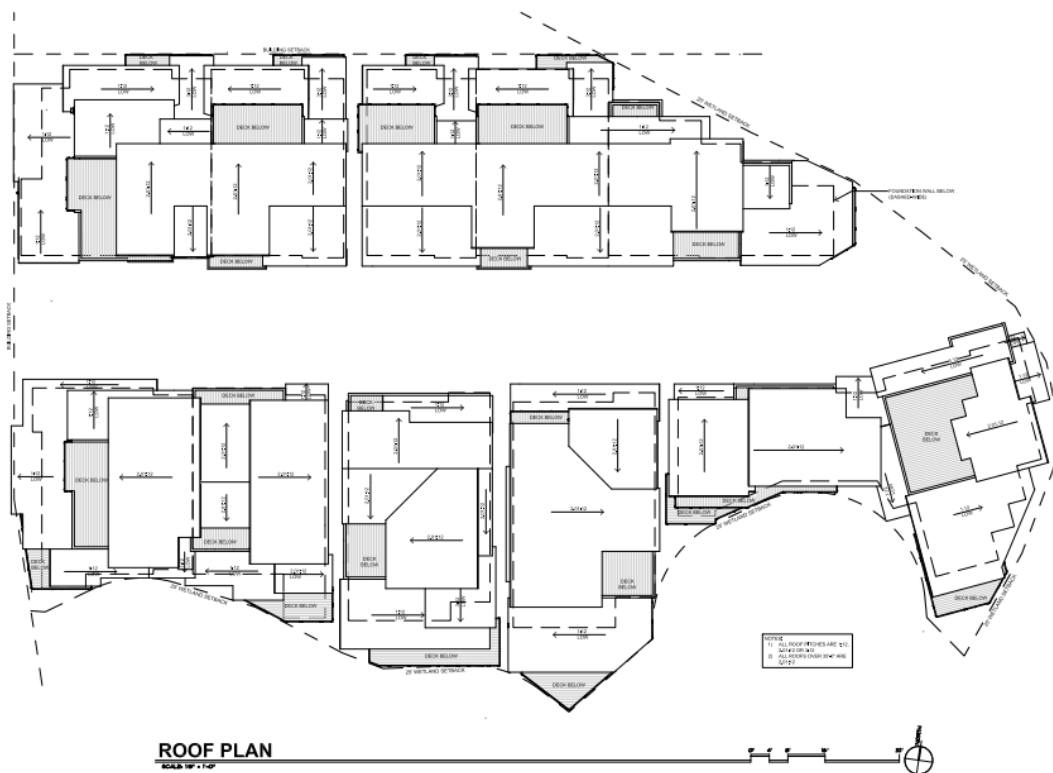
The Application shows pitched roof elements and breaks in ridgelines. No roof pitch exceeds 2.01:12, as per the roof plan.

2. Roof Pitch

- a. *Pitched roofs, or flat roofs augmented with pitched roof elements, are required.*
- b. *A minimum roof pitch of 6/12 is encouraged.*
- c. *Mansard roofs are prohibited.*

Frisco Town Code defines a flat roof as:

Roof, Flat. A roof having a slope of 2:12 or less.



The proposed building roofs are a combination of roof pitches of 1:12 and 2.01:12, which technically meets the requirements of the Code. Per the Code, the maximum building height for flat roofs is 35 feet. The buildings are currently designed at 45 feet in height.

3. *Roof Design. Roof lines shall be designed in a manner where they do not substantially deposit snow onto required parking areas, sidewalks, trash storage areas, stairways, decks, balconies or entryways.*

The proposed roof forms generally deposit snow away from parking areas, sidewalks, trash storage areas, stairways, decks, balconies, or entryways. The Town of Frisco Building Division will evaluate the need for snow guards, snow clips, snow fences, and other similar rooftop snow retention devices as part of the building permit application review process.

4. *Roof Materials*

- a. *If metal roofs are used they shall be surfaced with a low gloss finish, matte finish, or other finish proven to fade and not be reflective.*
- b. *Metal roofs, asphalt and fiberglass shingles are permitted provided that they heavy material that provides substantial relief and shadow, and the design and color are compatible with the building.*
- c. *Historic buildings, as noted in the Town's Historic Resource Inventory, may use rolled asphalt roofing materials.*
- d. *Bright colored roofs that exceed a chroma of four on the Munsell Color chart are prohibited.*

The Application features charcoal-colored shingles and matte metal accents, which are used as roof materials, meeting this standard.

D. Building Material Standards

1. *Intent. To ensure that building materials are compatible and complementary to existing historic and contributing buildings in the area, using a combination of mainly natural materials.*
2. *Primary Materials*
 - a. *Building materials shall be predominantly natural, including but not limited to, wood siding, wood shakes, logs, stone, brick, or other similar materials.*
 - b. *Other materials that imitate natural materials are also acceptable provided their texture, shape, and size are substantially similar to the natural materials they are imitating, and are not obviously artificial materials.*
 - c. *Stucco or steel are acceptable materials when used in combination with other acceptable materials.*

Proposed exterior building materials include matte black metal panels, wood fascia and beams, natural wood siding, and telluride stone. The Application meets this standard.








3. Specific Material Standards

a. Concrete Block.

Concrete block shall not be allowed as the primary or extensive exterior finish. When used as an accent, concrete block shall be a split block, or other similarly shaped, textured, and colored materials that are found to be compatible with the building and the purpose of this section.

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

c. Glass. The use of mirrored or reflective glass is prohibited unless required for compliance with the voluntary green building program as administered by the Town's Building Official.

	METAL ROOFING	- METAL SALES PROFILE: STANDING SEAM (COLOR: ASH GREY)
	WOOD FASCIA - 2X12	- SPECIALTY WOOD PRODUCTS SERIES: NEW AGE MODERN (COLOR: CIMMARON)
	WINDOW CLADDING and FLASHINGS	- SIERRA PACIFIC (COLOR: BLACK)
	HORIZONTAL SIDING 1X10 CHANNEL RUSTIC	- SPECIALTY WOOD PRODUCTS SERIES: NEW AGE MODERN (COLOR: BLACKHAWK)
	1x4 VERTICAL SIDING - 1X4, 1X8, 1X10 T&G	- SPECIALTY WOODS PRODUCTS SERIES: NEW AGE MODERN (COLOR: POWDERHORN)
	METAL SIDING PANELS	-CORTEN PROFILE: 3'X3' (COLOR: RUST)
	STONE VENEER	-TELLURIDE STONE COMPANY (COLOR: COLORADO BUFF STRIP)

The Application includes corrugated metal panels in a matte finish, meeting the requirement.

4. Variety of Materials on All Building Elevations

a. There shall be a variety of quality and type of exterior materials, and their application shall be generally in balance and proportional on all elevations of the building.

b. Materials that wrap around the building, such as a durable material at the base of the structure, shall continue around projecting outside exterior corners and end at recessed inside exterior corners.

The Applicant is proposing a variety of exterior materials that appear to wrap the building corners. Therefore, this standard is met.

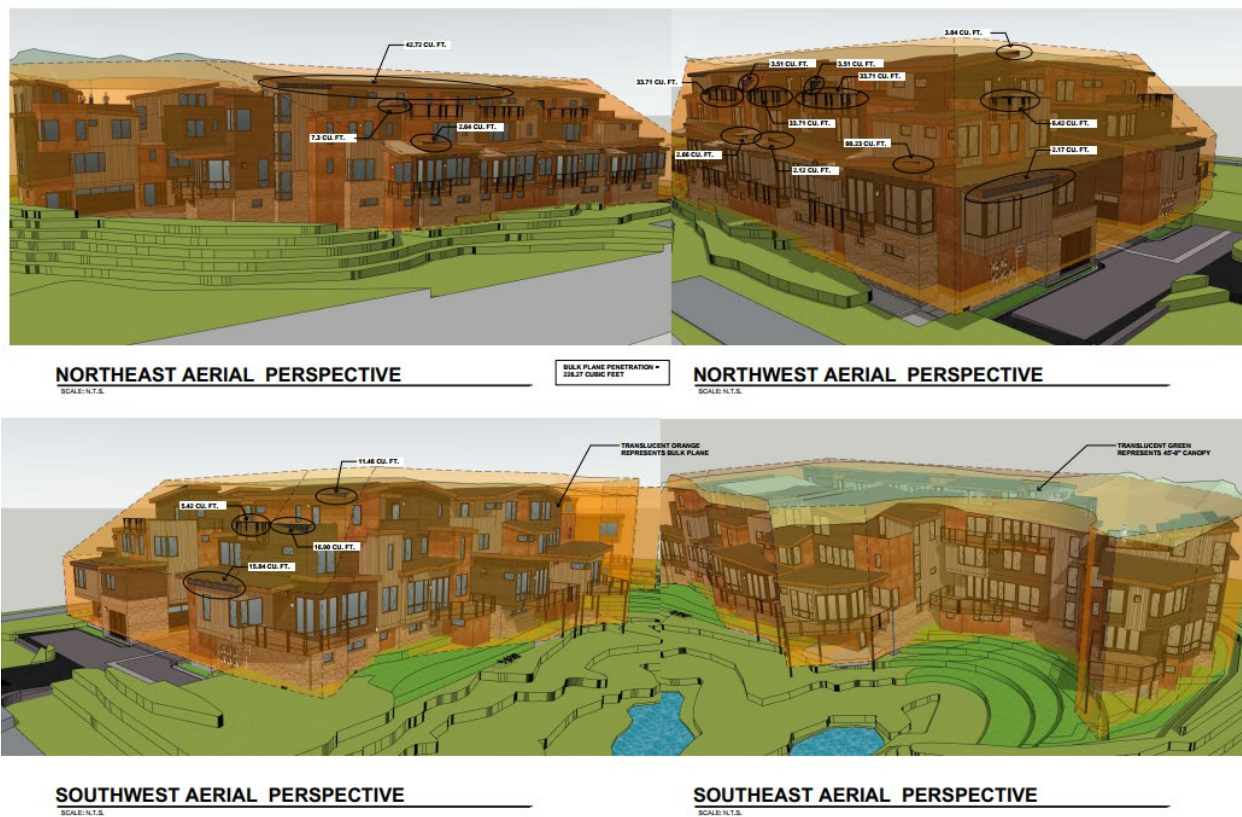
E. Building Colors

1. Intent. To promote building colors compatible with the site and surrounding buildings

2. Maximum Color Chroma. No color may be used as the primary color of the building that exceeds a chroma of four on the Munsell Color chart. Pure white or black may not be utilized as the primary building color.

The primary building colors and materials consist of wood siding in natural wood tones, cedar and metal siding, and stone in light natural tones. Pure white or black is not being utilized as the primary building color. The Application meets this standard.

Bulk Standards (§180-6.23): Table 6-K of the Code outlines bulk plane requirements. Building forms may deviate from bulk plane standards if they do not exceed the maximum building height and provide substantial architectural relief with the approval of the Planning Commission. The Application materials show a total bulk plane encroachment of 226.27 cubic feet, but Staff calculates the bulk plane encroachment at 226.04. If the Planning Commission finds that the proposed bulk plane encroachments provide substantial architectural relief and advance the intent of Section 180-6.23, then the application meets this standard.



CONDITIONAL USE PERMIT Section [§180-5.2.13.]

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 River Pines Planned Unit Development (PUD). However, Outlot E was described in the PUD Agreement as being subject to review in any future application under the standards of the Mixed Use (MU) District. There is one conditional use associated with the Major Site Plan application:

- **Conditional Use:** Section 180-5.2.13 states that for properties located in the Mixed Use District, development shall be a mixture of residential and nonresidential uses, with each such use making up not less than 20 percent of the total gross floor area of all uses within the property. Developments with a lesser mixture of residential or nonresidential uses, including single-use developments, are conditional uses. The Application is for residential use only.

The Applicant's duty is to establish that each of the conditional use criteria has been met. Section 2.5.1.D of the Code states that the Planning Commission may approve a conditional use permit application if it finds that all six criteria are met. Excerpts from the Applicant's narrative are included below. Full narrative from the Applicant is included in the attachments, and further information regarding each criterion.

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:

At this juncture, the remainder of the RPPUD has been developed as residential. Moreover, all areas surrounding Lot E and this entire PUD is also residential. In the interim, other areas have become more focused commercial cores, such as the gateway Whole Foods area. Consider the following factors:

- 200 N 7th Ave is located in the River Pines PUD, which was zoned all residential, with the exception of 4.5 acres which was zoned as multi-use.*
- Outlot E as per the PUD originally included 200 N 7th Ave as well as a parcel across the street (now defined as 201 N 7th Ave (Lot E-1-A) and 203 N 7th Ave (Lot E-1-B).*
- Both 201 N 7th Ave (Lot E-1-A) and 203 N 7th Ave (Lot E-1-B) were given conditional use to build all residential. As such, based on my understanding of the River Pines PUD there are currently no commercial units/properties.*
- As such, to meet the current zoning of the River Pines PUD, we propose a conditional use to develop a residential only at 200 N 7th Ave.*

In light of these considerations, as the Planning Commission has previously acknowledged, Lot E, in this area, is best suited for 100% residential development.

Staff Analysis: The Property is in the River Pines PUD, which is primarily zoned for residential use and has a small multi-use area. The Town Council granted conditional use

permits for duplex residential units on October 15, 1996, for other parcels located at 201 and 203 N 7th Avenue.

The River Pines PUD states that Outlot E shall be controlled only by relevant portions of the MU Zoning code, not the Covenants or the Design Review Committee. With this statement, Staff reverts to the purpose and intent of the MU District, which states:

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.

Despite being zoned MU, Staff does not find the Property between core commercial and residential districts. Instead, based on its location off a cul-de-sac and surrounded by residential uses, the Property could be identified as a parcel that should contain residential uses due to the adjacent properties containing residential uses.

The Community Plan, 1.1.A. states, “Ensure new housing complements adjacent properties and neighborhoods through appropriate mass, scale, and design. See page 68 for Area Specific Policies/Design Principles to help encourage compatible neighborhood development”. Single-family residential units are located to the north and west of the Property. The residential development to the south, Marina Park, consists of five three-story buildings. The proposed development at 602 Galena Street, located to the southwest, consists of a single building containing 54 workforce housing units with an overall roof height of 39.1 feet.



The Community Plan 1.1.C. states, “strive to create an appropriate balance of full-time residents, second homes, and short-term rentals to maintain a diverse and vibrant community.” With the changes made since the sketch plan application, Staff has determined the Application meets the intent of this standard.

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:

This criterion was the subject of the greatest discussion at prior sketch plan reviews on the previous sketch plan for the Property. It is also the most nuanced criterion in terms of the aesthetic and esoteric standards reflected therein. Accordingly, we will try to focus chiefly on this criterion in this narrative, in an effort to secure optimal Planning Commission feedback.

a. Implications of the RPPUD to this standard

As discussed in considerable detail above, the RPPUD is in fact an expressly reflection of the fundamental issue of compatibility with the surrounding area. The fact that criterion 2 expressly references PUD compatibility here speaks volumes to the proper analysis of this CUP standard. We can not analyze such compatibility without doing so via the lens of this PUD that controls this entire neighborhood. Plainly, the RPPUD never intended the density, height, bulk, architecture, or landscaping on Lot E to in any way match the remainder of the PUD area. To the contrary, as highlighted above, the RPPUD approval was expressly premised on the auspice that the different nature of development on Lot E versus the remainder of the PUD was in fact compatible and appropriate.

One further crucial point here. Compatible does not and should not mean identical or consistent. It is a question of how a development blends and complements other developments in the area, not how it is the same in design or nature of structure (i.e. single family).

b. Proper scope of the term Immediate Vicinity

*The other consideration at plat here is the question of what properly constitutes the immediate vicinity of Lot E. In that regard, certainly the single-family homes and two duplexes across the street are highly relevant. However, there is no viable rationale to exclude Marine Park from that question of the immediate vicinity. There is simply no basis to suggest that one property is in the vicinity yet another the same distance from the property lines is not. That very intensive multifamily development is directly across the street from the Property. **Both** projects are across the street and immediately adjacent to this Property. Thus, both projects speak to overall compatibility per any CUP consideration.*

What we have proposed now, in response to concerns over the more intensive prior proposal, is a mix of single family and multi family type residences. This results in a reduction of 8 potential units of density but presents a far superior and much more compatible project. The single family, duplex, and triplex units are certainly not designed in the same manner as the adjacent subdivision. Again, per the PUD, they were never intended to be. However, it is more reflective of the nature of that neighborhood than the prior proposal. In turn, the structures are not designed in the same manner as Marina Park – it is far less intense in terms of size scale, density and intensity than Marina Park.

This development will serve the function that was always envisioned for this Property, per the RPPUD, as well as the MU zone district, and the Community Plan. The property serves as a residential transition away from the single-family homes as we head east. It also serves as a low intensity multi-family transition away from the intensive marina park development as we head north. This transition from both immediately adjacent neighborhoods fits a crucial cog in the vacant space between these neighborhoods. Again, this is what the PUD expressly intended. As discussed below, this is what the community plan envisions in this area in terms of infill. We have proposed a project that is certainly not identical, but is complementary, to the surrounding areas.

Staff Analysis: The density proposed by the Applicant is permitted under the Mixed-Use (MU) District regulations. Staff have concluded that with the changes made since the sketch plan application, the requirements are now met due to the reduction in density. Additionally, there has been a decrease in overall square footage and a reduction in height on the north side of the property in response to public comments that were stated at the prior sketch plan review meetings.

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 complementary uses and activities in the immediate vicinity of the parcel proposed for development; and

Applicant's Response:

This is indeed a complementary development. Again, just as the PUD directs, this criterion of approval educates the proper scope of the term "compatibility" as related to criterion 2 as well. The bottom line is that "the mixture of complimentary uses and activities in the immediate vicinity" is tied to not only the type of development but the nature of that development. Blending single family and multi-family type homes into one development is roundly within the scope of what this third CUP standard calls for. Consider the following:

- a. In terms of use, commercial is not complementary in this area anymore. The River Pines PUD is currently designated as entirely residential. All other properties within the River Pines PUD that were zoned for mixed use have already been granted conditional use approvals to be fully residential, including 201 N 7th Ave (Lot E-1-A) and 203 N 7th Ave (Lot E-1-B).*
- b. The proposed residential development at 200 N 7th Ave aligns with all River Pines PUD requirements, but presents much less density, height, bulk, and other such characteristics than the PUD otherwise allows. It has been ratcheted down to blend in and prove more complementary to the single family neighborhood.*
- c. There is a key pedestrian travel corridor through this property, and a very significant swath of protected wetlands and related setbacks to the same. The areas within the wetlands section of the property that were long ago disturbed will be rehabilitated. The pedestrian means around this area will be restored as well.*

- d. *Key visual corridors will be preserved to a great degree. The density is significantly reduced and the one large building broken up into multiple structures. The wetlands area provides an ongoing visual corridor and pedestrian corridor.*
- e. *In response to public comments provided at the prior hearing, we are now proposing two key elements to help assuage the concerns over the street which have long preceded this proposal. First, we will establish a pedestrian pathway along 7th Street in front of Lot E where none now exists. We will also provide street attractively designed lights along this corridor to help with visibility. Neither of these measures are requirements for site plan or a CUP, nor are they based on concerns caused by our project. Nonetheless, they help foster this compatibility and the blend of this project with the surrounding vicinity, and we are happy to take these steps as part of the overall proposal.*

Staff Analysis: The proposed single-family, duplex, and multifamily buildings are consistent with the residential uses in the immediate vicinity and complement the existing residential development of the surrounding properties.

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:

This fourth criterion again is closely tied to what the baseline for CUP consideration is. Here, we are proposing to remove no less than 20% of the property being commercial in nature. We are also reducing units of density by 42%. That change will have a highly positive effect on traffic and pedestrian concerns, as will the pathway and street lights proposed. Removing commercial uses also removes related intensive service and delivery traffic impacts, noise, light impacts and the like.

Ultimately, it is because we are moving to 100% residential that we are exploring anything but a large, massive singular mixed-use building. That transition to 100% residential eliminates these adverse effects to a great degree. We are also reducing density, which also greatly eliminates such adverse effects. Finally, consider these additional factors:

- *The proposed residential development at 200 N 7th Ave complies with all bulk plane requirements. Additionally, a traffic study is currently underway to assess and confirm that 7th Ave and nearby intersections can adequately support the proposed residential development.*
- *The proposed residential development will maintain a similar frontage along 7th Ave as the existing structure. A designated trash area near 7th Ave will provide convenient access to garbage dumpsters and recycling bins for efficient collection by a waste removal service.*

Staff Analysis: The Application appears to effectively address the relevant criteria by minimizing adverse impacts in several key areas:

- a. A traffic study was provided and reviewed by the Town Engineer. Per the Town Engineer, the *“Study indicates minimal traffic increase and no mitigation required per Town Code.”*
- b. Measures to mitigate noise, vibrations, and odors are integrated into the design, ensuring minimal impact on surrounding properties during construction.

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:

This standard for CUP review is readily met. The following considerations apply to this criterion:

- a. *We have confirmed with the Sanitation Department that the existing pump station on Summit Boulevard has the capacity to support the proposed residential development.*
- b. *We have also confirmed with the Water District that the current water lines on 7th Ave are sufficient to accommodate the proposed residential development.*
- c. *While the property is zoned for 23 units based on its acreage (1.96 acres), considerations for onsite wetlands and density regulations under the UDC limit development to 19 units. The proposed residential development consists of 11 units, which is 8 units below the maximum allowable density, a 42% reduction.*
- d. *Given the change in the type of development being proposed, we will be reaching out to Kim McDonald of Summit Fire and EMS to gain a clearer understanding of the required fire protection measures. All Summit Fire recommendations will be implemented at the time of Site Plan Application.*
- e. *A local civil engineer has been engaged to ensure proper drainage. Additionally, a large, paved area on the south side of the property will be removed to improve permeability and restore the area to a more natural state. This proposal already far exceeds the standards for pervious open space in this area.*

Staff Analysis: Since there is already an existing building on the property, basic infrastructure and services are available to support the application. An engineered utility plan was submitted with the Application, and the Town Engineer provided feedback on the utility specifications that need to be met for the building permit, as well as any easements required during the final plat process. If the Application is approved, the Applicant or their assigns will be required to pay applicable water, sanitation, and housing fees.

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: *The Applicant did not respond to this criterion.*

Staff Analysis: Staff does not recommend any special conditions for the Conditional Use Permit.

Staff support the specific request to allow 100% residential uses on the Property. If the Application contained the required twenty percent (20%) of commercial uses, then the impact on adjacent properties and neighborhoods could be increased with additional traffic, parking, noise, odors, and other associated issues that may be associated with commercial uses permitted in the MU District. Permitted commercial uses in the MU District include: "microbrewery, distillery and/or tasting room," "medical office," "office," "restaurant, bar, tavern," "personal services, general," "laundromat, self-service," "light retail," medical marijuana dispensary," "retail marijuana," sexually oriented business," and "light goods repair."

REFERRAL COMMENTS

Town Engineer Summary: The MAJ-24-0005 submittals were reviewed for compliance with Town Code and engineering standards. Several permits and adjustments are required, including those for wetlands and floodplains, utility connections, and sidewalk details. The applicant must address these comments before a building permit can be issued.

Summit Fire:

1. *"All buildings will have a NFPA 13 Sprinkler system installed. 13D and 13R are not an option.*
2. *A fire hydrant needs to be installed between building 106 and 108 with bollards for protection and meet all requirements of the 2018 IFC.*
3. *The entire length of the drive access will be designated a Fire Lane and signage shall be posted.*
4. *Snow storage shall be shown on drawings and maintained so as not to interfere with emergency vehicles.*
5. *The width of 24 feet is acceptable for the driveway if there is a clear distance of 26 feet x 13 feet 6 and there is no encroachment."*

Summit County GIS: *"It seems like "N" and "S" were added since the last review. These prefixed are unnecessary as there are no duplicate unit numbers. Please drop the prefixes and only use the Unit Numbers 101-111 going forward. It appears that the applicant would like to continue using 200 N 7th Ave, so we will use that going forward".*

Army Corps Summary: The letter outlines several critical requirements for the project, including obtaining wetlands and floodplain permits, addressing groundwater issues, and ensuring proper

utility connections and sidewalk construction. The Town Engineer stated that these issues will be addressed as part of the Floodplain Development Permit and the Wetlands Disturbance Permit.

Xcel Energy Summary: The letter from Xcel Energy outlines the requirements for utility connections and the necessary infrastructure adjustments for the project. It emphasizes the need for compliance with specific standards and permits, including those related to electrical and gas services, to ensure the project meets all regulatory and safety guidelines.

CDOT: “Since they are accessing 7th St and will most likely not increase traffic by 20% or more at the Main St intersection with Hwy 9, CDOT has no comment.”

The referral comments are included as Attachment B.

PUBLIC COMMENT

The Community Development Department has not received any public comment for the final review of this Major Site Plan and Conditional Use as of August 1, 2025.

STAFF RECOMMENDATIONS

Recommended Findings

The Community Development Department recommends the following findings pertaining to the Major Site Plan and Conditional Use application for the proposed new residential multi-unit development located at 200 N 7th Ave / Lot E-2 River Pines Sub Resub Outlot E Replat A River Pines.

Based upon the review of the Staff Report dated August 7, 2025, and the evidence and testimony presented, the Planning Commission finds:

- 1. The proposed development application is in general conformance with the principles and policies of the Frisco Community Plan. Residential development of this lot is supported by the Frisco Community Plan Guiding Principles of Inclusive Community and Thriving Economy. The proposed development includes a building design that is unique to this project but that is also reflective of the architectural elements and styling of other buildings in Frisco. This application facilitates the construction of new residential units that add variety to the sizes and types of homes in this residential neighborhood. All the applicable requirements have been met by the submittal and the recommended conditions of approval.*
- 2. The proposed development application is in general conformance with the Town of Frisco Zoning Regulations, specifically Section 180-3.6, the Mixed Use District (MU), including: lot area, lot frontage, lot coverage, setbacks, building height, and density. All the applicable requirements have been met by the submittal and the recommended conditions of approval.*

3. *The proposed development application is in general conformance with the Town of Frisco Zoning Regulations, specifically Section 180-6, Development Standards since all the applicable requirements have been met by the submittal and the recommended conditions of approval; including: grading plan, drainage plan, snow storage and snow shedding, vehicular access, non-vehicular access, and refuse management. The Planning Commission finds that the layout of the tandem parking is functional given the layout and design of the building, adequate storage space is provided so the tandem parking does not need to be used for storage, the architecture of the building façade which accesses the parking spaces avoids a canyon effect, and an adequate turning radius area is provided with the parking layout to allow for turning and backing into or out of the tandem parking spaces. The Planning Commission finds that the proposed bulk plane encroachments provide substantial architectural relief and advance the intent of Section 180-6.23.*
4. *The proposed development application is in general conformance with the Town of Frisco Zoning Regulations, specifically Section 180-6.14 Landscaping, since all the applicable requirements have been met by the submittal and the recommended conditions of approval, including: required vegetation, water conservation, irrigation system, and landscaping maintenance.*
5. *The proposed development application is in general conformance with the Town of Frisco Zoning Regulations, specifically 180-6.16 Outdoor Lighting, since all the applicable requirements have been met by the submittal and the recommended conditions of approval, including: exterior light fixtures, light emissions, design, and energy savings.*
6. *The proposed development application is in general conformance with the Town of Frisco Zoning Regulations, specifically Section 180-6.22, Residential Development Standards, since all of the applicable requirements have been met by the submittal and the recommended conditions of approval; including: that the development is designed in a manner compatible with the neighborhood; the development includes required building elements and the other recommendations and standards of the Residential Design Standards. All the applicable requirements have been met by the submittal and the recommended conditions of approval.*

Recommended Action

Based upon the findings above, the Community Development Department recommends APPROVAL of the Major Site Plan and Conditional Use application for the proposed new residential multi-unit development located at 200 N 7th Ave / Lot E-2 River Pines Sub Resub Outlot E Replat A River Pines, subject to the following conditions:

1. *Prior to issuance of a building permit, a written statement shall be submitted by the project contractor acknowledging that they will be constructing roof pitches as proposed on the submitted plans and understand all height requirements in the Town Code.*
2. *The approval of this Application is contingent upon the Applicant meeting all requirements set forth by the Town Engineer at the time of application for the building permit as outlined in the letter dated July 11, 2025.*
 - a. *Wetlands disturbance permit shall be submitted with the project. Narrative shall be included for limiting disturbance within the setback. Required prior to issuance of building permit.*
 - b. *Floodplain development permit required. Garages only on first floor (no habitable space on this level). Applicant to meet all floodplain requirements of Town code and FEMA NFIP. Required prior to issuance of building permit.*
 - c. *Demolition of existing building and structures will require disturbance within the wetlands setback. The CMP shall include two phases – a phase 1 for removal within the setback and then a phase 2 which reduces the disturbance limit after removal.*
 - d. *Right of Way Permit required for utility connections and new sidewalk. Sidewalk shall include Type 1B curb, driveway cuts per CDOT detail M-608-1, boulder walls where needed to avoid wetland disturbance, and inlets/drains where needed for drainage. The south limits of sidewalk also need to be detailed. Additional detail for sidewalk and roadway required at building permit.*
 - e. *Contours near SW corner of unit 102 should be adjusted to limit wetlands setback disturbance.*
 - f. *Soils report indicates groundwater will be encountered during excavation. CDPHE dewatering and stormwater permits will likely be required.*
 - g. *Depth of infiltration bed to be detailed on building permit plans. Depending on depth, groundwater could be an issue.*
 - h. *Soils report recommends foundation drains.*
 - i. *25' easement shall be dedicated to Town for waterline on the final plat.*
 - j. *Water main shall be extended to an additional hydrant (no dead ends allowed).*
 - k. *Water services shall be perpendicular.*
 - l. *Revise landscaping plan. No trees allowed within 5' of proposed sidewalk for snow storage.*
 - m. *Traffic Study was reviewed and approved. Study indicates minimal traffic increase and no mitigation required per Town code.*
3. *Prior to the issuance of any building permit, the Applicant must provide evidence of a maintenance agreement for the sidewalk along N 7th Ave, or alternatively, establish that the sidewalk is owned by the Town. This requirement ensures that ongoing maintenance and liability for the sidewalk are clearly defined and agreed upon, contributing to the safety and accessibility of the area. Failure to meet this condition will result in the building permit application not being issued.*

4. *The Applicant shall undertake all necessary modifications to the office space in Unit 105 to ensure it does not meet the definition of a bedroom as outlined in the Code. Non-compliance may result in the denial of the building permit.*
5. *Prior to the issuance of a building permit, the Applicant shall submit revised Application materials that clearly and accurately reflect all uncovered decks in the snow storage calculation. Failure to meet this requirement may result in the denial of the building permit application.*
6. *The Applicant shall provide evidence at the time of the building permit that the proposed wall at the end of the driveway/access road meets the required height specifications to adequately prevent snow accumulation from being pushed into the wetland setback area. Failure to provide satisfactory documentation may result in the denial of the building permit.*
7. *Prior to issuance of a building permit, the Applicant shall satisfy all requirements of Summit Fire & EMS.*
8. *Prior to issuance of a building permit, the Applicant shall satisfy the requirements of the Summit County GIS Department.*
9. *Prior to issuance of a building permit, the Applicant shall satisfy the requirements of Xcel Energy.*

Recommended Motion

Should the Planning Commission choose to approve the Major Site Plan and Conditional Use Permit applications, the Community Development Department recommends the following motion:

With respect to File No. MAJ-24-0005 and CU-24-0001, I move that the recommended findings set forth in the August 7, 2025, staff report be made and that the recommended conditions set forth therein be taken and that the Planning Commission hereby APPROVES the request for Major Site Plan and Conditional Use Permit application for the proposed new residential multi-unit development located at 200 N 7th Ave / Lot E-2 River Pines Sub Resub Outlot E Replat A River Pines.

ATTACHMENTS

Attachments:

Attachment A – Application Materials for Final Site Plan and Conditional Use Permit
Attachment B – Referral Comments

cc: Seth Francis