PLANNING COMMISSION
STAFF REPORT

October 16, 2025

AGENDA ITEM: Planning File No. VAC-25-0001: A request for the vacation of a portion of a public right-of-way consisting of a 10,500 sq. ft. (0.24 acres) tract of the South 6th Avenue right-of-way between Blocks 33 & 34, Frisco Townsite

LOCATION: Generally located north of Pitkin Street, south of Pitkin Street Alley, adjacent to and east of 521 Pitkin Street / Lots 23-24, Block 34, Frisco Townsite and adjacent to and west of 601 Pitkin Street / Lots 13-14, Pt 15, Block 33, Frisco Townsite

APPLICANT: Andy Richmond and Lauren Echevarria
PO Box 1914
Frisco, CO 80443

Marta Lindrose
Lindrose Living Trust
1225 Gapter Road
Boulder, CO 80303

TOWN STAFF: Emma Heth, Planner II

PROJECT DESCRIPTION

The applicants, Andy Richmond and Lauren Echevarria, are the owners of the property located at 521 Pitkin Street, and Marta Lindrose is the owner of the property located at 601 Pitkin Street. The applicants are requesting that the Town of Frisco vacate a portion of a public right-of-way consisting of a 10,500 sq. ft. (0.24 acres) tract of the South 6th Avenue right-of-way. The property is generally located north of Pitkin Street, south of Pitkin Street Alley, adjacent to and east of 521 Pitkin Street / Lots 23-24, Block 34, Frisco Townsite and adjacent to and west of 601 Pitkin Street / Lots 13-14, Pt 15, Block 33, Frisco Townsite

If the Town of Frisco chooses to vacate this portion of street right-of-way, the applicant is proposing that ownership will be split between the properties located at 521 Pitkin Street and 601 Pitkin Street, with 6,300 sq. ft. being added to 521 Pitkin and 4,200 sq. ft. being added to 601 Pitkin as shown on the submitted site plan.

SQUARE FOOTAGE OF EXISTING LOTS WITH PROPOSED ROW		
Address	521 Pitkin Street	601 Pitkin Street
Owner	Andy Richmond and Lauren Echevarria	Lindrose Living Trust
Existing Lot Size	7,000 sq. ft.	7,300 sq. ft.
Proposed ROW distribution	6,300 sq. ft.	4,200 sq. ft.
Proposed Lot Size	13,300 sq. ft.	11,500 sq. ft.

If the Town of Frisco chooses to vacate the subject street right-of-way, the applicants who own 521 Pitkin Street are proposing to encumber their current home at 521 Pitkin with a custom live-work housing covenant (proposed Lot 1). Additionally, they are proposing a subdivision of their lot into townhomes with Limited Common Element areas for each, including the back half of the existing property (proposed Lot 2) and their portion of the vacated right-of-way (proposed Lot 3). Lots 1-3 would be immediately restricted with a "local's housing covenant."

The applicants who own 601 Pitkin Street would, in an undetermined timeframe, contribute one more local unit to the proposed area. This unit would be subject to the same live-work housing covenant as the proposed Lots 1-3. This timeline would be dependent on when they, or their successors in interest, build a garage or "added on to their home in any way." At that time, they would build either an accessory dwelling unit on the garage or an additional local's home within the 4,200 sq. ft. of South 6th Avenue vacated to them.

PROPOSED LOT SIZE AND USES				
	Lot 1	Lot 2	Lot 3	Lot 4
Owner	Andy Richmond and Lauren Echevarria	Andy Richmond and Lauren Echevarria	Andy Richmond and Lauren Echevarria	Lindrose Living Trust
Lot Size	3,500 sq. ft.	3,500 sq. ft.	6,300 sq. ft.	11,500 sq. ft.
Existing Use	SFR	Accessory structure to Lot 1 SFR	Portion of ROW	SFR plus portion of ROW
Proposed Use	Live/Work SFR	Live/Work SFR	Live/Work SFR and option for one ADU	Existing SFR plus future live/work unit with option for subdivision

The applicants have stated that the covenants would not have a specific area median income (AMI) cap but would require the ownership of the home to be by a person(s) that works at a business in Summit County an average of 30 hours or more per week; or is a person who is retired and worked an average of 30 hours or more a week for a business in Summit County and a minimum of five years immediately prior to retirement. The applicant has stated that there would be a preference to locals who work in Frisco specifically, although it is not clear how that would be implemented. Additionally, there would be a covenant restriction requiring the homes to be the primary residence of each owner. At a work session in 2024, Town Council recommended that the applicant use the Town's standard live-work housing covenant, without special language changes to the existing language already used in the Town.

At this time, Planning Commission is considering a recommendation for whether the proposed plan would provide an overriding public benefit and meets the Frisco Comprehensive Plan. Specific considerations around the site will be considered with later planning applications.

No roads have been constructed and no public utilities have been installed in the South 6th Avenue right-of-way in the area requested to be vacated. Below is a vicinity map of the subject property.

Vicinity Map


View of parcel, facing north

The owners of 521 Pitkin Street have submitted an application for a Planned Unit Development over the existing properties and the portion of right-of-way property they wish to acquire. The PUD process is regulated by Frisco Town Code, Section 180-4.3. The PUD is not being evaluated at

this time but has been submitted so the Town can evaluate the proposed public benefit associated with the ROW vacation.

This vacation request presents the Town of Frisco with a unique opportunity for a public/private partnership-type opportunity where the Town could facilitate the construction of new live-work deed-restricted standalone townhome units that help address the community's housing needs. This vacation request also creates additional development opportunities and financial value for the applicants.

Staff finds that the creation of live-work, deed-restricted standalone townhomes is in the public interest. Staff requests the Planning Commission, after reviewing the staff report including references to the Comprehensive Plan and Strategic Housing Plan, provide feedback to Town Council as to whether or not the proposed deed restriction with no AMI cap meets the current goals for workforce housing. When the applicant presented in May 2023, Planning Commission included a condition that a portion of the units should contain a deed restriction that caps the sale price at 160% AMI. It will ultimately be the responsibility of the Town Council to ensure that the terms and conditions set forth in such an arrangement would also return an appropriate level of value and benefit back to the community.

BACKGROUND

The Planning Commission has reviewed this request previously, on May 18, 2023. Following Planning Commission's recommendation in 2023, the request did not receive full support from Town Council at work sessions and an executive session. The applicant is requesting to return to Council with their request. Staff is requesting an updated recommendation from Planning Commission due to the elapsed time and need for review with the 2025 Comprehensive Plan and 2024 Strategic Housing Plan. After receiving a recommendation by the Planning Commission, the application will move forward to a first reading of an ordinance with Town Council so that the applicants can have a formal decision on the application and not just a work session discussion.

In May 2023, Planning Commission forwarded a recommendation of approval with conditions to Town Council, with the following conditions:

1. The applicant(s) shall enter into a development agreement with the Town of Frisco that outlines the requirements for guaranteeing construction completion of all four deed restricted workforce housing units and the residential housing restrictive covenants, including the terms and conditions for occupancy and ownership of the units as determined by the Town of Frisco, including that a portion of the units contain a deed restriction that caps the sale price at 160% AMI, and that the applicants have obtained all necessary development approvals and permits.

2. That the vacation ordinance shall not cause the South 6th Avenue right-of-way to be vacated until the ordinance is filed by the Town Clerk for recording in the Office of the Summit County Clerk and Recorder. The Town Clerk shall not file the ordinance for recording in said office until the conditions of the development agreement above have been satisfied.

The following is an excerpt from the May 18, 2023 meeting minutes, which are included in full as an attachment to this staff report:

COMMISSION DISCUSSIONS:

- *Commissioners noted that the project is an interesting concept; however, not convinced. For example, the size of the house is limited. Even at that limitation, the value in Frisco could still be substantial.*
- *Commissioners commented that it is a very creative idea, and the applicant has come up with an interesting solution. There is absolutely a place in Frisco for housing above current AMI. Commissioners asked staff what the current AMI cap is for Frisco. Ms. Lee responded that on the last vacation we had a deed restriction of 160% AMI. Commissioner commented not a fan of Vail Indeed because prices go so high, there is abuse. Commissioners do not have a problem increasing the density of a lot you own. But to go completely no AMI cap causes pause, maybe compromise and one unit is deeded to the Town of Frisco, or one unit has a max of 160% AMI. Commissioners feel more can be negotiated.*
- *Commissioners appreciate the ingenuity. Looking at the property, what else could be at this location, never a road, no parking, no bike path. We want locals housing. If the town is going to find value in that lot that is where you will find it. Our code says as stewards of public property the Town has taken a conservative interpretation of overriding public interest and should continue to be conservative in their vacation of public right-of-ways including the subject property. Looking at "a conservative interpretation of an overriding public interest", we may not have gotten there yet. More comments followed on what might be considered "overriding".*
- *Commissioners noted that the previous vacation included a deed restriction and the purchase at fair market value.*
- *Commissioners commented that it is nice to have long time locals giving opportunity to locals.*
- *Commissioners noted they do not want to lose open space; however, this is maybe not the appropriate space for open space.*
- *Commissioners want more security that these units are going to be built in a timely manner and there will be four or more. Too much of an uncertain question mark, "up to four units".*
- *Commissioners noted that the Commission just did a lot of code incentives, but these are not applied here.*
- *Commissioners commented that if in the past the Town was reimbursed for the cost of the land and used 160% AMI, that is a likeable concept. Further, the Town is not getting enough in the deal, and we are not doing what we have done in the past.*
- *Commissioners commented that the details really matter. In general concept we would like to move forward but are not comfortable with recommending approval without more details.*
- *Commissioners agreed this is a great project if the details could be worked out and with more assurance that the fourth unit is going to get built and if the Town were to get more in return.*
- *Commissioners agreed that there is not enough to the proposal to respond to and maybe it should be tabled for more information. Commissioners asked the applicant for their response.*

  Mr. Richmond commented that this is not a one-way street and that the proposal made is the maximum of what they want to do. You ask if the Town is getting enough. This is Town getting more? Planning's purpose is to find ways to make this work, not find ways to not make it work. If this does not go through, we will build our driveway and then there is one local house, not restricted on anything instead of four. This was started in 2020, everything more is in the PUD. We believe the details are there. We understand the concerns. Frisco needs to take a leap of faith. We would prefer to move this along quicker than not.

- *Commissioners would like to come to a resolution tonight maybe the applicant could create an ADU.*

- *Commissioners agree that this is the Town Council's job to make these agreements and they are creative.*
- *Commissioners were more concerned with the possibility of the property being bought and then not developed.*
- *Commissioners noted that even if we allowed an ADU at 100% AMI, there is no guarantee that the ADU would be built.*
- *Commissioners have expressed they want to make this work but were surprised by the applicant's resistance to a reasonable request.*

Following Planning Commission's May 2023 recommendation, Town Council discussed the application at work sessions on June 27, 2023 and October 22, 2024. Following the work sessions, this property was discussed during an executive session on November 12, 2024, to discuss the potential terms and conditions relating to the transfer of the property. Following these discussions, Town Council concluded that they wanted to see the applicant:

- Utilize the standard live-work housing covenant, without special language changes to the existing language already used in the Town
- In addition to the units proposed, the Council wanted to see another unit that would be income capped with the standard Town housing covenant.
- Council recommended separate ordinances for the owners of 521 Pitkin St and 601 Pitkin St, so that each would receive their portion of the vacated right-of-way when they completed their conditions.

Following the feedback from Council in November 2024, the applicant decided to not move forward with an ordinance at that time.

A real estate appraisal report was completed in October 2021. At the October 22, 2024 work session, Town Council stated that they did not see a need for an updated appraisal. The appraisal shows a land value of $158,000. At the October 2024 work session, Council indicated that the low land value was because state law dictates that the right-of-way would have to be offered to adjacent property owners. Staff will ask Council if they would like an updated appraisal performed.

PROPERTY VACATION REVIEW

Requests of this nature are regulated by Chapter 142, Vacation of Property, Code of the Town of Frisco. Pursuant to this chapter, requests for the vacation of a public right-of-way require Planning Commission review and a recommendation to the Town Council. A vacation may only be granted in cases where the Town Council first finds that an overriding public interest favors the vacation.

The Planning Commission may recommend reasonable conditions on the vacation, to preserve and promote the public health, safety and welfare of the inhabitants of the town and the public generally. The conditions may include the payment of money to the town as consideration for a vacation, when the vesting of title upon vacation may confer a benefit upon the new owner of the vacated roadway or easement, where the town has purchased or may purchase a roadway or easement to replace that being vacated, to avoid a windfall to the new owner, or for any other reason deemed by the Town Council to be in the public interest.

The Town Council then reviews and takes final action on such a vacation request by ordinance. In order to approve the application for vacation, Town Council must find an "overriding public interest" favoring the vacation.

If the Town of Frisco chooses to vacate the right-of-way, approval may be granted contingent upon conditions written in the ordinance and/or a development agreement that must be met in order for the Town to vacate the right-of-way and transfer ownership to the applicant. The development agreement and/or ordinance should outline the exact nature of the proposed housing covenant(s), performance measures such as timing of completion, and recording of covenants. The vacation request and development agreement could not assume quasi-judicial approvals by Planning Commission and Council on either the PUD or development application.

If the Town of Frisco chooses to vacate this portion of right-of-way, the applicants will be required to submit a plat application to combine the ROW vacation with their existing lots. The plat and vacation ordinance could be recorded in accordance with the conditions of a development agreement, if that is what Town Council requires.

REQUIRED ACTION

Planning Commission:	Recommendation of approval, denial, or approval with conditions to the Town Council for the proposed vacation.
Town Council:	Approval, denial, or approval with conditions of the proposed vacation by ordinance.

ANALYSIS – FRISCO COMPREHENSIVE PLAN

The following elements of the Frisco Comprehensive Plan are applicable to the review of the application. The Housing Affordability strategies are taken directly from the Strategic Housing Plan, which is discussed in more detail later in this staff report.

Goals and Strategies (excerpts)

Planning for the Town of Frisco's future must provide direction to utilize and implement the values and Guiding Principles established in the Comprehensive Plan process. Strategies guide decision-making on land use policy, zoning, infrastructure investment, and development standards.

HOUSING AFFORDABILITY (H)
Goal H.1*: Provide diverse and equitable housing through a full spectrum of housing that is abundant, adaptable, and equitably distributed.*

1. ***Supply sufficient land.*** *Provide a sufficient supply of land to accommodate current and projected housing needs with an equitable distribution of various housing types.*

3. ***Support long-term affordability.*** *Support the long-term affordability and availability of housing provided through density bonuses and other incentive programs to support diverse housing options. Integrate the affordable housing overlay language for Summit Boulevard and Gateway. To further support affordable housing development, consider implementing a Community Land Trust (See Strategic Housing Plan).*

***Goal H.2**: Balance sustainable economic growth with the housing needs of the local workforce and protect community members from displacement.*

1. ***Balance growth and housing.** Recognizing the impact on housing demand imposed by new development, prioritize balancing community growth with the housing needs of workers and their families.*

***Goal H.5**: Collaborate with partner agencies to maintain Frisco as a welcoming Summit County "neighborhood" while addressing regional housing needs.*

1. ***Facilitate infill housing.** Facilitate infill housing development in older neighborhoods, along commercial corridors, and near employment centers that helps revitalize these areas and increases housing availability and variety.*

2. ***Engage residents and developers in solutions.** Collaborate with partner agencies to engage and inform community members and developers on housing needs, challenges, resources, and development procedures to more effectively and inclusively integrate new housing into the existing community fabric.*

3. ***Collaborate and advocate for housing.** Collaborate with and support partner agencies in identifying, advocating for, and implementing housing solutions locally, regionally, and statewide.*

The subject parcel is generally located north of Pitkin Street, south of Pitkin Street Alley, adjacent to and east of 521 Pitkin Street and adjacent to and west of 601 Pitkin Street. There is an existing mixture of residential building types, building designs, and dwelling unit densities in this neighborhood, generally consisting of one and two unit dwellings. The proposed right-of-way vacation application encourages infill and development on a parcel that is currently vacant.

This application facilitates the applicant's proposed construction of residential units under 1,500 sq. ft. that would add variety to the sizes and types of homes in this residential neighborhood. The addition of the proposed covenant restrictions aid in the creation of workforce housing and responds to a need that has been defined within the community. See the next section of this staff report for more information on the defined needs.

The application supports the strategies in the Frisco Comprehensive Plan by supplying additional land to address the community's housing needs; facilitating infill housing on a vacant parcel in an older neighborhood; forming a unique collaboration for housing development; and integrating new housing into the existing community fabric.

The proposed vacation of the undeveloped South 6th Avenue right-of-way in exchange for up to four (4) workforce housing units appears to be in conformance with the purpose and recommendations of the Frisco Comprehensive Plan.

ANALYSIS – STRATEGIC HOUSING PLAN

The following programs in the Frisco Strategic Housing Plan are applicable to the review of the application:

Program 5.1.D. Neighborhood Densification.

- *This program is essential for increasing housing supply and diversity within existing neighborhoods. By focusing on modifying density requirements and utilizing public lands for densification, the town can promote efficient use of available resources and infrastructure. This initiative will build on foundational strategies, such as the Affordable Housing Overlay, to ensure its approach is well-supported and strategically aligned with broader goals to create more inclusive and diverse housing options in established neighborhoods.*

- *Description: Support the densification of existing neighborhoods through the creative use of public lands and the conversion of existing single-family dwelling units to duplex, triplex, and quadplex housing types (including provisions to incentivize or require mixed-income housing). Modify maximum density requirements to allow for conversions in appropriate areas, including through the use of the Affordable Housing Overlay, and increase flexibility in development and building standards for the reuse of existing structures for housing to the extent possible under health and safety codes. In areas of desired densification where there is unused public land, such as undeveloped alley rights-of-way, provide a streamlined process to utilize it in ways that support densification, such as through parking requirement adjustments.*

The Strategic Housing Plan supports the conversion of underutilized public lands for development of affordable housing and appropriate densification of existing neighborhoods. These strategies support diversifying the housing types available in existing neighborhoods. Providing land at a reduced cost is also one of the methods identified in the Strategic Housing Plan for how the Town can support public-private partnerships.

The Strategic Housing Plan shows support specifically for conversion of public lands for the purpose of providing “affordable” housing. The plan identifies the greatest need for ownership units at and below 150% AMI. However, construction of live-work units could support the turnover of lower-AMI workforce housing to new buyers. The chart below outlines the homeownership need identified across AMI levels. The plan does not specifically address the need for units with a live-work covenant.

TOTAL OWNERSHIP NEED

AMI	Max Household Income (2.5-Person HH)	Frisco Units Needed	Pipeline	Balance	Development Gap
Owner Units					
60% or less	$62,160	34	0	34	34
60.1-80%	$82,880	31	0	31	31
80.1-100%	$103,600	24	0	24	24
100.1-120%	$124,320	42	12	30	31
120.1-150%	$155,400	31	0	31	31
150.1-200%	$207,200	29	68	-39	0
200.1-300%	$310,800	24	12	12	12
Over 300%	>$310,800	64	31	33	33
Total Ownership Need		**279**	**123**	**156**	**196**
Ownership Gap (Below Market Units)		**162**	**12**	**151**	**151**

Housing ownership needs identified in the Strategic Housing Plan

The proposed vacation of the undeveloped South 6th Avenue right-of-way in exchange for up to four (4) workforce housing units appears to be supported by the recommended programs outlined in the Strategic Housing Plan.

ANALYSIS - CHAPTER 142, VACATION OF PROPERTY

Declaration of Policy (§142-1)**:** Pursuant to §142-1 of the Frisco Town Code, *the Town Council hereby finds and declares that the general policy of the Town is to* ***prohibit the vacation*** *or divesting of any right, title or interest of the Town in and to any land, including any roadway or easement. Any application for vacation pursuant to this chapter may be granted only in cases where the Town Council, in the exercise of its sole and exclusive discretion, first finds* ***an overriding public interest favors the vacation****.*

The general policy of the Town of Frisco is to not allow for the vacation or divesting of any right, title or interest of the Town in and to any land including any roadway unless there is a clear overriding public interest. As stewards of public property, the Town has taken a conservative interpretation of "an overriding public interest" and should continue to be conservative in their vacation of public right-of-ways including the subject property.

There is a demonstrated need for additional workforce housing in Frisco at multiple price points. As previously stated, this vacation request presents the Town of Frisco with a request that would provide up to four (4) workforce housing units in exchange for the 10,500 sq. ft. parcel of South 6th Avenue right-of-way. These units are proposed to be restricted to a person(s) that work at a business in Summit County an average of 30 hours or more per week; or is a person who is retired and worked an average of 30 hours or more a week for a business in Summit County and a minimum of five years immediately prior to retirement. No AMI cap is being proposed for the deed restrictions. The units would therefore likely fall into the higher AMI categories, though it is not clear what AMI range the sale prices would be.

This vacation request creates additional development opportunities and financial value for the applicants, while providing 4 workforce housing units. One existing unit would immediately have a restriction recorded on it and the other three are on an undetermined timeline. It is ultimately the responsibility of the Town Council to ensure that the terms and conditions (including covenant limitations) set forth in a development agreement, or other such an arrangement, will also return an appropriate level of value and benefit back to the community. Planning Commission should comment on whether they find that the applicant is providing an overriding public interest.

Vacation by Ordinance (§142-3)**:** Pursuant to §142-3 of the Frisco Town Code, *All right, title or interest of the town in and to any roadway or easement, shall be divested only upon adoption by the Town Council of an ordinance vacating such property or portion thereof located within the corporate limits of the town. If a roadway constitutes a boundary line of the town, it may be vacated only by a joint action of the Board of County Commissioners of the County and the Town Council. Any ordinance affecting a vacation is required to contain the following findings, if applicable:*

1. *That no land adjoining any roadway to be vacated is left without an established public road connecting said land with another established public road.*

2. *That the roadway or easement to be vacated is no longer necessary for present or prospective public use or convenience.*

If the subject portion of the South 6th Avenue right-of-way is vacated, all properties in the area will continue to have a public road connecting to their properties. No land located adjacent to the proposed right-of-way vacation will be left without an established public road. The application meets standard #1 above.

There is no street constructed in this right-of-way tract, nor does the Town of Frisco have any plans to construct a future road in this location. The Town of Frisco Public Works Department stated that they had no concerns with the proposal, although they recommend requiring an easement be granted for utilities and access. The easement would satisfy any prospective public uses for a trail or water line. The easement would not be sufficient for a roadway, but the existing grades would not allow for a roadway per Town standards and would not be a reasonable prospective use. Staff recommends an access and utility easement as a condition of approval.

Vacation Procedures (§142-4): The following procedures shall be adhered to by person(s) requesting the vacation of any roadway or easement:

A. *Attendance at a pre-application conference held in the manner described in section 180-19 (C)(5)(a) of the Town of Frisco Zoning Ordinance.*

   The applicants have had multiple pre-application meetings with the Planning Division, have discussed the proposed vacation with the various referral agencies at a Development Review Committee (DRC) meeting, and presented to both Planning Commission and Town Council.

B. *Submission to the Town Manager of a written application that includes the required information.*

   The formal written application has been submitted. The application meets this standard.

C. *Review of the proposal by the town staff and preparation of a staff report, and in the case of the proposed vacation of an easement, other than an access easement, preparation of a proposed vacation ordinance.*

   Community Development, Public Works, Town Engineer, and Housing staff have reviewed this vacation application. The Planning Division has prepared the staff report and the associated ordinance will be prepared by the Town Attorney. The application meets this standard.

D. *Vacations of roadways and access easements must be referred to the planning commission for a public hearing and recommendation to the town council. The Director of the Community Development Department or his/her designee may refer the vacation of an easement, other than an access easement, to the Planning Commission for a public hearing and recommendation to the Town Council, if he/she determines that such a referral would assist the Town Council in determining whether or not to grant the vacation request.*

   The application request to vacate a portion of South 6th Avenue right-of-way has been referred to the Planning Commission for a public hearing and recommendation to the Town Council. The application meets this standard.

E. After a public hearing, the Planning Commission may either continue the matter for further information and study for not more than thirty (30) days or forward its recommendation to approve, disapprove or conditionally approve the application to the town council and the applicant(s). Any application forwarded to the Town Council will be in the form of an ordinance.

The application will be heard by the Planning Commission at its October 16, 2025 public hearing. The application meets this standard.

F. The Town Council will consider the proposed vacation ordinance and render its decision either to adopt or deny the ordinance on first reading in accordance with the requirements of the Charter with respect to the adoption of ordinances. Prior to adoption of the vacation ordinance on first reading, the Town Council shall find that an overriding public interest favors the vacation.

The first reading of an ordinance vacating the subject portion of the South 6th Avenue right-of-way will be scheduled for review by the Town Council after a public hearing and recommendation have been completed by the Planning Commission.

Public Notice (§142-5): Pursuant to §142-5 of the Frisco Town Code, *public notice will be given at least once prior to final adoption of the vacation ordinance in the manner provided for in subsection (1) through (3) of Section §180-46E of the Town of Frisco Zoning Ordinance*.

Public noticing was provided for the Planning Commission's October 16, 2025, meeting in accordance with the requirements of the Town Code. Public notice of the Town Council's review of an ordinance will be provided once the public hearing dates have been determined. The application meets this standard.

Valuation of Vacated Property (§142-6): Pursuant to §142-6 of the Frisco Town Code, *Prior to the submission of a request for vacation to the planning commission or town council for consideration, the Town Manager or his/her designee will cause an appraisal to be made at the expense of the applicant(s), unless the Town Manager or Town Council waives such appraisal. An appraisal is not required for the vacation of an easement, other than an access easement, unless specially requested by the Town Manager or Town Council. The appraisal will include the following information:*
A. Valuation of the property being vacated;
B. Valuation of any property that may be benefitted by the vacation, valued prior to vacation;
C. Valuation of any property that may be benefitted by the vacation, valued after vacation; and
D. Any other determinations requested by the town council.

An appraisal of the property submitted on October 7, 2021 estimated the 10,500 sq. ft. right-of-way's "as-is" value at $158,000.

VALUE CONCLUSIONS						
"AS IS" VALUES				"AS PROPOSED" VALUES		
				Property	Site Sizes SF	Value
6th Ave. Right of Way		$ 158,000		West Right of Way Lot	7,000	$ 210,000
521 Pitkin Street		$ 1,050,000		East Right of Way Lot	3,500	$ 175,000
601 Pitkin Street		$ 1,125,000		Rear 521 Lot	3,500	$ 210,000
				521 Pitkin with house	3,500	$ 507,000
				601 Pitkin with house	7,300	$ 1,125,000

At their work session regarding this application in October 2024, Town Council indicated that they did not need an updated appraisal. Should the Town Council request an updated appraisal, Town Staff will cause an appraisal to be made at the expense of the applicants. The appraisal shall be performed meeting criteria as outlined in §142-6.

Payment of Costs (§142-7): Pursuant to §142-7 of the Frisco Town Code, *The applicant or primary applicant is responsible for the payment of any costs associated with the vacation including, without limitation, payment for administrative services performed by the community development department, appraisals, surveys, recording fees, documentary fees, legal services rendered to the town in connection with the application, and other customary costs in the following manner:*

> *A. A development review account shall be established at the time the vacation application is submitted to the town manager. Such development review account will be managed pursuant to section 180-31(D), excluding subsection 180-31(D) (4) (c).*
>
> *B. If the town incurs costs beyond the amount deposited in the vacation review account and the applicant or primary applicant does not pay those costs within thirty (30) days after written notice from the town, the town shall be entitled to certification of the assessment for sale or a lien for those costs on the property owned by each applicant, which lien may be perfected and foreclosed in the manner provided in C.R.S. §§ 38-22-101 et seq., as amended.*

The applicants have been notified of their responsibility for payment. A $1,500 Development Review Account (DRA) was established with submittal of the application.

Vacation of Portion of Request (§142-8): Pursuant to §142-8 of the Frisco Town Code, *the town shall have the right, in its sole and exclusive discretion, to vacate only a portion of the total area requested for vacation.*

The applicants are requesting a vacation of the entirety of the subject portion of the South 6th Avenue right-of-way. If the Town of Frisco chooses to vacate the subject street right-of-way, it may do so in whole or in part at its discretion.

Reservation of Rights-of-Way or Easements (§142-9): *The town may reserve any right-of-way or easement for the continued use of existing or future sewer, gas, water or similar pipelines and appurtenances, for overland drainage, drainage facilities or canals and appurtenances, and for electric, cable television, telephone and similar lines and appurtenances, or any other public purpose. Notwithstanding the foregoing, the town is presumed to have reserved in any property*

vacated under this chapter all necessary, useful or common easements related to underground utilities or services.

There are no existing or future roads, public parking spaces, street snow storage, or drainage features being displaced or negatively impacted by this vacation request. As discussed earlier in this staff report, Staff recommends a condition that an access and utility easement be granted for prospective future utilities or trails.

Conditions on Vacation (§142-10): *The Planning Commission may recommend, and the Town Council in the ordinance effecting a vacation may impose, reasonable conditions on said vacation, to preserve and promote the public health, safety and welfare of the inhabitants of the town and the public generally. Such reasonable conditions may include the payment of money to the town as consideration for a vacation, when the vesting of title upon vacation may confer a benefit upon the new owner of the vacated roadway or easement, where the town has purchased or may purchase a roadway or easement to replace that being vacated, to avoid a windfall to the new owner, or for any other reason deemed by the town council to be in the public interest.*

In exchange for the Town's vacation of the subject portion of the South 6th Avenue right-of-way, the applicants are proposing to construct up to three live-work housing units, along with encumbering the existing structure at 521 Pitkin Street with a live-work covenant.

Staff finds that the creation of workforce housing units is in the public interest. However, Staff requests the Planning Commission, after reviewing the staff report including references to the Comprehensive Plan and Strategic Housing Plan, provide feedback to Town Council as to whether or not the proposed deed restriction with no AMI cap meets the current goals for workforce housing. When the applicant presented in May 2023, Planning Commission included a condition that a portion of the units should contain a deed restriction that caps the sale price at 160% AMI.

It is ultimately the responsibility of the Town Council to determine if proposed new deed restricted units and the associated terms and conditions (including terms within the covenant) set forth in such an arrangement return an appropriate level of value and benefit back to the community.

If Planning Commission finds that there is an overriding public interest associated with vacating the right-of-way in exchange for the creation of four deed-restricted workforce housing units, Staff recommends that a condition be placed upon the recommendation of Town Council approval that requires the Town define the proposed housing restrictive covenants, performance measures such as timing of completion, and recording of restrictions in a development agreement and/or ordinance. The vacation request shall not assume quasi-judicial approvals by Planning Commission or Council.

Recordation of Vacation (§142-11): *In the event of a vacation in accordance with this article, the documents vacating such property or interest in property, including but not necessarily limited to any resolution, ordinance, deed, conveyance document, plat or survey, shall be recorded in the office of the Clerk and Recorder of the county in which such property is located.*

All relevant documents pursuant to the vacation of the tract of land will be recorded in the office of the Summit County Clerk and Recorder in accordance with the conditions of the ordinance and any associated documents, as applicable.

Preservation of Access (§142-12): *No roadway or part thereof shall be vacated so as to leave any land adjoining said land with another established public road.*

No land adjoining the proposed right-of-way vacation will be left without an established public road.

Vesting of Title Upon Vacation (§142-13): *Any ordinance effecting a vacation under this article shall state to whom title to the vacated land shall vest upon vacation. Except as otherwise provided in the ordinance effecting a vacation, title to the lands included within a roadway or so much thereof as may be vacated shall vest in accordance with the provisions of C.R.S. § 43-2-302 or its successor statute. Whenever any roadway shall be vacated, such roadway or portion thereof shall automatically be classified in the same zoning district as the property to which it attaches without further action on the part of the town.*

The ordinance in connection to the vacation shall state that title to the vacated land shall be vested to the applicants, Andy Richmond and Lauren Echevarria, the owners of the property located at 521 Pitkin Street and Marta Lindrose, the owner of the property located at 601 Pitkin Street. The properties to which this tract would be attached are zoned Residential Low Density (RL), so the vacated portions of right-of-way would also be initially zoned RL, unless and until a rezoning to PUD was approved as an overlying zone district for the property.

Adjacent Platted Lands (§142-14): *Where title to any vacated property vests with the owner of adjacent platted land, said owner shall, within 90 days of the adoption of the ordinance effecting such vacation, take all necessary steps to include said vacated property within the plat of the adjacent land.*

If the Town Council adopts an ordinance, the applicant will be required to follow requirements as outlined in Town Code §142-14.

ANALYSIS – AGENCY REVIEWS

Town of Frisco Public Works Department and Contracted Town Engineer

It is easy to state that the ROW is not necessary for present use, but more difficult to state that there is not a prospective use. I had sent previous comments that we wanted an easement to be granted for utilities and access if needed in the future. I think that if we condition an easement requirement, we could state that the easement would satisfy any prospective uses (trail or water line). The easement would not be sufficient for a roadway, but we could clarify that the existing grades would not allow for a roadway per Town standards and would not be a reasonable prospective use.

Chris McGinnis, PE, Town Engineer (contracted)

Public Works has no issue with the vacation of the ROW as it is not used at this time. We would not accept any additional maintenance even if built to Town standards.

Josh Southworth, Public Works Director

Town of Frisco Housing

- *What is the timeframe for the new cabins on Richmond's lot to be constructed after approval? We need some type of claw back if they fail to produce.*
- *The Lindrose property is under a living trust. Any idea how old the trustee is? Due to the two conditions mentioned in the PUD, it may be some time before a unit is built.*
- *Under the PUDs Density description, is states an ADU can be a garage. Do we want to revise that to state above a garage?*
- *Section 4 states that, "The Primary Resident unit on the Lindrose Property may be a single family or duplex swelling unit, or an Accessory Dwelling Unit." Would we want an ADU to be the primary?*
- *Section 17 gives a definition of "Primary Resident" and states that they must be a "registered voter in the Frisco, Colorado." "To determine a person's Principal Place of Residence, the criteria set forth in C.R.S. 31-10-201(3) shall apply."*
    - *I'm unsure if we can require a resident who qualifies under the 30+ hours a week in Summit County section, to also be required to be a registered voter… The statute referenced gives judges rules regarding if someone is authorized to vote in a certain jurisdiction. The covenant that would be placed on the property would most likely differ from those criteria, as the Town's HH Live/work covenant does in 7.1 Occupancy.*

I'm good with the total # of units being produced. I wish that the AMI was capped at 150%, but I can live with live/work. Would also like a lottery utilized to sell the units.

The housing plan doesn't interpret live/work like we do with a covenant restriction. It views it from an affordable/workforce vs market rate standpoint. This development could be viewed as workforce housing based on the covenant and not "affordable" depending on if the sale price is above 150% AMI. {In the plan there is} nothing that states a "move-up" action item {to specifically encourage housing for upward mobility}. It's kind of discussed in the rental section, but not homeownership.

James Gorham, Economic Development Manager

PUBLIC COMMENT

As of October 9, 2025, the Community Development Department had received one formal public comment concerning this application. The comment is included as Attachment F.

STAFF RECOMMENDATIONS

Based on the property valuations and the Town's workforce housing needs, the Community Development Department supports a vacation of the subject portion of street right-of-way in exchange for the creation of up to four workforce housing units. However, Staff recommends that the approval include conditions outlined in a development agreement and/or ordinance that define the proposed housing restrictive covenants, performance measures such as timing of completion, and recording of restrictions. The vacation request and any associated documents shall not assume quasi-judicial approvals by Planning Commission or Council.

Whether or not this vacation and the terms of this request constitute an overriding public interest will ultimately be a decision for the Town Council.

Recommended Findings, Action, and Motion for Approval

If the Planning Commission chooses to forward a recommendation of approval, the Community Development Department recommends the following findings pertaining to the proposed vacation request:

Based upon the review of the staff report dated October 16, 2025 and the evidence and testimony presented, the Planning Commission finds:

1. *That the proposed vacation is in general conformance with the purpose and intent of the Frisco Comprehensive Plan, since it furthers several goals and strategies outlined in the plan and furthers the Town's efforts to address workforce housing demands specifically by supplying additional land to address the community's housing needs; facilitating infill housing on a vacant parcel in an older neighborhood; forming a unique collaboration for housing development; and integrating new housing into the existing community fabric.*

2. *That pursuant to §142-1 of the Frisco Town Code, there is an overriding public interest favoring the vacation because the proposed vacation provides a unique opportunity that results in the construction of up to three deed restricted workforce housing units, along with encumbering the existing structure at 521 Pitkin Street with a workforce covenant. Also, the terms and conditions of a live-work housing restrictive covenant provide a value to the community that is commensurate with or exceeds the value of the vacated property.*

3. *That pursuant to §142-3 of the Frisco Town Code, no land adjoining the roadway to be vacated is left without an established public road connecting said land with another established public road.*

4. *That pursuant to §142-3 of the Frisco Town Code, the roadway to be vacated is no longer necessary for present public use or convenience, or prospective public use as a roadway, because this portion of the South 6th Avenue right-of-way has not been improved, used, or planned to be used for roads, public parking spaces, street snow storage, drainage features, or other infrastructure or uses.*

5. *That pursuant to §142-13 of the Frisco Town Code, title to the lands vacated shall vest in accordance with the provisions of the ordinance effecting a vacation to the applicants.*

Recommended Action:

The Community Development Department recommends the Planning Commission forward a **RECOMMENDATION OF APPROVAL** to the Town Council for the vacation of a 10,500 sq. ft. (0.24 acres) tract of the South 6th Avenue Right-of-Way between Blocks 33 & 34 Frisco Townsite; generally located north of Pitkin Street, south of Pitkin Street Alley, adjacent to and east of 521 Pitkin Street / Lots 23-24, Block 34, Frisco Townsite and adjacent to and west of 601 Pitkin Street / Lots 13-14, Pt 15, Block 33, Frisco Townsite, subject to the following conditions:

1. *The ordinance and/or development agreement shall include conditions outlining the requirements for guaranteeing construction completion of all four units and residential housing restrictive covenants, including the terms and conditions for occupancy and*

ownership of the units as determined by the Town of Frisco, and that the applicants have obtained all necessary development approvals and permits.

2. *The vacation ordinance shall not cause the South 6th Avenue right-of-way to be vacated until the ordinance is filed by the Town Clerk for recording in the Office of the Summit County Clerk and Recorder. The Town Clerk shall not file the ordinance for recording in said office until the conditions of the ordinance and/or development agreement have been satisfied.*

3. *The applicants shall provide an access and utility easement, sufficient to accommodate prospective future public uses for utilities or trails, but not for a roadway.*

Recommended Motion:

Should the Planning Commission choose to recommend approval of this vacation request, Staff recommends the following motion:

With respect to File No. VAC-25-0001, I move that the recommended findings set forth in the October 16, 2025 staff report be made and that the recommended conditions set forth therein be taken and that the Planning Commission hereby forwards a RECOMMENDATION OF APPROVAL to the Town Council for the vacation of a 10,500 sq.ft. (0.24 acres) tract of the South 6th Avenue Right-of-Way between Blocks 33 & 34, Frisco Townsite; generally located north of Pitkin Street, south of Pitkin Street Alley, adjacent to and east of 521 Pitkin Street / Lots 23-24, Block 34, Frisco Townsite and adjacent to and west of 601 Pitkin Street / Lots 13-14, Pt 15, Block 33, Frisco Townsite.

ATTACHMENTS

Attachments:

Attachment A – Application Materials
Attachment B – Draft PUD, for reference
Attachment C – Town Code, Chapter 142, Vacation of Property
Attachment D – 2021 Real Estate Appraisal Report
Attachment E – Referral Comments
Attachment F – Public Comment
Attachment G – Minutes from the May 18, 2023 Planning Commission Meeting
Attachment H – Relevant 2024 Strategic Housing Plan Programs

cc: Andy Richmond and Lauren Echevarria
Marta Lindrose