



PLANNING COMMISSION STAFF MEMORANDUM

July 16, 2026

TO: Planning Commission

FROM: Emma Heth, Planner II

RE: Work session to discuss proposed amendments to Chapter 180 of the Code of Ordinances, concerning drive-through facilities and tavern terminology.

SUMMARY

Before the Planning Commission on July 16, 2026 is a work session for proposed modifications to Chapter 180 of the Code of Ordinances of the Town of Frisco, Colorado, regarding drive-through facilities and tavern terminology. Staff has drafted proposed code amendments based on the recommendations from Town Council during their work session, but want to give Planning Commission a work session opportunity to discuss the changes and specifically whether to allow drive-through facilities in other zoning districts by right or conditional use. Following this Planning Commission work session, another work session will be held with Town Council to confirm their direction.

The proposed code amendments would add "drive-through facility" as an accessory use in the Table of Uses. The proposed definition of "drive-through facility" is similar to the existing definition of "drive-through business," with some clarification. The proposed amendments also remove all instances of the word "tavern" from the Table of Uses and parking requirement tables because it is not defined.

DESCRIPTION

Town Code Sections 180-5.1. Table of allowed uses, 180-5.3. Accessory uses and structures, 180-9.2. Definitions of general use categories, and 180-9.3. General definitions regulate uses in the Town of Frisco by defining the uses and listing in which zoning districts they are allowed. Updates to these Sections are being proposed following feedback from Town Council, Planning Commission, and the community that there is a desire to limit the areas where drive-through establishments are allowed.

The proposed changes include:

- §180-5.1. Table of uses: Adding a use for "Drive-through facility" within the accessory uses category.
 - Staff requests the Planning Commission discuss which Zoning Districts should have "drive-through facility" as a permitted or conditional use.

- §180-5.3. Accessory uses and structures: Adding a new subsection 4 with requirements for drive-through facilities.
 - Staff requests the Planning Commission discuss these requirements.
- §180-6.13. Parking and loading regulations: Removing the term “tavern” from Table 6-1 and Table 6-2, which regulate the minimum required parking spaces by use.
 - While drafting the language for drive-through establishments, the Town Attorney suggested that the Town consider modifying the stacking space requirements in the parking section to complement the stacking requirements outlined in the “Public Right-of-Way” section of 180-5.3.4. The suggested change would be from 5 stacking spaces per drive-up window to “the amount reasonably anticipated to avoid stacking of vehicles onto adjacent rights of way, but not less than 5 per lane.”
 - Staff is seeking feedback from the Planning Commission if they support this language as it would give the Commission some leeway to require additional stacking spaces while recognizing that it also introduces ambiguity that we may want to avoid in the future.
- §180-9.2. Definitions of general use categories and §180-9.3. General definitions: Amending the definitions of general use categories and specific uses to add clarity and align with the proposed language in the other sections.

Below is the language being considered:

180-5.1.5. *Table of Allowed Uses.*

TABLE 5-1 TABLE OF ALLOWED USES															
● = Permitted ◐ = Conditional Use Blank cell = Not allowed		Residential					Commercial/ Mixed-Use					Other			Use-specific Standards
Use Category	Use Type	RS	RN	RL	RM	RH	GW	CO	LI	CC	MU	OS	PR	PF	
COMMERCIAL USES															
Food and Beverage	Fast food restaurant						●	●		●	◐				
	Microbrewery, distillery and/or tasting room						●	●		●	●				
	Restaurant, bar, tavern						●	●		●	●		◐		
INDUSTRIAL USES															
ACCESSORY USES															
Accessory Uses	Accessory building and use	●	●	●	●	●	●	●	●					●	
	Accessory dwelling unit	◐	●	●	●	●	●	●	●	●	●		◐	◐	180-5.3.1

	Home occupation	●	●	●	●	●				●					
	Home office	●	●	●	●	●	●	●		●	●				
	<u>Drive-through facility</u>						●	●			●				<u>180-5.3.4.</u>
	Solar energy facility	●	●	●	●	●	●	●	●	●	●	●	●	●	180-5.3.3
	Electric Vehicle Charging Station	●	●	●	●	●	●	●	●	●	●	●	●	●	

DISTRICT LEGEND

RS = Residential Single-Household District
 RN = Residential Traditional Neighborhood District
 RL = Residential Low Density District
 RM = Residential Medium Density District
 RH = Residential High Density District
 GW = Gateway District
 CO = Commercial Oriented District
 LI = Light Industrial District
 CC = Central Core District
 MU = Mixed-Use District
 OS = Open Space District
 PR = Parks and Recreation District
 PF = Public Facilities District

(Ord. No. 17-04, 6-27-17; Ord. No. 19-04, 4-9-19; Ord. No. 20-23, 1-26-21; Ord. No. 22-12, 10-11-22; Ord. No. 23-09, § 7, 3-28-23; Ord. No. 24-12, § 1, 10-22-24)

Section 180-5.3.4.: Drive-Through Facility.

- A. Purpose and Intent. The purpose of these standards is to ensure that drive-through facilities are designed to protect the safety of pedestrians and motorists, prevent traffic congestion on public streets, and minimize negative impacts on adjacent properties.
- B. Vehicle Stacking Requirements and Traffic Flow.
 1. All drive-through facilities must provide dedicated off-street stacking lanes as outlined in Section 180-6.13. Parking. The facility must also meet all parking requirements for its principal use.
 2. Public Right-of-Way. Stacking lanes must be designed so that no idling vehicle is likely to ever extend into a public street, alley, or sidewalk.
 3. Separation. Stacking lanes must be physically separated from parking areas and drive aisles by a raised curb, median, or painted striping.
- C. Site Design:
 1. No stacking lane or service window shall be located within 50 feet of any residential property line.
 2. Pedestrian Safety.
 - No Intersections. Drive-through lanes should not intersect the main pedestrian path leading to the building's primary entrance.

- **Marked Crossings. Where a pedestrian path must cross a drive-through lane, it must be clearly marked with contrasting pavement, specialized striping, or raised crosswalks.**

Section 180-6.13.3.A.: Table 6-1 Required Number of Parking Spaces by Land Use

USE CATEGORY	USE TYPE		PARKING SPACE REQUIREMENTS
Commercial	<u>Drive-through facility</u>	<u>Stacking spaces per drive-up window</u>	<u>5.0</u>
Food and Beverage	Fast food restaurant	Per 150 square feet of GFA (non-seating area)	1.0
		Plus Per 250 square feet of GFA (seating area)	1.0
		<u>Stacking spaces per drive-up window</u>	<u>5.0</u>
	Restaurant, bar and tavern	Per 250 square feet of GFA	1.0

Section 180-6.13.3.D.: Table 6-2 Minimum Required Parking Spaces – Central Core District and Mixed-Use Districts Fronting West Main Street

USE	PARKING SPACE REQUIREMENTS
Restaurants and Bars and Taverns [1]	0.0
Notes: [1] Any change in the use from retail, restaurant, or bar or tavern GFA approved by the Town using the parking provisions contained herein to other uses (permitted or conditional) must provide parking spaces in the amounts and locations required by the Article.	

180-9.2.3. Commercial Uses

B. *Food and Beverage.* Establishments involved in serving prepared food or beverages for consumption on or off the premises. Accessory uses may include food preparation areas, offices, and parking. **Drive-through facilities may be an accessory use where permitted in the Table of Uses.**

D. *Offices.* Uses that provide executive, management, administrative, or professional services, but do not involve the sale of merchandise except as incidental to a permitted use. Typical uses include real estate, insurance, property management, investment, employment, travel, advertising, law, architecture, design, engineering, accounting, call centers, and similar offices. Accessory uses may include cafeterias, health facilities, parking, or other amenities primarily for the use of employees in the firm or building. **Drive-through facilities may also be an accessory use for the purpose of providing services where permitted in the Table of Uses.**

E. *Personal Services.* Establishments that provide individual services related to personal needs directly to customers at the site of the business, or that receive goods from or return goods to the customer, which have been treated or processed at that location or another location. **Accessory uses may include drive-throughs where permitted in the Table of Uses.**

G. *Retail*. Uses involving the sale of a product directly to the final consumer for whatever purpose but not specifically or exclusively for the purpose of resale. Examples include, but are not limited to, bookstores, antique stores, bakeries, grocery stores, household product stores, and similar uses.

Accessory uses may include drive-throughs where permitted in the Table of Uses.

180-9.3. General definitions

Drive-Through Facility. A **business-facility** that offers drive-through service where customers remain seated in a vehicle occupying a drive-through service lane to the point of a window or other service area. Drive-through uses do not include the dispensing of fuel, electric vehicle charging, washing of vehicles, or parking lot pickup of retail items.

Microbrewery, Distillery, and/or Tasting Room. A small brewery, winery, or distillery operated separately or in conjunction with a drinking establishment or restaurant, provided the beer, wine, or liquor is sold for consumption onsite or off the premises and is not sold to other drinking establishments, restaurants, or wholesalers.

Restaurant. An establishment where food and drink are prepared, table service is provided, and consumption takes place primarily within the principal structure.

Restaurant, Fast Food. An establishment where food and/or beverages are sold in a take-out fashion, no table service is provided, and all or a significant portion of the consumption takes place outside the confines of the restaurant, ~~and/or ordering and pick-up of food may take place from an automobile~~. Fast food restaurants shall not include a drive-through facility unless such a facility is permitted as an accessory use in the zoning district in which the fast food restaurant is located.

Staff requests that the Planning Commission discuss the following questions:

- In which zoning districts does the Planning Commission support allowing drive-through facilities as a conditional use or permitted use?
- Does the Planning Commission support the proposed design requirements for drive-through facilities?
- Does the Planning Commission want to change the stacking space requirement for drive-through establishments to suggested language from the Town Attorney stating “the amount reasonably anticipated to avoid stacking of vehicles onto adjacent rights of way, but not less than 5 per lane”?

BACKGROUND

In the spring/summer of 2025, the Town Council reviewed an Ordinance related to the amount of drive through signs permitted within the Town. During these conversations, the Council stated they would like to consider not allowing drive-through facilities on Main Street in the future.

During a work session at their February 19, 2026 meeting, the Planning Commission indicated support for limiting all types of drive-through establishments. They indicated that they would like to prohibit them on Main Street (including the Mixed-Use Zoning District) but allow them on Summit Boulevard. The Commissioners noted that they did not feel prepared at the meeting to have a fully informed discussion on the topic.

During a work session at their February 24, 2026 meeting, the Town Council indicated support for prohibiting all types of drive-through establishments in all zoning districts except the Commercial Oriented District (CO), where they would be allowed. There was some discussion about allowing drive-through facilities as a conditional use in the Mixed Use and/or Gateway Districts, but the majority of Council members supported prohibiting them. The Town Council also requested that staff provide more information about limiting the number of drive-throughs allowed in the community.

Given the changes on Town Council and the desire to give Planning Commission more time to consider the topic, Staff is bringing this forward for a second work session with each group prior to a formal recommendation from Planning Commission.

Frisco Town Code, Chapter 180, Table 5-1, Table of Allowed Uses, does not specifically include drive-through facilities. Therefore, the Town currently allows drive-through establishments where the principal use (financial service, restaurant, retail, etc.) incorporates a drive-through. However, any drive-through is required to comply with the below sections of code which do have regulations around drive-throughs:

1. In Table 6-1, Required Number of Parking Spaces by Land Use, a “commercial use with drive-through” and “fast food restaurant” requires 5.0 stacking spaces per window.
2. Chapter 180-6.19, Signs restricts the number of signs permitted per drive-through lane.
3. Chapter 180, Article 9 includes the following definitions:

Drive-Through Business. A business that offers drive-through service where customers remain seated in a vehicle occupying a drive through service lane to the point of a window or other service area.

Restaurant, Fast Food. An establishment where food and/or beverages are sold in a take-out fashion, no table service is provided, and all or a significant portion of the consumption takes place outside the confines of the restaurant, and/or ordering and pick-up of food may take place from an automobile.

Examples of uses where drive-through establishments are currently allowed (Refer to Attachment B, [Town Zoning Map](#), for district locations):

Use	Notes	Zoning Districts Currently Allowed					
		Gateway	Commercial Oriented	Central Core	Mixed-Use	Light Industrial	Parks & Recreation
Office, Financial Services Retail	Many banks include a drive-through. While the Town does not currently have drive-through retail establishments, they are common elsewhere.	Allowed	Allowed	Allowed			
Restaurant, Fast Food	Definition: An establishment where food and/or beverages are sold in a take-out fashion, no table service is provided, and all or a significant portion of the consumption takes place outside the confines of the restaurant, and/or ordering and pick-up of food may take place from an automobile	Allowed	Allowed	Allowed	Conditional		
Restaurant, bar, tavern	Restaurant definition: An establishment where food and drink are prepared, table service is provided, and consumption takes place primarily within the principal structure.	Allowed	Allowed	Allowed	Allowed		Conditional
Microbrewery, Distillery, and/or Tasting Room	Definition: A small brewery, winery, or distillery operated separately or in conjunction with a drinking establishment or restaurant, provided the beer, wine, or liquor is sold for consumption onsite or off the premises and is not sold to other drinking establishments, restaurants, or wholesalers.	Allowed	Allowed	Allowed	Allowed		

ANALYSIS

Key reasons for limiting drive-through establishments within certain zone districts could include reducing traffic congestion, lowering air pollution from idling cars, and enhancing pedestrian safety by decreasing vehicle-pedestrian conflicts. Restricting drive-throughs can encourage more walkability and improve aesthetics by reducing pavement sprawl while fostering a stronger community character. Factors to be considered include:

- *Traffic Congestion & Safety:* Cars waiting in a drive-through queue could back up onto streets, blocking traffic flow.
- *Environmental & Health Impact:* Idling vehicles in drive-through lanes increase greenhouse gas emissions, worsening air quality.
- *Urban Design & Walkability:* Drive-throughs require larger amounts of asphalt than a typical parking lot, creating heat islands, increasing noise/light pollution, and reducing the street-level vibrancy to encourage walkable, pedestrian-friendly neighborhoods.
- *Neighborhood Disruption:* Late-night drive-through operations in or near residential areas could cause increased noise, litter, and disturbances.

Key reasons for not limiting drive-through establishments within town could include an interest in increasing revenues and sales tax to the Town and maintaining auto-oriented businesses along highways where visitors passing through on I-70 or Highway 9 may be drawn to businesses where they can stay in their vehicles. Factors to be considered include:

- *Higher Revenue and Sales:* Drive-through windows are a source of revenue for quick-service restaurants.
- *Lower Operating Costs:* Drive-through models are often smaller than traditional, sit-down restaurants, requiring less staff and reduced maintenance.
- *Attraction of New Business:* Limiting drive-throughs can cause a town to miss out on new, expanding, and popular brands that rely on the model for growth.
- *Sales Tax Retention:* Without convenient options, consumers may drive to neighboring towns, taking tax dollars out of the community.
- *Accessibility for People with Disabilities:* Drive-throughs are a vital, easy-to-use amenity for individuals with mobility challenges, avoiding the need to navigate parking lots or enter buildings.
- *Support for Busy Families:* Drive-throughs allow parents to get food without the stress of unbuckling children in a parking lot.
- *Technological Improvements in Congestion Management:* In some cases, innovations in modern, high-efficiency, multi-lane, and technology-driven (AI, conveyor belts) drive-throughs are designed to move cars faster and reduce backups.
- *Versatility Beyond Fast Food:* Drive-throughs are not just for burgers; they provide necessary convenience for banks, pharmacies, and coffee shops, which are essential services for daily life.

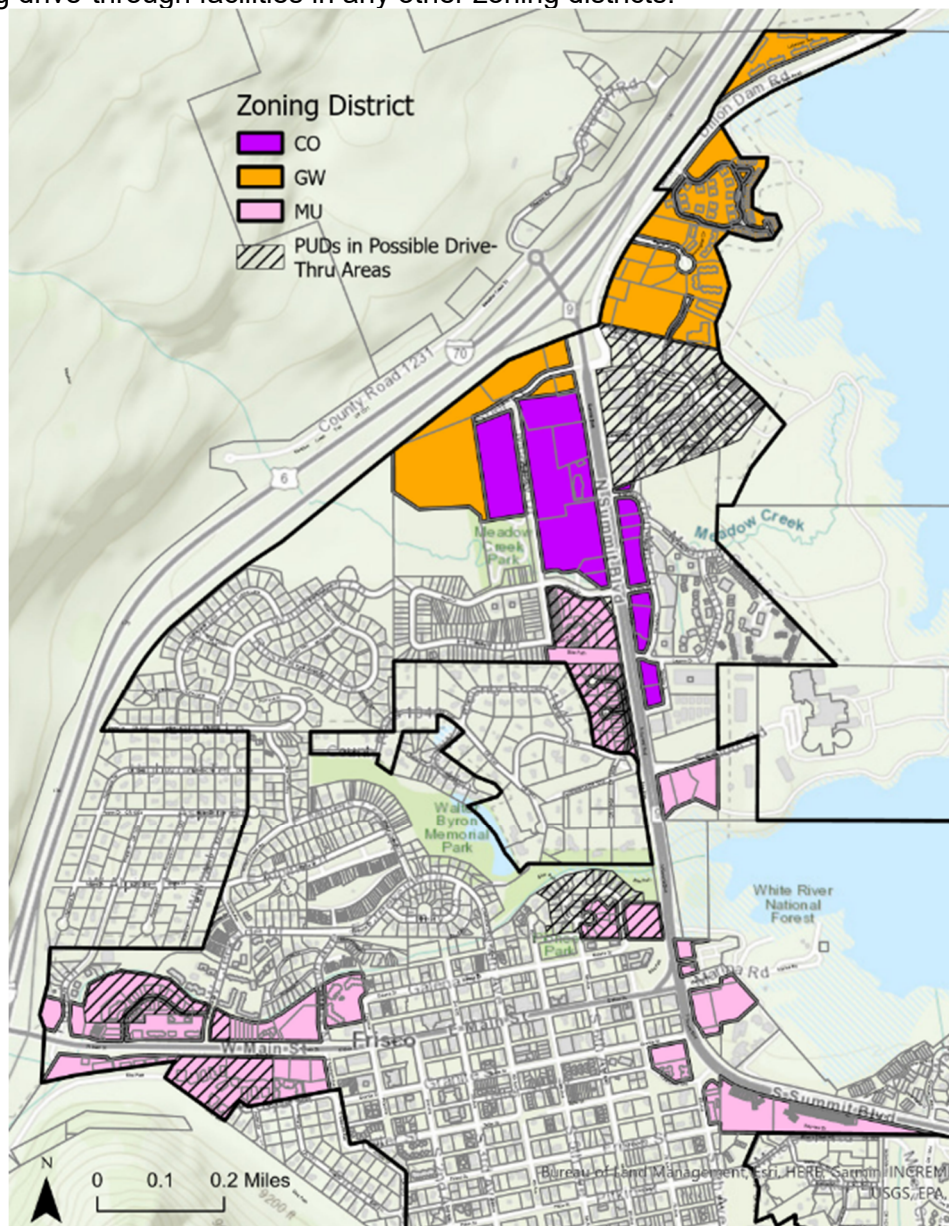
Existing Drive-throughs in the Town

Business	Location	Zoning District
Alpine Bank	701 N Summit Blvd	CO
Taco Bell	865 N Summit Blvd	CO
Wendy's	940 N 10 Mile Dr	Lakepoint PUD
McDonalds/First Bank	960 N 10 Mile Dr	Lakepoint PUD
Starbucks	980 N 10 Mile Dr	Lakepoint PUD

KFC	1000 Lakepoint Dr	Lakepoint PUD
BMO Bank	1000 N Summit Blvd	CO
Dunkin Donuts	912 N Summit Blvd	CO

Conditional Use Zoning Districts

Staff requests that the Planning Commission discuss which zoning districts should allow drive-through facilities as a permitted or conditional use. Staff has heard that both Planning Commission and Town Council support drive-through facilities as an allowed use in the Commercial-Oriented District and prohibited in the Central Core District. Planning Commission should consider whether drive-through facilities should be permitted or conditional in other zone districts, specifically the Gateway and/or Mixed-Use Zoning Districts. PUDs are shown below as an overlay to show where additional use limitations may be in place. Staff does not recommend considering drive-through facilities in any other zoning districts.



Conditional use applications are reviewed and approved by the Planning Commission based on the following criteria:

1. The conditional use is consistent with the purpose and intent of the zone district in which it is proposed to be located, furthers the applicable goals of the Frisco Community Plan, and is a desirable use that will contribute to the general welfare of the community; and
2. The conditional use is compatible with the mix of development in the immediate vicinity of the parcel in terms of density, height, bulk, architecture, landscaping, and open space, as well as with any applicable adopted regulatory master plan or PUD; and
3. The conditional use is consistent and compatible with the character of the immediate vicinity of the parcel proposed for development and surrounding land uses and enhances the mixture of complimentary uses and activities in the immediate vicinity of the parcel proposed for development; and
4. The location, size, design and operating characteristics of the proposed conditional use minimizes adverse effects, including visual impacts, impacts on pedestrian and vehicular circulation, parking, refuse and recycling services/area, service delivery, noise, vibrations and odor on surrounding properties; and
5. There are adequate public facilities and services to serve the conditional use including, but not limited to, roads, potable water, sewer, solid waste, parks, police, fire protection, emergency medical services, hospital and medical services, drainage systems and schools; and
6. The Community Development Director may recommend and the Planning Commission may impose such conditions on a conditional use that are necessary to maintain the integrity of the Town's Zone Districts and to ensure the conditional use complies this Chapter; is compatible with surrounding land uses; and is served by adequate public facilities. This includes, but is not limited to, imposing conditions on size, bulk, location, open space, landscaping, buffering, lighting, signage, off-street parking and other similar design features, the construction of public facilities to serve the conditional use and limitations on the operating characteristics and hours of operation.

Allowing drive-through businesses as a conditional use in the Gateway and Mixed-Use Zoning Districts would maintain the possibility of drive-through businesses in these areas in the future, but only with consideration from the Planning Commission. This would allow additional scrutiny from the Planning Commission of whether the use aligns with the Town's goals, neighborhood compatibility, and impacts on traffic and pedestrian circulation.

Stacking Spaces

While drafting the language for drive-through establishments, the Town Attorney suggested that the Town consider modifying the stacking space requirements in the parking section to complement the stacking requirements outlined in the "Public Right-of-Way" section of the proposed Section 180-5.3.4. Drive through facility. The suggested change would be from 5 stacking spaces per drive-up window to "the amount reasonably anticipated to avoid stacking of vehicles onto adjacent rights of way, but not less than 5 per lane."

Current language for stacking space requirements is within Table 6-1, Required Number of Parking Spaces By Land Use, which states 5.0 stacking spaces per drive-up window are required for fast food restaurants. In the current draft language, this section would be moved

from “Fast food restaurants” to a general commercial category for “Drive-through facilities,” but no other changes would be made.

Stacking spaces per drive-up window	5.0
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Staff is seeking feedback from the Planning Commission if they support the Town Attorney’s proposed language as it would give the Commission some leeway to require additional stacking spaces while recognizing that it also introduces ambiguity that we may want to avoid in the future.

If supported by Planning Commission, the Parking Space Requirements for “Drive-through facility” in Table 6-1, Required Number of Parking Spaces By Land Use would state “the amount reasonably anticipated to avoid stacking of vehicles onto adjacent rights of way, but not less than 5 per lane.”

Tavern Terminology

While analyzing the table of uses and definitions of restaurants and related uses, staff noticed that the term “tavern” was included in the Table of Uses as part of the category “Restaurant, bar, tavern,” but the term “tavern” is not defined. Staff does not see a reason that “taverns” need to be specified in the table of uses and so recommends removing the term. Taverns would be considered a restaurant use. The only other use of the term is in Tables 6-1 and 6-2, so staff recommends removing the term there as well, to only read “Restaurant, bar” in all instances.

STAFF RECOMMENDATION

Staff recommends that the Planning Commission provide guidance on proposed changes to the code sections relevant to drive-through facilities and tavern terminology. Specifically:

- In which zoning districts does the Planning Commission support allowing drive-through facilities as a conditional use or allowed use?
- Does the Planning Commission support the proposed design requirements for drive-through facilities?
- Does the Planning Commission want to change the stacking space requirement for drive-through establishments to suggested language from the Town Attorney stating “the amount reasonably anticipated to avoid stacking of vehicles onto adjacent rights of way, but not less than 5 per lane”?

ATTACHMENTS

Attachment A – Proposed modifications to Sections 180-5.1. Table of allowed uses, 180-5.3. Accessory uses and structures, 180-6.13. Parking and loading regulations, 180-9.2. Definitions of general use categories, and 180-9.3. General definitions

Attachment B – Town of Frisco Zoning Map