



PLANNING COMMISSION STAFF REPORT

October 15, 2026

AGENDA ITEM: Planning File No. VAC-26-0002: A request for the vacation of a portion of a public right-of-way consisting of a 14,863 sq. ft. (0.34 acres) tract of the alley right-of-way adjacent to Pioneer Park.

LOCATION: Generally located adjacent to and north of 99 N. 6th Avenue / Lots 1-12 Block B Frisco Town Sub and adjacent to and south of 321 N. 5th Avenue / Lot 4 Fifth Avenue Landing, 261 N. 6th Avenue / Lot 20 River Pines Sub, and 251 N. 6th Avenue / Lot 21 River Pines Sub

APPLICANT: Town of Frisco
PO Box 4100
Frisco, CO 80443

TOWN STAFF: Emma Heth, Planner II

PROJECT DESCRIPTION

At the October 15, 2026 meeting, the Planning Commission will review and provide a recommendation to Town Council on a proposal from the Town of Frisco to vacate a portion of alley right-of-way adjacent to Pioneer Park, for the purpose of a public park.

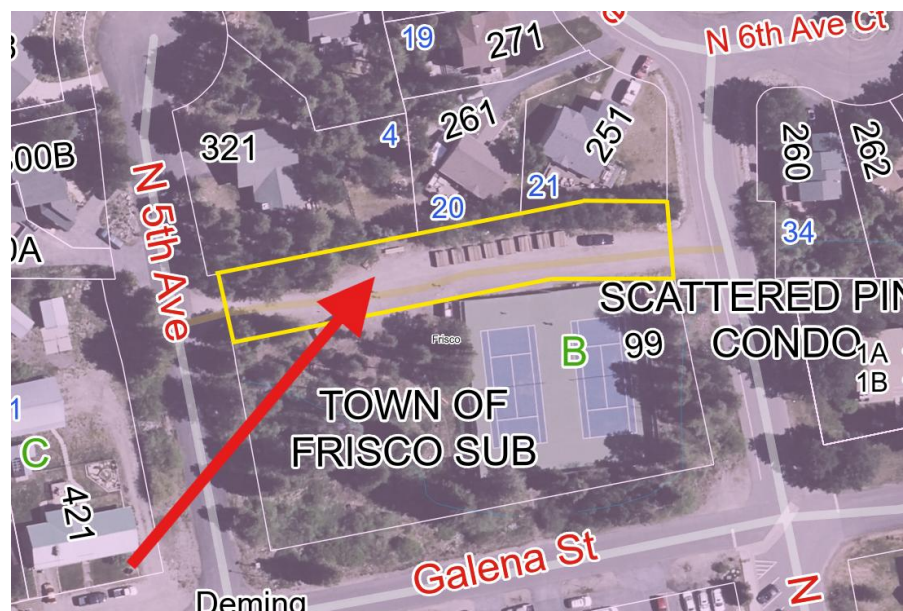
The applicant, the Town of Frisco, is requesting a vacation of the use of the alley right-of-way adjacent to Pioneer Park. This 14,863 sq. ft. tract of land will be used for improvements to Pioneer Park which have been identified by the community and guiding documents as providing important public benefits. The tract of alley right-of-way is generally located east of N. 5th Avenue, west of N. 6th Avenue, north of Pioneer Park (Lots 1-12 Block B Frisco Town Sub), and south of 321 N. 5th Avenue, 261 N. 6th Avenue, and 251 N. 6th Avenue.

If the Town chooses to vacate this portion of street right-of-way, the Town would retain ownership of the tract, but for use as a public park rather than a roadway. Park improvements located in the area of the vacated alley would include the following, as shown on the plan below:

- Restroom facility
- Pedestrian pathways (paved and gravel)
- Nature play amenities
- Gathering space
- Landscaping and buffer with neighboring properties



Public Works and the contracted Town Engineer confirmed that the existing alley is no longer necessary for public use. Existing snow storage uses can be shifted elsewhere throughout the Town. The Town will provide a 10-foot easement to Xcel Energy for an existing gas line that runs through the alley. Below is a vicinity map of the subject property.





View of parcel, facing west

Staff finds that the proposed conversion of the alley roadway to a public park addresses needs identified in the community through intensive community engagement, meets goals outlined in the Comprehensive Plan, and allows for improvements identified in the Frisco Neighborhood Parks Master Plan. Without the vacation of the alley right-of-way, Pioneer Park would not be able to address several of the public improvements outlined in these plans due to its small size and site constraints. At this time, Planning Commission should provide a recommendation to Town Council for whether the proposed right-of-way vacation would provide an overriding public benefit.

BACKGROUND – PIONEER PARK DESIGN PROCESS, 2025

The needs for [Pioneer Park](#) were analyzed in 2025 during an intensive community engagement process, building from the 2019 Neighborhood Parks Master Plan. Additional community engagement was needed to update the findings from 2019 and to account for changing needs in the community, including the construction of 54 workforce housing units at 602 Galena Street near the park.

Community engagement included:

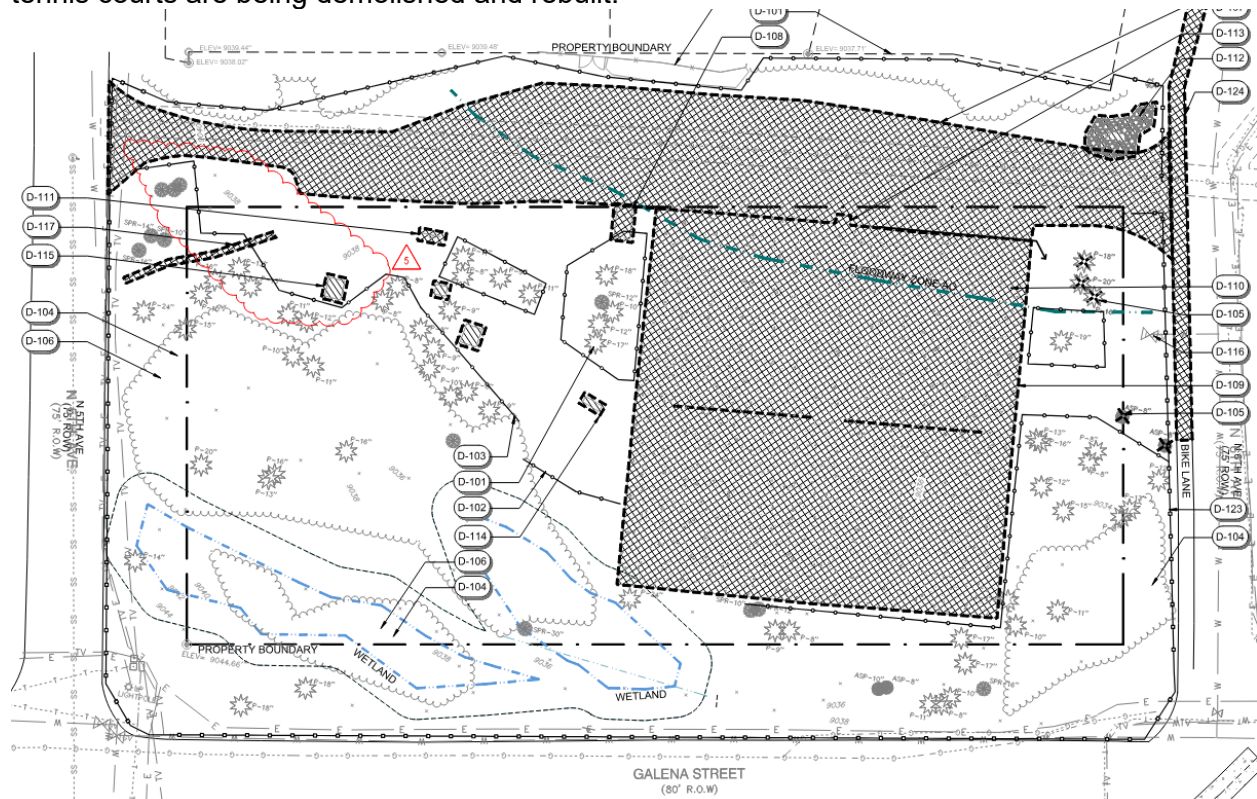
- Tabling at local events
- Interactive Brainstorm Board posted at the park for 6 weeks with a weekly question
- Online community survey
- Stakeholder interviews with community members
- Design Your Own Park workshop
- Junior Park Designers workshop with 3rd-5th graders at Frisco Elementary
- Community Open Houses to review conceptual designs (1 in-person, 1 online)

The results of this process indicated strong support for retaining the two tennis courts on site and preserving the mature trees and natural character of the park, while also adding restrooms, amenities for older children, fitness stations, games, trails/circulation, multi-use sports court, and gathering areas.

Given the portions of the park occupied by wetlands, mature vegetation, and the tennis courts, the available area of the park parcel is extremely limited to provide all of these elements.

Vacating the roadway in the alley allows for space for pathways, gathering areas, restroom facilities, and vegetation and a berm to buffer the park from the neighbors.

Below is a screenshot of the demolition plan for the park, which shows the extent of the mature trees, vegetation, and wetlands to be protected. To preserve this vegetation and the two tennis courts, only a small area in the center of the site is available for improvements. The existing tennis courts are being demolished and rebuilt.



Pioneer Park demolition plan, wetlands delineation and floodplain (in blue), and surveyed trees

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.

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.

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.

CONNECTIVITY FOR ALL (C)	
Goal C.1: <i>Promote walking, biking, and other alternative modes of transportation.</i>	The pathway design includes a paved and a gravel path going through the existing alley right-of-way area. This will provide a connection to walk around and through the park that will improve pedestrian options in the center of town.
Goal C.7: <i>Maintain and improve the active transportation network.</i> 3. Continue winter maintenance on trails and recreational pathways for a variety of users. <i>Consider snow maintenance best practices to ensure connectivity is maintained following snow events.</i>	Winter maintenance was prioritized in the design of Pioneer Park improvements in the alley area. The alley is not currently accessible in the winter as it is a snow storage area; Public Works plans to plow a pedestrian pathway through the alley area under the new design.
CONNECTION TO NATURE (N)	
Goal N.1: <i>Increase equitable access to recreational opportunities, programs, and community events that encourage residents and visitors of all ages.</i> 1. Continue to create recreational facilities and programs that remove barriers to access	Converting the Pioneer Park alley from a roadway to a public park will expand the park amenities available in the center of the Town. Due to the small size of the existing park parcel, the existing wetlands on site, and the community’s feedback that preserving the tennis courts on-site was a priority, the park

trailheads, parks, and community spaces.	has limited redevelopment potential and location options for improvements without vacating the alley right-of-way. Located only one block from Main Street, the park will be accessible to residents and visitors and provide areas to recreate, gather, and rest.
6. <i>As funding becomes available, pursue restroom facilities and water facilities at all the Town public parks.</i>	Restroom facilities and a drinking fountain are priority amenities for Pioneer Park. Vacating the right-of-way provides the space needed to install a restroom in a location that will be most accessible from the street, to the tennis courts, and to the park's other amenities.
Goal N.2: <i>Continue to implement sustainable trail management practices that balance user enjoyment with environmental preservation, ensuring a positive experience for residents and visitors.</i> 2. Continue to prioritize the maintenance and upkeep of in-town trails. <i>Include winter plowing or grooming of recreational paths.</i>	The proposed park design allows for a pathway through the existing alley right-of-way that is wide enough to be plowed through the winter, improving access year-round over the existing snow storage use in winter.
Goal N.3: <i>Protect and restore natural habitats to preserve biodiversity, ensure ecosystem health.</i> 1. Mitigate development in high-risk, hazard, and environmentally sensitive areas, including floodplains, wetlands, steep slopes, and sensitive habitats. 5. Reduce impact of recreation activities in sensitive areas and through designated activity areas and educational signage.	Vacating the alley right-of-way allows for improvements to be built in this area rather than the existing wetland areas on the southwest side of the park. Most of the right-of-way is also Zone AO floodplain. Separate floodplain permitting has been processed for the improvements in this area and they will meet all floodplain requirements. Revegetating the right-of-way could improve drainage in this area as well.

Land Use Classification: Parks and Open Space/Civic Space (excerpts)

The parks and open space district encourages the preservation of natural landscape and local ecology for public or private use. These areas allow for a variety of active and passive recreational activities and diverse experiences. This includes developed public recreational amenities as well as environmentally sensitive lands and wetland areas. The cultural and historical identity of the Town of Frisco and the influence of Lake Dillon are important to these areas.

Design Criteria:

- **Parks, Open Space and Civic Space:** *Parks systems should include a range of amenities including seating, restrooms, drinking fountains, pet stations, and opportunities for shade and respite. Activities and facilities for all ages should be considered including playgrounds stages and universal accessibility.*
- **Sustainability:** *Parks, open space, and trails systems are an opportunity to integrate education and stewardship and highlight projects around water quality improvement, native planting habitats and best practices for ecological system health. Environmentally sensitive areas, such as wetlands and floodplains are protected, preserved, and restored.*
- **Equity:** *Parks should be universally accessible for all abilities including the design of pathways and facilities as well as amenities and programs. Parks should be distributed equally throughout the Town so that all have access to green space.*

Vacating the alley right-of-way will provide sufficient space to incorporate an ADA pathway, restroom, drinking fountain, bike racks, seating, and gathering spaces, while moving limited parking for the park to 6th Avenue . Natural shade is preserved in the center of the park by maintaining mature trees and installing amenities in the existing alley. Utilizing the alley area for amenities also preserves the wetlands on site. Park amenities were designed with a range of ages and abilities in mind.

The proposed vacation of the alley right-of-way adjacent to Pioneer Park to be used as a public park appears to be in conformance with the purpose and recommendations of the Frisco Comprehensive Plan.

ANALYSIS – 2019 NEIGHBORHOOD PARKS MASTER PLAN

In 2019, the Town adopted the Neighborhood Parks Master Plan to guide future investment in parks, open space, and recreational facilities. The plan identified a need to revitalize Pioneer Park and proposed a conceptual vision for improvements.

Community feedback gathered as part of the 2019 Neighborhood Parks Master Plan process identified the following existing concerns and desired improvements for Pioneer Park:

- Lack of public visibility and signage
- Unclear status of tennis court (public vs. private perception)
- General lack of maintenance and defined purpose
- Retention of tennis courts and expansion of tennis-related amenities
- Enhancement of natural areas while maintaining a sense of solitude
- Addition of restrooms and improved stormwater/drainage infrastructure
- Improved parking and pedestrian access
- Signage and wayfinding
- Defined winter uses and snow storage strategy
- Preservation of mature trees and natural character

Vacating the alley right-of-way adjacent to the park allows the park to retain the tennis courts, sense of solitude, mature trees, and natural character while also adding restrooms, improved parking, and pedestrian access. The proposed vacation of the alley roadway to create park improvements appears to be supported by the recommendations in the Neighborhood Parks Master Plan.

As outlined in the Background section earlier in this staff report, the needs for Pioneer Park were re-analyzed in 2025 during the design process to account for changing needs in the community, including the construction of 54 workforce housing units at 602 Galena Street near the park.

ANALYSIS - CHAPTER 142, VACATION OF PROPERTY

<u>Declaration of Policy (§142-1)</u> <i>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.</i>	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. In this case, ownership of the parcel would be retained by the Town. This application is to vacate the use of the parcel as a roadway, in order for the Town to use it for a greater public benefit as a public park. There is a demonstrated need for park improvements based on the findings in the 2019 Neighborhood Parks Master Plan, the Comprehensive Plan, and the community engagement conducted during the park design process. Due to site constraints, these can only be provided in the alley right-of-way. Due to the constraints and priorities to preserve existing vegetation and the tennis courts on site, additional amenities, including a restroom, can only be provided as a public benefit if the roadway is converted to a public park. As stated in the review memo from the contracted Town Engineer, this alley right-of-way is no longer necessary as a roadway for several reasons and there is an overriding public interest in the park improvements provided by utilizing the alley as a park.
<u>Vacation by Ordinance (§142-3)</u> <i>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</i>	If the subject portion of alley right-of-way is vacated, all properties adjoining the alley will continue to have a public road (either N. 5th Ave or N. 6th Ave) connected to their properties. All properties currently access from these roads. No land located adjacent to the proposed right-of-way vacation will be left without an established public road. The application meets standard #1 of this subsection.

<i>Commissioners of the County and the Town Council. Any ordinance affecting a vacation is required to contain the following findings, if applicable:</i> 1. <i>That no land adjoining any roadway to be vacated is left without an established public road connecting said land with another established public road.</i> 2. <i>That the roadway or easement to be vacated is no longer necessary for present or prospective public use or convenience.</i>	Staff finds that the roadway to be vacated is no longer necessary for present or prospective public use or convenience. In their review memo, the following justifications are outlined by the contracted Town Engineer for compliance with standard #2 of this subsection: • The alley was not maintained in winter and not drivable by vehicles. This helps demonstrate it was not necessary as a roadway, as it did not provide access for a significant portion of the year. • The alley right-of-way does not extend west of 5th Ave. or east of 6th Ave. Since this right-of-way is isolated, vacating it does not create continuity concerns. • The survey only shows one utility (gas line) present in the right-of-way (not needed as a utility corridor). The gas line can be protected with a utility easement. The Town of Frisco Public Works Department does not have concerns with the proposal. Summit Fire & EMS approved the vacation application with no comments or concerns about emergency access. Xcel Energy will require a 10-foot easement for the gas line. <u>Staff recommends a utility easement for the existing Xcel gas line as a condition of approval.</u>
<u>Vacation Procedures (§142-4)</u> <i>The following procedures shall be adhered to by person(s) requesting the vacation of any roadway or easement:</i>	
A. <i>Attendance at a pre-application conference held in the manner described in section 180-2.3.1 of the Town of Frisco Zoning Ordinance.</i>	The applicant is the Town of Frisco. Many meetings were held to consider the best use of the right-of-way, and staff consulted the Town Attorney on what process would be necessary to utilize the existing alley right-of-way.

<i>B. Submission to the Town Manager of a written application that includes the required information.</i>	The Town submitted a written application outlining all required information.
<i>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.</i>	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.
<i>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.</i>	The application request to vacate a portion of alley right-of-way adjacent to Pioneer Park has been referred to the Planning Commission for a public hearing and recommendation to the Town Council. The application meets this standard.
<i>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.</i>	The application will be heard by the Planning Commission at its October 15, 2026 public hearing. The application meets this standard.
<i>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</i>	The first reading of an ordinance vacating the subject portion of the alley right-of-way adjacent to Pioneer Park will be scheduled for review by the Town Council after a public hearing and

<i>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.</i>	recommendation have been completed by the Planning Commission.
<u>Public Notice (§142-5)</u> <i>Public notice will be given at least once prior to final adoption of the vacation ordinance by publication, posting and mailing in the manner provided for in 180-2.3.5 of the Town of Frisco Unified Development Code.</i>	Public noticing was provided for the Planning Commission's October 15, 2026 meeting in accordance with the requirements of the Town Code. The application meets this standard.
<u>Valuation of Vacated Property (§142-6)</u> <i>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:</i> <i>A. Valuation of the property being vacated;</i> <i>B. Valuation of any property that may be benefitted by the vacation, valued prior to vacation;</i> <i>C. Valuation of any property that may be benefitted by the vacation, valued after vacation; and</i> <i>D. Any other determinations requested by the town council.</i>	The Town Manager has waived the appraisal requirement for the alley right-of-way given that the Town will retain ownership of the parcel. The Town will not financially benefit from this vacation; if the Town ever wanted to lease or sell Pioneer Park, it would only be allowed upon a vote of the electors in accordance with Frisco Resolution 09-04. The application meets this standard.
<u>Payment of Costs (§142-7)</u> <i>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,</i>	The applicant is the Town of Frisco. The application meets this standard.

<i>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:</i> <i>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 subsection 180-2.3.2.D of the Town of Frisco Unified Development Code.</i> <i>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 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.</i>	
<u>Vacation of Portion of Request (§142-8)</u> <i>The town shall have the right, in its sole and exclusive discretion, to vacate only a portion of the total area requested for vacation.</i>	The Town is requesting a vacation of the entirety of the subject portion of the alley right-of-way adjacent to Pioneer Park as shown in the survey exhibit included with the application materials.
<u>Reservation of Rights-of-Way or Easements (§142-9)</u> <i>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.</i>	<u>Staff recommends a condition that a 10-foot utility easement be granted for the existing gas line owned by Xcel Energy in the alley right-of-way.</u> No other future easements for use of existing or future utilities, drainage, or other public purpose are anticipated. The Town will retain ownership of the parcel and can install improvements as needed.

<u>Conditions on Vacation (§142-10)</u> <i>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.</i>	Given that the Town of Frisco would retain ownership of the parcel in order to provide amenities for a public park, no further conditions are proposed aside from the utility easement outlined above.
<u>Recordation of Vacation (§142-11)</u> <i>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.</i>	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.
<u>Preservation of Access (§142-12)</u> <i>No roadway or part thereof shall be vacated so as to leave any land adjoining said roadway without an established public road connecting said land with another established public road.</i>	No land adjoining the proposed right-of-way vacation will be left without an established public road.
<u>Vesting of Title Upon Vacation (§142-13)</u> <i>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</i>	The ordinance associated with this vacation shall state that the title to the vacated land shall remain vested with the Town of Frisco. The Pioneer Park parcel is zoned Parks & Recreation (PR); the vacated portion of right-of-way would be attached to the Pioneer Park parcel and also be zoned PR.

<i>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.</i>	
<u>Adjacent Platted Lands (§142-14)</u> <i>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.</i>	If the Town Council adopts an ordinance, the Town 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

The right-of-way (ROW) between 5th and 6th Ave, near Pioneer Park, is proposed to be vacated for the expansion of Pioneer Park. The ROW is an irregular shape and width, but is generally 50 feet wide and is currently used as an unpaved alley and parking for Pioneer Park. The ROW vacation submittals were reviewed for general conformance with Town Code, standards, and general engineering principles.

Section 142-3 of Town code states that the following finding shall be present:

- 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.*

The above conditions were determined to be met for the ROW vacation. For condition 1, the right-of-way does not provide access to any adjacent parcels, and all adjacent parcels have access to the 5th and 6th Ave ROW. For condition 2, the ROW has been determined to not be necessary as a roadway and the land will provide greater public benefit as park/open space than as ROW.

The following items provide further background for the vacation meeting the code requirements:

- The alley was not maintained in winter and not drivable by vehicles. This helps demonstrate that it was not necessary as a roadway, as it did not provide access for a significant portion of the year.*
- The alley right-of-way does not extend west of 5th Ave or east of 6th Ave. Since this ROW is isolated, vacating it does not create continuity concerns.*

- *The survey only shows one utility (gas line) present in the ROW (not needed as a utility corridor). The gas line can be protected with a utility easement.*
- *The small lot size of Pioneer Park, combined with wetlands on the site, provide limited redevelopment options for both the park and the ROW. Vacating the ROW provides better options for Pioneer Park and greater public benefit through use of the parcel for recreation and open space uses.*

Additionally, a Zone AO special flood hazard area encumbers most of the ROW. Separate floodplain permitting has been approved to meet all floodplain requirements. The ROW vacation will not impact compliance with floodplain requirements.

Chris McGinnis, PE, Town Engineer (contracted)
SEH, Inc.

Xcel Energy

Xcel will require an easement for the existing gas line. Can this be on the plat or would you like us to work on a separate easement?

Amy Lagace, Xcel Energy

Summit County GIS

No GIS concerns from us. Nothing is addresses off this alley. We can update the parcel boundaries if/when the ROW is vacated and absorbed by the Pioneer Park parcel. I don't see any street signs from Google Street View so we don't have to worry about removing those. I do however see Google Maps has this ROW marked as "5th Ave Alley" so that will need to be reported to Google as incorrect information.

Chandler Morehardt, Summit County GIS

PUBLIC COMMENT

As of October 8, 2026, the Community Development Department had received one public comment concerning this application. The comment is included as Attachment 4.

STAFF RECOMMENDATIONS

Based on the public benefit provided by the park improvements designed for the alley area, the Community Development Department supports a vacation of the subject portion of alley right-of-way to be converted to a portion of Pioneer Park. Staff recommends that the approval include a condition to provide a utility easement for the gas line in the alley.

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 15, 2026 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 improve park amenities and recreational facilities, specifically by providing accessible recreational facilities, restroom and water fountain improvements, winter usage of paths, and by mitigating the impact of recreational activities in environmentally sensitive areas.*
- 2. That pursuant to §142-1 of the Frisco Town Code, there is an overriding public interest favoring the vacation because the proposed vacation makes it possible to provide amenities identified as priorities during thorough community engagement, including restrooms, pedestrian circulation, nature play amenities, gathering space, and buffer with neighboring properties.*
- 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 it is not used as a roadway for a significant portion of the year, is isolated and does not extend on either side, and is not needed as a major utility corridor.*
- 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, remaining vested with the Town.*

Recommended Action:

The Community Development Department recommends the Planning Commission forward a **RECOMMENDATION OF APPROVAL** to the Town Council for the vacation of a 14,863 sq. ft. (0.34 acres) tract of the alley Right-of-Way adjacent to Pioneer Park; generally located adjacent to and north of 99 N. 6th Avenue / Lots 1-12 Block B Frisco Town Sub and adjacent to and south of 321 N. 5th Avenue / Lot 4 Fifth Avenue Landing, 261 N. 6th Avenue / Lot 20 River Pines Sub, and 251 N. 6th Avenue / Lot 21 River Pines Sub, subject to the following conditions:

- 1. The Town shall provide a 10-foot utility easement to Xcel Energy for the existing gas line.*

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-26-0002, I move that the recommended findings set forth in the October 15, 2026 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 14,863 sq.ft. (0.34 acres) tract of the alley Right-of-Way adjacent to Pioneer Park; generally located adjacent to and north of 99 N. 6th Avenue / Lots 1-12 Block B Frisco Town Sub and adjacent to and south of 321 N. 5th Avenue / Lot 4 Fifth Avenue Landing, 261 N. 6th Avenue / Lot 20 River Pines Sub, and 251 N. 6th Avenue / Lot 21 River Pines Sub.

ATTACHMENTS

Attachments:

- Attachment 1 – Application Materials
- Attachment 2 – Town Code, Chapter 142, Vacation of Property
- Attachment 3 – Referral Comments
- Attachment 4 – Public Comment
- Attachment 5 – Comprehensive Plan Land Use Classification: Parks and Open Space

cc: Town of Frisco