



## PLANNING COMMISSION STAFF REPORT

September 19, 2024

**AGENDA ITEM:** Planning File No. UDC-24-0001: A public hearing to consider proposed amendments to Chapter 180 of the Code of Ordinances of the Town of Frisco, Colorado, by amending Section 180-6.17, Refuse Management.

**APPLICANT:** Town of Frisco  
1 East Main Street  
PO Box 4100  
Frisco, CO 80443

**STAFF PLANNER:** Katie Kent, Community Development Director  
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### DESCRIPTION

Before the Planning Commission through UDC-24-0001 are proposed modifications to Frisco Town Code, Section 180-6.17, Refuse Management. On July 18, 2024, the Planning Commission held a work session on this item to discuss options to address concerns that have been raised by existing developments regarding the space and expense to install screening around required recycling facilities.

On July 18<sup>th</sup>, Commissioners affirmed the need for enclosures to aesthetically screen dumpsters and requested strict criteria for a waiver or variance. Commissioners recommended that the Town move forward with inserting screening requirements for recycling facilities as an administrative adjustment option. As Staff went to draft modifications, it became apparent that the administrative adjustment section was not ideal for screening requirements due to that section of code being for adjustments that could be made based on a numerical adjustment (such as 10%).

Utilizing the feedback received from Planning Commissioners, Staff is now proposing a modification to Section 180-6.17, Refuse Management. Whereas not located within the administrative adjustment section of code, the proposed language allows an administrative approval to exempt screening requirements when certain criteria are met. Proposed language mimics existing language in Section 180-6.17 which allows administrative approval to existing developments to retrofit up to three parking spaces for trash and recycling enclosures.

A review of the July 18<sup>th</sup> memo and discussion can be reviewed through this link: [July 18, 2024 Planning Commission meeting](#). The July 18, 2024, Staff Report is included as an attachment to this staff report to supplement the background information and reasoning for the proposed code modification.

Staff is proposing the following code text amendments:

## 180-6.17 Refuse Management

Staff proposes modifications to Section 180-6.17 to insert the suggested paragraph:

B. Multifamily residential, mixed-use, and non-residential developments which have been constructed and received Certificate of Occupancies by July 1, 2025 may be exempt from screening requirements for recycling facilities to accommodate the installation of a recycling collection area to serve the needs of the development. Screening exemptions may be allowed through administrative approval when the Director finds that the following criteria have been met:

1. Recycling facilities are provided as wildlife resistant; and
2. Adequate space exists for the recycling collection facility to be accessed by service vehicles; and
3. That the homeowner's association has signed an agreement with the Director stipulating that the building will maintain a contract for on-going recycling and service is to be provided in a wildlife resistant facility; and
4. If partial screening is proposed (ex: four walls but no roof), the proposed structure shall meet all building and safety codes.

Proposed language is shown within the entirety of 180-6.17 in Attachment A.

### BACKGROUND

The Unified Development Code (UDC) was adopted through Ordinance 17-04 in June of 2017. The purpose of the UDC was to update, consolidate, and reformat the former subdivision and zoning regulations. It was acknowledged at that time, that additional corrections and policy amendments to these regulations would be forthcoming in the future.

### REQUIRED ACTION

Planning Commission: A recommendation to the Town Council of approval or disapproval, either in whole or in part.

Town Council: Approval or disapproval, either in whole or in part.

### ANALYSIS – CODE TEXT AMENDMENTS [§180-2.4.3]

Pursuant to sub-section §180-2.4.3.D, an amendment to the text of the Unified Development Code is a legislative decision by the Town Council. Prior to the Town Council's consideration of an Ordinance to amend the text of the UDC, the Planning Commission must first review the proposed amendment and forward a recommendation to the Town Council. Prior to recommending approval or disapproval, either in whole or in part, of a proposed code text amendment, the Planning Commission must consider whether and to what extent a proposed amendment:

- 1. Is consistent with the Master Plan and other Town policies;*
- 2. Conflicts with other provisions of this Chapter or other provisions in the Frisco Town Code;*
- 3. Is necessary to address a demonstrated community need;*
- 4. Is necessary to respond to substantial changes in conditions and/or policy; and*
- 5. Is consistent with the general purpose and intent of this Chapter.*

The proposed modifications to Frisco Town Code, Chapter 180-6.17, are necessary to respond to changes in policy on the local level through the requirements brought on to existing developments through Ordinance 22-04.

The modifications are connected to the 2019 Frisco Community Plan, Guiding Principles, Quality Core Services and Sustainable Environment which state:

- *3.1B Plan for growth and change – Analyze existing operational levels and plan for efficient implementation of improvements.*
- *3.2A Provide meaningful opportunities for residents, local businesses, and special interest groups to engage with Town staff and government officials and participate in decisions that impact the community.*
- *6.1B Expand waste reduction and recycling rates within the Town organization and the community as a whole.*
- *6.1C Expand the use of alternative energy sources, water conservation measures, and other sustainable development practices in Town facilities and operations.*

Staff anticipates receiving Planning Commission feedback on October 8, 2024, and then bringing modifications to the Town Council at the October 22, 2024, meeting at which time the Council will review the proposed modifications to the UDC. Discussion from the Planning Commissioners, along with their motion and vote, will be distributed to Council for their discussion and consideration.

## STAFF RECOMMENDATION

### **Recommended Findings**

The Community Development Department recommends the following findings pertaining to the proposed code text amendments:

*Based upon the review of the Staff Report dated September 19, 2024, and the evidence and testimony presented, the Planning Commission finds:*

- 1. The proposed code text amendments are consistent with the Community Plan and other Town policies, because the proposed amendments clarify the standards of the code that are used to implement the guiding principles, goals, policies, and actions of the Frisco Community Plan, including the guiding principles Quality Core Services and Sustainable Environment.*
- 2. The proposed code text amendments do not conflict with other provisions of the Unified Development Code or other provisions in the Frisco Town Code.*
- 3. The proposed code text amendments are addressing an expressed community need as requested by existing development Home Owner Associations.*
- 4. The proposed code text amendments are necessary to respond to changes required of existing development through Ordinance 22-04.*
- 5. The proposed code text amendments are consistent with the general purpose and intent of this Chapter, because the proposed text amendments protect the public health, safety, and general welfare and implement the policies of the Community Plan, including guiding*

*principles Quality Core Services and Sustainable Development of the Frisco Community Plan.*

### **Recommended Motion**

Should the Planning Commission choose to RECOMMEND APPROVAL of the proposed text amendments, the Community Development Department recommends the following motion:

***With respect to Planning File No. UDC-24-0001, I move that the recommended findings set forth in the September 19, 2024, Staff Report be made and that the Planning Commission RECOMMENDS APPROVAL to Town Council of code text amendments to Chapter 180 of the Code of Ordinances of the Town of Frisco, Colorado, concerning the Unified Development Code, by amending Section 180-6.17, Refuse Management.***

Should the Planning Commission choose to RECOMMEND DISAPPROVAL of the proposed text amendments, the Community Development Department recommends that the Commission clearly state new findings to support the recommendation of denial and suggests the following motion:

***With respect to Planning File No. UDC-24-0001, I move that the recommended findings set forth in the September 19, 2024, Staff Report be made and that the Planning Commission RECOMMENDS DISAPPROVAL to Town Council of code text amendments to Chapter 180 of the Code of Ordinances of the Town of Frisco, Colorado, concerning the Unified Development Code, by amending Section 180-6.17, Refuse Management.***

### **Attachments**

- Attachment A\_Ordinance 24-013\_DRAFT
- Attachment B\_Staff Report and Attachments, July 18, 2024