



## RECORD OF PROCEEDINGS

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### **Meeting of the Planning Commission for the Town of Frisco Town Hall, 1 East Main Street Thursday, January 4, 2024 at 5:00 P.M.**

**Call to Order:** Lina Lesmes, Vice-Chair, opened the meeting.

**Roll Call:** Present: Candice De, Jessica Forsyth, Lina Lesmes, Ira Tane  
Online: April Connolly, Andy Stabile  
Absent: Kelsey Withrow

**Minutes:** Approval of the December 7, 2023 Planning Commission meeting minutes  
The minutes were approved unanimously.

**Public Comment (non-agenda items):** There were no public comments.

#### **Agenda Items:**

- 1. Adoption of Planning Commission Resolution 24-01:** A Resolution Naming the Public Place for Posting Notices of Planning Commission Meetings for the Town of Frisco, Colorado in Compliance with the Colorado Sunshine Act of 1972.

Community Development Director Katie Kent presented the resolution. The Planning Commission is required to annually designate the public place for posting timely notice of public meetings at the first regular meeting each calendar year. Resolution 24-01 proposes posting notice online only, and no longer posting in the front vestibule of Town Hall. This would match Town Council's decision to only post online.

#### **COMMISSION QUESTIONS FOR STAFF:**

- Commissioners asked if there are physical postings anywhere else for Planning Commission meetings. Staff answered that there are no other physical postings for meetings currently, besides Town Hall.
- Commissioners asked if the public can opt into notifications about meetings. Staff responded that the public can opt into email or text notifications.

#### **MOTION:**

**COMMISSION MEMBER FORSYTH MOVED THAT THE PLANNING COMMISSION APPROVE RESOLUTION 24-01.**

**MOTION SECONDED BY PLANNING COMMISSION MEMBER TANE.**

**VOTE:**

**YEAS: CONNOLLY – YEA, DE – YEA, FORSYTH – YEA, LESMES – YEA, STABILE – YEA, TANE – YEA**

**NOES: NONE**

**MOTION: PASSED**

Commissioner Andy Stabile recused himself due to a conflict of interest with the second agenda item.

- 2. Planning File No. REZ-23-0002:** A final public hearing to request a rezoning from Mixed-Use to Planned Unit Development (PUD); located at 101 W Main Street / Lot B-1 West Frisco 70 Sub # 2. Applicant: Andy Stabile, Allen-Guerra Architecture.

Planner Emily Weber presented the staff report, reviewing an overview of the site, the process for approving a rezoning request, and the proposed PUD community benefit and standards.

**COMMISSION QUESTIONS FOR STAFF:**

- Commissioners asked who would plow the on-street parking designated for residents. Staff responded the Town would plow permitted parking on Main Street.
- Commissioners clarified why, without the proposed PUD, the development would follow non-residential development standards. Staff explained that the building is multi-use because of the 1,500 square feet of commercial space. Under § 180-6.21 of the Frisco Town Code, mixed-use development shall comply with non-residential development standards.
- Commissioners asked how many units would be allowed to increase to 100% AMI under the proposed PUD. Staff noted the PUD states that the units will be for 30-80% AMI, with “minor deviations” up to 100% AMI. Staff typically interprets “minor deviations” to mean up to 10%.
- Commissioners asked whether the Town currently requires any residents elsewhere in town to move their cars from on-street parking for plowing. Staff shared that the Town is starting to implement this in other areas this week. Public Works is also bringing a proposal to Town Council to consider overnight parking on Main Street. For the 101 W Main St. project, residents would be able to move their cars to the other side of Main Street for plowing hours.
- Commissioners asked whether the commercial space would be open to any type of business. Staff responded that the proposed PUD lists permitted uses for the space, including commercial services like offices, personal services, or retail. The PUD does not include restaurants and similar uses given the reduced ceiling height in the space.
- Commissioners clarified which standards changed in the proposed PUD since the preliminary review. Staff noted the changes including:
  - Removed ornamental grasses substitution;
  - Removed offsite snow storage;
  - Listed out residential development standards in the PUD as a clear guideline.

The Applicant, Megan Testin of Norris Design, presented. Representatives Lauren Avioli and Neil Drobenare of NHP Foundation were also present. The applicants shared that the intent of the proposed PUD is to maintain affordable housing on the site in perpetuity, with some flexibility in the requirements so the PUD will not need to be amended as the design goes through final edits.

#### COMMISSIONER QUESTIONS FOR APPLICANT:

- Commissioners asked why the PUD allows for minor deviations to 100% AMI residents, while the site plan is designed for renters at 30-80% AMI. The applicant responded that they wanted to have some flexibility in the PUD to account for additional spaces or adjustments that may require them to remove a unit in the later stages of design. The AMI flexibility would also allow a couple of higher AMI units if the financing for all 30-80% AMI does not work out.
- Commissioners asked how many commercial spaces would be in the 1,500 square-foot space. The applicant answered that the layout has not been determined. The applicant will identify tenant(s) for the commercial space before applying for the state Low-Income Housing Tax Credit, given that the tax credit can only fund residential space.
- Commissioners asked who would manage the proposed car-share program. The applicant responded that the draft PUD includes a proposed car sharing plan that states the property owner will enter into an agreement with a car-sharing company to provide the service.
- Commissioners asked if parking was considered along Creekside Drive. The applicant responded that Frisco Public Works recommended building new spaces on Main Street because there is a bike path along Creekside Drive.
- Commissioners asked if the development at 80 W Main St. plans to use on-street parking for their residents. On-street parking associated with that development will not be overnight parking.
- Commissioners clarified that the creek trail easement is included in the proposed PUD.
- Commissioners asked if the units would have designated parking spaces. The applicant replied that specific units would not be assigned to specific parking spaces. The total number of parking permits would match the number of parking spaces.

#### PUBLIC COMMENTS:

- Scott Holzer, 75B W Main St, lives directly next to the proposed building. Mr. Holzer asked what would happen to the trees and drainage ditch when constructing parking spaces on Main Street. Mr. Holzer appreciates the buffer that the trees provide from traffic on Main Street and expressed concern about lowered quality of life if the trees were removed. Staff responded that the Planner working on the project will reach out to share more information.
- Chris Hermann, 333B Streamside Lane, expressed concern about the amount of proposed parking spaces, with many of them shared, and the amount of concessions in the latest plan, including increased density from the original proposal. Mr. Hermann asked about the best avenue for sharing these concerns with Town Council. Staff responded that the PUD rezoning proposal is tentatively scheduled to go to Town Council on January 23, and Mr. Hermann may reach out to the project's Planner about the timing of Council's review and decision.

#### COMMISSIONER DISCUSSIONS:

- Commissioners agreed that the proposed PUD provides significant concessions that are worthwhile for a low-AMI rental development that supports a thriving economy.
- Commissioners expressed continued concern about the reality of on-street and limited parking. Commissioners agreed that the 30-80% AMI range is important for the parking concessions.
- Commissioners expressed concern that the PUD provides too many design compromises for a development that could potentially have 100% AMI rental units.
- Commissioners expressed desire for an average AMI to be included in the PUD to ensure that a development would serve low-AMI residents. If a project wanted to serve mostly 80-100% AMI residents, Commissioners suggested that it would be appropriate to go through a rezoning process to

reconsider the design concessions outlined in the PUD. Most Commissioners expressed support for adding a required average 60% AMI to the PUD, while one Commissioner expressed a preference for a more flexible zoning document.

- Staff reminded Commissioners that AMI requirements are included in the Development Agreement reviewed by Town Council and the PUD reviewed by Planning Commission, but not as part of the site plan approved by Planning Commission.

**MOTION:**

**WITH RESPECT TO FILE NO. REZ-23-0002, COMMISSION MEMBER FORSYTH MOVED THAT THE PROPOSED REZONING TO PUD REQUEST MEETS THE CRITERIA NECESSARY FOR APPROVAL AND THAT THE PLANNING COMMISSION HEREBY RECOMMENDS APPROVAL TO THE TOWN COUNCIL FOR THE REZONING APPLICATION LOCATED AT 101 WEST MAIN STREET, LOT B-1 WEST FRISCO 70 SUB #2, WITH THE FOLLOWING CONDITION:**

**THE PUD PLAN STATES THAT THE AVERAGE AMI SHALL NOT EXCEED 60% FOR THE PROPERTY.**

**MOTION SECONDED BY PLANNING COMMISSION MEMBER TANE.**

**VOTE:**

**YEAS: CONNOLLY – YEA, FORSYTH – YEA, LESMES – YEA, TANE – YEA**

**NOES: DE – NO**

**MOTION: PASSED**

**Staff and Commissioner Updates:**

- Community Development Director Katie Kent shared that Kyle Ottinger joined the department in the role of Community Development Specialist. Kyle will administer Planning Commission and short-term rentals and oversee code enforcement. Kyle was previously Frisco's Deputy Town Clerk. Kyle will be the main point of contact for Planning Commission.
- Ms. Kent shared that on Tuesday, January 9, Town Council will discuss the code amendments that Planning Commission voted against for affordable housing. Staff will share Planning Commission's feedback with Town Council in the staff report and presentation.
- Ms. Kent asked for Commissioner representatives to serve on the Housing Strategic Plan and 2024 Comprehensive Plan subcommittees, preferably one Commissioner per committee. Staff will provide regular updates on the progress of both plans to Planning Commission.
- Ms. Kent shared that staff is considering Commissioner feedback about discussing code amendments at a separate meeting before making a recommendation to Town Council. Ms. Kent will plan to touch base with Planning Commission Chair Withrow to get her feedback on which upcoming code amendments will need additional discussion.
- Commissioners asked whether there were any updates about the Rainbow Court (310 E Main St) or Centura (18 School Road) properties. Staff met with a prospective buyer of 310 E Main St in December

who is considering using the original plans, with slightly different commercial uses. Staff are waiting to hear whether the property is under contract. There is no update on 18 School Road.

**Adjournment:**

There being no further business, Commissioner TANE made a motion to adjourn, seconded by Commissioner LESMES and was unanimous. The meeting adjourned at 6:31 p.m.

Respectfully submitted,

Emma Heth  
Community Development Department