



**PLANNING COMMISSION
MEMORANDUM**

February 6, 2025

AGENDA ITEM: Planning File No. MAJ-24-0005: A sketch plan review of multifamily residential development and CU-24-0001, a Conditional Use application to allow for less than 20% mix of uses in the Mixed-Use District located at 200 N 7th Ave

LOCATION: 200 N 7th Ave / Lot E-2 River Pines Sub Resub Outlot E Replat A River Pines

ZONING: River Pines Planned Unit Development (PUD) and Mixed-Use (MU)

APPLICANT: Seth Francis, Blue River Builders

OWNER: BLUE RIVER REAL ESTATE FUND III LLC
C/O Seth Francis
PO Box 7035
Breckenridge, CO 80424

TOWN STAFF: Kris Valdez, AICP, Principal Planner
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PROJECT UPDATE

The applicant, Seth Francis with Blue River Builders, herein referred to as “Applicant,” has amended the sketch plan based on comments from the Planning Commission at the meetings held on November 7, 2024, and December 5, 2024. Minutes from previous Planning Commission meetings have been attached as a refresher for Commissioners. Below is a table of the changes from the previous version that the Planning Commission reviewed on December 5, 2024. The Applicant provided a letter dated January 16, 2025, in the updated application materials detailing the changes. This letter and updated application materials are included as Attachment A and herein referred to as “Application”.

The Applicant is proposing a new multi-family condominium development consisting of twenty (20) units. Proposed development includes:

- Building designed to have an appearance that floors two through four are six separate structures containing breezeways connecting vertical planes.
- Eighteen (18) market rate units:
 - Thirteen (13), two bedrooms/three bathrooms ranging in size from 1,580 to 1,594 square feet.

- Five (5) three bedrooms/three bathrooms ranging in size from 1,580-1,594 square feet.
- As noted later in this staff report, office spaces are proposed that could be found to meet the definition of a bedroom because the bedrooms are in close proximity to a bathroom.
- Two (2) deed restricted housing units: one bedroom/one bathroom ranging in size from 552 to 584 square feet.
 - Application materials do not clarify the specifics of the deed restrictions. Town Code, Section 180-5.5.1 states:

Accessory Dwelling Units. In the RL, RM, RH, GW, CC, and MU Districts, any accessory dwelling unit meeting the Town's requirements may be exempted from the density calculation as long as the unit is deed-restricted for rent to persons earning a maximum of 100 percent of the area median income, at a rate established by the Summit Combined Housing Authority for that income level, and pursuant to other criteria as established from time to time by the Town or the Summit Combined Housing Authority.
- The lower level of the structure contains below-grade parking garage with forty-seven (47) parking spaces for residents plus two (2) visitor parking spaces, plus two (2) ADA parking spaces.
- Surface parking area contains four (4) visitor parking spaces.
- Bike storage facility with eight (8) inside the parking garage and ten (10) outside of the parking garage.

Below is a summary of the changes to the previous and current sketch plans.

Sketch Plan Comparison Table

Standard	December 5, 2024 Sketch Application	February 6, 2025 Sketch Application
Units	19 units	20 units
Buildings	One	One building with levels 2 through 4, connected by hallways on each level
Unit Locations	Floors one through four	Floors two through four
Deed Restricted Housing	None	2 units with specifics of covenant not stated
Unit Sizes - Market	1,580 SF to 1,594 SF	1,580 SF to 1,594 SF
Unit Sizes – Deed Restricted	None	550 SF to 600 SF
Parking	38 spots, 2 ADA, 6 Visitor	47 spots, 2 ADA, 6 Visitor
Bike Storage	One	Two
Access Point	Two	One
Maximum Building Height	Maximum Height Not Provided	Maximum Height Not Provided
Proposed Bulk Plane Encroachment	336.5 cubic feet	328 cubic feet

Parking Provided	44	47
Bedrooms	38	43

In addition to the differences outlined in the Sketch Plan Comparison Table above, to demonstrate changes proposed by the applicant, Staff notes that there are a few items that could affect the design moving forward in compliance with Town Code. These include:

Bedrooms

Application materials show office spaces within numerous units. If these are defined as a bedroom, then parking will be required for them. Frisco Town Code, Section 9-3 defines a bedroom as:

“Bedroom. A habitable space or room in a dwelling unit designed for or with potential for use as a sleeping room. Factors determining this use, in addition to Chapter 65, Town of Frisco Building Construction and Housing Standards, shall include a space or room with any of the following factors:

- A. Having walls and doors to separate it from other habitable spaces or rooms, or*
- B. Having a closet or similar provision for clothes storage, or*
- C. Having a full or partial bathroom directly connected or in close proximity to the space or room.*

Rooms or floor areas in dwelling units determined by these criteria to be bedrooms, regardless of any names, labels, or intended uses proposed by the applicant, shall be used to designate the total number of bedrooms for purposes of determining required parking spaces and other regulations.”



Staff find that the proposed office layout in the units meets the definition of a bedroom due to the close access to the bathroom location.

Staff are seeking feedback from the Planning Commission if they are in agreement with this determination.

Maximum Building Height

The Application states that the garage podium was dropped below grade and the finished grade was raised wherever possible. Based on the information in the Application, the maximum height of the buildings is unclear from finished or proposed grades.



EAST ELEVATION

SCALE: 1/8" = 1'-0"

0' 4' 8' 16' 32'



NORTH ELEVATION

SCALE: 1/8" = 1'-0"

0' 4' 8' 16' 32'

NOTE: ALL ROOF PITCHES ARE GREATER THAN 2:12

The elevations provided in the Application do not show the maximum height of the building. The maximum height of the building must be shown in the application for the Final Site Plan Application. Per the Code building Height is defined as,

“Building Height. The vertical distance measured from any point on a proposed or existing roof to the natural grade or the finished grade, whichever is lowest, located directly below said roof point, excluding chimneys, steeples, cupolas, turrets, clock towers, similar rooftop decorative elements, mechanical equipment and screening, and solar panels of reasonable, balanced proportions. The building height is thus measured parallel to the existing grade in any direction as depicted in Figure 9-A. Where a building utilizes multiple roof styles or pitches, the highest point of each

type of roof or parapet wall shall be in conformance with applicable height regulations as established for the respective roof pitches in each zoning district.”

Wetland Setback

Disturbance is shown within the 25’ wetland setback. Town Code, Section 180-6.7.1 states that development and soil disturbance are generally prohibited in or within 25 feet of all waterbodies and wetlands. Development in these areas shall only be permitted in accordance with the standards in Section 180-6.7.1. Staff notes that the applicant has not submitted a wetlands disturbance permit with evidence of compliance. This application will be required to be submitted if the application moves forward, and the Town Engineer will verify if any disturbance is permitted within the 25’ wetland setback. If the application does not comply with the Town Code, then disturbance will not be approved as proposed.

STAFF RECOMMENDATIONS

Recognizing that there are Staff concerns as noted above including maximum building height, bedroom counts, and wetland setback disturbance, Staff requests that the Planning Commission provide the Applicant feedback on the revised Application submitted for the 200 N 7th Ave in the context of the recommendations and requirements of the Frisco Community Plan and the Frisco Town Code; specifically in relation to the comments that were raised at the November 7, 2024 and December 5, 2024 Planning Commission meetings:

- Staff recommend that the Planning Commission comment on the proposed redesign of the building(s) with the modifications in the Application describing the project as:
 - Taking the second to fourth floors and split into six separate buildings each with different siding patterns to give each building the feel of individual townhouses.
 - Added breezeway in between the buildings so one can see in between the buildings and give residents a way to access their units.
- Staff recommend that the Planning Commission comment on the proposed office space within units in relation to the definition of a “bedroom.”
- Staff recommend that the Planning Commission comment on the use of materials, including the use of metal as shown with the sample materials.
- Staff recommend that the Planning Commission comment on the conditional use permit application and criteria, specifically if the revised Application is compatible with the surrounding neighborhood. A decision on the conditional use permit is allowed to be made at this time, but Staff recommends that the Commission provide feedback to the applicant and make a formal decision at the same time as Major Site Plan review as is the typical process.

ATTACHMENTS

Attachments:

- Attachment A – Application Materials for Sketch Plan, updated materials
- Attachment B – Application Materials for Conditional Use Permit
- Attachment C – Elevation comparisons between December 5th and February 6th sketch plan submittals
- Attachment D – Staff Report from December 5, 2024
- Attachment E – November 7, 2024, meeting minutes

Attachment F – December 5, 2024, draft meeting minutes
Attachment G – Town Engineer Comments for Sketch Plan

cc: Seth Francis