



**PLANNING COMMISSION  
STAFF REPORT**

November 16, 2023

AGENDA ITEM: Planning File No. **MAJ-23-0011**, a Major Site Plan application for a new mixed-use/affordable housing development and **REZ-23-0002** a Rezoning application for a Planned Unit Development (PUD) located at 101 West Main Street.

LOCATION: 101 W Main Street / LOT B-1 WEST FRISCO 70 SUB # 2

ZONING: Mixed Use (MU) District

APPLICANT & ARCHITECT: Andy Stabile  
Allen-Guerra Architecture  
PO Box 5540  
Frisco, CO 80443

OWNER: NHPF WEST MAIN LLC  
122 E 42<sup>nd</sup> Street, Suite 4900  
New York, NY 10168

TOWN STAFF: Emily Weber, Principal Planner  
[EmilyW@townoffrisco.com](mailto:EmilyW@townoffrisco.com) (970) 668-9121  
  
Katie Kent, Community Development Director  
[KatieK@townoffrisco.com](mailto:KatieK@townoffrisco.com) (970) 668-9130

**PROJECT DESCRIPTION**

The applicant, Allen-Guerra Architecture, representing NHPF WEST MAIN LLC, is proposing a new, mixed-use/affordable housing development at 101 West Main Street. The project involves:

- 52 deed restricted residential dwelling units
- 1,546 square feet of leasable nonresidential space

The site plan consists of a single building fronting Main Street with surface parking behind the building and access off Creekside Drive. The building footprint is 14,086 square feet and totals approximately 39,800 square feet of finished area. The proposed development will consist of 52 deed restricted rental units, with a minimum of 45 units being affordable for households earning between 30 and 80 percent of the Area Median Income (AMI). The applicant is requesting flexibility on the remaining units for minor deviations of up to 100 percent AMI.

In addition to the Major Site Plan application, the applicant is proposing to rezone the site to a Planned Unit Development (PUD). The purpose of the PUD designation is to provide relief from certain standards of the underlying zone district for projects that provide a community benefit in the form of usable open space or work-force housing. The applicant is proposing 52 deed restricted residential units as the community benefit for this development.

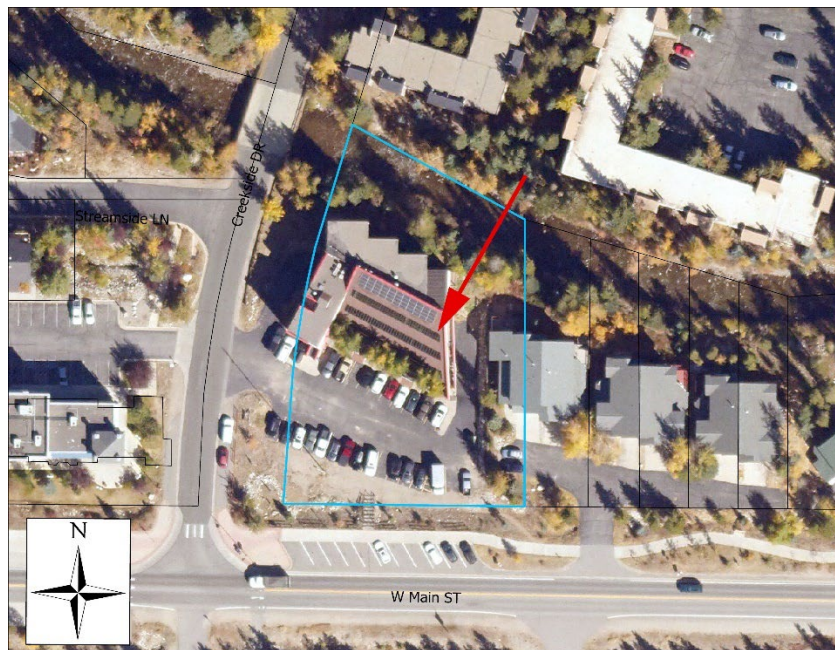
For a more complete project description, please refer to the attached application materials.

## BACKGROUND

The subject property is a 0.83-acre lot located in the Mixed-Use (MU) zone district on the west end of Main Street. The existing site consists of the Westmain Professional Building, which was built in 1979. The surrounding properties are zoned MU, with the property to the north zoned Residential Medium Density. There are a variety of surrounding uses including but not limited to residential, office/retail, and restaurant users. The site has Ten Mile Creek on the north side of the property and is across Main Street from the Summit County RecPath.

The NHP Foundation bought the site in June 2023 and in partnership with the Town of Frisco, is seeking funding opportunities to develop the site.

Below is a vicinity map of the subject property with an aerial photography base layer. The location of the property lines shown on this map vary in accuracy and should only be used for reference purposes.



Vicinity Map

## SKETCH PLAN REVIEW

A sketch plan review is the first step in the Major Site Plan review process and is an opportunity for Planning Commission to comment on the various aspects of a development proposal including proposed uses, parking and traffic circulation, architecture, landscape design, and compatibility with the neighborhood. It is also an opportunity for the applicant to listen to Commissioners' comments and make changes to the proposal prior to the final stage of the major site plan application review.

The Planning Commission will have the opportunity to review the project again at the final review step in the Major Site Plan review process. The proposal will be reviewed in detail for conformance with the Frisco Community Plan and compliance with the Frisco Unified Development Code (UDC) at that time.

#### **PRELIMINARY HEARING FOR PUD**

Frisco Town Code, 180-2.4.2.B.3. states:

*Any PUD that proposes a change in type of use, beyond what is allowed in the underlying zone district, shall constitute a rezoning request, and shall be reviewed as to the proposed change in type of use under the rezoning criteria in 2.4.1. All other aspects of the PUD proposal shall be reviewed according to the PUD approval criteria contained in 2.4.2.D.*

Frisco Town Code, 180-2.4.1 states:

**3. Planning Commission Review and Recommendation.**

- a. At the preliminary public hearing, the Commission shall consider said application, hear comments and objections, and request additional information or make preliminary recommendations. If the Commission has requested additional information, they may request such information to be submitted by the applicant by a certain time before the final public hearing is conducted or the set date may be continued to another date.*
- b. At the final public hearing, the Planning Commission shall consider all submitted data, comments, and objections and shall either continue the matter for further information and study for not more than 30 days, or shall render its recommendation to the Town Council and the applicant, recommending approval, disapproval, or conditional approval of the application.*

**4. Town Council Review and Decision.**

- a. Upon receiving the recommendation of the Planning Commission, a rezoning ordinance shall be prepared for consideration by the Town Council, and scheduled for public hearing before the Council subject to the noticing procedures specified in Section 180-2.3.5. Town Council shall approve, conditionally approve, or deny the application for rezoning.*
- b. Upon approval of any request for rezoning, the Community Development Department shall note the amendment of the official Zoning Map of the Town of Frisco, keep appropriate records thereof, and notify the Clerk and Recorder of Summit County of said amendment of the official Zone District Map.*

The PUD is before the Planning Commission for the preliminary public hearing. A final public hearing will be required before the Planning Commission prior to rendering its recommendation to the Town Council and the applicant.

#### **ANALYSIS - FRISCO COMMUNITY PLAN**

The following elements of the Frisco Community Plan are applicable to the review of the proposed development:

Vision and Guiding Principles (excerpts)

*The vision and guiding principles are a statement of community values. Together, they reflect characteristics that residents value about Frisco today, and the kind of community that residents would like to see Frisco become as it continues to grow and evolve over time. The vision and guiding principles serve as an organizing framework for subsequent chapters and policy guidance in the Community Plan, as well as for the Town Council's Strategic Plan.*

### **Guiding Principle 1: Inclusive Community**

*Frisco cares about our neighbors, visitors, and the whole of our community. We are an inclusive community that welcomes people of all backgrounds and income levels. We support a balance of housing options to create opportunities for a diverse population to reside here. Our history is integral to our identity and it is also a guiding principle for our future. As the Town grows and changes, we need to be rooted in the values of our past. The Ten Mile Range mountain backdrop, historic structures, vibrant neighborhoods, and a lively Main Street characterize Frisco along with the friendly people and welcoming vibe. As Frisco grows, this character and identity should be preserved and enhanced throughout Town.*

#### **1.1: Protect the character and livability of Frisco's residential neighborhoods**

- **1.1A Ensure new housing complements adjacent properties and neighborhoods through appropriate mass, scale, and design. See page 68 for Area Specific Policies/Design Principles to help encourage compatible neighborhood development.**
- **1.1B Invest in targeted improvements (e.g., trail connections, bike paths, sidewalks, and drainage improvements) that enhance the safety and quality of life of residents.**
- **1.1C Strive to create an appropriate balance of full-time residents, second homes, and short-term rentals to maintain a diverse and vibrant community.**

#### **1.4: Reinforce Main Street as the heart of the Community, from the lake to the mountains**

- **1.4A Support the creation of an attractive community entrance along West Main Street to create a gateway that is inviting to visitors, highlights the Tenmile Creek, and is an extension of the history and vision of Frisco.**
- **1.4B Encourage infill and redevelopment that complements the character, scale, and massing of historic structures.**
- **1.4C Ensure ground floor uses on Main Street create a balanced mix of uses that support a thriving commercial atmosphere. Housing may be located above the ground floor along Main Street, to help support the vitality of downtown.**
- **1.4D Preserve Frisco's historic street grid to retain the character and walkability of the town core.**
- **1.4E Design and orient buildings to maintain historic development patterns along public rights of way.**

### **Guiding Principle 2: Thriving Economy**

*The Frisco economy is built upon a unique balance of tourism and its role as a commercial-service hub for the region. Tourism, driven by recreational opportunities, and the small, mountain town appeal of Main Street, creates jobs and revenue. Locals and visitors utilize the large retailers, grocery stores, and services located along Summit Boulevard, and support the small businesses on Main Street. While the Frisco economy has seen steady growth in the past decade, diversification of the economy is important. More year-round opportunities will provide stability through the seasons and economic downturns. The Town should focus on small, incremental*

*changes that preserve the town character and a healthy small business community that attracts residents and visitors.*

### **2.1: Maintain a diverse and strong economy**

- **2.1A** *Continue to attract and retain businesses that support and enhance Frisco's tourism revenues, while also seeking to build upon entrepreneurship and new or emerging niches.*
- **2.1B** *Provide opportunities for a balanced mix of housing and services to support local businesses, employees, residents and visitors.*
- **2.1C** *As development and infill occurs, ensure that the Town's overall mix of land uses remains aligned with community goals.*
- **2.1D** *Participate in regional and state economic development efforts that support a diverse economy.*
- **2.1E** *Support the creation of home-based businesses and remote workers.*

The proposed application appears to further the highlighted statements above. The applicant is proposing a mixed-use development that includes leasable, non-residential commercial space along with multifamily residential space. While residential is the primary proposed use of the site with all units being deed restricted rentals, the site will also provide 1,546 square feet of commercial area.

The commercial uses are proposed on the ground level facing West Main Street and will have direct access to the sidewalk along West Main Street. These uses will help support local employees, residents, and visitors. Additionally, the Community Plan specifically references reinforcing Main Street as the heart of the community along with encouraging infill and redevelopment. The proposed design of the site moves the building closer to West Main Street and will contribute to the streetscape and pedestrian-friendly corridor.

The proposed development includes a building design that is unique to this project but that is also reflective of the architectural elements and styling of other buildings in Frisco. This application facilitates the construction of new residential units that add variety to the sizes and types of homes in this area of Frisco. The residential dwelling units range from 481 to 882 square feet.

The proposed construction of 52 deed restricted, residential dwelling units on the subject property is permitted through the Affordable Housing Development Incentive Program and PUD designation in the Unified Development Code. The application is in general conformance with the purpose and recommendations of the Frisco Community Plan.

<p style="text-align: center;"><b>ANALYSIS</b> <b>AFFORDABLE HOUSING DEVELOPMENT INCENTIVE PROGRAM</b> <b>[§180-5.5.1]</b></p>
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The Affordable Housing Development Incentive Program (AHDIP) encourages the voluntary preservation or development of new housing units, or preservation of existing dwelling units, for the local workforce through residential development incentives, in exchange for deed restriction of all of the housing units within the property. In order to be eligible to receive the incentives in this program, each dwelling unit within the development shall be deed restricted with an average AMI not to exceed 100% for the project. The applicant is applying for an Affordable Housing Development designation and therefore the proposal shall meet the criteria outlined in Section 180-5.5.1.

The Affordable Housing Development designation is available in the GW, CC, MU, RH, RM, and RL zone districts, with the underlying zone district still in effect. Because the subject property is located in the MU zone district, it qualifies for this designation.

Where the application is not meeting all of the Affordable Housing Development Incentive Program or the MU zone district standards, the applicant is requesting relief from zoning requirements with the rezoning of the site to PUD. The PUD requests will be further outlined in this staff report.

**Purpose:** The purpose of the MU district is as follows:

*“To increase the efficiency of land use, the number of residents and the diversity of commercial activities in those transition areas between the core commercial districts and residential districts, and to emphasize and encourage pedestrian and bicycle circulation.”*

As stated in the applicant’s narrative, the proposed site plan will re-envision the use of the site by providing a variety of land uses including commercial and residential, whereas currently the site is only being utilized as a commercial space. The proposed site plan efficiently uses the space by orienting the building along West Main Street and encouraging multimodal transportation to access the site. The proposed development includes bicycle racks and a car share plan. The application meets the intent of the MU District.

**Maximum Density:** Maximum density in the MU District is 14 dwelling units per acre. The lot size is 0.83-acres; therefore, the allowable density is **12** units. The application is proposing **52** residential units per the regulations set forth in §180-5.5 Affordable Housing related to Density Bonuses.

The applicant is seeking feedback from the Planning Commission on compliance with the Density Bonus Criteria for approval. §180-5.5.B.3: “Bonus units may be approved by the Planning Commission upon finding that the additional units, because of the structure’s design, height, mass, and scale, do not detract from the character of the vicinity and small mountain town character.”

**Minimum Lot Area:** None Required.

**Minimum Lot Frontage:** There is no minimum lot frontage in the MU District.

**Minimum Open Space:** There is a minimum open space requirement of 10% of ground floor area. The application meets this requirement.

**Maximum lot coverage:** Maximum lot coverage in the MU District is 60%, however, with the Affordable Housing Development Incentive Program, there is a 20% increase allowed in lot coverage. Therefore, the site is allowed to have up to 80% of lot coverage. The PUD states that a maximum of 80% lot coverage shall be permitted which is in compliance with the AHDIP.

The applicant is proposing 21,641 square feet of lot coverage, where up to 28,998 square feet is permitted, meeting the requirements.

**Setbacks:** With the Affordable Housing Development Incentive Program, the minimum required setbacks for properties on Main Street and the proposed setbacks for this application are as follows:

	Required	Proposed
<b>Front</b>	3 feet	3 feet
<b>Side</b>	5 feet	5 feet
<b>Rear</b>	5 feet	5 feet

The application does not show disturbance within the FEMA-delineated 25-foot setback from the flood line of Tenmile Creek. The applicant will be required to show limits of work area on the final site plan application, which will be reviewed by the Town Engineer for construction feasibility and compliance with water quality setbacks. An Improvement Location Certificate (ILC) will be required during construction to ensure the structure, including roof eaves, does not encroach into the setback. The PUD is written stating the setbacks based on the AHDIP documenting compliance with the UDC. The application appears to meet setback standards. Setbacks will be verified at the time of the full application submittal for the Major Site Plan.

**Maximum Building Height:** Maximum height in the MU zone district is 45 feet for pitched roofs, however, with the Affordable Housing Development Incentive Program, there is a 10% increase in maximum building height. Therefore, the proposed building is allowed to have a height of 49.5 feet. The applicant is proposing a roof height of 45.05 feet, meeting the requirements. The PUD is written stating the maximum height based on the AHDIP documenting compliance with the UDC.

The provided roof height chart has a calculation error, which shall be corrected at time of final review of the Major Site Plan application.

Additionally, §180-9.3 of the UDC includes an exception to building height if fill must be placed onsite for drainage purposes.

*“If fill must be placed on the site for drainage purposes, or to meet some other similar requirement such as the placement of utility services, building height may be measured from the finished grade within three feet of the location of the foundation. However, for the purposes of calculating the building height, the finished grade elevation cannot exceed any adjacent, paved street or alley elevation. If additional fill is needed above any adjacent right-of-way elevation, then the average right-of-way elevation as measured at the edge of the adjacent asphalt shall be used as the finished grade to determine building height. In the case where a building is proposed adjacent to two or more rights-of-way, then the building height will be calculated using the average grade of each right-of-way as measured at the edge of adjacent asphalt. For the purposes of calculating building height, any placement of fill on a lot must be determined as necessary, showing there are no other viable alternatives. Said determination and showing must be verified by a professional engineer licensed in the State of Colorado and approved by the Frisco Town Engineer.”*

The applicant is proposing to utilize this exception of the UDC due to the unique grading history of the site. With the construction of the existing building, the developer removed a significant amount of fill causing the existing elevations to be lower than the historical, natural grade. The applicant is proposing to utilize base elevations that are consistent with the historical natural grade of the site. The application materials note the proposed base plane elevations; however, the applicant will be required to submit materials that show how base plane elevation was determined. These materials, along with all documentation necessary for utilizing the building height exception, will be required at the time of final site plan review and shall be reviewed and approved by the Town Engineer.

A roof plan with proposed roof pitches and elevations will be required at the time of the final review of the Major Site Plan Application. Additionally, an Improvement Location Certificate (ILC) will be required during construction to ensure the structure is meeting the height requirements.

**District Standards:** For properties with frontage on Main Street, on-site parking shall not be located along the part of the property abutting Main Street. 180-3.12.2.B.1. The applicant is proposing a parking lot behind the building and away from Main Street, meeting the requirements.

#### **ANALYSIS – USE STANDARDS [§180-5]**

**Permitted and Conditional Uses:** In the Mixed-Use District, a variety of commercial and residential uses are permitted including multi-unit dwellings, restaurants, bars, taverns, offices, medical offices, personal services, and light retail. The PUD has been written to state permitted uses for the property which are in compliance with the MU District. The application meets this standard.

**Residential Uses in Central Core and Mixed-Use Districts (§180-5.2.8)** In the Mixed-Use District, for properties fronting along Main Street, residential uses on the ground floor are a conditional use. The applicant is requesting relief from this requirement by utilizing the PUD designation for the site. The proposed PUD language states that residential uses on the ground floor are permitted by-right; this is an allowed request for a PUD and it is addressed and discussed later in the staff report.

**Mixture of Uses in the Mixed-Use District (§180-5.2.13):** For properties located in the Mixed-Use District, development shall be a mixture of residential and nonresidential uses, with each such use making up not less than 20 percent of the total gross floor area of all uses within the property. The applicant is requesting relief from this requirement by utilizing the PUD designation for the site. The proposed PUD language states that 1500 sq. ft. of commercial use shall be developed on the site; this is an allowed request for a PUD, and it is addressed and discussed later in the staff report.

#### **ANALYSIS - REZONING TO PLANNED UNIT DEVELOPMENT [§180-2.4.2] AND 180-4.3.1 GENERAL PUD REQUIREMENTS**

The applicant is proposing to rezone the site to Planned Unit Development (PUD). The purpose of the PUD designation is to encourage flexibility and innovation in the development of land and to provide relief from certain standards of the underlying zone district for projects that provide a community benefit in the form of useable open space or workforce housing in accordance with an overall development plan. The applicant is proposing to develop the site for deed-restricted affordable rental housing. In an effort to develop this type of development in the Town, it is recognized that factors such as high construction costs, high interest rates, and competitive state financing, are all barriers to providing rental units with the proposed low Area Median Income (AMI) rental rates. In an effort to alleviate these constraints, the applicant is utilizing the PUD rezoning as a method to provide the Town a project that meets a high community need, while requesting certain relief from the Unified Development Code.

In order for the Planning Commission to recommend approval and for Town Council to approve any application for a PUD, the applicant shall establish that the following criteria are met:

1. *That the project is beneficial or necessary for the economic development of Frisco; and*

2. *That the application preserves or contributes to usable open space, and natural and scenic features (when open space is provided as a community benefit); or the applicant provides affordable work-force housing when housing is provided as the community benefit; and*
3. *That the application achieves a compatibility of land uses with neighboring land uses; and*
4. *That the modifications to the underlying zoning district by the project are in the best interest of the Town, and neighborhood in which the development is planned; and*
5. *That the projected capacity to fully serve the project site(s) with water and sewer is available; and*
6. *That Town services shall be provided in the most efficient manner practicable; and*
7. *That more than one housing type, or housing price, or housing form of ownership (i.e. for sale and rental) to satisfy the needs of more than one segment of the community be provided (when residential uses are proposed); and*
8. *That the project contributes amenities to the development itself, and to the community at large; and*
9. *That an owners association is established to promote a sense of community and to ensure the continued existence of a viable entity responsible for maintenance of private open space and other similar duties; and*
10. *That the project meets all of the applicable requirements of this Chapter that are not expressly varied in the final PUD plan, contributes to design aesthetics and layout, and promotes efficient use of land.*

The full proposed PUD plan, including permitted uses and development standards, are provided as Attachment 5 of this staff report.

As stated in the submitted PUD, the applicant is proposing to construct and operate a minimum of 45 deed-restricted affordable units, servicing households up to 80% of the area median income. The site plan before the Planning Commission has been designed for fifty-two (52) deed restricted residential units as a community benefit and therefore is eligible to receive relief from certain requirements within the UDC if allowed by the Town. Specifically, Section 180-4.3.1.D. states:

*D. Modification of Requirements*

*The Town Council may waive or modify specifications, standards, and requirements such as density, setbacks, height restrictions, land dedications, improvement standards, design standards, parking standards, right-of-way standards, and related requirements that would otherwise be applicable to a particular land use provided such waiver or modification is found to further the objectives of these PUD regulations and the community goals, policies, and objectives.*

The applicant is proposing the following exceptions to Frisco Town Code, Chapter 180, as written in the submitted PUD narrative and shown on the submitted plan:

- **Ceiling Height (§180-3.17.8)**

The applicant is proposing that the first-floor building height for structure(s) shall be nine (9) feet in height, whereas the UDC states that ten (10) feet is required. Staff's understanding of this requirement is that it was established in the UDC to ensure adequate ceiling heights for various commercial uses. Nine (9) foot height ceilings are still adequate for commercial uses and more ideal for office space which usually provide nine-foot-high ceilings. With the ground floor being proposed for residential units and reduced commercial space, Staff recommends the Commission support this request as stated within the PUD.

- **Residential Uses in Central Core and Mixed-Use Districts (§180-5.2.8)**

The applicant is proposing that ground floor residential uses shall be permitted as a use by right within this PUD designation, where the UDC states that residential uses in the MU zone district are permitted through conditional use approval. Section 180-4.3.1.B. of the Frisco Town Code states that any use that is allowed by right or by conditional use permit within the underlying zone district may be allowed in a PUD. Therefore, the PUD may state that ground floor residential uses on the property shall be permitted by right. Staff recommends the Commission support this request as stated within the PUD recognizing that there is a strong community need for affordable rental units and that by utilizing the ground floor, there will be an increased number of affordable rental units provided.

- **Mixture of Uses in the Mixed-Use Districts (§180-5.2.13)**

The applicant is proposing that instead of the required minimum of 20% commercial space on the property, a minimum of 1,500 sq. ft (~3.7% of the floor space) is provided. As stated in the submitted application materials:

*We are requesting a reduction of this requirement on 101 W Main Street to require no more than 1,500 square feet of non-residential space on the site. We seek to fulfill Town Council's direction to provide affordable housing units for Frisco residents on the site, which requires us to prioritize competing goals. Meeting the 20% requirement would make income-restricted housing on the site infeasible. The tax credit and state financing programs available to fund affordable housing cannot be used to finance non-residential uses. Further, the competitive financing sources we are seeking require any non-residential components to be fully funded at time of application. The amount of non-residential space proposed reflects 1) our need to identify and secure financing for this space in time to apply for the affordable housing funding we need and 2) our need to build enough affordable units to achieve economies of scale in their operation long-term. We recognize that having non-residential space on Main Street is important to the Town and feel that by providing long-term affordable housing units for workers close to Main Street employment, we can support the Town's existing businesses who are struggling to retain workers.*

Staff recommends the Commission support this request as stated within the PUD recognizing that there is a strong community need for affordable rental units and that by reducing the commercial footprint, there will be an increased number of affordable rental units provided.

- **Parking and Loading Regulations (§180-6.13)**

The applicant is proposing the following parking requirements:

- a. One-half parking space per unit for studios and one-bedroom units, one parking space per unit for two-bedroom units, and two parking spaces per unit for three bedrooms or greater. One visitor parking space is required for every seven dwelling units in the development.
- b. On-street parking. Required parking, excluding ADA and handicap accessible spaces, may be accommodated on streets proximate to the property, on a one-for-one basis, subject to construction of any needed improvements, and Town approval of an acceptable agreement to ensure adequate maintenance and snow removal procedures and a permit system for resident use.
- c. Car-sharing service. Each car-sharing space provided shall count as four parking spaces, up to 20% of the parking requirement. The car-sharing program details and agreement shall be provided as part of the major site plan application and shall

include provisions and alternative options to ensure operation for the duration of the project.

As stated by the applicant in their submittal:

*101 W Main will comply with the parking requirements of the Town's Affordable Housing Development Incentive Program. We request two adjustments to the code: 1) allowing for a greater percentage of parking to be accommodated on-street, and 2) allowing for 1 visitor space for every 7 housing units, rather than every 5.*

*101 W Main will serve households earning no more than 80% of the area median income in studio, one-bedroom, and two-bedroom units. With its central location on W Main Street, the site is unique in its access to transit, its walkability, and its proximity to many amenities. To accommodate as many units as possible, we propose to allow 22 of the parking spaces to be provided on-street along W Main, rather than on-site, and allow for 1 visitor space per 7 housing units. The proposed parking will be sufficient to serve the development for the following reasons:*

- A. The target population is likely to have fewer cars than market-rate households or households that need multibedroom units.*
- B. The site is walkable and well served by transit.*
- C. The development will include a car-sharing program where residents can rent a vehicle onsite when they need to drive.*

*The development plan proposes that 20 new on-street parking spaces will be constructed. Eleven of those parking spaces will combine with the existing 11 spaces to meet the development's parking requirement. The other 9 spaces will be provided as a community benefit for public use. A Parking Management Plan approved by the Town will govern how the on-street parking spaces are used. Permits will be required for parking in the spaces allowed for the development and vehicles will be required to move for snow removal and maintenance.*

The Town has recently modified the Town Code to allow up to 20 percent of the required overnight parking spaces for residents and visitors be on-street parking spaces for affordable housing projects. The on-street spaces must be located on street frontages contiguous to the property, on a one for one basis, and subject to construction of any needed improvements. The applicant is proposing 48 percent of overall required parking spaces be located on-street. The applicant is working with Public Works to ensure that the proposed on-street overnight parking spaces for this project will function appropriately, and still allow the Town to maintain street operations, including snow removal. The site is located in close proximity to a Summit Stage bus stop, there are pedestrian connections existing between the property and the central core of Frisco, and the applicant is bringing forward a car sharing program supporting sustainability within the Town.

The applicant and the Town of Public Works are discussing the submitted parking management plan and updates will be provided at the Planning Commission meeting on November 14, 2023. Based on initial comments from Public Works, it appears that the submitted parking management plan will be able to be supported by Public Works with modifications suggested by the Town. Staff recommends the Commission support this

request as stated within the PUD as long as there is an approved parking management plan between the Town and Applicant. This will be required to be recorded on the property in association with the PUD.

- **Landscaping and Revegetation Requirements (§180-6.14)**

The applicant is proposing that the landscaping for the site shall be in conformance with the Town Code, with the following exceptions:

- a. Plant material quantities may be reduced by up to 20% from the requirement per §180-6.14.3.
- b. Species mix may be increased to a 50% maximum for each species, and minimum tree caliper size may be reduced to 50% of the caliper size requirement in §180-6.14.4.
- c. Sustainability Standards:
  1. Ornamental grasses may be substituted for shrubs at a rate of 2 grasses per 1 shrub.
  2. Native plant materials are preferred.

As noted in the application submittal materials:

*To provide flexibility in selecting the best plants and landscaping design for the site, we request the ability to reduce the plant material quantities up to 20% from current requirements, increase the species mix up to 50%, and reduce tree caliper size by up to 50% from the current requirement. We also request the ability to substitute ornamental grasses for shrubs and to prioritize native plants. These adjustments will allow us to provide the best placement and selection of plantings to complement the site design while not impacting visibility or long-term maintenance of the landscaping.*

Staff recognizes that there is a large area on the north of the property where existing vegetation will not be disturbed due to floodplain, wetlands, and the Town's 25-foot non-disturbance line. In this area, the applicant is also providing a public access easement to Ten Mile Creek which will allow the Town to establish a trail in the future as noted in the Town's Master Trails Plan. Landscaping will still be provided as shown on the submitted plans and includes landscaping in front of the building along W. Main Street. Staff recommends the Commission support the landscaping reduction request as stated within the PUD recognizing that the applicant is not requesting a complete reduction of all vegetation.

- **Snow Storage and Snow Shedding (§180-6.15)**

The applicant is proposing that snow storage shall be accommodated at the rate identified in the UDC, whether located on or off site. The UDC requires that snow storage be required on site. The applicant is currently holding discussions with the Town of Public Works to confirm locations within the right-of-way to provide snow storage outside of the property lines and within adjacent right-of-way. As stated in the application submittal documents:

*Because we are maximizing the building footprint to accommodate as many residential units as possible while also setting aside space for non-residential uses, some flexibility is needed for snow storage locations. We propose to accommodate some of the required snow storage on-site and some in the right-of-way adjacent to Creekside Drive as documented in the major site plan. This approach is allowed in other communities in*

*Summit County and would be approved by the Town as part of the Planned Unit Development Designation.*

Staff recommends the Commission support the off-site snow storage request as stated within the PUD if Public Works provides written support of the proposed location(s) adjacent to the Town right-of-way and a license agreement allowing snow storage in the right-of-way at the designated location(s) shall be recorded prior to a certificate of occupancy being issued on the property. Final confirmation from Public Works will be required prior to the final public hearing for the PUD.

- **Non-Residential Development Standards (§180-6.21)**

The applicant is proposing that the PUD utilize the design guidelines per §180-6.22 Residential Development Standards rather than §180-6.21 Non-Residential Development Standards.

*Although 1,500 square feet of non-residential space is proposed as part of the redevelopment of 101 W Main, it is primarily a residential building. Further, design standards such as roof ridgeline requirements and building articulation that apply to non-residential buildings significantly increase the cost of construction. Therefore, we are requesting the ability to comply with residential development standards (as listed in UDC Section 180-6.22), while still providing the varied articulation of wall surfaces and variation in roof planes/forms that contribute to attractive buildings.*

Staff recommends that the Planning Commission support the request to follow the residential development standards despite there being 1500 sq. ft. of commercial space within the structure. Reduced articulation in the design of building walls and roofs would help lessen building costs and allow a reduced area median income in rents. Additionally, the applicant is pursuing the feasibility of solar on the structure. Non-residential design guidelines for roof forms and articulation make providing solar on the roof more difficult. The Planning Commission will have the opportunity to provide discussion on the proposed appearance of the structure with the Major Site Plan review application.

- **Bulk Standards (§180-6.23)**

The applicant is proposing that bulk plane encroachments shall be allowed up to 1,000 cubic feet per 10,000 square feet of lot area. The Affordable Housing Incentive Program allows bulk plane encroachments of up to the ratio of 500 cubic feet per 10,000 square feet of lot area. As stated in the application submittal materials:

*The Affordable Housing Development Incentive Program allows up to 500 cubic feet of bulk plane encroachments per 10,000 square feet of lot area. To provide space for 7 housing units, we request the ability to go up to 1,000 cubic feet per 10,000 square feet of lot area.*

The application materials show building articulation and images of proposed bulk plane encroachments are included. Staff has concerns with the proposed language to permit additional bulk plane encroachments since the proposed encroachments do not appear to provide substantial architectural relief and are to provide additional living space. Staff requests the Planning Commission discuss bulk plane encroachments and consider the following suggestion by Staff:

- Recommend that the applicant state in the PUD that bulk plane encroachments are permitted up to 1,000 cubic feet per 10,000 square feet

of lot area and bulk plane encroachments are permitted to provide for additional residential living area along with architectural features and shall be approved by the Planning Commission at time of Major Site Plan review.

OR

- Recommend that the applicant remove bulk plane encroachments from their proposed development stating in the PUD that bulk plane encroachments are not applicable to the property.

OR

- Provide different feedback on the bulk plane encroachments after discussing the architecture of the building and proposed design as submitted.

#### **ANALYSIS - DEVELOPMENT STANDARDS [180-6]**

This project will be reviewed for compliance with all development standards of the Unified Development Code (UDC) at the time of the final stage of the major site plan.

**Drainage Plan** (§180-6.6): Drainage plan submittal requirements, design standards and erosion and sediment control will be reviewed as outlined in §180-6.6, at time of final review of the Major Site Plan.

**Access** (§180-6.11): All vehicle access shall comply with the standards set forth in Chapter 155, Minimum Street Design and Access Criteria. Where development abuts a Town road, the location and design of access points to the road must be approved by the Frisco Public Works Director. Commercial/Business projects shall have a driveway width of twelve (12) feet for one-way and twenty-four (24) feet for two-way. Additionally, the UDC states the following requirements for non-vehicular access:

##### **180-6.11.2, Non-vehicular Access Requirements**

*It is the purpose of this section to promote the use of non-vehicular modes of transportation through a Town- wide network of connecting non-vehicular pathways and provide safe access year round. All site plans shall provide for and show non-vehicular access in accordance with the standards set forth in the Frisco Trails Master Plan and Chapter 155, Minimum Street Design and Access Criteria. In addition, all non-vehicular access shall meet the following standards:*

- A. *All multi-family, mixed-use, non-residential developments, and residential subdivisions shall provide safe and convenient non-vehicular access to a public street or road year-round. Developments shall install paved, year round access from and through the development to adjacent public sidewalks, bicycle and pedestrian facilities, or right of way both existing and proposed pursuant to the Frisco Trails Master Plan and in accordance with the Standards of Chapter 155, Minimum Street Design and Access Criteria.*
- B. *Every principal structure shall provide access to adjacent trail systems or public open space usable for recreation activities.*
- C. *Developments shall integrate pedestrian ways, trails, and/or bicycle paths with similar existing and planned facilities on adjacent properties. The Frisco Trails Master Plan should be used as a reference when planning for the integration of these facilities.*

The application materials show one access off Creekside Drive measuring 21 feet. To meet Town requirements, the driveway width shall be 24 feet, unless otherwise approved by the Town Engineer per a waiver request submitted to the Public Works Department.

The application materials also show internal sidewalks and connections to the public right-of-way. Access will be reviewed in further detail at time of final review of the Major Site Plan application.

**Traffic Study** (§180-6.12): Frisco Town Code requires a traffic study, prepared by a professional engineer licensed in the State of Colorado, be submitted for any large project that:

- A. *Requires a conditional use or rezoning approval;*
- B. *Is located adjacent to either Main Street or Summit Boulevard;*
- C. *Contains only one point of access;*
- D. *Contains an access point off an unimproved roadway or unincorporated area;*
- E. *Contains an access point off a road with a service level of D or F; or*
- F. *Is expected to generate 400 or more daily trips per day.*

A large project is defined in Frisco Town Code, 180-9.3 as:

*Any commercial or mixed-use project, occurring on a lot of 10,500 square feet or greater or occurring on a group of lots combined for a unified development project which contain a total lot area of 10,500 square feet or greater; or any residential development occurring on a lot of 21,000 square feet or greater or any development of 5 or more dwelling units.*

A traffic study shall be submitted at time of the final review of the Major Site Plan application. The traffic study will be reviewed by the Public Works Department and the Town Engineer at that time.

**On-Premise Parking Requirements** (§180-5.5.1 C): Per the regulations set forth in §180-5.5 Affordable Housing, the Affordable Housing Development Incentive Program allows for a reduction in parking if the development consists of 100% affordable housing units. The standards applied to Affordable Housing Developments are as follows:

- 1 parking space per unit for studios and 1-bedroom units
- 1.5 parking space per unit for 2-bedroom units
- 2 parking spaces per unit for 3-bedrooms or greater
- 1 visitor parking space per five dwelling units

While the applicant is proposing a project that consists of 100% affordable housing units, the applicant is requesting further relief from the parking requirements. The proposed parking requirements for the PUD are as follows:

- 0.5 parking space per unit for studios and 1-bedroom units
- 1 parking space per unit for 2-bedroom units
- 2 parking spaces per unit for 3 bedrooms or greater
- 1 visitor parking space required per 7 dwelling units
- On-street parking. Required parking, excluding ADA and handicap accessible spaces, may be accommodated on streets proximate to the property, on a one-for-one basis, subject to construction of any needed improvements, and Town approval of an acceptable

agreement to ensure adequate maintenance and snow removal procedures and a permit system for resident use.

- Car-sharing service. Each car-sharing space provided shall count as four parking spaces, up to 20% of the parking requirement. The car-sharing program details and agreement shall be provided as part of the major site plan application and shall include provisions and alternative options to ensure operation for the duration of the project.

The application materials show 24 studio units, 17 1-bedroom units, and 11 2-bedroom units. With the proposed number of units, the parking calculations are as follows:

Unit Type	Number of Units	Parking per Affordable Housing Incentive Requirements	Proposed parking per PUD Plan
<b>Studios</b>	24	24	<b>12</b>
<b>1-Bedroom</b>	17	11	<b>8.5 = 9</b>
<b>2-Bedroom</b>	11	16.5	<b>11</b>
<b>Visitor Spaces</b>		10.4	<b>7.4</b>
<b>Total</b>	52 Units	61.9 = 62 Spaces	<b>40 Residential Spaces</b>

In addition to the residential parking spaces, the project is required to provide parking for the nonresidential space. Per the UDC, office parking in the MU zone district is required at a rate of one (1) space per every 450 square feet. While the applicant's narrative states that they are providing office parking at the rate of one (1) space per every 450 square feet, the submitted PUD Plan does not address commercial or office parking.

Using the standard UDC office parking requirements, the site plan requires 3.4 office parking spaces, or 3 spaces. Adding that requirement to the proposed parking per the PUD Plan, the total parking provided for the site is **43 spaces**.

As stated in the PUD Plan, the applicant is proposing to utilize on-street parking and car sharing parking to meet the parking requirements of the PUD Plan. The applicant is proposing that eleven (11) existing on-street parking spaces and an additional twenty (20) new, on-street parking spaces be included in their required parking count, or 48 percent of total required parking. Additionally, the applicant is showing two (2) car sharing spaces on their site plan, which accounts for eight (8) parking spaces per their PUD Plan.

The applicant has provided a draft parking management plan, included as an attachment to the staff report, which is currently under review by Public Works. The applicant has also provided the following parking diagrams:



Staff recommends that the Planning Commission comment on the parking proposed for the PUD Plan.

**Electric Vehicle Charging Stations:** Chapter 65 of the Code of Ordinances of the Town of Frisco concerning Building Construction and Housing Standards, Section C405.10.1 references electric vehicle charging stations for new construction. The property will be required to comply with requirements as outlined in Section C405.10.1 at the time of building permit submittal.

**Accessible Parking Space Requirements:** With the required parking totaling forty-three (43) spaces per the PUD Plan, the required number of accessible parking spaces is two (2) spaces. Staff notes that per ADA standards, the number of parking spaces must be considered separately for each parking structure (lot or garage), not based on the total number of parking spaces provided on a site. The application meets this standard.

**Bicycle Parking** (§180-6.13.4): All mixed-use developments shall provide bicycle parking facilities, in an appropriate location, with bicycle spaces in the amount of not less than 20% of the total number of parking spaces required for the project, with a minimum of five (5) bicycle spaces.

The applicant is showing enclosed bike storage facilities inside the building and outdoor bike racks. The PUD states that bicycle parking calculations shall follow mixed-use and nonresidential bicycle parking requirements as outlined in the Unified Development Code at the time of project construction. The application meets this standard.

**Tandem Parking** (§180-6.13.4): The applicant is not proposing any tandem parking spaces.

**Snow Storage Areas** (§180-6.13.7): Snow storage shall be provided on premises in the amount of 25% of paved surface area and any unpaved parking and driveways area. With the submittal of the PUD Plan, the applicant is proposing that snow storage can be provided on or off site.

The application materials show 7,375 square feet of paved surfaces, requiring 1,844 square feet of required snow storage area. The site plan shows 1,135 square feet of snow storage on-site. . Staff recommends the Commission support the off-site snow storage request as stated within the PUD under the condition that Public Works provides written support of the proposed snow storage location(s) adjacent to the Town right-of-way and a license agreement allowing snow storage in the right-of-way at the designated location(s) shall be recorded prior to a certificate of occupancy being issued on the property. Final confirmation from Public Works will be required prior to the final public hearing for the PUD.

**Landscaping and Revegetation** (§180-6.14): The applicant is requesting relief from the landscaping requirements per the PUD Plan submittal. The proposed landscaping requirements are:

- a. Plant material quantities may be reduced by up to 20% from the requirement per §180-6.14.3.
- b. Species mix may be increased to a 50% maximum for each species, and minimum tree caliper size may be reduced to 50% of the caliper size requirement in §180-6.14.4.
- c. Sustainability Standards:
  1. Ornamental grasses may be substituted for shrubs at a rate of 2 grasses per 1 shrub.
  2. Native plant materials are preferred.

For commercial and mixed-use large projects, for every 1,500 square feet of project lot area, a minimum of one (1) tree shall be planted on site and one (1) shrub shall be required for every 2,500 square feet of project lot area. Based on the size of the site (36,248 square feet) and the above standards, the project is required to have nineteen (19) trees and eleven (11) shrubs.

	Per UDC: MU Large Project	20% Reduction per PUD
<b>Trees</b>	24	<b>19</b>
<b>Shrubs</b>	14	<b>11</b>

The application materials show fourteen (14) trees and forty-one (41) shrubs. In addition to the proposed trees and shrubs, there are several existing trees that are to remain and be protected during construction. With the addition of the existing trees on site, the application is meeting the landscaping quantity. Staff notes that the proposed landscaping is outside of the property line in various locations. The proposed PUD Plan does not ask for relief of allowing required landscaping within the right-of-way. Staff recognizes that there is a large area on the north of the property

where existing vegetation will not be disturbed due to floodplain, wetlands, and the Town's 25-foot no disturbance line. In this area, the applicant is also providing a public access easement to Ten Mile Creek which will allow the Town to establish a trail in the future as noted in the Town's Master Trails Plan. Landscaping will still be provided as shown on the submitted plans and includes landscaping in front of the building along W. Main Street. Staff recommends the Commission support the landscaping reduction request as stated within the PUD recognizing that the applicant is not requesting a complete reduction of all vegetation.

**Refuse Management** (§180-6.17): All commercial, mixed-use and multi-family residential development projects containing five (5) or more units shall utilize dumpster enclosures for the storage of all refuse, recycling, grease traps, and compost collection. The application materials note a proposed location for the dumpster and recyclable materials but do not provide details on the design. The proposed refuse and recycling facilities must be located within an enclosure with walls and a roof. The enclosure must also be wildlife proof.

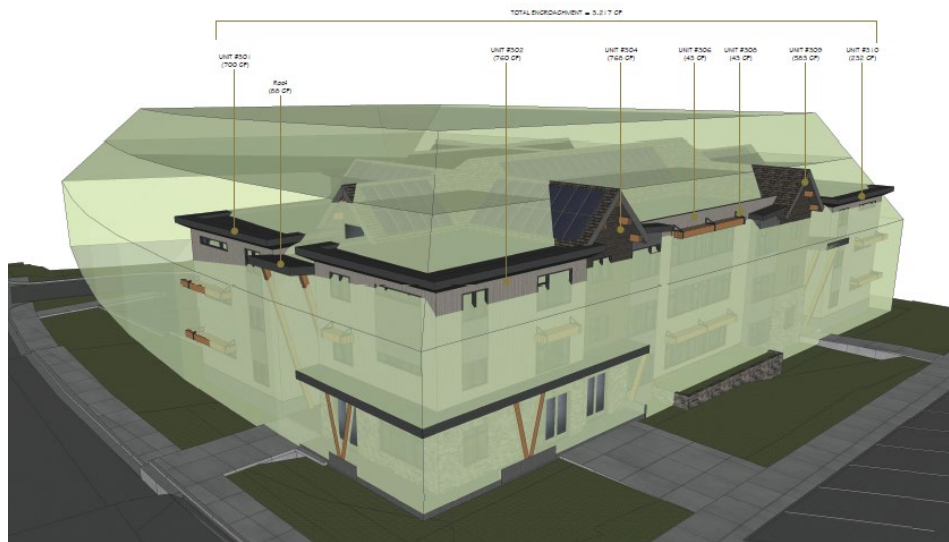
The applicant will be required to submit a letter from a waste disposal company showing that the proposed refuse and recycling facilities are located and sized appropriately for the proposed project. The dumpster enclosure will be reviewed for full compliance at the time of the final review of the Major Site Plan application.

**Non-Residential Development Standards** (§180-6.21): The purpose of the non-residential development standards is to ensure high-quality site and building design in Frisco; to establish minimum standards related to the scale, mass, architecture, materials, and overall design character of development; and to protect and enhance existing neighborhood character.

The applicant is proposing that the PUD be subject to the Residential Development Standards in the UDC. Due to the mixed-use development proposal, staff recommends that the PUD Plan states that the development be subject to the Non-Residential Development Standards. The applicant shall be required to request relief from the Non-Residential Development Standards.

Staff recommends that the Planning Commission support the request to follow the residential development standards despite there being 1500 sq. ft. of commercial space within the structure. In order to keep the building costs lower, which allow a reduced area median income in rents, less articulation of building walls and roofs would be a benefit for this project. Additionally, the applicant is pursuing the feasibility of solar on the structure and the non-residential design guidelines for roof forms and articulation make providing solar on the roof more difficult. The Planning Commission will still have the opportunity to provide discussion on the proposed appearance of the structure with the Major Site Plan review application.

**Bulk Standards** (§180-6.23): Per the submitted PUD Plan, the applicant is proposing that bulk plane encroachments shall be allowed up to 1,000 cubic feet per 10,000 square feet of lot area. With a site of 36,248 square feet, that would allow 3,625 cubic feet of encroachment. The applicant is proposing 3,217 cubic feet of bulk plane encroachment.



The application materials show building articulation of the building and images of proposed bulk plane encroachments are included. Staff has concerns with the proposed language to permit additional bulk plane encroachments since the proposed encroachments do not appear to provide substantial architectural relief and are to provide additional living space. Staff requests the Planning Commission discuss bulk plane encroachments and consider the following suggestion by Staff:

- Recommend that the applicant state in the PUD that bulk plane encroachments are permitted up to 1,000 cubic feet per 10,000 square feet of lot area and bulk plane encroachments are permitted to provide for additional residential living area along with architectural features and shall be approved by the Planning Commission at time of Major Site Plan review.
- OR
- Recommend that the applicant remove bulk plane encroachments from their proposed development stating in the PUD that bulk plane encroachments are not applicable to the property.
- OR
- Provide different feedback on the bulk plane encroachments after discussing the architecture of the building and proposed design as submitted.

#### PUBLIC COMMENT

The Community Development Department has not received any formal public comments concerning this project as of November 10, 2023.

#### STAFF RECOMMENDATIONS

Staff recommends the Planning Commission provide the applicant feedback on the sketch plan and PUD applications submitted for the 101 West Main Street in the context of the recommendations and requirements of the Frisco Community Plan and the Frisco Town Code.

- Staff recommends that the Planning Commission provide the applicant with feedback about the appropriateness of the proposed bonus density.
- Staff recommends that the Planning Commission provide the applicant with feedback on the applicant's request for the PUD to allow for relief from the following UDC standards:
  - Ceiling Height (§180-3.17.8)
    - *Does the Commission support a reduced first floor ceiling height of nine (9) feet instead of the required minimum ten (10) feet?*
  - Residential Uses in Central Core and Mixed Use Districts (§180-5.2.8)
    - *Does the Commission support allowing ground floor residential uses as a permitted use within the PUD?*
  - Mixture of Uses in the Mixed Use Districts (§180-5.2.13)
    - *Does the Commission support a reduced commercial space footprint on the property; proposed at ~3.7% instead of the required 20% within the MU District?*
  - Parking and Loading Regulations (§180-6.13)
    - *Does the Commission support the proposed off-site parking spaces if a management plan is agreed upon with Public Works prior to recordation of the PUD?*
  - Landscaping and Revegetation Requirements (§180-6.14)
    - *Does the Commission support the proposed reduction of landscaping?*
  - Snow Storage and Snow Shedding (§180-6.15)
    - *Does the Commission support snow storage being proposed off-site, within existing right-of-way adjacent to the property?*
  - Non-Residential Development Standards (§180-6.21)
    - *Does the Commission support the proposed language to be inserted into the PUD which would allow for the development to utilize the residential design standards.*
  - Bulk Standards (§180-6.23)
    - *Does the Commission support the proposed increased bulk plane requirements?*

## ATTACHMENTS

Attachment 1: Ordinance 23-10, which includes the Affordable Housing Development Incentive Program

Attachment 2: Ordinance 23-24, which includes the amended PUD requirements

Attachment 3: Applicant Sketch Plan Narrative

Attachment 4: Applicant PUD Narrative

Attachment 5: Draft PUD Plan

Attachment 6: Draft PUD Exhibits

Attachment 7: Draft Parking Management Plan

Attachment 8: Parking Diagram

Attachment 9: Site Plan

cc: Allen-Guerra Architecture