

(DRAFT)
101 W Main Housing
Planned Unit Development

This Planned Unit Development Designation, to be known as the 101 W Main Housing Planned Unit Development, hereinafter referred to as the (“Designation”), was approved this __day of _____2023, by the Town Council of Frisco, Colorado, for certain real property located in Frisco and described in attached Exhibit A, hereinafter referred to as the “Property”. This Designation establishes the land uses that shall be permitted on the Property, a Conceptual Development Plan (“Plan”) and development guidelines and conditions, which must be adhered to by the owner/developer of the Property, NHPF West Main, LLC, hereinafter referred to as the “Owner/Developer” and successors and assigns of the Owner/Developer. This Designation also specifies improvements which must be made and conditions which must be fulfilled in conjunction with this designation by the Owner/Developer.

Where this Designation does not address a specific development standard or requirement of the Frisco Unified Development Code (“UDC”) currently in effect, the Development Code shall apply. Where the Designation addresses a specific development standard or requirement, the provisions of this Designation shall supersede the provisions of the Unified Development Code. Use and development of the Property shall be in accordance with the specific requirements of this Designation, and in substantial compliance with the Plan attached as Exhibit A. This Designation is intended to further the objectives of blending into the development pattern of the adjacent areas and increasing the supply of affordable workforce housing for the community.

A. Permitted Uses and Development Plan

1. Purpose and Intent

This Designation is proposed to establish a mixed-use development that blends into the surrounding Town of Frisco. The residential portion of this development will consist entirely of deed-restricted, Affordable Workforce Housing units as defined in Section C.2 of this PUD Designation. The two primary goals of the development are to provide affordable housing for the local workforce and to ensure compatibility with the surrounding neighborhood. The exceptions to current Unified Development Code requirements proposed here are necessary to allow for the construction and operation of at least 45 deed-restricted affordable units, serving households up to 80% of the area median income. Minor deviations from this area median income will be allowed up to 100% of the area median income as outlined in the Development Agreement between the Town of Frisco and the NHP Foundation, but no modification to this Designation shall be required. More specifically, this development will further the following goals and Guiding Principles as reflected in the Town of Frisco Community Plan.

- 1.4: Reinforce Main Street as the heart of the community, from the lake to the mountains.
 - 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
- 1.5: Promote a balanced community through support for diverse and equitable housing options.
 - 1.5A: Develop a diverse portfolio of workforce housing programs to support a broad range of housing needs—type of unit, rental vs. ownership, and price points—at the community and neighborhood level.

- 1.5B: Stimulate the creation of workforce housing through town policies, incentives, and regulatory procedures.
- 1.5C: Collaborate with community partners and the private sector to expand the reach of Frisco’s workforce housing efforts.
- 2.1: Maintain a diverse and strong economy.
 - 2.1B: Provide opportunities for a balanced mix of housing and services to support local businesses, employees, residents, and visitors.
- 2.3 Facilitate the retention and expansion of locally owned businesses.
 - 2.3C: Expand workforce housing options to support small businesses and local employees.
- 4.1: Provide a safe and efficient multimodal transportation system.
 - 4.1D: Manage parking resources downtown to promote the efficient use of available spaces.
- 5.1: Provide high quality, year-round recreational amenities that appeal to both residents and visitors.
 - 5.1D: Coordinate new facilities with the Trails Master Plan (and other Town Master Plans) to ensure appropriate connections and access.

2. Development Plan and Permitted Uses

- a. Development of the Property shall be in general accordance with the associated Major Site Plan application and the following specific requirements of this Designation. There is one (1) Planning Area on the property as specified below, which encompasses all property within Lot B-1 West Frisco 70 Sub #2:

Permitted Uses for Planning Area 1 Include:

1. At least forty-five (45) Units of Affordable Workforce Housing.
 - a. Minor deviations from the 52-unit configuration shown on Exhibit B may be considered as part of future Site Plan Review, but no modification to this Designation shall be required.
 - b. Ground floor residential uses shall be permitted within this Designation.
 - c. The commercial space on-site shall be a minimum of 1,500 square feet.
 - d. Affordable Housing incentives per the Affordable Housing Incentive Program shall be applied in accordance with Section 180-5.5 of the Unified Development Code with exceptions as stated in this Planned Unit Development Designation.

2. All uses which are permitted or accessory within the Mixed Use (MU) Zoning District, including but not limited to the following accessory uses as set forth in Figure 1 and shall be calculated pursuant to the methodologies and procedures set forth in the Unified Development Code except as expressly set forth otherwise in this PUD Guide.

Figure 1 Permitted Use table is meant to be inclusive rather than exhaustive. If a use that is not listed in the table below meets the intent of the permitted uses listed, the use can be permitted at the discretion of the Community Development Director.

Figure 1

Planning Area 1 – Mixed Use	
Permitted Uses	<p>Residential Uses:</p> <ol style="list-style-type: none"> 1. Permitted as a primary use 2. Permitted on the ground floor <p>Commercial Uses:</p> <ol style="list-style-type: none"> 3. Offices 4. Personal Services 5. Recreation and Entertainment 6. Retail 7. Arts & Entertainment Facility 8. Radio & Television Broadcasting <p>Public or Quasi-Public:</p> <ol style="list-style-type: none"> 9. Community Facilities 10. Civic, Youth, Social Organization 11. Medical Clinic <p>Recreation:</p> <ol style="list-style-type: none"> 12. Community Center 13. Health Spa 14. Open Space 15. Trails 16. Community Gardens 17. Shared Public Space

3. Supplements

- a. Exhibit A –Site Plan
- b. Exhibit B – Housing Covenant
- c. Exhibit C – Car Sharing Plan and Parking Management Plan

B. Development Standards

1. Building Height. All structures shall be a maximum of 45 feet in height for pitched roofs, and 35 feet in height for flat roofs as defined in the Unified Development Code.
 - a. A ten percent increase in maximum building height (i.e., 40-foot maximum height in zone district would increase to 44-foot maximum height) shall be permitted for this Designation as outlined in the Unified Development Code at the time of project construction.
2. Setbacks.
 - 5’ from side and rear property lines

- 3' from front property line along Main Street
3. Lot Coverage. Maximum lot coverage shall not exceed 80%. Lot coverage calculation shall be evaluated per the definition of lot coverage in the Unified Development Code.
 4. Landscaping. Landscaping shall be in general accordance with the Major Site Plan and shall follow Town Code with the following exceptions:
 - a. Plant material quantities may be reduced by up to 20 percent from the Mixed-Use Development as outlined in the Unified Development Code at the time of project construction.
 - b. Species mix may be increased to a 50-percent maximum for each species, and minimum tree caliper size may be reduced to 50 percent of the caliper size requirement as outlined in the Unified Development Code at the time of project construction.
 - c. Sustainability Standards:
 1. Ornamental grasses may be substituted for shrubs at a rate of 2 grasses for 1 shrub. Grasses shall be planted shall be a minimum #1 size container.
 2. Native plant materials are preferred.
 5. Parking. Vehicular parking shall be constructed and maintained in general accordance with the Major Site Plan and shall provide for:
 - 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 each 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 Parking Management Plan to ensure adequate maintenance and snow removal procedures and a permit system for resident use. The approved Parking Management Plan shall be attached to the Planned Unit Development Designation when recorded.
 - c. Car-sharing service. Each car-sharing space provided shall count as four parking spaces, up to 20 percent 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 Car-Sharing Agreement shall be attached to the Planned Unit Development Designation when recorded.
 6. Public Easement for Access to Ten Mile Creek. An open space easement dedicated to the Town of Frisco shall be provided to offer access to Ten Mile Creek and provide for a future trail along the creek. The public easement shall be recorded on the property prior to a Certificate of Occupancy being issued on the property.

7. Design Guidelines. The overall goal is to complement the surrounding neighborhood and to minimize and mitigate physical and visual impacts of the development. The structures are subject to the following design guidelines:
 - a. The Town of Frisco Residential development standards will be followed for building articulation with the exceptions noted below.
 - b. 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.
 - c. First floor building height for structure(s) shall be 9' minimum in height.
 - d. The structure(s) will comply with residential development standards requirements as outlined in the Unified Development Code at the time of project construction.
 - e. Bulk plane: Bulk plane encroachments shall be allowed up to 1,000 cubic feet per 10,000 square feet of lot area.
8. Snow Storage. Snow storage shall be accommodated at the rate per the Unified Development Code and will be permitted both on-site and in the public right-of-way as delineated on the site plan. 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.

C. Workforce Housing Specific Regulations.

1. This PUD Designation mandates the development of a minimum of 45 Affordable Workforce Housing Units.
2. Affordable Workforce Housing, as such term is specifically contemplated in this Designation, and for development purposes addressed herein, shall assume the meaning of the term Affordable Housing set forth in the Unified Development Code with the income restrictions as described in Section A.1. of this Designation.
3. The Units are planned as multi-family units as shown conceptually in the associated Major Site Plan. Nevertheless, the actual design and size of such units are subject to the physical conditions of the Property and market demands, and modifications to the design and nature of the Units may be proposed provided that the level of Affordable Workforce Housing contemplated herein is reasonably maintained, in terms of the number of units, occupancy, amenities, et cetera. A final determination of the number of bedrooms and bathrooms for each unit will be made at Final Major Site Plan approval. Town approval shall be obtained for any deviation from the anticipated unit design or configuration, but no modification to this PUD Designation shall be required if the modifications are within 10% of the proposed unit mix.
4. Units shall be offered for rent, in accordance with the standards for such Units articulated in the attached draft sample Covenant (Exhibit C).
5. Renters approved for residence in this Planned Unit Development shall meet the income qualification requirements as enumerated in the Covenant (Exhibit C). The rental price of Units shall not exceed affordability limits established in the Covenant.

6. Owner/Developer may install the infrastructure for the entire Property at one time, or in phases, as is most advisable based on demand, site conditions, and prevailing construction conditions; provided that any such installation is conducted in accordance with this Designation and the Unified Development Code.

D. Utilities and Improvements.

1. Road and Driveway Access.
 - a. The Property shall be accessed from Creekside Drive.
 - b. Road and driveway access is depicted on the Preliminary Site Plan (Exhibit B). All road and driveway construction on the Property shall be in general accordance with such Plan, and the standards of the Unified Development Code.
 - c. Right-of-Way and Easement Dedication
 1. Right-of-way for Creekside Drive and West Main Street, where these roads border the subject property, will be dedicated on the associated Plat, to the satisfaction of the Town of Frisco Public Works and Community Development Departments, respectively.
 2. All additional required easements for access, snow storage, utilities and maintenance will also be dedicated on the Plat, to the satisfaction of the Town of Frisco Public Works and Community Development Departments.
2. Water Systems. Water supply shall be provided by the Town of Frisco for all development on the Property.
3. Wastewater Disposal. Wastewater disposal for all development shall be provided by the Frisco Sanitation District.
4. Fire Protection and Wildfire Hazard Mitigation. The Property is located within the jurisdiction of the Summit Fire & EMS. All development on the Property shall meet all fire protection requirements of the District.

D. Implementation

1. Development Phasing. The Owner/Developer intends to build the project in one phase. Although, the Owner/Developer may develop the project in phases, if advisable based on demand, site conditions, and prevailing construction conditions; provided that a proposed phasing plan is reviewed and approved by the Town in conjunction with the Site Plan Review.

E. General Provisions

1. Enforcement. The provisions of this Designation and the dedication relating to the use of land shall run in favor of the Town of Frisco and shall be enforceable at law or in equity by the Town of Frisco without limitations on any power or regulation otherwise granted by law. Other provisions of this Designation and the Plan shall run in favor of the residents, occupants, or landowners of the Property, but only to the extent expressly provided in, and in accordance with the terms of this Designation and the Plan. Provisions not expressly stated as running in favor of the residents, occupants or owners of the Property shall run in favor of the Town of Frisco.

2. Breach of Provisions. If at any time, any provision or requirements stated in this Designation have been breached by the Owner/Developer, the Town may withhold approval of any or all subdivision plats, or the issuance of any or all grading or building permits or occupancy permits applied for on the Property, until such breach has been remedied; provided, however, that the Town shall not take affirmative action on the account of such breach until it shall have first notified the Owner/Developer in writing and afforded the Owner/Developer a reasonable opportunity to remedy the same.

3. Binding Effect. This Designation shall run with the land and be binding upon the Owner/Developer, their respective successors, representatives and assigns, and all persons who may hereafter acquire an interest in the Property or any part thereof, with the exception that provisions of this Designation may be modified through an amendment in accordance with the procedure stated in the Development Code. This Designation shall be recorded in order to put prospective purchasers or other interested persons on notice as to the terms contained herein.

4. Amendments. The Unified Development Code includes procedures and requirements for review of all Planned Unit Developments. The Owner/Developer shall be on notice of these requirements and their potential impact should modifications to this Designation be desired. Amendments to the provisions of this Designation shall be reviewed and acted upon as a rezoning application, subject to the Town's procedures for zoning amendments and the requirements for findings under the Planned Unit Development Act of 1972 at CRS section 24-67-106(3)(b), unless such amendment is determined to be minor in nature in accordance with the provisions outlined in the Unified Development Code.

5. Notices

All notices required by this Designation shall be in writing and shall be either hand-delivered or sent by certified mail, return receipt requested, postage pre-paid, as follows:

Notice to County:	Town of Frisco Post Office Box 4100 Frisco, Colorado 80443
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Notice to /Owner/Developer:	NHP Foundation Attn: Neal Drobenare 1090 Vermont Avenue, NW, Suite 400 Washington, DC 20005
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6. Entire Designation

This Designation contains all provisions and requirements incumbent upon the Owner/Developer relative to the 101 W Main Planned Unit Development, except as modified by subsequent action of the Town Council in accordance with the procedures set forth in the Unified Development Code and the Colorado Planned Unit Development Act (CRS Section 24-67-106) for amending planned unit developments, and except that nothing contained herein shall be construed as waiving any requirements of the Unified Development Code or other regulations otherwise applicable to the

development of the Property.

7. Effective Date

To be legally effective and binding, this Designation must be recorded by the Summit County Clerk and Recorder. The date of such recording is referred to herein as the “Effective Date.”

8. Legality of Provisions

In the case one or more of the provisions contained in this Designation, or any application thereof, shall be invalid, illegal or unenforceable in any respect, the validity, legality and enforceability of the remaining provisions contained in this Designation and the application thereof shall not in any way be affect or impaired thereby.

IN WITNESS WHEREOF, the County and the Owner/Developers have executed this Designation as of the date first written above.

TOWN OF FRISCO, COLORADO

[Redacted], Mayor
Town of Frisco

ATTEST:

[Redacted], Clerk and Recorder

Owner/Developer