



**PLANNING COMMISSION  
STAFF REPORT**

---

January 4, 2024

---

AGENDA ITEM: Planning File No. **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

---

**PROJECT DESCRIPTION**

---

The applicant is requesting to rezone the proposed site, 101 W Main Street, to 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. Through the PUD, the applicant is proposing that at a minimum, 45 deed restricted residential dwelling units are provided as a community benefit. The PUD proposes that the 45 deed restricted residential units will be affordable for households earning up to 80% of the Area Median Income (AMI), while additional units may be allowed up to 100% AMI.

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

---

**BACKGROUND**

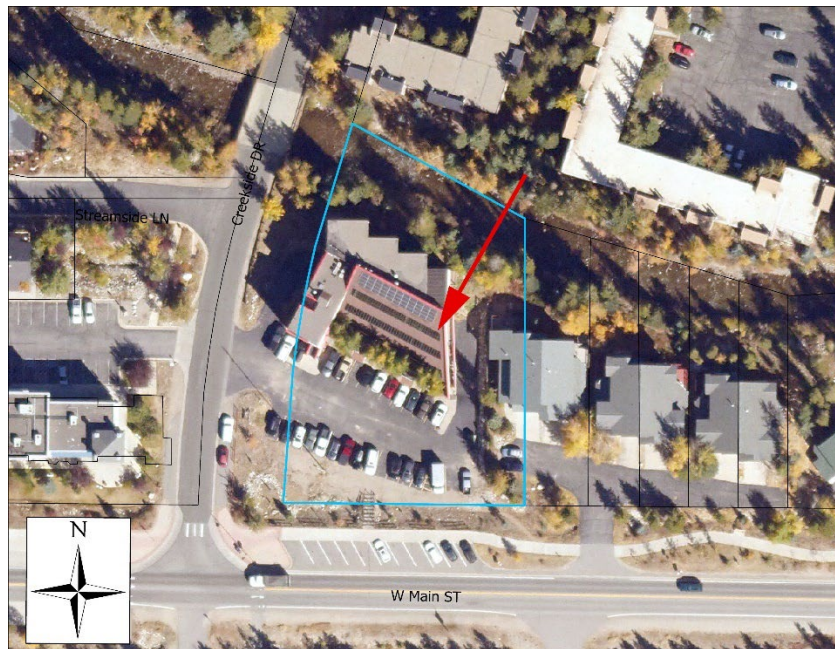
---

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 uses. 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

On November 16, 2023, the Planning Commission reviewed a sketch plan submitted by the applicant in conjunction with the preliminary PUD. The applicant received feedback from the Planning Commission on the proposed site plan and PUD and has made revisions based on comments provided. At this time the applicant is solely seeking approval for the rezoning request and will submit for final major site plan review should the proposed PUD plan be approved by Town Council.

## FINAL 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 final public hearing. At this time the Planning Commission shall either continue the matter for further information and study or shall provide a recommendation to the Town Council, recommending approval, disapproval, or conditional approval of the application.

## **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 approximately 1,500 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 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.

#### **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 usable open space or workforce housing in accordance with an overall development plan. The applicant is proposing to develop the site for deed-restricted rental housing. In an effort to construct 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 Area Median Income (AMI) rental rates. To assist in alleviating 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.*

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 associated with the proposed PUD 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 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.

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.

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 51 percent of overall required parking spaces be located on-street. The applicant has worked 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.

Frisco Public Works supports the proposed parking management plan and will continue to work with the applicant on proper signage to be in line with the Town's standards. Staff recommends the Commission support this request as stated within the PUD given 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.

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 indicated in the PUD. 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 on the property at the rate identified in the UDC. The applicant had originally requested that snow storage be allowed off-site, however, that was not approved per Public Works requirements. The applicant has since worked with Public Works to allow snow storage within the proposed water quality infiltration area that is located between 15' and 25' of the 100-year floodplain. No snow storage or detentions facilities shall be allowed within 15' of the 100-year floodplain.

Staff recommends the Commission support the applicant's snow storage request as supported by the Town Engineer.

- **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. While the design standards are the same as the Residential Development Standards in the UDC, the applicant has written all standards within the PUD to provide further clarification. The PUD states that a minimum of four building elements are required to provide articulation. This is an increase from the two that are required in the Affordable Housing Incentive Program.

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. The residential articulation standards still require significant building elements to be utilized to create articulation, but the criteria are not as rigid as outlined in the nonresidential articulation standards. Additionally, the proposed language requires an increase in articulation from the Affordable Housing Incentive Program.

- **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. The PUD also states that bulk plane encroachments may be allowed for livable spaces.

Based on comments by the Planning Commission at the preliminary public hearing on November 16, 2023, staff recommends that the Planning Commission support the bulk plane encroachment request, allowing an increase in bulk plane encroachments and allowing bulk plane encroachments for livable space.

The full proposed PUD plan, including permitted uses and development standards, is provided as Attachment 1 of this staff report.

## PUBLIC COMMENT

The Community Development Department has not received any formal public comments concerning this project as of December 26, 2023.

## STAFF RECOMMENDATIONS

Staff recommends the Planning Commission provide the applicant feedback on the s final PUD 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 and allowing encroachments to include livable space?*

## ATTACHMENTS

Attachment 1: PUD Plan

Attachment 2: Planning Commission minutes, November 16, 2023

cc: Allen-Guerra Architecture