

MIDTOWN VILLAGE

PUD GUIDE

Revision date - JULY 30, 2024



MIDTOWN VILLAGE PUD GUIDE

I. TITLE AND OWNERSHIP

This PUD shall be known as the Midtown Village PUD.

Owner is Midtown Lofts, LLC

II. INTENTION

The intent of the Midtown Village PUD Guide is to provide land use and zoning regulations for the residential neighborhood with a diverse mix of affordable housing types spread across (5) separate Development Parcels (Tracts A-E) as well as civic and commercial uses.

II. DEFINITIONS

Accessory Use - a use of land, or of a building or portion thereof, customarily incidental to and subordinate to the principal use of the land or building and located on the same lot with the principal use.

Association – the body of appointed members that govern the entire Midtown Village community either in the form of the Midtown Village Master Owners Association or sub-classes of membership based on ownership, square footage or by vote.

Building Envelope – the area within the specified Building Setback wherein the entire structure of the building must not encroach beyond.

Building Height – Midtown Village uses the same criteria as the Minturn Municipal Code

Building Lot Coverage – the percentage of square footage that the structure covers relative to the total Tract square footage. *(IE. A 100 sf home on a 1000 sf lot = 10% Building Lot Coverage)*

Building Setbacks – the measurement (in lineal feet) from a front, side or rear property line that establishes a Building Envelope

Common Area / Greenspace - public spaces, trails and amenities that are owned and maintained by the Association

Grade (Finished) – the final elevation of the ground surface of a site after human-made alterations, such as grading, grubbing, cutting, filling, or

excavating, have been made on the ground surface; the grade of a site after reconfiguring grades according to an approved site plan.

Grade, (Natural) – the elevation of the surface of the ground which has been created through the action of natural forces and has not resulted from humanmade cuts, fills, excavation grading or similar earthmoving processes, or, the ground surface elevation in existence prior to the initiation of development on a parcel of land.

Impervious Surface - any material that prevents absorption of water into the ground. The area of the lot covered by the following shall be considered as impervious surface in all Tracts:

- a. The principal building, excluding roof overhangs.
- b. Porches, stairways, decks, elevated walkways, paved areas or areas otherwise covered with materials impervious to water.
- c. Parking areas, sidewalks and driveways regardless of surface materials.

Parking Space – spaces designated either inside garages, in driveways or surface parking spaces painted and delineated by signage for specific buildings, units, homes, apartments or ADA

Permitted Use - the original intention of the Midtown Village Developer for the type of unit / building to be constructed on the specific Tract of land as it is described within this inaugural edition of the Midtown Village PUD Guide

Pervious Surface - any material that allows for the absorption of water into the ground.

Primary Use - the description of the intended use of a specific Tract for either commercial or residential

Prohibited Uses – uses of the property that are not allowed by the Association or by the Town of Minturn Municipal Code

III. TRACT PLAN

Tract A is 0.5030 ACRES and consists of the 16 Unit apartment building with ingress/egress driveway to the grade level parking garage and direct access to the Martin Creek US Forest Service open space.

Tract B is 0.6549 ACRES and consists of the existing commercial warehouse with three (3) existing residential apartments above and the proposed two (2) zero-lot line, single family cottage homesites.

Tract C is 0.4936 ACRES and consists of eight (8) RO Deed Restricted, zero-lot line Microhomes (Minimum 650 sf Single Family Homes for sale

Tract D is 0.4855 ACRES and consists of two (2) five-plex style buildings containing ten (10) Townhomes (2,000 sf Townhomes market value for sale).

Tract E is 0.3918 ACRES and consists of a new commercial building on Tract E with two possible scenarios:

Scenario #1 includes commercial uses on the first floor and second floor residential with up to 3 units of deed restricted units.

Scenario #2 includes a new Fire Station for the Eagle River Fire Protection District with up to 3 units of residential living quarters above for firefighters.

IV. OPEN SPACE PLAN – Phase 1 of the PUD provides over 9,311 Square Feet of open space (Listed as Open Space Area C, D and E on Page 8 of the Civil Plans. The remaining Future Development Parcels in Phase 2 and 3 also include an additional 10,000 Square Feet of plaza, xeriscape passive open space and a rustic connector trail providing connectivity from Hwy 24 to United States Forest Service / Martin Creek open space. Amenities of these public spaces include barbeque grills, picnic tables, public garden spaces, playground equipment and a sound garden. Possible temporary public uses of vacant land on Tracts C, D and E include community garden and pump track for kids BMX.

V. HOUSING PLAN

The PUD provides (31 of 42 Units) 74% of the total Units as Resident Occupied ("RO") Deed Restricted. (4) of the For Sale units also meet or exceed the required 200% AMI Price Cap Deed Restriction.

The intended breakdown of deed restricted housing units per Phase is as follows:

TRACTS A & B – 90% of proposed units are to be RO Deed Restricted – 19 of the 21 Total Units

2 Cottages – For Sale Units

TRACT C – 8 RO Deed Restricted Single Family Microhomes

TRACTS D & E – (4) Units to be Price Capped @ 200% AMI or less

Tract D contains (2) 5 unit buildings consisting of 10 units of For Sale Townhomes

Tract E has two (2) possible scenarios: one is commercial use on the first floor with 3 residential units above. The other scenario is the new Fire Station with living quarters for firefighters to live during their shifts.

Resident Occupancy restrictions may apply to rental or for sale housing and apply to sixteen (16) apartment units in Phase 1 of the PUD, three (3) units above the commercial building and eight (8) microhomes in Phase 2. Any designated Resident Occupied unit, if sold to a non-qualifying occupant, will require the collection of a 2% transfer fee payable to Town of Minturn (*to be used as a source for local workforce housing*) or the Eagle County Housing and Development Authority for each and every ownership transfer to a non-qualifying occupant. No RO unit shall be available for short term rental which is defined as a rental for less than a 30- day period.

RESIDENT OCCUPANCY HOUSING GUIDELINES:

Rental or for sale units where households where at least one member of the household meets at least one of the following criteria: Has earned a living primarily in Eagle County by having worked an average of at least thirty (30) hours per week on an annual basis at a business with an office or job site physically located in Eagle County (multiple jobs in Eagle County may be combined to reach 30 hours per week); or Has been hired for a job in Eagle County on a permanent basis to work at least thirty (30) hours per week; or Employees that make their home in Eagle County but work for employers that are located outside of Eagle County (i.e. telecommuters) may be considered eligible if all other eligibility requirements are met and the Household can prove Eagle County residency for at least 1 year before application submission; or Is over the age of sixty (60) and had earned a living primarily in Eagle County prior to his or her retirement; or Is a disabled person who had been a full-time employee in Eagle County for a minimum of two years immediately prior to his or her disability or has been granted an exception to the minimum of 30 hours per week in order to continue with a federal or state benefit program, if the person works the maximum number of hours per week the disabled person will have

met the intent of the programs criteria; or The household cumulatively earns at least 75% of the Household's Gross Household Income in Eagle County.

The applicant will agree to and sign a Resident Occupied deed restriction acceptable to the Town of Minturn for the sixteen (16) apartment units in Phase 1, eight (8) units in Phase 2 and three (3) units above the fire station / commercial in Phase 3 prior to approval of final plat and will record the deed restriction prior to issuance of the first temporary certificate of occupancy for any structure on site.

VI. DEVELOPMENT STANDARDS:

The following development standards apply to the entirety or perimeter of the Midtown Village PUD and aim to conform to the Community Comprehensive Plan. The development standards for each of the 5 Tracts (A - E) are described below and are included to prescribe the intentions for the entire Midtown Village community.

BUILDING ENVELOPES AND SETBACKS

Setbacks for all parcels are measured the same way: from exterior wall of building to property line. See diagram below for example:

- Building envelopes shall be created via ILC and platted with the Final Plat in accordance with the setback requirements referenced in the table diagram below.

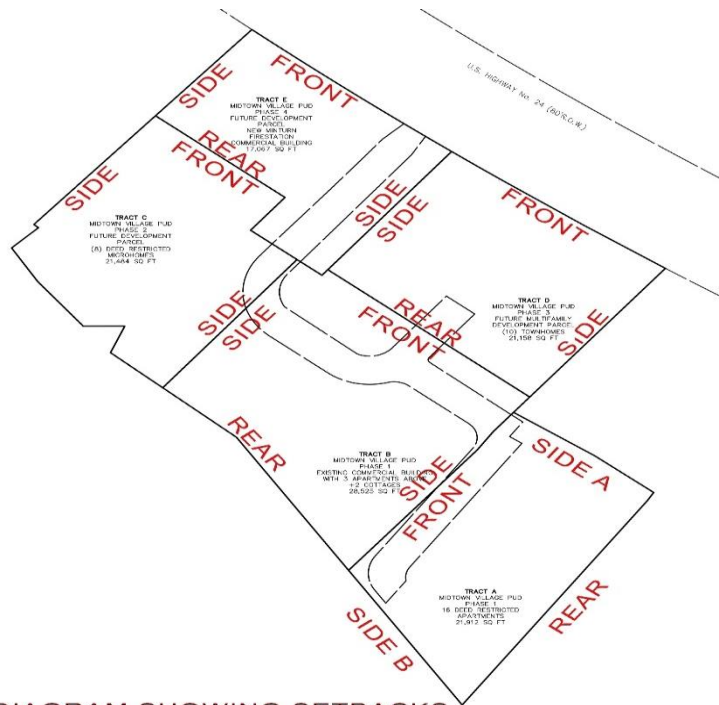


DIAGRAM SHOWING SETBACKS

- i. Side A Setback: 25 ft. includes ERWSD Sewer easement
- ii. Side B Setback: 5 ft.
- iii. Rear Setback: 5 ft.
- iv. Front Setback: 25 ft.

NOTE: Upon construction of parking garage foundation on Tract A apartment building, an ILC will be performed and provided to the Town. An amendment to the Plat will be required to establish "building envelope" and to convey title to the apartment building. All structures other than permissible encroachments (of things like: at grade decks and patios, up to 18" overhangs, sidewalks) are to be contained or maintained within the platted building envelopes.

v. Additional Building Envelope Standards: Building envelopes for all tracts will follow setback guidelines for each Tract included herein. Roof overhangs may extend beyond the building envelope up to 18 inches. Driveways, retaining walls, landscaping, landscape berms, walkways, sidewalks, paths may occur outside of building envelopes provided that a minimum of 5 feet is clear of impediments to allow for proper access, drainage, and snow storage around structures.

A. TRACT A: MINIMUM LOT SIZE OF 20,000 SF PARCEL

Sixteen (16) multi-family apartment dwelling units

1. **Description:** Apartment Building above grade level parking garage, Rooftop Solar Array
2. **Permitted Uses:** (16) Resident Occupied deed restricted rental apartments
- 2a. **Prohibited Uses:** Short Term Rental
3. **Primary Uses:** Residential
4. **Accessory Uses**
 - a. Home Occupation
 - b. Access, public driveway ingress/egress and parking areas for use by the tenants within the building
 - c. Roof- mounted solar panels

TRACT A DESIGN GUIDELINES

- a. Maximum Building Height: 28 ft.
- b. Building lot coverage shall not exceed 80% of lot. Proposed lot coverage for apartment building = 63%
- c. Total impervious area shall not exceed 90% of lot. Proposed impervious coverage = 19%
- d. Open Space / Common Area – 18%
- e. Building Envelopes and Setbacks:

(See Above: Diagram Showing Setbacks on Page 9)

Rear Setbacks: 5 ft (variation)

Front Setback: 20 ft

Side Setback: 5 ft

NOTE: The 5' Rear Setback shown on the diagram above is a variation from existing commercial code. This variation is necessary to accommodate the additional depth needed for the parking garage and adequate spacing for safest traffic patterns.

- f. Parking: 31 spaces of structured parking 2 spaces / Dwelling Unit provided. Guest spaces provided at 1 space per on Tracts B and E (Future Development)
- g. Trash / Dumpster Area: Tenants will place trash in provided bear-resistant dumpster enclosure. Fenced / Locked dumpster area. Maintenance of these amenities will be managed by the Midtown Lofts Owners Association.
- h. Nature Trail: A rustic single-track, rustic dirt trail is proposed to run from Hwy 24 Right of Way along the West property line of Tract E and Tract C and connects with Tract B and ultimately to Tract A and the USFS Martin Creek Open Space.

B. TRACT B: MINIMUM LOT SIZE OF 27,000 SF PARCEL

- 1. **Description:** Existing Commercial Warehouse with 3 Apartments above and (2) single family cottage homesites
- 2. **Permitted Uses:** Commercial, light industrial, warehouse, non-hazardous materials storage, office, professional activities, professional offices, home occupation, residential. All other uses not listed by this PUD Guide must be approved by the MVMOA and may require Conditional Use Permit from Town of Minturn
- 3. **Primary Use:** Mail level Commercial Warehouse, mini storage spaces with 3 upper level employee residence units above
- 3a. **Prohibited Uses:** Short Term Residential Rental, VRBO
- 4. **Accessory Uses**

- a. Access, private and public driveway ingress/egress, parking areas for use by the tenants of commercial building
- b. Roof- mounted solar panels, HVAC Equipment

TRACT B DESIGN GUIDELINES

- a. Maximum Building Height: 28 ft.
- b. Building lot coverage shall not exceed 80% of lot. Proposed lot coverage for renovated commercial building and 2 cottages= 32%
- c. Total impervious area shall not exceed 90% of lot. Proposed impervious coverage for renovated commercial building and 2 cottages = 40%
- d. Building Envelopes and Setbacks: Building envelopes shall be platted with the Final Plat consistent with the Town of Minturn Subdivision Regulations and in accordance with the following setback requirements: (See Above: Diagram Showing Setbacks on Page 9)

Rear Setbacks: 10 ft

Front Setback: 20 ft

Side Setback: 5 ft

NOTE: Upon construction of one or both of the (2) cottage foundations, an ILC will be performed and provided to the Town. An amendment to the Plat will be required to establish "building envelopes" and to convey title to cottages. All structures other than permissible encroachments (of things like: at grade decks and patios, up to 18" overhangs, sidewalks) are to be contained or maintained within the platted building envelopes.

iv. Additional Building Envelope Standards: Roof overhangs may extend beyond the building envelope up to 18 inches. Driveways, retaining walls, landscaping, landscape berms, walkways, sidewalks, paths may occur outside of building envelopes provided that a minimum of 5 feet is clear of impediments to allow for proper access, drainage, and snow storage around structures.

f. Parking: Parking for commercial building and residential tenants provided in conformance with Minturn Municipal Code via marked surface parking and signage delineating specific spaces for specific Units. Additional overflow and guest parking is provided on Tract B and Tract E

g. Nature Trail: : A rustic singletrack dirt trail is proposed to run from Hwy 24 ROW along the West property line of Tract E and Tract C and connects with Tract B and ultimately to Tract A and the USFS Martin Creek Open Space.

C. TRACT C: MINIMUM LOT SIZE OF 20,000 SF PARCEL

1. **Description:** Future Development Parcel
2. **Permitted Uses:** Eight (8) "RO" Deed Restricted Single Family Homes / Micro Homes
- 2a. **Prohibited Use:** Short Term Rental
3. **Primary Use:** Single-family Residential
4. **Accessory Uses**
 - a. Access, private and public driveway ingress/egress, parking areas for use by the tenants of commercial building
 - b. Roof- mounted solar panels

TRACT C DESIGN GUIDELINES

- a. Maximum Building Height: 28 ft.
- b. Building lot coverage shall not exceed 45% of lot
Proposed lot coverage for 8 future Micro Homes = 28%
- c. Impervious surface coverage shall not exceed 55% of lot
Proposed impervious surfaces coverage for parking, sidewalks, ingress/egress = 32%

NOTE: Upon construction of any, one or all of the (8) microhome foundations, an ILC will be performed and provided to the Town. An amendment to the Plat will be required to establish "building envelopes" and to convey title to homes. All structures other than permissible encroachments (of things like: at grade decks and patios, up to 18" overhangs, sidewalks) are to be contained or maintained within the platted building envelopes.

(See Above: Diagram Showing Setbacks on Page 9)

Rear Setbacks: 10 ft

Front Setback: 20 ft

Side Setback: 5 ft

iv. Additional Building Envelope Standards: Roof overhangs may extend beyond the building envelope up to 18 inches. Driveways, retaining walls, landscaping, landscape berms, walkways, sidewalks, paths may occur outside of building envelopes provided that a minimum of 5 feet is clear of impediments to allow for proper access, drainage, and snow storage around structures.

f. Parking: Parking for future Micro Homes is provided in conformance with MMC via marked surface parking and signage delineating specific spaces for specific Units / Homeowners. Additional overflow and guest parking is provided on Tract B and Tract E

g. Nature Trail: A rustic singletrack dirt trail is proposed to run from Hwy 24 ROW along the West property line of Tract E and Tract C and connects with Tract B and ultimately to Tract A and the USFS Martin Creek Open Space.

D. TRACT D: MINIMUM LOT SIZE OF 20,000 SF PARCEL

1. **Description:** Future Development Parcel

2. **Permitted Uses:** Multi-Family Residential, specifically 10 Units attached Townhomes

2a. **Prohibited Use:** Short Term Rental, VRBO

3. **Primary Use:** Multi-family Residential (4) Units to be Price Capped @ 200% AMI or less

4. **Accessory Uses**

a. Access, private and public driveway ingress/egress

b. Roof- mounted solar panels

TRACT D DESIGN GUIDELINES

a. Maximum Building Height: 28 ft.

b. Building lot coverage shall not exceed 45% of lot. Proposed lot coverage for 2 buildings of (5) Units each of attached Townhomes = 36%

c. Impervious surface coverage shall not exceed 55% of lot. Proposed impervious surfaces coverage for parking, sidewalks, ingress/egress = 29%

(See Above: Diagram Showing Setbacks on Page 9)

- i. Rear Setbacks: 10 ft. (Opposite end of Tract from Hwy 24 adjacent to Parking Lot)
- ii. Front Setback: 20 ft (Along Hwy 24 ROW)
- iii. Side Setbacks: 5 ft (Along Property Line shared with USFS Martin Creek and opposite side)
- iv. Additional Building Envelope Standards: Roof overhangs may extend beyond the building envelope up to 18 inches. Driveways, retaining walls, landscaping, landscape berms, walkways, sidewalks, paths may occur outside of building envelopes provided that a minimum of 5 feet is clear of impediments to allow for proper access, drainage and snow storage around structures.
- f. Parking: Parking for future Townhomes is provided in conformance with the Minturn Municipal Code via interior garages for each unit. Additional overflow and guest parking is provided on each unit's driveway.

E. TRACT E: MINIMUM LOT SIZE OF 15,000 SF PARCEL

- 1. **Description:** Future Development Parcel
- 2. **Permitted Uses:** Commercial, residential and/or civic (future Fire Station)
- 2a. **Prohibited Use:** Short Term Rental , VRBO
- 3. **Primary Use:** Commercial / Residences / Fire Station
- 4. **Accessory Uses**
 - a. Access, private and public driveway ingress/egress
 - b. Signage to identify the commercial businesses, residential community, Fire Station
 - c. Roof- mounted solar panels

TRACT E DESIGN GUIDELINES

- a. Maximum Building Height: up to 28 ft
- b. Building lot coverage shall not exceed 80% of lot

Proposed lot coverage for Commercial Building / Fire Station = 28%
- c. Impervious surface coverage shall not exceed 90% of lot

Proposed impervious surfaces coverage for parking, sidewalks, ingress/egress = 48%

(See Above: Diagram Showing Setbacks on Page 8)

- i. Rear Setbacks: 10 ft
- ii. Front Setback: 20 ft
- iii. Side Setbacks: 5 ft
- iv. Additional Building Envelope Standards: Roof overhangs may extend beyond the building envelope up to 18 inches. Driveways, retaining walls, landscaping, landscape berms, walkways, sidewalks, paths may occur outside of building envelopes provided that a minimum of 5 feet is clear of impediments to allow for proper access, drainage, and snow storage around structures.
 - d. Parking: Parking for future commercial building and tenants is provided in conformance with Minturn Municipal Code via marked surface parking spaces. Additional review of proposed uses for future commercial building may be required by Town of Minturn Planning Dept. to assess and verify sufficient parking within Tract E.

F. ACCESS AND SEMI-PUBLIC AREAS

- 1. **Description:** Private Driveways and sidewalks for Ingress / Egress and Common Areas
- 2. **Permitted Uses:** Ingress/Egress and circulation of residents and guests. Public spaces to be enjoyed by the residents and guests intended to create a closer sense of community.

G. OPEN SPACE TRACTS

Common area open space tracts are intended for public use by all Minturn community members and may have improvements such as playground equipment, barbeque grilles, firepits, community gardens, and picnic tables. Open Space Areas C, D and E listed on the Open Space Plan of the Civil Drawings show green spaces that can be used for dog walking and trail connectivity from HWY24 to USFS Martin Creek Trailhead. Additional Open Space Areas have been included on Future Development Parcels C and E.

VII. ARCHITECTURAL GUIDELINES

The intent of the architectural guidelines are to ensure that all proposed residential and commercial buildings blend as much as possible with the

surrounding natural landscape and to insure building materials and colors that are compatible with the surrounding Character Area / Zone.

Roofs:

Roof materials may be asphalt shingle or composite shakes, metal (standing seam, pro-panel, Cor-Ten, corrugated or copper) or a combination of those materials. All metal roofing materials shall be non-reflective. Colors should be natural, earthtones such as brown, grey, green, rusted or patina. Cedar shakes are not permitted.

Exterior Siding:

Siding may be metal, masonry, cementitious board or panel, wood, stucco, or natural or cultured stone with color palette of natural earth tones. (Applications include vertical or horizontal, standing seam, board and batten or panels)

Lighting:

All exterior light fixtures shall be downcast in nature and Dark Sky Compliant.

Lighting must also comply with the applicable lighting standards of the Minturn Municipal Code.

Common Areas, sidewalks, parking areas may also be illuminated with code compliant site lighting.

Motion Sensor Flood type lighting is prohibited.

Fire Suppression Requirements:

All Commercial Buildings and Multi-Family residences are required to have a monitored residential fire sprinkler system pursuant to the requirements of (ERFPD) Eagle River Fire Protection District.

Sustainability:

Each unit is required to include solar readiness rough-in for future solar incorporation. In addition, each unit is required to include a dedicated circuit and/ or panel capacity to support Level II electric vehicle charging. Other opportunities for incorporating sustainable practices are encouraged, including but not limited to:

Installation of roof-mounted solar panels

All landscaping within the PUD will comply with the Town's waterwise landscaping standards including but not limited to:

- Waterwise design principles and hydrozones.
- Waterwise / drought tolerant plant selection for all trees, shrubs, grasses and ground covers.
- Waterwise irrigation design and maintenance.
- Incorporation of xeriscape design and materials such as rock and other non-living ground cover such as artificial turf.

Storage / Trash:

No Storage of personal property, materials etc. other than those required by the HOA or Developer shall be permitted. All trash shall be stored within garages or trash structures and within wildlife proof containers. The fenced Dumpster enclosure next to the apartment building on Tract A is considered a “temporary” wildlife proof enclosure that could be disassembled at any time to accommodate any work related to the ERWSD Sewer easement. The enclosure will provide an aesthetic fenced area around a wildlife proof dumpster.

Fencing:

All fencing related to the property will be implemented, where necessary, by the developer and/or the Master Association per Town of Minturn Municipal Code requirements. Additional fencing is not permitted by any Homeowner or renter nor between units to allow adequate area between buildings for ladder staging in case of fire.

Additional Architectural Design Guidelines may be adopted by the developer or one of the Home Owners Associations, but in no case shall be less restrictive than what is proposed within these Guidelines.

Snow Storage and Management and Maintenance:

The Midtown Village Master Owners Association (MVMOA) shall be responsible for all common area maintenance in accordance with the Declarations. The project provides areas for snow storage as well as proposed areas of snow melt. All Tracts Midtown Village shall meet the minimum snow storage area required by Minturn Municipal Code, as may be amended from time to time, and /or may me snow melted. Snow removal and management of all common areas, driveways and sidewalks, including the sidewalk located in the Colorado Department Of Transportation (CDOT) right-of-way, shall be performed under the direction of the Midtown Village Master Owners Association (MVMOA).

VIII. WILDLIFE MEASURES AND LANDSCAPE GUIDELINES

Wildlife Mitigation Measures:

The following wildlife mitigation measures shall be adhered to:

1. Utilize bear- proof dumpsters for any garbage that is generated at this location. Furthermore, use bear-proof containers for trash during the construction period and prohibit workers from leaving food or other bear attractants onsite;
2. Prohibit construction workers and contractors from bringing pets on the work site;
3. Shield and direct all lighting fixtures downward to minimize light pollution on adjacent wildlife habitats. Only Dark-Sky compliant fixtures are approved for use.
4. Construction of any fences shall be in a wildlife- friendly manner that eliminates the chance of entanglement and impalement of wildlife attempting to jump fences. Sharp protrusions and pointed pickets or strands of wire are prohibited.
5. Prohibit fruit, nut, and berry producing trees and shrubs in landscape designs.

Landscape Guidelines:

Other than the (2) Cottage lots on Tract B, which allows for 2000 sq ft of irrigated space per lot, there are no other spaces that are allowed to be irrigated until such a time that the Town can provide additional SFE's to their system. Any future irrigation systems for Future Development on Tracts D and E are also subject to availability of additional SFE's provided by the Town. All disturbed areas shall be restored to a native condition and/or landscaped using Xeriscape or Waterwise practices.

The minimum tree and drought-tolerant plant size and type shall be in accordance with the Minturn Municipal Code, as amended from time to time, including but not limited to the Town of Minturn Waterwise landscaping and irrigation design standards and principles.

Homeowners and/or renters may not plant anything within common areas without prior consent of the governing HOA.

IX. SIGNS

All signs proposed within the PUD shall comply with the standards and limitations set forth in the Minturn Municipal Code for both residential and commercial uses. Unless exempt by the Minturn Municipal Code sign regulations, all residential and commercial signs shall require approval by the Town of Minturn.

X. AMENDMENTS, MODIFICATIONS, AND DEVIATIONS

Minor deviations to the PUD may be approved by the Planning Director in accordance with Town of Minturn Municipal Code. Amendments or major modifications to the PUD Preliminary Plan or PUD Guide shall be processed in accordance with the Minturn Municipal Code.