



**Board of Adjustment
Special Meeting Agenda
Fraser Town Hall, 153 Fraser Avenue
Wednesday February 26, 2025
5:30 PM - 6:30 PM**

Note: Times are approximate and agenda subject to change

1. Roll Call

2. Approval Of Agenda

3. Consent Agenda

a. Minutes June 26, 2024

Documents:

[BOAM 2024-06-26.Pdf](#)

4. Open Forum

5. Public Hearing

a. Appeal Of Administrative Variance Denial - The Ascent

Documents:

[00 Staff Report_TF24-12 The Ascent Administrative Variance Appeal.pdf](#)
[01 Variance Application.pdf](#)
[02 Variance Narrative Request.pdf](#)
[03 The Ascent Site Plan.pdf](#)
[04 Geotechnical Report.pdf](#)
[05 Neighbor List And Mailer Receipts.pdf](#)
[06 Public Notice Affidavit.pdf](#)
[07 The Ascent_1st Referral Summary Letter.pdf](#)
[08 Response To 1st Referral Comments.pdf](#)

a.i. BOA Resolution 2025-02-01 - The Ascent Administrative Variance Appeal

Documents:

[DRAFT BOA RESOLUTION 2025-02-01 THE ASCENT ADMINISTRATIVE VARIANCE APPEAL.PDF](#)

b. Variance To Riverwalk (RW) District Commercial Frontage Requirement - Centrum

Documents:

00 Staff Report_TF25-02 Centrum Variance.pdf
01 Variance Application.pdf
02 Letter Of Representation.pdf
03 Variance Narrative Request.pdf
04 Vicinity Map.pdf
05 Centrum Sketch Plan.pdf
06 Mailed Notice Affidavit.pdf
07 Public Notice Affidavit.pdf
08 Whitmer Law Firm Review Memo.pdf

b.i. BOA Resolution 2025-02-02 - Centrum Commercial Frontage Variance

Documents:

DRAFT BOA RESOLUTION 2025-02-02 CENTRUM VARIANCE.PDF

6. **Other Business**

7. **Adjourn**

Board of Adjustment
MINUTES

DATE: June 26, 2024

MEETING: Board of Adjustment Meeting

PLACE: Fraser Town Hall and Virtual On-Line Meeting

PRESENT
Commission: Commissioners: Chair Andy Miller, Vice Chair Bob Gnuse, Katie Soles, Margaret Bowles, Joy McCoy, Brian Cerkvénik (alternate), and Peggy Smith (alternate)

Staff: Town Planner Garrett Scott, Public Works Director Paul Johnson, Town Clerk Antoinette McVeigh, Deputy Clerk Katelyn Starks

Others: See list

Chair Andy Miller called the meeting to order at 6:30 p.m.

1. **Roll Call:** Chair Andy Miller, Vice Chair Bob Gnuse, Brian Cerkvénik, Katie Soles, Margaret Bowles, Joy McCoy, and Peggy Smith
2. **Approval of Agenda:**
Commissioner Bowles moved, and Commissioner McCoy seconded the **motion** to approve the agenda. **Motion carried: 5-0.**
3. **Consent Agenda:**
Commissioner Soles moved, and Commissioner Bowles seconded the **motion** to approve the amended agenda moving the Minutes of October 25, 2023 to discussion item 5b. **Motion carried: 5-0.**
4. **Open Forum:**
None
5. **Discussion And Possible Action:**
 - a. Amending The Minutes of The September 27, 2023, Board of Adjustment Special Meeting

The original minutes were not clear the action the Planning Commission took on resolutions:

BOA Resolution 2023-09-01 Denying the Variance Request for Meyer Lot 1
BOA Resolution 2023-09-02 Denying the Variance Request for Meyer Lot 2
BOA Resolution 2023-09-03 Denying the Variance Request for Ski Broker
BOA Resolution 2023-09-04 Denying the Variance Request for Sumrall Property

The resolutions carried 5-0 denying all variance requests. Commissioner Quinn is not a voting member on these items.

Commissioner Soles moved, and Commissioner McCoy seconded the **motion** to approve the amended Minutes of September 27, 2023. **Motion carried: 5-0.**

b. Minutes October 25, 2023

Commissioner Soles moved, and Commissioner Gnuse **seconded** the motion to approve the Minutes from October 25, 2023. **Motion carried: 5-0.**

6. **Other Business:**
none

7. **Adjourn:**
Commissioner Gnuse moved, and Commissioner McCoy seconded the **motion** to adjourn. **Motion carried: 5-0.**

Antoinette McVeigh, Town Clerk



**BOARD OF ADJUSTMENT
STAFF REPORT**

Date Prepared: February 20, 2025
Meeting Date: February 26, 2025

RE: The Ascent Condominiums – Administrative Variance Appeal

To: Town of Fraser Board of Adjustment

From: Alan Sielaff, Assistant Town Planner

Project Number: TF24-12

Project Address: 601 S. Zerex Street (US Highway 40)

Applicant: Ski and Board Broker LLC

Property Owner: Ski and Board Broker LLC and Cornerstone Winter Park Holdings, LLC

Zoning: Business District (B)

CC: Michael Brack, Town Manager

Garrett Scott, Town Planner

REQUEST

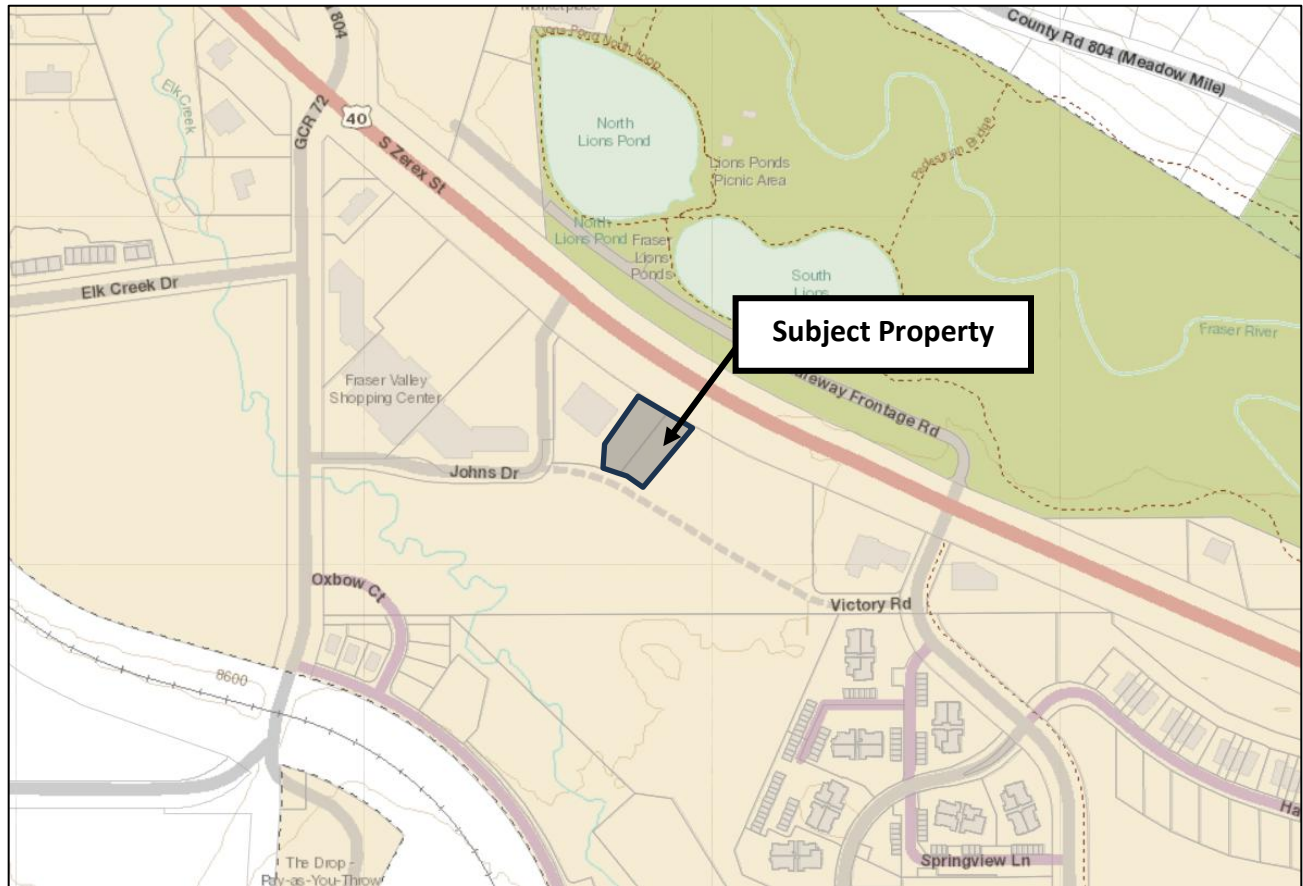
The applicant is appealing staff's denial of an administrative variance request to Section 19-2-250 Table 2.8 to increase the maximum height from forty-five (45) feet to forty-nine and one-half (49.5) feet for the proposed Ascent Condominiums development located at 601 S. Zerex Street.

BACKGROUND

The Ascent Condominiums project is a proposed 25-unit for-sale multifamily residential development to be located adjacent to and including the current XSports building, formerly known as Ski Broker. This request is part of an overall land use application for a Major Subdivision Final Plat, Major Site Plan, and Administrative Variance. Because the variance request does not exceed ten percent (10%) of the maximum height standard, the variance could be reviewed administratively, per [Sec. 19-1-350](#). Review of the first submittal of the combined development application included staff's review of the administrative variance request against the criteria in [Sec. 19-1-330\(a\)](#). Town staff determined that not all applicable criteria were met. Within the applicant's response-to-comments letter provided with their second submittal, they have elected to appeal this denial to the Board of Adjustment. The appeal has been scheduled prior to the hearing with the Planning Commission for the Major Subdivision Final Plat and Major Site Plan portions of the development application.

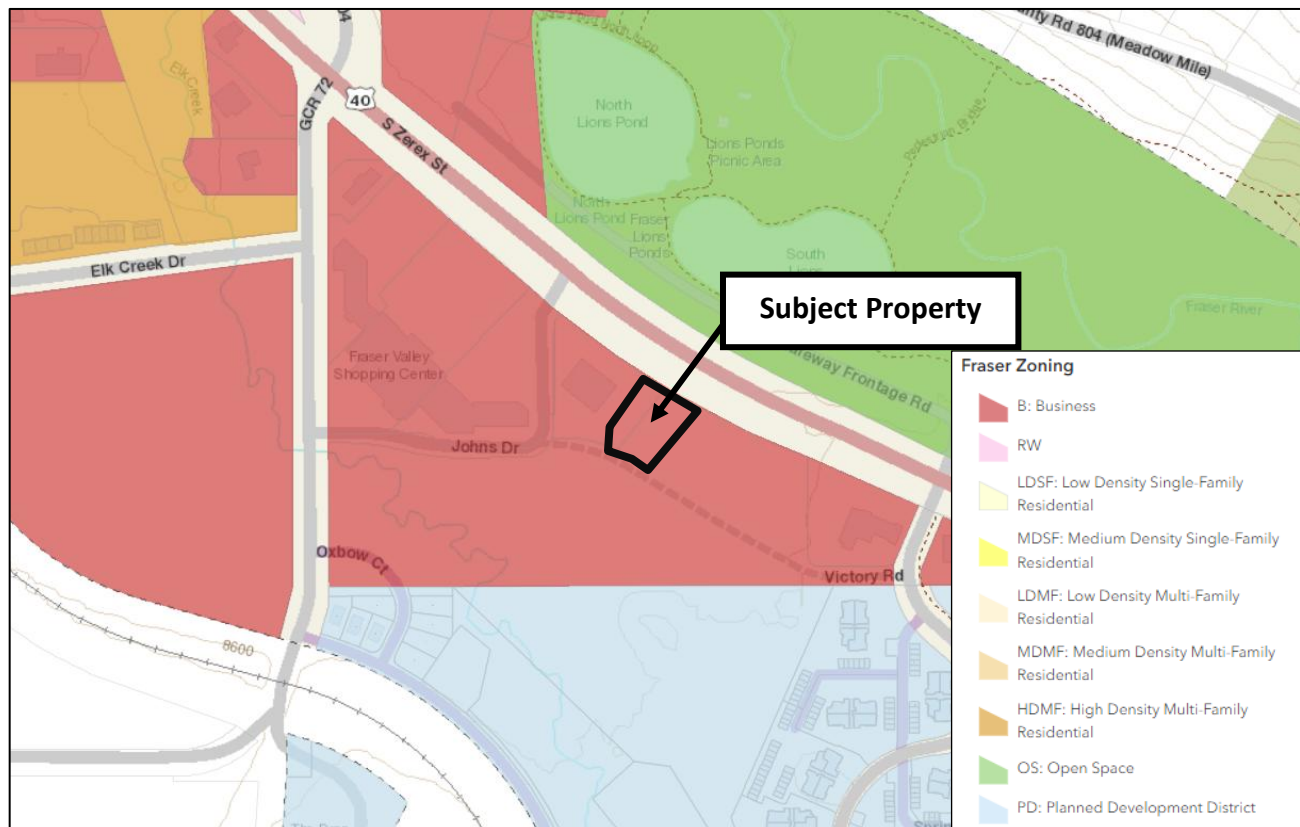
This site, along with several other properties under common ownership in the area, was also part of a previous request for a height variance in 2023. That request sought to increase the maximum height on four separate properties in the Business District zone from forty-five (45) feet to fifty-five (55) feet. These requests were not associated with a specific development proposal, and all four requests were ultimately denied by the Board of Adjustment on September 27, 2023 through Board of Adjustment Resolutions 2023-09-01 through 2023-09-04.

LOCATION MAP



ZONING & LAND USE

The site is located within the Business District (B) zone and adjacent properties to the west and south are also zoned Business. These areas include the Fraser Valley Shopping Center (Murdoch's) to the west, Meyer Lot 2 to the south (vacant), and BMO Bank to the southeast. The maximum height for these properties is forty-five (45) feet. The area north and east of US Highway 40 is zoned Open Space and contains the Lions Ponds. The maximum height in the Open Space district is twenty (20) feet. Zone districts further away include High Density Multifamily (HDMF), which has a maximum height of forty (40) feet, the Riverwalk district, which has a maximum height of forty-five (45) feet, and Planned Development – Grand Park, which includes individual planning areas with maximum heights ranging from thirty-five (35) feet to seventy-five (75) feet, with the closest planning areas to this site having a maximum height of forty-five (45) feet.



REFERRAL REVIEW

Full application submittal documents were sent out on referral on December 10, 2024, and referral agency comments and planning review comments returned to the applicant on January 8, 2025. Due to the nature of the request, only the Town Attorney provided specific review comments on the height variance portion of the submittal. That review memo is provided as an attachment to this report. Staff will also note that the fire district included the following statement in their review letter on the overall development proposal: "East Grand Fire has no issues with the variance request for additional height. Please note that additional fire service features (including but not limited to standpipes) are required for structures 4 or more stories in height."



BUILDING HEIGHT REVIEW

Building height as applicable in the Business District zone is defined in [Sec. 19-2-610](#) as follows (italics added for emphasis):

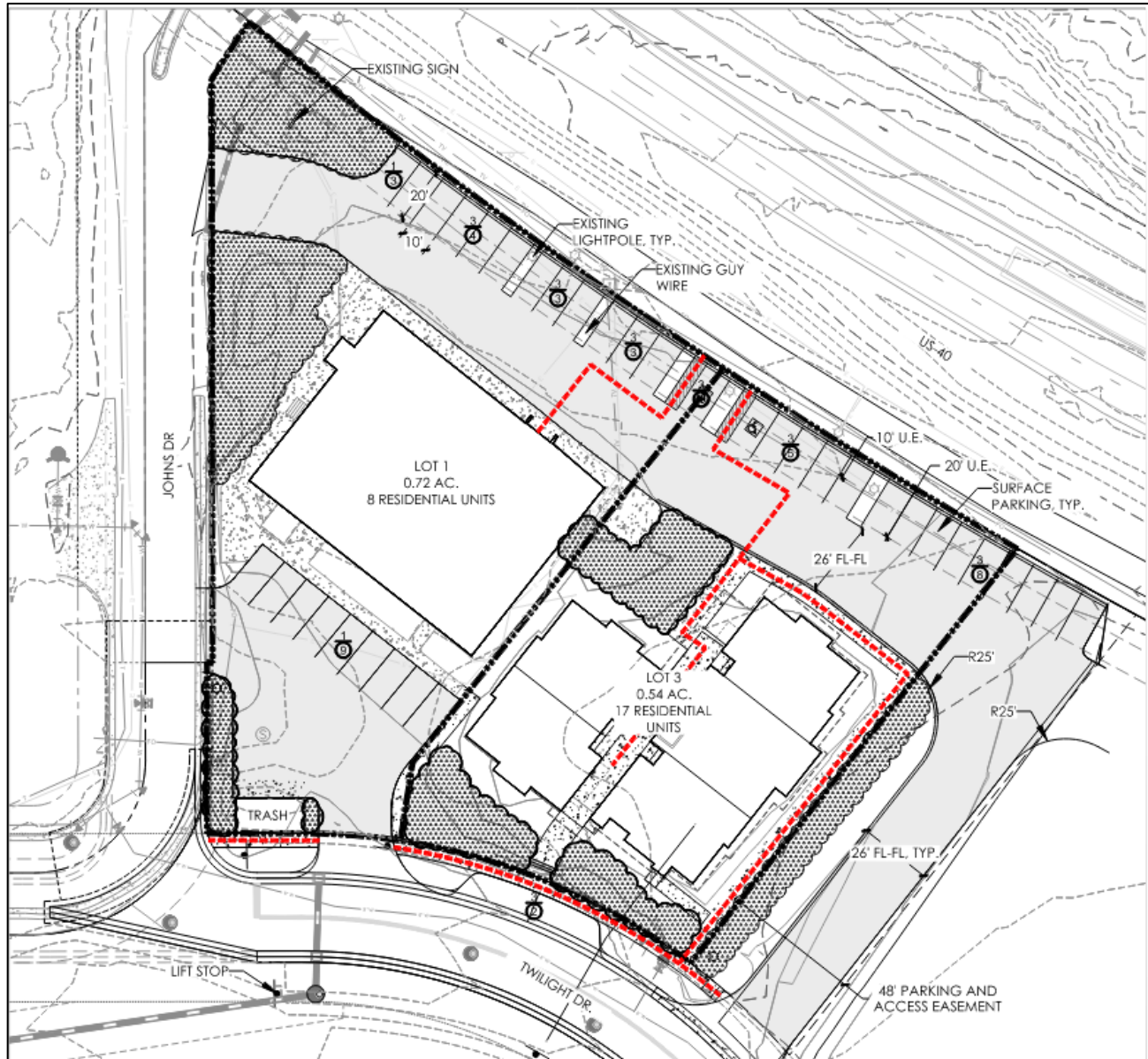
Height means the vertical distance above a reference datum measured to the highest point of a flat roof or deck line of a mansard roof or the midpoint of the highest gable of a pitched or hipped roof. The height of a stepped or terraced building is the maximum height of any segment of the building. The reference datum shall be selected by either of the following, *whichever yields a greater height of building*:

- a. The point of the lowest preconstruction elevation on any building face. The owner shall have the burden of proving pre-construction elevation.
- b. The point of the lowest elevation of any building face.
- c. The elevation of the lowest point of an exposed foundation or a wall.

As defined above and applied to this request, building height is measured from the mid-point of the pitched portions of the roof to the lowest existing elevation of any one side of a building. In practice, generally the preconstruction elevations are going to be the lowest, unless additional excavation and grading is proposed as part of a development. The applicant's proposed building elevations with height measurements are provided below and depict the lowest existing grade as 1.7 ft. below the finished floor elevations. Full plan documents are provided as an attachment to this report for closer examination.

The building is designed in such that it is essentially two separate building footprints connected by an open-air common hallway with stairs; see the site plan for the proposed Lot 3 on the following page for reference. The southeast portion of the building has a larger footprint, is three stories in height, and has three residential units per floor. The northwest portion of the building has a smaller footprint, is four stories in height, and has two units per floor. It is this northern portion of the building that exceeds the forty-five foot height maximum. The majority of this part of the structure, including floor plates of all four floors, are under the height maximum, but the slightly slanted roof is fully above the maximum, with the mid-point measured at 49.5 ft. from the lowest existing grade.

Site Plan:





Northwest Elevation:



① NW ELEVATION Color
 3/16" = 1'-0"

Southeast Elevation:



① SE ELEVATION Color
 3/16" = 1'-0"

Southwest Elevation:



Northeast Elevation:



An elevator shaft enclosure is also depicted to exceed the maximum 45 ft. height to just over 51 ft. However, this elevator shaft is specifically allowed per [Sec. 19-2-270](#) as a height exception for appurtenances, so long as the appurtenance does not interfere with FAA Regulations, does not extend more than ten (10) feet above the maximum permitted building height, and is not constructed for the purpose of providing additional floor area. Staff finds that the elevator shaft enclosure as proposed meets these requirements for an allowed appurtenance and can be approved without a variance.



ADMINISTRATIVE VARIANCES AND APPEAL PROCESS

The variance request was originally processed as an administrative variance per [Sec. 19-1-350](#), which states that Town staff shall have authority to act upon variance requests (but not appeals from administrative decisions) under the following circumstances:

- (1) The variance does not exceed ten percent (10%) of the minimum or maximum standard;
- (2) The Town Staff applies the same review criteria as does the Board of Adjustment under Section 19-1-330;
- (3) No additional dwelling units would result from approval of such administrative variance;
- (4) A decision by the Town Staff to deny, or condition, an administrative variance, may be appealed to the Board of Adjustment in the same manner as for appeals under Section 19-1-320.

Following staff's determination that the request did not meet all applicable review criteria, the applicant stated their desire to appeal to the Board of Adjustment. [Sec. 19-1-320](#) outlines the appeals process, of which subsection (a) states that the Board of Adjustment shall hear and decide appeals from and review any order, requirement, decision or determination made by any administrative official charged with the enforcement of any provision of this Chapter. Subsection (d) states that the Board of Adjustment may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from. Additionally, subsection (e) allows that where there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of the regulations contained in this Chapter, the Board of Adjustment has the power, in passing upon an appeal, to vary or modify the application of such regulations relating to the construction or alteration of buildings or structures, so that the spirit of the ordinance is observed, public safety and welfare secured and substantial justice done. The applicant has appealed staff's determination to the Board of Adjustment on staff's determination that three of the six variance criteria in Sec. 19-1-330(a) were not met.

VARIANCE CRITERIA, APPLICANT RESPONSES, & STAFF REVIEW

Sec. 19-1-330(a) states that a variance may be granted only to the extent that the following conditions, where relevant to the subject property and adjacent neighborhood or district, are present. Provided below are the review criteria, the applicant's provided reasoning, staff's original review of these criteria as provided in the January 8, 2025 first referral summary letter, as well as the applicant's responses to staff's review received on January 30, 2025.

1. There are unique physical circumstances or other conditions peculiar to the affected property, such as exceptional topography or irregularity, narrowness or shallowness of a lot.
 - a. Applicant reasoning: The request for a variance is due to the high groundwater table of 6 feet below the surface on the site. The high groundwater makes garden level units infeasible therefore going up is the only solution to achieve the necessary number of units to make the project financially viable. In addition, the extremely flat site has caused the finish floor elevation to rise in order to maintain positive drainage throughout the site. This higher finished floor increases the height of the building as defined in the Land Use Code.
 - b. Staff review: Disagree – Staff does not consider high groundwater a unique physical



circumstance. It may be considered as an "other condition peculiar to the property"; however, it is a condition that generally exists across all properties in the Fraser River valley to a degree. Further, the variance request reasoning discusses the necessity of additional units to achieve financial viability for the project and infeasibility to construct garden level units on the ground floor which would result in a lower building height. Unfortunately, financial viability is not a consideration in granting a variance, and the ability or inability to pursue subsurface development is not something guaranteed by the Town's zoning regulations.

- c. Applicant response: High groundwater is a limiting factor and must be considered in all design associated with this property; moreover, the blanket statement made by staff "it is a condition that generally exists across all properties in the Fraser Valley..." is blatantly false. See prior geotechnical reports for various projects in and around the Grand Park and Rendezvous projects. Certainly, without this condition a garden level is possible, but not with the condition. Additionally, given the staffs' broad interpretation of the code for the hotel at the entry to Rendezvous approved last week that well exceeds 55' in a 45' height zone, where the staff used six corners to bring the height down, and referenced parapets as appurtenances, we find it laughable a real professionally documented physical impediment, high ground water, is deemed to not be an "other condition peculiar to the property". The design of the project is better with this slight roof height variance and the notion staff would suggest eliminating two units as a solution to reduce the building height in a market where housing inventory is short is hard to understand.
2. The unique physical circumstances or other conditions do not exist throughout the neighborhood or district in which the property is located.
 - a. Applicant reasoning: The high water table is not unique to the area however, in the instance of this site, building heights are limited to 45 feet whereas the other properties along Hwy 40 in Grand Park have 55 and 75 foot building heights.
 - b. Staff review: Disagree – The applicant also acknowledges that the high groundwater level is not unique to this site. The applicant's additional discussion of other locations in general vicinity of this site that have greater maximum allowed heights is not applicable to this criteria.
 - c. Applicant response: See response above.
 3. The unique physical circumstances, other conditions or any other hardship complained of have not been created by the applicant.
 - a. Applicant reasoning: High groundwater has not been created by the applicant.
 - b. Staff review: Agree – The applicant's identification of high groundwater as the unique physical circumstance has not been created by the applicant.
 - c. Applicant response: Noted
 4. Because of the unique physical circumstances or other conditions, the property cannot be reasonably developed in conformity with the provisions of this Chapter.
 - a. Applicant reasoning: As mentioned above, due to the high groundwater table, it is not possible to achieve the allowed density for the site.
 - b. Staff review: Disagree – Being unable to achieve the maximum allowed density of 20 units per acre on the site does not equate to the variance criteria of "cannot be



- reasonably developed". The site could be developed with 15 units within three floors rather than an additional two units on a proposed fourth floor. Further, other building floorplate designs, reduced floor to ceiling heights, or smaller unit sizes could be considered to achieve additional units within the site's constraints.
- c. Applicant response: We had understood housing and density was a priority for the Town of Fraser given the lack of housing inventory. Suggesting reducing the allowed density is not a good solution nor does it help Fraser's housing inventory problem. Further, good architecture is paramount to product sales, livability and quality of life for the residents. Eight foot ceilings are no longer accepted by the market place.
5. The variance, if granted, will not alter the essential character of the neighborhood or district in which the property is located, or substantially or permanently impair the appropriate use of adjacent conforming property.
- a. Applicant reasoning: The increased building height is compatible with adjacent uses and will serve as a bookend for Fraser's commercial core. In addition, the request for an increase in building height is consistent with the permitted building heights in Grand Park and Rendezvous along the Hwy 40 frontage. In the Village at Grand Park, PA 1Wa, building heights vary from 55 to 75 feet with 75 feet being permitted in 2W along Old Victory Road. In Rendezvous, the permitted heights along Hwy 40 are 45 feet, with the recently approved Springhill Suites exceeding that height.
- b. Staff review: Agree – The building design is generally compatible with the surrounding context, and the design elements the additional height would facilitate (a slightly sloped 4th floor roof rather than a flat roof) is generally preferable. The relatively minor height increase will not alter the essential character of the area or impair the use of adjacent property. While the applicant states this proposal is consistent with higher allowed heights within the Grand Park and Rendezvous Planned Developments, staff notes that the specific areas within these PD's that allow such heights are not adjacent to this site and this would therefore represent a slight departure from a 45 ft. maximum height in the immediate vicinity of the site. However, staff does recognize that building heights over 45 ft. are allowed elsewhere along the US 40 corridor in Fraser.
- c. Applicant response: Noted
6. The variance, if granted, is the minimum variance that will afford relief and is not detrimental to the public good or to the purpose, intent and spirit of this Chapter or the Town Comprehensive Plan.
- a. Applicant reasoning: This height variance is in the public good. Fraser needs more housing at a lower price point and this building height variance will help towards that goal by allowing for greater flexibility in design, reducing the building cost per square foot, and providing additional area for parking, snow storage and landscape, all of which contribute to the overall success of the development. In addition, new residents provide additional customers for the nearby local businesses.
- b. Staff review: Agree – The requested 4.5 ft. increase in height appears to be the minimal ask in order to accommodate a reasonable fourth floor design and incorporate high quality design elements. There are no immediate neighbors that might be impacted by the height increase except the two residential units and existing business in the existing X-Sports building which is under common ownership. As a building fronting US 40, there



may be concerns regarding impacts to views towards the west from users of the Lions Ponds area or users of the US 40 shared use path; however, the request for a 49.5 ft. building height is not likely to have a major impact to existing viewsheds compared to a 45 ft. building height.

c. Applicant response: Noted

7. The variance is needed to provide a reasonable accommodation to a person or persons with a disability.

a. Applicant reasoning: Not applicable.

b. Staff review: Not applicable.

c. Applicant response: Noted.

An important distinction needs to be made regarding the building height determination as applied to this proposal and, as the applicant referred to in their response, to the recent application for the Rendezvous East Mountain Filing 8 Hotel Amended FPDP. As explained in the staff report and presentations as part of that land use case, development within a Planned Development district has additional flexibility with regards to building height, which is explicitly stated in the code. Per [Sec. 19-4-190\(b\)](#), the final height of buildings in Planned Developments may be negotiated at the FPDP stage, subject to ten characteristics that are identified in the Town code. These ten characteristics are wholly different than the seven variance criteria and afford greater latitude to grant additional height mainly based on mitigation or avoidance of potential impacts rather than proving a hardship specific to the site on the basis of topography, lot dimensions, or other physical circumstances. Additionally, per the 2003 Rendezvous Annexation Agreement, height is defined slightly differently within the PD district and utilizes the average finished grade of the primary four corners of a building rather than the more restrictive definition in the Town Code. These code allowances facilitated greater flexibility for building height and was approved by the Planning Commission and Board of Trustees through the public hearing process, not as an administrative determination.

As staff expressed to the applicant in the first submittal review letter, Town staff wishes to note that while we conceptually support the proposal on the merits of building design and recognize the site as an appropriate location for additional residential density, the variance criteria as currently adopted in the code unfortunately do not offer the type of wider policy discretion to approve this request. Ultimately, staff would need other tools in the code such as an “administrative adjustment” process that is separate from variances, allowances for greater discretion/flexibility in granting administrative variances, and/or some type of zoning overlay that connects inclusionary or affordable housing requirements or other community needs to an increase in building height. Staff has previously discussed potential code amendments with the Planning Commission and Board of Trustees and may broach the topic again in the future as part of the process to update the Town’s Comprehensive Plan in 2025, but at this time staff does not have the administrative authority to grant this request.

Should the Board of Adjustment choose to overturn the staff determination and approve the variance, the following items listed in [Sec. 19-1-330](#) copied below should be addressed:

(b) In granting any variance, the Board of Adjustment has the authority to attach such reasonable conditions as it deems necessary to protect the general welfare and implement the purposes of this Chapter.

(d) No grant of a variance shall be complete or effective unless and until the Board of Adjustment



has adopted a written resolution approving the variance, which resolution shall identify the property for which the variance is granted, and state specifically the exceptional conditions, practical difficulties or unnecessary hardships involved, or other grounds for granting the variance. The resolution shall also specify any terms and conditions applicable to the variance, including, without limitation:

- (1) Limitations on its duration;
- (2) Whether the variance runs with the land or is personal to the applicant;
- (3) Required materials or construction methods;
- (4) Rights of adjacent property owners, and
- (5) Circumstances (in addition to violation of the terms of the variance) which would give rise to a revocation of the variance.

PUBLIC NOTICE

[Sec. 19-1-215](#) establishes the requirements for public notice when public hearings are required with land use review, including an appeal or variance request. Newspaper publication and mailed letters are required for the appeal, and were published/distributed as follows:

- Newspaper: Published in the Sky-Hi News and Middle Park Times on February 12, 2025 (Town responsibility)
- Mailed letters: Sent by mail on February 10, 2025 (applicant responsibility)
- Affidavits of publication are included with the Board of Adjustment packet

SUMMARY

The applicant has submitted a complete application for the review of an Administrative Variance to Section 19-2-250 Table 2.8 to increase the maximum height from forty-five (45) feet to forty-nine and one-half (49.5) feet for the proposed Ascent Condominiums development located at 601 S. Zerex Street. Following review and a staff determination of denial, the applicant has appealed the denial to the Board of Adjustment as allowed by Sec. 19-1-320. The Board shall hear and decide appeals from and review any order, requirement, decision or determination made by any administrative official charged with the enforcement of any provision of this Chapter and may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from.

REQUEST: Appeal of staff's denial of an administrative variance request to Section 19-2-250 Table 2.8 to increase the maximum height from forty-five (45) feet to forty-nine and one-half (49.5) feet for the proposed Ascent Condominiums development located at 601 S. Zerex Street.

CONDITIONS OF APPROVAL:

Should the Board of Adjustment vote to APPROVE the appeal of staff's denial of the administrative variance request, staff recommends the decision be subject to the condition of approval listed below:

- 1) Approval of the Variance is valid for one (1) year from the date the Board of Trustees provide final approval for case number TF24-12 The Ascent Condominiums Major Subdivision-Final Plat and the Major Site Plan per Sec. 19-1-245.



Attachments:

- 01 Variance Application
- 02 Variance Narrative Request
- 03 Site Plan
- 04 Geotechnical Report
- 05 Neighbor List and Mailer Receipts
- 06 Public Notice Affidavit
- 07 The Ascent 1st Referral Summary Letter (dated January 8, 2025)
- 08 Response to 1st Referral Comments (dated January 29, 2025)

Board of Adjustment Resolution 2025-02-01



LAND USE APPLICATION FORM

PROJECT NAME The Ascent Condominiums

DATE RECEIVED: 12/9/24

APPLICATION FEE: \$150.00

TYPE OF APPLICATION

HEARING DATE:

- ☐ Annexation, Zoning, Concept Plan
- ☐ Conditional Use
- ☐ As Built Plat
- ☐ Site Plan
- ☐ Vacation of Street or Easement
- ☐ Final Planned Development Plan

- ☐ Change of Zone
- ☐ Final Plat
- ☐ Planned Unit Development
- ☐ Sketch Plan
- ☒ Variance

- ☐ Development Permit
- ☐ Minor Subdivision Plat
- ☐ Preliminary Plat
- ☐ Subdivision Exemption
- ☐ Other

PROJECT INFORMATION

Applicant's Name: Ski and Board Broker LLC

Project Location: 601 S Zerex St

Address: 601 S Zerex St

Fraser, CO 80442

Existing Zoning: B

Phone/Fax: 970-726-8600

Relation to Property Owner: Owner

Proposed Zoning: B

Legal Description of Property (lots, blocks, tracts, subdivision name, or metes & bounds - attach additional sheet, if necessary):

Total Acreage of Property under Consideration: 1.26 acres

Number of Existing Residential Lots: 0

Number of Proposed Residential Lots: 1

Type of Housing Proposed: multi-family- 17 units

Number of Existing Commercial Lots: 1

Number of Proposed Commercial Lots: 1

ADDITIONAL CONTACTS

Property Owner: Cornerstone Winter Park Holdings LLC

Consultant: Terracina Design

Address: PO Box 30

Address: 10200 E Girard Ave, Ste A-314

City/State/Zip: Winter Park, CO 80482

City/State/Zip: Denver, CO 80231

Phone/Fax: 970-726-8600

Phone/Fax: 303-632-8867

CERTIFICATION

I hereby affirm that I have full legal capacity to authorize the filing of this application and that all information and exhibits herewith submitted are true and correct to the best of my knowledge. The Authorized Signer invites Town of Fraser representatives to make all reasonable inspections and investigations of the subject property during the period of processing this application. I further agree to pay all fees consistent with the Town of Fraser payment policies and comply with all Town Codes and regulations. I understand that all materials and fees required by the Town of Fraser must be submitted prior to having this application processed.

Authorized Signature*:

Date: 12/9/24

*If other than owner, attach letter authorizing agent on behalf of owner.

Town of Fraser, 153 Fraser Avenue, P.O. Box 370, Fraser, Colorado 80442

Phone: 970-726-5491, Fax: 970-726-5518, www.frasercolorado.com



November 22, 2024

Town of Fraser
Attn: Michael Brack
153 Fraser Avenue
Fraser, CO 80442

RE: Building Height Administrative Variance Request

On behalf of Cornerstone Winter Park Holdings, LLC and Ski and Board Broker, LLC , we are requesting an administrative variance from Section 19-2-250 (Table 2.8) of the Land Development Code to increase the maximum building height by 10% from forty-five (45) feet to forty-nine feet, six inches (49.5'). The variance request applies to Lot 1B of the Final Plat.

The building height is measured from the lowest pre-construction grade to the mid-point of the highest pitched roof as required by Code. The attached exhibits show the grades and height measurements.

Background:

The Ascent Condominiums are located adjacent to US Hwy 40 and Murdoch's commercial center, on the south end of the commercial core of the Town of Fraser. The request for a variance for this parcel is due to the high groundwater table not allowing the site to be developed to its full potential. This site is ideally located for high density development along Hwy 40 and close to services and transit. The increased building height would allow more units to be built while allowing for creative architectural design and roof forms.

The benefits to the increased height is that it allows for varied roof forms that complement the existing building and creates a more attractive architectural edge along Hwy 40. The increased height also reduces the size of the building footprint while maintaining the allowed residential density, therefore permitting the site to be developed to its fullest potential.

Criteria for a Variance

1. There are unique physical circumstances or other conditions peculiar to the affected property, such as exceptional topography or irregularity, narrowness or shallowness of a lot.

RESPONSE: The request for a variance is due to the high groundwater table of 6 feet below the surface on the site . The high groundwater makes garden level units infeasible therefore going up is the only solution to achieve the necessary number of units to make the project financially viable. In addition, the extremely flat site has caused the finish floor elevation to rise in order to maintain positive drainage throughout the site. This higher finished floor increases the height of the building as defined in the Land Use Code.

2. The unique physical circumstances or other conditions do not exist throughout the neighborhood or district in which the property is located.

terraccina design

Landscape Architecture ▪ Planning ▪ Civil Engineering
10200 E. Girard Avenue, A-314. Denver, CO 80231 ph: 303.632.8867

RESPONSE: The high water table is not unique to the area however, in the instance of this site, building heights are limited to 45 feet whereas the other properties along Hwy 40 in Grand Park have 55 and 75 foot building heights.

3. The unique physical circumstances, other conditions or any other hardship complained of have not been created by the applicant.

RESPONSE: High groundwater has not been created by the applicant.

4. Because of the unique physical circumstances or other conditions, the property cannot be reasonably developed in conformity with the provisions of this Chapter.

RESPONSE: As mentioned above, due to the high groundwater table, it is not possible to achieve the allowed density for the site.

5. The variance, if granted, will not alter the essential character or the neighborhood in which the property is located or substantially or permanently impair the appropriate use of adjacent conforming property.

RESPONSE: The increased building height is compatible with adjacent uses and will serve as a bookend for Fraser's commercial core. In addition, the request for an increase in building height is consistent with the permitted building heights in Grand Park and Rendezvous along the Hwy 40 frontage. In the Village at Grand Park, PA 1Wa, building heights vary from 55 to 75 feet with 75 feet being permitted in 2W along Old Victory Road. In Rendezvous, the permitted heights along Hwy 40 are 45 feet, with the recently approved Springhill Suites exceeding that height.

6. The variance, if granted, is the minimum variance that will afford relief and it not detrimental to the public good or to the purpose, intent and spirit of this Chapter or the Town Comprehensive Code.

RESPONSE: This height variance is in the public good. Fraser needs more housing at a lower price point and this building height variance will help towards that goal by allowing for greater flexibility in design, reducing the building cost per square foot, and providing additional area for parking, snow storage and landscape, all of which contribute to the overall success of the development. In addition, new residents provide additional customers for the nearby local businesses.

7. The variance is needed to provide reasonable accommodation to a person or persons with a disability.

Response: Not applicable.

Increasing the height limitation from 45 ft. to 49.5 ft. would improve the developer's ability to facilitate development of the residential zoning desired and allowed on the property. Based on the location of the site, a height increase for development would have little to no effect on neighboring properties as the increased height will not impact surrounding views any more than the permitted 45-foot height.

Fraser needs more housing at a lower price point and this building height variance will help towards that goal by allowing for greater flexibility in design, reducing the building cost per square foot, and

terraccina design

Landscape Architecture • Planning • Civil Engineering
10200 E. Girard Avenue, A-314. Denver, CO 80231 ph: 303.632.8867

providing additional area for parking, snow storage and landscape, all of which contribute to the overall success of the development.

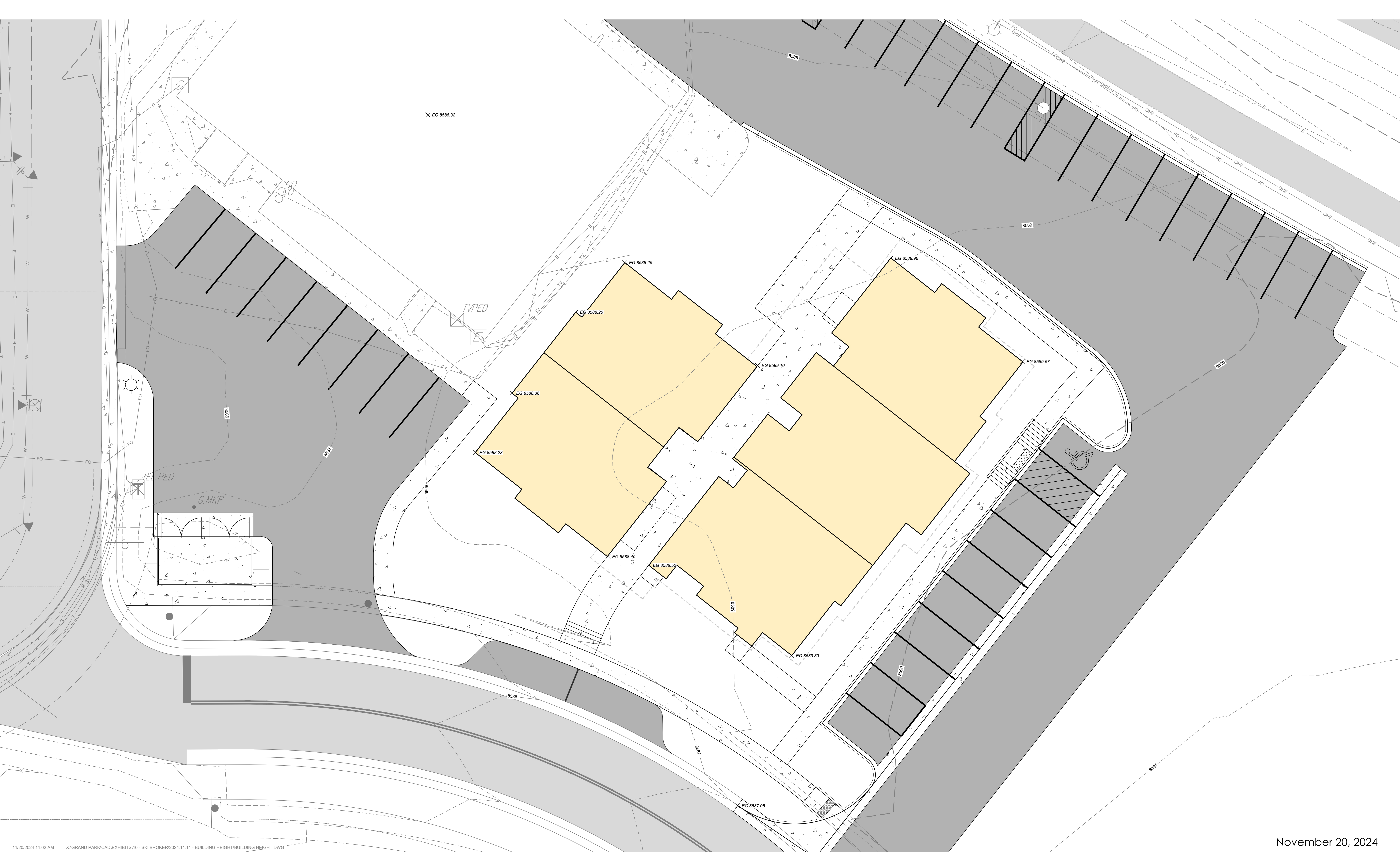
Respectfully,
Terracina Design, LLC

A handwritten signature in black ink, reading "Layla Rosales". The script is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Layla Rosales, PLA
Principal

terraccina design

Landscape Architecture ▪ Planning ▪ Civil Engineering
10200 E. Girard Avenue, A-314. Denver, CO 80231 ph: 303.632.8867



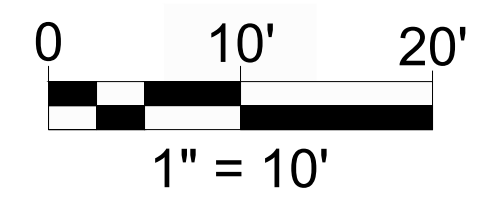
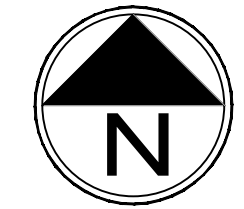
November 20, 2024

11/20/2024 11:02 AM X:\GRAND PARK\CAD\EXHIBITS\10 - SKI BROKER\2024\11.11 - BUILDING HEIGHT\BUILDING HEIGHT.DWG

SKIBROKER

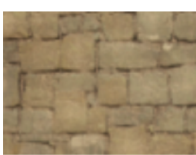
EXISTING ELEVATIONS

td terracina
design
10200 E. Girard Ave, A-314
Denver, CO 80231
ph: 303.632.8867



MAJOR SITE PLAN
SKI BROKER PLACE

LYING WITHIN THE SOUTHWEST QUARTER OF SECTION 20, TOWNSHIP
1 SOUTH, RANGE 75 WEST OF THE SIXTH PRINCIPAL MERIDIAN,
TOWN OF FRASER, COUNTY OF GRAND, STATE OF COLORADO.



1 GRAY STONE VENEER



2 CEMENTITIOUS LAP SIDING - 6" HORIZONTAL REVEAL - PAINTED WHITE



3 WOOD B&B SIDING - 12" VERTICAL REVEAL - STAINED



4 CEMENTITIOUS LAP SIDING - 8" 4" 4" 8" 4" HORIZONTAL PATTERN - PAINTED RED



5 CEMENTITIOUS LAP SIDING - 6" HORIZONTAL REVEAL - PAINTED GRAY



6 CEMENTITIOUS BUILT-UP FASCIA - PAINTED DARK GRAY



7 WOOD BUILT-UP FASCIA - STAINED



Elevation Color Legend
12" = 1'-0"



1 NE ELEVATION Color
3/16" = 1'-0"





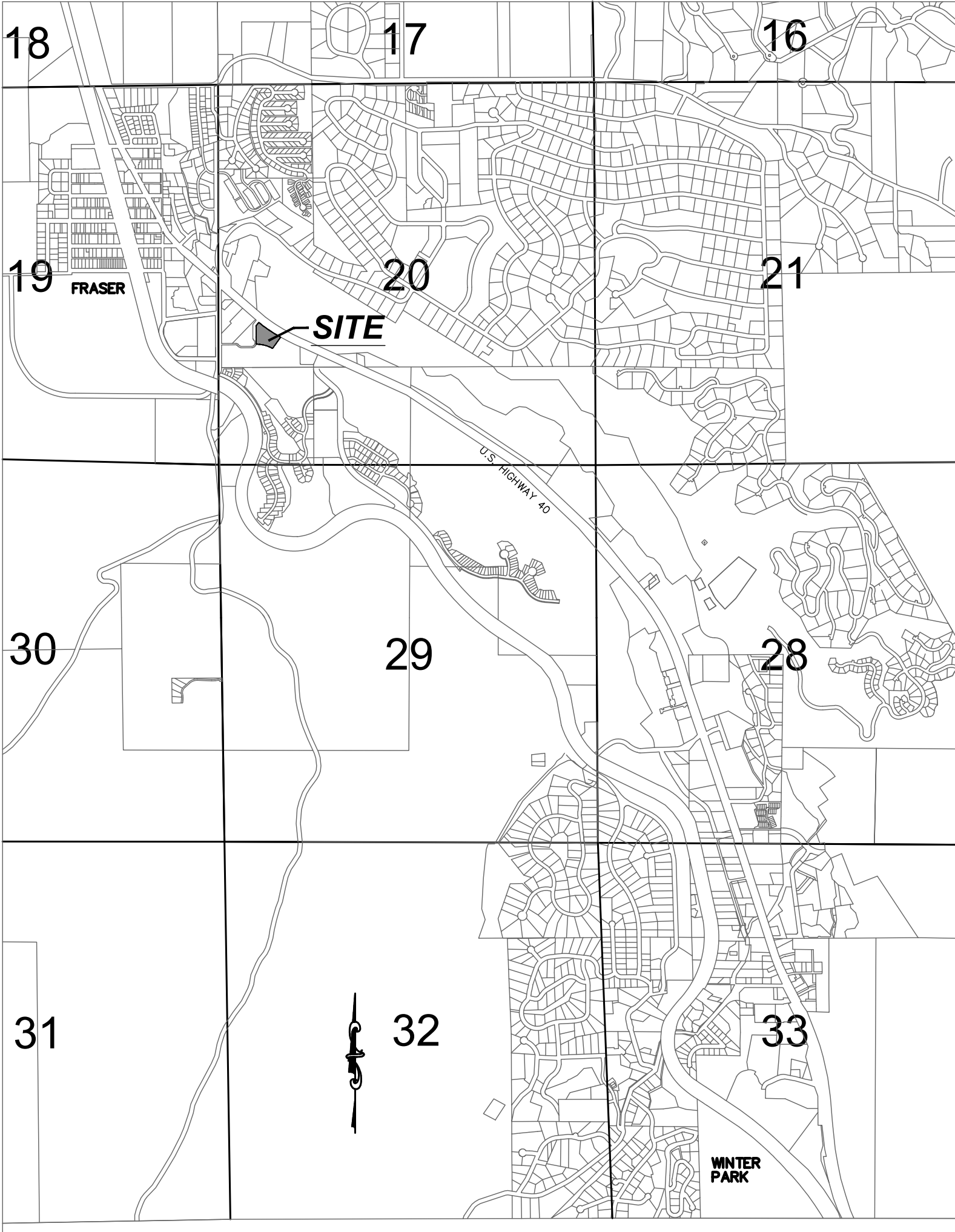






MAJOR SITE PLAN
THE ASCENT

LYING WITHIN THE SOUTHWEST QUARTER OF SECTION 20, TOWNSHIP
1 SOUTH, RANGE 75 WEST OF THE SIXTH PRINCIPAL MERIDIAN,
TOWN OF FRASER, COUNTY OF GRAND, STATE OF COLORADO.



VICINITY MAP
SCALE: 1"=2500'-0"

SHEET INDEX

COVER SHEET	1
SITE PLAN	2
LANDSCAPE PLAN	3
BUILDING FLOOR PLAN	4-8
BUILDING ELEVATIONS	9-12
LIGHTING PLAN	13
OPEN SPACE PLAN	14

LEGAL DESCRIPTION

Lots 1 and 3 OF THE ASCENT FINAL PLAT AT RECEPTION NO. _____, A REPLAT OF LOT
2, MEYERS SUBDIVISION AND A REPLAT OF SKI BROKER EMPLOYEE HOUSING APARTMENTS
TRACT C RESUBDIVISION OF PARCEL C FOREST MEADOWS SOLAR COMMUNITY, Reception
Number 2021013571.

Zoning	Business
Minimum Lot Area	Multi-family dwelling unit: "Twenty one hundred and seventy eight (2,178) square feet
Minimum Lot Width	Residential: Fifty (50) feet
Minimum Front Yard	Residential: Twenty (20) feet
Minimum Side Yard	Residential: Five (5) feet
Minimum Rear Yard	Residential: Ten (10) feet
Minimum Stream Setback	Thirty (30) feet; a greater setback of up to one hundred fifty (150) feet may be required during site plan review
Minimum Floor Area	Principal Structure: Five hundred (500) square feet
Maximum Height	Accessory Dwelling Unit: Two hundred (200)
Minimum Required Open Space	Forty-five (45) feet
	Thirty-five percent (35%); see below.
Required open space. For residential multi-family development consisting of condominiums, townhomes or apartments, the minimum required open space shall be thirty-five percent (35%) of the gross land area. Of the thirty-five percent (35%) required open space, fifteen percent (15%) shall consist of landscaping consistent with the standards in Section 19-4-160 of this Chapter.	

SURVEYOR

Aztec Consultants Inc.
300 East Mineral Ave.
Suite 1
Littleton, CO 80122

ARCHITECT

EV Studio
5335 W. 48th Ave.
Suite 300
Denver, Colorado 80212

OWNER

Ski & Board Broker, LLC
Cornerstone Winter Park Holdings, LLC
PO Box 30
Winter Park, CO 80482

ENGINEER

Terracina Design
10200 East Girard Avenue
Suite A-314
Denver, Colorado 80231
(303) 632-8867

PLANNER

Terracina Design
10200 East Girard Avenue
Suite A-314
Denver, Colorado 80231
(303) 632-8867

LANDSCAPE

Terracina Design
10200 East Girard Avenue
Suite A-314
Denver, Colorado 80231
(303) 632-8867

COVER SHEET

January 29, 2025
SHEET 1

MAJOR SITE PLAN
THE ASCENT

LYING WITHIN THE SOUTHWEST QUARTER OF SECTION 20, TOWNSHIP
1 SOUTH, RANGE 75 WEST OF THE SIXTH PRINCIPAL MERIDIAN,
TOWN OF FRASER, COUNTY OF GRAND, STATE OF COLORADO.

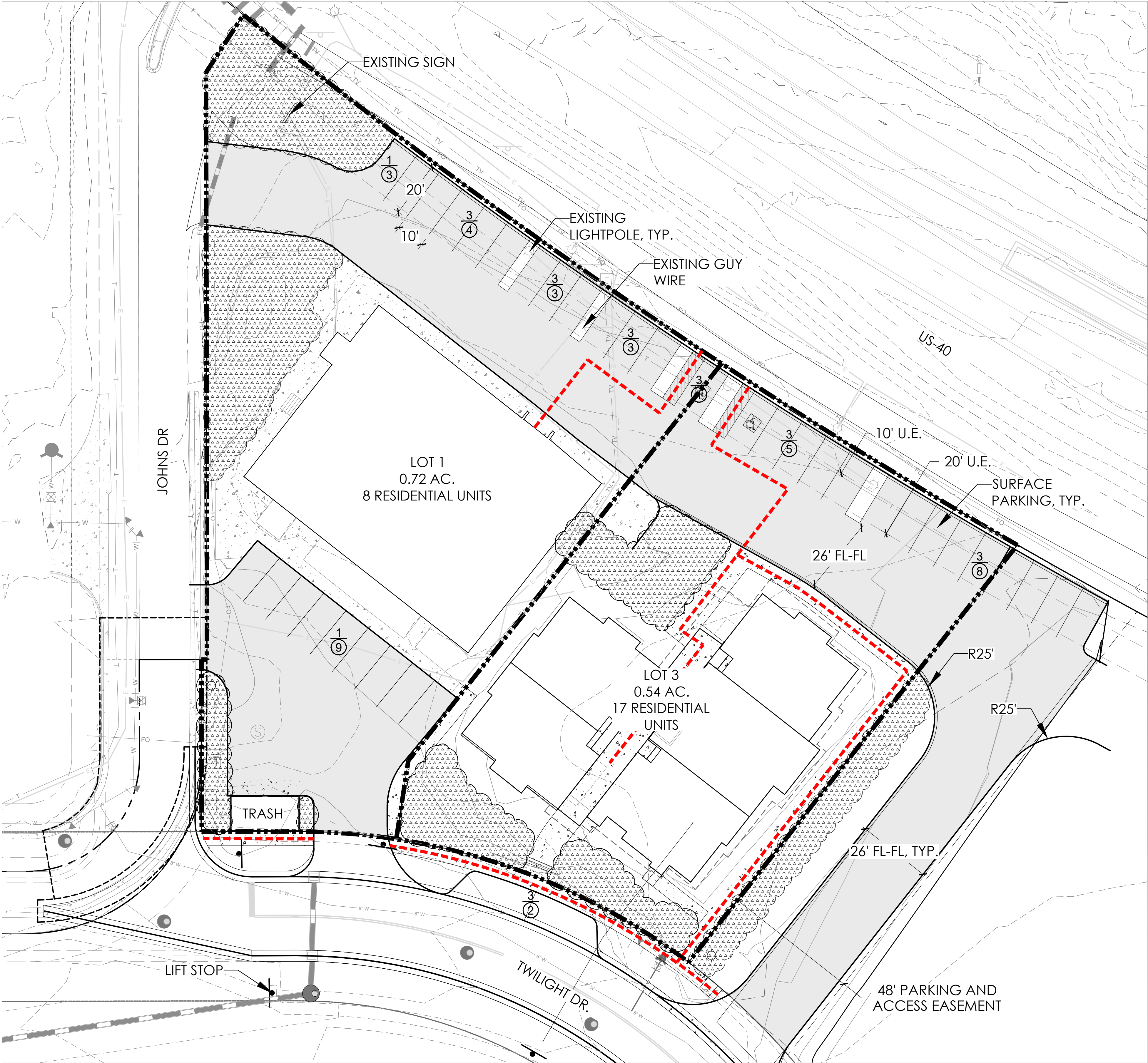
LEGEND

- LOT LINE
- ADA ACCESSIBLE ROUTES
- CONCRETE WALKS
- ASPHALT
- SNOW STORAGE
- LOT
SURFACE SPOTS

SNOW STORAGE			
LAND USE	SF	REQUIRED	PROVIDED
ASPHALT	25,283	8,428	8,428
UNCOVERED WALKS	6,080	2,027	2,027
TOTAL	31,363	10,454	10,454

				Parking	
Lot	Lot Square Footage	Lot Acreage	Residential Units	Required	Provided
Lot 1	31,345	0.72	8	12	23
Lot 3	23,379	0.54	17	26	25
Total	54,724	1.26	25	38	48

- NOTE:
- SNOW STORAGE REQUIREMENTS MET AT (1) ONE SF OF SNOW STORAGE PER (3) THREE SQUARE FEET OF PARKING, DRIVEWAY, WALKWAY AND/OR LOADING AREA TO BE CLEARED.
 - ALL UNITS TO BE 2 BEDROOM UNITS
 - PARALLEL PARKING ALONG TWILIGHT DRIVE ARE INCLUDED IN THE PARKING COUNTS
 - PARKING REQUIREMENTS:
 - RESIDENTIAL
 - (1½) ONE AND ONE-HALF SPACES PER UNIT
 - SECTION 19-4-240-(C) - THE TOWN STAFF MAY ALLOW ON-STREET PARKING TO SATISFY THE MINIMUM OFF-STREET PARKING REQUIREMENTS IN THE OLDER SECTIONS OF THE BUSINESS DISTRICT
 - SECTION 19-4-240-(F) - THE TOWN STAFF MAY ALLOW OFF-SITE PARKING WITHIN FIVE HUNDRED FEET (500) OF THE FRONT ENTRY TO TO THE BUILDING TO SATSIFY THE OFF-STREET PARKING REQUIREMENTS.
 - DENSITY PERMITTED:
 - 1.26 ACRES x 20 DU/AC = 25 RESIDENTIAL UNITS



811
Know what's below.
Call before you dig.

Scale: 1"= 20'-0"

SITE PLAN
January 29, 2025
SHEET 2

MAJOR SITE PLAN
THE ASCENT

LYING WITHIN THE SOUTHWEST QUARTER OF SECTION 20, TOWNSHIP
1 SOUTH, RANGE 75 WEST OF THE SIXTH PRINCIPAL MERIDIAN,
TOWN OF FRASER, COUNTY OF GRAND, STATE OF COLORADO.

LEGEND

----- LOT LINE

----- STEEL EDGER

TURF

NATIVE SEED

ROCK MULCH

CONCRETE WALKS

LANDSCAPE			
LAND USE	REQUIRED	PROVIDED	QTY
LANDSCAPE AREA (15% OF SITE)	8,209	13,480	
TREES (75% OF LANDSCAPE AREA)	6,157	6,175	19
SHRUBS (15% OF LANDSCAPE AREA)	1,231	1,292	68

AVERAGE TREE SIZE: 325 SF

AVERAGE SHRUB SF: 19 SF

NATIVE GRASS MIX

COMMON NAME	BOTANICAL NAME	% OF MIX	APPLICATION RATE
MANCHAR SMOOTH BROME	BROMUS INERMIS LEYSS	20%	10.0
POTOMAC ORCHARD	DACTYLUS GLOMERATA L.	20%	10.0
PUBESCENT WHEATGRASS	AGROPYRON TRICHOPHORUM	20%	10.0
PERENNIAL RYE	LOLIUM PERENNE L.	11%	5.5
REUBENS CANADA BLUE	POA COMPRESSA	10%	5.0
ANNUAL RYE	LOLIUM MULTIFLORUM LAM.	10%	5.0
TIMOTHY	PHLEUM PRATENSE	5%	2.5
CICER MILKVETCH	ASTRAGALUS CICER L.	2%	1.0
ALSIKE CLOVER	TRIFOLIUM HYBRIDUM	2%	1.0
TOTAL			50.0 LBS/PLS/ACRE

- NOTE: ALL DISTURBED AREAS THAT ARE NOT PAVED SURFACE OR NOT SHOWN AS SHRUB BED WILL BE SEEDED WITH NATIVE GRASS MIX SHOWN ABOVE.
- SEED APPLICATION: DRILL SEED 0.25"-0.5" INTO THE SOIL. IN AREAS NOT ACCESSIBLE TO A DRILL HAND BROADCAST AT DOUBLE THE ABOVE RATE AND RAKE 0.25"-0.5" INTO THE SOIL. ON SLOPES STEEPER THAT 2:1 HYDROSEED AT DOUBLE THE RATE.
 - SOIL AMENDMENTS: PREPARE SOIL WITH SAND BASED GRANULAR HUMATE AT THE RATE OF 435 LBS. PER ACRE.
 - FERTILIZATION APPLICATION: APPLY BIOSOL ALL NATURAL ORGANIC FERTILIZER AT THE RATE OF 1800 LBS. PER ACRE IN ALL SEEDING AREAS.
 - HYDROMULCH APPLICATION: HYDROMULCH SHALL CONSIST OF CELLULOSE FIBER MULCH AND MULCH TACKIFIER AND SHALL BE APPLIED AT THE RATES OF 2,000 LBS. PER ACRE AND 100 LBS. PER ACRE CONSECUTIVELY.
 - THE OWNER OR ASSIGNEE WILL PROVIDE ADEQUATE MAINTENANCE FOR ALL SITE ELEMENTS.
 - TREE PLANTING SHALL FOLLOW INTERNATIONAL WILDLAND URBAN CODE (10' SEPARATION FROM BUILDING AND CROWN OF TREE).

EROSION CONTROL

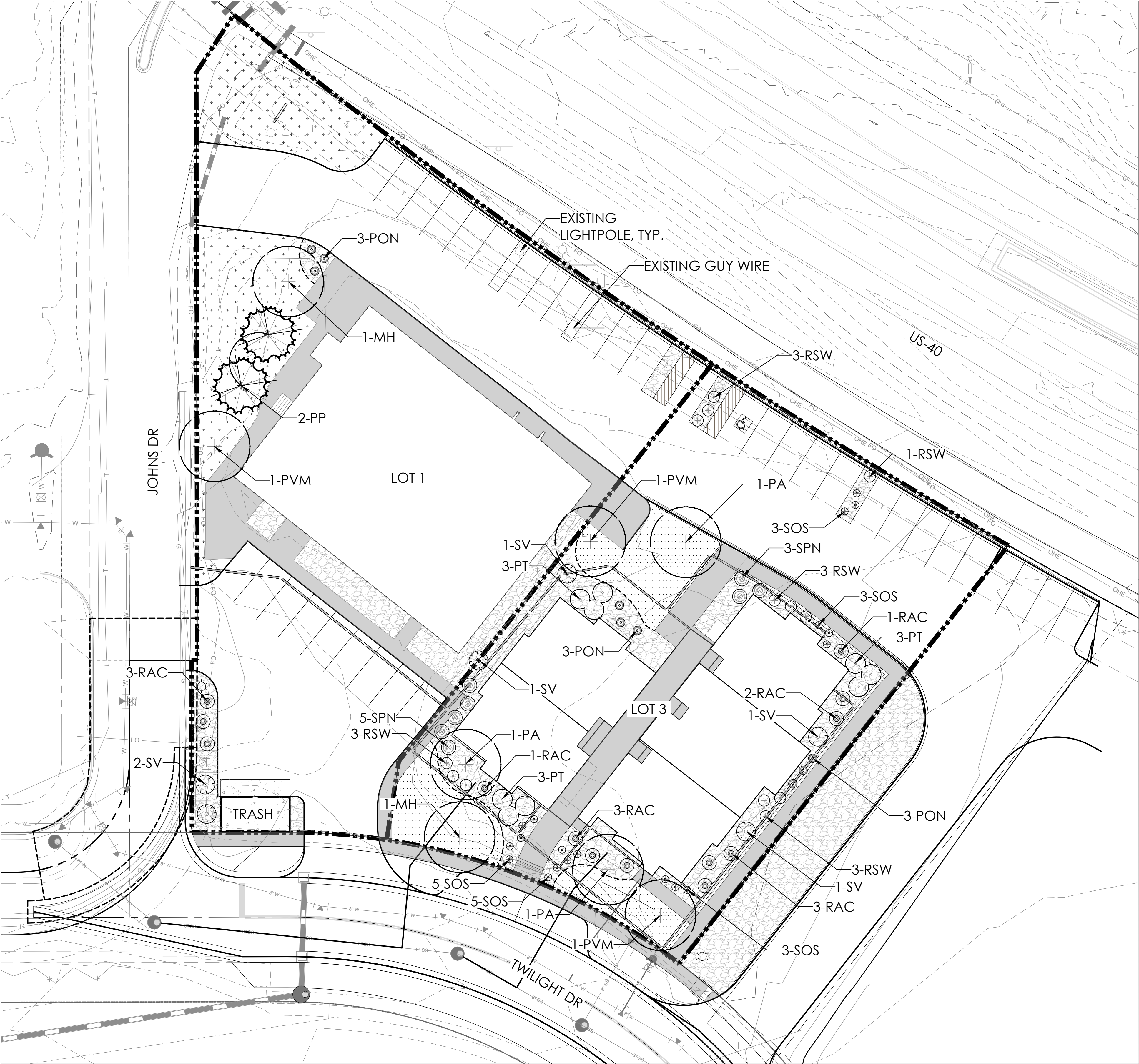
BEST MANAGEMENT PRACTICES WILL BE INSTALLED AND MAINTAINED THROUGHOUT THE DURATION OF CONSTRUCTION

PLANT SCHEDULE

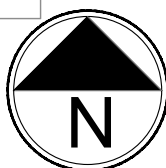
SYM	BOTANICAL NAME	COMMON NAME	SIZE	TYPE	QTY
DECIDUOUS ORNAMENTAL TREES					
MH	MALUS 'HOPA'	CRAB APPLE, HOPA	1" CAL	B&B	2
PA	POPULUS ANGUSTIFOLIA	COTTONWOOD, NARROWLEAF	1" CAL	B&B	3
PT	POPULUS TREMULOIDES	ASPEN, QUAKING	1" CAL	B&B	9
PVM	PRUNUS VIRINIANA MELANOCARPA	CHOKEBERRY, NATIVE	1" CAL	B&B	3
EVERGREEN TREES					
PP	PICEA PUNGENS	SPRUCE, BLUE	6' HT	B&B	2
DECIDUOUS SHRUBS					
PON	PHYSOCARPUS OPULIFOLIUS NANUS	NINEBARK, DWARF	#5	CONT.	9
RAC	RIBES ALPINUM	CURRENT, ALPINE	#5	CONT.	13
RSW	ROSA SP.	ROSE, WILD	#5	CONT.	13
SOS	SYMPHORICARPOS OREOPHILUS	SNOWBERRY, MOUNTAIN	#5	CONT.	19
SPN	SALIX PURPUREA NANA	WILLOW, DWARF ARCTIC	#5	CONT.	8
SV	SYRINGA VULGARIS	LILAC, PURPLE	#5	CONT.	6

NOTE:

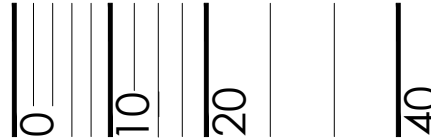
- HIS OR HER HEIRS, SUCCESSORS AND ASSIGNS WILL PROVIDE ADEQUATE MAINTENANCE FOR ALL SITE ELEMENTS. LANDSCAPING MAINTENANCE SHALL INCLUDE FERTILIZATION, PRUNING, AND NOXIOUS WEED CONTROL.



Know what's below.
Call before you dig.



Scale: 1"= 20'-0"

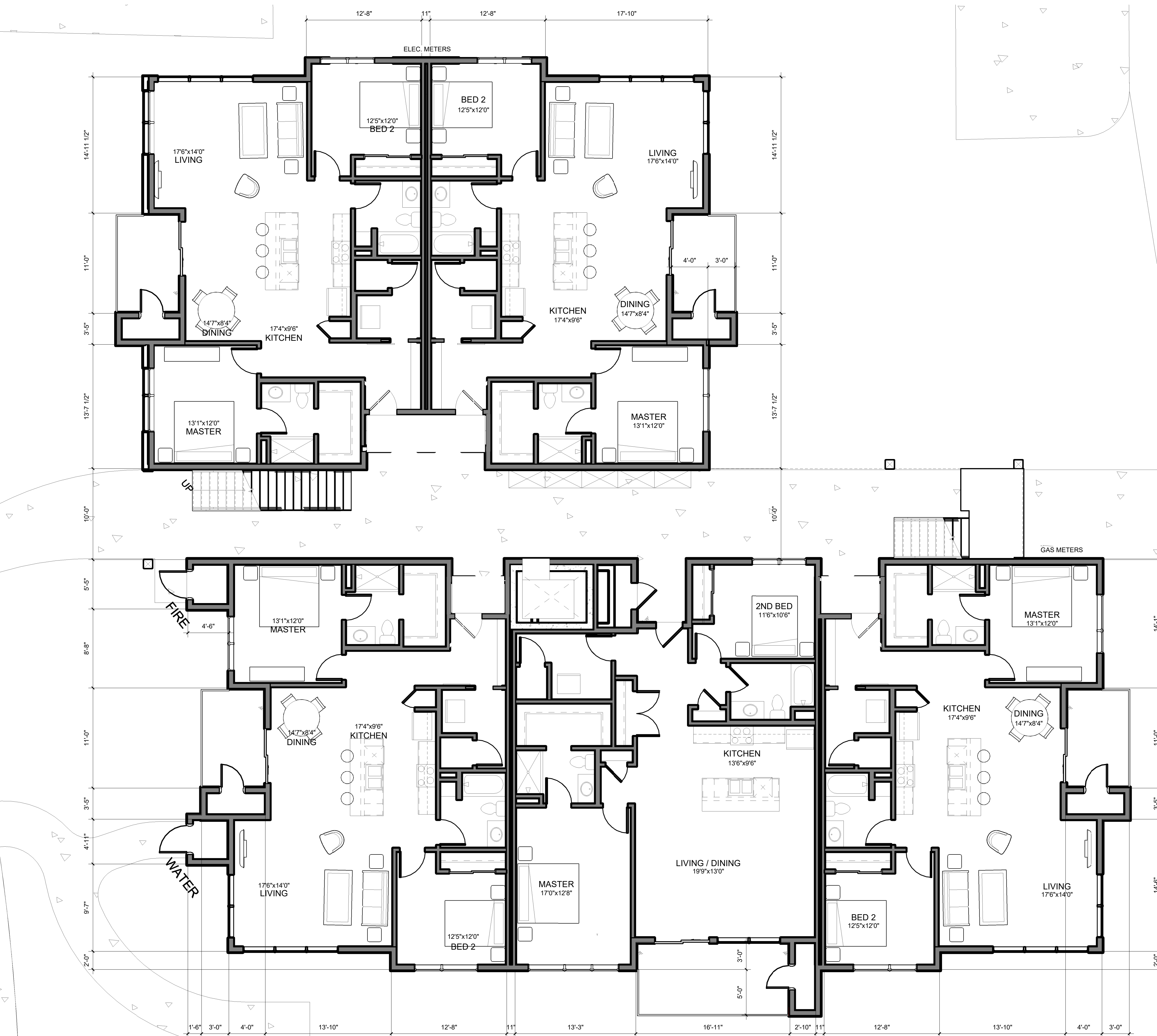


LANDSCAPE PLAN

January 29, 2025
SHEET 3

MAJOR SITE PLAN
SKI BROKER PLACE

LYING WITHIN THE SOUTHWEST QUARTER OF SECTION 20, TOWNSHIP
1 SOUTH, RANGE 75 WEST OF THE SIXTH PRINCIPAL MERIDIAN,
TOWN OF FRASER, COUNTY OF GRAND, STATE OF COLORADO.



1 LEVEL 1 OVERALL FLOOR PLAN
3/16" = 1'-0"

MAJOR SITE PLAN
SKI BROKER PLACE

LYING WITHIN THE SOUTHWEST QUARTER OF SECTION 20, TOWNSHIP
1 SOUTH, RANGE 75 WEST OF THE SIXTH PRINCIPAL MERIDIAN,
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1 LEVEL 2 OVERALL FLOOR PLAN LARGE
3/16" = 1'-0"

MAJOR SITE PLAN
SKI BROKER PLACE

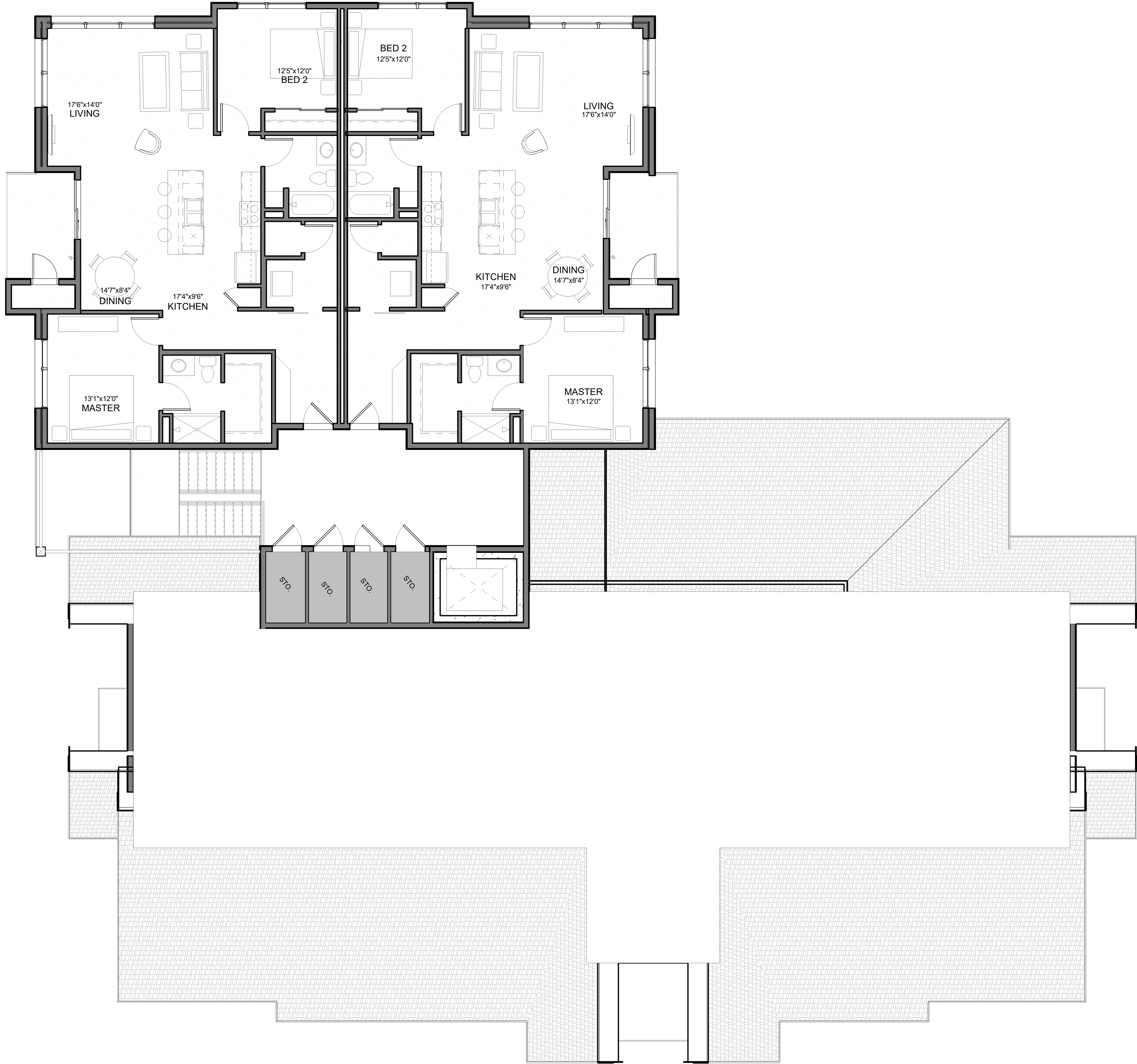
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TOWN OF FRASER, COUNTY OF GRAND, STATE OF COLORADO.



7 1 LEVEL 3 OVERALL FLOOR PLAN LARGE
3/16" = 1'-0"

MAJOR SITE PLAN
SKI BROKER PLACE

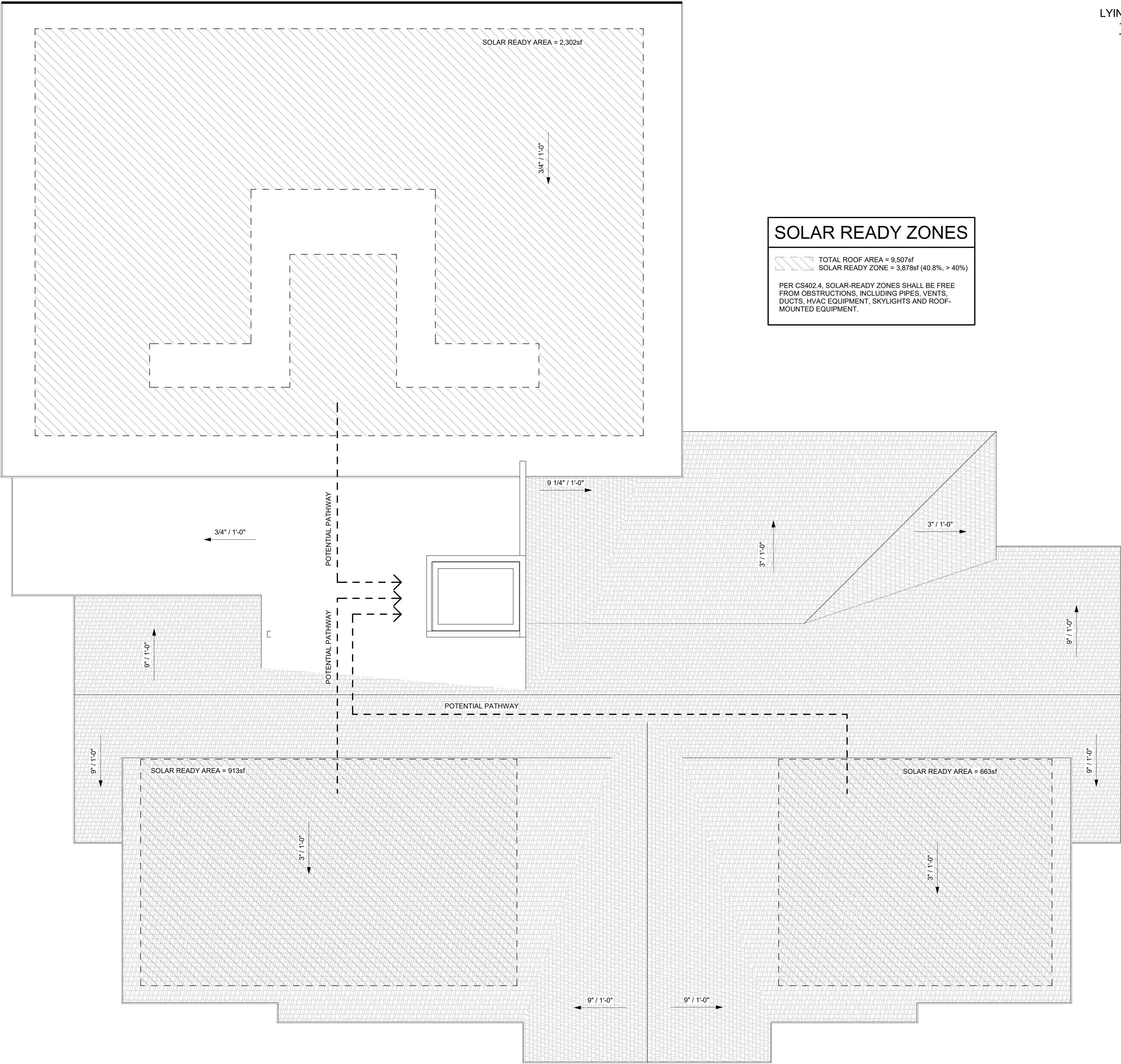
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7 1 LEVEL 4 OVERALL FLOOR PLAN LARGE
3/16" = 1'-0"

MAJOR SITE PLAN
SKI BROKER PLACE

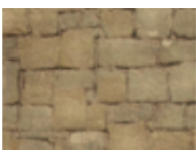
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1 ROOF PLAN LARGE
3/16" = 1'-0"

MAJOR SITE PLAN
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TOWN OF FRASER, COUNTY OF GRAND, STATE OF COLORADO.

- 

1 GRAY STONE VENEER
- 

2 CEMENTITIOUS LAP SIDING - 6" HORIZONTAL REVEAL - PAINTED WHITE
- 

3 WOOD B&B SIDING - 12" VERTICAL REVEAL - STAINED
- 

4 CEMENTITIOUS LAP SIDING - 8",4",4",8",4" HORIZONTAL PATTERN - PAINTED RED
- 

5 CEMENTITIOUS LAP SIDING - 6" HORIZONTAL REVEAL - PAINTED GRAY
- 

6 CEMENTITIOUS BUILT-UP FASCIA - PAINTED DARK GRAY
- 

7 WOOD BUILT-UP FASCIA - STAINED

Elevation Color Legend
12" = 1'-0"



1 NW ELEVATION Color
3/16" = 1'-0"

MAJOR SITE PLAN
SKI BROKER PLACE

LYING WITHIN THE SOUTHWEST QUARTER OF SECTION 20, TOWNSHIP
1 SOUTH, RANGE 75 WEST OF THE SIXTH PRINCIPAL MERIDIAN,
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- 

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- 

6 CEMENTITIOUS BUILT-UP FASCIA - PAINTED DARK GRAY
- 

7 WOOD BUILT-UP FASCIA - STAINED

Elevation Color Legend
12" = 1'-0"



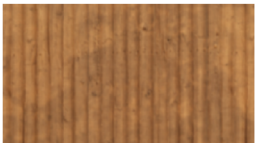
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3/16" = 1'-0"

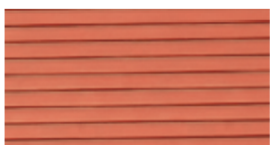
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SKI BROKER PLACE

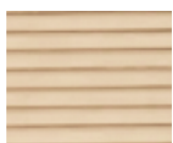
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- 

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- 

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- 

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- 

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- 

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- 

6 CEMENTITIOUS BUILT-UP FASCIA - PAINTED DARK GRAY
- 

7 WOOD BUILT-UP FASCIA - STAINED

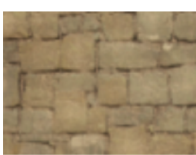
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12" = 1'-0"



1 SW ELEVATION Color
3/16" = 1'-0"

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SKI BROKER PLACE

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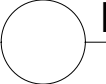
5 CEMENTITIOUS LAP SIDING - 6" HORIZONTAL REVEAL - PAINTED GRAY



6 CEMENTITIOUS BUILT-UP FASCIA - PAINTED DARK GRAY



7 WOOD BUILT-UP FASCIA - STAINED



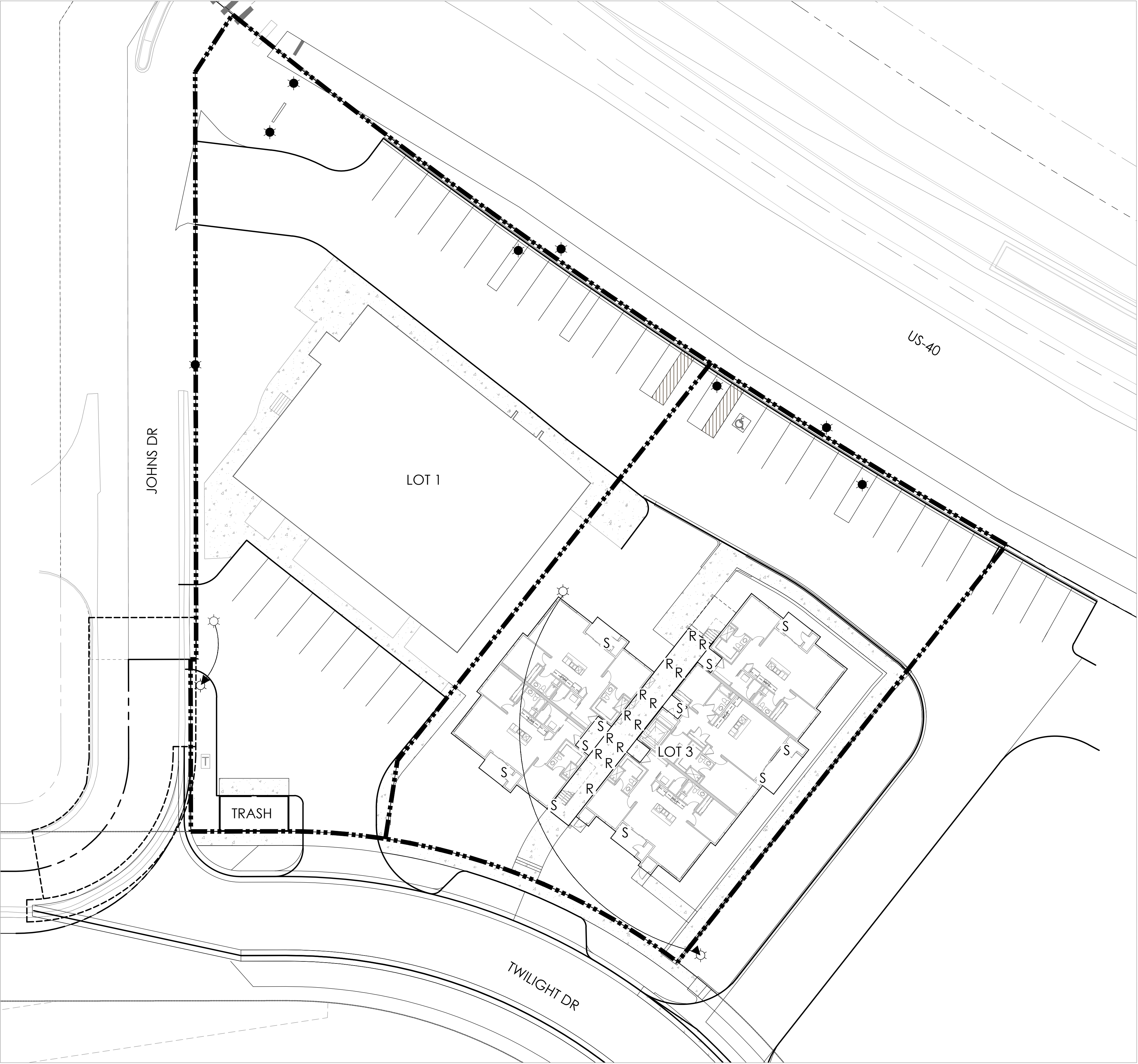
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THE ASCENT

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1 SOUTH, RANGE 75 WEST OF THE SIXTH PRINCIPAL MERIDIAN,
TOWN OF FRASER, COUNTY OF GRAND, STATE OF COLORADO.



LEGEND

- EXISTING LIGHT TO REMAIN
- ⬤ EXISTING LIGHT TO BE RELOCATED
- S SCONCE LIGHTING
- R RECESSED LIGHTING

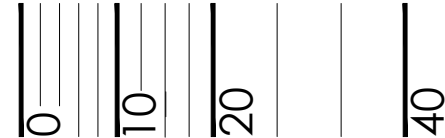
NOTE: NO SUBSTITUTIONS, ADDITIONS OR CHANGES MAY BE MADE
WITHOUT PRIOR APPROVAL BY THE TOWN



Know what's below.
Call before you dig.



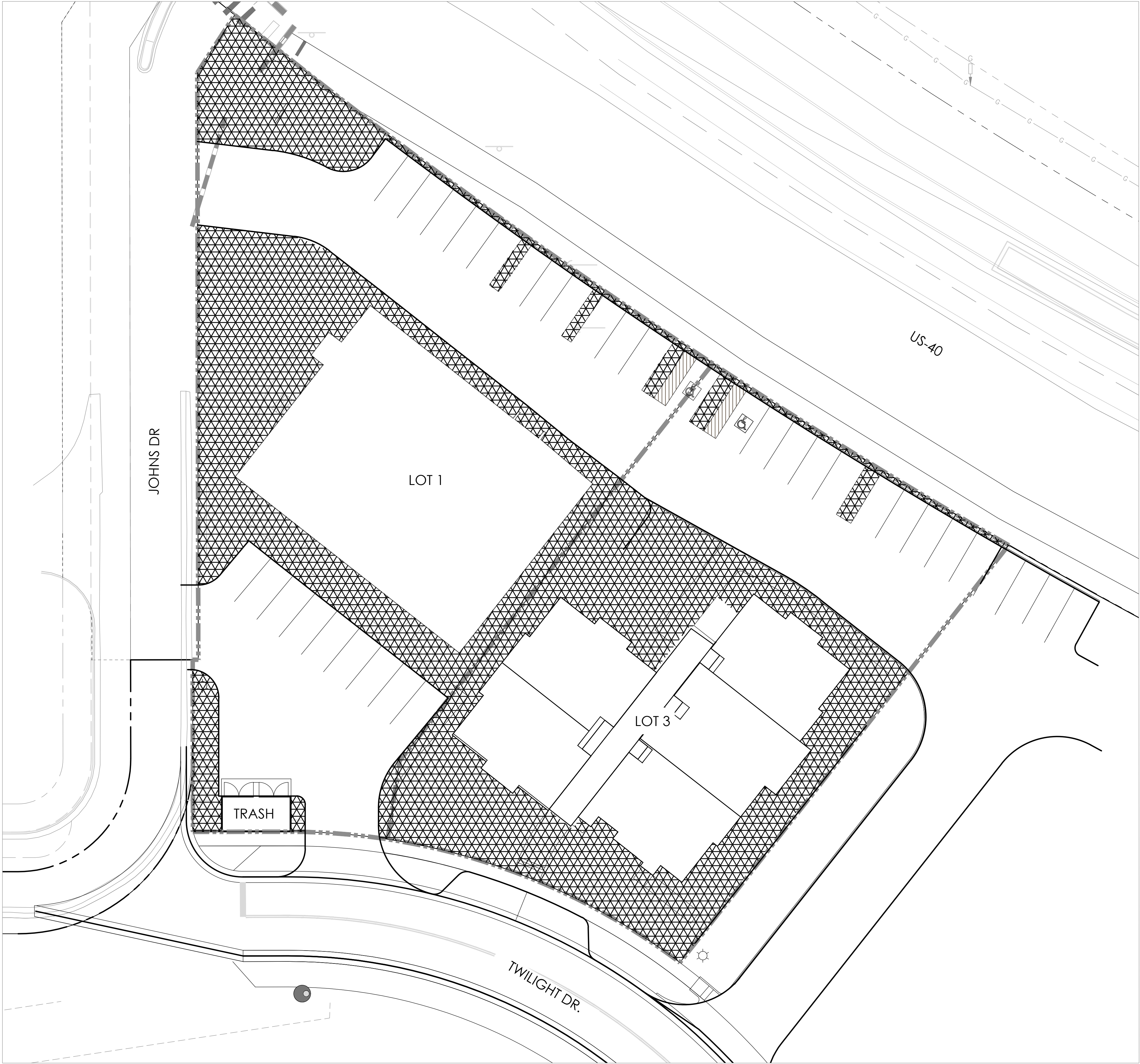
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LIGHTING PLAN
January 29, 2025
SHEET 13

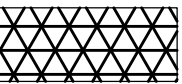
MAJOR SITE PLAN
THE ASCENT

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1 SOUTH, RANGE 75 WEST OF THE SIXTH PRINCIPAL MERIDIAN,
TOWN OF FRASER, COUNTY OF GRAND, STATE OF COLORADO.



LEGEND

--- LOT LINE

 OPEN SPACE

OPEN SPACE		
LOT	*REQUIRED	PROVIDED
LOT 1	10,971	10,143
LOT 3	8,183	9,011
TOTAL	19,154	19,154

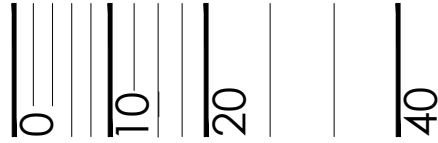
* 35% OF LOT AREA



Know what's below.
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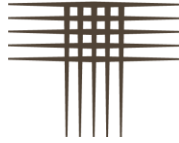


Scale: 1"= 20'-0"



OPEN SPACE PLAN

January 29, 2025
SHEET 14



CTL|THOMPSON

Founded in 1971

SOILS AND FOUNDATION INVESTIGATION

PROPOSED APARTMENTS – 601 ZEREX STREET
LOT C, FOREST MEADOWS SOLAR COMMUNITY
76718 US HIGHWAY 40
FRASER, COLORADO

Prepared for:

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Attention:

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Project No. SU02566.000-120

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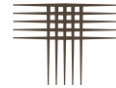


Table of Contents

SCOPE OF WORK	1
SUMMARY OF CONCLUSIONS.....	1
SITE CONDITIONS	2
PROPOSED CONSTRUCTION	2
SUBSURFACE CONDITIONS	3
GEOLOGY	4
SITE EARTHWORK.....	4
Existing Fill	5
Sub-Excavation	5
Structural Fill	6
FOUNDATIONS.....	7
SLABS-ON-GRADE.....	8
STRUCTURALLY SUPPORTED FLOORS.....	9
FOUNDATION WALLS	10
Foundation Wall Backfill	11
SUBSURFACE DRAINAGE	11
PAVEMENT SECTION THICKNESS	12
Structural Fill, Subgrade Preparation and Aggregate Base Course	13
Asphalt Pavement	14
Concrete Pavement.....	14
CONCRETE.....	15
SURFACE DRAINAGE	16
RADON.....	17
CONSTRUCTION OBSERVATIONS	18
STRUCTURAL ENGINEERING SERVICES	18
GEOTECHNICAL RISK	18
LIMITATIONS	18

FIG. 1 – VICINITY MAP

FIG. 2 – LOCATIONS OF EXPLORATORY TEST PITS

FIG. 3 – GRADATION TEST RESULTS

FIG. 4 – SUMMARY LOGS OF EXPLORATORY BORINGS

TABLE 1 - SUMMARY OF LABORATORY TESTING



SCOPE OF WORK

This report presents the results of our Soils and Foundation Investigation for the Proposed Apartments on Lot C, Tract C of Resub C within Forest Meadows Solar Community located in Fraser, Colorado. We conducted this investigation to evaluate subsurface conditions at the site and provide geotechnical engineering recommendations for the proposed multi-family apartment complex. Our report was prepared from data developed during our field exploration, engineering analysis, and experience. This report includes a description of the subsurface conditions observed in three exploratory pits and presents geotechnical engineering recommendations for design and construction of apartment foundation, floor systems, and details influenced by the subsoils. The scope was described in a Service Agreement (SU-24-0077) dated July 5, 2024.

Recommendations contained in this report were developed based on our understanding of the planned construction. Detailed plans were not provided at the time of this report. Once building plans are completed, we should review to determine whether our recommendations and design criteria are appropriate. If plans differ significantly from the descriptions contained in the report, we should be informed so that we can determine whether our recommendations and design criteria are appropriate. A summary of our conclusions is presented below.

SUMMARY OF CONCLUSIONS

1. Subsurface conditions observed in the exploratory pits consisted of about 1 to 2 feet of existing fill underlain by up to 2 feet of clayey sand to sandy clay, followed by native silty to sandy, gravel and cobbles to the maximum depth explored of about 8 feet. Water seepage was observed in Test Pit (TP-1) at a depth of about 6 feet. We did not observe water seepage in the other two pits.
2. The apartment structures can be constructed on footing foundations supported by the undisturbed, native sand and gravel OR moisture conditioned, properly compacted structural fill. We encountered a combination of up to 4 feet of existing fill and clay soil. The existing fill and clay soil are not suitable to support the proposed apartment structures. We anticipate that excavations for the new apartment structures will result in native sand and gravel being the predominant soil at anticipated foundation elevations; however, if they do not, subexcavation of existing soils will be required to provide a uni-



form, dense subgrade for the proposed structures. Subexcavation of the existing fill or clay soil below slabs-on-grade should be performed to improve performance. Design and construction criteria are presented in the report. It is critical that we observe the excavation to check whether conditions are as anticipated, prior to placing footings, and observe and test the placement of any structural fill.

3. Surface drainage should be designed to provide for rapid removal of surface water away from the apartment structures.
4. The design and construction criteria for foundations and floor systems in this report were compiled with the expectation that all other recommendations presented related to surface and subsurface drainage, landscaping irrigation, backfill compaction, etc. will be incorporated into the project and that the owner will maintain the structure, use prudent irrigation practices and maintain surface drainage. It is critical that all recommendations in this report are followed.

SITE CONDITIONS

The site is located at 601 Zerex Street (601 US Hwy 40) within the Forest Meadows Solar Community as shown on Figure 1. The property consists of existing retail and warehouse space on the western portion with associated driveway and parking. The parcel is bordered by Zerex Street to the north and east, existing commercial developments to the west and southeast, and vacant, undeveloped land to the south. The undeveloped land contains a seasonal tributary to Elk Creek, which is approximately 600 feet west of the parcel. Based on review of historical images from Google Earth, the site has been developed since 1985. In 2019, the existing structure to the west was improved with an addition. The ground surface across the site is relatively flat due to previous development. The ground surface is partially paved with asphalt that is in relatively poor condition, and the remainder is cleared, unvegetated storage space.

PROPOSED CONSTRUCTION

Detailed plans were not available at the time of this report. Preliminary layout and conceptual plans shows the proposed apartment complex will consist of two separate structures connected with corridors between them. The structures will have surface parking. One structure will be four-stories tall with eight apartment units and the second will be three-stories tall with nine apartment units. We do not anticipate below grade construction. We anticipate the lower level will be slab-on-grade. We anticipate wood frame construction



will be used above grade with cast-in-place concrete foundation below grade. Alternative foundations may be considered including crawl-space construction. We anticipate required excavations could be on the order of 4 feet for foundations. We anticipate cut and fill depths to achieve final proposed grade will be minimal, less than 5 feet. Foundation loads are expected to be about 1 to 3 kips per linear foot of foundation wall, with maximum column loads of 40 kips or less. Once building plans have been fully developed, we should be contacted to re-evaluate our recommendations.

SUBSURFACE CONDITIONS

Subsurface conditions were investigated by observing three exploratory test pits excavated at the approximate locations shown on Figure 2. Subsurface conditions observed in the pits were logged by our representative who obtained samples of the soils during excavation. Graphic logs of the soils observed in the pits are shown on Figure 3.

Subsurface conditions observed in the exploratory pits consisted of about 1 to 2 feet of existing fill underlain by up to 2 feet of clayey sand to sandy clay, followed by native silty to sandy, gravel and cobbles to the maximum depth explored of about 8 feet. Bedrock was not encountered to a maximum explored depth of 8 feet below existing ground surface. Cobbles and boulders encountered were subrounded river rock and typically 6 to 12 inches in diameter. The largest boulders encountered were approximately 30 inches in diameter. Groundwater seepage was observed in TP-1 at a depth of approximately 6 feet. We did not observe seepage in the other two test pits. The pits were backfilled after excavation operations were completed.

Samples obtained in the field were returned to our laboratory where field classifications were checked, and samples were selected for pertinent testing. Laboratory testing included sieve analysis (full gradation and No. 200 sieve analysis), Atterberg limits and water-soluble sulfates. Laboratory test results are summarized on Table I.



GEOLOGY

We reviewed the following geologic mapping showing the site:

- Geologic Map of the Fraser 7.5-Minute Quadrangle, Grand County, Colorado (SI Map 3130, Version 1.0), by Ralph R. Shroba, Bruce Bryant, Karl S. Kellogg, Paul K. Theobald, and Theodore R. Brandt with the U.S. Geological Survey, 2010.

The site is mapped as gravelly stream-terrace alluvium from the late Pleistocene era. Our field investigation and observations at the site support the mapping. We did not observe geologic constraints on this site that would inhibit the planned construction.

It is critical that all recommendations in this report are followed to increase the chances that the foundations and slabs-on-grade will perform satisfactorily. After construction, the owner must assume responsibility for maintaining structures and use appropriate practices regarding drainage and landscaping.

SITE EARTHWORK

We anticipate excavation of the soils can be accomplished using conventional, heavy duty excavating equipment. Hard cobbles and boulders should be expected. Some boulders will be large, at least 30 inches in diameter. A hydraulic hammer chisel (excavator attachment) or similar device may be required to split large boulders. Sides of excavations need to be sloped to meet local, state and federal safety regulations. We anticipate the sand and gravel soils will likely classify as Type C soils based on OSHA standards governing excavations. Temporary slopes deeper than 4 feet that are not retained should be no steeper than 1.5 to 1 (horizontal to vertical) in Type C soils. Some sloughing of the excavation face may occur as the soils dry out. Contractors are required to identify the soils encountered and ensure that applicable standards are met. Contractors are responsible for site safety and maintenance of the work site.

Groundwater was observed in on of the test pits, as noted in **SUBSURFACE CONDITIONS**. Water seepage may be encountered during deep excavations for utilities and potentially during foundation excavations. The footing areas should be protected from any seepage and precipitation. Developers should plan for the potential of seepage.



We recommend that contingent planning for shallow trenches and sumps be considered, especially if excavations are planned during seasonal runoff as groundwater levels may fluctuate and rise. Planning for the excavation should include trenches that are 1 to 2 feet below footing subgrade elevation. Excavations should be sloped to a gravity discharge or to a temporary sump where water can be removed by pumping, if necessary. It is very important that an excavation dewatering plan be in place prior to excavation. If the footing subgrade soils are exposed without proper drainage and become softened due to equipment traffic, subexcavation and replacement may be required. This process can be costly. We can provide additional recommendations at the time of construction.

Existing Fill

Existing fill was observed in the test pits, as noted in **SUBSURFACE CONDITIONS**. Fill depths encountered in our test pits are approximate, and actual fill depths may be deeper than we observed. We have not been provided with compaction records for this fill and deem this fill unsuitable to support new construction and the proposed development. In addition, clay soils are also not suitable for foundation support. Existing, undocumented fill and clay soils should be removed prior to placement of new improvements, including structural fill, on the site. Foundation elements, slabs-on-grade, and auxiliary structures should not be placed on existing fill or clay soils.

Sub-Excavation

Due to the historical use of this site and existing fill and clay soils encountered in our investigation, variable bearing conditions may be exposed during excavation for foundations. If these conditions are encountered, foundation footing elevations may need to be adjusted in order to bear footings on native gravel soils. An alternative to this adjustment can be subexcavation of existing fill and clay soils and replacement with structural fill as described below to provide uniform, dense bearing conditions. Please note that the depth of structural fill below footings would need to be the same for all foundations. Under no circumstance should footings be placed on both structural fill and native gravel.

Subexcavation of the existing fill and clay soils and replacement with structural fill should also be performed for slabs-on-grade. Subexcavation should include removal of all



existing fill including existing building materials, concrete, clay soils, and organic material in the area of the building footprint prior to placement of structural fill. The resulting excavation should be flat, level and equal depth below the slab elevation. A representative of our firm should observe the excavation to confirm all fill has been removed prior to placement of structural fill. Additional discussion of slab-on-grade construction is included within this report. As an alternative, crawl-space construction, and a structurally supported lower level can be considered. We can provide additional recommendations if necessary.

Structural Fill

Structural fill will be necessary for slabs-on-grade and potentially below foundations. Groundwater conditions at the site must be considered and planned for prior to removal of unsuitable soils. The existing fill and on-site native soils, free of organic matter, construction debris and rocks larger than 6 inches in diameter, can be used as structural fill. Care should be taken during fill placement, so the larger rocks do not become nested or grouped together. If required, import fill should consist of CDOT 5 or 6 aggregate base course or similar soil. If groundwater is encountered in excavations, it will likely be necessary to place clean stone fill. We should provide additional recommendations at the time of constructions. Structural fill should have no rocks larger than 6 inches. We can evaluate potential fill materials upon request. Lean-mix concrete (flowable fill) can also be used to fill voids.

Prior to placing any structural fill, all topsoil, existing fill, and clay soil must be removed. The native gravel subgrade should be scarified, moisture conditioned and compacted with a vibratory padfoot or sheepsfoot roller. Structural fill placed beneath the building footprint should be placed in thin loose lifts, moisture conditioned to within +/-2 percent of optimum moisture content and compacted to at least 98 percent of ASTM D 698 maximum dry density.

Structural fill placed outside the building footprint should be placed in thin loose lifts, moisture conditioned to within +/-2 percent of optimum moisture content and compacted to at least 95 percent of ASTM D 698 maximum dry density. Moisture content and density of structural fill should be tested by a representative of our firm during placement.



FOUNDATIONS

The residence can be supported on footing foundations on the undisturbed, native sand and gravel soils or properly compacted structural fill. All existing fill and clay soils should be removed beneath footings and slabs. Prior to concrete placement, the footing areas should be moistened and compacted to provide a flat and level subgrade. Loose and disturbed soils should be removed or compacted. Structural fill, if required, should be tested by our representative and meet the criteria in Structural Fill. Our representative should observe conditions exposed in the completed foundation excavation to confirm whether the exposed soils are as anticipated and suitable for support of the foundation. If subexcavation and replacement of soils beneath footings is necessary, our representative should observe the subexcavation bottom prior to fill placement.

1. Soils loosened during the forming process for the footings should be removed or compacted prior to placing concrete. Lean concrete may also be used to fill depressions resulting from the removal of boulders.
2. Footings can be sized using a maximum allowable soil pressure of 3,000 psf. We expect settlement of footings will be approximately 1 inch or less. Settlement of foundations that bear on both structural fill or native soils could be differential and should be avoided. Differential settlement of up to ½-inch should be considered in the design.
3. To resist lateral loads, a coefficient of friction of 0.45 can be used for concrete in contact with soil.
4. Continuous wall footings should have a minimum width of at least 16 inches. Foundations for isolated columns should have minimum dimensions of 24 inches by 24 inches. Larger sizes may be required, depending upon foundation loads.
5. Grade beams and foundation walls should be well reinforced, top and bottom, to span undisclosed loose or soft soil pockets and resist lateral earth pressures. We recommend reinforcement sufficient to span an unsupported distance of at least 10 feet. Reinforcement should be designed by the structural engineer.
6. The soils under exterior footings should be protected from freezing. We recommend the bottom of footings be constructed at a depth of at least 42 inches below finished exterior grade.



SLABS-ON-GRADE

We anticipate a slab-on-grade main level and garage floor is desired. Based on our laboratory test data and experience, we judge slab-on-grade construction supported by the undisturbed, native sand and gravel OR properly placed granular structural fill will have a low risk of damaging differential movement. All topsoil, existing fill, and clay soils must be removed beneath slabs. Fill placed to attain subgrade elevations below floor slabs should be placed in accordance with the recommendations outlined in Structural Fill. We recommend the following precautions for slab-on-grade construction at this site. These precautions will not prevent movement from occurring; they tend to reduce damage if slab movement occurs.

1. Slabs should be separated from exterior walls and interior bearing members with slip joints that allow free vertical movement of the slabs.
2. Underslab plumbing should be pressure tested for leaks before the slabs are constructed. Plumbing and utilities that pass through slabs should be isolated from the slabs with sleeves and provided with flexible couplings.
3. Frequent control joints should be provided, in accordance with American Concrete Institute (ACI) recommendations, to reduce problems associated with shrinkage and curling.
4. We recommend a 4-inch layer of clean gravel be placed beneath the slabs to provide a flat, uniform subgrade. This material should consist of minus 2-inch aggregate with at least 50% retained on the No. 4 sieve and less than 2% passing the No. 200 sieve. Due to potential shallow groundwater, we recommend considering an under-slab drain. Under-slab drains typically utilize gravity outfalls which may not be possible on this site. We can provide additional recommendations for drain system layout upon request.
5. The 2018 International Residential Code (IRC R506) states that a 4-inch base course layer consisting of clean graded sand, gravel, crushed stone or crushed blast furnace slag shall be placed beneath below grade floors (unless the underlying soils are free-draining), along with a vapor retarder.

IRC states that the vapor retarder can be omitted where approved by the building official. The merits of installation of a vapor retarder below floor slabs depend on the sensitivity of floor coverings and building use to moisture. A properly installed vapor retarder is more beneficial below concrete slab-on-grade floors where floor coverings, painted floor surfaces, or products stored on the floor will be sensitive to moisture. The vapor retarder is most effective when concrete is placed directly on top of it, rather than placing a sand or gravel leveling course between the vapor retarder and the



floor slab. Placement of concrete on the vapor retarder may increase the risk of shrinkage cracking and curling. Use of concrete with reduced shrinkage characteristics including minimized water content, maximized coarse aggregate content, and reasonably low slump will reduce the risk of shrinkage cracking and curling. Considerations and recommendations for the installation of vapor retarders below concrete slabs are outlined in Section 3.2.3 of the 2006 American Concrete Institute (ACI) Committee 302, "Guide for Concrete Floor and Slab Construction (ACI 302.R-96)".

STRUCTURALLY SUPPORTED FLOORS

We do not anticipate any below grade spaces for these structures; however, crawl space construction may be considered to avoid subexcavation of the existing fill and clay soil for slab-on-grade construction. In this situation, the main level floor will be structurally supported with crawl space below. A structural floor is supported by the foundation system. Design and construction issues associated with structural floors include ventilation and lateral loads on foundation walls. Where structurally supported floors are installed over a crawl space, the required air space depends on the materials used to construct the floor. Building codes require a clear space of at least 18 inches between exposed earth and untreated wood floor components. For non-organic systems, we recommend a minimum clear space of 12 inches. This minimum clear space should be maintained between any point on the underside of the floor system (including beams, plumbing pipes and floor drain traps) and the soils.

Where structurally supported floors are used, utility connections, including water, gas, air duct, and exhaust stack connections to floor supported appliances should be capable of absorbing some deflection of the floor. Plumbing that passes through the floor should ideally be hung from the underside of the structural floor and not lain on the bottom of the excavation. This configuration may not be achievable for some parts of the installation. It is prudent to maintain the minimum clear space below all plumbing lines.

Control of humidity in crawl spaces is important for indoor air quality and performance of wood floor systems. We believe the best current practices to control humidity involve the use of a vapor retarder or vapor barrier (6 mil minimum, 10 mil for greater durability) placed on the soils below accessible subfloor areas. The vapor retarder/barrier



should be sealed at joints and attached to concrete foundation elements. A positive approach to protect wood floors above crawl spaces is to install a mechanical ventilation system controlled by a humidistat in crawl space areas. When a pre-set humidity is determined, mechanical systems should activate to create airflow in the space.

FOUNDATION WALLS

Foundation walls that extend below-grade should be designed for lateral earth pressures where backfill is not present to about the same extent on both sides of the wall, such as in crawl spaces. Many factors affect the values of the design lateral earth pressure. These factors include, but are not limited to, the type, compaction, slope, and drainage of the backfill, and the rigidity of the wall against rotation and deflection.

For a very rigid wall where negligible or very little deflection will occur, an “at-rest” lateral earth pressure should be used in design. For walls that can deflect or rotate 0.5 to 1 percent of wall height (depending upon the backfill types), design for a lower “active” lateral earth pressures may be appropriate. Our experience indicates typical below-grade walls in residences deflect or rotate slightly under normal design loads, and that this deflection results in satisfactory wall performance. Thus, the earth pressures on the walls will likely be between the “active” and “at-rest” conditions.

For backfill soils conforming with recommendations in the Foundation Wall Backfill section that are not saturated, we recommend design of below-grade building walls at this site using an equivalent fluid density of at least 50 pcf. This value assumes some deflection and minor cracking of walls may occur. If very little wall deflection is desired, design for the “at-rest” case using an equivalent fluid density of 60 pcf may be appropriate. Retaining walls that are free to rotate and allow the “active” earth pressure condition to develop can be designed using an equivalent fluid density of at least 40 pcf. The structural engineer should also consider site-specific grade restrictions, the effects of large openings on the behavior of the walls, and the need for lateral bracing during backfill.

Lateral loads can be resolved by evaluating passive resistance using a passive equivalent fluid density of 325 pcf for granular backfill that is compacted to the criteria in



Foundation Wall Backfill and will not be removed. The magnitude of strain required to develop passive resistance must be considered in design.

Foundation Wall Backfill

Proper placement and compaction of foundation wall backfill is important to reduce infiltration of surface water and settlement from consolidation of the backfill soils. The existing fill soils are judged unsuitable to be used as foundation wall backfill. The native sand and gravel soils and/or imported granular structural fill can be used as foundation wall backfill, provided they are free of rocks larger than 6 inches in diameter, excessive clay, organics, and debris. The upper 2 feet of fill should be a relatively impervious clay material to limit infiltration of surface water.

Backfill should be placed in loose lifts of approximately 8 inches thick or less. Thickness of backfill lifts will likely need to be reduced if there are small, confined areas of backfill, which limit the size and weight of compaction equipment. Granular backfill should be moisture-conditioned to within ± 2 percent of optimum moisture content and compacted to at least 95 percent of standard Proctor (ASTM D 698) maximum dry density. Our representative should test moisture content and density of the backfill during placement. Some settlement of the backfill should be expected even if the material is placed and compacted properly. In our experience, settlement of properly compacted granular backfill could be on the order of 0.5 to 1 percent of backfill thickness. Increasing the minimum compaction level will reduce settlement potential. However, care should be taken not to over compact the backfill or use large equipment near the wall, since this could cause excessive lateral pressure and damage or crack the wall.

SUBSURFACE DRAINAGE

We anticipate the main level of the apartment structure will be at or slightly above the existing ground surface on all sides. Foundation walls will be backfilled to approximately equal heights. There will be no retaining conditions. If structurally supported floors with crawl space construction is utilized or any below grade space or retaining conditions are proposed, we should be contacted so that we may provide recommendations for a



foundation drain system. Based on our current understanding of the proposed construction, we do not believe that a foundation perimeter drain is merited at this time.

PAVEMENT SECTION THICKNESS

Existing fill and clay soil should not support new pavement. Removal of existing fill and clay soil is recommended and placement of new pavement should be on native soils OR fill placed as described in **Site Earthwork**. The native sand and gravel soils should provide good support for new pavement.

Our recommendations assume a properly prepared subgrade and drained conditions. The collection and diversion of surface water away from paved areas is extremely important to the satisfactory performance of the pavement. Drainage design should provide for the removal of water from the paved areas to limit wetting of the subgrade soils. Frost susceptible soils (soils with high levels of silt and/or clay) can be problematic if there is a free water source and heaving can occur. The onsite native gravel soils have low frost susceptibility. The onsite native clay soils have moderate to high frost susceptibility. Our recommendations for pavement section thickness are given below. Traffic for the access road and drive lanes is expected to be primarily passenger vehicles with less than 20 percent truck traffic (buses, snowplows, garage trucks, delivery trucks, fire trucks).

1. New Portland cement concrete pavement for the entrance aprons should have a minimum thickness of 7 inches over 6 inches of aggregate base course.
2. Recommended minimum asphalt pavement thickness should adhere to the Guideline for the Design and Use of Asphalt Pavements for Colorado Roadways by the Colorado Asphalt Pavement Association, Chapter Three, Table 3-7.
3. New asphalt pavement for drive lanes and parking areas should have a minimum thickness of 3 inches of asphalt over 4 inches of aggregate base course. This value assumes traffic will primarily consist of automobile and light truck (pickup) traffic with occasional heavier truck traffic such as buses, snowplows, and delivery trucks.
4. Other areas of concentrated traffic and turning movements (such as areas in front of dumpsters) should consist of at least 8 inches of Portland cement concrete over 6 inches of aggregate base course. Steel-reinforcement can be added to the pavement to lengthen design life and reduce differential movement. We believe a reasonable reinforcement section for this type of project is a single mat of No. 4 rebar at a spacing of 24 inches each way (mid height of slab).



5. These pavement thickness recommendations do not consider construction traffic loads. Consideration should be given to staging asphalt and/or concrete placement to prevent damage by excessive construction equipment loads. These thicknesses are based on the subsurface conditions encountered and our experience with similar projects in the area. We have not been provided with traffic information for the site. If traffic counts are available, we can re-evaluate our recommendations upon request.

Structural Fill, Subgrade Preparation and Aggregate Base Course

All existing fill, clay soil, building materials, structures, and pavement/concrete should be removed from new pavement areas. Due to observed existing fill depths, subexcavation for pavement areas may be 2 to 4 feet or more if additional fill is encountered. Structural fill may be required to achieve subgrade elevation following removal of existing fill. Prior to fill placement, the native soils should be scarified to a depth of 12 inches, moisture conditioned and compacted. Structural fill placed beneath pavements should consist of the onsite native sand and gravel soils devoid of vegetation, topsoil, and rocks larger than 6 inches in diameter. Existing fill can be reused as structural fill provided it meets the criteria above. If imported material is necessary, it should be as described in the **Structural Fill** section of this report. A representative of our firm should observe import or fill materials prior to placement and perform necessary laboratory testing. Alternative fill materials may be considered and will require laboratory testing to confirm. Structural fill beneath pavements should be compacted to at least 95% of the maximum Modified Proctor (ASTM D-1557) dry density at a moisture content within 2 percent of optimum.

Prior to placement of aggregate base course, the completed pavement subgrade should be proof rolled with a fully loaded tandem dump truck with a gross weight of at least 50,000 pounds. Areas that deform excessively should be removed and replaced with structural fill, if necessary, to achieve a stable subgrade prior to placing pavement materials. The depth of sub-excavation for unstable subgrade should be determined on a case-by-case basis at the time of construction. In our experience, subexcavation to depths of 1 to 2 feet may be necessary to stabilize. In some cases, typically with saturated soils, geogrid reinforcement can be used to reduce subexcavation depths.



Aggregate base course should have a minimum 'R' value of 84 and meet CDOT Class 5 or 6 gradation specifications. The aggregate base course should be compacted to at least 95% of the maximum Modified Proctor (ASTM D-1557) dry density at a moisture content within 2 percent of optimum.

Asphalt Pavement

The asphalt should consist of a mixture of aggregate, filler, and asphalt cement. The asphalt mixture should meet the Grand County or Colorado Department of Transportation (CDOT) grading requirements for an asphalt mix. The asphalt should be a batched hot mix, approved by the engineer, and placed and compacted to a density of 92% to 96% of the maximum theoretical density, determined according to Colorado Procedure 51. The asphalt should be placed in lifts not exceeding 3 inches thick or less than 1.5 inches thick. We recommend State Highway Grading SX.

Concrete Pavement

All concrete should be based on a mix design established by a qualified engineer. A CDOT Class P mix is acceptable. The design mix should consist of aggregate, Portland cement, water, and additives which will meet the requirements contained in this section. The concrete should have a modulus of rupture of third point loading of 630 psi. Normally, concrete with a 28-day compressive strength of 4,000 psi will meet this requirement. Concrete should contain approximately 6 percent entrained air. Maximum allowable slump should not exceed 4 inches.

The concrete should contain joints not greater than 15 feet on centers. Joints should be sawed or formed by pre-molded filler. The joints should be at least $\frac{1}{4}$ of the slab thickness. Expansion joints should be provided at the end of each construction sequence and between the concrete slab and adjacent structures. Expansion joints, where required, should be filled with a $\frac{1}{2}$ -inch thick asphalt impregnated fiber. Concrete should be cured by protecting against loss of moisture, rapid temperature changes and mechanical injury for at least three days after placement.



Surface drainage is critical to the performance of pavements. Recommendations in this report are based on effective drainage for the life of the improvements and cannot be relied upon if effective drainage is not maintained. The collection and diversion of surface water away from paved areas is extremely important to the satisfactory performance of the pavement. Drainage design should provide for the removal of water from the paved areas and prevent wetting of the subgrade soils.

CONCRETE

Concrete in contact with soil can be subject to sulfate attack. We measured water-soluble sulfate concentrations in one sample of less than 0.01 percent. As indicated in our tests and ACI 332-20, the sulfate exposure class is *Not Applicable* or *RS0*.

SULFATE EXPOSURE CLASSES PER ACI 332-20

Exposure Classes		Water-Soluble Sulfate (SO ₄) in Soil ^A (%)
Not Applicable	RS0	< 0.10
Moderate	RS1	0.10 to 0.20
Severe	RS2	0.20 to 2.00
Very Severe	RS3	> 2.00

A) Percent sulfate by mass in soil determined by ASTM C1580.

For this level of sulfate concentration, ACI 332-20 *Code Requirements for Residential Concrete* indicates there are no cement type restrictions for sulfate resistance as indicated in the table below.



CONCRETE DESIGN REQUIREMENTS FOR SULFATE EXPOSURE PER ACI 332-20

Exposure Class	Maximum Water/Cement Ratio	Minimum Compressive Strength (psi)	Cementitious Material Types ^B			Calcium Chloride Admixtures
			ASTM C150/C150M	ASTM C595/C595M	ASTM C1157/C1157M	
RS0	N/A	2500	No Type Restrictions	No Type Restrictions	No Type Restrictions	No Restrictions
RS1	0.50	2500	II	Type with (MS) Designation	MS	No Restrictions
RS2	0.45	3000	V ^C	Type with (HS) Designation	HS	Not Permitted
RS3	0.45	3000	V + Pozzolan or Slag Cement ^D	Type with (HS) Designation plus Pozzolan or Slag Cement ^E	HS + Pozzolan or Slag Cement ^E	Not Permitted

- A) Concrete compressive strength specified shall be based on 28-day tests per ASTM C39/C39M
- B) Alternate combinations of cementitious materials of those listed in ACI 332-20 Table 5.4.2 shall be permitted when tested for sulfate resistance meeting the criteria in section 5.5.
- C) Other available types of cement such as Type III or Type I are permitted in Exposure Classes RS1 or RS2 if the C3A contents are less than 8 or 5 percent, respectively.

SURFACE DRAINAGE

Surface drainage is critical to the performance of foundations, floor slabs and concrete flatwork. Recommendations in this report are based on effective drainage for the life of the structure and cannot be relied upon if effective drainage is not maintained. We recommend the following precautions be observed during construction and maintained at all times after construction is completed:

1. The ground surface surrounding the exterior of the building should be sloped to drain away from the building in all directions. We recommend providing a slope of at least 12 inches in the first 10 feet in landscape areas. There are instances where this slope cannot be achieved. A slope of 6 inches in the first 10 feet should be used as a minimum. We recommend a slope of at least 3 inches in the first 10 feet in paved areas. A swale should be provided around the uphill side of the building to divert surface runoff.
2. Backfill around the exterior of foundation walls should be placed as described in Foundation Wall Backfill. Increases in the moisture content of the backfill soils after placement often results in settlement. Settlement is most common adjacent to north facing walls. Re-establishing proper slopes (homeowner maintenance) away from the building may be necessary.



3. Landscaping should be carefully designed to minimize irrigation. Plants used near foundation walls should be limited to those with low moisture requirements; irrigated grass should not be located within 5 feet of the foundation. Lawn sprinklers should not discharge within 5 feet of the foundation and should be directed away from the building. Low-volume emitters can be used within 5 feet of the foundation.
4. Impervious plastic membranes should not be used to cover the ground surface immediately surrounding the building. These membranes tend to trap moisture and prevent normal evaporation from occurring. Geotextile fabrics can be used to control weed growth and allow some evaporation to occur.
5. Roof downspouts and drains should discharge well beyond the limits of all backfill. Splash blocks and/or extensions should be provided at all downspouts so water discharges onto the ground beyond the backfill. We generally recommend against burial of downspout discharge. Where it is necessary to bury downspout discharge, solid, rigid pipe should be used, and it should slope to an open gravity outlet. Buried downspout discharge pipes should be heated (with thermostat) during winter months to prevent freezing. Downspout extensions, splash blocks and buried outlets must be maintained by the homeowner.

RADON

Radon is a gaseous, radioactive element that comes from the radioactive decay of uranium, which is commonly found in igneous rocks. The average indoor radon level in Grand County is 5.4 pCi/L (<http://county-radon.info/CO/Grand.html>), which is above the recommended action level of 4 pCi/L as recommended by the Environmental Protection Agency. Testing for radon gas at the site is beyond the scope of this study. Due to the many factors that affect the radon levels in a specific building, accurate testing of radon levels is usually only possible after construction is complete. Typically, radon mitigation systems in this area consist of ventilation systems installed beneath lower-level slabs and crawlspaces. The infrastructure for such a mitigation system can normally be installed during construction at a relatively low cost, which is recommended. The buildings should be tested for radon once construction is complete. If test results indicate mitigation is required, the installed system can then be used for mitigation. We are not experts in radon testing or mitigation. If the client is concerned about radon, then a professional in this special field of practice should be consulted.



CONSTRUCTION OBSERVATIONS

We recommend that CTL|Thompson, Inc. provide construction observation services to allow us the opportunity to verify whether soil conditions are consistent with those found during this investigation. If others perform these observations, they must accept responsibility to judge whether the recommendations in this report remain appropriate.

STRUCTURAL ENGINEERING SERVICES

CTL|Thompson, Inc. is a full-service geotechnical, structural, materials, and environmental engineering firm. Our services include preparation of structural framing and foundation plans. We can also design earth retention systems. Based on our experience, CTL|T typically provides value to projects from schedule and economic standpoints, due to our combined expertise and experience with geotechnical, structural, and materials engineering. We would like the opportunity to provide proposals for structural engineering services on your future projects.

GEOTECHNICAL RISK

The concept of risk is an important aspect with any geotechnical evaluation primarily because the methods used to develop geotechnical recommendations do not comprise an exact science. We never have complete knowledge of subsurface conditions. Our analysis must be tempered with engineering judgment and experience. Therefore, the recommendations presented in any geotechnical evaluation should not be considered risk-free. Our recommendations represent our judgment of those measures that are necessary to increase the chances that the structures will perform satisfactorily. It is critical that all recommendations in this report are followed during and after construction.

LIMITATIONS

This report has been prepared for the exclusive use of Ski & Board Broker, LLC. and your design team for planning for the Proposed Apartments at 601 Zerex Street. The information, conclusions, and recommendations presented herein are based upon consideration of many factors including, but not limited to, the type of structures proposed, the



geologic setting, and the subsurface conditions encountered. The conclusions and recommendations contained in the report are not valid for use by others. Standards of practice evolve in geotechnical engineering. The recommendations provided are appropriate for about three years. If the site is not developed within about three years, we should be contacted to determine if we should update this report.

Our borings were widely spaced to provide a general picture of subsurface conditions for preliminary planning of development and residential construction, which is conceptual at this time. Variations from our borings should be anticipated. We believe this investigation was conducted in a manner consistent with that level of care and skill ordinarily used by geotechnical engineers practicing under similar conditions. No warranty, express or implied, is made. If we can be of further service in discussing the contents of this report or analysis of the influence of subsurface conditions on the project, please call.

CTL|THOMPSON, INC.

Spencer A. Hrubala, P.E.
Project Manager

Reviewed by:

Greg Crum, P.E.
Principal Engineer

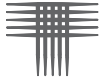


cc: clark@cstoneholdings.com



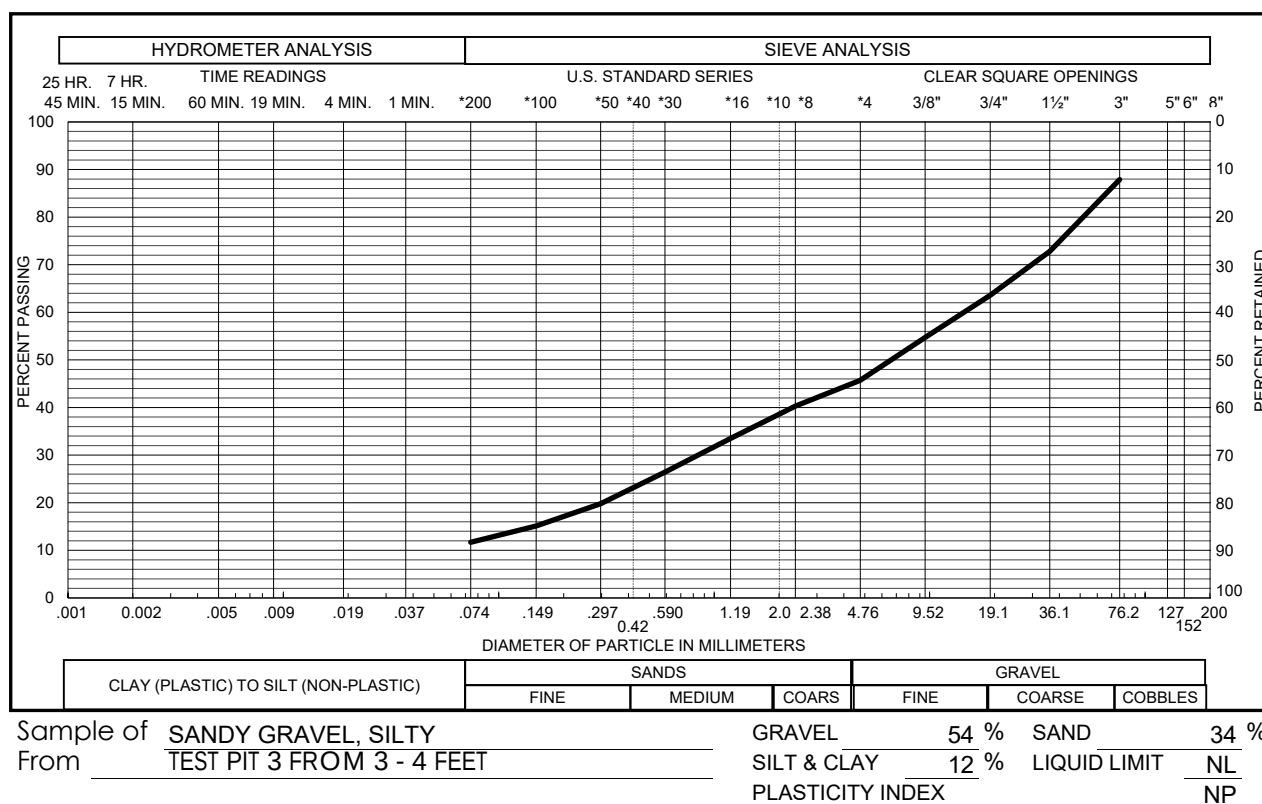
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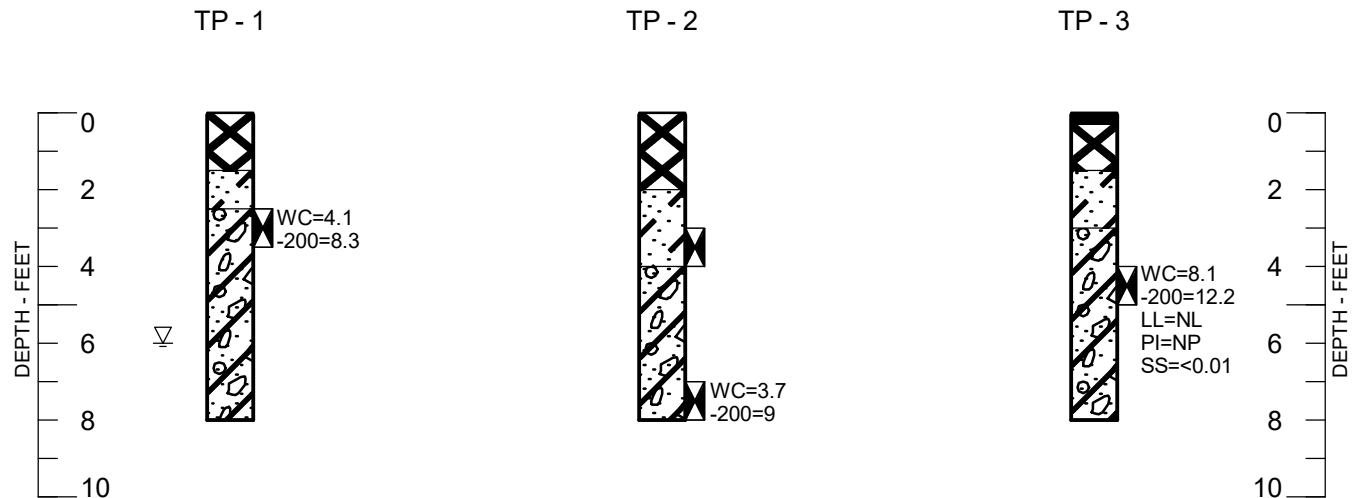
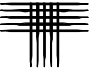




Scale: 1 inch = 100 feet







LEGEND:



ASPHALT



FILL, CLAYEY, SAND, SOME GRAVELS AND COBBLES, MOIST, MEDIUM DENSE, DARK BROWN.



GRAVEL, SILTY TO SANDY, MOIST TO WET, DENSE TO VERY DENSE, BROWN TO DARK BROWN (GM, GP, GP-GM).



CLAYEY SAND TO SANDY CLAY, SOME GRAVEL AND COBBLES, BROWN TO RED (SC, CL, CH).



DRIVE SAMPLE. THE SYMBOL INDICATES BLOWS OF A 140-POUND HAMMER FALLING 30 INCHES WERE REQUIRED TO DRIVE A 2.5-INCH O.D. SAMPLER INCHES.



GROUND WATER LEVEL MEASURED AT TIME OF DRILLING.

NOTES:

1. THE BORINGS WERE DRILLED ON AUGUST 26, 2024 USING A 4-INCH DIAMETER, CONTINUOUS-FLIGHT AUGER AND A DRILL RIG.
2. WC - INDICATES MOISTURE CONTENT (%).
LL - INDICATES LIQUID LIMIT.
PI - INDICATES PLASTICITY INDEX.
-200 - INDICATES PASSING NO. 200 SIEVE (%).
SS - INDICATES WATER-SOLUBLE SULFATE CONTENT (%).
3. THESE LOGS ARE SUBJECT TO THE EXPLANATIONS, LIMITATIONS, AND CONCLUSIONS AS CONTAINED IN THIS REPORT.

TABLE I**SUMMARY OF LABORATORY TESTING
CTL|T PROJECT NO. SU02566.000-120**

EXPLORATORY PIT	DEPTH (FEET)	MOISTURE CONTENT (%)	ATTERBERG LIMITS		SULFATE CONC. (%)	PASSING NO. 200 SIEVE (%)	DESCRIPTION
			LIQUID LIMIT (%)	PLASTICITY INDEX (%)			
TP-1	2.5-3.5	4.1				8.3	Sandy Gravel, Silty
TP-2	7-8	3.7				8.8	Sandy Gravel, Silty
TP-3	3-4	8.1	NL	NP	<0.01	12.2	Sandy Gravel, Silty

OWNER1__OWNER2

FRASER, TOWN OF

FRASER VALLEY CENTER, LLC

SKI AND BOARD BROKER, LLC C/O CORNERSTONE WINTER PARK HOLDINGS

OWNERADD

PO BOX 120

2200 S VALENTIA ST

PO BOX 30

OWNERCITY__OWNERSTATE__OWNERZIP

FRASER, CO 80442-0120

DENVER, CO 80231-3341

WINTER PARK, CO 80482-0030

,



SULLIVAN
8700 E JEFFERSON AVE
DENVER, CO 80237-9998
(800)275-8777

02/10/2025

12:26 PM

Product	Qty	Unit Price	Price
First-Class Mail®	1		\$1.77
Large Envelope			
Fraser, CO 80442			
Weight: 0 lb 1.50 oz			
Estimated Delivery Date			
Wed 02/12/2025			
Certified Mail®			\$4.85
Tracking #:			
9589 0710 5270 2000 6718	98		
Return Receipt			\$4.10
Tracking #:			
9590 9402 7586 2098 9480	20		
Total			\$10.72
First-Class Mail®	1		\$1.77
Large Envelope			
Denver, CO 80231			
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Estimated Delivery Date			
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Certified Mail®			\$4.85
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Large Envelope			
Winter Park, CO 80482			
Weight: 0 lb 1.50 oz			
Estimated Delivery Date			
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Certified Mail®			\$4.85
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Certified Mail®			\$4.85
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Return Receipt			\$4.10
Tracking #:			
9590 9402 7586 2098 9480	44		
Total			\$10.72

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Large Envelope		
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Tracking #:		
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 Certified Mail® \$4.85
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 Return Receipt \$4.10
 Tracking #: 9590 9402 7586 2098 9488 15
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 Estimated Delivery Date
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 Return Receipt \$4.10
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 Total \$10.72

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 Large Envelope
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 Weight: 0 lb 1.10 oz
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 Return Receipt \$4.10
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 Large Envelope
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 Alledo, TX 76008
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 Newark, DE 19711
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 Certified Mail® \$4.85
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 Tracking #: 9590 9402 7586 2098 9488 84
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 Large Envelope
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 Weight: 0 lb 1.10 oz
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 Certified Mail® \$4.85
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 Weight: 0 lb 1.10 oz
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 Total \$10.72

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 Large Envelope
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 Fraser, CO 80442
 Weight: 0 lb 1.10 oz
 Estimated Delivery Date
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 Tracking #: 9590 9402 7586 2098 9479 55
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 Large Envelope
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 Weight: 0 lb 1.10 oz
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 Total \$10.72

First-Class Mail® 1 \$1.77
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 Total \$10.72

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 Kremmling, CO 80459
 Weight: 0 lb 1.00 oz
 Estimated Delivery Date
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 Certified Mail® \$4.85
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First-Class Mail® 1 \$1.77
 Large Envelope
 Longmont, CO 80503
 Weight: 0 lb 1.10 oz
 Estimated Delivery Date
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 Certified Mail® \$4.85
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 Return Receipt \$4.10
 Tracking #: 9590 9402 7586 2098 9479 00
 Total \$10.72

First-Class Mail® 1 \$1.77
 Large Envelope
 Wheat Ridge, CO 80033
 Weight: 0 lb 1.10 oz
 Estimated Delivery Date
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 Steamboat Springs, CO 80477
 Weight: 0 lb 1.10 oz
 Estimated Delivery Date
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 Certified Mail® \$4.85
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 Weight: 0 lb 1.10 oz
 Estimated Delivery Date
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 Certified Mail® \$4.85
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 Total \$10.72

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 Reno, NV 89511
 Weight: 0 lb 1.10 oz
 Estimated Delivery Date
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 Princeville, HI 96722
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 Estimated Delivery Date
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 Tracking #: 9590 9402 7586 2098 9493 55
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 Castle Rock, CO 80109
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 Estimated Delivery Date
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 Tracking #: 9590 9402 7586 2098 8350 47
 Total \$10.72

First-Class Mail® 1 \$1.77
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 Denver, CO 80210
 Weight: 0 lb 1.10 oz
 Estimated Delivery Date
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 Denver, CO 80211
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 Tracking #: 9590 9402 7586 2098 8352 07
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 Dillon, CO 80435
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 Tracking #: 9590 9402 7586 2098 8351 91
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 Fraser, CO 80442
 Weight: 0 lb 1.10 oz
 Estimated Delivery Date
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 Certified Mail® \$4.85
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 Tracking #: 9590 9402 7586 2098 8351 84
 Total \$10.72

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 Large Envelope
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 Weight: 0 lb 1.10 oz
 Estimated Delivery Date
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 Return Receipt \$4.10
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 Return Receipt \$4.10
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 Total \$10.45

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 Weight: 0 lb 1.10 oz
 Estimated Delivery Date
 Fri 02/14/2025
 Certified Mail® \$4.85
 Tracking #: 9589 0710 5270 2000 6166 46
 Return Receipt \$4.10
 Tracking #: 9590 9402 7586 2098 8351 22
 Total \$10.72

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 Boulder, CO 80301
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 Estimated Delivery Date
 Wed 02/12/2025
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 Tracking #: 9589 0710 5270 2000 6721 47
 Return Receipt \$4.10
 Tracking #: 9590 9402 7586 2098 8351 39
 Total \$10.72

First-Class Mail® 1 \$1.77
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 Return Receipt \$4.10
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 Total \$10.72

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 Estimated Delivery Date
 Wed 02/12/2025
 Certified Mail® \$4.85
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 Return Receipt \$4.10
 Tracking #: 9590 9402 7586 2098 8351 53
 Total \$10.72

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 Denver, CO 80202
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 Estimated Delivery Date
 Wed 02/12/2025
 Certified Mail® \$4.85
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 Return Receipt \$4.10
 Tracking #: 9590 9402 7586 2098 8351 60
 Total \$10.72

Grand Total: \$695.99

Credit Card Remit \$695.99

Card Name: Discover
 Account #: XXXXXXXXXXXX6002
 Approval #: 01038R
 Transaction #: 775
 AID: A0000001523010 Chip
 AL: Discover
 PIN: Not Required

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UFN: 072348-0069
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 Clerk: 06

AFFIDAVIT OF PUBLICATION**Ad #: 3MevydmKFhweFjeqFa95****Customer: Garrett Scott**

State of Florida, County of Broward, ss:

Yuade Moore, being first duly sworn, deposes and says: That (s)he is a duly authorized signatory of Column Software, PBC, duly authorized agent of Sky-Hi News and Middle Park Times, that the same weekly newspaper printed, in whole or in part and published in the County of Grand, State of Colorado, and has a general circulation therein; that said newspaper has been published continuously and uninterruptedly in said County of Grand for a period of more than fifty-two consecutive weeks next prior to the first publication of the annexed legal notice or advertisement; that said newspaper has been admitted to the United States mails as a periodical under the provisions of the Act of March 3, 1879, or any amendments thereof, and that said newspaper is a weekly newspaper duly qualified for publishing legal notices and advertisements within the meaning of the laws of the State of Colorado.

That the annexed legal notice or advertisement was published in the regular and entire issue of every number of said weekly newspaper for the period of 1 insertion; and that the first publication of said notice was in the issue of said newspaper dated 12 Feb 2025 in the issue of said newspaper. That said newspaper was regularly issued and circulated on those dates.

Total cost for publication: \$31.04(Signed) Yuade Moore**VERIFICATION**State of Florida
County of Broward

Subscribed in my presence and sworn to before me on this: 02/13/2025

S. Smith

Notary Public

Notarized remotely online using communication technology via Proof.

**NOTICE OF PUBLIC HEARING
FRASER, COLORADO**

NOTICE IS HEREBY GIVEN that a public hearing will be held by the Board of Adjustment of the Town of Fraser, Colorado, on Wednesday, February 26, 2025, at 5:30 PM in the Board Room of the Fraser Town Hall, located at 153 Fraser Avenue, Fraser, Colorado to consider the following agenda item:

Appeal of a Denial of an Administrative Variance to Section 19-2-250 Table 2.8 – A variance request to increase the maximum height from forty-five (45) feet to forty-nine and a half (49.5) feet for a certain parcel within the Business (B) zone district.

LEGAL DESCRIPTION: LOTS 1 AND 2, A REPLAT OF LOT 2, MEYERS SUBDIVISION AND A REPLAT OF SKI BROKER EMPLOYEE HOUSING APARTMENTS TRACT C RESUBDIVISION OF PARCEL C FOREST MEADOWS SOLAR COMMUNITY, AS SHOWN ON THE RECORDED PLAT THEREOF, RECORDED AT RECEPTION NUMBER 2021013571.

Property Location: The property is located at 601 Zerex Street, south of US 40 and east of Johns Drive and the Fraser Valley Center

Variance application materials for the subject property are on file with the Town Planning Department.

PUBLISHED IN THE SKY-HI NEWS AND MIDDLE PARK TIMES ON WEDNESDAY, FEBRUARY 12, 2025.



Town of Fraser Land Use Application Referral Summary

Date: January 8, 2025

Project Name: The Ascent – Final Plat, Site Plan, and Administrative Variance

Project Number: TF24-12

Referral Begin Date: December 10, 2024

Referral End Date: January 3, 2025

Applicant: Ski and Board Broker LLC

From: Alan Sielaff, Assistant Town Planner

CC: Garrett Scott, Town Planner

Michael Brack, Town Manager

Paul Johnson, Public Works Director

Kent Whitmer, Town Attorney

Documents sent on referral:

All documents from the provided Final Plat folder including but not limited to:

The Ascent Final Plat, dated 11/6/2024

Ascent – CDs draft 1 dated 11/19/2024

Ascent – Phase II Drainage Report dated 11/22/2024

Geotech Report – Ascent dated 10/29/2024

Title Commitment, dated 11/7/2024

The Ascent Condominiums – Declaration, undated

All documents from the provided Site Plan folder including but not limited to:

Ascent Site Plan, dated 11/22/2024

All documents from the provided Variance folder including but not limited to:

Bldg Ht Variance Request, dated 11/22/2024

Responding referral agencies:

Merrick & Company (Jeanne Boyle, Katherine Knight, and Greg Steed as Town Engineer) – received January 6, 2025

Whitmer Law Firm (Cooper Gehle as Town Attorney) – received January 3, 2025

CDOT (Brian Killian) – received December 18, 2024

East Grand Fire District (Ryan Mowrey) – received January 3, 2025

Mountain Parks Electric, Inc. (Nick Curran) – received December 12, 2024

Xcel Energy (Julie Gittins) – received December 13, 2024



Planning Department
Town of Fraser
153 Fraser Avenue, P.O. Box 370
Fraser, CO 80442
970-726-5491 x219
asielaff@town.fraser.co.us

January 8, 2025

Layla Rosales, Principal
Terracina Design
10200 E Girard Ave, Ste A-314
Denver, CO 80231

RE: The Ascent – Final Plat, Major Site Plan, Administrative Variance
Planning Review Comments (1st Referral Review)

Dear Ms. Rosales,

The Town of Fraser Planning Department has reviewed the documents provided with the 1st submittal for The Ascent Final Plat, Major Site Plan, and Administrative Variance applications and hereby provides the following review comments to be addressed in a resubmittal:

General Comments

- 1) Please provide written responses to the following Planning comments as well as other referral agency comments provided as an attachment to this letter.
- 2) As proposed, Lot 1B does not contain sufficient acreage to meet the 20 unit per acre density maximum in the Business District zone for the proposed 17 residential units. Further, the proposal includes off-site parking and snow storage. Rather than accommodate the proposed configuration with a density plat note and off-site easements, please expand the proposed size of Lot 1B to include all parking and snow storage areas. This appears to also provide sufficient area to meet the density requirement. This is the simpler solution to address all three concerns and ensure this project is on a self-sufficient site for the proposed development.
 - a. Additional detail on density calculation: The proposed 0.537 acre size would allow 10 units (10.74 rounded down). If expanded to include the required parking and snow storage along the southeast (an estimated additional 14,600 SF), the new lot size would be 37,992 SF or 0.87 acres, allowing the proposed 17 units (rounded down from 17.44).
- 3) Given the configuration of “Future Johns Drive” as depicted in the site plan, this new street



extension should have a different name to avoid a three-way intersection with all approaches having the same name. For now, please label the street as “Victory Road” as currently depicted on the Grand County Parcel Viewer GIS map. However, a different street name is recommended so as to not cause confusion with “Old Victory Road” further south. The applicant is encouraged to suggest street names for staff’s approval; alternatively, staff will assign a street name in coordination with the Planning Commission and Board of Trustees.

- 4) An address map with unit designations will be required before final approval and staff will assign address numbers to the proposed buildings.
- 5) In lieu of land dedications for parks and schools per Sec. 19-3-310, the following fees will be required, to be calculated based on the final lot area size and due prior to recordation of the subdivision:
 - a. Park fees: 5% of Lot 1B area in acres multiplied by a value per acre of \$141,030.
 - b. School fees: 0.0138 acres per multifamily dwelling unit (17) multiplied by \$141,030.
- 6) Staff must receive a resubmittal of this application by Wednesday, January 29th, 2025 in order to maintain the timeline of scheduling a public hearing before the Planning Commission on February 26th.

Final Plat

Application Requirements – See Appendix 1, Major Subdivision Final Plat Checklist

- 7) Attached is a Word template for the required Development Improvement Agreement (DIA) based on Appendix 3 of the Town Code. Please review and provide any requested revisions with the next submittal. Per [Sec. 19-3-415](#), the Town will require that the DIA for The Ascent cover the private drainage and private landscaping improvements proposed in the site plan, in addition to any public infrastructure needed to support the development. A completed and recorded DIA will be required concurrently with recordation of the Final Plat.
- 8) Please provide names and addresses of any owners and lessees of mineral rights associated with this property. If none exist, please provide a signed statement affirming that a records search was conducted and no mineral rights holders exist for the property.

General Comments

- 9) Staff requests to avoid designating Lots as 1A and 1B and instead designate the new lot for the new building simply Lot 3. This way, the existing property with the XSports building remains as Lot 1, and the existing undeveloped Meyer Lot 2 remains as Lot 2.
- 10) Please ensure that everything depicted on sheet 2 of the existing subdivision plat (Replat of Lot 2, Meyers Subdivision etc... reception number 2021013571) is also shown on all sheets of the proposed subdivision plat since this will become the new plat for the entirety of the existing Lots 1 and 2. Specifically, the 45’ Transit License easement should be carried forward



on all sheets and the 100 year flood plain on Lot 2 should be depicted.

- 11) A right-of-way dedication plat for the “Victory Road” extension will be required no later than when the Town grants preliminary acceptance to the road and associated infrastructure. The Transit License easement would be anticipated to be removed at this time.
- 12) Remove the page type from main title block at top of each sheet (cover page, existing conditions, proposed conditions, parking and access easement details). These sheet type names should be included in the information block at the bottom right of each sheet.
- 13) All linework should be represented in a legend on each sheet.
- 14) Remove proposed building outlines from all sheets.
- 15) Include 2 ¼” x 3” blank box at bottom right of each page for use by County Recorder.

Sheet 1

- 16) Ensure language in dedication and notary clause is consistent with required language in [Appendix D](#). See attached staff mark-up.
- 17) Include recordation number of previous subdivision(s) referenced in dedication and notary clause.
- 18) Clarify ownership entities per legal review comment # 5 and ensure consistency with the dedication and notary clause section.
- 19) Remove duplicate “dedication and notary clause continued” header.
- 20) Blanks left in the General Notes section should be filled in with the development or project name or can be replaced with generic language referencing the eventual HOA/condo association that will assume responsibility.

Major Site Plan

Sheet 1 – Cover

- 21) Please remove the approval blocks and owner certificates from the cover sheet. Major site plans are not recorded so mylars will not be provided. Instead, we suggest adding an image / rendering of the project to the cover page and placing a basic site data table and possibly relocating other project summary data tables to this sheet.
- 22) Remove blank box at bottom right of each page since site plan set is not recorded.



Sheet 2 – Site Plan

- 23) Per [Sec. 14-3-80](#) sidewalks shall be a minimum of 8 ft. and required on both sides of the street in the Business Zone District. Please increase the width of the sidewalk along “Victory Rd” to be a continuous 8 feet wide.
- 24) Provide a trash enclosure detail showing conformance with [Sec. 19-4-160\(b\)](#), i.e., label the enclosure color and materials to ensure they are consistent with those of the main building.
- 25) Include a summary of unit types by bedroom count or note that all units will be two-bedroom units.
- 26) Note or provide in the data table the number of bedrooms in the existing two units in the XSports building since there will be shared parking between the lots.
- 27) Staff calculates the total required parking for Lots 1A and 1B at 48 since a cross access and parking easement is proposed. Technically the required parking for Lot 1A is 22.5 spaces (assuming both residential units are 2 bedroom) and Lot 1B is 25.5 spaces.
- 28) Please add a note that the two parallel spaces proposed along “Victory Rd” within the proposed ROW are included in the provided parking count.
- 29) Data table lists Lot 1A and 2B. Should be 1A and 1B unless the lots are renumbered to Lot 1 and Lot 3 as requested by staff.
- 30) Please remove floor plan linework from building footprints for clarity.
- 31) In September 2024, the Town adopted by reference the 2023 Colorado Model Electric Ready and Solar Ready Code. The site plan must display compliance with applicable requirements of this code before building permits are issued. Please designate on the parking plan at least a minimum number of EV spaces per the requirements below. Definitions for each category of EV capability are found in Chapter 2 of the referenced code. Multifamily residential is found on page 25 and must include the following:
 - i. 5 percent of the spaces must have level 2 EV chargers.
 - ii. 15 percent of the spaces must be EV ready.
 - iii. 10 percent of the spaces must be EV capable.
 - iv. 30 percent of the spaces must be EV capable light.

The Town will require that only the parking provided for the proposed 17 multifamily units (not the existing XSports building) meet these requirements. Alternatively, the applicant may submit a substantial cost differential waiver request showing that the cost of complying with this code exceeds 1 percent of the total mechanical, electrical, and plumbing costs for the project.



Sheet 3 – Landscape Plan

- 32) We estimate the provided on-site open space coverage is approximately 1,500 SF less than the total of 19,574 SF listed on the open space table. If the parking islands to the southeast of the proposed buildings that are currently off-site are included in the total open space as currently tabulated, this accounts for roughly 400 SF. If the subdivision plat is reconfigured to include all of the required parking and snow storage areas on-site, this will likely satisfy the 35% open space requirement.
- 33) [Sec. 14-5-40\(9\)](#) requires parking lot perimeter landscaping. Given the close proximity to the US 40 shared use path and constraints created by the overhead electric lines, staff is supportive of only shrubs being provided as perimeter landscaping and may be placed in the US 40 right-of-way between the parking spaces and the trail. While the requirement is for one tree and two shrubs for every 20 feet of frontage, please accommodate four shrubs and no trees for every 20 feet.
- 34) [Sec. 14-5-40\(10\)](#) requires parking lot interior landscaping islands for parking lots with twenty (20) or more parking spaces at a ratio of one hundred (100) square feet and one (1) tree and two (2) shrubs for every ten (10) parking spaces. Please provide additional interior landscaped islands within the parking area on the northeast side of the site, similar to the two that are proposed at either end of the southeast row of parking.
- 35) Provide the following as required in [Sec. 14-5-40](#) - landscaping specifications:
- Provide an irrigation plan, if irrigation is to be provided.
 - Include a statement providing that the owner and his or her heirs, successors and assigns will provide adequate maintenance for all site elements. Landscaping maintenance shall include irrigation, fertilization, pruning and noxious weed control.
 - Include contact information on who prepared the landscape design. A landscape plan drawn by a landscape architect or designer is preferred but is not required.
- 36) Please provide a cost estimate of the proposed landscaping subject to the following requirement from [Sec. 14-5-40\(11\)](#). This amount will need to be included in the collateral collected as part of the DIA:
- The applicant shall also submit suitable collateral to ensure the completion of the landscaping requirement. The collateral shall be no less than one hundred twenty-five percent (125%) of the estimated cost of the plant materials. The collateral shall be in a form of a letter of credit, cash deposit or other such legal assurance as may be deemed appropriate by the Town and approved by the Town Attorney. This amount shall be retained by the Town until the plant materials have been maintained in a satisfactory condition for two (2) years after installation.

Sheets 8-11 – Elevations

- 37) Elevations were reviewed against the standards in [Sec. 19-4-190](#) Building design; commercial



and mixed-use development. Staff finds the proposed buildings to be largely in conformance with the design guidelines. We suggest reviewing the following language regarding building materials and encourage the addition of natural wood elements and incorporating additional first level stone or masonry into the elevations to better meet the following code language.

- a. “The use of natural stone masonry, exposed wood structural beams, logs, heavy timbers, stucco and masonry are all acceptable materials. The use of stone or masonry as a foundation up to a height of at least thirty-six (36) inches is encouraged.”

38) In September 2024, the Town adopted by reference the 2023 Colorado Model Electric Ready and Solar Ready Code. Multifamily residential is subject to the commercial requirements on pages 19-21 of the referenced code and must include a solar ready zone on the roof area that meets the following:

- b. Is at least 40 percent of the total roof area, minus the area for skylights, decks, etc.
- c. Is free of obstructions and shading.
- d. Has at least one potential pathway for conduit between the solar ready zone and the electrical panel, as well as reserved electrical service panel space and capacity for future solar panels.

Sheet 12 – Lighting Plan

- 39) [Sec. 14-5-30](#) and [Sec. 19-4-195](#) include site lighting requirements and guidance for sites in the Business District zone. Lighting is to be appropriate for public safety and security, while minimizing undesirable effects of excessive illumination such as glare, sky glow and light pollution.
- a. The lighting plan provided only depicts existing pedestrian and parking lot lighting on the east side of the site. Please update the plan to include detail sufficiently addressing items 1 through 8 in Sec. 14-5-30.
 - b. You may incorporate the photometric plan as required in item (8) into this sheet.
 - c. Additional parking lot lighting is suggested for the southwest and southeast parking areas to provide minimal levels for pedestrian safety.
 - d. Please be sure to include any exterior lighting that is to be provided on the building exteriors into this sheet.

Administrative Variance

[Sec. 19-1-350](#) - Administrative variances. The Town Staff shall have authority to act upon variance requests (but not appeals from administrative decisions) under the following circumstances:

- (1) The variance does not exceed ten percent (10%) of the minimum or maximum standard; and
- (2) The Town Staff applies the same review criteria as does the Board of Adjustment under [Section 19-1-330](#);
- (3) No additional dwelling units would result from approval of such administrative variance; and
- (4) A decision by the Town Staff to deny, or condition, an administrative variance, may be appealed to the Board of Adjustment in the same manner as for appeals under [Section 19-1-320](#).



A variance request for a maximum building height of 49.5 feet has been received with this application. This request does meet the circumstances to be acted upon administratively by Town staff, in lieu of the Board of Adjustment, subject to the review criteria detailed below:

Variance Criteria Review – [Sec. 19-1-330](#): A variance may be granted only to the extent that the following conditions, where relevant to the subject property and adjacent neighborhood or district, are present:

1. There are unique physical circumstances or other conditions peculiar to the affected property, such as exceptional topography or irregularity, narrowness or shallowness of a lot.
 - a. Staff review: Disagree – Staff does not consider high groundwater a unique physical circumstance. It may be considered as an "other condition peculiar to the property"; however, it is a condition that generally exists across all properties in the Fraser River valley to a degree. Further, the variance request reasoning discusses the necessity of additional units to achieve financial viability for the project and infeasibility to construct garden level units on the ground floor which would result in a lower building height. Unfortunately, financial viability is not a consideration in granting a variance, and the ability or inability to pursue subsurface development is not something guaranteed by the Town's zoning regulations.
2. The unique physical circumstances or other conditions do not exist throughout the neighborhood or district in which the property is located.
 - a. Staff review: Disagree – The applicant also acknowledges that the high groundwater level is not unique to this site. The applicant's additional discussion of other locations in general vicinity of this site that have greater maximum allowed heights is not applicable to this criteria.
3. The unique physical circumstances, other conditions or any other hardship complained of have not been created by the applicant.
 - a. Staff review: Agree – The applicant's identification of high groundwater as the unique physical circumstance has not been created by the applicant.
4. Because of the unique physical circumstances or other conditions, the property cannot be reasonably developed in conformity with the provisions of this Chapter.
 - a. Staff review: Disagree – Being unable to achieve the maximum allowed density of 20 units per acre on the site does not equate to the variance criteria of "cannot be reasonably developed". The site could be developed with 15 units within three floors rather than an additional two units on a proposed fourth floor. Further, other building floorplate designs, reduced floor to ceiling heights, or smaller unit sizes could be considered to achieve additional units within the site's constraints.



5. The variance, if granted, will not alter the essential character of the neighborhood or district in which the property is located, or substantially or permanently impair the appropriate use of adjacent conforming property.
 - a. Staff review: Agree – The building design is generally compatible with the surrounding context, and the design elements the additional height would facilitate (a slightly sloped 4th floor roof rather than a flat roof) is generally preferable. The relatively minor height increase will not alter the essential character of the area or impair the use of adjacent property. While the applicant states this proposal is consistent with higher allowed heights within the Grand Park and Rendezvous Planned Developments, staff notes that the specific areas within these PD's that allow such heights are not adjacent to this site and this would therefore represent a slight departure from a 45 ft. maximum height in the immediate vicinity of the site. However, staff does recognize that building heights over 45 ft. are allowed elsewhere along the US 40 corridor in Fraser.
6. The variance, if granted, is the minimum variance that will afford relief and is not detrimental to the public good or to the purpose, intent and spirit of this Chapter or the Town Comprehensive Plan.
 - a. Staff review: Agree – The requested 4.5 ft. increase in height appears to be the minimal ask in order to accommodate a reasonable fourth floor design and incorporate high quality design elements. There are no immediate neighbors that might be impacted by the height increase except the two residential units and existing business in the existing XSports building which is under common ownership. As a building fronting US 40, there may be concerns regarding impacts to views towards the west from users of the Lions Ponds area or users of the US 40 shared use path; however, the request for a 49.5 ft. building height is not likely to have a major impact to existing viewsheds compared to a 45 ft. building height.
7. The variance is needed to provide a reasonable accommodation to a person or persons with a disability.
 - a. Not applicable.

Per [Sec. 19-1-350](#), administrative variances must be processed under the same review criteria as the Board of Adjustment would apply for a standard variance. Because not all applicable criteria are met, the administrative variance is denied. This decision may be appealed to the Board of Adjustment per [Sec. 19-1-350\(4\)](#).

Town staff wishes to note that while we conceptually support the proposal on the merits of building design and recognize the site as an appropriate location for additional residential density, the variance criteria as currently adopted in the code unfortunately do not offer the type of wider policy discretion to approve this request. Ultimately, staff would need other tools in the code such as an “administrative adjustment” process that is separate from variances, allows



greater discretion/flexibility in granting administrative variances, and/or some type of zoning overlay that connects inclusionary or affordable housing requirements to an increase in building height. Staff has previously discussed potential code amendments with the Planning Commission and Board of Trustees and may broach the topic again in the future as part of the Comprehensive Plan process in 2025, but at this time does not have the administrative authority to grant this request.

Additional referral comments from all responding agencies/entities are provided as an attachment to this letter. It is recognized that some comments provided herein may be duplicative or even contradictory. In the case of contradictions or conflicts in referral comments, the comment from the most applicable agency/entity shall take priority.

Also provided with this letter are PDF copies of the plan set and other submittal or reference documents that contain markups and comments from the planning review (in red) and engineering review (all other colors) that serve to augment and clarify the comments provided in this letter.

Please contact me if there are any questions or to discuss any of the referral comments in more detail.

Sincerely,

A handwritten signature in blue ink, appearing to read "Alan Sielaff", is written over a light blue horizontal line.

Alan Sielaff
Assistant Town Planner
970-726-5491 x219
asielaff@town.fraser.co.us



THE WHITMER LAW FIRM, LLC

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Kaitlin Randall (Katie@whitmerlawfirm.com)◇
Cooper V. Gehle (Cooper@whitmerlawfirm.com)◇

MEMORANDUM

TO: Alan Sielaff, Fraser Assistant Town Planner
FROM: Cooper Gehle, Associate Attorney
DATE: January 3, 2025
RE: The Ascent (Ski Broker) Final Plat, Site Plan, and Variance - 1st Referral Request

We have reviewed the following documents from the Ascent Final Plat, Site Plan and Variance Submittal:

- Final Plat documents
- Site Plan documents
- Variance request documents

From our review, we have the following comments and concerns. Please let us know if you would like to discuss in more details.

1. The surveyor should indicate on the plat that all recorded exceptions listed in the title commitment have been examined, that those exceptions that are plottable have been depicted, that those that are not plottable but affect the subject property are called out as such, and that those that do not affect the subject property are indicated as such. Specific items to assess from the title commitment are listed below:
 - a. #11 – This is an agreement placing certain restrictions and requirements for land usage. The requirements should be reviewed closely in light of the

proposed development, with particular focus on the amount of taps to be added to the property and the means of providing a list of property owners as noted on page 8 of the document.

- b. #13, 14, 18, 19, 20, 21 – Confirm that all terms and conditions of the October 27, 2004, Amended and Restated Subdivision Improvements Agreement have been satisfied for new development.
 - c. #15 – Confirm restrictions set forth in the Final Plat (Rec. No. 218772) are satisfied, with particular regard to the open space and set-back requirements.
 - d. #16 – The easement and R.O.W. recorded in Book 360 at Pg. 391 is not depicted or acknowledged on the Ascent Plat. Although the location of the easement is not defined, it should still be reflected by the surveyor either by affirmatively noting it does not impact the property, or that it cannot be shown.
 - e. #22 – Ensure that the conditions for termination of the easement have occurred
 - f. #24 – Confirm requirements listed under Section 3 (Future Subdivision Improvements and Requirements) are satisfied.
 - g. #28 – The Construction Guarantee Agreement should be reviewed to ensure compliance, with focus on the deadline set out in Sec. 3(a) for a two (2) year time frame for public and private improvements.
2. The dedication on the plat should indicate the new legal description that is being created by this plat.

3. The legal description under the title of the plat should reference that this plat is a replat of a portion of the current legal description of the subject property.
4. The final plat references that several easements are to be vacated by the plat. Confirm that there are no existing utilities within these easements and that the proposed procedure (e.g., through recordation of the proposed plat) to vacate these easements are in compliance with Town Code Sec. 19-3-245 and CRS 43-2-302 and 303, including consent of all lot owners, Board of Trustee approval, and all documentation necessary as shown on the “Vacation of Plat, Right-of Way or Easement Checklist” from Appendix 1 of the Fraser Municipal Code.
 - a. Confirm that the easement at Rec. No. 218772 is dedicated to the Town and may be vacated, given that it is an easement for sewer/water.
5. The title commitment indicates that ownership of the subject property is vested only in Ski and Board Broker LLC, whereas the plat dedication indicates that Cornerstone Winter Park Holdings LLC is also an owner. This discrepancy should be resolved one way or the other by correction of the title commitment or correction of the plat dedication, whichever is applicable. In addition, due to this discrepancy, the applicant should confirm with the title company that the title commitment, in fact, covers all of the property subject to this application.
6. Note 7 on the plat is unclear. If an easement is being dedicated by this note, dedication language should be used therein to effectuate the grant.
7. The Ascent Condominium Declarations appear to have several points worth noting:

- a. Exhibit A includes a misleading legal description, listing “All of Lot 2, Lot 1 and 2, Ascent Condominiums subdivision plat recorded July 3, 2019, at Reception No. 2019004896 of the Grand County records.” The listed Rec. No. is for Final Plat, Lot 1 and Lot 2, Elk Creek Condos at Grand Park.
 - b. Exhibit C accounts for twelve (12) residential units where the site plan suggests seventeen (17) new units with two (2) existing units over Ski Broker. These should reflect the same number of units.
 - c. Page 5 of the Declarations defines Additional Property with reference to Rec. Nos. 2019004896 and 2019004895. This definition should be confirmed for relevance.
 - d. Page 5 also defines “Declarant” as Ascent Multifamily, LLC, but the title commitment lists the owner as Ski and Board Broker, LLC. The discrepancy on ownership should be resolved.
 - e. It is unclear whether the commercial units in the Lot will be subject to the condominium structure or are subject to the Declarations regarding interest in common elements or requirements to pay assessments. This should be clarified.
 - f. Common and limited common elements of the Development should be labeled, where practicable, on the plat.
8. The Plat and Site Plan depict that parking, access and utility easements will be on Lot 2 rather than Lot 1. A proposed easement for these features from the Owner of Lot 2 should be provided.
- a. Additionally, the Town Code permits for certain standards of modification to parking space requirements under 19-4-240. If any of these

modifications are the reason for the placement of the parking lot outside of Lot 1B, the Applicant should note such.

9. Applicant has submitted a variance request to increase the height of the development by four and a half (4.5) feet. The request for the variance does not appear to satisfy the criteria required under Fraser Muni. Code 19-1-330(a). Specifically, the cited high groundwater table is not a “unique physical circumstance” as required under the first Criteria. Applicant notes this under the response to Criterion 2, but then cites the building height restriction of this area as a separate reason for this to be considered as a unique circumstance. The fact that other properties along the same highway have different maximum height levels is not the type of quality contemplated by the variance provisions of the Code.
10. Applicant responds to Criterion 4 noting that it is not possible to achieve the allowed density for this site without the variance. However, above in the Background section, Applicant notes that the variance would “reduce[] the size of the building footprint while maintaining the allowed residential density,” appearing to indicate that the permitted density could be achieved with a larger building footprint. Furthermore, being unable to achieve the maximum permitted density likely does not suffice as an inability to reasonably develop in “conformity with the provisions of this Chapter.”

January 6, 2025

Garrett Scott, Town Planner
Town of Fraser
153 Fraser Avenue, P.O. Box 370
Fraser, Colorado 80442

RE: THE ASCENT (SKI BROKER) – FINAL PLAT, SITE PLAN, AND VARIANCE - UTILITY & DRAINAGE REVIEW

Dear Mr. Scott:

Merrick has reviewed the Ascent (Ski Broker) submittal received December 10, 2024. The submittal included a Phase II Drainage Report dated December 2024 and Construction Plans dated November 19, 2024 by Terracina Design, a Major Site Plan dated November 22, 2024, and a Final Plat dated November 6, 2024 by Aztec Consultants.

This letter is organized into two sections as follows:

Section 1 – Drainage Review

Section 2 – Utility Review

SECTION 1 - DRAINAGE REVIEW

We have the following comments to offer related to the drainage improvements.

Phase II Drainage Report

1. On-site stormwater detention is required, including for expansions and redevelopment (Section 3.3.6). Provide for on-site detention.
2. BMPs to address stormwater quality are required (Section 3.3.7). Address the water quality requirement in the site design.
3. Inlet capacity is only one component of storm sewer system design, provide calculations demonstrating no increase in flows to the existing inlet and calculations showing adequate ditch and pipe capacity through both existing/proposed storm sewer systems. If needed, provide additional stormwater detention to reduce peak flows to the existing storm sewer system capacity or modify the existing system to provide adequate capacity. Besides the capacity, also confirm the direction of flow and condition of the storm sewer system along the north/south portion of Johns Drive. Per the Town of Fraser's Stormwater Dashboard, the existing culverts and ditches drain to the south, not to the north, and may not be operating properly.
4. Provide calculations showing sufficient Johns Drive gutter and ditch capacity for outfall at Design Point 2.
5. Review proposed time of concentrations (Tcs) – drainage areas of less than 0.1 acres would not be expected to have Tcs that are longer than the minimum 5 minutes.
6. On the proposed drainage map, the portion of Basin D1 located north of Johns Drive and Basin D1.1 are shown tributary to the existing Johns Drive storm sewer system and temporary sediment



2480 W. 26th Street, Unit B225
Denver, Colorado 80211



Tel: +1 303-964-3333



hello@merrick.com
www.merrick.com

basin. Per the Condos at Elk Creek PA 4W.1 drainage plan included in the PhII drainage report, the Johns Drive storm sewer system, swale, and temporary sediment basin were not designed to have capacity for this additional tributary area. Modify the drainage plan to route runoff from these areas to follow the existing flow path or upsize the downstream drainage system to account for the additional runoff. In addition, the temporary sediment basin will need to be modified to be a permanent stormwater detention pond with water quality treatment.

7. On the proposed drainage map, the area located southeast of the site and south of the existing US 40 paved trail appears to flow to the project site since the trail is higher than the adjacent ground. Include analysis of this area in the Phase II drainage report and plan as offsite tributary area to the project site and to the existing storm sewer system.
8. On the proposed drainage map, label the existing storm sewer system elements (inlets and pipes).

Construction Plans

9. On Sheet 6, show site boundary/proposed lot lines.
10. On Sheets 8 and 9, check the separation between storm and sanitary sewer service lines, show sanitary sewer crossing location on storm sewer profiles.
11. On Sheet 10, verify minimum cover of 18" on storm pipes particularly under paved sections.

Major Site Plan

12. On Sheet 3, there is a second driveway culvert shown. If there is a second culvert proposed, show on other sheets and provide sizing calculations.

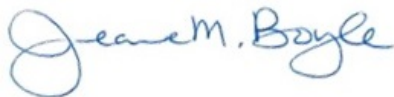
Final Plat

13. Ensure drainage easements include all storm sewer that will be publicly maintained and any detention pond/BMP as required in section 3.3.9. The easements shown do not appear to have been revised to include proposed drainage infrastructure.
14. Identify and label the area/easement located adjacent to the east side of the site since a portion of the proposed improvements is located within this area.

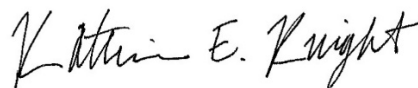
Please let us know if you have any questions.

Sincerely,

Merrick & Company



Jeanne M. Boyle, PE, CFM



Katherine E. Knight, CFM



SECTION 2 –UTILITY REVIEW

We offer the following comments related to the utility improvements.

1. It is recognized that the utilities in Johns Drive have been approved but not yet constructed. It is also recognized that the currently existing sewer and water main are located within the proposed building footprint and have been approved to be removed but are currently still in place and operational.
 - a. Provide the proposed general phasing plan or intended timeframe for existing utilities removal and new utility construction as it relates to the Ski Broker building construction.
 - b. The previously approved utility plan with sewer stub to the proposed Ski Broker building is shown on the current submittal as to remain but not be connected. If this sewer stub out will have no service connection, it should not be constructed.
 - c. The previously approved fire hydrant should include an isolation line valve at the tee and hydrant isolation valve in the street at the tee. (refer to Town of Fraser Code chapter 14, Attachment A-16)
2. Show the water service curb stop (6" isolation valve) on the plan set. The Town preference for larger services is to locate the service isolation valve in the street at the Tee fitting (refer to 14-4-220 (b.8) and 14-3-260 (b.9)).
 - a. Where service lines split to provide separate domestic and fire supply to the building, they shall be valved independently at the property line. (14-4-220 (e.4))
3. Sanitary and Water Construction Notes should include requirements for tracer wire in all new buried utility construction. (refer to 14-4-220 (b.7) and 14-4-320 (b.6))

Please let us know if you have any questions.

Sincerely,

Merrick & Company



Greg Steed, P.E.
Sr. Civil Engineer

Cc: Paul Johnson, Town of Fraser
Alan Sielaff, Town of Fraser



Alan Sielaff

From: Killian - CDOT, Brian <brian.killian@state.co.us>
Sent: Wednesday, December 18, 2024 6:52 AM
To: Alan Sielaff
Cc: Kandis Aggen - CDOT
Subject: Re: TF24-12: The Ascent (Ski Broker) Final Plat, Site Plan, and Variance - 1st Referral Request
Attachments: image001.png; image002.png; image003.png; image004.png; image005.png; image006.png; image007.png; image008.png; image009.png

Caution! This message was sent from outside your organization.

Alan,

Since this development is unlikely to increase traffic by 20% or more at the highway intersection, a CDOT access permit is not required.

If there are any utility impacts or impacts to CDOT ROW, a CDOT special use or utility permit is required.

Disclaimer: CDOT's review is cursory only. Due to the amount of referrals CDOT receives daily, CDOT will not do a thorough review of the traffic studies or any other referral documents until they are formally submitted directly to CDOT. If CDOT doesn't respond to a referral, it does not constitute approval of the referred development.

Thanks,

Brian Killian
Region 3 Access Program Manager
Traffic & Safety



P 970-683-6284 | C 970-210-1101 | F 970-683-6290
222 S. 6th St, Room 100 Grand Junction, CO 81501
brian.killian@state.co.us | www.codot.gov | www.cotrip.org

On Tue, Dec 10, 2024 at 1:54 PM Alan Sielaff <asielaff@town.fraser.co.us> wrote:

Hello,

EAST GRAND FIRE PROTECTION DISTRICT NO. 4

P.O. Box 2967 • Winter Park, Colorado 80482

(970) 726-5824 • www.eastgrandfire.com

Mr. Alan Sielaff,

January 2, 2025

Thank you for the opportunity to comment on *The Ascent (Ski Broker) Final Plat, Site Plan, and Variance*. We have included (attached) a copy of East Grand Fire Districts "Development Review Criteria" for the Town and Developer to continue to reference. Special attention to utility locations, wildfire hazard mitigation, access, and municipal water supply is necessary for the protection of lives and property.

The multiple access points off of the new and existing Johns drive appear to be adequate for the existing Ski Broker building and the new Ascent building. It may be a little confusing as there are 3 roads that converge at this location all with the name "Johns Drive". Possibly consider renaming one of them to eliminate confusion for guests and emergency responders.

The 26ft wide driving isles around the building are satisfactory as well as turn radius for apparatus movements (thank you).

The additional fire hydrant location is good in regard to access from the road and in proximity to the water/riser room (assuming the FDC will be located in that area as well). There is an existing fire hydrant to the northeast corner of the parking lot that we would like to remain accessible and utilize to meet fire flow for this new building.

East Grand Fire has no issues with the variance request for additional height. Please note that additional fire service features (including but not limited to standpipes) are required for structures 4 or more stories in height.

This Structure we be required to be protected by an automatic sprinkler system and alarm system, coverage for this system will include the outside egress corridor / stairs. Please also keep in mind that if the 2 buildings will share the same sprinkler system/ riser, special consideration will be needed for getting the sprinkler line from one building to the other (conditioned chase between buildings or special underground piping with additional inspections) to ensure that freezing of the system can not occur.

The Fire Riser room appears to be in an acceptable location with exterior access. The Fire Alarm Panel and the Fire Department Connection (FDC) placement should be confirmed with the developer and fire district prior to commencement of construction.

Special attention and consideration for landscaping, building materials, and defensible space should be taken to provide for more wildfire resistant buildings and communities.

Thank You,



Ryan A Mowrey
Assistant Fire Marshal
East Grand Fire Protection District

EAST GRAND FIRE PROTECTION DISTRICT NO. 4

**P.O. Box 2967 • Winter Park, Colorado 80482
(970) 726-5824 • www.eastgrandfire.com**

EAST GRAND FIRE PROTECTION DISTRICT DEVELOPMENT REVIEW CRITERIA

Standards and Codes to be used: NFPA, IFC, IBC, IRC, AASHTO, Mountain Parks Electric, and Public Service (Xcel), East Grand Fire Protection District- SOG.

International Fire Code (IFC): 2021
International Building Code (IBC): 2021
International Residential Code (IRC): 2021
NFPA Standards: 13, 24, 25, 101, 299, 1142 (and others-most current)

ACCESS: In addition to: IFC Appendix D, NFPA Standard 299- Protection of Life and Property from Wildfire and the road standards of Fraser, Town of Winter Park, or Grand County.

ROADWAYS: Roads and Driveways shall be constructed and in place before building construction begins. A minimum width 24 ft. road shall be required where either of the following conditions below are not met:

- Access roads with hydrants shall be a minimum width of 26ft. (IFC D103.1).
- Aerial fire apparatus access roads with minimum widths of 26ft. shall be required “where the vertical distance between the grade plane and the highest roof surface exceeds 30 feet” (IFC D105.2).

Roads shall have a hard-all-weather surface sufficient to support 84,000 lbs. fire apparatus. Shoulders to be a minimum width of 4 ft. on each side. Vertical clearance to be a minimum of 18 ft. Maximum grade to be 7 %. Minimum curve radiuses to be 50 ft. measured at centerline or follow the AASHTO geometric designs for highways and streets manual, for Intercity Bus (BUS-45). At 750 ft. intervals Emergency turnarounds for fire apparatus are needed on all roads. (These can be oversized driveways, intersections, or specially constructed areas). No parking is to be allowed along 24/26-foot roadways. “No Parking” signage will be required along both sides of road with required signs provided by the developer. If parking is to be allowed, 9ft. needs to be added to width of road on either or both sides of roadway in addition to signage. Cul-de-Sacs are to be avoided. If unavoidable the maximum length of cul-de-Sac shall be no more than 500 feet. A turnaround at end of Cul-de-Sac, with the continuation of 24/26 ft. road width, shall have 104 ft. minimum outside diameter. Cul-de-Sacs, turnarounds, and shoulders shall not be used for snow storage if it reduces access in any way. To avoid building construction delays special attention should be given to IFC Chapters 33 and 5. Sections 1410, 1412, 501, 503, 505, and 508.

GATES: Gates are to be avoided, but, if necessary, shall be considered on a case-by-case basis. If allowed, the design would need to be approved prior to construction. Gate should consist of a counterweight type barrier that swings completely free of the access when released. A “Click2Enter” or “KNOX” key switch, or another approved device, shall operate the gate electronically.

DRIVEWAYS and ACCESSES: Three homes (dwelling units) or more require a road, not a driveway. The minimum driveway width should be 14 ft. with two 1 ft shoulders, a maximum grade of 7%, an approach or departure angle not more than 8%, and vertical clearance of at least 14ft. If the access or drive extends more than 150 ft. from a roadway there shall be a turnaround adequate for our trucks.

BRIDGES: Require a letter from an engineer with his or her stamp certifying that the bridge meets the requirements of the International Fire Code Section 503.2.6 which requires the bridge to be constructed and maintained in accordance with AASHTO HB 17 “Standard Specification for Highway Bridges.” Appendix D Section D102 (as amended by EGFD) suggests the bridge be capable of carrying the load of 84,000 lbs. Any crossings shall be constructed to the same standards as the traveled way on either side.

WATER SUPPLY:

MUNICIPAL: Reference Appendix B of International Fire Code. Water supplies needed for firefighting would range between 3500 gallons per minute fire flow for three hours (minimum 630,000 gallons of fire protection storage), to a minimum 2500 gallons per minute for two hours (minimum 300,000 gallons of fire protection storage). A minimum water supply of 1500 gallons per minute fire flow for two hours (minimum 180,000 gallons of fire protection storage), will be considered in buildings protected by fire suppression sprinkler systems.

Documentation would be needed that adequate flows will be available from the water system at a residual pressure no less than 20 psi. By installing fire sprinkler systems in all structures any large life or property losses would be avoided and would make the best use of the available water supplies.

Fire hydrants are to be located at least every 500 ft. or as agreed to by the Fire District. Fire hydrant locations and distribution shall be in accordance with Appendix C of the International Fire Code.

For planning purposes, the following may be used. Fire hydrants must meet the requirements of the local water purveyor / water authority or be Mueller Super Centurion 250A-423 or equivalent hydrant having at least one 4 ½ inch NST opening facing the Road. Hydrants are to be installed to the local water authority's requirement. Fire Hydrant installation outside of a Water Authority's jurisdiction shall be required to be acceptable to East Grand Fire District.

The approach to the hydrant is to be a level-walking surface free of obstructions or depressions, at least five feet wide from the center of the hydrant in all directions including the backside. Existing Fire Hydrants can be credited for a new development if the hydrant has at least one 4.5-inch opening, a 6-inch barrel, is in good repair, is appropriately located, has adequate access, has adequate flows, and is not an antiquated Hydrant. If any one of these conditions is not met it will need to be replaced. International Fire Code tables B105.1 and C105.1 provide further guidance on flows and fire hydrant distribution.

RURAL: The acceptable calculated amount of water storage necessary for structural fire extinguishment or at least 30,000 gallons of fire protection water storage which is the minimal creditable amount acceptable to Insurance Services Office.

UTILITIES: Careful consideration should be given to the location of all utilities to avoid interference with fire department operations. Meters, transformers, and gas piping all need to be carefully located to avoid damage from ice, snow, and vehicles. All utility meters shut offs or other equipment that would be attached to the exterior of a building shall be protected from falling ice and snow. Shutoffs need to be readily available.

WILDFIRE: There is Wildfire potential for this project. Normal precautions of maintaining defensible space around buildings, irrigated grass, mowing, minimizing any flammable vegetation, and storing combustibles / flammables away from the buildings would help. Making the exterior walls and roofs non-combustible would certainly minimize the risk. Consulting with I.C.C. Wildland Urban Interface Code is encouraged.

Dennis K. Soles
Fire Marshal
East Grand Fire Protection District

East Grand Fire Protection District

Box 2967
Winter Park, CO 80482

BILL TO:

Ski Broker LLC
PO Box 30
Winter Park, CO, 80442

FROM:

East Grand Fire District
Box 2967
Winter Park, CO 80442

Invoice # 282

Invoice Date: 1/2/2025

Location Ski Broker,
Fraser, CO, 80442

	Address	Inspection Fee (per additional visit)	Total
1/2/2025	The Ascent (Ski Broker) Final Plat, Site Plan, and Variance Request (height) Development Review	 \$500.00	 \$500.00
		Total	\$500.00

REMITTANCE:

Amount Due: \$500.00

Amount Enclosed: _____ **date** _____

Alan Sielaff

From: MPEI Plat Review <mpeiplatreview@mpei.com>
Sent: Thursday, December 12, 2024 5:05 PM
To: Alan Sielaff
Cc: Gittins, Julie K
Subject: RE: TF24-12: The Ascent (Ski Broker) Final Plat, Site Plan, and Variance - 1st Referral Request

Caution! This message was sent from outside your organization.

Hello,

Plat reviews are not meant to be all inclusive, but to determine that there is adequate easement given so MPEI can construct, operate, and provide service. This is a preliminary review without delving into the details of the site. This is not intended to be a complete design. A complete design of electric service will occur when the developer applies for service. There may be additional issues that arise during final design. For more detailed information, please see MPEI's Electric Service Construction Standards.

Please be aware of the following requirements within MPEI's Electric Service Construction Standards (ESCS).

- MPEI requires 20 foot wide easements (10' on each side of centerline) for primary power lines, as installed. (Part of the easement can be in the road if provided for in the plat). No structure (including decks, footers and building overhangs) is allowed closer than 10' from any primary voltage power lines or within ten feet (10') around any equipment. Water and sanitation districts require a minimum of ten feet (10') separation to parallel power lines. MPEI requires five foot (5') separation to parallel gas lines (main or services) and one foot (1') separation to communications.
- For secondary lines, MPEI requires 10 foot wide easements (5' on each side) and must be 5 feet from any parallel utility line or a building.
- Meters must be located under a permanent structural element that protects the meters from falling snow and ice and extends a minimum of 2 feet past the side of the meter. Meters must be a minimum of 2 feet from windows, doors and vents and a minimum of 3 feet from a gas regulator. There cannot be any vents above a meter.
- No grade changes (fill or cut) in excess of six inches (6") are permitted in the utility easement without prior written authorization from mountain parks electric, inc.
- No trees or boulders may be planted or placed within five feet (5') of any power line or electric equipment. All equipment will have a minimum of ten feet (10') of clearance in front of any openings or equipment doors.

More information about MPEI standards is available online at

[https://mpei.com/sites/default/files/2024%20Electric%20Service%20Construction%20Standards%20New%20Logo%20\(1\).pdf](https://mpei.com/sites/default/files/2024%20Electric%20Service%20Construction%20Standards%20New%20Logo%20(1).pdf)

Below is a list of some specific concerns with the plat and construction drawings.

- 1) MPEI has existing Fiber along Victory Rd. Please document all existing roads, utilities, and easements in all lots including lot 2.
- 2) Oxbow Court and existing electric infrastructure in the South West corner of lot 2 are not shown on the plat. Please show all existing roads, utilities, and easements in all lots including lot 2.
- 3) Developer must supply a color coded utility plan including sewer, water, electric, gas and storm sewer.
- 4) Please add proposed meter location on the building(s) in each elevation.
- 5) Any utility drawings developed during the Preliminary Plat process will be helpful and used for guidance. MPEI will provide the final electric design.
- 6) The developer will be responsible for surveying all primary power lines, equipment locations and service lines in the field. Any problems that need to be resolved during the building phase will be at the developer's cost.

Thanks,

Nick Curran

mpeiplatreview@mpei.com
970-281-0344



321 West Agate Ave • P.O. Box 170, Granby, CO 80446-0170 •
970.887.3378

We are owned by those we serve.

From: Alan Sielaff <asielaff@town.fraser.co.us>

Sent: Tuesday, December 10, 2024 1:51 PM

To: Paul Johnson <pjohnson@town.fraser.co.us>; Michael Brack <mbrack@town.fraser.co.us>; Lucas Seffens <lseffens@town.fraser.co.us>; Jeff Lunde <jlunde@town.fraser.co.us>; Brad Rome <brome@town.fraser.co.us>; Cathleen Brown <cbrown@town.fraser.co.us>; Kent Whitmer - The Whitmer Law firm, LLC <kent@whitmerlawfirm.com>; Greg Steed <greg.steed@merrick.com>; Jeanne Boyle <Jeanne.Boyle@Merrick.com>; Dennis Soles <dsoles@eastgrandfire.com>; Ryan Mowrey - East Grand Fire Protection District #4 <rmowrey@eastgrandfire.com>; brad.ray@egsd.org; MPEI Plat Review <mpeiplatreview@mpei.com>; 'julie.k.gittins@xcelenergy.com' <Julie.K.Gittins@xcelenergy.com>; Brian Killian - CDOT <brian.killian@state.co.us>; Andy Newby - Comcast <Andy_newby@comcast.com>; Shelly Bergstrom - Lumen <shelly.bergstrom@lumen.com>; Meara McQuain <meara@headwaterstrails.org>; Scott Ledin- Fraser Valley Recreation Metropolitan District <scott@fraservalleyrec.org>; Michael Koch - Transit <transit@wpgov.com>

Cc: Garrett Scott <gscott@town.fraser.co.us>

Subject: [External] TF24-12: The Ascent (Ski Broker) Final Plat, Site Plan, and Variance - 1st Referral Request

Alan Sielaff

From: Gittins, Julie K <Julie.K.Gittins@xcelenergy.com>
Sent: Friday, December 13, 2024 11:24 AM
To: Alan Sielaff
Cc: mpeiplatreview@mpei.com
Subject: RE: TF24-12: The Ascent (Ski Broker) Final Plat, Site Plan, and Variance - 1st Referral Request

Caution! This message was sent from outside your organization.

Alan,

Good morning!

Xcel has reviewed the documents provided and has the following comments/concerns. Although some aspects of design may be brought up in the response below, this plat/site plan review is not meant to be a design and is only to determine if adequate room is being given to meet required clearances. The final design will be done once the application is received upon recording of the final plat.

- There is a gas main that can be tapped into off of Johns Dr to serve the two new buildings that is not noted on the utility plan.
- A colored utility plan showing all existing gas main and proposed gas service lines to the new buildings needs to be provided.
- The elevation plans did not show the proposed meter locations. In order to accommodate a meter bank that would provide individual meters for each unit, a significant amount of wall space will need to be provided that follows the requirements below. If that can't be done a master meter would need to be installed and the HOA would need to sub-meter each unit.
- The plat does not reflect all existing roads. Please update.

Meters must be placed under an engineered gable on a **non-drip edge on the front third of the structure** in an **easily seen and accessible location** per Xcel standards Section 4.3, under number 3, page 33. ***"Note: Due to excessive snowfall, ice and snow shields will not be permitted in the following Colorado counties: Grand, Eagle, Lake, Park and Summit. Meters shall be installed on the gable or non-drip side of a building or in an approved remote location from the building or structure in these counties."*** [Xcel Energy Standard for Electric Installation and Use \(Blue Book\)](#)

- No vents or anything electric can be above or beside the meter/ meter bank: min clearance of 3' (electric) and 6' (vents).
- Meters must be a minimum of 3' from any opening.
- Gas Risers cannot be encased in concrete or asphalt. They must be sleeved.
- Meters must be in a protected area from vehicle damage and snow. Bollards may be required.
- Meters must be a minimum of 4' from and drip or adjacent drip and could be more for three or four stories.

Per Xcel standards- A building is only allowed one point of service unless the lot has been formally subdivided and each unit will have no intermingling of pipe between units or proposed units, each unit must have an entrance and an egress, and the Authority of Jurisdiction must approve the installation. See section 4.1 Services in the Xcel Energy Standard for Electric installation and Use (blue Book)

In order to meet the clearance requirements from other utilities, the following guidelines must be adhered to:

- There must be 5' between electric and gas service lines as we cannot joint trench.
- Gas lines must be a minimum of 10' away from water/sewer and **fire hydrants**.
- Service lines must be a minimum of 5' away from the foundation laterally.
- Structures must be a minimum of 20' from each other if gas and electric meters are going to be placed on the same side or across from each other to allow for required clearances.
- No back lot installation
- Xcel does not sleeve under roads for service laterals (if applicable) for future build out.
- Xcel avoids installing under asphalt, with the exception of gas service lines for crossings.
- Gas lines cannot be under heated driveways or walks.
- No trees, boulders or **retaining walls** over or within 5' of any gas line.
- Trees or bushes cannot be used to block or screen a meter.
- No fences within 5' of any gas line.
- No decks, footers, structures can be installed inside the utility easement.

It does not appear that any of PSCo/Xcel's UE language has been included in the notes on the plat. There is existing gas main running through Lot 1 that is not noted on the plat or utility plan. The following will need to be added.

Easement Language (to cover existing gas main): To ensure that adequate utility easements are available within this development, PSCo requests that the following language and plat note be placed on the preliminary and final plats for the lot/subdivision:

*Ten-foot (10') wide dry utility easements are hereby dedicated on private property adjacent to the front and side lot lines of each lot in the subdivision or platted area identified as **single-family lots**, and around the perimeter of each **commercial/industrial and multi-family lot** in the subdivision or platted area including tracts, parcels and/or open space areas. Fifteen-foot (15') wide dry utility easements are hereby dedicated on private property adjacent to all public streets and side lot lines abutting exterior plat boundary lines. These easements are dedicated to the City/County for the benefit of the applicable utility providers for the installation, maintenance, and replacement of electric, gas, television, cable, and telecommunications facilities (**Dry Utilities**). Utility easements shall also be granted within any access easements and private streets in the subdivision. Permanent structures, improvements, objects, buildings, wells, water meters and other objects that may interfere with the utility facilities or use thereof (Interfering Objects) shall not be permitted within said utility easements and the utility providers, as grantees, may remove any Interfering Objects at no cost to such grantees, including, without limitation, vegetation. Public Service Company of Colorado (PSCo) and its successors reserve the right to require additional easements and to require the property owner to grant PSCo an easement on its standard form.* WITH RESPECT TO THE UTILITY EASEMENT GRANTED HEREBY, NO STRUCTURE OR FOUNDATION SHALL BE ALLOWED CLOSER THAN FIVE FEET (5') AROUND ANY UNDERGROUND LINES. NO OTHER UTILITY LINE (WHETHER WATER, SEWER) SHALL BE ALLOWED CLOSER THAN TEN FEET (10') FROM ANY UNDERGROUND LINE. NOT WITHSTANDING THE FOREGOING, UNDERGROUND COMMUNICATION FACILITIES AND ELECTRIC SHALL NOT BE ALLOWED CLOSER THAN FIVE FEET (5') TO ANY GAS LINES AND ABOVE GROUND COMMUNICATION FACILITIES SHALL NOT BE CLOSER THAN FIVE FEET (5') TO ANY UNDERGROUND FACILITIES. NO GRADE CHANGES (FILL OR CUT) IN-EXCESS OF SIX INCHES (6") ARE PERMITTED WITHIN TEN FEET (10')

OF ANY UNDERGROUND LINE WITHOUT PRIOR WRITTEN AUTHORIZATION FROM PSCO. NO TREES OR BOULDERS MAY BE PLANTED OVER DISTRIBUTION OR SERVICE LINES AND MUST BE A MINIMUM OF 5' AWAY.

The following Non-Exclusive plat language for PSCO/Xcel must be included on the final plat to cover the meter bank:

EACH TOWNHOME, DUPLEX, MULTI-FAMILY OR MULTI-USE BUILDING ON THE PROPERTY SHALL HAVE GAS METERS ON THE GABLE END OF ONE (1) END UNIT ("GAS METER BANK"). DEVELOPER, FUTURE HOMEOWNER, OR METRO DISTRICT HEREBY GRANTS TO XCEL (PSCO) A NON-EXCLUSIVE UTILITY EASEMENT FOR (I) ONE GAS METER BANK ON THE END OF ONE (1) END UNIT PER BUILDING AND (II) ALL OTHER THINGS REASONABLY NECESSARY TO CONSTRUCT, INSTALL, MAINTAIN AND OPERATE SUCH GAS METER BANK ON EACH OF THE BUILDINGS (THE "GAS METERING EASEMENT"). ALL LINES AND OTHER FACILITIES RELATED TO SUCH GAS METER BANK, SUCH AS METER RISERS (BUT NOT INDIVIDUAL GAS METERS), SHALL BE THE PROPERTY OF THE DEVELOPER. ALL GAS METERS USED FOR SUCH GAS METER BANKS SHALL BE THE PROPERTY OF XCEL (PSCO). ALL OF THE FOREGOING RIGHTS AND BENEFITS OF XCEL (PSCO) WITH RESPECT TO THE GAS METERING EASEMENT SHALL BE BINDING UPON AND SHALL INURE TO THE BENEFIT OF SUCCESSORS AND ASSIGNS

PSCO also requests that all utility easements be depicted graphically on the preliminary and final plats. While these easements should accommodate the majority of utilities to be installed in the lot/subdivision, some additional easements may be required as planning and building progresses.

- Reinforcements to the gas system may be needed to accommodate the additional load being requested, which will be at the developers cost. Total load information will need to be provided upon application so a capacity check can be done before that can be determined.

-The developer must survey/locate any existing gas lines prior to excavation. Any relocates must be applied for and will be at the developers cost.

Please note – this is not a final assessment of what the new service request will entail. There may be additional things in the field I cannot see. Once an application has been submitted to XCEL, upon final recording of the plat, we can start the full design process and identify the scope of work that will need to be done for this request.

Have a great day!

Julie Gittins

Xcel Energy

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January 29, 2025

Mr. Alan Sielaff
Assistant Town Planner
Town of Fraser
PO Box 370
Fraser, CO 80442

Re: The Ascent Condominiums

Dear Mr. Sielaff,

On behalf of Ski and Board Broker and Cornerstone Winter Park Holdings, Terracina Design is submitting a revised Major Site Plan and Final Plat for The Ascent Condominiums to address the comments received on January 8, 2025. See responses below.

Please note that the uses in Lot 1 have been modified from commercial with 2 residential units to 8 residential units. The intent is to move the Ski Broker business into the Market Street buildings and convert the commercial space to residential. The plan as submitted is now 25 residential units with no commercial.

Alan Sielaff, Assistant Town Planner

Asielaff@town.fraser.co.us

General Comments

- 1) Please provide written responses to the following Planning comments as well as other referral agency comments provided as an attachment to this letter. **Response: Provided**
- 2) As proposed, Lot 1B does not contain sufficient acreage to meet the 20 unit per acre density maximum in the Business District zone for the proposed 17 residential units. Further, the proposal includes off-site parking and snow storage. Rather than accommodate the proposed configuration with a density plat note and off-site easements, please expand the proposed size of Lot 1B to include all parking and snow storage areas. This appears to also provide sufficient area to meet the density requirement. This is the simpler solution to address all three concerns and ensure this project is on a self-sufficient site for the proposed development.
Response: This approach was discussed and agreed upon with Fraser staff prior to designing the project. The lots will remain as 3 separate parcels for purposes of ownership. Refer to response to 2a below for the density calculation.

Sec 19-4-185-c. Off-site snow storage. If the development necessitates off-site snow storage, an easement from the adjacent property owner shall be required.

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The applicant shall show evidence and plans to ensure that the off-site snow storage will not result in the degradation of streams, rivers, creeks or other watercourses, in accordance with Section 19-4-155.

Sec 19-4-240-f. The Town Staff may allow off-site parking within five hundred (500) feet of the front entry to the building to satisfy the minimum off-street parking requirements. A written agreement governing each affected property and providing for such off-site parking shall be approved by the Town Staff and recorded with the Grand County Clerk and Recorder.

- a. Additional detail on density calculation: The proposed 0.537 acre size would allow 10 units (10.74 rounded down). If expanded to include the required parking and snow storage along the southeast (an estimated additional 14,600 SF), the new lot size would be 37,992 SF or 0.87 acres, allowing the proposed 17 units (rounded down from 17.44). **Response: Per the Land Development Cods, density is defined as the "ratio of the number of dwelling units per gross acres of the entire development parcel." In this instance the entire development parcel totals 9.47 acres. The area for lots 1 and 3 total 1.26 acres allowing for 25 residential units which is what is depicted on the Major Site Plan.**

- 3) Given the configuration of "Future Johns Drive" as depicted in the site plan, this new street extension should have a different name to avoid a three-way intersection with all approaches having the same name. For now, please label the street as "Victory Road" as currently depicted on the Grand County Parcel Viewer GIS map. However, a different street name is recommended so as to not cause confusion with "Old Victory Road" further south. The applicant is encouraged to suggest street names for staff's approval; alternatively, staff will assign a street name in coordination with the Planning Commission and Board of Trustees. **Response: The street name has been changed to Twilight Drive which will run from Old Victory Road to CR72 behind Murdochs. The road from the highway will then be Johns Drive intersecting in a T with Twilight Drive.**
- 4) An address map with unit designations will be required before final approval and staff will assign address numbers to the proposed buildings. **Response: Address map provided**
- 5) In lieu of land dedications for parks and schools per Sec. 19-3-310, the following fees will be required, to be calculated based on the final lot area size and due prior to recordation of the subdivision:
 - a. Park fees: 5% of Lot 1B area in acres multiplied by a value per acre of \$141,030 **Response: The underlying parcels are a part of the Forest Meadows Solar Subdivision and as such the park areas and open space were long ago satisfied with the recordation of the Forest Meadows Solar Subdivision.**

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b. School fees: 0.0138 acres per multifamily dwelling unit (17) multiplied by \$141,030. **Response: Noted**

- 6) Staff must receive a resubmittal of this application by Wednesday, January 29th, 2025 in order to maintain the timeline of scheduling a public hearing before the Planning Commission on February 26th. **Response: Noted**

Final Plat

Application Requirements – See Appendix 1, Major Subdivision Final Plat Checklist

- 7) Attached is a Word template for the required Development Improvement Agreement (DIA) based on Appendix 3 of the Town Code. Please review and provide any requested revisions with the next submittal. Per Sec. 19-3-415, the Town will require that the DIA for The Ascent cover the private drainage and private landscaping improvements proposed in the site plan, in addition to any public infrastructure needed to support the development. A completed and recorded DIA will be required concurrently with recordation of the Final Plat. **Response: We plan to work with Town Staff to finalize a DIA upon project approval.**
- 8) Please provide names and addresses of any owners and lessees of mineral rights associated with this property. If none exist, please provide a signed statement affirming that a records search was conducted and no mineral rights holders exist for the property. **Response: Letter provided.**

General Comments

- 9) Staff requests to avoid designating Lots as 1A and 1B and instead designating the new lot for the new building simply Lot 3. This way, the existing property with the XSports building remains as Lot 1, and the existing undeveloped Meyer Lot 2 remains as Lot 2. **Response: Revised**
- 10) Please ensure that everything depicted on sheet 2 of the existing subdivision plat (Replat of Lot 2, Meyers Subdivision etc... reception number 2021013571) is also shown on all sheets of the proposed subdivision plat since this will become the new plat for the entirety of the existing Lots 1 and 2. Specifically, the 45' Transit License easement should be carried forward on all sheets and the 100 year flood plain on Lot 2 should be depicted. **Response: We have included these items relative to the underlying prior approvals including Forest Meadows Solar subdivision. It is NOT an EASEMENT, rather it is a terminable license agreement and as such has no specific location. The road currently used was constructed by CWPB to accommodate the transportation system requested by Fraser with the knowledge it would be relocated and can be terminated by either party to the license agreement.**
- 11) A right-of-way dedication plat for the "Victory Road" extension will be required no later than when the Town grants preliminary acceptance to the road and associated infrastructure. The Transit License easement would be anticipated to be

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removed at this time. **Response: The Transit License is not an easement as noted above. Public access will be provided by either right of way or easement to be determined once the road is constructed.**

- 12) Remove the page type from main title block at top of each sheet (cover page, existing conditions, proposed conditions, parking and access easement details). These sheet type names should be included in the information block at the bottom right of each sheet. **Response: Revised**
- 13) All linework should be represented in a legend on each sheet. **Response: Added**
- 14) Remove proposed building outlines from all sheets. **Response: The building outlines will remain on lots 1 & 3 as those are a condominium plat. This format is consistent with all of the previously approved multifamily plats in Fraser.**
- 15) Include 2 1/4" x 3" blank box at bottom right of each page for use by County Recorder. **Response: Added**

Sheet 1

- 16) Ensure language in dedication and notary clause is consistent with required language in Appendix D. See attached staff mark-up. **Response: Revised**
- 17) Include recordation number of previous subdivision(s) referenced in dedication and notary clause. **Response: Added**
- 18) Clarify ownership entities per legal review comment # 5 and ensure consistency with the dedication and notary clause section. **Response: Added**
- 19) Remove duplicate "dedication and notary clause continued" header. **Response: Removed**
- 20) Blanks left in the General Notes section should be filled in with the development or project name or can be replaced with generic language referencing the eventual HOA/condo association that will assume responsibility. **Response: Added generic language based on the title of the plat**

Major Site Plan

Sheet 1 - Cover

- 21) Please remove the approval blocks and owner certificates from the cover sheet. Major site plans are not recorded so mylars will not be provided. Instead, we suggest adding an image /rendering of the project to the cover page and placing a basic site data table and possibly relocating other project summary data tables to this sheet. **Response: Removed**

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- 22) Remove blank box at bottom right of each page since site plan set is not recorded.
Response: Removed

Sheet 2 – Site Plan

- 23) Per Sec. 14-3-80 sidewalks shall be a minimum of 8 ft. and required on both sides of the street in the Business Zone District. Please increase the width of the sidewalk along "Victory Rd" to be a continuous 8 feet wide. **Response: A 5' foot sidewalk for this road was approved with Final Construction Plans for the Condos at Elk Creek – 4W.1 which was approved by the Board of Trustees. On street parking is included in this modified road section therefore reducing the width of the sidewalk. The 5 foot sidewalk will remain in this location.**
- 24) Provide a trash enclosure detail showing conformance with Sec. 19-4-160(b), i.e., label the enclosure color and materials to ensure they are consistent with those of the main building. **Response: Similar to the adjacent Murdochs center and other areas in the Town of Fraser, no dumpster enclosure will be installed; rather, a location is provided for dumpsters which is a significant improvement over the adjacent Murdochs center which has dumpsters and storage containers in the Town's public ROW.**
- 25) Include a summary of unit types by bedroom count or note that all units will be two-bedroom units. **Response: Note added and all units to be 2 bedroom**
- 26) Note or provide in the data table the number of bedrooms in the existing two units in the XSports building since there will be shared parking between the lots.
Response: All units to be 2 bedroom units
- 27) Staff calculates the total required parking for Lots 1A and 1B at 48 since a cross access and parking easement is proposed. Technically the required parking for Lot 1A is 22.5 spaces (assuming both residential units are 2 bedroom) and Lot 1B is 25.5 spaces. **Response: Land uses revised and 38 parking spots required now and provided**
- 28) Please add a note that the two parallel spaces proposed along "Victory Rd" within the proposed ROW are included in the provided parking count. **Response: Added**
- 29) Data table lists Lot 1A and 2B. Should be 1A and 1B unless the lots are renumbered to Lot 1 and Lot 3 as requested by staff. **Response: Revised**
- 30) Please remove floor plan linework from building footprints for clarity. **Response: Revised**
- 31) In September 2024, the Town adopted by reference the 2023 Colorado Model Electric Ready and Solar Ready Code. The site plan must display compliance with applicable requirements of this code before building permits are issued. Please designate on the parking plan at least a minimum number of EV spaces per the

requirements below. Definitions for each category of EV capability are found in Chapter 2 of the referenced code. Multifamily residential is found on page 25 and must include the following:

- a. 5 percent of the spaces must have level 2 EV chargers.
- b. 15 percent of the spaces must be EV ready.
- c. 10 percent of the spaces must be EV capable.
- d. 30 percent of the spaces must be EV capable light.

The Town will require that only the parking provided for the proposed 17 multifamily units (not the existing XSports building) meet these requirements. Alternatively, the applicant may submit a substantial cost differential waiver request showing that the cost of complying with this code exceeds 1 percent of the total mechanical, electrical, and plumbing costs for the project. **Response: Conduit will be added up to 1% of the total mechanical, electrical and plumbing costs. The exact location will be determined with the electrical design of the buildings.**

Sheet 3 – Landscape Plan

- 32) We estimate the provided on-site open space coverage is approximately 1,500 SF less than the total of 19,574 SF listed on the open space table. If the parking islands to the southeast of the proposed buildings that are currently off-site are included in the total open space as currently tabulated, this accounts for roughly 400 SF. If the subdivision plat is reconfigured to include all of the required parking and snow storage areas on-site, this will likely satisfy the 35% open space requirement.

Response: Open Space sheet provided. 35% is being provided.

- 33) Sec. 14-5-40(9) requires parking lot perimeter landscaping. Given the close proximity to the US 40 shared use path and constraints created by the overhead electric lines, staff is supportive of only shrubs being provided as perimeter landscaping and may be placed in the US 40 right-of-way between the parking spaces and the trail. While the requirement is for one tree and two shrubs for every 20 feet of frontage, please accommodate four shrubs and no trees for every 20 feet. **Response: Due to the proximity to the trail and the drainage that passes through the swale, shrubs will not survive in this location. In addition, we do not have the authority to plant in the CDoT right of way. This plan is simply repaving the existing parking lot and adding curb along with highway which is an improvement to what is existing today.**

- 34) Sec. 14-5-40(10) requires parking lot interior landscaping islands for parking lots with twenty (20) or more parking spaces at a ratio of one hundred (100) square feet and one (1) tree and two (2) shrubs for every ten (10) parking spaces. Please provide additional interior landscaped islands within the parking area on the northeast side of the site, similar to the two that are proposed at either end of the southeast row of parking. **Response: Landscape islands provided. Shrubs added in lieu of trees due to the existing easement and overhead power lines.**

- 35) Provide the following as required in Sec. 14-5-40 - landscaping specifications:

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- a. Provide an irrigation plan, if irrigation is to be provided. **Response: irrigation is not planned at this time. Native plants and grasses are proposed.**
 - b. Include a statement providing that the owner and his or her heirs, successors and assigns will provide adequate maintenance for all site elements. Landscaping maintenance shall include irrigation, fertilization, pruning and noxious weed control. **Response: Provided.**
 - c. Include contact information on who prepared the landscape design. A landscape plan drawn by a landscape architect or designer is preferred but is not required. **Response: Added to cover**
- 36) Please provide a cost estimate of the proposed landscaping subject to the following requirement from Sec. 14-5-40(11). This amount will need to be included in the collateral collected as part of the DIA:
- a. The applicant shall also submit suitable collateral to ensure the completion of the landscaping requirement. The collateral shall be no less than one hundred twenty-five percent (125%) of the estimated cost of the plant materials. The collateral shall be in a form of a letter of credit, cash deposit or other such legal assurance as may be deemed appropriate by the Town and approved by the Town Attorney. This amount shall be retained by the Town until the plant materials have been maintained in a satisfactory condition for two (2) years after installation. **Response: Cost estimate provided.**

Sheet 8-11 – Elevations

- 37) Elevations were reviewed against the standards in Sec. 19-4-190 Building design; commercial and mixed-use development. Staff finds the proposed buildings to be largely in conformance with the design guidelines. We suggest reviewing the following language regarding building materials and encourage the addition of natural wood elements and incorporating additional first level stone or masonry into the elevations to better meet the following code language.
- a. "The use of natural stone masonry, exposed wood structural beams, logs, heavy timbers, stucco and masonry are all acceptable materials. The use of stone or masonry as a foundation up to a height of at least thirty-six (36) inches is encouraged." **Response: These buildings incorporate wood, stone and steel in a fashion that is complimentary to the existing building. No changes will be made to the building designs which are superior to any other building existing in this part of Fraser today.**
- 38) In September 2024, the Town adopted by reference the 2023 Colorado Model Electric Ready and Solar Ready Code. Multifamily residential is subject to the

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commercial requirements on pages 19-21 of the referenced code and must include a solar ready zone on the roof area that meets the following:

- a. Is at least 40 percent of the total roof area, minus the area for skylights, decks, etc. **Response: The roofs as designed have adequate room for solar panel installation should owners choose that direction. Note, the added costs of provisioning these sorts of items with little return in the Fraser environment is contrary to developing cost effective housing, in prior studies by Grand Park it was found the efficiency and return on investment net of any tax credits did not make financial sense; moreover, MPEI has limitations on the size of solar systems allowed on individual properties that also comes into consideration.**
- b. Is free of obstructions and shading. **Response: See note a. above.**
- c. Has at least one potential pathway for conduit between the solar ready zone and the electrical panel, as well as reserved electrical service panel space and capacity for future solar panels. **Response: See note a. above.**

Sheet 12 – Lighting Plan

39) Sec. 14-5-30 and Sec. 19-4-195 include site lighting requirements and guidance for sites in the Business District zone. Lighting is to be appropriate for public safety and security, while minimizing undesirable effects of excessive illumination such as glare, sky glow and light pollution.

- a. The lighting plan provided only depicts existing pedestrian and parking lot lighting on the east side of the site. Please update the plan to include detail sufficiently addressing items 1 through 8 in Sec. 14-5-30. **Response: The lighting will be by downlit dark sky compliance lighting in the soffits and ceilings of the buildings. Parking lot lighting will be down lit dark sky compliant lighting since the property will be all residential.**
- b. You may incorporate the photometric plan as required in item (8) into this sheet. **Response: The photometric plan will be produced when the plan is approved and final architectural plans are developed for the property. This can be reviewed with building permit application.**
- c. Additional parking lot lighting is suggested for the southwest and southeast parking areas to provide minimal levels for pedestrian safety. **Response: Good suggestion – see note b above. Final lighting, fixture type, and photometric plan will be provided with building permit submission.**
- d. Please be sure to include any exterior lighting that is to be provided on the building exteriors into this sheet. **Response: See note a., b. and c. above. All building lighting will be down light cans installed in the soffits, and ceilings.**

Administrative Variance

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Sec. 19-1-350 - Administrative variances. The Town Staff shall have authority to act upon variance requests (but not appeals from administrative decisions) under the following circumstances:

- a) The variance does not exceed ten percent (10%) of the minimum or maximum standard; and
- b) The Town Staff applies the same review criteria as does the Board of Adjustment under Section 19-1-330;
- c) No additional dwelling units would result from approval of such administrative variance; and
- d) A decision by the Town Staff to deny, or condition, an administrative variance, may be appealed to the Board of Adjustment in the same manner as for appeals under Section 19-1-320

A variance request for a maximum building height of 49.5 feet has been received with this application. This request does meet the circumstances to be acted upon administratively by Town staff, in lieu of the Board of Adjustment, subject to the review criteria detailed below:

Variance Criteria Review – Sec. 19-1-330: A variance may be granted only to the extent that the following conditions, where relevant to the subject property and adjacent neighborhood or district, are present:

- 40) There are unique physical circumstances or other conditions peculiar to the affected property, such as exceptional topography or irregularity, narrowness or shallowness of a lot.

- a. Staff review: Disagree – Staff does not consider high groundwater a unique physical circumstance. It may be considered as an "other condition peculiar to the property"; however, it is a condition that generally exists across all properties in the Fraser River valley to a degree. Further, the variance request reasoning discusses the necessity of additional units to achieve financial viability for the project and infeasibility to construct garden level units on the ground floor which would result in a lower building height. Unfortunately, financial viability is not a consideration in granting a variance, and the ability or inability to pursue subsurface development is not something guaranteed by the Town's zoning regulations. **Response: High groundwater is a limiting factor and must be considered in all design associated with this property; moreover, the blanket statement made by staff "it is a condition that generally exists across all properties in the Fraser Valley..." is blatantly false. See prior geotechnical reports for various projects in and around the Grand Park and Rendezvous projects. Certainly, without this condition a garden level is possible, but not with the condition. Additionally, given the staffs' broad interpretation of the code for the hotel at the entry to Rendezvous approved last week that well exceeds 55' in a 45' height zone, where the staff used six corners to bring the height down, and referenced parapets as**

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appurtenances, we find it laughable a real professionally documented physical impediment, high ground water, is deemed to not be an “other condition peculiar to the property”. The design of the project is better with this slight roof height variance and the notion staff would suggest eliminating two units as a solution to reduce the building height in a market where housing inventory is short is hard to understand.

41) The unique physical circumstances or other conditions do not exist throughout the neighborhood or district in which the property is located.

- a. Staff review: Disagree – The applicant also acknowledges that the high groundwater level is not unique to this site. The applicant's additional discussion of other locations in general vicinity of this site that have greater maximum allowed heights is not applicable to this criteria. **Response: See response to 40 a. above.**

42) The unique physical circumstances, other conditions or any other hardship complained of have not been created by the applicant.

- a. Staff review: Agree – The applicant's identification of high groundwater as the unique physical circumstance has not been created by the applicant. **Response: Noted**

43) Because of the unique physical circumstances or other conditions, the property cannot be reasonably developed in conformity with the provisions of this Chapter.

- a. Staff review: Disagree – Being unable to achieve the maximum allowed density of 20 units per acre on the site does not equate to the variance criteria of "cannot be reasonably developed". The site could be developed with 15 units within three floors rather than an additional two units on a proposed fourth floor. Further, other building floorplate designs, reduced floor to ceiling heights, or smaller unit sizes could be considered to achieve additional units within the site's constraints. **Response: We had understood housing and density was a priority for the Town of Fraser given the lack of housing inventory. Suggesting reducing the allowed density is not a good solution nor does it help Fraser's housing inventory problem. Further, good architecture is paramount to product sales, livability and quality of life for the residents. Eight foot ceilings are no longer accepted by the market place.**

44) The variance, if granted, will not alter the essential character of the neighborhood or district in which the property is located, or substantially or permanently impair the appropriate use of adjacent conforming property.

- a. Staff review: Agree – The building design is generally compatible with the surrounding context, and the design elements the additional height would facilitate (a slightly sloped 4th floor roof rather than a flat roof) is generally preferable. The relatively minor height increase will not alter the essential

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character of the area or impair the use of adjacent property. While the applicant states this proposal is consistent with higher allowed heights within the Grand Park and Rendezvous Planned Developments, staff notes that the specific areas within these PD's that allow such heights are not adjacent to this site and this would therefore represent a slight departure from a 45 ft. maximum height in the immediate vicinity of the site. However, staff does recognize that building heights over 45 ft. are allowed elsewhere along the US 40 corridor in Fraser. **Response: Noted**

45) The variance, if granted, is the minimum variance that will afford relief and is not detrimental to the public good or to the purpose, intent and spirit of this Chapter or the Town Comprehensive Plan.

- a. Staff review: Agree – The requested 4.5 ft. increase in height appears to be the minimal ask in order to accommodate a reasonable fourth floor design and incorporate high quality design elements. There are no immediate neighbors that might be impacted by the height increase except the two residential units and existing business in the existing XSports building which is under common ownership. As a building fronting US 40, there may be concerns regarding impacts to views towards the west from users of the Lions Ponds area or users of the US 40 shared use path; however, the request for a 49.5 ft. building height is not likely to have a major impact to existing viewsheds compared to a 45 ft. building height. **Response: Noted**

46) The variance is needed to provide a reasonable accommodation to a person or persons with a disability.

- a. Not applicable. **Response: Noted**

Per Sec. 19-1-350, administrative variances must be processed under the same review criteria as the Board of Adjustment would apply for a standard variance. Because not all applicable criteria are met, the administrative variance is denied. This decision may be appealed to the Board of Adjustment per Sec. 19-1-350(4). **Response: applicant is appealing to the Board of Adjustment.**

Town staff wishes to note that while we conceptually support the proposal on the merits of building design and recognize the site as an appropriate location for additional residential density, the variance criteria as currently adopted in the code unfortunately do not offer the type of wider policy discretion to approve this request. Ultimately, staff would need other tools in the code such as an "administrative adjustment" process that is separate from variances, allows greater discretion/flexibility in granting administrative variances, and/or some type of zoning overlay that connects inclusionary or affordable housing requirements to an increase in building height. Staff has previously discussed potential code amendments with the Planning Commission and Board of Trustees and may broach the topic again in the future as part of the Comprehensive Plan process in 2025, but at this time does not have the administrative authority to grant this request.

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- 1) The surveyor should indicate on the plat that all recorded exceptions listed in the title commitment have been examined, that those exceptions that are plottable have been depicted, that those that are not plottable but affect the subject property are called out as such, and that those that do not affect the subject property are indicated as such. Specific items to assess from the title commitment are listed below:
 - a. #11 – This is an agreement placing certain restrictions and requirements for land usage. The requirements should be reviewed closely in light of the proposed development, with particular focus on the amount of taps to be added to the property and the means of providing a list of property owners as noted on page 8 of the document. **Response: The proposed development is located on Tract C of Parcel C which is not impacted by this agreement.**
 - b. #13, 14, 18, 19, 20, 21 – Confirm that all terms and conditions of the October 27, 2004, Amended and Restated Subdivision Improvements Agreement have been satisfied for new development. **Response: The proposed development is located on Tract C of Parcel C which is not impacted by this agreement.**
 - c. #15 – Confirm restrictions set forth in the Final Plat (Rec. No. 218772) are satisfied, with particular regard to the open space and set-back requirements. **Response: Open Space and setbacks requirements for this property are dictated by Town Code.**
 - d. #16 – The easement and R.O.W. recorded in Book 360 at Pg. 391 is not depicted or acknowledged on the Ascent Plat. Although the location of the easement is not defined, it should still be reflected by the surveyor either by affirmatively noting it does not impact the property, or that it cannot be shown. **Response: Note added**
 - e. #22 – Ensure that the conditions for termination of the easement have occurred. **Response: To be addressed by developer**
 - f. #24 – Confirm requirements listed under Section 3 (Future Subdivision Improvements and Requirements) are satisfied. **Response: The proposed development is located on Tract C of Parcel C which is not impacted by this agreement.**
 - g. #28 – The Construction Guarantee Agreement should be reviewed to ensure compliance, with focus on the deadline set out in Sec. 3(a) for a two (2) year time frame for public and private improvements. **Response: The proposed development is located on Tract C of Parcel C which is not impacted by this agreement.**

- 2) The dedication on the plat should indicate the new legal description that is being created by this plat. **Response: The dedication states that the real property has been laid out and surveyed as The Ascent.**
- 3) The legal description under the title of the plat should reference that this plat is a replat of a portion of the current legal description of the subject property. **Response: Revised**
- 4) The final plat references that several easements are to be vacated by the plat. Confirm that there are no existing utilities within these easements and that the proposed procedure (e.g., through recordation of the proposed plat) to vacate these easements are in compliance with Town Code Sec. 19-3-245 and CRS 43-2-302 and 303, including consent of all lot owners, Board of Trustee approval, and all documentation necessary as shown on the "Vacation of Plat, Right-of Way or Easement Checklist" from Appendix 1 of the Fraser Municipal Code.
 - a. Confirm that the easement at Rec. No. 218772 is dedicated to the Town and may be vacated, given that it is an easement for sewer/water. **Response: The Town staff has acknowledged the easement can be vacated upon completion of the improvement approved as a part of the 4W.1 subdivision at Grand Park.**
- 5) The title commitment indicates that ownership of the subject property is vested only in Ski and Board Broker LLC, whereas the plat dedication indicates that Cornerstone Winter Park Holdings LLC is also an owner. This discrepancy should be resolved one way or the other by correction of the title commitment or correction of the plat dedication, whichever is applicable. In addition, due to this discrepancy, the applicant should confirm with the title company that the title commitment, in fact, covers all of the property subject to this application. **Response: Ski & Board Broker, LLC own the lot where the X Sports building is located today, now referenced as lot 1 and 3 on the plat. Cornerstone Winter Park Holdings, LLC owns Lot 2 formerly Meyer Lot 2, a portion of the Forest Meadows Solar subdivision.**
- 6) Note 7 on the plat is unclear. If an easement is being dedicated by this note, dedication language should be used therein to effectuate the grant. **Response: Clarification added.**
- 7) The Ascent Condominium Declarations appear to have several points worth noting:
 - a. Exhibit A includes a misleading legal description, listing "All of Lot 2, Lot 1 and 2, Ascent Condominiums subdivision plat recorded July 3, 2019, at Reception No. 2019004896 of the Grand County records." The listed Rec. No. is for Final Plat, Lot 1 and Lot 2, Elk Creek Condos at Grand Park. **Response: Legal updated. The declarations only apply to Lots 1 and 3 of the subdivision.**
 - b. Exhibit C accounts for twelve (12) residential units where the site plan suggests seventeen (17) new units with two (2) existing units over Ski Broker.

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These should reflect the same number of units. **Response: The revised plan responsive to Town comments includes 25 residential units.**

- c. Page 5 of the Declarations defines Additional Property with reference to Rec. Nos. 2019004896 and 2019004895. This definition should be confirmed for relevance. **Response: the definition has been updated.**
 - d. Page 5 also defines "Declarant" as Ascent Multifamily, LLC, but the title commitment lists the owner as Ski and Board Broker, LLC. The discrepancy on ownership should be resolved. **Response: The Ascent Multifamily LLC will be the declarant prior to recording of these documents.**
 - e. It is unclear whether the commercial units in the Lot will be subject to the condominium structure or are subject to the Declarations regarding interest in common elements or requirements to pay assessments. This should be clarified. **Response: Commercial is no longer proposed. The condominium units on lots 1 and 3 are subject to the Declarations.**
 - f. Common and limited common elements of the Development should be labeled, where practicable, on the plat. **Response: This will be addressed on the condominium map.**
- 8) The Plat and Site Plan depict that parking, access and utility easements will be on Lot 2 rather than Lot 1. A proposed easement for these features from the Owner of Lot 2 should be provided. **Response: A parking, access, and drainage easement is provided on lots 1 and 3 and an off-site parking, access, utility, and drainage easement is shown on lot 2.**
- a. Additionally, the Town Code permits for certain standards of modification to parking space requirements under 19-4-240. If any of these modifications are the reason for the placement of the parking lot outside of Lot 1B, the Applicant should note such. **Response: Notes added to site plan sheet.**
- 9) Applicant has submitted a variance request to increase the height of the development by four and a half (4.5) feet. The request for the variance does not appear to satisfy the criteria required under Fraser Muni. Code 19-1-330(a). Specifically, the cited high groundwater table is not a "unique physical circumstance" as required under the first Criteria. Applicant notes this under the response to Criterion 2, but then cites the building height restriction of this area as a separate reason for this to be considered as a unique circumstance. The fact that other properties along the same highway have different maximum height levels is not the type of quality contemplated by the variance provisions of the Code. **Response: High groundwater table such as that identified in the geotechnical report is a "unique physical circumstance". We disagree with this comments.**

- 10) Applicant responds to Criterion 4 noting that it is not possible to achieve the allowed density for this site without the variance. However, above in the Background section, Applicant notes that the variance would “reduce[] the size of the building footprint while maintaining the allowed residential density,” appearing to indicate that the permitted density could be achieved with a larger building footprint. Furthermore, being unable to achieve the maximum permitted density likely does not suffice as an inability to reasonably develop in “conformity with the provisions of this Chapter.”.
- Response: Developing a quality project that meets current market demands for functional architectural design, aesthetics, and quality of life of the owners is imperative to the developer, while also helping to address the Town’s shortage of housing inventory.**

Jeanne M. Boyle/Katherine E. Knight, Merrick & Company

Section 1 – Drainage Review

Phase II Drainage Report

- 1) On-site stormwater detention is required, including for expansions and redevelopment (Section 3.3.6). Provide for on-site detention. **Response: When comparing existing and proposed conditions, we are reducing the overall imperviousness of the site by removing asphalt areas and replacing them with landscape. This is reducing the stormwater runoff from existing conditions.**
- 2) BMPs to address stormwater quality are required (Section 3.3.7). Address the water quality requirement in the site design. **Response: A portion of the site is being directed to the temporary sediment pond. The temporary sediment pond will be converted into a stormwater pond in the future and will provide stormwater quality for a portion of the developed site.**
- 3) Inlet capacity is only one component of storm sewer system design, provide calculations demonstrating no increase in flows to the existing inlet and calculations showing adequate ditch and pipe capacity through both existing/proposed storm sewer systems. If needed, provide additional stormwater detention to reduce peak flows to the existing storm sewer system capacity or modify the existing system to provide adequate capacity. Besides the capacity, also confirm the direction of flow and condition of the storm sewer system along the north/south portion of Johns Drive. Per the Town of Fraser’s Stormwater Dashboard, the existing culverts and ditches drain to the south, not to the north, and may not be operating properly. **Response: When comparing existing and proposed conditions, we are reducing the overall imperviousness of the site by removing asphalt areas and replacing them with landscape. This is reducing the stormwater runoff from existing conditions. Per the existing conditions surveyed and the inverts now shown on the drainage map, flows are flowing north through the existing culvert system and eventually into the existing system to the northwest. The storm system for 4W.1 was designed using the 24 hour storm event and was oversized for future developments to utilize the system.**

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Per the 4W.1 report, the downstream system has a capacity of 8.85 cfs and only a total of 6.21 cfs.

- 4) Provide calculations showing sufficient Johns Drive gutter and ditch capacity for outfall at Design Point 2. **Response: 100-year storm runoff to Design Point N1 for existing is 2.91 cfs. 100-year storm runoff to Design Point N1 for proposed is 2.19 cfs. We are reducing the runoff to the existing Johns Drive gutter and ditch. No capacity calculations have been provided.**
- 5) Review proposed time of concentrations (Tcs) – drainage areas of less than 0.1 acres would not be expected to have Tcs that are longer than the minimum 5 minutes. **Response: The Tc for N4 has been updated.**
- 6) On the proposed drainage map, the portion of Basin D1 located north of Johns Drive and Basin D1.1 are shown tributary to the existing Johns Drive storm sewer system and temporary sediment basin. Per the Condos at Elk Creek PA 4W.1 drainage plan included in the PHII drainage report, the Johns Drive storm sewer system, swale, and temporary sediment basin were not designed to have capacity for this additional tributary area. Modify the drainage plan to route runoff from these areas to follow the existing flow path or upsize the downstream drainage system to account for the additional runoff. In addition, the temporary sediment basin will need to be modified to be a permanent stormwater detention pond with water quality treatment. **Response: Per the 4W.1 drainage report, the type-c inlets located in Johns Drive and the road section for Johns Drive has enough capacity for the additional flows. Once the southern parcel is under design, we will know more about the configuration of the southern pond and will convert it into a permanent stormwater pond.**
- 7) On the proposed drainage map, the area located southeast of the site and south of the existing US 40 paved trail appears to flow to the project site since the trail is higher than the adjacent ground. Include analysis of this area in the Phase II drainage report and plan as offsite tributary area to the project site and to the existing storm sewer system. **Response: Per the existing conditions surveyed, flow from the existing trail flows north towards US 40 then continues northwest through the existing culvert located under the existing Johns Drive. The existing offsite drainage remains as offsite drainage. No changes have been made.**
- 8) On the proposed drainage map, label the existing storm sewer system elements (inlets and pipes). **Response: Existing storm sewer elements have been labeled.**

Construction Plans

- 9) On Sheet 6, show site boundary/proposed lot lines. **Response: Site boundary is now shown on all sheets.**

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- 10) On Sheets 8 and 9, check the separation between storm and sanitary sewer service lines, show sanitary sewer crossing location on storm sewer profiles. **Response: Crossings are now shown.**
- 11) On Sheet 10, verify minimum cover of 18" on storm pipes particularly under paved sections. **Response: Due to the existing site constraints, we can only maintain 1' of cover in some areas. In this area we are recommending the use of C900 or similar strength of pipe so there are no loading concerns. We have made our client aware of the shallow pipes and the possible impact this could have on the private storm system.**

Major Site Plan

- 12) On Sheet 3, there is a second driveway culvert shown. If there is a second culvert proposed, show on other sheets and provide sizing calculations. **Response: Culvert shown. Refer to CD's for sizing and calcs.**

Final Plat

- 13) Ensure drainage easements include all storm sewer that will be publicly maintained and any detention pond/BMP as required in section 3.3.9. The easements shown do not appear to have been revised to include proposed drainage infrastructure. **Response: A perpetual non-exclusive blanket easement is granted to the whole site.**
- 14) Identify and label the area/easement located adjacent to the east side of the site since a portion of the proposed improvements is located within this area. **Response: Easement labeled**

Greg Steed, Merrick & Company

Section 2 – Utility Review

- 1) It is recognized that the utilities in Johns Drive have been approved but not yet constructed. It is also recognized that the currently existing sewer and water main are located within the proposed building footprint and have been approved to be removed but are currently still in place and operational.
- a. Provide the proposed general phasing plan or intended timeframe for existing utilities removal and new utility construction as it relates to the Ski Broker building construction. **Response: The existing utilities will be flow filled prior to the Ascent project being developed and will be completed with the construction of Twilight Road (the new Johns Drive).**
 - b. The previously approved utility plan with sewer stub to the proposed Ski Broker building is shown on the current submittal as to remain but not be connected. If this sewer stub out will have no service connection, it should

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not be constructed. **Response: All utility stubs have been updated to match the needs of this project. These changes will be reflected in the 4W.1 plans and resubmitted to the Town.**

- c. The previously approved fire hydrant should include an isolation line valve at the tee and hydrant isolation valve in the street at the tee. (refer to Town of Fraser Code chapter 14, Attachment A-16). **Response: All utilities and valves have been updated to match the needs of this project. These changes will be reflected in the 4W.1 plans and resubmitted to the Town.**
- 2) Show the water service curb stop (6" isolation valve) on the plan set. The Town preference for larger services is to locate the service isolation valve in the street at the Tee fitting (refer to 14-4-220 (b.8) and 14-3-260 (b.9)).
 - a. Where service lines split to provide separate domestic and fire supply to the building, they shall be valved independently at the property line. (14-4-220 (e.4)). **Response: A valve for the proposed shared domestic and fire service has been added.**
- 3) Sanitary and Water Construction Notes should include requirements for tracer wire in all new buried utility construction. (refer to 14-4-220 (b.7) and 14-4-320 (b.6)).
Response: Notes have been added to the plans.

Brian Killian, CDOT

Brian.killian@state.co.us

- 1) Since this development is unlikely to increase traffic by 20% or more at the highway intersection, a CDOT access permit is not required. **Response: Noted**
- 2) If there are any utility impacts or impacts to CDOT ROW, a CDOT special use or utility permit is required. **Response: Noted**
- 3) Disclaimer: CDOT's review is cursory only. Due to the amount of referrals CDOT receives daily, CDOT will not do a thorough review of the traffic studies or any other referral documents until they are formally submitted directly to CDOT. If CDOT doesn't respond to a referral, it does not constitute approval of the referred development. **Response: Noted**

Ryan A Mowrey, Assistant Fire Marshal

- 1) The multiple access points off of the new and existing Johns drive appear to be adequate for the existing Ski Broker building and the new Ascent building. It may be a little confusing as there are 3 roads that converge at this location all with the name "Johns Drive". Possibly consider renaming one of them to eliminate confusion for guests and emergency responders. **Response: Road name revised**

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- 2) The 26ft wide driving isles around the building are satisfactory as well as turn radius for apparatus movements. **Response: Noted**
- 3) The additional fire hydrant location is good in regard to access from the road and in proximity to the water/riser room (assuming the FDC will be located in that area as well). There is an existing fire hydrant to the northeast corner of the parking lot that we would like to remain accessible and utilize to meet fire flow for this new building. **Response: Noted**
- 4) East Grand Fire has no issues with the variance request for additional height. Please note that additional fire service features (including but not limited to standpipes) are required for structures 4 or more stories in height. **Response: Noted**
- 5) This Structure we be required to be protected by an automatic sprinkler system and alarm system, coverage for this system will include the outside egress corridor / stairs. Please also keep in mind that if the 2 buildings will share the same sprinkler system/riser, special consideration will be needed for getting the sprinkler line from one building to the other (conditioned chase between buildings or special underground piping with additional inspections) to ensure that freezing of the system can not occur. **Response: Noted**
- 6) The Fire Riser room appears to be in an acceptable location with exterior access. The Fire Alarm Panel and the Fire Department Connection (FDC) placement should be confirmed with the developer and fire district prior to commencement of construction. **Response: Noted**
- 7) Special attention and consideration for landscaping, building materials, and defensible space should be taken to provide for more wildfire resistant buildings and communities. **Response: Noted**

Nick Curran, MPEI

- 1) Please be aware of the following requirements within MPEI's Electric Service Construction Standards (ESCS).
 - a. MPEI requires 20 foot wide easements (10' on each side of centerline) for primary power lines, as installed. (Part of the easement can be in the road if provided for in the plat). No structure (including decks, footers and building overhangs) is allowed closer than 10' from any primary voltage power lines or within ten feet (10') around any equipment. Water and sanitation districts require a minimum of ten feet (10') separation to parallel power lines. MPEI requires five foot (5') separation to parallel gas lines (main or services) and one foot (1') separation to communications.
 - b. For secondary lines, MPEI requires 10 foot wide easements (5' on each side) and must be 5 feet from any parallel utility line or a building.
 - c. Meters must be located under a permanent structural element that protects the meters from falling snow and ice and extends a minimum of 2 feet past

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the side of the meter. Meters must be a minimum of 2 feet from windows, doors and vents and a minimum of 3 feet from a gas regulator. There cannot be any vents above a meter.

- d. No grade changes (fill or cut) in excess of six inches (6") are permitted in the utility easement without prior written authorization from mountain parks electric, inc.
- e. No trees or boulders may be planted or placed within five feet (5') of any power line or electric equipment. All equipment will have a minimum of ten feet (10') of clearance in front of any openings or equipment doors.

Response: Noted

- 2) MPEI has existing Fiber along Victory Rd. Please document all existing roads, utilities, and easements in all lots including lot 2. **Response: Not correct – there is no fiber installed in Victory Road, it stops at the Elk Creek Condos as an easement and alignment was never finalized with MPEI. Victory Road is void of any utilities in its current temporary location constructed by Cornerstone to assist the Town's transportation system.**
- 3) Oxbow Court and existing electric infrastructure in the South West corner of lot 2 are not shown on the plat. Please show all existing roads, utilities, and easements in all lots IT APP including lot 2. **Response: Added**
- 4) Developer must supply a color coded utility plan including sewer, water, electric, gas and storm sewer. **Response: Colored plan provided**
- 5) Please add proposed meter location on the building(s) in each elevation. **Response: Meter locations added.**
- 6) Any utility drawings developed during the Preliminary Plat process will be helpful and used for guidance. MPEI will provide the final electric design. **Response: Colored utility plan provided**
- 7) The developer will be responsible for surveying all primary power lines, equipment locations and service lines in the field. Any problems that need to be resolved during the building phase will be at the developer's cost. **Response: Noted**

Julie Gittens, Xcel Energy

- 1) There is a gas main that can be tapped into off of Johns Dr to serve the two new buildings that is not noted on the utility plan. **Response: Shown on colored utility plan**
- 2) A colored utility plan showing all existing gas main and proposed gas service lines to the new buildings needs to be provided. **Response: Colored plan provided**
- 3) The elevation plans did not show the proposed meter locations. In order to accommodate a meter bank that would provide individual meters for each unit, a significant amount of wall space will need to be provided that follows the

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requirements below. If that can't be done a master meter would need to be installed and the HOA would need to sub-meter each unit. **Response: This will be finalized with the design team upon approval of the plan by the Town.**

- 4) The plat does not reflect all existing roads. Please update. **Response: All provided information is shown**
- 5) Meters must be placed under an engineered gable on a non-drip edge on the front third of the structure in an easily seen and accessible location per Xcel standards Section 4.3, under number 3, page 33. "Note: Due to excessive snowfall, ice and snow shields will not be permitted in the following Colorado counties: Grand, Eagle, Lake, Park and Summit. Meters shall be installed on the gable or non-drip side of a building or in an approved remote location from the building or structure in these counties." Xcel Energy Standard for Electric Installation and Use (Blue Book).
 - a. No vents or anything electric can be above or beside the meter/ meter bank: min clearance of 3' (electric) and 6' (vents).
 - b. Meters must be a minimum of 3' from any opening.
 - c. Gas Risers cannot be encased in concrete or asphalt. They must be sleeved.
 - d. Meters must be in a protected area from vehicle damage and snow. Bollards may be required.
 - e. Meters must be a minimum of 4' from and drip or adjacent drip and could be more for three or four stories. **Response: Noted**
- 6) Per Xcel standards – A building is only allowed one point of service unless the lot has been formally subdivided and each unit will have no intermingling of pipe between units or proposed units, each unit must have an entrance and an egress, and the Authority of Jurisdiction must approve the installation. See section 4.1 Services in the Xcel Energy Standard for Electric installation and use (Blue Book). **Response: Noted**
- 7) In order to meet the clearance requirements from other utilities, the following guidelines must be adhered to:
 - a. There must be 5' between electric and gas service lines as we cannot joint trench.
 - b. Gas lines must be a minimum of 10' away from water/sewer and fire hydrants.
 - c. Service lines must be a minimum of 5' away from the foundation laterally.
 - d. Structures must be a minimum of 20' from each other if gas and electric meters are going to be placed on the same side or across from each other to allow for required clearances.
 - e. No back lot installation
 - f. Xcel does not sleeve under roads for service laterals (if applicable) for future build out.
 - g. Xcel avoids installing under asphalt, with the exception of gas service lines for crossings.
 - h. Gas lines cannot be under heated driveways or walks.
 - i. No trees, boulders or retaining walls over or within 5' of any gas line.

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- j. Trees or bushes cannot be used to block or screen a meter.
- k. No fences within 5' of any gas line.
- l. No decks, footers, structures can be installed inside the utility easement.

Response: Noted

- 8) It does not appear that any of PSCo/Xcel's UE language has been included in the notes on the plat. There is existing gas main running through Lot 1 that is not noted on the plat or utility plan. The following will need to be added.

Easement Language (to cover existing gas main): To ensure that adequate utility easements are available within this development, PSCo requests that the following language and plat note be placed on the preliminary and final plats for the lot/subdivision:

Ten-foot (10') wide dry utility easements are hereby dedicated on private property adjacent to the front and side lot lines of each lot in the subdivision or platted area identified as single-family lots, and around the perimeter of each commercial/industrial and multi-family lot in the subdivision or platted area including tracts, parcels and/or open space areas. Fifteen-foot (15') wide dry utility easements are hereby dedicated on private property adjacent to all public streets and side lot lines abutting exterior plat boundary lines. These easements are dedicated to the City/County for the benefit of the applicable utility providers for the installation, maintenance, and replacement of electric, gas, television, cable, and telecommunications facilities (Dry Utilities). Utility easements shall also be granted within any access easements and private streets in the subdivision. Permanent structures, improvements, objects, buildings, wells, water meters and other objects that may interfere with the utility facilities or use thereof (Interfering Objects) shall not be permitted within said utility easements and the utility providers, as grantees, may remove any Interfering Objects at no cost to such grantees, including, without limitation, vegetation. Public Service Company of Colorado (PSCo) and its successors reserve the right to require additional easements and to require the property owner to grant PSCo an easement on its standard form. WITH RESPECT TO THE UTILITY EASEMENT GRANTED HEREBY, NO STRUCTURE OR FOUNDATION SHALL BE ALLOWED CLOSER THAN FIVE FEET (5') AROUND ANY UNDERGROUND LINES. NO OTHER UTILITY LINE (WHETHER WATER, SEWER) SHALL BE ALLOWED CLOSER THAN TEN FEET (10') FROM ANY UNDERGROUND LINE. NOT WITHSTANDING THE FOREGOING, UNDERGROUND COMMUNICATION FACILITIES AND ELECTRIC SHALL NOT BE ALLOWED CLOSER THAN FIVE FEET (5') TO ANY GAS LINES AND ABOVE GROUND COMMUNICATION FACILITIES SHALL NOT BE CLOSER THAN FIVE FEET (5') TO ANY UNDERGROUND FACILITIES. NO GRADE CHANGES (FILL OR CUT) IN-EXCESS OF SIX INCHES (6") ARE PERMITTED WITHIN TEN FEET (10') OF ANY UNDERGROUND LINE WITHOUT PRIOR WRITTEN AUTHORIZATION FROM PSCo. NO TREES OR BOULDERS MAY BE PLANTED OVER DISTRIBUTION OR SERVICE LINES AND MUST BE A MINIMUM OF 5' AWAY. **Response: The developer will work with MPEI and Xcel Energy to finalize notes pertaining to dry shallow utilities.**

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- 9) The following Non-Exclusive plat language for PSCo/Xcel must be included on the final plat to cover the meter bank:
- a. EACH TOWNHOME, DUPLEX, MULTI-FAMILY OR MULTI-USE BUILDING ON THE PROPERTY SHALL HAVE GAS METERS ON THE GABLE END OF ONE (1) END UNIT ("GAS METER BANK"). DEVELOPER, FUTURE HOMEOWNER, OR METRO DISTRICT HEREBY GRANTS TO XCEL (PSCO) A NON-EXCLUSIVE UTILITY EASEMENT FOR (I) ONE GAS METER BANK ON THE END OF ONE (1) END UNIT PER BUILDING AND (II) ALL OTHER THINGS REASONABLY NECESSARY TO CONSTRUCT, INSTALL, MAINTAIN AND OPERATE SUCH GAS METER BANK ON EACH OF THE BUILDINGS (THE "GAS METERING EASEMENT"). ALL LINES AND OTHER FACILITIES RELATED TO SUCH GAS METER BANK, SUCH AS METER RISERS (BUT NOT INDIVIDUAL GAS METERS), SHALL BE THE PROPERTY OF THE DEVELOPER. ALL GAS METERS USED FOR SUCH GAS METER BANKS SHALL BE THE PROPERTY OF XCEL (PSCO). ALL OF THE FOREGOING RIGHTS AND BENEFITS OF XCEL (PSCO) WITH RESPECT TO THE GAS METERING EASEMENT SHALL BE BINDING UPON AND SHALL INURE TO THE BENEFIT OF SUCCESSORS AND ASSIGNS. **Response: See note 9 of final plat**
- 10) PSCo also requests that all utility easements be depicted graphically on the preliminary and final plats. While these easements should accommodate the majority of utilities to be installed in the lot/subdivision, some additional easements may be required as planning and building progresses. **Response: Noted**
- 11) Reinforcements to the gas system may be needed to accommodate the additional load being requested, which will be at the developer's cost. Total load information will need to be provided upon application so a capacity check can be done before that can be determined. **Response: Noted**
- 12) The developer must survey/locate any existing gas lines prior to excavation. Any relocates must be applied for and will be at the developers cost. **Response: Noted**
- 13) Please note – this is not a final assessment of what the new service request will entail. There may be additional things in the field I cannot see. Once an application has been submitted to XCEL, upon final recording of the plat, we can start the full design process and identify the scope of work that will need to be done for this request. **Response: Noted**

**FRASER BOARD OF ADJUSTMENT
RESOLUTION NO. 2025-02-01**

A RESOLUTION **APPROVING/DENYING** AN APPEAL OF A STAFF DETERMINATION OF DENIAL OF AN ADMINISTRATIVE VARIANCE REQUEST FROM SECTION 19-2-250 TABLE 2.8 TO INCREASE THE MAXIMUM HEIGHT FROM FORTY-FIVE (45) FEET TO FORTY-NINE AND ONE-HALF (49.5) FEET FOR THE ASCENT CONDOMINIUMS, A MULTIFAMILY DEVELOPMENT LOCATED WEST OF US HIGHWAY 40 AND EAST OF JOHNS DRIVE, ON PROPERTY LEGALLY DESCRIBED AS A REPLAT OF LOT 2, MEYERS SUBDIVISION AND A REPLAT OF SKI BROKER EMPLOYEE HOUSING APARTMENTS TRACT C RESUBDIVISION, RECEPTION NO. 2021013571, PART OF SECTION 20, TOWNSHIP 1 SOUTH, RANGE 75 WEST OF THE 6TH PRINCIPAL MERIDIAN, TOWN OF FRASER, COUNTY OF GRAND, STATE OF COLORADO

WHEREAS, on November 22, 2024, Layla Rosales, as a representative of Terracina Design, acting on behalf of Ski and Board Broker, LLC and Cornerstone Winter Park Holdings, LLC, both Colorado limited liability companies, submitted a Variance application requesting administrative approval of a height variance in conjunction with a Major Subdivision-Final Plat and Major Site Plan for a proposed multifamily development located at 601 S. Zerex Street (a.k.a. 601 US Highway 40); and

WHEREAS, Ski and Board Broker, LLC a Colorado limited liability company, is the current owner of Lot 1, and Cornerstone Winter Park Holdings, LLC, a Colorado limited liability company, is the current owner of Lot 2, and Terracina Design is authorized to act on behalf of the property owners with regards to this application; and

WHEREAS, Sec. 19-1-350 states that Town Staff shall have authority to act upon variance requests under certain circumstances; and

WHEREAS, following review of the submitted plans and documents by Town Staff and applicable referral entities, Town Staff determined the requested height variance was eligible for an administrative decision, however, denied the variance due to determining that only three of the six applicable variance criteria in Sec. 19-1-330 were met; and

WHEREAS, on January 30, 2025, the applicant requested to appeal the decision to the Board of Adjustment per Sec. 19-1-350 and subject to Sec. 19-1-320; and

WHEREAS, per Sec. 19-1-330, the Board of Adjustment may grant a variance only to the extent it finds certain conditions, where relevant to the subject property and adjacent neighborhood or district are present, and

WHEREAS, the Board found, based on the criteria presented below, the variance request **meets/does not meet** the conditions necessary for granting a variance;

- (1) The property possesses physical circumstances or other conditions peculiar to the affected property: **Met / Not Met**

- (2) The physical condition is unique to the identified property or is not common through the surrounding district: **Met / Not Met**
- (3) The condition or circumstance for which variance is sought was not created by the applicant: **Met / Not Met**
- (4) The property cannot be reasonably developed in conformity with the Land Development Code without a variance: **Met / Not Met**
- (5) The essential character of the neighborhood or district in which the property is located will not be altered, nor will the appropriate use of adjacent property be substantially or permanently impaired by the variance: **Met / Not Met**
- (6) The variance is the minimum variance that will afford relief and is not detrimental to the public good or to the purpose, intent and spirit of this Chapter or the Town Comprehensive Plan: **Met / Not Met**
- (7) The variance is needed to provide a reasonable accommodation to a person or persons with a disability: Not applicable

NOW THEREFORE BE IT RESOLVED that the Fraser Board of Adjustment has voted to **APPROVE/DENY** this appeal of an administrative variance request.

- 1. Approval of the Variance is valid for one (1) year from the date the Board of Trustees provide final approval for case number TF24-12 The Ascent Condominiums Major Subdivision-Final Plat and the Major Site Plan per Sec. 19-1-245.

APPROVED AND ADOPTED THIS 26TH DAY OF FEBRUARY, 2025.

FRASER BOARD OF ADJUSTMENT

Chairperson

ATTEST:

Town Clerk

**BOARD OF ADJUSTMENT
STAFF REPORT**

Date Prepared: February 20, 2025
Meeting Date: February 26, 2025

RE: Centrum – Variance

To: Town of Fraser Board of Adjustment

From: Alan Sielaff, Assistant Town Planner

Project Number: TF25-02

Project Address: 150 Clayton Court

Applicant: Outwest Investments

Property Owner: Fraser Downtown, LLC

Zoning: Riverwalk (RW)

CC: Michael Brack, Town Manager

Garrett Scott, Town Planner

REQUEST

The applicant is requesting a variance from Section 19-2-255(g)(1) to reduce the minimum depth of required ground floor commercial uses along Clayton Court from twenty feet (20) as required in the Riverwalk (RW) zone district to zero (0) feet in the portions of the lot with less than ninety (90) feet in depth.

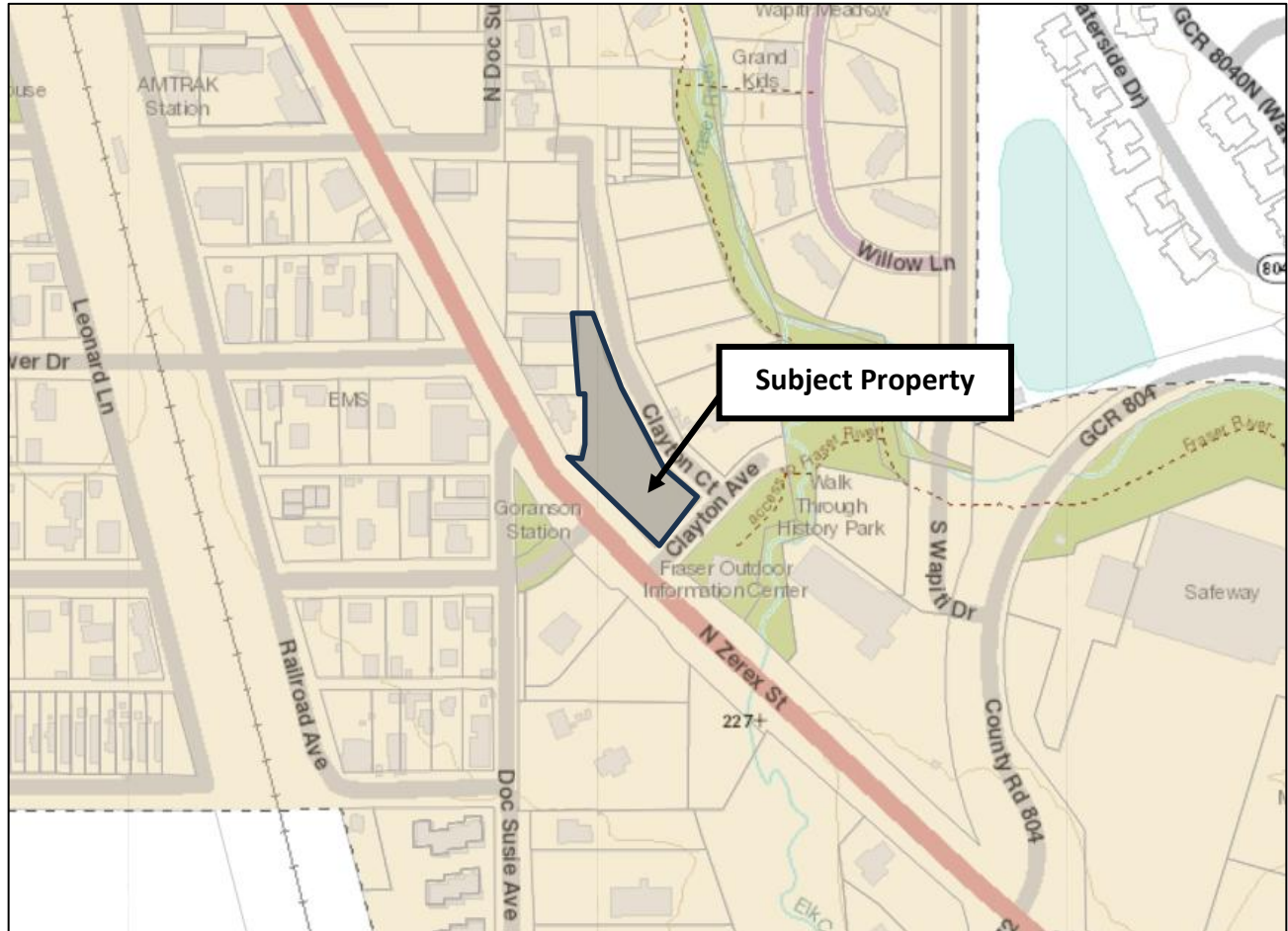
BACKGROUND

The current property at 150 Clayton Court includes one remaining mobile home residence in an area that formerly included others as part of the Timberline Plaza mobile home park. The area has been zoned Riverwalk since December of 2023 when it was legislatively rezoned from Business with the previous Riverwalk Overlay applied. Prior to this in June of 2023, properties along Clayton Ct. were rezoned from Medium Density Single Family (MDSF) to Business. The area has been a key focus of Town planning efforts since at least the 2017 Downtown Fraser Strategic Plan, and more recently the area has seen tangible changes with the Strom Townhomes development at 144-148 Clayton Ct. approved in May of 2024 and currently under construction, and a capital improvement project is currently underway to replace utility lines within the Clayton Ct. right-of-way with future paving and streetscape improvements planned for this summer.

Applicants Greg Bechler and Kevin Rifkin of Outwest Investments (formerly Byson Investments) first discussed the proposed Centrum Townhomes project with staff in August 2024 and subsequently submitted two Sketch Plans that were presented to the Planning Commission on October 23, 2024 and January 15, 2025. As most recently presented to the Planning Commission, the overall development concept is to be pursued in two phases, with Phase 1 consisting of approximately 2,400 sq. ft. of ground floor commercial space and five residential units located on the northern portion of the site. A future Phase 2 is to consist of a more substantial, approximately 15,000 sq. ft. building footprint on the south portion of the site with building facades on Highway 40, Clayton Ave., and Clayton Ct. Phase 2 is envisioned to include tuck under parking, ground floor commercial, and up to 27 residential units in upper floors if applicable criteria is met for the Riverwalk district density bonus. Through the sketch plan review process, items related to existing site constraints and zoning requirements of the Riverwalk District have been discussed with staff, referral agencies, and the Planning Commission. Following the

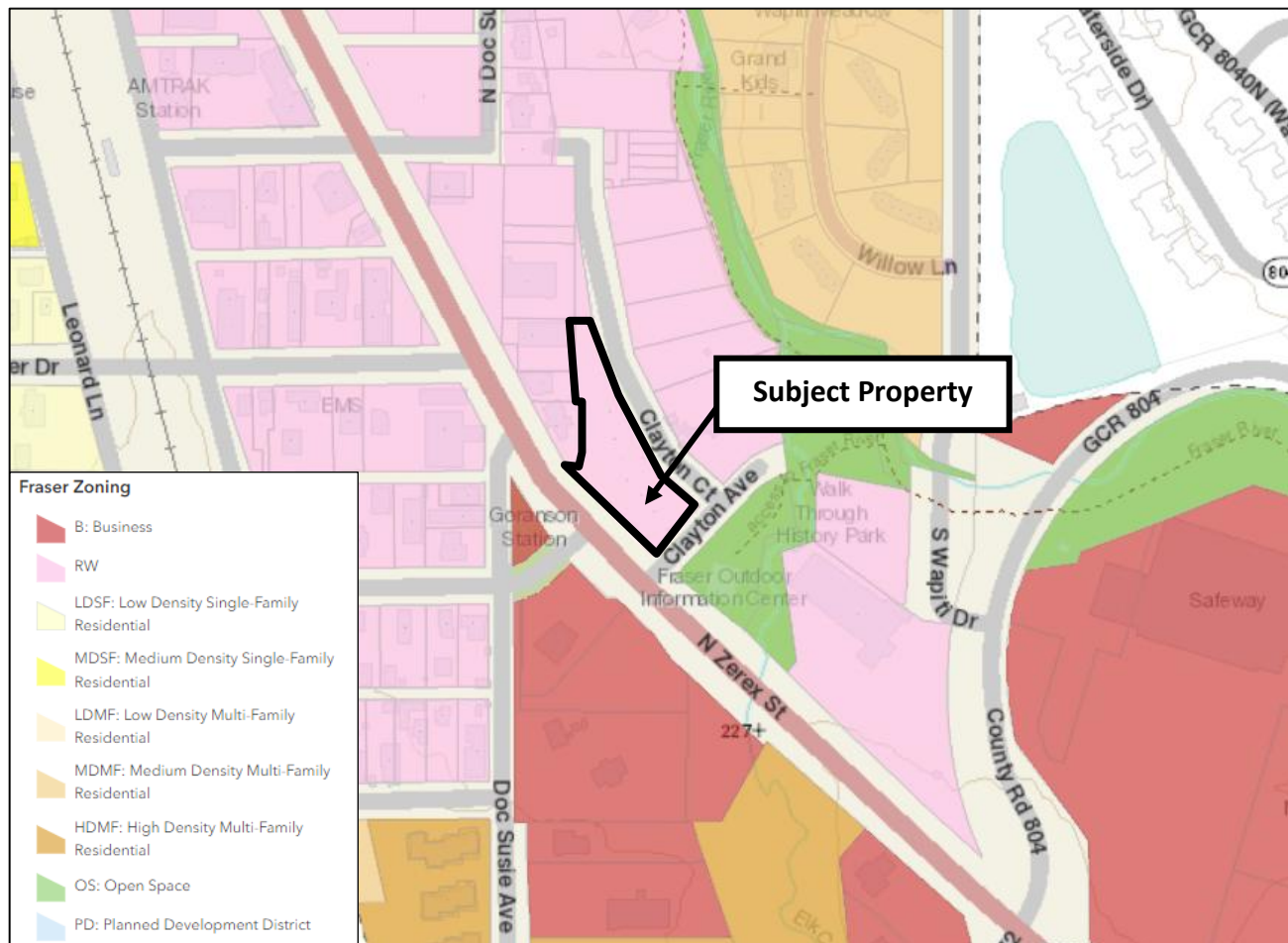
most recent presentation to the Planning Commission and prior to formal land use applications for the required Major Site Plan and Major Subdivision Final Plat, the applicants have submitted this variance request relating to the twenty (20) foot ground floor commercial depth requirement in the Riverwalk District.

LOCATION MAP



ZONING & LAND USE

The site is located within the Riverwalk (RW) zone and adjacent properties to the north, northwest, and east are also zoned Riverwalk. These areas include existing businesses and residences that preceded the area's rezoning to Riverwalk. The area south and southeast across Clayton Avenue is zoned Open Space and contains Headwaters Trails Alliance and parking. Areas southwest of the site across Highway 40 are zoned Business, the former designation for the existing site and surrounding Riverwalk zoned properties.



REFERRAL REVIEW

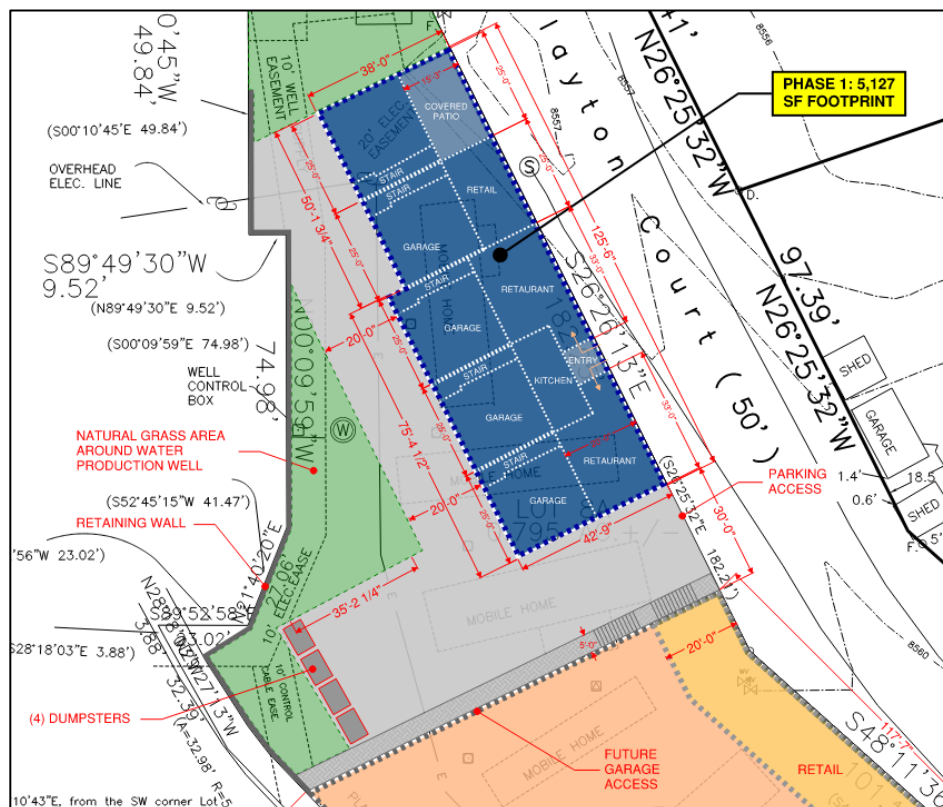
Variances are not subject to referral requirements per Sec. 19-1-210 Table 1.1; however, application materials were sent to the Town Attorney and their review memo is provided as an attachment to this report. Conceptual site plans and other sketch plan application materials were sent to referral agencies for the opportunity to provide comment in December 2024 and were provided to the applicant and the Planning Commission ahead of the January 15, 2025 Planning Commission meeting.

RIVERWALK DISTRICT AND THE GROUND FLOOR COMMERCIAL DEPTH REQUIREMENT

The following excerpts are provided from [Sec. 19-2-255](#) Riverwalk District regarding the variance request.

- (a) Intent. The purpose of the Riverwalk District is to provide for development that fosters the creation of a high density, walkable, mixed-use neighborhood which will integrate Fraser's historic downtown with the Fraser River and generate opportunities for downtown redevelopment, affordable housing and economic revitalization. This zone district is envisioned to have ground floor commercial positioned closely to the street to create a vibrant Town Center. On-site parking should be located away from pedestrian areas as much as feasible in order to activate uses along the street and Fraser River and promote the walkable nature of the district.
- (g) Additional provisions:
- (1) All properties with frontage on Highway 40 (Zerex Street) or Clayton Court shall have ground floor commercial uses along the street frontages. These commercial uses shall be required for a minimum of the first twenty (20) feet in depth of the structure. Vehicular or pedestrian circulation and building mechanical equipment may be located within this twenty (20) feet. Ground floor commercial uses shall conform to the building design standards in Section 19-4-190 of this Chapter.

The applicant has pointed to the language allowing vehicular or pedestrian circulation and building mechanical equipment as allowing for their proposed design of resident garages and building equipment to encroach within the twenty-foot commercial use structure depth as meeting the language of the code. While staff is not comfortable considering private residential parking as vehicular circulation or separate interior building equipment rooms rather than commercial space within the front twenty (20) feet of the building's depth, we do feel it is potentially a grey area in the code that could be better defined and may be considered in limited circumstances as part of this variance request. Below is the sketch plan as presented to Planning Commission on January 15, 2025:





VARIANCE REVIEW PROCESS

Variance requests that do not qualify for administrative review per [Sec. 19-1-350](#) are to be heard by the Board of Adjustment which may grant a variance only to the extent it finds the request meets the conditions, where relevant to the subject property and adjacent neighborhood or district, and are present as outlined in [Sec. 19-1-330\(a\)\(1\)](#). Provided below are the review criteria, the applicant's provided reasoning, and staff's review of these criteria.

1. There are unique physical circumstances or other conditions peculiar to the affected property, such as exceptional topography or irregularity, narrowness or shallowness of a lot.
 - a. Applicant reasoning: This lot has unique physical circumstances, mainly narrowness and shallowness. It is the most irregular lot on Clayton Ct.
 - b. Staff review: Agree – The lot has three street frontages, and the northern half of the narrows considerably as Clayton Ct. bends to the northwest.
2. The unique physical circumstances or other conditions do not exist throughout the neighborhood or district in which the property is located.
 - a. Applicant reasoning: As mentioned above, this is the only lot that has these unique characteristics in the area.
 - b. Staff review: Agree – While there is not necessarily a rigidly regular pattern of lot sizes and shapes in the greater downtown area, the majority of surrounding lots are more regularly shaped and do not narrow to the degree of this lot.
3. The unique physical circumstances, other conditions or any other hardship complained of have not been created by the applicant.
 - a. Applicant reasoning: Due to the physical circumstances, this hardship had been created when the lots were platted originally and not by the applicant.
 - b. Staff review: Agree – This is an existing condition to the site, which seems to have evolved into this shape from previous subdivisions carving off adjacent portions in past decades under previous ownership. The lot once included a larger area consisting of the majority of the area east and north of the site towards the Fraser River prior to the dedication of Clayton Ct. right-of-way according to the 1986 Clayton Subdivision Final Development Plan Plat. Additionally, the ground floor commercial depth requirement is a relatively recent zoning requirement being implemented with the Riverwalk zone district, which was applied to the property through a legislative rezoning by the Town in 2023.
4. Because of the unique physical circumstances or other conditions, the property cannot be reasonably developed in conformity with the provisions of this Chapter.
 - a. Applicant reasoning: This is true as the chapter requires retail but also has this as the intent "The purpose of the Riverwalk District is to provide for development that fosters the creation of a high density, walkable, mixed-use neighborhood which will integrate Fraser's historic downtown with the Fraser River and generate opportunities for downtown redevelopment, affordable housing and economic revitalization. This zone district is envisioned to have ground floor commercial positioned closely to the street to create a vibrant Town Center. On-site parking should be located away from pedestrian areas as much as feasible in order to activate uses along the street and Fraser River and promote the walkable nature of the district." Due to wanting retail on the front, high density / mixed use, and hiding streets and parking in the back, it makes it impossible to



reasonably develop this area

- b. Staff review: Agree – The property is already encumbered by one of the Town’s water production wells and is impacted by Town owned water and sanitary sewer easements on the narrower north portion of the lot that further reduce the buildable area of the property. In an attempt to meet the mixed-use intent and specific design requirements of the Riverwalk district to include both ground floor commercial and high density residential, the applicant has provided two iterations of conceptual plans through the sketch plan review process with staff and the Planning Commission and explained some of the challenges associated with accommodating the full ground floor commercial requirement on this portion of the lot.
5. The variance, if granted, will not alter the essential character of the neighborhood or district in which the property is located, or substantially or permanently impair the appropriate use of adjacent conforming property.
 - a. Applicant reasoning: This variance will not alter the essential character or permanently impair the appropriate use of adjacent conforming properties. In fact, it will have the opposite effect and help the neighboring properties and the area as a whole by allowing hidden parking tucked behind and vehicular circulation away from main street
 - b. Staff review: Agree – The proposed development will be only the second new development on Clayton Ct. since the rezoning in 2023. While the existing Clayton Ct. has a few existing mobile home residences, the area is mostly vacant and the vision for the area is one of change to a more walkable, mixed-use downtown district. The requested variance will help facilitate additional investment on the corridor, while maintaining the intent of the ground floor commercial requirement for more usable portions of the site. There are no anticipated impairments of adjacent properties with this variance request.
6. The variance, if granted, is the minimum variance that will afford relief and is not detrimental to the public good or to the purpose, intent and spirit of this Chapter or the Town Comprehensive Plan.
 - a. Applicant reasoning: This variance is the minimum for relief and reflects the spirit of the Chapter and is in exact conformity with the Town Comprehensive Plan
 - b. Staff review: Disagree – The requested variance to waive the ground floor commercial depth requirement for portions of the lot ninety (90) feet in depth or less does not appear to be the minimal ask as the sketch plan presented to the Planning Commission on January 15, 2025 included a design that accommodated twenty (20) feet of ground floor commercial uses up to portions of the lot approximately sixty-five (65) feet in depth, as well as depicting ground floor commercial and patio space in widths less than twenty (20) feet in portions of the lot with approximately fifty-five (50) feet in depth. However, staff believes this criteria would be met if an alternative ground floor commercial depth and/or minimum lot width threshold, or some combination of the two, is granted.
7. The variance is needed to provide a reasonable accommodation to a person or persons with a disability.
 - a. Applicant reasoning: No response/not applicable.
 - b. Staff review: Not applicable.



Should the Board of Adjustment approve the variance, the following items listed in Sec. 19-1-330 copied below should be addressed:

(b) In granting any variance, the Board of Adjustment has the authority to attach such reasonable conditions as it deems necessary to protect the general welfare and implement the purposes of this Chapter.

(d) No grant of a variance shall be complete or effective unless and until the Board of Adjustment has adopted a written resolution approving the variance, which resolution shall identify the property for which the variance is granted, and state specifically the exceptional conditions, practical difficulties or unnecessary hardships involved, or other grounds for granting the variance. The resolution shall also specify any terms and conditions applicable to the variance, including, without limitation:

- (1) Limitations on its duration;
- (2) Whether the variance runs with the land or is personal to the applicant;
- (3) Required materials or construction methods;
- (4) Rights of adjacent property owners, and
- (5) Circumstances (in addition to violation of the terms of the variance) which would give rise to a revocation of the variance.

Staff recommends that if approved, the parameters of the variance request are adjusted to minimize the reduction from the requirements of the code while still affording enough flexibility to accommodate final design and ensure usable spaces. Considering the previously submitted sketch plans, staff suggests that portions of the lot with seventy (70) feet of depth or less be granted flexibility from the twenty (20) foot ground floor commercial uses depth requirement, and that remaining portions of the lot which are proposed with building coverage must include street level activation by other means such as inclusion of storefront windows and commercial uses with no minimum depth, or other means of activation such as commercial or residential outdoor patio space with no minimum depth.

Additionally, to address the potential limitations included in the code language above, staff recommends the duration of the variance expire in one year, but to be automatically extended upon land use application for a proposed development. Then, the variance would remain valid through the land use application review process and extend for one additional year after final approval by the Board of Trustees for a major site plan, consistent with the allowed duration of approval of a site plan in Sec. 19-1-245. Staff also suggests the variance run with the applicant so as to remain specific to the current proposal. If greater flexibility regarding the ground floor commercial depth provision in the Riverwalk zone is desired, staff recommends a larger discussion on the topic and consideration of a code amendment to allow for wider application.

PUBLIC NOTICE

[Sec. 19-1-215](#) establishes the requirements for public notice when public hearings are required with land use review, including for a variance or appeal. Newspaper publication and mailed letters are required for the variance request, and were published/distributed as follows:

- Newspaper: Published in the Sky-Hi News and Middle Park Times on February 12, 2025 (Town responsibility)



- Mailed letters: Sent by certified/return receipt mail no later than February 12, 2025 (applicant responsibility)
- Affidavits of publication are included with the Board of Adjustment packet

SUMMARY

The applicant has submitted a complete application for the review of a Variance from Section 19-2-255(g)(1) to reduce the minimum depth of required ground floor commercial uses along Clayton Court from twenty feet (20) as required in the Riverwalk (RW) zone district to zero (0) feet in the portions of the lot with less than ninety (90) feet in depth. Per Sec. 19-1-330, the Board of Adjustment shall have the power to grant variances from the provisions of this Chapter, subject to the voting requirements specified in Section 19-1-340 below. Further, the Board of Adjustment may grant a variance only to the extent it finds that the listed conditions, where relevant to the subject property and adjacent neighborhood or district, are present.

REQUEST: A variance from Section 19-2-255(g)(1) to reduce the minimum depth of required ground floor commercial uses along Clayton Court from twenty feet (20) as required in the Riverwalk (RW) zone district to zero (0) feet in portions of the lot with less than ninety (90) feet in depth.

RECOMMENDATION: Staff recommends that the Board of Adjustment APPROVE the variance request, subject to the conditions of approval listed below:

CONDITIONS OF APPROVAL:

- 1) Ground floor commercial uses may be reduced in depth from the required twenty (20) feet to as low as zero (0) feet for portions of the subject property where the depth of the lot is less than seventy (70) feet. The applicant shall still be required to accommodate the intent of the ground floor commercial depth requirement in the Riverwalk district for remaining building areas to the maximum extent feasible by including street level activation by other means such as inclusion of storefront windows and commercial uses at reduced depths, utilization of commercial or residential outdoor patio space, or other means as mutually agreed upon through the land use application review process.
- 2) The Variance approval is valid for one (1) year, to expire on February 26, 2026 unless a Major Site Plan application is submitted and deemed complete within this time period, in which case the variance shall remain valid up until one (1) year from the date the Board of Trustees provide any final approval on such land use application per Sec. 19-1-245. In the event of an expiration, the Applicant shall submit a Variance Application anew for subsequent review and determination.

Town of Fraser

PO Box 370, Fraser, CO 80442 office: 970-726-5491 fax: 970-726-5518

www.frasercolorado.com



Attachments:

- 01 Variance Application
- 02 Letter of Representation
- 03 Variance Narrative Request
- 04 Vicinity Map
- 05 Centrum Sketch Plan
- 06 Mailed Notice Affidavit
- 07 Public Notice Affidavit
- 08 Whitmer Law Firm Review Memo

Board of Adjustment Resolution 2025-02-02

[Print Form](#)**LAND USE APPLICATION FORM****PROJECT NAME:** Centrum Townhomes**DATE RECEIVED:** 1/30/2025**APPLICATION FEE:** \$750**TYPE OF APPLICATION****HEARING DATE**

- ☐ Annexation, Zoning, Concept Plan
☐ Conditional Use
☐ As Built Plat
☐ Site Plan
☐ Vacation of Street or Easement
☐ Final Planned Development Plan

- ☐ Change of Zone
☐ Final Plat
☐ Planned Unit Development
☐ Sketch Plan
☐ Variance

- ☐ Development Permit
☐ Minor Subdivision Plat
☐ Preliminary Plat
☐ Subdivision Exemption
☐ Other

PROJECT INFORMATION**Applicant's Name:** Outwest Investments**Project Location:** 150 Clayton Ct**Address:** 5303 E Evans Ave suite 306 Denver CO**Phone/Fax:** 3039462757**Existing Location:** 150 Clayton Ct**Proposed Zoning:** MU**Relation to Property Owner:** Owner**Legal Description of Property (lots, blocks, tracts, subdivision name, or metes & bounds - attach additional sheet, if necessary):**

CLAYTON SUB RESUB TR B&C Lot: 8 A Subd: TIMBERLINE PLAZA MH PARK

Total Acreage of Property under Consideration: .8**Number of Existing Residential Lots:** 0**Number of Proposed Residential Lots:** 2**Type of Housing Proposed:** Townhomes**Number of Existing Commercial Lots:** 1**Number of Proposed Commercial Lots:** 1**ADDITIONAL CONTACTS****Property Owner:** Fraser Downtown LLC**Consultant:****Address:** 1630 30th St Suite 283**Address:****City/State/Zip:** Boulder co 80301**City/State/Zip:****Phone/Fax:****Phone/Fax:**

BRIEF DESCRIPTION OF DEVELOPMENT:

Centrum is slated to be the newest development on Clayton Ct, the heart of Frasers Main Street. As a mixed use development, Centrum is designed to be a walkable gathering place that encourages economic activity.

Consisting of ground floor retail across Clayton Ct, this area will be designed for a small restaurant or shop use. Within this design are

The Town of Fraser requires that the applicant pay all fees and costs relating to this application, as provided in the Town's general application policies set forth in Section 1-3-70 of the Fraser Municipal Code, which is reproduced below. The undersigned acknowledges that he or she has read and understands such policies and agrees to the terms thereof, including those provisions concerning collection of unpaid charges owed to the Town. The amount payable for up-front application fees and any cash deposit for additional processing charges will be specified by Town staff at the time of filing this application. Additional payments or deposits may be required during the processing of the application.

CERTIFICATION

I hereby affirm that I have full legal capacity to authorize the filing of this application and that all information and exhibits herewith submitted are true and correct to the best of my knowledge. The Authorized Signer gives consent for Town of Fraser representatives to make all reasonable inspections and investigations of the subject property during the period of processing this application. I understand that all materials and fees required by the Town of Fraser must be submitted prior to having this application processed.

Authorized Signature: **Kevin Rifkin**

Digitally signed by Kevin Rifkin
Date: 2025.01.30 08:40:12 -07'00'

Date: _____

Sec. 1-3-70. General application policies.

The following general policies shall apply to all applications for permits or other approvals required under the provisions of this Code, unless different requirements, which are inconsistent with the following, are specified under the provisions of this Code for a particular type of application:

(1) No application will be considered complete until all prescribed fees and deposits have been paid.

(2) Application fees. Application fees are established and modified from time to time by the Board of Trustees and are set forth in the current fee schedule approved by the Board of Trustees. Such application fees are intended to defray the administrative expenses of processing applications attributable to the use of Town employee time and Town facilities. No part of an application fee shall be refunded on account of any denial, partial processing or withdrawal of part or all of the application.

(3) Processing fees. In addition to application fees, the applicant shall pay all costs relating to the processing of the application, including the costs of publication for each publication required. If republication is necessary due only to Town error, the Town will pay the costs of republication. The applicant shall also pay the costs for mailing notification of the application to adjacent or surrounding property owners, if required. The applicant shall pay any and all recording fees relating to the application or approval thereof and all inspection fees relating to the application or administration of the permit or other approval.

(4) Additional costs. The applicant shall pay for any additional costs incurred by the Town for the services of outside professionals, consultants or other review agencies, other than Town staff, including, without limitation, attorneys, engineers and outside planning consultants, during the review and consideration of an application. The Town will send invoices to the applicant for expenses incurred as the Town is billed, which shall be paid by the applicant within the time prescribed in the invoice. Any amounts not paid when due shall accrue interest at the rate of one and one half percent (1.5%) per month, not to exceed eighteen percent (18%) per annum.

(5) Deposit. The Town may require the applicant to provide a cash deposit, in an amount specified in the fee schedule established by the Board of Trustees, to secure payment of the anticipated processing fees and additional costs related to the application not covered by the application fee. The Town may draw upon this deposit to pay such fees and costs and may also suspend further proceedings or reviews related to the application for any delinquent account until the applicant pays the amount necessary to reinstate the full amount of the cash deposit. Any delinquent account related to an application shall be sufficient grounds for denial of the application. Any unused portion of such deposit remaining after completion or termination of the application and payment of any outstanding invoices shall be refunded to the applicant. No interest will accrue on the deposit.

(6) All outstanding fees, taxes and invoices shall be paid in full prior to final approval of the application or issuance of the applicable permit, certificate or other approval document. Deposits shall be held for ninety (90) days after approval to cover any outstanding invoices related to the application.

(7) In the event of nonpayment of fees, costs or other charges owed, the Town shall have the right to file a legal action to collect any balance due to the Town, plus its costs of collection, including reasonable attorney's fees, against the applicant and/or the owner of the property that is the subject of the application. The amount of such unpaid fees, costs and other charges owed to the Town shall constitute a lien upon any property that is the subject of the application, and the Town may certify to the County Treasurer any amount due for collection in the same manner as other property taxes are collected.

(8) The Town shall reserve the right to revoke or suspend any permit, certificate or other approval issued hereunder if the work or activity undertaken pursuant thereto is not done in accordance with the approved terms.

Fraser Downtown, LLC

1630 30th Street, #283

Boulder, Colorado

Fraser Town Planning and Zoning Department

153 Fraser Ave

Fraser, CO 80442

Subject: Letter of Representation for Land Entitlement and Development

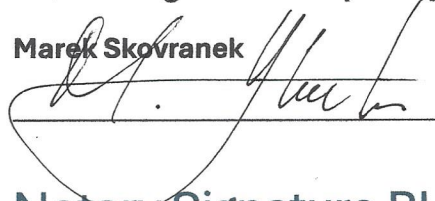
I, **Marek Skovranek**, as the legal owner of the property located at **150 Clayton Court, Fraser, Colorado**, hereby authorize **Kevin Rifkin and Greg Bechler**, of **Outwest investments** to act as my designated representative for all matters related to the entitlement and development of the aforementioned property.

This authorization grants **Outwest Investments** full authority to:

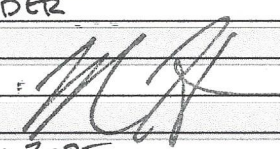
- Prepare, submit, and process applications, permits, and other necessary documentation required for land entitlement and development.
- Communicate and negotiate with local, county, and state agencies on my behalf.
- Make decisions regarding zoning, land use, planning, environmental compliance, and any other regulatory requirements.
- Engage with third parties, including engineers, architects, legal professionals, and contractors, as necessary to facilitate the development process.
- Represent me in any public hearings, planning meetings, or other official proceedings related to the property's development.

This authorization shall remain in effect unless revoked in writing by me prior to that date. Any inquiries or confirmations regarding this representation may be directed to me at the contact details listed above.

Acknowledged and Accepted by:

Marek Skovranek


Notary Signature Block

Signed before me on this date:	1-30-2025
County of:	BOULDER
State of:	CO
Notary Public Signature:	
Notary Seal:	
My commission expires on:	12-13-2025

MITCHELL HRDLICKA
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 20214048093
MY COMMISSION EXPIRES DECEMBER 13, 2025

Variance Request
150 Clayton Court Phase 1

Dear Members of the Board of Adjustments,

We would like to formally submit a variance request per the direction of the Town Staff for 150 Clayton Court Phase One. This project has been a collaborative effort thus far between the developer, the Town Staff, the Town Planning Commission, and members of the community. Where this collaborative effort has landed is not in complete conformance with the code. In order to deliver the best product possible that follows the intent of the Town Code, we have decided to submit this request.

The Town and Zoning Code for this area was amended in 2023 without consideration for all parcels within the area. Due to the nature of some of the parcels, the applicable code renders some of the parcels or areas of the parcels impossible to use for the intended purpose of the code, to the detriment of the Town and the Developer.

Ideally, the code will be updated to match the intent, but until then, we can serve as the guinea pigs for the variance process and demonstrate how these unique areas can function effectively in the future.

The area of code for which we are requesting a variance is Section 19-2-255 – Riverwalk District (g)(1), which currently reads:

“All properties with frontage on Highway 40 (Zerex Street) or Clayton Court shall have ground floor commercial uses along the street frontages. These commercial uses shall be required for a minimum of the first twenty (20) feet in depth of the structure. Vehicular or pedestrian circulation and building mechanical equipment may be located within this twenty (20) feet. Ground floor commercial uses shall conform to the building design standards in Section 19-4-190 of this Chapter.”

Our variance request is to modify this section to read as follows for the area of land:

“These commercial uses shall be required for a minimum of the first twenty (20) feet in depth of the structure unless the site has a depth or areas with a depth of less than ninety feet. In that case, no minimum depth will be required.”

In Exhibit A, we have included a site map with the areas in green indicating where this would apply. As you may recall, the majority of this area is intended to be given to the Town as a park by the Developer.

Thank you for considering our variance request. We look forward to discussing this matter further and working collaboratively to ensure the best outcomes for the Town and the community.

Below is the explanation of how this meets all the necessary criteria.

1. There are unique physical circumstances or other conditions peculiar to the affected property, such as exceptional topography or irregularity, narrowness or shallowness of a lot.

- a. **This lot has unique physical circumstances, mainly narrowness and shallowness. It is the most irregular lot on Clayton Ct**
2. The unique physical circumstances or other conditions do not exist throughout the neighborhood or district in which the property is located.
 - a. **As mentioned above, this is the only lot that has these unique characteristics in the area**
3. The unique physical circumstances, other conditions or any other hardship complained of have not been created by the applicant.
 - a. **Due to the physical circumstances, this hardship had been created when the lots were platted originally and not by the applicant**
4. Because of the unique physical circumstances or other conditions, the property cannot be reasonably developed in conformity with the provisions of this Chapter.
 - a. **This is true as the chapter requires retail but also has this as the intent “The purpose of the Riverwalk District is to provide for development that fosters the creation of a high density, walkable, mixed-use neighborhood which will integrate Fraser's historic downtown with the Fraser River and generate opportunities for downtown redevelopment, affordable housing and economic revitalization. This zone district is envisioned to have ground floor commercial positioned closely to the street to create a vibrant Town Center. On-site parking should be located away from pedestrian areas as much as feasible in order to activate uses along the street and Fraser River and promote the walkable nature of the district.” Due to wanting retail on the front, high density / mixed use, and hiding streets and parking in the back, it makes it impossible to reasonably develop this area**
5. The variance, if granted, will not alter the essential character of the neighborhood or district in which the property is located, or substantially or permanently impair the appropriate use of adjacent conforming property.
 - a. **This variance will not alter the essential character or permanently impair the appropriate use of adjacent conforming properties. In fact, it will have the opposite effect and help the neighboring properties and the area as a whole by allowing hidden parking tucked behind and vehicular circulation away from main street**
6. The variance, if granted, is the minimum variance that will afford relief and is not detrimental to the public good or to the purpose, intent and spirit of this Chapter or the Town Comprehensive Plan.
 - a. **This variance is the minimum for relief and reflects the spirit of the Chapter and is in exact conformity with the Town Comprehensive Plan**

TOWNSHIP 1 SOUTH, RANGE 106 EAST, TOWN OF FRASER, COUNTY OF DOUGLAS, STATE OF COLORADO

LOT 8A (0.80 ACRES)

US HIGHWAY 40 (RIGHT-OF-WAY Varies)

CLAYTON AVENUE (55' RIGHT-OF-WAY)

CLAYTON COURT (55' RIGHT-OF-WAY)

NOTES:

- ANY PERSON WHO KNOWINGLY REMOVES, ALTERS OR DEFACES ANY PUBLIC LAND MARK OR MONUMENT OR COMMITTS A CLASS TWO (2) MISDEMEANOR PURSUANT TO STATE STATUTE 18-65.01.
- NOTICE: ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION TO ENFORCE YOUR RIGHTS OR FIRST DISCOVER SUCH DEFECT. IN NO EVENT MAY ANY ACTION BE BASED ON THE DATE OF THE CERTIFICATION SHOWN HEREON.
- THIS SURVEY DOES NOT CONSTITUTE A TITLE SEARCH BY C.C.S. CONSULTANT SURVEY WAS PERFORMED IN ACCORDANCE WITH CRS 38-51-106 AND THE RULES OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND PROFESSIONAL LAND SURVEYORS. THE DEPICTION OF EASEMENTS AND RIGHTS OF WAY ON SUBDIVISION.
- ALL DIMENSIONS SHOWN HEREON ARE IN FEET, ALL BEARINGS SHOWN HEREON ARE IN DEGREES, MINUTES AND SECONDS.
- RECORD INFORMATION IS DENOTED IN PARENTHESIS ().
- BASIS OF BEARING: THE EAST LINE OF THE SOUTHEAST QUARTER OF THE NE 1/4 OF SECTION 36, T1S, R106E, S4, THE BEST OF A SUBDIVISION OF LOT 8, RECD. RESUBDIVISION OF TRACTS B1 AND C OF CLAYTON SUBDIVISION.
- SET NO. 4 X 18" REBAR WITH 1" RED PLASTIC CAP - CCS INC PLS 2629K
- NO EVIDENCE OF RECENT EARTH MOVING WORK, BUILDING CONSTRUCTION, OR FIELDWORK.
- C.C.S. CONSULTANTS, INC., HAS RELIED UPON ALTA COMMITMENT FOR TITLE I RND60019661, EFFECTIVE DATE 09/18/2024 AT 5:00 P.M. FOR EASEMENTS OWNERSHIP FOR THE INFORMATION SHOWN HEREON
- SOME EASEMENTS ARE GRAPHICALLY DEPICTED FOR LACK OF INFORMATION ON

SURVEYOR'S:

I, NOEL L. POTTER, A PROFESSIONAL LAND SURVEYOR, IN ACCORDANCE WITH THE COLORADO PROFESSIONAL LAND SURVEYING ACT, HAVE SURVEYED THE ABOVE DESCRIBED LOT AND HAVE FOUND THAT THE SAME COMES INTO BEING THE BEST OF A SUBDIVISION OF LOT 8, RECD. RESUBDIVISION OF TRACTS B1 AND C OF CLAYTON SUBDIVISION.

TO: ZEREX GP, LLC

THIS IS TO CERTIFY THAT THE SURVEY WAS MADE IN ACCORDANCE WITH THE COLORADO PROFESSIONAL LAND SURVEYING ACT AND INCLUDES ALL NECESSARY INFORMATION FOR AND ON BEHALF OF THE ABOVE DESCRIBED PARTY.

NOEL L. POTTER

GRAPHIC SCALE

(IN FEET)

SCALE: 1"=20'

DATE: 11.01.24

NOTES:

1. ANY PERSON WHO KNOWINGLY REMOVES, ALTERS OR DEFACES ANY PUBLIC L. COMMITS A CLASS TWO (2) MISDEMEANOR SUBJECT TO STATE STATUTE 18-
2. NOTICE: ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL, A YOU FIRST DISCOVER SUCH DEFECT. IN NO EVENT MAY ANY ACTION BASED L FROM THE DATE OF THE CERTIFICATION SHOWN HEREON.
3. THIS SURVEY DOES NOT CONSTITUTE A TITLE SEARCH BY C.C.S. CONSULTANT SURVEY WAS PERFORMED IN ACCORDANCE WITH CRS 38-51-106 AND THE R OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND PROFESSIONAL LAND S RELATING TO THE DEPICTION OF EASEMENTS AND RIGHTS OF WAY ON SUBDI
4. ALL DIMENSIONS SHOWN HEREON ARE IN FEET, ALL BEARINGS SHOWN HEREON
5. RECORD INFORMATION IS DENOTED IN PARENTHESIS ().
6. BASIS OF BEARING: THE EAST LINE OF THE SOUTHEAST QUARTER OF THE NE CORNER ACCORDING TO THE CORRECTION PLAT OF A SUBDIVISION OF LOT 8, RECD RE-SUBDIVISION OF TRACTS B1 AND C OF CLAYTON SUBDIVISION.
7. • SET NO. 4 X 1/8" REBAR WITH 1" RED PLASTIC CAP - CCS INC PLS 2629R
8. NO EVIDENCE OF RECENT EARTH MOVING WORK, BUILDING CONSTRUCTION, OR FIELDWORK.
9. C.C.S. CONSULTANTS, INC., HAS RELIED UPON ALTA COMMITMENT FOR TITLE I RND601916661, EFFECTIVE DATE 09/18/2024 AT 5:00 P.M. FOR EASEMENTS OWNERSHIP FOR THE INFORMATION SHOWN HEREON
10. SOME EASEMENTS ARE GRAPHICALLY DEPICTED FOR LACK OF INFORMATION O

SURVEYOR'S
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FOR AND ON BE

NOEL L. POTTER

SET 1" DIA BRASS
 SHINER LS 26296
 S 28°16'53" E
 3.88'
 SET 1" DIA BRASS
 SHINER LS 26296
 N 89°53'46" W
 23.02'
 L=32.98'
 R=542.96'
 Δ=0°28'50"
 CD=S 30°03'18" E
 32.98'
 SET 1" DIA BRASS
 SHINER LS 26296

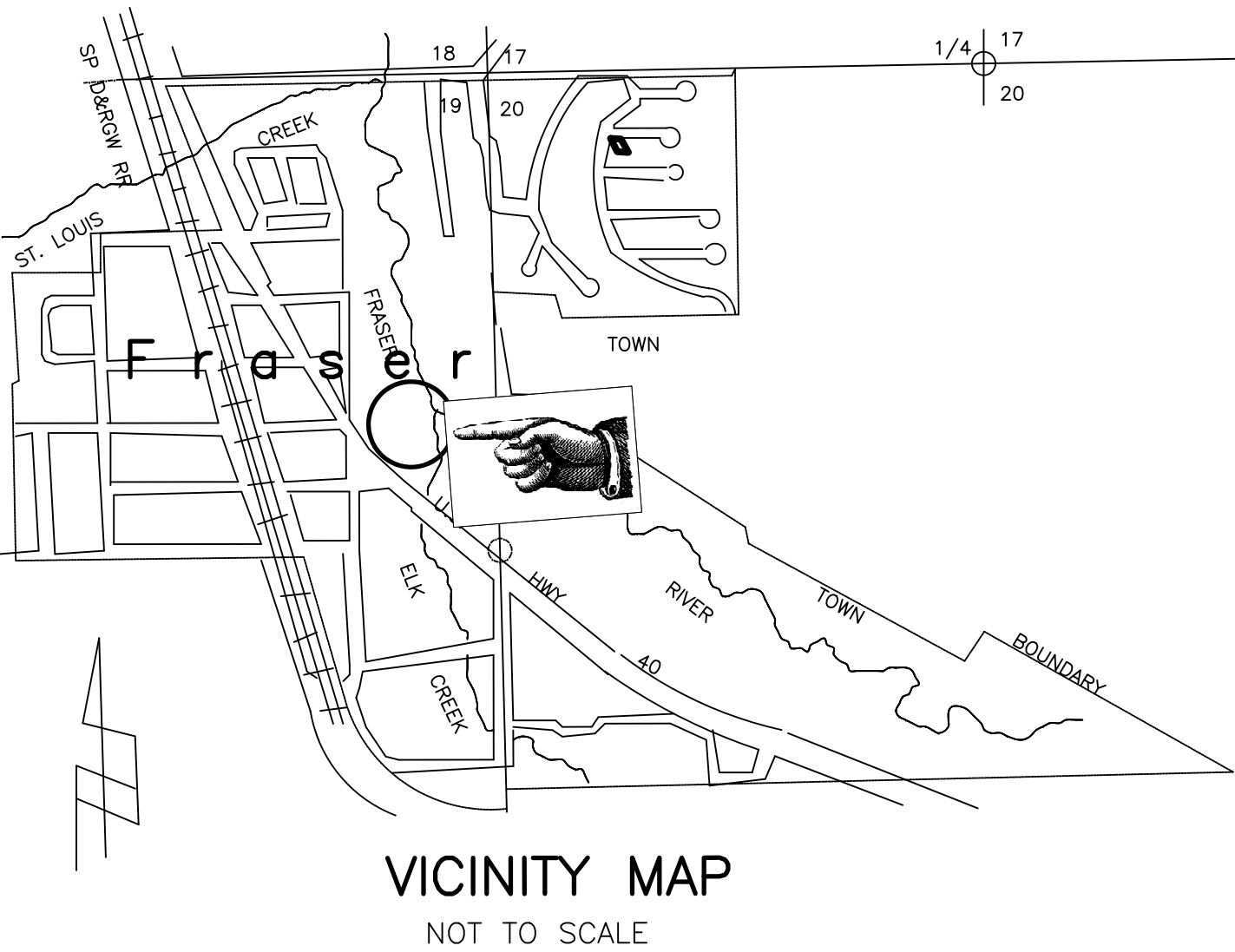
GRAPHIC SCALE
 20 0 10 20
 (IN FEET)
 DATE: 11.01.24



Phase 1

Phase 2

ALTA/NSPS Land Title Survey
150 Zerex Street
A Retracement Survey of Lot 6 &
7, Subdivision of Lot 8, Rec.
291300. Town of Fraser, Grand
County, Colorado, Part of
Sec. 19 T1S, R75W, 6TH PM



- NOTES:
1. For title, reference is hereby made to Record Document, Homestead Title, File No. H22-11657. All Schedule B easements are shown where they affect the surveyed property. Only one Schedule B easement lies partially with the surveyed property.
 2. Wetlands are not addressed.
 3. A "Bearing" (NE/SW, NW/SE) is a mathematical value with identical reciprocal values, and do not "go" in any direction.

To: Basham Investments, LLC, Laura Scholtz Real Estate, LLC
Fraser Downtown, LLC, a Colorado limited liability company, and Homestead Title LLC;

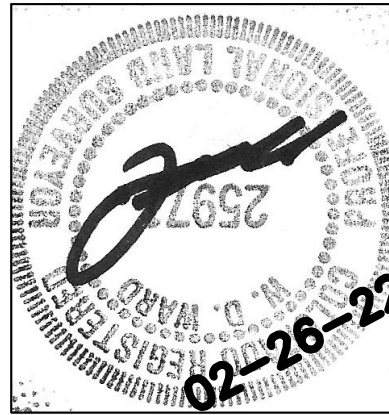
This is to certify that this plat and the field survey on which it is based shows the boundary of the surveyed property, was prepared in accordance with the minimum standards set forth by ALTA/NSPS, 2016, and includes Monuments at each property corner, 1 foot contours, Record Document easements, improvements depicted at ground level, Visible utilities, and Buried utilities from Table A thereof.

The last date of field work was 02-22-22.

Signed,

w ward

surveyor

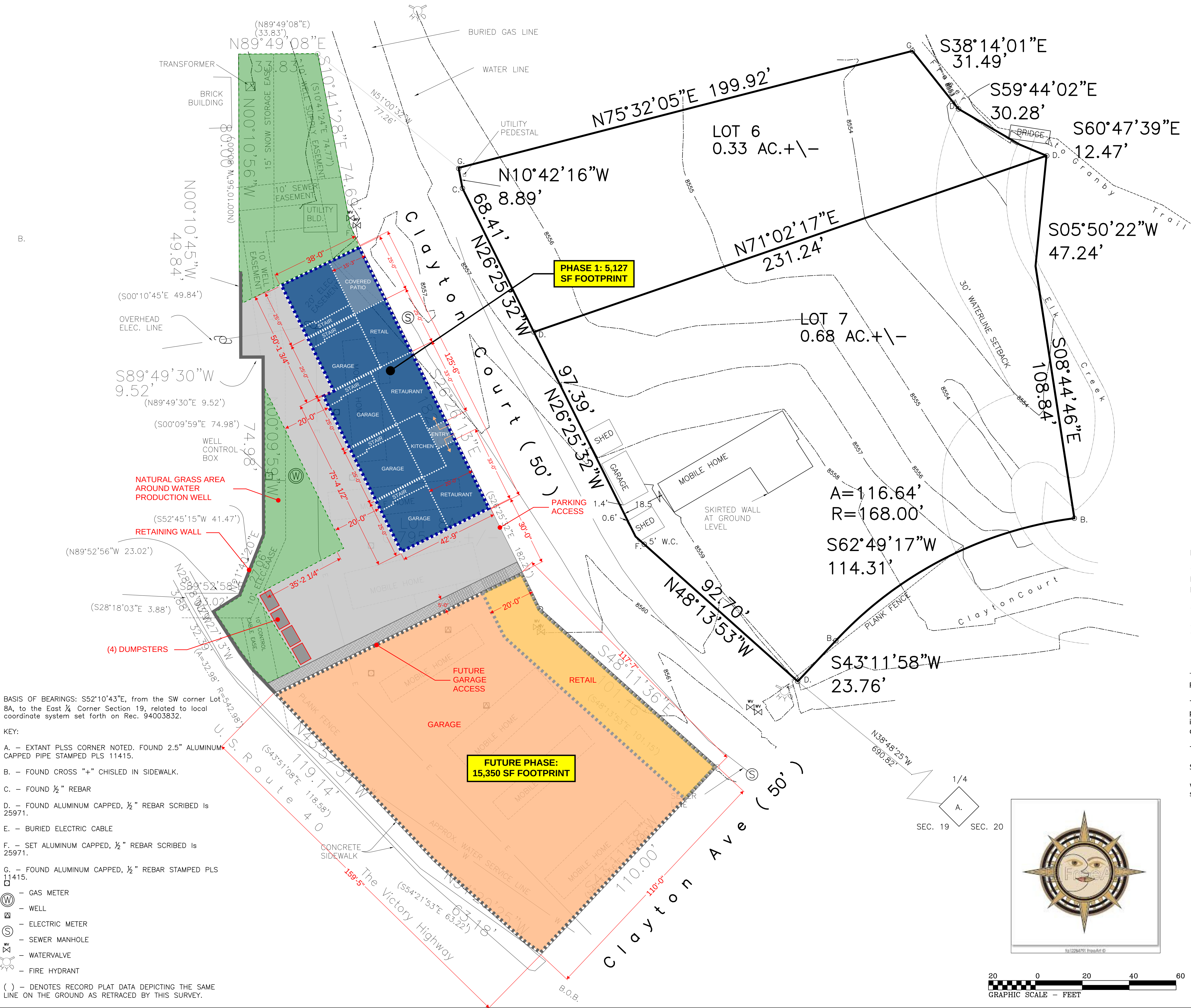


PRELIMINARY FOR REVIEW AND COMMENT

Rocky Mountain Surveys, Inc.
Professional Land Surveyors
P.O. Box 552 Winter Park, Colorado 80482
Land 970-726-7166 fax 800-725-2734 mobile
970-531-1120 www.rockymountainsurveys.com

ALTA/NSPS Land Title Survey
A Retracement Survey of Lots 6 & 7
ReSubdivision of Lot 8, Rec. 291300.
Town of Fraser, Grand County, CO Sec.
19 T1S, R75W, 6TH PM

DATE: 02-22-22
SCALE: 1 in = 20 usft BY: ww JOB: 6073-22



AFFIDAVIT OF NOTICE

To be completed after completion of notice distribution and forwarded to Town staff prior to the date of hearing

I, Greg Bechler applicant requesting Variance hereby affirm that notice was distributed in accordance with Town of Fraser codes.

Date 2/19/2025

[Signature]
Owner/Applicant

STATE OF COLORADO

County of Arapahoe

Subscribed and sworn to before me this 19th day of February 2025.

by Gregory Bechler

Witness my hand and official seal.



[Signature]
Notary Public

My commission expires: June 6, 2026

NOTES:

1. In addition to minimum design criteria and standards, the Town of Fraser Subdivision and Zoning Regulations outline specific minimum submittal requirements. Please review these carefully in order to ensure prompt action on your land use application.
2. The Town of Fraser Subdivision and Zoning Regulations outline the review procedures applicable to each land use application. In cases with multiple requests for an individual property, it is preferable to synchronize the review procedures for a prompt and efficient review process.
3. The applicant is responsible for initiating formal reviews with the Colorado Department of Transportation, the U.S. Army Corps of Engineers, the Colorado Division of Parks and Wildlife, the Fraser Sanitation District, the Colorado Water Conservation Board, and other applicable agencies. The Town refers applications to these agencies for comment, however, the Town cannot initiate a permit request or consultation.
4. A Subdivision Improvement Agreement may be necessary. This document must be executed and recorded prior to or concurrent with plat recordation.
5. Contact the Planning Department at 970-726-5491 if you have any questions or need assistance.

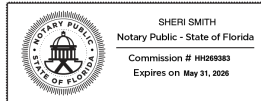
The applicant is responsible for payment of recording fees, improvement inspection fees, and other additional costs incurred by the Town for the services of professionals, consultants, or other review agencies applicable to the request. All invoices shall be paid in full prior to final Town Board approval of the application or issuance of the applicable permit, certificate or other approval document.

AFFIDAVIT OF PUBLICATION**Ad #: ohiMnolrbwK8g2bwbIX3****Customer: Garrett Scott**

State of Florida, County of Broward, ss:

Yuade Moore, being first duly sworn, deposes and says: That (s)he is a duly authorized signatory of Column Software, PBC, duly authorized agent of Sky-Hi News and Middle Park Times, that the same weekly newspaper printed, in whole or in part and published in the County of Grand, State of Colorado, and has a general circulation therein; that said newspaper has been published continuously and uninterruptedly in said County of Grand for a period of more than fifty-two consecutive weeks next prior to the first publication of the annexed legal notice or advertisement; that said newspaper has been admitted to the United States mails as a periodical under the provisions of the Act of March 3, 1879, or any amendments thereof, and that said newspaper is a weekly newspaper duly qualified for publishing legal notices and advertisements within the meaning of the laws of the State of Colorado.

That the annexed legal notice or advertisement was published in the regular and entire issue of every number of said weekly newspaper for the period of 1 insertion; and that the first publication of said notice was in the issue of said newspaper dated 12 Feb 2025 in the issue of said newspaper. That said newspaper was regularly issued and circulated on those dates.

Total cost for publication: \$32.15(Signed) Yuade Moore**VERIFICATION**State of Florida
County of Broward

Subscribed in my presence and sworn to before me on this: 02/13/2025

S. Smith

Notary Public

Notarized remotely online using communication technology via Proof.

**NOTICE OF PUBLIC HEARING
FRASER, COLORADO**

NOTICE IS HEREBY GIVEN that a public hearing will be held by the Board of Adjustment of the Town of Fraser, Colorado, on Wednesday, February 26, 2025, at 5:30 PM in the Board Room of the Fraser Town Hall, located at 153 Fraser Avenue, Fraser, Colorado to consider the following agenda item:

Variance to Section 19-2-255(g)(1) – A variance request to reduce the required depth of ground floor commercial uses along the street frontage of Clayton Court as required in the Riverwalk (RW) zone district.

LEGAL DESCRIPTION: LOT 8A, ACCORDING TO THE CORRECTION PLAT OF A SUBDIVISION OF LOT 8, RECORDED FEBRUARY 8, 1991 UNDER RECEPTION NO. 291300 OF A RESUBDIVISION OF TRACTS B1 AND C OF CLAYTON SUBDIVISION, RECORDED OCTOBER 24, 1986 UNDER RECEPTION NO. 249237 AND CORRECTION PLAT RECORDED APRIL 5, 1994 UNDER RECEPTION NO. 94003832, COUNTY OF GRAND, STATE OF COLORADO.

Property Location: The property is bounded by US 40, Clayton Avenue, and Clayton Court and is currently addressed as 150 Clayton Court.

Variance application materials for the subject property are on file with the Town Planning Department.

PUBLISHED IN THE SKY-HI NEWS AND MIDDLE PARK TIMES ON WEDNESDAY, FEBRUARY 12, 2025.



THE WHITMER LAW FIRM, LLC

◆ www.whitmerlawfirm.com ◆

Physical: 45 County Road 801, Unit # 201, Fraser, CO. 80442

Mailing: P.O. Box 38, Hot Sulphur Springs, CO 80451

Phone 970.725.3460

Kent H. Whitmer (Kent@whitmerlawfirm.com)

Sean C. Lemieux (Sean@whitmerlawfirm.com)

Kaitlin Randall (Katie@whitmerlawfirm.com)

Cooper V. Gehle (cooper@whitmerlawfirm.com)

Jessica Karikas (jessica@whitmerlawfirm.com)

MEMORANDUM

TO: Alan Sielaff, Fraser Assistant Town Planner
FROM: Cooper Gehle, Associate Attorney
DATE: February 10, 2025
RE: Centrum Variance Referral

We have reviewed the following documents from the Centrum Variance Submittal:

- Variance Request
 - Clayton Sketch Plan
 - Vicinity Map
 - Letter of Representation for Land Entitlement and Development
-
1. The Developer has requested a variance to the requirement that properties within the Riverwalk District zoning area are to have commercial use with a minimum of twenty (20) feet in depth on the ground floor. The requested variance focuses on the depth requirement, creating difficulties for the planned development resulting from the unique physical characteristics of the planned plot. Per the Whitmer Law Firm's review, each of the criteria required for a variance, as set forth in Fraser Town Code Sec. 19-1-330(a) has been met, excepting number seven (accommodations for persons with a disability) as inapplicable here. The unique shape and size of the lot on which the development is planned should be considered, and the variance should be granted as a minimally disruptive means of permitting efficient development that conforms with the purpose of

the Land Development Code. Additionally, the shape of the lot was not created by the Developer, and permitting the variance would not impact the essential character of the Riverwalk District. As such, the criteria warrant an approval of the requested depth variance.

**FRASER BOARD OF ADJUSTMENT
RESOLUTION NO. 2025-02-02**

A RESOLUTION **APPROVING/DENYING** A VARIANCE REQUEST FROM SECTION 19-2-255(g)(1) TO REDUCE THE MINIMUM DEPTH OF REQUIRED GROUND FLOOR COMMERCIAL USES ALONG CLAYTON COURT FROM TWENTY (20) FEET AS REQUIRED IN THE RIVERWALK (RW) ZONE DISTRICT TO ZERO (0) FEET FOR PROPERTY LOCATED NORTH OF CLAYTON AVENUE AND WEST OF CLAYTON COURT, ON PROPERTY LEGALLY DESCRIBED AS LOT 8A, ACCORDING TO THE CORRECTION PLAT OF A SUBDIVISION OF LOT 8, RECORDED FEBRUARY 8, 1991 UNDER RECEPTION NO. 291300 OF A RESUBDIVISION OF TRACTS B1 AND C OF CLAYTON SUBDIVISION, RECORDED OCTOBER 24, 1986 UNDER RECEPTION NO. 249237 AND CORRECTION PLAT RECORD APRIL 5, 1994 UNDER RECEPTION NO. 94003832, TOWN OF FRASER, COUNTY OF GRAND, STATE OF COLORADO

WHEREAS, on January 30, 2025, Kevin Rifkin, as a representative of Outwest Investments, acting on behalf of Fraser Downtown, LLC, a Colorado limited liability company, submitted a land use application requesting approval of a variance from the commercial uses depth requirement for properties with frontage on Highway 40 (Zerex Street) or Clayton Court ahead of a proposed mixed-use development located at 150 Clayton Court; and

WHEREAS, Fraser Downtown, LLC, a Colorado limited liability company, is the current owner of 150 Clayton Court, and Outwest Investments is authorized to act on behalf of the property owner with regards to this application; and

WHEREAS, on February 26, 2025 the Board of Adjustment reviewed a proposed variance request for the above described parcel in accordance with Section 19-1-330 of the Fraser Land Development Code; and

WHEREAS, per Sec. 19-1-330, the Board of Adjustment may grant a variance only to the extent it finds certain conditions, where relevant to the subject property and adjacent neighborhood or district are present; and

WHEREAS, the Board found, based on the criteria presented below, the variance request **meets/does not meet** the conditions necessary for granting a variance;

- (1) The property possesses physical circumstances or other conditions peculiar to the affected property: **Met/Not Met**
- (2) The physical condition is unique to the identified property or is not common through the surrounding district: **Met/Not Met**
- (3) The condition or circumstance for which variance is sought was not created by the applicant: **Met/Not Met**
- (4) The property cannot be reasonably developed in conformity with the Land Development Code without a variance: **Met/Not Met**

- (5) The essential character of the neighborhood or district in which the property is located will not be altered, nor will the appropriate use of adjacent property be substantially or permanently impaired by the variance: **Met/Not Met**
- (6) The variance is the minimum variance that will afford relief and is not detrimental to the public good or to the purpose, intent and spirit of this Chapter or the Town Comprehensive Plan: **Met/Not Met**
- (7) The variance is needed to provide a reasonable accommodation to a person or persons with a disability: Not applicable.

NOW THEREFORE BE IT RESOLVED that the Fraser Board of Adjustment has voted to **APPROVE/DENY** this variance request with the following conditions:

1. Ground floor commercial uses may be reduced in depth from the required twenty (20) feet to as low as zero (0) feet for portions of the subject property where the depth of the lot is less than seventy (70) feet. The applicant shall still be required to accommodate the intent of the ground floor commercial depth requirement in the Riverwalk district for remaining building areas to the maximum extent feasible by including street level activation by other means such as inclusion of storefront windows and commercial uses at reduced depths, utilization of commercial or residential outdoor patio space, or other means as mutually agreed upon through the land use application review process.
2. The Variance approval is valid for one (1) year, to expire on February 26, 2026 unless a Major Site Plan application is submitted and deemed complete within this time period, in which case the variance shall remain valid up until one (1) year from the date the Board of Trustees provide any final approval on such land use application per Sec. 19-1-245. In the event of an expiration, the Applicant shall submit a Variance Application anew for subsequent review and determination.

APPROVED AND ADOPTED THIS 26TH DAY OF FEBRUARY, 2025.

FRASER BOARD OF ADJUSTMENT

Chairperson

ATTEST:

Town Clerk