



MEMO TO: Chairperson Wolter and Planning Commissioners
FROM: Catherine E. Trotter, AICP, Town Planner
DATE: October 21, 2021
SUBJECT: Planner Briefing on The Willows Apartments at Grand Park

MATTER BEFORE THE PLANNING COMMISSION:

Preliminary Plat and Final Plan - The Willows Apartments at Grand Park, Planning Area 2W.1 and 2W.2

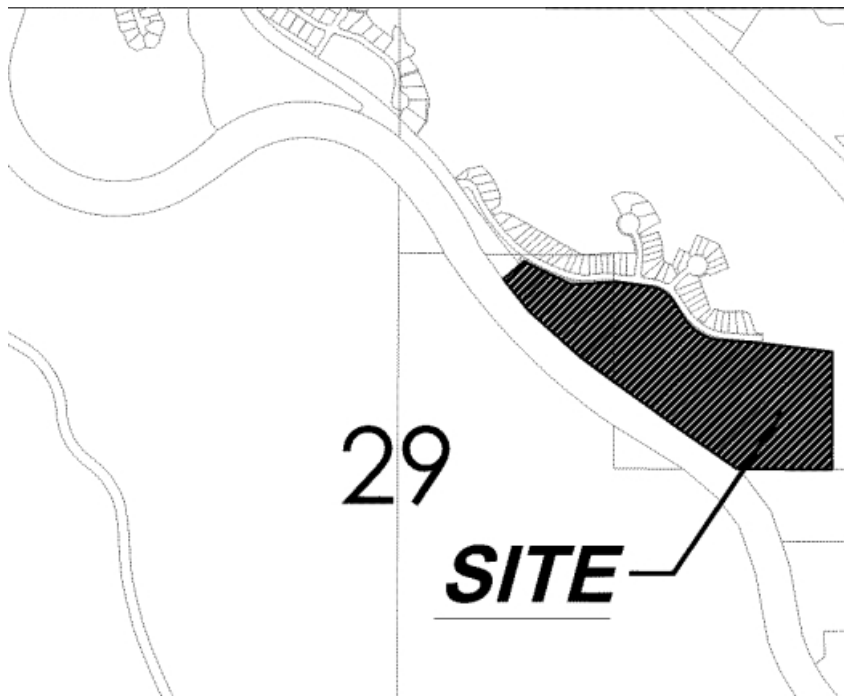
ACTION REQUESTED:

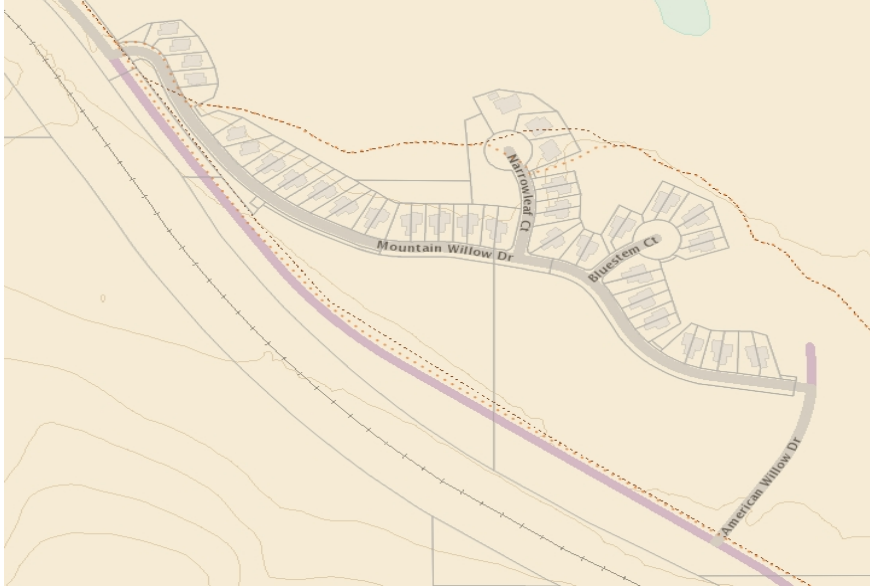
The applicant, Grand Park Development, LLC., is requesting Preliminary Plat and Final Plan approval of The Willows Apartments at Grand Park.

BACKGROUND:

This subdivision application is being processed as a Major Subdivision in accordance with Section 17-5-10 of the Fraser Municipal Code. The purpose of a major subdivision plat is to divide one (1) or more lots or parcels of land into a total of five (5) or more lots or five (5) or more dwelling units.

Maps below indicates the general vicinity of this proposed development:





According to the project narrative, the applicant is proposing a 204 unit for-rent multi-family residential community to be constructed in two phases near Old Victory Road and American Willow Drive. Phase 1 includes 132 for-rent multi-family units and a clubhouse and Phase 2 includes 72 for-rent multi-family units.

The development application is located within the Grand Park Planned Development District Plan (PDD). A copy of the PDD is in the packet. This planning area is 2W and the PDD allows for an average density on 7.6 units per acre, 150 detached and 100 attached residential units, 278 lodging units and 30,000 square feet (SF) of commercial on 33.8 acres. This development application would create a total of 259 units on 33.8 acres which equates to an average density of 7.66 units/acre. 9 residential units are being transferred from 5W. The approved land use for Planning Area 5W is 70 detached residential units and 30 detached residential units. The Final Plan for Planning Area 5W allows 70 detached residential units. With this density transfer, a total of 79 units have been allocated, leaving 21 residential units left in Planning Area 5W.

The Land Use and Development Notes on sheet 3 of 11 of the PDD state the following: Planning Area 2W comprises of 33.8 acres on an upland on the west side of Cozens Meadow. The area is adjacent to the railroad – served by the Old Victory Road and Grand Park trail system. This area has views of the Meadow and the Divide. A series of ponds and wetland related landscape may be utilized to transition to the pasture condition of the Meadow. The architecture will draw from traditional forms and materials of lodges and residential neighborhoods.

The development standards for Planning Area 2W suggest a mixed-use land use, with a 75' height maximum, 0' front yard setback, 0' side yard setback, 0' rear yard setback and 10% open space requirement. There is also a 15' improvement and 20' building setback from Old Victory Road.

We have sent this development application to review agencies and utility entities for outside agency review. Agency review comments are in the packet.

Applicant must address outside review agency comments from the following entities: **Colorado Parks and Wildlife, Xcel Energy, and Mountain Parks Electric.**

Included in the packet are review comments provided by Public Works relating to utility and construction standards. Merrick & Company has also provided drainage and utility engineering comments.

PRELIMINARY PLATS:

Add land use table to plats. The table shall include: land uses, approximate acreage of each land use and percentage of each land use, total acreage and square footage of property, total numbers of lots, maximum number of each type of dwelling unit proposed, parking and average density per acre. See Checklist.

Add Old Victory Road (OVR) building and improvement setbacks to plat in accordance with the Grand Park PDD (Rec.# 2005012709), Sheet 3. For consistency, use similar language that is on Final Plan.

Clarify plat note #10. All setbacks are zero. For consistency, use similar language that is on Final Plan.

FINAL PLAN:

Clarify Note #6 (regarding the density transfer) to indicate that in Planning Area 5W, 79 of the 100 units have been accounted for leaving 21 units to be platted in 5W.

On sheet 12 of 14 of the Final Plan, denote bus stops as existing or proposed.

OTHER:

A letter from US Army Corps of Engineers has been provided approving the realignment of Cozens Ditch.

Provide emergency turnaround easement at the end of American Willow Drive per Code Section 14-3-40 Horizontal alignment (All dead-end streets require turnarounds or cul-de-sacs per Attachment A-12 - Cul-De-Sac and Turnarounds for Streets. All turnarounds shall provide ten (10) feet of level, treeless ground around the perimeter. Special attention should be given to provide adequate functional snow storage and sight distance. All turnarounds shall be signed "Emergency Turn Around, No Parking Anytime.").

The Public Transit Plan included in the FPDP (Sheet 12) must be amended to conform with the Transit Plan approved as part of the FPDP for the Meadows and Planning Area 3Wc (Rec. #2020001835).

The applicant needs to confirm the exterior lighting is dark sky compliant.

PARKING:

https://library.municode.com/co/fraser/codes/municipal_code?nodeId=CH19LADECO_ART4DE_ST_DIV2PAST_S19-4-230PASPRE Link to Parking space requirements.

Multi-family (1 bedroom or studio) dwelling unit	One (1) space.
Multi-family (2 bedroom) dwelling unit	One and one-half (1.5) spaces.
Multi-family (3 or more bedroom) dwelling unit	Two (2) spaces.

It appears the applicant has met and exceeded the parking requirements.

There is also some attorney correspondence in the packet. The letter dated October 1, 2021, from The Whitmer Law Firm indicates that staff will recommend denial of this development application unless certain matters are corrected, and the plan resubmitted no later than October 14, 2021. As stated in the same letter, **the following deficiencies previously were noted last spring and summer, yet remain unaddressed:**

1. The portions of Planning Area 23W included in the development area of the preliminary plat and FPDP must be removed to preserve the Cozens Meadow open space in accordance with the Annexation Agreement and PDD Plan.
2. The areas shown as 2W.3 and 2W.4 on the FPDP must be removed because they are not part of the current development plan and they will not be approved as future development sites until actual development plans, consistent with the PDD, are submitted.
3. Grand Park must agree to provide a dedicated right-of-way for and construct Old Victory Road from the existing terminus at Mountain Willow Drive to Kings Crossing Road as part of the subdivision improvements for this project. The timing for completing certain segments should be addressed in the SIA.
4. Grand Park must agree to construct the Highway 40 sewer crossing to provide the capacity necessary to serve the Willows project, as well as future development. The proposed Willows project will exceed the capacity of the current system. Construction of these sewer improvements must be included in the SIA, or in a separate improvement agreement, and must be completed before any Certificates of Occupancy will be issued for the Willows Apartments.

Staff has provided the following materials in the packet:

- Planner Briefing (THIS MEMO)
- Draft PC Resolution 2021-10-01
- Notice of Public Hearing
- Public Works & Engineering Comments
- Agency Review Comments
- Public comments
- Grand Park PDD
- Attorney Correspondence

The applicant has provided the following materials in the packet:

- Preliminary Plat
- Final Plan
- Project Narrative
- Terracina response letters
- Civil TKE response letters
- 2004 Rendezvous TIA
- 2W Trip Generation Letter
- USACE Correspondence

The applicant has also provided the following materials that are not in the packet:

- Density chart
- HUD Environmental Assessment
- Soils and Foundation Investigation
- Civil Plans and Reports
- Drainage Report
- Neighbor list
- Title Commitment

RECOMMENDATION:

Staff has the following concerns regarding this application:

1. Improper Inclusion of 23W into Development Plan:
 - a. The portions of Planning Area 23W included in the development area of the preliminary plat and the FPDP were not removed to preserve the Cozens Meadow open space in accordance with the 2003 Annexation Agreement and 2005 PDD Plan, as was previously requested of the Developer by staff.
 - b. Incorporation of portions of Planning Area 23W in the development area is contrary to the terms and intent of the 2003 Annexation Agreement and 2005 PDD and is destructive of the goal of preserving Cozens Meadow.
 - c. The Developer has argued that there are prior “precedents” that justify inclusion of Planning Area 23W tracts into the Willows Apartments development area. However,

the prior “precedents” referred to by the Developer do not justify the current proposal. The Planning Area 23W tracts referred to were not incorporated into those development areas and did not detract from the meadow areas intended for a conservation easement.

- d. Developer’s proposed plan is an apparent attempt to utilize more than the 33.8 acres it is allotted to enhance and expand its development beyond what was contemplated by the 2003 Annexation Agreement and 2005 PDD, all at the expense of Cozen Meadows’s available acreage.
- e. Accepting Developer’s arguments in favor of inclusion of pieces of 23W into its development plan for the Willows Apartments means abandoning the idea that Planning Areas are to be self-contained. If development areas are not self-contained and located where the PDD says they should be located, then they could be configured any way in the future, and not consistent with the intent of the 2003 Annexation Agreement of 2005 PDD.

2. Improper Inclusion of 2W.3 and 2W.4 into Development Plan:

- a. The areas shown as 2W.3 and 2W.4 on the FPDP were not removed, also as previously requested by staff. Because these areas are not part of the current development plan, they cannot be approved as future development sites, unless and until actual development plans, consistent with the 2003 Annexation Agreement and 2005 PDD, are submitted to the Town of Fraser for review and approval.

3. Lack of Commitment to Dedicate Right-of-Way:

Developer must agree to provide a dedicated right-of way for and construct Old Victory Road from the existing terminus at Mountain Willow Drive to Grand Park Drive as part of the subdivision improvements for this project. The timing for completing certain segments should be addressed in the SIA. To date, Developer has not committed to dedicate said right-of-way.

4. Lack of Commitment to Construct Sewer Crossing and Improvements:

Developer must agree to construct the Highway 40 sewer crossing to provide the capacity necessary to serve the Willows project, as well as future development. The proposed Willows project will exceed the capacity of the current system. Construction of these sewer improvements must be included in the SIA, or in a separate improvements agreement, and must be completed before any Certificates of Occupancy will be issued for Willows Apartments. To date, Developer has not committed to construct the sewer crossing and associated improvements.

Based on these concerns and those of the Town Attorney, staff recommends that the Planning Commission push up the preliminary plat for review by the Board of Trustees per Code Section 19-1-210 (f) and that the Planning Commission recommend denial of the FPDP and preliminary plat by the Board of Trustees. **See PC Resolution 2021-10-01 in packet.**

Please contact me with questions/concerns. ctrotter@town.fraser.co.us