

**FRASER PLANNING COMMISSION
RESOLUTION NO. 2021-10-01**

A RESOLUTION CONCERNING THE APPLICATION OF GRAND PARK DEVELOPMENT LLC (“DEVELOPER”) FOR APPROVAL OF A FPDP AMENDMENT AND PRELIMINARY PLAT FOR THE WILLOWS APARTMENTS AT GRAND PARK.

At the regular meeting of the Fraser Planning Commission held on October 27, 2021, a hearing was held for consideration of a Final Planned Development Plan (FPDP) amendment and Preliminary Plat for the Willows Apartments at Grand Park; and

WHEREAS, the Planning Commission conducted a Public Hearing on the matter in accordance with the procedures set forth in Chapter 19, Article 1, Division 2 of the Municipal code of the Town of Fraser and other provisions thereof; and

WHEREAS, for the following reasons, staff recommended denial of the 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 Cozens Meadow’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 imaginable in the future, and not consistent with the intent of the 2003 Annexation Agreement or 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 a 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 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.

WHEREAS, it is the opinion and finding of the Planning Commission that the application should be "pushed-up," pursuant to Section 19-1-210(f), for final determination by the Fraser Board of Trustees on both the Final Planned Development Plan (FPDP) amendment and Preliminary Plat for the Willows Apartments at Grand Park.

NOW THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF THE TOWN OF FRASER, COLORADO:

RESOLVED, that pursuant to the provisions of said Section 19-1-210(f) of the Fraser Municipal Code, the Planning Commission hereby pushes-up for final determination by the Fraser Board of Trustees both the Final Planned Development Plan (FPDP) amendment and Preliminary Plat for the Willows Apartments at Grand Park.

FURTHER RESOLVED, that staffs' recommendations set forth above are incorporated into the decision of the Planning Commission to push this matter up and are to be forwarded to Fraser Board of Trustees for consideration in connection with their consideration of the Final Planned Development Plan (FPDP) amendment and Preliminary Plat for the Willows Apartments at Grand Park application.

INTRODUCED, READ, AND ADOPTED BY THE FRASER PLANNING COMMISSION on this 27th day of October 2021.

TOWN OF FRASER PLANNING COMMISSION

Vice Chairman

ATTEST:

Town Clerk