

May 19, 2021

Ms. Trotter  
Willows Apartments  
Preliminary Plats & Final Plan

Dear Ms. Trotter,

On behalf of Grand Park Development, Holley, Albertson & Polk, P.C, TKE Civil & Structural Engineering, and Terracina Design we request a continuance of the Planning Commission hearing to the first date possible after providing timely public notice. The following is a response to 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 and maximum number of each type of dwelling unit proposed and parking. See attached Checklist. **RESPONSE: The final plat will include required land use data and parking.**

Add 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. **RESPONSE: Noted. Language from final plan will be used.**

Clarify plat note #10. All setbacks are zero. For consistency, use similar language on Final Plan. **RESPONSE: Language from final plan will be used.**

**FINAL PLAN:**

Add density transfer chart/reserve to Final Plan, including which Planning Area density is being transferred from in accordance with Article 4.0 of the 2003 Amended and Restated Annexation Agreement (Rec. #2003-016733). **RESPONSE: Note #6 provides an explanation of which planning areas units are transferred from. A separate table showing all of Grand Park will be provided similar to when 3wc was processed.**

On sheet 12 of 14 of the Final Plan, denote bus stops as existing or proposed. **RESPONSE: Plan will be revised**

**OTHER:**

Provide a letter from USACE approving the realignment of Cozens Ditch prior to construction plan approval and plat recordation. **RESPONSE: Noted**

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."). **RESPONSE: A turn around easement will be provided over the clubhouse drop-off area which is at the end of the road and is a 24' paved surface 130' in diameter.**

## **ROD MCGOWAN COMMENTS:**

1. The April 9<sup>th</sup> FPDP graphics (Sheet 4 etc.) and legal description improperly incorporate parcels labelled "23W" and count those parcels in the open space calculations. Under the Annexation Agreement and PDD, the Planning Area 23W designated open space parcel is separate from the development Planning Areas and cannot be split into small pieces and made a part of a development area. The PDD provides that, in addition to the designated open space parcels like 23W, each development Planning Area is to include additional open space according to the Development Standards, which specify a minimum of 10% open space for Planning Area 2W. The legal descriptions, plans and plats must be revised consistent with this approach (see, e.g., the FPDP included with the 3-22-21 submittal). The revised plans must be submitted for review prior completion of the staff report to the Planning Commission, or staff will recommend denial of the application.

**RESPONSE (SCOTT ALBERTSON Holley, Albertson & Polk, P.C.) No provisions in the Amended and Restated Annexation Agreement, as amended by the 2005 PDD contemplates that open space Planning Area 23 W would be a contiguous parcel during the development of Grand Park and remain under single ownership. Similarly, I find nothing that prohibits inclusion of portions of 23W in subdivision plats as development proceeds, as long as PA 23W remains open space.**

**Both the FPDPs and plats for Elk Creek and Meadows include Tracts that are parts of PA 23W; specifically, Tract H1 in Elk Creek Filing 3 (Note 6), Tracts H2 and H3 in Elk Creek Filing 4 (Note 6) and Tract C in the Meadows (Note 16). These properties remain part of PA 23 W, just as the Tracts included within proposed Willows Filings 1 and 2 will remain part of PA 23W and be limited to use as open space. In addition, for the most part, the situation with the PA 23 W open space Tracts in the Willows is identical to that resulting in the creation of 23W Tracts in Elk Creek and Meadows. Each of the Tracts is defined by the roadways adjacent to or within the Willows, i.e. Old Victory Road to the southwest, American Willow Drive at the entry to Willows Apartments Filing 1 from OVR and Mountain Willow Drive as the main access road bisecting PA 2W.**

**Note 16 in the PDD has relevance in recognizing that changes may occur "based on market conditions and other factors that may affect the land use mix, intensity, and design of the planning areas over the projected twenty-five year development period." Similarly, Section 19-4-165 Of the Municipal Code has relevance in establishing the following criteria for open space: "Avoidance of concentrating open space into large areas with the subsequent 'packing' of residential areas" and "Open space and/or landscaping accompanies all types of developments."**

**The layout of the subdivision as depicted in the Filing 1 and 2 Preliminary Plats and the inclusion of the PA 23W open space Tracts is consistent with the above and in no way violates any provision of the Annexation Agreement, as amended by the 2005 PDD. Further, it is consistent with the precedent established by prior Grand Park subdivisions, a precedent established by Fraser and relied on by Grand Park Development, LLC.**

2. The submittal does not include adequate provisions for the dedication and construction of Old Victory Road, from the existing terminus at Mountain Willow Drive to Kings Crossing Road. The “response comments” submitted indicate that a portion between Mountain Willow Drive and American Willow Drive will remain unpaved. That is not acceptable. Further, the plats must be amended to include and dedicate adjacent portions of OVR and documentation for dedication of off-site portions of OVR must be submitted. The settlement agreement in the underpass litigation allows a permanent easement to be granted for the segment of OVR from Grand Park Drive to Kings Crossing Road, pending development of Planning Area 1Wb. The remaining portion must be dedicated or conveyed to the Town as a public street. These matters must be addressed prior completion of the staff report to the Planning Commission, or staff will recommend denial of the application.

**RESPONSE: The Old Victory Road ROW will be dedicated via a separate instrument. As discussed with staff, a phasing plan will be provided with the Final Plat submittal that delineates timing of phasing, ROW dedication, and paving. It is important to existing residents that construction traffic and staging be located as far from their homes as possible. To that end, the intention is to use OVR for construction staging while local traffic is routed along Mountain Willow Drive.**

3. Since the final plat for Filing 1 will include the OVR right-of-way and encompass all of the area to be included in Filing 2. The Filing 1 preliminary plat must be amended to include all of that area, showing the Filing 2 area as a separate tract for future development. **RESPONSE: Filing 1 plat will not include OVR ROW as mentioned in the previous comment, however a parcel for Filing 2 will be created with the Filing 1 Final Plat.**
4. 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 Plan included with the April 9<sup>th</sup> submittal is not consistent with such previously approved Plan. This item must also be addressed prior to completion of staff’s report to the Planning Commission.

**RESPONSE: Per the meeting with Staff on May 13<sup>th</sup>, it was determined that the difference in plans was the variation between the proposed private trails that were shown on the 3Wc FPPD and 2w.2 FPDP. The title and purpose of this plan is to demonstrate the latest “Public Transit” routes and stops in place. The proposed 2w.2 Public Transit plan shows the latest Lift routes and bus stops. trails shown on the 3Wc plan was simply a background layer depicting a possible proposed private trail system that is in no way implies a reservation or dedication of transit routes. All trails and pedestrian routes will be removed from the plans to reduce confusion on what the plan is intended to depict.**

