



MEMO TO: Chairperson Wolter and Planning Commissioners
FROM: Catherine E. Trotter, AICP, Town Planner
DATE: March 22, 2022
SUBJECT: Planner Briefing on Preliminary Plat and Final Plan & Site Plan Elk Creek
Condominiums PA 4W.1 and Meyer Subdivision Lot 2

MATTER BEFORE THE PLANNING COMMISSION:

Preliminary Plat and Final Plan Elk Creek Condominiums PA 4W.1 and Meyer Subdivision Lot 2.

ACTION REQUESTED:

The applicant, Grand Park Development LLC., is requesting Preliminary Plat and Final Plan approval of Elk Creek Condominiums PA 4W.1 and Meyer Subdivision Lot 2.

BACKGROUND:

This subdivision application is being processed as a Major Subdivision in accordance with Section 19-3-210 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.

Map below indicates the general vicinity of this proposed development:



**The
is located
Planned
Plan (PDD)**

**development application
within the Grand Park
Development District
and also in the Business**

District. A copy of the PDD is in the packet. This planning area is 4W and the PDD allows for an average density on 9.3 units per acre, 100 attached residential units and 105,800 square feet (SF) of commercial on 11.2 acres. Meyer Lot 2 is located in the Business District.

This development application would create a total of 46 units on 4.05 acres which equates to an average density of 11.3 units/acre. The Annexation Agreement allows for density transfers and states the following: "In the event the boundaries of a Planning Area are adjusted at the time of subdivision or Final Plan, then the approved number of residential units or the approved commercial square footage provided in the PDD shall be the controlling factor and the designated acreage or density will be adjusted from that constant."

The Land Use and Development Notes on sheet 3 of 11 of the PDD state the following: Planning Area 4W is approximately 11.2 acres situated along Old Victory Road, south of the Fraser Valley Center, adjacent to the 5-acre in holding parcel and adjoining the Elk Creek meadow. Planned for commercial site planning considerations include its relationship to Old Victory Road.

The narrative suggests that the proposed 46 condos will be located on Grand Park Planning Area 4W and the Meyer Lot 2 has only been included with this development application in order to dedicate the 60' Johns Drive ROW. **Specify width of proposed ROW on plat.** The Meyer property is subject to the Minor Subdivision Final Plat Meyer Subdivision Reception # 2005005382 and the associated Subdivision Improvement Agreement (SIA) at Reception # 2005005382. A copy of the Final Plat and the associated SIA are in the packet. The Meyer Subdivision was a resubdivision of previously platted property and was generally intended to extinguish prior restrictions and undertakings relating to the property and defer improvements and undertakings until such time as the property was developed. Among other things, the SIA

provides that the Town may require additional street rights-of-way and access and utility easements in connection with further subdivision or development for either of the lots included on the Meyer Subdivision plat.

Fraser should require additional ROW for the existing Johns Drive in conjunction with this development application to match the 60' ROW that is being proposed.

4W has 16 units remaining, not 46. 27 residential units are being transferred from 3Wa, which is Cozens Pointe, **leaving zero units left in 3Wa.** 3 residential units are being transferred from 5W, which is Elk Creek Filings 1-4, **leaving 18 units left in 5W.** **Add additional remaining unit language to Final Plan AND Final Plat notes regarding density transfer.**

The development standards for Planning Area 4W suggest a mixed-use land use, with a 45' height maximum, 10' front yard setback, 6' side yard setback, 10' rear yard setback and 10% open space requirement. There is also a 20' improvement and 20' building setback from Old Victory Road. **Add Old Victory Road setbacks to Final Plan and Final Plat.**

On Final Plan note #2, delete "130 permitted including 30% transfer. Section 4.2 of the Amended and Restated Annexation Agreement states that "Densities may be transferred between Planning Area up to 30% of the receiving area if sufficient roadway capacity and water and sewer capacity is available." This will be determined in the future.

Site data charts on sheet 3 and 4 of 11 needs to be corrected. It is suggested that there are three one-bedroom units per building times four buildings would equal 12 one-bedroom units, but the chart says 10. **Revise site data charts accordingly to equal a total of 46 units per the requested density transfer and add site date charts to Final Plat.**

PARKING:

https://library.municode.com/co/fraser/codes/municipal_code?nodeId=CH19LADECO_ART4DE_ST_DIV2PAST_S19-4-230PASPRES 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 the parking requirements.

Clarify reference to conservation easement on Sheet 3 and 4 of 11 of the Final Plan.

Reference to development permit in the title should be deleted as the Code now requires a site plan approval and not a development permit.

Also included in the packet are the following:

- Agency Review comments
- Merrick Engineering Review comments on drainage and utilities
- Whitmer Law Firm memo dated 3-15-2022

Staff has provided the following materials in the packet:

- Planner Briefing (THIS MEMO)
- Draft PC Resolution 2022-03-01
- Merrick Engineering Comments
- Whitmer Law Firm Review memo
- Agency Review Comments
- Grand Park PDD
- Proof of Publication
- Meyer replat & SIA

The applicant has provided the following materials in the packet:

- Land Use Application
- Preliminary Plat
- Final Plan & Site Plan
- Project Narrative
- Terracina Response Letter
- Mineral Rights Notice
- Adjacent Property Mailers

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

- Checklists
- Preliminary Civil Plans
- 2013 Traffic Impact Analysis
- Geotech Reports
- Neighbor list
- Property Record Card
- Draft HOA Declarations
- Title Commitment
- Legal Description
- Draft SIA
- 1999 Environmental Site Assessment
- Elk Creel Condos Architecture

RECOMMENDATION:

Staff is recommending approval of this application with the following conditions:

1. Address drainage and utility engineering comments provided by Merrick & Company and revise documents accordingly.

2. Address review comments in Whitmer Law Firm memo dated 3-15-2022 and revise documents accordingly.
3. Specify width of proposed ROW on plat.
4. Fraser should require additional ROW for the existing Johns Drive in conjunction with this development application to match the 60' ROW that is being proposed.
5. Revise note to say 4W has 16 units remaining, not 46. Add additional remaining unit language to Final Plan AND Final Plat notes regarding density transfer.
6. Add Old Victory Road setbacks to Final Plan and Final Plat.
7. On Final Plan note #2, delete "130 permitted including 30% transfer (This may be determined in the future).
8. Revise site data charts accordingly to equal a total of 46 units per the requested density transfer and add site data charts to Final Plat.
9. Clarify reference to conservation easement on Sheet 3 and 4 of 11 of the Final Plan.
10. Reference to development permit in the title should be deleted and replaced with Site Plan per Code.
11. Applicant must secure CDOT Utility Permit for US 40 sewer crossing prior to recording the final plat.
12. Applicant shall resubmit for review and approval all final plat and final plan & site plan documents. This development application shall be scheduled for Planning Commission once these conditions has been addressed.

See PC Resolution 2022-03-01.

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