



**PLANNING COMMISSION
STAFF REPORT**

Date Prepared: November 16, 2022
Meeting Date: November 23, 2022

RE: Preliminary Plat & Major Site Plan – 461 Muse Drive
To: Town of Fraser Planning Commission
From: Julie Esterl, Baseline
Project Number: TF-22-11
Project Address: 461 Muse Drive, Fraser
Applicant: Michael Ziehler, KBZ Investments LLC
Property Owner: Michael Ziehler, KBZ Investments LLC
Zoning: Low Density Multi-Family (LDMF) Residential District
CC: Ed Cannon, Fraser Town Manager
Ben Thurston, AICP, Baseline

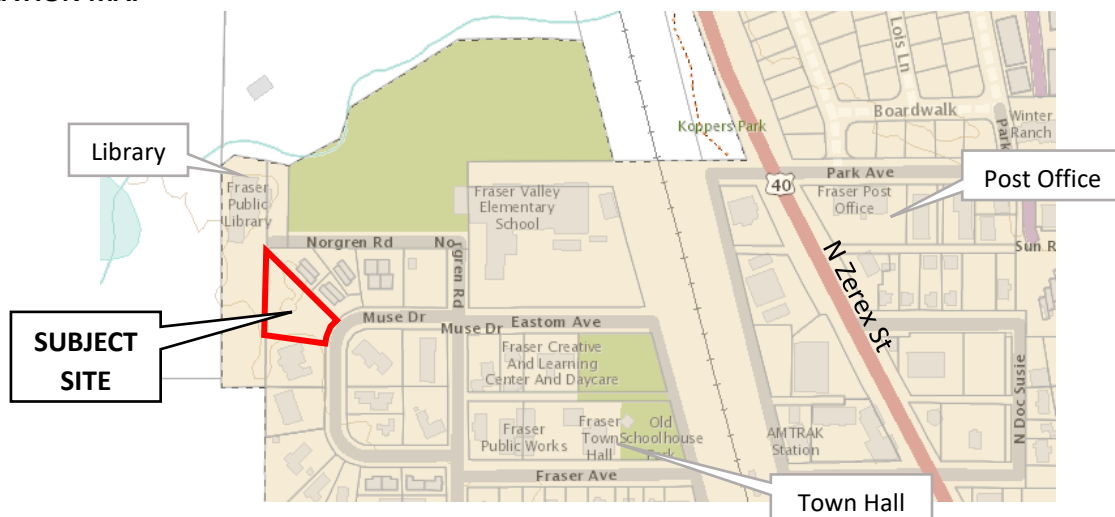


BACKGROUND

On October 5, 2022, Michael Ziehler submitted an application for a Preliminary Plat and Major Site Plan for property located at 461 Muse Drive – Lot 4, Block 1, Byers Vista subdivision. The property is owned by Michael Ziehler through KBZ Investments, LLC.

The request is for the development of two tri-plex residential buildings and associated parking on the 20,599 square-foot parcel. The proposed buildings will be 2-stories and will include 3 dwelling units each. The proposed dwellings units are approximately 1,880 square feet in size and include three bedrooms. Residential developments of three (3) or more dwelling units require Major Site Plan approval per Section 19-2-110. Residential developments of five (5) or more dwelling units require Major Subdivision approval per Section 19-3-210. The Major Subdivision process consists of two phases, Preliminary and Final Plat. This request is for the review of the Major Site Plan and the Preliminary Plat.

LOCATION MAP



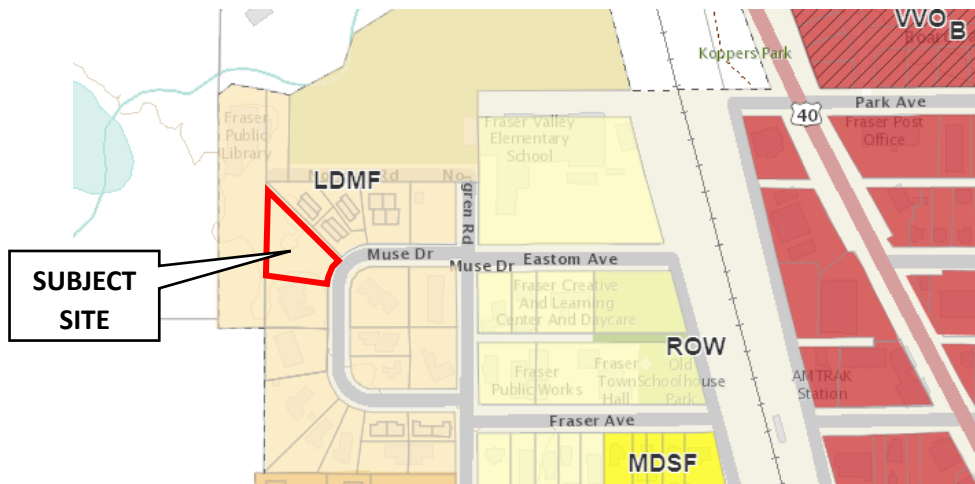


ZONING & LAND USE

The property is zoned Low Density Multi-Family (LDMF) Residential. Multi-family dwellings are a permitted use in the LDMF district. Section 19-2-230 outlines the district standards of the LDMF district.

- Lot area: 3,000 square feet are required for each dwelling unit. Minimum lot area for six dwelling units is 18,000 square feet. This 20,599 square foot lot meets the minimum requirement for lot area.
- Lot width: Minimum of 50 feet. The narrowest width of this lot is 64 feet which meets the minimum requirement.
- Setbacks: Front = 20 feet; Side = 7 feet; Rear = 10 feet. The proposed site plan meets these minimum setbacks.
- Building height: Maximum 35 feet. The proposed two-story buildings are 25.5 feet high which is below the maximum height allowed.
- Open space: Minimum of 35% of the total lot. The proposed site plan provides 44.6% open space which exceeds the minimum requirement.

ZONING MAP



ACCESS, PARKING, LANDSCAPING & SNOW STORAGE

The property has existing access off of Muse Drive. The site plan proposes a 24-foot-wide driveway which meets the minimum requirement.

Parking requirements for residential uses are outlined in Section 19-4-230 and Table 4.1. Multi-family units with three bedrooms require two parking spaces per unit. For six units, a total of twelve parking spaces are required. One of the spaces must be an ADA van accessible designated space. The site plan provides thirteen parking spaces which meets the requirement; however, no accessible space has been designated. The designation of a van accessible parking space has been listed as a condition of approval.

Landscaping and screening are regulated by Section 19-4-160. All trash and storage areas must be screened from public view. The addition of an enclosure or landscaping to screen the proposed trash dumpster has been listed as a condition of approval.



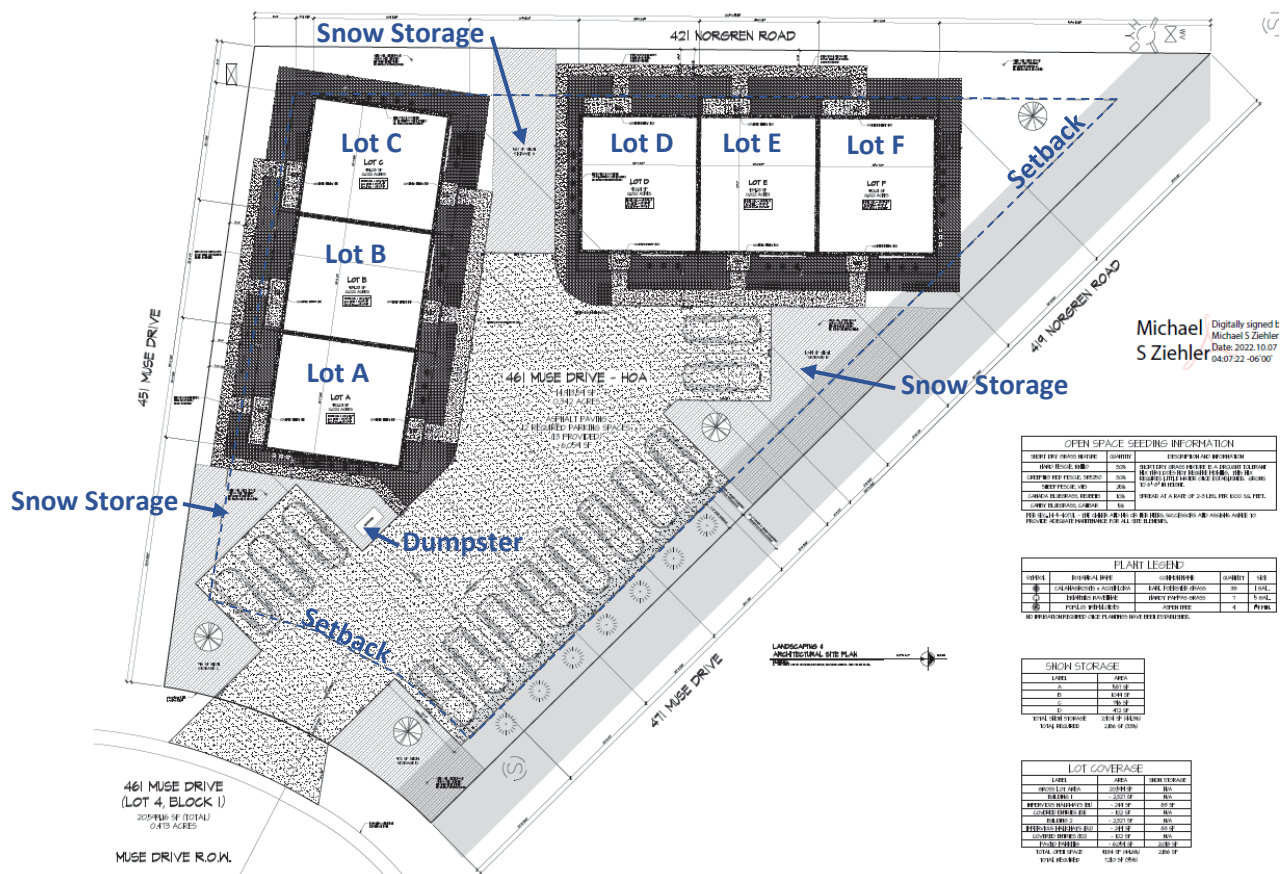
Landscape specifications are regulated by Section 14-5-40. A landscape plan has been provided as required.

- Revegetation with a native seed mix has been included as required for all disturbed areas.
- Parking lot landscape requirements: One tree and 2 shrubs are required for every twenty feet of parking lot frontage. Sixty-four feet of frontage requires 4 trees and 8 shrubs. Four trees have been provided, but only seven shrubs have been provided. The addition of one shrub is listed as a condition of approval.

Snow storage is regulated by Section 19-4-185 and requires that areas be reserved for snow storage in the amount of 33% of the paved areas. The paved parking area includes 6,059 square feet. 2,904 square feet have been designated as snow storage areas which is 47.9% of the paved areas. The land use tables on Sheet A2 show some discrepancies in these calculations which need correction and clarification. Updating the snow storage and lot coverage tables is listed as a condition of approval.

PROPOSED SITE PLAN

The site plan proposes two triplex residential buildings, 13 parking spaces, pedestrian circulation, snow storage areas, landscaping and revegetation of disturbed areas. The entire site plan drawing set, including grading, drainage and utilities, is included in the Planning Commission packet.



Michael S Ziehler
 Digitally signed by Michael S Ziehler
 Date: 2022.10.07 04:07:22 -0600

OPEN SPACE SEEDING INFORMATION		
SEED TYPE	QUANTITY	DESCRIPTION AND NOTES
GRASS SEED MIX	500	GRASS SEED MIX FOR OPEN SPACES
SHRUB SEED MIX	500	SHRUB SEED MIX FOR OPEN SPACES
TREE SEED MIX	500	TREE SEED MIX FOR OPEN SPACES
TOTAL	1500	

PLANT LEGEND			
SYMBOL	PLANT SPECIES	QUANTITY	NOTES
(Symbol)	PLANT SPECIES	QUANTITY	NOTES
(Symbol)	PLANT SPECIES	QUANTITY	NOTES
(Symbol)	PLANT SPECIES	QUANTITY	NOTES

SNOW STORAGE	
AREA	PERCENT
TOTAL PAVED AREA	6059 SF
SNOW STORAGE AREA	2904 SF
TOTAL SNOW STORAGE	47.9%

LOT COVERAGE	
LOT	COVERAGE
LOT A	100%
LOT B	100%
LOT C	100%
LOT D	100%
LOT E	100%
LOT F	100%
TOTAL LOT COVERAGE	604 SF



PROPOSED BUILDING ELEVATIONS

Proposed building elevations and renderings were provided with the applicant's cover letter and are shown below.



REFERRAL

The Major Site Plan and Preliminary Plat were sent out on referral on October 11, 2022. Comments were received by October 26, 2022 and forwarded to the applicant on November 2, 2022. The following agencies had comments that will need to be addressed by the applicant prior to Final Plat application.

Town of Fraser Planning – Julie Esterl, Baseline
Town of Fraser Water/Wastewater – Joe Fuqua
East Grand Fire District – Dennis Soles

Xcel Energy – Julie Gittins
Mountain Parks Electric – Jean Johnston
Whitmer Law Firm – Kent Whitmer



PUBLIC NOTICE

Section 19-1-215 establishes requirements for public notice when public hearings are required with land use review. Newspaper publication and mailed letters are required for the major site plan and preliminary plat review. Proof of notice is included in the Planning Commission packet.

- Newspaper: Published in the Middle Park Times on November 10, 2022
- Mailed letter: Sent by certified/return receipt mail on November 9, 2022
- Affidavits of publication and mailing are included with the Planning Commission packet.

SITE PLAN REVIEW & FINDINGS

Section 19-2-110.d provides criteria for the review and approval of a site plan. The following table lists the criteria, findings and review comments.

Sec. 19-2-110.d Review Criteria	Finding	Comment
1) The proposed site development meets all of the applicable requirements of this Chapter.	Yes, with conditions	The proposed use is permitted, and the required number of parking spaces have been provided. Conditions of approval include the designation of an accessible parking space, the screening of the dumpster, the addition of one shrub, and the clarification of the land use table. Referral comments must also be addressed, and resubmittal of the site plan is required.
2) The proposed site development is in conformance with the Comprehensive Plan.	Yes	The Comprehensive Plan identifies this property as future residential. Guidelines and goals for land development include payment of a proportionate share for public facilities. The development of this property for residential use with approval subject to payment of school and park impact fees is consistent with the Comprehensive Plan.
3) The lot size, lot dimensions and setbacks are consistent with what is shown on the approved final plat and the zone district requirements, as appropriate.	Yes	All standards of the LDMF zone district have been met.
4) No buildings or structures infringe on any easements.	Yes, with conditions	No buildings appear to infringe on any easements. Comments from Whitmer Law Firm must be addressed to confirm this.
5) The proposed site grading is consistent with the requirements of any applicable adopted storm drainage criteria or master drainage plans.	Yes, with conditions	The preliminary grading plan shows drainage that appears to be consistent with applicable requirements. The final plat and final drainage plan will be referred to Merrick Engineering for review prior to final plat approval.



PRELIMINARY PLAT REVIEW

The preliminary plat was submitted in accordance with the checklist in Appendix 1 of the Land Development Code including the submittal of Title commitment, preliminary Geotech letter, preliminary grading, drainage and erosion control plan, letter outlining development plans, and images of the proposed buildings. A Traffic Impact Analysis is required for development that will create more than 400 average daily trips (ADTs). Per Section 14-3-20, a multi-family use results in 5 ADTs per unit. This development proposes six dwelling units, resulting in a total of 30 ADTs, which is well below the threshold for Traffic Impact Analysis requirement.

Staff reviewed the preliminary plat and the survey, and forwarded comments to the applicant along with the site plan comments mentioned above. These comments need to be addressed prior to final plat application.

In addition, the survey shows that a portion of asphalt driveway encroaches on the property from the neighbor to the south. This encroachment does not appear to affect the proposed development and does not affect staff’s review or recommendation. Staff recommends the applicant work with the adjacent property owner to resolve the issue.

Preliminary plat approval is regulated by the Land Development Code as outline in the following table.

Sec. 19-3-225(c)(4)	Comment
Preliminary plat approval shall constitute authorization to proceed with an application for final plat approval in accordance with the representations made by the applicant and conditions imposed on the proposed subdivision.	This preliminary plat is determined to be sufficient for a recommendation of approval with conditions. If approved with conditions, the applicant may proceed with an application for final plat approval.

LAND DEDICATIONS/FEEES IN LIEU OF LAND DEDICATION

Section 19-3-310, establishes regulations for the subdivision of residential lands which requires land dedications or, where appropriate, a fee in lieu of land dedication for schools and parks.

- Land dedications for schools: Either 0.138 acres per multi-family dwelling unit or cash equivalent based on market value per acre.
- Land dedications for parks: Either 5% of the total area of land to be subdivided or 5% of market value.

Land dedications are not proposed with this development. Fees in lieu of land dedication will be due prior to Final Plat approval and recordation.

SUMMARY

The applicant and property owner, Michael Ziehler, has submitted a complete application for the review of a major site plan and a preliminary plat for the development of two tri-plex residential buildings at 461 Muse Drive. The application is in general compliance with the land development code with the exceptions outlined in this report and as listed as recommended conditions of approval. The application was sent on referral, and as a condition of approval all agency comments need to be addressed prior to final plat



application. The public hearing before the Planning Commission was appropriately noticed in the newspaper and by mail. Park and school land dedications or fees in lieu will be collected with the final plat prior to recordation.

REQUEST: Approval of a Major Site Plan and Preliminary Plat for the development of two tri-plex residential buildings at 461 Muse Drive.

RECOMMENDATION: Staff recommends APPROVAL subject to the following conditions:

CONDITIONS:

1. Applicant must address Planning comments and redlines dated October 26, 2022 including:
 - a) Designation of an ADA van accessible parking space
 - b) Screening of the dumpster
 - c) Addition of one shrub
 - d) Clarification of the land use table
2. Applicant must address Referral Agency comments from:
 - a) Town of Fraser Water/Wastewater - dated November 3, 2022
 - b) East Grand Fire District - dated October 17, 2022
 - c) Xcel Energy – dated October 12, 2022
 - d) Mountain Parks Electric – dated October 24, 2022
 - e) Whitmer Law Firm – dated October 24, 2022
3. Applicant must provide a written response to each referral comment.
4. Applicant must revise and resubmit all documents according to agency referral comments.
5. The preliminary plat shall be effective for a period of one year from the date of Planning Commission action. At or before the end of the one-year period, the applicant must have submitted a final plat for approval as outlined in Section 19-3-225 (c) (3) of the Fraser Land Development Code.

Attachments:

- | | |
|--|--|
| 01 Resolution | 07 Preliminary Geotech |
| 02 Applications | 08 Materials Board |
| 03 Cover Letter | 09 Statement of Owners of Mineral Rights |
| 04 Site Plan, Architectural and Civil Plan Set | 10 List of Properties within 200 feet |
| 05 Preliminary Plat | 11 Proof of Public Notice |
| 06 Survey | 12 Combined Referral Comments/Redlines |