



**PLANNING COMMISSION  
STAFF REPORT**

Date Prepared: January 30, 2023  
Meeting Date: February 22, 2023

**RE: Final 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

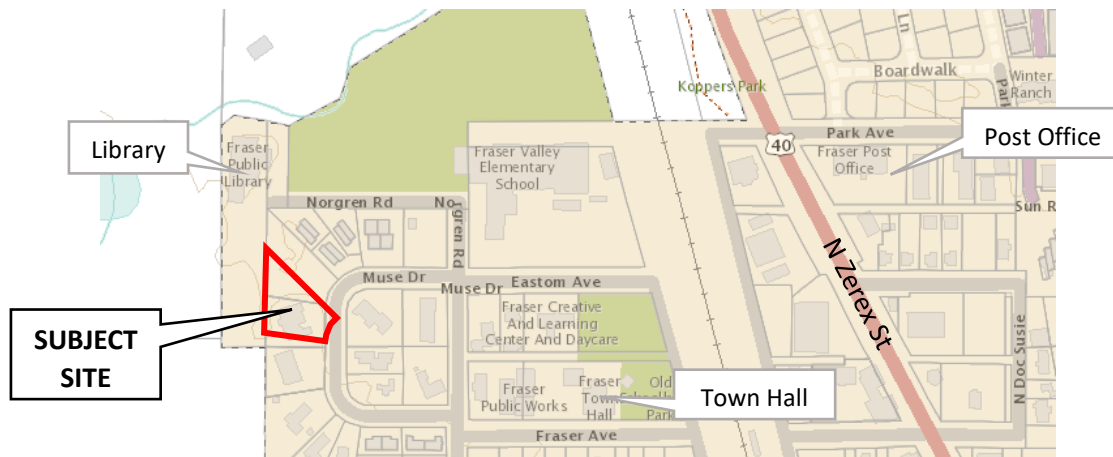


**BACKGROUND**

On November 23, 2022, the Fraser Planning Commission approved Resolution 2022-11-01 approving the 461 Muse Drive Preliminary Plat and Major Site Plan with a number of conditions (listed on pages 5 and 6 of this report). The applicant, Michael Ziehler, submitted an application for the Final Plat on December 15, 2022 which involves the subdivision of Lot 4, Block 1 of Byers Vista subdivision consistent with the approved Preliminary Plat and Major Site Plan.

The request is for the development of two tri-plex residential buildings (six dwelling units total) and associated parking on the 0.47-acre parcel. 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 Final Plat and review of the revised Major Site Plan. The site plan revisions are in response to the conditions of approval.

**LOCATION MAP**

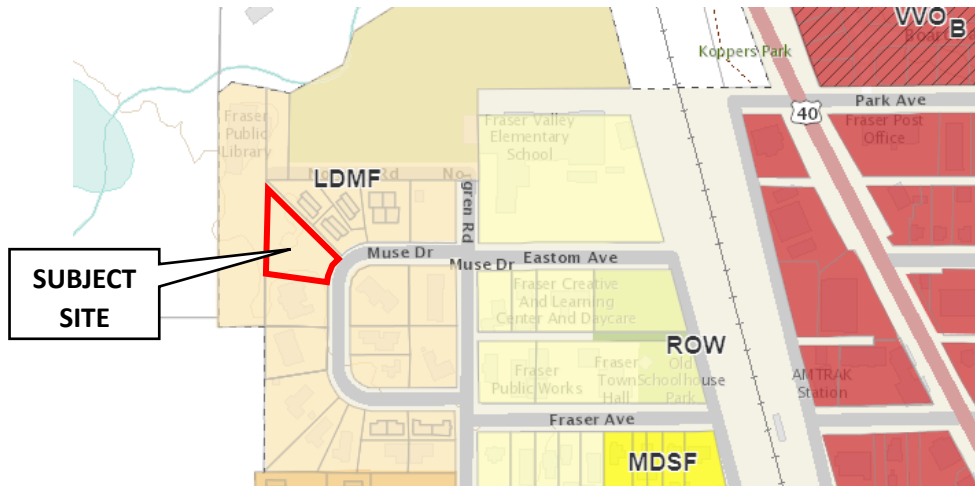




## ZONING & LAND USE

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. During preliminary plat review it was determined that the proposed development met the zoning standards for lot area, lot width, setbacks, building height and open space.

## ZONING MAP



## PARKING, LANDSCAPING & SNOW STORAGE

During preliminary plat review, it was determined that the proposed development meets the standards for access and snow storage with the exception of small clarifications in the snow storage table. The applicant has clarified the snow storage table calculations were based on 33.33% of the paved areas, which is in accordance with Section 19-4-185 of the Land Development Code.

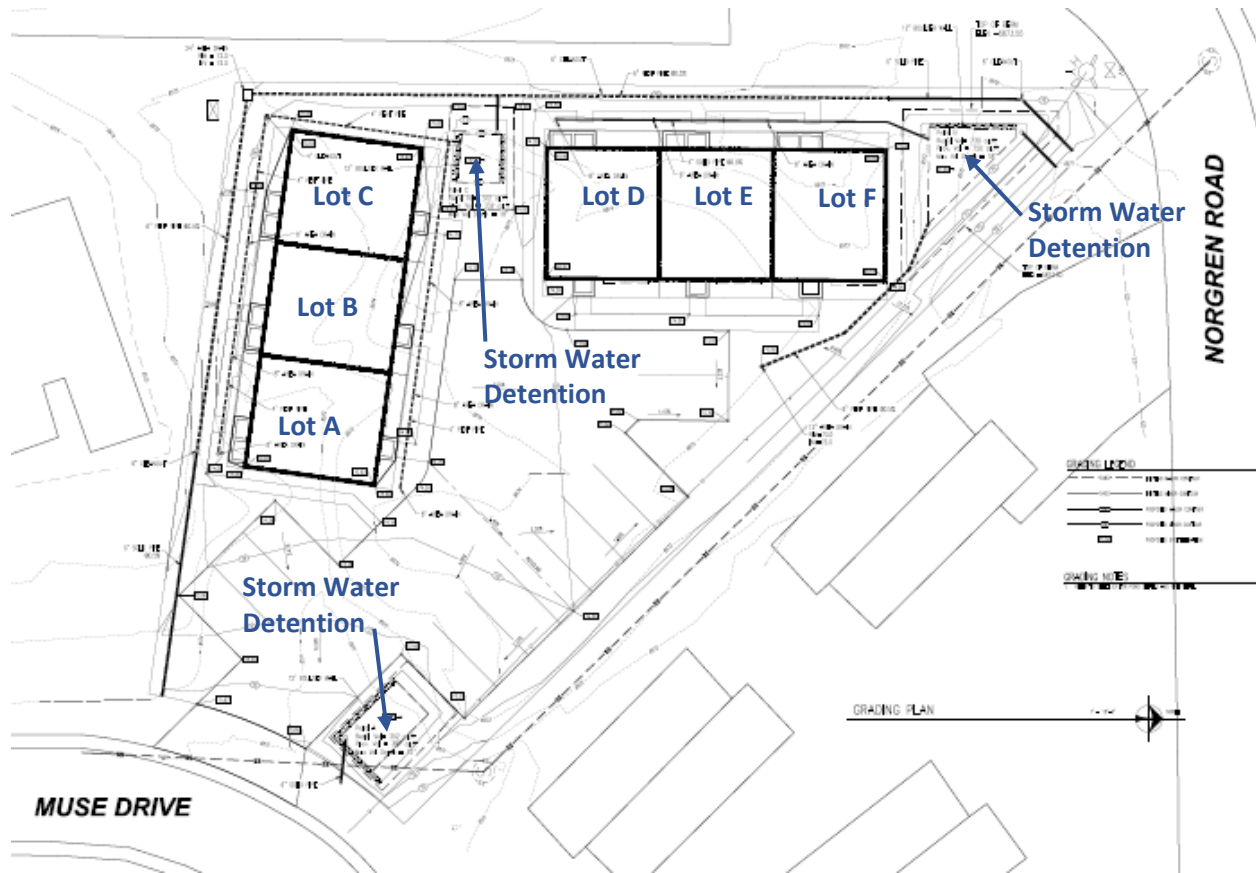
The preliminary parking plan did not include an accessible parking space which was initially determined to be required. Prior to re-submittal, the applicant and staff reviewed the parking standards in the Fraser Land Development Code, which appears to suggest that ADA standards apply to all parking within the Town. However, further investigation determined that the proposed development, which consists of two-sets of three single-family dwelling units is exempt from the parking requirements of the Fair Housing Act and ADA.

Per Section 14-5-40 (9), one (1) tree and two (2) shrubs are required for every twenty feet of parking lot frontage. Staff originally calculated sixty-four feet of frontage requires 4 trees and 8 shrubs. Only 7 shrubs were included in the landscape plan and the addition of 1 shrub was a condition of site plan approval. Prior to re-submittal of the major site plan, the applicant requested to eliminate the requirement for the one additional shrub indicating that the calculation of 3.2 trees rounds to 4 trees, but that 6.4 shrubs rounds to 7 shrubs. Staff agrees that one additional shrub is not required.





**REVISED GRADING PLAN**



**PROPOSED BUILDING ELEVATIONS**

The proposed building elevations and renderings that were provided with the preliminary application have not changed and are shown below.





**REFERRAL**

The final plat and associated site plan were sent out on referral on December 27, 2022. Comments were received by January 12, 2023. Referral comments including redline comments on the final plat document and site plan drawing set were combined into a memo titled 461 Muse Drive Major Subdivision – 2<sup>nd</sup> Referral Comments, dated January 20, 2023. These comments and redlines must be addressed by the applicant prior to Final Plat approval.

**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 final plat review. Proof of notice is included in the Planning Commission packet.

- Newspaper: Published in the Middle Park Times on February 9, 2023
- Mailed letter: Sent by certified/return receipt mail on January 31, 2023
- Proof of publication and mailing are included with the Planning Commission packet.

**CONDITIONS OF PRELIMINARY APPROVAL – RESOLUTION 2022-11-01**

On November 23, 2022, by Resolution 2022-11-01, the Planning Commission voted to approve the Major Site Plan and Preliminary Plat with five conditions. The following table lists the preliminary conditions of approval and current status.

Resolution 2022-11-01 Conditions of Approval	Status
1. Applicant must address Planning comments and redlines dated October 26, 2022 including:	
a) Designation of an ADA van accessible parking space	Resolved
b) Screening of the dumpster	Resolved
c) Addition of one shrub	Resolved
d) Clarification of the land use table	Resolved



2. Applicant must address Referral Agency comments from:	
a) <b>Town of Fraser Water/Wastewater - dated November 3, 2022</b>	<b>Unresolved</b>
b) East Grand Fire District - dated October 17, 2022	Resolved
c) Xcel Energy – dated October 12, 2022	Resolved
d) Mountain Parks Electric – dated October 24, 2022	Resolved
e) Whitmer Law Firm – dated October 24, 2022	Resolved
f) <b>Merrick Engineering – dated November 17, 2022 and November 21, 2022</b>	<b>Unresolved</b>
3. Applicant must provide a written response to each referral comment.	Resolved
4. Applicant must revise and resubmit all documents according to agency referral comments.	Partially Resolved 2 <sup>nd</sup> submittal received. 3 <sup>rd</sup> submittal required.
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.	Resolved

Unresolved items have been included in the 461 Muse Drive Major Subdivision – 2<sup>nd</sup> Referral Comments memo dated January 20, 2023.

### FINAL PLAT REVIEW

The final plat was submitted in accordance with the checklist provided in the Land Development Code and includes Title Commitment, Geotech Report, final Grading, Drainage and Erosion Control Plans and HOA documents.

Staff reviewed the final plat and included redline comments with the 461 Muse Drive Major Subdivision – 2<sup>nd</sup> Referral Comments memo dated January 20, 2023. These comments and redlines must be addressed prior to final plat approval.

Final plat approval is regulated by the Land Development Code as outlined in the following table.

Sec. 19-3-230 – Final Plat	Comment
<p>a) General. An approved final plat shall be required for all major and minor subdivisions. The purpose of the final plat is to complete the subdivision of land in conformance with the requirements and standards of the Town and all recommendations made at earlier stages of subdivision review.</p> <p>No subdivision shall be approved until such data, surveys, analyses, studies, plans and designs as may be required by these</p>	<p>The applicant has submitted the 461 Muse Drive Final Plat as part of the major subdivision process. The proposed final plat will subdivide Lot 4, Block 1, Byers Vista into six (6) lots and one (1) tract for the development of two-tri-plex residential buildings and common space to be owned and maintained by an HOA.</p> <p>The required data, surveys, studies and plans as required by the checklist in Appendix 1 of Chapter 19 of the Municipal Code have been</p>



<p>regulations and by the Town Staff, Planning Commission and/or the Board of Trustees have been submitted, reviewed and found to meet all sound planning and engineering requirements of the Town.</p>	<p>submitted and reviewed by Town staff, and have been found to meet the planning and engineering requirements of the Town with the exception of outstanding referral comments as outlined in the 461 Muse Drive Major Subdivision – 2<sup>nd</sup> Referral Comments memo dated January 20, 2023. These remaining comments must be addressed prior to the final approval of the final plat and major site plan, and have been included in the conditions of approval.</p> <p>In addition, the proposed restrictive covenants and HOA bylaws submitted must be finalized and recorded with the final plat.</p>
<p>1) For a major subdivision that has received preliminary plat approval, the final plat must be submitted within one (1) year from the date of Planning Commission or Board of Trustees action, as applicable, unless the preliminary plat expiration date had been extended by the approval body.</p>	<p>The final plat was received within one year of the preliminary plat recommendation for approval, and is therefore in compliance with this section of the Code.</p>
<p>2) Approval and recording of the final plat allows sale of lots within the subdivision to proceed; except when the conditions of approval or the subdivision improvements agreement provide otherwise, or in the case of a subdivision of condominiums and/or townhomes, where approval of an as-built plat is the instrument which allows the sales of a subdivision to proceed.</p>	<p>As a townhome subdivision, an as-built plat per the code will be required for the sale of lots.</p>
<p><b>Sec. 19-3-410 – Subdivision improvements agreement required</b></p>	<p><b>Comment</b></p>
<p>The subdivision improvements agreement (SIA) is a written contract between the Town and the applicant providing for construction of the required improvements, with collateral security to guarantee completion of such improvements as provided in these regulations. No subdivision plat shall be signed by the Town or recorded in the office of the Grand County Clerk and Recorder, and no building permit shall be issued for any subdivision or development with required improvements, until a SIA between the Town and the applicant has been executed.</p>	<p>A subdivision improvements agreement is required prior to the recordation of the final plat. This has been included in the proposed conditions of approval.</p>



19-3-415. - Types of improvements.	Comment
<p>The SIA shall address the following types of improvements unless waived by the Town:</p> <p>3) Public and private drainage. Stormwater detention and water quality facilities, drainage ditches, flood prevention and flood mitigation improvements.</p>	<p>SIAs are generally required for public improvements, but are also required for private stormwater and detention facilities.</p> <p>There are no public improvements proposed with this development, however, an SIA will be required for the proposed private stormwater and detention facilities. This has been included in the proposed conditions of approval.</p>

**LAND DEDICATIONS/FEE IN LIEU OF LAND DEDICATION**

Section 19-3-310, establishes regulations for the subdivision of residential lands which requires land dedications or, at the discretion of the Town, 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 final plat and associated major site plan for the development of two tri-plex residential buildings at 461 Muse Drive. The application is in compliance with the land development code with the exceptions outlined in this report and as listed as recommended conditions of approval.

**REQUEST:** Recommendation of approval of a Final Plat and approval of a Major Site Plan for the development of two tri-plex residential buildings at 461 Muse Drive.

**RECOMMENDATION:** Staff recommends APPROVAL subject to the following conditions:

**CONDITIONS:**

1. Prior to Final Plat and Major Site Plan approval, the Applicant shall address all comments and redlines outlined in the 461 Muse Drive Major Subdivision – 2<sup>nd</sup> Referral Comments memo dated January 20, 2023 and revise and resubmit all documents accordingly.
2. Prior to Final Plat approval and recordation, the Applicant shall execute an approved subdivision improvement agreement and provide the appropriate security.
3. Prior to Final Plat approval and recordation, the Applicant shall pay fees in lieu of park and school land dedications.





4. Prior to Final Plat recordation, the Applicant shall provide the Town with the following items as outlined in the Major Subdivision Final Plat Checklist:
  - a. Proof of filing the applicable articles of incorporation with the Secretary of State and the executed originals of all legal documents, including a final executed SIA and any required collateral.
  - b. Final plat Mylar
  - c. A fourteen (14) inch by eighteen (18) inch black line Mylar for the purpose of incorporating the data into a 911 emergency system, containing the name and subdivision, the section, township and range in which the subdivision is located, all street names, lot numbers, street addressing numbers, and unit numbers (if applicable).
  - d. A digital file of the approved final plat and 911 emergency system drawing in both CAD and PDF format for the Town's Geographic Information System (GIS).
  
5. Concurrent with Final Plat recordation, the Applicant shall record the subdivision improvements agreement as well as the HOA declaration, restrictive covenants, and bylaws.

Attachments:

- 01 Resolution 2023-02-01
- 02a Final Plat Application
- 02b Major Subdivision Final Plat Checklist
- 03 Cover Letter
- 04a Final Plat - 2<sup>nd</sup> Submittal
- 04b Final Plat - Final Submittal
- 05a Site Plan Set
- 05b Grading Plan
- 05c Pond Details
- 05d Materials Board
- 06 Geotech Report
- 07 Drainage Report
- 08a HOA Declaration
- 08b HOA Articles of Incorporation
- 08c HOA Bylaws
- 09 Statement of Owners of Mineral Rights
- 10 List of Properties within 200 feet
- 11 Proof of Public Notice
- 12 461 Muse Dr Major Subd 2nd Referral Comments