



## Town of Fraser Land Development Referral Summary

**Date:** May 1, 2023

**Project Name:** Elk Creek Condos 4W.1 FPDP and Final Plat Submittal

**Referral Begin Date:** April 3<sup>rd</sup>, 2023

**Referral End Date:** April 28<sup>th</sup>, 2023

**Applicant:** Grand Park Development LLC

**Planner:** Will Charles, Baseline

**CC:** Jeff Marck, Terracina Design

Clark Liscomb, Grand Park

Ed Cannon, Fraser Town Manager

Ben Thurston, Baseline

Julie Esterl, Baseline



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**Include a comment response sheet addressing each comment provided with your resubmittal.**

### Documents sent on referral:

- Elk Creek PA 4W.1 Sub 3 Response Letter
- Planning Commission Documents from Prelim Plat
- TF-22-07 Referral Summary
- Narrative
- Title Commitment
- 4W.1 Property Record Card – R312129
- Grand Park 4w.1 Phase III Drainage Report dated 2023.03.10
- 4w.1 FPDP Submittal #5
- ECC 4w.1 Lot 8 Plat dated 2023-01-10
- ECC 4w.1 Lot 9 Plat dated 2023-01-10
- ECC 4w.1 Lot 10 Plat dated 2023-01-10
- ECC 4w.1 Lot 11 Plat dated 2023-01-10
- ECC 4w.1 Lot 12 Plat dated 2023-01-10
- Johns Drive Access & Utility Easement
- Grand Park 4w.1 – Final CDs – 2023.03.10
- Grand Park 4w.1 – OPC -2023.03.10
- CDOT permit 3220153 Fully Executed JC
- Elk Creek II Condominiums – Declaration
- Grand Park – Density Transfer Chart (4w.1)
- Johns Drive Access & Utility Easement
- SIA- Elk Creek Condos Lots 8-11

Town of Fraser  
PO Box 370, Fraser, CO 80442 office 970-726-5491 fax 970-726-5518  
www.frasercolorado.com



**Responding Referral Agencies:**

- Will Charles – Baseline
- Jeanne Boyle – Merrick & Company
- Mark Schaefer – Merrick & Company
- Julie Koehler – Merrick & Company
- Will Berry – Whitmer Law Firm



04/28/2023

Layla Rosales  
Terracina Design  
10200 E Girard Ave, Suite A-314, Denver, CO 80231  
303-632-8867 x101  
lrosales@terracinadesign.com



**RE: Elk Creek Condos 4W.1 Final PD Plan and Final Plat 3<sup>rd</sup> Referral Comments**

Layla Rosales,

Please find the below comments regarding your submittal for Elk Creek Condos 4w.1 – Final Planned Development Plan and Final Plat.

Conditions of Preliminary Plat and Planned Development Plan Approval – Resolution 2022-03-01  
Adopted on March 23, 2022 - STAFF COMMENTS IN ALL CAPS

1. Address drainage and utility engineering comments provided by Merrick & Company and revise documents accordingly. CORRECTIONS NEEDED.
2. Address review comments in Whitmer Law Firm memo dated 3-15-2022 and revise documents accordingly. CORRECTIONS NEEDED.
3. Specify width of proposed ROW on plat. RESOLVED.
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. RESOLVED.
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. RESOLVED.
6. On Final Plan note #2, delete "130 permitted including 30% transfer (This may be determined in the future). RESOLVED.
7. 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. RESOLVED.
8. Clarify reference to conservation easement on Sheet 3 and 4 of 11 of the Final Plan. RESOLVED.
9. Reference to development permit in the title should be deleted and replaced with Site Plan per code. RESOLVED.
10. Applicant must secure CDOT Utility Permit for US 40 sewer crossing prior to recording the final plat. RESOLVED.
11. 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 have been addressed. CORRECTIONS NEEDED.

Comments:

1. Per your email request, this application can be taken before the Planning Commission. All outstanding staff comments will likely be recommended as conditions to be corrected prior to going before the Board of Trustees.

Town of Fraser  
PO Box 370, Fraser, CO 80442 office 970-726-5491 fax 970-726-5518  
www.frasercolorado.com



Regards,

A handwritten signature in black ink that reads "Will Charles". The signature is written in a cursive style with a long horizontal stroke at the end.

Will Charles  
Principal Planner, Baseline Corporation  
112 N. Rubey Drive, Suite 210  
Golden, CO 80403  
281-352-2709  
Will.charles@baselinecorp.com

April 20, 2023  
Revised April 28, 2023

Michael Brack, Town Manager  
Town of Fraser  
153 Fraser Avenue, P.O. Box 370  
Fraser, Colorado 80442

Re: Condos at Elk Creek 4W.1, Fraser, Colorado  
Water and Sewer Utility and Drainage Review  
Merrick #65420492-07

Dear Mr. Brack:

As requested, Merrick reviewed the final construction plans for Elk Creek Condos 4W.1 FPDP and Final Plat that was developed by Terracina Design and are labelled 3rd Submittal dated February 6, 2023.

This letter is organized into two sections as follows:  
Section 1 – Elk Creek PA 4W.1 Drainage Review  
Section 2 – Elk Creek PA 4W.1 Utility Review

Some questions and comments on the 3rd submittal for Elk Creek Condos 4W.1 FPDP and Final Plat need to be addressed and Merrick recommends that a 4th submittal is required to address all outstanding questions and comments.

## **Section 1 - ELK CREEK CONDOS 4W.1 DRAINAGE REVIEW**

We have reviewed the Elk Creek Condos 4W.1 FPDP and Final Plat Submittal 3 received on April 5, 2023. The submittal included a Phase III Drainage Report for Grand Park 4W.1 dated March 2023, Construction Plans for Elk Creek Condos 4W.1 dated November 23, 2022, and Elk Creek Condos 4W.1 Final Planned Development Plan (FPDP) dated March 3, 2023 by Terracina Design. We also received a comment response letter dated March 28, 2023 and other documents related to this project. We have the following comments to offer related to the drainage improvements.

### **Drainage Report**

1. As previously commented, the Proposed Drainage Plan shows that portions of the Existing Storm Drainage Pipe Extension, Temporary Diversion Ditch, and Temporary Sediment Pond are not located on property owned by Grand Park Development, LLC or within recorded drainage easements. It was stated in the response letter that a letter granting access and allowing for the temporary drainage improvements was provided. However, this letter does not appear to have been included in the submittal information that we received. A relocatable access easement agreement was provided, but the above drainage improvements are not included in the area described by the legal description.

Please let us know if you have any questions.



2480 W. 26<sup>th</sup> Street, Unit B225  
Denver, Colorado 80211

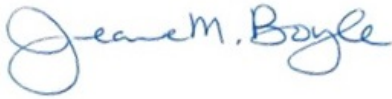


Tel: +1 303-964-3333



hello@merrick.com  
www.merrick.com

Sincerely,  
**Merrick & Company**



Jeanne M. Boyle, PE, CFM



Jeffrey A. Butson, PE, CFM

## **Section 1 - ELK CREEK CONDOS 4W.1 UTILTIY REVIEW**

We have reviewed the Elk Creek Condos 4W.1 FPDP and Final Plat Submittal 3 received on April 5, 2023. The submittal included the Construction Plans for Elk Creek Condos 4W.1 dated November 23, 2022, and Elk Creek Condos 4W.1 Final Planned Development Plan (FPDP) dated March 3, 2023 by Terracina Design. We also received a comment response letter dated March 28, 2023 and other documents related to this project. We have the following comments to offer related to the utility improvements.

### **UTILITY REVIEW COMMENTS**

#### **Final Construction Places 2<sup>nd</sup> Submittal (February 3, 2023) Comments Not Addressed to Merrick Standards:**

- ~~1. Per previous comments dated October 21, 2022, sanitary sewer flows from the Elk Creek PA 4W.1 site must be directed to the existing boring under Hwy 40.~~
- ~~2. Please reference the Pre Inclusion Agreement dated May 9, 2000 between Fraser Sanitation District and Maryvale Village LLC, item 5 and exhibit D, where connection points are shown. Please also reference Grand Park PDDP, dated 2005, Preliminary Sewer Plan sheet 7 of 11. 4/28/2023: These items struck based on discovery of a more recent document.~~

#### **General:**

Town of Fraser has given permission for the sanitary sewer flows from Elk Creek 4W.1 to be routed through Old Town. Certificates of occupancy for Elk Creek 4W.1 units will not be issued until sanitary sewer bore across Highway 40, north of Bank of the West, is opened and operational.

#### **Final Construction Plans Comments:**

Sheet 3 of 34. Overall Site Plan:

1. Asphalt sawcut and paving at intersection of new Johns Drive and old Johns Drive. Minimize patchwork of asphalt at utility connections by providing asphalt sawcuts perpendicular to vehicle traffic and provide uniform paving in the intersection.

Sheet 6 of 34. Overall Utility Plan:

1. Verify that all sewer and water have a minimum horizontal separation of 10' from outside to outside of pipe per state regulations and Town of Fraser design std. sec. 14-3-340.a.4. Sanitary sewer stub to the north of Johns Drive and fire hydrant lateral are 10' from center to center of pipe.
2. Several existing utility callouts state "TO ME REMOVED", change to "TO BE REMOVED".

q:\denver\_north\projects\0492-07 fraser development reviews\reviews\1003\_elk creek condos 4w.1\2023-0405 tf-22-07 fdpd final plat 3rd submittal\elk creek pa 4w.1 drainage and utility review\_2023-0428.docx



Sheet 7 of 34. Utility Plan (1 of 2):

1. Move valve outside of concrete curb on the fire hydrant lateral in front of BLDG K.
2. Several existing utility callouts state "TO ME REMOVED", change to "TO BE REMOVED".

Sheet 8 of 34. Utility Plan (2 of 2):

1. Move valve outside of concrete curb on the fire hydrant lateral in front of BLDG K.
2. Move valve into pavement area on the fire hydrant lateral in near of GARAGE A.
3. Correct leaders in a few areas on this sheet.
4. Previous submittal had gate valve on fire hydrant lateral near GARAGE D. Add back into plan set.

Sheet 15 of 34. Sanitary Plan and Profile:

1. Sanitary sewer stub north of Johns Drive does not have information provided. Provide sanitary sewer profile, pipe design information, plug elevation and water line crossing shown.
2. STRC-13 does not have invert information of sewer stub from the north in the profile. Provide invert elevation.
3. Sanitary sewer profile does not show 6" DIP fire hydrant laterals or 6" water line service to the buildings. There appears to be utility pipe conflicts that need to be addressed with 18" clearance per Town of Fraser standard detail A-23.
4. Remove duplicate Utility Note that is overwriting Legend information.

Sheet 16 of 34. Water Plan and Profile (1 of 2):

1. Show sanitary sewer stub pipe crossing north of Johns Drive in the water line profile with 18" clearance per Town of Fraser standard detail A-23.
2. Fix overlapping text on utility callouts.

Sheet 17 of 34. Water Plan and Profile (2 of 2):

1. Verify that 6" sanitary sewer service to BLDG H does not conflict with 8" water line with 18" clearance per Town of Fraser standard detail A-23.

**Engineer's Opinion of Estimated Cost:**

Included with the submittal of Elk Creek PA 4W.1 submittal was the Engineer's Opinion of Estimated Cost. The following comments are as follows:

1. Unit costs have been adjusted per recent Town of Fraser capital improvement projects as well as other recent development projects near the Town of Fraser.
2. The Water Subtotal was not included in the Phase 1 Subtotal. Review the spreadsheet to make sure calculations are correct.



Please let us know if you have any questions.

Sincerely,  
**Merrick & Company**



Julie Koehler, PE, ENV SP  
Sr. Project Manager



Jody Allen  
Asst. Project Manager

Cc: Alyssa Rivas, Baseline Engineering Corporation  
Julie Esterl, Baseline Engineering Corporation  
Will Charles, Baseline Engineering Corporation





**Engineer's Opinion of Estimated Costs for  
Grand Park 4W.1**

**11/23/2022**

**Note: All Costs Must Include Labor and Materials.**

<b>Item #</b>	<b>Description</b>	<b>Quantity</b>	<b>Unit</b>	<b>Unit Cost</b>	<b>Total Cost</b>	
<b>PHASE 1</b>						
<b>Grading</b>						
	Mobilization	1	EA	\$30,000.00	\$30,000.00	OK
	Clearing and Grubbing	5.36	AC	\$2,000.00	\$10,720.00	OK
	Subgrade Prep (rip and re-compact)	25,960	SY	\$2.00	\$51,920.32	OK
	Cut to Fill Onsite	18,277	CY	\$2.00	\$36,554.05	OK
	Import Material					
	<b>Grading Sub Total</b>				\$129,194.37	OK
<b>Erosion Control</b>						
	Concrete Washout Area	2	EA	\$100.00	\$200.00	\$2,400
	Diversion Ditch	800	LF	\$1.60	\$1,280.00	OK
	Inlet Protection	7	EA	\$367.00	\$2,569.00	\$3,500
	Sediment Basin	5	AC	\$1,100.00	\$5,896.00	OK
	Sediment Control Log	1,082	LF	\$2.00	\$2,164.00	OK
	Seeding & Mulching	1	AC	\$2,500.00	\$2,500.00	\$3,250
	Stabilized Staging Area	1,000	SY	\$2.00	\$2,000.00	OK
	Vehicle Tracking Control	2	EA	\$1,000.00	\$2,000.00	\$6,400
	<b>Erosion Control Subtotal</b>				\$18,609.00	\$26,890
<b>Transportation</b>						
	Saw Cut Existing Asphalt	322	LF	\$2.00	\$644.00	\$1,050
	Remove Existing Gravel	18,300	SF	\$0.50	\$9,150.00	OK
	Paving -Asphalt	5,874	SY	\$30.25	\$177,701.93	\$321,130
	7" Base Course	5,875	SY	\$15.05	\$88,418.75	\$160,560
	6" Vertical Curb & Gutter w/ 2' Pan	900	LF	\$17.60	\$15,840.00	OK
	4' Wide Concrete Pan (Johns Drive)	1,631	LF	\$12.00	\$19,572.00	\$39,144
	2' Wide Concrete Pan (Private Drive)	960	LF	\$6.00	\$5,760.00	\$11,520
	5' Detached Concrete Sidewalk	2,420	LF	\$29.25	\$70,785.00	OK
	Crosspan	2	EA	\$3,330.00	\$6,660.00	OK
	Curb Ramps	10	EA	\$1,955.00	\$19,550.00	\$25,000
	Concrete Trash Enclosure Pad (12" Thick)	850	SY	\$25.00	\$21,250.00	OK
	Public Signage	17	EA	\$341.00	\$5,797.00	OK
	Striping - 6" Solid Parking	800	LF	\$1.00	\$800.00	\$3,000
	<b>Transportation Subtotal</b>				\$441,928.68	\$690,886
<b>Storm Drain</b>						
	15" RCP Pipe	200	LF	\$69.00	\$13,800.00	\$18,000
	18" RCP Pipe	40	LF	\$79.00	\$3,160.00	\$4,400
	30" RCP Pipe	850	LF	\$165.00	\$140,250.00	OK
	10" PVC Pipe (SCH 40)	160	LF	\$30.00	\$4,800.00	OK
	18" HDPE Pipe	210	LF	\$50.00	\$10,500.00	\$14,700
	Inlet Type C	3	EA	\$7,850.00	\$23,550.00	OK
	18" FES	1	EA	\$1,200.00	\$1,200.00	\$1,700
	30" FES	1	EA	\$1,600.00	\$1,600.00	\$2,400
	5' Manhole	7	EA	\$4,272.00	\$29,904.00	\$47,600
	Forebay	3	EA	\$3,000.00	\$9,000.00	\$15,000
	<b>Storm Drain Subtotal</b>				\$223,964.00	\$272,400
<b>Sanitary Sewer</b>						
	Remove Existing 8" Sanitary Pipe (Including Manholes)	630	LF	\$100.00	\$63,000.00	OK
	Connect to Existing Sanitary Main	1	EA	\$3,000.00	\$3,000.00	OK
	6" Sanitary Service	280	EA	\$50.00	\$14,000.00	\$21,000
	4' Manhole	9	EA	\$7,250.00	\$65,250.00	\$81,000
	8" PVC Pipe (SDR 35)	930	LF	\$74.00	\$68,820.00	\$96,720
	<b>Sanitary Sewer Subtotal</b>				\$214,070.00	\$264,720

Item #	Description	Quantity	Unit	Unit Cost	Total Cost	
	<b>Water</b>					
	Demo Existing Fire Hydrant	5	EA	\$1,500.00	\$7,500.00	OK
	Connect to Existing Water Infrastructure	2	EA	\$2,500.00	\$5,000.00	OK
	8" DIP Pipe	1,460	LF	\$67.00	\$97,820.00	\$318,280
	6" DIP Pipe	390	LF	\$69.00	\$26,910.00	\$58,500
	8" 11.25° Bend	11	EA	\$700.00	\$7,700.00	\$14,300
	8" 22.5° Bend	7	EA	\$700.00	\$4,900.00	\$9,100
	8" 45° Bend	4	EA	\$700.00	\$2,800.00	\$5,200
	8" Valve	18	EA	\$2,150.00	\$38,700.00	\$90,000
	8"x8" Tee	3	EA	\$921.00	\$2,763.00	\$4,050
	Hydrant Assembly	7	EA	\$9,975.00	\$69,825.00	\$152,600
	<b>Water Subtotal</b>					\$664,530
	<b>Miscellaneous Utility</b>					
	Underground Dry Utility Trenching	1,200	LF	\$10.00	\$12,000.00	OK
	<b>Miscellaneous Utility Subtotal</b>				\$12,000.00	\$12,000
	Phase 1 Subtotal				\$1,178,625.05	\$2,060,620
	15% Contingency				\$176,793.76	\$309,093
	<b>PHASE 2</b>					
	No Improvements		EA	\$0.00	\$0.00	
	Phase 2 Subtotal				\$0.00	
	15% Contingency				\$0.00	
	<b>PHASE 3</b>					
	No Improvements		EA	\$0.00	\$0.00	
	Phase 3 Subtotal				\$0.00	
	15% Contingency				\$0.00	
	<b>PHASE 4</b>					
	No Improvements		EA	\$0.00	\$0.00	
	Phase 4 Subtotal				\$0.00	
	15% Contingency				\$0.00	
	<b>Grand Total</b>				<b>\$1,355,418.81</b>	<b>\$2,369,713</b>

1. Surety is calculated based on Public Improvement Costs.
2. Inspection Fees are calculated from Public Improvements and Private Improvements to be inspected.
3. Plan Review Fees are calculated from the Grand Total of all Improvements.
4. Use Tax is calculated from the Grand Total of all Improvements minus Earthwork.
5. All Costs Shall Include Labor and Material.



## THE WHITMER LAW FIRM, LLC

◆ www.whitmerlawfirm.com ◆

Physical: 63331 U.S. Hwy. 40, Granby CO 80446  
Mailing: P.O. Box 38, Hot Sulphur Springs, CO 80451  
Phone 970.725.3460

Kent H. Whitmer (Kent@whitmerlawfirm.com)‡  
Sean C. Lemieux (Sean@whitmerlawfirm.com)◇

William G. Berry (Will@whitmerlawfirm.com)†  
Kaitlin Randall (Katie@whitmerlawfirm.com)◇

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### MEMORANDUM

**TO:** Ms. Alyssa Rivas

**FROM:** THE WHITMER LAW FIRM

**DATE:** April 19, 2023

**RE:** Elk Creek Condos Final Plat and FPDP Third Submittal Legal Review

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Alyssa,

In connection with the third submittal for the Elk Creek Condos, we have reviewed Terracina responses to our previous comments and have updated the below comments accordingly in red. As before, **Applicant would like to discuss all of our comments directly with the Board.**

1. The Town is aware of a *lis pendens* recorded December 7, 2021 at Reception No. 2021013626 encumbering some of the site, which overlaps a portion of the southwest side of the submitted development. This *lis pendens* is not included in the submitted title commitment. The *lis pendens* should be listed on the title work and should be released as to the proposed development as a condition of final approval. It also appears that the southwest portion of the development lies outside of Planning Area 4W.1 and arguably encroaches into an area contemplated to be included in the Elk Creek conservation easement, which is currently the subject of litigation between the applicant and the Town. While the location of development within Planning Area 4W.1 is malleable, it should occur within the boundaries of the Planning Area. With a portion of the submitted development clearly lying outside of Planning Area 4W.1, the Board of Trustees will need to agree to this proposed configuration. **No additional comment.**
2. Under Code § 19-3-230(d), “The final plat shall include a plat note, in form approved by the Town Attorney, which advises purchasers and owners of any lot, parcel or tract shown thereon that, while building permits may be issued prior to final completion of subdivision improvements, no certificate of occupancy may be issued for a structure on any lot, parcel or tract until all such improvements, as required by the SIA, have been completed and preliminarily accepted by the Town pursuant to Section 19-3-445.” Plat Note 13 must reference the SIA because the SIA guarantees improvements included on the FPDP. We recommend that Note 13 be amended so that its last sentence states “THE PARKING, SNOW STORAGE, DRAINAGE, LANDSCAPING, AND OTHER IMPROVEMENTS INCLUDED IN EACH APPROVED

BUILDING PERMIT APPLICATION OR IN THE SIA SHALL BE COMPLETED AND PRELIMINARILY ACCEPTED BY THE TOWN IN ACCORDANCE WITH TOWN CODE SECTION 19-3-445 PRIOR TO ISSUANCE OF A FINAL CERTIFICATE OF OCCUPANCY FOR EACH BUILDING AND SHALL BE DELINEATED ON THE AS-BUILT CONDOMINIUM MAP AS MORE PARTICULARLY DESCRIBED IN PLAT NOTE 14.”

Terracina’s response says that the above comments was addressed, but no new plat was submitted. We therefore have the same comment as above.

3. The submitted Subdivision Improvements Agreement Exhibit C (Improvement Schedule) does not include a sufficient timeline to comply with the SIA, which states at Paragraph 3.1:

Subdivider shall construct the Improvements in strict accordance with the schedule described on the attached **Exhibit C**. Any failure by Subdivider to commence or complete the construction of the Improvements in strict compliance with the schedule established in **Exhibit C** shall constitute a default by Subdivider and shall entitle the Town to proceed in accordance with the provisions of Section 15 of this SIA.

Applicant providing an *anticipated* completion date will not allow for “strict compliance” with the required schedule and is therefore inadequate.

In addition to the above comment, we refer applicant to TC Sec. 19-3-430. Time for completion, which states:

The time allowed for the completion of required improvements shall be as provided in the SIA; or, if no time for completion is specified in the SIA for some or all required improvements, such improvements shall be completed within two (2) years from the recording date of the final plat or issuance of the development permit, whichever is applicable. The Board of Trustees may extend such time for completion upon request from the applicant, for good cause shown.

Sincerely,



Kent Whitmer, Town Attorney

CC: Michael Brack