



# SUBDIVISIONS

## WHAT IS A SUBDIVISION?

Pursuant to Colorado State law, any property split or modification of existing property lines require a subdivision plat approval from the controlling municipality. In the City of Wheat Ridge, subdivision processes are controlled by **Article IV of the Zoning and Development Code**.

A subdivision is the creation or modification of lots, tracts, parcels or other divisions of land for the purpose of sale or development. Subdivisions can create new lots, consolidate existing lots, or modify existing lot lines. A subdivision plat is the map that shows property boundaries, easements, rights-of-way, monuments, and other landmarks for the purpose of identifying property and preparing it for development. A plat is prepared by a registered land surveyor.

The City of Wheat Ridge code recognizes two types of subdivisions, as listed below, plus right-of-way vacations. Each type of subdivision is subject to a different review process as described in this handout. The subdivision regulations do not apply in certain situations such as land division by order of a court for the settlement of an estate, by a foreclosure of a deed of trust or for the creation of cemetery plots.

- **Type I subdivision:** Any subdivision that conforms to all subdivision and zoning regulations and does not require a right-of-way vacation, waiver, or variance.
- **Type II subdivision:** Requires a waiver or variance for approval.
- **Right-of-way vacations**

## SUBDIVISION REVIEW PROCESS

Prior to application for any type of subdivision, the applicant will need to schedule a pre-application meeting. Staff has initiated this meeting as a means of reviewing the proposal and providing input on the platting process and requirements. There is a \$200 fee for the pre-application meeting.

At the pre-application meeting staff will advise you regarding the appropriate review process and discuss the technical requirements of the plat submittal.

## SUBMITTAL REQUIREMENTS

After the pre-application meeting, a formal application may be submitted. Please refer to the Subdivision Checklist for all submittal requirements; staff is unable to accept incomplete applications.

Applications must be submitted BY APPOINTMENT with a planner.

## SUBMITTAL REVIEW

After a complete application is submitted, a staff planner will be assigned to handle the case. This person is the project manager for the case and will be the contact at the City throughout the entire subdivision review process.

The case manager will review the submittal application for content and the proposal will be referred to outside service agencies (Xcel Energy, water district, fire district, etc.) and other City agencies (Engineering Division, Public Works, Economic Development, etc.) for their review and comment, generally for a period of 15 days. After all comments have been received, the case manager will forward those to the applicant. Modifications to the plat document may be required as a result of these comments. This review and comment process can occur more than once.

Depending on the type of platting application, review may be administrative or require public hearings as detailed below. Information regarding the specific process will be discussed at the pre-application conference.

### **TYPE I SUBDIVISION REVIEW PROCESS**

Type I subdivision plats are those that conform to all subdivision and zoning regulations and do not include right-of-way vacations, waivers, or variances. The review of Type I subdivisions is administrative; no public hearing is required. The vast majority of subdivisions fall into the Type I category.

Once all comments have been addressed to the case managers' satisfaction, a blackline photographic mylar will be submitted to the Community Development Department with appropriate recording fees. Findings will be prepared by the case manager for the Community Development Director who will sign the plat document mylar for recordation.

### **TYPE II SUBDIVISION REVIEW PROCESS**

Type II subdivision plats are those that require a waiver or variance for approval. This type of subdivision requires approval from the Planning Commission.

Once all comments have been addressed to the case managers' satisfaction, the application can be scheduled for public hearing in front of Planning Commission. The Planning Commission is a body of appointed Wheat Ridge citizens that reviews various land use proposals. Publication in the JeffCo Transcript, notice to adjacent landowners within 600 feet, and posting of the property with signs are required prior to the Planning Commission hearing. The City will coordinate the publication, will mail the notices of the hearing, and will provide the applicant with the posting signs. The notifications and postings must occur at least 15 days prior to the public hearing.

The case manager will prepare a staff report with findings on the variance or waiver criteria, and a recommendation which will be presented at the Planning Commission public hearing. At the hearing, after the staff report is given, the applicant and members of the audience will be given a chance to give testimony regarding the application. Generally, a decision will be made that same night. Sometimes a case will be continued to another hearing date for further study and input.

Keep in mind that public hearings are quasi-judicial in nature. Please do not contact Planning Commissioners to discuss the merits of the case prior to the public hearing. It could jeopardize their ability to impartially hear the case.

### **RIGHT-OF-WAY VACATIONS**

Subdivisions requiring vacation of existing City right-of-way (ROW) are processed as ROW Vacations subject to the regulations in Section 26-118 of the City Code. Review of any ROW vacation requires two public hearings, a recommendation hearing at Planning Commission and final approval at a City Council hearing.

ROW vacations can be processed in two ways:

- **By plat:** The right-of-way is vacated as part of the platting process. Any subdivision otherwise qualifying as Type I or Type II but containing a ROW vacation will be processed as a ROW vacation which requires the two public hearings. When ROW was previously dedicated by a plat, it shall be vacated by a plat.
- **By ordinance:** When ROW was previously dedicated by separate instrument, it can be vacated by ordinance or by plat. Applications for vacations by ordinance (i.e., separate from a plat) can be originated by the City or a private property owner. Ordinances also require the two public hearings.

Keep in mind that the public hearings are quasi-judicial in nature. Please do not contact Planning Commissioners or City Councilors to discuss the merits of the case prior to the public hearing. It could jeopardize their ability to impartially hear the case.

### **NEXT STEPS**

A subdivision does not become effective until the plat document is recorded with the Jefferson County Clerk and Recorder's office.

Within 90 days of approval, a blackline mylar of the plat with original signatures and recording fees must be provided to the City for recording with the Jefferson County Clerk and Recorder's office. There may be other fees required to be paid prior to plat recording, such as streetscape improvements fees in lieu of construction. A subdivision improvement agreement with financial security may be required if public improvements are required to be installed. This agreement is executed and recorded at the time of subdivision mylar recording.

Please be aware that this information is only a general overview of the process and submittal requirements for platting land. There may be additional requirements specific to each case and the overall length of the process can vary greatly depending on the circumstances of the case. As each subdivision request is different, the purpose of the aforementioned pre-application meeting is for staff to review conceptual plans and give the applicant more information specific to his or her proposal.

### **QUESTIONS?**

Contact the Community Development Department by phone at 303-235-2846 or by email at [zoning@ci.wheatridge.co.us](mailto:zoning@ci.wheatridge.co.us).