



# 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 subdivision regulations recognize three types of subdivisions, as listed below. 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.

- An **administrative subdivision** involves three or fewer lots, tracts, or parcels.
- A **minor subdivision** involves four or five lots, tracts, or parcels.
- A **major subdivision** involves six or more lots, tracts, or parcels *or* includes the dedication of a new public street.

## THE 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 zone change 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 (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.

Once all technical zoning and platting requirements have been met, the process varies quite differently. 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.

### **ADMINISTRATIVE PLAT REVIEW PROCESS**

Administrative plats are those that involve three lots or fewer; no public hearing is required.

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.

### **MINOR PLAT REVIEW PROCESS**

Minor plats are those that involve four or five lots, and review requires one public hearing.

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 Wheat Ridge 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 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.

### **PARTIAL RIGHT-OF-WAY DEDICATION**

When property is platted, the City reviews adjacent public streets to ensure they meet current standards in terms of width and improvements. If the roads are insufficient in width, a right-of-way dedication may be required. City Council has the authority to review and accept right-of-way dedications.

If an administrative or minor subdivision plat includes a partial right-of-way dedication (as opposed to the dedication of a full-width street), the right-of-way may be dedicated by separate document and referenced on the plat. The advantage of this approach is that the partial right-of-way dedication will not impact the review process of an administrative or minor plat. The applicant will be required to include with their application an exhibit and deed identifying the area to be dedicated. Staff will present the right-of-way exhibits to City Council for acceptance. No public hearing is required before City Council.

## **MAJOR PLAT REVIEW PROCESS**

Major plats are those that involve six or more lots or the dedication of a new public street; review requires two public hearings.

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 and makes a recommendation to City Council. Publication in the Wheat Ridge 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 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 for recommendation will be made that same night. Sometimes a case will be continued to another hearing date for further study and input.

For major subdivisions, Planning Commission makes a recommendation to City Council who is the final authority. For the City Council public hearing, the same requirements for adjacent landowner notification and posting will be followed as for the Planning Commission public hearing. A staff report with recommendations will be presented at the public hearing.

Keep in mind that the public hearings are quasi-judicial in nature. Please do not contact Planning Commissions or City Council representatives 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 & Recorder's office. There may be other fees required to be paid at this time including parkland fees in lieu of land dedication or 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 at 303-235-2846.