

# TOWN OF WELLINGTON

## MAJOR SUBDIVISION

PRELIMINARY PLAN

WELLINGTON, COLORADO 2008

TOWN OF WELLINGTON  
LAND USE APPLICATION FORM

PRELIMINARY PLAN APPLICATION AND DECISION RECORD

FOR A MAJOR SUBDIVISION

Applicable Section(s):

Copies Required:

A. Preliminary Plan Submission Requirements.

1. Applicant's name, address, mailing address, email address and telephone number:

\_\_\_\_\_

2. Legal description of the property proposed for the land use change:

\_\_\_\_\_

\_\_\_\_\_

3. Existing Zoning District \_\_\_\_\_

Proposed Zoning District \_\_\_\_\_

4. Give a brief nonlegal description of the existing land use of the site and of the general character of the use of adjacent lands.

\_\_\_\_\_

\_\_\_\_\_

5. Give a brief nonlegal description of the proposed land use change.

\_\_\_\_\_

\_\_\_\_\_

If the proposed land use change involves the annexation of land, the applicant must submit a petition and supporting documents in the form prescribed by CRS. 31-12-101, et. seq.

10. Provide other information that the applicant believes will assist the Planning Commission and the Board of Trustees in making a fair decision. [attach additional sheets as necessary]

\_\_\_\_\_

\_\_\_\_\_

11. Signature of the Applicant:

\_\_\_\_\_ Date: \_\_\_\_\_

TOWN OF WELLINGTON

LAND USE CODE

AGREEMENT

FOR PAYMENT OF REVIEW EXPENSES

THIS AGREEMENT, made and entered into this \_\_\_\_ day of \_\_\_\_\_, AD.20\_\_ by and between the TOWN OF WELLTNCTON, COLORADO, a municipal Corporation, hereinafter referred to as "the Town, and \_\_\_\_\_ hereinafter referred to as "the Applicant,"

WITNESSETH:

WHEREAS, the Applicant is the owner of certain property situated in the County or Larimer, State of Colorado. and legally described as follows. to-wit:

WHEREAS, the Applicant desires to develop said property and has made application to the Board of Trustees of the Town of Wellington for approval of \_\_\_\_\_:and

WHEREAS, the Parties hereto recognize that the land use fees as specified by the Municipal Code of the Town of Wellington may not be adequate to fully cover the Town's expenses in considering the referenced application, including, but not limited to, legal publications, engineering services, attorney fees, consultant fees, reproduction of material and public hearing expenses.

NOW, THEREFORE, in consideration of the premises and of the mutual promises and conditions hereinafter contained, it is hereby agreed as follows:

1. FULL AND SEPARATE ACCOUNTING OF REVIEW EXPENSES.

The Town will maintain separate accounts of all monies expended as a result of the review of the above referenced application. Statements of expenses incurred will be made available to the Applicant monthly throughout the time the application is being reviewed by the Town. Expenses charged to the applicant's account shall include, but shall not be limited to legal publications, engineering services, attorney fees, consultant fees, reproduction of material and public hearing expenses.

**2. EXPENDITURE OF FEES PAID BY THE APPLICANT.**

The Town shall expend the monies collected from the Applicant in the form of land use fees, in the payment of expenses incurred in the review of the Applicants request, including. but not limited to, fees charged to the Town for legal publications, engineering services, attorney services, consultant services, reproduction of material and public hearing expenses. Only after all expenses incurred in the review of the Applicant's request have been paid, may these monies be used for other purposes as determined by the Town.

**3. PAYMENT OF REVIEW COSTS BY THE APPLICANT.**

In the event that the Town incurs expenses for the review of the Applicant's request greater than the monies collected from the Applicant in the form of land use fees, the Applicant shall reimburse the Town for the additional expenses. Said reimbursement shall be made within ten (10) days of the Town submitting an invoice for the expenses. Failure by the Applicant to pay within the specified time shall be cause for the Town to cease processing the application and/or deny approval of the application.

**4. APPLICATION TERMINATION.**

Except where the law or an agreement with the Town provides otherwise, the Applicant may terminate his application at any time by giving written notice to the Town. The Town shall immediately take all reasonable steps necessary to terminate the accrual of costs to the applicant. e.g. notify newspapers to cancel publications, etc. The Applicant will continue to be liable for all costs reasonably incurred by the Town prior to, and after, submitting a notice of termination.

**5. COLLECTION OF FEES AND COSTS.**

If the Applicant fails to pay the fees required herein when due, the Town may take those steps necessary and authorized by law to collect the fees due. The Town shall also be entitled to all court and attorneys fees, other costs incurred in collection and interest on the amount due at the rate of 18% per annum.

IN WITNESS WHEREOF, the Town and the Applicant have caused this Agreement to be duly executed on the day and year first above written.

**THE APPLICANT**

Signature: \_\_\_\_\_

**TOWN OF WELLINGTON**

Signature: \_\_\_\_\_

**ATTEST:**  
Town Clerk

TOWN OF WELLINGTON  
2017 SUBMITTLE DEADLINES

Submittle Deadline	Planning Commission Meeting 1st Monday of Each Month 7:00pm	Board of Trustees Meeting 4th Tuesday of each month 7:30pm
November 21, 2016	January 9, 2017	January 24, 2017
December 19, 2016	February 6, 2017	February 28, 2017
January 23, 2017	March 6, 2017	March 28, 2017
February 27, 2017	April 3, 2017	April 25, 2017
March 20, 2017	May 1, 2017	May 23, 2017
April 24, 2017	June 5, 2017	June 27, 2017
May 22, 2017	July 3, 2017	July 25, 2017
June 26, 2017	August 7, 2017	August 22, 2017
July 31, 2017	September 11, 2017	September 26, 2017
August 21, 2017	October 2, 2017	October 24, 2017
September 25, 2017	November 6, 2017	November 28, 2017
October 23, 2017	December 4, 2017	December 12, 2017
November 27, 2017	January 8, 2018	January 27, 2018
December 22, 2017	February 5, 2018	February 27, 2018

Plan must be reviewed and approval recommended by the Planning Commission prior to review  
by the Board of Trustees.

**ARTICLE 1****General Provisions****Sec. 17-1-10. General provisions.**

(a) The provisions of this Article, the Subdivision Regulations, in conjunction with Chapter 16 of this Code, shall apply to any and all development of land within the municipal boundaries of the Town, unless expressly and specifically exempted or provided otherwise in these Regulations. No development shall be undertaken without prior and proper approval or authorization pursuant to the terms of these Regulations in conjunction with Chapter 16 of this Code. All development shall comply with the applicable terms, conditions, requirements, standards and procedures established in these Regulations in conjunction with Chapter 16 of this Code.

(b) Except as herein provided, no building, structure or land shall be used and no building or structure or part thereof shall be erected, constructed, reconstructed, altered, repaired, moved or structurally altered except in conformance with the regulations herein specified for the district in which it is located, nor shall a yard, lot or open space be reduced in dimensions or area to an amount less than the minimum requirements set forth herein.

(c) These Regulations, in conjunction with Chapter 16 of this Code, establish procedural and substantive rules for obtaining the necessary approval to develop land and construct buildings and structures. Development applications will be reviewed for compliance with the Comprehensive Plan and with adopted regulations, policies and other guidelines. (Ord. 11-2007 §1)

**Sec. 17-1-20. Intent.**

This Article is designed and enacted for the purpose of promoting the health, safety, convenience, order, prosperity and welfare of the present and future inhabitants of the Town by:

(1) Encouraging new subdivision developments to relate to the Town's historic development pattern.

(2) Promoting compact, well-defined neighborhoods that enhance the Town's character.

(3) Creating livable neighborhoods that foster a sense of community.

(4) Encouraging the proper arrangement of streets in relation to existing or planned streets and ensuring streets facilitate safe, efficient and pleasant driving, walking and biking.

(5) Providing a variety of lot sizes and housing types in every neighborhood.

(6) Protecting sensitive natural and historic areas and the Town's environmental quality.

(7) Providing for adequate and convenient open spaces for traffic, utilities, access of fire apparatus, recreation, light and air and for the avoidance of congestion of population.

(8) Providing open spaces for adequate stormwater management.

(9) Providing adequate spaces for educational facilities.

(10) Providing protection from geologic hazards and flood-prone areas.

(11) Ensuring compliance with Chapter 16 of this Code, the Comprehensive Plan and the Design and Development Standards.

(12) Regulating such other matters as the Board of Trustees may deem necessary in order to protect the best interest of the public. (Ord. 11-2007 §1)

**Sec. 17-1-30. Administration.**

All plats, plots and replats of land laid out in subdivision or building lots, and the streets, highways, alleys or other portions of the same, intended to be dedicated to a public use or the use of purchasers or owners of lots fronting thereon or adjacent thereto shall be submitted to the Planning Commission and Board of Trustees for review and subsequent approval, conditional approval or disapproval. No plat shall be recorded in any public office unless the same shall bear thereon, by endorsement or otherwise, the approval of the Board of Trustees. Acceptance of proposed dedications to the public shall be given by separate action of the Board of Trustees. (Ord. 11-2007 §1)

**ARTICLE 2**

**Types of Subdivisions**

**Sec. 17-2-10. Major subdivisions.**

(a) Definition. A major subdivision is required when any one (1) or more of the following conditions exist:

(1) The entire tract to be subdivided is greater than five (5) acres; or

(2) The resultant subdivision will produce more than four (4) additional lots or parcels.

(b) Major subdivision process. The major subdivision process is as follows:

(1) Preliminary plat.

a. Preapplication conference.

b. Application submittal.

c. Staff certifies application is complete.

d. Staff refers application to parties of interest.

e. Staff reviews application and prepares comments.

f. Applicant addresses staff comments.

g. Final staff review and report to Planning Commission.

h. Town schedules public hearing and completes public notification process.

i. Planning Commission public hearing and recommendation.

j. Applicant addresses to conditions of approval.

k. Board of Trustees action.

(2) Final plat.

a. Application submittal.

b. Staff certifies application is complete.

- c. Staff refers application to parties of interest.
- d. Staff reviews application and prepares comments.
- e. Applicant addresses staff comments.
- f. Final staff review and report to Planning Commission.
- g. Town schedules public hearing and completes public notification process.
- h. Planning Commission public hearing and recommendation.
- i. Applicant addresses Planning Commission conditions.
- j. Staff notifies parties of interest.
- k. Town schedules public hearing and completes public notification process.
- l. Board of Trustees public hearing and action.
- m. Record final plat.
- n. Post-approval actions. (Ord. 11-2007 §1)

### ARTICLE 3

#### Major Subdivisions

##### Sec. 17-3-10. Preliminary plat purpose.

The purpose of the preliminary plat is to provide the Town with an overall master plan for the proposed development. (Ord. 11-2007 §1)

**Sec. 17-3-20. Preliminary plat application process.**

All major subdivisions shall be required to submit to and complete the following process:

(1) Step 1: Preapplication conference. A preapplication conference with a representative from the Town is required before the applicant may submit a preliminary plat application. The applicant shall submit a sketch plan and written description of the project. Topics to be discussed will include:

- a. Town regulations and standards;
- b. The application and review process;
- c. Submittal requirements; and
- d. Schedule.

(2) Step 2: Preliminary plat application submittal. The applicant shall submit one (1) copy of the complete preliminary plat application to the Town Administrator/Clerk. The application must be submitted a minimum of sixty (60) days prior to the Planning Commission meeting at which the application will be reviewed. The preliminary plat application package shall include the following items:

- a. Land use application form.
- b. Application fee and fee agreement. A nonrefundable fee is collected to cover the cost of review by Town staff and notice and publication expenses. In addition, the applicant is liable for review costs by the Town Attorney, Town Engineer and any other expert whom the Town may wish to employ. A signed Form D-5, Agreement for Payment of Review Expenses, shall accompany the application.

c. Title commitment. The title commitment must be current and dated no more than thirty (30) days from the date of preliminary plat application submittal.

d. Surrounding and interested property ownership report. Provide the Town Administrator/Clerk with a current list (not more than thirty [30] days old) of the names and addresses of the surrounding property owners (within three hundred [300] feet of the property), mineral interest owners of record, mineral and oil and gas lessees for the property and appropriate ditch companies. The applicant shall certify that the report is complete and accurate.

e. Preliminary plat. The preliminary plat shall be twenty-four (24) inches high by thirty-six (36) inches wide and provide the following information:

1. Title of project.
2. North arrow, scale (not greater than 1" = 100') and date of preparation.
3. Vicinity map.
4. Names and addresses of owners, applicant, designers, engineers and surveyors.
5. Legal description.
6. Total acreage of property.
7. Existing contours at two-foot intervals (contours shall be based on USGS datum).
8. Name and location of abutting subdivisions or owners of abutting property (if land is not platted).

9. Lots, blocks and street layout with approximate dimensions and square footage for each lot.

10. Consecutive numbering of all lots and blocks.

11. Existing and proposed rights-of-way and easements on and adjacent to the property.

12. Existing and proposed street names for all streets on and adjacent to the property.

13. Existing and proposed zoning on and adjacent to the property.

14. Location and size of existing and proposed sewer lines, water lines and fire hydrants. (Note: The applicant must consult with the appropriate utility service providers regarding the design of all utilities through the subdivision.)

15. Existing and proposed curb cuts on and adjacent to subject property.

16. Location by field survey or aerial photography of existing and proposed watercourses and bodies of water such as irrigation ditches and lakes. Watercourses shall include direction of flow.

17. Floodplain boundary with a note regarding source of information (if a floodplain does not exist on the property, please state this on the plan).

18. General location of existing surface improvements such as buildings, fences or other structures which

will remain on the property as part of the subdivision.

19. Location and acreage of sites, if any, to be dedicated for parks, playgrounds, schools or other public uses.

20. Location, function, ownership and manner of maintenance of any private open space.

21. Land use table. The table shall include: land uses, approximate acreage of each land use and percentage of each land use (including how twelve percent [12%] public/ semi-public requirement will be met).

22. Total number of lots.

23. Number of each type of dwelling unit proposed.

f. General development information. Provide a written description of the existing conditions on the site and the proposed development, including an explanation of how the plan is consistent with the Land Use Code and Comprehensive Plan.

g. Preliminary grading and drainage plan and report. This plan and report must be certified by a Colorado-registered professional engineer, including storm drainage concepts such as locations for on-site detention or downstream structural improvements and soil erosion and sedimentation control plans and specifications. It must also discuss the impacts on and to any existing floodways and/or floodplains on and adjacent to the site as well as any FEMA applications required.

h. Preliminary utility plan. This plan shall be prepared by a registered professional engineer. It is necessary that the engineer consult with the appropriate utility service providers regarding the design of all utilities through the subdivision. Town utilities shall be designed in conformance with the Town's Standard Design Criteria and Standard Construction Requirements.

i. Preliminary landscape and open space plan.

j. Traffic study. This study must be prepared by a professional traffic engineer in conformance with the Division 1 Section 01300 Standard Design Criteria and Standard Construction Requirements.

k. Draft of proposed covenants and architectural design guidelines.

l. Mineral, oil and gas rights documentation. Evidence that the surface owner has contacted all lessees of mineral, oil and gas rights associated with the site and is working towards resolution. Included in the evidence must be the name of the current contact person, their phone number and mailing address.

m. Soils report.

n. Public hearing notification envelopes. Provide the Town Administrator/Clerk with one (1) set of stamped, addressed, certified (return receipt requested) envelopes. The envelopes shall have the Town's address as the mailing address and return address and the envelopes shall be addressed to the surrounding property owners (within three hundred [300] feet of the property), mineral interest owners of record, mineral and oil and gas lessees for the property and the appropriate referral agencies (as discussed in the preapplication conference).

(3) Step 3: Application certification of completion. Within a reasonable period of time, Town staff shall either certify the application is complete and in compliance with all submittal requirements or reject it as incomplete and notify the applicant of any deficiencies. The applicant shall then correct any deficiencies in the application package, if necessary, and submit the required number of copies of the application to the Town Administrator/Clerk. The original application and all documents requiring a signature shall be signed in blue ink.

(4) Step 4: Refer application to parties of interest. Not less than thirty (30) days before the date scheduled for the initial public hearing, Town staff shall send information about the application by first class mail to: surrounding property owners within three hundred (300) feet, mineral interest owners of record, mineral and oil and gas lessees for the property and other parties of interest. The referral information shall include the time and place of the public hearing, the nature of the hearing, the location of the subject property and the applicant's name.

(5) Step 5: Staff reviews application and prepares comments. Staff will complete a review of the preliminary plat based on the preliminary plat review criteria and referral comments received. Staff will then prepare a report identifying issues of concern for the applicant to address and forward this report to the applicant.

(6) Step 6: Applicant addresses staff comments. The applicant shall submit the following to the Town Administrator/Clerk:

a. Letter explaining how all of the comments have been addressed; and

b. Revised maps and other documents.

(7) Step 7: Final staff review and report to Planning Commission. Staff will complete a final review of the resubmitted materials and then prepare a report to the Planning Commission explaining how the application is or is not consistent with the preliminary plat review criteria.

(8) Step 8: Schedule preliminary plat public hearing and complete public notification process. The Town Clerk shall schedule a public hearing for the purpose of taking action on the preliminary plat. The Town Administrator/Clerk shall publish notice in a newspaper of general circulation. The hearing may be held no less than thirty (30) days from the date of advertising.

(9) Step 9: Planning Commission public hearing and recommendation. The Planning Commission shall hold a public hearing to review the application based on the preliminary plat review criteria. The Planning Commission shall then make a recommendation to the Board of Trustees to approve, conditionally approve or deny the application.

(10) Step 10: Applicant addresses Planning Commission conditions. The applicant shall revise the preliminary plat based on the Planning Commission's conditions of approval and submit it to the Town Clerk.

(11) Step 11: Board of Trustees action. The preliminary plat shall be presented to the Board of Trustees for its review and action. The Board of Trustees may approve, conditionally approve or deny the preliminary plat based on the preliminary plat review criteria. Approval and conditional approval of a preliminary plat shall be effective for one (1) year unless otherwise approved by the Board of Trustees. If the plat is denied, the request or one that is substantially similar may not be heard by the Planning Commission for a period of one (1) year from the date of denial

unless otherwise approved by the Planning Commission. If a final plat is not submitted within said time limit or an extension has not been granted, a preliminary plat must again be submitted before action may be taken on a final plat. (Ord. 11-2007 §1)

**Sec. 17-3-30. Preliminary plat review criteria.**

The Town shall use the following criteria to evaluate the applicant's request for a major subdivision:

(1) The preliminary plat represents a functional system of land use and is consistent with the rationale and criteria set forth in this Code and the Comprehensive Plan.

(2) The land use mix within the project conforms to the Town's Zoning District Map and furthers the goals and policies of the Comprehensive Plan including:

a. The proposed development promotes the Town's small town, rural character;

b. Proposed residential development adds diversity to the Town's housing supply;

c. Proposed commercial development will benefit the Town's economic base;

d. Parks and open space are incorporated into the site design;

e. The proposed project protects the Town's environmental quality; and

f. The development enhances cultural, historical, educational and/or human service opportunities.

(3) The utility and transportation design is adequate, given existing and planned capacities of those systems.

(4) Negative impacts on adjacent land uses have been identified and satisfactorily mitigated.

(5) There is a need or desirability within the community for the applicant's development and the development will help achieve a balance of land use and/or housing types within the Town, according to the Town's goals. (Ord. 11-2007 §1)



# MAJOR SUBDIVISION CHECK LIST

## Preliminary Plat

Pre-application conference  Date \_\_\_\_\_

Application Date Submitted \_\_\_\_\_

1 copy of preliminary plat  
D-5   
Fee

Certification of completion by staff Date \_\_\_\_\_ Signature \_\_\_\_\_

Advertize Notice Date of Publication \_\_\_\_\_

Post Property

Adjacent Property owner notice  Date Sent \_\_\_\_\_

Reminder to applicant

Planning Commission Date \_\_\_\_\_

Recommendation \_\_\_\_\_

Conditions \_\_\_\_\_

Board of Trustee Date \_\_\_\_\_

Action \_\_\_\_\_

Conditions \_\_\_\_\_

- Return this form with application.