

## Subdivision Improvements Feedback Synopsis & Responses

After interviewing community members, getting input from residents at the open house, having people provide comments through surveys, and engaging in conversations with staff, we have summarized the comments that the City has received into several categories. Those categories are, "Critical Feedback," "Positive Feedback," and "Miscellaneous." They are provided for your consideration as the City moves forward with any improvements to the existing documents that staff believes will result in a better process for those seeking to subdivide properties.

### Critical Feedback

- **Changing comments are the biggest stumbling block in any city. Firms would prefer "One bite at the apple" since changes to comments add time. (Some firms willing to have longer review up front in exchange for one set of comprehensive comments.)**
  - Kurt Linn
  - Farnsworth Group
  - Lane Engineering
  - Harris Kocher Smith

Process-related Comment: The Development Assistance Team (DAT) has had numerous discussions over the last few months that involve all the staff from the Public Works Department, Community Resources Department, Property Management Division, and Community Planning and Development on how to improve our review process, better facilitate projects, and provide consistent feedback. This goal is a strong priority and value to the City.

- **Appeals should only be for an error, not as a new hearing for the case. Appeals should not go to City Council, since they get too political. They should go from Planning Commission to District Court. Appeal to Board of Adjustment is more common in other cities than to Planning Commission.**
  - Don Elliott, Clarion Associates
  - Chuck Perry, Perry Rose

Ordinance-related Comment: The City of Lakewood is a home-rule City and establishes its rules by the City Charter. The City Charter directs the duties of the Planning Commission and Board of Adjustments. The City Charter states that Board of Adjustments duties are twofold; they shall hear appeals for Zoning Ordinance related issues, and may grant variances relating to alteration of building requirements due to hardship. Therefore, the appeal process cannot be changed to be heard by the Board of Adjustments.

Objections to and Appeals of a Director's decision for a Minor Subdivision are to the Planning Commission. Any appeal of the Planning Commission decision in the existing ordinance goes to City Council. The new document proposes for Minor Subdivisions in ARTICLE 4 that any appeal of the Planning Commission is to District Court, removing the appeal opportunity to City Council. Due process is achieved by allowing for an appeal to the Planning Commission and then another to district court. Three appeals are excessive for a technical, object document review such as a minor subdivision application.

- **Reference to the Comprehensive Plan is too vague. It should relate to specific elements such as the Transportation Master Plan or be removed. Legal concerns with recent court cases in Colorado.**
  - Don Elliott, Clarion Associates
  - Tom Ragonetti
  - Doug Reed, Fine Line Consulting
  - Staff
  - Planning Commission

Ordinance-related Comment: Legal staff has advised that the reference to the Comprehensive Plan in ARTICLE 3 either be removed, or be more specific that the Comprehensive Plan is an advisory plan and state that only certain sections are applicable to subdivision application evaluation. Case law in Colorado follows this approach. Staff has removed this reference.

- **Lakewood has some internal conflicts on comments, but not too bad.**
  - Farnsworth Group
  - Flatirons
  - Harris Kocher Smith
  - Lane Engineering

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- **Document language should be in plain English and condensed.**
  - Kurt Linn
  - Farnsworth Group
  - Doug Reed, Fine Line Consulting
  - Planning Commission

Ordinance-related Comment: One of the goals of the process to improve upon the subdivision documents is to make them more user-friendly and easier to understand. This result should be reflected by the new improved ENTIRE DOCUMENT being formatted differently, re-worded in areas to improve the clarity and reducing the document length.

- **Make sure to let people know the difference between zoning and subdivision in public notices.**
  - Chuck Perry, Perry Rose

Process-related Comment: Staff is willing and able to clarify in the required subdivision notification letter to state that a subdivision is reviewed for technical and objective items and is different than the subjective process of a zoning review.

- **Clarify the requirements by type of application.**
  - Flatirons
  - Staff
  - Planning Commission

Process-related Comment: Staff is working to revise the supplemental handouts to improve clarity on the documents that are required for each type of application. These handouts should be completed by the time a new Subdivision Ordinance is completed.

- **Final engineering process & requirements are excessive and drive up costs. Some drawing requirements for the subdivision drive up costs.**
  - Tom Ragonetti
  - Jeffco Association of Realtors
  - Harris Kocher Smith
  - Flatirons
  - Farnsworth Group
  - Lane Engineering
  - Carroll & Lange
  - Chuck Perry, Perry Rose

Submittal Requirements and Process-related Comment: This comment is being discussed among a cross-departmental team on how we can improve the process and ensure that what the City requires is necessary and not frivolous information. Staff will examine with the Submittal Requirements Document revisions later in the process of the Subdivision Documents Improvements, and bring to the Planning Commission for review.

- **Preliminary Maps are not always necessary or useful. Consider waivers.**
  - Farnsworth Group
  - Carma
  - Staff
  - Planning Commission

Ordinance-related Comment: Staff has proposed in the draft Subdivision Ordinance in ARTICLE 4 that the Preliminary Map may be waived under certain circumstances and when the applicant desires to move straight to the Final Plat and Final Engineering documents. Some subdivision applicants may wish to pursue a waiver while others may not.

- **There should be a simpler process for lot line adjustments.**
  - Farnsworth Group
  - Flatirons
  - Harris Kocher Smith
  - Carroll & Lange
  - Open House
  - Planning Commission
  - Carma

Process-related Comment: Staff will review this comment with regards to process and practice and evaluate ways to improve.

- **Allow for some flexibility in subdivision designs. Don't specify particular widths (streets, lots, easements) in the ordinance. This limits creativity, especially in infill situations.**
  - Doug Reed, Fine Line Consulting
  - Tom Ragonetti
  - Chuck Perry, Perry Rose
  - Carma
  - Flatirons

Ordinance-related Comment: In a few instances, the Subdivision Ordinance references specific minimum numerical requirements, and some of these requirements are also found in other engineering policies. Staff has proposed removing the numerical minimum requirement in ARTICLE 3 of a 25-foot wide service and emergency vehicle access (SEVA) and referring to the engineering and fire department regulations. A citywide goal is to be flexible, creative and to help facilitate projects.

- **Plat drawing elements (notes, line styles, etc.) should be more flexible.**
  - Carroll & Lange
  - Kurt Linn
  - Harris Kocher Smith
  - Flatirons
  - Farnsworth Group
  - Online Survey

Submittal Requirements-related Comment: This document is being re-evaluated by staff with the intent to remove any unnecessary, tedious requirements that are not legally required to allow for more flexibility. This document will be revised concurrent to the Subdivision Ordinance. Staff will examine with the Submittal Requirements Document revisions later in the process of the Subdivision Documents Improvements, and bring to the Planning Commission for review.

- **More information should be on the website. Plat notes/ e-submittals, etc.**
  - Kurt Linn
  - Doug Reed, Fine Line Consulting
  - Farnsworth Group
  - Vigil
  - Harris Kocher Smith
  - Lane Engineering

Process-related Comment: Once the new documents and handouts have been completed, they will all be made available on the website.

- **Mandate what is necessary; suggest when it's not. Don't waste everyone's time with minor details.**
  - Farnsworth Group
  - Lane Engineering

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- **There are conflicts in the current Subdivision Ordinance with other documents. (Engineering documents, Zoning Ordinance Definitions)**
  - Staff

Ordinance-related Comment: One example is the conflict of the gated streets requirements between the Subdivision Ordinance and the Transportation Engineering Design Standards (TEDS) in ARTICLE 3 that has been removed. One of the purposes that initiated the subdivision document improvement process is to correct these inconsistencies.

- **Consider platting of townhomes after the foundation is poured.**
  - Don Elliot, Clarion Associates
  - Harris Kocher Smith

Ordinance/Process related Comment: There are some pros and cons in accommodating this request. This could reduce the possibility for having to do lot line adjustment plats. However, allowing for a plat at the time of foundation would require very timely and coordinated reviews and ownership cannot change during this process. This may be difficult because ownership changes at this point are common. Procedures have not changed in the draft Subdivision Ordinance to accommodate this request.

- **Don't allow easements to hold up a plat document. They can be done with a separate instrument. Some plat notes, engineering & site planning issues can "agree to agree later." Put everyone on notice that the issues need to be resolved with development, as opposed to being done with platting.**
  - Chuck Perry, Perry Rose
  - Farnsworth Group

Process-related Comment: This is a topic that is specific to each individual case. Staff allows for easements to be completed by a separate document. However, there are times that they must be addressed to complete a document. Staff will work to better evaluate each project if the issue is something that is crucial to the platting stage or if it could better be resolved at the site planning stage.

- **Professional Land Surveyors use their own professional style for legal descriptions. Conforming to Lakewood's style is an issue.**
  - Farnsworth Group
  - Flatirons
  - Carroll & Lange
  - Carma

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- **City vicinity maps are poor quality.**
  - Farnsworth Group
  - Flatirons
  - Harris Kocher Smith
  - Carroll & Lange
  - Lane Engineering
  - Staff

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- **Remove photo-mylar reference since not all engineers use it for final mylar documents and Jefferson County no longer requires it.**
  - Staff

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- **Simplify vacations to be less bureaucratic, perhaps adding the ability for administrative approval.**
  - Staff
  - Open House

Ordinance-related Comment: The draft Subdivision Ordinance adds a provision to allow for some vacations, when meeting specific criteria, to be processed administratively. See ARTICLE 7 for revisions.

- **Consider Sustainability: Pedestrian / bike friendly, Public Transportation, Storm Water Management.**
  - Open House
  - Don Elliott, Clarion Associates

Ordinance-related Comment: The draft Subdivision Ordinance adds language at the beginning of ARTICLE 3, Subdivision Design, that any new subdivision should promote pedestrian connectivity and consider adjacent land lot patterns and topography to promote sustainable development through connections to adjoining properties.

- **Flag lot criteria needs to be evaluated.**
  - Don Elliott, Clarion Associates
  - Staff

Ordinance-related Comment: The draft Subdivision Ordinance adds criteria for when flag lots are appropriate in ARTICLE 3. It also removed language so that flag lots will not be permitted for new residential development.

- **Notification should be required for all types of subdivisions.**
  - Open House

Ordinance-related Comment: Notification will still be required for both a Minor and Major Subdivision, but the timing of the notice is changing. See ARTICLE 4 for proposed changes. Posting and Publishing of a decision is required for a Minor Subdivision, Major Subdivision and for Lot Line Adjustments, and that is not changing.

- **Notification should be earlier in the process.**
  - Doug Reed, Fine Line Consulting
  - Carma
  - Jeffco Association of Realtors
  - Open House - Citizens

Ordinance-related Comment: Sending notice at the beginning of the application review is not advisable since the lot layout and number of lots sometime change during the application review, and reviews can become a lengthy process that would need additional notices to possible new owners of adjoining properties. Staff has addressed this comment by requiring the applicant to notify neighboring property owners once an application has been made and is listed in ARTICLE 16-4-6.

- **Neighborhood meetings should be required for subdivisions.**
  - Open House - citizens

Ordinance-related Comment: Neighborhood meetings are required for zoning-related issues. A subdivision is a technical and objective review and therefore, a neighborhood meeting is not required, and that is not recommended to change, other than as listed above. Any applicant is able to attend or hold a neighborhood meeting at his or her own desire.

- **Article 2 - In the definitions section, “parcel” is not defined.**
  - Staff
  - Planning Commission

Ordinance-related Comment: A definition for “parcel” in ARTICLE 2 has been added in the draft ordinance.

- **Article 2 - In the definitions section, why is the word “shall” used and then defined?**
  - Planning Commission

Ordinance-related Comment: This is common practice, and is defined for legal clarity. There will be no change with the proposed improvements.

- **Article 2 - Define “public thoroughfare” in definitions section.**
  - Planning Commission

Ordinance-related Comment: The City uses the term “right-of-way” more often, but has provided a definition for this term in ARTICLE 2.

- **Article 3 – In Section 16-3-2 (a), why is the maximum block 1,400 feet long? Seems like a long block?**
  - Planning Commission

Ordinance-related Comment: That is a long block if used strictly on straight level streets, but may not be for curved streets that conform to changes in topography. This is a maximum number as a capping limit. New blocks in Lakewood are usually infill development and are not this long. This is not changing.

- **Article 3 – Section 16-3-5, why do we encourage HOAs?**
  - Planning Commission

Ordinance-related Comment: HOAs are used to guarantee that the common areas will be maintained. Staff will consider this comment.

- **Article 3 – Section 16-3-7(5), why are gated subdivisions allowed?**
  - Planning Commission

Ordinance-related Comment: The Transportation Engineering Design Standards (TEDS) was recently updated and adopted by City Council. There is a section in the TEDS that permits gated subdivisions. SECTION 16-3-9 has been amended accordingly.

- **Article 3 – Why do lot lines need to be in a standard form. They should follow the topography more.**
  - Planning Commission

Ordinance-related Comment: The ordinance says the lots shall be appropriate for the location and type of development and at substantial right angles. Standard lot shapes are helpful to reduce civil arguments from neighbors about property line locations, and for setback enforcement purposes.

- **Major Subdivisions – Why is a Planning Commission Hearing required for both the Preliminary Map and Final Plat?**
  - Planning Commission

Ordinance-related Comment: Some jurisdictions only require a public hearing for the Preliminary Map, and the Director may approve a Final Plat if there are no significant changes (change in number of lots, street layout, etc). Staff has made changes in ARTICLE 4 allowing a Final Plat to be administrative if the Planning Commission has approved the Preliminary Plat and there were no changes.

- **Could there be more discretion for Error Correction Plats? Are there any specific legal requirements requiring the City’s process or could it be an easier process?**
  - Planning Commission

Ordinance-related Comment: There are no specific legal or County recording requirements in regards to procedures for error corrections. Some communities do not have any involvement. This is not preferred because the City may not be aware of an error correction and may not have the most current document. No changes have been made, but staff will consider the suggestion to make this an easier process.

### **Positive Feedback**

- **Lakewood is one of the better jurisdictions to work with. (Consistency, Staff availability, creative thinking for solutions.)**
  - Carroll & Lange
  - Doug Reed, Fine Line Consulting
  - Farnsworth Group
  - Flatirons
  - Kurt Linn
  - Lane Engineering
  - Tom Gougeon, Continuum
  - MBC Consulting
  - Vigil
  - Martin / Martin
- **Lakewood’s Ordinance in top third of municipalities.**
  - Don Elliott, Clarion Associates
  - Doug Reed, Fine Line Consulting
  - Tom Ragonetti
- **They like the level of detail of the 54-page Submittal Requirements document.**
  - Carroll & Lange
  - Doug Reed, Fine Line Consulting
  - Harris Kocher Smith
  - Lane Engineering
  - Survey

- **Like .DWF and .PDF (digital) submittal process.**
  - Farnsworth Group
  - Flatirons
  - Harris Kocher Smith
  - Survey
  - Martin / Martin
  - Lane Engineering
- **Like Pre-Planning review, as it provides good feedback.**
  - Flatirons
  - Martin / Martin
  - Farnsworth Group
- **Private streets – Good to allow.**
  - Carma (They also would like to see gated streets)
  - Don Elliott, Clarion Associates
- **Public Improvements Agreement – Good to clarify early on to determine costs.**
  - Doug Reed, Fine Line Consulting
- **Minor Subdivision – Good to allow for administrative approval and for up to 9 lots and for commercial lots.**
  - Doug Reed, Fine Line Consulting
  - Don Elliott, Clarion Associates
  - Tom Ragonetti
  - Chuck Perry, Perry Rose
- **Preliminary Maps are sometimes helpful to have third parties involved to allow understand of topography or grading.**
  - MBC Consulting
  - Tom Gougeon, Continuum

### **Miscellaneous**

- **Prefer detention ponds on separate tracts versus by easement on a lot.**
  - Carma

Comment: This is evaluated on a case-by-case basis. Both scenarios are permitted practices.

- **Only require Alta Surveys for commercial.**
  - Carroll & Lange

Comment: The level of detail provided by an alta survey is needed and beneficial for certain residential projects. Staff reviews each proposal to determine if the level of detail provided by an alta survey is beneficial to an accurate review.

- **Require Alta Surveys for everything.**
  - MBC Consulting

Comment: The level of detail provided by an alta survey is needed and beneficial for certain residential projects. Staff reviews each proposal to determine if the level of detail provided by an alta survey is beneficial to an accurate review.

- **Denver Water has very rigid regulations that hinder creative developments. Easement widths are too wide.**
  - Chuck Perry, Perry Rose
  - Jeffco Association of Realtors

Comment: Staff is in agreement.

- **Granny Flats are good to allow for affordability. Helps reduce foreclosures and subdivision should consider how to accommodate.**
  - Tom Ragonetti

Comment: This is more of a zoning issue that will be evaluated at the time of the Zoning Ordinance review.