

**CITY OF WHEAT RIDGE
INTRODUCED BY COUNCIL MEMBER FITZGERALD
COUNCIL BILL NO. 01
ORDINANCE NO. _____
Series of 2018**

TITLE: AN ORDINANCE APPROVING THE REZONING OF PROPERTY LOCATED ON THE WEST OF INTERSTATE-70, BETWEEN APPROXIMATELY 34TH AVENUE AND CLEAR CREEK FROM PLANNED COMMERCIAL DEVELOPMENT (PCD) TO PLANNED MIXED USE DEVELOPMENT (PMUD) (CASE NO. WZ-16-07 / CLEAR CREEK CROSSING)

WHEREAS, Chapter 26 of the Wheat Ridge Code of Laws establishes procedures for the City's review and approval of requests for land use cases; and,

WHEREAS, Evergreen Devco, Inc. has submitted a land use application for approval of a zone change to the Planned Mixed Use Development (PMUD) zone district with an Outline Development Plan (ODP), Design Pattern Book, and Vision Book for property located west of Interstate-70, between approximately 34th Avenue and Clear Creek; and,

WHEREAS, the City of Wheat Ridge has adopted a comprehensive plan—*Envision Wheat Ridge*—which calls for a Regional Commercial Center west of Interstate 70 and south of Clear Creek; and,

WHEREAS, the proposed planned development will permit a well-designed, innovative development with greater control and specificity of intended development character, use, operations, and maintenance that is not feasible under a standard zone district; and

WHEREAS, the proposed planned development will further promote the public health, safety and general welfare by permitting greater flexibility and innovation in land development based upon this comprehensive, integrated plan.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WHEAT RIDGE, COLORADO:

Section 1. Upon application by Evergreen Devco, Inc. for approval of a zone change ordinance from Planned Commercial Development (PCD) to Planned Mixed Use Development (PMUD) with an Outline Development Plan (ODP), Design Pattern Book, and Vision Book for property located west of Interstate-70, between approximately 34th Avenue and Clear Creek, and pursuant to the findings made based on testimony and evidence presented at a public hearing before the Wheat Ridge City Council, a zone change is approved for the following described land:

LOTS 1, 2 AND 3, BLOCK 1;
LOT 1, BLOCK 2;
LOT 1, BLOCK 3;
LOT 1, BLOCK 4;
THAT PORTION OF LOT 1, BLOCK 5 AS CONTAINED IN DEED RECORDED
DECEMBER 23, 2004 UNDER
RECEPTION NO. F2149072;
LOTS 3 THROUGH 6, BLOCK 5;
AND TRACTS A, B, C AND D;
CLEAR CREEK CROSSING SUBDIVISION FILING NO. 1,
COUNTY OF JEFFERSON, STATE OF COLORADO

Section 2. Vested Property Rights. Approval of this zone change does not create a vested property right. Vested property rights may only arise and accrue pursuant to the provisions of Section 26-121 of the Code of Laws of the City of Wheat Ridge.

Section 3. Safety Clause. The City of Wheat Ridge hereby finds, determines, and declares that this ordinance is promulgated under the general police power of the City of Wheat Ridge, that it is promulgated for the health, safety, and welfare of the public and that this ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The City Council further determines that the ordinance bears a rational relation to the proper legislative object sought to be attained.

Section 4. Severability; Conflicting Ordinance Repealed. If any section, subsection or clause of the ordinance shall be deemed to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections and clauses shall not be affected thereby. All other ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

Section 5. Effective Date. This Ordinance shall take effect 15 days after final publication, as provided by Section 5.11 of the Charter.

INTRODUCED, READ, AND ADOPTED on first reading by a vote of 7 to 1 on this 8th day of January, 2018, ordered it published with Public Hearing and consideration on final passage set for **Monday, February 12, 2018 at 7:00 o'clock p.m, postponed to Monday, March 26, 2018 at 7:00 o'clock p.m.** in the Council Chambers, 7500 West 29th Avenue, Wheat Ridge, Colorado, and that it takes effect 15 days after final publication.

READ, ADOPTED AND ORDERED PUBLISHED on second and final reading by a vote of _____ to _____, this _____ day of _____, 2018.

SIGNED by the Mayor on this _____ day of _____, 2018.

Bud Starker, Mayor

ATTEST:

Janelle Shaver, City Clerk

Approved as to Form

Gerald Dahl, City Attorney

1st publication: January 11, 2018; February 15, 2018

2nd publication:

Wheat Ridge Transcript:

Effective Date: