

**CITY OF WHEAT RIDGE  
INTRODUCED BY COUNCIL MEMBER STITES  
COUNCIL BILL NO. 21  
ORDINANCE NO. 1727  
Series of 2021**

**TITLE: AN ORDINANCE APPROVING THE REZONING OF PROPERTY LOCATED AT APPROXIMATELY 4051 CLEAR CREEK DRIVE FROM PLANNED COMMERCIAL DEVELOPMENT (PCD) TO PLANNED MIXED USE DEVELOPMENT (PMUD) (CASE NO. WZ-21-04)**

**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-Clear Creek Crossing 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) and Design Pattern Book for property located at approximately 4051 Clear Creek Drive in Block 5 of Clear Creek Crossing; and,

**WHEREAS**, the City of Wheat Ridge has adopted a comprehensive plan—*Envision Wheat Ridge*—which calls for a mix of land uses in Clear Creek Crossing; and,

**WHEREAS**, the proposed zoning will promote well-designed development that is compatible with the character and uses of the balance of the Clear Creek Crossing development; and,

**WHEREAS**, the City of Wheat Ridge Planning Commission held a public hearing on October 21, 2021 and voted to recommend approval of rezoning the property,

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

**Section 1.** Upon application by Evergreen-Clear Creek Crossing for approval of a zone change ordinance from Planned Commercial Development (PCD) to Planned Mixed Use Development (PMUD) with an Outline Development Plan (ODP) and Design Pattern Book for property located at approximately 4051 Clear Creek Drive, 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:

A parcel of land being all of Lot 1, Block 5 and a portion of Lot 2, Block 5 Clear Creek Crossing Filing No. 3 recorded at Reception Number 2019087681, located in the Northeast Quarter of Section 30 and the Southeast Quarter of Section 29, Township 3 South, Range 69 West of the Sixth Principal Meridian, City of Wheat Ridge, 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 8 to 0 on this 8<sup>th</sup> day of November 2021, ordered it published with Public Hearing and consideration on final passage set for **Monday, December 13, 2021 at 7:00 o'clock p.m.**, as a virtual meeting and in the Council Chambers, 7500 West 29<sup>th</sup> Avenue, Wheat Ridge, Colorado if allowed to meet in person on that date per COVID-19 restrictions, and that it takes effect 15 days after final publication.

**READ, ADOPTED AND ORDERED PUBLISHED** on second and final reading by a vote of 8 to 0, this 13 day of December, 2021.

SIGNED by the Mayor on this 13 day of January, 2022.



Bud Starker, Mayor

ATTEST:



Stephen Kirkpatrick, City Clerk

Approved as to Form



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Gerald Dahl, City Attorney

1<sup>st</sup> publication: November 11, 2021  
2<sup>nd</sup> publication: December 16, 2021  
Jeffco Transcript:  
Effective Date: December 31, 2021

