

CITY OF WHEAT RIDGE
INTRODUCED BY COUNCIL MEMBER DOZEMAN
COUNCIL BILL NO. 33
ORDINANCE NO. 1663
Series of 2018

TITLE: AN ORDINANCE APPROVING A ZONE CHANGE FROM AGRICULTURAL-ONE (A-1) TO PLANNED RESIDENTIAL DEVELOPMENT (PRD) WITH AN OUTLINE DEVELOPMENT PLAN (ODP) FOR PROPERTY LOCATED AT 4440 TABOR STREET (CASE NO. WZ-18-15/CLEAR CREEK TERRACE)

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, Creekside Homes, LLC has submitted a land use application for approval of a zone change to the Planned Residential Development (PRD) zone district with an Outline Development Plan for property located at 4440 Tabor Street; and,

WHEREAS, the City of Wheat Ridge has adopted a comprehensive plan—*Envision Wheat Ridge*—which designates the property along the east side of Tabor Street as Neighborhood; and,

WHEREAS, the City of Wheat Ridge Planning Commission held a public hearing on November 15, 2018 and voted to recommend approval of rezoning the property to Planned Residential Development (PRD),

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

Section 1. Upon application by Creekside Homes, LLC, for approval of a zone change ordinance from Agricultural-One (A-1) to Planned Residential Development (PRD) for property located at 4440 Tabor Street, 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:

Lot 2, Davisher Minor Subdivision, 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 26th day of November, 2018, ordered it published with Public Hearing and consideration on final passage set for **Monday, January 14, 2019, at 7:00 p.m., continue for Council Action on Monday, February 11, 2019 at 7:00 p.m., Council Action postponed to April 8, 2019** 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 5 to 3, this 8th day of April, 2019.

SIGNED by the Mayor on this 8th day of April, 2019.

Bud Starker, Mayor

ATTEST:

Janelle Shaver, City Clerk



Approved as to Form

Gerald Dahl, City Attorney

1st publication: November 29, 2018; January 17, 2019; February 14, 2019

2nd publication: April 11, 2019

Wheat Ridge Transcript:

Effective Date: April 26, 2019