

CITY OF WHEAT RIDGE  
INTRODUCED BY COUNCIL MEMBER POND  
COUNCIL BILL NO. 23  
ORDINANCE NO. 1586  
Series of 2015

**TITLE: AN ORDINANCE APPROVING A ZONE CHANGE FROM RESIDENTIAL-ONE (R-1) TO MIXED USE-NEIGHBORHOOD (MU-N) FOR PROPERTY LOCATED AT 10191 W. 38<sup>th</sup> AVENUE (CASE NO. WZ-15-06/BUCK)**

**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**, a land use application has been submitted for approval of a zone change to Mixed Use-Neighborhood zone district for property located at 10191 W. 38<sup>th</sup> Avenue; and

**WHEREAS**, the subject property is in an area currently undergoing change and redevelopment; and

**WHEREAS**, the proposed zone change is supported by the City's Comprehensive Plan—*Envision Wheat* and the zone change criteria specified in Section 26-112.

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

**Section 1.** Upon application by Michael Buck for approval of a zone change from Residential-One (R-1) to Mixed Use-Neighborhood (MU-N) for property located at 10191 W. 38<sup>th</sup> Avenue, 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:

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE COUNTY OF JEFFERSON, STATE OF COLORADO, AND IS DESCRIBED AS FOLLOWS:

A parcel of land located in the Southeast Quarter of the Southeast Quarter of Section 21, Township 3 South, Range 69 West of the Sixth Principal Meridian, County of Jefferson, State of Colorado, being more particularly described as follows:

Commencing at the Southeast corner of the East one half of the Southeast Quarter of the Southeast Quarter of Section 21, whence the South Quarter corner thereof bears South 89 degrees 12 minutes 43 seconds West, a distance of 1981.61 feet; thence North 00 degrees 08 minutes 23 seconds West along the West line of the East half of the Southeast Quarter of the Southeast Quarter of said Section 21, a distance of 30.00 feet to a point on the North right-of-way line of West 38th Avenue, being the point of beginning ;thence continuing North 00 degrees 08 minutes 23 seconds West, a distance

of 140.00 feet; thence North 89 degrees 12 minutes 43 seconds to a point on said North right-of-way line, a distance of 145.00 feet to the point of beginning, 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 objective 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 0 on this 12<sup>th</sup> day of October, 2015, ordered it published with Public Hearing and consideration on final passage set for **Monday, November 9, 2015 at 7:00 o'clock p.m.**, in the Council Chambers, 7500 West 29<sup>th</sup> 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 7 to 0, this 9th day of November, 2015.

SIGNED by the Mayor on this 9th day of November, 2015.

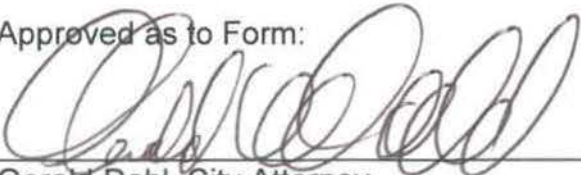
  
Joyce Jay, Mayor

ATTEST:

  
Janelle Shaver, City Clerk



Approved as to Form:



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Gerald Dahl, City Attorney

1<sup>st</sup> publication: October 15, 2015

2<sup>nd</sup> publication: November 12, 2015

Wheat Ridge Transcript:

Effective Date: November 27, 2015