

CITY OF WHEAT RIDGE  
INTRODUCED BY COUNCIL MEMBER WOODEN  
COUNCIL BILL NO. 07  
ORDINANCE NO. 1596  
Series of 2016

**TITLE: AN ORDINANCE APPROVING THE REZONING OF PROPERTY LOCATED AT 10803 W. 44<sup>TH</sup> AVENUE FROM AGRICULTURAL-ONE, RESIDENTIAL-THREE, AND COMMERCIAL-ONE TO MIXED USE-NEIGHBORHOOD (MU-N) (CASE NO. WZ-16-02/FRUITDALE)**

**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**, the Wheat Ridge Housing Authority has submitted a land use application for approval of a zone change to the Mixed Use-Neighborhood zone district for property located at 10803 W. 44<sup>th</sup> Avenue; and,

**WHEREAS**, the City of Wheat Ridge has adopted a comprehensive plan—*Envision Wheat Ridge*—which calls for a mix of land uses along neighborhood commercial corridors such as W. 44<sup>th</sup> Avenue; and,

**WHEREAS**, a zone change will consolidate the existing zoning on the property and enable future reuse of the vacant property; and,

**WHEREAS**, the City of Wheat Ridge Planning Commission held a public hearing on April 7, 2016 and voted to recommend approval of rezoning the property to Mixed Use-Neighborhood (MU-N) ,

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

**Section 1.** Upon application by the Wheat Ridge Housing Authority for approval of a zone change ordinance from Agricultural-One (A-1), Residential-Three (R-3), and Commercial-One (C-1) to Mixed Use-Neighborhood (MU-N) for property located at 10803 W. 44<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:

A PARCEL OF LAND LOCATED IN THE NORTH HALF OF SECTION 21, TOWNSHIP 3 SOUTH, RANGE 69 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY OF WHEAT RIDGE, COUNTY OF JEFFERSON, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: CONSIDERING THE NORTH-SOUTH CENTERLINE OF THE NORTH HALF OF SECTION 21 TO BEAR NORTH 00°18'33" WEST, A DISTANCE OF 2645.89 FEET BETWEEN A FOUND 3-1/4" BRASS CAP, MARKED "CITYOF WHEAT RIDGE, SURVEY MONUMENT, C1/4, S21, T3S, R69W, 1984, LS 13212" IN RANGE

BOX AND A FOUND 3-1/4" BRASS CAP, MARKED "CITY OF WHEAT RIDGE, SURVEY MONUMENT, 1/4, S16/S21, T3S, R69W, 1984, LS 13212" IN RANGE BOX, WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO. COMMENCING AT THE NORTH QUARTER CORNER OF SAID SECTION; THENCE SOUTH 00°18'33" EAST, ALONG WEST LINE OF THE NORTHEAST QUARTER OF SAID SECTION, A DISTANCE OF 1600.70 FEET TO A POINT ON THE NORTH LINE OF LOT 15, FRUITDALE PATIO HOMES SUBDIVISION, DESCRIBED IN RECEPTION NO. 93180748, DATED NOVEMBER 3, 1993, RECORDED AT JEFFERSON COUNTY CLERK AND RECORDER, SAID POINT BEING THE POINT OF BEGINNING; THENCE NORTH 89°31'09" EAST ALONG SAID NORTH LINE, A DISTANCE OF 11.06 FEET; THENCE SOUTH DEPARTING SAID NORTH LINE 00°18'34" EAST, A DISTANCE OF 140.24 FEET TO A POINT ON THE NORTH LINE OF A PARCEL OF LAND DESCRIBED IN RECEPTION NO. 2012138009, DATED DECEMBER 21, 2015, RECORDED AT JEFFERSON COUNTY CLERK AND RECORDER; THENCE SOUTH 89°46'58" EAST ALONG SAID NORTH LINE, A DISTANCE OF 36.36 FEET; THENCE DEPARTING SAID NORTH LINE SOUTH 00°18'40" EAST, A DISTANCE OF 89.92 FEET; THENCE NORTH 90°00'00" EAST, A DISTANCE OF 51.64 FEET TO A POINT ON THE EAST LINE OF SAID PARCEL; THENCE SOUTH 00°18'40" EAST, ALONG SAID EAST LINE, A DISTANCE OF 172.70 FEET TO THE NORTHRIGHT OF WAY LINE OF WEST 44TH AVENUE; THENCE NORTH 89°53'18" WEST, ALONG SAID NORTHRIGHT OF WAY LINE, A DISTANCE OF 198.00 FEET TO THE WEST LINE OF SAID PARCEL; THENCE NORTH 00°18'41" WEST, ALONG SAID WEST LINE, A DISTANCE OF 262.43 FEET TO THE SOUTHWEST CORNER OF SAID LOT 15; THENCE NORTH 00°18'34" WEST, ALONG THE WEST LINE OF SAID LOT, A DISTANCE OF 139.26 FEET TO THE NORTHWEST CORNER OF SAID LOT; THENCE NORTH 89°31'09" EAST, ALONG THE NORTH LINE OF SAID LOT, A DISTANCE OF 98.94 FEET TO THE POINT OF BEGINNING. SAID PARCEL CONTAINING 62,708 SQ.FT. OR 1.4396 ACRES, MORE OR LESS.

ALSO KNOWN AS 10803 W. 44TH AVENUE.

**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

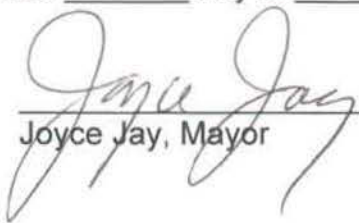
otherwise invalid, the validity of the remaining sections, subsections and clauses shall not be affected thereby. All other ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

**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 11<sup>th</sup> day of April, 2016, ordered it published with Public Hearing and consideration on final passage set for **Monday, May 9, 2016 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   6   to   0  , this   9<sup>th</sup>   day of   May  , 2016.


SIGNED by the Mayor on this   9<sup>th</sup>   day of   May  , 2016.

  
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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: April 14, 2016  
2<sup>nd</sup> publication: May 12, 2016  
Wheat Ridge Transcript:  
Effective Date: May 27, 2016