

CITY OF WHEAT RIDGE  
INTRODUCED BY COUNCIL MEMBER WOODEN  
COUNCIL BILL NO. 08  
ORDINANCE NO. 1603  
Series of 2016

**TITLE: AN ORDINANCE APPROVING A ZONE CHANGE FROM PLANNED COMMERCIAL DEVELOPMENT TO PLANNED INDUSTRIAL DEVELOPMENT AND A REQUEST FOR APPROVAL OF AN OUTLINE DEVELOPMENT PLAN FOR PROPERTY LOCATED AT 12700 W. 44<sup>th</sup> AVENUE (CASE NO. WZ-15-10/STOR-ALL STORAGE)**

**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**, **Stor-All Storage** has submitted a land use application for approval of a zone change to Planned Industrial Development zone district for property located at 12700 W. 44<sup>th</sup> Avenue; and,

**WHEREAS**, the proposed zone change promotes the health, safety and general welfare of the community and will not result in a significant adverse effect on the surrounding area; and,

**WHEREAS**, the proposed zone change is supported by the City's Comprehensive Plan—*Envision Wheat Ridge* 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 Stor-All Storage for approval of a zone change from Planned Commercial Development (PCD) to Planned Industrial Development (PID) for property located at 12700 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:

PARCEL A:

THAT PART OF THE SE1/4 NW1/4 OF SECTION 20, TOWNSHIP 3 SOUTH, RANGE 69 WEST OF THE 6<sup>TH</sup> P.M., DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ESTABLISHED BY COUNTY SURVEY AS THE INTERSECTION OF THE NORTH AND SOUTH CENTER LINE OF SAID SECTION 20, AND THE CENTER LINE OF WEST 44TH AVENUE;

THENCE SOUTH 89°50' WEST 567.4 FEET; THENCE SOUTH 0°32' EAST 344.1 FEET TO THE POINT OF BEGINNING OF THE PROPERTY HEREINAFTER DESCRIBED; THENCE SOUTH 89°50' WEST 421.71 FEET; THENCE SOUTH 0°10' EAST 203.4 FEET; THENCE NORTH 89°50' EAST 423 FEET;

THENCE NORTH 0°32' WEST 203.4 FEET TO THE POINT OF BEGINNING, EXCEPT THAT PORTION THEREOF DESCRIBED IN DEED RECORDED JULY 11, 1958 IN BOOK 1129 AT PAGE 417, AND EXCEPT THAT PORTION THEREOF DESCRIBED IN DEED RECORDED MAY 8, 1967 IN BOOK 1937 AT PAGE 339, AND EXCEPT THAT PORTION THEREOF DESCRIBED IN DEED RECORDED SEPTEMBER 2, 1966 IN BOOK 1895 AT PAGE 44, COUNTY OF JEFFERSON, STATE OF COLORADO.

PARCEL B:

THAT PART OF THE SE1/4 NW1/4 OF SECTION 20, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE 6<sup>TH</sup> P.M., DESCRIBED AS FOLLOWS:

TRACT FOURTEEN (14) OF THE SURVEY MADE BY CARROLL COBERLY FILED JULY 26, 1946, AS FILE 314-315 OF THE TOWN PLATS OF JEFFERSON COUNTY, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE CENTER QUARTER CORNER OF SAID SECTION 20; THENCE NORTH 0°20' WEST 674.08 FEET TO THE CENTER LINE OF WEST 44TH AVENUE; THENCE SOUTH 89°50' WEST 694.8 FEET TO THE TRUE POINT OF BEGINNING; THENCE SOUTH 0°10' EAST 344.1 FEET; THENCE SOUTH 89°50' WEST 126.6 FEET; THENCE NORTH 0°10' WEST 344.1 FEET; THENCE NORTH 89°50' EAST 126.6 FEET TO THE POINT OF BEGINNING, BEING THE SAME PROPERTY AS DESCRIBED IN THE DEED RECORDED SEPTEMBER 2, 1948 IN BOOK 612 AT PAGE 395, RECEPTION NO. 444139, EXCEPT THAT PORTION THEREOF AS DESCRIBED IN EXHIBIT "A" OF RULE AND ORDER RECORDED DECEMBER 21, 1966 IN BOOK 1914 AT PAGE 128, COUNTY OF JEFFERSON, STATE OF COLORADO.

PARCEL C:

A TRACT OR PARCEL OF LAND NO. 2AR OF THE STATE DEPARTMENT OF HIGHWAYS, DIVISION OF HIGHWAYS, STATE OF COLORADO, PROJECT NO. 1 70-3(8)268 SEC. 2, IN THE SE1/4 OF THE NW1/4 OF SECTION 20, TOWNSHIP 3 SOUTH, RANGE 69 WEST OF THE 6TH P.M., BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE NORTH-SOUTH QUARTER SECTION LINE OF SECTION 20 AND THE EAST-WEST CENTER LINE OF WEST 44TH AVENUE AS ESTABLISHED BY COUNTY SURVEY; THENCE S 89°50' W ALONG SAID CENTER LINE OF W. 44TH AVENUE, A DISTANCE OF 821.4 FEET TO THE NE CORNER OF

PARCEL 2A REV. DESCRIBED IN THE DEED RECORDED JUNE 19, 1959 IN BOOK 1201 AT PAGE 339, COLORADO DEPARTMENT OF HIGHWAYS PROJECT F 032-1(1);

THENCE S 00°10' E, ALONG THE EAST LINE OF SAID PARCEL 2A REV., A DISTANCE OF 253.0 FEET TO THE SOUTHEASTERLY RIGHT OF WAY LINE OF INTERSTATE 70 (JULY 1985), SAID POINT ALSO BEING THE TRUE POINT OF BEGINNING;

1. THENCE S 00°10' E ALONG SAID EXISTING RIGHT OF WAY OF INTERSTATE 70 (JULY 1985), A DISTANCE OF 91.1 FEET TO THE SE CORNER OF SAID PARCEL 2A REV.;

2. THENCE S 89°50' W CONTINUING ALONG THE SAID EXISTING RIGHT OF WAY AND ALSO ALONG THE SOUTH LINE OF SAID PARCEL 2A REV., A DISTANCE OF 51.6 FEET;

3. THENCE N 29°21'15" E, A DISTANCE OF 104.7 FEET, MORE OR LESS, 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 25<sup>th</sup> day of April, 2016, ordered it published with Public Hearing and consideration on final passage set for **Monday, May 23, 2016 at 7:00 o'clock p.m. continued to**

June 27, 2016 at 7:00 p.m., continued to August 22, 2016 at 7:00 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 2, this 22<sup>nd</sup> day of August, 2016.

SIGNED by the Mayor on this 22<sup>nd</sup> day of August, 2016.

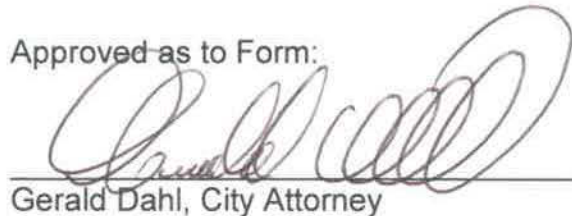
  
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Joyce Jay, Mayor

ATTEST:

  
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Janelle Shaver, City Clerk



Approved as to Form:

  
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Gerald Dahl, City Attorney

1<sup>st</sup> publication: April 26, 2016; May 26, 2016, June 30, 2016

2<sup>nd</sup> publication: August 25, 2016

Wheat Ridge Transcript:

Effective Date: September 9, 2016