

CITY OF WHEAT RIDGE  
INTRODUCED BY COUNCIL MEMBER MATHEWS  
COUNCIL BILL NO. 09  
ORDINANCE NO. 1642  
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 5372 AND 5392 QUAIL STREET (CASE NO. WZ-17-11/CLARK)

**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**, Summer Clark of SCHAL Investments, LLC has submitted a land use application for approval of a zone change to the Planned Residential Development (PRD) zone district for property located at 5372 and 5392 Quail Street; and,

**WHEREAS**, the City of Wheat Ridge has adopted a comprehensive plan—*Envision Wheat Ridge*—which calls for residential uses along Quail Street north of Ridge Road; and,

**WHEREAS**, the subject property lies equidistant between two Gold Line stations, and the housing stock in the area is diversifying with the rail line catalyzing new development in the area; and,

**WHEREAS**, the City of Wheat Ridge Planning Commission held a public hearing on March 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 Summer Clark for approval of a zone change ordinance from Agricultural-One (A-1) to Planned Residential Development (PRD) for property located at 5372 and 5392 Quail 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:

A PARCEL OF LAND SITUATED IN THE SOUTHEAST CORNER OF THE NORTHWEST QUARTER OF SECTION 16, TOWNSHIP 3 SOUTH, RANGE 69 WEST OF THE 6<sup>TH</sup> PRINCIPAL MERIDIAN, COUNTY OF JEFFERSON, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST SIXTEENTH CORNER OF SAID SECTION 16; THENCE N89°37'16"E ALONG THE EAST-WEST CENTERLINE OF SAID

SECTION 16 A DISTANCE OF 471.14 FEET TO THE NORTHWEST CORNER OF TRACT A, SKYLINE ESTATES FILING NO. 2; THENCE S00°12'24"E ALONG THE WEST LINE OF BLOCK 1 OF SAID SKYLINE ESTATES FILING NO. 2 A DISTANCE OF 499.28 FEET; THENCE S89°34'25"W ALONG A LINE 160 FEET NORTH OF AND PARALLEL WITH THE SOUTH LINE OF THE NORTH 7 ACRES OF THE WEST 14 ACRES OF THE SAID SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 16 A DISTANCE OF 430.76 FEET TO A POINT ON THE EAST LINE OF PROPERTY CONVEYED TO JEFFERSON COUNTY BY DEED RECORDED APRIL 6, 1954 AT RECEPTION NO. 572675; THENCE N00°15'01"W ALONG SAID EAST LINE A DISTANCE OF 19.63 FEET TO THE NORTHEAST CORNER OF SAID PROPERTY; THENCE S89°37'16"W ALONG THE NORTH LINE OF SAID PROPERTY A DISTANCE OF 40.00 FEET TO A POINT ON THE NORTH-SOUTH CENTERLINE OF SAID NORTHWEST QUARTER OF SECTION 16; THENCE N00°15'01"W ALONG SAID CENTERLINE A DISTANCE OF 480.00 FEET TO THE POINT OF BEGINNING.

**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 26<sup>th</sup> day of March, 2018, ordered it published with Public Hearing and consideration on final passage set for **Monday, April 23, 2018 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 23rd day of April, 2018.

SIGNED by the Mayor on this 23rd day of April, 2018.

Bud Starker  
Bud Starker, Mayor

ATTEST:

Janelle Shaver  
Janelle Shaver, City Clerk



Approved as to Form  
Gerald Dahl  
Gerald Dahl, City Attorney

1<sup>st</sup> publication: March 29, 2018  
2<sup>nd</sup> publication: April 26, 2018  
Wheat Ridge Transcript:  
Effective Date: MAY 11, 2018