

**CITY OF WHEAT RIDGE  
INTRODUCED BY COUNCIL MEMBER URBAN  
COUNCIL BILL NO. 32  
ORDINANCE NO. 1662  
Series of 2018**

**TITLE: AN ORDINANCE APPROVING THE REZONING OF  
PROPERTY LOCATED AT 6985 W. 38<sup>th</sup> AVENUE FROM  
COMMERCIAL-ONE (C-1) TO MIXED USE-NEIGHBORHOOD  
(MU-N) (CASE NO. WZ-18-21 / BARTA HOUSE)**

**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**, Barta House LLLP has submitted a land use application for approval of a zone change to the Mixed Use-Neighborhood zone district for property located at 6985 W. 38<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 and high quality urban form on W. 38<sup>th</sup> Avenue; and,

**WHEREAS**, the zoning will bring the property into conformance with the surrounding zoning on the corridor; 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 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 Barta House LLLP for approval of a zone change ordinance from Commercial-One (C-1) to Mixed Use-Neighborhood (MU-N) for property located at 6985 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:

PARCEL A:  
THE EAST 34 FEET OF LOT 1 AND THE WEST 12 FEET OF THE W ½ OF LOT 10, BLOCK NO. 1 OF HOLLEY SUBDIVISION, COUNTY OF JEFFERSON, STATE OF COLORADO.

PARCEL B:  
TOGETHER WITH AND EASEMENT ACROSS THE NORTH 15 FEET OF THE  
WEST 100 FEET OF SAID LOT 1 AS GRANTED BY INSTRUMENT  
RECORDED APRIL 17, 1950 IN BOOK 669 AT PAGE 216, 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 26<sup>th</sup> day of November, 2018, ordered it published with Public Hearing and consideration on final passage set for **Monday, January 14, 2019 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 14<sup>th</sup> day of January, 2019.

SIGNED by the Mayor on this 14<sup>th</sup> day of January, 2019.

  
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Bud Starker, 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: November 29, 2018

2<sup>nd</sup> publication: January 17, 2019

Wheat Ridge Transcript:

Effective Date: February 1, 2019