

CITY OF WHEAT RIDGE, COLORADO
INTRODUCED BY COUNCIL MEMBER WEAVER
COUNCIL BILL NO. 11
ORDINANCE NO. 1691
Series of 2020

TITLE: AN ORDINANCE APPROVING THE REZONING OF PROPERTY LOCATED AT 9800 W. 38TH AVENUE FROM RESIDENTIAL-ONE (R-1) TO PLANNED RESIDENTIAL DEVELOPMENT (PRD) WITH AN OUTLINE DEVELOPMENT PLAN (ODP) (CASE NO. WZ-19-07 / HARDI)

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, Ardalan and Kim Hardi submitted a land use application for approval of a zone change to the Planned Residential Development (PRD) District for property at 9800 W. 38th Avenue; and,

WHEREAS, the City of Wheat Ridge has adopted a Comprehensive Plan, Envision Wheat Ridge, which calls for vibrant neighborhoods, diversification of housing stock and household types, and reinvestment in underutilized properties in neighborhood areas; and,

WHEREAS, the proposed development is compatible with the surrounding area, provides an appropriate transitional land use, and complies with the comprehensive plan; and,

WHEREAS, the zone change criteria support the request; and,

WHEREAS, the City of Wheat Ridge Planning Commission held a public hearing on February 6, 2020 and voted to recommend approval of the rezoning of 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 Ardalan and Kim Hardi for approval of a zone change ordinance from Residential-One (R-1) to Planned Residential Development (PRD) for property located at 9800 W. 38th 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 BEING A PORTION OF THE EAST 1/2 OF THE WEST 1/2 OF THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 27, TOWNSHIP 3 SOUTH, RANGE 69 WEST OF THE SIXTH PRINCIPAL

MERIDIAN, CITY OF WHEAT RIDGE, COUNTY OF JEFFERSON, STATE OF COLORADO MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BASIS OF BEARINGS: BEARINGS ARE BASED ON THE NORTH LINE OF THE NORTHWEST 1/4 OF SECTION 27 BEING N 89°39'35" E, CITY OF WHEAT RIDGE DATUM AND MONUMENTED AS FOLLOWS:

-NORTHWEST CORNER OF SECTION 27, BEING A FOUND 3.25" ALUMINUM CAP IN RANGE BOX, PLS 29757, PER MON. REC. DATED 1-14-13, CITY OF WHEAT RIDGE DATUM CONTROL POINT NO. 15409.

-NORTH 1/4 CORNER OF SECTION 27, BEING A FOUND 3.25" BRASS CAP IN RANGE BOX, PLS 13212, PER MON. REC. DATED 5-5-06, CITY OF WHEAT RIDGE DATUM CONTROL POINT NO. 15509.

POINT OF COMMENCEMENT AT THE NORTHWEST CORNER OF SECTION 27;

THENCE N 89°39'35" E ALONG THE NORTH LINE OF THE NORTHWEST 1/4 OF SAID SECTION 27 A DISTANCE OF 662.91 FEET;

THENCE S 00°11'55" E A DISTANCE OF 30.00 FEET TO THE NORTHWEST CORNER OF MEADOW HAVEN SUBDIVISION, A SUBDIVISION RECORDED AT RECEPTION NO. 86051870 AND THE POINT OF BEGINNING;

THENCE S 00°11'55" E ALONG THE WESTERLY LINE OF SAID MEADOW HAVEN SUBDIVISION AND THE EXTENSION THEREOF A DISTANCE OF 247.00 FEET TO A POINT ON THE NORTHERLY LINE OF WESTHAVEN SUBDIVISION, A SUBDIVISION RECORDED AT RECEPTION NO. 51495593;

THENCE ALONG SAID NORTHERLY LINE OF WESTHAVEN SUBDIVISION THE FOLLOWING FOUR (4) COURSES:

1. N 84°09'48" W A DISTANCE OF 40.12 FEET;

2. N 66°49'07" W A DISTANCE OF 66.72 FEET;

3. N 70°16'31" W A DISTANCE OF 166.12 FEET;

4. N 43°14'39" W A DISTANCE OF 28.03 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF JOHNSON STREET;

THENCE N 00°12'32" W ALONG SAID EASTERLY RIGHT-OF-WAY LINE A DISTANCE OF 138.53 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF WEST 38TH AVENUE;

THENCE N 89°39'35" E ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE OF WEST 38TH AVENUE A DISTANCE OF 276.48 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED PARCEL CONTAINS AN AREA OF 55,957 SQUARE FEET, OR 1.2846 ACRES MORE OR LESS.

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 11th day of May 2020, ordered it published with Public Hearing and consideration on final passage set for **Monday, July 13th, 2020 at 7:00 o'clock p.m.**, as a virtual meeting, 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 1, this 13th day of July, 2020.

SIGNED by the Mayor on this 13th day of July, 2020.



Bud Starker, Mayor

ATTEST:



Steve Kirkpatrick, City Clerk



Approved as to Form

A handwritten signature in black ink, appearing to read "Gerald E. Dahl", written over a horizontal line.

Gerald E. Dahl, City Attorney

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