

**CITY OF WHEAT RIDGE  
INTRODUCED BY COUNCIL MEMBER NOSLER BECK  
COUNCIL BILL NO. 12  
ORDINANCE NO. 1692  
Series of 2020**

**TITLE: AN ORDINANCE APPROVING THE REZONING OF PROPERTY LOCATED AT 11700 W. 46TH AVENUE FROM AGRICULTURAL-ONE (A-1) TO RESIDENTIAL-TWO (R-2) (CASE NO. WZ-20-04/11700 W. 46TH AVE)**

**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**, Mary Ann Fake has submitted a land use application for approval of a zone change to the Residential-Two (R-2) zone district for property located at 11700 W. 46<sup>th</sup> Avenue; and,

**WHEREAS**, the City of Wheat Ridge has adopted a comprehensive plan—*Envision Wheat Ridge*—which calls for encouraging reinvestment in a property, maintaining consistent character, and consistent maintenance for properties located in established Neighborhood areas; and,

**WHEREAS**, the zoning will bring the property into conformance with the surrounding zoning and land uses in the area; and,

**WHEREAS**, the City of Wheat Ridge Planning Commission held a public hearing on July 16, 2020 and voted to recommend approval of rezoning the property to Residential-Two (R-2),

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

**Section 1.** Upon application by Mary Ann Fake for approval of a zone change ordinance from Agricultural-One (A-1) to Residential-Two (R-2) for property located at 11700 W. 46th 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 SITUATED IN THE WEST ONE-HALF OF LOT 14, LEE'S SUBDIVISION, DESCRIBED AS FOLLOWS:  
BEGINNING AT A POINT OF THE NORTH LOT LINE OF SAID LOT 14, WHICH POINT IS LOCATED 331.16 FEET WEST OF THE NORTHEAST CORNER OF THE SAID LOT 14; THENCE WEST ALONG THE NORTH LOT LINE OF THE SAID LOT 14, A DISTANCE OF 165 FEET TO A POINT; THENCE SOUTH ON AN ANGLE OF 90 DEGREES TO THE LEFT A DISTANCE OF 85 FEET TO A POINT; THENCE EAST ON AN ANGLE OF 90 DEGREES TO THE LEFT A DISTANCE OF 165 FEET TO A POINT; THENCE NORTH ON AN ANGLE OF

90 DEGREES TO THE LEFT A DISTANCE OF 85 FEET TO THE TRUE 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 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.

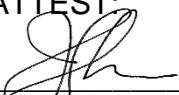
**Section 5. Effective Date.** This Ordinance shall take effect 15 days after final publication, as provided by Section 5.11 of the Charter.

**INTRODUCED, READ, AND ADOPTED** on first reading by a vote of 8 to 0 on this 22<sup>nd</sup> day of June, 2020, ordered it published with Public Hearing and consideration on final passage set for **Monday, July 27, 2020 at 7:00 o'clock p.m.**, as a virtual meeting, and that it takes effect 15 days after final publication.

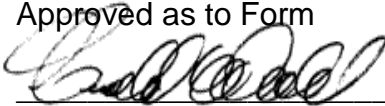
**READ, ADOPTED AND ORDERED PUBLISHED** on second and final reading by a vote of 7 to 0, this 27<sup>th</sup> day of July, 2020.

SIGNED by the Mayor on this 27<sup>th</sup> day of July, 2020.

  
\_\_\_\_\_  
Bud Starker, Mayor

ATTEST:  
  
\_\_\_\_\_  
Steve Kirkpatrick, City Clerk



Approved as to Form  
  
\_\_\_\_\_  
Gerald Dahl, City Attorney

1<sup>st</sup> publication: June 25, 2020  
Wheat Ridge Transcript  
2<sup>nd</sup> publication: July 30, 2020  
Jeffco Transcript  
Effective Date: August 14, 2020