

CITY OF WHEAT RIDGE, COLORADO
INTRODUCED BY COUNCIL MEMBER DOZEMAN
COUNCIL BILL NO. 19
ORDINANCE NO. 1699
Series of 2020

TITLE: AN ORDINANCE APPROVING THE REZONING OF PROPERTY LOCATED AT THE SOUTHEAST CORNER OF W. I-70 FRONTAGE ROAD NORTH FROM AGRICULTURAL-TWO (A-2) TO PLANNED MIXED USE DEVELOPMENT (PMUD) WITH AN OUTLINE DEVELOPMENT PLAN (ODP) (CASE NO. WZ-19-03 / WARD ROAD POND ODP)

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, JMS Lake Holdings LLC submitted a land use application for approval of a zone change to the Planned Mixed Use Development (PMUD) District for property at the southeast corner of W. I-70 Frontage Road North and Ward Road; and,

WHEREAS, the City of Wheat Ridge has adopted a Comprehensive Plan, Northwest Subarea Plan, and TOD vision documents which call for transit supportive uses including residential development to support the viability of nearby businesses and employers, and recreational and commercial employment uses; and,

WHEREAS, the proposed development is compatible with the surrounding area, balances the site's proximity to transit, access to water, visibility from the interstate, and adjacency to a state highway, 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 October 1, 2020 and voted to recommend approval of the rezoning of the property to Planned Mixed Use Development (PMUD),

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

Section 1. Upon application by JMS Lake Holdings LLC for approval of a zone change ordinance from Agricultural-Two (A-2) to Planned Mixed Use Development (PMUD) for property located at the southeast corner of W. I-70 Frontage Road North and Ward Road, 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:

TRACTS 9, 10, 11, & 12, NICHOLAS GARDENS, EXCEPT THAT PORTION CONVEYED TO THE DEPT. OF HIGHWAYS, STATE OF COLORADO, IN A DEED RECORDED FEBRUARY 21, 1968 IN BOOK 1999 AT PAGE 368.

A PORTION OF THE NORTHEAST ¼ OF SECTION 20, TOWNSHIP 3 SOUTH, RANGE 69 WEST OF THE 6TH P.M., COUNTY OF JEFFERSON, STATE OF COLORADO, CONTAINING 22.73 ACRES MORE OR LESS (990,248.38 SF +/-)

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 12th day of October 2020, ordered it published with Public Hearing and consideration on final passage set for **Monday, November 9, 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 8 to 0, this 9th day of November 2020.

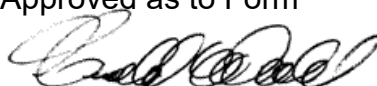
SIGNED by the Mayor on this 9th day of November, 2020.



Bud Starker, Mayor

ATTEST:


Steve Kirkpatrick, City Clerk

Approved as to Form


Gerald E. Dahl, City Attorney



First Publication: October 15, 2020
Second Publication: November 12, 2020
Jeffco Transcript
Effective Date: November 27, 2020

Published:
Jeffco Transcript and www.ci.wheatridge.co.us