

**CITY OF WHEAT RIDGE  
INTRODUCED BY COUNCIL MEMBER WEAVER  
COUNCIL BILL NO. 01  
ORDINANCE NO. 1731  
Series of 2022**

**TITLE: AN ORDINANCE APPROVING THE REZONING OF PROPERTY LOCATED AT 9605 W. 38<sup>TH</sup> AVENUE FROM RESIDENTIAL-ONE (R-1) TO RESIDENTIAL-ONE B (R-1B) (CASE NO. WZ-21-12)**

**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**, Jacob Hill has submitted a land use application for approval of a zone change to the Residential-One B (R-1B) zone district for property located at 9605 W. 38<sup>th</sup> Avenue; and

**WHEREAS**, the City of Wheat Ridge has adopted a comprehensive plan—*Envision Wheat Ridge*—which calls for “Neighborhood” uses in this area and to encourage reinvestment in property, maintain consistent character and create opportunities for home ownership; and

**WHEREAS**, the City of Wheat Ridge Planning Commission held a public hearing on December 16, 2021 and voted to recommend approval of rezoning the property to Residential-One B (R-1B).

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

**Section 1.** Upon application by Jacob Hill for approval of a zone change ordinance from Residential-One (R-1) to Residential-One B (R-1B) for property located at 9605 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:

THAT PART OF THE EAST ONE-HALF OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 22, TOWNSHIP 3 SOUTH , RANGE 69 WEST OF THE SIXTH PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT A POINT ON THE EAST LINE OF INDEPENDENCE PLACE, WHICH IS 55 FEET SOUTH OF THE SOUTHWEST CORNER OF LOT 7, NORTHERN SLOPE SUBDIVISION, ACCORDING TO THE RECORDED PLAT THEREOF, WHICH IS THE TRUE POINT OF BEGINNING; THENCE EAST 35.75 FEET; THENCE SOUTH 150 FEET TO THE NORTHERLY BOUNDARY LINE OF WEST 38TH AVENUE; THENCE WEST ALONG THE NORTHERLY LINE OF WEST 38TH AVENUE, A DISTANCE OF 20.75 FEET; THENCE ON A CURVE TO THE

RIGHT WITH A 15 FOOT RADIUS, TO A POINT ON THE EAST LINE OF INDEPENDENCE PLACE, WHICH POINT IS 134.2 FEET SOUTH OF THE POINT OF BEGINNING, THENCE NORTH, ALONG SAID EAST LINE, A DISTANCE OF 134.2 FEET TO THE POINT OF BEGINNING.

PARCEL B:

THAT PART OF THE EAST ONE-HALF OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 22, TOWNSHIP 3 SOUTH, RANGE 69 WEST OF THE SIXTH PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: BEGINNING AT THE WEST 16TH CORNER ON THE SOUTH LINE OF SAID SECTION 22, WHERE THE CENTERLINE OF WEST 38TH AVENUE AND THE EAST LINE OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 22 INTERSECT; THENCE NORTH 30 FEET AND WEST 15 FEET TO THE TRUE POINT OF BEGINNING ON THE NORTH LINE OF WEST 38TH AVENUE; THENCE CONTINUING WEST ALONG THE NORTH LINE OF WEST 38TH AVENUE, A DISTANCE OF 90 FEET; THENCE NORTH, PARALLEL WITH THE EAST LINE OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 22, A DISTANCE OF 150 FEET; THENCE EAST, PARALLEL WITH THE NORTH LINE OF WEST 38TH AVENUE, A DISTANCE OF 90 FEET, MORE OR LESS, TO A POINT 15 FEET WEST OF THE EAST LINE OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 22; THENCE ALONG SAID LINE, A DISTANCE OF 150 FEET, MORE OR LESS, TO THE TRUE POINT OF BEGINNING.

PARCEL C:

THAT PART OF THE EAST ONE-HALF OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 22, TOWNSHIP 3 SOUTH, RANGE 69 WEST OF THE SIXTH PRINCIPAL MERIDIAN, WHICH IS 15 FEET IN ITS EAST-WEST MEASUREMENT AND LIES IMMEDIATELY EAST OF AND ADJACENT TO THE ABOVE DESCRIBED PARCEL B.

**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 7 to 0 on this 10<sup>th</sup> day of January, 2022, ordered it published with Public Hearing and consideration on final passage set for **Monday, February 14, 2022 at 7:00 o'clock p.m.**, as a virtual meeting and in the Council Chambers, 7500 West 29<sup>th</sup> Avenue, Wheat Ridge, Colorado if allowed to meet in person on that date per COVID-19 restrictions, 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 14 day of February, 2022.

SIGNED by the Mayor on this 18 day of February, 2022.



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Bud Starker, Mayor

ATTEST:



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Stephen Kirkpatrick, City Clerk

Approved as to Form



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Gerald Dahl, City Attorney

1<sup>st</sup> publication: Jeffco Transcript, January 13, 2022  
2<sup>nd</sup> publication: Jeffco Transcript, February 17, 2022  
Effective Date: March 4, 2022

