

**CITY OF WHEAT RIDGE  
INTRODUCED BY COUNCIL MEMBER DOZEMAN  
COUNCIL BILL NO. 03  
ORDINANCE NO. 1733  
Series of 2022**

**TITLE: AN ORDINANCE APPROVING THE REZONING OF PROPERTY LOCATED AT 4877 ROBB STREET FROM AGRICULTURAL-ONE (A-1) TO PLANNED COMMERCIAL DEVELOPMENT (PCD) (CASE NO. WZ-21-09)**

**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**, Rocky Mountain Hardwood Processing LLC has submitted a land use application for approval of a zone change to the Planned Commercial Development (PCD) zone district for property located at 4877 Robb Street; and

**WHEREAS**, the City of Wheat Ridge has adopted a comprehensive plan—*Envision Wheat Ridge*—which calls for mixed use employment to support the local economy and ensure sustainable design; and

**WHEREAS**, the City of Wheat Ridge Planning Commission held a public hearing on March 17, 2022 and voted to recommend approval of rezoning the property to Planned Commercial District (PCD).

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

**Section 1.** Upon application by Rocky Mountain Hardwood for approval of a zone change ordinance from Agricultural-One (A-1) to Planned Commercial Development (PCD) for property located at 4877 Robb Street, 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:

Parcels of land located within the Southwest quarter of the Southwest quarter, Section 16, Township 3 South, Range 69 West of the 6th P.M., recorded in Book 2242 at Page 717, County of Jefferson, State of Colorado, being more particularly described as follows with recorded information denoted by parenthesis ( ):

Commencing at the Southwest corner of said Section 16, being a found in place 3 1/2" diameter brass cap L.S. 13212 in range box, from whence the South 1/16 corner of said Section being a found in place 3" diameter aluminum cap L.S. 10843 in aluminum pipe bears N 00°19'16" W (N 00°21' W), 1320.95 (1320.79) feet, with all bearings contained herein related thereto; thence along the West

line of said Section N 00°19'16" W (N 00°21' W), 529.50 feet to a found in place No. 3 rebar and the True Point of Beginning;

Thence N 00°19'16" W (N 00°21'W), 234.95 (234.90) feet; thence N 89°40'44" E (N 89°39' E), 638.90 (639.00) feet to a point along the West right-of-way of Robb Street; thence along the said right-of-way S 00°17'53" E (S 00°19'36" E), 234.95 (234.90) feet to the Northeast corner of Wheat Ridge Industrial Park; thence along the common line with Wheat Ridge Industrial Park, S 89°40'44" W (S 89°39' W), 638.81 (638.95) feet to the Point of Beginning.

**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 28<sup>th</sup> day of March, 2022, ordered it published with Public Hearing and consideration on final passage set for **Monday, April 25, 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 8 to 0, this 25th day of April 2022.

SIGNED by the Mayor on this 29 day of April, 2022.

  
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Bud Starker, Mayor

ATTEST:

  
\_\_\_\_\_  
Stephen Kirkpatrick, City Clerk

Approved as to Form

  
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Gerald Dahl, City Attorney

1<sup>st</sup> publication: March 31, 2022  
2<sup>nd</sup> publication: April 28, 2022  
Jeffco Transcript:  
Effective Date: May 13, 2022

