

**CITY OF WHEAT RIDGE  
INTRODUCED BY COUNCIL MEMBER DOZEMAN  
COUNCIL BILL NO. 09  
ORDINANCE NO. 1743  
Series of 2022**

**TITLE: AN ORDINANCE APPROVING THE REZONING OF PROPERTY LOCATED AT 10101 W. I-70 FRONTAGE ROAD NORTH FROM COMMERCIAL-ONE (C-1) TO MIXED USE-COMMERCIAL INTERSTATE (MU-C INTERSTATE) (CASE NO. WZ-22-05)**

**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**, Anthony Sherman has submitted a land use application for approval of a zone change to the Mixed Use-Commercial Interstate (MU-C Interstate) zone district for property located at 10101 W. I-70 Frontage Road North; and,

**WHEREAS**, the City of Wheat Ridge has adopted a comprehensive plan—*Envision Wheat Ridge*— which specifically designates the area surrounding the I-70 and Kipling interchange, including the subject site, as a priority area for infill and high-quality redevelopment; and,

**WHEREAS**, the City of Wheat Ridge Planning Commission held a public hearing on June 2, 2022 and voted to recommend approval of rezoning the property to Mixed Use-Commercial Interstate (MU-C Interstate).

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

**Section 1.** Upon application by Anthony Sherman for approval of a zone change ordinance from Commercial-One (C-1) to Mixed Use-Commercial Interstate (MU-C Interstate) for property located at 10101 W. I-70 Frontage Road North, 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:

LEGAL DESCRIPTION PARCEL A:  
THE NORTH 1/2 OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1 /4 OF  
THE SOUTHEAST 1/4 OF SECTION 16, TOWNSHIP 3 SOUTH, RANGE 69  
WEST OF THE 6TH P.M.,  
EXCEPT THE WEST 30 FEET, AND  
EXCEPT THE NORTH 20 FEET THEREOF, AND  
EXCEPT THAT PORTION CONVEYED TO THE DEPARTMENT OF  
HIGHWAYS, STATE OF COLORADO, BY INSTRUMENT RECORDED  
SEPTEMBER 2, 1966 IN BOOK 1895 AT PAGE 46, AND

EXCEPT THAT PORTION CONVEYED TO THE DEPARTMENT OF HIGHWAYS, STATE OF COLORADO, BY INSTRUMENT RECORDED FEBRUARY 2, 1984 UNDER RECEPTION NO. 84010595, AND EXCEPT THAT PART CONVEYED TO THE CITY OF WHEAT RIDGE BY DEED RECORDED AUGUST 15, 1988 AS RECEPTION NO. 88079313, COUNTY OF JEFFERSON, STATE OF COLORADO.

PARCEL B:

THAT PART OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 16, TOWNSHIP 3 SOUTH, RANGE 69 WEST OF THE 6TH P.M., DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 16, THENCE SOUTH 0°21' EAST ALONG THE WEST LINE OF SAID SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4, 318.98 FEET, MORE OR LESS, TO THE NORTHERLY LINE OF THE STATE HIGHWAY AS DESCRIBED IN BOOK 1588 AT PAGE 508 OF THE JEFFERSON COUNTY RECORDS, SAID POINT BEING THE TRUE POINT OF BEGINNING, THENCE NORTH 79°01'30" EAST ALONG SAID NORTHERLY LINE 260.35 FEET TO THE SOUTHWEST CORNER OF PROPERTY DESCRIBED LN BOOK 2059 AT PAGE 787, THENCE NORTH 246.97 FEET AND ALONG THE WEST LINE OF PROPERTY DESCRIBED IN BOOK 2059 AT PAGE 787 TO THE NORTHWEST CORNER THEREOF; THENCE SOUTH 89°14'30" WEST PARALLEL WITH THE NORTH LINE OF SAID SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4, 82.52 FEET, MORE OR LESS TO THE NORTHEAST CORNER OF PROPERTY DESCRIBED IN BOOK 1288 AT PAGE 505; THENCE CONTINUING SOUTH 89°14'30" WEST, ALONG THE NORTH LINE OF SAID PARCEL DESCRIBED IN BOOK 1288 AT PAGE 505, 175.0 FEET, MORE OR LESS, TO THE WEST LINE OF SAID SOUTHEAST 1/4 OF THE SOUTHEAST 1/4; THENCE SOUTH, ALONG SAID WEST LINE 298.98 FEET, MORE OR LESS, TO SAID TRUE POINT OF BEGINNING;

EXCEPT THE NORTH 10 FEET OF THE EAST 82.52 FEET OF SAID PARCEL, DESCRIBED IN BOOK 1288 AT PAGE 505 AND AS DESCRIBED IN BOOK 1897 AT PAGE 557, AND EXCEPT THAT PART CONVEYED TO THE CITY OF WHEAT RIDGE BY DEED RECORDED AUGUST 15, 1988 AS RECEPTION NO. 88079313, 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 13<sup>th</sup> day of June, 2022, ordered it published with Public Hearing and consideration on final passage set for **Monday, July 11, 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 11 day of July, 2022.

SIGNED by the Mayor on this 13 day of July, 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

(see following page)

1<sup>st</sup> publication: June 16, 2022

2<sup>nd</sup> publication: July 14, 2022

Jeffco Transcript

Effective Date: July 29, 2022