

**CITY OF WHEAT RIDGE
INTRODUCED BY COUNCIL MEMBER OHM
COUNCIL BILL NO. 21
ORDINANCE NO. 1751
Series of 2022**

TITLE: AN ORDINANCE APPROVING THE REZONING OF PROPERTY LOCATED AT 7525 W. 44TH AVENUE FROM COMMERCIAL-ONE (C-1) TO MIXED USE-COMMERCIAL (MU-C) (CASE NO. WZ-22-08)

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, Foothills Regional Housing has submitted a land use application for approval of a zone change to the Mixed Use-Commercial (MU-C) zone district for property located at 7525 W. 44th Avenue; and

WHEREAS, the City of Wheat Ridge has adopted a comprehensive plan—*Envision Wheat Ridge*— which specifically designates the area along Wadsworth, including the subject site, as a priority for improving the appearance and function of the corridor and working to redevelop outdated and underutilized properties; and

WHEREAS, the City of Wheat Ridge Planning Commission held a public hearing on November 3, 2022 and voted to recommend approval of rezoning the property to Mixed Use-Commercial (MU-C).

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

Section 1. Upon application by Foothills Regional Housing for approval of a zone change ordinance from Commercial-One (C-1) to Mixed Use-Commercial (MU-C) for property located at 7525 W. 44th 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 ONE:

THE SOUTH 320 FEET OF BLOCKS 5 AND 6, COULEHAN GRANGE; EXCEPT THE EAST 148.4 FEET OF THE SOUTH 145 FEET OF SAID BLOCK 5; EXCEPT THE EAST 243 FEET OF THE NORTH 120 FEET OF THE SOUTH 320 FEET OF SAID BLOCK 5; EXCEPT THE EAST 35 FEET OF SAID BLOCK 5; EXCEPT THE WEST 10 FEET OF THE SOUTH 150 FEET OF SAID BLOCK 6; EXCEPT THE WEST 22 FEET OF THE NORTH 170 FEET OF THE SOUTH 320 FEET OF SAID BLOCK 6 EXCEPT THE SOUTH 10 FEET OF BLOCKS 5 AND 6; EXCEPT THE WEST 175 FEET OF THE SOUTH 150 FEET OF SAID BLOCK 6, EXCEPT THAT PORTION OF SUBJECT PROPERTY GIVEN TO CITY OF WHEAT RIDGE IN FINAL RULE & ORDER RECORDED APRIL 12,

2022 AT RECEPTION NO. 2022034802, COUNTY OF JEFFERSON, STATE OF COLORADO.

PARCEL TWO:

A NONEXCLUSIVE EASEMENT FOR ROADWAYS, WALKWAYS, INGRESS AND EGRESS, AS SET FORTH IN THE AGREEMENT RECORDED MARCH 30, 1972 IN BOOK 2358 AT PAGE 384 IN THE RECORDS OF JEFFERSON COUNTY, 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 14th day of November, 2022, ordered it published with Public Hearing and consideration on final passage set for **Monday, December 12, 2022 at 7:00 o'clock p.m.**, as a virtual meeting and in the Council Chambers, 7500 West 29th 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 12th day of December, 2022.

SIGNED by the Mayor on this 14th day of December, 2022.



Bud Starker, Mayor

ATTEST:



Stephen Kirkpatrick, City Clerk

Approved as to Form



Gerald Dahl, City Attorney

1st publication: November 17, 2022
2nd publication: December 15, 2022
Jeffco Transcript
Effective Date: 12/30/2022

