

**CITY OF WHEAT RIDGE
INTRODUCED BY COUNCIL MEMBER WEAVER
COUNCIL BILL NO. 07
ORDINANCE NO. 1759
Series of 2023**

TITLE: AN ORDINANCE APPROVING THE REZONING OF PROPERTY LOCATED AT 7890 W. 38TH AVENUE FROM RESIDENTIAL-TWO (R-2) TO MIXED USE-NEIGHBORHOOD (MU-N) (CASE NO. WZ-23-01)

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, Ivonne Reynosa has submitted a land use application for approval of a zone change to the Mixed Use-Neighborhood (MU-N) zone district for property located at 7890 W. 38th Avenue; and

WHEREAS, the City of Wheat Ridge has adopted a comprehensive plan—*Envision Wheat Ridge*— which specifically designates a portion along W. 38th Avenue, including the subject site, as a transition between low intensity residential uses and higher intensity commercial uses and a priority for the conversion of underutilized properties to serve as a mix of residential and small-scale commercial developments; and

WHEREAS, the City of Wheat Ridge Planning Commission held a public hearing on April 6, 2023, and voted to recommend approval of the rezoning to Mixed Use-Neighborhood (MU-N).

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

Section 1. Upon application by Ivonne Reynosa for approval of a zone change ordinance from Residential-Two (R-2) to Mixed Use-Neighborhood (MU-N), located at 7890 W. 38th 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:

LOT 1, ANTHANASOPOULOS CONSOLIDATION
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 6 to 0 on this 10th day of April 2023, ordered it published with Public Hearing and consideration on final passage set for **Monday, May 8, 2023, at 6:30 p.m.**, as a virtual meeting and in the Council Chambers, 7500 West 29th Avenue, Wheat Ridge, Colorado, and that it takes effect 15 days after final publication.

READ, ADOPTED AND ORDERED PUBLISHED on second and final reading by a vote of 6 to 0, this 8th day of May 2023.

SIGNED by the Mayor on this 8th day of May 2023.



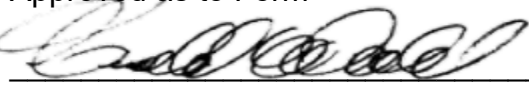
Bud Starker, Mayor

ATTEST:



Stephen Kirkpatrick, City Clerk



Approved as to Form


Gerald Dahl, City Attorney

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