

**CITY OF WHEAT RIDGE
INTRODUCED BY COUNCIL MEMBER _____
COUNCIL BILL NO. 22
ORDINANCE NO.
Series of 2023**

TITLE: AN ORDINANCE APPROVING THE REZONING OF PROPERTY LOCATED AT 7575 W. 44TH AVENUE FROM COMMERCIAL-ONE (C-1) TO MIXED USE-COMMERCIAL (MU-C) (CASE NO. WZ-23-06)

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, the City of Wheat Ridge 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 7575 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the subject site, as a priority for improving the appearance and function of the corridor and working to redevelop outdated and underutilized properties; and,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, a rezoning to MU-C would unify zoning in the area and facilitate a more cohesive redevelopment with the surrounding parcels; and,

WHEREAS, the City of Wheat Ridge Planning Commission held a public hearing on August 17, 2023, and recommended 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 the City of Wheat Ridge for approval of a zone change ordinance from Commercial-One (C-1) to Mixed Use-Commercial (MU-C) for property located at 7575 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:

A TRACT OR PARCEL OF LAND NO. RM-39 OF THE CITY OF WHEAT RIDGE, STATE OF COLORADO, PROJECT NO. M- 01-015 (COOT PROJECT NO. NHPP 1211-086; PROJECT CODE 21006) CONTAINING 15,435 SQ. FT. (0.354 ACRES) OF LAND, MORE OR LESS, BEING A PORTION OF THAT PARCEL OF LAND AS DESCRIBED IN THE QUIT CLAIM DEED RECORDED AT RECEPTION NUMBER 89074573, IN THE JEFFERSON COUNTY COLORADO CLERK AND RECORDER'S OFFICE ON AUGUST 30, 1989, LYING IN THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF

SECTION 23, TOWNSHIP 3 SOUTH, RANGE 69 WEST, OF THE 6TH PRINCIPAL MERIDIAN, IN JEFFERSON COUNTY, COLORADO, SAID TRACT OR PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE CENTER QUARTER CORNER OF SAID SECTION 23 (A 3 1/4" BRASS CAP ON PIPE IN RANGE BOX STAMPED "LS 13212"), WHENCE THE CENTER-NORTH SIXTEENTH CORNER OF SAID SECTION 23 (A 3 1/4" BRASS CAP ON PIPE IN RANGE BOX STAMPED "LS 11434"), BEARS N.00° 10'09" W., A DISTANCE OF 1,321.98 FEET; THENCE N.25°16'41" E., A DISTANCE OF 199.57 FEET, TO A POINT ON THE NORTH LINE OF SAID PARCEL OF LAND AS DESCRIBED IN THE QUIT CLAIM DEED RECORDED AT RECEPTION NUMBER 89074573, SAID POINT BEING THE POINT OF BEGINNING;

1. THENCE ALONG SAID NORTH LINE, N. 89°41'34" E., A DISTANCE OF 129.50 FEET;
2. THENCE S. 89°41'34" W., A DISTANCE OF 108.85 FEET;
3. THENCE N. 82°05'31" W., A DISTANCE OF 10.50 FEET;
4. THENCE N. 00°10'09" W., A DISTANCE OF 128.00 FEET, MORE OR LESS, 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 ___ to ___ on this 28th day of August 2023, ordered it published with Public Hearing and consideration on final passage set for Monday, September 25, 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 _____ to _____, this _____ day of _____, 2023.

SIGNED by the Mayor on this _____ day of _____, 2023.

Bud Starker, Mayor

ATTEST:

Stephen Kirkpatrick, City Clerk

Approved as to Form

Gerald Dahl, City Attorney

1st publication: August 31, 2023

2nd publication:

Jeffco Transcript:

Effective Date: