

CITY OF WHEAT RIDGE  
INTRODUCED BY COUNCIL MEMBER DOZEMAN  
COUNCIL BILL NO. 10  
ORDINANCE NO. 1643  
Series of 2018

**TITLE: AN ORDINANCE APPROVING THE REZONING OF PROPERTY LOCATED AT 11221 WEST 44<sup>TH</sup> AVENUE FROM COMMERCIAL-ONE (C-1) AND AGRICULTURAL-ONE (A-1) TO MIXED USE-NEIGHBORHOOD (MU-N) (CASE NO. WZ-18-07 / CHRISP)**

**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**, Chris Wedgwood 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 11221 West 44<sup>th</sup> Avenue; and,

**WHEREAS**, the City of Wheat Ridge has adopted a comprehensive plan—*Envision Wheat Ridge*—which calls for a mix of land uses along W. 44<sup>th</sup> Avenue by virtue of it being designated a neighborhood commercial corridor; and,

**WHEREAS**, the City of Wheat Ridge has adopted a subarea plan—*Fruitdale Subarea Plan*—which calls for a mix of uses within this area of 44<sup>th</sup> Avenue; and,

**WHEREAS**, the City of Wheat Ridge Planning Commission held a public hearing on April 5, 2018 and voted to recommend approval of rezoning the property 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 Francesca Chrisp for approval of a zone change ordinance from Commercial-One (C-1) and Agricultural-One (A-1) to Mixed Use-Neighborhood (MU-N) for property located at 11221 W. 44<sup>th</sup> 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 parcel of land situated, lying and being in the County of Jefferson, State of Colorado, described as follows, to wit:

THAT PORTION OF THE EAST HALF (E1/2) OF THE NORTHWEST QUARTER (NW1/4) OF SECTION TWENTY-ONE (SEC. 21), TOWNSHIP THREE (3) SOUTH OF RANGE SIXTY-NINE (69) WEST, COMMENCING AT THE POINT OF INTERSECTION OF THE WEST LINE OF SAID LAND AND THE NORTH LINE OF THE COUNTY ROAD, KNOWN AS THE NORTH GOLDEN AND DENVER ROAD, JEFFERSON AVENUE OR WEST FORTY-FOURTH

AVENUE, RUNNING THENCE NORTH ALONG THE WEST LINE OF SAID LAND SEVEN HUNDRED AND TEN (710) FEET, THENCE EASTERLY TWO HUNDRED FIFTY-FIVE (255) FEET, THENCE SOUTH PARALLEL WITH THE WEST LINE OF SAID LAND SEVEN HUNDRED AND TEN FEET (710) TO THE NORTH LINE OF SAID ROAD, THENCE WESTELY TWO HUNDRED FIFTY-FIVE (255) FEET TO THE PLACE OF BEGINNING;

EXCEPT THOSE PORTIONS CONVEYED TO THE CITY OF WHEATRIDGE, A MUNICIPAL CORPORATION, BY INSTRUMENTS RECORDED NOVEMBER 18, 1970 IN BOOK 2221 AT PAGE 663, JANUARY 12, 1971 IN BOOK 2231 AT PAGE 545, JUNE 30, 1978 AS RECEPTION NO. 78059221, AND OCTOBER 21, 1985, AS RECEPTION NO. 85101326; AND EXCEPT ANY PORTION LYING WITHIN BLAGDON SUBDIVION, RECORDED NOVEMBER 22, 1955 IN PLAT BOOK 15 AT PAGE 45,

TOGETHER WITH THE EAST 2 FEET OF THE E1/2 OF THE NE1/4 OF THE SW1/4 OF THE NW1/4 OF SECTION 21, TOWNSHIP 3 SOUTH, RANGE 69 WEST, EXCEPT THOSE PORTIONS CONVETYED TO THE CITY OF WHEATRIDGE, A MUNICIPAL CORPORATION, BY INSTRUMENTS RECORDED NOVEMBER 18, 1970 IN BOOK 2221 AT PAGE 663 AND JUNE 30, 1978 AS RECEPTION NO. 78059221.

**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 23<sup>rd</sup> day of April, 2018, ordered it published with Public Hearing and consideration on final passage set for **Monday, May 14, 2018 at 7:00 o'clock p.m.**, in the Council

Chambers, 7500 West 29<sup>th</sup> 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 8 to 0, this 14<sup>th</sup> day of May, 2018.

SIGNED by the Mayor on this 14<sup>th</sup> day of May, 2018.

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Bud Starker, Mayor

ATTEST:

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Janelle Shaver, City Clerk

*Robin Eaton, Deputy City Clerk*

Approved as to Form

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Gerald Dahl, City Attorney

1<sup>st</sup> publication: April 26, 2018

2<sup>nd</sup> publication: May 17, 2018

Wheat Ridge Transcript:

Effective Date: June 1, 2018

