

**CITY OF WHEAT RIDGE
INTRODUCED BY COUNCIL MEMBER DAVIS
COUNCIL BILL NO. 14
ORDINANCE NO. 1645
Series of 2018**

TITLE: AN ORDINANCE APPROVING THE REZONING OF PROPERTY LOCATED AT 7955 W. 42nd AVENUE FROM RESIDENTIAL-TWO (R-2) TO PLANNED RESIDENTIAL DEVELOPMENT (PRD) AND FOR APPROVAL OF AN OUTLINE DEVELOPMENT PLAN (ODP) (CASE NO. WZ-17-08/ENVIROFINANCE GROUP)

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, EnviroFinance Group has submitted a land use application for approval of a zone change to the Planned Residential Development zone district and for approval of an ODP for property located at 7955 W. 42nd Avenue; and,

WHEREAS, a zone change will allow for redevelopment opportunities on an underutilized property and increased housing options; and,

WHEREAS, the City Council has conducted a public hearing complying with all public notice requirements as required by Section 26-109 of the Code of Laws;

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

Section 1. Upon application by EnviroFinance Group (EFG) for approval of a zone change from Residential-Two (R-2) to Planned Residential Development (PRD) and for approval of an Outline Development Plan (ODP) for property located at 7955 W. 42nd 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 property addressed as 7955 W. 42nd Avenue located within the following described land:

A PARCEL OF LAND LOCATED IN THE SOUTHWEST QUARTER OF SECTION 23, TOWNSHIP 3 SOUTH, RANGE 69 WEST OF THE 6TH P.M., CITY OF WHEAT RIDGE, COUNTY OF JEFFERSON, STATE OF COLORADO MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCING AT THE CENTER QUARTER CORNER OF SAID SECTION 23, BEING A FOUND 3-1/4" DIAMETER BRASS CAP AND ALUMINUM MONUMENT IN RANGE BOX, MARKED "CITY OF WHEAT RIDGE PLS 13212", WHENCE THE SOUTH QUARTER CORNER OF SAID SECTION, BEING A FOUND 3-1/4" DIAMETER BRASS CAP AND ALUMINUM MONUMENT IN RANGE BOX, MARKED "CITY OF WHEAT RIDGE PLS 13212", IS ASSUMED TO BEAR SOUTH

00°10'11" EAST, WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO;
THENCE SOUTH 68°54'09" WEST A DISTANCE OF 732.50 FEET TO THE WESTERLY RIGHT-OF-WAY OF YARROW STREET AND THE **POINT OF BEGINNING**;
THENCE ALONG SAID WESTERLY RIGHT-OF-WAY SOUTH 00°13'43" EAST A DISTANCE OF 386.23 FEET;
THENCE ALONG THE ARC OF A NON-TANGENT CURVE TO THE RIGHT 23.53 FEET, HAVING A RADIUS OF 15.00 FEET, A CENTRAL ANGLE OF 89°52'14" AND WHICH CHORD BEARS SOUTH 44°42'40" WEST A DISTANCE OF 21.29 FEET;
THENCE SOUTH 89°39'02" WEST A DISTANCE OF 618.95 FEET;
THENCE NORTH 00°15'42" WEST A DISTANCE OF 394.56 FEET;
THENCE NORTH 89°40'58" EAST A DISTANCE OF 104.15 FEET;
THENCE NORTH 00°15'42" WEST A DISTANCE OF 7.00 FEET;
THENCE NORTH 89°40'58" EAST A DISTANCE OF 530.00 FEET TO THE POINT OF BEGINNING.
SAID DESCRIBED PARCEL OF LAND CONTAINS 253,373 SQ. FT. OR 5.8250 ACRES, MORE OR LESS.

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.

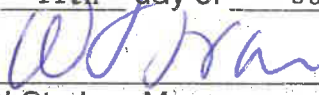
Section 4. Severability; Conflicting Ordinance Repealed. If any section, subsection or clause of the ordinance shall be deemed to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections and clauses shall not be affected thereby. All other ordinances or parts of ordinances 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 May, 2018, ordered it published with Public Hearing and consideration on final passage set for **Monday, June 11, 2018 at 7:00 o'clock p.m.**, 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 eleventh day of June 2018.

SIGNED by the Mayor on this 11th day of June, 2018.



Bud Starker, Mayor

ATTEST:

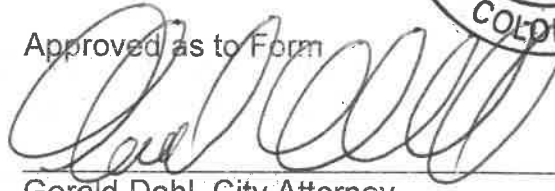


Janelle Shaver, City Clerk

Robin Eaton, Deputy City Clerk



Approved as to Form



Gerald Dahl, City Attorney

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