

CITY OF WHEAT RIDGE
INTRODUCED BY COUNCIL MEMBER URBAN
COUNCIL BILL NO. 20
ORDINANCE NO. 1651
Series of 2018

TITLE: AN ORDINANCE APPROVING THE REZONING OF PROPERTY LOCATED AT 6701 WEST 44TH AVENUE FROM COMMERCIAL-ONE (C-1) TO MIXED USE-NEIGHBORHOOD (MU-N) (CASE NO. WZ-18-14 / POTRYKUS)

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, Robert Potrykus 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 6701 West 44th 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. 44th Avenue by virtue of it being designated a neighborhood commercial corridor; and,

WHEREAS, the City of Wheat Ridge Planning Commission held a public hearing on June 21, 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 Robert Potrykus for approval of a zone change ordinance from Commercial-One (C-1) to Mixed Use-Neighborhood (MU-N) for property located at 6701 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 PART OF BLOCK 7, LAKE VIEW SUBDIVISION AND THE SW 1/4 OF THE NW 1/4 OF SECTION 24, TOWNSHIP 3 SOUTH, RANGE 69 WEST OF THE 6TH P.M., BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE WEST QUARTER CORNER OF SAID SECTION 24, THENCE N 90 DEGREES 00 MINUES 00 SECONDS E ON AN ASSUMED BEARING ALONG THE EAST-WEST CENTERLINE OF SAID SECTION 24, A DISTANCE OF 256.50 FEET; THENCE N 00 DEGREES 15 MINUTES 42 SECONDS W, A DISTANCE OF 30.00 FEET TO THE TRUE POINT OF BEGINNING, WHICH POINT IS ON THENORTHELY RIGHT OF WAY LINE OF WEST 44TH AVENUE; THENCE CONTINUING N 00 DEGREES 15 MINUES 42 SECONDS W, A DISTANCE OF 140.55 FEET TO A POINT 140.00 FEET

SOUTH OF THE SOUTHERLY RIGHT OF WAY LINE OF WEST 44TH PLACE; THENCE S 81 DEGREES 51 MINUTES 20 SECONDS E, PARALLEL WITH SAID SOUTHERLY RIGHT OF WAY LINE A DISTANCE OF 75.53 FEET TO A POINT ON THE EAST LINE OF THE WEST 331.50 FEET OF BLOCK 7, LAKEVIEW SUBDIVISION; THENCE S 00 DEGREES 15 MINUTES 43 SECONDS E, A DISTANCE OF 140.36 FEET TO A POINT ON THE NORTHERLY RIGHT OF WAY LINE OF WEST 44TH AVENUE; THENCE N 90 DEGREES 00 MINUTES 00 SECONDS W, ALONG SAID NORTHERLY RIGHT OF WAY LINE, A DISTANCE OF 75.53 FEET, MORE OR LESS, TO THE TRUE POINT OF BEGINNING, ACCORDING TO THE RECORDED PLAT THEREOF, 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 7 to 0 on this 9th day of July, 2018, ordered it published with Public Hearing and consideration on final passage set for **Monday, August 13, 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 1, this 13th day of August, 2018.

SIGNED by the Mayor on this 13th day of August, 2018.



Bud Starker, Mayor

ATTEST:

Janelle Shaver
Janelle Shaver, City Clerk



Approved as to Form

Gerald Dahl
Gerald Dahl, City Attorney

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