

**CITY OF WHEAT RIDGE
INTRODUCED BY COUNCIL MEMBER DOZEMAN
COUNCIL BILL NO. 02
ORDINANCE NO. 1667
Series of 2019**

TITLE: AN ORDINANCE APPROVING A ZONE CHANGE FROM RESIDENTIAL-THREE (R-3) TO PLANNED RESIDENTIAL DEVELOPMENT (PRD) WITH AN OUTLINE DEVELOPMENT PLAN (ODP) FOR PROPERTY LOCATED AT 4000-4066 UPHAM STREET (CASE NO. WZ-18-17 / RIDGETOP VILLAGE)

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, Upham Partners, LLC submitted a land use application for approval of a zone change to the Planned Residential Development (PRD) District for property at 4000, 4042, 4062, and 4066 Upham Street; and,

WHEREAS, the City of Wheat Ridge has adopted a Comprehensive Plan, Envision Wheat Ridge, which calls for vibrant neighborhoods, diversification of housing stock and household types, and reinvestment in the town center area and 38th Avenue corridor; and,

WHEREAS, the subject property is at the crossroads of the neighborhood, neighborhood transition, town center, and downtown Wheat Ridge designations within the Comprehensive Plan and 38th Avenue corridor plans; and,

WHEREAS, the zone change criteria support the request; and,

WHEREAS, the City of Wheat Ridge Planning Commission held a public hearing on February 7, 2019 and voted to recommend approval of the rezoning of the property to Planned Residential Development (PRD).

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

Section 1. Upon application by Upham Partners, LLC for approval of a zone change ordinance from Residential-Three (R-3) to Planned Residential Development (PRD) for property located at 4000-4066 Upham Street, 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 IN THE EAST 1/2 OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 23, TOWNSHIP 3 SOUTH, RANGE 69 WEST OF THE 6TH PRINCIPAL MERIDIAN,

CITY OF WHEAT RIDGE, COUNTY OF JEFFERSON, STATE OF COLORADO,
MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE EAST 1/4 CORNER OF SAID SECTION 23;
THENCE S41°50'16"E A DISTANCE OF 1960.91 FEET TO THE POINT OF
BEGINNING;

THENCE S00°14'00"E ALONG THE EAST LINE OF SAID EAST 1/2 A
DISTANCE OF 264.61 FEET;

THENCE S89°39'47"W A DISTANCE OF 328.96 FEET TO A POINT ON THE
WEST LINE OF SAID EAST 1/2;

THENCE N00°13'09"W ALONG SAID WEST LINE A DISTANCE OF 55.00
FEET;

THENCE N89°39'47"W A DISTANCE OF 20.00 FEET;

THENCE N00°13'09"W ALONG A LINE THAT IS 20.00 FEET EAST OF AND
PARALLEL WITH SAID WEST LINE A DISTANCE OF 209.63 FEET;

THENCE N89°39'59"E ALONG A LINE THAT IS 132.00 FEET SOUTH OF AND
PARALLEL WITH THE NORTH LINE OF SAID EAST 1/2 A DISTANCE OF
308.89 FEET TO THE POINT OF BEGINNING.

PARCEL CONTAINS (82,849 SQUARE FEET) 1.9020 ACRES AND IS KNOWN
AS 4000 – 4066 UPHAM STREET.

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 25th day of February 2019, ordered it published with Public Hearing and consideration on final passage set for Monday, April 8, 2019 at 7:00 o'clock p.m. (Failed 5-3); reconsidered at Council Meeting, April 22, 2019 passed 6-2 to schedule Council Action for **May 13, 2019 at 7:00 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 2, this 13th day of May, 2019.

SIGNED by the Mayor on this 13th day of May, 2019.



Bud Starker, Mayor

ATTEST:



Janelle Shaver, City Clerk
Robin Strum, Deputy City Clerk



Approved as to Form



Gerald Dahl, City Attorney

1st publication: February 28, 2019; April 23, 2019

2nd publication: May 16, 2019

Wheat Ridge Transcript:

Effective Date: May 31, 2019