

CITY OF WHEAT RIDGE  
INTRODUCED BY COUNCIL MEMBER URBAN  
COUNCIL BILL NO. 15  
ORDINANCE NO. 1561  
Series of 2014

**TITLE: AN ORDINANCE APPROVING THE REZONING OF PROPERTY LOCATED AT 6904-6940 W. 48TH AVENUE FROM RESIDENTIAL-THREE (R-3) TO PLANNED RESIDENTIAL DEVELOPMENT (PRD) (CASE NO. WZ 14-05 / SOMERSET)**

**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 Somerset Homes Condominiums Homeowners Association has submitted a land use application for approval of a zone change to the Planned Residential Development zone district for property located at 6904-6940 W. 48<sup>th</sup> Avenue; and,

**WHEREAS**, the City of Wheat Ridge has adopted a comprehensive plan—*Envision Wheat Ridge*—which calls for increased homeownership opportunities and stable neighborhoods; and,

**WHEREAS**, the City of Wheat Ridge Planning Commission held a public hearing on October 16, 2014 and voted to recommend approval of rezoning 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 Somerset Homes Condominiums Homeowners Association for approval of a zone change ordinance from Residential Three (R-3) to Planned Residential Development (PRD) for property located at 6904-6940 W. 48<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 TRACT OF LAND LOCATED IN THE NORTHEAST QUARTER OF SECTION 23, TOWNSHIP 3 SOUTH, RANGE 69 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY OF WHEAT RIDGE, JEFFERSON COUNTY COLORADO BEING A PORTION OF LOT 27, COULEHAN GRANGE, A SUBDIVISION RECORDED IN THE RECORDS OF THE JEFFERSON COUNTY CLERK AND RECORDER IN PLAT BOOK 1 AT PAGE 46 AND THAT TRACT OF LAND SHOWN ON THE CONDOMINIUM PLAT OF SOMERSET HOMES, A CONDOMINIUM PLAT RECORDED IN CONDOMINIUM BOOK 36 AT PAGE 36 AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 23; THENCE S.00°13'27"E. ALONG THE EAST LINE OF SAID NORTHEAST ONE-QUARTER A DISTANCE OF 30.70 FEET TO A POINT ON THE EXTENSION OF THE SOUTH RIGHT-OF-WAY LINE OF WEST 48TH AVENUE; THENCE S.89°43'21"W. ALONG SAID SOUTH RIGHT-OF-WAY LINE A DISTANCE OF 253.00 FEET TO THE NORTHEAST CORNER OF SAID TRACT AND THE TRUE POINT OF BEGINNING; THENCE CONTINUING S. 89°43'21"W. ALONG SAID LINE A DISTANCE OF 132.00 FEET TO THE NORTHWEST CORNER OF SAID TRACT; THENCE S.00°13'27"E. A DISTANCE OF 300.20 FEET TO THE SOUTHWEST CORNER OF SAID TRACT, BEING A POINT ON THE SOUTH LINE OF SAID LOT 27; THENCE N.89°43'09"E. ALONG THE SOUTH LINE OF SAID LOT 27 A DISTANCE OF 132.00 FEET TO THE SOUTHEAST CORNER OF SAID TRACT; THENCE N.00°13'27"W. A DISTANCE OF 300.19 FEET TO THE TRUE POINT OF BEGINNING, CONTAINING AN AREA OF 39,626 SQUARE FEET OR 0.910 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 7 to 0 on this 27<sup>th</sup> day of October, 2014, ordered it published with Public Hearing and consideration on final passage set for **Monday, December 8, 2014 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 6 to 0, this 8<sup>th</sup> day of December, 2014.

SIGNED by the Mayor on this 8<sup>th</sup> day of December, 2014.

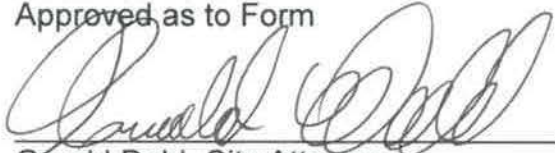


  
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Joyce Jay, Mayor

ATTEST:

  
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Janelle Shaver, City Clerk

Approved as to Form

  
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Gerald Dahl, City Attorney

1<sup>st</sup> publication: November 6, 2014  
2<sup>nd</sup> publication: December 11, 2014  
Wheat Ridge Transcript:  
Effective Date: December 26, 2014