

**CITY OF WHEAT RIDGE
INTRODUCED BY COUNCIL MEMBER MATHEWS
COUNCIL BILL NO. 13
ORDINANCE NO. 1601
Series of 2016**

TITLE: AN ORDINANCE APPROVING THE REZONING OF PROPERTY LOCATED AT 11818 W. 52nd AVENUE FROM RESIDENTIAL-ONE (R-1) TO MIXED USE COMMERCIAL TOD (MU-C TOD) AND MIXED USE-NEIGHBORHOOD (MU-N) (CASE NO. WZ-16-03/HANCE RANCH)

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, HRE Development, LLC has submitted a land use application for approval of a zone change to the Mixed Use – Commercial TOD and Mixed Use-Neighborhood zone districts for property located at 11818 W. 52nd Avenue; and,

WHEREAS, the City of Wheat Ridge has adopted a Northwest Subarea Plan — which calls for an area of transition along Tabor abutting existing low-density residential development with higher densities closer to the Gold Line commuter rail station; and,

WHEREAS, a zone change will allow for a mix of uses and densities and to simplify the review and approval for future development on the property; and,

WHEREAS, the City of Wheat Ridge Planning Commission held a public hearing on June 16, 2016 and voted to recommend approval of rezoning the property to Mixed Use-Commercial TOD (MU-C TOD) and 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 HRE Development, LLC for approval of a zone change ordinance from Residential -One (R-1) to Mixed Use- Commercial TOD (MU-C TOD) and Mixed Use-Neighborhood (MU-N) for property located at 11818 W. 52nd 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:

The northern 400' of the parcel described below shall be zoned Mixed Use-Neighborhood (MU-N)

The southern 360' of the parcel described below shall be zoned Mixed Use-Commercial Transit Oriented Development (MU-C TOD)

LOTS 1 THROUGH 25, HANCE'S SUBDIVISION, EXCEPT THAT PORTION THEREOF AS CONVEYED TO REGIONAL TRANSPORTATION DISTRICT, A

POLITICAL SUBDIVISION OF THE STATE OF COLORADO IN THE DEED RECORDED DECEMBER 17, 2012 UNDER RECEPTION NO. 2012135810, TOGETHER WITH A PORTION OF TAFT STREET RIGHT OF WAY.

SAID PARCEL ALSO BEING DESCRIBED AS FOLLOWS;

A PORTION OF HANCE'S SUBDIVISION, AS RECORDED IN BOOK 12 AT PAGE 10, AND A PORTION OF TAFT STREET RIGHT OF WAY, BEING LOCATED IN THE SOUTHEAST QUARTER OF SECTION 17, TOWNSHIP 3 SOUTH, RANGE 69 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY OF WHEAT RIDGE, COUNTY OF JEFFERSON, STATE OF COLORADO.

BASIS OF BEARINGS: THE NORTH LINE OF THE SOUTHEAST QUARTER OF SECTION 17 TOWNSHIP 3 SOUTH RANGE 69 WEST OF THE 6TH P.M., BEING MONUMENTED AT THE EAST QUARTER CORNER OF SECTION 17 BY A 2 INCH PIPE WITH A 3-1/4 INCH ALUMINUM CAP MARKED "PLS 13212" AND AT THE CENTER OF SECTION 17 BY A NO. 6 REBAR WITH A 2-1/2 INCH ALUMINUM CAP MARKED "PLS 27609" IS ASSUMED TO BEAR S 89°11'07" W.

COMMENCING AT SAID EAST QUARTER CORNER OF SECTION 17:

THENCE S 89°11'07" W ALONG SAID NORTH LINE OF THE SOUTHEAST QUARTER OF SECTION 17 A DISTANCE OF 1058.80 FEET;

THENCE S 00°48'53" E A DISTANCE OF 30.00 FEET TO THE NORTHWEST CORNER OF SAID HANCE'S SUBDIVISION AND THE **POINT OF BEGINNING**;

THENCE S 00°18'02" E ALONG THE WEST LINE OF SAID HANCE'S SUBDIVISION, ALSO BEING THE EAST RIGHT OF WAY LINE OF TAFT COURT A DISTANCE OF 759.48 FEET TO THE NORTHWEST CORNER OF TRACT A OF WARD ROAD STATION SUBDIVISION AS DESCRIBED AT RECEPTION NUMBER 201235810;

THENCE N 89°40'56" E ALONG THE NORTH LINE OF SAID TRACT A A DISTANCE OF 86.44 FEET;

THENCE N 84°17'24" E CONTINUING ALONG SAID NORTH LINE OF TRACT A A DISTANCE OF 70.28 FEET TO THE WESTERLY RIGHT OF WAY LINE OF TAFT STREET;

THENCE N 84°38'08" E A DISTANCE OF 40.16 FEET TO THE EASTERLY RIGHT OF WAY LINE OF TAFT STREET AND THE NORTHWEST CORNER OF EXCEPTION PARCEL GL-55A AS DESCRIBED AT RECEPTION NUMBER 2012135810;

THENCE N 79°41'52" E ALONG SAID NORTH LINE OF EXCEPTION PARCEL GL-55A A DISTANCE OF 158.91 FEET TO A POINT OF A CURVE;

THENCE ALONG THE WEST LINE OF SAID EXCEPTION PARCEL GL-55A THE FOLLOWING THREE (3) COURSES AND DISTANCES;

1) ALONG THE ARC OF A NON-TANGENT CURVE TO THE RIGHT, HAVING A CENTRAL ANGLE OF 17°56'17", A RADIUS OF 400.00' FEET, AN ARC LENGTH OF 125.23 FEET WHOSE CHORD BEARS N 20°50'12" E A DISTANCE OF 124.72 TO A POINT OF A REVERSE CURVE;

2) ALONG THE ARC OF A REVERSE CURVE TO THE LEFT, HAVING A CENTRAL ANGLE OF 26°26'54", A RADIUS OF 235.00 FEET, AN ARC LENGTH OF 108.48 FEET AND WHOSE CHORD BEARS N 16°34'54" E A DISTANCE OF 107.52 FEET TO A POINT OF TANGENCY;

3) N 03°21'27" E A DISTANCE OF 76.92 FEET TO THE MOST NORTHERLY LINE OF SAID EXEMPTION PARCEL GL-55A;

THENCE N 89°43'08" E ALONG THE MOST NORTHERLY LINE A DISTANCE OF 11.02 FEET, TO THE WEST RIGHT OF WAY LINE OF TABOR STREET;

THENCE N 00°16'32" W ALONG SAID WEST RIGHT OF WAY LINE OF TABOR STREET A DISTANCE OF 414.56 FEET TO A POINT OF A CURVE;

THENCE ALONG THE ARC OF A TANGENT CURVE TO THE LEFT, HAVING A CENTRAL ANGLE OF 90°32'18", A RADIUS OF 15.00 FEET, AN ARC LENGTH OF 23.70 FEET, AND WHOSE CHORD BEARS N 45°32'43" W A DISTANCE OF 21.31 FEET TO A POINT OF TANGENCY AND THE SOUTH RIGHT OF WAY LINE OF WEST 52ND AVENUE;

THENCE S 89°11'07" W ALONG THE SOUTH RIGHT OF WAY LINE OF WEST 52ND AVENUE A DISTANCE OF 430.08 FEET TO THE **POINT OF BEGINNING**;

SAID DESCRIBED PARCEL OF LAND CONTAINS 318,708 SQ. FT. OR 7.316 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 11th day of July, 2016, ordered it published with Public Hearing and consideration on final passage set for **Monday, August 8, 2016 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 8 to 0, this 8th day of August, 2016.

SIGNED by the Mayor on this 8th day of August, 2016.





Joyce Jay, Mayor

ATTEST:



Janelle Shaver, City Clerk

Approved as to Form


Gerald Dahl, City Attorney

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Wheat Ridge Transcript:
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