

CITY OF WHEAT RIDGE
INTRODUCED BY COUNCIL MEMBER POND
COUNCIL BILL NO. 16
ORDINANCE NO. 1562
Series of 2014

TITLE: AN ORDINANCE APPROVING THE REZONING OF PROPERTY LOCATED GENERALLY AT 3400 YOUNGFIELD STREET FROM NEIGHBORHOOD COMMERCIAL (NC), RESTRICTED COMMERCIAL (RC), AND COMMERCIAL-ONE (C-1) TO PLANNED COMMERCIAL DEVELOPMENT (PCD) AND FOR APPROVAL OF AN OUTLINE DEVELOPMENT PLAN (CASE NO. WZ-14-09/APPLEWOOD VILLAGE SHOPPING CENTER)

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, Regency Centers, LLC has submitted a land use application for approval of a zone change to Planned Commercial Development for property located in the Applewood Village Shopping Center generally addressed as 3400 Youngfield Street; and

WHEREAS, the proposed zone change is supported by the City's guiding documents including the Neighborhood Revitalization Strategy, *Envision Wheat*; the I-70/Kipling Corridors Urban Renewal Plan and the City's Economic Development Strategy; and

WHEREAS, the zone change criteria specified in Section 26-112 support approval of the request.

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

Section 1. Upon application by Regency Centers for approval of a zone change for property located generally at 3400 Youngfield Street from Neighborhood Commercial (NC), Restricted Commercial (RC), Commercial-One (C-1) and Planned Commercial Development (PCD) to Planned Commercial Development and for approval of an Outline Development Plan, 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 located in the Northwest One-Quarter of Section 29, Township 3 South, Range 69 West of the 6th Principal Meridian, City of Wheat Ridge, County of Jefferson, State of Colorado, more particularly described below:

Commencing at the Southeast corner of the Northwest One-Quarter of said Section 29 and considering the South line of said Northwest One-Quarter to bear S89°29'29"W with all bearings herein relative thereto;

Thence along said South line, S89°29'29"W a distance of 1263.09 feet;
Thence N00°30'31"W, a distance of 98.24 feet to the Point of Beginning, said point being on the East Right-of-Way for Youngfield Street and 60.00 feet East of the West line of the Southeast One-Quarter of the Northwest One-Quarter of said Section 29;
Thence parallel to the West line of the Southeast One-Quarter of the Northwest One-Quarter of said Section 29, N00°54'01"W, a distance of 556.10 feet to the Southwest corner of Lot 1, Applewood Village Shopping Center Subdivision
Thence the following ten (10) courses along the West, North and East boundaries of said Lot 1:

1. Continuing parallel to the West line of the Southeast One-Quarter of the Northwest One-Quarter of said Section 29, N00°54'01"W, a distance of 667.77 feet;
2. N89°26'17"E, a distance of 150.00 feet;
3. N00°54'01"W, a distance of 200.00 feet;
4. S89°26'17"W, a distance of 150.00 feet;
5. Parallel to the West line of the Southeast One-Quarter of the Northwest One-Quarter of said Section 29, N00°54'01"W, a distance of 135.14 feet;
6. Along the arc of a non-tangent curve to the right having a radius of 182.00 feet and a central angle of 77°25'57", an arc distance of 245.96 feet with a chord bearing N37°48'56"E, a distance of 227.67 feet to a point on the South Right-of-Way for W. 38th Ave.;
7. Along said South Right-of-Way, N76°31'47"E, a distance of 701.71 feet;
8. S00°46'08"E, a distance of 670.37 feet;
9. S89°26'17"W, a distance of 0.68 feet;
10. S00°53'19"E, a distance of 762.82 feet to the Northeast corner of Lot 2, Applewood Village Shopping Center Subdivision;

Thence continuing, S00°53'19"E along the East line of said Lot 2, a distance of 133.50 feet to the Northwest corner of Lot 19, Applewood Village;

Thence the following four (4) courses along the Northerly, Easterly and South boundaries of Lots 19 and 20, Applewood Village:

1. S48°30'24"E, a distance of 234.05 feet;
2. Along the arc of a non-tangent curve to the left having a radius of 45.00 feet and a central angle of 188°38'41", an arc distance of 148.16 feet with a chord bearing S37°10'16"W, a distance of 89.74 feet;
3. S00°54'01"E, a distance of 38.91 feet;
4. S89°29'29"W, a distance of 117.57 feet to the Southwest corner of said Lot 20;

Thence continuing, S89°29'29"W, a distance of 37.43 feet to the Northeast corner of Lot 23, Applewood Village;

Thence along the east line of said Lot 23, S00°54'01"E, a distance of 115.21 feet to a point on the North line of the parcel described by the Special Warranty Deed recorded at Reception No. 2008031587;

Thence the following two (2) courses along the North boundary of said parcel:

1. N82°31'21"W, a distance of 83.90 feet;

2. N88°13'59"W, a distance of 72.07 feet to the Northeast corner of the parcel described by the Bargain and Sale Deed recorded at Reception No. 2008093175;

Thence the following ten (10) courses along the Northerly boundary of said parcel:

1. N88°14'22"W, a distance of 58.35 feet;
2. Along the arc of a non-tangent curve to the left having a radius of 9.50 feet and a central angle of 87°14'16", an arc distance of 14.46 feet with a chord bearing N44°37'16"W, a distance of 13.11 feet;
3. S89°05'15"W, a distance of 87.36 feet;
4. S00°24'32"E, a distance of 8.16 feet;
5. Along the arc of a curve to the right having a radius of 9.50 feet and a central angle of 89°32'21", an arc distance of 14.85 feet with a chord bearing S44°21'39"W, a distance of 13.38 feet;
6. S89°07'49"W, a distance of 136.21 feet;
7. Along the arc of a non-tangent curve to the right having a radius of 9.50 feet and a central angle of 90°40'44", an arc distance of 15.04 feet with a chord bearing N45°31'50"W, a distance of 13.51 feet;
8. N00°11'28"W, a distance of 2.00 feet;
9. S89°48'32"W, a distance of 32.54 feet;
10. Thence S00°54'01"E, a distance of 4.64 feet to the Northeast corner of the parcel described by the Special Warranty Deed recorded at Reception No. 2011096840;

Thence along the North line of said parcel, S89°29'29"W, a distance of 149.91 feet to the Northeast corner of the parcel described by the Special Warranty Deed recorded at Reception No. 2011096812;

Thence the following two (2) courses along the North line of said parcel:

1. Continuing S89°29'29"W, a distance of 100.77 feet;
2. Along the arc of a curve to the right having a radius of 39.50 feet and a central angle of 89°36'53", an arc distance of 61.78 feet with a chord bearing N45°42'05"W, a distance of 55.67 feet to the Point of Beginning;

Containing 1,505,152 square feet or 34.554 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 objective 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 6 to 0 on this 8th day of December, 2014, ordered it published with Public Hearing and consideration on final passage set for **Monday, January 12, 2015 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 12th day of January, 2015.

SIGNED by the Mayor on this 12th day of January, 2015.



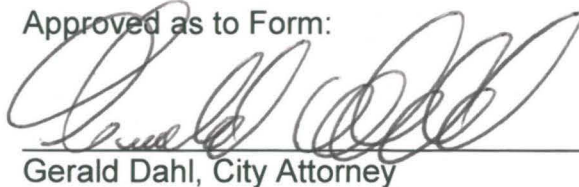
Joyce Jay, Mayor

ATTEST:



Janelle Shaver, City Clerk

Approved as to Form:



Gerald Dahl, City Attorney

1st publication: December 11, 2014

2nd publication: January 15, 2015

Wheat Ridge Transcript:

Effective Date: January 30, 2015

