

**CITY OF WHEAT RIDGE
INTRODUCED BY COUNCIL MEMBER DAVIS
COUNCIL BILL NO. 03
ORDINANCE NO. 1619
Series of 2017**

**TITLE: AN ORDINANCE APPROVING THE REZONING OF PROPERTY
LOCATED AT 4255 YARROW STREET FROM RESIDENTIAL-
TWO (R-2) TO MIXED USE-NEIGHBORHOOD (MU-N) (CASE
NO. WZ-16-08/ENVIROFINANCE GROUP)**

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, EnviroFinance Group, LLC 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 4255 Yarrow Street; and,

WHEREAS, the City of Wheat Ridge has adopted a Comprehensive Plan – Envision Wheat Ridge — which calls for the redevelopment of and reinvestment in underutilized properties; and,

WHEREAS, The City of Wheat Ridge has adopted the Wadsworth Corridor Plan which designates the property as Medium High Density Residential; and,

WHEREAS, the City of Wheat Ridge Planning Commission held a public hearing on February 16, 2017 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 EnviroFinance Group, LLC for approval of a zone change ordinance from Residential –Two (R-2) to Mixed Use-Neighborhood (MU-N) for property located at 4255 Yarrow 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:

PARCEL A:

THAT PART OF THE NEORTHWEST ¼ OF THE NORTHEAST ¼ OF THE SOUTHWEST ¼ SECTION 23, TOWNSHIP 3 SOUTH, RANGE 69 WEST, 6TH PRINCIPAL MERIDIAN, CITY OF WHEAT RIDGE, COUNTY OF JEFFERSON, STATE OF COLORADO, DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT WHICH BEARS NORTH [00 '15 '28] EAST, 160 FEET FROM THE SOUTHWEST CORNER OF SAID NORTHWEST ¼ ON THE WEST LINE THEREOF; THENCE NORTH ALONG THE EAST LINE OF SAID NORTHEWEST ¼ DISTANCE OF [234] FEET; THENCE EAST PARALLEL TO

THE SOUTH BOUNDARY OF SAID NORTHWEST $\frac{1}{4}$ TO THE WEST BOUNDARY LINE YARROW STREET AS DESCRIBED IN INSTRUMENT RECORDED DECEMBER 4, 1961 IN BOOK [1429] AT PAGE [526], JEFFERSON COUNTY RECORDS; THENCE SOUTH [00 '17' '44"] WEST ALONG THE WEST LINE OF YARROW STREET TO A POINT [15] FEET NORTH OF THE SOUTH BOUNDARY LINE OF SAID NORTHWEST $\frac{1}{4}$; THENCE TO THE RIGHT ALONG THE ARC OF A CURVE, HAVING A RADIUS OF [15] FEET, A DISTANCE OF [23.56] FEET TO A POINT ON THE SOUTH LINE OF SAID NORTHWEST $\frac{1}{4}$; THENCE NORTH [89 "47 ' 19"] WEST ALONG THE SOUTH LINE OF SAID NORTHWEST $\frac{1}{4}$ A DISTANCE OF [260.72] FEET; THENCE NORTH PARALLEL TO THE WEST BOUNDARY LINE OF SAID NORTHWEST $\frac{1}{4}$ A DISTANCE OF [160] FEET; THENCE WEST AND PARALLEL TO THE SOUTHERLY LINE OF SAID NORTHWEST $\frac{1}{4}$ A DISTANCE OF [358] FEET MORE OR LESS TO THE POINT OF BEGINNING.

PARCEL B:

ACCESS AND EASEMENT MAINTENANCE EASEMENTS AS GRANTED AND SET FORTH IN THE WARRANTY DEED RECORDED [AUGUST 26, 1976] IN BOOK [2894] AT PAGE [513].

SUBJECT TO ALL RIGHTS OF WAY AND EASEMENTS OF RECORD.

PARCEL C:

THAT PART OF THE NEORTHWEST $\frac{1}{4}$ OF THE NORTHEAST $\frac{1}{4}$ OF THE SOUTHWEST $\frac{1}{4}$ SECTION 23, TOWNSHIP 3 SOUTH, RANGE 69 WEST, 6TH PRINCIPAL MERIDIAN, CITY OF WHEAT RIDGE, COUNTY OF JEFFERSON, STATE OF COLORADO, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID NORTHWEST $\frac{1}{4}$ AND FOLLOWING THE WEST LINE THEREOF NORTH [0"15 ' 28] EAST A DISTANCE OF [394.00] FEET TO THE NORTHWEST CORNER OF THE PARCEL DESCRIBED IN THE WARRANTY DEED RECORDED IN THE JEFFERSON COUNTY CLERK AND RECORDERS OFFICE RECORDED AUGUST 26, 1976 IN BOOK [2894] AT PAGE [513], SAID POINT ALSO BEING THE SOUTHWEST CORNER OF THE CHARLES GRAUL JR. MINOR SUBDIVISION; THENCE SOUTH [89 " 47 " 19"] EAST ALONG THE NORTH LINE OF SAID PARCEL DESCRIBED IN THE WARRANTY DEED RECORDED AUGUST 26, 1976 IN BOOK [2894] AT PAGE [513] A DISTANCE OF [104.15] FEET TO THE TRUE POINT OF BEGINNING; THENCE CONTINUING ALONG THE NORTH LINE OF SAID PARCEL SOUTH [89 " 47 ' 19"] EAST A DISTANCE OF [529.99] FEET TO A POINT ON THE WEST RIGHT OF WAY LINE OF YARROW STREET; THENCE FOLLOWING THE WEST RIGHT OF WAY LINE OF YARROW STREET NORTH [0 "17' 44"] EAST A DISTANCE OF [7.10] FEET TO THE SOUTHEAST CORNER OF THE CHARLES GRAUL JR. MINOR SUBDIVISION; THENCE FOLLOWING THE SOUTH LINE OF THE CHARLES GRAUL JR. MINOR SUBDIVISION NORTH [89 " 47 ' 52 '] WEST A DISTANCE OF [530.0] FEET; THENCE SOUTH [0 " 15 ' 28 '] WEST A DISTANCE OF [7.02] FEET TO THE TRUE POINT OF BEGINNING.

COUNTY OF JEFFERSON, STATE OF COLORADO

PARCEL D:

NON-EXCLUSIVE EASEMENT FOR SEWER LINE AS GRANTED AND SET FORTH IN EASEMENT AGREEMENT RECORDED MAY 18, 2009 UNDER RECEPTION NO. 2009044993.

Section 2. Additional Conditions

The following additional conditions are hereby applied to the zone change hereby approved:

1. Additional traffic information shall be submitted at the time of administrative site plan review to determine whether the installation of a traffic signal at the corner of 44th and Yarrow is warranted. If it is warranted, the applicant will be responsible for the proportional share of the cost of such signal installation.
2. The City shall continue working with the applicant regarding interface with Happiness Gardens.
3. The City shall continue to work on the review of possible additional access points from the streets into the development.

Section 3. 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 4. 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 5. 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 6 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 5 to 0 on this 13th day of March 2017, ordered it published with Public Hearing and consideration on final passage set for **Monday, April 10, 2017 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 10th day of April 2017.

SIGNED by the Mayor on this 10th day of April 2017.





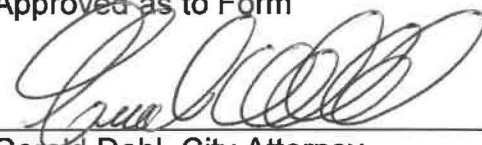
Joyce Jay, Mayor

ATTEST:



Janelle Shaver, City Clerk

Approved as to Form



Gerald Dahl, City Attorney

1st publication: March 16, 2017

2nd publication: April 13, 2017

Wheat Ridge Transcript:

Effective Date: April 28, 2017