

CITY OF WHEAT RIDGE
INTRODUCED BY COUNCIL MEMBER URBAN
COUNCIL BILL NO. 16
ORDINANCE NO. 1629
Series of 2017

TITLE: AN ORDINANCE APPROVING THE REZONING OF PROPERTY LOCATED AT 6025 WEST 40TH AVENUE FROM COMMERCIAL-ONE (C-1) TO RESIDENTIAL-ONE C (R-1C) (CASE NO. WZ-17-05 / SHADOW HOMES)

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, Shadow Homes has submitted a land use application for approval of a zone change to the Residential-One C (R-1C) zone district for property located at 6025 West 40th Avenue; and,

WHEREAS, the City of Wheat Ridge has adopted a comprehensive plan—*Envision Wheat Ridge*—which supports opportunities for home ownership and encourages investment in established neighborhoods; and,

WHEREAS, the zone change will align the land use and zoning on the property and prevent commercial uses in an otherwise established residential neighborhood; and,

WHEREAS, the City of Wheat Ridge Planning Commission held a public hearing on August 3, 2017 and voted to recommend approval of rezoning the property to Residential-One C (R-1C),

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

Section 1. Upon application by Shadow Homes for approval of a zone change ordinance from Commercial-One (C-1) to Residential-One C (R-1C) for property located at 6025 W. 40th 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:

Parcel A:

That part of the North 1/2 of the NE 1/4 of the S 1/4 of the SW 1/4 of Section 24, Township 3 South, Range 69, West of the 6th P.M., described as follows: Beginning at the SE corner of the above tract, thence due North 75 feet; thence at right angles due West 297 feet; thence at right angles due South 75 feet; thence at right angles due East 297 feet to the true point of beginning; except that portion of the above property described in deed recorded in Book 830 at page 554 in the records of the office of the Clerk and Recorder of Jefferson County, County of Jefferson, State of Colorado.

Parcel B:

That part of the North 1/2 of the NE 1/4 of the S 1/4 of the SW 1/4 of Section 24, Township 3, Range 69, West of the 6th P.M., described as follows: Beginning at a point on the North line of said tract, 297 feet West of the NE corner of said tract; thence South 180 feet to the True Point of Beginning; thence East 25 feet; thence South 75 feet; thence West 25 feet; thence North 75 feet to the true point of beginning, County of Jefferson, State of Colorado.

Parcel C:

That part of the North 1/2 of the NE 1/4 of the S 1/4 of the SW 1/4 of Section 24, Township 3, Range 69, West of the 6th P.M., described as follows: described as follows, to wit: That portion of the Lot five beginning at a point on the North line of the above described tract, 214 feet West and 180 South of the NE corner of said above described tracts which is the true point of beginning: thence South 75 feet to a point; thence at right angles West 58 feet to a point; thence at right angles North 765 feet to a point; thence at right angles East 58 feet to the true point of beginning, County of Jefferson, State of Colorado

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.

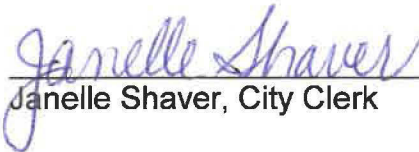
INTRODUCED, READ, AND ADOPTED on first reading by a vote of 7 to 0 on this 14th day of August, 2017, ordered it published with Public Hearing and consideration on final passage set for **Monday, September 11, 2017 at 7:00 o'clock p.m.**, in the Council Chambers, 7500 West 29th Avenue, Wheat Ridge, Colorado, and that it takes effect 15 days after final publication.

READ, ADOPTED AND ORDERED PUBLISHED on second and final reading by
a vote of 5 to 0, this 11th day of September, 2017.

SIGNED by the Mayor on this 11th day of September, 2017.

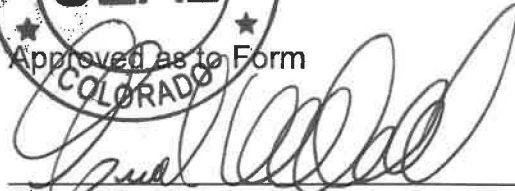

Joyce Jay, Mayor

ATTEST:


Janelle Shaver, City Clerk



Approved as to Form


Gerald Dahl, City Attorney

1st publication: August 17, 2017

2nd publication: September 14, 2017

Wheat Ridge Transcript:

Effective Date: September 29, 2017