

**CITY OF WHEAT RIDGE
INTRODUCED BY COUNCIL MEMBER HULTIN
COUNCIL BILL NO. 17
ORDINANCE NO. 1724
Series of 2021**

TITLE: AN ORDINANCE APPROVING THE REZONING OF PROPERTY LOCATED AT 4535 WADSWORTH BOULEVARD FROM RESIDENTIAL-TWO (R-2) TO MIXED USE-NEIGHBORHOOD (MU-N) (CASE NO. WZ-21-05)

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, David Heller 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 4535 Wadsworth Boulevard; and

WHEREAS, the City of Wheat Ridge has adopted a comprehensive plan—*Envision Wheat Ridge*—which calls for a mix of land uses along Wadsworth Boulevard to encourage the redevelopment of outdated and underutilized properties on that corridor; and

WHEREAS, the City of Wheat Ridge Planning Commission held a public hearing on September 16, 2021, 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 David Heller for approval of a zone change ordinance from Residential-Two (R-2) to Mixed Use-Neighborhood (MU-N) for property located at 4535 Wadsworth Boulevard, 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 SOUTH 150.00 FEET OF THE NORTH 556.00 FEET OF THE EAST ONE HALF OF THE EAST ONE HALF OF THE SOUTHEAST ONE QUARTER OF THE NORTHWEST ONE QUARTER OF SECTION 23, TOWNSHIP 3 SOUTH, RANGE 69 WEST OF THE 6TH P.M. EXCEPT THE EAST 75.00 FEET THEREOF, 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.

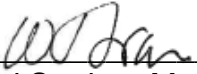
Section 4. Severability; Conflicting Ordinance Repealed. If any section, subsection or clause of the ordinance shall be deemed to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections and clauses shall not be affected thereby. All other ordinances or parts of ordinances 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 8 to 0 on this 27th day of September, 2021, ordered it published with Public Hearing and consideration on final passage set for **Monday, October 25, 2021, at 7:00 o'clock p.m.**, as a virtual meeting and in the Council Chambers, 7500 West 29th Avenue, Wheat Ridge, Colorado if allowed to meet in person on that date per COVID-19 restrictions, 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 25 day of October, 2021.

SIGNED by the Mayor on this 25 day of October, 2021.



Bud Starker, Mayor

ATTEST:



Stephen Kirkpatrick, City Clerk

Approved as to Form



Gerald Dahl, City Attorney

1st publication: September 30, 2021
2nd publication: October 28, 2021
Jeffco Transcript:
Effective Date: November 12, 2021

