

**CITY OF WHEAT RIDGE
INTRODUCED BY COUNCIL MEMBER URBAN
COUNCIL BILL NO. 19
ORDINANCE NO. 1726
Series of 2021**

TITLE: AN ORDINANCE APPROVING THE REZONING OF PROPERTY LOCATED AT 6011 W. 44TH AVENUE FROM RESTRICTED COMMERCIAL (RC) TO MIXED USE-COMMERCIAL (MU-C) (CASE NO. WZ-21-07)

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, P Street I, LLC has submitted a land use application for approval of a zone change to the Mixed Use-Commercial (MU-C) zone district for property located at 6011 W. 44th Avenue; and

WHEREAS, the City of Wheat Ridge has adopted a comprehensive plan—*Envision Wheat Ridge*—which calls for a mix of land uses along Harlan Street and 44th Avenue and to encourage opportunities for reinvestment on those corridors; and

WHEREAS, the City of Wheat Ridge Planning Commission held a public hearing on October 7, 2021 and voted to recommend approval of rezoning the property to Mixed Use-Commercial (MU-C).

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

Section 1. Upon application by P Street I, LLC for approval of a zone change ordinance from Restricted Commercial (RC) to Mixed Use-Commercial (MU-C) for property located at 6011 W. 44th 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:

Beginning at a point 30 feet West and 30 feet North of the Southeast corner of the E ½ SE ¼ SE ¼ NW ¼, Section 24, Township 3 South, Range 69 West of the 6th P.M.; thence North a distance of 280 feet to a point; thence West and parallel to the South line of the NW ¼ of said Section 24, Township 3 South, Range 69 West, a distance of 178.7 feet to a point; thence South and parallel to the East line of the NW ¼ of said Section 24, Township 3 South, Range 69 West a distance of 280 feet to a point; thence East and parallel to the South line of the NW ¼ of said Section 24, Township 3 South, Range 69 West a distance of 178.7 feet to the point of beginning,
Except the following Parcel for road purposes only as described in Book 2301, Page 417, Jefferson County Records,

Beginning at a point 30 feet West and 30 feet North of the Southeast corner of the East ½, Southeast ¼, Southeast ¼, Northwest ¼ of Section 24, Township 3 South, Range 69 West of the 6th P.M., in the City of Wheat Ridge, County of Jefferson, State of Colorado,

1. Thence Northerly a distance of 20 feet;
2. Thence Diagonally Southwesterly a distance of 28.28 feet;
3. Thence Easterly a distance of 20 feet to a 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 8 to 0 on this 25th day of October 2021, ordered it published with Public Hearing and consideration on final passage set for **Monday, November 22, 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 7 to 0, this 22 day of November, 2021.

SIGNED by the Mayor on this 13 day of January, 2022.



Bud Starker, Mayor

ATTEST:



Stephen Kirkpatrick, City Clerk

Approved as to Form



Gerald Dahl, City Attorney

1st publication: October 28, 2021
Jeffco Transcript
2nd publication: November 24, 2021
Denver Post
Effective Date: December 9, 2021

