

**CITY OF WHEAT RIDGE
INTRODUCED BY COUNCIL MEMBER NOSLER BECK
COUNCIL BILL NO. 24
ORDINANCE NO. 1730
Series of 2021**

TITLE: AN ORDINANCE APPROVING THE REZONING OF PROPERTY LOCATED AT 12100 W. 44TH AVENUE FROM COMMERCIAL-ONE (C-1) TO MIXED USE-COMMERCIAL (MU-C) (CASE NO. WZ-21-10)

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, Eric Boogaard 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 12100 W. 44th Avenue; and

WHEREAS, the City of Wheat Ridge has adopted a comprehensive plan—*Envision Wheat Ridge*—which calls for a mix of neighborhood-supporting uses along 44th Avenue to encourage neighborhood revitalization and promote reinvestment along the corridor; and

WHEREAS, the City of Wheat Ridge Planning Commission held a public hearing on November 18, 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 Eric Boogaard for approval of a zone change ordinance from Commercial-One (C-1) to Mixed Use-Commercial (MU-C) for property located at 12100 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:

LOTS 1, 2, 3 AND 4, SHUMWAY RESUBDIVISION, 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 Severability; Conflicting Ordinance Repealed.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 13th day of December, 2021, ordered it published with Public Hearing and consideration on final passage set for **Monday, January 10, 2022 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.

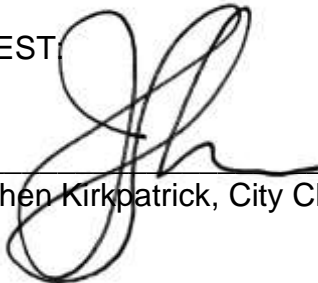
READ, ADOPTED AND ORDERED PUBLISHED on second and final reading by a vote of 7 to 0, this 10 day of January, 2022.

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: December 16, 2021
2nd publication: January 13, 2022
Jeffco Transcript
Effective Date: January 28, 2022

