

CITY OF WHEAT RIDGE
INTRODUCED BY COUNCIL MEMBER WEAVER
COUNCIL BILL NO. 01
ORDINANCE NO. 1786
Series of 2024

TITLE: AN ORDINANCE APPROVING THE REZONING OF PROPERTY LOCATED AT 10390 W. 38TH AVENUE FROM COMMERCIAL-ONE (C-1) TO MIXED USE-NEIGHBORHOOD (MU-N) (CASE NO. WZ-23-10)

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, Elham Nekouie 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 10390 W. 38th Avenue; and

WHEREAS, the City of Wheat Ridge has adopted a comprehensive plan—*Envision Wheat Ridge*— which specifically designates areas containing neighborhoods, including the subject site, as a priority for the promotion of reinvestment in underutilized properties and the promotion to provide a mix of neighborhood supporting uses, including residential use and office use; and

WHEREAS, the City of Wheat Ridge Planning Commission held a public hearing on December 7, 2023, and recommended approval of rezoning the property to MU-N.

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

Section 1. Upon application by the City of Wheat Ridge for approval of a zone change ordinance from Commercial-One (C-1) to Mixed Use-Neighborhood (MU-N) for property located at 10390 W. 38th 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:

A PARCEL OF LAND BEING A PART OF THE WEST 26.5 FEET OF TRACT A, ORTON HEIGHTS ACCORDING TO THE RECORDED PLAT THEREOF AND THE EAST 163.57 FEET OF THE NORTH 205.75 FEET OF THE WEST 1/2 OF THE WEST 1/2 OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 28, TOWNSHIP 3 SOUTH, RANGE 69 WEST OF THE 6TH P.M., EXCEPT THAT PORTION THEREOF CONVEYED TO THE COUNTY OF JEFFERSON BY INSTRUMENT RECORDED IN BOOK 808 AT PAGE 100, COUNTY OF JEFFERSON, STATE OF COLORADO AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
CONSIDERING THE NORTH LINE OF THE NORTHEAST 1/4, SECTION 28, TOWNSHIP 3 SOUTH, RANGE 69 WEST TO BEAR N89°12'50"E, AS SHOWN

ON THE CITY OF WHEAT RIDGE HORIZONTAL & VERTICAL CONTROL
BASE MAP;

COMMENCING AT THE NORTHWEST CORNER OF THE NORTHEAST 1/4 OF
SECTION 28, TOWNSHIP 3 SOUTH, RANGE 69 WEST; THENCE ALONG THE
NORTH LINE OF SAID NORTHEAST 1/4, N89°12'50"E 1677.63 FEET;
THENCE S00°15'59"E 30.00 FEET TO THE POINT OF BEGINNING;

THENCE S00°15'59"E ALONG A LINE 26.5 FEET WEST OF TRACT A, ORTON
HEIGHTS AND THE EAST LINE OF SAID ABOVE DESCRIPED PARCEL
175.75 FEET TO THE SOUTHEAST CORNER OF SAID PARCEL; THENCE
S89°10'32"W ALONG THE SOUTH LINE OF SAID PARCEL 165.25 FEET TO
THE SOUTHWEST CORNER OF SAID PARCEL; THENCE N00°15'58"W
ALONG THE WEST LINE OF SAID PARCEL 161.08 FEET TO THE
BEGINNING OF A CURVE TO THE RIGHT HAVING A RADIUS OF 15 FEET, A
CORD BEARING OF N45°25'43"E AND CORD LENGTH OF 21.21 FEET;
THENCE ALONG SAID CURVE A DISTANCE OF 23.56 FEET TO THE END OF
SAID CURVE; THENCE N89°10'32"E ALONG THE NORTH LINE OF SAID
PARCEL 150.07 FEET TO THE POINT OF BEGINNING.

CONTAINS 28,994 SQUARE FEET, MORE OR LESS.

Section 2. Vested Property Rights. Approval of this zone change does not
create 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 8th day of January 2024, ordered published by title and in full on the City's website
as provided by the Home Rule Charter, and Public Hearing and consideration on final
passage set for **Monday, February 12, 2024, at 6:30 p.m.**, as a virtual meeting and 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 12th day of February 2024.

SIGNED by the Mayor on this 14th day of February 2024.



Bud Starker, Mayor

ATTEST:



Stephen Kirkpatrick, City Clerk

Approved as to Form



Gerald Dahl, City Attorney

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