

**CITY OF WHEAT RIDGE  
INTRODUCED BY COUNCIL MEMBER DOZEMAN  
COUNCIL BILL NO. 27  
ORDINANCE NO. 1779  
Series of 2023**

**TITLE: AN ORDINANCE APPROVING THE REZONING OF PROPERTY LOCATED AT 10800 W. 48TH AVENUE FROM AGRICULTURAL-ONE (A-1) TO RESIDENTIAL-TWO (R-2) (CASE NO. WZ-23-07)**

**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**, Wei Lian Fu has submitted a land use application for approval of a zone change to the Residential-Two (R-2) zone district for property located at 10800 W. 48<sup>th</sup> Avenue; and

**WHEREAS**, the City of Wheat Ridge has adopted a comprehensive plan—*Envision Wheat Ridge*— which specifically designates areas containing established neighborhoods, including the subject site, as a priority for encouraging reinvestment in underutilized properties, maintaining consistent character, and creating opportunities for dwelling ownership; and

**WHEREAS**, a rezoning to R-2 would encourage revitalization of the site and will enable the land to become conforming; and

**WHEREAS**, the City of Wheat Ridge Planning Commission held a public hearing on September 21, 2023, and recommended approval of rezoning the property to Residential-Two (R-2).

**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 Agricultural-One (A-1) to Residential-Two (R-2) for property located at 10800 W. 48<sup>th</sup> 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:

THE NORTH 134 FEET OF THE EAST 228 FEET OF THE NE 1/4 NE 1/4 NW 1/4 OF SECTION 21, TOWNSHIP 3 SOUTH, RANGE 69 W OF THE 6TH P. M. COUNTY OF JEFFERSON, STATE OF COLORADO

**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 7 to 0 on this 9<sup>th</sup> day of October 2023, 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, November 13, 2023, at 6:30 p.m.**, as a virtual meeting and in the Council Chambers, 7500 West 29<sup>th</sup> 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 13<sup>th</sup> day of November 2023.

SIGNED by the Mayor on this 14<sup>th</sup> day of November 2023.

ATTEST:   
\_\_\_\_\_  
Stephen Kirkpatrick, City Clerk

  
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Bud Starker, Mayor

Approved as to Form

  
\_\_\_\_\_  
Gerald Dahl, City Attorney

1<sup>st</sup> publication: October 10, 2023  
2<sup>nd</sup> publication: November 14, 2023  
Jeffco Transcript:  
Effective Date: November 29, 2023