

**CITY OF WHEAT RIDGE  
INTRODUCED BY COUNCIL MEMBER \_\_\_\_\_  
COUNCIL BILL NO. 29  
ORDINANCE NO. 1781  
Series of 2023**

**TITLE: AN ORDINANCE APPROVING THE REZONING OF PROPERTIES LOCATED AT 3650 AND 3660 WADSWORTH BOULEVARD FROM RESTRICTED-COMMERCIAL (R-C) AND NEIGHBORHOOD-COMMERCIAL (N-C) TO MIXED USE-NEIGHBORHOOD (MU-N) (CASE NO. WZ-23-08)**

**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**, Batt Cave LLC has submitted a land use application for approval of a zone change to the Mixed Use-Neighborhood (MU-N) zone district for properties located at 3650 and 3660 Wadsworth Boulevard; and

**WHEREAS**, the City of Wheat Ridge has adopted a comprehensive plan—*Envision Wheat Ridge*— which specifically designates areas containing neighborhood buffers, including the subject site, as a priority for the conversion of underutilized properties to serve as a mix of residential and small-scale commercial developments; and

**WHEREAS**, a rezoning to MU-N would result in one zoning across both parcels, will provide a continuation of the MU-N zoning from the east, and reflects the transitional nature of this location and the character of the Wadsworth Corridor; and

**WHEREAS**, the City of Wheat Ridge Planning Commission held a public hearing on November 2, 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 Restricted-Commercial (R-C) and Neighborhood-Commercial (N-C) to Mixed Use-Neighborhood (MU-N) for properties located at 3650 and 3660 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:

PARCEL A:

THAT PART OF THE NORTHWEST ¼ NORTHWEST ¼ NORTHEAST ¼ OF SECTION 26, TOWNSHIP 3 SOUTH, RANGE 69 WEST OF THE 6TH P.M., DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT WHICH IS 30 FEET EAST AND 532.2 FEET SOUTH OF THE NORTHWEST CORNER OF THE NORTHEAST ¼ OF SECTION 26, TOWNSHIP 3 SOUTH, RANGE 69 WEST; THENCE EAST, 235.5 FEET TO A POINT (THE WEST LINE OF THE DAVIS TRACT AS DESCRIBED IN BOOK 260 AT PAGE 247); THENCE SOUTH, 128.2 FEET; THENCE WEST, 235.5 FEET; THENCE NORTH, 128.2 FEET TO THE POINT OF BEGINNING; EXCEPT THE SOUTH 25 FEET THEREOF; AND EXCEPT THAT PARCEL CONVEYED IN SPECIAL WARRANTY DEED RECORDED MARCH 26, 1959 IN BOOK 1183 AT PAGE 130; AND EXCEPT THAT PORTION CONVEYED TO THE CITY OF WHEAT RIDGE IN WARRANTY DEED RECORDED MAY 6, 2021 AT RECEPTION NO. 2021071041, COUNTY OF JEFFERSON, STATE OF COLORADO.

PARCEL B:

THAT PART OF THE NORTHWEST ¼ OF THE NORTHEAST ¼ OF SECTION 26, TOWNSHIP 3 SOUTH, RANGE 69 WEST OF THE 6TH P.M., DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT WHICH IS 30 FEET EAST AND 412.2 FEET SOUTH OF THE NORTHWEST CORNER OF THE NORTHEAST ¼ OF SECTION 26, MARKED BY A STONE ON EAST LINE OF WADSWORTH BOULEVARD; THENCE EAST, 235.5 FEET TO A POINT; THENCE SOUTH, 120.0 FEET TO A POINT; THENCE WEST, 235.5 FEET TO A POINT ON THE WEST LINE OF WADSWORTH; THENCE NORTH, 120.0 FEET ALONG THE WEST LINE OF WADSWORTH BOULEVARD TO THE POINT OF BEGINNING; EXCEPT THE WEST 15 FEET OF THE ABOVE DESCRIBED PROPERTY AS GRANTED TO THE DEPARTMENT OF HIGHWAYS BY INSTRUMENT RECORDED MAY 26, 1959 IN BOOK 1183 AT PAGE 132; AND EXCEPT THAT PORTION CONVEYED TO THE CITY OF WHEAT RIDGE IN WARRANTY DEED RECORDED AUGUST 25, 2020 AT RECEPTION NO. 2020105330, 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 \_\_\_ to \_\_\_ on this 13<sup>th</sup> day of November 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, December 11, 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 \_\_\_\_\_ to \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

SIGNED by the Mayor on this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
Bud Starker, Mayor

ATTEST:

\_\_\_\_\_  
Stephen Kirkpatrick, City Clerk

Approved as to Form

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

1<sup>st</sup> publication: November 14, 2023  
2<sup>nd</sup> publication: December 12, 2023  
Jeffco Transcript:  
Effective Date: December 27, 2023