

CITY OF WHEAT RIDGE  
INTRODUCED BY COUNCIL MEMBER FITZGERALD  
COUNCIL BILL NO. 09  
ORDINANCE NO. 1557  
Series of 2014

**TITLE:** AN ORDINANCE APPROVING THE REZONING OF PROPERTY LOCATED AT 7671 W. 32<sup>nd</sup> AVENUE and 3299 WADSWORTH BOULEVARD FROM RESIDENTIAL-TWO (R-2) TO PLANNED RESIDENTIAL DEVELOPMENT (PRD) AND FOR APPROVAL OF AN OUTLINE DEVELOPMENT PLAN (CASE NO. WZ 14-06/GROVE 21)

**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**, Calier Capital, LLC has submitted a land use application for approval of a zone change to Planned Residential Development for property located at 7671 W. 32<sup>nd</sup> Avenue and 3299 Wadsworth Boulevard.; and,

**WHEREAS**, the proposed zone change is supported by the City's guiding documents including the Wadsworth Subarea Plan, the Neighborhood Revitalization Strategy and the comprehensive plan—*Envision Wheat Ridge*, and,

**WHEREAS**, the zone change criteria specified in Section 26-112 support approval of the request,

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

**Section 1.** Upon application by Calier Capital, LLC for approval of a zone change from Residential-Two (R-2) to Planned Residential Development (PRD) and for approval of an Outline Development Plan (ODP) for property located at 7671 W. 32<sup>nd</sup> Avenue and 3299 Wadsworth Blvd., 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 LOCATED IN THE NORTHWEST QUARTER OF SECTION 26, TOWNSHIP 3 SOUTH, RANGE 69 WEST, OF THE 6TH PRINCIPAL MERIDIAN, CITY OF WHEAT RIDGE, COUNTY OF JEFFERSON, STATE OF COLORADO AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE CENTER QUARTER CORNER OF SAID SECTION 26; THENCE S89°45'02"W, 423.03 FEET ALONG THE SOUTHERLY LINE OF SAID NORTHWEST QUARTER OF SECTION 26; THENCE DEPARTING SAID SECTION LINE N00°14'58"W, 25.00 FEET TO THE NORTHERLY RIGHT-OF-WAY LINE OF 32ND AVENUE. AND THE POINT OF BEGINNING; THENCE S89°45'02"W, 111.41

FEET ALONG SAID NORTHERLY RIGHT-OF-WAY LINE TO A POINT ON THE EASTERLY LINE OF RIDGEVIEW ESTATES SUBDIVISION; THENCE DEPARTING SAID NORTHERLY RIGHT-OF-WAY LINE AND ALONG THE EASTERLY LINE OF SAID RIDGEVIEW ESTATES SUBDIVISION N00°19'27"W, 370.00 FEET; THENCE CONTINUING ALONG SAID EASTERLY LINE N89°45'02"E, 111.41 FEET; THENCE N00°19'27"W, 466.00 FEET; THENCE S53°44'06"E, 278.98 FEET; THENCE S00°19'27"E, 300.00 FEET; THENCE N89°45'02"E, 184.00 FEET TO THE WESTERLY RIGHT-OF-WAY LINE OF WADSWORTH BOULEVARD; THENCE S00°19'27"E, 60.00 FEET ALONG SAID RIGHT-OF-WAY LINE; THENCE DEPARTING SAID RIGHT-OF-WAY LINE S89°45'02"W, 408.00 FEET; THENCE S00°19'27"E, 310.00 FEET TO THE NORTHERLY RIGHT-OF-WAY LINE OF 32ND AVENUE AND THE POINT OF BEGINNING. SAID PARCEL CONTAINS 151,495 SF (3.48 ACRES) MORE OR LESS.

BASIS OF BEARINGS: BEARINGS ARE BASED ON THE SOUTHERLY LINE OF THE NORTHWEST QUARTER OF SECTION 26, TOWNSHIP 3 SOUTH, RANGE 69 WEST OF THE SIXTH PRINCIPAL MERIDIAN BEARING N89°45'02"E BETWEEN THE WEST QUARTER CORNER BEING A FOUND 3 ¼" ALUMINUM CAP PLS # 13212 IN RANGE BOX AND THE CENTER QUARTER CORNER BEING A FOUND 3 ¼" ALUMINUM CAP PLS # 13212 IN RANGE BOX.

**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 objective 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 14th day of July, 2014, ordered published with public hearing and consideration on final passage set for **Monday, August 11, 2014 at 7:00 o'clock p.m.**, in the Council Chambers, 7500 West 29<sup>th</sup> Avenue, Wheat Ridge, Colorado, and that it takes effect 15 days after final publication. Public Hearing continued to September 8, 2014.

**READ, ADOPTED AND ORDERED PUBLISHED** on second and final reading by a vote of 7 to 0, this 8th day of September, 2014.

SIGNED by the Mayor on this 8th day of September, 2014.

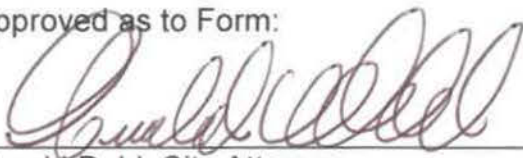
  
Joyce Jay, Mayor

ATTEST:

  
Janelle Shaver, City Clerk



Approved as to Form:

  
Gerald Dahl, City Attorney

1<sup>st</sup> publication: July 17, 2014 ; August 14, 2014

2<sup>nd</sup> publication: September 11, 2014

Wheat Ridge Transcript:

Effective Date: September 26, 2014