

CITY OF WHEAT RIDGE  
INTRODUCED BY COUNCIL MEMBER WOODEN  
COUNCIL BILL NO. 27  
ORDINANCE NO. 1588  
Series of 2015

**TITLE: AN ORDINANCE APPROVING A ZONE CHANGE FROM RESIDENTIAL-TWO (R-2), AGRICULTURAL-ONE (A-1), NEIGHBORHOOD COMMERCIAL (NC), AND PLANNED COMMERCIAL DEVELOPMENT (PCD) TO MIXED USE COMMERCIAL (MU-C) FOR PROPERTY LOCATED AT 4600 KIPLING STREET (CASE NO. WZ-15-05/ANASTASI)**

**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**, 4600 Kipling LLC has submitted a land use application for approval of a zone change to Mixed Use Commercial zone district for property located at 4600 Kipling Street; and,

**WHEREAS**, the subject property has long been underutilized, and the Mixed Use – Commercial zone district will accommodate redevelopment of the site; and,

**WHEREAS**, the proposed zone change is supported by the City's Comprehensive Plan—*Envision Wheat* and the zone change criteria specified in Section 26-112.

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

**Section 1.** Upon application by 4600 Kipling LLC for approval of a zone change ordinance from Residential-Two (R-2), Agricultural-One (A-1), Neighborhood Commercial (NC) and Planned Commercial Development (PCD) to Mixed Use-Commercial (MU-C) for property located at 4600 Kipling Street, 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 I:**

Lot 1, Block 1,  
**CHADO SUBDIVISION**  
County of Jefferson,  
State of Colorado.

**PARCEL II:**

**Beginning** at the Southwest corner of Tract 13, **JUCHEM'S GARDEN PLACE**; thence North along the West line of said Tract 13, 36 feet; thence East on a line parallel to the South line of Tract 13, **JUCHEM'S GARDEN PLACE**, to center line of Third Street; thence South along the center line of Third Street 66 feet to center line of Flora Street; thence West along the center line of Flora Street to a point which is 30 feet South of the Southwest corner of said Tract 13; thence North 30 feet to the Southwest corner of said Tract 13, which is the **place of beginning**.

**EXCEPT** that portion of the above-described property described in Deed recorded February 16, 1969, in Book 1175, at Page 522.

**AND EXCEPT** that portion of the above-described property described in Deed recorded September 8, 1969, in Book 2130, at Page 552.

**AND EXCEPT** that portion of the above-described property described in Deed recorded August 18, 1988, at Reception Number 88080612,

(intending to convey the South 36 feet of Tract 13, **JUCHEM'S GARDEN PLACE**, **together with**  $\frac{1}{2}$  of the vacated streets adjoining thereto, all situate in Section 22, Township 3 South, Range 69 West)

County of Jefferson,  
State of Colorado.

**PARCEL III:**

That portion of the Southwest  $\frac{1}{4}$  Northwest  $\frac{1}{4}$  Northwest  $\frac{1}{4}$  of Section 22, Township 3 South, Range 69 West of the 6<sup>th</sup> P.M., described as follows:

The West 330.57 feet of the South 150 feet of the North 594 feet,

**EXCEPT** that portion conveyed to the Department of Highways, State of Colorado in Deed recorded August 11, 1969, in Book 2124, at Page 188;  
**AND EXCEPT** any portion described in Deed recorded December 11, 1986, at Reception Number 86153163,

County of Jefferson,  
State of Colorado.

**PARCEL IV:**

That part of the Northwest  $\frac{1}{4}$  of Section 22, Township 3 South, Range 69 West of the 6<sup>th</sup> P.M., described as follows:



Commencing at the Northwest corner of Section 22, Township 3 South, Range 69 West of the 6<sup>th</sup> P.M.; thence South 00°09' West, along the West line of said Section 22, 660.00 feet; thence North 89°55' East, 45.00 feet to the **true point of beginning**; thence North 89°55' East, 285.45 feet; thence South 00°08' West, 444.00 feet; thence South 89°55' West, 285.57 feet; thence North 00°09' East, 444.00 feet to the **true point of beginning**.

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 objective sought to be attained.

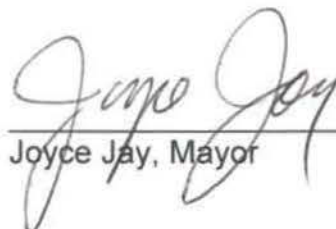
**Section 4. Severability; Conflicting Ordinance Repealed.** If any section, subsection or clause of the ordinance shall be deemed to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections and clauses shall not be affected thereby. All other ordinances or parts 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 26<sup>th</sup> day of October, 2015, ordered it published with Public Hearing and consideration on final passage set for **Monday, November 23, 2015 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.

**READ, ADOPTED AND ORDERED PUBLISHED** on second and final reading by a vote of   7   to   0  , this 23<sup>rd</sup> day of November, 2015.

SIGNED by the Mayor on this   23rd   day of   November  , 2015.

  
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Joyce Jay, Mayor

ATTEST:



Janelle Shaver  
Janelle Shaver, City Clerk

Approved as to Form:

Gerald Dahl, City Attorney

1<sup>st</sup> publication: October 29, 2015 - Wheat Ridge Transcript

2<sup>nd</sup> publication: November 26, 2015 - The Denver Post

Wheat Ridge Transcript:

Effective Date: December 11, 2015