

CITY OF WHEAT RIDGE  
INTRODUCED BY COUNCIL MEMBER URBAN  
COUNCIL BILL NO. 11  
ORDINANCE NO. 1599  
Series of 2016

**TITLE: AN ORDINANCE APPROVING A ZONE CHANGE FROM COMMERCIAL-ONE (C-1) TO INDUSTRIAL-EMPLOYMENT (I-E) FOR PROPERTY LOCATED AT 4949 MARSHALL STREET (CASE NO. WZ-16-04/SIT MEANS SIT DENVER DOG TRAINING)**

**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**, **Sit Means Sit Denver Dog Training** has submitted a land use application for approval of a zone change to Industrial-Employment zone district for property located at 4949 Marshall Street; and,

**WHEREAS**, the subject property is in an area currently undergoing change and redevelopment; 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 Sit Means Sit Denver Dog Training for approval of a zone change from Commercial-One (C-1) to Industrial-Employment (I-E) for property located at 4949 Marshall 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:

A tract or parcel of land No. 19RB of the State Department of Highways, Division of Highways, State of Colorado, Project No. I 76-1(35) Sec. 1 containing 9,165 sq. ft., more or less, in the SW ¼ of the SW ¼ of Section 13, Township 3 South, Range 69 West, of the Sixth Principal Meridian, in Jefferson County, Colorado, said tract or parcel being more particularly described as follows:

Commencing at the SW corner of said Section 13; thence N. 00° 08' 11" W. (C.D.O.H. R.O.W. Plan = N. 00° 09' 30" W.) along the west line of said Section 13, a distance of 594.3 feet; thence N. 74° 38' 49" E. (C.D.O.H. R.O.W. Plan = N. 74° 37' 30" E.), a distance of 703.38 feet; thence N. 01° 37' 03" W. (C.D.O.H. R.O.W. Plan = N. 01° 38' 22" W.), a distance of 100.00 feet to the true point of beginning, said point also being the NW corner of that property as described by

Reception No. 80057553 of the Jefferson County records, said point also being on the south right of way line of S.H. 76 (Mar. 1986);

1. Thence N. 74° 38' 49" E. (C.D.O.H. R.O.W. Plan = N. 74° 37'30" E.) along said northerly property line, a distance of 200.0 feet to the west right of way line of Marshall Street (Mar. 1986);
2. Thence N. 01° 37' 03" W. (C.D.O.H. R.O.W. Plan = N. 01° 38' 22" W.) along said west line, a distance of 42.68 feet;
3. Thence S. 77° 10' 33" W. (C.D.O.H. R.O.W. Plan = S. 77° 09' 14" W.), a distance of 198.06 feet;
4. Thence S. 01° 37' 03" E. (C.D.O.H. R.O.W. Plan = S. 01° 38' 22" E.), a distance of 51.67 feet, more or less, to the point of beginning.

The above described parcel contains 9,165 sq. ft., more or less.

Bearing rotation: 00° 01' 19" Lt.

Reserving unto the grantor all right or rights of access to and from Interstate 76 (S.H. 76) across a line described above in Courses 2, 3, 4, and 5.

Subject to a PUBLIC SERVICE COMPANY OF COLORADO easement as described on attached Exhibit "A". Also, subject to a 50.0 ft. wide permanent easement to READY MIXED CONCRETE COMPANY for ingress and egress as recorded in Book 1698, Page 130.

#### EXHIBIT "A"

A Parcel of land located in the SE ¼ of Section 14 and the SW ¼ of Section 13 all in Township 3 South, Range 69 West of the Sixth Principal Meridian, more particularly described as follows: Beginning at a point on the northerly right of way line of State Highway No. 76 (Feb. 1986) from which the E ¼ corner of said Section 14 bears N. 28° 38' 18" E., a distance of 1208.84 feet; thence S. 82° 01' 00" W. along the northerly right of way line of said State Highway No. 76, a distance of 122.94 feet; thence S. 60° 23' 30" E., a distance of 400.16 feet; thence S. 59° 38' 00" E., a distance of 1015.72 feet to the southerly right of way line of said State Highway No. 76; thence N. 74° 37' 30" E. along said southerly line, a distance of 187.94 feet; thence N. 71° 35' 00" E., a distance of 178.27 feet to the westerly right of way line of Marshall Street (Feb. 1986); thence N. 01° 38' 22" W. along the said westerly line of Marshall Street, a distance of 55.16 feet; thence N. 00° 35' 38" E. continuing along said westerly line of Marshall Street, a distance of 23.47 feet; thence S. 71° 35' 00" W., a distance of 346.77 feet; thence N. 59° 38' 00" W., a distance of 995.46 feet; thence N. 60° 23' 30" W., a distance of 303.24 feet, more or less, to the point of beginning. Containing 2.93 acres. All bearings used in the above description are oriented to a modified Colorado Coordinate System (Central Zone):.



**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 6 to 0 on this 27<sup>th</sup> day of June, 2016, ordered it published with Public Hearing and consideration on final passage set for **Monday, July 25, 2016 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  8  to  0 , this  25<sup>th</sup>  day of  July , 2016.

SIGNED by the Mayor on this  25<sup>th</sup>  day of  July , 2016.

  
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Joyce Jay, Mayor

ATTEST:

  
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Janelle Shaver, City Clerk



Approved as to Form:



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Gerald Dahl, City Attorney

1<sup>st</sup> publication: June 30, 2016

2<sup>nd</sup> publication: July 28, 2016

Wheat Ridge Transcript:

Effective Date: August 12, 2016