

**CITY OF WHEAT RIDGE, COLORADO**  
**INTRODUCED BY COUNCIL MEMBER DeMott**  
**Council Bill No. 31**  
**Ordinance No. 1505**  
Series of 2011

**TITLE: AN ORDINANCE AMENDING A COMBINED OUTLINE AND FINAL DEVELOPMENT PLAN FOR PROPERTY ZONED PLANNED INDUSTRIAL DEVELOPMENT LOCATED WITHIN THE L & K INDUSTRIAL PARK AND SPECIFICALLY, 10700 W. 50<sup>TH</sup> AVENUE (CASE NO. WZ-11-06/ATECS FOR T-MOBILE)**

**WHEREAS**, the property located within the L & K Industrial Park was rezoned to Planned Industrial Development in 1974; and,

**WHEREAS**, the Combined Outline and Final Development Plan controls development standards, allowed buildings and uses in the industrial park; and,

**WHEREAS**, this document has specific height limitations and does not allow accessory structures; and,

**WHEREAS**, a land use application has been filed for an amendment to the Combined Outline and Final Development Plan to allow accessory structures (CMRS facilities) up to 50' in height.

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

**Section 1.** Upon application by ATECS for T- Mobile, approval of an amendment to a Planned Industrial Development (PID) combined Outline and Final Development Plan for property located within the L & K Industrial Park and specifically, 10700 W. 50<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, an amendment to a PID Combined Outline and Final Development Plan is hereby approved for the following described property:

BLOCKS 1 & 2 AND LOTS 1, 2, 3, 4, 5 & 6 OF BLOCK 3 OF L & K INDUSTRIAL PARK AMENDMENT 6, CITY OF WHEAT RIDGE, COUNTY OF JEFFERSON, STATE OF COLORADO.

**Section 2. Vested Property Rights.** Approval of this amendment to a Combined Outline and Final Development Plan 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 object sought to be attained.

**Section 4. Severability.** If any clause, sentence, paragraph, or part of this Zoning Code or the application thereof to any person or circumstances shall for any reason be adjusted by a court of competent jurisdiction invalid, such judgment shall not affect application to other persons or circumstances.

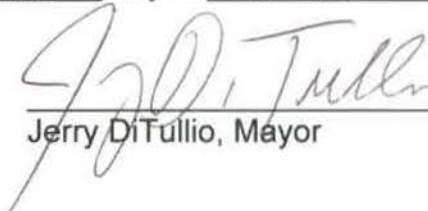
**Section 5. Supersession Clause.** If any provision, requirements or standard established by this Ordinance is found to conflict with similar provisions, requirements or standards found elsewhere in the Code of Laws of the City of Wheat Ridge, which are in existence as of the date of adoption of this Ordinance, the provisions, requirements and standards here shall supersede and prevail.

**Section 6.** This Ordinance shall take effect 15 days after final publication.

**INTRODUCED, READ, AND ADOPTED** on first reading by a vote of 8 to 0 on this 10th day of October, 2011, ordered published in full in a newspaper of general circulation in the City of Wheat Ridge and Public Hearing and consideration on final passage set for November 28, 2011, at 7:00 o'clock p.m., in the Council Chambers, 7500 West 29<sup>th</sup> Avenue, Wheat Ridge, Colorado.

**READ, ADOPTED AND ORDERED PUBLISHED** on second and final reading by a vote of 8 to 0, this 28th day of November, 2011.

SIGNED by the Mayor on this 28th day of November, 2011.



Jerry DiTullio, Mayor

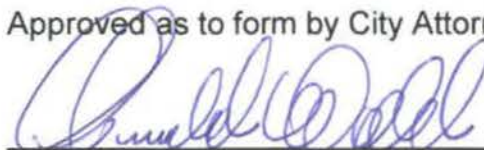
ATTEST:



Michael Snow, City Clerk



Approved as to form by City Attorney



Gerald Dahl, City Attorney

1<sup>st</sup> publication: October 13, 2011  
2<sup>nd</sup> publication: December 1, 2011  
Wheat Ridge Transcript  
Effective Date: December 16, 2011