

**CITY OF WHEAT RIDGE  
INTRODUCED BY COUNCIL MEMBER DAVIS  
COUNCIL BILL NO. 23  
ORDINANCE NO. 1527  
Series of 2012**

**TITLE: AN ORDINANCE APPROVING A CITY-INITIATED REZONING OF PROPERTY LOCATED AT 7750 THREE ACRE LANE FROM RESIDENTIAL-THREE (R-3) TO MIXED USE-COMMERCIAL (MU-C) (CASE NO. WZ 12-05)**

**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**, the City Council of the City of Wheat Ridge is authorized by Section 26-113 of the Wheat Ridge Code of Laws ("Code") to initiate rezoning of property; and

**WHEREAS**, the Wadsworth Corridor Subarea Plan adopted in 2007 and the Envision Wheat Ridge comprehensive plan adopted in 2009 both recommend that the Wadsworth corridor redevelop over time with a higher density, mixed use development pattern; and

**WHEREAS**, the Wadsworth corridor was legislatively rezoned to Mixed-Use Commercial (MU-C) in 2011; and,

**WHEREAS**, the corridor rezoning was intended to include all properties within the urban renewal areas along Wadsworth Boulevard; and,

**WHEREAS**, the subject property is within the Wadsworth Corridor Urban Renewal Area but was inadvertently excluded from the 2011 rezoning of the Wadsworth corridor; and

**WHEREAS**, the City of Wheat Ridge Planning Commission held a public hearing on September 6, 2012 and voted unanimously to recommend approval of rezoning the property to Mixed Use-Commercial (MU-C).

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

**Section 1.** Pursuant to the findings made based on testimony and evidence presented at a public hearing before the Wheat Ridge City Council, a zone change to Mixed Use-Commercial (MU-C) is approved for the following described land:

THE WEST 303 FEET OF THE NORTH 165 FEET OF THE SOUTH 350 FEET OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 23, TOWNSHIP 3 SOUTH, RANGE 69

WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF JEFFERSON,  
STATE OF COLORADO

Also known by street and number as 7750 Three Acre Lane, Wheat Ridge, CO.

**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 object sought to be attained.

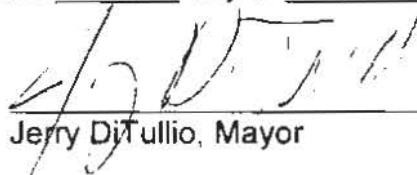
**Section 4. Severability; Conflicting Ordinance Repealed.** If any section, subsection or clause of the ordinance shall be deemed to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections and clauses shall not be affected thereby. All other ordinances or parts 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.

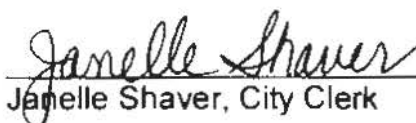
**INTRODUCED, READ, AND ADOPTED** on first reading by a vote of 8 to 0 on this 24<sup>th</sup> day of September, 2012, ordered it published with Public Hearing and consideration on final passage set for **Monday, October 22, 2012 at 7:00 o'clock p.m.**, in the Council Chambers, 7500 West 29<sup>th</sup> 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 22nd day of October, 2012.

SIGNED by the Mayor on this 22nd day of October, 2012.

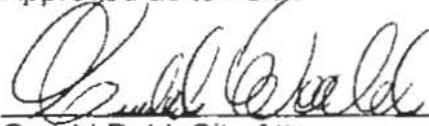
  
\_\_\_\_\_  
Jerry DiTullio, Mayor

ATTEST:

  
\_\_\_\_\_  
Janelle Shaver, City Clerk



Approved as to Form

A handwritten signature in cursive script, appearing to read "Gerald Dahl", written over a horizontal line.

Gerald Dahl, City Attorney

1<sup>st</sup> publication: September 27, 2012

2<sup>nd</sup> publication: October 25, 2012

Wheat Ridge Transcript:

Effective Date: November 9, 2012