

**CITY OF WHEAT RIDGE**  
**INTRODUCED BY COUNCIL MEMBER DeMott**  
**COUNCIL BILL NO. 04**  
**ORDINANCE NO. 1535**  
Series of 2013

**TITLE: AN ORDINANCE APPROVING THE REZONING OF PROPERTY LOCATED AT 12390 W. 44th AVENUE FROM AGRICULTURAL-TWO (A-2) TO MIXED USE-NEIGHBORHOOD (MU-N) (CASE NO. WZ 12-11/FRISK)**

**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**, **Janell and James Frisk** have submitted a land use application for approval of a zone change to the Mixed Use-Neighborhood zone district for property located at 12390 W. 44th Avenue; and,

**WHEREAS**, the subject property has long been underutilized, and the mixed use zone district will allow for a wider range of uses; and,

**WHEREAS**, the proposed zone change is supported by the City's Comprehensive Plan—*Envision Wheat Ridge*—and by the *I-70/Kipling Corridors Urban Renewal Plan*.

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

**Section 1.** Upon application by Janell and James Frisk for approval of a zone change ordinance from Agricultural- Two (A-2) to Mixed Use-Neighborhood (MU-N) for property located at 12390 W. 44th Avenue, 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:

THE NORTH 200 FEET OF THE SOUTH 641.50 FEET OF THE WEST 75 FEET OF THE NORTHEAST ¼ OF SECTION 20, TOWNSHIP 3 SOUTH, RANGE 69 WEST OF THE 6<sup>TH</sup> P.M., ALL OF WHICH IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING ON THE WEST LINE THE NORTHEAST ¼ OF SAID SECTION 20, AND 441.5 FEET NORTH OF THE CENTER OF SAID SECTION 20 AND 200 FEET SOUTH OF THE SOUTH LINE OF WEST 44<sup>TH</sup> AVENUE; THENCE NORTH ALONG THE WEST LINE 200 FEET TO THE SOUTH LINE OF WEST 44<sup>TH</sup> AVENUE; THENCE EAST ALONG THE SOUTH LINE OF SAID WEST 44<sup>TH</sup> AVENUE 75 FEET; THENCE SOUTH AND PARALLEL WITH THE WEST LINE, 200 FEET; THENCE WEST PARALLEL WITH THE SOUTH LINE OF SAID WEST 44<sup>TH</sup> AVENUE 75 FEET TO THE POINT OF BEGINNING.

**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.

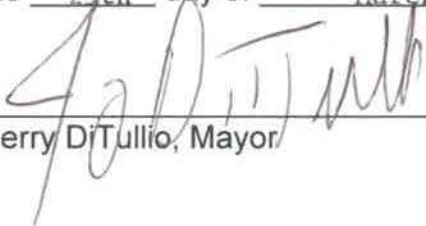
**Section 5. Effective Date.** This Ordinance shall take effect 15 days after final publication, as provided by Section 5.11 of the Charter.

**INTRODUCED, READ, AND ADOPTED** on first reading by a vote of 7 to 0 on this 25<sup>th</sup> day of February, 2013, ordered it published with Public Hearing and consideration on final passage set for **Monday, March 25, 2013 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.

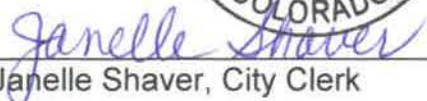
**READ, ADOPTED AND ORDERED PUBLISHED** on second and final reading by a vote of 8 to 0, this 25th day of March, 2013.

SIGNED by the Mayor on this 25th day of March, 2013.



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

ATTEST:

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

Approved as to Form

  
\_\_\_\_\_  
Gerald Dahl, City Attorney

1<sup>st</sup> publication: February 28, 2013

2<sup>nd</sup> publication: March 28, 2013

Wheat Ridge Transcript:

Effective Date: April 12, 2013