

CITY OF WHEAT RIDGE
INTRODUCED BY COUNCIL MEMBER URBAN
COUNCIL BILL NO. 01
ORDINANCE NO. 1545
Series of 2014

TITLE: AN ORDINANCE APPROVING THE REZONING OF PROPERTY LOCATED AT 6405-6409 W. 44th AVENUE FROM RESTRICTED COMMERCIAL (RC) TO MIXED USE-NEIGHBORHOOD (MU-N) (CASE NO. WZ 14-01/LOMBARDI)

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, Mario Lombardi has submitted a land use application for approval of a zone change to the Mixed Use-Neighborhood zone district for property located at 6405-6409 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 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 Mario Lombardi for approval of a zone change ordinance from Restricted Commercial (RC) to Mixed Use-Neighborhood (MU-N) for property located at 6405-6409 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:

Parcel A:

That part of the East ½ of Block 8, Lakeview Subdivision described as follows:

Beginning at a point at the southwest corner of the East ½ of said Block 8, thence East 195.23 feet to the true point of beginning; Thence East 56 feet; Thence North 160 feet; Thence West 56 feet; Thence South 160 feet to the true point of beginning, excepting the right-of-way described in Book 46 at Page 464, County of Jefferson, State of Colorado.

Parcel B:

The South 10 feet of the East ½ of Block 8, Lakeview Subdivision, except the West 253.23 feet thereof, County of Jefferson, State of Colorado.

Parcel C:

The South 160 feet of the East 2 feet of the West 253.23 feet of the East ½ of Block 8, Lakeview Subdivision, 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 24th day of March, 2014, ordered it published with Public Hearing and consideration on final passage set for **Monday, April 14, 2014 at 7 p.m.**, in the Council Chambers, 7500 West 29th 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 14th day of April, 2014.

SIGNED by the Mayor on this 14th day of April, 2014.



ATTEST:

Janelle Shaver
Janelle Shaver, City Clerk

Joyce Jay
Joyce Jay, Mayor

Approved as to Form:

Gerald Dahl
Gerald Dahl, City Attorney

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Wheat Ridge Transcript:
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