

CITY OF WHEAT RIDGE
INTRODUCED BY COUNCIL MEMBER FITZGERALD
COUNCIL BILL NO. 04
ORDINANCE NO. 1549
Series of 2014

TITLE: COUNCIL BILL NO. 04-2014 – AN ORDINANCE APPROVING AN AMENDMENT TO THE YOUNGFIELD PLAZA PLANNED COMMERCIAL DEVELOPMENT (PCD) OUTLINE DEVELOPMENT PLAN (ODP) TO ALLOW MARIJUANA RESEARCH AND TESTING ON PROPERTY LOCATED AT 3924-4096 YOUNGFIELD STREET (CASE NO. WZ-14-04/RMBI)

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, Rocky Mountain Biosystems, Inc. (RMBI) has submitted a land use application for approval of an amendment to the Youngfield Plaza Planned Commercial Development (PCD) Outline Development Plan (ODP) to allow marijuana research and testing on property located at 3924-4096 Youngfield Street; and,

WHEREAS, the proposed ODP amendment 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 RMBI for approval of an amendment to the Youngfield Plaza PCD Outline Development Plan for property located at 3924-4096 Youngfield Street, and pursuant to the findings made based on testimony and evidence presented at a public hearing before the Wheat Ridge City Council, an ODP amendment is approved for the following described land:

Lot 1, Youngfield Plaza, County of Jefferson, State of Colorado.

Section 2. Vested Property Rights. Approval of this ODP amendment 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 Severability; Conflicting Ordinance Repealed.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 12th day of May, 2014, ordered it published with Public Hearing and consideration on final passage set for **Monday, June 9, 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 6 to 1, this 9th day of June, 2014.

SIGNED by the Mayor on this 9th day of June, 2014.



Joyce Jay, Mayor


ATTEST:



Janelle Shaver, City Clerk



Approved as to Form:



Gerald Dahl, City Attorney

1st publication: May 15, 2014
2nd publication: June 12, 2014
Wheat Ridge Transcript:
Effective Date: June 27, 2014