

CITY OF WHEAT RIDGE
INTRODUCED BY COUNCIL MEMBER DAVIS
COUNCIL BILL NO. 11
ORDINANCE NO. 1623
Series of 2017

TITLE: AN ORDINANCE APPROVING THE REZONING OF PROPERTY LOCATED AT 6375 WEST 44TH AVENUE FROM COMMERCIAL-ONE (C-1) TO MIXED USE-NEIGHBORHOOD (MU-N) (CASE NO. WZ-17-04 / CONWAY)

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, Ryan and Lisa Conway have submitted a land use application for approval of a zone change to the Mixed Use-Neighborhood (MU-N) zone district for property located at 6375 West 44th Avenue; and,

WHEREAS, the City of Wheat Ridge has adopted a comprehensive plan—*Envision Wheat Ridge*—which calls for a mix of land uses along W. 44th Avenue by virtue of it being designated a neighborhood commercial corridor; and,

WHEREAS, the City of Wheat Ridge Planning Commission held a public hearing on May 18, 2017, and voted to recommend approval of rezoning the property to Mixed-Use-Neighborhood (MU-N).

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

Section 1. Upon application by Ryan and Lisa Conway for approval of a zone change ordinance from Commercial-One (C-1) to Mixed Use-Neighborhood (MU-N) for property located at 6375 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:

LOT 1, BLOCK 1, BRAUER 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 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 Severability; Conflicting Ordinance Repealed.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 12th day of June, 2017, ordered it published with Public Hearing and consideration on final passage set for **Monday, July 10, 2017 at 7:00 o'clock 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 5 to 1, this 10th day of July, 2017.

SIGNED by the Mayor on this 10th day of July, 2017.



Joyce Jay, Mayor

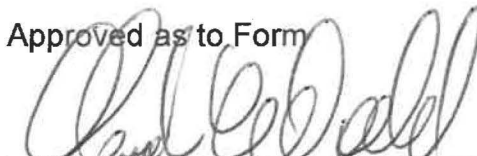
ATTEST:



Janelle Shaver, City Clerk



Approved as to Form



Gerald Dahl, City Attorney

1st publication: June 15, 2017
2nd publication: July 13, 2017
Wheat Ridge Transcript:
Effective Date: July 28, 2017