

**CITY OF WHEAT RIDGE
INTRODUCED BY COUNCIL MEMBER DOZEMAN
COUNCIL BILL NO. 05
ORDINANCE NO. 1639
Series of 2018**

TITLE: AN ORDINANCE APPROVING THE REZONING OF PROPERTY LOCATED AT 4433 TABOR STREET FROM AGRICULTURAL-ONE (A-1) TO MIXED USE-NEIGHBORHOOD (MU-N) (CASE NO. WZ-18-01/KENNEDY)

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, Tom Kennedy submitted a land use application for approval of a zone change to the Mixed Use-Neighborhood (MU-N) zone district for property located at 4433 Tabor Street; and,

WHEREAS, the City of Wheat Ridge has adopted a Comprehensive Plan – Envision Wheat Ridge — which calls for the redevelopment of and reinvestment in underutilized properties; and,

WHEREAS, the designation of the subject property on the Comprehensive Plan Structure Map is Mixed Use Commercial, and,

WHEREAS, the City of Wheat Ridge Planning Commission held a public hearing on February 15, 2018 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 Tom Kennedy for approval of a zone change ordinance from Agricultural-One (A-1) to Mixed Use-Neighborhood (MU-N) for property located at 4433 Tabor Street, 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 DESCRIPTION: (REC. #F1712798 OF APRIL 02, 2003)

A PORTION OF LOT 9. LEES SUBDIVISION MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT 132' SOUTH OF THE EAST LINE OF THE NORTHEAST CORNER;

THENCE 315' WEST;

THENCE 132' SOUTH;

THENCE 315' EAST;

THENCE 132' NORTH TO THE POINT OF BEGINNING, EXCEPT THAT

PORTION CONVEYED IN QUIT CLAIM DEED RECORDED MARCH 8, 1985 AT
RECEPTION #85021775

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 7 to 1 on this 26th day of February 2018, ordered it published with Public Hearing and consideration on final passage set for **Monday, March 26, 2018 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 8 to 0, this 26th day of March, 2018.

SIGNED by the Mayor on this 26th day of March, 2018.



Bud Starker, Mayor

ATTEST:

Janelle Shaver
Janelle Shaver, City Clerk



Approved as to Form

Gerald Dahl
Gerald Dahl, City Attorney

1st publication: March 1, 2018

2nd publication: March 29, 2018

Wheat Ridge Transcript:

Effective Date: April 13, 2018