

CITY OF WHEAT RIDGE
INTRODUCED BY COUNCIL MEMBER WOODEN
COUNCIL BILL NO. 29
ORDINANCE NO. 1590
Series of 2015

TITLE: AN ORDINANCE APPROVING THE REZONING OF PROPERTY LOCATED AT 10590 WEST 44th AVENUE FROM PLANNED COMMERCIAL DEVELOPMENT (PCD) TO MIXED USE-NEIGHBORHOOD (MU-N) (CASE NO. WZ-15-04/GOLABEK)

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, Slawomir Golabek has submitted a land use application for approval of a zone change to Mixed Use Neighborhood zone district for property located at 10590 W. 44th Avenue; and,

WHEREAS, the subject property has long been underutilized, and the Mixed Use – Neighborhood zone district will accommodate redevelopment of the site; and,

WHEREAS, the proposed zone change is supported by the City's Comprehensive Plan—*Envision Wheat* 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 Slawomir Golabek for approval of a zone change ordinance from Planned Commercial Development (PCD) to Mixed Use-Neighborhood (MU-N) for property located at 10590 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 19 of Jaylarry Subdivision, City of Wheat Ridge, County of Jefferson, State of Colorado, except any portion lying within the southerly 33 feet adjacent to the centerline of West 44th Avenue as monumented by the City of Wheat Ridge, Colorado.

Said parcel contains 24,894 square feet.

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.

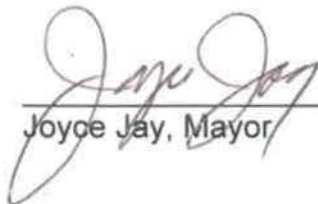
Section 4. Severability; Conflicting Ordinance Repealed. If any section, subsection or clause of the ordinance shall be deemed to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections and clauses shall not be affected thereby. All other ordinances or parts of ordinances 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 9th day of November, 2015, ordered it published with Public Hearing and consideration on final passage set for **Monday, December 14, 2015 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 7 to 0, this 14th day of December, 2015.

SIGNED by the Mayor on this 14th day of December, 2015.



Joyce Jay, Mayor

ATTEST:



Janelle Shaver, City Clerk
Kelly Stevens, Deputy

Approved as to Form:



Gerald Dahl, City Attorney

1st publication: November 12, 2015
2nd publication: December 17, 2015
Wheat Ridge Transcript:
Effective Date: January 1, 2016

