

**CITY OF WHEAT RIDGE
INTRODUCED BY COUNCIL MEMBER POND
COUNCIL BILL NO. 03
ORDINANCE NO. _____
Series of 2016**

TITLE: AN ORDINANCE APPROVING THE REZONING OF PROPERTY LOCATED AT 3865 KIPLING STREET FROM RESIDENTIAL-ONE (R-1) TO MIXED USE-COMMERCIAL (MU-C) (CASE NO. WZ-15-12/EQUINOX)

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, Equinox Properties, LLC has submitted a land use application for approval of a zone change to Mixed Use-Commercial zone district for property located at 3865 Kipling Street; and,

WHEREAS, the subject property has long been underutilized, and the Mixed Use – Commercial zone district will accommodate redevelopment of the site; 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 Equinox Properties, LLC for approval of a zone change ordinance from Residential-One (R-1) to Mixed Use-Commercial (MU-C) for property located at 3865 Kipling 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 1:

That part of the E1/2E1/2SEoSEo of Section 21, Township 3 South, Range 69 West, Described as follows: Beginning at the Southeast corner of said Section; running thence North along East line of said Section 762 feet to a point; running thence in Southwesterly direction in a straight line to a point on West line of said E1/2E1/2SEoSEo of said Section, which point is 600 feet North of South line of said Section; running thence along West line of said E1/2E1/2SEoSEo to South line of said Section; running thence East along South line of said Section to place of beginning;

Except that portion deeded to Standard Oil Company, a corporation organized under the laws of Indiana, recorded in Book 1026, Page 160, of the records of Jefferson County,

and Except that portion deeded to The American Oil Company, a corporation duly organized under the laws of the State of Maryland, recorded in Book 2024, Page 347,

and Except right of way for West 38th Avenue, and right of way for Kipling Street which have previously been granted to the County of Jefferson, State of Colorado,

and Except that portion conveyed to the City of Wheat Ridge by Quit Claim Deed recorded March 29, 1989 at Reception No. 89026317,

and except those portions conveyed to the City of Wheat Ridge by Warranty Deeds recorded July 23, 1999 at Reception Nos. F0913893 and F0913895.

County of Jefferson, State of Colorado.

Parcel 2:

A tract of land lying in the S.E. o of Section 21, Township 3 South, Range 69 West of the 6th Principal Meridian, City of Wheat Ridge, County of Jefferson, State of Colorado, described as:

Commencing at the Southeast corner of the West 1/2 of the East 1/2 of the Southeast o of the Southeast o of said Section 21;

Thence Northerly along the East line of the said West 1/2 a distance of 30 feet to the True Point of Beginning; Said point lying on the North Right of Way line of West 38th Avenue; Thence Northerly along the East line of the said West 1/2 a distance of 296.4 feet; Thence on a deflection left $99^{\circ}30'$, a distance of 20.28 feet, to a point which lies 20 feet West of the East line of the said West 1/2; Thence Southerly parallel to the said East line of the West 1/2 a distance of 293.0 feet more or less to a point on the Northerly Right of Way line of West 38th Avenue; Thence Easterly a distance of 20 feet along the said Northerly Right of Way line of West 38th Avenue to the True Point of Beginning.

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 8th day of February, 2016, ordered it published with Public Hearing and consideration on final passage set for **Monday, March 14, 2016 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 _____ to _____, this 14th day of March, 2016.

SIGNED by the Mayor on this _____ day of _____, 2016.

Joyce Jay, Mayor

ATTEST:

Janelle Shaver, City Clerk

Approved as to Form:

Gerald Dahl, City Attorney

1st publication: February 11, 2016
2nd publication:
Wheat Ridge Transcript:
Effective Date: