

**CITY OF WHEAT RIDGE, COLORADO
INTRODUCED BY COUNCIL MEMBER SANG
COUNCIL BILL NO. 19
ORDINANCE NO. 1674
Series 2010**

**TITLE: AN ORDINANCE APPROVING THE REZONING OF PROPERTY
LOCATED AT THE SOUTHEAST CORNER OF 44TH AVENUE
AND WADSWORTH TO THE MIXED USE-COMMERCIAL (MU-C)
ZONE DISTRICT (CASE NO. WZ-10-07)**

WHEREAS, the City Council of the City of Wheat Ridge is authorized by Section 26-113 of the Wheat Ridge Code of Laws to initiate rezoning of property; and

WHEREAS, the City Council of the City of Wheat adopted a resolution on September 13, 2010 initiating the rezoning of property located at the southeast corner of 44th Avenue and Wadsworth to Mixed Use-Commercial (MU-C); and

WHEREAS, the Wadsworth Corridor Subarea Plan was adopted in 2007 and the Envision Wheat Ridge comprehensive plan was adopted in 2009; and

WHEREAS, both plans recommend that the Wadsworth corridor redevelop over time with a higher density, mixed use development pattern; and

WHEREAS, properties located at the southeast corner of 44th and Wadsworth are included in those plans and are recommended for future mixed use development, including the development of a "town center" land use pattern that promotes a more active and pedestrian-friendly environment; and

WHEREAS, Renewal Wheat Ridge has acquired 3 properties in this location totaling 9 acres and is working with a Master Developer on redevelopment plans that would include mixed use development, anticipated to include office, retail, and residential; and

WHEREAS, the existing zoning designations in this area are commercial, which only allows for limited residential development; and

WHEREAS, the rezoning of the property to Mixed Use-Commercial (MU-C) would support the development concept being proposed and would expedite the ability of Renewal Wheat Ridge to redevelop all or part of the area into the land use pattern and urban form that the City desires; and

WHEREAS, the City of Wheat Ridge Planning Commission held a public hearing on November 4, 2010 and voted unanimously to recommend approval of rezoning of the property to Mixed Use-Commercial (MU-C).

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

Section 1: Pursuant to the findings made based on testimony and evidence presented at the public hearing before the Wheat Ridge City Council, Mixed Use-Commercial (MU-C) zoning is approved for the following described land:

The parcels commonly known as 4350 Wadsworth Boulevard and described at Reception Number 223110190 as recorded in the official records of Jefferson County, State of Colorado; and

The parcels commonly known as 7540 West 44th Avenue and described at Reception Number 89006508 as recorded in the official records of Jefferson County, State of Colorado; and

The parcels commonly known as 7340 West 44th Avenue and described at Reception Number H908376A as recorded in the official records of Jefferson County, State of Colorado; as depicted in Exhibit A.

The area to be rezoned includes adjacent right-of-way, extending to the centerline of that right-of-way, which borders the parcels described above.

Section 2: Approval of this zoning 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 Council 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 Ordinances 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 the ordinances in conflict with the provisions of this ordinance are hereby repealed.

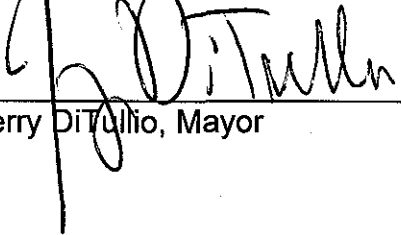

Section 5: Effective Date. This Ordinance shall take effect fifteen days after final publication, as provided by Section 5.11 of the Charter.

INTRODUCED, READ, AND ADOPTED on first reading by a vote of 8 to 0 on this 22nd day of November, 2010, ordered it published with Public Hearing and consideration of final passage set for **Monday, December 13th, 2010 at 7:00 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 1, this 13th day of December, 2010.

SIGNED by the Mayor on this 13th day of December, 2010.

Jerry DiTullio, Mayor

ATTEST:


Michael Snow, City Clerk



Approved As To Form


Gerald E. Dahl, City Attorney

First Publication: city website November 23, 2010; Transcript, December 2, 2010

Second Publication: December 16, 2010

Wheat Ridge Transcript: _____

Effective Date: December 31, 2010

Exhibit A: Area to be rezoned to Mixed Use-Commercial (MU-C)

