

CITY OF WHEAT RIDGE, COLORADO
INTRODUCED BY COUNCIL MEMBER LANGWORTHY
COUNCIL BILL NO. 07
ORDINANCE NO. 1513
Series of 2012

TITLE: AN ORDINANCE APPROVING THE REZONING OF PROPERTY LOCATED AT 5060 WARD ROAD FROM PLANNED INDUSTRIAL DEVELOPMENT (PID) AND LIGHT INDUSTRIAL (I) TO MIXED USE – COMMERCIAL TRANSIT ORIENTED DEVELOPMENT (MU-C TOD) ZONE DISTRICT (CASE NO. WZ-12-02/IBC)

WHEREAS, the City of Wheat Ridge is trying to encourage mixed use zoning and development; and

WHEREAS, the zoning and development code was recently modified to add four new mixed use zoning districts; and,

WHEREAS, Brian Mott on behalf IBC Holdings has submitted a zone change application to Mixed Use-Commercial TOD for property located at 5060 Ward Road; and,

WHEREAS, the City of Wheat Ridge Planning Commission held a public hearing on May 3, 2012 and voted to recommend approval of a rezoning of the property to Mixed-Use Commercial TOD.

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

Section 1. Upon application by Brian Mott for IBC Holdings, LLC, approval of a zone change ordinance for property located at 5060 Ward Road from Planned Industrial Development (PID) and Light Industrial (I) to Mixed Use – Commercial Transit Oriented Development (MU-C TOD), and pursuant to the findings made based on testimony and evidence presented at a public hearing before the Wheat Ridge City Council, the following zone change is approved for the following described parcel.

PARCEL A:

The South 17 feet of the West 251 feet of Lot 13, Standley Heights, and the West 518.12 feet of Lot 17, Standley Heights Except the South 25 feet thereof.

Except any portion thereof falling within Ward Road, County of Jefferson, State of Colorado.

PARCEL B:

That portion of Lot 13, Standley Heights, described as follows:

Beginning at a point on the South line of Lot 13, Standley Heights, from which the Southwest corner of said Lot 13 bears South 89°11.9' West a distance of 251.02 feet; Thence North 89°11.9' East along the South line of said Lot 13, a distance of 257.10 feet to a point 537.97 feet East of the West line of the Southeast quarter of Section 17, Township 3 South, Range 69 West of the 6th Principal Meridian; Thence North 0°04.2' West parallel with the West line of the Southeast quarter of said Section 17, a distance of 17.0 feet; Thence South 89°11.9' West a distance of 257.10 feet; Thence South 0°04.2' East a distance of 17.0 feet to the Point of Beginning, County of Jefferson, State of Colorado.

PARCEL C:

A tract of land located in Lot 17, Standley Heights, a Subdivision recorded in the Official Records of Jefferson County, Colorado, described as follows:

Beginning at the Southwest corner of said Lot 17 Thence North 0°04.2' West along the West line of said Lot 17 a distance of 25.00 feet to a point on the North line of West 50th Place as conveyed to Jefferson County by instruments recorded in Book 987 at Pages 407 and 409 of said Official Records; Thence North 88°59.0' East along the North line of West 50th Place as recorded in said Book 987 at Pages 407 and 409 a distance of 750.12 feet to the True Point of Beginning; Thence North 88°59.0' East along the North line of West 50th Place as recorded in said Book 987 at Pages 407 and 409 a distance of 286.12 feet to the Northeast corner of West 50th Place as recorded in said Book 987 at Pages 407 and 409; Thence North 0°03.6' West along the East line of said Lot 17 a distance of 215.60 feet; Thence South 88°59.0' West parallel to the South line of said Lot 17 a distance of 232.87 feet; Thence North 0°03.6' West parallel to the East line of said Lot 17 a distance of 0.80 feet; Thence South 88°59.0' West parallel to the South line of said Lot 17 a distance of 43.00 feet; Thence South 0°03.6' East parallel to the East line of said Lot 17 a distance of 0.80 feet; Thence South 88°59.0' West parallel to the South line of said Lot 17 a distance of 10.24 feet to a point, said point being North 0°03.6' West parallel to the East line of Lot 17 a distance of 215.60 feet from a point on the North line of West 50th Place as recorded in said Book 987 at Pages 407 and 409;

Thence South 88°59.0' West parallel to the South line of said Lot 17 a distance of 60.46 feet;
Thence South 0°03.6' East parallel to the East line of said Lot 17 a distance of 21.14 feet; Thence South 88°59.0' West parallel to the South line of said Lot 17 a distance of 97.05 feet;
Thence North 0°03.6' West parallel to the East line of said Lot 17 a distance of 195.06 feet to a point on the North line of said Lot 17;
Thence South 89°11.9' West along the North line of said Lot 17, a distance of 74.50 feet to a point 518.12 feet East of the West line of said Lot 17. said 518.12 feet being a distance measured at right angles to the west line of said Lot 17;
Thence South 00°04.2' East parallel to the West line of said Lot 17 a distance of 389.80 feet to a point on the North line of West 50th Place as recorded in said Book 987 at Pages 407 and 409;
Thence North 88°59.0' East along the North line of West 50th Place as recorded in said Book 987 at Pages 407 and 409 a distance of 231.93 to the True Point of Beginning.

PARCEL D:

A parcel of land situated in the West One-Half of Lot 13, Standley Heights, being located in the Southeast One-Quarter of Section 17, Township 3 South, Range 69 West of the 6th P.M., being more particularly described as follows:

Commencing at the center of said Section 17,
Thence South 00°18'19" East along the West line of said Southeast one-quarter of Section 17, the basis of bearing, a distance of 30.00 feet;
Thence North 89°11 '27" East and parallel to the North line of the Southeast one-quarter of said Section 17 a distance of 30.00 feet to the Northwest corner of said Lot 13;
Thence continuing North 89°11 '27" East and along the North line of said Lot 13 a distance of 518.12 feet to the Northeast corner of the West one-half of said Lot 13 and the Point of Beginning;
Thence South 89°11'27" West along the North line of said Lot 13 a distance of 348.12 feet to a point 170.00 feet East of the Northwest corner of said Lot 13;
Thence South 00°18'19" East parallel to the West line of said Lot 13 to a point 150.00 feet South of the North line of said Lot 13;
Thence South 89°11'27" West parallel to the North line of said Lot 13 a distance of 170.00 feet to a point on the West line of said Lot 13 and 150.00 feet South of the Northwest corner of said Lot 13;
Thence South 00°18'19' East along the West line of said Lot 13 a distance of 250.02 feet to the Northwest

corner of a parcel described in Book 1862 at Page 375 of the Clerk and Recorder's Office of Jefferson County, said corner being 17.00 feet North of the Southwest corner of said Lot 13;
Thence North 89°11'47" East along the North line of said parcel described in Book 1862 at Page 375 and parallel with the South line of said Lot 13 a distance of 250.00 feet to the Northeast corner of said parcel described in Book 1862 at Page 375;
Thence North 89°11'47" East parallel with the South line of said Lot 13 a distance of 0.02 feet to the Northwest corner of a parcel described at Reception No. 82047968;
Thence North 89°11'47" East along the North line of said parcel described at Reception Number 82047968 a distance of 256.95 feet to a point 17.00 feet North of the South line of said Lot 13; Thence South 00°18'19" East parallel to the West line of said Lot 13 a distance of 17.0 feet to the South line of said Lot 13 and the Southeast corner of said parcel described at Reception Number 82047968 said corner being 537.97 feet East of the West line of the Southeast one-quarter;
Thence North 89°11'47" East along the South line of said Lot 13 a distance of 10.16 feet to the Southwest corner of the West One-half of Lot 13;
Thence North 00°18'24" West along the East line of the West one-half of Lot 13 a distance of 417.07 feet to the Point of Beginning.
County of Jefferson, State of Colorado.

PARCEL E:

Beginning at the Southwest corner of Lot 17, Standley Heights;
Thence North 0°04.2' West along the West line of said Lot 17 a distance of 25.00 feet to a point on the North line of West 50th Place as conveyed to Jefferson County by instruments recorded in Book 987 at Pages 407 and 409 of said official records;
Thence North 88°59.0' East along the North line of West 50th Place as recorded in Book 987 at Pages 407 and 409 a distance of 750.12 feet;
Thence North 0°03.6' West parallel to the East line of said Lot 17 a distance of 215.60 feet to the True Point of Beginning;
Thence South 88°59.0' West parallel to the South line of said Lot 17 a distance of 60.46 feet; Thence South 0°03.6' East parallel to the East line of said Lot 17 a distance of 21.14 feet;
Thence South 88°59.0' West parallel to the South line of said Lot 17 a distance of 97.05 feet; Thence North 0°03.6' West parallel to the East line of said Lot 17 a distance of 195.06 feet to a point on the North line of said Lot 17;

Thence North 89°11.9' East along the North line of said Lot 17 a distance of 443.59 feet to the Northeast corner of said Lot 17;
Thence South 0°03.6' East along the East line of said Lot 17 a distance of 5.27 feet to a non-tangent point on a curve, said point being a point of curvature;
Thence Southeasterly along a curve to the right, whose central angle is 67°00.3', whose radius is 270.54 feet, and whose chord bears South 57°01.9' East a distance of 298.66 feet to a point 240.60 feet North of the extended South line of said Lot 17;
Thence South 88°59.0' West parallel to the South line of said Lot 17 a distance of 200.44 feet to a point 50.00 feet East of the East line of said Lot 17; Thence South 0°03.6' East parallel to the East line of said Lot 17 a distance of 215.60 feet to a point on the extended North line of West 50th Place as recorded in said Book 987 at Pages 407 and 409; Thence South 88°59.0' West along the extended North line of West 59th Place as recorded in Book 987 at Pages 407 and 409 a distance of 50.00 feet to the Northeast corner of West 50th Place as recorded in Book 987 at Pages 407 and 409; Thence North 0°03.6' West along the East line of said Lot 17 a distance of 215.60 feet; Thence South 88°59.0' West parallel to the South line of said Lot 17 a distance of 232.87 feet; Thence North 0°03.6' West parallel to the East line of said Lot 17 a distance of 0.80 feet; Thence South 88°59.0' West parallel to the South line of said Lot 17 a distance of 43.00 feet; Thence South 0°03.6' East parallel to the East line of said Lot 17 a distance of 0.80 feet; Thence South 88°59.0' West parallel to the South line of said Lot 17 a distance of 10.24 feet 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 object sought to be attained.

Section 4. Severability. If any clause, sentence, paragraph, or part of this Zoning Code or the application thereof to any person or circumstances shall for

any reason be adjudged by a court of competent jurisdiction invalid, such judgment shall not affect application to other persons or circumstances.

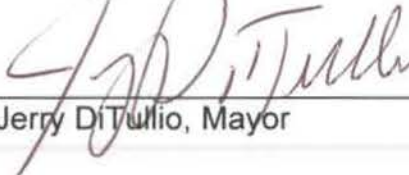
Section 5. Supersession Clause. If any provision, requirements or standard established by this Ordinance is found to conflict with similar provisions, requirements or standards found elsewhere in the Code of Laws of the City of Wheat Ridge, which are in existence as of the date of adoption of this Ordinance, the provisions, requirements and standards here shall supersede and prevail.

Section 6. This Ordinance shall take effect 15 days after final publication.

INTRODUCED, READ, AND ADOPTED on first reading by a vote of 8 to 0 on this 11th day of June, 2012, ordered published in full in a newspaper of general circulation in the City of Wheat Ridge and Public Hearing and consideration on final passage set for July 9, 2012, at 7:00 o'clock p.m., in the Council Chambers, 7500 West 29th Avenue, Wheat Ridge, Colorado.

READ, ADOPTED AND ORDERED PUBLISHED on second and final reading by a vote of 7 to 0, this 9th day of July, 2012.

SIGNED by the Mayor on this 9th day of July, 2012.



Jerry DiTullio, Mayor

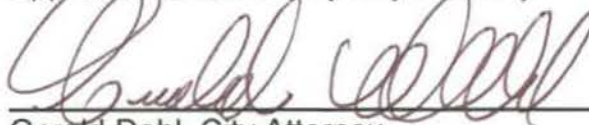
ATTEST:



Janelle Shaver, City Clerk



Approved as to form by City Attorney



Gerald Dahl, City Attorney

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Wheat Ridge Transcript
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