

CITY OF WHEAT RIDGE
INTRODUCED BY COUNCIL MEMBER URBAN
COUNCIL BILL NO. 28
ORDINANCE NO. 1589
Series of 2015

TITLE: AN ORDINANCE APPROVING A ZONE CHANGE FROM RESTRICTED COMMERCIAL (RC) TO MIXED USE-NEIGHBORHOOD (MU-N) FOR PROPERTY LOCATED AT 4340 HARLAN STREET (CASE NO. WZ-15-08/LIGHTWAY)

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, Klare Looney for Lightway at Sloans has submitted a land use application for approval of a zone change to Mixed Use-Neighborhood zone district for property located at 4340 Harlan Street; 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 Klare Looney for Lightway at Sloans for approval of a zone change from Restricted Commercial (RC) to Mixed Use-Neighborhood (MU-N) for property located at 4340 Harlan 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:

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE COUNTY OF JEFFERSON, STATE OF COLORADO, AND IS DESCRIBED AS FOLLOWS:

PARCEL A:

THE NORTH 75 FEET OF THE SOUTH 325 FEET OF THE EAST 145 FEET OF THE WEST 175 FEET OF THE WEST ONE-HALF OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 24, TOWNSHIP 3 SOUTH, RANGE 69 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF JEFFERSON, STATE OF COLORADO.

PARCEL B:

THE NORTHERLY 2 FEET OF LOT 9, STEVENSON SUBDIVISION, COUNTY OF JEFFERSON, STATE OF COLORADO.

EXCEPT THAT PORTION CONVEYED BY QUIT CLAIM DEED RECORDED JUNE 2, 1959 IN BOOK 1197 AT PAGE 259, 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 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 K. 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