

CITY OF WHEAT RIDGE, CO
INTRODUCED BY COUNCIL MEMBER LANGWORTHY
Council Bill No. 03
Ordinance No. 1480
Series of 2011

TITLE: AN ORDINANCE APPROVING THE REZONING OF PROPERTY LOCATED AT 11808 W. 44TH AVENUE FROM COMMERCIAL-ONE (C-1) AND COMMERCIAL-ONE WITH USE RESTRICTIONS TO MIXED USE-COMMERCIAL INTERSTATE (MU-C INTERSTATE) AND MIXED USE NEIGHBORHOOD (MU-N) ZONE DISTRICTS (CASE NO. WZ-10-09/RV AMERICA)

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, Michael Pharo on behalf of RV America has submitted a zone change application to Mixed Use-Commercial Interstate and Mixed-Use Neighborhood for property located at 11808 W. 44th Avenue; and,

WHEREAS, the City of Wheat Ridge Planning Commission held a public hearing on January 20, 2011 and voted to recommend approval of a rezoning of the property to be rezoned to Mixed-Use Commercial Interstate and Mixed-Use Neighborhood.

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

Section 1. Upon application by Mike Pharo for RV America, approval of a zone change ordinance for property located at 11808 W. 44th Avenue from Commercial-One (C-1) and Commercial-One (C-1) with use restrictions to Mixed Use – Commercial Interstate (MU-C Interstate) and Mixed Use – Neighborhood (MU-N) zone districts, 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 changes are approved.

MIXED USE – INTERSTATE COMMERCIAL (MU-C INTERSTATE):

The northern 250' of the parcel described below shall be zoned MU-C Interstate.

MIXED USE – NEIGHBORHOOD (MU-N):

The southern 228' of the parcel described below shall be zoned MU-N.

LEGAL DESCRIPTION FOR ENTIRE PARCEL:

THE EAST ONE-HALF OF THE NORTH ONE-THIRD OF LOT 11, LEE'S SUBDIVISION, AS RECORDED IN PLAT BOOK 2 AT PAGE 23 OF THE

RECORDS OF THE JEFFERSON COUNTY CLERK AND RECORDER, LYING NORTH OF THE NORTH LINE OF THOSE PARCELS OF LAND DESCRIBED IN QUITCLAIM DEEDS RECORDED AT RECEPTION NUMBERS 93127939 AND 93127940, EXCEPT THE EAST 10.00 FEET THEREOF, LOCATED IN THE NORTHEAST QUARTER OF SECTION 20, TOWNSHIP 3 SOUTH, RANGE 69 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY OF WHEAT RIDGE, COUNTY OF JEFFERSON, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BASIS OF BEARINGS: THE SOUTHLINE OF THE NORTHEAST QUARTER OF SECTION 20 ASSUMED TO BEAR S89°09'18"W.

COMMENCING AT THE EAST QUARTER CORNER OF SECTION 20, THENCE S89°09'18"W A DISTANCE OF 674.37 FEET ALONG THE SOUTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 20, THENCE N00°50'42"W, 118.00 FEET TO THE NORTHEAST CORNER OF THAT PARCEL OF LAND DESCRIBED IN QUITCLAIM DEED RECORDED AT RECEPTION NO. 93127939 BEING THE TRUE POINT OF BEGINNING;

THENCE S89°23'27"W ALONG THE NORTH LINE OF SAID PARCEL, A DISTANCE OF 156.13 FEET TO THE NORTHWEST CORNER OF SAID PARCEL AND THE NORTHEAST CORNER OF THAT PARCEL OF LAND DESCRIBED IN DEED RECORDED AT RECEPTION NO. 93127940;

THENCE S86°48'38"W ALONG THE NORTH LINE OF SAID PARCEL, A DISTANCE OF 165.96 FEET TO THE NORTHWEST CORNER OF SAID PARCEL, AND A POINT ON THE WEST LINE OF THE EAST HALF OF THE SAID LOT 11;

THENCE N00°24'47"W ALONG THE WEST LINE OF THE EAST HALF OF SAID LOT 11, A DISTANCE OF 485.46 FEET TO THE NORTHWEST CORNER OF THE EAST HALF OF SAID LOT 11 AND THE SOUTH RIGHT OF WAY LINE OF WEST 44TH AVENUE;

THENCE N89°13'26"E ALONG THE NORTH LINE OF SAID LOT 11 AND SAID SOUTH RIGHT OF WAY LINE, A DISTANCE OF 321.90 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF TABOR STREET;

THENCE S00°24'47"E ALONG THE WEST RIGHT-OF-WAY LINE OF TABOR STREET, A DISTANCE OF 478.93 FEET TO THE TRUE POINT OF BEGINNING.

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 adjusted 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 14th day of February, 2011, 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 March 14, 2011, 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 6 to 0, this 14th day of March, 2011.

SIGNED by the Mayor on this 15th day of March, 2011.

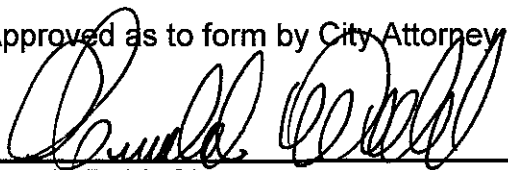


Jerry DiTullio, Mayor

ATTEST:



Michael Snow, City Clerk

Approved as to form by City Attorney


Gerald Dahl, City Attorney

1st publication: February 17, 2011
2nd publication: March 17, 2011
Wheat Ridge Transcript
Effective Date: April 1, 2011