

**CITY OF WHEAT RIDGE, COLORADO**  
**INTRODUCED BY COUNCIL MEMBER JAY**  
**COUNCIL BILL NO. 22**  
**ORDINANCE NO. 1496**  
Series 2011

**TITLE: AN ORDINANCE APPROVING THE COMPREHENSIVE REZONING OF PROPERTY ALONG THE WADSWORTH CORRIDOR BETWEEN W. 35<sup>TH</sup> AND W. 45<sup>TH</sup> AVENUES TO THE MIXED USE-COMMERCIAL (MU-C) ZONE DISTRICT (CASE NO. WZ-11-03)**

**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 March 14, 2011 initiating the rezoning of property located along the Wadsworth Corridor 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**, the existing zoning designations in this area are commercial, which only allows for limited residential development; and

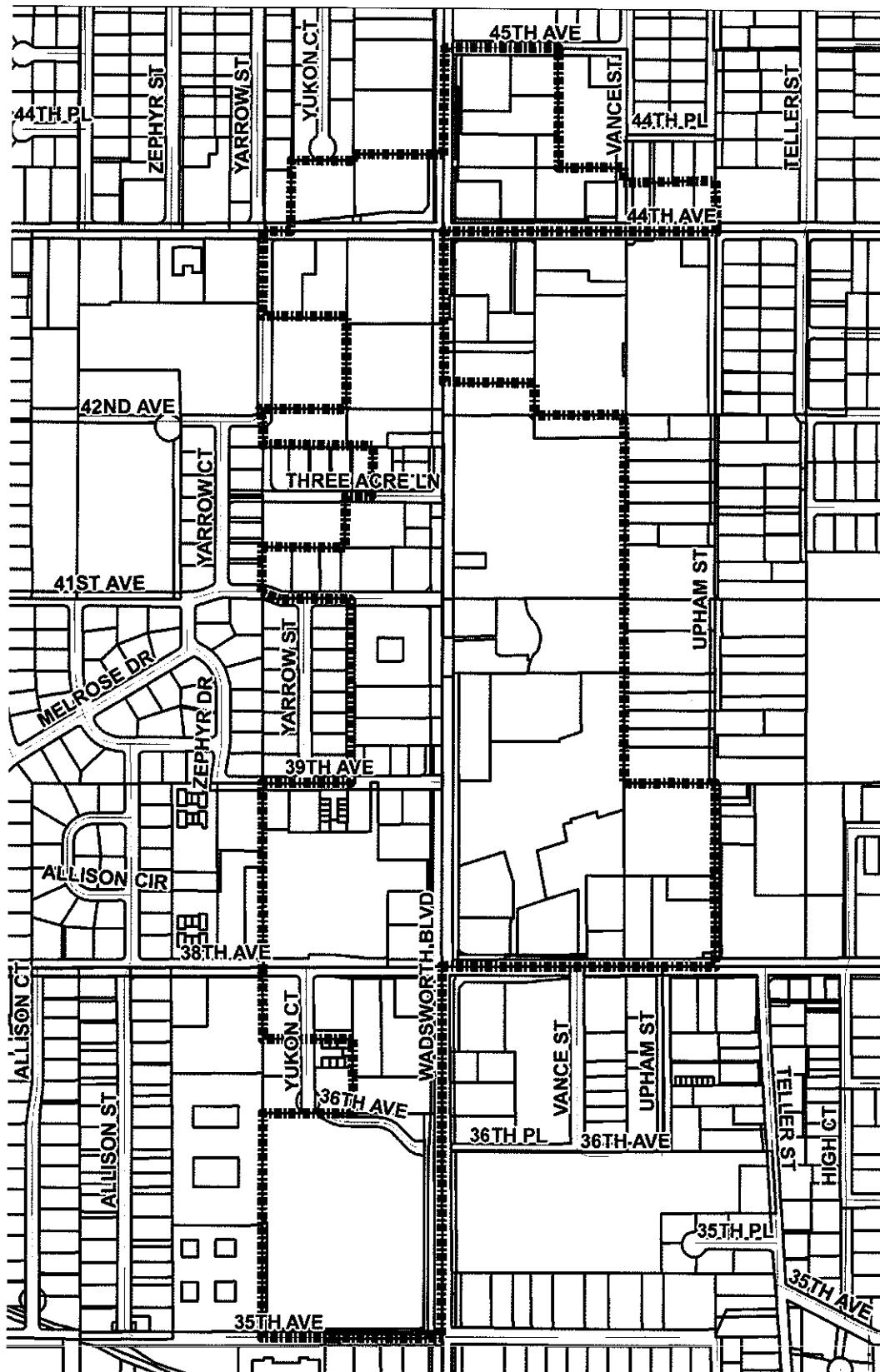
**WHEREAS**, the rezoning of the property to Mixed Use-Commercial (MU-C) would support City's adopted policy for the corridor to redevelop over time in a higher density, mixed use pattern; and

**WHEREAS**, the City of Wheat Ridge Planning Commission held a public hearing on June 16, 2011 and voted unanimously to recommend approval of rezoning 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 land:

The area located generally north of West 35<sup>th</sup> Avenue, west of Upham Street, south of West 45<sup>th</sup> Avenue, and east of Yarrow Street, as shown on the below map. The area to be rezoned includes adjacent right-of-way, extending to the centerline of that right-of-way.



**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.

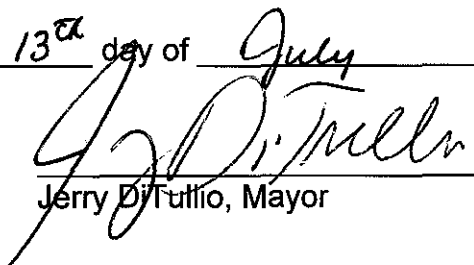
**Section 4: Severability; Conflicting Ordinances Repealed.** If any section, subsection or clause of the ordinance shall be deemed to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections and clauses shall not be affected thereby. All other ordinances or parts of the ordinances in conflict with the provisions of this ordinance are hereby repealed.

**Section 5: Effective Date.** This Ordinance shall take effect 30 days after final publication, as permitted by Section 5.11 of the Charter. Prior to said effective date, any owner of real property within the area rezoned described in Section 1 hereof may request that his or her property be removed from the area rezoned. Such request shall be in writing, shall describe with particularity the property requested to be removed from the area rezoned, shall be signed by all owners of record of said real property, and shall be delivered to the Director of Community Development. Upon receipt of a proper, signed request within the time period specified in this Section 5, said property shall be removed from the area rezoned and shall retain the zone designation applicable to it prior to the passage of this Ordinance.

**INTRODUCED, READ, AND ADOPTED** on first reading by a vote of 5 to 1 on this 27th day of June, 2011, ordered it published with Public Hearing and consideration of final passage set for **Monday, July 11th, 2011 at 7:00 p.m.**, in the Council Chambers, 7500 West 29<sup>th</sup> Avenue, Wheat Ridge, Colorado, and that it takes effect 30 days after final publication.

**READ, ADOPTED AND ORDERED PUBLISHED** on second and final reading by a vote of 8 to 0, this 11th day of July, 2011.

SIGNED by the Mayor on this 13<sup>th</sup> day of July, 2011.

  
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Jerry DiTullio, Mayor

ATTEST:



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Michael Snow, City Clerk



Approved As To Form



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Gerald E. Dahl, City Attorney

First Publication: June 30, 2011  
Second Publication: July 14, 2011  
Wheat Ridge Transcript:  
Effective Date: August 13, 2011