

CITY OF WHEAT RIDGE, COLORADO
INTRODUCED BY COUNCIL MEMBER STARKER
COUNCIL BILL NO. 27
ORDINANCE NO. 1530
Series 2012

TITLE: AN ORDINANCE APPROVING THE REZONING OF PROPERTY LOCATED AT 3775 BENTON STREET FROM PLANNED RESIDENTIAL DEVELOPMENT (PRD) TO THE MIXED USE-NEIGHBORHOOD (MU-N) ZONE DISTRICT (CASE NO. WZ-12-09)

WHEREAS, the City of Wheat Ridge would like to encourage mixed use zoning and development; and

WHEREAS, the City of Wheat Ridge has adopted the 38th Avenue Corridor Plan, which calls for the mixed use redevelopment of the 38th Avenue Corridor; and

WHEREAS, Dumindu and Seun Realty has submitted a zone change application to Mixed Use-Neighborhood for property located at 3775 Benton Street; and

WHEREAS, the City of Wheat Ridge Planning Commission held a public hearing on November 1, 2012 and voted to recommend approval of rezoning the property to Mixed Use-Neighborhood (MU-N).

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

Section 1. Upon application by Dumindu and Seun Realty, approval of a zone change ordinance for property located at 3775 Benton Street from Planned Residential Development (PRD) to Mixed Use-Neighborhood (MU-N), 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:

LOT 2, CADENCE SUBDIVISION, CITY OF WHEAT RIDGE, 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 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. 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 effect application to other persons or circumstances.

Section 5: Suppression 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: Effective Date. 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 26th day of November, 2012, ordered it published with public hearing and consideration of final passage set for **Monday, January 14, 2013 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 0, this 14th day of January, 2013.

SIGNED by the Mayor on this 14th day of January, 2013.



ATTEST:

Janelle Shaver
Janelle Shaver, City Clerk

Jerry DiTullio
Jerry DiTullio, Mayor

Approved As To Form
Gerald E. Dahl
Gerald E. Dahl, City Attorney

First Publication: November 29, 2012
Second Publication January 17, 2013
Wheat Ridge Transcript
Effective Date: February 1, 2013