

**INTRODUCED BY COUNCIL MEMBER ADAMS**  
**Council Bill No. 13-2008**  
**Ordinance No. 1417**  
**Series of 2008**

**TITLE: AN ORDINANCE PROVIDING FOR THE APPROVAL OF CHANGE OF ZONING CONDITIONS ON PROPERTY ZONED PLANNED COMMERCIAL DEVELOPMENT AND FOR APPROVAL OF AN AMENDED OUTLINE DEVELOPMENT PLAN FOR PROPERTY LOCATED AT 3700 KIPLING STREET (CASE NO. WZ-08-04/CITY OF WHEAT RIDGE)**

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

**Section 1.** Upon application by Design Concepts for the City of Wheat Ridge, approval of change of zoning conditions on property zoned Planned Commercial Development approved pursuant to Case No. WZ-82-15 and for approval of an amended Outline Development Plan for property located at 3700 Kipling Street and pursuant to the findings made based on testimony and evidence presented at a public hearing before the Wheat Ridge City Council, a change of zoning conditions and an amended Outline Development Plan are approved for the following described land:

A PART OF THE WEST ONE HALF OF THE WEST ONE HALF OF THE NORTHWEST ONE QUARTER OF THE NORTHWEST ONE QUARTER OF SECTION 27, TOWNSHIP 3 SOUTH, RANGE 69 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY OF WHEAT RIDGE, COUNTY OF JEFFERSON, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 27; THENCE SOUTH 00°12'37" E, A DISTANCE OF 180.00 FEET;

THENCE NORTH 89°39'34" EAST PARALLEL WITH THE NORTH LINE OF SAID NORTHWEST ONE QUARTER 40.00 FEET TO THE POINT OF BEGINNING, SAID POINT BEING ON THE EAST RIGHT OF WAY LINE OF KIPLING STREET;

THENCE CONTINUING NORTH 89°39'34" EAST ALONG THE AFORESAID COURSE 140.00 FEET TO THE SOUTHEAST CORNER OF A PARCEL OF LAND DESCRIBED IN BOOK 1748, PAGE 767 OF THE JEFFERSON COUNTY RECORDS;

THENCE NORTH 00°12'37" WEST ALONG THE EAST LINE OF SAID BOOK 1748, PAGE 787 AND PARALLEL WITH THE WEST LINE OF SAID NORTHWEST ONE QUARTER 145.00 FEET TO A POINT ON THE SOUTH RIGHT OF WAY LINE OF WEST 38TH AVENUE;

THENCE ALONG THE FOLLOWING FOUR (4) COURSES ON SAID SOUTH RIGHT OF WAY LINE OF WEST 38TH AVENUE:

- (1) THENCE NORTH 89°39'34" EAST 90.01 FEET;
- (2) THENCE NORTH 00°20'26" WEST 5.00 FEET;
- (3) THENCE NORTH 89°39'34" EAST 56.45 FEET;
- (4) THENCE SOUTH 45°16'22" EAST 14.13 FEET TO A POINT ON THE WEST RIGHT OF WAY LINE OF JOHNSON STREET (ALSO BEING A POINT ON THE EAST LINE OF TRACT "A" OF WESTHAVEN);

THENCE SOUTH 00°12'18" EAST ALONG THE WEST RIGHT OF WAY LINE OF JOHNSON STREET (ALSO BEING THE EAST LINE OF SAID TRACT "A") 1291.04 FEET TO A POINT ON THE NORTH RIGHT OF WAY LINE OF WEST 35TH AVENUE;

THENCE SOUTH 89°34'42" WEST ALONG SAID NORTH RIGHT OF WAY LINE OF WEST 35TH AVENUE 291.33 FEET TO A POINT ON THE EAST RIGHT OF WAY LINE OF SAID KIPLING STREET;

THENCE ALONG THE FOLLOWING THREE (3) COURSES ON SAID EAST RIGHT OF WAY LINE OF KIPLING STREET:

- (1) THENCE NORTH 00°12'37" WEST 214.46 FEET;
- (2) THENCE SOUTH 89°34'42" WEST 5.00 FEET;
- (3) THENCE NORTH 00°12'37" WEST 937.00 FEET TO THE POINT OF BEGINNING, CONTAINING 363,101 SQUARE FEET OR 8.3357 ACRES, MORE OR LESS.

**Section 2. Vested Property Rights.** Approval of this change of zoning conditions and amended Outline Development Plan 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.

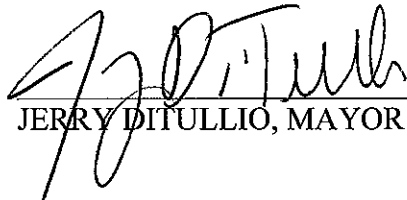
**Section 5. Supersession Clause.** If any provision, requirements or standard established by this Ordinance is found to conflict with similar provisions, requirements or standards found elsewhere in the Code of Laws of the City of Wheat Ridge, which are in existence as of the date of adoption of this 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 4 to 3 on this 28th day of July, 2008, 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 Monday, August 25, 2008, at 7:00 o'clock p.m., in the Council Chambers, 7500 West 29<sup>th</sup> Avenue, Wheat Ridge, Colorado.

**READ, ADOPTED AND ORDERED PUBLISHED** on second and final reading by a vote of 5 to 4, this 25th day of August, 2008.

SIGNED by the Mayor on this 25th day of August, 2008.

  
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JERRY DITULLIO, MAYOR

ATTEST:

  
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Michael Snow, City Clerk

APPROVED AS TO FORM BY CITY ATTORNEY

  
\_\_\_\_\_  
GERAL DAHL, CITY ATTORNEY

1<sup>st</sup> publication: July 31, 2008  
2<sup>nd</sup> publication: August 28, 2008  
Wheat Ridge Transcript  
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