

CITY OF WHEAT RIDGE, COLORADO
INTRODUCED BY COUNCIL MEMBER ROTOLA
Council Bill No. 10-2009
Ordinance No. 1439

Series of 2009

TITLE: AN ORDINANCE PROVIDING FOR THE APPROVAL OF A CHANGE OF ZONING FROM COMMERCIAL ONE (C-1) AND RESIDENTIAL TWO (R-2) TO PLANNED COMMERCIAL DEVELOPMENT (PCD) AND FOR APPROVAL OF AN OUTLINE DEVELOPMENT PLAN FOR PROPERTY LOCATED AT 10403 WEST 44TH AVENUE.

(CASE NO. WZ-08-07/IRPINIA)

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

Section 1: Upon application by Cory and Sabine Burris, approval of a change of zoning from Commercial One (C-1) and Residential Two (R-2) to Planned Commercial Development and for approval of an Outline Development Plan for property located at 10403 West 44th Avenue 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 is approved for the following described land:

LOT 3, HYLAND'S RANCH SUBDIVISION, CITY OF WHEAT RIDGE, COUNTY OF JEFFERSON, STATE OF COLORADO.

Section 2: Vested Property Rights. Approval of this change of zoning and 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 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 object 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Section 4: Severability; Conflicting Ordinances Repealed.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 All other ordinances or parts of the ordinances in conflict with the provisions of this ordinance are hereby repealed.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 fifteen days after final publication, as provided by Section 5.11 of the Charter.


WHEREAS, it is critical that all municipalities stay united on the FasTracks issue; it is ultimately the decision of the RTD Board to determine the course of FasTracks in the face of the \$2.2 billion shortfall; and

WHEREAS, moving forward the construction of, and completion of, the East and Gold Lines will promote the general welfare, prosperity and economic vitality and development opportunities in Jefferson County, Colorado; and

WHEREAS, the issuance by the RTD Board of Directors of a Request for Proposal for the EAGLE P3 project will facilitate the construction of and completion of the East and Gold Lines of FasTracks;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Wheat Ridge City Council encourages RTD to continue to seek solutions allowing for the full build out of The FasTracks system by 2017 as originally envisioned by the voters in 2004, and Encourages the RTD Board of Directors to move forward with the East and Gold Lines through issuance of a Request for Proposal for the EAGLE P3 project as recommended by RTD staff.

DONE AND RESOLVED this 13th day of April, 2009.



Jerry DiTullio, Mayor

ATTEST:



Michael Snow, City Clerk