

BY AUTHORITY

ORDINANCE NO. _____
SERIES OF 2011

COUNCIL BILL NO. CB11-0429
COMMITTEE OF REFERENCE:
Land Use, Transportation & Infrastructure

A BILL

For an ordinance changing the zoning classification of 1835 Franklin Street.

WHEREAS, the City Council has determined, based on evidence and testimony presented at the public hearing, that the map amendment set forth below conforms with applicable City laws, is in accordance with the Comprehensive Plan, is necessary to promote the public health, safety and general welfare of the City, is justified by one of the circumstances set forth in Section 12.4.10.14 of the Denver Zoning Code, and is consistent with the neighborhood context and the stated purpose and intent of the proposed zone district;

NOW THEREFORE, BE IT ENACTED BY THE COUNCIL OF THE CITY AND COUNTY OF DENVER:

Section 1. That upon consideration of a change in the zoning classification of the land area hereinafter described, Council finds:

1. That the land area hereinafter described is presently classified as:
 - a. Parcel 1, Parcel 2A and Parcel 2B: H-1-A with waivers;
 - b. Parcel 3: CMP-H; and
 - c. Parcel 4: CMP-H2;
2. That the Owner proposes that the land area hereinafter described be changed to:
 - a. Parcel 1 and Parcel 2A: CMP-H;
 - b. Parcel 2B and Parcel 3: C-MX-8; and
 - c. Parcel 4: CMP-H

Section 2. That the zoning classification of the land area in the City and County of Denver described as follows or included within the following boundaries shall be and hereby is changed from H-1-A with waivers to CMP-H:

Parcel 1

LOTS 10 TO 13 AND THE SOUTH 12.5 FEET OF LOT 9 AND THE EAST HALF OF THE RESERVED STRIP ADJACENT TO SAID LOTS, BLOCK 9, PARK AVENUE ADDITION TO DENVER; LOT 1 TO 18, BLOCK 63, GABATHULER'S ADDITION TO DENVER; LOTS 27 TO 40, BLOCK 64, GABATHULER'S ADDITION TO DENVER; LOTS 6 THROUGH 9 AND FRACTIONAL LOT 10, BLOCK 50, SCHINNERS ADDITION TO DENVER; LOTS 11 TO 15 AND FRACTIONAL LOT 10, BLOCK 50; GABATHULER'S ADDITION TO DENVER; IN ADDITION THERETO THOSE PORTIONS OF ALL ABUTTING PUBLIC RIGHTS-OF-WAY AS ORGINALLY DEDICATED BY SAID PLATS, BUT ONLY TO THE CENTERLINE THEREOF, WHICH ARE IMMEDIATELY ADJACENT TO THE AFORESAID SPECIFICALLY DESCRIBED AREAS.

1 **Parcel 2A**

LOTS 6 TO 13, LOTS 20 TO 26 AND ALL OF THE RESERVED STRIP ADJACENT TO SAID LOTS BLOCK 11, PARK AVENUE ADDITION TO DENVER; ALL OF BLOCK 61 AND THE VACATED ALLEY THEREIN, LOTS 23 TO 40, BLOCK 62, LOTS 15 AND SOUTH ½ 14, AND LOTS 16 AND 17 BLOCK 52, GABATHULER'S ADDITION TO DENVER; LOTS 6 TO 13, LOTS 20 TO 27 AND ALL OF THE RESERVED STRIP ADJACENT TO SAID LOTS, BLOCK 12, PARK AVENUE ADDITION TO DENVER; LOTS 16 TO 40 BLOCK 39, LOTS 16 AND 17, BLOCK 33 MCCULLOUGH HILL AMENDED MAP; IN ADDITION THERETO THOSE PORTIONS OF ALL ABUTTING PUBLIC RIGHTS-OF-WAY AS ORGINALLY DEDICATED BY SAID PLATS, BUT ONLY TO THE CENTERLINE, WHICH ARE IMMEDIATELY ADJACENT TO THE AFORESAID SPECIFICALLY DESCRIBED AREA.

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3 in addition thereto those portions of all abutting public rights-of-way, but only to the centerline
4 thereof, which are immediately adjacent to the aforesaid specifically described area.

5 **Section 3.** That the zoning classification of the land area in the City and County of Denver
6 described as follows or included within the following boundaries shall be and hereby is changed
7 from H-1-A with waivers to C-MX-8:

8 **Parcel 2B**

LOTS 14 TO 19 AND ALL OF THE RESERVED STRIP ADJACENT TO SAID LOTS, OF BLOCK 11, PARK AVENUE ADDITION TO DENVER; LOTS 13 TO 15 OF BLOCK 39, MCCULLOUGH HILL AMENDED MAP; LOTS 14 TO 19, AND ALL OF THE RESERVED STRIP ADJACENT TO SAID LOTS, BLOCK 12, PARK AVENUE ADDITION TO DENVER; IN ADDITION THERETO THOSE PORTIONS OF ALL ABUTTING PUBLIC RIGHTS-OF-WAY AS ORGINALLY DEDICATED BY SAID PLATS, BUT ONLY TO THE CENTERLINE THEREOF, WHICH ARE IMMEDIATELY ADJACENT TO THE AFORESAID SPECIFICALLY DESCRIBED AREA.

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10 in addition thereto those portions of all abutting public rights-of-way, but only to the centerline
11 thereof, which are immediately adjacent to the aforesaid specifically described area.

12 **Section 4.** That the zoning classification of the land area in the City and County of Denver
13 described as follows or included within the following boundaries shall be and hereby is changed
14 from CMP-H to C-MX-8:

15 **Parcel 3**

LOTS 14 TO 19, OF BLOCK 8, PARK AVENUE ADDITION TO DENVER; IN ADDITION THERETO THOSE PORTIONS OF ALL ABUTTING PUBLIC RIGHTS-OF-WAY AS ORGINALLY DEDICATED BY SAID PLAT, BUT ONLY TO THE CENTERLINE THEREOF, WHICH ARE IMMEDIATELY ADJACENT TO THE AFORESAID SPECIFICALLY DESCRIBED AREA.

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17 in addition thereto those portions of all abutting public rights-of-way, but only to the centerline
18 thereof, which are immediately adjacent to the aforesaid specifically described area.

19 **Section 5.** That the zoning classification of the land area in the City and County of Denver
20 described as follows or included within the following boundaries shall be and hereby is changed
21 from CMP-H2 to CMP-H:

22 **Parcel 4**

LOTS 9 TO 13 AND EAST HALF OF THE RESERVED STRIP ADJACENT TO SAID LOTS, BLOCK 10 PARK AVENUE ADDITION TO DENVER, IN ADDITION THERETO THOSE PORTIONS OF ALL ABUTTING PUBLIC RIGHTS-OF-WAY AS ORGINALLY DEDICATED BY SAID PLAT, BUT ONLY TO THE CENTERLINE THEREOF, WHICH ARE IMMEDIATELY ADJACENT TO THE AFORESAID SPECIFICALLY DESCRIBED AREAS.

1 in addition thereto those portions of all abutting public rights-of-way, but only to the centerline
2 thereof, which are immediately adjacent to the aforesaid specifically described area.

3 **Section 6.** That this ordinance shall be recorded by the Manager of Community, Planning, and
4 Development in the real property records of the Denver County Clerk and Recorder.

5 COMMITTEE APPROVAL DATE: June 7, 2011

6 MAYOR-COUNCIL DATE: June 14, 2011

7 PASSED BY THE COUNCIL: _____, 2011

8 _____ - PRESIDENT

9 APPROVED: _____ - MAYOR _____, 2011

10 ATTEST: _____ - CLERK AND RECORDER,
11 EX-OFFICIO CLERK OF THE
12 CITY AND COUNTY OF DENVER

13 NOTICE PUBLISHED IN THE DAILY JOURNAL: _____, 2011; _____, 2011

14 PREPARED BY: KAREN A. AVILES, Assistant City Attorney DATE: June 9, 2011

15 Pursuant to section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the office of
16 the City Attorney. We find no irregularity as to form, and have no legal objection to the proposed
17 ordinance. The proposed ordinance is not submitted to the City Council for approval pursuant to
18 § 3.2.6 of the Charter.

19 David W. Broadwell, City Attorney

20 BY: _____, City Attorney DATE: _____, 2011