

1 **BY AUTHORITY**

2 ORDINANCE NO. _____
3 SERIES OF 2015

COUNCIL BILL NO. CB15-0345
COMMITTEE OF REFERENCE:
Neighborhood & Planning

5 **A BILL**

6 **For an ordinance changing the zoning classification for approximately 99**
7 **Quebec Street.**
8

9 **WHEREAS**, the City Council has determined, based on evidence and testimony presented
10 at the public hearing, that the map amendment set forth below conforms with applicable City laws,
11 is consistent with the City's adopted Plan, is necessary to promote the public health, safety and
12 general welfare of the City, will result in regulations and restrictions that are uniform within the C-
13 MX-5, with waivers, zone district described herein, is justified by one of the circumstances set
14 forth in Section 12.4.10.8 of the Denver Zoning Code, and is consistent with the neighborhood
15 context and the stated purpose and intent of the proposed zone district;

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

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

- 20 1. That the land area hereinafter described is presently classified as O-1.
21 2. That the Owner proposes that the land area hereinafter described be changed to C-MX-5,
22 with waivers.

23 **Section 2.** That the zoning classification of the land area in the City and County of
24 Denver described as follows shall be and hereby is changed from O-1 to C-MX-5, with waivers:

25
26 A part of the Southeast Quarter of Section 8, Township 4 South, Range 67 West of the
27 Sixth Principal Meridian, City and County of Denver, State of Colorado, more particularly
28 described as follows;

29
30 **COMMENCING** at the East Quarter Corner of said Section 8;
31 thence North 89°59'52" West, along the northerly line of said Southeast Quarter of
32 Section 8, a distance of 120.00 feet;
33 thence South 00°02'35" West, parallel with and 120.00 feet west of the easterly line of
34 said Southeast Quarter of Section 8, a distance of 30.00 feet to the southerly line of E. 1st
35 Ave. and the northwest corner of Lowry Filing No. 3 recorded at Reception Number
36 9800190950 in the Clerk and Recorder's Office of said City and County of Denver and the
37

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1 4.) along the arc of a curve to the right having a radius of 230.00 feet, a central angle of
2 12°57'38", an arc length of 52.03 feet and whose chord bears North 19°26'19" West a
3 distance of 51.92 feet;

4
5 thence North 77°02'30" East a distance of 467.96 feet to said centerline of proposed
6 Pontiac St. and a point of non-tangent curve;

7
8 thence along said centerline of proposed Pontiac St. the following two (2) courses:
9

10 1.) along the arc of a curve to the right having a radius of 500.00 feet, a central angle of
11 12°31'19", an arc length of 109.28 feet and whose chord bears North 06°15'32" West a
12 distance of 109.06 feet;

13 2.) North 00°00'08" East a distance of 78.61 feet to the southerly line of E. 1st Ave.;

14
15 thence South 89°59'52" East, along said southerly line of E. 1st Ave., a distance of 643.52
16 feet to the **POINT OF BEGINNING**.

17
18 Containing 786,127 square feet or 18.047 acres, more or less.
19

20 **Basis of bearings:** Bearings are based on the northerly line of the Southeast Quarter of
21 Section 8, Township 4 South, Range 67 West, of the Sixth Principal Meridian, City and
22 County of Denver, State of Colorado as being North 89°59'52" West. The East Quarter
23 Corner of said Section 8 is a 3 1/4" aluminum cap in a range box stamped BRW INC, PLS
24 20683. The Center of said Section 8 is a 3 1/4" aluminum cap Witness Corner stamped
25 URS CORP, PLS 20683.
26

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

29 **Section 3.** Section 12.4.10.6(A) of the Denver Zoning Code ("Zoning Code") allows the
30 City Council to adopt waivers as part of the ordinance amending the official map if the application
31 for an official map amendment is based upon a written representation by the applicant that the
32 applicant wishes to waive certain rights or obligations under the proposed district classification,
33 and such waivers are approved in writing by the applicant. In accordance with Section
34 12.4.10.6(A), the applicant requests that, the zoning classification of the land described in Section
35 2, include the following waivers:

36
37 **1. Proposed Height Waiver**

38 Waive the right to build, use or erect any general building form structure with a maximum
39 permitted building height of seventy (70) feet as set forth in Section 7.3.3.4(C) of the Denver
40 Zoning Code and instead shall comply with the following:

- 41
42 (a) The maximum height of any portion of a general building form structure located
43 within the area that is legally described in Paragraph 3 below (the "First Avenue
44

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1 Waiver Area”) shall be forty-five (45) feet. Building height shall be defined and
2 measured in accordance with Section 13.1.3 of the Denver Zoning Code.
3

- 4 (b) The maximum height of any portion of a general building form structure located
5 within the area that is legally described in Paragraph 4 below (the “Quebec
6 Street Waiver Area”) shall be forty-five (45) feet. Building height shall be defined
7 and measured in accordance with Section 13.1.3 of the Denver Zoning Code.
8
- 9 (c) The overall maximum height of any general building form structure located
10 outside of the First Avenue Waiver Area and the Quebec Street Waiver Area
11 shall be sixty-five (65) feet.
12

13 **2. Waiver of Allowed Number of Stories of General Building Form Structure** 14 **Within the Quebec Street Waiver Area and East First Avenue Waiver Area** 15

16 Waive the right to build, use or erect any general building form structure with a
17 maximum number of stories of five (5) as set forth in Section 7.3.3.4(C) of the Denver
18 Zoning Code and instead shall comply with the following:
19

- 20 (a) The maximum number of stories of any portion of a general building form
21 structure located within the First Avenue Waiver Area or the Quebec Street
22 Waiver Area shall be three (3) stories.
23
- 24 (b) The maximum number of stories of any general building form structure located
25 outside of the First Avenue Waiver Area and the Quebec Street Waiver Area
26 shall be as provided in Section 7.3.3.4(C) of the Denver Zoning Code.
27

28 **3. First Avenue Waiver Area**

29 The First Avenue Waiver Area shall be defined by its legal description, as follows:
30

31 A part of the Southeast Quarter of Section 8, Township 4 South, Range 67 West of
32 the Sixth Principal Meridian, City and County of Denver, State of Colorado, more particularly
33 described as follows:
34

35 **COMMENCING** at the East Quarter Corner of said Section 8;
36

37 thence North 89°59’52” West, along the northerly line of said Southeast Quarter of
38 Section 8, a distance of 150.00 feet;
39

40 thence South 00°02’35” West, parallel with and 150.00 feet west of the easterly line
41 of said Southeast Quarter of Section 8, a distance of 36.00 feet to the **POINT OF**
42 **BEGINNING**;
43

44 thence South 00°02’35” West, parallel with and 150.00 feet west of said easterly line of
45 the Southeast Quarter of Section 8, a distance of 30.00 feet;
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47 thence North 89°59’52” West, parallel with and 66.00 feet south of said northerly line of the
48 Southeast Quarter of Section 8, a distance of 580.00 feet;
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1
2 thence North 00°00'08" East a distance of 30.00 feet;

3
4 thence South 89°59'52" East, parallel with and 36.00 feet south of said northerly line of the
5 Southeast Quarter of Section 8, a distance of 580.02 feet to the **POINT OF BEGINNING**;

6
7 Containing 17,400 square feet or 0.399 acres, more or less.

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9 **Basis of bearings:** Bearings are based on the northerly line of the Southeast Quarter of
10 Section 8, Township 4 South, Range 67 West, of the Sixth Principal Meridian, City and County
11 of Denver, State of Colorado as being North 89°59'52" West. The East Quarter Corner of said
12 Section 8 is a 3-1/4" aluminum cap in a range box stamped BRW INC, PLS 20683. The Center
13 of said Section 8 is a 3-1/4" aluminum cap Witness Corner stamped URS CORP, PLS 20683.

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15 **4. Quebec Street Waiver Area**

16
17 The Quebec Street Waiver Area shall be defined by its legal description, as follows:

18
19 A part of the Southeast Quarter of Section 8, Township 4 South, Range 67 West of the
20 Sixth Principal Meridian, City and County of Denver, State of Colorado, more particularly
21 described as follows:

22
23 COMMENCING at the East Quarter Corner of said Section 8;

24
25 thence North 89°59'52" West, along the northerly line of said Southeast Quarter of Section
26 8, a distance of 120.00 feet;

27
28 thence South 00°02'35" West, parallel with and 120.00 feet west of the easterly line of
29 said Southeast Quarter of Section 8, also being the westerly line of Quebec St., a distance of
30 536.62 feet to the POINT OF BEGINNING;

31
32 thence along said westerly line of Quebec St. the following three (3) courses:

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39 1. South 00°02'35" West a distance of 61.66 feet;
- 40
41 2. South 14°00'02" East a distance of 41.21 feet;
- 42
43 3. South 00°02'35" West a distance of 498.39 feet;
- 44
45 4. thence North 90°00'00" West a distance of 30.00
46 feet;

47
48 thence parallel with and 30.00 feet west of said westerly line of Quebec St. the following
49 three (3) courses:

- 50
51 1. North 00°02'35" East a distance of 494.72 feet;
- 52
53 2. North 14°00'02" West a distance of 41.21 feet;

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1
2
3 3. North 00°02'35" East a distance of 65.36 feet;
4
5 thence South 89°57'25" East a distance of 30.00 feet to the POINT OF BEGINNING;
6
7 Containing 18,038 square feet or 0.414 acres, more or less.

8
9 Basis of bearings : Bearings are based on the northerly line of the Southeast Quarter
10 of Section 8, Township 4 South, Range 67 West, of the Sixth Principal Meridian, City and
11 County of Denver, State of Colorado as being North 89°59'52" West. The East Quarter
12 Comer of said Section 8 is a 3-1/4" aluminum cap in a range box stamped BRW INC, PLS
13 20683. The Center of said Section 8 is a 3-1/4" aluminum cap Witness Comer stamped
14 URS CORP, PLS 20683.

15
16 **5. Other Provisions of the C-MX-5 Zone District Are Applicable**

17
18 All other provisions of the C-MX-5 Zone District of the Revised Municipal Code of the City and
19 County of Denver, including but not limited to the Design Standards in Section 7.3 of the Code,
20 shall apply within the boundaries of the subject property contained in this application.
21

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

24 COMMITTEE APPROVAL DATE: May 20, 2015

25 MAYOR-COUNCIL DATE: May 26, 2015

26 PASSED BY THE COUNCIL: _____, 2015

27 _____ - PRESIDENT

28 APPROVED: _____ - MAYOR _____, 2015

29 ATTEST: _____ - CLERK AND RECORDER,
30 EX-OFFICIO CLERK OF THE
31 CITY AND COUNTY OF DENVER

32 NOTICE PUBLISHED IN THE DAILY JOURNAL: _____, 2015; _____, 2015

33 PREPARED BY: Karen A. Aviles, Assistant City Attorney DATE: May 28, 2015

34 Pursuant to Section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the office of
35 the City Attorney. We find no irregularity as to form, and have no legal objection to the proposed
36 ordinance. The proposed ordinance is not submitted to the City Council for approval pursuant to
37 § 3.2.6 of the Charter.

38 D. Scott Martinez, Denver City Attorney

39 BY: _____, Assistant City Attorney DATE: _____, 2015