

1 BY AUTHORITY

2 ORDINANCE NO.  
3 SERIES OF 2013

COUNCIL BILL NO. CB13-0155  
COMMITTEE OF REFERENCE:

4 Land Use, Transportation & Infrastructure

5 **A BILL**

6 **For an ordinance changing the zoning classification of the northeast corner of**  
7 **East 1<sup>st</sup> Avenue and Fillmore Place.**

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  
11 laws, is in accordance with the Comprehensive Plan, is necessary to promote the public health,  
12 safety and general welfare of the City, is justified by one of the circumstances set forth in Section  
13 12.4.10.14A of the Denver Zoning Code, is consistent with the neighborhood context and the  
14 stated purpose and intent of the proposed zone district; and meets the criteria set forth  
15 in 12.4.10.15 of the Denver Zoning Code;

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

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

- 21 1. That the land area hereinafter described is presently classified as PUD #617.  
22 2. That the Owner proposes that the land area hereinafter described be changed to  
23 Amended Planned Unit Development District (Amended PUD).

24 **Section 2.** That the zoning classification for the land area in the City and County of  
25 Denver described as follows shall be and hereby is changed from PUD# 617 to Amended Planned  
26 Unit Development District (Amended PUD):

27  
28 **A TRACT OF LAND LYING WITHIN THE NORTHWEST ONE-QUARTER OF SECTION 12,**  
29 **TOWNSHIP 4 SOUTH, RANGE 68 WEST OF THE 6<sup>TH</sup> PRINCIPAL MERIDIAN, CITY AND**  
30 **COUNTY OF DENVER, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED**  
31 **AS FOLLOWS:**

32  
33 **BLOCK 70, HARMAN'S SUBDIVISION, AS RECORDED IN BOOK OF PLATS PAGE 98, OF**  
34 **THE RECORDS OF THE CITY AND COUNTY OF DENVER,**

35  
36 **TOGETHER WITH THE ALLEY IN BLOCK 70, HARMAN'S SUBDIVISION, VACATED BY**  
37 **ORDINANCE NO 316, SERIES OF 1958**

38  
39 **TOGETHER WITH THAT PORTION OF FIRST AVENUE ADJACENT TO BLOCK 70,**  
40 **HARMAN'S SUBDIVISION, VACATED BY ORDINANCE 167, SERIES OF 1955,**

41  
42 **CONTAINING IN ALL, 2.267 ACRES (98,762 SQUARE FEET), MORE OR LESS**

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 2.** The complete application with such supporting material as designated by the  
4 Land Use, Transportation and Infrastructure Committee of the City Council filed in the words and  
5 figures contained and set forth in the Application for Zone Map Amendment, available in the  
6 office and on the web page of City Council, and filed in the office of the City Clerk on the 27<sup>th</sup> day  
7 of March, 2013, under City Clerk's Filing No. 2013-0282, is hereby approved.

8 **Section 3.** Said District Plan together with a Site Plan, as provided in Section 12.4.3 of  
9 the Denver Zoning Code, shall regulate the use and development of the land area hereinabove  
10 described.

11 **Section 4.** None of the land area hereinabove described shall be used or occupied and  
12 no structure or structures shall be designed, erected, altered, used or occupied thereon except in  
13 conformity with all provisions of said District Plan and a Site Plan, as provided in Section 12.4.3 of  
14 the Denver Zoning Code, and except upon performance of all conditions therein set forth.

15 **Section 5.** This Ordinance shall be recorded by the Department of Community Planning  
16 and Development among the records of the Clerk and Recorder of the City and County of Denver.

17 COMMITTEE APPROVAL DATE: March 19, 2013

18 MAYOR-COUNCIL DATE: March 26, 2013

19 PASSED BY THE COUNCIL: \_\_\_\_\_, 2013

20 \_\_\_\_\_ - PRESIDENT

21 APPROVED: \_\_\_\_\_ - MAYOR \_\_\_\_\_, 2013

22 ATTEST: \_\_\_\_\_ - CLERK AND RECORDER,  
23 EX-OFFICIO CLERK OF THE  
24 CITY AND COUNTY OF DENVER

25 NOTICE PUBLISHED IN THE DAILY JOURNAL: \_\_\_\_\_, 2013; \_\_\_\_\_, 2013

26 PREPARED BY: Brent A. Eisen, Assistant City Attorney DATE: March 28, 2013

27 Pursuant to section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the office of  
28 the City Attorney. We find no irregularity as to form, and have no legal objection to the proposed  
29 ordinance. The proposed ordinance is not submitted to the City Council for approval pursuant to  
30 § 3.2.6 of the Charter.

31 Douglas J. Friednash, Denver City Attorney

32 BY: \_\_\_\_\_, Assistant City Attorney DATE: \_\_\_\_\_, 2013