

**BY AUTHORITY**

ORDINANCE NO. \_\_\_\_\_  
SERIES OF 2020

COUNCIL BILL NO. CB20-0815  
COMMITTEE OF REFERENCE:  
Land Use, Transportation & Infrastructure

**A BILL**

**For an ordinance changing the zoning classification for 50 South Kalamath Street, 39 South Kalamath Street, 10 South Lipan Street, and 101 South Santa Fe Drive in Baker.**

**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 consistent with the City’s adopted plans, furthers the public health, safety and general welfare of the City, will result in regulations and restrictions that are uniform within the I-MX-5, UO-2, DO-7 with waivers district, is justified by one of the circumstances set forth in Section 12.4.10.8 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:

- a. The land area hereinafter described is presently classified as I-A, UO-2 and I-B, UO-2.
- b. It is proposed that the land area hereinafter described be changed to I-MX-5, UO-2, DO-7 with waivers.

**Section 2.**

a. That the zoning classification of the land area in the City and County of Denver described as follows shall be and hereby is changed from I-A, UO-2 to I-MX-5, UO-2, DO-7 with waivers (Parcel 1):

Parcel One 50 S. Kalamath:

Block 13, Lake Archer Subdivision, according to the recorded Plats thereof, EXCEPT that part of Lot 12 in said Block 13, lying South and West of a line extending from a point on the West line of said Lot 12, which is 28.45 feet North of the Southwest corner of said Lot to a point on the South line of said Lot, which is 35.2 feet East of said Southwest corner, City and County of Denver, State of Colorado.

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

4           b. That the zoning classification for the land area in the City and County of  
5 Denver described as follows shall be and hereby is changed from I-A, UO-2 to I-  
6 MX-5, UO-2, DO-7 with waivers (Parcel 2);

7  
8           Parcel Two 39 S. Kalamath and 10 S. Lipan:  
9 All of Lot 20, Block 12, Lake Archer Subdivision and that portion of Lots 4 to 6 and 16 to 19,  
10 inclusive, Block 12, Lake Archer Subdivision, lying within the following described parcel:  
11 Beginning at the Southeast corner of said Lot 16; thence North, along the East line of said  
12 Block 12, 200 feet to the Northeast corner of said Lot 19;  
13 Thence West, along the North line of said Lot 19, 160 feet, to the Northwest corner thereof,  
14 said corner being also the Southeast corner of said Lot 5;  
15 Thence North, along the East line of said Lots 5 and 4, 100 feet, to the Northeast corner of  
16 said Lot 4;  
17 Thence West, along the North line of said Lot 4, 120 feet;  
18 Thence Southeasterly, along a straight line, 410.4 feet, more or less, to the Point of  
19 Beginning,  
20 City and County of Denver,  
21 State of Colorado.

22  
23           Excepting therefrom any portion of land lying within that public alleyway as dedicated in  
24 Resolution No. CR14-0824, Series of 2014, recorded October 22, 2014 at Reception No.  
25 2014128517.

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           c. That the zoning classification for the land area in the City and County of  
30 Denver described as follows shall be and hereby is changed from I-B, UO-2 to I-MX-5, UO-  
31 2, DO-7 with waivers (Parcel 3);

32  
33           Parcel Three 101 S. Santa Fe:  
34 That portion of the following described property, lying West of South Santa Fe Drive:

1 That portion of the SE ¼ of the SE ¼ of Section 9 and the SW ¼ of the SW ¼ of Section 10,  
2 Township 4 South, Range 68 West of the 6th P.M., described as follows:  
3 Commencing at the NE corner of the SE ¼ of the SE ¼ of Section 9, Township 4 South,  
4 Range 68 West, running thence South on Line of said Section, 206 feet to a point, which is  
5 the beginning;  
6 Thence West, parallel with the North line of said SE ¼ of said Quarter Section, 510 feet to  
7 East line of right of way of the Denver and New Orleans Railroad Co.;  
8 Thence Northwesterly along line of said right of way and parallel with track of said railroad  
9 and 50 feet distance from centerline thereof 250 feet, more or less, to a point 30 feet South  
10 of North line of SE ¼ of said Quarter Section;  
11 Thence East parallel with said last mentioned line 680 feet, more or less, to West line of  
12 right of way of the Denver and Rio Grande Railroad at a point 25 feet from centerline of  
13 narrow-gauge department of said railroad;  
14 Thence Southeasterly along said line of said right of way, 190 feet, more or less, to a point  
15 directly East of Place of Beginning;  
16 Thence West 54 feet to Place of Beginning, EXCEPT that part for Santa Fe Drive described  
17 in Instrument recorded November 13, 1939, in Book 5327 at Page 257 as condemned in the  
18 City and County of Denver, State of Colorado, and EXCEPT that portion of the above-  
19 described property lying East of South Santa Fe Drive,  
20 City and County of Denver,  
21 State of Colorado.

22  
23 in addition, thereto those portions of all abutting public rights-of-way, but only to the centerline  
24 thereof, which are immediately adjacent to the aforesaid specifically described area.

25 d. The owner approves and agrees to waive the following described certain rights  
26 or obligations to the requested change in zoning classification related to the development,  
27 operation, and maintenance of the land area described in Sections 2.a. b., and c.:

28 i. Waive the standards in Denver Zoning Code (DZC) Sections  
29 9.4.5.11.E.4(1),(2) that state "(1) On all Zone Lot Sizes and Widths, 100% of the portion  
30 of the street level building frontage that meets the minimum primary street build-to  
31 requirement shall be occupied by Street Level active uses as described in Section  
32 7.5.5.5.C; (2) Where Zone Lot Size is greater than 18,750 square feet, or Zone Lot  
33 Width is greater than 150 feet, 70% of the portion of the Street Level building frontage  
34 that meets the minimum Primary Street build-to requirement shall be occupied only by  
35 Street level Non-Residential Active Uses as described in Section 9.4.5.11.F.3 (note

1 that the remaining 30% shall be occupied by Street Level active uses as described in  
2 Section 7.3.S.5.C)”

3  
4 and replaces with the following standards:

5  
6 “(1) On all Zone Lot Sizes and Widths, 100% of the portion of the street level building  
7 frontage that meets the minimum primary street build-to requirement shall be  
8 occupied by Street Level Active Uses as described in DZC Section 7.3.5.8, Street Level  
9 Active Uses in the C-MX and C-MS Zone Districts, as amended.

10  
11 (2) Where Zone Lot Size is greater than 18,750 square feet, or where Zone Lot Width  
12 is greater than 150 feet and the Zone Lot Size is less than 35,000 square feet,  
13 70% of the portion of the Street Level building frontage that meets the minimum  
14 Primary Street build-to requirement shall be occupied only by Street Level Non-  
15 Residential Active Uses as described in DZC Section 9.4.5.11.F.3, Street Level Active  
16 Non-Residential Use in the DO-7 District, as amended. (Note that the remaining  
17 frontage that meets the minimum primary street build-to requirement shall be occupied  
18 by Street Level active uses as described in DZC Section 7.3.5.8, Street Level Active  
19 Uses in the C-MX and C-MS Zone Districts, as amended.)

20  
21 (3) Where Zone Lot Size is equal to or greater than 35,000 square feet, a cumulative  
22 total of 185 linear feet of the Street Level building frontage on all Primary Streets  
23 abutting the Zone Lot shall be occupied only by Street Level Non-Residential Active Uses  
24 as described in Section 9.4.5.11.F.3, Street Level Active Non-Residential Use in the DO-  
25 7 District, as amended (note that the remaining frontage that meets the minimum  
26 primary street build-to requirement shall be occupied by Street Level Active Uses as  
27 described in DZC Section 7.3.5.8 Street Level Active Uses in the C-MX and C- MS Zone  
28 Districts, as amended).”

29  
30 For example, if on a Zone Lot bounded by South Kalamath Street, West Ellsworth  
31 Avenue, South Santa Fe Drive and West Bayaud Avenue, 100 linear feet of the street  
32 level building frontage on the South Kalamath Street Primary Street is occupied by  
33 Street Level Non-Residential Active Uses, an additional 85 linear feet of street level  
34 building frontage on other Primary Streets on the same Zone Lot (such as West

1 Ellsworth Avenue) would be required to be occupied by Street Level Non- Residential  
2 Active Uses. The balance of the South Kalamath Street and West Ellsworth Avenue  
3 primary street frontages that meet the minimum primary street build-to requirement  
4 must be occupied by Street Level Active Uses as described in DZC Section 7.3.5.8,  
5 Street Level Active Uses in the C-MX and C-MS Zone Districts, as amended.  
6

7 ii. Waive the standard in DZC Section 9.4.5.11.E.4, District Specific  
8 Standards Within Overlay Zone District, that requires "Street Level Height (min): 16"  
9 and replaces with a standard that requires "Street Level Height (min): 14'."

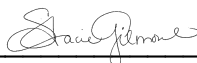
10 **Section 3.** The foregoing change in zoning classification includes certain waivers set forth  
11 herein approved by the owner and no permit shall be issued except in strict compliance with the  
12 aforesaid zone district with waivers. Said zone district with waivers shall be binding upon all successors  
13 and assigns of the owner, who along with the owner shall be deemed to have waived all objections as  
14 to the constitutionality of the aforesaid waivers.

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

17 COMMITTEE APPROVAL DATE: August 18, 2020

18 MAYOR-COUNCIL DATE: August 25, 2020

19 PASSED BY THE COUNCIL: \_\_\_\_\_ September 28, 2020

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

21 APPROVED: \_\_\_\_\_ - MAYOR \_\_\_\_\_

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

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

26 PREPARED BY: Nathan J. Lucero, Assistant City Attorney DATE: August 27, 2020

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 Kristin M. Bronson, Denver City Attorney

32 BY:  \_\_\_\_\_, Assistant City Attorney DATE: Aug 26, 2020