

BY AUTHORITY

ORDINANCE NO. 225

SERIES OF 1989

COUNCIL BILL NO. 215

COMMITTEE OF REFERENCE:

ZONING, PLANNING

& LAND USE

A B I L L

FOR AN ORDINANCE RELATING TO ZONING, CHANGING THE ZONING CLASSIFICATION FOR A SPECIFICALLY DESCRIBED AREA, GENERALLY LOCATED AT 3100 RICHARD ALLEN COURT, RECITING CERTAIN WAIVERS PROPOSED BY THE OWNER/APPLICANT FOR THE ZONING CLASSIFICATION AND PROVIDING FOR A RECORDATION OF THIS ORDINANCE.

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 part of the R-1 District;
2. That the owner/applicant proposes that the land area hereinafter described be changed to R-2-A with waivers;
3. That in its application the owner/applicant has represented that if the zoning classification is changed pursuant to its application, the owner/applicant will and hereby does waive the right to use or occupy the land area hereinafter described or to use, occupy or erect thereon any structure or structures designed, erected, altered, used, or occupied for any use by right except:
 - (a) Church;
 - (b) Community center as provided in Section 59-162(1)c. of the Revised Municipal Code;
 - (c) Multiple unit dwelling;
 - (d) Pre-school as provided in Section 59-162(1)p. of the Revised Municipal Code;
 - (e) Residence for the elderly as provided in Section 59-162(1)s. of the Revised Municipal Code; and
 - (f) School as provided in Section 59-162(1)t. of the Revised Municipal Code; and

4. That in its application the owner/applicant has represented that if the zoning classification is changed pursuant to its application, the owner/applicant will and hereby does waive certain rights to develop in the R-2-A District and agrees to the following:

- (a) To limit residential units to no more than fifty (50);
- (b) To place no building closer than 25 feet to any property line except for permitted encroachments;
- (c) To build no structure in excess of 35 feet in height (except for eaves, church spires, church towers, flagpole, antennas, chimneys, flues, vents, solar equipment or accessory water tanks);
- (d) To landscape all setbacks except for parking areas and to maintain the landscaping in a healthy and growing condition; and
- (e) To do no development prior to the approval of a planned building group site plan by appropriate agencies.

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 R-1 to R-2-A with waivers as set forth in Subsection 3 and 4 of Section 1 hereof:

A PARCEL OF LAND CONTAINING TRACT 2 AND A PORTION OF TRACT 3 OF THE BISHOP RICHARD ALLEN CENTER PLANNED BUILDING GROUP AMENDED BEING A PART OF BLOCK 14 OF CLAYTON PARK ADDITION, CITY AND COUNTY OF DENVER, STATE OF COLORADO, TOGETHER WITH VACATED STREETS AND ALLEYS CONTAINED WITHIN THE PROPERTY, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE WEST LINE OF SAID BLOCK 14, WHICH POINT IS 356.70 FEET NORTH OF THE SOUTHWEST CORNER OF LOT 6 OF SAID BLOCK 14;
THENCE EAST 200 FEET;
THENCE SOUTH 395.38 FEET;
THENCE WEST 200 FEET TO THE WEST LINE OF SAID BLOCK 14;
THENCE NORTH 395.38 FEET ON SAID WEST LINE TO A POINT WHICH IS 356.70 FEET NORTH OF THE SOUTHWEST CORNER OF LOT 6, BLOCK 14 AND THE POINT OF BEGINNING.

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

Section 3. That the foregoing change in zoning classification is based upon the representations by the owner/applicant that it will

waive those certain rights available to it and, in lieu thereof, agrees to certain limitations which limitations are set forth in Subsections 3 and 4 of Section 1 hereof; and no permit shall be issued except in strict compliance with the aforesaid waivers. Said waivers shall be binding upon the owner/applicant for the change in zoning classification and shall be binding upon all successors and assigns of said owner/applicant, who along with said owner/applicant shall be deemed to have waived all objections as to the constitutionality and legality of the aforesaid waivers.

Section 4. That this Ordinance shall be recorded by the Department of Zoning among the records of the Clerk and Recorder of the City and County of Denver.

PASSED BY THE COUNCIL May 1, 1989

APPROVED: John G. Hickenlooper - PRESIDENT

ATTEST: John G. Hickenlooper - MAYOR May 5, 1989

ATTEST: John G. Hickenlooper - CLERK AND RECORDER,
EX-OFFICIO CLERK OF THE
CITY AND COUNTY OF DENVER

PUBLISHED IN THE ROCKY MOUNTAIN NEWS April 7, 1989 May 9, 1989

PREPARED BY: ROBERT M. KELLY, ASSISTANT CITY ATTORNEY 3/29/89

REVIEWED BY: Patricia Wells - CITY ATTORNEY 3/30 1989

SPONSORED BY COUNCIL MEMBER(S) _____

THE ROCKY MOUNTAIN NEWS

DENVER, CO

PUBLISHER'S AFFIDAVIT

City and County of Denver,
STATE OF COLORADO, SS.

Paulette Shrefler being of lawful
age and being first duly sworn upon oath, deposes and says:

That he/she is the Legal Advertising Supervisor of The Rocky Mountain News, a daily newspaper of general circulation published and printed in whole or in part in Denver, in the County of Denver and State of Colorado, and that said newspaper was prior to and during all the time hereinafter mentioned duly qualified for the publication of legal notices and advertisements within the meaning of an Act of the General Assembly of the State of Colorado, approved April 7, 1921, as amended and approved March 30, 1923; and as amended and approved March 5, 1935, entitled "An Act concerning Legal Notices, Advertisements and Publications and the fees of printers and publishers thereof, and to repeal all acts and parts of acts in conflict with the provision of this Act" and amendments thereto:

That the notice of which the annexed is a true copy, was published in the said newspaper to wit: (dates of publication)

May 9, 1989

Paulette Shrefler
Signature

Subscribed and sworn to before me this 9th day

of May 1989

Joyce Pascala
Notary Public.

My commission expires 8/25/90

BY AUTHORITY
ORDINANCE NO. 25
COUNCIL BILL NO. 2155, SERIES OF 1989, COMMITTEE OF
REFERENCE: ZONING/PLANNING & LAND USE
FOR AN ORDINANCE RELATING TO ZONING, CHANGING THE
ZONING CLASSIFICATION FOR A SPECIFICALLY DESCRIBED
AREA, GENERALLY LOCATED AT 3100 RICHARD ALLEN
GOUR, RECITING CERTAIN WAIVERS PROPOSED BY THE
OWNER/APPLICANT FOR THE ZONING CLASSIFICATION AND
PROVIDING FOR A RECORDATION OF THIS ORDINANCE.

BE IT ENACTED BY

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:

- That the land area hereinafter described is presently classified as a part of the R-1 District;
- That the owner/applicant proposes that the land area hereinafter described be changed to R-2-A with waivers;
- That in its application, the owner/applicant has represented that if the zoning classification is changed pursuant to its application, the owner/applicant will and hereby does waive the right to use or occupy the land area hereinafter described or to use, occupy or erect thereon any structure or structures designed, erected, altered, used, or occupied for any purpose by right except:

- (a) Church;
- (b) Community center, as provided in Section 59-162(1)(c) of the Revised Municipal Code;
- (c) Multiple unit dwelling;
- (d) Residential use, as provided in Section 59-162(1)p. of the Revised Municipal Code;
- (e) Residence for the elderly as provided in Section 59-162(1)s. of the Revised Municipal Code; and
- (f) School as provided in Section 59-162(1)i. of the Revised Municipal Code; and
- 4. That in its application the owner/applicant has represented that if the zoning classification is changed pursuant to its application, the owner/applicant will and hereby does waive certain rights to develop in the R-2-A District and agrees to the following:

 - (a) To limit residential units to no more than fifty (50);
 - (b) To place no building closer than 25 feet to any property line except for permitted encroachments;
 - (c) To build no structure in excess of 35 feet in height, except for eaves, church spires, church towers, flagpole, antennas, chimneys, flues, vents, solar equipment or accessory water tanks;
 - (d) To landscape all setbacks except for parking areas and to maintain the landscaping in a healthy and growing condition; and
 - (e) To do no development prior to the approval of a planned building group site plan by appropriate agencies.

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 R-1 to R-2-A with waivers as set forth in Subsection 3 and 4 of Section 1 hereof:

A parcel of land containing Tract 2 and a portion of Tract 3 of the Bishop Richard Allen Center Planned Building Group Amended being a part of Block 14 of Clayton Park Addition, City and County of Denver, State of Colorado, together with vacated streets and alleys contained within the property, more particularly described as follows:

Beginning at a point on the west line of said Block 14, which point is 356.70 feet north of the southwest corner of Lot 6 of said Block 14; thence east 200 feet; thence south 395.38 feet; thence west 200 feet to the west line of said Block 14; thence north 395.38 feet on said west line to a point which is 356.70 feet north of the southwest corner of Lot 6, Block 14; and the points of beginning.

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

Section 3. That the foregoing change in zoning classification is based upon the representations by the owner/applicant that if it will waive those certain rights available to it and, in lieu thereof, agrees to certain limitations which limitations are set forth in Subsections 3 and 4 of Section 1 hereof; and no permit shall be issued except in strict compliance with the aforesaid waivers. Said waivers shall be binding upon the owner/applicant for the change in zoning classification and shall be binding upon all successors and assigns of said owner/applicant, who along with said owner/applicant shall be deemed to have waived all objections as to the constitutionality and legality of the aforesaid waivers.

Section 4. That this Ordinance shall be recorded by the Department of Zoning among the records of the Clerk and Recorder, of the City and County of Denver.

PASSED BY The Council May 1, 1989. Hlawatha Davis, Jr. - President.

APPROVED: Federico Pena - Mayor, May 5, 1989. ATTEST: Felipe Mutic

- Clerk and Recorder, Ex-Officio Clerk of the City and County of Denver.

(S E A L)

Published in the Rocky Mtn. News, April 7 and May 9, 1989

PREPARED BY: Robert M. Kelly, Assistant City Attorney, 3/29/89.

REVIEWED BY: Patricia Wells - Deputy City Attorney, 3/30/89.

THE ROCKY MOUNTAIN NEWS

DENVER, CO

PUBLISHER'S AFFIDAVIT

City and County of Denver,
STATE OF COLORADO, SS.

Paulette Shrefler, being of lawful
age and being first duly sworn upon oath, deposes and says:

That he/she is the Legal Advertising Supervisor of The Rocky Mountain News, a daily newspaper of general circulation published and printed in whole or in part in Denver, in the County of Denver and State of Colorado, and that said newspaper was prior to and during all the time hereinafter mentioned duly qualified for the publication of legal notices and advertisements within the meaning of an Act of the General Assembly of the State of Colorado, approved April 7, 1921, as amended and approved March 30, 1923; and as amended and approved March 5, 1935, entitled "An Act concerning Legal Notices, Advertisements and Publications and the fees of printers and publishers thereof, and to repeal all acts and parts of acts in conflict with the provision of this Act" and amendments thereto:

That the notice of which the annexed is a true copy, was published in the said newspaper to wit: (dates of publication)

April 7, 1989.

Paulette Shrefler
Signature

Subscribed and sworn to before me this 21st day

of April A.D. 1989.
Agnes Piscicola
Notary Public.

My commission expires 8/25/90.

NOTICE OF PUBLIC HEARING
RELATING TO ZONING
COUNCIL BILL NO. 215
SERIES OF 1989

Notice is hereby given that on May 1, 1989, at 7:00 o'clock in the evening, or as soon thereafter as the calendar permits, Room 430, City and County Building, Denver, Colorado, the Council of the City and County of Denver will hold a public hearing at which all interested persons and citizens will be given an opportunity to be heard concerning the following bill for an ordinance. All protests to the following bill and any withdrawals from said protests shall be filed with the City Council on or before and not later than twelve o'clock noon of the day which is seven days prior to said date set for the public hearing on the following bill for an ordinance:

A bill for an ordinance relating to zoning, changing the zoning classification for a specifically described area, generally located at 3100 Richard Allen Court, reciting certain waivers proposed by the owner/applicant for the zoning classification and providing for a recordation of this ordinance. (ZONING, PLANNING & LAND USE)

App. No. 3885. From R-1 to R-2-A, with waivers. Applicant waives all uses by right except church, community center, school and pre-school, and residence for elderly, and agrees to limitation of number of dwelling units, height of structures and a 25-foot setback. Landscaping and a development plan are required.

Published: April 7, 1989. C. Johnson
Rocky Mountain News

FEDERICO PEÑA
Mayor

CITY AND COUNTY OF DENVER

DEPARTMENT OF ZONING ADMINISTRATION

3840 - H YORK STREET
DENVER, COLORADO 80205
PHONE: 575-2191

BOARD OF COUNCILMEN

MAP AMENDMENT FINDINGS

C.B. NO. 215

APPLICATION NO. 3885

APPLICANT: INTEREST OWNER
Shorter Community African ADDRESS: 3100 Richard Allen Court
Methodist Episcopal Church Denver, CO 80205
Rev. J. Langston Boyd, Jr.

OTHER PERSONS, FIRMS OR INTEREST OWNER
CORPORATIONS REPRESENTED BY APPLICANT:
ADDRESS:

LOCATION OF PROPOSED CHANGE: 3100 Richard Allen Court

LEGAL DESCRIPTION OF PROPERTY: See Attached

AREA OF SUBJECT PROPERTY (SQUARE FEET OR ACRES): 67,082 Square Feet
(1.54 Acres)

PRESENT ZONE: R-1 PROPOSED ZONE: R-2-A with waivers

DATE OF PUBLIC HEARING: 5-1-89

FINDINGS OF FACT AND CONCLUSION: The property contains the Shorter AME Community Hall and access drives to the Shorter elderly housing. This rezoning brings all of the Shorter properties into the same zone district and corrects the illegal use of an access drive to the R-2-A uses across R-1 zoned land. No neighborhood opposition was noted and the Planning Office recommended approval.

DATE OF DISPOSITION: 5-1-89

DISPOSITION: Passed



Timothy Davis
PRESIDENT OF CITY COUNCIL -----
DATE

O.A ZA(1/86)



CITY AND COUNTY OF DENVER

DEPARTMENT OF LAW
STEPHEN H. KAPLAN
CITY ATTORNEY

OFFICE OF CITY ATTORNEY
ROOM 353
CITY AND COUNTY BUILDING
DENVER, COLORADO 80202
PHONE (303) 575-2665

FEDERICO PEÑA
Mayor

March 29, 1989

MEMORANDUM

TO: Hon. Hiawatha Davis, Jr.
President
Denver City Council

FROM: Stephen H. Kaplan
City Attorney

BY: Robert M. Kelly - *Robert M. Kelly*
Assistant City Attorney

SUBJECT: Ordinance relating to zoning, changing the zoning classification for a specifically described area, generally located at 3100 Richard Allen Court, reciting certain waivers proposed by the owner/applicant for the zoning classification and providing for a recordation of this ordinance.

Attached hereto is a Bill for an Ordinance relating to zoning, changing the zoning classification for a specifically described area, generally located at 3100 Richard Allen Court, reciting certain waivers proposed by the owner/applicant for the zoning classification and providing for a recordation of this ordinance.

Pursuant to Section 13-12, of the Revised Municipal Code, this proposed ordinance has been reviewed by the Office of the City Attorney. We find no irregularity in form, and we have no legal objection to this proposed ordinance.

This Bill was prepared by the Office of the City Attorney at the request of the Department of Zoning Administration. It was discussed and authorized for filing at the Mayor-Council meeting of Tuesday, March 28, 1989.

attachments

cn

COUNCIL RECD.

30 MARCH 1989 11:20

AMF
NO 3885

ORDINANCE NO. 225 Series 1989

Council Bill No. 215 Series 1989

Meeting Date 4-3 1989

Read by ZONING, PLANNING referred to Committee
on & LAND USE

Council Bill report adopted/referred.

Council Bill ordered published:

Meeting Date 4-3 1989

Council Bill passed/defeated by the City Council:

Meeting Date May 1, 1989

VETOED: _____ 19____

Sustained
 Overruled
 No Action Taken

C/R 46 (Rev. 1/87)