

ORDINANCE NO.

225

BY AUTHORITY

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

Siawatha Davis Jr. - PRESIDENT

APPROVED: Edwin Davis - MAYOR May 5 1989

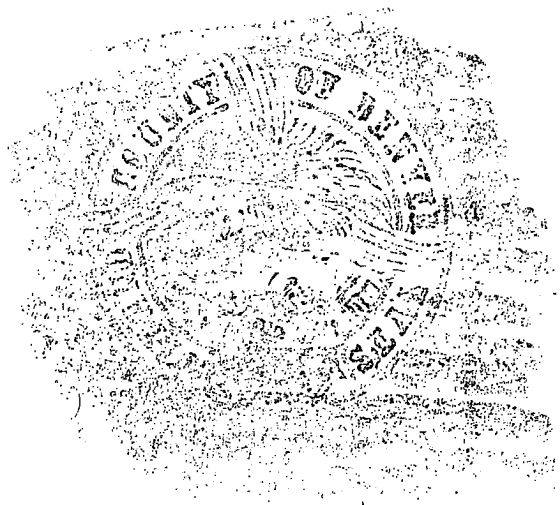
ATTEST: [Signature] - CLERK AND RECORDER,  
EX-OFFICIO CLERK OF THE  
CITY AND COUNTY OF DENVER

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

Signature

Subscribed and sworn to before me this 9th day

of May A.D. 1989

Notary Public.

My commission expires 8/25/90

BY AUTHORITY OF THE COUNCIL OF THE CITY AND COUNTY OF DENVER:  
ORDINANCE NO. 115, 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  
COURT, REQUESTING CERTAIN WAIVERS PROPOSED BY THE  
OWNER/APPLICANT OF 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/applcant proposes that the land area hereinafter described be changed to R-2-A with waivers;
3. That in its application, the owner/applcant has represented that if the zoning classification is changed pursuant to its application, the owner/applcant 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, 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/applcant has represented that if the zoning classification is changed pursuant to its application, the owner/applcant 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 other 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/applcant 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/applcant for the change in zoning classification and shall be binding upon all successors and assigns of said owner/applcant, who along with said owner/applcant 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. Hlawahta Davis, Jr. - President.  
APPROVED: Federico Pena - Mayor, May 5, 1989. ATTEST: Felicia Muffic - 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 herinafter 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 Pisciola*.....  
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, in Room 450, 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. 2:58pm  
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:**

Shorter Community African  
Methodist Episcopal Church  
Rev. J. Langston Boyd, Jr.

**INTEREST OWNER**

**ADDRESS:** 3100 Richard Allen Court  
Denver, CO 80205

**OTHER PERSONS, FIRMS OR**

**CORPORATIONS REPRESENTED BY APPLICANT:**

**INTEREST OWNER**

**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

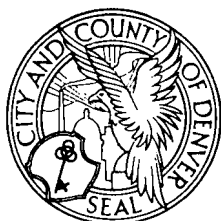
**DISPOSITION:** Passed



*Linnette Davis*  
\_\_\_\_\_  
PRESIDENT OF CITY COUNCIL

\_\_\_\_\_  
DATE

O.A ZA(1/86)



FEDERICO PEÑA  
Mayor

# 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

March 29, 1989

## MEMORANDUM

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

FROM: Stephen H. Kaplan *[Signature]*  
City Attorney

BY: Robert M. Kelly - *[Signature]*  
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

*app. no 3885*

COUNCIL RECD.

30 MAR 89 11:38

ORDINANCE NO. 225 Series 19 89  
Council Bill No. 215 Series 19 89

Meeting Date 4-3 19 89  
Read by Title, referred to Committee  
on ZONING, PLANNING  
& LAND USE

Committee report adopted/~~failed~~.

Council Bill ordered published:

Meeting Date 4-3 19 89

Council Bill passed/~~defeated~~ by the City Council:

Meeting Date May 1, 19 89

VETOED: \_\_\_\_\_ 19 \_\_\_\_\_

- ☐ Sustained
- ☐ Overruled
- ☐ No Action Taken

C/R 46 (Rev. 1/87)

**ORDINANCE**

R-89-0044480 05/17/89 08:33 1/ 4 MISC  
FELICIA MUFTIC - DENVER COUNTY .00 .00