

Zone Map Amendment (Rezoning) - Application

PROPERTY OWNER INFORMATION*		PROPERTY OWNER(S) REPRESENTATIVE**	
☒ CHECK IF POINT OF CONTACT FOR APPLICATION ☐ CHECK IF POINT OF CONTACT FOR FEE PAYMENT***		☒ CHECK IF POINT OF CONTACT FOR APPLICATION ☐ CHECK IF POINT OF CONTACT FOR FEE PAYMENT***	
Property Owner Name	Tamas Viski Hanka & Edit Viska-Hanka	Representative Name	Magnetic Capital Acquisitions,
Address	501 S. Cherry Street, Suite 1040	Address	500 Eudora Street
City, State, Zip	Denver, Colorado 80246	City, State, Zip	Denver, CO 80220
Telephone	(303) 913-3091	Telephone	312-402-4029
Email	vhlaw@hotmail.com	Email	dan.huml@magneticcap.com
*All standard zone map amendment applications must be initiated by owners (or authorized representatives) of at least 51% of the total area of the zone lots subject to the rezoning. See page 4.		**Property owner shall provide a written letter authorizing the representative to act on his/her behalf. ***If contact for fee payment is other than above, please provide contact name and contact information on an attachment.	
SUBJECT PROPERTY INFORMATION			
Location (address):	159 North Adams Street, Denver, Colorado 80206		
Assessor's Parcel Numbers:	0512125012000		
Area in Acres or Square Feet:	0.143 acres / 6,250 square feet		
Current Zone District(s):	Cherry Creek North (CCN) with waivers		
PROPOSAL			
Proposed Zone District:	Urban Center Neighborhood Context Mixed Use Five (C-MX-5)		
PRE-APPLICATION INFORMATION			
In addition to the required pre-application meeting with Planning Services, did you have a concept or a pre-application meeting with Development Services?	☐ Yes - State the contact name & meeting date _____ ☒ No - Describe why not (in outreach attachment, see bottom of p. 3)		
Did you contact the City Council District Office regarding this application?	☐ Yes - if yes, state date and method <u>January 4, 2023</u> ☒ No - if no, describe why not (in outreach attachment, see bottom of p. 3)		

REZONING REVIEW CRITERIA (ACKNOWLEDGE EACH SECTION)

General Review Criteria DZC Sec. 12.4.10.7.A Check box to affirm and include sections in the review criteria narrative attachment	☐ Consistency with Adopted Plans: The proposed official map amendment is consistent with the City's adopted plans, or the proposed rezoning is necessary to provide land for a community need that was not anticipated at the time of adoption of the City's Plan. Please provide a review criteria narrative attachment describing how the requested zone district is consistent with the policies and recommendations found in each of the adopted plans below. Each plan should have its' own subsection. 1. Denver Comprehensive Plan 2040 In this section of the attachment, describe how the proposed map amendment is consistent with <i>Denver Comprehensive Plan 2040's</i> a) equity goals, b) climate goals, and c) any other applicable goals/strategies. 2. Blueprint Denver In this section of the attachment, describe how the proposed map amendment is consistent with: a) the neighborhood context, b) the future place type, c) the growth strategy, d) adjacent street types, e) plan policies and strategies, and f) equity concepts contained in <i>Blueprint Denver</i>. 3. Neighborhood/ Small Area Plan and Other Plans (List all from pre-application meeting, if applicable): Cherry Creek Area Plan 2012
General Review Criteria: DZC Sec. 12.4.10.7. B & C Check boxes to the right to affirm and include a section in the review criteria for Public Health, Safety and General Welfare narrative attachment.	☐ Uniformity of District Regulations and Restrictions: The proposed official map amendment results in regulations and restrictions that are uniform for each kind of building throughout each district having the same classification and bearing the same symbol or designation on the official map, but the regulations in one district may differ from those in other districts. ☐ Public Health, Safety and General Welfare: The proposed official map amendment furthers the public health, safety, and general welfare of the City. In the review criteria narrative attachment, please provide an additional section describing how the requested rezoning furthers the public health, safety and general welfare of the City.
Review Criteria for Non-Legislative Rezoning: DZC Sec. 12.4.10.8 For Justifying Circumstances, check box and include a section in the review criteria narrative attachment. For Neighborhood Context, Purpose and Intent, check box and include a section in the review criteria narrative attachment.	Justifying Circumstances - One of the following circumstances exists: ☐ The existing zoning of the land was the result of an error; ☐ The existing zoning of the land was based on a mistake of fact; ☐ The existing zoning of the land failed to take into account the constraints of development created by the natural characteristics of the land, including, but not limited to , steep slopes, floodplain, unstable soils, and inadequate drainage; ☐ Since the date of the approval of the existing Zone District, there has been a change to such a degree that the proposed rezoning is in the public interest. Such change may include: a. Changed or changing conditions in a particular area, or in the city generally; or, b. A City adopted plan; or c. That the City adopted the Denver Zoning Code and the property retained Former Chapter 59 zoning. ☐ It is in the public interest to encourage a departure from the existing zoning through application of supplemental zoning regulations that are consistent with the intent and purpose of, and meet the specific criteria stated in, Article 9, Division 9.4 (overlay Zone Districts) of this Code. In the review criteria narrative attachment, please provide an additional section describing the selected justifying circumstance. If the changing conditions circumstance is selected, describe changes since the site was last zoned. Contact your pre-application case manager if you have questions. ☐ The proposed official map amendment is consistent with the description of the applicable neighborhood context, and with the stated purpose and intent of the proposed Zone District. In the review criteria narrative attachment, please provide a separate section describing how the rezoning aligns with a) the proposed district neighborhood context description, b) the general purpose statement, and c) the specific intent statement found in the Denver Zoning Code.

REQUIRED ATTACHMENTS

Please check boxes below to affirm the following **required** attachments are submitted with this rezoning application:

- ☐ Legal Description of subject property(s). **Submit as a separate Microsoft Word document.** View guidelines at: <https://www.denvergov.org/content/denvergov/en/transportation-infrastructure/programs-services/right-of-way-survey/guidelines-for-land-descriptions.html>
- ☐ Proof of ownership document for each property owner signing the application, such as (a) Assessor's Record, (b) Warranty deed, or (c) Title policy or commitment dated no earlier than 60 days prior to application date. If the owner is a corporate entity, proof of authorization for an individual to sign on behalf of the organization is required. This can include board resolutions authorizing the signer, bylaws, a Statement of Authority, or other legal documents as approved by the City Attorney's Office.
- ☐ Review Criteria Narratives. See page 2 for details.

ADDITIONAL ATTACHMENTS (IF APPLICABLE)

Additional information may be needed and/or required. Please check boxes below identifying additional attachments provided with this application.

- ☐ **Written narrative explaining reason for the request** (optional)
- ☐ **Outreach documentation attachment(s).** Please describe any community outreach to City Council district office(s), Registered Neighborhood Organizations (RNOs) and surrounding neighbors. If outreach was via email- please include email chain. If the outreach was conducted by telephone or meeting, please include contact date(s), names and a description of feedback received. If you have not reached out to the City Council district office, please explain why not. (optional - encouraged)
- ☐ **Letters of Support.** If surrounding neighbors or community members have provided letters in support of the rezoning request, please include them with the application as an attachment (optional).
- ☐ **Written Authorization to Represent Property Owner(s)** (if applicable)
- ☐ **Individual Authorization to Sign on Behalf of a Corporate Entity** (e.g. if the deed of the subject property lists a corporate entity such as an LLC as the owner, this document is required.)
- ☐ **Other Attachments.** Please describe below.

Signature page of property owners' representative.

REZONING GUIDE

Rezoning Application Page 4 of 4

PROPERTY OWNER OR PROPERTY OWNER(S) REPRESENTATIVE CERTIFICATION

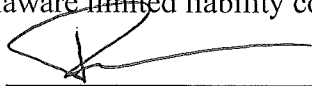
We, the undersigned represent that we are the owner(s) of the property described opposite our names, or have the authorization to sign on behalf of the owner as evidenced by a Power of Attorney or other authorization attached, and that we do hereby request initiation of this application. I hereby certify that, to the best of my knowledge and belief, all information supplied with this application is true and accurate. I understand that without such owner consent, the requested official map amendment action cannot lawfully be accomplished.

Property Owner Name(s) (please type or print legibly)	Property Address City, State, Zip Phone Email	Property Owner Interest % of the Area of the Zone Lots to Be Rezoned	Please sign below as an indication of your consent to the above certification statement	Date	Indicate the type of ownership documentation provided: (A) Assessor's record, (B) warranty deed, (C) title policy or commitment, or (D) other as approved	Has the owner authorized a representative in writing? (YES/NO)
EXAMPLE John Alan Smith and Josie Q. Smith	123 Sesame Street Denver, CO 80202 (303) 555-5555 sample@sample.gov	100%	<i>John Alan Smith</i> <i>Josie Q. Smith</i>	01/12/20	(A)	YES
Magnetic Capital Acquisitions, LLC	500 Eudora Street Denver, CO 80220	100%	(See attached signature page and authorization from property owners.)		(A)	YES
						YES
						YES
						YES

**SIGNATURE PAGE
OF PROPERTY OWNERS' REPRESENTATIVE**

159 North Adams Street

Magnetic Capital Acquisitions, LLC
a Delaware limited liability company

By: 

Name: Dan Huml

Title: Managing Member

Tamas Viski-Hanka, Esq.
Edit Viska-Hanka
501 S. Cherry Street, Suite 1040
Denver, Colorado 80246

January 4, 2023

Community Planning and Development
City and County of Denver
201 W. Colfax Avenue
Denver, Colorado 80202

Re: Authorization with respect to the proposed land use application for certain real property located at 159 Adams Street ("**Property**") in the City and County of Denver ("**City**")

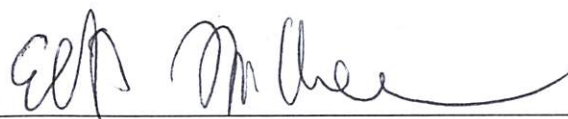
Ladies and Gentlemen:

The undersigned (collectively, "**Owners**"), as owners of the Property, hereby designate Daniel Huml and Chris Carroll, of Magnetic Capital Acquisitions, LLC (each a "**Representative**"), each as an authorized representative of Owners to submit on behalf of Owners all applications and supporting materials required or requested by the City in connection with the rezoning and related land use applications with respect to the Property and any development approvals in connection therewith. In furtherance of the foregoing, Owners request that any verbal or written communication regarding these applications be given to each Representative, and/or any individuals designated by such Representative, and to Tamas Viski-Hanka, email address: tvhlaw@hotmail.com, telephone number: 303-913-3091, pursuant to such contact information provided by Representative to the City. Owners may revoke the authorization granted by this letter by delivering written notice of such revocation at any time prior to the approval of the applications contemplated by this letter or the conveyance of the Property to Representative or any affiliate thereof.

Owners:

By: 

Tamas Viski-Hanka

By: 

Edit Viski-Hanka

PROOF OF OWNERSHIP

Denver Property Taxation and Assessment System

[↩ New Search](#)

159 N ADAMS ST

Owner	Schedule Number	Legal Description	Property Type	Tax District
VISKI-HANKA,TAMAS & EDIT 325 N FRANKLIN ST DENVER, CO 80218-4006	05121-25-012-000	THE N 1/2 OF PLOT 5 BLK 73 HARMANS SUB	COMMERCIAL-RETAIL	DENVER

[Summary](#) [Property Map](#) [Assessed Values](#) [Assessment Protest](#) [Taxes](#) [Neighborhood Sales](#) [Chain of Title](#)

Chain Of Title Records

Reception Number	Reception Date	Instrument	Sale Date	Sale Price	Grantor	Grantee
JT00158996	11/24/1997	WD	11/19/1997	\$300,000	CORCORAN,EVA K &	VISKI-HANKA,TAMAS & EDIT
0000093594	6/7/1994	QC	12/10/1994	\$0	WEBSTER OMA L & WILLIAM J	CORCORAN,EVA K &
0000116015	12/14/1990	QC	12/14/1990	\$0	WEBSTER,OMA L &	WEBSTER OMA L & WILLIAM J

February 10, 2023

CORY M. RUTZ
303 575 7531
CRUTZ@OTTENJOHNSON.COM

Via Electronic Submission

Community Planning & Development
City and County of Denver
201 W. Colfax Avenue
Denver, Colorado 80202

Re: Rezoning Application for 159 North Adams Street

Dear Community Planning & Development:

This firm represents Magnetic Capital Acquisitions, LLC (the “**Applicant**”), with respect to certain real property located at 159 North Adams Street (the “**Property**”) in the City and County of Denver (the “**City**”). This letter is submitted in support of the Applicant’s application for rezoning of the Property (the “**Rezoning**”) from the Cherry Creek North (“**CCN**”) zone district, under the Former Chapter 59 zoning code to the Urban Center Neighborhood Context Mixed Use Five District (“**C-MX-5**”) under the Denver Zoning Code (“**Code**”), as discussed at the pre-application meeting for the Rezoning on January 4, 2022. This Property is also subject to waivers that limit the commercial uses permitted on the Property.

The Applicant has presented the Rezoning to the Cherry Creek North Neighborhood Association (the “**CCNNA**”). On November 9, 2022, the CCNNA voted in support of the Rezoning, with the understanding that the Applicant will enter into a good neighbor agreement to memorialize certain requests related to the Rezoning. The Applicant is diligently working to finalize the good neighborhood agreement with the CCNNA.

Property Background and Context

The Property is an approximately 6,250 square foot parcel located near the southwest corner of East 2nd Avenue and Adams Street within the Cherry Creek neighborhood. The Property is currently developed with a single-family residential structure currently occupied by a spa.

The area surrounding the Property comprises a broad mix of multi-unit residential, office and commercial uses. Indeed, on the block where the Property is located, there is a sandwich shop, a five-story multi-unit residential building, and a number of professional and medical office multi-story structures. This mix of uses continues throughout the adjacent blocks to the east, south and west within the Cherry Creek neighborhood, and across East Second Avenue where there is an existing five-story office building.

Criteria for Rezoning

Pursuant to the Code, applications for rezoning must meet all “general review criteria” set forth in Section 12.4.10.7 as well as (i) at least one of the “justifying circumstances” of the first group of “additional review criteria” set forth in Section 12.4.10.8.A, and (ii) the general additional review standard set forth in Section 12.4.10.8.B. The Rezoning to C-MX-5 meets these review criteria as follows:

General Review Criteria: Consistency with Adopted Plans. The proposed official map amendment is consistent with the City’s adopted plans, or the proposed rezoning is necessary to provide land for a community need that was not anticipated at the time of the adoption of the City’s plan. Code § 12.4.10.7.A.

The City has adopted three plans that guide the use and development of this Property: (i) the Denver Comprehensive Plan 2040, (ii) Blueprint Denver 2019 (“**Blueprint Denver**”), and (iii) the Cherry Creek Area Plan 2012.

These plans stress the importance of a mix of uses within the City generally, and specifically within areas designated as the Urban Center Context by Blueprint Denver. Indeed, Blueprint Denver states that Regional Centers within the Urban Center Context, as the Property is designated, contain a “high mix of uses providing a dynamic environment of living, dining, entertainment and shopping, while incorporating a diverse set of employment options....with a 24/7 live, work and play environment attractive to locals and visitors” (p. 257). The Cherry Creek Area Plan emphasizes the importance of the existing mix of land uses in the Cherry Creek neighborhood, and encourages the development of additional office space, retail, and residential units to enhance the neighborhood and reinforce the plan vision. In addition, Blueprint Denver recommends rezoning properties from the Former Chapter 59 zoning code so that the entire City is covered by the Code, including measures to incentivize such rezonings (p. 73).

The current zoning of the Property under the CCN zone district, with waivers, significantly limits the ability of the Property to achieve the vision for a mix of uses under the City’s adopted plans. The waivers that are associated with the Property’s current zoning under the CCN zone district prohibit a number of commercial uses that would otherwise be compatible within the Cherry Creek neighborhood, such as clothing stores, bakeries, and art galleries, to name a few. The full list of uses that are prohibited on the Property by the zoning waiver are identified on Ordinance 89, Series of 1998 (attached hereto as **Exhibit A**), which includes more than 70 prohibited commercial uses.

Rezoning the Property as C-MX-5 under the Code will allow the Property to better align with the City plans by allowing a more diverse mix of uses to be permitted, by conforming to the recommended building heights of the City plans, and by transitioning the zoning from the Former Chapter 59 zoning code. Blueprint Denver notes that larger scale mixed-use buildings are common in a Regional Center within the Urban Center Context (p. 257). However, Blueprint Denver also acknowledges that current small area plans provide a better guide for building height recommendations, which in this case being the Cherry Creek Area Plan. The Cherry Creek Area Plan recommends a maximum building height of five stories for the Property and surrounding properties (p. 63), and the Rezoning conforms to this recommended height.

General Review Criteria: Uniformity of District Regulations and Restrictions. The proposed official map amendment results in regulations and restrictions that are uniform for each kind of building throughout each district having the same classification and bearing the same symbol or designation on the official map, but the regulations in one district may differ from those in other districts. Code § 12.4.10.7.B.

Approval of the Rezoning will result in the uniform application of building form, use, and design regulations. The Applicant seeks no further variance from these regulations. The application of the C-MX-5 zone district on the Property will be no different from C-MX-5 zoning in other locations.

General Review Criteria: Public Health, Safety, and Welfare. The proposed official map amendment furthers the public health, safety and general welfare of the City. Code § 12.4.10.7.C.

Approval of the Rezoning will further the public health, safety, and general welfare by implementing the City's adopted land use policies, as set forth above.

Additional Review Criteria: Justifying Circumstances. Since the date of the approval of the existing zone district, there has been a change to such a degree that the proposed rezoning is in the public interest. Such change may include: (a) changed or changing conditions in a particular area, or in the City generally; or (b) a City adopted plan; or (c) that the City adopted the Code and the property retained Former Chapter 59 zoning. Code § 12.4.10.8.A.

The Rezoning satisfies the criteria in clauses (b) and (c), as follows:

With respect to clause (b), Blueprint Denver was adopted in 2002, and updated in 2019, and the Cherry Creek Area Plan was adopted in 2012. Each of these plans were adopted following the initial zoning of the Property to the CCN zone district under the Former Chapter 59 zoning code. The Rezoning will better align with the goals and vision set forth by the City's plans, discussed in further detail above, by allowing a greater mix of uses.

With response to clause (c), the Property is currently zoned under the Former Chapter 59 zoning code. The proposed rezoning would allow a transition of the Property out of the Former Chapter 59 zoning code, and better align with the City's current plans for the area.

Additional Review Criteria: Consistency with Neighborhood Context Description, Zone District Purpose, and Intent Statements. The proposed official map amendment is consistent with the description of the applicable neighborhood context, and with the stated purpose and intent of the proposed zone district. Code § 12.4.10.8.B.

The Urban Center Context in Blueprint Denver generally includes a high mix of uses, block patterns that are generally regular with consistent alley access, and larger scale buildings close to the street. The C-MX-5 zone district, which is within the urban center neighborhood context under the Code, is consistent with the vision for the Property set forth by Blueprint Denver. The Code's urban center neighborhood context consists of multi-unit residential and mixed-use commercial strips and commercial centers, as well as a regular pattern of block shapes, consistent building orientations, and moderate to high building heights (Code § 7.2.2.1). In addition, the Property is surrounded by properties zoned under the Code and is therefore an enclave of the Former Chapter 59 zoning code. The Property is also adjacent to properties that are zoned C-MX-5 to the north, east, and south.

The Code states that the intent of the C-MX-5 zone district is to apply to areas or intersections served primarily by collector or arterial streets, and that a building scale of one to five stories is desired in these areas (Code § 7.2.2.2.B). The Property is located between East First Avenue to the south and East Second Avenue to the north, which are designated as a mixed use collector and main street collector, respectively, in Blueprint Denver. Therefore, the Rezoning complies with the intent for the C-MX-5 zone district to be located near streets that are designated as collectors.

Section 7.2.2.1 of the Code states that the general purpose of the mixed use districts within the urban center neighborhood context of the Code is to activate the area and encourage pedestrian activity by creating mixed, diverse neighborhoods and promoting building forms that define and activate the public street edge. This is achieved through the use of shallow setbacks and high build-to requirements in these areas, and by contributing to established residential neighborhoods. (Code § 7.2.2.1.C and F). The Rezoning will provide an opportunity to activate an otherwise underdeveloped space by permitting a number of uses that are otherwise prohibited by the Property's current zoning under the Former Chapter 59 zoning code. In addition, the rezoning would ensure that any potential redevelopment of the Property would conform to the building form requirements and dimensional standards of the Code, thus ensuring the further activation of the neighborhood.

For the foregoing reasons, the Rezoning meets and complies with the applicable rezoning criteria. As such, on behalf of the Applicant, we respectfully request that the City approve the Rezoning.

Sincerely,



Cory M. Rutz
For the Firm

Enclosures

cc: Magnetic Capital Acquisitions, LLC (by e-mail)

EXHIBIT A

Council of the City and County of Denver
Ordinance 89, Series of 1998

(See attached)

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34

BY AUTHORITY

ORDINANCE NO. 89
SERIES OF 1998

COUNCIL BILL NO. 18
COMMITTEE OF REFERENCE:

9800030559 1998/03/02 15:51:47 1/ 4 ORD
DENVER COUNTY CLERK AND RECORDER .00 .00 SMD

LAND USE

A BILL

FOR AN ORDINANCE RELATING TO ZONING, CHANGING THE ZONING CLASSIFICATION FOR A SPECIFICALLY DESCRIBED AREA, GENERALLY LOCATED AT APPROXIMATELY 159 ADAMS STREET, RECITING CERTAIN WAIVERS PROPOSED BY THE OWNER AND THE 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 part of the B-1 District;
2. That the owner and the applicant propose that the land area hereinafter described be changed to CCN with reasonable waivers which they have approved;
3. That in its application the owner and the applicant have represented that if the zoning classification is changed pursuant to their application, the owner and the applicant will and hereby do waive the right to use or occupy the land hereinafter described or to use, occupy or erect thereon any structure or structures designed, erected, altered, used or occupied for:

- o Apparel and accessories store;
- o Art gallery;
- o Art supplies;
- o Automatic indoor archery lanes;
- o Bakery store;
- o Barber shop;
- o Bed and breakfast;
- o Bicycle and accessories store;
- o Billiard parlor;
- o Blueprinting;
- o Bookstore;
- o Bookstore, adult;

- 1 o Brewpub;
- 2 o Camera and photographic supplies store;
- 3 o Candy, nut and confectionery store;
- 4 o Caterer;
- 5 o Children's indoor play center;
- 6 o Collection and distribution station for laundry or dry cleaner;
- 7 o Dairy products store;
- 8 o Delicatessen store;
- 9 o Department store;
- 10 o Drugstore;
- 11 o Dry goods store;
- 12 o Eating place;
- 13 o Eating place with adult amusement or entertainment;
- 14 o Floral shop;
- 15 o Fruit store;
- 16 o Furniture store;
- 17 o Garden supplies store;
- 18 o Grocery store;
- 19 o Hardware store;
- 20 o Health studio;
- 21 o Health treatment on payment of a fee or admission charge;
- 22 o Hobby supply store;
- 23 o Household appliance store;
- 24 o Ice skating and/or roller skating rink;
- 25 o Indoor recreational facility not including a sports arena;
- 26 o Interior decorating shop;
- 27 o Jewelry store (including repairing of jewelry, watches and clocks);
- 28 o Linoleum and tile store;
- 29 o Liquor store (sale by package only);
- 30 o Locksmith;
- 31 o Luggage store;
- 32 o Meat, fish and seafood store;

- 1 o Miniature golf or putting course;
- 2 o Music, musical instruments;
- 3 o Music studio;
- 4 o Paint and wallpaper store;
- 5 o Pet grooming shop for household pets;
- 6 o Pet supply store;
- 7 o Photo studio, adult;
- 8 o Photostating;
- 9 o Picture frame shop;
- 10 o Pressing, altering and repairing of wearing apparel;
- 11 o Printing and duplicating shop;
- 12 o Professional studio or academy;
- 13 o Radio and television and video equipment store and repair shop;
- 14 o Repair, rental and servicing of any article, the sale of which article is
- 15 permitted in the district;
- 16 o Sale of medical and hospital equipment and supplies;
- 17 o School charging regular tuition for instruction in ballet, tap, ballroom, square,
- 18 modern and acrobatic dancing;
- 19 o Shoe store;
- 20 o Specialty store;
- 21 o Sporting good store;
- 22 o Stationery store;
- 23 o Tennis, racquet ball and/or handball club;
- 24 o Theater;
- 25 o Theater, adult;
- 26 o Tobacco store;
- 27 o Toy store;
- 28 o Typewriter, office equipment or computer store;
- 29 o Variety store;
- 30 o Vegetable store;
- 31 o Veterinarian clinic for the diagnosis and treatment of household pets;
- 32 o Video film store; and

1 o Any other similar use not listed elsewhere.

2 Drive-thru facilities shall be prohibited.

3 **Section 2.** That the zoning classification of the land area in the City and County of Denver
4 described as follows or included within the following boundaries shall be and hereby is changed
5 from B-1 to CCN with certain waivers which waivers are set forth in Subsection 3 of Section 1
6 hereof:

7 The North 1/2 of Plot 5, Block 73, Harman's Subdivision, City and County of Denver,
8 Colorado; in addition thereto those portions of all abutting public rights-of-way, but only to
9 the centerline thereof, which are immediately adjacent to the aforesaid specifically
10 described area.

11 **Section 3.** That the foregoing change in zoning classification is based upon the representations
12 by the owner and the applicant that they will waive those certain rights available to them, and, in
13 lieu thereof, agree to certain limitations which limitations are set forth in Subsection 3 of Section
14 1 hereof, and no permit shall be issued except in strict compliance with the aforesaid waivers.
15 Said waivers shall be binding upon all successors and assigns of said owner and said applicant,
16 who along with said owner and said applicant shall be deemed to have waived all objections as
17 to the constitutionality of the aforesaid waivers.

18 **Section 4.** That this ordinance shall be recorded by the Department of Zoning Administration
19 among the records of the Clerk and Recorder of the City and County of Denver.

20 PASSED BY THE COUNCIL February 17 1998

21 Cathy Reynolds - PRESIDENT

22 APPROVED: Bill W. [Signature] ACTING MAYOR 2/18 1998

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

26 PUBLISHED IN THE ROCKY MTN NEWS Jan 23 1998 Feb 20 1998

27
28 PREPARED BY: [Signature] ROBERT M. KELLY, ASSISTANT CITY ATTORNEY 1/13/98

29 REVIEWED BY: [Signature] - CITY ATTORNEY 1/13 1998

30 SPONSORED BY COUNCIL MEMBER(S) _____