<u>**BY AUTHORITY**</u>

ORDINANCE NO. _____   COUNCIL BILL NO. CB18-0668

SERIES OF 2018   COMMITTEE OF REFERENCE:

                                                               Land Use, Transportation & Infrastructure

<u>**A BILL**</u>

For an ordinance changing the zoning classification for 2900 South University Boulevard in Wellshire.

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 S-SU-F, UO-3 with waiver 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 S-SU-F.

b. It is proposed that the land area hereinafter described be changed to S-SU-F, UO-3 with waiver.

c. The owner approves and agrees to the following described waiver to the requested change in zoning classification related to the development, operation, and maintenance of the land area:

"Waive the Historic Structure Use Overlay District (UO-3) use limitation that permits the Office or Art Studio uses only in a Historic Structure that contains a minimum of 5,000 square feet of gross floor area in Denver Zoning Code, Section Sec. 9.4.4.8.D.3, and instead permit the Office or Art Studio uses in a Historic Structure of any size. All other provisions of Denver Zoning Code, Section 9.4.4.8.D shall apply."

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 to S-SU-F, UO-3 with waiver:

Legal Description for 2900 S. University, Denver CO 80210

Lot 13, Block 2, and Outlot A, Southern Hills Filing No 1, City and County of Denver, State of Colorado

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.   The foregoing change in zoning classification is based upon a waiver approved by the owner, which waiver is set forth in Section 1(c) hereof; and no permit shall be issued except in strict compliance with the aforesaid waiver. Said waiver shall be binding upon all successors and assigns of the owner, who along with the owner shall be deemed to have waived all objections as to the constitutionality of the aforesaid waiver.

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

COMMITTEE APPROVAL DATE: June 26, 2018

MAYOR-COUNCIL DATE: July 3, 2018 by Consent

PASSED BY THE COUNCIL: _____August 6, 2018_____

_____ - PRESIDENT

APPROVED: _____ - MAYOR _____

ATTEST: _____ - CLERK AND RECORDER,
                                            EX-OFFICIO CLERK OF THE
                                            CITY AND COUNTY OF DENVER

NOTICE PUBLISHED IN THE DAILY JOURNAL: _____; _____

PREPARED BY: Nathan J. Lucero, Assistant City Attorney   DATE: July 5, 2018

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

Kristin M. Bronson, Denver City Attorney

BY:_____, Assistant City Attorney   DATE: ___Jul 3, 2018_____