

BY AUTHORITY

ORDINANCE NO. _____
SERIES OF 2017

COUNCIL BILL NO. CB16-1125
COMMITTEE OF REFERENCE:
Land Use, Transportation & Infrastructure

A BILL

For an ordinance changing the zoning classification for 1154, 1156, 1160, 1164, and 1166 South Lincoln Street.

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 U-RH-2.5 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;

WHEREAS, as of the date of this map amendment, the standard U-RH-2.5 zone district is a “Protected District” as defined in Section 13.3 of the Denver Zoning Code, and Zone Lot 1 as shown on Platt Park North – Phase II Site Development Plan, Denver County Reception Number 2013138769, zoned R-MU-20 with waivers and conditions, is a Controlled District per Former Chapter 59. Rezoning to a Protected District will introduce additional standards on surrounding Controlled Districts, including bulk planes and maximum height standards found in Former Chapter 59 Sec. 59-96;

WHEREAS, the subject U-RH-2.5 with waivers rezoning will ensure that the existing Structures located to the north of the rezoning area on Zone Lot 1 are not rendered nonconforming as a result of bulk plane standards introduced through the rezoning. Additional standards are found in D.R.M.C., Sec. 59-2(c), stating that, “for purposes of applying the limitations on bulk planes and building heights in section 59-96 of the Former Chapter 59, the ‘protected districts’ identified therein shall also include the zone districts defined as ‘protected districts’ in section 13-3 of the Denver Zoning Code;”

WHEREAS, the specific intent of the waiver, in Section 3, below, is to maintain the conforming status of the existing Structures located to the north of the rezoning area on Zone Lot 1 by waiving the Protected District bulk plane standard on the northern boundary of the rezoning area. However, the maximum height standard in Former Chapter 59, Sec. 59-96 apply along the

1 northern boundary of the rezoning area and all Protected District standards apply to the remaining
2 boundaries of the rezoning area, and;

3 **NOW THEREFORE, BE IT ENACTED BY THE COUNCIL OF THE CITY AND COUNTY**
4 **OF DENVER:**

5 **Section 1.** That upon consideration of a change in the zoning classification of the land area
6 hereinafter described, Council finds:

7 a. That the land area hereinafter described is presently classified as R-MU-20 with
8 waivers and conditions.

9 b. That it is proposed that the land area hereinafter described be changed to U-RH-2.5
10 with waivers.

11 c. The Owners approve and agree to the following described reasonable waiver to the
12 requested change in zoning classification related to the development, operation, and maintenance of
13 the land area:

14 **Waiver:**

15 Along the northern boundary of the rezoning area identified as Zone Lots 2 through 6
16 as shown on Platt Park North – Phase II Site Development Plan, Denver County
17 Reception Number 2013138769, waive the definition of “Protected District,” Section
18 13.3, Denver Zoning Code, only for the application of the Protected District bulk plane
19 standard on Zone Lot 1 as shown on Platt Park North – Phase II Site Development
20 Plan, Denver County Reception Number 2013138769. The maximum building height
21 Protected District standard stated in Former Chapter 59, Sec. 59-96 shall apply.
22
23
24

25 This waiver shall be effective so long as Zone Lot 1 as shown on Platt Park North –
26 Phase II Site Development Plan, Denver County Reception Number 2013138769, is a
27 Controlled District as defined in Former Chapter 59. Any rezoning of Zone Lot 1 to a
28 zone district that is not a Controlled District as defined in Former Chapter 59 or to a
29 zone district in the Denver Zoning Code will void this waiver.

30 **Section 2.** That the zoning classification of the land area in the City and County of Denver
31 described as follows or included within the following boundaries shall be and hereby is changed to
32 U-RH-2.5 with a certain waiver, approved by the Owners:

33 **Legal Description of Entire Area to Be Rezoned**

34
35 A PORTION OF BLOCK 7, SHERMAN SUBDIVISION, RECORDED IN PLAT BK 3,
36 PG. 4 WITH THE ARAPAHOE COUNTY CLERK & RECORDER; AS IT EXISTS IN
37 THE NE1/4 of SECTION 22, TOWNSHIP 4 SOUTH, RANGE 68 WEST of the 6th P.M.,
38 CITY AND COUNTY OF DENVER, STATE OF COLORADO, FURTHER DESCRIBED
39 AS:
40

1 FOR PURPOSES OF THIS DESCRIPTION, BEARINGS ARE BASED ON THE NORTH
2 LINE OF SAID BLOCK 7 AS MONUMENTED ON BOTH ENDS BY A REBAR WITH
3 YELLOW PLASTIC CAP, LS24968 AND ASSUMED TO BEAR NORTH 89°54'07"
4 EAST;

5
6 COMMENCING AT THE NORTHWEST CORNER OF SAID BLOCK 7, THENCE
7 SOUTH 00°05'31" EAST, ALONG THE WEST LINE OF SAID BLOCK 7, FOR 292.56
8 FEET TO THE TRUE POINT OF BEGINNING;
9 THENCE NORTH 89°54'07" EAST, FOR 103.13 FEET;
10 THENCE SOUTH 45°05'59" EAST, FOR 28.29 FEET;
11 THENCE SOUTH 00°06'05" EAST, FOR 27.50 FEET;
12 THENCE SOUTH 00°05'58" EAST, FOR 27.50 FEET
13 THENCE SOUTH 00°06'05" EAST, FOR 82.50 FEET;
14 THENCE SOUTH 89°54'07" WEST, FOR 123.16 FEET TO THE WEST LINE OF
15 BLOCK 7;
16 THENCE NORTH 00°05'31" WEST, FOR 157.51 FEET TO THE TRUE POINT OF
17 BEGINNING;

18
19 CONTAINING 19,196 SQUARE FEET OF LAND (0.44 ACRES), MORE OR LESS; IN
20 ADDITION THERETO THOSE PORTIONS OF ALL ABUTTING PUBLIC RIGHTS-OF-
21 WAY, BUT ONLY TO THE CENTERLINE THEREOF, WHICH ARE IMMEDIATELY
22 ADJACENT TO THE AFORESAID SPECIFICALLY DESCRIBED AREA.

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.

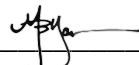
25 **Section 3.** The foregoing change in zoning classification includes a certain waiver set forth
26 herein; and no permit shall be issued except in strict compliance with the aforesaid zoning with
27 waivers. Said zoning with waivers shall be binding upon all successors and assigns of the Owners,
28 who along with the Owners shall be deemed to have waived all objections as to the constitutionality
29 of the aforesaid waiver.

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

32 **[THE REMAINDER OF THIS PAGE IS INTENTIONALLY LEFT BLANK]**

1 COMMITTEE APPROVAL DATE: November 29, 2016
2 MAYOR-COUNCIL DATE: December 6, 2016
3 PASSED BY THE COUNCIL January 9, 2017

4  - PRESIDENT

5 APPROVED:  - MAYOR Jan 11, 2017

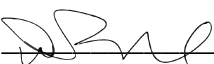
6 ATTEST: _____ - CLERK AND RECORDER,
7 EX-OFFICIO CLERK OF THE
8 CITY AND COUNTY OF DENVER

9 NOTICE PUBLISHED IN THE DAILY JOURNAL _____;

10 PREPARED BY: Nathan J. Lucero, Assistant City Attorney DATE: December 8, 2016

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12 Pursuant to section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the office of
13 the City Attorney. We find no irregularity as to form, and have no legal objection to the proposed
14 ordinance. The proposed ordinance is not submitted to the City Council for approval pursuant to
15 § 3.2.6 of the Charter.

16
17 Kristin M. Bronson, Denver City Attorney

18 BY: , Assistant City Attorney DATE: Dec 8, 2016