

**BY AUTHORITY**

ORDINANCE NO. \_\_\_\_\_  
SERIES OF 2014

COUNCIL BILL NO. CB14-0522

COMMITTEE OF REFERENCE:

Land Use, Transportation & Infrastructure

**A BILL**

**For an ordinance changing the zoning classification for land located at the southeast corner of Monaco Parkway and East First Avenue at approximately 90 Monaco Parkway.**

**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 in accordance with the Comprehensive Plan, is necessary to promote the public health, safety and general welfare of the City, is justified by one of the circumstances set forth in Section 12.4.10.8 of the Denver Zoning Code, is consistent with the neighborhood context and the stated purpose and intent of the proposed zone district, and the waivers comply with Section 12.4.10.6 of the Denver Zoning Code;

**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:

1. That the land area hereinafter described is presently classified as O-1.
2. That the Owner proposes that the land area hereinafter described be changed to U-SU-A, with waivers.

**Section 2.** That the zoning classification of the land area in the City and County of Denver described as follows shall be and hereby is changed from O-1 to U-SU-A, with waivers:

A part of the Southeast Quarter of Section 8, Township 4 South, Range 67 West of the Sixth Principal Meridian, City and County of Denver, State of Colorado, more particularly described as follows;

**COMMENCING** at the East Quarter Corner of said Section 8;  
thence North 89°59'52" West, along the northerly line of said Southeast Quarter of Section 8, a distance of 120.00 feet;  
thence South 00°02'35" West, parallel with and 120.00 feet west of the easterly line of said Southeast Quarter of Section 8, a distance of 30.00 feet to the southerly line of E. 1<sup>st</sup> Ave. and the northwest corner of Lowry Filing No. 3 recorded at Reception Number 9800190950 in the Clerk and Recorder's Office of said City and County of Denver;

**[continued on next page]**

1       thence North 89°59'52" West, along said southerly line of E. 1st Ave., a distance of  
2       1093.52 feet to the centerline of proposed Oneida Ct. and the **POINT OF BEGINNING**;

3  
4       thence along said centerline of proposed Oneida Ct. the following three (3) courses:

- 5  
6       1.) South 00°00'08" West a distance of 240.38 feet to a point of curve;  
7       2.) along the arc of a curve to the left having a radius of 230.00 feet, a central angle  
8       of 25°55'15", an arc length of 104.05 feet and whose chord bears South 12°57'30"  
9       East a distance of 103.17 feet;  
10      3.) South 25°55'07" East a distance of 107.45 feet;

11  
12      thence South 85°01'11" West a distance of 284.53 feet;

13      thence South 86°58'42" West a distance of 350.14 feet;

14      thence North 89°54'16" West a distance of 270.02 feet to the centerline of proposed  
15      Niagara St.;

16  
17      thence South 10°29'45" West, along said centerline of proposed Niagara St., a distance of  
18      43.23 feet to the centerline of proposed Magnolia St.;

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20      thence along said centerline of proposed Magnolia St. the following two (2) courses:

- 21  
22      1.) North 79°30'15" West a distance of 76.97 feet to a point of curve;  
23      2.) along the arc of a curve to the right having a radius of 198.00 feet, a central angle  
24      of 28°52'12", an arc length of 99.77 feet and whose chord bears North 65°04'09"  
25      West a distance of 98.72 feet;

26  
27      thence North 90°00'00" West a distance of 327.59 feet to the easterly line of Monaco St.  
28      Pkwy;

29      thence North 00°11'21" East, parallel with and 90.00 feet east of the westerly line of said  
30      Southeast Quarter and along said easterly line of Monaco St. Pkwy, a distance of 467.20  
31      feet to said southerly line of First Ave.;

32      thence South 89°59'52" East, parallel with and 30.00 feet south of said northerly line of  
33      the Southeast Quarter of Section 8 and along said southerly line of E. 1<sup>st</sup> Ave., a distance  
34      of 1332.17 feet to the **POINT OF BEGINNING**.

35  
36      Containing 636,514 square feet or 14.612 acres, more or less.

37  
38      **Basis of bearings:** Bearings are based on the northerly line of the Southeast Quarter  
39      of Section 8, Township 4 South, Range 67 West, of the Sixth Principal Meridian, City  
40      and County of Denver, State of Colorado as being North 89°59'52" West. The East  
41      Quarter Corner of said Section 8 is a 3 1/4" aluminum cap in a range box stamped  
42      BRW INC, PLS 20683. The Center of said Section 8 is a 3 1/4" aluminum cap  
43      Witness Corner stamped URS CORP, PLS 20683.

44  
45      in addition thereto those portions of all abutting public rights-of-way, but only to the centerline  
46      thereof, which are immediately adjacent to the aforesaid specifically described area.

47      **Section 3.** Pursuant to Section 12.4.10.6 (Waivers of Rights and Obligations and Approval  
48      of Reasonable Conditions) of the Denver Zoning Code, the Owner of the property has agreed to  
49      waive certain rights or obligations of the Denver Zoning Code and instead comply with the following

1 waivers:

- 2 1. Section 5.3.3.4.A (Urban House) building form table of Denver Zoning Code is hereby  
3 waived and instead the "Urban House" building form table, filed in the office of the City  
4 Clerk on July 15, 2014, under City Clerk's Filing No. 2014-0616, shall apply.
- 5 2. Sections 5.3.4.5.B (Detached Garage) and C (Other Detached Accessory Structures)  
6 building form tables in the Denver Zoning Code are hereby waived and instead the single  
7 "Detached Accessory Structures" building form table, filed in the office of the City Clerk on  
8 July 15, 2014, under City Clerk's Filing No. 2014-0616-A, shall apply.
- 9 3. Section 1.2.3.5. (Number of Uses and Structures Allowed Per Zone Lot), specifically line 1  
10 of the table titled "Primary Uses and Structures", that limits Primary Structures per Zone Lot  
11 to one (1) in the U-SU-A zone district is hereby waived when a zone lot is oriented toward  
12 required publicly accessible open space as depicted on Sheet 9 of 13 of the approved  
13 Buckley Annex General Development Plan, recorded in the Denver County Real Property  
14 Records at Reception No. 2013077511 and instead, in such cases only, there shall be "no  
15 limit" on the number of Primary Structures per Zone Lot. In all other situations, Section  
16 1.2.3.5 (Number of Uses and Structures Allowed Per Zone Lot) line 1 shall apply.

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

19 COMMITTEE APPROVAL DATE: June 24, 2014

20 MAYOR-COUNCIL DATE: July 1, 2014

21 PASSED BY THE COUNCIL: \_\_\_\_\_, 2014

22 \_\_\_\_\_ - PRESIDENT

23 APPROVED: \_\_\_\_\_ - MAYOR \_\_\_\_\_, 2014

24 ATTEST: \_\_\_\_\_ - CLERK AND RECORDER,  
25 EX-OFFICIO CLERK OF THE  
26 CITY AND COUNTY OF DENVER

27 NOTICE PUBLISHED IN THE DAILY JOURNAL: \_\_\_\_\_, 2014; \_\_\_\_\_, 2014

28 PREPARED BY: Karen A. Aviles, Assistant City Attorney DATE: July 17, 2014

29 Pursuant to Section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the office of  
30 the City Attorney. We find no irregularity as to form, and have no legal objection to the proposed  
31 ordinance. The proposed ordinance is not submitted to the City Council for approval pursuant to  
32 § 3.2.6 of the Charter.

33 D. Scott Martinez, Denver City Attorney

34 BY: \_\_\_\_\_, Assistant City Attorney DATE: \_\_\_\_\_, 2014