

**BY AUTHORITY**

ORDINANCE NO. \_\_\_\_\_  
SERIES OF 2013

COUNCIL BILL NO. CB13-0104  
COMMITTEE OF REFERENCE:

Land Use, Transportation & Infrastructure

**A BILL**

**For an ordinance changing the zoning classifications to certain portions of dedicated City rights-of-way located generally adjacent to 61-81 South Garfield Street; 200, 234 and 280 Columbine Street and 2600 East 3<sup>rd</sup> Avenue; 360 South Monroe Street; and 3740, 3750, 3754 and 3758 York Street.**

**WHEREAS**, by Ordinance No. 536, Series of 2012, the zoning classification for 61-81 South Garfield Street was changed; by Ordinance No. 562, Series 2012, the zoning classification for 200, 234 and 280 Columbine Street and 2600 East 3<sup>rd</sup> Avenue was changed; by Ordinance No. 591, Series 2012, the zoning classification for 360 South Monroe Street was changed; and by Ordinance No 614, Series 2012, the zoning classification for 3740, 3750, 3754 and 3758 York Street was changed;

**WHEREAS**, those Ordinances did not change the zoning classification of the adjacent rights-of-way; and

**WHEREAS**, the City Council has determined, based on evidence and testimony presented at the public hearing, that the map amendment relating to those portions of dedicated City rights-of-way 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 12.4.10.14 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.** In relation to right-of-way adjacent to 61-81 South Garfield Street:

a) That upon consideration of a change in the zoning classification of the right-of-way area hereinafter described, Council finds:

1. That the right-of-way area hereinafter described is presently classified as PUD #618.
2. That the City proposes that the right-of-way area hereinafter described be changed to

G-RH-3.

b) That the zoning classification of the right-of-way area in the City and County of Denver

1 described as follows or included within the following boundaries shall be and hereby is changed  
2 from PUD #618 to G-RH-3:

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4 The west half of S. Garfield St. lying between the centerline of Bayaud St. and the  
5 north line of Lot 26, Block 24, Burlington Capitol Hill Addition extended  
6 easterly; together with the north half of Bayaud Ave. lying between the centerline  
7 of S. Garfield St. and the southerly extension of the centerline of the alley in said  
8 Block 24; together with the east half of the alley in said Block 24 lying between  
9 the north line of Bayaud St. and the north line of said Lot 26, Block 24, extended  
10 westerly; together with the west 0.50 feet of Lots 21 thru 26, of said Block 24.

11 City and County of Denver, State of Colorado  
12 **Abutting private property was rezoned by Ordinance 536, Series of 2012**  
13

14 **Section 2.** In relation to the right-of-way adjacent to 200, 234 and 280 Columbine Street and  
15 2600 East 3<sup>rd</sup> Avenue:

16 a) That upon consideration of a change in the zoning classification of the right-of-way area  
17 hereinafter described, Council finds:

- 18 1. That the right-of-way area hereinafter described is presently classified as C-CCN;
- 19 2. That the City proposes that the right-of-way area hereinafter described be changed to  
20 C-MX-8, with a reasonable condition and C-MX-5, with a reasonable condition;

21 b) That the zoning classification of the right-of-way area in the City and County of Denver  
22 described as follows or included within the following boundaries shall be and hereby is changed  
23 from C-CCN to C-MX-8, with a reasonable condition that a Regulating Plan shall be submitted and  
24 approved per the applicable requirements of Section 12.4.13 (Regulating Plan) of the Denver  
25 Zoning Code and the Regulating Plan shall be approved prior to approval of a site development  
26 plan:

27 **Parcel A**  
28 The east half of Columbine St. lying between the north line of 2<sup>nd</sup> Ave. and the  
29 north line of the south 50.00 feet of Plot 4, Block 62, Harman’s Subdivision;  
30 together with the north half of 2<sup>nd</sup> Ave. lying between the centerline of Columbine  
31 St. and the southerly extension of the centerline of the alley in said Block 62;  
32 together with the west half of the alley in said Block 62 lying south of the north  
33 line of the south 50.00 feet of said Plot 4.

34 City and County of Denver, State of Colorado  
35 **Abutting private property was rezoned by Ordinance 562, Series of 2012**  
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37 c) That the zoning classification of the right-of-way area in the City and County of Denver  
38 described as follows or included within the following boundaries shall be and hereby is changed  
39 from C-CCN to C-MX-5, with a reasonable condition that a Regulating Plan shall be submitted and

1 approved per the applicable requirements of Section 12.4.13 (Regulating Plan) of the Denver  
2 Zoning Code and the Regulating Plan shall be approved prior to approval of a site development  
3 plan:

4 **Parcel B**

5 The east half of Columbine St. lying between the south line of 3<sup>rd</sup> Ave. and the  
6 south line of the north 50.00 feet of Plot 4, Block 62, Harman’s Subdivision;  
7 together with south half of 3<sup>rd</sup> Ave. lying between the centerline of Columbine St.  
8 and the northerly extension of the centerline of the alley in said Block 62; together  
9 with the west half of the alley in said Block 62 lying north of the south line of the  
10 north 50.00 feet of said Plot 4; together with the parcel described in Ordinance  
11 166 Series of 1987.

12 City and County of Denver, State of Colorado

13 **Abutting private property was rezoned by Ordinance 562, Series of 2012**

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15 **Section 3.** In relation to the right-of-way adjacent to 360 South Monroe Street:

16 a) That upon consideration of a change in the zoning classification of the right-of-way area  
17 hereinafter described, Council finds:

18 1. That the right-of-way area hereinafter described is presently classified as B-4, with  
19 waivers.

20 2. That the City proposes that the right-of-way area hereinafter described be changed to  
21 C-MX-8;

22 b) That the zoning classification of the right-of-way area in the City and County of Denver  
23 described as follows or included within the following boundaries shall be and hereby is changed  
24 from B-4, with waivers, to C-MX-8:

25 The alley in Block 4 of Burnsdale adjacent to Lots 3 thru 11 and Lots 39 thru 48  
26 except the north 38 ½ inches of the west half thereof; together with the west half  
27 of S. Garfield St. adjacent to Lots 39 thru 48, Block 4 of Burnsdale; together with  
28 the east half of S. Monroe St. adjacent to Lots 3 thru 19, Block 4 of Burnside;  
29 together with that portion of Cherry Creek North Dr. lying northeasterly of the  
30 center line of said Cherry Creek North Dr. and between the centerline of S.  
31 Monroe St. extended southerly, the Centerline of Dakota Ave. extended westerly,  
32 and the east line and of the alley in Block 4 of Burnside extended southerly;  
33 together with the parcel described in Ordinance 436 Series of 1971.

34 City and County of Denver, State of Colorado

35 **Abutting private property was rezoned by Ordinance 591, Series of 2012**

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38 **Section 4.** In relation to the right-of-way adjacent to 3740, 3750, 3754 and 3758 York Street:

39 a) That upon consideration of a change in the zoning classification of the right-of-way area  
40 hereinafter described, Council finds:

1           1. That the right-of-way area hereinafter described is presently classified as I-1, with  
2           waivers and UO-2.

3           2. That the City proposes that the right-of-way area hereinafter described be changed to  
4           U-MX-3.

5           b) That the zoning classification of the right-of-way area in the City and County of Denver  
6           described as follows or included within the following boundaries shall be and hereby is changed  
7           from I-1, with waivers and UO-2 to U-MX-3:

8                     The east half of York St. adjacent to lots 1 thru 6 and the north one half of Lot 7,  
9                     Block 1, Cheeseman and Moffat's Addition to the City of Denver; together with  
10                    the west half of the alley adjacent to Lots 1 thru 6 and the north one half of Lot 7,  
11                    Block 1, Lessig Addition.  
12                    City and County of Denver, State of Colorado  
13                    **Abutting private property was rezoned by Ordinance 614, Series of 2012**

14           **Section 5.**       That this ordinance shall be recorded by the Manager of Community Planning  
15           and Development in the real property records of the Denver County Clerk and Recorder.  
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1 COMMITTEE APPROVAL DATE: March 12, 2013  
2 MAYOR-COUNCIL DATE: March 19, 2013  
3 PASSED BY THE COUNCIL: \_\_\_\_\_, 2013  
4 \_\_\_\_\_ - PRESIDENT  
5 APPROVED: \_\_\_\_\_ - MAYOR \_\_\_\_\_, 2013  
6 ATTEST: \_\_\_\_\_ - CLERK AND RECORDER,  
7 EX-OFFICIO CLERK OF THE  
8 CITY AND COUNTY OF DENVER  
9 NOTICE PUBLISHED IN THE DAILY JOURNAL: \_\_\_\_\_, 2013; \_\_\_\_\_, 2013  
10 PREPARED BY: Brent A. Eisen, Assistant City Attorney DATE: March 21, 2013  
11 Pursuant to section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the office of  
12 the City Attorney. We find no irregularity as to form, and have no legal objection to the proposed  
13 ordinance. The proposed ordinance is submitted to the City Council for approval pursuant to §  
14 3.2.6 of the Charter.  
15 Douglas J. Friednash, City Attorney  
16 BY: \_\_\_\_\_, Assistant City Attorney DATE: \_\_\_\_\_, 2013  
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