

BY AUTHORITY

ORDINANCE NO. *433*  
SERIES OF 2008

COUNCIL BILL NO. *368*  
COMMITTEE OF REFERENCE:  
**Blueprint Denver**

A BILL

**For an ordinance changing the zoning classification, with waivers, for 2851 West 52<sup>nd</sup> Avenue.**

**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 justified either by changed or changing conditions or to correct manifest error in the prior zoning and is necessary to promote the public health, safety and general welfare;

**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 R-5;

2. That the owner proposes that the land area hereinafter described be changed to R-MU-30 with reasonable waivers it has approved;

3. That in the application the owner has represented that if the zoning classification is changed pursuant to the application, the owner will and hereby does:

(i) Waive the right to a ~~minimum~~<sup>maximum</sup> building height regardless of use(s), adjacent use(s), and/or adjacent zone districts as required under Section 59-312(7) of the Denver Revised Municipal Code for all structures and instead, within three hundred fifty (350) feet of the Federal Boulevard right-of-way, the ~~minimum~~<sup>maximum</sup> permitted building height shall be seventy-five (75) feet. Further, for the remainder of the zone lot, the maximum permitted building height shall be fifty-five (55) feet.

(ii) Waive the right to setbacks for "structures abutting residential zone districts" regardless of use(s), adjacent use(s), and/or adjacent zone districts as required under Section 59-312(3)a of the Denver Revised Municipal Code for all structures and shall instead comply with the following setbacks table below: