

BY AUTHORITY

ORDINANCE NO. _____
SERIES OF 2020

COUNCIL BILL NO. CB20-1086
COMMITTEE OF REFERENCE:
Land Use, Transportation & Infrastructure

A BILL

For an ordinance changing the zoning classification for 1010 West Colfax Avenue, 1050 West Colfax Avenue & 1443 Kalamath Street in Lincoln Park.

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 C-MX-8 with waivers and C-MX-5 districts, 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 B-4 with waivers, UO-1, UO-2.
- b. It is proposed that the land area hereinafter described be changed to C-MX-8 with waivers.
- c. The owner of the land area hereinafter described 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:

- 1. Waive the right to use or erect any structure with a maximum permitted height of 8 stories, pursuant to Sections 7.3.3.4.D (General Building Form) and 7.3.3.4.I (Shopfront Building Form), DZC and instead comply with the following:
No primary structure erected on the subject property according to the General or Shopfront primary building form standards shall exceed 7 stories. Height exceptions shall be allowed in accordance with Section 7.3.7.1 (Height Exceptions) as applicable to the C-MX-8 zone district.
- 2. Waive the right to use or erect any structure with a maximum permitted height of 110 feet, pursuant to Sections 7.3.3.4.D (General Building Form) and 7.3.3.4.I (Shopfront Building Form), DZC and instead comply with the following:

1
2 No primary structure erected on the subject property according to the General or
3 Shopfront primary building form standards shall exceed 75 feet in height. Height
4 exceptions shall be allowed in accordance with Section 7.3.7.1 (Height
5 Exceptions) as applicable to the C-MX-8 zone district.
6

7 **Section 2.** That the zoning classification of the land area in the City and County of Denver
8 described as follows or included within the following boundaries shall be and hereby is changed to
9 C-MX-8 with waivers:

10 A PARCEL OF LAND BEING A PORTION OF BLOCK 2, HUNT'S ADDITION TO DENVER,
11 ACCORDING TO THE OFFICIAL MAP THEREOF, SAID PARCEL LOCATED IN THE
12 NORTHEAST ONE-QUARTER OF SECTION 4, TOWNSHIP 4 SOUTH, RANGE 68 WEST
13 OF THE SIXTH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF
14 COLORADO MORE PARTICULARLY DESCRIBED AS FOLLOWS WITH BEARINGS
15 REFERENCED TO THE WEST LINE OF SAID BLOCK 2, BEING MONUMENTED ON THE
16 SOUTH END, AT THE SOUTHWEST CORNER OF LOT 15, BY A FOUND 1-1/4" ORANGE
17 PLASTIC CAP STAMPED "PLS 38111", AND MONUMENTED ON THE NORTH END,
18 10.00 FEET SOUTH OF THE NORTHWEST CORNER OF LOT 13, BY A FOUND 1-1/4"
19 ORANGE PLASTIC CAP STAMPED "PLS 38111" – ASSUMED TO BEAR NORTH
20 00°00'00" EAST A DISTANCE OF 215.00 FEET:
21

22 **COMMENCE** AT THE SOUTHWEST CORNER OF SAID LOT 15: THENCE NORTH
23 00°00'00" EAST, COINCIDENT WITH THE WEST LINE OF BLOCK 2, A DISTANCE OF
24 10.50 FEET TO THE **POINT OF BEGINNING**;

25
26 THENCE CONTINUE NORTH 00°00'00" EAST, COINCIDENT WITH SAID WEST LINE, A
27 DISTANCE OF 204.50 FEET;

28
29 THENCE NORTH 45°00'41" EAST, A DISTANCE OF 14.14 FEET TO A POINT ON THE
30 NORTH LINE OF SAID BLOCK 2;

31
32 THENCE SOUTH 89°58'42" EAST, COINCIDENT WITH THE NORTH LINE OF SAID
33 BLOCK 2, A DISTANCE OF 299.37 FEET;
34 THENCE SOUTH 81°41'35" EAST, A DISTANCE OF 3.86 FEET;

35
36 THENCE SOUTH 45°10'52" EAST, A DISTANCE OF 7.91 FEET;

37
38 THENCE SOUTH 01°10'53" EAST, A DISTANCE OF 18.29 FEET;

39
40 THENCE SOUTH 00°00'20" EAST, A DISTANCE OF 35.48 FEET;

41
42 THENCE NORTH 89°55'58" EAST, A DISTANCE OF 0.90 FEET TO A POINT ON THE
43 EAST LINE OF SAID BLOCK 2;

44
45 THENCE SOUTH 00°00'00" EAST, COINCIDENT WITH SAID EAST LINE, A DISTANCE
46 OF 154.61 FEET TO A LINE BEING 10.50 FEET NORTH OF AND PARALLEL WITH THE
47 SOUTH LINE OF LOT 15, BLOCK 2;
48

1 THENCE NORTH 89°58'42" WEST, COINCIDENT WITH SAID PARALLEL LINE, A
2 DISTANCE OF 320.08 FEET TO THE **POINT OF BEGINNING**.

3
4 THE ABOVE DESCRIPTION YIELDS A CALCULATED AREA OF 68,529
5 SQUARE FEET (1.57321 ACRES), MORE OR LESS.

6
7 in addition, thereto those portions of all abutting public rights-of-way, but only to the centerline
8 thereof, which are immediately adjacent to the aforesaid specifically described area.

9 **Section 3.** The foregoing change in zoning classification is based upon a waiver approved
10 by the owner, which waiver is set forth in Section 1(c) hereof. Said waiver shall be binding upon all
11 successors and assigns of the owner, who along with the owner shall be deemed to have waived all
12 objections as to the constitutionality of the aforesaid waiver.

13 **Section 4.** That upon consideration of a change in the zoning classification of the land area
14 hereinafter described, Council finds:

15 a. The land area hereinafter described is presently classified as B-4 with waivers, UO-1,
16 UO-2.

17 b. It is proposed that the land area hereinafter described be changed to C-MX-5.

18 **Section 5.** That the zoning classification of the land area in the City and County of Denver
19 described as follows or included within the following boundaries shall be and hereby is changed to
20 C-MX-5:

21 A PARCEL OF LAND BEING A PORTION OF BLOCK 2, HUNT'S ADDITION TO DENVER,
22 ACCORDING TO THE OFFICIAL MAP THEREOF, SAID PARCEL LOCATED IN THE
23 NORTHEAST ONE-QUARTER OF SECTION 4, TOWNSHIP 4 SOUTH, RANGE 68 WEST
24 OF THE SIXTH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF
25 COLORADO MORE PARTICULARLY DESCRIBED AS FOLLOWS WITH BEARINGS
26 REFERENCED TO THE WEST LINE OF SAID BLOCK 2, BEING MONUMENTED ON THE
27 SOUTH END, AT THE SOUTHWEST CORNER OF LOT 15, BY A FOUND 1-1/4" ORANGE
28 PLASTIC CAP STAMPED "PLS 38111", AND MONUMENTED ON THE NORTH END,
29 10.00 FEET SOUTH OF THE NORTHWEST CORNER OF LOT 13, BY A FOUND 1-1/4"
30 ORANGE PLASTIC CAP STAMPED "PLS 38111" – ASSUMED TO BEAR NORTH
31 00°00'00" EAST A DISTANCE OF 215.00 FEET:

32
33 **COMMENCE** AT THE SOUTHWEST CORNER OF SAID LOT 15: THENCE NORTH
34 00°00'00" EAST, COINCIDENT WITH THE WEST LINE OF BLOCK 2, A DISTANCE OF
35 10.50 FEET;

36
37 THENCE SOUTH 89°58'42" EAST, COINCIDENT WITH A LINE BEING 10.50 FEET
38 NORTH OF AND PARALLEL WITH THE SOUTH LINE OF SAID LOT 15, A DISTANCE OF
39 160.00 FEET TO THE CENTER LINE OF THE NORTH SOUTH ALLEY LOCATED IN SAID
40 BLOCK 2 AND THE **POINT OF BEGINNING**;

1 THENCE CONTINUE SOUTH 89°58'42" EAST, COINCIDENT WITH SAID PARALLEL
2 LINE, A DISTANCE OF 160.08 FEET TO THE EAST LINE OF SAID BLOCK 2;

3
4 THENCE SOUTH 00°00'00" EAST, COINCIDENT WITH THE EAST LINE OF SAID BLOCK
5 2, A DISTANCE OF 110.79 FEET TO THE SOUTHEAST CORNER OF LOT 34, BLOCK 2;

6
7 THENCE NORTH 89°58'42" WEST, COINCIDENT WITH THE SOUTHERLY LINE OF SAID
8 LOT 34 AND THE WESTERLY EXTENSION THEREOF, A DISTANCE OF 160.08 FEET
9 TO THE CENTER LINE OF THE NORTH SOUTH ALLEY IN SAID BLOCK 2;

10
11 THENCE NORTH 00°00'00" EAST, COINCIDENT WITH SAID CENTERLINE, A DISTANCE
12 OF 110.80 FEET TO THE **POINT OF BEGINNING**.

13
14 THE ABOVE DESCRIPTION YIELDS A CALCULATED AREA OF 17,735 SQUARE FEET
15 (0.40715 ACRES), MORE OR LESS.

16
17 in addition, thereto those portions of all abutting public rights-of-way, but only to the centerline
18 thereof, which are immediately adjacent to the aforesaid specifically described area.

19 **Section 6.** That this ordinance shall be recorded by the Manager of Community Planning and
20 Development in the real property records of the Denver County Clerk and Recorder.

21 COMMITTEE APPROVAL DATE: October 13, 2020

22 MAYOR-COUNCIL DATE: October 20, 2020

23 PASSED BY THE COUNCIL: November 23, 2020

24 *Steve Filmore* - PRESIDENT

25 APPROVED: *DSM* - MAYOR Nov 25, 2020

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

29 NOTICE PUBLISHED IN THE DAILY JOURNAL: _____;

30 PREPARED BY: Nathan J. Lucero, Assistant City Attorney DATE: October 22, 2020

31 Pursuant to Section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the office of
32 the City Attorney. We find no irregularity as to form, and have no legal objection to the proposed
33 ordinance. The proposed ordinance is not submitted to the City Council for approval pursuant to
34 § 3.2.6 of the Charter.

35 Kristin M. Bronson, Denver City Attorney

36 BY: *Kristin J. Crawford*, Assistant City Attorney DATE: Oct 21, 2020