

BY AUTHORITY

ORDINANCE NO. _____
SERIES OF 2019

COUNCIL BILL NO. CB19-0407

COMMITTEE OF REFERENCE:

Land Use, Transportation & Infrastructure

A BILL

For an ordinance changing the zoning classification for 7698 Jewell Avenue and 1901 South Ulster Street in Indian Creek.

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 OS-C (Parcel B) and OS-B with Waivers (Parcel A) 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 S-SU-D and OS-C.
- b. It is proposed that the land area hereinafter described be changed to OS-B with Waivers (Parcel A).
- c. The owner 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 Civic, Public and Institutional Primary Use Limitations for Utility, Major Impact uses in All Open Space Context Zone Districts as required by section 11.3.1.2 of the Denver Zoning Code, as amended from time to time, and instead the following limitations shall apply to the establishment or expansion of a Major Impact Utility use:

A. Limitation on Specific Types of Major Impact Utility Uses Permitted

Major Impact Utility Uses are limited to the following:

- i. Water reservoir,
- ii. Water filtration plant,
- iii. Water galleries, wells and pumping stations for water supply or recharge;

1 and
2 iv. Water utility operations, including but not limited to offices, storage of
3 materials and waste, storage of heavy equipment and the
4 parking/storage of commercial vehicles, including incidental minor repair
5 and maintenance services conducted on such equipment/ vehicles,
6 where such offices, materials and waste, equipment and vehicles are
7 commonly associated with water utility operations.

8 **B. Spacing Required from Residential Zone Districts**

- 9 i. Enclosed uses: The following Major Impact Utilities and accessory
10 uses that occur inside a completely enclosed structure shall be
11 located at least 200 feet from a Residential Zone District.
12 a. Water galleries, wells and pumping stations for water supply
13 or recharge.
14 b. Water utility operations, including but not limited to offices,
15 storage of materials and waste, storage of heavy equipment and
16 the parking/storage of commercial vehicles, including incidental
17 minor repair and maintenance services conducted on such
18 equipment/vehicles, where such offices, materials and waste,
19 equipment and vehicles are commonly associated with water
20 utility operations.
21 ii. Unenclosed uses: The following Major Impact Utilities and accessory
22 uses may be unenclosed if located at least 500 feet from a Residential
23 Zone District.
24 a. Water galleries, wells and pumping stations for water
25 supply or recharge.
26 b. Water utility operations, including but not limited to offices,
27 storage of materials and waste, storage of heavy equipment and
28 the parking/storage of commercial vehicles, including incidental
29 minor repair and maintenance services conducted on such
30 equipment/vehicles, where such offices, materials and waste,
31 equipment and vehicles are commonly associated with water
32 utility operations.
33 iii. The above spacing requirements may be reduced or eliminated
34 through the review required according to Section 12.4.9, Zoning
35 Permit with Special Exception Review, if any potential adverse
36 impacts from the proposed special exception can and will be
37 adequately mitigated, including but not limited to enclosure or
38 provision of screening.

Section 2. That the zoning classification of the land area in the City and County of Denver described as follows or included within the following boundaries shall be and hereby is changed to OS-B with Waivers (Parcel A):

Parcel A Description

A portion of the northwest quarter of Section 28, Township 4 South, Range 67 West of the Sixth Principal Meridian, City and County of Denver, State of Colorado, being more particularly described as follows:

Note:

1. The Basis of Bearings is the east line of the northeast quarter of the northwest quarter of Section 28, T4S, R67W 6th P.M. bears S 00°13'52" E.

Beginning at the north quarter corner of said Section 28;

Thence S 00°13'52" E, along the east line of the northeast quarter of the northwest quarter of said Section 28, a distance of 1072.71 feet;

Thence S 89°46'08" W a distance of 87.93 feet;

Thence N 31°22'12" W a distance of 147.74 feet;

Thence N 15°40'26" W a distance of 417.97 feet;

Thence N 35°15'41" W a distance of 314.15 feet;

Thence N 40°35'33" W a distance of 263.84 feet;

Thence S 89°45'33" W a distance of 171.30 feet;

Thence N 00°14'27" W a distance of 85.00 feet, more or less, to a point on the north line of said Section 28;

Thence N 89°45'33" E, along said north line, a distance of 798.12 feet to the POINT OF BEGINNING.

Containing 8.617 acres more or less.

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

Section 3. The foregoing change in zoning classification is based upon a waiver approved by the owner, which waiver is set forth in Section 1(c) hereof; and no permit shall be issued except in strict compliance with the aforesaid waiver. Said waiver shall be binding upon all successors and

1 assigns of the owner, who along with the owner shall be deemed to have waived all objections as to
2 the constitutionality of the aforesaid waiver.

3 **Section 4.** None of the land area hereinabove described shall be used or occupied and no
4 structure or structures shall be designed, erected, altered, used or occupied thereon except in
5 conformity with all provisions of said District Plan and a Site Development Plan, as provided in Section
6 12.4.3 of the Denver Zoning Code, and except upon performance of all conditions therein set forth.

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

9 a. That the land area is presently classified as S-SU-D and OS-C.

10 b. It is proposed that the land area be changed to OS C (Parcel B).

11 **Section 6.** That the zoning classification for the land area in the City and County of Denver
12 described as follows shall be and hereby is changed from S-SU-D and OS-C to OS-C (Parcel B);

13 Parcel B Description

14
15 A portion of the northwest quarter of Section 28, Township 4 South, Range 67 West of the
16 Sixth Principal
17 Meridian, City and County of Denver, State of Colorado, being more particularly described
18 as follows:

19
20 Note:

21 1. The Basis of Bearings is the east line of the northeast quarter of the northwest quarter
22 of Section 28, T4S, R67W 6th P.M. bears S 00°13'52" E.

23
24 Commencing at the north quarter corner of said Section 28; Thence S 00°13'52" E, along
25 the east line of the
26 northeast quarter of the northwest quarter of said Section a distance of 1072.71 feet to the
27 POINT OF
28 BEGINNING;

29
30 Thence S 00°13'52" E, continuing along said east line, a distance of 243.57 feet, more or
31 less, to the southeast
32 corner of the northeast quarter of the northwest quarter of said Section 28;

33
34 Thence S 89°48'09" W, along the south line of said northeast quarter of the northwest
35 quarter, a distance of 538.05 feet, more or less, to a point on the easterly line of that parcel
36 conveyed to the City and County of Denver filed May 23, 1984 at Reception Number 66158
37 in Book 3104 at Page 362;

38
39 Thence along said easterly line the following three (3) courses:

- 40 1. Thence N 26°47'11" W a distance of 203.75 feet to a point of non tangent curvature;
41 2. Thence along a curve to the left a distance of 151.49 feet to a point of reverse
42 curvature, said curve having a radius of 370.20 feet, a delta angle of 23°26'47" and a
43 chord distance of 150.44 feet which bears N 38°27'02" W;

1 3. Thence along a reverse curve to the right a distance of 78.76 feet, more or less, to a
2 point on the westerly line of the 400 foot wide Cherry Creek Channel, said curve having
3 a radius of 717.17 feet, a delta angle of 06°17'32" and a chord distance of 78.72 feet
4 which bears N 47°09'47" W;

5
6 Thence N 21°52'59" W, along said westerly line, a distance of 338.81 feet to a point of non
7 tangent curvature;

8
9 Thence, continuing along said westerly line, along a curve to the left a distance of 796.43
10 feet, more or less, to a point on the north line of said Section 28, said curve having a radius
11 of 1710.08 feet, a delta angle of 26°41'04" and a chord distance of 789.26 feet which bears
12 N 35°13'00" W;

13
14 Thence N 89°45'33" E, along said north line, a distance of 559.15 feet;

15 Thence S 00°14'27" E a distance of 85.00 feet;

16 Thence N 89°45'33" E a distance of 171.30 feet;

17 Thence S 40°35'33" E a distance of 263.84 feet;

18 Thence S 35°15'41" E a distance of 314.15 feet;

19 Thence S 15°40'26" E a distance of 417.97 feet;

20 Thence S 31°22'12" E a distance of 147.74 feet;

21 Thence N 89°46'08" E a distance of 87.93 feet to the POINT OF BEGINNING.

22 Containing 18.892 acres more or less.

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 7.** This Ordinance shall be recorded by the Manager of Community Planning and
26 Development in the real property records of the Clerk and Recorder of the City and County of Denver.

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1 COMMITTEE APPROVAL DATE: May 7, 2019
2 MAYOR-COUNCIL DATE: May 14, 2019
3 PASSED BY THE COUNCIL: _____
4 _____ - PRESIDENT
5 APPROVED: _____ - MAYOR _____
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: May 16, 2019
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 not submitted to the City Council for approval pursuant to
14 § 3.2.6 of the Charter.
15 Kristin M. Bronson, Denver City Attorney
16 BY: _____, Assistant City Attorney DATE: _____