

BY AUTHORITY

ORDINANCE NO. _____
SERIES OF 2025

COUNCIL BILL NO. CB25-1272
COMMITTEE OF REFERENCE:
South Platte River

A BILL

For an ordinance changing the zoning classification for 1252 West Byers Place in Valverde.

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, is in the public interest, 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 E-TU-B.
- b. It is proposed that the land area hereinafter described be changed to I-MX-3, with a waiver.
- c. The applicant has provided a written representation approving a certain waiver to the requested change in zoning classification related to the development, operation, and maintenance of the land area as follows:

Waive the right to all primary Permitted Uses in Denver Zoning Code Section 9.1.9.5, for the Street Level, except for Permitted Uses in the Industrial, Manufacturing, & Wholesale Primary Use Classification. The only accessory uses allowed at Street Level shall be those accessory to a primary nonresidential use.

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 I-MX-3, with a waiver, with such reasonable condition approved by the owner and applicable to the parcel described below:

LOTS 17 AND 18 AND WEST ONE-HALF OF LOT 16, BLOCK 37, VALVERDE,
CITY AND COUNTY OF DENVER, STATE OF COLORADO.

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 the applicant's representation approving a certain waiver, 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 assigns of the owner, who along with the owner shall be deemed to have waived all objections as to the constitutionality of the aforesaid waiver.

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

COMMITTEE APPROVAL DATE: September 10, 2025

MAYOR-COUNCIL DATE: September 16, 2025

PASSED BY THE COUNCIL: 10/20/2025

Signed by: <u><i>Amanda P. Sandora</i></u> 88E1DC2C8B93472... APPROVED: _____ ATTEST: _____	Signed by: <u><i>Michael C. Johnston</i></u> 5DC361FDC863466... _____	- PRESIDENT - MAYOR 10/23/2025 - CLERK AND RECORDER, EX-OFFICIO CLERK OF THE COUNTY DENVER CITY AND COUNTY OF
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DENVER

NOTICE PUBLISHED IN THE DAILY JOURNAL: _____ ; _____

PREPARED BY: Nathan J. Lucero, Assistant City Attorney DATE: September 18, 2025

Pursuant to Section 13-9, D.R.M.C., this proposed ordinance has been reviewed by the office of the City Attorney. We find no irregularity as to form and have no legal objection to the proposed ordinance. The proposed ordinance is not submitted to the City Council for approval pursuant to § 3.2.6 of the Charter.

Katie J. McLoughlin, Interim City Attorney

BY: *Jonathan Griffin*, Assistant City Attorney DATE: 9/17/2025 | 4:05 PM MDT
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