

BY AUTHORITY

ORDINANCE NO. _____
SERIES OF 2016

COUNCIL BILL NO. CB16-0253
COMMITTEE OF REFERENCE:
Neighborhoods & Planning

A BILL

For an ordinance changing the zoning classification for 3401 N. Pecos Street, with a waiver.

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 CMP-EI2, with waivers, zone district, is justified by one of the circumstances set forth in Section 12.4.10.8 of the Denver Zoning Code (“DZC”), 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:

1. That the land area hereinafter described is presently classified as PUD #27.
2. That the Owner proposes that the land area hereinafter described be changed to CMP-EI2 with a waiver.

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 from PUD #27 to CMP-EI2 with a certain waiver:

A parcel of land located in Northwest Quarter of Section 28, Township 3 South, Range 68 West of the 6th Principal Meridian, City and County of State of Colorado being a portion of Lot 1, Block 13, H. Witter’s North Denver Addition and more particularly described as follows:

Beginning at the Northeast corner of said Lot 1, thence southerly along the east line of said Lot 1, a distance of 186 feet to the Southeast corner of said Lot 1; thence westerly along south line of said Lot 1, a distance of 190 feet; thence northerly, a distance of 166.8 feet; thence easterly, a distance of 65 feet; thence northerly, a distance of 20 feet; thence easterly, a distance of 125 feet to the Point of Beginning,

in addition thereto those portions of all abutting public rights-of-way, but only to the centerline

1 thereof, which are immediately adjacent to the aforesaid specifically described area.

2 **Section 3.** Section 12.4.10.6(A), DZC allows City Council to adopt waivers as part of the
3 ordinance amending the official map if the application for an official map amendment is based
4 upon a written representation by the applicant that the applicant wishes to waive certain rights or
5 obligations under the proposed district classification, and such waivers are approved in writing by
6 the applicant. In accordance with Section 12.4.10.6(A), the applicant has requested that the
7 zoning classification of the land described in Section 2, include the following waiver:

8 Waive the right to the Primary Building Form Standards, District Specific
9 Standards for the CMP-EI2 zone district allowing for a maximum height of
10 150 feet, at Section 9.2.4.2.C.2 (General 2 of 2), of the Denver Zoning Code
11 and instead comply with the following:

12
13 No structure erected on the subject property shall exceed three (3) stories
14 up to Forty Five (45) feet in height.
15

16 **Section 4.** That this ordinance shall be recorded by the Manager of Community Planning and
17 Development in the real property records of the Denver County Clerk and Recorder.
18

19 COMMITTEE APPROVAL DATE: April 13, 2016.

20 MAYOR-COUNCIL DATE: April 19, 2016.

21 PASSED BY THE COUNCIL _____ 2016

22 _____ - PRESIDENT

23 APPROVED: _____ - MAYOR _____ 2016

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

27 NOTICE PUBLISHED IN THE DAILY JOURNAL _____ 2016; _____ 2016

28 PREPARED BY: Nathan J. Lucero, Assistant City Attorney DATE: April 28, 2016

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

34 D. Scott Martinez, City Attorney

35 BY: _____, Assistant City Attorney DATE: _____, 2016