

1 **BY AUTHORITY**

2 ORDINANCE NO. _____
3 SERIES OF 2016

COUNCIL BILL NO. CB16-0760
COMMITTEE OF REFERENCE:
Land Use, Transportation & Infrastructure

5 **A BILL**

6 **For an ordinance amending the River North Area Plan, the 38th & Blake Station**
7 **Area Plan, the Northeast Downtown Neighborhoods Plan, the Globeville**
8 **Neighborhood Plan, and the Elyria & Swansea Neighborhoods Plan by**
9 **incorporating the 38th & Blake Station Area Height Amendments to each of the**
10 **five plans.**

11
12 **WHEREAS**, pursuant to the provisions of Section 12-61 of the Denver Revised Municipal
13 Code (“DRMC”), and by Ordinance No. 52, Series of 2000, there has been approved a
14 Comprehensive Plan for the City and County of Denver; and

15 **WHEREAS**, said Section 12-61 of the DRMC provides for the amendment of the
16 Comprehensive Plan; and

17 **WHEREAS**, City Council has amended the Comprehensive Plan through the acceptance of
18 the River North Area Plan, the 38th & Blake Station Area Plan, the Northeast Downtown
19 Neighborhoods Plan, the Globeville Neighborhood Plan, and the Elyria & Swansea Neighborhoods
20 Plan (the “Plans”); and

21 **WHEREAS**, portions of the Plans converge within a half-mile area surrounding the 38th &
22 Blake Station; and

23 **WHEREAS**, the goals and recommendations relating to building heights varies in each of the
24 Plans; and

25 **WHEREAS**, the Manager of Community Planning and Development desires to amend the
26 Plans by incorporating the 38th & Blake Station Area Height Amendments in order to make clear the
27 vision for building height; respond to changing conditions and public investment affecting the 38th &
28 Blake Station area and the surrounding North Denver Cornerstone Collaborative area; and support
29 appropriate and desired growth patterns, including building form standards, and mixed income
30 housing opportunities associated with greater density and height within the overall 38th & Blake
31 Station area;

32 **NOW THEREFORE, BE IT ENACTED BY THE COUNCIL OF THE CITY AND COUNTY OF**
33 **DENVER:**

34 **Section 1.** The Plans are hereby accepted and adopted as part of the Comprehensive Plan,
35 pursuant to Section 12-61 of the Denver Revised Municipal Code, by amending each plan to

1 incorporate the proposed 38th & Blake Station Area Height Amendments (“Height Amendments”),
2 consisting of a document of the same name filed with the City Clerk, Ex-Officio Clerk of the City and
3 County of Denver, on the 7th day of September, 2016, as City Clerk Filing No. 2016-0384.

4 **Section 2.** The Height Amendments at City Clerk Filing No. 2016-0384 supplement the
5 Plans, and where there is conflict between the Height Amendments and the Plans, the Height
6 Amendments supersede the Plans.


7 **Section 3.** That this acceptance of the Plans, all as amended with the incorporation of the
8 Height Amendments, is intended to establish the same, in conjunction with the Comprehensive Plan,
9 as the official guide for officials of the City and County of Denver and private citizens when making
10 decisions affecting the future of the 38th & Blake Station area; provided however, that such approval
11 shall not preempt the decision-making powers vested by law or administrative directive in the Mayor,
12 the Council or any other official of the City and County of Denver with respect to, but not limited to:
13 a zoning map amendment, a zoning language amendment, a dedication or vacation of a street, alley
14 or other public way, a designation of a park, the issuance of a revocable permit, a conveyance or
15 acquisition of real property by the City and County of Denver, or an appropriation for or construction
16 of a capital improvement; and provided, further that it is expressly understood that judgment must
17 be exercised in the application of the Plans, as amended, in the decision-making processes of the
18 Mayor, Council and other officials of the City and County of Denver.

19 COMMITTEE APPROVAL DATE: August 30, 2016

20 MAYOR-COUNCIL DATE: September 6, 2016

September 19, 2016

21 PASSED BY THE COUNCIL _____

22  _____ - PRESIDENT

23 APPROVED:  _____ - MAYOR _____ Sep 20, 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 _____; _____

28 PREPARED BY: Adam C. Hernandez, Assistant City Attorney DATE: September 8, 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 Denver City Attorney

35
36 BY:  _____, Assistant City Attorney DATE: _____ Sep 8, 2016