

1 **BY AUTHORITY**

2 ORDINANCE NO. \_\_\_\_\_  
3 SERIES OF 2017

COUNCIL BILL NO. CB17-1143  
COMMITTEE OF REFERENCE:  
4 Land Use, Transportation & Infrastructure

5 **A BILL**

6 **For an ordinance changing the zoning classification for 2812, 2814, 2816, 2821,  
7 2828, 2830, 2836, 2840 and 2842 West 25th Avenue in Jefferson Park.**

8 **WHEREAS**, the City Council has determined, based on evidence and testimony presented  
9 at the public hearing, that the map amendment set forth below conforms with applicable City laws,  
10 is consistent with the City’s adopted plans, furthers the public health, safety and general welfare of  
11 the City, will result in regulations and restrictions that are uniform within the G-MS-3 zone district, is  
12 justified by one of the circumstances set forth in Section 12.4.10.8 of the Denver Zoning Code, and  
13 is consistent with the neighborhood context and the stated purpose and intent of the proposed zone  
14 district;

15 **WHEREAS**, the applicant wishes to waive certain rights or obligations under the G-MS-3  
16 zone district, and has provided written approval of said certain waivers;

17 **WHEREAS**, the G-MS-3 with waivers zone district will allow for property owners to develop  
18 neighborhood serving mixed use that will expand upon the existing commercial node at 25<sup>th</sup> and  
19 Eliot;

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

22 **Section 1.** That upon consideration of a change in the zoning classification of the land area  
23 hereinafter described, Council finds:

- 24 a. The land area hereinafter described is presently classified as G-MU-3, UO-3.
- 25 b. It is proposed that the land area hereinafter described be changed to G-MS-3, with  
26 waivers.
- 27 c. The applicant has provided a written representation approving of certain waivers to the  
28 requested change in zoning classification related to the development, operation, and maintenance of  
29 the land area as follows:
  - 30 i. Waive the right to the standards contained in the Denver Zoning Code at  
31 Section **6.3.3.3**, and instead shall permit only the following permitted primary  
32 building forms:

1. The Shopfront building form per Section 6.3.3.4.I; and
  2. The Urban House building form as permitted in the G-MU-3 zone district per Section 6.3.3.4.A, except that the Use Building Form Standards shall be replaced with the following:
    - (a) For all Primary Structures, Primary Uses shall be limited to Single Unit Dwelling and permitted Group Living uses. See Division 6.4 Uses and Parking.
  3. The Duplex building form as permitted in the G-MU-3 zone district per Section 6.3.3.4.B, except that the Use Building Form Standards shall be replaced with the following:
    - (a) For all Primary Structures, Primary Uses shall be limited to Two Unit Dwelling and permitted Group Living uses. See Division 6.4 Uses and Parking.
- ii. Waive the right to the standards contained in the Denver Zoning Code at Section **6.3.5.3.C.1**, and instead shall be:
- Street Level Active uses include all permitted primary uses except the following:
1. Dwelling, Single Unit
  2. Dwelling, Two Unit
  3. Dwelling, Multi-Unit
  4. Dwelling, Live/Work
  5. Assisted Living Facility
  6. Community Corrections Facility
  7. Nursing Home, Hospice
  8. Residence for Older Adults
  9. Residential Care Use, Small or Large
  10. Rooming and Boarding House
  11. Shelter for the Homeless
  12. Student Housing
  13. Utility, Major Impact
  14. Utility, Minor Impact
  15. Postal Processing Center
  16. Parking, Garage

- 1 17. Bed and Breakfast Lodging
- 2 18. Lodging Accommodations, All Others
- 3 19. Automobile Emissions Inspection Facility
- 4 20. Automobile Services, Light
- 5 21. Automobile Services, Heavy
- 6 22. Automobile/ Motorcycle/ Light Truck Sales, Rentals, Leasing; Pawn Lot or
- 7 Vehicle Auctioneer
- 8 23. Heavy Vehicle/Equipment Sales, Rentals & Service
- 9 24. Antennas Not Attached to a Tower
- 10 25. Communication Services
- 11 26. Telecommunications Towers
- 12 27. Telecommunications Tower-Alternative Structure
- 13 28. Telecommunications Facilities-All Others
- 14 29. Contractors, Special Trade-General
- 15 30. Contractors, Special Trade-Heavy/ Contractor Yard
- 16 31. Food Preparation and Sales, Commercial
- 17 32. Laboratory, Research, Development and Technological Services
- 18 33. Service/ Repair, Commercial
- 19 34. Wind Energy Conversion Systems
- 20 35. Helipad, Helistop, Heliport
- 21 36. Railway Right-of-Way
- 22 37. Terminal, Station or Service Facility for Passenger Transit System
- 23 38. Wholesale Trade or Storage, Light
- 24 39. Aquaculture
- 25 40. Garden, Urban
- 26 41. Husbandry, Animal
- 27 42. Husbandry, Plant
- 28 43. Plant Nursery
- 29 iii. Waive the right to the standards contained in the Denver Zoning Code at
- 30 Section **6.3.5.3.C.2**, and instead shall be:
- 31 Street Level active uses include all permitted accessory and temporary uses
- 32 except the following:

- 1 1. Drive Through Facility Accessory to Eating/ Drinking Establishments and
- 2 to Retail Sales, Service and Repair uses
- 3 2. Keeping of Animals
- 4 3. Health Care Center
- 5 4. Noncommercial Concrete Batching Plant
- 6 5. Parking Lot Designated for a Special Event

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 G-MS-3 with certain waivers:

10 **LEGAL DESCRIPTION FOR PROPOSED MAP AMENDMENT**

11 AN AREA CONSISTING OF THE FOLLOWING PARCELS:

12 TOWN OF HIGHLAND B25 L19EXC REAR 8FT TO CITY  
13 TOWN OF HIGHLAND B24 L4 EXC W 15.30FT AND EXC REAR 8FT TO CITY  
14 TOWN OF HIGHLAND B24 W 15.30FT OF L4 EXC REAR 8FT TO CITY  
15 TOWN OF HIGHLAND B24 L5 EXC REAR 8FT TO CITY  
16 TOWN OF HIGHLAND B24 L6 EXC REAR 8FT TO CITY  
17 TOWN OF HIGHLAND B24 L7 EXC REAR 8FT TO CITY  
18 TOWN OF HIGHLAND B24 L8 EXC REAR 8FT TO CITY  
19 TOWN OF HIGHLAND B24 L9 EXC REAR 8FT TO CITY  
20 TOWN OF HIGHLAND B24 E 28.815FT OF N 91.25FT OF L10  
21

22  
23  
24 IN ADDITION THERETO THOSE PORTIONS OF ALL ABUTTING PUBLIC RIGHTS-OF-WAY, BUT ONLY  
25 TO THE CENTERLINE THEREOF, WHICH ARE IMMEDIATELY ADJACENT TO THE AFORESAID  
26 SPECIFICALLY DESCRIBED AREA.  
27

28 **Section 3.** The foregoing change in zoning classification is based upon the applicants  
29 written representations approving certain waivers, which certain waivers are set forth in Section 1(c)  
30 hereof; and no permit shall be issued except in strict compliance with the aforesaid certain waivers.  
31 Said certain waivers shall be binding upon all successors and assigns of the property owners affected  
32 by this change in zoning classification, who shall be deemed to have waived all objections as to the  
33 constitutionality of the aforesaid certain waivers.

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

36 **[THE REMAINDER OF THIS PAGE IS INTENTIONALLY LEFT BLANK]**

1 COMMITTEE APPROVAL DATE: October 31, 2017

2 MAYOR-COUNCIL DATE: November 7, 2017

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: November 9, 2017

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: Nov 7, 2017