



BY AUTHORITY

1
2 ORDINANCE NO. **67**
3 SERIES OF 2009
4 **AS AMENDED 1-26-09**

COUNCIL BILL NO. 1
COMMITTEE OF REFERENCE:
BLUEPRINT DENVER

A BILL

6 **For an ordinance changing the zoning classification with a waivers of parcels of**
7 **land generally located in an area bounded by Speer Boulevard, West 27th**
8 **Avenue, Bryant Street and west of Zuni Street.**

10 **WHEREAS**, the City Council has determined, based on evidence and testimony presented at
11 the public hearing, that the map amendment set forth below conforms with applicable City laws, is in
12 accordance with the Comprehensive Plan, is justified either by changed or changing conditions or to
13 correct manifest error in the prior zoning and is necessary to promote the public health, safety and
14 general welfare;

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

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

- 19 1. That the land area hereinafter described is presently classified as PRV;
- 20 2. That the owner proposes that the land area hereinafter described be changed to R-MU-30
- 21 with reasonable waivers it has approved;
- 22 3. That in the application the owner has represented that if the zoning classification is changed
- 23 pursuant to the application, the owner will and hereby does:

24 (i) Waive the right to a maximum building height in the R-MU-30 zone district regardless
25 of use(s), adjacent use(s), and/or adjacent zone districts as required under Section 59-312(7) of the
26 Denver Revised Municipal Code for all structures and instead all structures shall have a maximum
27 height of 95 feet. Building heights shall be measured in accordance with Chapter 59 of the Denver
28 Revised Municipal Code. Flush mounted solar panels may exceed the height limitations by any
29 amount.

30 All other provisions of 59-312(7) of the Denver Revised Municipal Code shall remain in full force
31 and effect.

32 ~~(ii) Waive the location of off-street loading space as required under Section 59-598~~
33 ~~of the Denver Revised Municipal Code and instead off-street loading spaces may be located on~~
34 ~~the same zone lot, adjacent public right-of-way, or both, as approved in a site plan for the~~
35 ~~subject property pursuant to Section 59-313 of the Denver Revised Municipal Code.~~

1 **Section 2.** That the zoning classification of the land area in the City and County of Denver
2 described as follows or included within the following boundaries shall be and hereby is changed from
3 PRV to R-MU-30 with a reasonable waivers, which waivers are is set forth in Subsection 3 of Section
4 1 hereof:

A PARCEL OF LAND LOCATED IN THE SOUTHEAST ONE-QUARTER OF SECTION 29,
TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY AND
COUNTY OF DENVER, STATE OF COLORADO, BEING MORE PARTICULAR DESCRIBED AS
FOLLOWS:

COMMENCING AT THE CENTERLINE INTERSECTION OF BRYANT STREET AND WEST 27TH
AVENUE BEING THE POINT OF BEGINNING; THENCE ALONG THE CENTERLINE OF SAID
BRYANT STREET N00°03'56"W, A DISTANCE OF 444.85 FEET TO THE CENTERLINE
INTERSECTION OF BRYANT STREET AND WEST 28TH AVENUE; THENCE ALONG THE
CENTERLINE OF SAID WEST 28TH AVENUE N89°58'00"E, A DISTANCE OF 187.18 FEET TO
THE CENTERLINE INTERSECTION OF SAID WEST 28TH AVENUE AND SPEER BOULEVARD;
THENCE ALONG THE CENTERLINE OF SAID SPEER BOULEVARD S64°43'03"E, A DISTANCE
OF 606.85 FEET; THENCE DEPARTING THE CENTERLINE OF SAID SPEER BOULEVARD
S00°06'33"E, A DISTANCE OF 38.74 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY
LINE OF SAID SPEER BOULEVARD AND A POINT ON A LINE THAT IS 19.80 FEET EASTERLY
OF AND PARALLEL TO THE WESTERLY LINE OF LOT 21, BLOCK 5, EMERY'S SUBDIVISION
OF BLOCKS 5, 6, 7, 14, 15, AND 16, HIGHLANDS; THENCE ALONG SAID LINE S00°06'33"E, A
DISTANCE OF 113.08 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF
WEST 27TH AVENUE; THENCE S00°06'33"E, A DISTANCE OF 34.00 FEET TO A POINT ON
THE CENTERLINE OF SAID WEST 27TH AVENUE; THENCE ALONG THE CENTERLINE OF
WEST 27TH AVENUE N89°59'47"W, A DISTANCE OF 735.75 FEET TO THE CENTERLINE
INTERSECTION OF SAID BRYANT STREET AND SAID WEST 27TH AVENUE BEING THE
POINT OF BEGINNING.

SAID PARCEL CONTAINS 5.883 ACRES (256,257 SQ. FT.) MORE OR LESS.

BASIS OF BEARINGS: THE NORTHERLY RIGHT-OF-WAY LINE OF WEST 27TH AVENUE,
ASSUMED TO BEAR S89°59'47"E.

5
6 in addition thereto those portions of all abutting public rights-of-way, but only to the centerline
7 thereof, which are immediately adjacent to the aforesaid specifically described area.

8 **Section 3.** That the foregoing change in zoning classification is based upon the representation
9 by the owner that it will waive those certain rights available to it, and, in lieu thereof, agrees to certain
10 limitations which limitations are set forth in Subsection 3 of Section 1 hereof, and no permit shall be
11 issued except in strict compliance with the aforesaid waivers. Said waivers shall be binding upon all
12 successors and assigns of said owner, who along with said owner shall be deemed to have waived all
13 objections as to the constitutionality of the aforesaid waivers.

14 **Section 4.** That this ordinance shall be recorded by the Department of Zoning Administration
15 among the records of the Clerk and Recorder of the City and County of Denver.

1 COMMITTEE APPROVAL DATE: MAYOR-COUNCIL DATE:
2 PASSED BY THE COUNCIL February 2 2009
3 Jeanette Robb - PRESIDENT
4 APPROVED: William H. Cook - ACTING MAYOR February 3, 2009
5 ATTEST: Mary Kay Haege - CLERK AND RECORDER,
6 EX-OFFICIO CLERK OF THE
7 CITY AND COUNTY OF DENVER
8 NOTICE PUBLISHED IN THE DAILY JOURNAL Jan. 9, 2009; Feb. 6, 2009
9 PREPARED BY: KAREN AVILES, ASSISTANT CITY ATTORNEY, Jan. 30, 2009 December 31, 2008

10 Pursuant to section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the office of
11 the City Attorney. We find no irregularity as to form, and have no legal objection to the proposed
12 ordinance. The proposed ordinance is not submitted to the City Council for approval pursuant to
13 § 3.2.6 of the Charter.
14

15 David R. Fine, City Attorney

16
17 BY: DRF, Assistant City Attorney DATE: December 31, 2008

