

BY AUTHORITY

ORDINANCE NO. *230*
SERIES OF 2009

COUNCIL BILL NO. *168*

COMMITTEE OF REFERENCE:
Blueprint Denver

A BILL

For an ordinance changing the zoning classification for 1837-25 W. 37th Avenue, 1830-48 W. 38th Avenue, 3704-44 Shoshone Street, 3705-29 Quivas Street, and 3746-56 Quivas Street to a Planned Unit Development District (PUD).

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 in accordance with the Comprehensive Plan, is justified either by changed or changing conditions or to correct manifest error in the prior zoning and is necessary to promote the public health, safety and general welfare;

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

Section 1. That the zoning classification for the land areas in the City and County of Denver described as follows or included within the following boundaries shall be and hereby is changed from PUD #473, R-2 to PUD:

Parcel "A":
Block 35, Eicholtz's Resubdivision of Blocks 33, 34, 35 and 36, H. Witter's North Denver Addition, City and County of Denver, State of Colorado.

Together containing 135,832 sq. ft. or 3.12 acres.

and

Parcel "B":
Lots 20 thru 23, and the north half of Lot 24, Block 36, Eicholtz's resubdivision of Blocks 33, 34, 35 and 36, H. Witter's North Denver addition, City and County of Denver, State of Colorado, containing 13,925 sq. ft or .3197 acres.

and

Parcel "C":
Lots 16 thru 19, the North half of Lots 39 and 40; and all of the vacated alley lying between said Lots 16 thru 19 on the North and said Lots 39 and 40 on the South, Block 36, Eicholtz's resubdivision of Blocks 33, 34, 35 and 36, H. Witter's North Denver addition, City and County of Denver, State of Colorado, containing 18,321.1 sq. ft. or .4206 acres.

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2 in addition thereto those portions of all abutting public rights-of-way, but only to the centerline
3 thereof, which are immediately adjacent to the aforesaid specifically described area.
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6 **Section 2.** The complete application with such supporting material as designated by the
7 Zoning Committee of the City Council filed in the Office of the City Clerk of the City and County of
8 Denver, on March 18, 2009, in the City Clerk Filing No. 09-233 be and hereby is adopted and
9 approved as the District Plan for the development of the land area hereinabove described.

10 **Section 3.** Said District Plan together with a Site Plan, as provided in Chapter 59 of the
11 Denver Revised Municipal Code, shall regulate the use and development of the land area
12 hereinabove described.

13 **Section 4.** None of the land area hereinabove described shall be used or occupied and
14 no structure or structures shall be designed, erected, altered, used or occupied thereon except in
15 conformity with all provisions of said District Plan and Site Plan, and except upon performance of all
16 conditions therein set forth.

17 **Section 5.** This Ordinance shall be recorded by the Department of Zoning Administration
18 among the records of the Clerk and Recorder of the City and County of Denver.

19 COMMITTEE APPROVAL DATE: March 11, 2009

20 MAYOR-COUNCIL DATE: March 17, 2009

21 PASSED BY THE COUNCIL April 20 2009

22 Jeanne Robb - PRESIDENT
23 John S. Lally - ACTING MAYOR April 21, 2009

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

27 NOTICE PUBLISHED IN THE DAILY JOURNAL Mar. 21, 2009; Apr. 24, 2009

28 PREPARED BY: ^{KAA} KAREN A. AVILES, ASSISTANT CITY ATTORNEY, March 19, 2009

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 David R. Fine, City Attorney

34 BY: [Signature], Assistant City Attorney DATE: March 19, 2009

