

1 BY AUTHORITY

2 ORDINANCE NO.  
3 SERIES OF 2013

COUNCIL BILL NO. CB13-0572

COMMITTEE OF REFERENCE:

4 Land Use, Transportation & Infrastructure

5  
6 **A BILL**

7 **For an ordinance changing the zoning classification of 2150 South Downing**  
8 **Street, 2190 South Downing Street, 2190 South Marion Street and a portion of**  
9 **1316 East Evans Avenue.**

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11  
12 **WHEREAS**, the City Council has determined, based on evidence and testimony presented  
13 at the public hearing, that changing the zoning classification for PUD-349, found at City Clerk's  
14 Filing No. 93-1158, as set forth below conforms with applicable City laws, is in accordance with  
15 the Comprehensive Plan, is necessary to promote the public health, safety and general welfare of  
16 the City, is justified by one of the circumstances set forth in Section 12.4.10.14 and 12.4.10.14A  
17 of the Denver Zoning Code, is consistent with the neighborhood context and the stated purpose  
18 and intent of the proposed zone district; and meets the criteria set forth in 12.4.10.15 of the  
19 Denver Zoning Code;

20 **NOW, THEREFORE, BE IT ENACTED BY THE COUNCIL OF THE CITY AND COUNTY**  
21 **OF DENVER:**  
22

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

- 25 1. That the land area hereinafter described is presently classified as PUD-349.  
26 2. That the Owner proposes that the land area hereinafter described be changed to  
27 PUD-G.

28 **Section 2.** That the zoning classification of the land area in the City and County of Denver  
29 described as follows or included within the following boundaries shall be and hereby is changed  
30 from PUD-349 to PUD-G:  
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LEGAL DESCRIPTION

A PARCEL OF LAND SITUATED IN THE NW ¼ OF SECTION 26, T.4S., R.68W., OF THE 6<sup>TH</sup> P.M. BEING A PART OF BLOCKS 17 AND 18, EVANSTON, CITY AND COUNTY OF DENVER, STATE OF COLORADO, AND PART OF THE ALLEYS IN SAID BLOCK 17 AS VACATED BY ORDINANCE NO. 63 RECORDED MARCH 14, 1969 IN BOOK 9854 AT PAGE 246 AND BY ORDINANCE NO. 855 RECORDED NOVEMBER 15, 1993 AT RECEPTION NO.9300157429, AND PART OF SOUTH MARION STREET AS VACATED BY ORDINANCE NO. 855 RECORDED NOVEMBER 15, 1993 AT RECEPTION NO. 9300157429, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID BLOCK 18, SAID POINT LYING ON THE INTERSECTION OF THE SOUTHERLY R.O.W. LINE OF EAST EVANS AVENUE AND THE EASTERLY R.O.W. LINE OF VACATED SOUTH MARION STREET; THENCE S00° 00'35" E ALONG SAID EASTERLY R.O.W. LINE AND THE WESTERLY LINE OF SAID BLOCK 18 A DISTANCE OF 132.55 FEET; THENCE S89°56'11"E A DISTANCE OF 125.05 FEET TO A POINT LYING ON THE WESTERLY LINE OF A 15 FOOT ALLEY IN SAID BLOCK 18; THENCE S00°02'06"E ALONG SAID WESTERLY LINE OF DISTANCE OF 442.49 FEET TO THE SOUTHEAST CORNER OF LOT 23, IN SAID BLOCK 18, SAID POINT LYING ON THE NORTHERLY R.O.W. LINE OF EAST WARREN AVENUE; THENCE N89°52'16"W ALONG SAID NORTHERLY R.O.W. LINE A DISTANCE OF 455.60 FEET TO A POINT LYING ON THE INTERSECTION OF SAID NORTHERLY R.O.W. LINE AND THE EASTERLY R.O.W. LINE OF SOUTH DOWNING STREET; THENCE N00°00'28"E ALONG SAID EASTERLY R.O.W. LINE A DISTANCE OF 424.82 FEET TO THE NORTHWEST CORNER OF LOT 7, SAID BLOCK 17; THENCE S89°52'40"E ALONG THE NORTH LINE OF SAID LOT 7 A DISTANCE OF 132.56 FEET TO A POINT ON THE CENTER LINE OF THE 15 FOOT VACATED ALLEY LYING IN SAID BLOCK 17; THENCE N00°00'36"E ALONG SAID ALLEY CENTERLINE A DISTANCE OF 149.88 FEET TO A POINT LYING ON THE SAID SOUTHERLY R.O.W. LINE OF EAST EVANS AVENUE; THENCE S89°55'22"E ALONG SAID SOUTHERLY R.O.W. LINE A DISTANCE OF 197.61 FEET TO THE POINT OF BEGINNING.

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

**Section 3.** The complete application with such supporting material as designated by the Land Use, Transportation and Infrastructure Committee of the City Council filed in the words and figures contained and set forth in the Application for Zone Map Amendment, available in the office and on the web page of City Council, and filed in the office of the City Clerk on the 3<sup>rd</sup> day of September, 2013, under City Clerk's Filing No. 93-1158-A, is hereby approved.

**Section 4.** Said District Plan together with a Site Plan, as provided in Section 12.4.3 of the Denver Zoning Code, shall regulate the use and development of the land area hereinabove described.

**Section 5.** None of the land area hereinabove described shall be used or occupied and no structure or structures shall be designed, erected, altered, used or occupied thereon except in

conformity with all provisions of said District Plan and a Site Plan, as provided in Section 12.4.3 of the Denver Zoning Code, and except upon performance of all conditions therein set forth.

**Section 6.** 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-349.

2. That the Owner proposes that the land area hereinafter described be changed to U-MS-3.

**Section 7.** 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-349 to U-MS-3:

LEGAL DESCRIPTION

PART OF BLOCK 18 EVANSTON SUBDIVISION, SITUATED IN THE NW1/4 OF SECTION 26, T4S., R.68W., OF THE 6<sup>TH</sup> P.M.  
CITY AND COUNTY OF DENVER STATE OF COLORADO AND BEING PARTICULARLY DESCRIBED AS FOLLOWS:

ALL OF LOT 5 AND THE NORTH 7.57' OF LOT 6.  
SAID PARCEL CONTAINS 4069 SQ. FT. MORE OR LESS.

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

**Section 8.** This Ordinance shall be recorded by the Department of Community Planning and Development among the records of the Clerk and Recorder of the City and County of Denver.

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1 COMMITTEE APPROVAL DATE: August 27, 2013  
2 MAYOR-COUNCIL DATE: September 3, 2013  
3 PASSED BY THE COUNCIL: \_\_\_\_\_, 2013  
4 \_\_\_\_\_ - PRESIDENT  
5 APPROVED: \_\_\_\_\_ - MAYOR \_\_\_\_\_, 2013  
6 ATTEST: \_\_\_\_\_ - CLERK AND RECORDER,  
7 EX-OFFICIO CLERK OF THE  
8 CITY AND COUNTY OF DENVER  
9 NOTICE PUBLISHED IN THE DAILY JOURNAL: \_\_\_\_\_, 2013; \_\_\_\_\_, 2013  
10 PREPARED BY: Brent A. Eisen, Assistant City Attorney DATE: September 5, 2013  
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 Douglas J. Friednash, Denver City Attorney  
16 BY: \_\_\_\_\_, Assistant City Attorney DATE: \_\_\_\_\_, 2013  
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