

BY AUTHORITY

ORDINANCE NO. _____
SERIES OF 2019

COUNCIL BILL NO. CB19-1009
COMMITTEE OF REFERENCE:
Land Use, Transportation & Infrastructure

A BILL

For an ordinance changing the zoning classification for 2175 South Cherry Street, 2176 South Clermont Street, 4501 East Warren Avenue and a portion of 2135 South Cherry Street in University Hills.

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 consistent with the City’s adopted plans, furthers the public health, safety and general welfare of the City, will result in regulations and restrictions that are uniform within the C-MX-5 district, is justified by one of the circumstances set forth in Section 12.4.10.8 of the Denver Zoning Code, and is consistent with the neighborhood context and the stated purpose and intent of the proposed zone district;

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

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

- a. The land area hereinafter described is presently classified as PUD and G-MU-3.
- b. It is proposed that the land area hereinafter described be changed to C-MX-5.

Section 2. That the zoning classification of the land area in the City and County of Denver described as follows shall be and hereby is changed from PUD and G-MU-3 to C-MX-5:

Parcel 1 – 4501 E Warren Ave

A PARCEL OF LAND LOCATED IN THE NORTHWEST QUARTER OF SECTION 30, TOWNSHIP 4 SOUTH, RANGE 67 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

CONSIDERING THE EAST-WEST CENTER LINE OF SAID SECTION 30 TO BEAR SOUTH 89°32'22" WEST, A DISTANCE OF 2550.37 FEET BETWEEN A FOUND 2 1/2" ALUMINUM CAP STAMPED "P.W.S.I. T4S R67W C1/4 S30 2002 LS 28669" IN A RANGE BOX AT THE CENTER QUARTER CORNER OF SAID SECTION 30 AND A FOUND 3 1/4" ALUMINUM CAP STAMPED "COLORADO DEPARTMENT OF HIGHWAYS T4S 1/4 R68W R67W S25 S30 1991 PLS 11434" IN A RANGE BOX AT THE WEST QUARTER CORNER OF SAID SECTION 30, WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO.

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2 COMMENCING AT SAID WEST QUARTER CORNER OF SECTION 30; THENCE NORTH
3 65°42'14" EAST, A DISTANCE OF 1709.36 FEET TO THE SOUTHWESTERLY CORNER
4 OF LOT 24, BLOCK 6, WARREN'S UNIVERSITY HEIGHTS, AND THE POINT OF
5 BEGINNING; THENCE ALONG THE WESTERLY LINE OF LOTS 24 THROUGH 21, SAID
6 BLOCK 6, NORTH 00°08'15" WEST, A DISTANCE OF 100.92 FEET TO THE
7 NORTHWESTERLY CORNER OF SAID LOT 21; THENCE ALONG THE NORTHERLY
8 LINE OF SAID LOT 21, NORTH 89°31'00" EAST, A DISTANCE OF 124.50 FEET TO THE
9 NORTHEASTERLY CORNER OF SAID LOT 21; THENCE ALONG THE EASTERLY LINE
10 OF SAID LOTS 21 THROUGH 24, SOUTH 00°19'45" EAST, A DISTANCE OF 100.91
11 FEET TO THE SOUTHEASTERLY CORNER OF SAID LOT 24; THENCE ALONG THE
12 SOUTH LINE OF SAID LOT 24, SOUTH 89°30'55" WEST, A DISTANCE OF 124.83 FEET
13 TO THE POINT OF BEGINNING.

14
15 SAID PARCEL CONTAINING 12,580 SQ. FT. OR 0.29 ACRES, MORE OR LESS.

16
17 in addition, thereto those portions of all abutting public rights-of-way, but only to the centerline
18 thereof, which are immediately adjacent to the aforesaid specifically described area.

19
20 Parcel 2 – 2176 S Clermont Street

21
22 A PARCEL OF LAND LOCATED IN THE NORTHWEST QUARTER OF SECTION 30,
23 TOWNSHIP 4 SOUTH, RANGE 67 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY AND
24 COUNTY OF DENVER, STATE OF COLORADO, BEING MORE PARTICULARLY
25 DESCRIBED AS FOLLOWS:

26
27 CONSIDERING THE EAST-WEST CENTER LINE OF SAID SECTION 30 TO BEAR
28 SOUTH 89°32'22" WEST, A DISTANCE OF 2550.37 FEET BETWEEN A FOUND 2 1/2"
29 ALUMINUM CAP STAMPED "P.W.S.I. T4S R67W C1/4 S30 2002 LS 28669" IN A RANGE
30 BOX AT THE CENTER QUARTER CORNER OF SAID SECTION 30 AND A FOUND 3 1/4"
31 ALUMINUM CAP STAMPED "COLORADO DEPARTMENT OF HIGHWAYS T4S 1/4 R68W
32 R67W S25 S30 1991 PLS 11434" IN A RANGE BOX AT THE WEST QUARTER CORNER
33 OF SAID SECTION 30, WITH ALL BEARINGS CONTAINED HEREIN RELATIVE
34 THERETO.

35
36 COMMENCING AT SAID WEST QUARTER CORNER OF SECTION 30; THENCE NORTH
37 62°41'35" EAST, A DISTANCE OF 1753.09 FEET TO THE SOUTHWESTERLY CORNER
38 OF LOT 20, BLOCK 6, WARREN'S UNIVERSITY HEIGHTS, AND THE POINT OF
39 BEGINNING; THENCE ALONG THE WESTERLY LINE OF LOTS 20 AND 19, SAID
40 BLOCK 6, NORTH 00°08'15" WEST, A DISTANCE OF 50.05 FEET TO THE
41 NORTHWESTERLY CORNER OF SAID LOT 19; THENCE ALONG THE NORTHERLY
42 LINE OF SAID LOT 19, NORTH 89°31'03" EAST, A DISTANCE OF 124.33 FEET TO THE
43 NORTHEASTERLY CORNER OF SAID LOT 19; THENCE ALONG THE EASTERLY LINE
44 OF SAID LOTS 19 AND 20, SOUTH 00°19'45" EAST, A DISTANCE OF 50.05 FEET TO
45 THE SOUTHEASTERLY CORNER OF SAID LOT 20; THENCE ALONG THE SOUTHERLY
46 LINE OF SAID LOT 20, SOUTH 89°31'00" WEST, A DISTANCE OF 124.50 FEET TO THE
47 POINT OF BEGINNING.

1 SAID PARCEL CONTAINING 6,226 SQ. FT. OR 0.14 ACRES, MORE OR LESS.

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

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6 Parcel 3 – 2175 S Cherry Street

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8 A PARCEL OF LAND LOCATED IN THE NORTHWEST QUARTER OF SECTION 30,
9 TOWNSHIP 4 SOUTH, RANGE 67 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY AND
10 COUNTY OF DENVER, STATE OF COLORADO, BEING MORE PARTICULARLY
11 DESCRIBED AS FOLLOWS:

12
13 CONSIDERING THE EAST-WEST CENTER LINE OF SAID SECTION 30 TO BEAR
14 SOUTH 89°32'22" WEST, A DISTANCE OF 2550.37 FEET BETWEEN A FOUND 2 1/2"
15 ALUMINUM CAP STAMPED "P.W.S.I. T4S R67W C1/4 S30 2002 LS 28669" IN A RANGE
16 BOX AT THE CENTER QUARTER CORNER OF SAID SECTION 30 AND A FOUND 3 1/4"
17 ALUMINUM CAP STAMPED "COLORADO DEPARTMENT OF HIGHWAYS T4S 1/4 R68W
18 R67W S25 S30 1991 PLS 11434" IN A RANGE BOX AT THE WEST QUARTER CORNER
19 OF SAID SECTION 30, WITH ALL BEARINGS CONTAINED HEREIN RELATIVE
20 THERETO.

21
22 COMMENCING AT SAID CENTER QUARTER CORNER OF SECTION 30; THENCE
23 NORTH 47°21'49" WEST, A DISTANCE OF 1011.20 FEET TO THE SOUTHEASTERLY
24 CORNER OF LOT 25, BLOCK 6, WARREN'S UNIVERSITY HEIGHTS, AND THE POINT
25 OF BEGINNING; THENCE ALONG THE SOUTHERLY LINE OF SAID LOT 25, SOUTH
26 89°30'55" WEST, A DISTANCE OF 123.59 FEET TO THE SOUTHWESTERLY CORNER
27 OF SAID LOT 25; THENCE ALONG THE WESTERLY LINE OF LOTS 25 THROUGH 33,
28 SAID BLOCK 6, NORTH 00°19'45" WEST A DISTANCE OF 213.02 FEET TO A POINT ON
29 THE WESTERLY LINE OF SAID LOT 33; THENCE NORTH 89°31'06" EAST, A DISTANCE
30 OF 123.38 FEET TO A POINT ON THE EASTERLY LINE OF SAID LOT 33; THENCE
31 ALONG THE EASTERLY LINE OF SAID LOTS 33 THROUGH 25, SOUTH 00°23'08"
32 EAST, A DISTANCE OF 213.02 FEET TO THE POINT OF BEGINNING.

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34 SAID PARCEL CONTAINING 26,305 SQ. FT. OR 0.60 ACRES, MORE OR LESS.

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

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39 Parcel 4 - 2135 S Cherry Street – PUD ZONING

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41 A PARCEL OF LAND LOCATED IN THE NORTHWEST QUARTER OF SECTION 30,
42 TOWNSHIP 4 SOUTH, RANGE 67 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY AND
43 COUNTY OF DENVER, STATE OF COLORADO, BEING MORE PARTICULARLY
44 DESCRIBED AS FOLLOWS:

45
46 CONSIDERING THE EAST-WEST CENTER LINE OF SAID SECTION 30 TO BEAR
47 SOUTH 89°32'22" WEST, A DISTANCE OF 2550.37 FEET BETWEEN A FOUND 2 1/2"

1 ALUMINUM CAP STAMPED "P.W.S.I. T4S R67W C1/4 S30 2002 LS 28669" IN A RANGE
2 BOX AT THE CENTER QUARTER CORNER OF SAID SECTION 30 AND A FOUND 3 1/4"
3 ALUMINUM CAP STAMPED "COLORADO DEPARTMENT OF HIGHWAYS T4S 1/4 R68W
4 R67W S25 S30 1991 PLS 11434" IN A RANGE BOX AT THE WEST QUARTER CORNER
5 OF SAID SECTION 30, WITH ALL BEARINGS CONTAINED HEREIN RELATIVE
6 THERETO.
7

8 COMMENCING AT SAID CENTER QUARTER CORNER OF SECTION 30; THENCE
9 NORTH 39°41'40" WEST, A DISTANCE OF 1166.97 FEET TO A POINT ON THE
10 EASTERLY LINE OF LOT 33, BLOCK 6, WARREN'S UNIVERSITY HEIGHTS, AND THE
11 POINT OF BEGINNING; THENCE SOUTH 89°31'06" WEST A DISTANCE OF 123.38
12 FEET TO A POINT ON THE WESTERLY LINE OF SAID LOT 33; THENCE ALONG THE
13 WESTERLY LINE OF LOTS 33 THROUGH 36 INCLUSIVE, SAID BLOCK 6, NORTH
14 00°19'45" WEST, A DISTANCE OF 88.07 FEET TO THE NORTHWESTERLY CORNER
15 OF SAID LOT 36; THENCE ALONG THE NORTHERLY LINE OF SAID LOT 36, NORTH
16 89°31'12" EAST, A DISTANCE OF 123.29 FEET TO THE NORTHEASTERLY CORNER
17 OF SAID LOT 36; THENCE ALONG THE EASTERLY LINE OF SAID LOTS 36 THROUGH
18 33 INCLUSIVE, SOUTH 00°23'08" EAST, A DISTANCE OF 88.07 FEET TO THE POINT
19 OF BEGINNING.
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21 SAID PARCEL CONTAINING 10,862 SQ. FT. OR 0.25 ACRES, MORE OR LESS.
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23 in addition, thereto those portions of all abutting public rights-of-way, but only to the centerline
24 thereof, which are immediately adjacent to the aforesaid specifically described area.

25 **Section 3.** That this ordinance shall be recorded by the Manager of Community Planning and
26 Development in the real property records of the Denver County Clerk and Recorder.

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1 COMMITTEE APPROVAL DATE: October 8, 2019

2 MAYOR-COUNCIL DATE: October 15, 2019

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: October 17, 2019

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: _____