

BY AUTHORITY

ORDINANCE NO. _____
SERIES OF 2025

COUNCIL BILL NO. CB25-0802
COMMITTEE OF REFERENCE:
Land Use, Transportation & Infrastructure

A BILL

For an ordinance changing the zoning classification for 2501 East 48th Avenue in Elyria Swansea.

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, is in the public interest, 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 R-1 with waivers.
- b. It is proposed that the land area hereinafter described be changed to CMP-EI2, with a waiver.
- c. The applicant has provided a written representation approving a certain waiver to the requested change in zoning classification related to the development, operation, and maintenance of the land area as follows:

Waive the right to use or erect any primary structure with a maximum permitted building height of 150 feet and 75 feet when within 175 feet of a protected district pursuant to Denver Zoning Code Section 9.2.4.3.C.2 (General building form) and instead comply with the following:

No primary structure erected on the subject property according to the General primary building form standards shall exceed 75 feet in building height. Height exceptions shall be allowed in accordance with Denver Zoning Code Section 9.2.7.1 - Height Exceptions, as applicable to the CMP-EI2 zone district.

Section 2. 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 to CMP-EI2, with a waiver

(Legal Description for 2501 E. 48th Avenue, Denver, CO 80216)

A parcel of land being a portion of the Southwest Quarter (SW $\frac{1}{4}$) of the Southwest Quarter (SW $\frac{1}{4}$) of Section 13, Township 3 South, Range 68 West of the Sixth Principal Meridian, City and County of Denver, State of Colorado, described as follows:

Beginning at the intersection of the southeasterly right-of-way line of the Union Pacific Railway Company with the south line of said SW $\frac{1}{4}$, from which the southwest corner of said SW $\frac{1}{4}$ lies westerly at a distance of 406.12 feet; thence easterly along said south line, 227.48 feet to a point of intersection with the west right-of-way line of Columbine Street, said west right-of-way line being 30.00 feet west of, when measured perpendicularly to, the east line of the West Half (W $\frac{1}{2}$) of the SW $\frac{1}{4}$ of said SW $\frac{1}{4}$; thence northerly on a deflection angle left of 89°58'53" and parallel with said east line, 30.00 feet to a point being 30 feet north of the south line of said SW $\frac{1}{4}$, said Point also being the southwest corner of that portion of Columbine Street vacated by City and County of Denver Ordinance No. 945, Series of 2003; thence easterly along the southerly line of said vacated Columbine Street and along the north right-of-way line of East 48th Avenue, on a deflection angle right of 89°58'53", and parallel with the south line of said SW $\frac{1}{4}$, 250.00 feet; thence northerly on a deflection angle left of 89°58'53" and parallel with the east line of said W $\frac{1}{2}$, 205.20 feet to a point on the south line of that parcel of land recorded at Book 331 at Page 314; thence westerly on a deflection angle left of 90°01'07", parallel with the south line of said SW $\frac{1}{4}$ and along the south line of said parcel of land, 220.00 feet to a point on the east line of said W $\frac{1}{2}$; thence northerly along said east line on a deflection angle right of 90°01'07", 144.98 feet to a point perpendicular to the west right-of-way line of said vacated Columbine Street at said west right-of-way line's intersection with the southeasterly right-of-way line of the Union Pacific Railway Company; thence westerly on a deflection angle left of 90°00'00", 30.00 feet to said intersection; thence southwesterly along said southeasterly right-of-way line on a deflection angle left of 59°06'41", 443.11 feet to the Point of Beginning.

Containing 98,892 square feet or 2.270 acres, 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 3. The foregoing change in zoning classification is based upon the applicant's representation approving a certain waiver, which certain waiver is set forth in Section 1(c) hereof; and no permit shall be issued except in strict compliance with the aforesaid certain waiver. Said certain waiver shall be binding upon all successors and assigns of the owner, who along with the owner shall be deemed to have waived all objections as to the constitutionality of the aforesaid certain waiver.

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

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1 COMMITTEE APPROVAL DATE: June 24, 2025
2 MAYOR-COUNCIL DATE: N/A
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: June 26, 2025
11 Pursuant to Section 13-9, 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
16 Katie J. McLoughlin, Interim City Attorney
17
18 BY: _____, Assistant City Attorney DATE: _____