

BY AUTHORITY

ORDINANCE NO. _____
SERIES OF 2022

COUNCIL BILL NO. CB22-0469
COMMITTEE OF REFERENCE:
Land Use, Transportation & Infrastructure

A BILL

For an ordinance changing the zoning classification for 1895 North Quebec Street and 1800 North Oneida Street in South Park Hill.

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 CMP-EI, with waivers 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 CMP-EI, UO-3.
- b. It is proposed that the land area hereinafter described be changed to CMP-EI, with waivers.
- c. The applicant has provided a written representation approving of certain waivers to the requested change in zoning classification related to the development, operation, and maintenance of the land area as follows:

Waive the "NP" (Not Permitted Use) zoning review procedure for the *Food Preparation and Sales, Commercial* use in the Industrial Services Use Category in District Specific Standards in the Denver Zoning Code Section 9.2.8.5, and instead shall be "L-ZP" (Permitted Use with Limitations subject to Zoning Permit Review). The intent of the waiver is to allow the *Food Preparation and Sales, Commercial* primary zoning use, subject to applicable use limitations and zoning permit review.

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-EI, with waivers:

Parcel A

1 A PARCEL OF LAND BEING A PORTION OF BLOCK A, MONTROSE,
2 LOCATED IN THE SOUTHEAST QUARTER OF SECTION 32, TOWNSHIP 3
3 SOUTH, RANGE 67 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY AND
4 COUNTY OF DENVER, COLORADO, BEING MORE PARTICULARLY
5 DESCRIBED AS FOLLOWS:
6

7 COMMENCING AT THE EAST QUARTER CORNER OF SAID SECTION 32,
8 THENCE ALONG THE EASTERLY LINE OF SAID SOUTHEAST QUARTER OF
9 SECTION 32, S00°07'45"W A DISTANCE OF 60.10 FEET; THENCE
10 N89°52'15"W A DISTANCE OF 40.70 FEET TO THE NORTHEAST CORNER
11 OF SAID BLOCK A, MONTROSE SAID POINT OF BEING THE POINT OF
12 BEGINNING:
13

14 THENCE ALONG THE EASTERLY LINE OF SAID BLOCK A ALSO BEING THE
15 WESTERLY RIGHT-OF-WAY LINE OF QUEBEC STREET, S00°02'12"W A
16 DISTANCE OF 1217.75 FEET TO THE SOUTHEAST CORNER OF SAID
17 BLOCK A;
18

19 THENCE ALONG THE SOUTHERLY LINE OF SAID BLOCK A ALSO BEING
20 THE NORTHERLY RIGHT-OF-WAY LINE OF EAST 17TH AVENUE,
21 S89°59'35"W A DISTANCE OF 261.79 FEET;
22

23 THENCE N00°02'12"E A DISTANCE OF 156.11 FEET;
24

25 THENCE S89°57'48"E A DISTANCE OF 3.70 FEET;
26

27 THENCE N00°02'12"E A DISTANCE OF 163.72 FEET;
28

29 THENCE N89°57'48"W A DISTANCE OF 5.90 FEET;
30

31 THENCE N00°02'12"E A DISTANCE OF 105.21 FEET;
32

33 THENCE S89°33'27"W A DISTANCE OF 336.09 FEET TO A POINT ON THE
34 WESTERLY LINE OF SAID BLOCK A ALSO BEING THE EASTERLY RIGHT-
35 OF-WAY LINE OF PONTIAC STREET;
36

37 THENCE ALONG SAID WESTERLY LINE OF BLOCK A, N00°01'30"E A
38 DISTANCE OF 794.96 FEET TO THE NORTHWEST CORNER OF BLOCK A;
39

40 THENCE ALONG THE NORTHERLY LINE OF SAID BLOCK A ALSO BEING
41 THE SOUTHERLY RIGHT-OF-WAY LINE OF MONTVIEW BOULEVARD,
42 N89°57'53"E A DISTANCE OF 600.22 FEET TO THE POINT OF BEGINNING.
43

44 SAID PARCEL CONTAINS 586,970 SQUARE FEET (13.475 ACRES) MORE
45 OR LESS.
46

47 ALL LINEAL DIMENSION ARE IN U.S. SURVEY FEET
48

49 BASIS OF BEARINGS

BEARINGS ARE BASED ON THE EASTERLY LINE OF THE SOUTHEAST
QUARTER OF SECTION 32, TOWNSHIP 3 SOUTH, RANGE 67 WEST OF THE
SIXTH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF
COLORADO ASSUMED TO BEAR N00°07'45"E AND BEING MONUMENTED
BY A FOUND 3-1/4" ALUMINUM CAP IN A RANGE BOX AT THE EAST
QUARTER CORNER IN THE INTERSECTION OF QUEBEC STREET AND
MONTVIEW BOULEVARD AND A 3-1/4" ALUMINUM CAP IN A RANGE BOX
AT THE SOUTHEAST CORNER IN THE INTERSECTION OF QUEBEC
STREET AND COLFAX AVENUE

Parcel B

A PARCEL OF LAND BEING A PORTION OF BLOCK A, MONTROSE, LOCATED IN THE
SOUTHEAST QUARTER OF SECTION 32, TOWNSHIP 3 SOUTH, RANGE 67 WEST OF
THE SIXTH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, COLORADO,
BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE EAST QUARTER CORNER OF SAID SECTION 32, THENCE
ALONG THE EASTERLY LINE OF SAID SOUTHEAST QUARTER OF SECTION 32,
S00°07'45"W A DISTANCE OF 1277.85 FEET; THENCE N89°52'15"W A DISTANCE OF
38.73 FEET TO THE SOUTHEAST CORNER OF SAID BLOCK A, MONTROSE; THENCE
ALONG THE SOUTHERLY LINE OF SAID BLOCK A ALSO BEING THE NORTHERLY
RIGHT-OF-WAY LINE OF EAST 17th AVENUE, S89°59'35"W A DISTANCE OF 261.79
FEET TO THE POINT OF BEGINNING:

THENCE CONTINUING ALONG SAID SOUTHERLY LINE OF SAID BLOCK A ALSO
BEING THE NORTHERLY RIGHT-OF-WAY LINE OF EAST 17th AVENUE, S89°59'35"W
A DISTANCE OF 338.19 FEET TO THE SOUTHWEST CORNER OF BLOCK A;

THENCE ALONG THE WESTERLY LINE OF SAID BLOCK A ALSO BEING THE
EASTERLY RIGHT-OF-WAY LINE OF PONTIAC STREET, N00°01'30"E A DISTANCE OF
422.49 FEET;

THENCE N89°33'27"E A DISTANCE OF 336.09 FEET;

THENCE S00°02'12"W A DISTANCE OF 105.21 FEET;

THENCE S89°57'48"E A DISTANCE OF 5.90 FEET;

THENCE S00°02'12"W A DISTANCE OF 163.72 FEET;

THENCE N89°57'48"W A DISTANCE OF 3.70 FEET;

THENCE S00°02'12"W A DISTANCE OF 156.11 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 143,708 SQUARE FEET (3.299 ACRES) MORE OR LESS.

ALL LINEAL DIMENSION ARE IN U.S. SURVEY FEET

BASIS OF BEARINGS

BEARINGS ARE BASED ON THE EASTERLY LINE OF THE SOUTHEAST QUARTER OF SECTION 32, TOWNSHIP 3 SOUTH, RANGE 67 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO ASSUMED TO BEAR N00°07'45"E AND BEING MONUMENTED BY A FOUND 3-1/4" ALUMINUM CAP IN A RANGE BOX AT THE EAST QUARTER CORNER IN THE INTERSECTION OF QUEBEC STREET AND MONTVIEW BOULEVARD AND A 3-1/4" ALUMINUM CAP IN A RANGE BOX AT THE SOUTHEAST CORNER IN THE INTERSECTION OF QUEBEC STREET AND COLFAX AVENUE

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 representations 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.

COMMITTEE APPROVAL DATE: May 3, 2022

MAYOR-COUNCIL DATE: May 10, 2022

PASSED BY THE COUNCIL: _____

_____ - PRESIDENT

APPROVED: _____ - MAYOR _____

ATTEST: _____ - CLERK AND RECORDER,
EX-OFFICIO CLERK OF THE
CITY AND COUNTY OF DENVER

NOTICE PUBLISHED IN THE DAILY JOURNAL: _____ ; _____

PREPARED BY: Nathan J. Lucero, Assistant City Attorney DATE: May 19, 2022

Pursuant to Section 13-9, D.R.M.C., this proposed ordinance has been reviewed by the office of the City Attorney. We find no irregularity as to form and have no legal objection to the proposed ordinance. The proposed ordinance is not submitted to the City Council for approval pursuant to § 3.2.6 of the Charter.

Kristin M. Bronson, Denver City Attorney

BY: _____, Assistant City Attorney DATE: _____