

1 BY AUTHORITY

2 ORDINANCE NO.
3 SERIES OF 2013

COUNCIL BILL NO. CB13-0228
COMMITTEE OF REFERENCE:

4 Land Use, Transportation & Infrastructure

5
6 **A BILL**

7 **For an ordinance changing the zoning classification of 11100 and 11150 East**
8 **Dartmouth Avenue and 3101 South Parker Road.**

9
10 **WHEREAS**, the City Council has determined, based on evidence and testimony presented
11 at the public hearing, that the map amendment set forth below conforms with applicable City laws,
12 is in accordance with the Comprehensive Plan, is necessary to promote the public health, safety
13 and general welfare of the City, is justified by one of the circumstances set forth in Section
14 12.4.10.14A of the Denver Zoning Code, is consistent with the neighborhood context and the stated
15 purpose and intent of the proposed zone district; and meets the criteria set forth in 12.4.10.15 of the
16 Denver Zoning Code;

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

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

- 22 1. That the land area hereinafter described is presently classified as PUD 309.
23 2. That the Owner proposes that the land area hereinafter described be changed to
24 (Planned Unit Development District - General PUD-G:

25 **Section 2.** That the zoning classification for the land area in the City and County of Denver
26 described as follows shall be and hereby is changed from PUD 309 to (Planned Unit Development
27 District - General) PUD-G:

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29 **[THE REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK]**
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A PARCEL OF LAND LOCATED IN THE NORTHEAST QUARTER AND THE SOUTHEAST QUARTER OF SECTION 35, TOWNSHIP 4 SOUTH, RANGE 87 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS.

COMMENCING AT THE NORTHWEST CORNER OF THE SOUTHEAST QUARTER OF SAID SECTION 35, FROM WHENCE THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF SAID SECTION 35 BEARS N89°43'00"E, A DISTANCE OF 2649.36 FEET;
THENCE S00°04'53"E ALONG THE WEST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 35, A DISTANCE OF 60.00 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF DARTMOUTH AVENUE AND THE TRUE POINT OF BEGINNING;
THENCE N89°43'00"E ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE A DISTANCE OF 51.26 FEET TO A POINT OF CURVATURE;
THENCE NORTHEASTERLY ALONG A CURVE CONCAVE TO THE NORTHWEST AND ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE (SAID CURVE HAVING A RADIUS OF 385.00 FEET, A DELTA ANGLE OF 43°47'05" AND A CHORD BEARING OF N67°49'28"E, A DISTANCE OF 287.11 FEET), AN ARC DISTANCE OF 294.21 FEET TO A POINT OF REVERSE CURVE;
THENCE ALONG A CURVE CONCAVE TO THE SOUTH (SAID CURVE HAVING A RADIUS OF 70.00 FEET, A DELTA ANGLE OF 77°34'59", A CHORD BEARING OF N84°43'25"E, A DISTANCE OF 87.71 FEET), AN ARC DISTANCE OF 94.79 FEET TO THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF PARKER ROAD (STATE HIGHWAY NO. 83);
THENCE EASTERLY ALONG SAID SOUTHWESTERLY RIGHT-OF-WAY LINE OF PARKER ROAD AND ALONG A CURVE CONCAVE TO THE NORTHEAST (SAID CURVE HAVING A RADIUS OF 1982.50 FEET, A DELTA ANGLE OF 08°28'56" AND A CHORD BEARING OF S60°43'34"E, A DISTANCE OF 293.23 FEET), AN ARC DISTANCE OF 293.49 FEET TO A POINT ON THE SOUTHERLY LINE OF A PARCEL OF LAND DESCRIBED IN BOOK 1818 AT PAGE 352;
THENCE S53°52'58"W ALONG THE SOUTHERLY LINE OF SAID PARCEL OF LAND DESCRIBED IN BOOK 1818 AT PAGE 352, A DISTANCE OF 107.50 FEET TO THE NORTHEASTERLY RIGHT-OF-WAY LINE OF VACATED SOUTH MACON STREET (FORMERLY OLD PARKER ROAD AND FORMERLY OLD STATE HIGHWAY NO. 83);
THENCE CONTINUING S53°52'58"W AND AT RIGHT ANGLES TO SAID NORTHEASTERLY RIGHT-OF-WAY LINE OF VACATED SOUTH MACON STREET, A DISTANCE OF 70.00 FEET TO THE CENTERLINE OF SAID VACATED SOUTH MACON STREET;
THENCE S36°07'02"E ALONG THE CENTERLINE OF SAID VACATED SOUTH MACON STREET, A DISTANCE OF 168.80 FEET TO A POINT ON THE NORTHERLY LINE OF UNITED STATES OF AMERICA PROPERTY (JOHN F. KENNEDY GOLF COURSE);
THENCE S49°38'41"W ALONG SAID NORTHERLY LINE OF UNITED STATES OF AMERICA PROPERTY A DISTANCE OF 70.19 FEET TO THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF SAID VACATED SOUTH MACON STREET (FORMERLY OLD PARKER ROAD AND FORMERLY STATE HIGHWAY NO. 83);
THENCE CONTINUING S49°38'41"W ALONG SAID NORTHERLY LINE OF UNITED STATES OF AMERICA PROPERTY A DISTANCE OF 263.48 FEET;
THENCE N36°05'19"W ALONG THE EASTERLY LINE OF A PARCEL OF LAND DESCRIBED IN BOOK 2123 AT PAGE 312, CITY AND COUNTY OF DENVER, A DISTANCE OF 493.45 FEET;
THENCE S89°43'00"W AND CONTINUING ALONG SAID EASTERLY LINE RECORDED IN BOOK 2123 AT PAGE 312 A DISTANCE OF 36.99 FEET;
THENCE N36°05'19"W AND CONTINUING ALONG SAID EASTERLY LINE RECORDED IN BOOK 2123 AT PAGE 312 A DISTANCE OF 58.36 FEET TO THE WEST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 35;
THENCE N00°04'53"W ALONG SAID WEST LINE OF THE SOUTHEAST QUARTER AND CONTINUING ALONG SAID EASTERLY LINE RECORDED IN BOOK 2123 AT PAGE 312 A DISTANCE OF 38.00 FEET TO THE SOUTHERLY LINE OF SAID DARTMOUTH AVENUE AND THE TRUE POINT OF BEGINNING, CONTAINING 4.7122 ACRES MORE OR LESS. (TOTAL SITE)

EXCEPT THAT PARCEL OF LAND LOCATED IN THE NORTHEAST QUARTER OF SAID SECTION 35, ARAPAHOE COUNTY, COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF SAID SECTION 35 BEARS N89°43'00"E, A DISTANCE OF 2649.36 FEET (BASIS OF BEARINGS); THENCE N89°43'00"E ALONG THE SOUTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 35, A DISTANCE OF 257.45 FEET TO A POINT ON THE SOUTHERLY RIGHT OF WAY LINE OF DARTMOUTH AVENUE AND THE TRUE POINT OF BEGINNING; THENCE NORTHEASTERLY ALONG A CURVE CONCAVE TO THE NORTHWEST AND ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE (SAID CURVE HAVING A RADIUS OF 385.00 FEET, A DELTA ANGLE OF 11°22'00" AND A CHORD BEARING OF N51°36'55"E, A DISTANCE OF 76.25 FEET), AN ARC DISTANCE OF 76.38 FEET TO A POINT OF REVERSE CURVE; THENCE ALONG A CURVE CONCAVE TO THE SOUTH (SAID CURVE HAVING A RADIUS OF 70.00 FEET, A DELTA ANGLE OF 77°34'59" AND A CHORD BEARING OF N84°43'25"E, A DISTANCE OF 87.71 FEET), AN ARC DISTANCE OF 94.79 FEET TO THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF SOUTH PARKER ROAD; THENCE EASTERLY ALONG SAID SOUTHWESTERLY RIGHT-OF-WAY LINE OF SOUTH PARKER ROAD AND ALONG A CURVE CONCAVE TO THE NORTHEAST (SAID CURVE HAVING A RADIUS OF 1982.50 FEET, A DELTA ANGLE OF 2°57'23" AND A CHORD BEARING OF S57°57'46"E, A DISTANCE OF 102.28 FEET), AND ARC DISTANCE OF 102.29 FEET TO A POINT ON SAID SOUTH LINE OF THE NORTHEAST QUARTER OF SECTION 35; THENCE S89°43'00"W ALONG SAID SOUTH LINE A DISTANCE OF 233.82 FEET TO THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID DARTMOUTH AVENUE AND THE TRUCE POINT OF BEGINNING. CONTAINING 0.2067 ACRES (9,003 SQUARE FEET), MORE OR LESS. (ARAPAHOE COUNTY)

PLANNED UNIT DEVELOPMENT AMENDED CONTAINS 4.5055 ACRES (196,260 SQUARE FEET), MORE OR LESS (CITY AND COUNTY OF DENVER)

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

3 **Section 2.** The complete application with such supporting material as designated by the
4 Land Use, Transportation and Infrastructure Committee of the City Council filed in the words and
5 figures contained and set forth in the Application for Zone Map Amendment (District Plan), available
6 in the office and on the web page of City Council, and filed in the office of the City Clerk on the 19th
7 day of April, 2013, under City Clerk's Filing No. 2013-0348, is hereby approved.

8 **Section 3.** Said District Plan together with a Site Plan, as provided in Section 12.4.3 of the
9 Denver Zoning Code, shall regulate the use and development of the land area hereinabove described.

10 **Section 4.** None of the land area hereinabove described shall be used or occupied and no
11 structure or structures shall be designed, erected, altered, used or occupied thereon except in
12 conformity with all provisions of said District Plan and a Site Plan, as provided in Section 12.4.3 of the
13 Denver Zoning Code, and except upon performance of all conditions therein set forth.

14 **Section 5.** This Ordinance shall be recorded by the Department of Community Planning and
15 Development among the records of the Clerk and Recorder of the City and County of Denver.

16 COMMITTEE APPROVAL DATE: April 16, 2013

17 MAYOR-COUNCIL DATE: April 23, 2013

18 PASSED BY THE COUNCIL: _____, 2013

19 _____ - PRESIDENT

20 APPROVED: _____ - MAYOR _____, 2013

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

24 NOTICE PUBLISHED IN THE DAILY JOURNAL: _____, 2013; _____, 2013

25 PREPARED BY: Brent A. Eisen, Assistant City Attorney DATE: April 25, 2013

26 Pursuant to section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the office of
27 the City Attorney. We find no irregularity as to form, and have no legal objection to the proposed
28 ordinance. The proposed ordinance is not submitted to the City Council for approval pursuant to
29 § 3.2.6 of the Charter.

30 Douglas J. Friednash, Denver City Attorney

31 BY: _____, Assistant City Attorney DATE: _____, 2013