

BY AUTHORITY

ORDINANCE NO. _____
SERIES OF 2015

COUNCIL BILL NO. CB15-0827
COMMITTEE OF REFERENCE:
Neighborhoods and Planning

A BILL

For an ordinance changing the zoning classification for 510 E. 51st Avenue, 480 E. 51st Avenue, 4855 Pearl Street, 4871 Pearl Street, and 4877 Pearl Street.

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:

1. That the land area hereinafter described is presently classified as I-A, UO-2 and I-MX-3, UO-2.
2. That the Owner proposes 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 I-A, UO-2 and I-MX-3, UO-2 to C-MX-5:

510 East 51st Avenue

DESCRIPTION

A parcel of land in the Southeast One-Quarter of Section 15, Township 3 South, Range 68 West, of the Sixth Principal Meridian, in the City and County of Denver, State of Colorado, said parcel being more particularly described as follows:

Basis of Bearings: Bearings are based upon the East line of the Southeast One-Quarter of Section 15, said to bear North 00°08'33" West a distance of 2663.19 feet from between the monuments listed below:

1 Southeast Corner of Section 15 - monumented by a 3.25-inch aluminum cap, 0.1 foot below grade, stamped "LAND
2 CORNER, #164 1, 15 14, 68W 1994, HMARK, EYING LTD 6TH PM" (Note: partially unreadable due to concrete on
3 monument).

4
5 East One-Quarter Corner of Section 15 - monumented by a 3-inch brass cap, 0.1 foot down in a range box, no lid,
6 stamped "D.M.W.W., SEC.15 SEC.14, 1/4 COR. T.3S. R.69W., LS7104 1980".

7
8 **COMMENCING (P.O.C.)** at the Southeast Corner of Section 15;
9 Thence North 00°08'33" West along the East line of the Southeast One-Quarter of Section 15, a distance of 1,320.80
10 feet to the City and County of Denver range line for East 50th Avenue;

11 Thence South 89°55'27" West along said range line, a distance of 516.00 feet to the intersection with the City and
12 County of Denver range line for Pearl Street, said intersection being monumented by a #4 rebar 0.3 foot below asphalt
13 grade;

14 Thence continue westerly along said range line for East 50th Avenue, a distance of 20.00 feet to the west right-of-way
15 line of Pearl Street;

16 Thence North 00°08'33" West along said west right-of-way line of Pearl Street, a distance of 37.58 feet to the north
17 right-of-way line of East 50th Avenue and to the **POINT OF BEGINNING (P.O.B.)**;

18
19 Thence South 00°08'33" East along said west right-of-way of Pearl Street, a distance of 160.68 feet to the north line of
20 a parcel of land recorded at Reception No. 2009104173;

21
22 Thence South 89°55'27" West along said north line, a distance of 218.00 feet to the west line of Plot 11-W.H. Clark's
23 Second Subdivision;

24
25 Thence South 00°08'33" East along said west line of Plot 11 and continuing along the west lines of Plot 12, Plot 13 and
26 Plot 13 extended, a distance of 560.00 feet to the south right-of-way line of East 49th Avenue;

27
28 Thence North 89°55'27" East along said south right-of-way line of East 49th Avenue, a distance of 164.00 feet to the
29 west line of a parcel of land recorded at Reception No. 9800045655;

30
31 Thence South 00°08'33" East along said west line, a distance of 100.00 feet to the north line of a parcel of land
32 recorded at Reception No. 2008139423;

33
34 Thence South 89°55'27" West along said north line, a distance of 164.00 feet to the west line of Plot 14-W.H. Clark's
35 Second Subdivision;

36
37 Thence South 89°55'27" West along the north line of a parcel of land recorded at Reception No. 2012063254, a
38 distance of 101.73 feet to the eastern right-of-way line of Colorado and Southern Railway Company's Main Spur
39 Track and to the point of curve of a non-tangent curve to the right, of which the radius point lies North 50°06'45" East,
40 a radial distance of 1,382.39 feet;

41
42 Thence northwesterly along the arc of the eastern right-of-way line of Colorado and Southern Railway Company's
43 Main Spur Track, through a central angle of 4°25'52", a distance of 106.91 feet to a point of compound curve to the
44 right having a radius of 1,712.95 feet and a central angle of 05°42'00";

45
46 Thence northwesterly along the arc of the eastern right-of-way line of Colorado and Southern Railway Company's
47 Main Spur Track, a distance of 170.41 feet to a point of compound curve to the right having a radius of 979.27 feet and
48 a central angle of 14°18'00";

49
50 Thence northwesterly along the arc of the eastern right-of-way line of Colorado and Southern Railway Company's
51 Main Spur Track, a distance of 244.41 feet to the point of curve of a non-tangent curve to the right, of which the radius
52 point lies North 74°32'35" East, a radial distance of 1,849.18 feet;

53

1 Thence northerly along the arc of the eastern right-of-way line of Colorado and Southern Railway Company's Main
2 Spur Track, through a central angle of 17°07'35", a distance of 552.74 feet to the eastern right-of-way line of Colorado
3 and Southern Railway Company's Spur Track No.45, and to the point of curve of a non-tangent curve to the right, of
4 which the radius point lies South 77°54'32" East, a radial distance of 599.65 feet;

5
6 Thence northeasterly along the arc of the eastern right-of-way line of Colorado and Southern Railway Company's Spur
7 Track No.45, through a central angle of 47°45'35", a distance of 499.85 feet;

8
9 Thence North 64°53'18" East along said eastern right-of-way line of Colorado and Southern Railway Company's Spur
10 Track No.45, a distance of 76.14 feet to the south right-of-way line of East 51st Avenue;

11
12 Thence North 89°38'57" East along said south right-of-way line of East 51st Avenue, a distance of 505.75 feet to the
13 west line of a parcel of land recorded in Book 1729 at Page 581;

14
15 Thence South 00°12'01" East along said west line, a distance of 606.05 feet to the north right-of-way line of East 50th
16 Avenue;

17
18 Thence South 89°44'27" West along said north right-of-way line of East 50th Avenue, a distance of 227.37 feet to the
19 **POINT OF BEGINNING (P.O.B.)**.

20
21 The above described parcel description contains 777,500 square feet or 17.849 acres, more or less.

22
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
26 **480 East 51st Avenue**

27
28 **DESCRIPTION**

29
30 A parcel of land in the Southeast One-Quarter of Section 15, Township 3 South, Range 68 West, of the Sixth Principal
31 Meridian, in the City and County of Denver, State of Colorado, said parcel being more particularly described as
32 follows:

33
34 **Basis of Bearings:** Bearings are based upon the East line of the Southeast One-Quarter of Section 15, said to bear
35 North 00°08'33" West a distance of 2663.19 feet from between the monuments listed below:

36
37 Southeast Corner of Section 15 - monumented by a 3.25-inch aluminum cap, 0.1 foot below grade, stamped "LAND
38 CORNER, #164 1, 15 14, 68W 1994, HMARK, EYING LTD 6TH PM" (Note: partially unreadable due to concrete on
39 monument).

40
41 East One-Quarter Corner of Section 15 - monumented by a 3-inch brass cap, 0.1 foot down in a range box, no lid,
42 stamped "D.M.W.W., SEC.15 SEC.14, 1/4 COR. T.3S. R.69W., LS7104 1980".

43
44 **COMMENCING (P.O.C.)** at the Southeast Corner of Section 15;

45 Thence North 00°08'33" West along the East line of the Southeast One-Quarter of Section 15, a distance of 1,320.80
46 feet to the City and County of Denver range line for East 50th Avenue;

47 Thence South 89°55'27" West along said range line, a distance of 516.00 feet to the intersection with the City and
48 County of Denver range line for Pearl Street, said intersection being monumented by a #4 rebar 0.3 foot below asphalt
49 grade;

50 Thence continue westerly along said range line for East 50th Avenue and East 50th Avenue (vacated), a distance of
51 648.26 feet to the eastern right-of-way line of Colorado and Southern Railway Company's Main Spur Track and to the

1 point of curve of a non-tangent curve to the right, of which the radius point lies North 84°56'03" East, a radial distance
2 of 1,849.18 feet;
3 Thence northerly along the eastern right-of-way line of Colorado and Southern Railway Company's Main Spur Track
4 along the arc, through a central angle of 06°44'07", a distance of 217.38 feet to the **POINT OF BEGINNING**
5 **(P.O.B.)**, said point also being the beginning of a curve to the right, of which the radius point lies South 88°19'50"
6 East, a radial distance of 1,849.18 feet;
7
8 Thence continuing northerly along the arc of the eastern right-of-way line of Colorado and Southern Railway
9 Company's Main Spur Track, through a central angle of 02°01'25", a distance of 65.31 feet;
10
11 Thence North 03°44'31" East along said eastern right-of-way line of Colorado and Southern Railway Company's Main
12 Spur Track, a distance of 358.76 feet to the south right-of-way line of East 51st Avenue;
13
14 Thence North 89°38'57" East along said south right-of-way line of East 51st Avenue, a distance of 327.65 feet to the
15 eastern right-of-way line of Colorado and Southern Railway Company's Spur Track No.45;
16
17 Thence South 64°53'18" West along said eastern right-of-way line of Colorado and Southern Railway Company's Spur
18 Track No.45, a distance of 76.14 feet to the point of curve of a non-tangent curve to the left, of which the radius point
19 lies South 30°08'57" East, a radial distance of 599.65 feet;
20
21 Thence southwesterly along the arc of the eastern right-of-way line of Colorado and Southern Railway Company's
22 Spur Track No.45, through a central angle of 47°45'35", a distance of 499.85 feet to the **POINT OF BEGINNING**
23 **(P.O.B.)**.
24
25 The above described parcel description contains 43,838 square feet or 1.006 acres, more or less.
26
27 in addition thereto those portions of all abutting public rights-of-way, but only to the centerline
28 thereof, which are immediately adjacent to the aforesaid specifically described area.

29
30 **4855 Pearl Street (f/k/a 4801 Pearl Street)**

31
32 **DESCRIPTION**

33
34 A parcel of land in the Southeast One-Quarter of Section 15, Township 3 South, Range 68 West, of the Sixth Principal
35 Meridian, in the City and County of Denver, State of Colorado, said parcel being more particularly described as
36 follows:
37
38 **Basis of Bearings:** Bearings are based upon the East line of the Southeast One-Quarter of Section 15, said to bear
39 North 00°08'33" West a distance of 2,663.19 Feet between the monuments listed below:
40
41 Southeast Corner of Section 15 - monumented by a 3.25-inch aluminum cap, 0.1 Foot below grade, stamped "LAND
42 CORNER, #164 1, 15 14, 68W 1994, HMARK, EYING LTD 6TH PM" (Note: partially unreadable due to concrete on
43 monument).
44
45 East One-Quarter Corner of Section 15 - monumented by a 3-inch brass cap, 0.1 Foot down in a range box, no lid,
46 stamped "D.M.W.W., SEC.15 SEC.14, 1/4 COR. T.3S. R.69W., LS7104 1980".
47
48 **Commencing (P.O.C.)** at the Southeast Corner of Section 15; Thence North 00°08'33" West along the East line of the
49 Southeast One-Quarter of Section 15, a distance of 1,320.80 Feet to the City and County of Denver Range Line for
50 East 50th Avenue; Thence South 89°55'27" West along said Range Line, a distance of 516.00 Feet to the intersection
51 with the City and County of Denver Range Line for Pearl Street, said intersection being monumented by a #4 rebar 0.3
52 Foot below asphalt grade; Thence continue westerly along said Range Line for East 50th Avenue, a distance of 20.00

1 Feet to the West Right-of-Way Line of Pearl Street; Thence North 00°08'33" West along said West Right-of-Way Line
2 of Pearl Street, a distance of 37.58 Feet to the North Right-of-Way line of East 50th Avenue; Thence South 00°08'33"
3 East along said West Right-of-Way of Pearl Street, a distance of 160.68 Feet to the North Line of a parcel of land
4 recorded at Reception No. 2009104173; Thence South 89°55'27" West along said North Line, a distance of 218.00
5 Feet to the West Line of Plot 11-W.H. Clark's Second Subdivision; Thence South 00°08'33" East along said West Line
6 of Plot 11 and continuing along the West Lines of Plot 12, Plot 13 and Plot 14, a distance of 660.00 Feet to the North
7 Line of a parcel of land recorded at Reception No. 2008139423; Thence continuing South 00°08'33" East along the
8 said West Line of Plot 14 – W.H. Clark's Second Subdivision, a distance of 50.00 Feet to a line parallel with and 50.00
9 Feet southerly from said North Line and to the **POINT OF BEGINNING (P.O.B.)**;

10
11 Thence North 89°55'27" East along said parallel line, a distance of 218.00 Feet to the West Right-of-Way Line of Pearl
12 Street;

13
14 Thence South 00°08'33" East along said West Right-of-Way Line of Pearl Street, a distance of 232.15 Feet to the
15 Eastern Right-of-Way line of Colorado and Southern Railway Company's Main Spur Track;

16
17 Thence North 55°53'23" West along said Eastern Right-of-Way Line of Colorado and Southern Railway Company's
18 Main Spur Track, a distance of 42.20 Feet to the point of curve to the right having a radius of 1,382.39 Feet;

19
20 Thence northwesterly along the arc of said Eastern Right-of-Way line of Colorado and Southern Railway Company's
21 Main Spur Track, through a central angle of 09°47'57", a distance of 236.42 Feet to the West Line of Plot 15-W.H.
22 Clark's Second Subdivision;

23
24 Thence North 00°08'33" West along said West Line of Plot 15 and continuing along said West Line of Plot 14, a
25 distance of 59.56 Feet to the **POINT OF BEGINNING (P.O.B.)**.

26
27 The above described parcel description contains 33,017 Square Feet or 0.758 Acre, more or less.

28
29 in addition thereto those portions of all abutting public rights-of-way, but only to the centerline
30 thereof, which are immediately adjacent to the aforesaid specifically described area.

31
32 **4871 Pearl Street**

33
34 **DESCRIPTION**

35
36 A parcel of land in the Southeast One-Quarter of Section 15, Township 3 South, Range 68 West, of the Sixth Principal
37 Meridian, in the City and County of Denver, State of Colorado, said parcel being more particularly described as
38 follows:

39
40 **Basis of Bearings:** Bearings are based upon the East line of the Southeast One-Quarter of Section 15, said to bear
41 North 00°08'33" West a distance of 2,663.19 Feet between the monuments listed below:

42
43 Southeast Corner of Section 15 - monumented by a 3.25-inch aluminum cap, 0.1 Foot below grade, stamped "LAND
44 CORNER, #164 1, 15 14, 68W 1994, HMARK, EYING LTD 6TH PM" (Note: partially unreadable due to concrete on
45 monument).

46
47 East One-Quarter Corner of Section 15 - monumented by a 3-inch brass cap, 0.1 Foot down in a range box, no lid,
48 stamped "D.M.W.W., SEC.15 SEC.14, 1/4 COR. T.3S. R.69W., LS7104 1980".

49
50 **Commencing (P.O.C.)** at the Southeast Corner of Section 15; Thence North 00°08'33" West along the East line of the
51 Southeast One-Quarter of Section 15, a distance of 1,320.80 Feet to the City and County of Denver Range Line for
52 East 50th Avenue; Thence South 89°55'27" West along said Range Line, a distance of 516.00 Feet to the intersection

1 with the City and County of Denver Range Line for Pearl Street, said intersection being monumented by a #4 rebar 0.3
2 Foot below asphalt grade; Thence continue westerly along said Range Line for East 50th Avenue, a distance of 20.00
3 Feet to the West Right-of-Way Line of Pearl Street; Thence North 00°08'33" West along said West Right-of-Way Line
4 of Pearl Street, a distance of 37.58 Feet to the North Right-of-Way line of East 50th Avenue; Thence South 00°08'33"
5 East along said West Right-of-Way of Pearl Street, a distance of 160.68 Feet to the North Line of a parcel of land
6 recorded at Reception No. 2009104173; Thence South 89°55'27" West along said North Line, a distance of 218.00
7 Feet to the West Line of Plot 11-W.H. Clark's Second Subdivision; Thence South 00°08'33" East along said West Line
8 of Plot 11 and continuing along the West Lines of Plot 12, Plot 13 and Plot 14, a distance of 660.00 Feet to the North
9 Line of a parcel of land recorded at Reception No. 2008139423 and to the **POINT OF BEGINNING (P.O.B.)**;

10
11 Thence continuing South 00°08'33" East along said West Line of Plot 14 and continuing along the West Line of Plot
12 15, a distance of 109.56 Feet to the Eastern Right-of-Way Line of Colorado and Southern Railway Company's Main
13 Spur Track, also being the point of curve of a non-tangent curve to the right, of which the radius point lies North
14 43°54'43" East, a radial distance of 1,382.39 Feet;

15
16 Thence northwesterly along the arc of the eastern Right-of-Way line of Colorado and Southern Railway Company's
17 Main Spur Track, through a central angle of 06°12'11", a distance of 149.66 Feet to the extended North line of the
18 South Half of Plot 14-W.H. Clark's Second Subdivision;

19
20 Thence North 89°55'27" East along said extended North Line, a distance of 101.73 Feet to the said West Line of Plot
21 14 – W.H. Clark's Second Subdivision and the **POINT OF BEGINNING (P.O.B.)**.

22
23 The above described parcel description contains 5,774 Square Feet or 0.133 Acre, more or less.

24
25 in addition thereto those portions of all abutting public rights-of-way, but only to the centerline
26 thereof, which are immediately adjacent to the aforesaid specifically described area.

27
28 **4877 Pearl Street**

29
30 **DESCRIPTION**

31
32 A parcel of land in the Southeast One-Quarter of Section 15, Township 3 South, Range 68 West, of the Sixth Principal
33 Meridian, in the City and County of Denver, State of Colorado, said parcel being more particularly described as
34 follows:

35
36 **Basis of Bearings:** Bearings are based upon the East line of the Southeast One-Quarter of Section 15, said to bear
37 North 00°08'33" West a distance of 2,663.19 Feet between the monuments listed below:

38
39 Southeast Corner of Section 15 - monumented by a 3.25-inch aluminum cap, 0.1 Foot below grade, stamped "LAND
40 CORNER, #164 1, 15 14, 68W 1994, HMARK, EYING LTD 6TH PM" (Note: partially unreadable due to concrete on
41 monument).

42
43 East One-Quarter Corner of Section 15 - monumented by a 3-inch brass cap, 0.1 Foot down in a range box, no lid,
44 stamped "D.M.W.W., SEC.15 SEC.14, 1/4 COR. T.3S. R.69W., LS7104 1980".

45
46 **Commencing (P.O.C.)** at the Southeast Corner of Section 15; Thence North 00°08'33" West along the East line of the
47 Southeast One-Quarter of Section 15, a distance of 1,320.80 Feet to the City and County of Denver Range Line for
48 East 50th Avenue; Thence South 89°55'27" West along said Range Line, a distance of 516.00 Feet to the intersection
49 with the City and County of Denver Range Line for Pearl Street, said intersection being monumented by a #4 rebar 0.3
50 Foot below asphalt grade; Thence continue westerly along said Range Line for East 50th Avenue, a distance of 20.00
51 Feet to the West Right-of-Way Line of Pearl Street; Thence North 00°08'33" West along said West Right-of-Way Line
52 of Pearl Street, a distance of 37.58 Feet to the North Right-of-Way line of East 50th Avenue; Thence South 00°08'33"

1 East along said West Right-of-Way of Pearl Street, a distance of 160.68 Feet to the North Line of a parcel of land
2 recorded at Reception No. 2009104173; Thence South 89°55'27" West along said North Line, a distance of 218.00
3 Feet to the West Line of Plot 11-W.H. Clark's Second Subdivision; Thence South 00°08'33" East along said West Line
4 of Plot 11 and continuing along the West Lines of Plot 12, Plot 13 and Plot 14, a distance of 660.00 Feet to the North
5 Line of a parcel of land recorded at Reception No. 2008139423 and to the **POINT OF BEGINNING (P.O.B.)**;

6
7 Thence North 89°55'27" East along said North Line of the South Half of Plot 14 – W.H. Clark's Second Subdivision,
8 a distance of 218.00 Feet to the West Right-of-Way Line of Pearl Street;

9
10 Thence South 00°08'33" East along said West Right-of-Way Line of Pearl Street, a distance of 50.00 Feet to a line
11 parallel with and 50 feet southerly from said North Line;

12
13 Thence South 89°55'27" West along said parallel line, a distance of 218.00 Feet to said West Line of Plots 14 and 15 –
14 W.H. Clark's Second Subdivision;

15
16 Thence North 00°08'33" West along said West Line of Plots 14 and 15 – W.H. Clark's Second Subdivision, a distance
17 of 50.00 Feet to the **POINT OF BEGINNING (P.O.B.)**.

18
19 The above described parcel description contains 10,900 Square Feet or 0.250 Acre, more or less.

20
21 in addition thereto those portions of all abutting public rights-of-way, but only to the centerline
22 thereof, which are immediately adjacent to the aforesaid specifically described area.

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

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1 COMMITTEE APPROVAL DATE: November 4, 2015.

2 MAYOR-COUNCIL DATE: November 10, 2015.

3 PASSED BY THE COUNCIL: _____, 2015

4 _____ - PRESIDENT

5 APPROVED: _____ - MAYOR _____, 2015

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

9 NOTICE PUBLISHED IN THE DAILY JOURNAL: _____, 2015; _____, 2015

10 PREPARED BY: Nathan J. Lucero, Assistant City Attorney DATE: November 12, 2015

11

12 Pursuant to Section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the office of
13 the City Attorney. We find no irregularity as to form, and have no legal objection to the proposed
14 ordinance. The proposed ordinance is not submitted to the City Council for approval pursuant to
15 § 3.2.6 of the Charter.

16 D. Scott Martinez, Denver City Attorney

17 BY: _____, Assistant City Attorney DATE: _____, 2015