

BY AUTHORITY

ORDINANCE NO. _____
SERIES OF 2022

COUNCIL BILL NO. CB22-0345
COMMITTEE OF REFERENCE:
Land Use, Transportation & Infrastructure

A BILL

For an ordinance changing the zoning classification for 6972 North Argonne Street and 19300 East 72nd Avenue in DIA.

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 I-MX-8 with a waiver, AI-O; and I-MX-8 with a waiver, UO-1, AIO districts, 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 C-MU-10 with waivers, AIO; C-MU-30 with waivers, UO-1, AIO; and C-MU-30 with waivers and conditions, UO-1, AIO.

b. It is proposed that the land area hereinafter described be changed to I-MX-8 with a waiver, AIO; and I-MX-8 with a waiver, UO-1, AIO.

c. The applicant has provided a written representation approving of a certain waiver to the requested change in zoning classification related to the development, operation, and maintenance of the land area as follows:

1. Waive the zoning review procedure “L-ZP/ZPSE” (Zoning Permit with Limitations/Zoning Permit with Special Exception Review) for a Manufacturing, Fabrication and Assembly – General use on a zone lot greater than 60,000 square feet or operating between 10:00 p.m. and 5:00 a.m. in the I-MX-8 zone district under the Denver Zoning Code section 9.1.5.5, District Specific Standard, and instead shall be “P” (Permitted Use without Limitations), allowing the 24-hour per day operation of a Manufacturing, Fabrication and Assembly – General use in the I-MX-8 zone district.

1 **Section 2.** That the zoning classification of the land area in the City and County of Denver
2 described as follows or included within the following boundaries shall be and hereby is changed to
3 I-MX-8 with a waiver, AIO:

4 A PARCEL OF LAND LOCATED IN THE NORTHEAST QUARTER OF SECTION 3,
5 TOWNSHIP 3 SOUTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY
6 AND COUNTY OF DENVER, STATE OF COLORADO, BEING MORE PARTICULARLY
7 DESCRIBED AS FOLLOWS:
8

9 **BASIS OF BEARINGS:** THE NORTH LINE OF THE NORTHWEST QUARTER (NW1/4) OF
10 SAID SECTION 3 IS ASSUMED TO BEAR SOUTH 89°54'36" EAST, BEING
11 MONUMENTED BY A 3-1/4" ALUMINUM CAP PLS #20699 IN MONUMENT BOX AT THE
12 NORTHWEST CORNER AND A 3-1/4" ALUMINUM CAP PLS #25379 AT THE NORTH
13 QUARTER CORNER.
14

15 **BEGINNING** AT THE NORTH QUARTER CORNER OF SAID SECTION 3, THENCE
16 SOUTH 89°56'18" EAST, ALONG THE NORTH LINE OF THE NORTHEAST QUARTER
17 OF SAID SECTION 3, A DISTANCE OF 2,641.92 FEET TO THE NORTHEAST CORNER
18 OF SAID SECTION 3;
19

20 THENCE SOUTH 00°29'06" WEST, ALONG THE EAST LINE OF SAID NORTHEAST
21 QUARTER, A DISTANCE OF 705.19 FEET;
22

23 THENCE DEPARTING SAID EAST LINE, NORTH 89°19'48" WEST, A DISTANCE OF
24 2,644.05 FEET TO THE WEST LINE OF SAID NORTHEAST QUARTER;
25

26 THENCE NORTH 00°40'12" EAST, ALONG SAID WEST LINE, A DISTANCE OF 677.13
27 FEET TO THE **POINT OF BEGINNING**;
28

29 CONTAINING A CALCULATED AREA OF 1,826,687 SQUARE FEET OR 41.9350 ACRES,
30 MORE OR LESS.
31

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

34 **Section 3.** That the zoning classification of the land area in the City and County of Denver
35 described as follows or included within the following boundaries shall be and hereby is changed to
36 I-MX-8 with a waiver, UO-1, AIO:

37 A PARCEL OF LAND LOCATED IN THE NORTH HALF OF SECTION 3, TOWNSHIP 3
38 SOUTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY AND COUNTY
39 OF DENVER, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS
40 FOLLOWS:
41

42 **BASIS OF BEARINGS:** THE NORTH LINE OF THE NORTHWEST QUARTER (NW1/4) OF
43 SAID SECTION 3 IS ASSUMED TO BEAR SOUTH 89°54'36" EAST, BEING
44 MONUMENTED BY A 3-1/4" ALUMINUM CAP PLS #20699 IN MONUMENT BOX AT THE
45

1 NORTHWEST CORNER AND A 3-1/4" ALUMINUM CAP PLS #25379 AT THE NORTH
2 QUARTER CORNER.

3
4 **BEGINNING** AT THE NORTH QUARTER CORNER OF SAID SECTION 3, THENCE
5 ALONG THE EAST LINE OF SAID NORTHWEST QUARTER OF SAID SECTION 3,
6 SOUTH 00°40'12" WEST, A DISTANCE OF 677.13 FEET;

7
8 THENCE DEPARTING SAID EAST LINE, SOUTH 89°19'48" EAST, A DISTANCE OF
9 2,644.05 FEET TO THE EAST LINE OF THE NORTHEAST QUARTER OF SAID SECTION
10 3;

11
12 THENCE SOUTH 00°29'06" WEST, ALONG SAID EAST LINE, A DISTANCE OF 705.22
13 FEET;

14
15 THENCE DEPARTING SAID EAST LINE, NORTH 89°31'42" WEST, A DISTANCE OF
16 2,646.34 FEET TO THE EAST LINE OF SAID NORTHWEST QUARTER OF SAID
17 SECTION 3;

18
19 THENCE SOUTH 00°40'12" WEST, ALONG SAID EAST LINE, A DISTANCE OF 482.58
20 FEET TO THE NORTHERLY BOUNDARY LINE OF TRACT G, HIGH POINT
21 SUBDIVISION FILING NO. 2, RECORDED OCTOBER 7, 2019, AT RECEPTION NUMBER
22 2019138651, IN THE CITY AND COUNTY OF DENVER'S CLERK AND RECORDERS
23 OFFICE;

24
25 THENCE ALONG SAID NORTHERLY BOUNDARY THE FOLLOWING THREE (3)
26 COURSES:

27
28 1. NORTH 89°19'48" WEST, A DISTANCE OF 42.00 FEET TO A NON-TANGENT CURVE;

29
30 2. ALONG THE ARC OF A NON-TANGENT CURVE TO THE RIGHT HAVING A
31 CENTRAL ANGLE OF 89°43'46", A RADIUS OF 125.00 FEET, AN ARC LENGTH OF
32 195.76 FEET, THE CHORD OF WHICH BEARS SOUTH 45°32'05" WEST, A DISTANCE
33 OF 176.36 FEET TO A POINT OF REVERSE CURVATURE;

34
35 3. ALONG THE ARC OF A REVERSE CURVE TO THE LEFT HAVING A CENTRAL
36 ANGLE OF 39°28'53", A RADIUS OF 799.00 FEET, AN ARC LENGTH OF 550.57 FEET,
37 THE CHORD OF WHICH BEARS SOUTH 70°39'31" WEST, A DISTANCE OF 539.75
38 FEET;

39
40 THENCE DEPARTING SAID NORTHERLY BOUNDARY, NORTH 39°04'55" WEST, A
41 DISTANCE OF 77.00 FEET TO A NON-TANGENT CURVE;

42
43 THENCE ALONG THE ARC OF A NON-TANGENT CURVE TO THE LEFT HAVING A
44 CENTRAL ANGLE OF 01°20'51", A RADIUS OF 876.00 FEET, AN ARC LENGTH OF 20.60
45 FEET, THE CHORD OF WHICH BEARS SOUTH 50°14'39" WEST, A DISTANCE OF 20.60
46 FEET TO A POINT OF REVERSE CURVATURE;

47
48 THENCE ALONG THE ARC OF A REVERSE CURVE TO THE RIGHT HAVING A
49 CENTRAL ANGLE OF 135°08'16", A RADIUS OF 235.00 FEET, AN ARC LENGTH OF

1 554.27 FEET, THE CHORD OF WHICH BEARS NORTH 62°51'38" WEST, A DISTANCE
2 OF 434.44 FEET TO A POINT OF REVERSE CURVATURE;

3
4 THENCE ALONG THE ARC OF A REVERSE CURVE TO THE LEFT HAVING A CENTRAL
5 ANGLE OF 62°45'30", A RADIUS OF 400.00 FEET, AN ARC LENGTH OF 438.14 FEET,
6 THE CHORD OF WHICH BEARS NORTH 26°40'15" WEST, A DISTANCE OF 416.56
7 FEET;

8
9 THENCE NORTH 58°03'00" WEST, A DISTANCE OF 89.62 FEET TO A POINT
10 OF CURVATURE;

11
12 THENCE ALONG THE ARC OF A TANGENT CURVE TO THE RIGHT HAVING A
13 CENTRAL ANGLE OF 57°18'36", A RADIUS OF 80.00 FEET, AN ARC LENGTH OF 80.02
14 FEET, THE CHORD OF WHICH BEARS NORTH 29°23'42" WEST, A DISTANCE OF 76.73
15 FEET;

16
17 THENCE NORTH 00°44'25" WEST, A DISTANCE OF 235.61 FEET TO A POINT OF
18 CURVATURE;

19
20 THENCE ALONG THE ARC OF A TANGENT CURVE TO THE LEFT HAVING A CENTRAL
21 ANGLE OF 15°39'56", A RADIUS OF 620.00 FEET, AN ARC LENGTH OF 169.52 FEET,
22 THE CHORD OF WHICH BEARS NORTH 08°34'23" WEST, A DISTANCE OF 168.99
23 FEET;

24
25 THENCE NORTH 16°24'21" WEST, A DISTANCE OF 195.66 FEET TO A POINT OF
26 CURVATURE;

27
28 THENCE ALONG THE ARC OF A TANGENT CURVE TO THE RIGHT HAVING A
29 CENTRAL ANGLE OF 45°06'33", A RADIUS OF 155.00 FEET, AN ARC LENGTH OF
30 122.03 FEET, THE CHORD OF WHICH BEARS NORTH 06°08'55" EAST, A DISTANCE
31 OF 118.90 FEET;

32
33 THENCE NORTH 28°42'11" EAST, A DISTANCE OF 258.32 FEET TO A POINT OF
34 CURVATURE;

35
36 THENCE ALONG THE ARC OF A TANGENT CURVE TO THE LEFT HAVING A CENTRAL
37 ANGLE OF 40°45'16", A RADIUS OF 370.00 FEET, AN ARC LENGTH OF 263.18 FEET,
38 THE CHORD OF WHICH BEARS NORTH 08°19'34" EAST, A DISTANCE OF 257.67 FEET
39 TO A POINT OF REVERSE CURVATURE;

40
41 THENCE ALONG THE ARC OF A REVERSE CURVE TO THE RIGHT HAVING A
42 CENTRAL ANGLE OF 51°05'26", A RADIUS OF 50.00 FEET, AN ARC LENGTH OF 44.58
43 FEET, THE CHORD OF WHICH BEARS NORTH 13°29'39" EAST, A DISTANCE OF 43.12
44 FEET TO A POINT OF REVERSE CURVATURE;

45
46 THENCE ALONG THE ARC OF A REVERSE CURVE TO THE LEFT HAVING A CENTRAL
47 ANGLE OF 32°09'25", A RADIUS OF 270.00 FEET, AN ARC LENGTH OF 151.54 FEET,
48 THE CHORD OF WHICH BEARS NORTH 22°57'39" EAST, A DISTANCE OF 149.55
49 FEET;

1 THENCE NORTH 06°52'57" EAST, A DISTANCE OF 77.29 FEET TO THE NORTH LINE
2 OF SAID NORTHWEST QUARTER SECTION 3;

3
4 THENCE SOUTH 89°54'36" EAST, ALONG SAID NORTH LINE, A DISTANCE OF 1,282.45
5 FEET TO THE **POINT OF BEGINNING**;

6
7 CONTAINING A CALCULATED AREA OF 4,690,032 SQUARE FEET OR 107.6683
8 ACRES, MORE OR LESS.

9
10 in addition thereto those portions of all abutting public rights-of-way, but only to the centerline thereof,
11 which are immediately adjacent to the aforesaid specifically described area.

12 **Section 4.** The foregoing change in zoning classification is based upon the applicant's
13 representations approving a certain waiver, which certain waiver is set forth in Section 1(c) hereof; and
14 no permit shall be issued except in strict compliance with the aforesaid certain waiver. Said certain
15 waiver shall be binding upon all successors and assigns of the owner, who along with the owner shall
16 be deemed to have waived all objections as to the constitutionality of the aforesaid certain waiver.

17 **Section 5.** That this ordinance shall be recorded by the Manager of Community Planning and
18 Development in the real property records of the Denver County Clerk and Recorder.

19
20 COMMITTEE APPROVAL DATE: March 29, 2022

21 MAYOR-COUNCIL DATE: April 5, 2022

22 PASSED BY THE COUNCIL: _____

23 _____ - PRESIDENT

24 APPROVED: _____ - MAYOR _____

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

28 NOTICE PUBLISHED IN THE DAILY JOURNAL: _____ ; _____

29 PREPARED BY: Nathan J. Lucero, Assistant City Attorney DATE: April 14, 2022

30 Pursuant to Section 13-9, D.R.M.C., this proposed ordinance has been reviewed by the office of
31 the City Attorney. We find no irregularity as to form and have no legal objection to the proposed
32 ordinance. The proposed ordinance is not submitted to the City Council for approval pursuant to
33 § 3.2.6 of the Charter.

34
35 Kristin M. Bronson, Denver City Attorney

36
37 BY: _____, Assistant City Attorney DATE: _____