

1 **BY AUTHORITY**

2 ORDINANCE NO. _____

COUNCIL BILL NO. CB18-0996

3 SERIES OF 2018

COMMITTEE OF REFERENCE:

4 Land Use, Transportation & Infrastructure

5 **A BILL**

6 **For an ordinance changing the zoning classification of 3740-3850 York Street in**
7 **the Clayton neighborhood.**

8 **WHEREAS**, the City Council has determined, based on evidence and testimony presented
9 at the public hearing, that the map amendment set forth below conforms with applicable City laws,
10 is consistent with the City's adopted plans, furthers the public health, safety and general welfare of
11 the City, will result in regulations and restrictions that are uniform within the PUD-G 20 district, is
12 justified by one of the circumstances set forth in Section 12.4.10.8 of the Denver Zoning Code, is
13 consistent with the neighborhood context and the stated purpose and intent of the proposed zone
14 district, and meets the criteria set forth in 12.4.10.9 of the Denver Zoning Code;

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

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

19 a. That the land area hereinafter described is presently classified as U-MX-3 and
20 B-2 with waivers and conditions.

21 b. It is proposed that the land area hereinafter described be changed to PUD-G 20.

22 **Section 2.** That the zoning classification for the land area in the City and County of Denver
23 described as follows shall be and hereby is changed from U-MX-3 and B-2 with waivers and conditions
24 to Planned Unit Development District (PUD-G 20):

25 **LEGAL DESCRIPTION**

26 **Subarea A Legal Description**

27
28 3840 York St

29
30 The following real estate located in the city and county of Denver, Colorado:

31 A parcel of land being a part of the southeast one quarter of section 23 and part of the
32 southwest one-quarter of section 24, township 3 south, range 68 west of the 6th principal
33 meridian, city and county of Denver, state of Colorado, being more particularly described as
34 follows:

35 Commencing at the northwest corner of lot 1, block 1, Cheesman and Moffat's addition to the
36 city of Denver, which point is on the south line of the southeast ¼ of said section 23, 47.94
37 feet west of the southeast corner of said southeast ¼ and which point is also on the east line

1 of York Street;
2 Thence north 00°07'00" west parallel with and 47.94 feet west of the east line of the southeast
3 ¼ of said section 23 and along the east line of York Street, a distance of 225.69 feet to the
4 true point of beginning;
5 Thence north 89°56'24" east, a distance of 46.57 feet;
6 Thence south 75°42'55" east, a distance of 46.50 feet;
7 Thence north 89°56'24" east, a distance of 136.23 feet;
8 Thence south 00°07'00" east, a distance of 17.00 feet;
9 Thence north 89°56'24" east, a distance of 197.17 feet;
10 Thence north 00°07'00" west, a distance of 29.24 feet;
11 Thence south 89°56'24" west, a distance of 40.00 feet;
12 Thence north 00°07'00" west, a distance of 150.00 feet;
13 Thence south 89°56'24" west, a distance of 175.00 feet;
14 Thence north 00°07'00" west, a distance of 64.60 feet;
15 Thence south 89°56'24" west, a distance of 117.15 feet;
16 Thence north 00°07'00" west, a distance of 19.99 feet;
17 Thence south 89°56'24" west, a distance of 92.85 feet to the east line of York Street;
18 Thence south 00°07'00" east along the east line of York Street, a distance of 235.31 feet to
19 the true point of beginning,
20 City and County of Denver, State of Colorado,

21
22 The described contains 80,929 sq. Ft. Or 1.8579 acres, more or less.

23
24 Together with:

25
26 3850 York St.

27
28 The following real estate located in the city and county of Denver, Colorado:

29 A parcel of land being a part of the southeast one quarter of section 23 and part of the
30 southwest

31 One-quarter of section 24, township 3 south, range 68 west of the 6th principal meridian, City
32 and County of Denver, state of Colorado, being more particularly described as follows:

33 Commencing at the northwest corner of lot 1, block 1, Cheesman and Moffat's addition to the
34 city of Denver, which point is on the south line of the southeast ¼ of said section 23, 47.94
35 feet west of the southeast corner of said Southeast ¼ and which point is also on the east line
36 of York Street:

37 Thence north 00°07'00" west parallel with and 47.94 feet west of the east line of the Southeast
38 ¼ of said section 23 and along the east line of York Street, a distance of 461.00 feet to the
39 true point of beginning: thence north 89°56'24" east, a distance of 92.85 feet;

40 Thence south 00°07'00" east, a distance of 19.99 feet;

41 Thence north 89°56'24" east, a distance of 117.15 feet;

42 Thence north 00°07'00" west, a distance of 135.40 feet;

43 Thence south 89°56'24" west, a distance of 210.00 feet to the east line of York Street;

44 Thence south 00°07'00" east along the east line of York Street, a distance of 115.41 feet to
45 the true point of beginning,

46 City and county of Denver, State of Colorado.

47 The described contains 26,578 sq. Ft. Or 0.6101 acres, more or less.;

1 **Subarea B Legal Description**

2
3 A parcel of land being a part of the southeast one quarter of section 23 and part of the
4 southwest one-quarter of section 24, township 3 south, range 68 west of the 6th principal
5 meridian, City and County of Denver. State of Colorado, being more particularly described
6 as follows:

7 Beginning at the northwest corner of lot 1, block 1, Cheesman and Moffat's Addition to the
8 city of Denver, which point is on the south line of the southeast ¼ of said section 23, 47.94
9 feet west of the southeast corner of said southeast ¼ and which point is also on the east line
10 of York street;

11 Thence north 00°07'00" west parallel with and 47.94 feet west of the east line of the southeast
12 ¼ of said section 23 and along the east line of York Street, a distance of 225.69 feet;

13 Thence north 89°56'24" east, a distance of 46.57 feet;

14 Thence south 75°42'55" east, a distance of 46.50 feet;

15 Thence north 89°56'24" east, a distance of 136.23 feet;

16 Thence south 00°07'00" east, a distance of 17.00 feet;

17 Thence north 89°56'24" east, a distance of 197.17 feet;

18 Thence south 00°07'00" east, a distance of 196.22 feet to a point on the south line of the
19 southwest ¼ of said section 24;

20 Thence south 89°48'42" west along the south line of the southwest ¼ of said section 24, a
21 distance of 425.00 feet, more or less, to the point of beginning,

22 City and county of Denver, State of Colorado.

23 The described contains 88,265 sq. Ft. Or 2.0263 acres, more or less.

24
25 Together With:

26
27 Lots 1 through 6, inclusive, and the North One-half of Lot 7, Block 1, Cheesman and Moffat's
28 Addition to the City of Denver, and Lots 1 through 6, inclusive, and the North One-half of Lot
29 7, Block 1, Lessig Addition, City and County of Denver, State of Colorado.

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

32 **Section 3.** The complete application with such supporting material as designated by the
33 Land Use, Transportation & Infrastructure Committee of the City Council filed in the words and figures
34 contained and set forth in the Application for Zone Map Amendment (District Plan), available in the
35 office and on the web page of City Council, and filed in the office of the City Clerk on the 20th day
36 of September 2018, under City Clerk's Filing No. 2018-0439, is hereby approved.

37 **Section 4.** Said District Plan together with a Site Development Plan, as provided in Section
38 12.4.3 of the Denver Zoning Code, shall regulate the use and development of the land area
39 hereinabove described.

40 **Section 5.** None of the land area hereinabove described shall be used or occupied and no
41 structure or structures shall be designed, erected, altered, used or occupied thereon except in
42 conformity with all provisions of said District Plan and a Site Development Plan, as provided in Section
43 12.4.3 of the Denver Zoning Code, and except upon performance of all conditions therein set forth.

1 **Section 6.** This Ordinance shall be recorded by the Manager of Community Planning and
2 Development in the real property records of the Clerk and Recorder of the City and County of Denver.

3 COMMITTEE APPROVAL DATE: October 2, 2018

4 MAYOR-COUNCIL DATE: October 9, 2018

5 PASSED BY THE COUNCIL: _____ November 13, 2018

6 _____ - PRESIDENT
7 APPROVED: _____ - MAYOR _____ Nov 15, 2018

8 ATTEST: _____ - CLERK AND RECORDER,

9 EX-OFFICIO CLERK OF THE
10 CITY AND COUNTY OF DENVER

11 NOTICE PUBLISHED IN THE DAILY JOURNAL: _____; _____

12 PREPARED BY: Nathan J. Lucero, Assistant City Attorney DATE: October 11, 2018

13 Pursuant to Section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the office of
14 the City Attorney. We find no irregularity as to form, and have no legal objection to the proposed
15 ordinance. The proposed ordinance is not submitted to the City Council for approval pursuant to
16 § 3.2.6 of the Charter.

17 Kristin M. Bronson, Denver City Attorney

18 BY: *Kristin J. Crawford*, Assistant City Attorney DATE: _____ Oct 10, 2018