

1 **BY AUTHORITY**

2 ORDINANCE NO. _____
3 SERIES OF 2018

COUNCIL BILL NO. CB18-1075
COMMITTEE OF REFERENCE:
4 Land Use, Transportation & Infrastructure

5 **A BILL**

6 **For an ordinance changing the zoning classification for 4201 East Arkansas**
7 **Avenue in Virginia Village.**

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 S-MX-8 UO-2, S-MX-8,
12 S-MX-5, S-MX-3, and S-MU-3 district, is justified by one of the circumstances set forth in Section
13 12.4.10.8 of the Denver Zoning Code, and is consistent with the neighborhood context and the
14 stated purpose and intent of the proposed zone district;

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. The land area hereinafter described is presently classified as CMP-EI2 and S-MX-5 UO-
20 1 UO-2.

21 b. It is proposed that the land area hereinafter described be changed to S-MX-8 UO-2, S-
22 MX-8, S-MX-5, S-MX-3 and S-MU-3.

23 **Section 2.** That the zoning classification of the land area in the City and County of Denver
24 described as follows shall be and hereby is changed from CMP-EI2 and S-MX-5 UO-1 UO-2 to S-
25 MX-8 UO-2, S-MX-8, S-MX-5, S-MX-3 and S-MU-3:

26 **LEGAL DESCRIPTION S-MX-8 (UO-2) ZONE DISTRICT BOUNDARY:**

27 A PARCEL OF LAND LOCATED IN THE NORTHWEST ¼ OF SECTION 19,
28 TOWNSHIP 4 SOUTH, RANGE 67 WEST OF THE 6TH P.M., CITY AND COUNTY OF
29 DENVER, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS
30 FOLLOWS:

31
32 BEGINNING AT THE NORTHWEST CORNER OF THE EAST 31 FEET OF LOT 1,
33 BLOCK 4, KIBLER ADDITION, BEING A POINT ON THE SOUTH LINE OF LOUISIANA
34 AVENUE MONUMENTED BY AN ALLOY DISK STAMPED PLS 25379 AND AS
35 DEFINED BY THE SURVEY SHOWN ON THE DOCUMENT RECORDED IN THE
36 CITY AND COUNTY OF DENVER RECORDS UNDER RECEPTION NO. 2013045280;

1 THENCE N89°50'49"E ALONG THE SOUTH LINE OF LOUISIANA AVENUE, 202.36
2 FEET TO THE NORTHEAST CORNER OF THE WEST ½ OF VACATED SOUTH
3 ALBION STREET AS VACATED IN BOOK 806 AT PAGE 385 OF THE CITY AND
4 COUNTY OF DENVER RECORDS; THENCE S00°02'20"E ALONG THE EAST LINE
5 OF THE WEST ½ OF SAID VACATED SOUTH ALBION STREET, 250.37 FEET TO A
6 POINT 30.00 FEET EAST OF THE SOUTHEAST CORNER OF LOT 39, BLOCK 4,
7 KIBLER ADDITION; THENCE S89°50'50"W ALONG AN EXTENSION OF THE SOUTH
8 LINE OF SAID LOT 39 AND THE SOUTH LINE OF SAID LOT 39 AND SAID LINE
9 EXTENDED, 202.36 FEET TO THE SOUTHWEST CORNER OF THE EAST 31 FEET
10 OF LOT 10, BLOCK 4, KIBLER ADDITION; THENCE N00°02'20"W ALONG THE
11 WEST LINE OF THE EAST 31 FEET OF SAID LOT 10 AND SAID LINE EXTENDED,
12 250.37 FEET TO THE POINT OF BEGINNING, CITY AND COUNTY OF DENVER,
13 STATE OF COLORADO.

14
15 THE ABOVE DESCRIBED PARCEL CONTAINS 50,665 SQUARE FEET OR 1.1631
16 ACRES MORE OR LESS.

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

19 **LEGAL DESCRIPTION S-MX-8 ZONE DISTRICT BOUNDARY:**

20
21 A PARCEL OF LAND LOCATED IN THE NORTHWEST ¼ OF SECTION 19,
22 TOWNSHIP 4 SOUTH, RANGE 67 WEST OF THE 6TH P.M., CITY AND COUNTY OF
23 DENVER, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS
24 FOLLOWS:

25
26 COMMENCING AT THE NORTHWEST CORNER OF THE EAST 31 FEET OF LOT 1,
27 BLOCK 4, KIBLER ADDITION, BEING A POINT ON THE SOUTH LINE OF LOUISIANA
28 AVENUE MONUMENTED BY AN ALLOY DISK STAMPED PLS 25379 AND AS
29 DEFINED BY THE SURVEY SHOWN ON THE DOCUMENT RECORDED IN THE
30 CITY AND COUNTY OF DENVER RECORDS UNDER RECEPTION NO. 2013045280;
31 THENCE N89°50'49"E ALONG THE SOUTH LINE OF LOUISIANA AVENUE, 202.36
32 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING ALONG ABOVE
33 DESCRIBED COURSE, 622.64 FEET TO THE NORTHWEST CORNER OF LOT 1,
34 BLOCK 1, KIBLER ADDITION, SAID POINT ALSO BEING ON THE EAST LINE OF
35 VACATED SOUTH BELLAIRE STREET AS VACATED IN BOOK 806 AT PAGE 385
36 OF THE CITY AND COUNTY OF DENVER RECORDS; THENCE S00°02'20"E ALONG
37 THE WEST LINE OF SAID LOT 1 AND SAID LINE EXTENDED (ALSO ALONG THE
38 EAST LINE OF SAID VACATED SOUTH BELLAIRE STREET), 454.88 FEET TO A
39 POINT ON THE WEST LINE OF LOT 8, BLOCK 1, KIBLER ADDITION; THENCE
40 S89°50'50"W, 201.68 FEET; THENCE S00°09'10"E, 86.07 FEET; THENCE
41 S89°50'51"W, 421.14 FEET TO A POINT ON THE WEST LINE OF THE EAST ½ OF
42 VACATED SOUTH ALBION STREET AS VACATED IN BOOK 806 AT PAGE 385 OF
43 THE CITY AND COUNTY OF DENVER RECORDS; THENCE N00°02'20"W ALONG
44 THE WEST LINE OF THE EAST ½ OF SAID VACATED SOUTH ALBION STREET,
45 540.94 FEET TO THE POINT OF BEGINNING, CITY AND COUNTY OF DENVER,
46 STATE OF COLORADO.

1 THE ABOVE DESCRIBED PARCEL CONTAINS 319,465 SQUARE FEET OR 7.3339
2 ACRES MORE OR LESS.

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

5 **LEGAL DESCRIPTION S-MX-5 ZONE DISTRICT BOUNDARY:**

6
7 A PARCEL OF LAND LOCATED IN THE NORTHWEST ¼ OF SECTION 19,
8 TOWNSHIP 4 SOUTH, RANGE 67 WEST OF THE 6TH P.M., CITY AND COUNTY OF
9 DENVER, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS
10 FOLLOWS:

11
12 COMMENCING AT THE NORTHWEST CORNER OF THE EAST 31 FEET OF LOT 1,
13 BLOCK 4, KIBLER ADDITION, BEING A POINT ON THE SOUTH LINE OF LOUISIANA
14 AVENUE MONUMENTED BY AN ALLOY DISK STAMPED PLS 25379 AND AS
15 DEFINED BY THE SURVEY SHOWN ON THE DOCUMENT RECORDED IN THE
16 CITY AND COUNTY OF DENVER RECORDS UNDER RECEPTION NO. 2013045280;
17 THENCE N89°50'49"E ALONG THE SOUTH LINE OF LOUISIANA AVENUE, 825.00
18 FEET TO THE POINT OF BEGINNING BEING THE NORTHWEST CORNER OF LOT
19 1, BLOCK 1, KIBLER ADDITION, SAID POINT ALSO BEING ON THE EAST LINE OF
20 VACATED SOUTH BELLAIRE STREET VACATED IN BOOK 806 AT PAGE 385 OF
21 THE CITY AND COUNTY OF DENVER RECORDS; THENCE CONTINUING ALONG
22 ABOVE DESCRIBED COURSE, 236.32 FEET TO THE INTERSECTION OF THE
23 SOUTH LINE OF LOUISIANA AVENUE AND THE WEST LINE OF SOUTH BIRCH
24 STREET, SAID POINT ALSO BEING THE NORTHEAST CORNER OF LOT 20,
25 BLOCK 1, KIBLER ADDITION; THENCE S00°02'20"E ALONG THE WEST LINE OF
26 SOUTH BIRCH STREET, 277.44 FEET; THENCE S89°50'50"W, 148.32 FEET;
27 THENCE S00°02'20"E, 60.00 FEET; THENCE S89°50'50"W, 4.12 FEET; THENCE
28 S00°02'20"E, 118.44 FEET; THENCE S89°50'50"W, 83.88 FEET TO A POINT ON THE
29 EAST LINE OF VACATED SOUTH BELLAIRE STREET AS VACATED IN BOOK 806
30 AT PAGE 385 OF THE CITY AND COUNTY OF DENVER RECORDS, SAID POINT
31 BEING ON THE WEST LINE OF LOT 8, BLOCK 1, KIBLER ADDITION; THENCE
32 S00°02'20"E ALONG THE EAST LINE OF SAID VACATED SOUTH BELLAIRE
33 STREET, 125.07 FEET; THENCE S89°50'50"W, 622.64 FEET TO A POINT ON THE
34 WEST LINE OF THE EAST ½ OF VACATED SOUTH ALBION STREET AS VACATED
35 IN BOOK 806 AT PAGE 385 OF THE CITY AND COUNTY OF DENVER RECORDS;
36 THENCE N00°02'20"W ALONG THE WEST LINE OF THE EAST ½ OF SAID
37 VACATED SOUTH ALBION STREET, 40.00 FEET; THENCE N89°50'51"E, 421.14
38 FEET; THENCE N00°09'10"W, 86.07 FEET; THENCE N89°50'50"E, 201.68 FEET TO
39 A POINT ON THE EAST LINE OF SAID VACATED SOUTH BELLAIRE STREET, SAID
40 POINT ALSO BEING ON THE WEST LINE OF SAID LOT 8, BLOCK 1, KIBLER
41 ADDITION; THENCE N00°02'20"W, 454.88 FEET TO THE POINT OF BEGINNING,
42 CITY AND COUNTY OF DENVER, STATE OF COLORADO

43
44 THE ABOVE DESCRIBED PARCEL CONTAINS 123,037 SQUARE FEET OR 2.8245
45 ACRES MORE OR LESS.

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

1 **LEGAL DESCRIPTION S-MX-3 ZONE DISTRICT BOUNDARY:**

2
3 A PARCEL OF LAND LOCATED IN THE NORTHWEST ¼ OF SECTION 19,
4 TOWNSHIP 4 SOUTH, RANGE 67 WEST OF THE 6TH P.M., CITY AND COUNTY OF
5 DENVER, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS
6 FOLLOWS:

7
8 COMMENCING AT THE NORTHWEST CORNER OF THE EAST 31 FEET OF LOT 1,
9 BLOCK 4, KIBLER ADDITION, BEING A POINT ON THE SOUTH LINE OF LOUISIANA
10 AVENUE MONUMENTED BY AN ALLOY DISK STAMPED PLS 25379 AND AS
11 DEFINED BY THE SURVEY SHOWN ON THE DOCUMENT RECORDED IN THE
12 CITY AND COUNTY OF DENVER RECORDS UNDER RECEPTION NO. 2013045280;
13 THENCE N89°50'49"E ALONG THE SOUTH LINE OF LOUISIANA AVENUE, 1061.33
14 FEET TO THE INTERSECTION OF THE SOUTH LINE OF LOUISIANA AVENUE AND
15 THE WEST LINE OF SOUTH BIRCH STREET, SAID POINT ALSO BEING THE
16 NORTHEAST CORNER OF LOT 20, BLOCK 1, KIBLER ADDITION; THENCE
17 S00°02'20"E ALONG THE WEST LINE OF SOUTH BIRCH STREET, 337.44 FEET TO
18 THE POINT OF BEGINNING, SAID POINT BEING ON THE EAST LINE OF LOT 15,
19 BLOCK 1, KIBLER ADDITION; THENCE CONTINUING ALONG THE WEST LINE OF
20 SOUTH BIRCH STREET S00°02'20"E, 263.44 FEET TO THE INTERSECTION OF
21 THE WEST LINE OF SOUTH BIRCH STREET AND THE NORTH LINE OF
22 ARKANSAS AVENUE, SAID POINT ALSO BEING THE SOUTHEAST CORNER OF
23 LOT 11, BLOCK 1, KIBLER ADDITION; THENCE S89°50'50"W ALONG THE NORTH
24 LINE OF ARKANSAS AVENUE, 858.96 FEET TO A POINT ON THE WEST LINE OF
25 THE EAST ½ OF VACATED SOUTH ALBION STREET AS VACATED IN BOOK 806
26 AT PAGE 385 OF THE CITY AND COUNTY OF DENVER RECORDS; THENCE
27 N00°02'20"W ALONG THE WEST LINE OF THE EAST ½ OF SAID VACATED SOUTH
28 ALBION STREET, 19.93 FEET; THENCE N89°50'50"E, 622.64 FEET TO A POINT ON
29 THE EAST LINE OF VACATED SOUTH BELLAIRE STREET AS VACATED IN BOOK
30 806 AT PAGE 385 OF THE CITY AND COUNTY OF DENVER RECORDS, SAID
31 POINT ALSO BEING ON THE WEST LINE OF LOT 10, BLOCK 1, KIBLER ADDITION;
32 THENCE N00°02'20"W ALONG THE EAST LINE OF SAID VACATED SOUTH
33 BELLAIRE STREET, 125.07 FEET; THENCE N89°50'50"E, 83.88 FEET; THENCE
34 N00°02'20"W, 118.44 FEET; THENCE N89°50'50"E, 152.44 FEET TO THE POINT OF
35 BEGINNING, CITY AND COUNTY OF DENVER, STATE OF COLORADO.

36
37 THE ABOVE DESCRIBED PARCEL CONTAINS 64,729 SQUARE FEET OR 1.4860
38 ACRES MORE OR LESS.

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

41 **LEGAL DESCRIPTION S-MU-3 ZONE DISTRICT BOUNDARY:**

42
43 ALL OF LOTS 10, 11 AND 12 GARWOOD SUBDIVISION RECORDED NOVEMBER
44 15, 1950, AT RECEPTION NO. 446849 IN THE RECORDS OF THE CITY AND
45 COUNTY OF DENVER, STATE OF COLORADO. SAID PARCEL BEING MORE
46 PARTICULARLY DESCRIBED AS FOLLOWS:
47

1 A PARCEL OF LAND LOCATED IN THE NORTHWEST ¼ OF SECTION 19,
2 TOWNSHIP 4S, RANGE 67W, OF THE 6TH PRINCIPAL MERIDIAN, IN THE CITY
3 AND COUNTY OF DENVER, STATE OF COLORADO, BEING MORE PARTICULARLY
4 DESCRIBED AS FOLLOWS:
5

6 BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 12; THENCE
7 S89°51'20"W, COINCIDENT WITH THE SOUTH LINE OF SAID LOT 12, A DISTANCE
8 OF 137.23 FEET; THENCE ON THE ARC OF A CURVE TO THE RIGHT, A RADIUS
9 OF 15.00 FEET, A CENTRAL ANGLE OF 89°58'23", A DISTANCE OF 23.55 FEET, (A
10 CHORD BEARING N45°09'28"W, A DISTANCE OF 21.21 FEET) TO A POINT ON THE
11 WEST LINE OF SAID LOT 12; THENCE N00°10'17"W COINCIDENT WITH THE WEST
12 LINE OF SAID LOTS 12 AND 10, A DISTANCE OF 115.07 FEET TO THE
13 NORTHWEST CORNER OF SAID LOT 10; THENCE N89°51'20"E COINCIDENT WITH
14 THE NORTH LINE OF SAID LOTS 10 AND 11, A DISTANCE OF 152.22 FEET TO
15 THE NORTHEAST CORNER OF SAID LOT 11; THENCE S00°10'17"E COINCIDENT
16 WITH THE EAST LINE OF SAID LOTS 11 AND 12, A DISTANCE OF 130.06 FEET,
17 MORE OR LESS, TO THE POINT OF BEGINNING.
18

19 THE ABOVE DESCRIBED PARCEL CONTAINS 19,750 SQUARE FEET OR 0.4533
20 ACRES MORE OR LESS.
21

22 **BASIS OF BEARINGS FOR ALL LEGAL DESCRIPTIONS:**
23

24 AN ASSUMED BEARING OF N00°10'17"W BEING A 10 FOOT CITY AND COUNTY
25 OF DENVER RANGE LINE LOCATED IN SOUTH BIRCH STREET BETWEEN TWO
26 FOUND MONUMENTS 690.88 FEET APART. BOTH MONUMENTS BEING AN AXLE
27 IN A CITY AND COUNTY OF DENVER SURVEY RANGE POINT BOX; ONE AT THE
28 INTERSECTION OF SOUTH BIRCH STREET AND ARKANSAS AVENUE AND THE
29 OTHER AT THE INTERSECTION OF SOUTH BIRCH STREET AND LOUISIANA
30 AVENUE.

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

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

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1 COMMITTEE APPROVAL DATE: October 9, 2018

2 MAYOR-COUNCIL DATE: October 16, 2018

3 PASSED BY THE COUNCIL: _____

4 _____ - PRESIDENT

5 APPROVED: _____ - MAYOR _____

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

9 NOTICE PUBLISHED IN THE DAILY JOURNAL: _____; _____

10 PREPARED BY: Nathan J. Lucero, Assistant City Attorney DATE: October 18, 2018

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

15 Kristin M. Bronson, Denver City Attorney

16 BY: _____, Assistant City Attorney DATE: _____