

**BY AUTHORITY**

ORDINANCE NO. \_\_\_\_\_  
SERIES OF 2018

COUNCIL BILL NO. CB18-0412  
COMMITTEE OF REFERENCE:  
Land Use, Transportation & Infrastructure

**A BILL**

**For an ordinance changing the zoning classification for 4400 North Fox Street in Globeville.**

**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-12, UO-2, C-RX-12, UO-2 and C-RX-8, UO-2 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 districts;

**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 I-B, UO-2.
- b. It is proposed that the land area hereinafter described be changed to C-MX-12, UO-2, C-RX-12, UO-2 and C-RX-8, UO-2.

**Section 2.** That the zoning classification of the land areas in the City and County of Denver described as follows shall be and hereby are changed from I-B, UO-2 to C-MX-12, UO-2:

**Parcel 1**

A PARCEL OF LAND SITUATED IN THE NORTHWEST QUARTER OF SECTION 22, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**COMMENCING** AT THE SOUTHEAST CORNER OF BLOCK 6 OF THE VIADUCT ADDITION TO THE CITY OF DENVER AND CONSIDERING THE NORTHERLY RIGHT-OF-WAY LINE OF WEST 43RD AVENUE TO BEAR SOUTH 89°45'13" WEST, WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO:

THENCE NORTH 00°14'47" WEST ALONG THE EASTERLY LINE OF SAID BLOCK 6 A DISTANCE OF 438.04 FEET TO THE **POINT OF BEGINNING**;

1 THENCE SOUTH 89°45'13" WEST A DISTANCE OF 59.44 FEET;  
2 THENCE NORTH 00°14'47" WEST A DISTANCE OF 462.12 FEET;  
3 THENCE SOUTH 89°45'13" WEST A DISTANCE OF 471.48 FEET TO A POINT ON  
4 THE EASTERLY BOUNDARY OF PARCEL CM-17A DESCRIBED IN THE RULE AND  
5 ORDER RECORDED AT RECEPTION NO. 2012112161 OF THE RECORDS OF THE  
6 CITY AND COUNTY OF DENVER CLERK AND RECORDER;

7  
8 THENCE ALONG SAID EASTERLY BOUNDARY AND ALONG A NON-TANGENT  
9 CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 00°06'47", A RADIUS OF  
10 37,775.14 FEET, AN ARC LENGTH OF 74.50 FEET AND A CHORD THAT BEARS  
11 NORTH 00°36'28" WEST A DISTANCE OF 74.50 FEET TO THE SOUTHEASTERLY  
12 CORNER OF PARCEL CM-17C OF SAID RULE AND ORDER RECORDED AT  
13 RECEPTION NO. 2012112161

14  
15 THENCE ALONG THE BOUNDARY OF SAID PARCEL CM-17C THE FOLLOWING  
16 THREE (3) COURSES:

- 17
- 18 1. NORTH 89°19'35" EAST A DISTANCE OF 13.64 FEET;
- 19 2. NORTH 00°42'24" WEST A DISTANCE OF 26.00 FEET;
- 20 3. NORTH 49°12'25" WEST A DISTANCE OF 18.20 FEET TO A POINT ON SAID  
21 EASTERLY BOUNDARY OF PARCEL CM-17A;
- 22

23 THENCE ALONG SAID EASTERLY BOUNDARY THE FOLLOWING SEVEN (7)  
24 COURSES;

- 25
- 26 1. NORTH 00°41'50" WEST A DISTANCE OF 110.57 FEET;
- 27 2. NORTH 11°54'11" EAST A DISTANCE OF 177.10 FEET TO A POINT OF  
28 CURVATURE;
- 29 3. ALONG A CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 15°27'36",  
30 A RADIUS OF 1,189.22 FEET, AN ARC LENGTH OF 320.88 FEET AND A  
31 CHORD THAT BEARS NORTH 04°10'23" EAST A DISTANCE OF 319.91 FEET;
- 32 4. NORTH 03°33'25" WEST A DISTANCE OF 370.97 FEET;
- 33 5. NORTH 03°20'49" WEST A DISTANCE OF 69.87 FEET;
- 34 6. NORTH 05°17'56" EAST A DISTANCE OF 100.76 FEET;
- 35
- 36 7. NORTH 00°42'51" EAST A DISTANCE OF 41.01 FEET ALONG SAID  
37 EASTERLY BOUNDARY AND ALONG THE BOUNDARY OF PARCEL CM-17B  
38 AS RECORDED AT RECEPTION NO. 2015002278 OF THE RECORD OF THE  
39 CITY AND COUNTY OF DENVER CLERK AND RECORDER TO THE  
40 SOUTHWESTERLY RIGHT-OF-WAY LINE OF INTERSTATE 70;
- 41

42 THENCE ALONG SAID SOUTHWESTERLY RIGHT-OF-WAY LINE THE FOLLOWING  
43 TWO (2) COURSES:

- 44
- 45 1. SOUTH 69°14'02" EAST A DISTANCE OF 443.00 FEET;
- 46 2. SOUTH 65°53'05" EAST A DISTANCE OF 373.27 FEET;
- 47

48 THENCE SOUTH 11°02'55" WEST A DISTANCE OF 1,185.35 FEET;

1 THENCE SOUTH 00°00'00" EAST A DISTANCE OF 198.18 FEET TO A POINT ON  
2 THE NORTHERLY RIGHT-OF-WAY LINE OF SAID FOX STREET;

3  
4 THENCE ALONG SAID NORTHERLY RIGHT-OF-WAY LINE THE FOLLOWING TWO  
5 (2) COURSES:

- 6  
7 1. SOUTH 45°03'28" WEST A DISTANCE OF 49.46 FEET;  
8 2. SOUTH 00°14'47" EAST A DISTANCE OF 50.56 FEET TO THE **POINT OF**  
9 **BEGINNING;**

10  
11 SAID PARCEL CONTAINS AN AREA OF 823,563 SQUARE FEET, OR 18.906  
12 ACRES, MORE OR LESS. ALL LINEAL DISTANCE UNITS ARE REPRESENTED IN  
13 U.S. SURVEY FEET.

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

16 **Parcel 4**

17 A PARCEL OF LAND SITUATED IN THE NORTHWEST QUARTER OF SECTION 22,  
18 TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN,  
19 CITY AND COUNTY OF DENVER, STATE OF COLORADO, BEING MORE  
20 PARTICULARLY DESCRIBED AS FOLLOWS:

21  
22 **COMMENCING** AT THE SOUTHEAST CORNER OF BLOCK 6 OF THE VIADUCT  
23 ADDITION TO THE CITY OF DENVER AND CONSIDERING THE NORTHERLY  
24 RIGHT-OF-WAY LINE OF WEST 43RD AVENUE TO BEAR SOUTH 89°45'13" WEST,  
25 WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO:

26  
27 THENCE NORTH 00°14'47" EAST ALONG THE EASTERLY LINE OF SAID BLOCK 6,  
28 AND THE NORTHERLY EXTENSION THEREOF, A DISTANCE OF 488.60 FEET TO  
29 THE NORTHWESTERLY RIGHT-OF-WAY LINE OF FOX STREET DEDICATED BY  
30 ORDINANCE 195, SERIES OF 1953; THENCE NORTH 45°03'28" EAST ALONG SAID  
31 NORTHWESTERLY RIGHT-OF-WAY LINE A DISTANCE OF 573.27 FEET TO THE  
32 **POINT OF BEGINNING;**

33  
34 THENCE ALONG A CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF  
35 62°59'24", A RADIUS OF 865.30 FEET, AN ARC LENGTH OF 951.30 FEET AND A  
36 CHORD THAT BEARS NORTH 02°19'42" EAST A DISTANCE OF 904.11 FEET TO A  
37 POINT ON THE SOUTHWESTERLY LINE RIGHT-OF-WAY LINE OF INTERSTATE 70;

38  
39 THENCE ALONG SAID RIGHT-OF-WAY LINE THE FOLLOWING TWO (2) COURSES:

- 40  
41 1. ALONG A NON-TANGENT CURVE TO THE RIGHT HAVING A CENTRAL  
42 ANGLE OF 13°55'50", A RADIUS OF 1,432.39 FEET, AN ARC LENGTH OF  
43 348.27 FEET AND A CHORD THAT BEARS SOUTH 46°25'38" EAST A  
44 DISTANCE OF 347.41 FEET;  
45 2. SOUTH 42°47'48" EAST A DISTANCE OF 73.60 FEET TO THE WESTERLY  
46 BOUNDARY OF SAID FOX STREET;

1 THENCE ALONG SAID WESTERLY BOUNDARY THE FOLLOWING TWO (2)  
2 COURSES:

- 3
- 4 1. SOUTH 00°12'32" EAST A DISTANCE OF 271.17 FEET;
- 5 2. SOUTH 45°03'28" WEST A DISTANCE OF 479.53 FEET TO **POINT OF**  
6 **BEGINNING;**
- 7

8 SAID PARCEL CONTAINS AN AREA OF 113,067 SQUARE FEET, OR 2.596 ACRES,  
9 MORE OR LESS. ALL LINEAL DISTANCE UNITS ARE REPRESENTED IN U.S.  
10 SURVEY FEET.

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

13 **Section 3.** That the zoning classification of the land area in the City and County of Denver  
14 described as follows shall be and hereby is changed from I-B, UO-2 to C-RX-12, UO-2:

15 **Parcel 2**

16 A PARCEL OF LAND SITUATED IN THE NORTHWEST QUARTER OF SECTION 22,  
17 TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN,  
18 CITY AND COUNTY OF DENVER, STATE OF COLORADO, BEING MORE  
19 PARTICULARLY DESCRIBED AS FOLLOWS:

20  
21 **COMMENCING** AT THE SOUTHEAST CORNER OF BLOCK 6 OF THE VIADUCT  
22 ADDITION TO THE CITY OF DENVER AND CONSIDERING THE NORTHERLY  
23 RIGHT-OF-WAY LINE OF WEST 43RD AVENUE TO BEAR SOUTH 89°45'13" WEST,  
24 WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO:

25  
26 THENCE NORTH 00°14'47" EAST ALONG THE EASTERLY LINE OF SAID BLOCK 6,  
27 AND THE NORTHERLY EXTENSION THEREOF, A DISTANCE OF 488.60 FEET TO  
28 THE NORTHWESTERLY RIGHT-OF-WAY LINE OF FOX STREET DEDICATED BY  
29 ORDINANCE 195, SERIES OF 1953;  
30 THENCE NORTH 45°03'28" EAST ALONG SAID NORTHWESTERLY RIGHT-OF-WAY  
31 LINE A DISTANCE OF 49.46 FEET TO THE **POINT OF BEGINNING;**

32  
33 THENCE NORTH 00°00'00" EAST A DISTANCE OF 198.18 FEET;  
34 THENCE NORTH 11°02'55" EAST A DISTANCE OF 456.09 FEET;  
35 THENCE SOUTH 78°14'04" EAST A DISTANCE OF 389.60 FEET TO A POINT OF  
36 CURVATURE; THENCE ALONG A NON-TANGENT CURVE TO THE RIGHT HAVING  
37 A CENTRAL ANGLE OF 14°34'22", A RADIUS OF 865.30 FEET, AN ARC LENGTH OF  
38 220.08 FEET AND A CHORD THAT BEARS SOUTH 26°32'13" WEST A DISTANCE  
39 OF 219.49 FEET TO A POINT ON SAID NORTHWESTERLY RIGHT-OF-WAY LINE  
40 OF FOX STREET; THENCE SOUTH 45°03'28" WEST ALONG SAID RIGHT-OF-WAY  
41 LINE A DISTANCE OF 523.80 FEET **TO POINT OF BEGINNING;**

42  
43 SAID PARCEL CONTAINS AN AREA OF 154,579 SQUARE FEET, OR 3.549 ACRES,  
44 MORE OR LESS. ALL LINEAL DISTANCE UNITS ARE REPRESENTED IN U.S.  
45 SURVEY FEET.

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 4.** That the zoning classification of the land area in the City and County of  
4 Denver described as follows shall be and hereby is changed from I-B, UO-2 to C-RX-8, UO-2:

5 **Parcel 3**

6 A PARCEL OF LAND SITUATED IN THE NORTHWEST QUARTER OF SECTION 22,  
7 TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY  
8 AND COUNTY OF DENVER, STATE OF COLORADO, BEING MORE PARTICULARLY  
9 DESCRIBED AS FOLLOWS:

10  
11 **COMMENCING** AT THE SOUTHEAST CORNER OF BLOCK 6 OF THE VIADUCT  
12 ADDITION TO THE CITY OF DENVER AND CONSIDERING THE NORTHERLY RIGHT-  
13 OF-WAY LINE OF WEST 43RD AVENUE TO BEAR SOUTH 89°45'13" WEST, WITH ALL  
14 BEARINGS CONTAINED HEREIN RELATIVE THERETO:

15  
16 THENCE NORTH 05°52'28" EAST A DISTANCE OF 1,175.53 FEET TO THE  
17 **POINT OF BEGINNING;**

18  
19 THENCE NORTH 11°02'55" EAST A DISTANCE OF 729.26 FEET TO A POINT ON THE  
20 SOUTHWESTERLY RIGHT-OF-WAY LINE OF INTERSTATE 70;

21  
22 THENCE ALONG SAID SOUTHWESTERLY RIGHT-OF-WAY LINE THE FOLLOWING  
23 TWO (2) COURSES:

- 24  
25 1. SOUTH 65°53'05" EAST A DISTANCE OF 168.07 FEET TO A POINT OF  
26 CURVATURE;  
27 2. ALONG A NON-TANGENT CURVE TO THE RIGHT HAVING A CENTRAL ANGLE  
28 OF 01°19'50", A RADIUS OF 1,432.39 FEET, AN ARC LENGTH OF 33.26 FEET  
29 AND A CHORD THAT BEARS SOUTH 54°03'28" EAST A DISTANCE OF 33.26  
30 FEET TO A POINT OF CURVATURE;

31  
32 THENCE ALONG A NON-TANGENT CURVE TO THE RIGHT HAVING A CENTRAL  
33 ANGLE OF 48°25'02", A RADIUS OF 865.30 FEET, AN ARC LENGTH OF 731.21 FEET  
34 AND A CHORD THAT BEARS SOUTH 04°57'29" EAST A DISTANCE OF 709.65 FEET;  
35 THENCE NORTH 78°14'04" WEST A DISTANCE OF 389.60 FEET TO THE  
36 **POINT OF BEGINNING;**

37  
38 SAID PARCEL CONTAINS AN AREA OF 239,993 SQUARE FEET, OR 5.509 ACRES,  
39 MORE OR LESS. ALL LINEAL DISTANCE UNITS ARE REPRESENTED IN U.S. SURVEY  
40 FEET.

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

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

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1 COMMITTEE APPROVAL DATE: May 1, 2018  
2 MAYOR-COUNCIL DATE: May 8, 2018 (by Consent)  
3 PASSED BY THE COUNCIL: June 18, 2018

4 *Alan Bink* - 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: May 10, 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: *Kristin M. Bronson*, Assistant City Attorney DATE: May 9, 2018