

1 **BY AUTHORITY**

2 ORDINANCE NO. _____
3 SERIES OF 2023

COUNCIL BILL NO. 22-1473
COMMITTEE OF REFERENCE:
Land Use, Transportation & Infrastructure

5 **A BILL**

6 **For an ordinance changing the zoning classification for 7003 North Tower Road**
7 **and multiple associated parcels in DIA.**

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

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

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

20 a. The land area hereinafter described is presently classified as C-MU-10 with waivers and
21 conditions, AIO; C-MU-20 with waivers and conditions, AIO; and C-MU-30 with waivers and conditions,
22 UO-1, AIO.

23 b. It is proposed that the land area hereinafter described be changed to S-MX-8, AIO and
24 S-MX-8A, AIO.

25 **Section 2.** That the zoning classification of the land area in the City and County of Denver
26 described as follows shall be and hereby is changed from C-MU-10 with waivers and conditions, AIO;
27 C-MU-20 with waivers and conditions, AIO; C-MU-30 with waivers and conditions, UO-1 AIO to S-MX-
28 8, AIO:

29 TWO (2) PARCELS OF LAND BEING A PORTION OF THE NORTHEAST 1/4 OF
30 SECTION 4, TOWNSHIP 3 SOUTH, RANGE 66 WEST OF THE 6TH PRINCIPAL
31 MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO, BEING MORE
32 PARTICULARLY DESCRIBED AS FOLLOWS:

33 BASIS OF BEARINGS: THE WEST LINE OF THE NORTHEAST 1/4 OF SECTION 4,
34 TOWNSHIP 3 SOUTH, RANGE 66 WEST OF THE 6TH PRINCIPAL MERIDIAN, BEING
35 MONUMENTED AT THE NORTH END BY A REBAR WITH BROKEN CAP AND AT THE
36 SOUTH END BY A 3-1/4” ALUMINUM CAP STAMPED “JR ENG LS 38252”, BEING
37 ASSUMED TO BEAR S00°43’33”W.

1
2 PARCEL A:
3 ALL OF LOT 1, BLOCK 2, DENVER INTERNATIONAL BUSINESS CENTER FILING NO. 8
4 AS RECORDED UNDER RECEPTION NO. 2000036321 IN THE RECORDS OF THE
5 DENVER COUNTY CLERK AND RECORDER, BEING MORE PARTICULARLY DESCRIBED
6 AS FOLLOWS:

7 COMMENCING AT THE NORTH 1/4 CORNER OF SECTION 4, TOWNSHIP 3 SOUTH,
8 RANGE 66 WEST OF THE 6TH PRINCIPAL MERIDIAN;

9 THENCE ON THE NORTH LINE OF THE NORTHEAST 1/4 OF SAID SECTION 4,
10 N89°47'21"E A DISTANCE OF 1962.02 FEET, TO THE NORTHWESTERLY CORNER OF
11 SAID LOT 1, BLOCK 2, DENVER INTERNATIONAL BUSINESS CENTER FILING NO. 8,
12 ALSO BEING THE POINT OF BEGINNING;

13 THENCE CONTINUING ON SAID NORTH LINE, N89°47'21"E A DISTANCE OF 610.88
14 FEET, TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF TOWER ROAD;

15 THENCE ON SAID WESTERLY RIGHT-OF-WAY LINE, S00°39'59"W A DISTANCE OF
16 305.35 FEET, TO THE NORTHEASTERLY CORNER OF LOT 2, BLOCK 2, DENVER
17 INTERNATIONAL BUSINESS CENTER FILING NO. 8;

18 THENCE ON THE NORTHERLY LINE OF SAID LOT 2, BLOCK 2, S89°54'46"W A
19 DISTANCE OF 269.00 FEET, TO THE NORTHWESTERLY CORNER OF SAID LOT 2,
20 BLOCK 2;

21 THENCE ON THE WESTERLY LINE OF SAID LOT 2, BLOCK 2, S00°39'59"W A DISTANCE
22 OF 305.00 FEET, TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF EAST
23 71ST AVENUE;

24 THENCE ON SAID NORTHERLY RIGHT-OF-WAY LINE, THE FOLLOWING THREE (3)
25 COURSES:

- 26 1. S89°54'46"W A DISTANCE OF 42.54 FEET, TO A POINT OF CURVE;
- 27 2. ON THE ARC OF A CURVE TO THE LEFT, HAVING A RADIUS OF 697.00 FEET, A
28 CENTRAL ANGLE OF 34°02'31" AND AN ARC LENGTH OF 414.12 FEET, TO A POINT OF
29 TANGENT;
- 30 3. S55°52'15"W A DISTANCE OF 612.46 FEET, TO THE SOUTHWESTERLY CORNER
31 OF SAID LOT 1, BLOCK 2;

32 THENCE ON THE WESTERLY AND NORTHERLY LINES OF SAID LOT 1, BLOCK 2, THE
33 FOLLOWING TWO (2) COURSES:

- 34 1. N18°50'05"W A DISTANCE OF 576.65 FEET;
- 35 2. N56°21'08"E A DISTANCE OF 950.09 FEET, TO THE POINT OF BEGINNING.
36 CONTAINING A CALCULATED AREA OF 759,809 SQUARE FEET OR 17.4428 ACRES.

37 PARCEL B:
38 COMMENCING AT THE NORTH QUARTER CORNER OF SECTION 4, TOWNSHIP 3
39 SOUTH, RANGE 66 WEST OF THE 6TH PRINCIPAL MERIDIAN;
40 THENCE S51°02'10"E A DISTANCE OF 1765.38 FEET, TO A POINT ON THE WESTERLY
41 RIGHT-OF-WAY LINE OF EAST 71ST AVE AS SHOWN ON THE PLAT OF DENVER
42 INTERNATIONAL BUSINESS CENTER FILING NO. 9 RECORDED UNDER RECEPTION
43 NO. 2001043013 IN THE RECORDS OF THE DENVER COUNTY CLERK AND RECORDER;

1 THENCE ON THE WESTERLY AND SOUTHERLY RIGHT-OF-WAY LINES OF SAID EAST
2 71ST AVENUE THE FOLLOWING TWO (2) COURSES:
3 1. S18°50'05"E A DISTANCE OF 49.76 FEET;
4 2. N55°52'15"E A DISTANCE OF 25.92 FEET, TO A POINT ON THE WESTERLY LINE
5 OF LOT 1, BLOCK 1, OF SAID DENVER INTERNATIONAL BUSINESS CENTER FILING
6 NO. 9;
7 THENCE ON THE WESTERLY AND SOUTHERLY LINES OF SAID LOT 1, BLOCK 1, THE
8 FOLLOWING TWO (2) COURSES:
9 1. S18°50'05"E A DISTANCE OF 244.92 FEET;
10 2. N89°51'05"E A DISTANCE OF 61.18 FEET, TO A POINT ON THE WESTERLY LINE
11 OF THAT PROPERTY RECORDED UNDER RECEPTION NO. 2017061114;
12 THENCE ON THE WESTERLY AND SOUTHERLY LINES OF SAID PROPERTY, THE
13 FOLLOWING TWO (2) COURSES:
14 1. S00°00'00"E A DISTANCE OF 342.55 FEET;
15 2. N90°00'00"E A DISTANCE OF 373.11 FEET, TO A POINT ON THE WESTERLY
16 RIGHT-OF-WAY LINE OF NORTH YAMPA STREET;
17 THENCE ON SAID WESTERLY RIGHT-OF-WAY LINE, S00°41'02"W A DISTANCE OF
18 162.23 FEET, TO A POINT OF CURVE;
19 THENCE DEPARTING SAID WESTERLY RIGHT-OF-WAY LINE, ON THE ARC OF A
20 CURVE TO THE RIGHT, HAVING A RADIUS OF 30.00 FEET, A CENTRAL ANGLE OF
21 89°51'33" AND AN ARC LENGTH OF 47.05 FEET, TO A POINT OF TANGENT;
22 THENCE N89°27'24"W A DISTANCE OF 5.30 FEET, TO A POINT OF CURVE;
23 THENCE ON THE ARC OF A CURVE TO THE LEFT, HAVING A RADIUS OF 1353.50 FEET,
24 A CENTRAL ANGLE OF 22°46'08" AND AN ARC LENGTH OF 537.87 FEET, TO A POINT
25 OF TANGENT;
26 THENCE S67°46'28"W A DISTANCE OF 21.90 FEET, TO A POINT OF CURVE;
27 THENCE ON THE ARC OF A CURVE TO THE LEFT, HAVING A RADIUS OF 1284.00 FEET,
28 A CENTRAL ANGLE OF 32°28'27" AND AN ARC LENGTH OF 727.75 FEET, TO A POINT
29 OF TANGENT;
30 THENCE S35°18'01"W A DISTANCE OF 48.25 FEET, TO A POINT OF CURVE;
31 THENCE ON THE ARC OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 30.00 FEET,
32 A CENTRAL ANGLE OF 90°00'00" AND AN ARC LENGTH OF 47.12 FEET, TO A POINT OF
33 TANGENT;
34 THENCE N54°41'59"W A DISTANCE OF 11.00 FEET;
35 THENCE S35°18'01"W A DISTANCE OF 40.00 FEET;
36 THENCE N54°41'59"W A DISTANCE OF 54.57 FEET, TO A POINT OF CURVE;
37 THENCE ON THE ARC OF A CURVE TO THE LEFT, HAVING A RADIUS OF 600.00 FEET,
38 A CENTRAL ANGLE OF 13°04'11" AND AN ARC LENGTH OF 136.87 FEET, TO A POINT
39 OF TANGENT;
40 THENCE N67°46'10"W A DISTANCE OF 409.26 FEET;
41 THENCE N22°13'50"E A DISTANCE OF 122.72 FEET, TO A POINT OF CURVE;

1 THENCE ON THE ARC OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 1250.00
2 FEET, A CENTRAL ANGLE OF 33°38'26" AND AN ARC LENGTH OF 733.92 FEET, TO A
3 POINT OF TANGENT;
4 THENCE N55°52'15"E A DISTANCE OF 889.91 FEET, TO THE POINT OF BEGINNING.
5 CONTAINING A CALCULATED AREA OF 1,115,958 SQUARE FEET OR 25.6189 ACRES.
6 TOTAL AREA OF PARCELS A AND B CONTAIN A CALCULATED AREA OF 1,875,767
7 SQUARE FEET OR 43.0617 ACRES.

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

10 **Section 3.** That the zoning classification of the land area in the City and County of Denver
11 described as follows shall be and hereby is changed from C-MU-10 with waivers and conditions, AIO;
12 C-MU-20 with waivers and conditions, AIO; and C-MU-30 with waivers and conditions, UO-1, AIO to S-
13 MX-8A, AIO:

14 A PARCEL OF LAND BEING A PORTION OF THE EAST HALF OF SECTION 4,
15 TOWNSHIP 3 SOUTH, RANGE 66 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY AND
16 COUNTY OF DENVER, STATE OF COLORADO, BEING MORE PARTICULARLY
17 DESCRIBED AS FOLLOWS:

18 BASIS OF BEARINGS: THE WEST LINE OF THE NORTHEAST QUARTER OF SECTION
19 4, TOWNSHIP 3 SOUTH, RANGE 66 WEST OF THE 6TH PRINCIPAL MERIDIAN, BEING
20 MONUMENTED AT THE NORTH END BY A REBAR WITH BROKEN CAP AND AT THE
21 SOUTH END BY A 3-1/4" ALUMINUM CAP STAMPED "JR ENG LS 38252", BEING
22 ASSUMED TO BEAR S00°43'33"W.

23 BEGINNING AT THE CENTER QUARTER CORNER OF SECTION 4, TOWNSHIP 3
24 SOUTH, RANGE 66 WEST OF THE 6TH PRINCIPAL MERIDIAN;

25 THENCE ON THE WEST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 4,
26 N00°43'33"E A DISTANCE OF 1,308.81 FEET, TO A POINT ON THE SOUTHERLY
27 RIGHT-OF-WAY LINE OF PENA BOULEVARD;

28 THENCE ON SAID SOUTHERLY RIGHT-OF-WAY LINE, N56°21'08"E A DISTANCE OF
29 1,426.72 FEET, TO A POINT ON THE WESTERLY LINE OF DENVER INTERNATIONAL
30 BUSINESS CENTER FILING NO. 8 RECORDED UNDER RECEPTION NO. 2000036321
31 IN THE RECORDS OF THE DENVER COUNTY CLERK AND RECORDER;

32 THENCE ON SAID WESTERLY LINE AND THE WESTERLY LINE OF DENVER
33 INTERNATIONAL BUSINESS CENTER FILING NO. 9 RECORDED UNDER RECEPTION
34 NO. 2001043013, S18°50'05"E A DISTANCE OF 624.34 FEET;

35 THENCE DEPARTING SAID WESTERLY LINE, THE FOLLOWING SEVENTEEN (17)
36 COURSES:

- 37 1. S55°52'15"W A DISTANCE OF 889.91 FEET, TO A POINT OF CURVE;
- 38 2. ON THE ARC OF A CURVE TO THE LEFT, HAVING A RADIUS OF 1250.00 FEET,
39 A CENTRAL ANGLE OF 33°38'26" AND AN ARC LENGTH OF 733.92 FEET, TO A POINT
40 OF TANGENT;
- 41 3. S22°13'50"W A DISTANCE OF 122.72 FEET;
- 42 4. S67°46'10"E A DISTANCE OF 409.26 FEET, TO A POINT OF CURVE;

5. ON THE ARC OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 600.00 FEET, A CENTRAL ANGLE OF 13°04'11" AND AN ARC LENGTH OF 136.87 FEET, TO A POINT OF TANGENT;
 6. S54°41'59"E A DISTANCE OF 54.57 FEET;
 7. S35°18'01"W A DISTANCE OF 40.00 FEET;
 8. S54°41'59"E A DISTANCE OF 11.00 FEET, TO A POINT OF CURVE;
 9. ON THE ARC OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 30.00 FEET, A CENTRAL ANGLE OF 90°00'00" AND AN ARC LENGTH OF 47.12 FEET, TO A POINT OF TANGENT;
 10. S35°18'01"W A DISTANCE OF 5.00 FEET;
 11. S54°41'59"E A DISTANCE OF 68.00 FEET;
 12. N35°18'01"E A DISTANCE OF 5.00 FEET, TO A POINT OF CURVE;
 13. ON THE ARC OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 30.00 FEET, A CENTRAL ANGLE OF 90°00'00" AND AN ARC LENGTH OF 47.12 FEET, TO A POINT OF TANGENT;
 14. S54°41'59"E A DISTANCE OF 51.35 FEET, TO A POINT OF CURVE;
 15. ON THE ARC OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 460.00 FEET, A CENTRAL ANGLE OF 14°46'08" AND AN ARC LENGTH OF 118.57 FEET, TO A POINT OF TANGENT;
 16. S39°55'52"E A DISTANCE OF 220.99 FEET;
 17. S37°22'42"E A DISTANCE OF 88.06 FEET, TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF EAST 67TH AVENUE;
 THENCE ON SAID SOUTHERLY RIGHT-OF-WAY LINE, THE FOLLOWING TWO (2) COURSES:
 1. S44°55'52"E A DISTANCE OF 217.97 FEET, TO A POINT OF CURVE;
 2. THENCE ON THE ARC OF A CURVE TO THE LEFT, HAVING A RADIUS OF 592.00 FEET, A CENTRAL ANGLE OF 15°43'26" AND AN ARC LENGTH OF 162.47 FEET, TO THE NORTHEASTERLY CORNER OF TRACT A, DENVER INTERNATIONAL BUSINESS CENTER FILING NO. 5 RECORDED UNDER RECEPTION NO. 2015112451, AND A POINT OF NON-TANGENT;
 THENCE ON THE NORTHERLY BOUNDARY LINE OF SAID TRACT A, THE FOLLOWING FIVE (5) COURSES:
 1. S35°59'27"W A DISTANCE OF 110.07 FEET, TO A POINT OF NON-TANGENT CURVE;
 2. ON THE ARC OF A CURVE TO THE RIGHT WHOSE CENTER BEARS S42°22'21"W, HAVING A RADIUS OF 1,321.94 FEET, A CENTRAL ANGLE OF 12°02'19" AND AN ARC LENGTH OF 277.76 FEET, TO A POINT OF REVERSE CURVE;
 3. ON THE ARC OF A CURVE, TO THE LEFT, HAVING A RADIUS OF 565.99 FEET, A CENTRAL ANGLE OF 16°55'53" AND AN ARC LENGTH OF 167.25 FEET, TO A POINT OF COMPOUND CURVE;
 4. ON THE ARC OF A CURVE TO THE LEFT, HAVING A RADIUS OF 460.63 FEET, A CENTRAL ANGLE OF 04°24'04" AND AN ARC LENGTH OF 35.38 FEET, TO A POINT OF NON-TANGENT;
 5. S89°19'02"E A DISTANCE OF 259.65 FEET, TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF NORTH YAMPA STREET;
 THENCE ON SAID WESTERLY RIGHT-OF-WAY LINE, S00°40'58"W A DISTANCE OF 222.57 FEET, TO THE SOUTHEASTERLY CORNER OF SAID TRACT A;

1 THENCE ON THE SOUTHERLY BOUNDARY LINE OF SAID TRACT A, THE FOLLOWING
2 TEN (10) COURSES:

- 3 1. N89°51'30"W A DISTANCE OF 176.44 FEET, TO A POINT OF CURVE;
- 4 2. ON THE ARC OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 250.00 FEET,
5 A CENTRAL ANGLE OF 53°30'04" AND AN ARC LENGTH OF 233.44 FEET, TO A POINT
6 OF TANGENT;
- 7 3. N36°21'26"W A DISTANCE OF 365.65 FEET, TO A POINT OF CURVE;
- 8 4. ON THE ARC OF A CURVE TO THE LEFT, HAVING A RADIUS OF 365.00 FEET, A
9 CENTRAL ANGLE OF 37°08'36" AND AN ARC LENGTH OF 236.62 FEET, TO A POINT
10 OF TANGENT;
- 11 5. N73°30'02"W A DISTANCE OF 247.02 FEET, TO A POINT OF CURVE;
- 12 6. ON THE ARC OF A CURVE TO THE LEFT, HAVING A RADIUS OF 548.00 FEET, A
13 CENTRAL ANGLE OF 29°11'47" AND AN ARC LENGTH OF 279.25 FEET, TO A POINT
14 OF TANGENT;
- 15 7. S77°18'11"W A DISTANCE OF 256.32 FEET;
- 16 8. S81°24'23"W A DISTANCE OF 150.71 FEET;
- 17 9. S84°57'42"W A DISTANCE OF 94.06 FEET, TO A POINT OF CURVE;
- 18 10. ON THE ARC OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 135.00 FEET,
19 A CENTRAL ANGLE OF 95°46'05" AND AN ARC LENGTH OF 225.65 FEET, TO A POINT
20 OF TANGENT ON THE WEST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION
21 4;

22 THENCE ON SAID WEST LINE, N00°43'47"E A DISTANCE OF 636.51 FEET, TO THE
23 POINT OF BEGINNING.

24 CONTAINING A CALCULATED AREA OF 2,169,992 SQUARE FEET OR 49.8162 ACRES.

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 **Section 4.** That this ordinance shall be recorded by the Manager of Community Planning and
28 Development in the real property records of the Denver County Clerk and Recorder.

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30 **[THE REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK]**

1 COMMITTEE APPROVAL DATE: November 29, 2022

2 MAYOR-COUNCIL DATE: December 06, 2022

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: December 15, 2022

11 Pursuant to Section 13-9, 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
16 Kerry Tipper, Denver City Attorney

17
18 BY: Anshul Bagga, Assistant City Attorney DATE: Dec 15, 2022