

1 **BY AUTHORITY**

2 ORDINANCE NO. _____
3 SERIES OF 2023

COUNCIL BILL NO. CB23-1483
COMMITTEE OF REFERENCE:
4 Land Use, Transportation & Infrastructure

5 **A BILL**

6 **For an ordinance changing the zoning classification for 4850 North Federal**
7 **Boulevard in Chaffee Park.**

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 E-CC-3X district, is justified
13 by one of the circumstances set forth in Section 12.4.10.8 of the Denver Zoning Code, and is
14 consistent with the neighborhood context and the stated purpose and intent of the proposed zone
15 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 B-3 and P1.
- 21 b. It is proposed that the land area hereinafter described be changed to E-CC-3X.

22 **Section 2.** That the zoning classification of the land area in the City and County of Denver
23 described as follows shall be and hereby is changed from B-3 and P1 to E-CC-3X:

24 ZONE LOT 1:
25 BEING ALL OF LOTS 1-6 AND THE WESTERLY 60.00 FEET OF LOTS 43-48, BLOCK 1,
26 EAST BERKELEY, LYING WITHIN THE SOUTHEAST 1/4 OF SECTION 17, TOWNSHIP 3
27 SOUTH, RANGE 68 WEST OF THE 6TH P.M., CITY AND COUNTY OF DENVER, STATE
28 OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
29
30 BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 1, BEING THE NORTHWEST
31 CORNER OF PARCEL 1 AND BEING THE INTERSECTION OF THE EASTERLY RIGHT-
32 OF-WAY OF FEDERAL BOULEVARD, A PUBLIC RIGHT-OF-WAY WITH A WIDTH THAT
33 VARIES AND THE SOUTHERLY RIGHT-OF-WAY OF WEST 49TH AVENUE, A 60-FOOT-
34 WIDE PUBLIC RIGHT-OF-WAY; THENCE ALONG THE NORTHERLY LINE OF SAID
35 PARCEL 1, NORTH 89°56'33" EAST, A DISTANCE OF 193.08 FEET TO THE
36 NORTHEAST CORNER OF SAID PARCEL 1; THENCE ALONG THE EASTERLY LINE OF
37 SAID PARCEL 1, SOUTH 00°02'27" EAST, A DISTANCE OF 149.91 FEET TO THE
38 SOUTHEAST CORNER OF SAID PARCEL 1, BEING THE SOUTHERLY LINE OF LOT 43;
39 THENCE ALONG THE SOUTHERLY LINE OF SAID PARCEL 1, BEING THE SOUTHERLY
40 LINE OF LOT 6 AND LOT 43, SOUTH 89°56'33" WEST, A DISTANCE OF 193.08 FEET TO

1 THE SOUTHWEST CORNER OF SAID PARCEL 1, BEING THE EASTERLY RIGHT-OF-
2 WAY OF FEDERAL BOULEVARD, A PUBLIC RIGHT-OF-WAY WITH A WIDTH THAT
3 VARIES; THENCE ALONG THE WESTERLY LINE OF SAID PARCEL 1, BEING THE
4 EASTERLY RIGHT-OF-WAY OF SAID FEDERAL BOULEVARD, NORTH 00°02'27" WEST,
5 A DISTANCE OF 149.91 FEET TO THE NORTHWEST CORNER OF SAID PARCEL 1
6 AND THE POINT OF BEGINNING.

7
8 CONTAINS 28,945 SQUARE FEET OR 0.664 ACRES, MORE OR LESS.

9
10 ZONE LOT 2:

11 BEING ALL OF LOTS 7-12 AND 37-48, BLOCK 1, EAST BERKELEY, EXCEPTING THE
12 WESTERLY 60.00 FEET OF LOTS 43-48, BLOCK 1, EAST BERKELEY AND EXCEPTING
13 A PORTION OF LOTS 11 AND 12, BLOCK 1, EAST BERKELEY, AND EXCEPTING A
14 PORTION OF LOTS 7-11, BLOCK 1, EAST BERKELEY AS DESCRIBED IN THE SPECIAL
15 WARRANT DEED RECORDED AUGUST 14, 2023 AT RECEPTION NO. 2023077642 IN
16 THE OFFICE OF THE CLERK AND RECORDER FOR THE CITY AND COUNTY OF
17 DENVER, STATE OF COLORADO, LYING WITHIN THE SOUTHEAST 1/4 OF SECTION
18 17, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE 6TH P.M., CITY AND COUNTY OF
19 DENVER, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS
20 FOLLOWS:

21
22 COMMENCING AT THE NORTHWEST CORNER OF LOT 1, SAID BLOCK 1, EAST
23 BERKELEY, BEING THE NORTHWEST CORNER OF PARCEL 1 AND BEING THE
24 INTERSECTION OF THE EASTERLY RIGHT-OF-WAY OF FEDERAL BOULEVARD, A
25 PUBLIC RIGHT-OF-WAY WITH A WIDTH THAT VARIES AND THE SOUTHERLY RIGHT-
26 OF-WAY OF WEST 49TH AVENUE, A 60.00-FOOT-WIDE PUBLIC RIGHT-OF-WAY;
27 THENCE ALONG THE NORTHERLY LINE OF SAID PARCEL 1, NORTH 89°56'33" EAST,
28 A DISTANCE OF 193.08 FEET TO THE NORTHEAST CORNER OF SAID PARCEL 1 AND
29 THE POINT OF BEGINNING; THENCE CONTINUING ALONG THE EASTERLY
30 PROLONGATION OF SAID NORTHERLY LINE, NORTH 89°56'33" EAST, A DISTANCE
31 OF 72.99 FEET TO THE NORTHEAST CORNER OF PARCEL 2, BEING THE
32 NORTHEAST CORNER OF LOT 48 AND BEING THE INTERSECTION OF SAID
33 SOUTHERLY RIGHT-OF-WAY OF WEST 49TH AVENUE AND THE WESTERLY RIGHT-
34 OF-WAY OF ELIOT STREET, A 60.00-FOOT-WIDE PUBLIC RIGHT-OF-WAY; THENCE
35 ALONG THE EASTERLY LINE OF SAID PARCEL 2, BEING THE WESTERLY RIGHT-OF-
36 WAY OF SAID ELIOT STREET, SOUTH 00°02'27" EAST, A DISTANCE OF 299.82 FEET
37 TO THE SOUTHEAST CORNER OF SAID PARCEL 2, BEING THE SOUTHEAST
38 CORNER OF LOT 37; THENCE ALONG THE SOUTHERLY LINE OF SAID PARCEL 2,
39 BEING THE NORTHERLY RIGHT-OF-WAY OF INTERSTATE HIGHWAY 70, A PUBLIC
40 RIGHT-OF-WAY WITH A WIDTH THAT VARIES, AS DESCRIBED IN THE INSTRUMENT
41 RECORDED NOVEMBER 5, 1964 IN BOOK 9332, PAGE 526 IN SAID OFFICE OF THE
42 CLERK AND RECORDER, THE FOLLOWING TWO (2) COURSES:

- 43
44 1) SOUTH 89°56'33" WEST, A DISTANCE OF 216.18 FEET TO THE SOUTH
45 CORNER OF SAID PARCEL 2;
46 2) NORTH 45°00'00" WEST, A DISTANCE OF 55.28 FEET TO THE SOUTHEAST
47 CORNER OF THE PARCEL DESCRIBED IN THE SPECIAL WARRANT DEED
48 RECORDED AUGUST 14, 2023 AT RECEPTION NO. 2023077642;

1 THENCE ALONG THE EASTERLY LINE OF SAID PARCEL THE FOLLOWING THREE (3)
2 COURSES:

- 3
- 4 1) NORTH 09°42'24" WEST, A DISTANCE OF 16.69 FEET;
- 5 2) NORTH 04°22'06" WEST, A DISTANCE OF 70.63 FEET;
- 6 3) NORTH 06°28'23" WEST, A DISTANCE OF 24.05 FEET TO THE SOUTHWEST
7 CORNER OF SAID PARCEL 1, BEING THE SOUTHWEST CORNER OF LOT 6;
- 8

9 THENCE ALONG THE SOUTHERLY LINE OF SAID PARCEL 1, NORTH 89°56'33" EAST,
10 A DISTANCE OF 193.08 FEET TO THE SOUTHEAST CORNER OF SAID PARCEL 1;
11 THENCE ALONG THE EASTERLY LINE OF SAID PARCEL 1, NORTH 00°02'27" WEST, A
12 DISTANCE OF 149.91 FEET TO THE NORTHEAST CORNER OF SAID PARCEL 1 AND
13 THE POINT OF BEGINNING.

14 CONTAINS 49,076 SQUARE FEET OR 1.127 ACRES, MORE OR LESS.

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

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

20
21 **[THE REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK]**
22

1 COMMITTEE APPROVAL DATE: October 17, 2023

2 MAYOR-COUNCIL DATE: October 24, 2023

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 26, 2023

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: _____, Assistant City Attorney DATE: _____