

**BY AUTHORITY**

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

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

**A BILL**

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

**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 S-MX-8 UO-2, S-MX-8, S-MX-5, S-MX-3, and S-MU-3 district, 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 district;

**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 CMP-EI2 and S-MX-5 UO-1 UO-2.
- b. It is proposed that the land area hereinafter described be changed to S-MX-8 UO-2, S-MX-8, S-MX-5, S-MX-3 and S-MU-3.

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

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

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

BEGINNING AT THE NORTHWEST CORNER OF THE EAST 31 FEET OF LOT 1, BLOCK 4, KIBLER ADDITION, BEING A POINT ON THE SOUTH LINE OF LOUISIANA AVENUE MONUMENTED BY AN ALLOY DISK STAMPED PLS 25379 AND AS DEFINED BY THE SURVEY SHOWN ON THE DOCUMENT RECORDED IN THE 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: December 3, 2018 \_\_\_\_\_

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: Oct 17, 2018 \_\_\_\_\_