

BY AUTHORITY

ORDINANCE NO. _____
SERIES OF 2023

COUNCIL BILL NO. CB22-1629
COMMITTEE OF REFERENCE:
Land Use, Transportation & Infrastructure

A BILL

**For an ordinance changing the zoning classification for 4141 East 35th Avenue in
Northeast Park Hill.**

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: OS-A; C-MS-5, DO-8; C-MX-12; C-MX-8; C-MX-5; C-MX-5 with waivers; G-RX-5; and G-RX-5 with waivers 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 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 OS-B.
- b. It is proposed that the land area hereinafter described be changed to: OS-A; C-MS-5, DO-8; C-MX-12; C-MX-8; C-MX-5; C-MX-5 with waivers; G-RX-5; and G-RX-5 with waivers.

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 to OS-A:

A PARCEL OF LAND SITUATED IN THE SOUTHWEST QUARTER OF SECTION 19 AND THE NORTHWEST QUARTER OF SECTION 30, TOWNSHIP 3 SOUTH, RANGE 67 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 19;

THENCE NORTH 29°35'28" EAST, A DISTANCE OF 2,910.35 FEET TO A POINT ON THE SOUTH LINE OF SMITH RD AND THE POINT OF BEGINNING;

THENCE ALONG SAID SOUTH LINE AND ALONG THE ARC OF A NON-TANGENT CURVE TO THE RIGHT AN ARC LENGTH OF 219.71 FEET, SAID CURVE HAVING A RADIUS OF 5,607.93 FEET, A CENTRAL ANGLE OF 02°14'41" AND A CHORD WHICH

BEARS SOUTH

87°47'25" EAST A CHORD DISTANCE OF 219.70 FEET TO THE WEST LINE OF THAT
PARCEL DESCRIBED AT RECEPTION NO. 2013029217;

THENCE ALONG THE PERIMETER OF SAID PARCEL THE FOLLOWING SEVEN (7)
COURSES:

- 1) SOUTH 02°46'05" WEST, A DISTANCE OF 3.26 FEET;
- 2) SOUTH 82°05'50" EAST, A DISTANCE OF 369.97 FEET;
- 3) SOUTH 78°49'16" EAST, A DISTANCE OF 260.34 FEET;
- 4) SOUTH 67°50'21" EAST, A DISTANCE OF 49.23 FEET;
- 5) NORTH 89°08'19" EAST, A DISTANCE OF 81.19 FEET;
- 6) SOUTH 47°29'27" EAST, A DISTANCE OF 22.71 FEET;
- 7) SOUTH 15°18'46" EAST, A DISTANCE OF 45.07 FEET TO THE WEST LINE OF
DAHLIA ST;

THENCE ALONG SAID WEST LINE THE FOLLOWING THREE (3) COURSES:

- 1) SOUTH 00°08'45" EAST, A DISTANCE OF 1,002.52 FEET;
- 2) SOUTH 00°08'26" EAST, A DISTANCE OF 1,324.77 FEET;
- 3) SOUTH 00°08'24" EAST, A DISTANCE OF 3.47 FEET TO THE NORTHEAST
CORNER OF THE OVERLOOK AT PARK HILL FILING NO. 1 RECORDED AT
RECEPTION NO. 2001067475;

THENCE ALONG THE PERIMETER OF SAID OVERLOOK AT PARK HILL FILING NO. 1
THE FOLLOWING THREE (3) COURSES:

- 1) NORTH 82°06'53" WEST, A DISTANCE OF 24.24 FEET;
- 2) SOUTH 89°39'56" WEST, A DISTANCE OF 486.97 FEET;
- 3) SOUTH 00°38'08" EAST, A DISTANCE OF 1,263.16 FEET TO THE NORTH LINE OF
35TH AVE;

THENCE SOUTH 89°38'54" WEST ALONG SAID NORTH LINE, A DISTANCE OF 629.57
FEET;

THENCE NORTH 00°10'43" EAST, A DISTANCE OF 1,747.37 FEET; THENCE NORTH
89°49'17" WEST, A DISTANCE OF 86.54 FEET;

THENCE NORTH 00°10'43" EAST, A DISTANCE OF 924.16 FEET TO THE SOUTH LINE
OF PARK HILL TOWN CENTER SUBDIVISION FILING NO. 1 RECORDED AT
RECEPTION NO. 2004129062;

THENCE NORTH 89°55'56" EAST ALONG SAID SOUTH LINE, A DISTANCE OF 203.59
FEET TO THE SOUTHEAST CORNER THEREOF;

THENCE NORTH 00°04'04" WEST ALONG THE EAST LINE OF SAID PARK HILL TOWN
CENTER SUBDIVISION FILING NO. 1, A DISTANCE OF 1,114.42 FEET TO THE POINT
OF BEGINNING.

SAID PARCEL CONTAINS 3,489,799 SQUARE FEET OR 80.11 ACRES, MORE OR
LESS.

BEARINGS ARE BASED ON THE WEST LINE OF THE NORTH HALF OF THE
NORTHWEST QUARTER OF SECTION 30, TOWNSHIP 3 SOUTH, RANGE 67 WEST OF
THE 6TH PRINCIPAL MERIDIAN ASSUMED AS BEARING SOUTH 00°00'18" EAST.

in addition thereto those portions of all abutting public rights-of-way, but only to the centerline thereof,

1 which are immediately adjacent to the aforesaid specifically described area.

2 **Section 3.** That the zoning classification of the land area in the City and County of Denver
3 described as follows shall be and hereby is changed to C-MS-5, DO-8:

4 A PARCEL OF LAND SITUATED IN THE SOUTHWEST QUARTER OF SECTION 19
5 AND THE NORTHWEST QUARTER OF SECTION 30, TOWNSHIP 3 SOUTH, RANGE
6 67 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER,
7 STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

8 COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 19;
9 THENCE NORTH 89°39'56" EAST ALONG THE SOUTH LINE OF SAID SECTION 19, A
10 DISTANCE OF 50.00 FEET TO THE EAST LINE OF COLORADO BLVD AND THE
11 POINT OF BEGINNING;
12 THENCE NORTH 00°04'04" WEST ALONG SAID EAST LINE, A DISTANCE OF 97.79
13 FEET; THENCE SOUTH 89°49'17" EAST, A DISTANCE OF 905.88 FEET;
14 THENCE SOUTH 00°10'43" WEST, A DISTANCE OF 194.00 FEET;
15 THENCE NORTH 89°49'17" WEST, A DISTANCE OF 905.16 FEET TO THE EAST
16 LINE OF SAID COLORADO BLVD;
17 THENCE NORTH 00°00'18" WEST ALONG SAID EAST LINE, A DISTANCE OF 96.21
18 FEET TO THE POINT OF BEGINNING.

19 SAID PARCEL CONTAINS 175,666 SQUARE FEET OR 4.03 ACRES, MORE OR LESS.

20 BEARINGS ARE BASED ON THE WEST LINE OF THE NORTH HALF OF THE
21 NORTHWEST QUARTER OF SECTION 30, TOWNSHIP 3 SOUTH, RANGE 67 WEST OF
22 THE 6TH PRINCIPAL MERIDIAN ASSUMED AS BEARING SOUTH 00°00'18" EAST.

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

25 **Section 4.** 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 to C-MX-12:

27 A PARCEL OF LAND SITUATED IN THE SOUTHWEST QUARTER OF SECTION 19,
28 TOWNSHIP 3 SOUTH, RANGE 67 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY
29 AND COUNTY OF DENVER, STATE OF COLORADO, MORE PARTICULARLY
30 DESCRIBED AS FOLLOWS:

31 COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 19;
32 THENCE NORTH 05°25'41" EAST, A DISTANCE OF 730.86 FEET TO A POINT ON THE
33 EAST LINE OF THAT PARCEL DESCRIBED AT RECEPTION NO. 2013029217 AND THE
34 POINT OF BEGINNING;

35 THENCE ALONG SAID EAST LINE THE FOLLOWING TEN (10) COURSES:

- 36 1. NORTH 00°04'04" WEST, A DISTANCE OF 181.38 FEET;
- 37 2. NORTH 03°44'46" EAST, A DISTANCE OF 150.39 FEET;
- 38 3. NORTH 00°04'04" WEST, A DISTANCE OF 190.25 FEET;
- 39 4. NORTH 44°56'12" EAST, A DISTANCE OF 57.12 FEET;
- 40 5. NORTH 89°54'55" EAST, A DISTANCE OF 241.88 FEET;
- 41 6. SOUTH 00°04'02" EAST, A DISTANCE OF 13.50 FEET;
- 42 7. NORTH 88°43'12" EAST, A DISTANCE OF 100.00 FEET;

8. NORTH 63°47'45" EAST, A DISTANCE OF 91.35 FEET;
9. NORTH 52°59'52" EAST, A DISTANCE OF 77.66 FEET;
10. NORTH 34°16'55" EAST, A DISTANCE OF 59.92 FEET TO THE SOUTHWEST
CORNER OF PARK HILL TOWN CENTER SUBDIVISION FILING NO. 1 RECORDED AT
RECEPTION NO. 2004129062;
THENCE NORTH 89°55'56" EAST ALONG THE SOUTH LINE THEREOF, A DISTANCE OF
77.94 FEET;
THENCE SOUTH 00°10'43" WEST, A DISTANCE OF 522.96 FEET; THENCE NORTH
89°49'17" WEST, A DISTANCE OF 337.12 FEET; THENCE SOUTH 00°38'57" WEST, A
DISTANCE OF 166.96 FEET;
THENCE NORTH 89°49'17" WEST, A DISTANCE OF 306.64 FEET TO THE POINT OF
BEGINNING.

SAID PARCEL CONTAINS 319,758 SQUARE FEET OR 7.34 ACRES, MORE OR LESS.

BEARINGS ARE BASED ON THE WEST LINE OF THE NORTH HALF OF THE
NORTHWEST QUARTER OF SECTION 30, TOWNSHIP 3 SOUTH, RANGE 67 WEST OF
THE 6TH PRINCIPAL MERIDIAN ASSUMED AS BEARING SOUTH 00°00'18" EAST.

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

Section 5. That the zoning classification of the land area in the City and County of Denver
described as follows shall be and hereby is changed to C-MX-8:

PARCEL 1:

A PARCEL OF LAND SITUATED IN THE SOUTHWEST QUARTER OF SECTION 19,
TOWNSHIP 3 SOUTH, RANGE 67 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY
AND COUNTY OF DENVER, STATE OF COLORADO, MORE PARTICULARLY
DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 19;
THENCE NORTH 05°25'41" EAST, A DISTANCE OF 730.86 FEET TO A POINT ON THE
EAST LINE OF THAT PARCEL DESCRIBED AT RECEPTION NO. 2013029217 AND THE
POINT OF BEGINNING;
THENCE SOUTH 89°49'17" EAST, A DISTANCE OF 306.64 FEET;
THENCE NORTH 00°38'57" EAST, A DISTANCE OF 166.96 FEET;
THENCE SOUTH 89°49'17" EAST, A DISTANCE OF 337.12 FEET;
THENCE SOUTH 00°10'43" WEST, A DISTANCE OF 796.51 FEET;
THENCE NORTH 89°49'17" WEST, A DISTANCE OF 662.42 FEET TO THE EAST LINE
OF COLORADO BLVD;
THENCE NORTH 00°04'04" WEST ALONG SAID EAST LINE, A DISTANCE OF 261.53
FEET TO THE SOUTH LINE OF SAID PARCEL DESCRIBED AT RECEPTION NO.
2013029217;
THENCE ALONG THE PERIMETER OF SAID PARCEL THE FOLLOWING THREE (3)
COURSES:
1) NORTH 89°55'56" EAST, A DISTANCE OF 2.00 FEET;
2) NORTH 03°15'39" EAST, A DISTANCE OF 310.00 FEET;
3) NORTH 00°04'04" WEST, A DISTANCE OF 58.47 FEET TO THE POINT OF
BEGINNING.

SAID PARCEL CONTAINS 469,707 SQUARE FEET OR 10.78 ACRES, MORE OR LESS.
BEARINGS ARE BASED ON THE WEST LINE OF THE NORTH HALF OF THE
NORTHWEST QUARTER OF SECTION 30, TOWNSHIP 3 SOUTH, RANGE 67 WEST OF
THE 6TH PRINCIPAL MERIDIAN ASSUMED AS BEARING SOUTH 00°00'18" EAST.

PARCEL 2:

A PARCEL OF LAND SITUATED IN THE NORTHWEST QUARTER OF SECTION 30,
TOWNSHIP 3 SOUTH, RANGE 67 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY
AND COUNTY OF DENVER, STATE OF COLORADO, MORE PARTICULARLY
DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 30;
THENCE SOUTH 06°54'58" EAST, A DISTANCE OF 415.53 FEET TO A POINT ON
THE EAST LINE OF COLORADO BLVD AND THE POINT OF BEGINNING;
THENCE NORTH 00°00'18" WEST ALONG SAID EAST LINE, A DISTANCE OF 316.59
FEET;
THENCE SOUTH 89°49'17" EAST, A DISTANCE OF 661.69 FEET;
THENCE SOUTH 00°10'43" WEST, A DISTANCE OF 316.58 FEET;
THENCE NORTH 89°49'17" WEST, A DISTANCE OF 660.68 FEET TO THE
POINT OF BEGINNING.

SAID PARCEL CONTAINS 209,320 SQUARE FEET OR 4.81 ACRES, MORE OR LESS.

BEARINGS ARE BASED ON THE WEST LINE OF THE NORTH HALF OF THE
NORTHWEST QUARTER OF SECTION 30, TOWNSHIP 3 SOUTH, RANGE 67 WEST
OF THE 6TH PRINCIPAL MERIDIAN ASSUMED AS BEARING SOUTH 00°00'18" EAST.

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

Section 6. That the zoning classification of the land area in the City and County of Denver
described as follows shall be and hereby is changed to C-MX-5:

PARCEL 1

A PARCEL OF LAND SITUATED IN THE SOUTHWEST QUARTER OF SECTION 19,
TOWNSHIP 3 SOUTH, RANGE 67 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY
AND COUNTY OF DENVER, STATE OF COLORADO, MORE PARTICULARLY
DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 19;
THENCE NORTH 62°45'15" EAST, A DISTANCE OF 1076.43 FEET TO THE POINT OF
BEGINNING;
THENCE SOUTH 00°10'43" WEST, A DISTANCE OF 397.54 FEET; THENCE NORTH
89°49'17" WEST, A DISTANCE OF 243.46 FEET; THENCE NORTH 00°10'43" EAST, A
DISTANCE OF 397.54 FEET;
THENCE SOUTH 89°49'17" EAST, A DISTANCE OF 243.46 FEET TO THE POINT OF
BEGINNING.

SAID PARCEL CONTAINS 96,787 SQUARE FEET OR 2.22 ACRES, MORE OR LESS.

BEARINGS ARE BASED ON THE WEST LINE OF THE NORTH HALF OF THE

NORTHWEST QUARTER OF SECTION 30, TOWNSHIP 3 SOUTH, RANGE 67 WEST OF THE 6TH PRINCIPAL MERIDIAN ASSUMED AS BEARING SOUTH 00°00'18" EAST.

PARCEL 2:

A PARCEL OF LAND SITUATED IN THE NORTHWEST QUARTER OF SECTION 30, TOWNSHIP 3 SOUTH, RANGE 67 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 30;
THENCE SOUTH 59°44'41" EAST, A DISTANCE OF 822.78 FEET TO THE POINT OF BEGINNING;
THENCE NORTH 00°10'43" EAST, A DISTANCE OF 316.58 FEET;
THENCE SOUTH 89°49'17" EAST, A DISTANCE OF 243.46 FEET;
THENCE SOUTH 00°10'43" WEST, A DISTANCE OF 316.58 FEET;
THENCE NORTH 89°49'17" WEST, A DISTANCE OF 243.46 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 77,076 SQUARE FEET OR 1.77 ACRES, MORE OR LESS.

BEARINGS ARE BASED ON THE WEST LINE OF THE NORTH HALF OF THE NORTHWEST QUARTER OF SECTION 30, TOWNSHIP 3 SOUTH, RANGE 67 WEST OF THE 6TH PRINCIPAL MERIDIAN ASSUMED AS BEARING SOUTH 00°00'18" EAST.

PARCEL 3:

A PARCEL OF LAND SITUATED IN THE NORTHWEST QUARTER OF SECTION 30, TOWNSHIP 3 SOUTH, RANGE 67 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 30;
THENCE SOUTH 06°54'58" EAST, A DISTANCE OF 415.53 FEET TO A POINT ON THE EAST LINE OF COLORADO BLVD AND THE POINT OF BEGINNING;
THENCE SOUTH 89°49'17" EAST, A DISTANCE OF 660.68 FEET;
THENCE SOUTH 00°10'43" WEST, A DISTANCE OF 425.06 FEET;
THENCE NORTH 89°49'17" WEST, A DISTANCE OF 659.32 FEET TO A POINT ON THE EAST LINE OF SAID COLORADO BLVD;
THENCE NORTH 00°00'18" WEST ALONG SAID EAST LINE, A DISTANCE OF 425.06 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 280,537 SQUARE FEET OR 6.44 ACRES, MORE OR LESS.

BEARINGS ARE BASED ON THE WEST LINE OF THE NORTH HALF OF THE NORTHWEST QUARTER OF SECTION 30, TOWNSHIP 3 SOUTH, RANGE 67 WEST OF THE 6TH PRINCIPAL MERIDIAN ASSUMED AS BEARING SOUTH 00°00'18" EAST.

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

1 **Section 7.**

2 a. The applicant has provided written representation approving of certain waivers to the
3 requested change in zoning classification to C-MX-5 related to the development, operation, and
4 maintenance of the land area:

5 1. Waive the right to use or erect any primary structure with a maximum permitted
6 building height of 5 stories pursuant to Sections 7.3.3.3.A (Town House building form), a
7 maximum permitted building height of 5 stories without incentives and 7 stories with
8 incentives pursuant to Section 7.3.3.3.D (General building form) or a maximum permitted
9 building height of 5 stories without incentives and 7 stories with incentives pursuant to
10 Section 7.3.3.3.I (Shopfront building form), DZC and instead comply with the following:
11 No primary structure erected on the subject property according to the Town House,
12 General or Shopfront primary building form standards shall exceed 4 stories in building
13 height. Height Exceptions shall be allowed in accordance with Section 7.3.7.1 (Height
14 Exceptions) as applicable to the C-MX-5 zone district.

15 2. Waive the right to use or erect any primary structure with a maximum permitted
16 building height of 70 feet pursuant to Section 7.3.3.3.A (Town House building form), a
17 maximum permitted building height of 70 feet without incentives and 95 feet with
18 incentives pursuant to Section 7.3.3.3.D (General building form) or a maximum permitted
19 building height of 70 feet without incentives and 95 feet with incentives pursuant to
20 Section 7.3.3.3.I (Shopfront building form), DZC and instead comply with the following:
21 No primary structure erected on the subject property according to the Town House,
22 General or Shopfront primary building form standards shall exceed 55 feet in building
23 height. Height exceptions shall be allowed in accordance with Section 7.3.7.1 (Height
24 Exceptions) as applicable to the C-MX-5 zone district.

25 3. Waive the right to use maximum height with incentives in stories and feet pursuant
26 to Section 10.12.1 (Height Incentives), DZC.

27 b. That the zoning classification of the land area in the City and County of Denver described as
28 follows shall be and hereby is changed to C-MX-5 with waivers:

29 **PARCEL 1:**

30 A PARCEL OF LAND SITUATED IN THE SOUTHWEST QUARTER OF SECTION 19 AND
31 THE NORTHWEST QUARTER OF SECTION 30, TOWNSHIP 3 SOUTH, RANGE 67 WEST
32 OF THE SIXTH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF
33 COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

1 COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 19;
2 THENCE NORTH 62°45'15" EAST, A DISTANCE OF 1,076.43 FEET TO THE POINT OF
3 BEGINNING;
4 THENCE SOUTH 89°49'17" EAST, A DISTANCE OF 361.54 FEET;
5 THENCE SOUTH 00°10'43" WEST, A DISTANCE OF 908.12 FEET;
6 THENCE NORTH 89°49'17" WEST, A DISTANCE OF 361.54 FEET;
7 THENCE NORTH 00°10'43" EAST, A DISTANCE OF 908.12 FEET TO THE POINT OF
8 BEGINNING.

9 SAID PARCEL CONTAINS 328,320 SQUARE FEET OR 7.54 ACRES, MORE OR LESS.

10 BEARINGS ARE BASED ON THE WEST LINE OF THE NORTH HALF OF THE
11 NORTHWEST QUARTER OF SECTION 30, TOWNSHIP 3 SOUTH, RANGE 67 WEST OF
12 THE 6TH PRINCIPAL MERIDIAN ASSUMED AS BEARING SOUTH 00°00'18" EAST.

13 **PARCEL 2:**

14 A PARCEL OF LAND SITUATED IN THE NORTHWEST QUARTER OF SECTION 30,
15 TOWNSHIP 3 SOUTH, RANGE 67 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY
16 AND COUNTY OF DENVER, STATE OF COLORADO, MORE PARTICULARLY
17 DESCRIBED AS FOLLOWS:

18 COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 30;
19 THENCE SOUTH 29°20'46" EAST, A DISTANCE OF 1,444.81 FEET TO A POINT ON THE
20 NORTH LINE OF 35TH AVE AND THE POINT OF BEGINNING;
21 THENCE SOUTH 89°38'54" WEST ALONG SAID NORTH LINE, A DISTANCE OF 657.98
22 FEET TO THE EAST LINE OF COLORADO BLVD;
23 THENCE NORTH 00°00'18" WEST ALONG SAID EAST LINE, A DISTANCE OF 425.88
24 FEET;
25 THENCE SOUTH 89°49'17" EAST, A DISTANCE OF 659.32 FEET;
26 THENCE SOUTH 00°10'43" WEST, A DISTANCE OF 419.79 FEET TO THE POINT OF
27 BEGINNING.

28 SAID PARCEL CONTAINS 278,495 SQUARE FEET OR 6.39 ACRES, MORE OR LESS.

29 BEARINGS ARE BASED ON THE WEST LINE OF THE NORTH HALF OF THE
30 NORTHWEST QUARTER OF SECTION 30, TOWNSHIP 3 SOUTH, RANGE 67 WEST OF
31 THE 6TH PRINCIPAL MERIDIAN ASSUMED AS BEARING SOUTH 00°00'18" EAST.

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

34 **Section 8.** That the zoning classification of the land area in the City and County of Denver
35 described as follows shall be and hereby is changed to G-RX-5:

36 **PARCEL 1:**

37 A PARCEL OF LAND SITUATED IN THE SOUTHWEST QUARTER OF SECTION 19,
38 TOWNSHIP 3 SOUTH, RANGE 67 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY
39 AND COUNTY OF DENVER, STATE OF COLORADO, MORE PARTICULARLY
40 DESCRIBED AS FOLLOWS:

41 COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 19;
42 THENCE NORTH 36°27'38" EAST, A DISTANCE OF 1,760.45 FEET TO A POINT ON THE

1 SOUTH LINE OF PARK HILL TOWN CENTER SUBDIVISION FILING NO. 1 RECORDED
2 AT RECEPTION NO. 2004129062 AND THE POINT OF BEGINNING;
3 THENCE SOUTH 00°10'43" WEST, A DISTANCE OF 923.35 FEET;
4 THENCE NORTH 89°49'17" WEST, A DISTANCE OF 329.76 FEET;
5 THENCE NORTH 00°10'43" EAST, A DISTANCE OF 921.93 FEET TO SAID SOUTH LINE;
6 THENCE NORTH 89°55'56" EAST ALONG SAID SOUTH LINE, A DISTANCE OF 329.76
7 FEET TO THE POINT OF BEGINNING.

8 SAID PARCEL CONTAINS 304,249 SQUARE FEET OR 6.98 ACRES, MORE OR LESS.

9 BEARINGS ARE BASED ON THE WEST LINE OF THE NORTH HALF OF THE
10 NORTHWEST QUARTER OF SECTION 30, TOWNSHIP 3 SOUTH, RANGE 67 WEST OF
11 THE 6TH PRINCIPAL MERIDIAN ASSUMED AS BEARING SOUTH 00°00'18" EAST.

12 **PARCEL 2:**

13 A PARCEL OF LAND SITUATED IN THE NORTHWEST QUARTER OF SECTION 30,
14 TOWNSHIP 3 SOUTH, RANGE 67 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY
15 AND COUNTY OF DENVER, STATE OF COLORADO, MORE PARTICULARLY
16 DESCRIBED AS FOLLOWS:

17 COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 30;
18 THENCE SOUTH 59°44'41" EAST, A DISTANCE OF 822.78 FEET TO THE POINT OF
19 BEGINNING;
20 THENCE SOUTH 89°49'17" EAST, A DISTANCE OF 329.76 FEET;
21 THENCE SOUTH 00°10'43" WEST, A DISTANCE OF 425.06 FEET;
22 THENCE NORTH 89°49'17" WEST, A DISTANCE OF 329.76 FEET;
23 THENCE NORTH 00°10'43" EAST, A DISTANCE OF 425.06 FEET TO THE POINT OF
24 BEGINNING.

25 SAID PARCEL CONTAINS 140,168 SQUARE FEET OR 3.22 ACRES, MORE OR LESS.

26 BEARINGS ARE BASED ON THE WEST LINE OF THE NORTH HALF OF THE
27 NORTHWEST QUARTER OF SECTION 30, TOWNSHIP 3 SOUTH, RANGE 67 WEST OF
28 THE 6TH PRINCIPAL MERIDIAN ASSUMED AS BEARING SOUTH 00°00'18" EAST

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

31 **Section 9.**

32 a. The applicant has provided written representation approving of certain waivers to the
33 requested change in zoning classification to G-RX-5 related to the development, operation, and
34 maintenance of the land area:

- 35 1. Waive the right to use or erect any primary structure with a maximum permitted
36 building height of 5 stories pursuant to Sections 6.3.3.3.F (Town House building form),
37 a maximum permitted building height of 5 stories without incentives and 7 stories with
38 incentives pursuant to Section 6.3.3.3.K (Shopfront building form), DZC and instead
39 comply with the following:

No primary structure erected on the subject property according to the Town House, or Shopfront primary building form standards shall exceed 4 stories in building height. Height Exceptions shall be allowed in accordance with Section 6.3.7.1 (Height Exceptions) as applicable to the G-RX-5 zone district.

2. Waive the right to use or erect any primary structure with a maximum permitted building height of 70 feet pursuant to Section 6.3.3.3.F (Town House building form), or a maximum permitted building height of 70 feet without incentives and 95 feet with incentives pursuant to Section 6.3.3.3.K (Shopfront building form), DZC and instead comply with the following:

No primary structure erected on the subject property according to the Town House or Shopfront primary building form standards shall exceed 55 feet in building height. Height exceptions shall be allowed in accordance with Section 6.3.7.1 (Height Exceptions) as applicable to the G-RX-5 zone district.

3. Waive the right to use maximum height with incentives in stories and feet pursuant to Section 10.12.1 (Height Incentives), DZC.

b. That the zoning classification of the land area in the City and County of Denver described as follows shall be and hereby is changed to G-RX-5 with waivers:

PARCEL 1:

A PARCEL OF LAND SITUATED IN THE SOUTHWEST QUARTER OF SECTION 19, TOWNSHIP 3 SOUTH, RANGE 67 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 19;
THENCE NORTH 36°27'38" EAST, A DISTANCE OF 1,760.45 FEET TO A POINT ON THE SOUTH LINE OF PARK HILL TOWN CENTER SUBDIVISION FILING NO. 1 RECORDED AT RECEPTION NO. 2004129062 AND THE POINT OF BEGINNING;
THENCE NORTH 89°55'56" EAST ALONG SAID SOUTH LINE, A DISTANCE OF 188.71 FEET;
THENCE SOUTH 00°10'43" WEST, A DISTANCE OF 924.16 FEET;
THENCE NORTH 89°49'17" WEST, A DISTANCE OF 188.70 FEET;
THENCE NORTH 00°10'43" EAST, A DISTANCE OF 923.35 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 174,313 SQUARE FEET OR 4.00 ACRES, MORE OR LESS.

BEARINGS ARE BASED ON THE WEST LINE OF THE NORTH HALF OF THE NORTHWEST QUARTER OF SECTION 30, TOWNSHIP 3 SOUTH, RANGE 67 WEST OF THE 6TH PRINCIPAL MERIDIAN ASSUMED AS BEARING SOUTH 00°00'18" EAST.

PARCEL 2:

1 A PARCEL OF LAND SITUATED IN THE NORTHWEST QUARTER OF SECTION 30,
2 TOWNSHIP 3 SOUTH, RANGE 67 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY
3 AND COUNTY OF DENVER, STATE OF COLORADO, MORE PARTICULARLY
4 DESCRIBED AS FOLLOWS:

5 COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 30;
6 THENCE SOUTH 29°20'46" EAST, A DISTANCE OF 1,444.81 FEET TO A POINT ON THE
7 NORTH LINE OF 35TH AVE AND THE POINT OF BEGINNING;
8 THENCE NORTH 00°10'43" EAST, A DISTANCE OF 419.79 FEET;
9 THENCE SOUTH 89°49'17" EAST, A DISTANCE OF 329.76 FEET;
10 THENCE NORTH 00°10'43" EAST, A DISTANCE OF 425.06 FEET;
11 THENCE SOUTH 89°49'17" EAST, A DISTANCE OF 275.24 FEET;
12 THENCE SOUTH 00°10'43" WEST, A DISTANCE OF 839.25 FEET TO A POINT ON THE
13 NORTH LINE OF SAID 35TH AVE;
14 THENCE SOUTH 89°38'54" WEST ALONG SAID NORTH LINE, A DISTANCE OF 605.02
15 FEET TO THE POINT OF BEGINNING.

16 SAID PARCEL CONTAINS 369,271 SQUARE FEET OR 8.48 ACRES, MORE OR LESS.

17 BEARINGS ARE BASED ON THE WEST LINE OF THE NORTH HALF OF THE
18 NORTHWEST QUARTER OF SECTION 30, TOWNSHIP 3 SOUTH, RANGE 67 WEST OF
19 THE 6TH PRINCIPAL MERIDIAN ASSUMED AS BEARING SOUTH 00°00'18" EAST.

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

22 **Section 10.** The foregoing changes in zoning classification in Sections 7 and 9 are based upon
23 the applicant's representations approving certain waivers, which certain waivers are set forth in
24 Sections 7(a) and 9(a) hereof; and no permit shall be issued except in strict compliance with the
25 aforesaid certain waivers. Said certain waivers shall be binding upon all successors and assigns of the
26 owner, who along with the owner shall be deemed to have waived all objections as to the
27 constitutionality of the aforesaid certain waivers.

28 **Section 11.** That this ordinance shall be recorded by the Manager of Community Planning and
29 Development in the real property records of the Denver County Clerk and Recorder.

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

1 COMMITTEE APPROVAL DATE: December 13, 2022
2 MAYOR-COUNCIL DATE: N/A
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: _____, Assistant City Attorney DATE: _____