

1 **BY AUTHORITY**

2 ORDINANCE NO. _____
3 SERIES OF 2018

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

5 **A BILL**

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

8 **WHEREAS**, the City Council has determined, based on evidence and testimony presented
9 at the public hearing, that the map amendment set forth below conforms with applicable City laws,
10 is consistent with the City’s adopted plans, furthers the public health, safety and general welfare of
11 the City, will result in regulations and restrictions that are uniform within the C-MX-12, UO-2, C-RX-
12 12, UO-2 and C-RX-8, UO-2 districts, is justified by one of the circumstances set forth in Section
13 12.4.10.8 of the Denver Zoning Code, and is consistent with the neighborhood context and the
14 stated purpose and intent of the proposed zone districts;

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

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

- 19 a. The land area hereinafter described is presently classified as I-B, UO-2.
- 20 b. It is proposed that the land area hereinafter described be changed to C-MX-12, UO-2,
21 C-RX-12, UO-2 and C-RX-8, UO-2.

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

24 **Parcel 1**

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

29
30 **COMMENCING** AT THE SOUTHEAST CORNER OF BLOCK 6 OF THE VIADUCT
31 ADDITION TO THE CITY OF DENVER AND CONSIDERING THE NORTHERLY
32 RIGHT-OF-WAY LINE OF WEST 43RD AVENUE TO BEAR SOUTH 89°45'13" WEST,
33 WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO:

34
35 THENCE NORTH 00°14'47" WEST ALONG THE EASTERLY LINE OF SAID BLOCK 6
36 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 1. NORTH 89°19'35" EAST A DISTANCE OF 13.64 FEET;
- 18 2. NORTH 00°42'24" WEST A DISTANCE OF 26.00 FEET;
- 19 3. NORTH 49°12'25" WEST A DISTANCE OF 18.20 FEET TO A POINT ON SAID
20 EASTERLY BOUNDARY OF PARCEL CM-17A;

21
22
23 THENCE ALONG SAID EASTERLY BOUNDARY THE FOLLOWING SEVEN (7)
24 COURSES;

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

40
41
42 THENCE ALONG SAID SOUTHWESTERLY RIGHT-OF-WAY LINE THE FOLLOWING
43 TWO (2) COURSES:

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

46
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 SAID PARCEL CONTAINS AN AREA OF 823,563 SQUARE FEET, OR 18.906
11 ACRES, MORE OR LESS. ALL LINEAL DISTANCE UNITS ARE REPRESENTED IN
12 U.S. SURVEY FEET.
13

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;
- 47

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: _____

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: 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: _____, Assistant City Attorney DATE: _____