

1 **BY AUTHORITY**

2 ORDINANCE NO. _____
3 SERIES OF 2016

COUNCIL BILL NO. CB16-0087
COMMITTEE OF REFERENCE:
4 Neighborhoods & Planning

5 **A BILL**

6 **For an ordinance changing the zoning classification for portions of 601 South**
7 **Bannock Street, 801 South Broadway, and 99 West Kentucky Avenue.**
8

9 **WHEREAS**, the City Council has determined, based on evidence and testimony presented
10 at the public hearing, that the map amendment set forth below conforms with applicable City laws,
11 is consistent with the City’s adopted plans, furthers the public health, safety and general welfare of
12 the City, will result in regulations and restrictions that are uniform within the C-MX-16, UO-1 and
13 C-MX-16, UO-2 districts, is justified by one of the circumstances set forth in Section 12.4.10.8 of
14 the Denver Zoning Code, and is consistent with the neighborhood context and the stated purpose
15 and intent of the proposed zone district; and

16 WHEREAS, there is currently more than one General Development Plan (“GDP”)
17 applicable to the land area hereinafter described; and

18 WHEREAS, the City adopted the Cherokee Redevelopment of the Former Gates Rubber
19 Factory GDP in 2005 recorded at Reception #2005048794 in the office of the Clerk and Recorder,
20 City and County of Denver, which GDP is applicable to the southern portion of the land area
21 hereinafter described presently classified as T-MU-30 with waivers and conditions, UO-1; and

22 WHEREAS, the City adopted the Denver Design District GDP in 2009 recorded at
23 Reception #2009099467 in the office of the Clerk and Recorder, City and County of Denver, which
24 GDP is applicable to the northern portion of the land area hereinafter described presently
25 classified as I-B, UO-2; and

26 WHEREAS, the Cherokee Redevelopment of the Former Gates Rubber Factory GDP will
27 no longer serve a purpose for the land area hereinafter described after the zoning classification is
28 changed; and

29 WHEREAS, the City intends to remove the land area hereinafter described from inclusion
30 in the Cherokee Redevelopment of the Former Gates Rubber Factory GDP; and

31 WHEREAS, the City further intends to repeal the Cherokee Redevelopment of the Former
32 Gates Rubber Factory GDP in its entirety in the future;

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

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

5 1. That the land area hereinafter described is presently classified as T-MU-30 with waivers
6 and conditions, UO-1 and I-B, UO-2.

7 2. That the Owner proposes that the land area hereinafter described be changed to C-MX-
8 16, UO-1 and C-MX-16, UO-2.

9 **Section 2.** That the zoning classification of the land area in the City and County of
10 Denver described as follows shall be and hereby is changed from T-MU-30 with waivers and
11 conditions, UO-1 to C-MX-16, UO-1 and from I-B, UO-2 to C-MX-16, UO-2:

12 A tract of land lying in the West 1/2 of Section 15, Township 4 South, Range 68 West of the 6th
13 P.M., City and County of Denver, State of Colorado, being a portion of Parcel No's. TK 5152-
14 00-005 REV.4, TK 5155-00-041 REV.1, and TK 5155-00-006 REV.3 described in Reception
15 No. 9400092231, recorded on June 3, 1994 in the City and County of Denver Clerk and
16 Recorder's Office, being more particularly described as follows:

17
18 **COMMENCING** at the Northwest Corner of said Section 15 (a found Stone with Cross in
19 Range Box), **WHENCE** the West Quarter Corner of said Section 15 (a found 3 1/4" Aluminum
20 Cap Stamped "CHICHESTER LAND CORNER T4S R67W S16 S15 1987 RLS 7735") bears
21 S00°38'52"E, a distance of 2641.10 feet (Basis of Bearing - assumed);
22 **THENCE** S45°10'41"E a distance of 1866.17 feet to the Northwest Sixteenth Corner of said
23 Section 15 (a found 3/4" Rebar with 3 1/4" Aluminum Cap Stamped "PLS 13155");
24 **THENCE** N89°43'37"E, coincident with the southerly Right-of-Way line of vacated W. Virginia
25 Avenue, a distance of 42.58 feet to the **POINT OF BEGINNING**;

26
27 **THENCE** N89°43'37"E, coincident with said southerly Right-of-Way line, a distance of 55.72
28 feet to the westerly line of a parcel of land described in Reception No. 2006172936, recorded on
29 October 27, 2006 in said Clerk and Recorder's Office;

30 **THENCE** coincident with the westerly and easterly lines of said parcel of land the following
31 three courses:

- 32 1. S20°26'09"E a distance of 538.88;
33 2. S28°44'57"E a distance of 801.88 feet to a point on the easterly line of the West 1/2 of the
34 Southeast 1/4 of the Northwest 1/4 of said Section 15, **WHENCE** the Southeast Corner of
35 said West 1/2 of the Southeast 1/4 of the Northwest 1/4 of said Section 15 bears
36 S00°49'32"E, a distance of 112.50 feet;
37 3. N00°49'32"W, coincident with said easterly line of the West 1/2 of the Southeast 1/4 of the
38 Northwest 1/4 of said Section 15, a distance of 33.67 feet to the most northerly corner of
39 said parcel TK 5155-00-041 REV.1 ;

40 **THENCE** S30°03'10"E, coincident with the northeasterly line of said parcel TK 5155-00-041
41 REV.1, a distance of 430.05 feet;

42 **THENCE** S12°52'28"E, coincident with the westerly line of a parcel of land described at Book
43 2060, Page 89, recorded on November 28, 1979, a distance of 74.95 feet;

1 THENCE S53°37'16"E, coincident with the southwesterly line of said Book 2060, Page 89, a
2 distance of 55.36 feet;
3 THENCE S30°03'10"E, coincident with said northeasterly line of parcel TK 5155-00-041
4 REV.1 and non-tangent with the following described curve, a distance of 367.15 feet;
5 THENCE along the arc of a curve to the left, having a central angle of 18°00'16", a radius of
6 1735.06 feet, a chord bearing of N50°01'36"W a distance of 542.98 feet, and an arc distance of
7 545.22 feet to the northeasterly line of a parcel of land described in Book 8011, Page 551,
8 recorded March 15, 1957 in said Clerk and Recorder's Office;
9 THENCE N28°45'41"W, coincident with said northeasterly line and non-tangent with the last
10 described curve, a distance of 81.52 feet to the westerly line of the East 1/2 of the Northeast 1/4
11 of the Southwest 1/4 of said Section 15, WHENCE the Northwesterly Corner of said East 1/2
12 bears N00°45'55"W, a distance of 229.50 feet;
13 THENCE S00°45'55"E, coincident with said westerly line and non-tangent with the following
14 described curve, a distance of 48.99 feet;
15 THENCE along the arc of a curve to the left, having a central angle of 04°10'54", a radius of
16 1735.06 feet, a chord bearing of N62°35'38"W a distance of 126.60 feet, and an arc distance of
17 126.63 feet;
18 THENCE N06°25'20"W, non-tangent with the last described curve and tangent with the
19 following described curve, a distance of 129.75 feet;
20 THENCE along the arc of a curve to the left, having a central angle of 14°11'30", a radius of
21 1883.65 feet, a chord bearing of N13°31'06"W a distance of 465.38 feet, and an arc distance of
22 466.57 feet;
23 THENCE N20°36'51"W, tangent with the last and following described curves, a distance of
24 695.58 feet;
25 THENCE along the arc of a curve to the left, having a central angle of 12°00'11", a radius of
26 1647.14 feet, a chord bearing of N26°36'57"W a distance of 344.44 feet, and an arc distance of
27 345.07 feet to the **POINT OF BEGINNING**.

28
29 Containing 197,194 square feet, (4.527 Acres), more or less.
30

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 the Cherokee Redevelopment of the Former Gates Rubber Factory
34 GDP shall no longer be applicable to, and is hereby removed from inclusion in the aforesaid
35 specifically described area, or any portion thereof.

36 **Section 4.** That this ordinance shall be recorded by the Manager of Community Planning
37 and Development in the real property records of the Denver County Clerk and Recorder.
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1 COMMITTEE APPROVAL DATE: February 17, 2016.

2 MAYOR-COUNCIL DATE: February 23, 2016.

3 PASSED BY THE COUNCIL: _____, 2016
4 _____ - PRESIDENT

5 APPROVED: _____ - MAYOR _____, 2016

6 ATTEST: _____ - CLERK AND RECORDER,
7 EX-OFFICIO CLERK OF THE
8 CITY AND COUNTY OF DENVER

9 NOTICE PUBLISHED IN THE DAILY JOURNAL: _____, 2016; _____, 2016

10 PREPARED BY: Nathan J. Lucero, Assistant City Attorney DATE: February 25, 2016

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12 Pursuant to Section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the office of
13 the City Attorney. We find no irregularity as to form, and have no legal objection to the proposed
14 ordinance. The proposed ordinance is not submitted to the City Council for approval pursuant to
15 § 3.2.6 of the Charter.

16 D. Scott Martinez, Denver City Attorney

17 BY: _____, Assistant City Attorney DATE: _____, 2016