

**BY AUTHORITY**

ORDINANCE NO. \_\_\_\_\_  
SERIES OF 2019

COUNCIL BILL NO. CB19-1008  
COMMITTEE OF REFERENCE:  
Land Use, Transportation & Infrastructure

**A BILL**

**For an ordinance changing the zoning classification for 2100 South Cherry Street, 4500 East Evans Avenue, and a portion of 2135 South Cherry Street in University Hills.**

**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 C-MX-8 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 C-MX-5.
- b. It is proposed that the land area hereinafter described be changed to C-MX-8.

**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 C-MX-5 to C-MX-8:

2100 S Cherry Street

A PARCEL OF LAND LOCATED IN THE NORTHWEST QUARTER OF SECTION 30, TOWNSHIP 4 SOUTH, RANGE 67 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

CONSIDERING THE EAST-WEST CENTER LINE OF SAID SECTION 30 TO BEAR SOUTH 89°32'22" WEST, A DISTANCE OF 2550.37 FEET BETWEEN A FOUND 2 1/2" ALUMINUM CAP STAMPED "P.W.S.I. T4S R67W C1/4 S30 2002 LS 28669" IN A RANGE BOX AT THE CENTER QUARTER CORNER OF SAID SECTION 30 AND A FOUND 3 1/4" ALUMINUM CAP STAMPED "COLORADO DEPARTMENT OF HIGHWAYS T4S 1/4 R68W R67W S25 S30 1991 PLS 11434" IN A RANGE BOX AT THE WEST QUARTER CORNER OF SAID SECTION 30, WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO.

1  
2 COMMENCING AT SAID CENTER QUARTER CORNER OF SECTION 30; THENCE  
3 NORTH 35°38'15" WEST, A DISTANCE OF 1176.90 FEET TO A POINT OF THE  
4 WESTERLY LINE OF LOT 14, BLOCK 7, WARREN'S UNIVERSITY HEIGHTS, AND THE  
5 POINT OF BEGINNING; THENCE ALONG THE WESTERLY LINE OF LOTS 14  
6 THROUGH 7 INCLUSIVE, SAID BLOCK 7, NORTH 00°23'08" WEST, A DISTANCE OF  
7 175.88 FEET TO A POINT ON THE WESTERLY LINE OF SAID LOT 7 AND THE  
8 INTERSTATE 25 RIGHT-OF-WAY; THENCE ALONG THE SOUTHWESTERLY LINE OF  
9 SAID INTERSTATE 25 RIGHT-OF-WAY, SOUTH 34°26'35" EAST, A DISTANCE OF  
10 212.06 FEET; THENCE ALONG A LINE PARALLEL WITH AND 5.0' SOUTHERLY OF THE  
11 NORTHERLY LINE OF SAID LOT 14, SOUTH 89°31'14" WEST, A DISTANCE OF 118.76  
12 FEET TO THE POINT OF BEGINNING.

13  
14 SAID PARCEL CONTAINING 10,443 SQ. FT. OR 0.24 ACRES, MORE OR LESS.

15  
16 Parcel #: 06302-05-023-000 (former CDOT)

17  
18 A PARCEL OF LAND LOCATED IN THE NORTHWEST QUARTER OF SECTION 30,  
19 TOWNSHIP 4 SOUTH, RANGE 67 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY AND  
20 COUNTY OF DENVER, STATE OF COLORADO, BEING MORE PARTICULARLY  
21 DESCRIBED AS FOLLOWS:

22  
23 CONSIDERING THE EAST-WEST CENTER LINE OF SAID SECTION 30 TO BEAR  
24 SOUTH 89°32'22" WEST, A DISTANCE OF 2550.37 FEET BETWEEN A FOUND 2 1/2"  
25 ALUMINUM CAP STAMPED "P.W.S.I. T4S R67W C1/4 S30 2002 LS 28669" IN A RANGE  
26 BOX AT THE CENTER QUARTER CORNER OF SAID SECTION 30 AND A FOUND 3 1/4"  
27 ALUMINUM CAP STAMPED "COLORADO DEPARTMENT OF HIGHWAYS T4S 1/4 R68W  
28 R67W S25 S30 1991 PLS 11434" IN A RANGE BOX AT THE WEST QUARTER CORNER  
29 OF SAID SECTION 30, WITH ALL BEARINGS CONTAINED HEREIN RELATIVE  
30 THERETO.

31  
32 COMMENCING AT SAID WEST QUARTER CORNER OF SECTION 30; THENCE NORTH  
33 53°46'19" EAST, A DISTANCE OF 2082.35 FEET TO THE SOUTHWESTERLY CORNER  
34 OF LOT 46, BLOCK 6, WARREN'S UNIVERSITY HEIGHTS, AND THE POINT OF  
35 BEGINNING; THENCE ALONG THE WESTERLY LINE OF LOTS 46 THROUGH 48  
36 INCLUSIVE, SAID BLOCK 6, NORTH 00°19'45" WEST, A DISTANCE OF 54.20 FEET TO  
37 A POINT ON THE WESTERLY LINE OF SAID LOT 48; THENCE SOUTH 87°25'09" EAST,  
38 A DISTANCE OF 26.07 FEET TO A POINT ON THE SOUTHWESTERLY LINE OF  
39 INTERSTATE 25 RIGHT-OF-WAY; THENCE ALONG SAID SOUTHWESTERLY LINE OF  
40 INTERSTATE 25 RIGHT-OF-WAY, SOUTH 50°19'45" EAST A DISTANCE OF 81.90 FEET  
41 TO A POINT ON THE SOUTHERLY LINE OF SAID LOT 46; THENCE ALONG SAID  
42 SOUTHERLY LINE OF LOT 46, SOUTH 89°31'25" WEST, A DISTANCE OF 88.77 FEET  
43 TO THE POINT OF BEGINNING.

44  
45 SAID PARCEL CONTAINING 3,049 SQ. FT. OR 0.07 ACRES, MORE OR LESS.  
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49

1 2135 S Cherry Street – C-MX-5 ZONING

2  
3 A PARCEL OF LAND LOCATED IN THE NORTHWEST QUARTER OF SECTION 30,  
4 TOWNSHIP 4 SOUTH, RANGE 67 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY AND  
5 COUNTY OF DENVER, STATE OF COLORADO, BEING MORE PARTICULARLY  
6 DESCRIBED AS FOLLOWS:  
7

8 CONSIDERING THE EAST-WEST CENTER LINE OF SAID SECTION 30 TO BEAR  
9 SOUTH 89°32'22" WEST, A DISTANCE OF 2550.37 FEET BETWEEN A FOUND 2 1/2"  
10 ALUMINUM CAP STAMPED "P.W.S.I. T4S R67W C1/4 S30 2002 LS 28669" IN A RANGE  
11 BOX AT THE CENTER QUARTER CORNER OF SAID SECTION 30 AND A FOUND 3 1/4"  
12 ALUMINUM CAP STAMPED "COLORADO DEPARTMENT OF HIGHWAYS T4S 1/4 R68W  
13 R67W S25 S30 1991 PLS 11434" IN A RANGE BOX AT THE WEST QUARTER CORNER  
14 OF SAID SECTION 30, WITH ALL BEARINGS CONTAINED HEREIN RELATIVE  
15 THERETO.  
16

17 COMMENCING AT SAID CENTER QUARTER CORNER OF SECTION 30; THENCE  
18 NORTH 37°06'29" WEST, A DISTANCE OF 1236.37 FEET TO THE SOUTHEASTERLY  
19 CORNER OF LOT 37, BLOCK 6, WARREN'S UNIVERSITY HEIGHTS, AND THE POINT  
20 OF BEGINNING; THENCE ALONG THE SOUTHERLY LINE OF SAID LOT 37, SOUTH  
21 89°31'12" WEST, A DISTANCE OF 123.29 FEET TO THE SOUTHWESTERLY CORNER  
22 OF SAID LOT 37; THENCE ALONG THE WESTERLY LINE OF LOTS 37 THROUGH 45  
23 INCLUSIVE, SAID BLOCK 6, NORTH 00°19'45" WEST, A DISTANCE OF 225.20 FEET TO  
24 THE NORTHWESTERLY CORNER OF SAID LOT 45; THENCE ALONG THE  
25 NORTHERLY LINE OF SAID LOT 45, NORTH 89°31'25" EAST, A DISTANCE OF 88.77  
26 FEET TO A POINT ON THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF INTERSTATE  
27 25; THENCE ALONG SAID SOUTHWESTERLY RIGHT-OF-WAY LINE OF INTERSTATE  
28 25, SOUTH 50°19'45" EAST, A DISTANCE OF 44.81 FEET TO A POINT ON THE  
29 EASTERLY LINE OF LOT 44, SAID BLOCK 6; THENCE ALONG THE EASTERLY LINE OF  
30 SAID LOTS 44 THROUGH 37 INCLUSIVE, SOUTH 00°23'08" EAST, A DISTANCE OF  
31 196.30 FEET TO THE POINT OF BEGINNING.  
32

33 SAID PARCEL CONTAINING 27,245 SQ. FT. OR 0.62 ACRES, MORE OR LESS.  
34

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

37  
38 4500 E Evans Avenue  
39

40 A PARCEL OF LAND LOCATED IN THE NORTHWEST QUARTER OF SECTION 30,  
41 TOWNSHIP 4 SOUTH, RANGE 67 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY AND  
42 COUNTY OF DENVER, STATE OF COLORADO, BEING MORE PARTICULARLY  
43 DESCRIBED AS FOLLOWS:  
44

45 CONSIDERING THE EAST-WEST CENTER LINE OF SAID SECTION 30 TO BEAR  
46 SOUTH 89°32'22" WEST, A DISTANCE OF 2550.37 FEET BETWEEN A FOUND 2 1/2"  
47 ALUMINUM CAP STAMPED "P.W.S.I. T4S R67W C1/4 S30 2002 LS 28669" IN A RANGE  
48 BOX AT THE CENTER QUARTER CORNER OF SAID SECTION 30 AND A FOUND 3 1/4"

1 ALUMINUM CAP STAMPED "COLORADO DEPARTMENT OF HIGHWAYS T4S 1/4 R68W  
2 R67W S25 S30 1991 PLS 11434" IN A RANGE BOX AT THE WEST QUARTER CORNER  
3 OF SAID SECTION 30, WITH ALL BEARINGS CONTAINED HEREIN RELATIVE  
4 THERETO.

5 COMMENCING AT SAID WEST QUARTER CORNER OF SAID SECTION 30; THENCE  
6 NORTH 57°10'40" EAST, A DISTANCE OF 1853.08 FEET TO THE SOUTHWESTERLY  
7 CORNER OF LOT 12, BLOCK 6, WARREN'S UNIVERSITY HEIGHTS, AND THE POINT  
8 OF BEGINNING; THENCE ALONG THE WESTERLY LINE OF LOTS 12 THROUGH 2  
9 INCLUSIVE, SAID BLOCK 6, NORTH 00°08'15" WEST, A DISTANCE OF 271.95 FEET TO  
10 A POINT ON THE WESTERLY LINE OF SAID LOT 2 AND THE SOUTHERLY LINE OF  
11 THAT PARCEL DESCRIBED AS PARCEL NO. 108 IN RULE AND ORDER RECORDED  
12 NOVEMBER 16, 2001 AT REC. NO. 2001194599; THENCE ALONG SAID SOUTHERLY  
13 LINE 25.60 FEET ALONG THE ARC OF A NONTANGENT CURVE TO THE RIGHT  
14 HAVING A RADIUS OF 20.50 FEET, AN INCLUDED ANGLE OF 71°32'59" AND  
15 SUBTENDED BY A CHORD BEARING NORTH 56°48'22" EAST, A DISTANCE OF 23.97  
16 FEET; THENCE CONTINUING ALONG SAID SOUTHERLY LINE, SOUTH 87°25'09"  
17 EAST, A DISTANCE OF 102.92 FEET TO A POINT ON THE EASTERLY LINE OF LOT 1,  
18 SAID BLOCK 6; THENCE ALONG THE EASTERLY LINE OF SAID LOTS 1 THROUGH 12  
19 INCLUSIVE, SOUTH 00°19'45" EAST, A DISTANCE OF 279.40 FEET TO THE  
20 SOUTHEASTERLY CORNER OF SAID LOT 12; THENCE ALONG THE SOUTHERLY  
21 LINE OF SAID LOT 12, SOUTH 89°31'12" WEST, A DISTANCE OF 123.83 FEET TO THE  
22 POINT OF BEGINNING.

23  
24 SAID PARCEL CONTAINING 34,793 SQ. FT. OR 0.80 ACRES, MORE OR LESS.

25  
26 in addition, thereto those portions of all abutting public rights-of-way, but only to the centerline  
27 thereof, which are immediately adjacent to the aforesaid specifically described area.

28 **Section 3.** 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 IS INTENTIONALLY LEFT BLANK]**

1 COMMITTEE APPROVAL DATE: October 8, 2019  
2 MAYOR-COUNCIL DATE: October 15, 2019  
3 PASSED BY THE COUNCIL: November 18, 2019  
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 17, 2019  
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: TJ BSA, Assistant City Attorney DATE: Oct 17, 2019