

1 **BY AUTHORITY**

2 ORDINANCE NO. _____
3 SERIES OF 2015

COUNCIL BILL NO. CB15-0586
COMMITTEE OF REFERENCE:
4 Neighborhoods & Planning

5 **A BILL**

6 **For an ordinance changing the zoning classifications for 4245 Fox Street, 4143-**
7 **4159 Fox Street, 642 W. 43rd Avenue, 4211 Fox Street, and 4205 Fox Street,**
8 **Denver, Colorado 80216.**
9

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

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

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

- 21 1. That the land area hereinafter described is presently classified as: I-B, UO-2 and I-A,
22 UO-2.
23 2. That the Owner proposes that the land area hereinafter described be changed to: C-MX-
24 20.
25 3. 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 from I-B, UO-2 and I-A, UO-2 to C-MX-20:

27 A PARCEL OF LAND LOCATED IN THE SOUTHWEST 1/4 OF SECTION 22, TOWNSHIP 3
28 SOUTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN, BEING A PART OF BLOCK 11
29 AND 12, VIADUCT ADDITION TO THE CITY AND COUNTY OF DENVER, STATE OF
30 COLORADO, TOGETHER WITH CERTAIN PORTIONS OF ADJACENT VACATED ALLEY AND
31 VACATED GALAPAGO STREET AND VACATED WEST 43RD AVENUE, MORE PARTICULARLY
32 DESCRIBED AS FOLLOWS:

33 BEGINNING AT THE SOUTHWEST CORNER OF SAID BLOCK 12, ALSO BEING THE
34 SOUTHWEST CORNER OF LOT 16 SAID BLOCK 12; THENCE EASTERLY ALONG THE
35 SOUTH LINE OF SAID BLOCK 12, A DISTANCE OF 135.0 FEET TO A POINT 10 FEET
36 EASTERLY OF THE SOUTHEAST CORNER OF SAID BLOCK 12, BEING ON THE VACATED

1 GALAPAGO STREET PER ORDINANCE NO. 357, SERIES OF 1970; THENCE EASTERLY
2 ALONG A CURVE CONVEX TO THE NORTH HAVING A RADIUS OF 50 FEET TO A POINT ON
3 WEST LINE OF LOT 15, BLOCK 11, SAID POINT BEING 10 FEET NORTHERLY FROM THE
4 SOUTHWEST CORNER OF SAID BLOCK 11; AS RECORDED AT RECEPTION NUMBER
5 1970083833; THENCE SOUTHEASTERLY TO POINT ON SOUTH LINE OF SAID LOT 15 AND
6 10 FEET EASTERLY OF SOUTHWERLY CORNER OF SAID LOT 15; THENCE EASTERLY
7 ALONG THE SOUTH LINE OF SAID LOT 15, A DISTANCE OF 115.0 FEET TO THE
8 SOUTHEAST CORNER OF SAID LOT 15; THENCE NORTHERLY ALONG THE EAST LINE OF
9 LOT 15 THROUGH 10, INCLUSIVE OF SAID LOTS, A DISTANCE OF 132.5 FEET TO A POINT
10 ON THE EASTERLY LINE OF SAID LOT 10, WHICH IS 17.5 FEET SOUTHERLY OF THE
11 NORTHEAST CORNER OF SAID LOT 10; THENCE EASTERLY 16.0 FEET TO THE
12 SOUTHWEST CORNER OF THE NORTH 17.5 FEET OF LOT 21 OF SAID BLOCK 11; THENCE
13 EASTERLY ALONG THE SOUTH LINE OF SAID NORTH 17.5 FEET OF LOT 21, A DISTANCE
14 OF 125.0 FEET TO THE SOUTHEAST CORNER OF SAID NORTH 17.5 FEET OF SAID LOT 21;
15 THENCE NORTHERLY ALONG THE EAST LINE OF SAID BLOCK 11, A DISTANCE OF 167.5
16 FEET TO THE SOUTHEAST CORNER OF LOT 28 OF SAID BLOCK 11; THENCE WESTERLY
17 ALONG THE SOUTH LINE OF SAID LOT 28, A DISTANCE OF 131.0 FEET TO THE
18 CENTERLINE OF VACATED ALLEY PER ORDINANCE NO. 52, SERIES OF 1949; THENCE
19 NORTHERLY ALONG SAID CENTERLINE, AND EASTERLY LINE OF LOT 3 THROUGH 1,
20 INCLUSIVE OF SAID BLOCK 11, A DISTANCE OF 75.0 FEET TO A POINT ON THE NORTH
21 LINE OF SAID BLOCK 11, BEING THE SOUTHERLY RIGHT-OF-WAY LINE OF W. 43RD AVE.;
22 THENCE WESTERLY ALONG SAID NORTHERLY LINE OF SAID BLOCK 11 TO THE
23 NORTHWEST CORNER OF SAID BLOCK 11; THENCE SOUTHERLY ALONG THE WEST LINE
24 OF SAID BLOCK 11, TO A POINT 4.66 FEET SOUTHERLY FROM THE NORTHWEST
25 CORNER OF SAID OF BLOCK 11, VIADUCT ADDITION AS VACATED GALAPAGO STREET
26 PER ORDINANCE NO. 357, SERIES OF 1970; THENCE SOUTHWESTERLY ON THE ARC OF
27 A CURVE CONVEX TO THE SOUTH HAVING A RADIUS OF 50 FEET TO A POINT ON
28 EASTERLY EXTENSION OF THE NORTHERLY BOUNDARY LINE OF BLOCK 12; THENCE
29 WESTERLY ALONG SAID EASTERLY EXTENSION, A DISTANCE OF 7.58 FEET TO THE
30 NORTHEAST CORNER OF SAID BLOCK 12; THENCE NORTHERLY A DISTANCE OF 12.40
31 FEET ON THE EAST LINE OF VACATED WEST 43RD AVE. PER ORDINANCE NO. 30, SERIES
32 OF 1943; THENCE NORTHERLY ON THE ARC OF A CIRCLE CONVEX TO NORTH HAVING A
33 RADIUS OF 50 FEET AND CENTER LOCATED 46 FEET EAST OF AND 32 FEET NORTH OF
34 SAID NORTHEAST CORNER OF BLOCK 12 TO POINT 3.36 FEET WEST OF NORTHERLY
35 EXTENSION OF THE EASTERLY BOUNDARY LINE OF SAID BLOCK 12 PER A DEED
36 RECORDED IN BOOK 219 AT PAGE 463; SAID POINT BEING THE CENTERLINE OF THE
37 VACATED WEST 43RD AVE; THENCE WESTERLY ALONG SAID VACATED WEST 43RD AVE, A
38 DISTANCE OF 71.6 FEET TO A POINT 40 FEET NORTHERLY AND 50 FEET WESTERLY OF
39 THE NORTHWEST CORNER OF SAID BLOCK 12; THENCE SOUTHERLY 40 FEET TO A
40 POINT ON THE NORTH LINE OF SAID BLOCK 12; THENCE SOUTHWESTERLY 134.63' FEET
41 MORE OR LESS TO THE NORTHWEST CORNER OF LOT 25 OF SAID BLOCK 12, VIADUCT
42 ADDITION; THENCE SOUTHERLY ALONG THE WESTERLY LINE OF LOTS 25 THROUGH 16
43 INCLUSIVE, SAID BLOCK 12 TO THE POINT OF BEGINNING.

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

46 **Section 2.** That upon consideration of a change in the zoning classification of the land area
47 hereinafter described, Council finds:

- 1 1. That the land area hereinafter described is presently classified as: I-A, UO-2.
- 2 2. That the Owner proposes that the land area hereinafter described be changed to: C-MS-
- 3 8.
- 4 3. That the zoning classification of the land area in the City and County of Denver
- 5 described as follows shall be and hereby is changed from I-A, UO-2 to C-MS-8:

6 A PARCEL OF LAND LOCATED IN THE SOUTHWEST 1/4 OF SECTION 22, TOWNSHIP 3

7 SOUTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN, BEING A PART OF BLOCK

8 11, VIADUCT ADDITION TO THE CITY AND COUNTY OF DENVER, STATE OF COLORADO,

9 MORE PARTICULARLY DESCRIBED AS FOLLOWS:

10 LOT 16, 17, 18, 19 AND THE SOUTH ½ OF LOT 20, BLOCK 11, VIADUCT ADDITION TO

11 DENVER, CITY AND COUNTY OF DENVER, STATE OF COLORADO.

12 LOT 28, 29 AND 30, BLOCK 11, VIADUCT ADDITION TO DENVER, CITY AND COUNTY OF

13 DENVER, STATE OF COLORADO.

14 LOT 24, 25, 26, 27, 28, 29 AND 30, BLOCK 22, VIADUCT ADDITION TO DENVER, CITY AND

15 COUNTY OF DENVER, STATE OF COLORADO.

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

17 thereof, which are immediately adjacent to the aforesaid specifically described area.

18 **Section 3.** That this ordinance shall be recorded by the Manager of Community Planning

19 and Development in the real property records of the Denver County Clerk and Recorder.

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1 COMMITTEE APPROVAL DATE: August 19, 2015.

2 MAYOR-COUNCIL DATE: August 25, 2015.

3 PASSED BY THE COUNCIL: _____, 2015

4 _____ - PRESIDENT

5 APPROVED: _____ - MAYOR _____, 2015

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

9 NOTICE PUBLISHED IN THE DAILY JOURNAL: _____, 2015; _____, 2015

10 PREPARED BY: Nathan J. Lucero, Assistant City Attorney DATE: August 27, 2015

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 D. Scott Martinez, Denver City Attorney

16 BY: _____, Assistant City Attorney DATE: _____, 2015