

1 BY AUTHORITY

2 ORDINANCE NO.  
3 SERIES OF 2013

COUNCIL BILL NO. 13-0556  
COMMITTEE OF REFERENCE:  
Land Use, Transportation & Infrastructure

4  
5  
6 **A BILL**

7 **For an ordinance changing the zoning classification of 3345, 3403 and 3457**  
8 **Brighton Boulevard.**

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  
12 laws, is in accordance with the Comprehensive Plan, is necessary to promote the public health,  
13 safety and general welfare of the City, is justified by one of the circumstances set forth in Section  
14 12.4.10.14A of the Denver Zoning Code, is consistent with the neighborhood context and the  
15 stated purpose and intent of the proposed zone district; and meets the criteria set forth in  
16 12.4.10.15 of the Denver Zoning Code;

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

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

- 22 1. That the land area hereinafter described is presently classified as C-MX-8, UO-2.  
23 2. That the Owner proposes that the land area hereinafter described be changed to  
24 (Planned Unit Development District - General) PUD-G, UO-2.

25 **Section 2.** That the zoning classification for the land area in the City and County of Denver  
26 described as follows shall be and hereby is changed from C-MX-8, UO-2 to (Planned Unit  
27 Development District - General) PUD-G, UO-2:

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1       LEGAL DESCRIPTION Parcel 1 Big Eagle Enterprises Inc:  
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3       THAT PART OF THE NE 1/4 OF NE 1/4 OF SECTION 27, TOWNSHIP 3 SOUTH, RANGE  
4       68 WEST OF THE 6TH P.M., DESCRIBED AS FOLLOWS:  
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6       BEGINNING AT THE INTERSECTION OF THE NORTHWESTERLY SIDE OF BRIGHTON  
7       BOULEVARD WITH THE NORTH LINE OF SECTION 27, TOWNSHIP 3 SOUTH, RANGE  
8       68 WEST OF THE 6TH P.M., CITY AND COUNTY OF DENVER, WHICH POINT IS 608  
9       FEET WEST OF THE NORTHEAST CORNER OF SAID SECTION 27; THENCE  
10      SOUTHWESTERLY ALONG THE NORTHWESTERLY LINE OF BRIGHTON BOULEVARD  
11      200 FEET; THENCE NORTHWESTERLY ON A LINE AT RIGHT ANGLES TO BRIGHTON  
12      BOULEVARD 200 FEET, MORE OR LESS, TO A POINT IN THE NORTH LINE OF SAID  
13      SECTION 27; THENCE EASTERLY ALONG THE NORTH LINE OF SAID SECTION 27,  
14      283.2 FEET, MORE OR LESS, TO POINT OF THE BEGINNING, CITY AND COUNTY OF  
15      DENVER, STATE OF COLORADO.  
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17      LEGAL DESCRIPTION Parcel 2 Silver Holdings LLC:

18      That part of the SE ¼ of Section 22, Township 3 South, Range 68 West of the 6<sup>th</sup> Principal  
19      Meridian located in the City and County of Denver, Colorado describes as follows:

20      Commencing at the SE corner of said Section 22, thence South 90°00'00"West, on an  
21      assumed bearing along the south line of said SE 1/4, a distance of 608.49 feet to the Point of  
22      Beginning in the northwesterly line of Brighton Boulevard 80-foot right-of-way as established  
23      in the records of said Denver; thence continuing South 90°00'00"West, along said south line,  
24      413.94 feet to the intersection of a line located 27.5 feet west of and parallel with the  
25      northwesterly line of Block 13, First Addition to Ironton as filed in the records of said Denver  
26      and which is located in a portion of Delgany Street vacated by #151-1953 as filed in the  
27      records of said Denver; thence North 44°50'36"East, along said intersected line, 828.05 feet  
28      to the southwesterly line of the 35<sup>th</sup> Avenue 80-foot right-of-way line; thence South  
29      45°09'24"East, along last said southwesterly line, 160.50 feet to the center line of the alley of  
30      said Block 13 vacated by said ordinance; thence South 44°50'36"West, along said center  
31      line, 75.00 feet to the intersection of the extension of the lot line between Blocks 29 and 30 of  
32      said Block 13; thence South 45°09'24"East, along said extension and lot line, 133.00 feet to  
33      said northwesterly right-of-way line; thence South 44°50'36"West, along said northwesterly  
34      right-of-way line, 461.15 feet.

35      This property as described contains 190,221 square feet or 4.37 acres more or less.

36      The basis of bearings for this description is based on the assumption that the south line of  
37      the SE ¼ of said Section 22 bears east/west. Said line is monumented with a chiseled "+" on  
38      a 6"x6" stone at the southeast corner and a ¾" aluminum cap in asphalt at the southwest  
39      corner of the SE ¼ of said Section 22.  
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41      LEGAL DESCRIPTION Parcel 3 Silver, Larry:

42      A rectangular parcel of ground (17.00' x 107.60') described as Parcel 1 in the deed dated  
43      February 4, 1946 recorded at Reception No. 186830 in the records of the City and County of  
44      Denver, Colorado in the NE ¼ of Section 27, Township 3 South, Range 68 West of the 6<sup>th</sup>  
45      Principal Meridian and described as follows:

46      Commencing at the NE corner of said Section 27, thence South 90°00'00"West, on an  
47      assumed bearing along the south line of said SE 1/4, a distance of 608.49 feet to the  
48      northwesterly line of Brighton Boulevard 80-foot right-of-way as established in the records of  
49      said Denver; thence continuing South 90°00'00"West, along the north line of Parcel 2 as  
50      described in said deed, 283.62 feet to the westerly corner of said Parcel 2; thence South  
51      45°09'24"East, along the south line of said Parcel 2, a distance of 9.10 feet to the Point of  
52      Beginning; thence through the following four courses;

- 53          1. Continuing South 45°09'24"East, along said south line, 17.00 feet,
- 54          2. South 44°50'36"West, parallel with said Brighton Boulevard west line, 107.60 feet,
- 55          3. North 45°09'24"West, parallel with said south line, 17.00 feet,
- 56          4. North 44°50'36"East, 107.60 feet to the Point of Beginning                      (continued...)
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1 This property as described contains 1,892 square feet or 0.04 acres more or less.  
2 The basis of bearings for this description is based on the assumption that the south line of  
3 the SE ¼ of said Section 22 bears east/west. Said line is monumented with a chiseled "+" on  
4 a 6"x6" stone at the southeast corner and a ¾" aluminum cap in asphalt at the southwest  
5 corner of the SE ¼ of said Section 22.  
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7 LEGAL DESCRIPTION Parcel 4 Undiks, Gundega:

8 Lots 30, 31 and 32, Block 13, First Addition to Ironton, Together with that portion of the  
9 Southeasterly ¼ of the vacated alley adjoining said Lots: City & County of Denver, State of  
10 Colorado.  
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12 in addition thereto those portions of all abutting public rights-of-way, but only to the  
13 centerline thereof, which are immediately adjacent to the aforesaid specifically described area.

14 **Section 3.** The complete application with such supporting material as designated by the  
15 Land Use, Transportation and Infrastructure Committee of the City Council filed in the words and  
16 figures contained and set forth in the Application for Zone Map Amendment (District Plan),  
17 available in the office and on the web page of City Council, and filed in the office of the City Clerk  
18 on the 22<sup>nd</sup> day of August, 2013, under City Clerk's Filing No. 2013-0812, is hereby approved.

19 **Section 4.** Said District Plan together with a Site Plan, as provided in Section 12.4.3 of the  
20 Denver Zoning Code, shall regulate the use and development of the land area hereinabove  
21 described.

22 **Section 5.** None of the land area hereinabove described shall be used or occupied and no  
23 structure or structures shall be designed, erected, altered, used or occupied thereon except in  
24 conformity with all provisions of said District Plan and a Site Plan, as provided in Section 12.4.3 of  
25 the Denver Zoning Code, and except upon performance of all conditions therein set forth.

26 **Section 6.** This Ordinance shall be recorded by the Department of Community Planning  
27 and Development among the records of the Clerk and Recorder of the City and County of Denver.  
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1 COMMITTEE APPROVAL DATE: August 20, 2013  
2 MAYOR-COUNCIL DATE: August 27, 2013 (filed out of order)  
3 PASSED BY THE COUNCIL: \_\_\_\_\_, 2013  
4 \_\_\_\_\_ - PRESIDENT  
5 APPROVED: \_\_\_\_\_ - MAYOR \_\_\_\_\_, 2013  
6 ATTEST: \_\_\_\_\_ - CLERK AND RECORDER,  
7 EX-OFFICIO CLERK OF THE  
8 CITY AND COUNTY OF DENVER  
9 NOTICE PUBLISHED IN THE DAILY JOURNAL: \_\_\_\_\_, 2013; \_\_\_\_\_, 2013  
10 PREPARED BY: Brent A. Eisen, Assistant City Attorney DATE: August 22, 2013  
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 Douglas J. Friednash, Denver City Attorney  
16 BY: \_\_\_\_\_, Assistant City Attorney DATE: \_\_\_\_\_, 2013