

1 **BY AUTHORITY**

2 ORDINANCE NO. _____
3 SERIES OF 2022

COUNCIL BILL NO. CB22-0820
COMMITTEE OF REFERENCE:
Land Use, Transportation & Infrastructure

5 **A BILL**

6 **For an ordinance changing the zoning classification for 3923, 3929 West 28th**
7 **Avenue and 3838 North Perry Street in Berkeley.**

8
9 **WHEREAS**, the City Council has determined, based on evidence and testimony presented at
10 the public hearing, that the map amendment set forth below conforms with applicable City laws, is
11 consistent with the City’s adopted plans, furthers the public health, safety and general welfare of the
12 City, will result in regulations and restrictions that are uniform within the U-MS-3 district, is justified
13 by one of the circumstances set forth in Section 12.4.10.8 of the Denver Zoning Code, and is
14 consistent with the neighborhood context and the stated purpose and intent of the proposed zone
15 district;

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

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

- 20 a. The land area hereinafter described is presently classified as PUD 456.
- 21 b. It is proposed that the land area hereinafter described be changed to U-MS-3.

22 **Section 2.** That the zoning classification of the land area in the City and County of Denver
23 described as follows shall be and hereby is changed from PUD 456 to U-MS-3:

24 **3929 W 38th Ave**
25 ALL OF LOTS 17,18 AND 19, AND THE WEST 50 FEET OF LOTS 20 THROUGH 24,
26 INCLUSIVE, BLOCK 8, FIRST ADDITION TO ARGYLE PARK, CITY AND COUNTY OF
27 DENVER, STATE OF COLORADO

28
29 **3838 Perry Street**
30 LOTS 14,15 AND 16, BLOCK K8, FIRST ADDITION TO ARGYLE PARK, CITY AND
31 COUNTY OF DENVER, STATE OF COLORADO

32
33 **3923 W 38th Ave**
34 EAST 27 FEET OF WEST 77 FEET AND WEST 5 FEET OF EAST 50 FEET OF LOTS 20
35 TO 24, INCLUSIVE, BLOCK 8, FIRST ADDITION TO ARGYLE PARK; AND THE EAST 45
36 FEET OF LOTS 20 TO 24, INCLUSIVE, BLOCK 8 FIRST ADDITION TO ARGYLE PARK,
37 CITY AND COUNTY OF DENVER, STATE OF COLORADO

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

1 **Section 3.** That this ordinance shall be recorded by the Manager of Community Planning and
2 Development in the real property records of the Denver County Clerk and Recorder.

3 COMMITTEE APPROVAL DATE: July 19, 2022

4 MAYOR-COUNCIL DATE: July 26, 2022

5 PASSED BY THE COUNCIL: _____
6 _____ - PRESIDENT

7 APPROVED: _____ - MAYOR _____

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

11 NOTICE PUBLISHED IN THE DAILY JOURNAL: _____ ; _____

12 PREPARED BY: Nathan J. Lucero, Assistant City Attorney DATE: July 28, 2022

13 Pursuant to Section 13-9, D.R.M.C., this proposed ordinance has been reviewed by the office of
14 the City Attorney. We find no irregularity as to form and have no legal objection to the proposed
15 ordinance. The proposed ordinance is not submitted to the City Council for approval pursuant to
16 § 3.2.6 of the Charter.

17
18 Kristin M. Bronson, Denver City Attorney

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20 BY: *Jonathan Griffin*, Assistant City Attorney DATE: Jul 28, 2022