

**BY AUTHORITY**

ORDINANCE NO. \_\_\_\_\_  
SERIES OF 2023

COUNCIL BILL NO. CB22-1629  
COMMITTEE OF REFERENCE:  
Land Use, Transportation & Infrastructure

**A BILL**

**For an ordinance changing the zoning classification for 4141 East 35th Avenue in  
Northeast Park Hill.**

**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: OS-A; C-MS-5, DO-8; C-MX-12; C-MX-8; C-MX-5; C-MX-5 with waivers; G-RX-5; and G-RX-5 with waivers districts, 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 OS-B.
- b. It is proposed that the land area hereinafter described be changed to: OS-A; C-MS-5, DO-8; C-MX-12; C-MX-8; C-MX-5; C-MX-5 with waivers; G-RX-5; and G-RX-5 with waivers.

**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 to OS-A:

A PARCEL OF LAND SITUATED IN THE SOUTHWEST QUARTER OF SECTION 19 AND THE NORTHWEST QUARTER OF SECTION 30, TOWNSHIP 3 SOUTH, RANGE 67 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 19;  
THENCE NORTH 29°35'28" EAST, A DISTANCE OF 2,910.35 FEET TO A POINT ON THE SOUTH LINE OF SMITH RD AND THE POINT OF BEGINNING;  
THENCE ALONG SAID SOUTH LINE AND ALONG THE ARC OF A NON-TANGENT CURVE TO THE RIGHT AN ARC LENGTH OF 219.71 FEET, SAID CURVE HAVING A RADIUS OF 5,607.93 FEET, A CENTRAL ANGLE OF 02°14'41" AND A CHORD WHICH

1 BEARS SOUTH  
2 87°47'25" EAST A CHORD DISTANCE OF 219.70 FEET TO THE WEST LINE OF THAT  
3 PARCEL DESCRIBED AT RECEPTION NO. 2013029217;  
4 THENCE ALONG THE PERIMETER OF SAID PARCEL THE FOLLOWING SEVEN (7)  
5 COURSES:  
6 1) SOUTH 02°46'05" WEST, A DISTANCE OF 3.26 FEET;  
7 2) SOUTH 82°05'50" EAST, A DISTANCE OF 369.97 FEET;  
8 3) SOUTH 78°49'16" EAST, A DISTANCE OF 260.34 FEET;  
9 4) SOUTH 67°50'21" EAST, A DISTANCE OF 49.23 FEET;  
10 5) NORTH 89°08'19" EAST, A DISTANCE OF 81.19 FEET;  
11 6) SOUTH 47°29'27" EAST, A DISTANCE OF 22.71 FEET;  
12 7) SOUTH 15°18'46" EAST, A DISTANCE OF 45.07 FEET TO THE WEST LINE OF  
13 DAHLIA ST;  
14 THENCE ALONG SAID WEST LINE THE FOLLOWING THREE (3) COURSES:  
15 1) SOUTH 00°08'45" EAST, A DISTANCE OF 1,002.52 FEET;  
16 2) SOUTH 00°08'26" EAST, A DISTANCE OF 1,324.77 FEET;  
17 3) SOUTH 00°08'24" EAST, A DISTANCE OF 3.47 FEET TO THE NORTHEAST  
18 CORNER OF THE OVERLOOK AT PARK HILL FILING NO. 1 RECORDED AT  
19 RECEPTION NO. 2001067475;  
20 THENCE ALONG THE PERIMETER OF SAID OVERLOOK AT PARK HILL FILING NO. 1  
21 THE FOLLOWING THREE (3) COURSES:  
22 1) NORTH 82°06'53" WEST, A DISTANCE OF 24.24 FEET;  
23 2) SOUTH 89°39'56" WEST, A DISTANCE OF 486.97 FEET;  
24 3) SOUTH 00°38'08" EAST, A DISTANCE OF 1,263.16 FEET TO THE NORTH LINE OF  
25 35TH AVE;  
26 THENCE SOUTH 89°38'54" WEST ALONG SAID NORTH LINE, A DISTANCE OF 629.57  
27 FEET;  
28 THENCE NORTH 00°10'43" EAST, A DISTANCE OF 1,747.37 FEET; THENCE NORTH  
29 89°49'17" WEST, A DISTANCE OF 86.54 FEET;  
30 THENCE NORTH 00°10'43" EAST, A DISTANCE OF 924.16 FEET TO THE SOUTH LINE  
31 OF PARK HILL TOWN CENTER SUBDIVISION FILING NO. 1 RECORDED AT  
32 RECEPTION NO. 2004129062;  
33 THENCE NORTH 89°55'56" EAST ALONG SAID SOUTH LINE, A DISTANCE OF 203.59  
34 FEET TO THE SOUTHEAST CORNER THEREOF;  
35 THENCE NORTH 00°04'04" WEST ALONG THE EAST LINE OF SAID PARK HILL TOWN  
36 CENTER SUBDIVISION FILING NO. 1, A DISTANCE OF 1,114.42 FEET TO THE POINT  
37 OF BEGINNING.  
38 SAID PARCEL CONTAINS 3,489,799 SQUARE FEET OR 80.11 ACRES, MORE OR  
39 LESS.  
40 BEARINGS ARE BASED ON THE WEST LINE OF THE NORTH HALF OF THE  
41 NORTHWEST QUARTER OF SECTION 30, TOWNSHIP 3 SOUTH, RANGE 67 WEST OF  
42 THE 6TH PRINCIPAL MERIDIAN ASSUMED AS BEARING SOUTH 00°00'18" EAST.  
43 in addition thereto those portions of all abutting public rights-of-way, but only to the centerline thereof,

1 which are immediately adjacent to the aforesaid specifically described area.

2 **Section 3.** That the zoning classification of the land area in the City and County of Denver  
3 described as follows shall be and hereby is changed to C-MS-5, DO-8:

4 A PARCEL OF LAND SITUATED IN THE SOUTHWEST QUARTER OF SECTION 19  
5 AND THE NORTHWEST QUARTER OF SECTION 30, TOWNSHIP 3 SOUTH, RANGE  
6 67 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER,  
7 STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

8 COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 19;  
9 THENCE NORTH 89°39'56" EAST ALONG THE SOUTH LINE OF SAID SECTION 19, A  
10 DISTANCE OF 50.00 FEET TO THE EAST LINE OF COLORADO BLVD AND THE  
11 POINT OF BEGINNING;  
12 THENCE NORTH 00°04'04" WEST ALONG SAID EAST LINE, A DISTANCE OF 97.79  
13 FEET; THENCE SOUTH 89°49'17" EAST, A DISTANCE OF 905.88 FEET;  
14 THENCE SOUTH 00°10'43" WEST, A DISTANCE OF 194.00 FEET;  
15 THENCE NORTH 89°49'17" WEST, A DISTANCE OF 905.16 FEET TO THE EAST  
16 LINE OF SAID COLORADO BLVD;  
17 THENCE NORTH 00°00'18" WEST ALONG SAID EAST LINE, A DISTANCE OF 96.21  
18 FEET TO THE POINT OF BEGINNING.

19 SAID PARCEL CONTAINS 175,666 SQUARE FEET OR 4.03 ACRES, MORE OR LESS.

20 BEARINGS ARE BASED ON THE WEST LINE OF THE NORTH HALF OF THE  
21 NORTHWEST QUARTER OF SECTION 30, TOWNSHIP 3 SOUTH, RANGE 67 WEST OF  
22 THE 6TH PRINCIPAL MERIDIAN ASSUMED AS BEARING SOUTH 00°00'18" EAST.

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

25 **Section 4.** 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 to C-MX-12:

27 A PARCEL OF LAND SITUATED IN THE SOUTHWEST QUARTER OF SECTION 19,  
28 TOWNSHIP 3 SOUTH, RANGE 67 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY  
29 AND COUNTY OF DENVER, STATE OF COLORADO, MORE PARTICULARLY  
30 DESCRIBED AS FOLLOWS:

31 COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 19;  
32 THENCE NORTH 05°25'41" EAST, A DISTANCE OF 730.86 FEET TO A POINT ON THE  
33 EAST LINE OF THAT PARCEL DESCRIBED AT RECEPTION NO. 2013029217 AND THE  
34 POINT OF BEGINNING;

35 THENCE ALONG SAID EAST LINE THE FOLLOWING TEN (10) COURSES:

- 36 1. NORTH 00°04'04" WEST, A DISTANCE OF 181.38 FEET;
- 37 2. NORTH 03°44'46" EAST, A DISTANCE OF 150.39 FEET;
- 38 3. NORTH 00°04'04" WEST, A DISTANCE OF 190.25 FEET;
- 39 4. NORTH 44°56'12" EAST, A DISTANCE OF 57.12 FEET;
- 40 5. NORTH 89°54'55" EAST, A DISTANCE OF 241.88 FEET;
- 41 6. SOUTH 00°04'02" EAST, A DISTANCE OF 13.50 FEET;
- 42 7. NORTH 88°43'12" EAST, A DISTANCE OF 100.00 FEET;

1 8. NORTH 63°47'45" EAST, A DISTANCE OF 91.35 FEET;  
2 9. NORTH 52°59'52" EAST, A DISTANCE OF 77.66 FEET;  
3 10. NORTH 34°16'55" EAST, A DISTANCE OF 59.92 FEET TO THE SOUTHWEST  
4 CORNER OF PARK HILL TOWN CENTER SUBDIVISION FILING NO. 1 RECORDED AT  
5 RECEPTION NO. 2004129062;  
6 THENCE NORTH 89°55'56" EAST ALONG THE SOUTH LINE THEREOF, A DISTANCE OF  
7 77.94 FEET;  
8 THENCE SOUTH 00°10'43" WEST, A DISTANCE OF 522.96 FEET; THENCE NORTH  
9 89°49'17" WEST, A DISTANCE OF 337.12 FEET; THENCE SOUTH 00°38'57" WEST, A  
10 DISTANCE OF 166.96 FEET;  
11 THENCE NORTH 89°49'17" WEST, A DISTANCE OF 306.64 FEET TO THE POINT OF  
12 BEGINNING.

13 SAID PARCEL CONTAINS 319,758 SQUARE FEET OR 7.34 ACRES, MORE OR LESS.

14 BEARINGS ARE BASED ON THE WEST LINE OF THE NORTH HALF OF THE  
15 NORTHWEST QUARTER OF SECTION 30, TOWNSHIP 3 SOUTH, RANGE 67 WEST OF  
16 THE 6TH PRINCIPAL MERIDIAN ASSUMED AS BEARING SOUTH 00°00'18" EAST.

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

19 **Section 5.** That the zoning classification of the land area in the City and County of Denver  
20 described as follows shall be and hereby is changed to C-MX-8:

21 **PARCEL 1:**

22 A PARCEL OF LAND SITUATED IN THE SOUTHWEST QUARTER OF SECTION 19,  
23 TOWNSHIP 3 SOUTH, RANGE 67 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY  
24 AND COUNTY OF DENVER, STATE OF COLORADO, MORE PARTICULARLY  
25 DESCRIBED AS FOLLOWS:

26 COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 19;  
27 THENCE NORTH 05°25'41" EAST, A DISTANCE OF 730.86 FEET TO A POINT ON THE  
28 EAST LINE OF THAT PARCEL DESCRIBED AT RECEPTION NO. 2013029217 AND THE  
29 POINT OF BEGINNING;

30 THENCE SOUTH 89°49'17" EAST, A DISTANCE OF 306.64 FEET;

31 THENCE NORTH 00°38'57" EAST, A DISTANCE OF 166.96 FEET;

32 THENCE SOUTH 89°49'17" EAST, A DISTANCE OF 337.12 FEET;

33 THENCE SOUTH 00°10'43" WEST, A DISTANCE OF 796.51 FEET;

34 THENCE NORTH 89°49'17" WEST, A DISTANCE OF 662.42 FEET TO THE EAST LINE  
35 OF COLORADO BLVD;

36 THENCE NORTH 00°04'04" WEST ALONG SAID EAST LINE, A DISTANCE OF 261.53  
37 FEET TO THE SOUTH LINE OF SAID PARCEL DESCRIBED AT RECEPTION NO.

38 2013029217;

39 THENCE ALONG THE PERIMETER OF SAID PARCEL THE FOLLOWING THREE (3)  
40 COURSES:

41 1) NORTH 89°55'56" EAST, A DISTANCE OF 2.00 FEET;

42 2) NORTH 03°15'39" EAST, A DISTANCE OF 310.00 FEET;

43 3) NORTH 00°04'04" WEST, A DISTANCE OF 58.47 FEET TO THE POINT OF  
44 BEGINNING.

1 SAID PARCEL CONTAINS 469,707 SQUARE FEET OR 10.78 ACRES, MORE OR LESS.  
2 BEARINGS ARE BASED ON THE WEST LINE OF THE NORTH HALF OF THE  
3 NORTHWEST QUARTER OF SECTION 30, TOWNSHIP 3 SOUTH, RANGE 67 WEST OF  
4 THE 6TH PRINCIPAL MERIDIAN ASSUMED AS BEARING SOUTH 00°00'18" EAST.

5 **PARCEL 2:**

6 A PARCEL OF LAND SITUATED IN THE NORTHWEST QUARTER OF SECTION 30,  
7 TOWNSHIP 3 SOUTH, RANGE 67 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY  
8 AND COUNTY OF DENVER, STATE OF COLORADO, MORE PARTICULARLY  
9 DESCRIBED AS FOLLOWS:

10 COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 30;  
11 THENCE SOUTH 06°54'58" EAST, A DISTANCE OF 415.53 FEET TO A POINT ON  
12 THE EAST LINE OF COLORADO BLVD AND THE POINT OF BEGINNING;  
13 THENCE NORTH 00°00'18" WEST ALONG SAID EAST LINE, A DISTANCE OF 316.59  
14 FEET;  
15 THENCE SOUTH 89°49'17" EAST, A DISTANCE OF 661.69 FEET;  
16 THENCE SOUTH 00°10'43" WEST, A DISTANCE OF 316.58 FEET;  
17 THENCE NORTH 89°49'17" WEST, A DISTANCE OF 660.68 FEET TO THE  
18 POINT OF BEGINNING.

19 SAID PARCEL CONTAINS 209,320 SQUARE FEET OR 4.81 ACRES, MORE OR LESS.  
20 BEARINGS ARE BASED ON THE WEST LINE OF THE NORTH HALF OF THE  
21 NORTHWEST QUARTER OF SECTION 30, TOWNSHIP 3 SOUTH, RANGE 67 WEST  
22 OF THE 6TH PRINCIPAL MERIDIAN ASSUMED AS BEARING SOUTH 00°00'18" EAST.

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

25 **Section 6.** 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 to C-MX-5:

27 **PARCEL 1**

28 A PARCEL OF LAND SITUATED IN THE SOUTHWEST QUARTER OF SECTION 19,  
29 TOWNSHIP 3 SOUTH, RANGE 67 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY  
30 AND COUNTY OF DENVER, STATE OF COLORADO, MORE PARTICULARLY  
31 DESCRIBED AS FOLLOWS:

32 COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 19;  
33 THENCE NORTH 62°45'15" EAST, A DISTANCE OF 1076.43 FEET TO THE POINT OF  
34 BEGINNING;  
35 THENCE SOUTH 00°10'43" WEST, A DISTANCE OF 397.54 FEET; THENCE NORTH  
36 89°49'17" WEST, A DISTANCE OF 243.46 FEET; THENCE NORTH 00°10'43" EAST, A  
37 DISTANCE OF 397.54 FEET;  
38 THENCE SOUTH 89°49'17" EAST, A DISTANCE OF 243.46 FEET TO THE POINT OF  
39 BEGINNING.

40 SAID PARCEL CONTAINS 96,787 SQUARE FEET OR 2.22 ACRES, MORE OR LESS.  
41 BEARINGS ARE BASED ON THE WEST LINE OF THE NORTH HALF OF THE

1 NORTHWEST QUARTER OF SECTION 30, TOWNSHIP 3 SOUTH, RANGE 67 WEST OF  
2 THE 6TH PRINCIPAL MERIDIAN ASSUMED AS BEARING SOUTH 00°00'18" EAST.

3 **PARCEL 2:**

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

8 COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 30;  
9 THENCE SOUTH 59°44'41" EAST, A DISTANCE OF 822.78 FEET TO THE POINT OF  
10 BEGINNING;

11 THENCE NORTH 00°10'43" EAST, A DISTANCE OF 316.58 FEET;

12 THENCE SOUTH 89°49'17" EAST, A DISTANCE OF 243.46 FEET;

13 THENCE SOUTH 00°10'43" WEST, A DISTANCE OF 316.58 FEET;

14 THENCE NORTH 89°49'17" WEST, A DISTANCE OF 243.46 FEET TO THE POINT OF  
15 BEGINNING.

16 SAID PARCEL CONTAINS 77,076 SQUARE FEET OR 1.77 ACRES, MORE OR LESS.

17 BEARINGS ARE BASED ON THE WEST LINE OF THE NORTH HALF OF THE  
18 NORTHWEST QUARTER OF SECTION 30, TOWNSHIP 3 SOUTH, RANGE 67 WEST OF  
19 THE 6TH PRINCIPAL MERIDIAN ASSUMED AS BEARING SOUTH 00°00'18" EAST.

20 **PARCEL 3:**

21 A PARCEL OF LAND SITUATED IN THE NORTHWEST QUARTER OF SECTION 30,  
22 TOWNSHIP 3 SOUTH, RANGE 67 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY  
23 AND COUNTY OF DENVER, STATE OF COLORADO, MORE PARTICULARLY  
24 DESCRIBED AS FOLLOWS:

25 COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 30;

26 THENCE SOUTH 06°54'58" EAST, A DISTANCE OF 415.53 FEET TO A POINT ON THE  
27 EAST LINE OF COLORADO BLVD AND THE POINT OF BEGINNING;

28 THENCE SOUTH 89°49'17" EAST, A DISTANCE OF 660.68 FEET;

29 THENCE SOUTH 00°10'43" WEST, A DISTANCE OF 425.06 FEET;

30 THENCE NORTH 89°49'17" WEST, A DISTANCE OF 659.32 FEET TO A POINT ON THE  
31 EAST LINE OF SAID COLORADO BLVD;

32 THENCE NORTH 00°00'18" WEST ALONG SAID EAST LINE, A DISTANCE OF 425.06  
33 FEET TO THE POINT OF BEGINNING.

34 SAID PARCEL CONTAINS 280,537 SQUARE FEET OR 6.44 ACRES, MORE OR LESS.

35 BEARINGS ARE BASED ON THE WEST LINE OF THE NORTH HALF OF THE  
36 NORTHWEST QUARTER OF SECTION 30, TOWNSHIP 3 SOUTH, RANGE 67 WEST OF  
37 THE 6TH PRINCIPAL MERIDIAN ASSUMED AS BEARING SOUTH 00°00'18" EAST.

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

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1           **Section 7.**

2           a. The applicant has provided written representation approving of certain waivers to the  
3 requested change in zoning classification to C-MX-5 related to the development, operation, and  
4 maintenance of the land area:

5               1. Waive the right to use or erect any primary structure with a maximum permitted  
6 building height of 5 stories pursuant to Sections 7.3.3.3.A (Town House building form), a  
7 maximum permitted building height of 5 stories without incentives and 7 stories with  
8 incentives pursuant to Section 7.3.3.3.D (General building form) or a maximum permitted  
9 building height of 5 stories without incentives and 7 stories with incentives pursuant to  
10 Section 7.3.3.3.I (Shopfront building form), DZC and instead comply with the following:  
11 No primary structure erected on the subject property according to the Town House,  
12 General or Shopfront primary building form standards shall exceed 4 stories in building  
13 height. Height Exceptions shall be allowed in accordance with Section 7.3.7.1 (Height  
14 Exceptions) as applicable to the C-MX-5 zone district.

15               2. Waive the right to use or erect any primary structure with a maximum permitted  
16 building height of 70 feet pursuant to Section 7.3.3.3.A (Town House building form), a  
17 maximum permitted building height of 70 feet without incentives and 95 feet with  
18 incentives pursuant to Section 7.3.3.3.D (General building form) or a maximum permitted  
19 building height of 70 feet without incentives and 95 feet with incentives pursuant to  
20 Section 7.3.3.3.I (Shopfront building form), DZC and instead comply with the following:  
21 No primary structure erected on the subject property according to the Town House,  
22 General or Shopfront primary building form standards shall exceed 55 feet in building  
23 height. Height exceptions shall be allowed in accordance with Section 7.3.7.1 (Height  
24 Exceptions) as applicable to the C-MX-5 zone district.

25               3. Waive the right to use maximum height with incentives in stories and feet pursuant  
26 to Section 10.12.1 (Height Incentives), DZC.

27           b. That the zoning classification of the land area in the City and County of Denver described as  
28 follows shall be and hereby is changed to C-MX-5 with waivers:

29           **PARCEL 1:**  
30 A PARCEL OF LAND SITUATED IN THE SOUTHWEST QUARTER OF SECTION 19 AND  
31 THE NORTHWEST QUARTER OF SECTION 30, TOWNSHIP 3 SOUTH, RANGE 67 WEST  
32 OF THE SIXTH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF  
33 COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

1 COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 19;  
2 THENCE NORTH 62°45'15" EAST, A DISTANCE OF 1,076.43 FEET TO THE POINT OF  
3 BEGINNING;  
4 THENCE SOUTH 89°49'17" EAST, A DISTANCE OF 361.54 FEET;  
5 THENCE SOUTH 00°10'43" WEST, A DISTANCE OF 908.12 FEET;  
6 THENCE NORTH 89°49'17" WEST, A DISTANCE OF 361.54 FEET;  
7 THENCE NORTH 00°10'43" EAST, A DISTANCE OF 908.12 FEET TO THE POINT OF  
8 BEGINNING.

9 SAID PARCEL CONTAINS 328,320 SQUARE FEET OR 7.54 ACRES, MORE OR LESS.

10 BEARINGS ARE BASED ON THE WEST LINE OF THE NORTH HALF OF THE  
11 NORTHWEST QUARTER OF SECTION 30, TOWNSHIP 3 SOUTH, RANGE 67 WEST OF  
12 THE 6TH PRINCIPAL MERIDIAN ASSUMED AS BEARING SOUTH 00°00'18" EAST.

13 **PARCEL 2:**

14 A PARCEL OF LAND SITUATED IN THE NORTHWEST QUARTER OF SECTION 30,  
15 TOWNSHIP 3 SOUTH, RANGE 67 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY  
16 AND COUNTY OF DENVER, STATE OF COLORADO, MORE PARTICULARLY  
17 DESCRIBED AS FOLLOWS:

18 COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 30;  
19 THENCE SOUTH 29°20'46" EAST, A DISTANCE OF 1,444.81 FEET TO A POINT ON THE  
20 NORTH LINE OF 35<sup>TH</sup> AVE AND THE POINT OF BEGINNING;  
21 THENCE SOUTH 89°38'54" WEST ALONG SAID NORTH LINE, A DISTANCE OF 657.98  
22 FEET TO THE EAST LINE OF COLORADO BLVD;  
23 THENCE NORTH 00°00'18" WEST ALONG SAID EAST LINE, A DISTANCE OF 425.88  
24 FEET;  
25 THENCE SOUTH 89°49'17" EAST, A DISTANCE OF 659.32 FEET;  
26 THENCE SOUTH 00°10'43" WEST, A DISTANCE OF 419.79 FEET TO THE POINT OF  
27 BEGINNING.

28 SAID PARCEL CONTAINS 278,495 SQUARE FEET OR 6.39 ACRES, MORE OR LESS.

29 BEARINGS ARE BASED ON THE WEST LINE OF THE NORTH HALF OF THE  
30 NORTHWEST QUARTER OF SECTION 30, TOWNSHIP 3 SOUTH, RANGE 67 WEST OF  
31 THE 6TH PRINCIPAL MERIDIAN ASSUMED AS BEARING SOUTH 00°00'18" EAST.

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

34 **Section 8.** That the zoning classification of the land area in the City and County of Denver  
35 described as follows shall be and hereby is changed to G-RX-5:

36 **PARCEL 1:**

37 A PARCEL OF LAND SITUATED IN THE SOUTHWEST QUARTER OF SECTION 19,  
38 TOWNSHIP 3 SOUTH, RANGE 67 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY  
39 AND COUNTY OF DENVER, STATE OF COLORADO, MORE PARTICULARLY  
40 DESCRIBED AS FOLLOWS:

41 COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 19;  
42 THENCE NORTH 36°27'38" EAST, A DISTANCE OF 1,760.45 FEET TO A POINT ON THE



1 SOUTH LINE OF PARK HILL TOWN CENTER SUBDIVISION FILING NO. 1 RECORDED  
2 AT RECEPTION NO. 2004129062 AND THE POINT OF BEGINNING;  
3 THENCE SOUTH 00°10'43" WEST, A DISTANCE OF 923.35 FEET;  
4 THENCE NORTH 89°49'17" WEST, A DISTANCE OF 329.76 FEET;  
5 THENCE NORTH 00°10'43" EAST, A DISTANCE OF 921.93 FEET TO SAID SOUTH LINE;  
6 THENCE NORTH 89°55'56" EAST ALONG SAID SOUTH LINE, A DISTANCE OF 329.76  
7 FEET TO THE POINT OF BEGINNING.

8 SAID PARCEL CONTAINS 304,249 SQUARE FEET OR 6.98 ACRES, MORE OR LESS.

9 BEARINGS ARE BASED ON THE WEST LINE OF THE NORTH HALF OF THE  
10 NORTHWEST QUARTER OF SECTION 30, TOWNSHIP 3 SOUTH, RANGE 67 WEST OF  
11 THE 6TH PRINCIPAL MERIDIAN ASSUMED AS BEARING SOUTH 00°00'18" EAST.

12 **PARCEL 2:**

13 A PARCEL OF LAND SITUATED IN THE NORTHWEST QUARTER OF SECTION 30,  
14 TOWNSHIP 3 SOUTH, RANGE 67 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY  
15 AND COUNTY OF DENVER, STATE OF COLORADO, MORE PARTICULARLY  
16 DESCRIBED AS FOLLOWS:

17 COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 30;  
18 THENCE SOUTH 59°44'41" EAST, A DISTANCE OF 822.78 FEET TO THE POINT OF  
19 BEGINNING;  
20 THENCE SOUTH 89°49'17" EAST, A DISTANCE OF 329.76 FEET;  
21 THENCE SOUTH 00°10'43" WEST, A DISTANCE OF 425.06 FEET;  
22 THENCE NORTH 89°49'17" WEST, A DISTANCE OF 329.76 FEET;  
23 THENCE NORTH 00°10'43" EAST, A DISTANCE OF 425.06 FEET TO THE POINT OF  
24 BEGINNING.

25 SAID PARCEL CONTAINS 140,168 SQUARE FEET OR 3.22 ACRES, MORE OR LESS.

26 BEARINGS ARE BASED ON THE WEST LINE OF THE NORTH HALF OF THE  
27 NORTHWEST QUARTER OF SECTION 30, TOWNSHIP 3 SOUTH, RANGE 67 WEST OF  
28 THE 6TH PRINCIPAL MERIDIAN ASSUMED AS BEARING SOUTH 00°00'18" EAST

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

31 **Section 9.**

32 a. The applicant has provided written representation approving of certain waivers to the  
33 requested change in zoning classification to G-RX-5 related to the development, operation, and  
34 maintenance of the land area:

- 35 1. Waive the right to use or erect any primary structure with a maximum permitted  
36 building height of 5 stories pursuant to Sections 6.3.3.3.F (Town House building form),  
37 a maximum permitted building height of 5 stories without incentives and 7 stories with  
38 incentives pursuant to Section 6.3.3.3.K (Shopfront building form), DZC and instead  
39 comply with the following:

1 No primary structure erected on the subject property according to the Town House, or  
2 Shopfront primary building form standards shall exceed 4 stories in building height.  
3 Height Exceptions shall be allowed in accordance with Section 6.3.7.1 (Height  
4 Exceptions) as applicable to the G-RX-5 zone district.

- 5 2. Waive the right to use or erect any primary structure with a maximum permitted  
6 building height of 70 feet pursuant to Section 6.3.3.3.F (Town House building form), or  
7 a maximum permitted building height of 70 feet without incentives and 95 feet with  
8 incentives pursuant to Section 6.3.3.3.K (Shopfront building form), DZC and instead  
9 comply with the following:

10 No primary structure erected on the subject property according to the Town House or  
11 Shopfront primary building form standards shall exceed 55 feet in building height.  
12 Height exceptions shall be allowed in accordance with Section 6.3.7.1 (Height  
13 Exceptions) as applicable to the G-RX-5 zone district.

- 14 3. Waive the right to use maximum height with incentives in stories and feet pursuant to  
15 Section 10.12.1 (Height Incentives), DZC.

16 b. That the zoning classification of the land area in the City and County of Denver described as  
17 follows shall be and hereby is changed to G-RX-5 with waivers:

18 **PARCEL 1:**

19 A PARCEL OF LAND SITUATED IN THE SOUTHWEST QUARTER OF SECTION 19,  
20 TOWNSHIP 3 SOUTH, RANGE 67 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY  
21 AND COUNTY OF DENVER, STATE OF COLORADO, MORE PARTICULARLY  
22 DESCRIBED AS FOLLOWS:

23 COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 19;  
24 THENCE NORTH 36°27'38" EAST, A DISTANCE OF 1,760.45 FEET TO A POINT ON THE  
25 SOUTH LINE OF PARK HILL TOWN CENTER SUBDIVISION FILING NO. 1 RECORDED AT  
26 RECEPTION NO. 2004129062 AND THE POINT OF BEGINNING;  
27 THENCE NORTH 89°55'56" EAST ALONG SAID SOUTH LINE, A DISTANCE OF 188.71  
28 FEET;  
29 THENCE SOUTH 00°10'43" WEST, A DISTANCE OF 924.16 FEET;  
30 THENCE NORTH 89°49'17" WEST, A DISTANCE OF 188.70 FEET;  
31 THENCE NORTH 00°10'43" EAST, A DISTANCE OF 923.35 FEET TO THE POINT OF  
32 BEGINNING.

33 SAID PARCEL CONTAINS 174,313 SQUARE FEET OR 4.00 ACRES, MORE OR LESS.

34 BEARINGS ARE BASED ON THE WEST LINE OF THE NORTH HALF OF THE  
35 NORTHWEST QUARTER OF SECTION 30, TOWNSHIP 3 SOUTH, RANGE 67 WEST OF  
36 THE 6TH PRINCIPAL MERIDIAN ASSUMED AS BEARING SOUTH 00°00'18" EAST.

37 **PARCEL 2:**

1 A PARCEL OF LAND SITUATED IN THE NORTHWEST QUARTER OF SECTION 30,  
2 TOWNSHIP 3 SOUTH, RANGE 67 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY  
3 AND COUNTY OF DENVER, STATE OF COLORADO, MORE PARTICULARLY  
4 DESCRIBED AS FOLLOWS:

5 COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 30;  
6 THENCE SOUTH 29°20'46" EAST, A DISTANCE OF 1,444.81 FEET TO A POINT ON THE  
7 NORTH LINE OF 35TH AVE AND THE POINT OF BEGINNING;  
8 THENCE NORTH 00°10'43" EAST, A DISTANCE OF 419.79 FEET;  
9 THENCE SOUTH 89°49'17" EAST, A DISTANCE OF 329.76 FEET;  
10 THENCE NORTH 00°10'43" EAST, A DISTANCE OF 425.06 FEET;  
11 THENCE SOUTH 89°49'17" EAST, A DISTANCE OF 275.24 FEET;  
12 THENCE SOUTH 00°10'43" WEST, A DISTANCE OF 839.25 FEET TO A POINT ON THE  
13 NORTH LINE OF SAID 35TH AVE;  
14 THENCE SOUTH 89°38'54" WEST ALONG SAID NORTH LINE, A DISTANCE OF 605.02  
15 FEET TO THE POINT OF BEGINNING.

16 SAID PARCEL CONTAINS 369,271 SQUARE FEET OR 8.48 ACRES, MORE OR LESS.

17 BEARINGS ARE BASED ON THE WEST LINE OF THE NORTH HALF OF THE  
18 NORTHWEST QUARTER OF SECTION 30, TOWNSHIP 3 SOUTH, RANGE 67 WEST OF  
19 THE 6TH PRINCIPAL MERIDIAN ASSUMED AS BEARING SOUTH 00°00'18" EAST.

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

22 **Section 10.** The foregoing changes in zoning classification in Sections 7 and 9 are based upon  
23 the applicant's representations approving certain waivers, which certain waivers are set forth in  
24 Sections 7(a) and 9(a) hereof; and no permit shall be issued except in strict compliance with the  
25 aforesaid certain waivers. Said certain waivers shall be binding upon all successors and assigns of the  
26 owner, who along with the owner shall be deemed to have waived all objections as to the  
27 constitutionality of the aforesaid certain waivers.

28 **Section 11.** 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 INTENTIONALLY LEFT BLANK]**

31

1 COMMITTEE APPROVAL DATE: December 13, 2022  
2 MAYOR-COUNCIL DATE: N/A  
3 PASSED BY THE COUNCIL: \_\_\_\_\_ January 23, 2023  
4 \_\_\_\_\_ - PRESIDENT  
5 APPROVED: \_\_\_\_\_ - MAYOR Jan 24, 2023  
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: December 15, 2022  
11 Pursuant to Section 13-9, 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  
16 Kerry Tipper, Denver City Attorney  
17  
18 BY: Anshul Bagga, Assistant City Attorney DATE: Dec 15, 2022