

BY AUTHORITY

ORDINANCE NO. _____
SERIES OF 2024

COUNCIL BILL NO. CB24-0420
COMMITTEE OF REFERENCE:
Land Use, Transportation & Infrastructure

A BILL

For an ordinance changing the zoning classification for 4343 North Utica Street and Associated Properties in Berkeley.

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 U-TU-C and the PUD-G 33 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; and the proposed PUD-G 33 meets the criteria set forth in Section 12.4.9.10 of the Denver Zoning Code;

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 R-2.
- b. It is proposed that the land area hereinafter described be changed to U-TU-C.

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 R-2 to U-TU-C:

TWO PARCELS OF LAND LOCATED IN THE SOUTHWEST QUARTER OF SECTION 19, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO, ALSO BEING A PORTION OF BLOCKS 4 & 5, MOUNTAIN VIEW ESTATES, FILED IN THE DENVER COUNTY CLERK AND RECORDER'S OFFICE, SAID PARCELS OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BASIS OF BEARING OF THIS DESCRIPTION IS ALONG THE 20' RANGE LINE FOUND IN TENNYSON STREET ASSUMED TO BEAR N00°03'42"W A DISTANCE OF 639.58 FEET FROM A FOUND YELLOW PLASTIC CAP L.S. #26606 IN DENVER RANGE BOX LOCATED AT THE INTERSECTION OF TENNYSON STREET AND W. 43RD AVENUE TO A FOUND YELLOW PLASTIC CAP L.S. #26606 IN DENVER RANGE BOX LOCATED AT THE INTERSECTION OF TENNYSON STREET AND W. 44TH AVENUE.

1 BEGINNING AT THE NORTHEAST CORNER OF LOT 48, OF SAID BLOCK 4, SAID POINT
2 BEARS S82°24'43"W A DISTANCE OF 157.02 FEET FROM SAID RANGE POINT LOCATED AT
3 THE INTERSECTION OF TENNYSON STREET AND W. 44TH AVENUE; THENCE S00°17'27"E
4 ALONG THE EAST LINES OF LOTS 43 THROUGH 48 OF SAID BLOCK 4 A DISTANCE OF
5 149.91 FEET TO THE SOUTH LINE OF LOT 43 OF SAID BLOCK 4; THENCE S89°43'17"W
6 ALONG SAID SOUTH LINE A DISTANCE OF 5.00 FEET; THENCE S00°17'27"E A DISTANCE
7 OF 149.91 FEET TO THE SOUTH LINE OF LOT 37 OF SAID BLOCK 4; THENCE S89°42'49"W
8 ALONG SAID SOUTH LINE A DISTANCE OF 125.07 FEET TO THE WEST LINE OF SAID
9 BLOCK 4; THENCE N00°16'59"W ALONG SAID WEST LINE A DISTANCE OF 289.86 FEET TO
10 THE SOUTH LINE OF SAID ORDINANCE 476 SERIES OF 1978; THENCE S89°43'46"W ALONG
11 SAID SOUTH LINE A DISTANCE OF 60.00 FEET TO THE EAST LINE OF SAID BLOCK 5;
12 THENCE S00°16'59"E ALONG SAID EAST LINE A DISTANCE OF 1.01 FEET; THENCE ALONG
13 THE WESTERLY CURVE OF ORDINANCE 713 SERIES OF 1980 AND ALONG A NON-
14 TANGENT CURVE TO THE LEFT AN ARC LENGTH OF 114.82 FEET, HAVING A RADIUS OF
15 50.00 FEET, THROUGH A CENTRAL ANGLE OF 131°34'29" AND A CHORD WHICH BEARS
16 S12°29'50"W A DISTANCE OF 91.20 FEET TO THE NORTH LINE OF LOT 5 OF SAID BLOCK 5;
17 THENCE S89°43'27"W ALONG SAID NORTH LINE A DISTANCE OF 104.88 FEET TO THE
18 EAST LINE OF THE VACATED ALLEY IN SAID BLOCK 5 PER ORDINANCE 175 SERIES OF
19 1980; THENCE S00°17'34"E ALONG SAID EAST LINE A DISTANCE OF 97.97 FEET; THENCE
20 S89°43'08"W A DISTANCE OF 135.04 FEET TO THE WEST LINE OF SAID BLOCK 5; THENCE
21 N00°18'08"W ALONG SAID WEST LINE A DISTANCE OF 197.96 FEET TO THE NORTH LINE
22 OF SAID BLOCK 5; THENCE N89°43'46"E ALONG SAID NORTH LINE OF SAID BLOCK 5, THE
23 NORTH LINE OF ORDINANCE 476 SERIES OF 1978 AND A PORTION OF THE NORTH LINE
24 OF SAID BLOCK 4 A DISTANCE OF 450.17 FEET TO THE POINT OF BEGINNING; WHENCE
25 SAID RANGE POINT LOCATED AT THE INTERSECTION OF TENNYSON STREET AND W.
26 43RD AVENUE BEARS S14°10'40"E A DISTANCE OF 638.28 FEET.

27 SAID PARCEL CONTAINS 75,247 SQUARE FEET OR 1.727 ACRES, MORE OR LESS.

28 CITY AND COUNTY OF DENVER, STATE OF COLORADO

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

31 **Section 3.** That upon consideration of a change in the zoning classification of the land area
32 hereinafter described, Council finds:

33 a. The land area hereinafter described is presently classified as U-TU-C and R-2.

34 b. It is proposed that the land area hereinafter described be changed to PUD-G 33.

35 **Section 4.** That the zoning classification of the land area in the City and County of Denver
36 described as follows shall be and hereby is changed from U-TU-C and R-2 to PUD-G 33:

37 THREE PARCELS OF LAND LOCATED IN THE SOUTHWEST QUARTER OF SECTION 19,
38 TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY AND
39 COUNTY OF DENVER, STATE OF COLORADO, ALSO BEING A PORTION OF BLOCK 5,

1 MOUNTAIN VIEW ESTATES, FILED IN THE DENVER COUNTY CLERK AND RECORDER'S
2 OFFICE, SAID PARCELS OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
3 BASIS OF BEARING OF THIS DESCRIPTION IS ALONG THE 20' RANGE LINE FOUND IN
4 TENNYSON STREET ASSUMED TO BEAR N00°03'42"W A DISTANCE OF 639.58 FEET FROM
5 A FOUND YELLOW PLASTIC CAP L.S. #26606 IN DENVER RANGE BOX LOCATED AT THE
6 INTERSECTION OF TENNYSON STREET AND W. 43RD AVENUE TO A FOUND YELLOW
7 PLASTIC CAP L.S. #26606 IN DENVER RANGE BOX LOCATED AT THE INTERSECTION OF
8 TENNYSON STREET AND W. 44TH AVENUE.

9 SUBAREA A

10 BEGINNING AT THE SOUTHEAST CORNER OF LOT 22, OF SAID BLOCK 5, SAID POINT
11 BEARS S30°58'23"W A DISTANCE OF 666.41 FEET FROM SAID RANGE POINT LOCATED AT
12 THE INTERSECTION OF TENNYSON STREET AND W. 44TH AVENUE; THENCE S89°42'02"W
13 ALONG THE SOUTH LINE OF SAID LOT 22, A DISTANCE OF 124.98 FEET TO SAID EAST
14 LINE OF THE VACATED ALLEY IN SAID BLOCK 5 PER ORDINANCE 175 SERIES OF
15 1980; THENCE N00-17'34"W ALONG SAID EAST LINE, A DISTANCE OF 297.32 FEET TO
16 THE SOUTH LINE OF THE NORTH 2.58 FEET OF LOT 11, OF SAID BLOCK 5; THENCE
17 N89°42'59"E ALONG SAID SOUTH LINE, A DISTANCE OF 125.03 FEET TO THE EAST
18 LINE OF SAID BLOCK 5; THENCE S00°16'59"E ALONG SAID EAST LINE, A DISTANCE OF
19 297.28 FEET; TO THE POINT OF BEGINNING. WHENCE SAID RANGE POINT LOCATED AT
20 THE INTERSECTION OF TENNYSON STREET AND W. 43RD AVENUE BEARS S78°46'33"E A
21 DISTANCE OF 350.35 FEET.

22 SAID PARCEL CONTAINS 37,164 SQUARE FEET OR 0.853 ACRES, MORE OR LESS.

23 CITY AND COUNTY OF DENVER, STATE OF COLORADO.

24 SUBAREA B

25 BEGINNING AT THE SOUTH POINT OF ORDINANCE 713 SERIES OF 1980, ON THE EAST
26 LINE OF SAID BLOCK 5, SAID POINT BEARS S69°15'54"W A DISTANCE OF 369.04 FEET
27 FROM SAID RANGE POINT LOCATED AT THE INTERSECTION OF TENNYSON STREET
28 AND W. 44TH AVENUE; THENCE S00°15'59"E ALONG SAID EAST LINE OF SAID BLOCK 5,
29 A DISTANCE OF 143.45 FEET TO SAID SOUTH LINE OF THE NORTH 2.58 FEET OF LOT
30 11, BLOCK 5; THENCE S89°42'59"W ALONG SAID SOUTH LINE, A DISTANCE OF 125.03
31 FEET TO SAID EAST LINE OF THE VACATED ALLEY IN SAID BLOCK 5 PER ORDINANCE
32 175 SERIES OF 1980; THENCE N00°17'34"W ALONG SAID EAST LINE, A DISTANCE OF
33 152.53 FEET TO THE NORTH LINE OF SAID LOT 5; THENCE N89°43'27"E ALONG SAID
34 SOUTH LINE, A DISTANCE OF 104.88 FEET TO THE WESTERLY CURVE OF ORDINANCE
35 713 SERIES OF 1980; THENCE ALONG SAID CURVE BEING A NON-TANGENT CURVE TO
36 THE LEFT AN ARC LENGTH OF 22.31 FEET, HAVING A RADIUS OF 50.00 FEET, THROUGH
37 A CENTRAL ANGLE OF 25°33'39" AND A CHORD WHICH BEARS S66°04'14"E A DISTANCE
38 OF 22.12 FEET TO THE POINT OF BEGINNING. WHENCE SAID RANGE POINT LOCATED AT
39 THE INTERSECTION OF TENNYSON STREET AND W. 43RD AVENUE BEARS S34°11'50"E A
40 DISTANCE OF 615.30 FEET.

1 SAID PARCEL CONTAINS 18,962 SQUARE FEET OR 0.435 ACRES, MORE OR LESS.

2 CITY AND COUNTY OF DENVER, STATE OF COLORADO.

3 SUBAREA C

4 BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 11, OF SAID BLOCK 5, BEING ON
5 THE SOUTH LINE EXTENDED OF LOT 39, OF SAID BLOCK 5 SAID POINT BEARS S59°54'01
6 "W A DISTANCE OF 542.64 FEET FROM SAID RANGE POINT LOCATED AT THE
7 INTERSECTION OF TENNYSON STREET AND W. 44TH AVENUE; THENCE S89°42'59"W
8 ALONG SAID SOUTH LINE EXTENDED OF SAID LOT 39, A DISTANCE OF 135.03 FEET
9 TO THE WEST LINE OF SAID BLOCK 5; THENCE N00°18'08"W ALONG SAID WEST LINE,
10 A DISTANCE OF 51.99 FEET TO THE NORTH LINE OF LOT 40 OF SAID BLOCK 5;
11 THENCE N89°43'08"E ALONG SAID NORTH LINE, A DISTANCE OF 135.04 FEET TO SAID
12 EAST LINE OF THE VACATED ALLEY IN SAID BLOCK 5 PER ORDINANCE 175 SERIES OF
13 1980; THENCE S00°17'34"E ALONG SAID EAST LINE, A DISTANCE OF 51.98 FEET TO
14 THE POINT OF BEGINNING. WHENCE SAID RANGE POINT LOCATED AT THE
15 INTERSECTION OF TENNYSON STREET AND W. 43RD AVENUE BEARS S51°59'29"E A
16 DISTANCE OF 596.71 FEET.

17 SAID PARCEL CONTAINS 7,020 SQUARE FEET OF LAND OR 0.161 ACRES, MORE OR
18 LESS.

19 CITY AND COUNTY OF DENVER, STATE OF COLORADO

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

22 **Section 5.** PUD-G 33, as filed in the words and figures contained and set forth therein, available
23 in the office and on the web page of City Council, and filed in the office of the City Clerk on the 5th day
24 of April, 2024, under City Clerk's Filing No. 20240039, is hereby approved.

25 **Section 6.** That this ordinance shall be recorded by the Manager of Community Planning and
26 Development in the real property records of the Denver County Clerk and Recorder.

27 **[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]**

1 COMMITTEE APPROVAL DATE: April 2, 2024
2 MAYOR-COUNCIL DATE: April 9, 2024
3 PASSED BY THE COUNCIL: _____
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: April 11, 2024
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: _____, Assistant City Attorney DATE: _____