

BY AUTHORITY

ORDINANCE NO. _____
SERIES OF 2016

COUNCIL BILL NO. CB16-0191
COMMITTEE OF REFERENCE:
Neighborhoods & Planning

A BILL

**For an ordinance changing the zoning classification for 4100 and 4050 North
Kittredge Street.**

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 S-CC-5x district, 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;

WHEREAS, there is currently one General Development Plan (“GDP”) applicable to the land area hereinafter described; and

WHEREAS, the City adopted the Gateway Park IV West Kittredge East GDP in 1999 recorded at Reception #9900193507 in the office of the Clerk and Recorder, City and County of Denver;

WHEREAS, the City amended the Gateway Park IV West Kittredge East GDP in 2008 recorded at Reception #2008034974 in the office of the Clerk and Recorder, City and County of Denver;

WHEREAS, the City amended the Gateway Park IV West Kittredge East GDP for a second time in 2008 recorded at Reception #2008034975 in the office of the Clerk and Recorder, City and County of Denver;

WHEREAS, the Gateway Park IV West Kittredge East GDP, as amended, duplicates the waivers and conditions applicable to the Gateway District with waivers and conditions;

WHEREAS, the Gateway Park IV West Kittredge East GDP, as amended, will no longer serve a purpose for the land area hereinafter described after the zoning classification is changed;

WHEREAS, the City intends to remove the land area hereinafter described from inclusion in the Gateway Park IV West Kittredge East GDP, as amended;

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

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

5 1. That the land area hereinafter described is presently classified as Gateway District with
6 waivers and conditions.

7 2. That the Owner proposes that the land area hereinafter described be changed to S-CC-
8 5x.

9 **Section 2.** That the zoning classification of the land area in the City and County of
10 Denver described as follows shall be and hereby is changed from Gateway District with waivers
11 and conditions to S-CC-5x:

12 **LEGAL DESCRIPTION FOR 4100 N. KITTREDGE STREET, DENVER, COLORADO**

13
14 A PARCEL OF LAND BEING A PORTION OF PLOT 1, BLOCK 1, GATEWAY PARK IV - DENVER
15 FILING NO. 7 RECORDED JANUARY 25, 2002 IN PLAT BOOK 33 AT PAGES 95-96, CITY AND
16 COUNTY OF DENVER, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS
17 FOLLOWS:

18 COMMENCING AT THE NORTHWEST CORNER OF SAID PLOT 1, SAID POINT BEING THE TRUE
19 POINT OF BEGINNING; THENCE NORTH 89°52'06" EAST ALONG THE NORTH LINE OF SAID
20 PLOT 1 A DISTANCE OF 295.63 FEET; THENCE SOUTH 00°07'54" EAST A DISTANCE OF 281.39
21 FEET; THENCE SOUTH 89°52'06" WEST A DISTANCE OF 43.00 FEET; THENCE SOUTH 59°18'49"
22 WEST A DISTANCE OF 72.58 FEET; THENCE SOUTH 89°52'06" WEST A DISTANCE OF 174.17
23 FEET TO A POINT ON THE WEST LINE OF SAID PLOT 1, SAID POINT BEING ON THE EAST
24 RIGHT-OF-WAY LINE OF KITTREDGE STREET AS DEDICATED BY GATEWAY PARK IV -
25 DENVER FILING NO. 1 RECORDED APRIL 10, 1998 IN PLAT BOOK 32 AT PAGES 14-16 OF SAID
26 CITY AND COUNTY OF DENVER RECORDS; THENCE THE FOLLOWING TWO (2) COURSES
27 ALONG THE WEST LINE OF SAID PLOT 1 AND THE EAST RIGHT-OF-WAY LINE OF SAID
28 KITTREDGE STREET:

- 29 1) THENCE NORTH 03°56'45" WEST A DISTANCE OF 239.92;
30 2) THENCE NORTH 00°07'54" WEST A DISTANCE OF 78.90 FEET TO THE TRUE POINT OF
31 BEGINNING.

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

35 **LEGAL DESCRIPTION FOR 4050 N. KITTREDGE STREET, DENVER, CO**

36
37 A PARCEL OF LAND BEING A PORTION OF PLOT 1, BLOCK 1, GATEWAY PARK IV - DENVER
38 FILING NO. 7 RECORDED JANUARY 25, 2002 IN PLAT BOOK 33 AT PAGES 95-96, CITY AND
39 COUNTY OF DENVER, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS
40 FOLLOWS:

41 COMMENCING AT THE NORTHWEST CORNER OF SAID PLOT 1; THENCE NORTH 89°52'06"
42 EAST ALONG THE NORTH LINE OF SAID PLOT 1 A DISTANCE OF 295.63 FEET; THENCE
43 SOUTH 00°07'54" EAST A DISTANCE OF 281.39 FEET TO THE TRUE POINT OF BEGINNING;

1 THENCE CONTINUING SOUTH 00°07'54" EAST A DISTANCE OF 182.84 FEET TO A POINT ON
2 THE SOUTH LINE OF SAID PLOT 1, SAID POINT BEING ON THE NORTH RIGHT-OF-WAY LINE
3 OF 40TH AVENUE AS DEDICATED BY 40TH AVENUE, CHAMBERS ROAD - PENA BOULEVARD
4 SUBDIVISION RECORDED MAY 6, 1997 IN PLAT BOOK 31 AT PAGES 52-54 OF SAID CITY AND
5 COUNTY OF DENVER RECORDS; THENCE SOUTH 89°52'06" WEST ALONG THE SOUTH LINE
6 OF SAID PLOT 1 AND THE NORTH RIGHT-OF-WAY LINE OF SAID 40TH AVENUE A DISTANCE
7 OF 254.63 FEET TO A POINT OF CURVE ON THE EAST RIGHT-OF-WAY LINE OF KITTREDGE
8 STREET AS DEDICATED BY GATEWAY PARK IV – DENVER FILING NO. 1 RECORDED APRIL
9 10, 1998 IN PLAT BOOK 32 AT PAGES 14-16 OF SAID CITY AND COUNTY OF DENVER
10 RECORDS; THENCE THE FOLLOWING THREE (3) COURSES ALONG THE WEST LINE OF SAID
11 PLOT 1 AND THE EAST RIGHT-OF-WAY LINE OF SAID KITTREDGE STREET:

- 12 1) THENCE ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 90°00'00", A RADIUS OF
- 13 25.00 FEET AND AN ARC LENGTH OF 39.27 FEET;
- 14 2) THENCE NORTH 00°07'54" WEST A DISTANCE OF 120.33 FEET;
- 15 3) THENCE NORTH 03°56'39" WEST A DISTANCE OF 0.61 FEET;

16 THENCE NORTH 89°52'06" EAST A DISTANCE OF 174.17 FEET; THENCE NORTH 59°18'49" EAST
17 A DISTANCE OF 72.58 FEET; THENCE NORTH 89°52'06" EAST A DISTANCE OF 43.00 FEET TO
18 THE TRUE POINT OF BEGINNING.

19
20 CONTAINING 43,414 SQUARE FEET OR 0.9966 ACRES MORE OR LESS.

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

24 **Section 3.** That the aforesaid specifically described area, or any portion thereof, shall
25 not be subject to the Gateway Park IV West Kittredge East GDP, as amended, and is hereby
26 removed from inclusion therein.

27 **Section 4.** That this ordinance shall be recorded by the Manager of Community Planning
28 and Development in the real property records of the Denver County Clerk and Recorder.

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30 **[THE REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK]**
31

1 COMMITTEE APPROVAL DATE: March 23, 2016.

2 MAYOR-COUNCIL DATE: March 29, 2016.

3 PASSED BY THE COUNCIL: _____, 2016
4 _____ - PRESIDENT

5 APPROVED: _____ - MAYOR _____, 2016

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

9 NOTICE PUBLISHED IN THE DAILY JOURNAL: _____, 2016; _____, 2016

10 PREPARED BY: Nathan J. Lucero, Assistant City Attorney DATE: March 31, 2016

11

12 Pursuant to Section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the office of
13 the City Attorney. We find no irregularity as to form, and have no legal objection to the proposed
14 ordinance. The proposed ordinance is not submitted to the City Council for approval pursuant to
15 § 3.2.6 of the Charter.

16 D. Scott Martinez, Denver City Attorney

17 BY: _____, Assistant City Attorney DATE: _____, 2016