

BY AUTHORITY

ORDINANCE NO. _____
SERIES OF 2020

COUNCIL BILL NO. CB20-007
COMMITTEE OF REFERENCE:
Land Use, Transportation & Infrastructure

A BILL

For an ordinance changing the zoning classification for 4706, 4752, and 4792 South Newport Street and 6804 Layton Avenue in Southmoor Park.

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 C-MX-20 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;

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 T-MU-30 w/waivers, UO-1.
- b. It is proposed that the land area hereinafter described be changed to C-MX-20.

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 T-MU-30 w/waivers, UO-1 to C-MX-20:

A PARCEL OF LAND, BEING A PORTION OF LOT 1, BLOCK 1, BELLEVIEW STATION FILING NO. 3 RECORDED APRIL 29, 2013 IN THE RECORDS OF THE CLERK AND RECORDER OF THE CITY AND COUNTY OF DENVER AT RECEPTION NO. 2013060268, LOCATED IN THE SOUTHEAST ONE-QUARTER OF SECTION EIGHT (8), TOWNSHIP FIVE (5) SOUTH, RANGE SIXTY-SEVEN (67) WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BASIS OF BEARINGS: FOR THE PURPOSE OF THIS DESCRIPTION, THE BEARINGS ARE REFERENCED TO THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION EIGHT (8), TOWNSHIP 5 SOUTH, RANGE 67 WEST OF THE SIXTH PRINCIPAL MERIDIAN AS SHOWN ON SAID RECORDED PLAT OF BELLEVIEW STATION FILING NO. 3, WHICH BEARS NORTH 89°34’48” EAST A DISTANCE OF 2639.53 FEET. MONUMENTED AS SHOWN ON SAID PLAT.

1 **COMMENCE** AT THE SOUTHEAST CORNER OF SAID SECTION 8; THENCE NORTH
2 08°46'04" WEST A DISTANCE OF 1,315.88 FEET TO THE SOUTHEAST CORNER OF
3 SAID LOT 1, BLOCK 1, SAID POINT ALSO BEING ON THE NORTHERLY RIGHT-OF-
4 WAY LINE OF LAYTON AVENUE AND THE **POINT OF BEGINNING**;

5
6 THENCE COINCIDENT WITH THE EXTERIOR BOUNDARY OF SAID LOT 1 THE
7 FOLLOWING NINE (9) COURSES:

- 8
9 1. THENCE SOUTH 61°48'37" WEST, COINCIDENT WITH SAID NORTHERLY RIGHT-OF-
10 WAY LINE, A DISTANCE OF 431.66 FEET TO A 312.00 FOOT RADIUS TANGENT
11 CURVE WHOSE CENTER BEARS NORTHWESTERLY;
- 12
13 2. THENCE WESTERLY, COINCIDENT WITH SAID NORTHERLY RIGHT-OF-WAY LINE
14 AND TANGENT CURVE, THROUGH A CENTRAL ANGLE OF 22°06'26" AN ARC
15 DISTANCE OF 120.38 FEET;
- 16
17 3. THENCE NORTH 86°10'47" WEST, COINCIDENT WITH SAID NORTHERLY RIGHT-OF-
18 WAY LINE, A DISTANCE OF 21.77 FEET TO THE EASTERLY RIGHT-OF-WAY LINE OF
19 SOUTH NEWPORT STREET;
- 20
21 4. THENCE NORTH 07°11'54" WEST, COINCIDENT WITH SAID EASTERLY RIGHT-OF-
22 WAY LINE, A DISTANCE OF 60.52 FEET;
- 23
24 5. THENCE NORTH 03°13'28" WEST, COINCIDENT WITH SAID EASTERLY RIGHT-OF-
25 WAY LINE, A DISTANCE OF 236.88 FEET TO A 85.50 FOOT RADIUS TANGENT CURVE
26 WHOSE CENTER BEARS EASTERLY;
- 27
28 6. THENCE NORTHERLY, COINCIDENT WITH SAID EASTERLY RIGHT-OF-WAY LINE
29 AND TANGENT CURVE, THROUGH A CENTRAL ANGLE OF 34°19'11" AN ARC
30 DISTANCE OF 51.21 FEET;
- 31
32 7. THENCE NORTH 13°57'11" EAST, COINCIDENT WITH SAID EASTERLY RIGHT-OF-
33 WAY LINE, A DISTANCE OF 12.55 FEET TO A 90.00 FOOT RADIUS NON-TANGENT
34 CURVE WHOSE CENTER BEARS SOUTH 51°14'57" EAST, SAID POINT BEING ON THE
35 SOUTHERLY RIGHT-OF-WAY LINE OF UNION AVENUE;
- 36
37 8. THENCE NORTHEASTERLY, COINCIDENT WITH SAID SOUTHERLY RIGHT-OF-WAY
38 LINE AND NON-TANGENT CURVE, THROUGH A CENTRAL ANGLE OF 37°34'19" AN
39 ARC DISTANCE OF 59.02 FEET TO A 2,804.79 FOOT RADIUS TANGENT CURVE
40 WHOSE CENTER BEARS SOUTHERLY;
- 41
42 9. THENCE EASTERLY, COINCIDENT WITH SAID SOUTHERLY RIGHT-OF-WAY LINE
43 AND TANGENT CURVE, THROUGH A CENTRAL ANGLE OF 06°54'17" AN ARC
44 DISTANCE OF 338.01 FEET TO THE NORTHWEST CORNER OF THAT PARTICULAR
45 PARCEL OF LAND DESCRIBED AS THE "ELEVATOR PARCEL" IN SPECIAL
46 WARRANTY DEED RECORDED JULY 17, 2013 IN SAID RECORDS AT RECEPTION NO.
47 2013103744;
- 48

1 THENCE COINCIDENT WITH THE EXTERIOR BOUNDARY OF SAID "ELEVATOR
2 PARCEL" THE FOLLOWING FOUR (4) COURSES:

- 3
- 4 1. THENCE SOUTH 05°47'54" EAST A DISTANCE OF 41.84 FEET;
- 5
- 6 2. THENCE NORTH 84°12'04" EAST A DISTANCE OF 39.35 FEET;
- 7
- 8 3. THENCE NORTH 05°48'40" WEST A DISTANCE OF 6.77 FEET;
- 9
- 10 4. THENCE NORTH 65°32'33" EAST A DISTANCE OF 14.84 FEET TO THE EAST LINE OF
- 11 SAID LOT 1, BLOCK 1;
- 12

13 THENCE SOUTH 24°26'52" EAST, COINCIDENT WITH SAID EAST LINE, A DISTANCE
14 OF 204.64 FEET TO THE SOUTHEAST CORNER OF SAID LOT 1, BLOCK 1 AND THE
15 **POINT OF BEGINNING.**

16
17 THE ABOVE DESCRIPTION YIELDS A CALCULATED AREA OF 159,529 SQUARE FEET
18 (3.66229 ACRES), MORE OR LESS AND IS DEPICTED ON THE ATTACHED
19 GRAPHICAL EXHIBIT.

20
21 THE LINEAL DISTANCE UNIT IN THE PREPARATION OF THIS LAND
22 DESCRIPTION IS THE UNITED STATES SURVEY FOOT. THE NATIONAL
23 INSTITUTE OF STANDARDS, UNDER THE UNITED STATES DEPARTMENT
24 OF COMMERCE, DEFINES THE UNITED STATES SURVEY FOOT AS
25 1200/3937 METERS.

26
27 in addition, thereto those portions of all abutting public rights-of-way, but only to the centerline
28 thereof, which are immediately adjacent to the aforesaid specifically described area.

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

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

1 COMMITTEE APPROVAL DATE: January 7, 2020

2 MAYOR-COUNCIL DATE: January 14, 2020

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: January 16, 2020

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 Kristin M. Bronson, Denver City Attorney

16 BY: _____, Assistant City Attorney DATE: _____