

**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;
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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;
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- 6           2. THENCE NORTH 84°12'04" EAST A DISTANCE OF 39.35 FEET;
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- 8           3. THENCE NORTH 05°48'40" WEST A DISTANCE OF 6.77 FEET;
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- 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.**

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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.

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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: *Kristin J. Crawford*, Assistant City Attorney DATE: Jan 14, 2020