**BY AUTHORITY**

ORDINANCE NO. _____ COUNCIL BILL NO. CB24-0617

SERIES OF 2024 COMMITTEE OF REFERENCE:

Land Use, Transportation & Infrastructure

**A BILL**

**For an ordinance changing the zoning classification for 4340-4350 South Monaco Street 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 PUD-G 34 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; and the proposed PUD-G 34 meets the criteria set forth in Section 12.4.9.10 of the Denver Zoning Code; and

**WHEREAS,** this matter was before City Council for a public hearing on June 17, 2024 wherein it was re-referred to the Land Use Transportation and Infrastructure Committee to correct procedural defects in notice for the Planning Board public hearing on the matter. The Land Use Transportation and Infrastructure Committee postponed its review to a date certain in order to allow the Planning Board noticing defects to be cured. On July 9, 2024, the Land Use Transportation and Infrastructure Committee approved the filing of this bill;

**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 B-4 with Waivers and Conditions, UO-1 UO-2.

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

**Section 4.** 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 B-4 with Waivers and Conditions, UO-1 UO-2 to PUD-G 34:

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE COUNTY OF DENVER, STATE OF COLORADO, AND IS DESCRIBED AS FOLLOWS:

A PARCEL OF LAND LOCATED IN THE NE ¼ OF SECTION 8, TOWNSHIP 5 SOUTH, RANGE 67 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE BASIS OF BEARINGS FOR THIS DESCRIPTION IS THE WEST LINE OF THE NE ¼ OF SAID SECTION 8 BEING N 00° 35' 15" E BETWEEN THE C ¼ CORNER (3.0' WITNESS CORNER, A 3.5" ALUMINUM CAP LS 13212) AND N ¼ CORNER (A 3.5" BRASS CAP LS 7104);

COMMENCING AT THE C ¼ CORNER OF SAID SECTION 8;

THEN N 19° 43' 03" E, A DISTANCE OF 1376.82 FEET TO A POINT ON THE EASTERLY RIGHT OF WAY LINE OF SOUTH MONACO STREET, SAID POINT BEING THE POINT OF BEGINNING;

THENCE ALONG SAID RIGHT OF WAY LINE THE FOLLOWING TWO (2) COURSES:

*1)* N 25° 25' 33" W, A DISTANCE OF 600.96 FEET TO A POINT OF CURVATURE;

*2)* ALONG THE ARC OF A CURVE TO THE RIGHT, 115.21 FEET, HAVING A RADIUS OF 537.65 FEET, A CENTRAL ANGLE OF 12° 16' 39" AND A CHORD BEARING AND DISTANCE OF N 19° 20' 14" W, 114.99 FEET,·

THENCE N 70° 29' 06" E, A DISTANCE OF 837.77 FEET TO A POINT ON THE WESTERLY RIGHT 0F WAY LINE OF INTERSTATE HIGHWAY #25;

THENCE ALONG SAID WESTERLY RIGHT OF WAY LINE, S 24° 02' 35" E, A DISTANCE OF 714.93 FEET,·

THENCE S 70° 29' 06" W, A DISTANCE OF 832.16 FEET TO THE POINT OF BEGINNING;

EXCEPT ANY PORTION CONTAINED IN RULE AND ORDER OF THE DISTRICT COURT, CASE NO. 01CV3689, RECORDED NOVEMBER 17, 2005 AT RECEPTION NO. 2005197000, DENVER COUNTY RECORDS

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

**Section 5.** PUD-G 34, as filed in the words and figures contained and set forth therein, available in the office and on the web page of City Council, and filed in the office of the City Clerk on the 12th day of June, 2024, under City Clerk's Filing No. 20240058A, is hereby approved.

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

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

COMMITTEE APPROVAL DATE: July 9, 2024

MAYOR-COUNCIL DATE: N/A

PASSED BY THE COUNCIL: _____

_____ - PRESIDENT

APPROVED: _____ - MAYOR _____

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

NOTICE PUBLISHED IN THE DAILY JOURNAL: _____ ; _____

PREPARED BY: Nathan J. Lucero, Assistant City Attorney DATE: July 11, 2024

Pursuant to Section 13-9, D.R.M.C., this proposed ordinance has been reviewed by the office of the City Attorney. We find no irregularity as to form and have no legal objection to the proposed ordinance. The proposed ordinance is not submitted to the City Council for approval pursuant to § 3.2.6 of the Charter.

Kerry Tipper, Denver City Attorney

BY: Anshul Bagga, Assistant City Attorney DATE: Jul 11, 2024