

BY AUTHORITY

ORDINANCE NO. 866

COUNCIL BILL NO. 799

SERIES OF 1998

COMMITTEE OF REFERENCE:

9800209358 1998/12/11 14:13:07 1/ 3 ORD
DENVER COUNTY CLERK AND RECORDER .00 .00 SMD

LAND USE

A BILL

FOR AN ORDINANCE RELATING TO ZONING, CHANGING THE ZONING CLASSIFICATION FOR A SPECIFICALLY DESCRIBED AREA, GENERALLY LOCATED AT APPROXIMATELY LOWRY BOULEVARD AT YOSEMITE STREET, RECITING CERTAIN WAIVERS PROPOSED BY THE OWNER/APPLICANT FOR THE ZONING CLASSIFICATION AND PROVIDING FOR A RECORDATION OF THIS ORDINANCE.

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:

1. That the land area hereinafter described is presently classified as part of the O-1 District;
2. That the owner/applicant proposes that the land area hereinafter described be changed to R-4 with reasonable waivers it has approved;
3. That in its application the owner/applicant has represented that if the zoning classification is changed pursuant to its application, the owner/applicant will and hereby does:
 - (a) waive the right to use or occupy the land hereinafter described or to use, occupy or erect thereon any structure or structures designed, erected, altered, used or occupied for any use by right except:
 - o church;
 - o public park and/or playground;
 - o school; and
 - o theatrical studio.
 - (b) waive the right to construct, erect, alter or maintain a total maximum gross floor area of more than fifteen thousand (15,000) gross square feet on the Parcel.
 - (c) waive the right to construct, erect, alter or maintain a structure containing a church and/or a school on the Parcel.
 - (d) waive the right to construct, erect, alter or maintain any structures more than thirty-seven (37) feet in height on the Parcel.

1 **Section 2.** That the zoning classification of the land area in the City and County of Denver
2 described as follows or included within the following boundaries shall be and hereby is changed
3 from O-1 to R-4 with certain waivers which waivers are set forth in Subsection 3 of Section 1
4 hereof:

A part of the Northeast Quarter of Section 9 and part of the Northwest Quarter of Section 10, Township 4 South, Range 67 West of the Sixth Principal Meridian, City and County of Denver, State of Colorado, being more particularly described as follows:

Commencing at the East Quarter corner of said Section 9;
Thence North $00^{\circ}01'11''$ East along the easterly line of said Northeast Quarter a distance of 1806.82 feet to a point on the centerline of proposed of Lowry Boulevard (124' right of way) and the POINT OF BEGINNING;
Thence North $53^{\circ}27'42''$ East along the said centerline a distance of 273.74 feet to a point the intersection of said centerline and the proposed centerline of Yosemite Street (80' right of way);
Thence South $36^{\circ}32'18''$ East along the proposed centerline of Yosemite Street a distance of 495.50 feet to a point of curvature on the proposed centerline of Sports Boulevard (80' right of way);
Thence along said centerline along the arc of a curve to the right having a central angle of $90^{\circ}00'00''$, radius of 250.00 feet, arc length of 392.70 feet (chord bears South $08^{\circ}27'42''$ West, 353.55 feet) to a point;
Thence continuing along said centerline South $53^{\circ}27'42''$ West a distance of 301.77 feet to a point;
Thence North $36^{\circ}28'21''$ West, parallel with and 150.00 feet easterly of the easterly line of the parcel described under Rec.# 9700003189 in the City and County of Denver Clerk and Records Office dated January, 08, 1997, a distance of 745.50 feet to a point on said proposed centerline of Lowry Boulevard;
Thence North $53^{\circ}27'42''$ East along said centerline a distance of 277.17 feet to the POINT OF BEGINNING.

Containing 9.128 acres (397,612 sq.ft.), more or less.

For the purpose of this description the bearings are based on the easterly line of the Northeast Quarter of said Section 9, as marked by a 3" brass cap in City of Aurora range box, stamped LS 16419 at both the East Quarter corner and at the Northeast corner, bearing North $00^{\circ}01'11''$ East;

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

4 **Section 3.** That the foregoing change in zoning classification is based upon the representations
5 by the owner/applicant that it will waive those certain rights available to it, and, in lieu thereof,
6 agrees to certain limitations which limitations are set forth in Subsection 3 of Section 1 hereof, and
7 no permit shall be issued except in strict compliance with the aforesaid waivers. Said waivers shall
8 be binding upon all successors and assigns of said owner/applicant, who along with said
9 owner/applicant shall be deemed to have waived all objections as to the constitutionality of the
10 aforesaid waivers.

11 **Section 4.** That this ordinance shall be recorded by the Department of Zoning Administration
12 among the records of the Clerk and Recorder of the City and County of Denver.

13 PASSED BY THE COUNCIL December 7 1998

14 Happy Haynes - PRESIDENT

15 APPROVED: Frank M. ... ACTING MAYOR Dec 8 1998

16 ATTEST: Quinn ... - CLERK AND RECORDER,
17 EX-OFFICIO CLERK OF THE
18 CITY AND COUNTY OF DENVER

19 PUBLISHED IN THE ROCKY MTN NEWS Nov. 13, 1998 Dec. 11, 1998

21 PREPARED BY: Patrick A. Wheeler, ASSISTANT CITY ATTORNEY 11/2/98

22 REVIEWED BY: Dean ... - CITY ATTORNEY 11/4/98 1998

23 SPONSORED BY COUNCIL MEMBER(S) _____

