

1 **BY AUTHORITY**

2 ORDINANCE NO. _____
3 SERIES OF 2016

COUNCIL BILL NO. CB16-0415
COMMITTEE OF REFERENCE:
4 Neighborhoods & Planning

5 **A BILL**

6 **For an ordinance changing the zoning classification for 16161 East 40th Avenue.**
7

8 **WHEREAS**, the City Council has determined, based on evidence and testimony presented
9 at the public hearing, that the map amendment set forth below conforms with applicable City laws,
10 is consistent with the City’s adopted plans, furthers the public health, safety and general welfare of
11 the City, will result in regulations and restrictions that are uniform within the S-MX-8, is justified by
12 one of the circumstances set forth in Section 12.4.10.8 of the Denver Zoning Code, and is
13 consistent with the neighborhood context and the stated purpose and intent of the proposed zone
14 district;

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

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

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

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

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

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

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

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

1
2 THENCE NORTH 00 DEGREES 07 MINUTES 54 SECONDS WEST A DISTANCE OF 464.23 FEET TO THE TRUE
3 POINT OF BEGINNING.
4

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

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

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

12 COMMITTEE APPROVAL DATE: June 22, 2016

13 MAYOR-COUNCIL DATE: June 28 2016

14 PASSED BY THE COUNCIL: _____, 2016

15 _____ - PRESIDENT

16 APPROVED: _____ - MAYOR _____, 2016

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

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

21 PREPARED BY: Nathan J. Lucero, Assistant City Attorney DATE: July 7, 2016

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23 Pursuant to Section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the office of
24 the City Attorney. We find no irregularity as to form, and have no legal objection to the proposed
25 ordinance. The proposed ordinance is not submitted to the City Council for approval pursuant to
26 § 3.2.6 of the Charter.

27
28 Denver City Attorney

29
30 BY: _____, Assistant City Attorney DATE: _____, 2016