

**BY AUTHORITY**

ORDINANCE NO. 139

COUNCIL BILL NO. 33

SERIES OF 1999

COMMITTEE OF REFERENCE:

9900034507 1999/02/26 09:41:20 1/ 3 ORD  
DENVER COUNTY CLERK AND RECORDER .00

.00 SMP

LAND USE

**A BILL**

FOR AN ORDINANCE RELATING TO ZONING, CHANGING THE ZONING CLASSIFICATION FOR A SPECIFICALLY DESCRIBED AREA, GENERALLY DESCRIBED AS 3840 YORK STREET, RECITING CERTAIN WAIVERS PROPOSED BY THE OWNER AND THE APPLICANT FOR THE ZONING CLASSIFICATION, RECITING CERTAIN REASONABLE CONDITIONS APPROVED BY THE OWNER AND THE 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 R-5 District;
2. That the owner and the applicant propose that the land area hereinafter described be changed to I-0 with reasonable waivers and with reasonable conditions which they have approved;
3. That in their application the owner and the applicant have represented that if the zoning classification is changed pursuant to their application, the owner and the applicant:

(a) waive the right to use the subject property for all uses by right in the I-0 zone district except landscaped open space, to serve as a buffer for the adjacent uses, between the I-1 and R-1 to the south.

4. That the owner and the applicant hereby approve and agree to the following reasonable conditions related to the development, operation and maintenance of the land area hereinafter described:

o Required landscaping on the I-0 portion of the property shall be completed within sixty (60) days after occupancy of any of the 3840 York Street buildings and/or as soon thereafter as weather may permit.

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 R-5 to I-0 with waivers and conditions which waivers are set forth in Subsection 3 of Section  
4 1 hereof and with certain reasonable conditions approved by the owner and the applicant which  
5 reasonable conditions are set forth in Subsection 4 of Section 1 hereof:

A parcel of land being a part of the Southwest One-quarter of Section 24,  
Township 3 South, Range 68 West of the 6th Principal Meridian, City and  
County of Denver, State of Colorado, being more particularly described as  
follows:

**Beginning** at the SE corner of the SW1/4 of said Section 24; thence  
S89°56'27"W along the south line of said SW1/4, a distance of 686.93 feet  
to the **True Point of Beginning**; thence continuing S89°56'27"W along said  
south line, a distance of 1593.68 feet; thence N00°00'00"E, a distance of  
10.00 feet; thence N89°56'27"E 10.00 feet north of and parallel with the  
south line of said SW1/4, a distance of 1593.68 feet; thence S00°00'00"W,  
a distance of 10.00 feet, more or less, to the **True Point of Beginning**.  
Containing 0.366 acres, more or less.

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

9 **Section 3.** That the foregoing change in zoning classification is based upon the representations  
10 by the owner and the applicant that they will waive those certain rights available to them, and, in  
11 lieu thereof, agree to certain limitations which limitations are set forth in Subsection 3 of Section  
12 1 hereof, and is also based upon the reasonable conditions approved by the said owner and said  
13 applicant which reasonable conditions are set forth in Subsection 4 of Section 1 hereof; and no  
14 permit shall be issued except in strict compliance with the aforesaid waivers and the aforesaid  
15 reasonable conditions. Said waivers and said reasonable conditions shall be binding upon all  
16 successors and assigns of said owner and said applicant, who along with said owner and said  
17 applicant shall be deemed to have waived all objections as to the constitutionality of the aforesaid  
18 waivers and the aforesaid reasonable conditions.

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

3 PASSED BY THE COUNCIL February 22 1999

4 Hayden Haynes - PRESIDENT

5 APPROVED: Willie Schwelt - MAYOR FEB 23 1999

6 ATTEST: Quinn T. Jordan - CLERK AND RECORDER,  
7 EX-OFFICIO CLERK OF THE  
8 CITY AND COUNTY OF DENVER

9 PUBLISHED IN THE DEN. ROCKY MTN NEWS Jan. 29, 1999 Feb. 26, 1999

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11 PREPARED BY: Patrick A. Wheeler, ASSISTANT CITY ATTORNEY 1/20/99

12 REVIEWED BY: Alley McClear - CITY ATTORNEY 1/21 1999

13 SPONSORED BY COUNCIL MEMBER(S) \_\_\_\_\_

