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BY AUTHORITY

ORDINANCE NO. **140**
SERIES OF 2000

COUNCIL BILL NO. **57**
COMMITTEE OF REFERENCE:

LAND USE

A BILL

FOR AN ORDINANCE RELATING TO ZONING, CHANGING THE ZONING CLASSIFICATION FOR A SPECIFICALLY DESCRIBED AREA, LYING WEST OF DUNKIRK STREET BETWEEN EAST 57TH AVENUE AND EAST 63RD AVENUE (GATEWAY AREA), RECITING CERTAIN WAIVERS PROPOSED BY THE OWNERS FOR THE ZONING CLASSIFICATION, RECITING CERTAIN REASONABLE CONDITIONS APPROVED BY THE OWNERS 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 Gateway District;
2. That the owners propose that the land area hereinafter described be changed to C-MU-30 with reasonable waivers and with reasonable conditions they have approved;
3. That in its application the owners have represented that if the zoning classification is changed pursuant to their application, the owners will and hereby do:
 - (i) waive the right to use or occupy the land or to use, occupy, construct, erect, alter or maintain a structure north of East 62nd Avenue for the following uses enumerated in Section 59-430.03(1) of the Revised Municipal Code for the C-MU-30 zone district:
 - (a) Residential uses:
 1. Artist Studio;
 2. Abbey, Convent, Monastery, Priory or other similar residence for clergy;
 3. Fraternity or Sorority House;
 4. Live/Work Residential;
 5. Multiple Unit Dwelling;
 6. Residence for Older Persons;
 7. Rooming and/or Boarding House; and

1 8. Single Unit Dwelling.

2 (ii) waive the right to use or occupy the land or to use, occupy, construct, erect, alter
3 or maintain a structure for a Single Unit Dwelling as enumerated in Section 59-430.03(1)(a)8. of
4 the Revised Municipal Code for the C-MU-30 zone district;

5 (iii) waive the right to use or occupy the land or to use, occupy, construct, erect, alter
6 or maintain a structure for the following uses listed in Section 59-430.03(1) of the Revised
7 Municipal Code for the C-MU-30 zone district:

8 (c) Commercial Uses

9 8. Automobile, Motorcycle, or Light Truck Sales, Leasing or Rental.

10 (d) Industrial Uses

11 2. Aircraft Maintenance and Repair Facility;

12 3. Asphalt and Concrete Plant and Contractors;

13 4. Automobile Parts Recycling;

14 5. Building Contractors, Heavy;

15 6. Commercial Services;

16 7. Concrete, Asphalt and Rock Crushing Facility;

17 9. Manufacturing, Fabrication, and Assembly, Heavy;

18 12. Recycling Plant; and

19 13. Recycling Center.

20 (iv) waive the right to use or occupy the land or to use, occupy, construct, erect, alter
21 or maintain a structure for the following uses listed in Section 59-430.03(1) of the Revised
22 Municipal Code for the C-MU-30 zone district unless approved by Special Review as identified in
23 Section 59-430.04 of the Revised Municipal Code;

24 (c) Commercial Uses

25 54. Trailer or Recreational Vehicle Sales, Leasing or Rental.

26 (d) Industrial Uses

27 15. Terminal, Freight; and

28 16. Truck or Equipment Sales, Leasing or Rental.

29 (v) waive the right to use or occupy the land or to use, occupy, construct, erect, alter
30 or maintain the Parking of Vehicles as a permitted use as enumerated in Section 59-
31 430.03(1)(c)41. of the Revised Municipal Code for the C-MU-30 zone district, unless such use is
32 completely enclosed within a parking garage or parking structure.

1 4. That the owners approve and agree, as reasonable conditions to the requested change in
2 zoning classifications related to the development, operation and maintenance of the land area
3 hereinafter described:

4 (i) for zone lots located south of East 62nd Avenue, any portion of a structure occupied
5 as an artist studio, abbey, convent, monastery, priory or other similar residence for clergy, fraternity
6 or sorority house, live/work residential, multiple unit dwelling and/or rooming and/or boarding house
7 shall comply with all construction standards relating to noise mitigations, said standards shall be
8 promulgated by the Director of Planning as rules and regulations;

9 (ii) prior to February 11, 2000, the owners shall execute, record and deliver to the
10 Department of Zoning Administration a true copy of an Air Rights Covenant and Avigation Easement,
11 in a form acceptable to the City Attorney, that shall run with the land whereby the owners and their
12 successors and assigns waive any rights and causes of action they may have in the future against
13 the City and County of Denver and others due to noise resulting from aircraft landing at, taking off
14 from, or operating at Denver International Airport and grant an avigation easement.

15 **Section 2.** That the zoning classification of the land area in the City and County of Denver
16 described as follows or included within the following boundaries shall be and hereby is changed from
17 Gateway to C-MU-30 with certain waivers which waivers are set forth in Subsection 3 of Section 1
18 hereof and with certain reasonable conditions approved by the owners which reasonable conditions
19 are set forth in Subsection 4 of Section 1 hereof:

A PART OF SECTION 10, TOWNSHIP 3 SOUTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE CENTER OF SAID SECTION 10, BEING THE CENTERLINE INTERSECTION OF DUNKIRK STREET AND 60TH AVENUE;

THENCE S0°05'36"W, 1,980.36 FEET ALONG THE CENTERLINE OF DUNKIRK STREET TO THE CENTERLINE OF 57TH AVENUE;

THENCE S89°38'23"W, 1,325.20 FEET ALONG THE CENTERLINE OF 57TH AVENUE TO THE CENTERLINE OF BISCAY STREET;

THENCE N0°04'13"E, 658.81 FEET ALONG THE CENTERLINE OF BISCAY STREET TO THE CENTERLINE OF 58TH AVENUE;

THENCE S89°34'59"W, 485.49 FEET TO THE CENTERLINE OF ARGONNE STREET;

THENCE N0°02'49"E, 1,316.65 FEET ALONG THE CENTERLINE OF ARGONNE STREET TO THE CENTERLINE OF 60TH AVENUE;

THENCE N0°02'24"W, 1,324.89 FEET ALONG THE CENTERLINE OF ARGONNE STREET TO THE CENTERLINE OF 62ND AVENUE;

THENCE N89°26'23"E, 487.58 FEET ALONG THE CENTERLINE OF 62ND AVENUE TO THE CENTERLINE OF BISCAY STREET;

THENCE N0°01'35"E, 662.58 FEET ALONG THE CENTERLINE OF BISCAY STREET TO THE CENTERLINE OF 63RD AVENUE;

THENCE N89°25'28"E, 1,328.36 FEET ALONG THE CENTERLINE OF 63RD AVENUE TO THE CENTERLINE OF DUNKIRK STREET;

THENCE S0°05'36"W, 1,988.81 FEET ALONG THE CENTERLINE OF DUNKIRK STREET TO THE POINT OF BEGINNING CONTAINING 6,545,947 SQUARE FEET OR 150.274 ACRES MORE OR LESS.

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
3 described area.

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

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

15 PASSED BY THE COUNCIL February 22 2000

16 Henry Haynes - PRESIDENT

17 APPROVED: Wally Schmidt - MAYOR Feb 23 2000

18 ATTEST: Gregory H. John - CLERK AND RECORDER,
19 EX-OFFICIO CLERK OF THE
20 CITY AND COUNTY OF DENVER

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22 PUBLISHED IN THE DEN. ROCKY MTN NEWS Jan. 28, 2000 Feb. 25, 2000

23
24 PREPARED BY: ~~KAREN A. AVILES~~, ASSISTANT CITY ATTORNEY 1/18/00

25 REVIEWED BY: James By Host - CITY ATTORNEY January 29, 2000

26 SPONSORED BY COUNCIL MEMBER(S) _____

