

**BY AUTHORITY**

ORDINANCE NO.  
SERIES OF 2007

COUNCIL BILL NO. 182  
COMMITTEE OF REFERENCE:  
BLUEPRINT DENVER

**A BILL**

**For an ordinance changing the zoning classification, with a condition, for  
2625-2635 East 3rd Avenue and 315-319 Clayton Street.**

**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 PUD #288;
2. That the owner proposes that the land area hereinafter described be changed to Cherry Creek North with reasonable condition it has approved;
3. The owner approves and agrees, as a reasonable condition to the requested change in zoning classifications related to the development, operation and maintenance of the land area hereinafter described:

(i) The area described as all the land located from the north property line to a point not less than twenty-nine (29) feet south of the north property line and one-hundred and five (105) feet from the east property line, for an area of approximately three-thousand and forty-five (3045) square feet shall be used and maintained exclusively for open space, landscaping and screening. All live landscaping materials shall be watered, mowed and maintained in a healthy and growing condition per the rule and regulations of the Denver Department of Parks and Recreation. Additionally, the landscaped area shall be maintained in a weed-free and litter-free condition. The area may also include tables, chairs and other similar public amenities and shall be a publicly accessible area. The remaining twenty (20) feet by twenty-nine (29) feet along the northwest corner of the site may include a brick and/or masonry wall, service area and exit stairway from the lower parking garage. The building gutters, downspouts, awnings and other projections may encroach into said open space area no more than three (3) feet.

All provisions of Section 59-241 through Section 59-254 of the Cherry Creek North Zone District of the Denver Revised Municipal Code shall apply within the boundaries of the subject property along with the aforesaid condition.

**Section 2.** That the zoning classification of the land area in the City and County of Denver described as follows or included within the following boundaries shall be and hereby is

1 changed from PUD #288 to Cherry Creek North and with a certain reasonable condition approved  
2 by the owner which reasonable condition is set forth in Subsection 3 of Section 1 hereof:

3 **Plot 10 and the South 1/2 of Plot 9, Block 35, Harman's Subdivision, City and County of**  
4 **Denver, State of Colorado.**

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

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9  
10 **Section 3.** The foregoing change in zoning classification is based upon the representation  
11 by the owner that it agrees to certain limitations which limitations are set forth in Subsection 3 of  
12 Section 1 hereof, and is also based upon a reasonable condition approved by the said owner  
13 which reasonable condition is set forth in Subsection 3 of Section 1 hereof; and no permit shall be  
14 issued except in strict compliance with the aforesaid reasonable condition. Said reasonable  
15 condition shall be binding upon all successors and assigns of said owner, who along with said  
16 owner shall be deemed to have waived all objections as to the constitutionality of the aforesaid  
17 reasonable condition.

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

20 COMMITTEE APPROVAL DATE: April 11, 2007

21 MAYOR-COUNCIL DATE: Aril 17, 2007

22 PASSED BY THE COUNCIL \_\_\_\_\_ 2007

23 \_\_\_\_\_ - PRESIDENT

24 APPROVED: \_\_\_\_\_ - MAYOR \_\_\_\_\_ 2007

25 ATTEST: \_\_\_\_\_ - CLERK AND RECORDER,  
26 EX-OFFICIO CLERK OF THE  
27 CITY AND COUNTY OF DENVER  
28

29 NOTICE PUBLISHED IN THE DAILY JOURNAL \_\_\_\_\_ 2007; \_\_\_\_\_ 2007

30 PREPARED BY: KAREN A. AVILES, ASSISTANT CITY ATTORNEY; April 19, 2007

31 Pursuant to section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the office  
32 of the City Attorney. We find no irregularity as to form, and have no legal objection to the  
33 proposed ordinance. The proposed ordinance is not submitted to the City Council for approval  
34 pursuant to § 3.2.6 of the Charter.  
35

36 City Attorney:

37 BY: \_\_\_\_\_, City Attorney, DATE: April 19, 2007