

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

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

Plot 10 and the South ½ of Plot 9, Block 35, Harman's Subdivision, City and County of Denver, State of Colorado.

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

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

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

COMMITTEE APPROVAL DATE: April 11, 2007

MAYOR-COUNCIL DATE: April 17, 2007

PASSED BY THE COUNCIL _____ 2007

_____ - PRESIDENT

APPROVED: _____ - MAYOR _____ 2007

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

NOTICE PUBLISHED IN THE DAILY JOURNAL _____ 2007; _____ 2007

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

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

City Attorney:

BY: _____, City Attorney, DATE: April 19, 2007