**BY AUTHORITY**

ORDINANCE NO. 138 COUNCIL BILL NO. 32

SERIES OF 1999 COMMITTEE OF REFERENCE:

9900034506 1999/02/26 09:40:29 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 LOCATED AT 3840 YORK STREET, RECITING CERTAIN WAIVERS PROPOSED 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-1 with reasonable waivers 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 applicant will and hereby do

(a) waive the right to use or occupy the land hereinafter described or to use, occupy or erect thereon any structure or structures designed, erected, altered, operated or occupied for the following:

- ambulance service (use unrestricted for sirens within 1,000 foot radius of the subject property);
- Automobile parts recycling business (use unrestricted for recycling processes performed outside of a building, and storage of recycled automotive parts outside of a building);
- Automotive towing service storage yard (use unrestricted for not more than 30 vehicles);
- columbarium or crematorium;
- gas regulator station;

- o helipad or helistop;
- o heliport,
- o pet columbarium and/or crematorium;
- o railroad facilities;
- o recycling collection station (use unrestricted for recycling process performed outside of a building);
- o sand or gravel quarry;
- o scrap processor (use unrestricted for scrap process performed outside of a building); and
- o water reservoir.

**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 R-5 to I-1 with certain waivers which waivers are set forth in Subsection 3 of Section 1 hereof:

A parcel of land being a part of the Southeast One-quarter of Section 23 and 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 southeast 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; thence N00°00'00"E, a distance of 10.00 feet to the **True Point of Beginning**; thence S89°56'27"W parallel with and 10.00 feet north of the south line of said SW1/4, a distance of 1,593.68 feet; thence N00°07'00"W, a distance of 216.19 feet; thence S89°56'24"W, a distance of 40.00 feet; thence N00°07'00"W, a distance of 150.00 feet; thence S89°56'24"W, a distance of 175.00 feet; thence N00°07'00"W, a distance of 200.00 feet; thence S89°56'24"W, a distance of 210.00 feet to a point on the east line of York Street, which point is 47.94 feet west of the west line of the SW1/4 of said Section 24; thence N00°07'00"W along the east line of York Street parallel with and 47.94 feet west of the west line of said SW1/4, a distance of 85.00 feet; thence departing the east line of York Street N89°57'20"E, a distance of 47.94 feet to a point on the west line of said SW1/4; thence S00°07'00"E along the west line of said SW1/4, a distance of 50.00 feet; thence departing said west line N89°56'24"E a distance of 2626.26 feet to a point on the west line of Steele Street, which point is 32.00 feet west of the east line of said SW1/4; thence S00°03'24"E along the west line of Steele Street parallel with and 32.00 feet west of the east line of said SW1/4, a distance of 118.18 feet; thence departing the west line of Steele Street S88°53'38"W, a distance of

102.89 feet; thence S52°43'16"W, a distance of 147.05 feet; thence S53°33'45"W, a distance of 41.32 feet; thence S58°43'19"W, a distance of 65.32 feet; thence S66°25'46"W, a distance of 83.04 feet; thence S74°42'31"W, a distance of 75.32 feet; thence S83°02'42"W, a distance of 88.98 feet; thence N89°58'21"W, a distance of 108.41 feet; thence S00°00'00"W, a distance of 270.40 feet to the **True Point of Beginning.** Containing 27.211 acres, more or less.

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

**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.

PASSED BY THE COUNCIL February 22 1999

Happy Haynes - PRESIDENT

APPROVED: Wellington E. Webb - MAYOR FEB 23 1999

ATTEST: Jamuary E. Brooks - CLERK AND RECORDER, EX-OFFICIO CLERK OF THE CITY AND COUNTY OF DENVER

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PREPARED BY: PATRICK A. WHEELER, ASSISTANT CITY ATTORNEY 1/19/99

REVIEWED BY: [signature] - CITY ATTORNEY 1/21 1999

SPONSORED BY COUNCIL MEMBER(S)