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.

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-0 with waivers and conditions which waivers are set forth in Subsection 3 of Section 1 hereof and with certain reasonable conditions approved by the owner and the applicant which 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.

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 is also based upon the reasonable conditions approved by the said owner and said applicant which reasonable conditions are set forth in Subsection 4 of Section 1 hereof; and no permit shall be issued except in strict compliance with the aforesaid waivers and the aforesaid reasonable conditions. Said waivers and said reasonable conditions 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 and the aforesaid reasonable conditions.

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: [signature] - 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 1/20/99

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

SPONSORED BY COUNCIL MEMBER(S)