

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO. 4979

**AN ORDINANCE REFERRING A BALLOT PROPOSITION TO THE APRIL 6, 2021
REGULAR MUNICIPAL ELECTION REGARDING THE AMENDMENT OF
ORDINANCE 4295**

RECITALS.

On September 17, 2008 the City Council adopted Ordinance 4295. That Ordinance zoned the property located at 347 and 348 27 ½ Road and 2757 C ½ Road ("Property") to Light Industrial (I-1) and Industrial/Office Park (I-O) with and subject to certain conditions, which were acceptable to the owner.

Those conditions included, but were not limited to, certain landscape buffering, fencing and trail dedications, all of which were intended to buffer development of the Property from the Las Colonias Park and to benefit the public by ensuring a continuation of the River trail through the Property to points to the East.

In accordance with the conditions of the Ordinance, the owner conveyed to the City a 50' trail through the Property along the Colorado River. Other of the conditions were not satisfied as those were incidental to development, which did not occur. The Property has remained undeveloped since Ordinance 4295 was adopted.

On August 7, 2019 the City Council adopted Ordinance 4864, which was instigated by the entity that owned the Property in 2008, amended the zoning to Light Commercial (C-1); however, the site development conditions imposed by Ordinance 4295 were not changed as those conditions benefitted the public and had been affirmed by the electorate in April 2013 as described below.

Within thirty days following the final adoption of Ordinance 4295 in 2008 a referendum petition suspended the Ordinance. The City Clerk found the petition to be sufficient and pursuant to the City Charter, the City Council was scheduled to reconsider the Ordinance on December 2, 2008. A citizen filed a protest to the petitions and a hearing was set before the City Clerk on January 9, 2009.

A hearing was held and on January 16, 2009 the City Clerk ruled that 18 signatures were invalid due to a notarial problem on the petition section that included those signatures. That finding reduced the number of valid signatures below the minimum required resulting in the petition becoming legally insufficient. Based on that finding Ordinance 4295 became effective.

The petition group filed a lawsuit challenging the City Clerk's findings. The District Court affirmed the City Clerk's findings.

The petition group appealed the District Court ruling to the Colorado Court of Appeals. The Court of Appeals overturned the District Court and the property owner petitioned the Colorado Supreme Court for review. The Supreme Court declined to hear the case and it was remanded to District Court.

The District Court affirmed the City Clerk's finding except as to the notarial issue and remanded the matter to the City.

On September 5, 2012 the City Council considered these matters and referred Ordinance 4295 to the April 2013 municipal election.

The Ordinance appeared on the April 3, 2013 ballot as Referred Measure A; Measure A passed with 8307 voting for the ordinance and 2937 voting against the Ordinance.

The Property is now owned by The Eddy at Grand Junction, LLC ("Applicant.") The Applicant has submitted to the City a development plan for the Property (City file SPN 2020-762) ("Development Plan" or "Plan".) The Plan proposes a multifamily apartment complex together with up-scale camping and a central building for the shared use of tenants and campers. In order to accomplish the Plan, the Applicant seeks authority to modify the conditions of Ordinance 4295 while correspondingly meeting the intent of Ordinance 4295 by providing trail connections across the property and to the east, west, and north, which are integral to the fulfillment of its Plan. Other specific conditions imposed by Ordinance 4295 are not addressed by the Plan.

On January 20, 2021 the City Council considered this Ordinance, the adoption of which will refer a ballot question to amend 2013 Referred Measure A to the regular municipal election on April 6, 2021.

On February 3, 2021 the City Council considered clarifying adjustments to this Ordinance to reduce voter confusion due to grammatical inconsistencies and multiple lines of questioning.

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION THAT:

The ballot question will provide for the amendment of 2013 Measure A which established certain conditions on the development of the property located at 347 and 348 27 ½ Road and 2757 C ½ Road. Certain conditions on the development will be established by adoption of a plan for the property that provides for a new trail easement with connections across the property and to the east, west, and north and for light commercial and residential uses on the property.

The following question shall be submitted to the registered electors at the regular municipal election on April 6, 2021.

SHALL ORDINANCE 4295, REFERRED TO VOTERS IN 2013 AS MEASURE A, BE AMENDED IN THE CONTEXT OF THE CURRENT ZONING OF THE PROPERTY BY MODIFYING CERTAIN ESTABLISHED CONDITIONS ON THE DEVELOPMENT OF

THE PROPERTY LOCATED AT 347 AND 348 27 ½ ROAD AND 2757 C ½ ROAD, WHICH CONDITIONS INCLUDE BUT ARE NOT LIMITED TO THE DEDICATION OF A PUBLIC TRAIL EASEMENT 50 FEET IN WIDTH ADJACENT TO THE COLORADO RIVER ALONG THE ENTIRE SOUTHERN PROPERTY BOUNDARY, DEDICATION OF A PUBLIC TRAIL EASEMENT 50 FEET IN WIDTH ALONG THE EAST PROPERTY BOUNDARY AND INSTALLATION OF A LANDSCAPE BUFFER 25 FEET IN WIDTH AND A SCREEN WALL ALONG THE WEST, NORTH AND SOUTH PROPERTY BOUNDARIES WITH THE APPROVAL OF A DEVELOPMENT PLAN WHICH HONORS THE REQUIREMENT FOR A TRAIL EASEMENT PROVIDING FOR CONNECTIVITY FOR THE PLANNED TRAIL SYSTEM ALONG THE RIVERFRONT FOR THE PROPERTY LOCATED AT 347 AND 348 27 ½ ROAD AND 2757 C ½ ROAD, WHICH DEVELOPMENT PLAN IS AND SHALL BE SUBJECT TO THE GRAND JUNCTION MUNICIPAL CODE AND IF THE CODE IS SATISFIED AND THIS QUESTION IS APPROVED THEN 2013 VOTER APPROVED MEASURE A SHALL BE AMENDED CONSISTENT WITH THE PLAN, ALL AS A VOTER APPROVED MEASURE UNDER ARTICLE XVI, PARAGRAPH 137 AND 142 OF THE CITY CHARTER?

_____ Yes – For the Ordinance

_____ No – Against the Ordinance

The ballot title is set based upon the requirements of the Colorado Constitution and the City Charter and, pursuant to Section 31-11-102, C.R.S., is an alternative to the provisions of Section 31-11-111, C.R.S. regarding both a title and a submission clause. Pursuant to Section 31-10-1308, C.R.S., any election contest arising out of a ballot issue or ballot question election concerning the order of the ballot or the form or content of the ballot title shall be commenced by petition filed with the proper court within five days after the title of the ballot issue or ballot question is set.

Introduced on first reading and ordered published this 6th day of January 2021.

Passed on second reading and ordered published this 20th day of January 2021.

Revisions passed on third reading and ordered published this 3rd day of February 2021.


C.E. "Duke" Wortmann
President of the Council

ATTEST:


Wanda Winkelmann
City Clerk



I HEREBY CERTIFY THAT the foregoing Ordinance, being Ordinance No. 4979 was introduced by the City Council of the City of Grand Junction, Colorado at a regular meeting of said body held on the 6th day of January 2021 and the same was published in The Daily Sentinel, a newspaper published and in general circulation in said City, in pamphlet form, at least ten days before its final passage.

I FURTHER CERTIFY THAT a Public Hearing was held on the 20th day of January 2021 and on the 3rd day of February 2021, at which Ordinance No. 4979 was read, considered, adopted and ordered published in pamphlet form by the Grand Junction City Council.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of said City this 5th day of February 2021.


Deputy City Clerk

Published: January 08, 2021
Published: January 22, 2021
Published: February 05, 2021
Effective: March 07, 2021

