

CITY OF GRAND JUNCTION, COLORADO
ORDINANCE NO. 4295
AN ORDINANCE ZONING THE BRADY SOUTH ANNEXATION TO
LIGHT INDUSTRIAL (I-1) AND INDUSTRIAL/OFFICE PARK (I-O) ZONE DISTRICT
LOCATED AT 347 AND 348 27-1/2 ROAD AND 2757 C-1/2 ROAD

Recitals

After public notice and public hearing as required by the Grand Junction Zoning and Development Code, the Grand Junction Planning Commission recommended approval of zoning the Brady South Annexation to the Industrial/Office Park (I-O) zone district finding that it conforms with the land use category as shown on the future land use map of the Growth Plan and the Growth Plan's goals and policies and is generally compatible with land uses located in the surrounding area. The applicant has requested the zoning of the westerly parcel be I-1 and the easterly 2 parcels be I-O. The proposed zone district(s) meet(s) the criteria found in Section 2.6 of the Zoning and Development Code.

After public notice and public hearing before the Grand Junction City Council, City Council finds that the Light Industrial (I-1) and Industrial/Office Park (I-O) zone districts are in conformance with the stated criteria of Section 2.6 of the Grand Junction Zoning and Development Code. The Applicant concurred with the Staff recommendation and agreed with the proposed zoning and conditions.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION THAT:

The following property be zoned Light Industrial (I-1): BRADY SOUTH ANNEXATION – 347 27-1/2 Road - All of GLO Lot 3 Section 24, T1S, R1W exc W 10CH

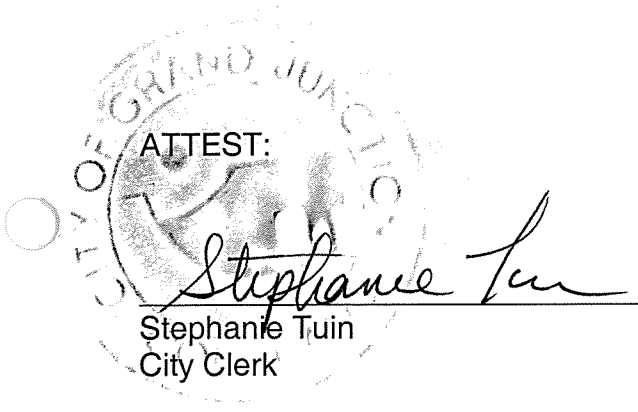
And the following properties be zoned Industrial/Office Park (I-O): BRADY SOUTH ANNEXATION – 348 27-1/2 Road and 2757 C-1/2 Road

W 367.65FT OF LOT 2 SEC 24 1S 1W W OF DN and a PARCEL OF LAND IN GLO LOT 2 SEC 24 1S 1W DESC ASFOLL BEG S 89DEG 53' E 367.65FT & S 30FT FR NW COR SDLOT 2 S 89DEG53' E 335.18FT TO C-LI OF DRN S 33DEG52'W ALG SD C-LI 457.11FT TO A PT 14FT N OF PRESENT LI OF COLO RIVER N 56DEG05' W & PARALLEL WITH SD RIVER 96.94FT N 326.15FT TO POB

The zoning stated herein is subject to and with agreement of the Applicant, to the conditions outlined in Exhibit A attached hereto and incorporated by this reference as if fully set forth.

Said parcels total 12.62 acres (549,691 square feet), more or less, as described.

INTRODUCED on first reading the 3rd day of September, 2008 and ordered published.
ADOPTED on second reading the 17th day of September, 2008.



ATTEST:

Stephanie Tuin

Stephanie Tuin
City Clerk

Gregg Palmer

Gregg Palmer
President of the Council

EXHIBIT A
CONDITIONS OF ZONING THE BRADY SOUTH ANNEXATION

Zoning as stated in Ordinance 4295 shall be subject to the conditions listed below.

West and North Boundaries Adjacent to City of Grand Junction Las Colonias Property:

- 25-foot landscape buffer with wall on inside of landscape area
- Plantings within required 25-foot landscape buffer shall meet Code requirements for number of plant materials (e.g. trees/shrubs per square footage) and groundcover.

East Boundary:

- 50-foot trail or tract, wall and 8-foot landscape buffer outside wall per Code
- 8-foot landscape buffer and wall may be placed within 50-foot trail easement or tract subject to approval by City and Riverfront Commission

Along Entire Length of Colorado River:

- No fence or wall required
- 50-foot or tract from property line along entire length (all 3 parcels) assuming property line is at the top of the bank
- Minimum 50-foot building setback subject to provision of landscape buffer as below
- 25-foot landscape buffer (no wall or fence) between trail and site development along entire length (all 3 parcels)
- 25-foot landscape buffer may overlap with 50-foot trail easement or tract subject to approval by City and Riverfront
- Plantings within required 25-foot landscape buffer shall meet Code requirements for number of plant materials (e.g. trees/shrubs per square footage) and groundcover

Trail Construction: Not Required by Applicant

Building Orientation: Buildings may have any orientation on site, provided they meet setbacks of the zone district

Grant of Trail Easement or Tract and Improvements Pertaining to Above Conditions:

- Entire trail easement (all 3 parcels) or tract shall be dedicated
- Remainder of the improvements may be met incrementally as each property develops

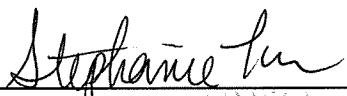
Security Fencing

- The applicant/property owner may erect security fence per the Grand Junction Zoning and Development Code outside of the required trail easement or tract
- The City of Grand Junction shall contribute up to \$30,000.00 toward the construction of security fencing along the south and east property lines. The contribution shall be paid on a reimbursement basis upon satisfactory completion of construction of the fence

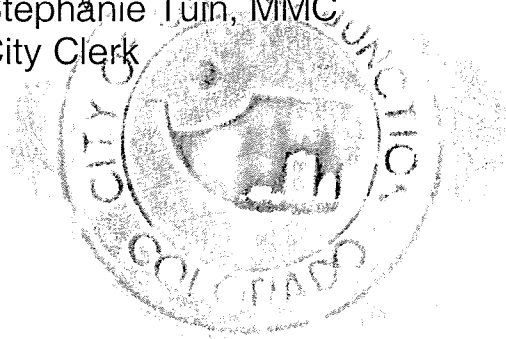
I HEREBY CERTIFY THAT the foregoing Ordinance, being Ordinance No. 4295 was introduced by the City Council of the City of Grand Junction, Colorado at a regular meeting of said body held on the 3rd of September, 2008 and that the same was published in The Daily Sentinel, a newspaper published and in general circulation in said City, at least ten days before its final passage.

I FURTHER CERTIFY THAT a Public Hearing was held on the 17th day of September, 2008, at which Ordinance No. 4295 was read, considered, adopted and ordered published in full by the Grand Junction City Council.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of said City this 13th day of October, 2008.



Stephanie Tuin, MMC
City Clerk



Published: September 5, 2008
Published: September 25, 2008
Effective: October 25, 2008

City of Grand Junction
Certification of Effective Date of Ordinance No. 4295

Ordinance No. 4295 - An Ordinance Zoning Property Located at 347 27 1/2 Road to I-1, Light Industrial, and Zoning Property Located at 348 27 1/2 Road and 2757 C 1/2 Road to I-O, Industrial Office was adopted by the Grand Junction City Council on September 17, 2008.

Within the thirty days following the final adoption of the Ordinance, a referendum petition was initiated, circulated and returned to the City Clerk thus suspending the Ordinance from going into effect. The petition representatives were Harry Griff and Candi Clark.

The City Clerk certified sufficient signatures on the petitions for the referendum to be taken to the City Council at its meeting on December 3, 2008. Prior to the City Council meeting, on December 2, 2008, Diane Schwenke filed a protest to the petitions. The protest initiated a hearing process whereby the City Clerk heard arguments both for and against the protest. That hearing was held on January 9, 2009.

The City Clerk ruled on January 16, 2009 that petition section #079 which contained 18 signatures should be deemed invalid. That finding reduced the number of valid signatures to below the minimum required resulting in the petition becoming legally insufficient. Based on that finding the zoning ordinance was then effective. To prevent the zoning called for in Ordinance No. 4295 from taking effect, the petition group (Candi Clark *et. al.*) filed a lawsuit challenging the City Clerk's findings.

Chief District Court Judge Bottger agreed with the City Clerk's decision invalidating petition section #079 (the signatures that Candi Clark notarized, including her own.)

The petition group appealed Judge Bottger's decision to the Colorado Court of Appeals. The Court of Appeals overturned Judge Bottger on the notary issue. Brady asked the Supreme Court to review the Court of Appeals decision but that request was denied and the case was remanded to Judge Bottger.

Judge Bottger ruled on the other claims in the lawsuit (he affirmed the other decisions that the City Clerk made; however, because of the notary issue those rulings did not help resolve the case) and remanded the case to the City. Now with the remand the matter is set for hearing by the City Council.

On September 5, 2012 the City Council heard the matter again and referred the question to the voters at the next regular election to be held April 2, 2013.

The ballot question was:

CITY OF GRAND JUNCTION REFERRED MEASURE A

Shall Ordinance No. 4295 zoning property located at 347 27 1/2 Road to I-1, Light Industrial, and zoning property located at 348 27 1/2 Road and 2757 C 1/2 Road to I-O, Industrial Office, with certain conditions, including but not limited to the dedication of a public trail easement 50 feet wide adjacent to the Colorado River along the entire southern property boundary; dedication of a public trail easement 50 feet wide along the east property boundary and installation of a landscape buffer 25 feet wide and a screen wall along the west, north and south property boundaries be adopted?

The results of the election on Referred Measure A were:

	Dist A	Dist B	Dist C	Dist D	Dist E	TOTAL
For the Ordinance	1,766	2,295	914	2,239	1,093	8,307
Against the Ordinance	730	711	337	710	449	2,937

The Canvassing Board on April 3, 2013 concluded that for the City of Grand Junction Referred Measure A, the ordinance was adopted by the greater number of votes.

Therefore Ordinance No. 4295 is declared to be adopted and effective April 3, 2013.

Certified under my hand and seal this 5th day of April, 2013



Stephanie Tuin
Stephanie Tuin, City Clerk