

1 ORDINANCE ___ 21

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

4

5 RECITALS.

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

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

14 In accordance with the conditions of the Ordinance, the owner conveyed to the City a
15 50' trail through the Property along the Colorado River. Other of the conditions were
16 not satisfied as those were incidental to development, which did not occur. The
17 Property has remained undeveloped since Ordinance 4295 was adopted.

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

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

28 A hearing was held and on January 16, 2009 the City Clerk ruled that 18 signatures were
29 invalid due to a notarial problem on the petition section that included those signatures.
30 That finding reduced the number of valid signatures below the minimum required
31 resulting in the petition becoming legally insufficient. Based on that finding Ordinance
32 4295 became effective.

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

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

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

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

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

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

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

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

59 The ballot question will provide for the amendment of 2013 Measure A which
60 established certain conditions on the development of the property located at 347 and
61 348 27 ½ Road and 2757 C ½ Road. Certain conditions on the development will be
62 established by adoption of a plan for the property that provides for a new trail
63 easement with connections across the property and to the east, west, and north and
64 for light commercial and residential uses on the property.

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

67 SHALL 2013 REFERRED MEASURE A APPROVING ORDINANCE 4295, AN ORDINANCE OF
68 THE CITY OF GRAND JUNCTION, COLORADO ESTABLISHING CERTAIN CONDITIONS ON
69 THE DEVELOPMENT OF THE PROPERTY LOCATED AT 347 AND 348 27 ½ ROAD AND 2757 C
70 ½ ROAD, WHICH CONDITIONS INCLUDE BUT ARE NOT LIMITED TO THE DEDICATION OF A
71 PUBLIC TRAIL EASEMENT 50 FEET IN WIDTH ADJACENT TO THE COLORADO RIVER ALONG
72 THE ENTIRE SOUTHERN PROPERTY BOUNDARY, DEDICATION OF A PUBLIC TRAIL EASEMENT
73 50 FEET IN WIDTH ALONG THE EAST PROPERTY BOUNDARY AND INSTALLATION OF A
74 LANDSCAPE BUFFER 25 FEET IN WIDTH AND A SCREEN WALL ALONG THE WEST, NORTH
75 AND SOUTH PROPERTY BOUNDARIES BE AMENDED BY THE ADOPTION OF A
76 DEVELOPMENT PLAN FOR THE PROPERTY LOCATED AT 347 AND 348 27 ½ ROAD AND 2757
77 C ½ ROAD, WHICH PLAN IS AND SHALL BE SUBJECT TO THE GRAND JUNCTION MUNICIPAL
78 CODE AND IF THE CODE IS SATISFIED AND THIS QUESTION IS APPROVED THEN 2013 VOTER

79 APPROVED MEASURE A SHALL BE AMENDED CONSISTENT WITH THE PLAN, ALL AS A VOTER
80 APPROVED MEASURE UNDER ARTICLE XVI, PARAGRAPH 137 AND 142 OF THE CITY
81 CHARTER?

82 _____ Yes

83 _____ No

84

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

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93 Adopted on first reading this ___ day of January 2021.

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

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99 ATTEST:

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101 Wanda Winkelmann
102 City Clerk

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