

GRAND JUNCTION PLANNING COMMISSION
Public Hearing, September 28, 1982
Minutes
7:30 pm - 10:00 pm

(Preliminary Draft of Minutes on Item #58-82)

2. #58-82, CONDITIONAL USE - TAVERN LICENSE CHANGE OF LOCATION

Petitioner: Amos L. Raso
Location: 307 Main Street

A request for a conditional use for a beer and wine license transfer of ownership on approximately .13 acre in a heavy business zone.

Consideration of conditional use.

STAFF PRESENTATION

Bob Goldin, Planning Staff, introduced the request by identifying the location as 307 Main Street (the old Sears Building), ground floor.

PETITIONER PRESENTATION

Robert Traylor, representing the petitioner, briefly outlined the request noting he had filed an impact statement with the Planning Department that explained the plan. In addition, he also made the following notations:

- . No bar has previously occupied this building.
- . The building has been vacant for some time.
- . Adjacent uses are retail stores, offices, parking and vacant lots.
- . The intersection of 3rd and Main is controlled by a traffic light and there is good lighting for the area.
- . Bar hours planned will be 10:30-Midnight (Sundays), and 10:30-2:00 (Weekdays).
- . There are entrances from Main and Third Streets.
- . The Petitioner (Katherine Blackshear) has held a retail tavern liquor license for 22 years at the St. Regis Hotel and does not have a history of any problems.

QUESTIONS

Commissioner Bill O'Dwyer questioned Mr. Traylor about their plans for using the garage located at the south end of the building.

Mr. Traylor responded that it would only be used for storage, not for deliveries. He also noted there is no exit from the main building to the alley.

Commissioner Litle asked Mr. Traylor about access to the second floor to the building.

Mr. Traylor responded that access is gained only from the inside and that they have no plans to use the second floor.

STAFF COMMENTS

Bob Goldin indicated that Planning Staff has no technical concerns with the conditional use, and informed the Commission that a petition with 248 signatures opposing the Cozy Lounge conditional use liquor license had been received on 9/24/82, noting that there was no reason given for their opposition.

PUBLIC COMMENTS

Chairman Transmeier asked for comments from the public who were in FAVOR of the conditional use request. There were none received.

Chairman Transmeier then asked for comments from the public who were AGAINST the conditional use request. Several people from the audience gave their reasons for opposition.

Richard Will, 625 North 11th (landowner/employee of downtown) clarified that the petition that had been circulated to downtown employees, owners and leaseholders. Mr. Will further commented that these people are concerned with moving to and from parking areas late at night considering the "type of clientele who will be moving to Main Street."

Commissioner O'Dwyer asked Mr. Will if any shoppers had signed the petition. Mr. Will indicated none had.

Ray Meacham, 702 Golfmore (American Furniture Store, 3rd & Main) supported Mr. Will's comments, adding that "years ago liquor licenses were granted on the NEEDS and DESIRES of the neighborhood." Mr. Meacham noted that there are eight liquor licenses

within two blocks of 3rd and Main and subsequently feels these "NEEDS" have been satisfied and the "DESIRES" of the petitioners speak for itself. Mr. Meacham is also concerned with the long-term ramifications of allowing this type of facility on Main Street.

Don Warner, Planning Staff, responded to Mr. Meacham's comments on "NEEDS and DESIRES" saying that those are items for consideration during the acquisition of a liquor license itself.

Chairman Transmeier further clarified this issue by noting that the Commission is not discussing whether there should be a liquor license; rather, they are discussing the Conditional Use.

Marcia Neal, 1046 Lakeside Drive (Owner, Rimrock Bookstore) supported earlier positions taken by Mr. Will and Mr. Meacham and stating that she was also responsible for circulating the petition with Mr. Will, and they purposely surveyed the landowners, leaseholders or employees of downtown. Ms. Neal also expressed concern with the parking spaces available and misuse of the ones that are available.

Jane Quimby questioned Ms. Neal on the objection relating to the safety of downtown employees and whether or not most of the business downtown were closed by 6:00 pm. Ms. Neal agreed that was true, generally speaking.

Cathy Talmidge, 260 Lanai Drive (Owner/Operator, Read-Mor Bookstore) opened her statements by indicating her hours of operation are:

9:00am-9:00pm (Mon-Sat); and 9:00am-9:00pm (Sundays).

Ms. Talmidge has concerns with the safety of her 9-14 employees (the majority of which are women, including her 17-year old daughter); maintaining the environment of the downtown area; and the possible future hiring problem she may have as a result of the proximity of that type of building.

Jim Gentry, 3170 1/2 William Drive (Leaseholder, Art Stream Gallery, located next door to 307 Main) feels this type of use would be detrimental not only to his business and his efforts to promote a fine art/cultural setting, but the overall quality of the area in question.

George Downs, 337 Colorado Avenue (Employee of Read-Mor Bookstore and resident next door to St. Regis) is strongly opposed to the conditional use and classified the St. Regis as the "roughest, lowest-class establishment in this area."

PETITIONER'S REBUTTAL

Mr. Traylor stated that the St. Regis is going to be moving 1 or 1 1/2 blocks and perhaps the present area is a contributing factor (rather than the bar itself). He also commented that nothing prohibits the people who currently use the St. Regis from coming up to Main Street, therefore questioning the issue regarding the proximity of location and future implications.

Chairman Transmeier noted that Mr. Traylor's written comments indicated that there have been no major complaints against Mrs. Blackshear for over twenty years and asked if he had any estimates on police complaints. Mr. Traylor indicated he was not aware of any.

Mr. Dick Will spoke again from the audience and addressed the police issue, saying that he wasn't sure the police are asked for a report in conjunction with the transfer of a liquor license.

Chairman Transmeier replied that a copy of this request was sent to the Police Department for their comments and none were received.

Chairman Transmeier then closed the Public Hearing and asked for action by the Commission.

MOTION: (Commissioner Little): "IN CASE OF #58-82, CONDITIONAL USE--TAVERN LICENSE CHANGE OF LOCATION, I MOVE WE FORWARD THIS TO CITY COUNCIL WITH THE RECOMMENDATION OF DENIAL, BASED ON THE PETITION CIRCULATED ON NEIGHBORHOOD CONCERNS, AND BASICALLY, INAPPROPRIATE USE OF THIS PROPERTY."

Commissioner O'Dwyer seconded the motion.

Chairman Transmeier called for discussion of the motion.

Commissioner Quimby expressed her concern on the inconsistencies of the discussions that had occurred this evening. Referencing the discussion on an earlier item on the agenda that was somewhat similar (in that it was an institution planning to serve intoxicating beverages), Commissioner Quimby noted that there was nothing mentioned about the possibility of inadequate safety, or other concerns that have been heard on this item. She further stated that she hopes the Commission is not making a "judgment on the KIND OF PEOPLE who might use this," since the Commission is supposed to deal with the appropriate use of a location of a business that happens to be dealing in liquor. She further noted that the people who are currently

using the St. Regis location might not even want to come to Main Street. Commissioner Quimby finished her comments by emphasizing the importance for the Commissioners to keep their perspectives in sight so as to maintain their objectiveness and refrain from becoming judgmental.

Chairman Transmeier repeated the motion, called for a vote, and the motion carried by a vote of 5-1. (Commissioner Quimby opposed)

Cathy Talmidge, 260 Lanai Drive (Owner/Operator, Read-Mor Bookstore) opened her statements by indicating her hours of operation are:

9:00 am- 9:00 pm (Mon-Sat) and 9:00 am - 8:00 pm (Sun.)

Ms. Talmidge has concerns with the safety of her 9-14 employees (the majority of which are women, including her 17-year old daughter); maintaining the environment of the downtown area; and the possible future hiring problem she may have as a result of the proximity of that type of building.

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Mr. Traylor stated that the St. Regis is going to be moving 1 or 1 1/2 blocks and perhaps the present area is a contributing factor (rather than the bar itself). He also commented that nothing prohibits the people who currently use the St. Regis from coming up to Main Street, therefore questioning the issue regarding the proximity of location and future implications.

Chairman Transmeier noted that Mr. Traylor's written comments indicated that there have been no major complaints against Mrs. Blackshear for over twenty years and asked if he had any estimates on police complaints. Mr. Traylor indicated he was not aware of any.

Mr. Dick Will spoke again from the audience and addressed the police issue, saying that he wasn't sure the police are asked for a report in conjunction with the transfer of a liquor license.

Chairman Transmeier replied that a copy of this request was sent to the Police Department for their comments and none were received.

Chairman Transmeier then closed the Public Hearing and asked for action by the Commission.

MOTION: (COMMISSIONER LITLE): "IN CASE OF #58-82, CONDITIONAL USE--TAVERN LICENSE CHANGE OF LOCATION, I MOVE WE FORWARD THIS TO CITY COUNCIL WITH THE RECOMMENDATION OF DENIAL, BASED ON THE PETITION CIRCULATED ON NEIGHBORHOOD CONCERNS, AND BASICALLY, INAPPROPRIATE USE OF THIS PROPERTY."

Commissioner O'Dwyer seconded the motion.

Chairman Transmeier called for discussion of the motion.

Commissioner Quimby expressed her concern on the inconsistencies of the discussions that had occurred this evening. Referencing the discussion on an earlier item on the agenda that was somewhat similar (in that it was an institution planning to serve intoxicating beverages), Commissioner Quimby noted that there was nothing mentioned about the possibility of inadequate safety, or other concerns that have been heard on this item. She further stated that she hopes the Commission is not making a "judgment on the KIND OF PEOPLE who might use this," since the Commission is supposed to deal with the appropriate use of a location of a business that happens to be dealing in liquor. She further noted that the people who are currently using the St. Regis location might not even want to come to Main Street. Commissioner Quimby finished her comments by emphasizing the importance for the Commissioners to keep their perspectives in sight so as to maintain their objectiveness and refrain from becoming judgmental.

Chairman Transmeier repeated the motion, called for a vote, and the motion carried by a vote of 5-1. (Commissioner Quimby opposed)

3. #59-82 REZONE B-1 TO RMF-64

Petitioner: Richard L. Lindstrom
Location: Northeast corner of Little Bookcliff Avenue and Wellington Avenue.

A request to change from light business uses to residential multi-family uses at 64 units per acre on approximately 1.5 acres.

Consideration of rezone.

STAFF PRESENTATION

Karl Metzner pointed out the location of the project.

PETITIONER'S PRESENTATION

Richard Lindstrom, 2675 Homestead, presented his request, noting that sometime ago the parcel had been zoned RMF-64, and his clients (without his representation) wanted it divided into two lots and planned to rezone the corner lot to B-1 for a medical office building for their own use. Since that time they have decided not to pursue that plan. Somehow the new zoning map shows both parcels having a little bit of both zonings (B-1 and RMF-64). The request now is for the property to be totally rezoned to RMF-64 as their intent is to now use it for residential apartments.

STAFF COMMENTS

Karl Metzner stated that the property is split by zoning and that Staff has no problems with this request.

PUBLIC COMMENTS

Chairman Transmeier asked for comments from the public either in favor or against the proposal. There were no comments.

Chairman Transmeier closed the public hearing.

MOTION: (COMMISSIONER QUIMBY) "I MOVE ON ITEM #59-82, REZONE TO RMF-64, WE FORWARD THIS TO CITY COUNCIL WITH THE RECOMMENDATION OF APPROVAL."

DISCUSSION OF THE MOTION:

Commissioner Quimby commented she felt this was appropriate and relevant for the area.

Commissioner Litle seconded the motion.

Chairman Transmeier repeated the motion, called for a vote, and the motion carried by a vote of 6-0.

4. #62-82 ZONE OF 1480 ANNEXATION TO PI AND PUBLIC SERVICE MESA COUNTY OPERATIONS CENTER--FINAL PLAN

Petitioner: Harvey P. Blichmann/1480 Welton Inc.
Location: Southwest corner of 25.5 Road and F.5 Road
(2538 North Foresight Avenue).

A request to zone annexation to planned industrial and a final plan on approximately 17.36 acres.

- a. Consideration of zone.
- b. Consideration of final plan.

(Commissioner Dunivent asked to be excused from the Commission during the discussion of this item since he had been involved in this property about six years ago. Chairman Transmeier excused Commissioner Dunivent.)

STAFF PRESENTATION

Bob Goldin outlined the location and the purpose of the request.

PETITIONER'S PRESENTATION

Dave Howard, representing 1480 Welton St. -- a wholly owned subsidiary of Public Service Company, stated that the Landscape Architect and Planner (Mr. Larry Keith) will make a presentation.

Larry Keith, (1480 Welton, Inc., P.O. Box 840 Denver, CO 80202) showed exhibits to explain the proposed new operations center for Public Service Company. He commented that:

- . 1480 Welton is the owner of the property and will own the facility and lease it to Public Service.
- . The main structure will be the warehouse for operations and support facilities.
- . The design shown on their site plan is compatible with Foresight Park.
- . The site plan separates employee/customer entrances from the service vehicle entrances.
- . The landscape plan proposes berming and screening the parking, installation of a solid wood fence, and the additional landscaping requested will be provided.

Frank Wagner, Armstrong & Associates, further explained the layout and noted that the exterior treatment will be exposed aggregate, aluminum, and bronze glass (for the office area).

QUESTIONS

Commissioner Quimby asked why they are not considering annexing the substation at this time.

Larry Keith answered that they had received a conditional use permit from the County Commissioners for the substation facility in 1978 and they are planning to develop it within the next year. He noted they have an extensive site plan for the substation.

Chairman Transmeier commented that it appears they are trying to do something that they don't want to show us -- trying to get it built before getting it annexed.

Mr. Keith responded that Public Service owns that property and that 1480 Welton Inc. owns the parcel being discussed tonight.

Commissioner Quimby then asked Mr. Keith for the number of employees they expect. Mr. Keith replied they have 187 spaces for 135 employees initially, and 261 spaces for 220 employees, ultimately. He further noted that the "dashed" area on the exhibit shows plans for future expansion for parking and the "dashed" areas around the building provide for future expansion for the building; they tried to develop a plan for 20 years.

Commissioner Quimby expressed concern with the dotted lines in that the open spaces could be used up in the future without the initial consideration of the dedication of open spaces, since this is the first time the Commission has had to look at it.

Commissioner Litle asked for clarification on the location of the city limits.

Chairman Transmeier asked for square footage and height figures for the building. Mr. Keith indicated a 25-28' maximum ceiling height for the warehouse, (one-level), 16-20' height in office, with 51,584 sq. ft., initially; 70,504 sq. ft., ultimately.

Commissioner O'Dwyer asked what the distance is from Foresight Avenue to the edge of the building. Mr. Keith indicated it is 65-70 feet.

Commissioner Litle asked about public access and whether it would be used for payment drop. Mr. Keith answered that the Main Street facility will be retained and that this facility is primarily for the warehouse and storage, rather than customer oriented.

Chairman Transmeier asked if they are proposing to make all the improvements on F 1/2 Road to City standards. Mr. Keith answered that they intend to improve both sides (F 1/2 Road and 25 1/2 Road) at the time the streets are improved up to their property or at such time the people across the street agree to a joint improvement.

Commissioner Litle asked Staff to elaborate on how they had reviewed this project.

Bob Goldin noted that Staff explained to the Petitioners that future expansion or revision to the plan would require re-review. They chose to show the expansion, including the parking lot in the plan.

PUBLIC COMMENTS

Chairman Transmeier solicited comments from the public either in favor or against the proposal. There were no comments from the audience.

STAFF COMMENTS

Bob Goldin commented that the petitioners chose to go to Final with the understanding that there may be concerns that will need to be addressed. Those concerns are:

- . The landscape plan. Their response indicates they will install additional landscaping along F 1/2 Road and 25 1/2 Road. We would like to see landscaping along F 1/2 Road go in now to provide a buffer since the area to the north is primed for family housing, and would ask this to be stipulated.
- . Actual improvements on 25 1/2 Road. Staff would like a stipulation in the motion that the petitioners will participate in improvements on F 1/2 Road and 25 1/2 Road, by whatever means deemed appropriate by the City Attorney.
- . Open Space Fee. Public Service would like to negotiate on the 5% as they may have other land available that may be acceptable as an exchange, in lieu of cash. Staff is uncertain as to whether this can be resolved before City Council, given the current situation at Parks & Recreation and suggests that some leeway be given in order for this to be resolved.
- . The storage yard shows a gravel base. Staff would prefer a dust-free surface. Mr. Keith spoke to

this, indicating that they will have compacted gravel in the storage yard, asphalt in the service yard, natural in the area further west.

DISCUSSION

Commissioner Quimby asked what the distance was between the improvements on 25 1/2 Road and the beginning of this property.

Bob Goldin answered it was about 1/8 to 1/4 mile, and noted that the City may not have anticipated the potential for the improvements needed and the people on the east boundary are out of the City which means the City would need to gain right of way there to do improvements.

Commissioner Litle commented that he foresees a problem with the piece of County land on the corner.

Mr. Keith stated that Public Service Company will commit to improving that road and 1480 Welton will also commit to sharing those improvements.

Commissioner O'Dwyer stated that a letter on those intentions will definitely be needed.

Dave Howard said that all of this was taken into account with the idea of dedicating the road right of way to the north and have provided that in their setbacks and they will provide a letter to that effect (from Public Service). Mr. Howard further indicated they will comply with all of Staff's comments and concerns.

Commissioner Quimby expressed interest in acquiring the list of property sites in exchange for the 5% Open Space Fee.

Mr. Howard noted that both 1480 Welton and Public Service Company have properties (under their respective ownership) that list is currently being compiled and anticipate being able to submit the list to the City this week.

Commissioner Quimby added that the Parks & Recreation Department has the prerogative of determining whether they want the 5% or the land exchange.

Mr. Ken Hetzel, 2574 F 1/2 Road (spokesman from the audience) expressed concern as to whether 25 1/2 Road will be completed and when.

Commissioner O'Dwyer replied that even if that part is finished it will only be the west half that is finished.

Chairman Transmeier asked Mr. Hetzel if there is an easement there. Mr. Hetzel answered that there is a 50' easement and that he has already given that. Chairman Transmeier indicated that F 1/2 Road has fairly high priority as far as the City is concerned but the problem is that all the property on the road is not in the City.

Commissioner Quimby asked if the piece of property missing on 25 1/2 Road (to the south) that is not planned for improvement at this time is owned by someone.

Don Warner noted that it is part of Foresight Park and that they have a Power of Attorney for that, and with the letter of intent, the improvements will be completely made to F 1/2 Road.

Commissioner Quimby clarified her point in that she is trying to figure a way to incorporate improvements on the remaining 1/4 - 1/8 mile.

Don Warner suggested convincing the Council to push the Power of Attorney they have to do the half-street.

Chairman Transmeier closed the public hearing and asked for action by the Commission.

MOTION: (COMMISSIONER QUIMBY) "I MAKE A MOTION ON FILE #62-82, CONSIDERATION OF ZONE, THAT WE FORWARD TO CITY COUNCIL WITH THE RECOMMENDATION OF APPROVAL FOR THE ANNEXATION TO BE ZONED TO PLANNED INDUSTRIAL, PER STAFF AND REVIEW AGENCY COMMENTS"

Commissioner Rinker seconded the motion.

Chairman Transmeier asked for discussion on the motion. There was no discussion heard.

Chairman Transmeier repeated the motion, called for a vote, and the motion carried by a vote of 6-0.

MOTION: (COMMISSIONER LITTLE) "I MAKE A MOTION ON FILE #62-82, CONSIDERATION OF FINAL PLAN, THAT WE FORWARD TO CITY COUNCIL WITH THE RECOMMENDATION OF APPROVAL, BASED ON: THE COMMITMENT (I.E., LETTER OF INTENT) TO MAKE HALF-STREET IMPROVEMENTS ALONG 25 1/2 ROAD TO THE CORNER OF F 1/2 ROAD AND THE FULL LENGTH ON F 1/2 ROAD (THE WIDTH OF THIS PROPERTY) BE SUBMITTED TO CITY COUNCIL AND THAT

OF THIS PROPERTY) BE SUBMITTED TO CITY COUNCIL AND THAT THE UPGRADE OF BOTH ROADS BE AT THE DETERMINATION OF THE CITY ATTORNEY; THAT THE OPEN SPACE QUESTION (5% FEE OR LAND EXCHANGE) BE ADDRESSED PRIOR TO GOING TO CITY COUNCIL; AND THAT THE LANDSCAPING PLAN BE APPROVED ALONG F 1/2 ROAD BEFORE IT GOES TO CITY COUNCIL AND INSTALLED AT THE TIME OF CONSTRUCTION OF THE BUILDING AND THAT THE LANDSCAPE PLAN ALONG 25 1/2 ROAD BE APPROVED BEFORE IT GOES TO CITY COUNCIL; AND ALL OTHER STAFF AND REVIEW AGENCY COMMENTS BEING SATISFIED PRIOR TO SUBMITTING TO CITY COUNCIL."

The motion was seconded by Commissioner O'Dwyer.

Chairman Transmeier repeated the motion, called for a vote, and the motion carried unanimously, 6-0.

Commissioner Quimby recommended that she hopes the City pursues the improvements for the other little section on 25 1/2 Road and, if the substation is eligible for annexation, that this is also pursued as soon as possible.

Chairman Transmeier called a recess at 9:00 pm. The Public Hearing resumed at 9:10 pm.

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5. #47-80 SINGH SUBDIVISION--OUTLINE DEVELOPMENT PLAT

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Petitioner: Lalmani Singh
Location: Northeast of 27.75 Road line and G Road line.

A request for an outline development plan of 48 lots on approximately 13.4 acres in a residential single family zone at 4 units per acre.

Consideration of outline development plan.

STAFF PRESENTATION

Karl Metzner pointed out the location of the request.

PETITIONER'S PRESENTATION

Katie McIntyre, (Paragon Engineering) representing Mr. Singh, presented the proposal and provided the following information:

- . The property is bisected by G Road. The road is improved to about 600' from the site to Putter Drive.

of the site and was improved to the southern boundary of this site with the development of Applecrest Subdivision and is currently improved to City standards.

- . The proposal here shows 48 single-family detached units that would meet all constraints of existing RSF-4 zone. Surrounding zoning is RSF-5, PR-8, Applecrest to the south, and R-2 zone off the southeast corner of property.
- . G Road access is a concern and their plan shows where they are suggesting the access through the property. Discussion with Karl Metzner tonight has resulted in an alternative plan that would provide for bringing G Road along the Highline Canal up to the existing right-of-way and then angling it back. Katie indicated she felt this was an even better plan and they could incorporate that in their preliminary plan.

QUESTIONS

Commissioner O'Dwyer commented that the adjacent property owners haven't had a chance to be contacted regarding the new G Road plan just discussed, and asked Katie if she knows who owns that property.

Katie indicated she did not know off-hand but thought she could find the property owner's name in their files, and if that property owner did not agree to the new idea they would stick to their original plan.

Commissioner Little asked Katie for the distance between the southeast corner of the property down to 28 Road. Katie indicated it was about 400'.

Don Warner stated that the original highway circulation plan calls for eventual connection with 29 Road.

STAFF COMMENTS

Bob Goldin mentioned that this area is within the Airport Overlay and it does conform basically to it. Bob then listed Staff concerns as:

- . Additional access.
- . Grand Valley Irrigation concerns.

Bob commented on the fact that this is an Outline Development Plat and that they do have the zone so all Staff is

reviewing is the ODP subdivision plat (the access will be finalized at preliminary plat and final plat will also be submitted).

Overall, Staff has no problems with the Outline Development Plat, but they are looking for resolution of the access concern and for them to meet the zone requirements, and since they are in the area of influence an avigation easement would be required for each of the lots.

PUBLIC COMMENTS

Chairman Transmeier asked for comments from the audience who wished to speak in favor of this proposition. There were no comments.

Chairman Transmeier asked for comments from the audience who wished to speak against this proposition.

Paul Bowers, Airport Manager, speaking on behalf of the Airport Authority, commented on the relationship between this project and the airport. Mr. Bowers feels the location is not ideal for residential development because of the relationship of the Clear Zone and this piece of property. Mr. Bowers also indicated that the Airport Authority would ultimately like to purchase this property for use as a buffer zone.

QUESTIONS

Commissioner O'Dwyer asked Mr. Bowers where the drainage from the airport terminal goes.

Mr. Bower answered that it eventually goes to Indian Wash, part of it being overflow from a retention pond, and that none of the drainage should affect this property.

Commissioner O'Dwyer asked Mr. Bowers what type of aircraft uses Runway 422.

Mr. Bowers indicated it is presently accommodating light, general aircraft (twins and single-engine, 6-passenger planes), but that it is planned to handle up to 30,000 lb. aircraft (15-18 passenger planes).

Commissioner O'Dwyer asked Mr. Bowers for an indication of what elevation planes now fly over this area.

Mr. Bowers answered approximately 55-125' over rooftops.

Chairman Transmeier questioned Mr. Bowers on proposed plans to lengthen Runway 422.

Mr. Bowers responded that the master plan shows a 1000' extension to the southwest which was revised in 1980 to a 600' extension to the southwest which would keep the Clear Zone totally on airport property.

Chairman Transmeier surmised that the aircraft coming over now are coming over higher than they will once the extension is implemented. Mr. Bowers agreed.

Lee Sigwert, 708 Bunker, opposes the proposal for several reasons and posed a few questions: (1) who is going to pay for the extension of G Road; (2) noted that the water table in this area is fairly high now and feels that it will rise if the drainage ditches are tampered with; (3) questioned the number of units; (4) stated his concern with the increase in traffic and the noise level increase that could result from the runway extension.

Members of the Commission clarified Mr. Sigwert's question on the number of units. He had been misinformed that there would be 12 single family homes north of G Road and 75 townhomes south of G Road (the plan is for 48 units).

Laverne Evans agreed with Mr. Bowers' and Mr Sigwert's comments and further stated that she is concerned with the economic hardships on the neighbors that would have to participate in a project they don't believe in in the first place. Mrs. Evans noted that of the seven neighboring homes, three families are retired, two are unemployed, and her husband only recently returned to work after being layed off for five months. She further stated that 2500 houses are currently listings on the market (1200 are single-family dwellings) and marketing homes in a Critical Zone area would also be difficult to do.

Chairman Transmeier responded to Mrs. Evans' comments saying that the City has passed the Airport Overlay Zone and there will be a notice in the covenants that there is a release of liability to the airport for noise, pollution, etc. He further clarified that if the road is put with no specific granting of Power of Attorney, the property is assessed on the value of the improvement on that property.

Don Warner stated that it would be split into thirds between the landowner, city, and people on the other side.

Ms. Evans then stated that she didn't feel it would add to the value of the property in this particular instance.

Commissioner Quimby stated that there is a good possibility that no matter what happens to the Singh property it may not have any influence on what happens to G Road.

PETITIONER'S REBUTTAL

Richard Livingston, Attorney for Mr. Singh, responded to Mr Bowers' comments, referencing extensive negotiations with the Airport Authority, meetings with County Commissioners, City Council, etc. He commented that, even though development is allowed legally within this zone, common sense tells us we should probably figure out another way to use this property, perhaps as a buffer. He noted that the problem is that it is not fair to take away a citizen's right to use his property without compensation. The situation is further complicated by the fact that the Airport Authority and the City and County have other priorities and limited funds, and even though sincere efforts have been made to try and find some properties to trade or some other resolution, nothing has been settled. Mr. Livingston closed his remarks by asking the Commission to consider the request in view of the legality and whether it complies with all regulations befitting the zoning.

Commissioner Quimby responded to Mr. Livingston's narrative by stating that the Commission does not have the luxury of making zoning decisions or land-use decisions on the basis of economics; rather, decisions are made on the best use of the land, and so they are somewhat restricted on what they use as a determination of criteria.

Commissioner O'Dwyer commented on the fact that irrigation water as such does not exist with this property.

Katie McIntyre answered that the only possibility would be the filing for water rights out of the drainage ditch for seep water.

Commissioner O'Dwyer asked if that was a viable plan.

Mr. Livingston answered that it is possible but not very plausible to plan that the water will be there.

Katie also added that irrigation from Highline wouldn't be possible either.

Commissioner Dick Little asked Mr. Bowers that after the work on Runway 422 is completed whether it would accommodate a DC-10 or 737 aircraft under normal conditions.

Paul Bowers answered that only in an emergency situation, not in normal conditions. Mr. Bowers added that no irrigation water would be required for a buffer zone.

Chairman Transmeier closed the public hearing.

MOTION: (COMMISSIONER O'DWYER) "ON ITEM #47-80, SINGH SUBDIVISION OUTLINE DEVELOPMENT PLAN, I MOVE WE FORWARD THIS TO CITY COUNCIL WITH THE RECOMMENDATION OF DENIAL ON THE BASIS OF: INADEQUATE ACCESSES TO THE PROJECT; TRAFFIC PROBLEMS; NON-EXISTENT IRRIGATION WATER; NOISE AND AIR POLLUTION; SAFETY FACTOR DUE TO THE NEARNESS OF RUNWAY 422; THE FACT THAT IT IS NOT A GOOD USE OF THE PROPERTY, OVERALL."

Commissioner Litle seconded the motion.

Chairman Transmeier repeated the motion, called for a vote, and the motion carried 5-1. (Commissioner Rinker voting against)

Commissioner Quimby expressed her concern to Mr. Singh in that the process has not worked for him and hopes that City Council or the Airport Authority or whomever will continue to work towards providing him some compensation, and regrets that the current economic situation is not helping his cause.

The meeting was adjourned at 9:55 p.m.

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