

MINUTES

CITY COUNCIL PUBLIC HEARING

ON THE DRAFT LAND DEVELOPMENT CODE
JANUARY 19, 1989

The fifth public hearing conducted by the City Council on the draft Land Development Code was called to order at 7:00 p.m. in the Council Chambers at Brookings City Hall on the above date with the following Council members and staff in attendance.

Councilors

Fred Hummel, Mayor
Gil Batty,
Kathy Hoselton
Ralph Mory

Staff

Roy G. Rainey, City Manager
Richard A. Ullian, Planning Director
Beverly S. Shields, City Recorder

Councilor Ray Nidiffer was absent.

PUBLIC HEARING

It was decided by the Councilors at the last public hearing that a review and consensus of the members would be made on a section by section basis, and any changes proposed would be authorized by motion and a majority vote.

This was a continuation of the December 15, 1988 public hearing at which the last section to be discussed pertained to sign regulations (Section 88). A revised revision had been presented to the Council at that hearing prepared and presented by the Downtown Merchants Association representative Ken Trautman.

The following persons spoke concerning specific sections of the draft Code during the public hearing with questions, expressing opinions and/ or concerns:

1. Russell Lawrence, Brookings
2. Eldon Gossett, 98 Tanbark Road, Brookings
3. Frank Cembellin, 17530 Hwy 101, Brookings
4. Nancy Brendlinger, 925 Marina Heights, Brookings
5. Ken Trautman, First Interstate Bank, Brookings
6. Marshall Ferg, Building Official, Brookings

By consensus of Councilors, the following additions, deletions, modifications and amendments were authorized, by section, to the draft Land Development Code:

1. Amend Section 88 Sign regulations to accept the revised revision prepared and presented by the Downtown Merchants Association representative, Ken Trautman, with amendments thereto as follows:

(a) Amend Section 88.030 Exempt signs, subsection C, as follows:

"C. Temporary, non-illuminated real estate or construction signs provided that said signs are removed within 15 days from sale, lease or rental of the property, or the completion of the construction project. The following standards shall apply to signs:

1. One unlighted temporary sign not exceeding eight (8) square feet in area shall be permitted for the lease, rental, or sale of property or for the construction of a structure thereon in residential districts.

2. One unlighted temporary sign not exceeding 32 square feet in area shall be permitted for the lease, rental, or sale of property or for the construction of a structure thereon in commercial and industrial districts.

3. One unlighted temporary sign not exceeding twenty (20) square feet in area shall be permitted advertising a new subdivision on the property."

(b) Add to Section 88.030, Exempt signs the following:

"J. National, state, City and/or local flags recognized by the respective governing entity."

"K. Businesses which have more than one freestanding sign existing on the effective date of this code. Each sign must meet the size requirements as stated in the code. Signs which advertise a business no longer conducted or a product no longer sold on the premises where such sign is located shall not be exempted under this section."

(c) Amend Section 88.040 Signs expressly prohibited, Subsection E, as follows:

"E. The use of a fixed balloon for a period not to exceed 30 days. The term "fixed balloon" shall mean any lighter-than-air device attached by a rope or tether to a fixed place."

(d) Amend Section 88.060 and Section 88.070 in accordance with the recommendations of the Planning Commission as follows:

Section 88.060 Professional office (PO-1) district, amend subsection A as follows:

"A. Professional and business offices and conditional uses. Where otherwise permitted, one (1) identifying sign of not more than forty (40) square feet...etc..."

Section 88.070 Public open space (P/OS) district, amend subsection A as follows:

"A. Permitted and conditional uses. Where otherwise permitted, one (1) identifying sign of not more than forty (40) square feet in area...etc..."

(e) Add Section 88.120 Appeals & variances, as follows:

88.120 Appeals & Variances

Any applicant or any other interested person who is denied a sign permit because the proposed sign would not be in compliance with all the provisions of this code, or who has an existing sign which would be deemed a nonconforming sign under the provisions of this code, may file for a variance or appeal, pursuant to procedures set forth in sections 136, 156 and 160."

2. Amend Section 44.050 Yard, height and lot coverage requirements, Subsection C, by changing height previously amended by Councilors at the December 15, 1988 meeting from 30 feet to 40 feet back to the original maximum height of 30 feet in the Neighborhood Commercial (C-1) District, as follows:

"C. Maximum building height shall be 30 feet, except as provided in Section 132.030."

3. Amend Section 92.100 Development and maintenance standards for off-street parking areas, as follows:

"G. Marking. All spaces shall be permanently and clearly marked, and such marking shall be replaced regularly, to remain visible."

"H. Landscaping. In all zones except SR, R-1, and R-2 zones, all parking facilities shall include landscaping to cover not less than...etc..."

4. Section 96 SOLAR ACCESS: Delete in entirety.

5. Section 100.030 Slope-density standards, Subsection A, 2 and 3, by changing reference to "engineering geologist" to "registered geologist."

6. Amend Section 100.030 Slope-density standards, subsection A, 3 by the addition of the following to the end of the last sentence:

"...or and engineered foundation."

7. Section 100.050 Remedial actions, Subsection B, by changing the last sentence to read as follows:

"The Federal Housing Administration may be used for technical information."

8. Amend Section 104.040 Exclusions by deleting:

"C. Kindergartens
D. Nurseries
E. Child care centers"

and adding:

"C. Pet grooming
D. Photo studios"

9. Amend Section 108.020 Planning commission approval required, by adding the following:

"Where use is made of the dwelling group process as provided in this section, and where required in the underlying zoning district, no building or other permit shall be issued...etc."

10. Amend Section 108.050 Dwelling group standards,
subsection B, to include the following:

"B. Setbacks. The distance between any principle buildings and the property line shall be not less than the underlying zoning district setback requirements. The distance between principle buildings shall be at least one-half (1/2) the sum of the height of both buildings...etc..."

11. Amend Section 116.070 Planning commission action,
Subsection E, as follows:

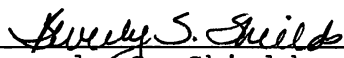
"E. The decision of the planning commission shall be final unless appealed to the city council according to the procedures set forth in section 156."

The Council concluded the public hearing at 11:00 p.m. and scheduled a continuation of the hearing for January 31, 1989 at 7:00 p.m. in the Council Chambers of Brookings City Hall, 898 Elk Drive. At that hearing the Council will commence consideration of public testimony beginning with Section 124, Provisions applying to special uses.



Fred Hummel
Mayor

ATTEST



Beverly S. Shields
City Recorder/Treasurer