

MINUTES
REGULAR PLANNING COMMISSION MEETING
CITY OF BROOKINGS
March 18, 1982

I. CALL TO ORDER

The meeting was called to order at 7:30 p.m. by Chairman Earl Breuer.

II. ROLL CALL

Commission members present: Chairman Earl Breuer; Commissioners Ralph DeJarnett, Richard Swigert, Blain Gribble, Mary Jane Brimm and Jean Hagen.

Staff present: City Manager Lynn Stuart, Building Official Marshall Ferg and Secretary Praecilla Pruitt.

III. WELCOME TO VISITORS

Chairman Breuer welcomed an audience of about 22 visitors.

IV. APPROVAL OF MINUTES

MOTION by Commissioner Hagen, seconded by Commissioner Brimm that the minutes of the January 19, 1982 meeting be approved. Motion carried unanimously. (There was no February meeting due to the lack of a quorum)

V. APPOINTMENTS

1. Planning Commission Appointment - Ad hoc committee report

Commissioner Brimm reported that the names selected by the ad hoc committee to be recommended to the Council for the Planning Commissioner vacancy were: 1. Joan Heavey; 2. Michael Delvin; and 3. John Wheeler.

MOTION by Commissioner Hagen, seconded by Commissioner Swigert to accept the names as submitted by the ad hoc committee to be submitted to the City Council for their action. Motion carried unanimously.

2. Term expiration of Commissioner Gribble - 4/21/82

Chairman Breuer stated it would be necessary to advertise the Planning Commission vacancy. Commissioner Gribble indicated he did not wish to serve on the Commission since he would be out of the area much of the time. Chairman Breuer selected an ad hoc committee consisting of Richard Swigert, Blain Gribble and Jean Hagen to meet with Staff and select names for submittal at the next Planning Commission meeting.

VI. PUBLIC HEARINGS

1. Conditional use permit No. CU-82-2 by A.R. Chip Stebbins for home occupation.

Marshall Ferg informed the Commission that this was a request to conduct a home occupation for the sales and service of television satellite systems. One satellite dish would be installed for demonstration and home use. The property was located on Fir Street, Tax Lot 4400, Map 41-13-5BC in a Residential Medium Density (RMD) zone. There was to be no structural alterations. Mr. Ferg stated that there were two violations of the zoning ordinance. Mr. Stebbins and one employee would be engaged in the business. This would violate Section 7.020 (5) (e) of Zoning Ordinance No. 216 which states that no more than a maximum of two members of the immediate family can be engaged in the business. Also the demonstration unit would be displayed on the premise and would violate Section 7.020 (5) (f) of the Zoning Ordinance. He also indicated that five residents of the area had made favorable comments and one was opposed to the conditional use request.

Chairman Breuer expressed concern about displaying and using the satellite as it could pose a problem with the franchise of the local Cable TV. The City Manager stated that at the time the franchise was granted all existing facilities were agreed upon by the City Council and were incorporated into the franchise, and it would be necessary to obtain the City Attorney's opinion.

Chairman Breuer asked for the proponent to speak. Mr. Chip Stebbins stated that the satellite system would not interfere with other television, and he primarily desired to serve those areas outside the City of Brookings. He stated his franchise dealership covered an area between Coos Bay and Eureka, and to Grants Pass. He had contacted the Episcopal Church school and they were not opposed to the request.

Chairman Breuer requested further input from the proponents and there was none.

Chairman Breuer then requested comments from the opponents. Mr. Donn Newberry of 420 Fir Street stated he was not against the request, but there were many children in the neighborhood and if this request was granted then other permits could be granted in the area.

Ms. Joanne Hubler of 421 Fir Street questioned how this request would affect the taxes. The City Manager stated that the only way it could affect the tax base was if it was a zoning amendment which would change the zoning itself. There then would be a re-evaluation of the tax base in the neighborhood.

Chairman Breuer requested further input from the Commission. Commissioner Swigert questioned if Mr. Stebbins was to hire an employee and about the violations of the zoning ordinance. Mr. Stebbins stated that his wife worked and it would be necessary to hire an employee. He also stated that he was asking permission to park the satellite system, and if it was placed in his back yard permanently and someone desired to purchase a system he would still be in violation.

MOTION by Commissioner Swigert, seconded by Commissioner Gribble to deny the conditional use request No. CU-82-2 for A.R. Chip Stebbins on Tax Lot 4400, Map 41-13-5BC. Motion carried unanimously.

2. Conditional use permit No. CU-82-3 by Pelican Bay Arts Association for an art gallery.

Marshall Ferg stated that this property was located on 509 Pine Street within a Residential High Density Zone and bordered a P/OS zone. The property had been donated to the Pelican Bay Arts Association for use as an educational center. The Parks & Recreation Commission had granted approval for parking improvements in a 20' x 200' area along the alley between Pine and Redwood Streets.

Commissioner DeJarnett questioned if the parking area would be completed before they began use of the building, and who would pay for it. The City Manager stated that the City Parks Department would be improving the area, and volunteer labor used from the Pelican Bay Arts Association. The parking project was to be completed as soon as weather permitted.

Chairman Breuer requested input from the proponent. Carmen Dillard stated that the property had been donated by Virginia Manley to be used as an educational center for lectures, classes and meetings.

Chairman Breuer then requested further input from the proponents and there was none. He then requested input from the opponents and there was none.

Commissioner Swigert stated that the 15' alley would require a one way alley for parking. The City Manager stated the Staff recommendation would be for diagonal parking and one way traffic west bound, and recommended that the Commission approve the conditional use with the stipulation that parking improvements be completed before the building was utilized.

MOTION by Commissioner Brimm, seconded by Commissioner DeJarnett to approve the conditional use request No. CU-82-3 on Tax Lot 501, Map 41-13-5CB for the Pelican Bay Arts Association, with the stipulation that the parking be completed before the conditional use went into effect. Motion carried unanimously.

3. Variance application No. V-81-1 by Keith and Harrie Whipple for front yard setback.

Marshall Ferg reported that the property was located on Beach Avenue on Tax Lot 405, Map 41-13-1AA, or Lot 5 of the Beachview Subdivision which was in a Residential Low Density zone. The Comprehensive Plan stated that the structure must be located no closer than 15' from the shorelands boundary and considerably restricted the lot size. Mr. Whipple's request was to move the house forward maintaining 15' from the bluff line which would require a variance of 19' on the front property. Mr. Ferg also stated that there were four other lots, No. 1 through 4, which had the same problem and future development would require conditional uses. The Staff requested that the Planning Commission consider a Commission initiative addressing all five lots at the same time.

Chairman Breuer requested input from the proponents. Mr. Keith Whipple stated that he was in favor of the request and it had been explained thoroughly.

Carl Johnson of Seashore Real Estate stated that he was in favor of the blanket variances.

Mr. Don Hurd requested that the lots being granted variances be pointed out on the map. Mr. Ferg pointed out Lots 1, 2, 3, 4 and 5 along the bluff line. Mr. Hurd questioned if a variance would be given on Tax Lot 406. The City Manager stated that they were requesting variances on the oceanside, and Tax Lot 406 was on the opposite side of the roadway, and was not impacted by the shorelands boundary setback. The City Manager clarified that the lots on which variances were being requested were Tax Lots 401, 402, 403, 404 and 405.

Chairman Breuer felt that two motions would need to be made, and since the additional variances were not listed on the Agenda he requested the City Staff to place them on the next Planning Commission Agenda for review.

MOTION by Commissioner DeJarnett, seconded by Commissioner Swigert to grant the variance request No. V-81-1 by Keith and Harrie Whipple on Tax Lot 405, Map 41-14-1AA. Motion carried unanimously.

VII. LEGISLATIVE ACTION

1. Minor partition for Gomer H. and Shirley Rettke on Tax Lot 2400, Map 40-13-31DD.
The City Manager reported that this minor partition request was located North of Pioneer Lane in a Residential Low Density zone. The parcel of land was a total of 310 feet in length and had an existing home and garage. A request for a 20' driveway to the back of the parcel of land would leave sufficient area to meet the zoning requirements. Parcel No. 2 that remained was adequate to meet the zoning requirements, and it was Staff recommendation to grant the request.

Chairman Breuer requested comments from the Commission. Commissioner Gribble asked if the 20' driveway met the ordinance requirements, and the City Manager stated that it did.

MOTION by Commissioner Hagen, seconded by Commissioner Brimm to grant the minor partition request for Gomer H. and Shirley Rettke on Tax Lot 2400, Map 40-13-31DD. Motion carried unanimously.

2. Smuggler's Cove plat review.

The City Manager stated that this was a request from the Smuggler's Cove condominium development to construct two 2 car garages on their existing project

presently under construction, and the area being covered was identified as parking spaces on the original site plan. Under the minor partition process, the site plan on the structures was approved by the Planning Commission, recommended to the Council and then approved by the Council. The developers were requesting building permits to construct the garages, and since the Council had approved the site plan with specific structures, the Staff felt no structures could be added without reviewing the site plan. On March 9, 1982, the Council reviewed the request, and their recommendation was that the Planning Commission review the site plan. At the meeting the City Attorney had indicated that since the structures were enclosed that it would require a site plan amendment.

Mr. Bud Jones stated that the Fire Marshall had reviewed the project and the developers were in agreement with his recommendations. The City Manager asked Mr. Jones if it was discussed with the Fire Marshall about the problems of bringing fire equipment between the buildings, and Mr. Jones stated that it had been discussed. Marshall Ferg stated that the Fire Marshall had requested that because of the proximity of the other buildings the garages would need to be constructed as one hour fire retardent with Class A roofs on them. The garages were to be rearranged in such a manner to allow 7' to 8' between the buildings. Mr. Jones stated that the owners had agreed to comply with all the recommendations of the Fire Marshall and also to provide one hour fire walls on the outside of the buildings.

MOTION by Commissioner DeJarnett, seconded by Commissioner Hagen to approve the site plan amendment request for Smuggler's Cove for the purpose of building two 2 car garages.

Commissioner Brimm suggested that the motion be amended to include the Building Official and Fire Marshall's recommendations, and the motion was amended as follows:

MOTION by Commissioner DeJarnett, seconded by Commissioner Hagen to approve the Smuggler's Cove site plan amendment request, subject to the approval of the City Staff recommendations and the State Fire Marshall's stipulations. Motion carried unanimously.

VIII. OTHER ACTION

1. Waterway Permit application to U.S. Army Corps of Engineers

Marshall Ferg reported that he had received a public notice application from the Army Corps of Engineers for a permit for the Sporthaven, Inc. to construct a sheet pile bulkhead in order to place 1,000 cubic yards of fill material along 100 lineal feet of bankline. The proposal was situated in the sport basin. The City Engineer had stated there would be no problem with the request.

MOTION by Commissioner Swigert, seconded by Commissioner Brimm to grant approval of the application request of the U.S. Army Corps of Engineers as presented. Motion carried unanimously.

2. Building Permits for January and February, 1982.

The Building Official reported that in January there was 10 permits issued totalling \$59,000, and in February there was 7 permits issued totalling \$59,182.96.

IX. COMMENTS

The City Manager stated that he would be meeting with the Curry County Commissioners to discuss their possible participation in the improvement on Easy Street.

X. ADJOURNMENT

The meeting was adjourned at 9:01 p.m.

ATTEST:


Secretary


Chairman Earl Breuer