

MINUTES
REGULAR PLANNING COMMISSION MEETING
CITY OF BROOKINGS
February 15, 1983

I. CALL TO ORDER

The meeting was called to Order at 7:30 p.m. by Vice Chairperson Brimm.

II. ROLL CALL

Commission Members Present: Vice Chairperson Mary Jane Brimm, Commissioners Ralph DeJarnett, Leo Appel, II, Jean Hagen and Joan Heavey.

Commission Members Absent: Earl Breuer and Richard Swigert.

Staff Members Present: Yvette Downs, Secretary and Steve Major, City Engineer.

Media Present: None

III. WELCOME TO VISITORS

Vice Chairperson Brimm welcomed the members of the audience.

IV. APPROVAL OF MINUTES

A MOTION was made by Commissioner Hagen to approve the January 18, 1983 Regular Planning Commission Meeting Minutes. The MOTION, seconded by Commissioner Appel II, carried unanimously.

V. APPOINTMENTS

None

VI. ANNOUNCEMENTS

1. Planning Commission Vacancies

Vice Chairperson Brimm reported that the terms of two planning commission positions will expire April 21, 1983. Vice Chairperson Brimm appointed an Ad Hoc Committee to review applications for the positions with Staff. Members of the Committee are Commissioners Ralph DeJarnett, Jean Hagen and Leo Appel II.

2. Acknowledgment - Comprehensive Plan

Vice Chairperson Brimm announced that the City's Comprehensive Plan was acknowledged as it relates to statewide planning Goals 1-14.

VII. PUBLIC HEARING

1. CU-83-1, LMS Investment Company

Vice Chairperson Brimm highlighted the nature of conduct for public hearings and announced the hearing for a conditional use permit, for a home occupation on T.L. 2302, Map 41-13-6CB, located at 1239 Hub Street, (CU-83-1). City Engineer, Steve Major read the staff report and preliminary findings on said application filed by the landowners, Leo Spiering

and Mary Spiering. The Spierings were asking authorization to conduct a real estate office, d/b/a LMS Investments, Inc., from their home which is located in a Residential Low-Density Zone district. Mr. Major reported that four letters about the request were received by the City. These letters were read into the record and made a part hereof. One of the letters was signed by twenty residents of Hub and Iris Streets. Commissioner Heavey questioned the number of letters that were sent out to surrounding landowners and was advised that 40 were sent.

Vice Chairperson Brimm asked the proponents to speak. Leo Spiering, 1239 Hub, stated that he understood the reported concern, adding that the people are not familiar with his operations. Mr. Spiering said he needs a sign hanging on his place of business in order to keep his broker's license active. Because of health reasons, he sold his business downtown. Mr. Spiering presented a copy of his advertisement in a local newspaper, pointing out that he uses his post office box number and not his residence address for this purpose. Mr. Spiering added that he has been using his residence as an office for two months and there have been no increase in traffic. Mr. Spiering said that he would not encourage people to come to his residence, adding that his business is limited to people he knows who ask him to sell their properties. Mr. Spiering reported that he is using a small part of residence for an office and telephone and has used a small sign that probably no one has seen. Mr. Spiering said his business is no different than an Avon salesperson or the 40 some real estate sales people who use their home phone number.

Vice Chairperson Brimm asked any proponents of the request if they would like to speak. There being none, commissioner Appel questioned Mr. Spiering if there was a difference between a "family" real estate office and a real estate office. Mr. Spiering responded that he would be the only one working and if he did expand, he would move downtown. Commissioner Appel questioned the location of the sign and Mr. Spiering explained its location near the door, adding that it could not be seen from the street.

Vice Chairperson Brimm asked for input from the opponents. Hera MacLeod, 1247 Hub Street reported that parking and traffic on Hub Street was a real problem, adding that the condition is worse on weekends and holidays when shoppers for real estate would be out. Mrs. MacLeod stated her belief that the Spierings should have made this request prior to moving into their home. She explained a drainage situation that could cause additional parking problems. Mrs. MacLeod expressed her belief that this would be spot zoning and that the biggest threat would be to the children in the area. Also, property values would decrease.

Mr. Ed Blachley, 1216 Iris, asked about the size of the sign and was advised that it was a 12" x 18", non-lit sign.

Mrs. Vera Igo, 1218 Iris, asked if there were alternatives to this "spot" zoning in a residential area.

Bill Cunningham, Mill Beach Road, asked why Mr. Spiering was advertising as an investment company, why he could not use a post office box and why he did not contact city hall regarding a business license. Mr. Cunningham added that the 40 other real estate people who use their home phone number have an office downtown. He expressed his opposition to "spot" zoning and other problems in the zoning ordinance, adding that residential areas should be protected from encroachment.

Mr. Spiering rebutted some of the earlier comments. Mr. Spiering said that his boat had been removed so that parking space would be available. He also responded that LMS Investment Inc. has been a corporation for a couple of years. He had a conditional use permit for this in Harbor with few problems, adding that other residents on Hub have more cars than they do. Commissioner Appel questioned the requirements of the Real Estate Board and Mr. Spiering said that his license has to be hanging in an office and he needs a place for his records. Mr. Cunningham expressed his thoughts regarding the difference between this situation and Mr. Spiering's operation in Harbor. Commissioner Heavey asked if any of the people who wrote in opposition to the application were relieved from their concern after hearing the testimony. Mrs. Igo responded, with explanation, that her concerns had not been changed. There followed a discussion about the term of a conditional use permit and right to appeal the Planning Commission's decision. Mr. Cunningham expressed his dissatisfaction with the City's enforcement of ordinances. Mr. Spiering reiterated his belief that his situation is no different than Avon salespeople and the various types of contractors who work from their residence. Mr. Igo emphasized the number of people who wrote and appeared in opposition to the request. When question if traffic had increased, a member of the audience responded that traffic would be heavier in the spring and summer months. Concern was expressed that if this application was approved, others would follow. Jean Cunningham emphasized that the majority of the people in the neighborhood are in opposition to the request. Steve Buckley, reiterated some of the concerns expressed earlier adding, however, that he recognized the applicant's property rights. Further discussion followed regarding the time limit of a permit. Staff advised that the Planning Commission has the authority to stipulate a time period. If a time limit is not specified, however, the permit stays in effect until the use changes or the permit is revoked by the Planning Commission. Several members of the audience speaking in opposition, asked how many people would it take for the Planning Commission to deny or revoke the permit. There being no further comments, Vice Chairperson Brimm closed the hearing.

A MOTION was made by Commissioner DeJarnett to deny application CU-83-1 because of the large number of people being in opposition to the request. The motion, seconded by Commissioner Heavey, carried unanimously.

VIII. LEGISLATIVE ACTION

1. Minor Partition - T.L. 3400, Map 40-13-31 DD, The Staff Report on this partition request was read by the City Engineer. The application was cited by the landowner, David Batty. Mr. Batty was asking for a 3-parcel partition of a lot, located at the corner of Seventh and Hassett, which consists of approximately 1.5 acres. The subject property is located in a Residential Low-Density District. Following a brief discussion, a MOTION was made by Commissioner Heavey to approve the partition as presented. The Motion, seconded by Commissioner Hagen, carried unanimously.

IX. OTHER ACTION

1. Proposed Zoning Ordinance Amendment

The City Engineer presented the proposed amendment to the City's zoning ordinance- Commercial Tourist Zone. The amendment, if adopted, would authorize a dwelling for security purposes as presently allowed in a Commercial General Zone. Following a brief discussion, a MOTION was made by Commissioner Heavey to recommend to the City Council that the following

use be added to the Commercial Tourist Zone, Section 4. 110 of Ordinance No. 216, as amended.

"(1) (c) A single dwelling for security purposes, provided the dwelling area accounts for no more than 50% of the existing floor area."

The motion, seconded by Commissioner Appel, carried unanimously.

2. January 1983 Building Report with 5 Year Comparison

The City Engineer summarized the January 1983 Building Report.

X. COMMENTS

A brief discussion was held in response to David Batty's inquiry regarding future division of his lots.

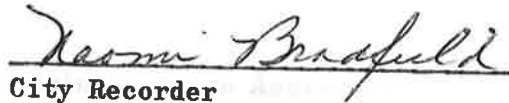
Bill Cunningham asked if the City or State would afford protection to potential buyers of the lots in Zwagg Rock Subdivision where the land is sluffing. City Engineer responded that the buying and selling of property is a civil matter until a building permit is applied for or people come to City Hall with questions about properties. There was also a discussion regarding the status of Sandy Lane and an earlier request for street lights.

XI. ADJOURNMENT

Vice Chairperson Brimm adjourned the meeting.


Vice Chairperson Mary Jane Brimm

ATTEST:


City Recorder