

MINUTES
REGULAR PLANNING COMMISSION MEETING
CITY OF BROOKINGS
SEPTEMBER 4, 1984
7:30 p.m.

I. CALL TO ORDER

Chairman Brimm called the meeting to order at 7:30 p.m.

II. ROLL CALL

Commission Members Present: Chairman Mary Jane Brimm, Vice Chairman Earl Breuer, Commissioners Leo Appel II, Joan Heavey, Jean Hagen, Mel Pyne and Lonny Draheim.

Staff Present: City Manager Lynn Stuart, City Recorder Naomi Bradfield, Planning Director Chuck Rhodaback, and Engineering Technician Leo Lightle.

III. OATH OF OFFICE -- PLANNING COMMISSION MEMBER

Chairman Brimm conducted a swearing in ceremony for new Commissioner Mel Pyne, whose term will expire April 12, 1987.

IV. APPROVAL OF MINUTES

There was a MOTION made by Commissioner Breuer, seconded by Commissioner Hagen to approve the August 7, 1984 Regular Planning Commission Meeting minutes; MOTION carried unanimously.

V. ANNOUNCEMENTS OF PUBLIC HEARINGS AND PROCEDURES

Chairman Brimm, for the record, read the public hearing procedures for the benefit of the individuals attending the public hearing meeting.

VI. PUBLIC HEARING - VARIANCE

VAR-3-84 RANDAL LORING

Tax Lot 3100, Assessor's Parcel Map 41-13-5CD; property located at the Northwest corner of Del Norte Lane and Maple Street; request variance in a Residential Low Density Zone (R-LD) to allow required street side yard setback to be reduced from 15 feet to 5 feet for construction of a double garage.

Chairman Brimm declared the public hearing open and asked for the staff report. Mr. Rhodaback briefly explained the variance request and indicated that it was important that the Commission be aware of the

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circumstances that prompted the variance application. Mr. Rhodaback explained that Mr. Loring, the applicant, applied for a building permit on July 3, 1984, to construct a double garage. The building plot plan indicated that the street side yard setback would be 20 feet, which was 5 feet more than the 15 feet required by City Ordinance. On July 16, 1984, the building inspector checked the footings and at that time granted approval for pouring, but failed to check the setback for accuracy. On August 3, 1984, the building inspector checked the building progress and noticed that the structure appeared to be too close to the street side property line. Based upon a possible discrepancy, the building inspector posted a stop work order and after an actual measurement, the setback was found to be only 5 feet. The Planning and Building departments held a meeting with the property owner to discuss possible solutions to the problem and the owner decided to apply for a setback variance. In addition to the circumstances that led to the variance request, Mr. Rhodaback also reviewed the variance criteria as established by Article 8, Section 8.020 of the City zoning ordinance. The staff, based on the criteria, preliminary findings and the fact that the City was partially responsible for the variance need, recommended to the Planning Commission that the request be approved.

Chairman Brimm asked for public testimony. Prior to public testimony being given, Commissioner Heavey expressed some concern about vision clearance, relocation of a utility pole and need for street widening, if higher density development was allowed in the neighborhood. Mr. Rhodaback indicated that there was ample distance from the proposed garage to the intersection at Del Norte Lane, so vision clearance should not be a major problem. Mr. Rhodaback also stated that the neighborhood was zoned for single family residential density and that the need for widening Maple Street was not a major factor unless the City decided to rezone the area for higher density development. Mr. Stuart explained to the Commission that by prior action, the City decided not to increase the density, and that based on the existing zoning and the location of the proposed garage, there would not be a problem with vision clearance, traffic, or need to widen Maple Street. Mr. Stuart also stated that Alder Street has been designated as the collector street for the area.

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Mr. Randal Loring, applicant, 302 Maple Street, indicated to the Commission that the only additional comment he wished to make was that the utility pole was to be moved toward Del Norte Lane, which would help alleviate the vision clearance problem. Commissioner Heavey asked Mr. Loring if anyone from the City had looked at the location of the proposed garage and how the discrepancy occurred with the setback. Mr. Loring stated that the inspector did check the property and Mr. Loring felt that the error occurred when the plan was drawn and the setback was measured from the edge of the pavement and not from the right-of-way line.

Mr. Mark Haley, 316 Maple Street, spoke in favor of the variance request and stated that he didn't feel that the vision clearance issue was a major problem.

Mr. Jim Keller, 308 Maple Street, spoke against the variance request and stated that he felt the property owner had ample land area to build a garage without the need for a setback variance.

There being no further testimony, Chairman Brimm closed the public hearing. Vice Chairman Breuer made a MOTION to deny the request. Commissioner Heavey seconded the MOTION; MOTION was rejected 4-3 with Chairman Brimm, Commissioners Pyne, Appel and Draheim voting against; and Vice Chairman Breuer, Commissioners Heavey and Hagen voting in favor. Due to the MOTION for denial and vote by the Commission, no action was taken. Commissioner Appel made a new MOTION to approve the request. Commissioner Draheim seconded the MOTION; MOTION carried by a 4-3 vote with Chairman Brimm, Commissioners Pyne, Appel and Draheim voting in favor; and Vice Chairman Breuer, Commissioners Heavey and Hagen voting against.

VII. PLANNED DEVELOPMENT (PD) - PRELIMINARY PLAN REVIEW

PD-1-84 STEIN ENTERPRISES, INC. (CARL STEIN)

Location of Property:	549 Fern Avenue
Zoning Classification:	Residential High Density (R-HD)
Development Density:	14 dwelling units (townhouses)
Total Land Area:	33,500 square feet (0.77 acre)
Architect:	Robert F. Fisher, A.I.A. Grants Pass, Oregon

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Chairman Brimm asked Mr. Rhodaback, Planning Director, to give a staff report. Mr. Rhodaback briefly explained the request that included physical characteristics of the property, current zoning, development proposal that involves 14 dwelling units to be built in two phases; and, future plans to divide the property into townhouse units, with individual ownership and maintenance of common open areas. Based on the preliminary review of the development plans, the staff recommended that preliminary approval not be granted until the Planning Commission has had sufficient time to review all ordinance requirements and 18 conditions as presented to the Commission by staff.

Vice Chairman Breuer asked the staff if a variance would be required to reduce the PD minimum land area from 2 acres to the proposed .77 acre. Mr. Rhodaback stated that his interpretation of the PD provisions would allow for the adjustment of land area within the framework of the PD concept, which wouldn't require a variance request. Vice Chairman Breuer explained that there had been previous discussions about the PD minimum land area and that the Commission had a difficult time reducing the requirement to 2 acres. City Manager Lynn Stuart suggested that the Planning Commission go ahead with a public hearing, which would resolve the issues of land area and development requirements. Chairman Brimm asked the applicant if he would like to explain the proposed PD.

Mr. Carl Stein, applicant, 888 Greenfield Road, Grants Pass, Oregon, stated that he wished to develop the property as a PD because he would have more control, lower density and a more pleasant living environment. The proposed PD would also include common open areas for common use and future townhouse ownership.

Commissioner Appel asked Mr. Stein if he could adjust the parking requirement from a 1 to 1 ratio to a 1.5 to 1 off-street parking ratio. Mr. Stein didn't feel that the parking requirement was a problem. However, he would have to check with his architect.

Commissioner Heavey was concerned with the fir trees on the property and the protection of those trees as part of the project. Mr. Stein indicated that the mature fir trees would be protected.

Mr. Carl Stein also addressed the issues of property boundary screening or landscaping; the need for an additional fire hydrant on Fern Street; non-development of the common open space on the Macklyn Creek portion of the property; and, the proposed exterior materials to be used on the buildings.

Commissioner Heavey made a MOTION to table the request until the next Planning Commission meeting. The MOTION was not seconded. Vice Chairman Breuer stated that if Commissioner Heavey would withdraw her MOTION that he would make a MOTION to set a public hearing for the next regular meeting. Commissioner Heavey agreed to withdraw her MOTION. Vice Chairman Breuer's MOTION included the requirements that Mr. Stein submit an artist rendering, compliance with all zoning ordinance PD provisions and staff conditions, prior to the public hearing. Commissioner Appel seconded the MOTION; MOTION carried unanimously.

VIII. OTHER SCHEDULED COMMISSION ACTION

- A. U.S. Corps of Engineers Public Notice of Application for Permit Requested by Eagle Cap Rentals (Chetco River Bank Protection Rip-Rap Project)

Chairman Brimm asked Mr. Rhodaback to give a staff report. Mr. Rhodaback explained that the application has been submitted for the purposes of receiving permission to place approximately 890 cubic yards of rock rip-rap along approximately 800 linear feet of bankline on the South Bank of the Chetco River. The City of Brookings is involved in the review process and is required to submit a report to the Division of State Lands. Mr. Rhodaback recommended that the Commission direct the staff to submit appropriate comments pertaining to the monitoring of the required Curry County conditional use permit process, as it relates to the Chetco River Estuary Resource Zone.

Vice Chairman Breuer made a MOTION directing the staff to submit the comment application to the Division of State Lands with the stipulation that the City will monitor the conditional use permit application process. Commissioner Draheim seconded the MOTION; MOTION carried unanimously.

B. Adoption of Land Use Decision Findings of Fact Documents

1. CU-3-84 First Church of Christ, Scientist
2. VAR-1-84 William Davies
3. VAR-2-84 First Church of Christ, Scientist

Commissioner Hagen made a MOTION to adopt the findings of fact documents for CU-3-84, VAR-1-84 and VAR-2-84. Vice Chairman Breuer seconded the MOTION; MOTION carried unanimously.

IX. ADJOURNMENT

There being no further business, Chairman Brimm adjourned the meeting at 8:50 p.m.



Chairman Mary Jane Brimm

ATTEST:



Naomi Bradfield, City Recorder