

MINUTES
REGULAR PLANNING COMMISSION MEETING
CITY OF BROOKINGS
NOVEMBER 7, 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, Jean Hagen, Lonny Draheim and Joan Heavey.

Staff Present: City Manager Lynn Stuart, Planning Director Chuck Rhodaback, Engineering Technician Leo Lightle, and Executive Secretary Donna Van Nest.

III. APPROVAL OF MINUTES

There was a MOTION made by Vice Chairman Breuer, seconded by Commissioner Draheim, to approve the October 2 cancelled and October 16, 1984 rescheduled Regular Planning Commission meeting minutes; MOTION carried unanimously.

IV. 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.

V. PUBLIC HEARING — CONDITONAL USE PERMIT

CU-6-84 Alexander Sever

Tax Lot 501, Assessor's Parcel Map No. 41-13-6BB; property located at 821 Paradise Lane; request conditional use permit in a Residential Low Density (R-LD) zone to allow a proposed television repair home occupation in an existing home.

Chairman Brimm declared the public hearing open and asked for the staff report. Mr. Rhodaback briefly explained the request for the proposed television repair — home occupation, characteristics of the existing residential neighborhood and dwelling, adjoining zoning and current development patterns in the neighborhood. Mr. Rhodaback, for the record, read four (4) letters submitted as testimony by adjoining property owners in opposition to the request; and one (1) letter in support of the proposed use. Mr. Rhodaback also outlined criteria

and preliminary findings to be considered by the Planning Commission in the decision making process. The staff, based on criteria and preliminary findings, recommended to the Planning Commission that the request be denied.

Chairman Brimm asked for public testimony. Mr. Gil Batty, 811 Paradise Lane, spoke in opposition to the conditional use permit request, stating that the proposed home occupation - television repair service would have an adverse impact on the residential character of the neighborhood. Mr. Batty also stated that the commercial use was more suited to the downtown area and the commercial environment of the community.

Mr. Alexander Sever, applicant, 821 Paradise Lane, indicated to the Planning Commission that he proposed to create a service - repair dealership arrangement with local retail stores in the community and that he wanted to establish the business in his home. Mr. Sever also stated that the proposed service would not create problems for the residential neighborhood from the standpoint of noise, traffic or advertising. Mr. Sever felt that the amount of business he would have wouldn't warrant renting or leasing commercial space in the downtown area.

Commissioner Appel asked Mr. Sever if there would be a parking problem on Paradise Lane and Mr. Sever said that there would not be a problem because the proposed business will not be open to the general public, only repair service for retail businesses in the community.

There being no further testimony, Chairman Brimm closed the public hearing. Vice Chairman Breuer made a MOTION to deny the request. Commissioner Draheim seconded the MOTION; MOTION carried unanimously.

VI. MAJOR SUBDIVISION - PRELIMINARY APPROVAL

M1-2-84 Harris Beach (P.U.D.) Phase I

Owner: - Larry Anderson
Legal Description - a portion of Tax Lot 101,
Phase I, Assessor's Parcel Map No. 40-14-36;
Number of living unit lots - 52;
Land Use Classification - Residential Low Density
(R-LD) P.U.D.;

Comprehensive Land Use Designation — Residential;
Location — Highway 101 & East Harris Heights Road;
Registered Land Surveyor — Donald Cormack;
Registered Professional Engineer — Cunningham & Assoc.

Chairman Brimm asked Mr. Rhodaback, Planning Director, to give a staff report. Mr. Rhodaback briefly explained the Major Subdivision Preliminary Plat Approval request and outlined the land use decision criteria that needed to be addressed by the Planning Commission. Mr. Rhodaback stated that the Residential Low Density P.U.D. involved three (3) phases for development; however the developer was only requesting preliminary approval for Phase I (52 living units). Mr. Rhodaback further explained to the Planning Commission that the developer was also requesting an "Agreement for Improvements", under the provisions of the City subdivision ordinance. Based on preliminary review of the development plans, the staff recommended preliminary approval be granted, based on the following conditions:

- (1) The developer shall prepare and submit a legal agreement for improvements document between the developer and the City of Brookings, in accordance with all of the applicable City requirements and subdivision ordinance provisions to be reviewed by City staff and City legal counsel prior to acceptance; and,
- (2) The developer shall file with the agreement for improvements document, one of the following, to assure full and faithful performance:
 - (a) an irrevocable letter of credit;
 - (b) surety bond; or
 - (c) cash,prior to final plat approval.

The Planning Commission also authorized the Chairman to sign the final plat at such time as the developer has fully completed and complied with stated conditions for preliminary plat approval. Following the staff report, there was some discussion between Commission members and staff pertaining to the subdivision ordinance provisions and what work has or has not been completed at Harris Beach Properties project.

Vice Chairman Breuer asked Mr. Larry Anderson, developer, if the conditions, as recommended by staff, were acceptable, and he said yes. Mr. Anderson briefly discussed the need for Planning Commission preliminary approval prior to any commitment on his part for posting a bond or securing a letter of credit for any type of improvements agreement. Mr. Anderson indicated that due to weather conditions and other construction problems, the project was behind on the completion schedule. Mr. Anderson explained to the Planning Commission that there has been some interest, by a potential buyer, in his dwelling units, however, the State does not allow any sales commitment until a major subdivision plat has been approved and filed with the State. Therefore, due to the sales interest, Mr. Anderson stated that he would be willing to guarantee improvements, if subdivision plat approval can be obtained. Additional discussion occurred between Commission members, City staff and Mr. Anderson, with reference to review of total construction cost and the need for rapid completion of the improvements agreement.

Commissioner Heavey made a MOTION to grant preliminary major subdivision plat approval for Phase I, subject to all of the conditions as recommended by staff. Vice Chairman Breuer seconded the MOTION; MOTION carried unanimously.

VII. MINOR PARTITIONS

A. M3-3-84 Bernice Abbott

Legal Description — Assessor's Parcel Map 40-13-31DD;
Tax Lot — 2001;
Number of Parcels — three (3);
Land Use Classification — Residential Low Density (R-LD);
Comprehensive Plan Designation — Residential;
Location — Intersection of Meadow Lane and 7th Street;
Surveyor — B & D Surveys, Ltd.

Chairman Brimm asked Mr. Rhodaback, Planning Director, to give a staff report. Mr. Rhodaback explained the proposed minor partition and the location of three (3) residential lots. The staff report addressed the criteria and factual information pertaining to the request and surrounding residential neighborhood. The staff, based on preliminary findings, recommended to the Planning Commission that the request be denied.

The applicant, Bernice Abbott, P.O. Box 1575, Brookings, stated that she did not understand why the staff recommended denial of the minor partition and requested clarification. Chairman Brimm asked Mr. Rhodaback to explain the reasons for the denial recommendation. Mr. Rhodaback reviewed the subdivision criteria as it related to division of land, creation of street and extension of utility systems. Mr. Rhodaback pointed out that the proposed minor partition, with easement access, did not address the principals of community planning and established criteria, therefore the recommendation for denial.

The applicant, Bernice Abbott, stated that the adjoining property owners were not interested in joining with the applicant in subdividing their land.

Mr. Lynn Stuart, City Manager, stated that an additional problem was the extension of water to the lots, in accordance with City policy, which also needed to be addressed.

Additional discussion followed between Commission members as to the future need for dedication of right-of-way and improvements.

The applicant, Bernice Abbott, stated that due to the location of her property to the cemetery, that the land values have decreased and that it is becoming more difficult to sell her property.

Commissioner Heavey made a MOTION, seconded by Vice Chairman Breuer, to deny the minor partition; MOTION carried unanimously.

- B. M3-4-84 Brookings-Harbor Professional Center (Partnership)
Legal Description: - Assessor's Parcel Map 41-13-6AC;
Tax Lot 703;
Number of Parcels - two (2)
Land Use Classification - Commercial General (C-G);
Comprehensive Plan Designation - Commercial
Location - 565 Fifth Street
Surveyor - B & D Surveys, Ltd.

Chairman Brimm asked for the staff report. Mr. Rhodaback explained the proposed minor partition and the creating of two (2) commercial lots. After reviewing the preliminary findings, the staff recommended to the Planning Commission that the minor partition be approved, subject to two conditions:

- (1) The property owner shall be required to complete street improvements (curb, gutter, sidewalk and paving) for the Northerly one-half of Fifth Street in accordance with Council policy, City standards and acceptable engineering practices. The street improvements will include the entire frontage for Parcel 2; and,
- (2) The property owners shall complete necessary on-site storm drainage improvements to collect and divert water runoff to the drainage ditch on Fifth Street in accordance with City standards, requirements and acceptable engineering practices.

Vice Chairman Breuer asked the staff if the property immediately to the West would be landlocked and staff indicated that the property had an existing access easement from U.S. Highway 101 and a stub street access from the North, plus potential future access to Fifth Street.

Mr. Barry Scruggs, (partner), 414 Arnold Lane, stated that the conditions for approval were new to him and he requested further information.

Mr. Rhodaback explained the City Council policy that addresses the need for street improvements in Multiple Family Residential, Commercial and Industrial developments. Mr. Rhodaback also stated the serious need for on-site storm drainage improvements in conjunction with land development.

Mr. Stuart discussed City Council policy with the Planning Commission and Mr. Scruggs, in relationship to the need for street and on-site storm drainage improvements. Mr. Scruggs indicated that he could handle the improvements as requested by staff. Mr. Scruggs also took time to explain the master development plan for the entire property, owned by the partnership.

Vice Chairman Breuer made a MOTION to approve the minor partition subject to conditions recommended by staff; Commissioner Hagen seconded the MOTION; MOTION carried unanimously.

VIII. OTHER SCHEDULED COMMISSION ACTION

Adoption of Land Use Decision Findings of Fact Documents.

CU-4-84 Mary Beth Olsen

M3-2-84 Harvey Moon

Vice Chairman Breuer made a MOTION to adopt the findings of fact documents for CU-4-84 and M3-2-84. Commissioner Appel seconded the MOTION; MOTION carried unanimously.

IX. OTHER MATTERS

Comprehensive Plan Acknowledgement

A. Periodic Review

B. Public Facilities Plan Element

Mr. Rhodaback informed the Planning Commission that the Land Conservation and Development Commission (L.C.D.C.), granted full acknowledgement to the City of Brookings Comprehensive Plan (Goals 16, 17 & 18), on October 11, 1984. Mr. Rhodaback briefly explained the evolvement of the Periodic Review and Public Facilities Element and the need for staff to provide the Planning Commission with an abstract and time schedule for compliance with the two new Comprehensive Plan requirements. Chairman Brimm thanked the Commission members and staff for their long and hard work on the City Comprehensive Plan.

X. ADJOURNMENT

There being no further business, Chairman Brimm adjourned the meeting at 9:13 p.m.


Chairman Mary Jane Brimm

ATTEST:


Naomi Bradfield, City Recorder