

CITY OF BROOKINGS
PLANNING COMMISSION REGULAR MEETING December 3, 1963

Meeting called to order at 8:00 P. M., Chairman, John Molino presiding. Other Commissioners present; Glendale C. Holte, Archie McVay, Ed Oar, Virgil Goldsberry and Byron Brimm. Absent; Commissioner Charles Grayshel. Reporters present; Dick Kuesink and Marge Barrett.

Minutes of the previous regular meeting, November 5, 1963, were read and approved as read.

Minutes of the last regular and the special meetings of the Council were read.

Tentative plans for remodelling of the "Kruger Building" were submitted by Mrs. Iva Kruger. She stated that she expected to have final plans and specifications prepared and ready to present within the near future.

MOTION by Virgil Goldsberry that the Planning Commission give tentative approval of the tentative plans for the remodelling of the "Kruger Building", as submitted pending submission of complete final plans and specifications and subject to the projects' conformance to the provisions of the Uniform building code; Further, that a building permit shall not be issued until final plans and specifications are approved by the Planning Commission. Seconded by Commissioner Holte. Carried.

A copy of city letter directed to Mr. Emmett Gulley was read, said letter explaining the general provisions of Ordinance No. 19, relating to buildings and/or business's being operated under a non-conforming use status, and the provisions contained therein relating to damage by fire and loss of Non-conforming use status if over 60% destroyed. The subject property is located in a C-2 zoned area. The main building had been utilized for a non-conforming use at the time the zoning ordinance was established and has continued more or less on that basis until destroyed by fire recently. On July 2, 1962, a license was issued to the Brookings Automotive Repair firm for the operation of an automotive repair shop in the building. Subsequently, a license was issued for the current fiscal year; said licenses approved on the basis that the property retained a non-conforming use status through the years.

Section 17 of ordinance 19, specifically states that a property which has been over 60% destroyed, must, when rebuilt, conform to the uses in the district in which it is located. Section 14, lists "Auto Service Stations" and "other uses" under C-2 classification. "Repair Shops" are specifically listed under M-1 use classification.

Mr. Emmett Gulley, present at the meeting, submitted tentative plans to build a cement block building with concrete floors (approximately 5,000 sq. feet) with the proposal that the area to the East of said proposed building, where the residence was previously located, would be utilized for parking area and that the building would thus be completely separated from any other buildings in the immediate area. The cost of construction was estimated at \$25,000.00. He explained that he desires to build in order to lease to the Brookings Automotive repair firm and that without such a suitable tenant it would not be practical to construct a new building at the present time. He questioned whether the zoning ordinance would preclude rebuilding for the use intended, stating that there are two ways the matter might be considered. First: Service stations are allowed in C-2 areas and usually do auto repair work, thus why cannot the business operate as a service station in order to comply. He also pointed out that uses listed for C-2 zoned areas include "other uses" which broadens the issue for other interpretations and possibly allows for other uses. Second: rezoning the

area to M-1, would not necessarily be spot zoning due to the circumstances of the area, the fact that the business operation is not noisy or a nuisance in anyway, but a desirable service needed by the community, with no one else having the facilities or expensive machinery and equipment for such repair work in the area. He explained that he has never had any complaints as to the operation even though the business was being conducted in a building not nearly as substantial for the purpose as the new building proposed. He expressed the opinion that the ordinance can be interpreted so that the type of business operation could be conducted in a C-2 area and requested that the city allow utilization of the premises for an automotive repair shop and upon approval of plans and specifications, issue a building permit so that he may proceed with construction at the earliest possible moment. It was also pointed out that Section 6, of Ordinance No. 19, provides for temporary use permits.

MOTION by Archie McVay that the matter be referred, without delay, to the city attorney for interpretation and that the City council thereafter consider the attorneys' recommendations on the proposal and that the council make a final determination thereon at the earliest possible moment. Motion seconded by Virgil Goldsberry. Carried.

In reply to a request by the city that subsequent league convention agenda's include more sessions relating to the problems of smaller cities, a letter of acknowledgement from the League of Oregon Cities was read, wherein they stated that they would note the city's interest in this regard and file the letter in the convention planning files.

Regarding a purported verbal complaint, wherein it was stated that part of the inventory at the Red's Auto Body business was not being properly retained within the fenced area, the commission took no action due to the lack of a written complaint/or no complaintant in attendance at the meeting.


The commissioners reviewed building permits #930-934- inclusive, issued during the month of November, having a total valuation of \$3,420.00, with permit fees in the amount of \$26.00 received.

At the request of the city council copies of sample ordinances, prohibiting unnecessary noises, were submitted to the commissioners for their subsequent study.

Mr. Blaine Gribble submitted plans and specifications for a proposed Apartment house, said construction to cost from \$75,000.00 to \$80,000.00; However, it was noted that the area where he tentatively proposes to build the unit was in an M-1 zoned area, and according to the provisions of zoning ordinance No. 19 an M-1 zoned area apparently precludes other than limited permanent habitation. Again the interpretation of "other uses" was brought up and the commissioners asked that the attorneys' opinion be obtained regarding the interpretation thereof. It was noted that the wording probably means "other comparable uses".

MOTION by Byron Brimm that the Planning Commission approve the plans and specifications for the construction of an Apartment house, as submitted by Mr. Blaine Gribble, and that a permit be subsequently issued, provided that the building is located in a properly zoned area for Multi-family dwellings and all other conditions are in conformity with the requirements of the ordinances of the City of Brookings. Motion seconded by Glendale C. Holte. Carried.

Meeting Adjourned at 9:40 P. M.


Secretary