



Planning Commission Minutes
February 6th, 2023

Planning Commission Minutes

Present: Commissioners Gary Compton, Rob Wingren, Don Andrews, Steve Schilling, Jack Alsman, Kay Fox (7:09pm) Administrative Assistant Elizabeth Coleman & City Administrator Scott McDowell.

Absent: None.

Public: Suzanne Clarke, Nita Lowry, Dick Smith.

Presiding: Gary Compton.

The meeting was called to order at 7:00 p.m.

The Pledge of Allegiance was recited.

PUBLIC HEARINGS

SUZANNE CLARKE CONDITIONAL USE REQUEST TO ALLOW NEW CONSTRUCTION IN THE OLD TOWN COMMERCIAL ZONE (OTC)

Chair Compton explained the process of the hearing and the required statutory statement regarding appeals. Chair Compton asked if there were any conflicts of interest, biases, or ex parte contact. Chair Compton stated that he socializes with the applicant in a group setting a few times a year and has not talked to the applicant about the application. Chair Compton stated that he could make a decision based on the findings of fact, relevant policies and ordinances adopted by the city. No other ex parte contact or conflicts of interest were declared.

Mrs. Coleman provided a brief summary of the Conditional Use Permit application. The applicant is requesting approval of a Conditional Use Permit to allow construction of a two-story mixed-use building, located in the Old Town Commercial Zone. New construction is considered a Conditional Use in the Old Town Commercial Zone. Additionally, the OTC calls out the historic style construction era of 1860 – 1920. New construction design is reviewed for compliance with this portion of the code. Mrs. Coleman explained the Historic Review Board typically reviews all new construction in the Old Town Commercial Zone. There are currently not enough members to constitute an HRB; Mayor Ware appointed Mrs. Coleman & Mr. McDowell to review the application for compliance with the policies of the zone. The applicant proposed to construct the building and sell it. The key to new construction in the Old Town Commercial Zone is that residential use is allowed only secondary to the primary commercial use of the property. If the commercial use requirement is not fulfilled, the secondary residential use no longer complies with the code and cannot continue to operate. The Planning Commission & Staff do not know what type of business will operate within the new construction. Additionally, it is important for potential buyers to know these stipulations. Staff addressed these concerns in Conditions of Approval #2 & #7.

Commissioner Andrews asked if there are guidelines for commercial use. Mrs. Coleman called out the Old Town Commercial portion of the code that states uses appropriate in this zone are those that provide walk-in services and retail goods and a viable space where goods can be purchased. Discussion ensued.

Commissioners Alsman & Schilling inquired about customer & potential tenant parking. The Old Town Commercial zone is the only zone that allows the use of on-street parking as well as public parking spaces to meet the parking requirements. This allowance is due to the lack of these features in the Downtown core. The applicant has provided a site plan showing off-street parking that complies with the Brownsville Municipal Code parking requirements for commercial and residential use.



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Alsman also asked for clarification on the sprinkler requirements. Fire suppression is regulated by state code and is required for mixed use buildings. It will be the responsibility of the developer to comply with those requirements in relation to fire suppression, exits, etc. Commissioner Wingren asked about setbacks for Old Town Commercial. This zone is considered zero lot line, where construction can be right up to the property line. Side and rear setbacks must adhere to fire code. Discussion ensued.

Chair Compton opened the public portion of the hearing to speak in opposition or in favor of the application. None were expressed.

Chair Compton gave the applicant an opportunity to speak about her application. The applicant has built several houses in Brownsville and had planned on opening a laundromat or barber shop, but her priorities have recently shifted and do not permit her to occupy the development. Ms. Clarke commented on the recent changes in the Downtown core (new construction) and felt her construction would be a positive addition.

Chair Compton closed the public portion of the hearing for Commission discussion.

After Commission discussion, *Commissioner Andrews moved to approve the Conditional Use Application & Site Plan for Construction to Suzanne Clarke, subject to Conditions of Approval and to adopt the Findings of Fact in the staff report dated January 25th, 2023. Commissioner Wingren seconded and the motion passed unanimously.*

Mrs. Coleman explained the Notice of Decision and appeal process to the applicant.

UPDATES

North Main Development

Mrs. Coleman updated the Commission on a potential new development by Big Valley Builders on North Main Street. The parcel was partitioned into three lots. Staff received an application for a four-plex on the larger tax lot and public works & the city engineer completed preliminary reviews for the development. Discussion ensued.

River's Edge Landscape Plan

The Planning Commission was very diligent in making sure the landscape plan requirements submitted by River's Edge Subdivision in 2018 were met. Mrs. Coleman met onsite with Public Works & the City Administrator and found the recently submitted landscape plan is not sufficient. Staff sent a letter to the developer and are waiting for a response. Phases One & Two are nearly built-out but the landscape plan must be completed.

Water/Sewer Capacity

The River's Edge Subdivision built out quickly and it was imperative that staff meet with the city engineer & public works to determine whether the current utilities can meet additional capacity for future development. Calculations indicated the utility system can serve future development. Staff received preliminary inquiries about large development near areas on the north (Linn West, Brownsville Road) and east side of town (Kirk Avenue), yet these plans have not come to fruition. Discussion ensued.

There being no further business to discuss, the meeting was adjourned at 7:54pm.

ATTEST:

Handwritten signature of Elizabeth E. Coleman in blue ink.

Elizabeth E. Coleman
Administrative Assistant

Handwritten signature of Gary Compton in blue ink, with "VICE CHAIR" written next to it.

Gary Compton
Commission Chair