



Planning Commission Minutes  
June 28<sup>th</sup>, 2021

**Planning Commission Minutes**

**Present:** Commissioners Gary Compton, Rob Wingren, Don Andrews, Steve Schilling, Administrative Assistant Elizabeth Coleman & City Administrator Scott McDowell.

**Absent:** Kaye Fox, Jack Alsman.

**Public:** Sandy Mooers, Mark Kurzhal.

**Presiding:** Gary Compton.

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

The Pledge of Allegiance was recited.

PUBLIC HEARINGS

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

Mr. McDowell explained the process & instructions for the in-person meeting.

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. Commissioner Wingren stated he has had discussions with the applicant on electrical content related to the proposal. When asked if he could provide a non-biased decision based on findings of fact and conclusions stated in the staff report and city ordinances and policies, he stated Yes. Commissioner Andrews stated he drove by many times. No other ex parte contact was 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. The applicant proposes to open an insurance company on the first floor and utilize the second floor as her primary residence. New construction in the Old Town Commercial Zone requires a Conditional Use Permit. A residence in the Old Town Commercial Zone is only allowed secondary to the primary commercial use. This application meets those criteria. As of 5:00pm, no written public comments were submitted.

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 submitted a site plan showing the Victorian Era construction of late 1800's to 1914. The Old Town Commercial Zone architecture is based upon the historic motif of the 1860's to 1920's. The applicant has provided a paint palette similar to the Victorian Era, using Benjamin Moore colors Gypsy Love & Raisin Torte. Upon review of the application and pertinent information, Mrs. Coleman & Mr. McDowell found the application met the required criteria for the Old Town Commercial Zone.

The Old Town Commercial zone allows on-street parking. 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. The applicant has met the mixed-use parking space requirement as well as ADA parking.



## Planning Commission Minutes

The applicant also provided a preliminary landscaping site plan, mainly consisting of rock and hardscape for low maintenance.

The applicant and site plan was reviewed by Public Works & the City Engineer. There are several items that will need to be addressed with this development regarding driveways and utilities:

### **Onsite Storm Drainage**

The applicant will need to provide drainage plans to meet Public Works Standards

### **Access**

1. Access off Park Avenue does not allow for adequate separation at the intersection and may create a potential conflict with ingress and egress for vehicles using Holloway Heights.
2. The access approach will require sidewalk modifications and shall be included with the development plans. The sidewalk curb access ramp does not meet current City standards and will need to be addressed.
3. A site plan will need to be reviewed for emergency vehicle access.

### **Erosion**

An erosion control plan will need to be provided during construction.

Additionally, the Brownsville Fire Chief provided a review and stated the construction will require a sprinkler system; this is not uncommon for mixed-use buildings.

Commissioner Schilling mentioned the construction appears to look like a residence, in a commercial zone. Mrs. Coleman said the Old Town Commercial Zone and the Brownsville Municipal Code do not call out specific characteristics for buildings, aside from the requirement to continue the historic motif of the 1860s to 1920s construction era. The Old Town Commercial Zone has an array of construction designs. Mr. McDowell mentioned it may be a good idea for the Commission to discuss options for Old Town Commercial criteria related to the building exteriors in the future. Before the HRB dissolved, roof styles, lettering, paint palettes, etc. were discussed. Mrs. Coleman & Mr. McDowell have had discussions about creating a clearer list of criteria related to construction in the Old Town Commercial zone, as there are a few lots still empty in Old Town Commercial Zone.

Chair Compton asked Ms. Mooers to speak about her application. Ms. Mooers owns an insurance company and has been in business for over 30 years and needs to expand. She is from this area and decided to take the opportunity to purchase the subject lot with the hope to build a mixed-use commercial building where she can both live and work. The building may have a residential feel but will be clearly business. It is a family owned business and no office space will be rented out. There will be a conference room to separate her office as well.

Chair Compton asked how many employees will be working there; Ms. Mooers said she currently has two, her daughter-in-law and son. She plans to hire one more person for the reception area. Commissioner Wingren asked how the commercial look will be incorporated downstairs. Ms. Mooers said the design will have parking spaces, ADA ramp, signage, reception & lobby area. The plan is to have a walkway from the sidewalk to the front door. These are elements that may not be seen at a regular residence.

Commissioner Andrews commented on the office hours (8am – 5pm) submitted in the application; Ms. Mooers stated appointments are often made outside those hours. Discussion ensued.

Commissioner Schilling asked about the construction timeframe; Ms. Mooers would like to move forward as quickly as possible.



## Planning Commission Minutes

Commissioner Compton asked about the landscape plan, Ms. Mooers would like as little maintenance as possible and plans to obtain landscape proposals for the project. Mr. Compton commented that a sitting bench somewhere on the corner of Main Street would be nice. Ms. Mooers mentioned a bench in that area is already in the works as a memorial to a local community member. Customer and employee parking will be designated, parking for the residential portion will be located inside the garage.

No one was present to speak in opposition or in favor of the application. Chair Compton closed the public portion of the hearing for Commission discussion.

Commissioner Wingren said the application appears to meet the criteria and saw no glaring issues in the proposal. Commissioner Andrews commented the proposal seems like a great addition to downtown. Chair Compton commented the proposal seems to be consistent with the required criteria of the zoning ordinance and comprehensive plan. Staff did a good job summarizing the application. He thinks it will be a great addition to downtown.

Commissioner Andrews asked if the primary use has to stay an insurance office. Mrs. Coleman explained that the current application is to construct a building for an insurance company as a primary use, with second story living space. If the insurance company is no longer in use, a different business would be required to submit an application to the Planning Commission for a Change of Use and new Conditional Use Permit. This requirement is very important; the new use (business) may not meet the criteria of a primary use and the secondary use (upstairs living space) would not be in compliance with the code. Staff and the Planning Commission have discussed this issue in the past, where a business opens in Old Town Commercial, with living space attached, the business closes and now it's just a residence in the Old Town Commercial Zone.

*Commissioner Schilling moved to approve the Conditional Use Permit Application and Site Plan to Sandy Mooers, subject to Conditions of Approval and to adopt the Findings of Fact in the staff report dated June 16th, 2021. Commissioner Andrews seconded and the motion passed unanimously.*

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

There being no further business to discuss, the meeting was adjourned at 7:44pm.

ATTEST:

Elizabeth E. Coleman  
Administrative Assistant

Gary Compton  
Commission Chair