

**OFFICIAL MINUTES**

Chairperson Gregg Jorgenson called the meeting of the City Planning Commission to order on Tuesday May 4, 2021, at 5:30 PM in the Council Chambers Room #310 on the third floor of the City & County Government Center. Members present were Tanner Aiken, Ashley Biggar, James Drew, Greg Fargen, Jacob Mills, Jason Meusburger, Lee Ann Pierce, Eric Rasmussen and Jorgenson. Also present were Community Development Director Mike Struck, City Planner Ryan Miller, City Engineer Jackie Lanning, Justin Bucher, Chuck May, Andy Mahowald, Steve Timmerman, Linda Watson, Kay Shadewald, Laura and Scott Sroufe, Grant Loeffelbein, Ted Elverson, David Kneip, and Chad Borchard.

**Item #1 – Roll Call**

**Item #2 – (Biggar/Aiken) Motion to approve the agenda. All present voted aye. MOTION CARRIED.**

**Item #3 – (Rasmussen/Meusburger) Motion to approve the April 6, 2021 Planning Commission minutes and April 6, 2021 Joint Jurisdiction Planning Commission Minutes. All present voted aye. MOTION CARRIED.**

**Item #4a -** Mt. Calvary Lutheran Church submitted a petition to rezone the South 545 feet of the North 1,053.7 feet of the East 467 feet of the West 500 feet, excluding Lot H1, of the Southeast Quarter in Section 35, Township 110, Range 50, generally located along the 1500 and 1600 block of Main Avenue S from Residence R-1A Single-family district to Business B-2A Office District.

(Pierce/Biggar) Motion to approve the rezone request. All present voted aye. **MOTION CARRIED.**

**Drew recused himself.**

**Item #4b -** CD Properties LLC submitted a petition to rezone Lot 11A, Block 6, Folsom Addition, also known as 204 1<sup>st</sup> St S from an Industrial I-1 light district to Business B-3 heavy district.

(Mills/Fargen) Motion to approve the rezone request. All present voted aye. **MOTION CARRIED.**

**Drew returned to the Commission.**

**Item #4c –** Granted Properties LLC submitted a petition to rezone Lot 1, Block 2, Folsom Addition, also known as 530 1<sup>st</sup> St S and Lot 2 and Lot 3, Block 2, Folsom Addition, also known as 110 6<sup>th</sup> Ave S from Industrial I-1 light district to Business B-3 heavy district.

(Rasmussen/Pierce) Motion to approve the rezone request. All present voted aye. **MOTION CARRIED.**

**Item #5a –** Granted Properties LLC submitted an application for a Conditional Use Permit on Lot 1, Block 2, Folsom Addition, also known as 530 1<sup>st</sup> St S and Lot 2 and Lot 3, Block 2, Folsom Addition, also known as 1140 6<sup>th</sup> Ave S. The request is to operate contractor's shops with mixed business/residential in a Business B-3 heavy district.

(Aiken/Meusburger) Motion to approve the Conditional Use Permit.

(Rasmussen/Drew) Motion to table this request to the June Planning Commission meeting. All present voted aye. **MOTION CARRIED.**

**Item #5b** – TB Partnership LLC submitted an application for a Conditional Use Permit on the South 100 feet of Lot 1 in Block 7 of Morehouse Addition, also known as 903 8<sup>th</sup> St. The request is to operate an office within the Residence R-2 two-family district.

(Rasmussen/Fargen) Motion to approve the Conditional Use Permit with the following conditions set forth by staff: 1) the conditional use permit is for the applicant only and cannot be transferred to subsequent property owners; 2) the conditional use permit is for rental management office space only; 3) No residential units are permitted as long as the conditional use permit is in place; 4) boulevard parking along 9<sup>th</sup> Avenue will satisfy the parking needs, no additional off-street parking should be added and screening will not be required; 5) Any signage requires a sign permit and must conform to the standards and allowances set for the R-2 district. All present voted aye. **MOTION CARRIED.**

**Item #5c** – The City of Brookings submitted amendments to Chapter 94, Zoning, pertaining to Section 94-7(b) Application Requirements amending the submission date for application for zoning changes from “on or before the fifteenth day of the month preceding the regular planning commission meeting in which the request is to be heard” to “on or before the 1<sup>st</sup> day of the month preceding the regular planning commission meeting in which the request is to be heard.”

(Fargen/Biggar) Motion to approve the amendment.

(Mills/Rasmussen) Motion to table to the June meeting. Pierce voted no. All others voted aye. **MOTION CARRIED.**

**Items #5d** - The City of Brookings submitted amendments to Chapter 94, Zoning, pertaining to Section 94-222 – Application amending the submission date for conditional use permit applications from the 15<sup>th</sup> day of any month prior to the next regularly scheduled planning commission meeting to the 1<sup>st</sup> day of any month prior to the next regularly scheduled planning commission meeting.

(Pierce/Meusburger) Motion to approve the amendment.

(Fargen/Aiken) Motion to table to the June meeting. All present voted aye. **MOTION CARRIED.**

**Biggar left at 6:55 p.m.**

**Items #5e** - The City of Brookings submitted a request to amend the 2040 Comprehensive Plan for the City of Brookings pertaining to the future land use map.

(Rasmussen/Mills) Motion to remove from the table. All present voted aye. **MOTION CARRIED.**

(Fargen/Rasmussen) Motion to approve the amendment with the following conditions: 1) Zone A of the Wellhead Protection Area shall not be disturbed without the express written consent of the City of Brookings and Brookings Municipal Utilities; 2) Filling of the floodplain of the developable areas, general including all access drives, internal roads, parking areas, storage areas, and all other areas that would be considered useable, must meet the base flood elevation, or higher, and official removed from the regulatory floodplain following procedures set forth by FEMA; 3) One of one volumetric quantity of storm water storage mitigation of any loss of flood water storage in the floodplain as a result of the

proposed development shall be re-created upstream of the proposed development within the same hydrological reach. Pierce voted no. All other vote aye. **MOTION CARRIED.**

The meeting adjourned at 7:49 p.m.



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Ryan Miller, City Planner



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Gregg Jorgenson, Chairperson

**OFFICIAL SUMMARY**

Chairperson Gregg Jorgenson called the meeting of the City Planning Commission to order on Tuesday May 4, 2021, at 5:30 PM in the Council Chambers Room #310 on the third floor of the City & County Government Center. Members present were Tanner Aiken, Ashley Biggar, James Drew, Greg Fargen, Jacob Mills, Jason Meusbarger, Lee Ann Pierce, Eric Rasmussen and Jorgenson. Also present were Community Development Director Mike Struck, City Planner Ryan Miller, City Engineer Jackie Lanning, Justin Bucher, Chuck May, Andy Hohn, Steve Timmerman, Linda Watson, Kay Shadewald, Laura and Scott Sroufe, Grant Loeffelbein, Ted Elverson, David Kneip, and Chad Borchard.

**Item #4a** – This property is located on South Main just south of 15<sup>th</sup> Street S. This is a 5.75-acre parcel of land located on the east side of Main Ave. This parcel is surrounded by multiple residential zones. The zoning requested is supported by the Future Land Use classification of Urban-Low Intensity.

Bucher explained that the purchaser would like to build a dental clinic on this site. Until the rezone request has been heard, they aren't able to complete a site plan. The business will be open normal business hours. Mills wondered if there is a plan how the parking lot and building will sit on this parcel since the lot is very deep. Bucher explained that they aren't at the point in the development yet to determine the site plan.

Rasmussen wondered if it could be determined what the setbacks are and what the uses would be for a B-2A. Miller stated what is allowed for uses and what the setbacks are. There are also landscape and bufferyard requirements that will need to be met.

Andy Mahowald, representing the buyer, also stated that the site plan will be forthcoming once the zoning has been set. They feel like this area is a good transition zone and their business will have very limited evening and weekend traffic. Drew asked if the intent is to have one tenant on this parcel. Mahowald explained that they plan to use about half of this parcel for the dental office.

Steve Timmerman, 1600 Mockingbird Lane, is wondering if there will be any lighting regulations that go along with new developments. Miller explained the regulations that will be enforced by the City.

Linda Watson, 1618 Main Ave S, is concerned about a service store possibly being here, does this mean that there will be traffic at times other than 9 to 5. Her main concern is the traffic since it is a road that is already very congested.

Kay Shadewald, lives in the apartments near here, she is also concerned about the traffic.

Laura and Scott Sroufe, 1534 Main Ave S, they too are concerned about the traffic that could result because of a business here. This then is also a safety concern. She wondered if the City could look at decreasing the speed limit in this area. They are concerned about the "unknown" business that could potentially be built here.

Mills feels that the B-2A zone is a good use for this area. He does think it would be nice if the applicant could provide more information to be able to answer questions regarding this request.

Fargen also feels that this is a good fit for this area. He does appreciate the neighbors stating their concerns regarding the traffic and the lighting. Rasmussen agrees with Fargen. He feels that an office building being put in a neighborhood like this is a good choice. The zone is restrictive and there won't be a business that will cause a lot of traffic.

**Item #4b** – This parcel is located on 1<sup>st</sup> Street South which has historically been used for industrial uses. The reason for the rezone is to allow for contractor shops and temporary storage. James Drew, representing CD Properties stated that their intent is to build contractor shops here. They also would like to use this parcel for personal storage and this isn't allowed in an I-1 District.

**Item #4c** – This parcel is located on 1<sup>st</sup> Street South. These parcels will be replatted into one lot. The developer would like to build a contractor shop and also/or temporary personal storage which is not allowed in an I-1 District.

**Item #5a** – This Conditional Use Permit request is to allow for contractor's shops on the 1<sup>st</sup> floor of the building and residential use on the 2<sup>nd</sup> floor, so a mixed use on this parcel is the request. The proposal is for 7 residential units on the 2<sup>nd</sup> floor, there is a concern that there will not be adequate parking for this proposed use. However, today a new parking plan was submitted but staff did not have time to review it.

Grant Loeffelbein and Ted Elverson inquired about the new parking plan that was submitted. Miller explained that staff wasn't able to provide review of this plan due to short notice.

Rasmussen feels that the Commission shouldn't make a decision tonight based on the fact that the applicants have more information that should be reviewed.

**Item #5b** – This request is to allow for an office in a residential district. This property does have boulevard parking. Hours of operation will be typical business hours. Staff does recommend approval based on conditions.

David Kneip explained that they won't have much traffic to this business. He does feel that the location of this property for this business is ideal and a good location for the college students.

**Item #5c** – This amendment will change the deadline for when rezone requests will need to be submitted to the City. This changed deadline will allow staff additional time to review requests prior to going to the Development Review Team and Planning Commission. Aiken asked if any of the developers have contacted staff regarding this change. Miller stated that they hadn't heard from anybody.

Drew is opposed to this amendment. As a developer, business needs to keep moving and often at a quick pace and he feels that this could hold things up.

Mills feels that the Commission should wait to make a decision on this request to allow the members additional time to do some research.

**Item #5d** – This amendment changes the deadline to submit Conditional Use applications to the 1<sup>st</sup> of the month.

**Item #5e** – This request is to amend the Future Land Use Map near 34<sup>th</sup> Avenue and 8<sup>th</sup> Street S. This area is in the Open/Floodplain land use classification. It is suggested that development in the flood plain should be minimized. The applicant is proposing to amend the land use classification to Business Park/Light Industrial zoning. Since the April meeting, additional information has been provided to

staff for review. The Development Review Team does not oppose this request as long as conditions being proposed are met.

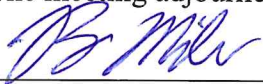
Mills, Pierce, Drew are concerned about how these conditions are going to be imposed. Are they applied to the request, the applicant, the Comp Plan? Struck and Miller explained that these conditions would be carried down to any type of requests on land in this area. Pierce feels that allowing this request with the conditions is putting the wellhead area at risk.

Chad Borchard, partner in CKS Partners LLC, explained what the plan is for this area that is being requested for amending. They plan to bring this area out of the floodplain to allow for buildings to be built. They have dug test holes to determine the soil material that they are working with. They will use soil material within this parcel to build up the area that will be used for the building. They plan to utilize an onsite pond and a nearby parcel, which is owned by the same group, for runoff to prevent pushing any additional water to neighbors.

Jorgenson asked if the applicant plans to complete wetland mitigations. Borchard stated yes.

Rasmussen feels that for the City to grow, we are going to have to start utilizing land in the floodplain. This area is not in Zone A, it is in Zone B and FEMA does allow for building in these areas. Meusburger concurs with Rasmussen. He works at BMU and has talked with BMU staff and BMU is in favor of this request. Aiken also agrees.

The meeting adjourned at 7:49 p.m.



Ryan Miller, City Planner



Gregg Jorgenson, Chairperson