

OFFICIAL MINUTES

Chairperson Tanner Aiken called the meeting of the City Planning Commission to order on Tuesday, September 5, 2023, at 5:30 PM in the Council Chambers Room #310 on the third floor of the City & County Government Center. Members present were Kyle Jamison, Jacob Mills, Nick Schmeichel, Richard Smith, Roger Solum, and Aiken. Scot Leddy, Greg Fargen and James Drew were absent. Also present were City Planner Ryan Miller, Community Development Director Mike Struck, Justin Eich, Jacob Limmer, Jerry Nissen, Misty Buthe, Justin Bucher – Banner Associates, Angie Boersma – ID8 Architecture, Mary Beth Fishback – Executive Director for Brookings Behavioral Health and Wellness, Carla Gatzke – Chair of the Board for Brookings Behavioral Health and Wellness, LeAnn Pierce, Judy Cooley, George Ust, Daniel Bielfeldt – Board Member for Brookings Behavioral Health and Wellness, George White, Emily White, and Kyle Rausch – Dakota Land Design.

Item #1 – Roll Call

Item #2 - (Solum/Mills) Motion to approve the agenda. All present voted aye. **MOTION CARRIED.**

Item #3 – (Schmeichel/Solum) Motion to approve the August 1, 2023 minutes. All present voted aye. **MOTION CARRIED.**

Item #4 – Convene as the Board of Adjustment

Item #4a – Baller Properties LLC submitted a variance request for 906 7th Street. The request is to allow front yard parking in a residential district.

(Schmeichel/Mills) Motion to approve the variance request. All present voted no. **MOTION FAILED.**

Item #4b – Jerry Nissen submitted a variance request for 206 Maple Drive. The request is to exceed the maximum allowable square feet for accessory structures on a lot in a residential district. The maximum allowed shall not exceed 25 percent of the rear yard area or 1,000 square feet of all floors combined, whichever is less.

(Solum/Smith) Motion to approve the variance request. All present voted aye. **MOTION CARRIED.**

Item #5 – Reconvene as the Planning Commission

Item #5a – CD Properties LLC submitted a revised preliminary plat for Lots 1 and 2 in Block 1 of Reserve Fourth Addition.

(Solum/Mills) Motion to approve the revised preliminary plat as presented. All present voted aye. **MOTION CARRIED.**

Item #5b – CD Properties submitted a petition to rezone the North 85.125 Feet of the South 332.45 Feet of the East 411.83 Feet of the West 810.32 Feet of the Southwest Quarter of the Southwest Quarter in Section 36, Township 110, Range 50, excluding right-of-way in the City of Brookings. The request is to rezone from Business B-3 Heavy District to Business B-2 District.

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

Item #5c – CD Properties submitted a petition to rezone the North 225 Feet of the South 265 Feet of the East 308.18 Feet of the Southwest Quarter of the Southwest Quarter in Section 36, Township 110, Range 50 and the South 225 Feet of Lot 100 in Block 2 of Windermere Pointe Addition, all in the City of Brookings. The request is to rezone from Business B-2A Office District to Business B-2 District.

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

Item #5d – Brookings Behavioral Health and Wellness submitted a petition to rezone Lots 1-3, the South 25 Feet of Lot 4, the East 65 Feet of the North 25 Feet of Lot 4 and the East 65 Feet of the South 27 Feet of Lot 5, All in Block 5 of the Original Plat Addition to the City of Brookings. The request is to rezone from Residence R-2 Two-Family District and a Business B-2A Office District to a Planned Development District with Business B-1 Central District underlying zoning.

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

Item #5e – Brookings Behavioral Health and Wellness submitted an Initial Development Plan within a Planned Development District on Lots 1-3, the South 25 Feet of Lot 4, the East 65 Feet of the North 25 Feet of Lot 4 and the East 65 Feet of the South 27 Feet of Lot 5, All in Block 5 of the Original Plat Addition to the City of Brookings.

(Mills/Jamison) Motion to approve the Initial Development Plan. All present voted aye. **MOTION CARRIED.**

Item #5f – Dakota Land Design LLC submitted an application for a Commercial Corridor Design Review Overlay District review.

(Solum/Smith) Motion to approve the Commercial Corridor Design Overlay District application with the exceptions 1.) Exception to remove a portion of the side yard landscape area to allow for shared access and parking area. 2.) Exception to allow a portion of the second story to be located with a fifteen-foot front-yard setback. All present voted aye. **MOTION CARRIED.**

Mills recused himself.

Item #5g – Dakota Land Design LLC submitted an application for a Commercial Corridor Design Review Overlay District review.

(Solum/Jamison) Motion to approve the Commercial Corridor Design Overlay District application. All present voted aye. **MOTION CARRIED.**

The meeting adjourned at 7:32 p.m.

Ryan Miller, City Planner

Tanner Aiken, Chairperson

OFFICIAL SUMMARY

Chairperson Tanner Aiken called the meeting of the City Planning Commission to order on Tuesday, September 5, 2023, at 5:30 PM in the Council Chambers Room #310 on the third floor of the City & County Government Center. Members present were Kyle Jamison, Jacob Mills, Nick Schmeichel, Richard Smith, Roger Solum, and Aiken. Scot Leddy, Greg Fargen and James Drew were absent. Also present were City Planner Ryan Miller, Community Development Director Mike Struck, Justin Eich, Jacob Limmer, Jerry Nissen, Misty Buthe, Justin Bucher – Banner Associates, Angie Boersma – ID8 Architecture, Mary Beth Fishback – Executive Director for Brookings Behavioral Health and Wellness, Carla Gatzke – Chair of the Board for Brookings Behavioral Health and Wellness, LeAnn Pierce, Judy Cooley, George Ust, Daniel Bielfeldt – Board Member for Brookings Behavioral Health and Wellness, George White, Emily White, and Kyle Rausch – Dakota Land Design.

Item #4a – The applicant would like to establish a 12-foot by 36-foot parking pad in the front yard. This parking pad would be adjacent to a current driveway which leads to a garage. This request would need additional historic review.

Eich, member of Baller Properties LLC, noted that they purchased this house about a year and a half ago. When the garage was built, it should have been built back further. The current set up makes it hard to access the garage that is located in the rear yard. They would like to add this pad for additional parking as there is not parking allowed on their side of 7th Street.

Limmer, 907 6th Street, is not in favor of this request. They do not feel that this request is in the true nature of the historic district which they live in. This project does not appear to be critical.

Smith asked for the rationale that the staff used in determining that this should not be approved. Miller explained that staff feels that there are adequate parking spaces located on the property for single family use. Staff also believes that the applicant could extend the current driveway to the west, slightly. Or possibly add parking in the rear yard of the property. Aiken doesn't feel that there is a critical limitation for use on this property and is not in favor of this request.

Item #4b – The applicant is requesting to add an accessory structure to their property that will be a 30x24 structure. They will be removing two currently existing accessory structures but the square footage will still be over the maximum allowed as they will be keeping one of the detached accessory structures.

Nissen explained that his variance is for 56 square feet over the allowed. Schmeichel asked what the side wall height is? Nissen stated 12 feet. Mills asked if the buildings have already been moved. Nissen explained that two are already gone and the last one should be leaving this week. The current buildings were eye sores and this new building will be an improvement to the site.

Buthe is wondering why the applicant would need an additional accessory building, this size, and will they be required to meet setbacks. Additionally, she is concerned about the plan showing the drainage that is going to the north. How is Nissen going to be sure that the drainage does go north and not south onto her property. Miller explained that the applicant would be required to meet the setbacks.

Schmeichel asked what this building would be used for. Nissen said lawn mowers and such but not vehicles. Aiken asked what the total square feet of accessory structures is currently for the property. Miller explained that the total square footage of the existing structures is 572 square feet so this request would be an increase from the existing. Schmeichel asked if there are any side wall limitations in the City or Joint Jurisdiction Area? Miller explained that in 2018, when the Joint Jurisdiction Ordinance was updated, they now follow the City's zoning ordinances and the side wall heights in the rear yard can be up to 12 feet. Mills doesn't see any issues with this request.

Item #5a – This plat is for lots located near Christine Ave and 20th Street South. This was originally platted in 2021. The original plat included only one lot in Block 1 and the revised plat is showing a larger Lot 1 and the addition of Lot 2. Bucher, representing CD Properties, is available for any questions. Mills asked if the Corp of Engineers has been contacted for this revision of the Wetland Tract. Bucher stated yes.

Item #5b – This rezone request is for roughly the north sixty-five feet of Lot 1 in Block 1 from B-3 to B-2 to have continuous zoning on this lot. The rezone request is consistent with the Future Land Use Map.

Item #5c – This rezone request is located on 20th Street South. The request is to convert to a Business B-2 zoning district. The request is consistent with the Future Land Use Map showing this area as Urban Medium Intensity.

Bucher explained that the applicant currently doesn't have anything planned but feels that there are better opportunities with Business B-2 zoning.

Item #5d – The rezone area has four different lots with two residential lots and two business zoned lots. The request is to rezone to a Planned Development District with an underlying B-1 Business District. The Future Land Use Map supports the B-1 underlying zoning district.

Boersma explained that the goal for the expansion is to make sure they are appropriately scaled to the neighborhood that it is part of. The PDD was intentionally requested knowing that modifications to the B-1 would be an appropriate control mechanism to allow for public input. What is requested in the PDD is that the height limitations and bufferyard requirements model the scale of the building more similarly to the neighborhood.

Pierce, resident at 109 4th Street, also owns a rental property in this area is in favor of this project. She would like the Commission to consider explaining to the concerned citizens what the PDD zoning means. She would like to see that boulevard parking is denied with this request. She would like the commission to also look at the direction of the main entrance. Pierce is concerned that the façade isn't going to fit into the neighborhood and maybe something else could be planned.

Judy Cooley, 202 4th Street, explained that this neighborhood is a family friendly neighborhood. She would like the commission to keep this in mind when making their decisions. She is in support of more help for mental health in Brookings but is concerned with the building as planned. Parking is also going to become an issue in the neighborhood. Could they plan to utilize the 72-hour parking lot to the north instead of parking on 4th Street. Also, setbacks need to be required on this site to help with a buffer between this building and the residential lots. And there needs to be some landscaping required to keep the neighborhood and town beautiful. She would like this building to fit into the neighborhood.

George Ust, owns 417 2nd Ave, has a concern that the addition doesn't fit into the residential neighborhood and looks commercial and not residential. He is against the diagonal parking that is planned along 4th Street. He feels it will disrupt the flow of traffic and will be dangerous.

Bielfeldt explained that the intent of rezoning to the PDD is to allow flexibility in design to make this building "fit in" to the neighborhood.

Mills feels that the applicants are trying to be good neighbors by choosing to rezone to the PDD with an underlying zoning. The PDD allows for neighbors to have some input on a project. He asked if Boersma could explain the setbacks that are being planned. Boersma explained that B-1 has a zero-lot line setback, but that doesn't mean they won't have setbacks. Between the R-2 and B-1 district, there is a required 20-foot bufferyard but they are requesting to hold their vertical height limitation to 30 feet to be more compatible to the surrounding neighborhood district, in exchange for the planted bufferyard being half the distance, so a 10-foot bufferyard.

Item #5e- This Initial Development Plan is reviewed by the Planning Commission and then will be forward on to the City Council for review before the Final Development Plan is reviewed by the Planning Commission. The applicant is requesting 3 variances: 1.) reduced bufferyard to the structure from 20' to 10' along the north property line; 2.) use of a 6' privacy fence along a portion of the north property line in the required bufferyard landscape area; and 3.) placing a trash enclosure within a required bufferyard area.

The B-1 District underlying allows the site plan to utilize the B-1 District setbacks and height. Setbacks to the front would be zero feet, zero foot to the side and twenty feet to the rear. This proposed site plan is proposing a fifteen-foot setback along 2nd Avenue, twenty-six feet along 4th Street, the ten-foot bufferyard setback to the north, and the twenty-foot rear yard setback to the east. The maximum height in the B-1 District is sixty feet, but the proposal is for thirty feet. Additionally, the northern property lines are adjacent to residential where there is a required bufferyard area where they can have thirty feet of open space or a reduced bufferyard of twenty feet with landscaping. The proposal is for the reduced bufferyard area with landscaping but they are requesting ten feet of bufferyard rather than twenty. Additionally, they will be utilizing fencing around some of the utilities in lieu of landscaping. No minimum parking would be required due to the underlying B-1 District. Any boulevard parking spaces would require separate approval by the City of Brookings.

George White, 202 5th Street, isn't opposed to the business activity but they are opposed to the plan to place the trash cans and mechanical equipment in the proposed area which is in the White's backyard. He would like the commission to not approve the variance for the placement of the trash enclosures.

Emily White, 202 5th Street, is not against this project. Her concern though is the back area of their building. She is concerned that the A/C units and trash being so close to their backyard isn't very neighborly. She doesn't want their lifestyle to have to change because of this plan. She would like that the commission not approve the variance for the trash receptacles.

Boersma explained that the trash receptacles are required to be enclosed in a B-1 District and that the location of the receptables is for feasibility of trash collection.

Smith asked staff if there were any concerns that staff had heard tonight that would make them want to table this item for future discussion. Miller said no. This item will be reviewed by the City Council and then the applicant will need to provide a Final Development Plan to the Planning Commission for review. During this time, any concerns can be discussed and potential changes made to the site plan.

Schmeichel asked if the B-1 District requires the diagonal parking along 4th Street. Miller explained that the diagonal parking, which is boulevard parking, isn't related to zoning and is not a part of the Planning Commission's review of the project. The boulevard parking has to be requested and approved by the City Engineer. Struck explained that boulevard parking isn't usually available outside of the downtown area.

Schmeichel asked what type of enclosure is required for the trash. The plan for this site is a cedar enclosure that will be 6 feet in height. Struck explained that they typically require the enclosure to be at or at least one foot higher than the receptacles.

Aiken would like to see that some of the neighbor's comments are heard and maybe some accommodations be met to settle some concerns.

Item #5f– This project is located on South Main Avenue between 20th Street S and East Blue Bell Dr on the west side, in a B-2 Zoning District. The applicant is requesting two variances. Along the south side of the property, an exception to remove a portion of the side landscape area would allow for shared access and parking. The proposed site plan includes a landscape plan with required bufferyard planting to the west where the lot abuts a residential zoning district. In the Commercial Corridor District, the second floor of a building should recess back from the front setback line but the applicant has requested a variance to allow a portion of the second story to be located within the allowable 10-foot front yard encroachment.

Rausch explained that the exception to the parking is due to them utilizing a shared access with the neighbors. He also explained some of the details of the building and that this will be used for a fitness center.

Jamison asked if an agreement should be signed for the shared access agreement. Miller explained that there will be a shared Access Easement noted on the Final Plat. Jamison also asked if the parking lot size, being so large, would be necessary. Rausch explained the business plan for this building and that often times there are quite a few vehicles at one time.

Item #5g – This site plan review is for a proposed building in Prairie Hills Addition at the corner of Main Avenue South and Sweetgrass Drive. No exceptions are being requested for this plan. A shared access drive would be utilized off of Sweetgrass Drive. The proposed use is for an office building.

The meeting adjourned at 7:32 p.m.

Ryan x Miller, City Planner

Tanner Aiken, Chairperson