

OFFICIAL MINUTES

Chairperson Tanner Aiken called the meeting of the City Planning Commission to order on Tuesday, March 5, 2024, 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, Scot Leddy, Jacob Limmer, Jacob Mills, Richard Smith, Nick Schmeichel via telephone, Debra Spear and Aiken. Roger Solum was absent. Also present were City Planner Ryan Miller, Nate and Miranda Hilbrands, Randy Bjorklund, Rina Reynolds, Kristin Uilk, Mike Smith, Todd Voss, Jason Harms, and Angie Boersma – ID8 Architecture.

Item #1 – Roll Call

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

Item #3 – (Mills/Jamison) Motion to approve the February 6, 2024 minutes. All present voted aye. **MOTION CARRIED.**

Item #4 – Convene as Board of Adjustment

Item #4a – Nathan Hilbrands made requests for variances on Block 1 of Clites Addition also known as 1031 West 8th Street South. The first request is to exceed the allowable square footage for an accessory building. The second request is to exceed the sidewall height for an accessory building located in the side or rear yard. The third is to exceed the overall height for an accessory building.

(Smith/Mills) Motion to approve the variance requests.

(Mills/Jamison) Motion to table all three requests to a future meeting. Smith voted no. All others voted aye. **MOTION CARRIED.**

Item #4b – Tom Steffensen made a request for a variance on Lot 8 in Block 3 of Parkdale Home Addition also known as 103 9th Street. The request is for a twenty-one-foot front yard setback for an accessory building.

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

Item #5 – Reconvene as the Planning Commission.

Item #6a – TH Companies LLC submitted a petition to rezone the Northeast Quarter, Excluding Outlot A in Section Three, Township 109, Range 50, Brookings County, South Dakota, also known as 1115 West 20th Street South.

(Smith/Jamison) Motion to approve the rezone request.

(Jamison/Mills) Motion to table to the April meeting. All present voted aye. **MOTION CARRIED.**

Item #6b – Todd Voss submitted a petition to rezone Lots 1 – 6 in Block 8 of Mathew Scobey’s Addition, also known as 305 and 307 Main Avenue South.

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

Item #7a – Jason Harms has requested an amendment to the future land use map from Urban Medium Intensity to General Industrial. The amendment area is located at the corner of 34th Avenue and Highway 14 Bypass.

(Smith/Spear) Motion to approve the map amendment. All present voted aye. **MOTION CARRIED.**

Item #7b – Brookings Behavioral Health and Wellness has submitted a Final 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.

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

Item #7c – The City of Brookings has submitted amendments to Chapter 94, Article IV Division 1, pertaining to Sec. 94-133 related to the elimination of drive-thru services for permitted special uses.

(Smith/Limmer) Motion to approve the amendments. All present voted aye. **MOTION CARRIED.**

Item #7d – Future Meeting Dates - No action needed.

The meeting adjourned at 7:23 p.m.

Ryan Miller, City Planner

Tanner Aiken, Chairperson

OFFICIAL SUMMARY

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(Following is a summary of the meeting and not a word for word dictation. Please see the City's website to view the meeting video for full details. <https://cityofbrookings.legistar.com/calendar.aspx>)

Item #4a – There are 3 requests that the applicant is requesting 1.) to exceed the allowable square footage for an accessory building 2.) to exceed the sidewall height for an accessory building in a side or rear yard 3.) to exceed the overall height for an accessory building. The 3.95-acre parcel consists of a single-family home in a residential district and an existing accessory structure, a gazebo. The proposed shed will measure 60 x 120 for a total square footage of 7,200.

Miranda noted that the sidewall height will actually be 20 feet high and not 22 feet. The sidewall height they are requesting is to allow for storage of a pontoon and other items that are taller than 12 feet. Nate noted that the size of their lot requires them to need snow removal equipment and currently they are not able to store this type of equipment. Miranda noted that the shed will actually be lower on the lot due to the layout of the property and the rear yard being lower than the front/house. They plan to plant trees along the rear lot line that will buffer them from the development to the south. Nate noted that there is a drainage pond between their property and the development to the south so it shouldn't affect the neighbors to the south too much.

Smith requested that staff explain their reason for denial. Miller stated that looking at the allowances for accessory structures, the city's ordinance already allows for additional square feet for accessory structures on larger lots like this. The request is exceeding what is allowed for total square footage by about 2 ½ times. Staff also did not find a hardship with this request. Aiken asked for an explanation of the spirit of the ordinance. Miller stated that the ordinance is to promote appropriate massing of accessory structures in order to fit into residential neighborhoods. Limmer asked about the requirement of the Airspace study. Miller explained that he spoke with the City Engineer and an Airspace study would be required. He isn't sure what the cost of this study would be. Schmeichel wondered if there were any other single-family homes that had a building of this size on their lot. Miller doesn't believe that there is anything for a variance of this scale. Mills asked what the allowable size is. Miller stated 2,000 square feet.

Smith wondered if the applicants had discussed with staff the recommendation of denial of the request. Nate stated that they had spoke briefly with the City. Nate noted that they were not aware of the restrictions on the size of an accessory structure they would be allowed to build when they purchased this house. The gazebo that is on the property is not usable and will eventually be tore down. Nate stated that their lot is different than a lot of lots in Brookings, being 4 acres. Based on what is allowed, the size of building they could build would not be beneficial, they will need a larger shed. Schmeichel

asked the applicants if they would be in favor of an amendment that would require the outside buildings materials to reflect similarly to the house. Miranda stated that this was the plan.

Jamison agrees that the height restriction could be a hardship but he doesn't feel that the size is a hardship. Mills noted he was concerned when he thought it was going to be a metal building, but knowing they plan to make it look like the house made him feel better. Mills noted that if this was an addition to the house, they wouldn't have an issue and would be able to build the building the size they wanted. Schmeichel likes the idea of planting trees to the south but he wonders if the new building could be moved to the east for additional tree plantings to the west to shelter them from the neighboring property, he would be in favor of this. Schmeichel also added that if this building is going to have the same aesthetic look of the house, he would like that. Limmers feels that based on the size of the lot he understands the applicants request, however, due to the ordinance he feels that the requests are too far outside of what is allowed. Aiken feels that the size requested is significantly larger than allowed and that is a concern to him. Aiken feels that the height could be a hardship. Leddy feels that the limits set by ordinance are for a reason and they need to be followed. Jamison wonders if looking at this by size of lot, the ordinance states that a lot of 2 acres or more allows 2,000 square feet of accessory structure so could a 4-acre parcel of land be allowed 4,000 square feet of accessory structure be allowed.

Mills wonders if this item could be tabled to allow the applicants to provide better plans including landscaping and the aesthetics of the shed. Leddy agrees that more pertinent information could be provided if this item were tabled to the April meeting. Schmeichel is very concerned about the height of the building. Mills feels that additional landscaping and tree plantings could help with the aesthetics of the property. Leddy would like the applicants to provide an explanation that provides more information and shows what the hardships are. Mills would like to see a landscape plan, better renderings of the home showing colors and materials, and anything that can help the commission visualize the project. The applicants were in agreement with the suggestion to table their request to a future meeting. The applicants wanted clarification on if the size is the only concern. Schmeichel stated his biggest issue is the sidewall height. Mills feels that the applicants are somewhat meeting the spirit of the ordinance, the sidewall height could be mitigated with tree plantings and landscaping. The applicants have plenty of space, so he would be comfortable with the size and height of the structure. Leddy feels that the total square footage is well in excess of the allowed square footage by ordinance. Jamison stated that the size is a concern but also the height. He suggested the applicants hire a designer to help with the design. Limmer stated that he would be more than open minded to seeing a new proposal. He is sympathetic to the applicants but he feels bound to the ordinances and will have a hard time seeing past that.

Item #4b – This request is for an accessory structure to be placed at a 21-foot front yard setback rather than a 25-foot setback that is required.

Bjorklund, representing the applicant, explained that the purpose of this accessory structure is to provide parking for his tenants and also to store mowers and other equipment. Mills feels this request is reasonable based on the setbacks of other structures in the neighborhood.

Item #6a – This is a rezone request from Agriculture to Residence R-3 Apartment District. This item was heard at the February meeting, but after the meeting it was identified that the date of the posting was incorrect. To resolve that issue, this item is being heard again tonight. The applicant actually has submitted a request to table this item to the April Planning Commission meeting.

Reynolds, 1808 Brighton Road, stated that this land is regularly flooded and if FEMA were not remapping, this land would not be looked at for redevelopment. She asked for clarification on why the request is to R-3 Apartment District and not R-2. Mills explained that this is what the applicant requested. Miller explained that staff did recommend approval of the rezone to the Residence R-3 district. Reynolds still feels that this is an inconsistent use. Reynolds also wondered if a safety study is being considered. According to the trails map and bike path and there is nothing planned to serve a development like this, the City is not preparing to serve the neighbors that live in this area. There is not a plan for traffic and pedestrian safety is a concern in this area. She also has concerns with the capacity of the sewer in this area. Smith asked Reynolds if she believes that zoning to R-2 would be better than zoning to R-3. She believes that R-2 would be a more consistent use. Aiken noted that discussion was had, at the previous meeting, regarding pedestrian safety.

Uilk, 1206 W 20th Street S, is concerned with the R-3 zoning request. She doesn't feel that this zoning fits well with the surroundings. Uilk pointed out portions of the Comprehensive Plan that the Commission should be sure to follow. They have wells on their property and she is concerned about the wells becoming contaminated. Traffic safety also needs to be considered with this development.

Mike Smith, 1922 Brighton Road, has the same concerns as Reynolds and Uilk. The sewer and drainage in this area is a major concern to him. With this new development he would like to see improvements to the drainage in this area.

Jamison asked staff for a reminder as to why the applicant is requesting R-3 zoning. Miller stated that the R-3 zoning allows for additional density and smaller setbacks. With the Large-Scale Residential Plan through the platting process, the uses can be limited to two-family.

Item #6b – The current zoning is Business B-2A Office with request to Business B-3 Heavy District. The surrounding zoning is R-3A to the south, east and north and across the street to the west is B-3 Heavy District.

Voss explained that he had someone interested in renting this property but the business type isn't allowed in the B-2A District. There is B-3 zoning across the street so he feels that this district would be fitting for his property. Spear inquired as to what is planned to be here. Voss stated that he had a business request for a car lot but that has since changed. Mills stated that this request is consistent with the zoning across the street and seems fitting for this request.

Item #7a – This amendment request is for property near 34th Avenue and Highway 14 Bypass. This area is currently outside the city limits but within the 3-mile joint jurisdiction area. Current zoning is Agriculture and the current use is agriculture.

Harms stated that he felt that amending to General Industrial seemed like the best request due to the uses in the vicinity of this property.

Item #7b – This property was rezoned to PDD with Business B-1 Central District underlying. The Initial Development Plan was approved with 1.) a reduced bufferyard setback of ten-feet to the north property line 2.) the use of 6-foot fencing along portions of the north property line in lieu of required landscaping, and 3.) location of the proposed trash enclosure within a portion of the required bufferyard and allowing trash receptacles larger than 1.5 cubic yards be located within 5-feet of the property line. The applicant has changed the size of the receptacles so this is no longer a variance request. Phase 1 of the proposed expansion is an expansion to the north of the existing building.

Because this would be a Business District with Residential zoning to the north, a bufferyard would be required. Applicant is requesting a 10-foot bufferyard rather than the required 20-foot bufferyard, and to eliminate a portion of the required landscape plantings to allow access to the air conditioning units.

Item #7c – Miller explained that the Planning Commission had seen a recent rezone request that prompted the amendment to the Business B-2A Zoning District to add “Drive-thru service not allowed.” within the Permitted Special Uses of the B-2A Zoning District. Drive-thru lanes could be allowed for the Conditional Uses, but Planning Commission would review plans and determine if acceptable per each request.

Item #7d – Due to calendar conflicts and election dates in 2024, it has been discussed to move the Planning Commission/Board of Adjustment meetings to the Monday prior to prevent any conflicts in May, June and November.

The meeting adjourned at 7:23 p.m.

Ryan Miller, City Planner

Tanner Aiken, Chairperson