

City Council Agenda Item Memo

From: Ryan Miller, City Planner

Council Meeting: July 23, 2024 / August 13, 2024 / September 24, 2024

Subject: Ordinance 24-023: Rezone the East 151 feet of Block 1 in Northern Plains Addition from a Business B-2A Office District to a Residence R-2 Two-Family District.

Presenter: Mike Struck, Community Development Director

Summary:

Northern Plains Professional Properties, LLC, has submitted a petition to rezone the east 151 feet of Block 1 in Northern Plains Addition from a Business B-2A Office District to a Residence R-2 Two-Family District. The Development Review Team recommends approval. The Planning Commission voted 7-0 to recommend approval. The City Council voted 7-0 approving the rezone ordinance on August 13, 2024. A written protest of Ordinance 24-023 was received by the City Clerk's Office and pursuant to Section 94-7 of the Municipal Code of Ordinances, the ordinance does not become effective unless approved by a two-thirds vote of the City Council.

Item Details:

Northern Plains Addition was originally platted in 2022, at which time Block 3 was rezoned from Business B-2A Office District to a Residence R-2 Two-Family District. Blocks 1 and 2 retained the B-2A Zoning. The developer has now submitted a revised Preliminary Plat which will shift the eastern 151 feet of Block 1 to an adjacent block proposed for residential use. This area was initially thought necessary for additional parking for the commercial use on Block 1 but is no longer needed for parking, and the developer prefers to provide more space for the proposed residential uses.

The area to be rezoned is 151 feet x 72 feet, roughly 10,924 square feet. Adjacent zoning will include Residence R-2 Two-Family District to the north and east, Residence R-1B Single-Family District to the south, and Business B-2A Office District to the west.

The area is located within an Urban Low Intensity Future Land Use according to the Comprehensive Plan, which supports the request for R-2 Zoning.

The City Council held a public hearing on August 13, 2024 and upon completion of the public hearing, subsequently voted 7 – 0 to approve the rezoning of the property from a Business B-2A Office District to a Residence R-2 Two-Family District. The ordinance was published on Friday, August 16, 2024 and a written protest was received by the City Clerk's Office within the twenty-day period of time allowed for protesting the passage of an ordinance. The written protest met the threshold of at least forty (40%)

percent of the owners of equity in the lots included in any proposed district and the lands within two hundred fifty (250) feet from any part of such proposed district. If a protest is filed, the ordinance does not become effective unless the ordinance is approved by a two-thirds vote of the City Council.

Legal Consideration:

A two-thirds vote of the City Council is required to approve Ordinance 24-023 per Section 94-7 of the Brookings Municipal Code of Ordinances.

Strategic Plan Consideration:

Economic Growth – The rezone will support a proposed townhouse dwelling development.

Financial Consideration:

None.

Supporting Documentation:

Ordinance
Hearing Notice – City Council
Hearing Notice – Planning Commission
Planning Commission Minutes
Petition to Rezone
Location Map
Zoning Map
Future Land Use Map