

OFFICIAL MINUTES

Chairperson Tanner Aiken called the meeting of the City Planning Commission to order on Tuesday, August 6, 2024, 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, Kyle Jamison, Scot Leddy, Nick Schmeichel, Richard Smith and Debra Spear. Jacob Limmer and Roger Solum were absent. Also present were Community Development Director Michael Struck and City Planner Ryan Miller. Also present were Phillip Altman, Nathan Traffie, Diane Nelson, Patrick Daly, Marty Syrstad, Ken Just, Tim Reid, Jim Burkhardt and Jacob Meshke.

Item #1 – Roll Call

Item #2 – Approval of Agenda

(Leddy/Jamison) Motion to approve the agenda. All present voted aye. **MOTION CARRIED.**

Item #3 – Approval of Minutes

(Jamison/Schmeichel) Motion to approve the July 2, 2024 minutes. All present voted aye. **MOTION CARRIED.**

Item #4 – Convene as Board of Adjustment

Item #4a – Nathan Traffie of NT Homes LLC has made a request for a variance on Lot 11 in Block 3 of Arbor Hill Addition, also known as 1828 E Briarwood Circle. The request is for a 44-foot-wide driveway. The maximum width of a driveway is 36-feet.

(Spear/Schmeichel) Motion to approve the variance. All present voted no. **MOTION DENIED.**

Item #5 – Reconvene as the Planning Commission

Item #6 – Other Business

Item #6a – Diane Nelson has applied for a Conditional Use Permit to operate a home hair salon, a Major Home Occupation, in a residential district at 1635 17th Avenue South.

(Smith/Schmeichel) Motion to approve the Conditional Use Permit subject to staff recommendation of the permit being valid only to the current homeowner. All present voted aye. **MOTION CARRIED.**

Item #6b – Ryan Companies has submitted an amended Final Development Plan for Sub Area 1 of the Planned Development District located in Block 9 of Wiese Addition, also known as the Brookings Marketplace.

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

Item #6c – Marty Syrstad submitted a site plan for review within the Commercial Corridor Design Review Overlay District. The project is located on Lot 1 in Block 1 of Reserve Fourth Addition near the intersection of 20th Street South and Christine Avenue.

(Smith/Schmeichel) Motion to approve the Commercial Corridor Design Review. All present voted aye. **MOTION CARRIED.**

Item #6d – The Community Development Department has submitted a series of Future Land Use Map revisions along 20th Street South in the City of Brookings. The seven areas include zoned property located along the 20th Street South corridor that are in conflict with the future land use map or could see future redevelopment that may require future land use map revisions. Proposed changes do not impact current zoning and any future rezoning request would be at the discretion of property owners.

(Schmeichel/Smith) Motion approve Future Land Use Map Revision subject to staff recommendation of approval of the amendments with the exception of the change to the 100 Block of West 20th Street South and 20th St S/Western Ave. All present voted aye. **MOTION CARRIED.**

Item #6e – The City of Brookings proposes to create a Tax Increment District Number Sixteen in the east central portion of the City of Brookings to support industrial development.

(Jamison/Schmeichel) Motion to approve the creation of Tax Increment District Number Sixteen. All present voted aye. **MOTION CARRIED.**

Item #6f – Adoption of a project plan for Tax Increment District #16 detailing the proposed improvements, associated costs and the plan for financing the improvements for an industrial development.

(Jamison/Smith) Motion to approve the adoption of Tax Increment District #16. All present voted aye. **MOTION CARRIED.**

Item #6g – The City of Brookings proposed amendments to the City’s zoning ordinances located in Chapter 94, Article VI, Division 3, pertaining to Sec. 94-395 related to the regulations or porches, decks and platforms within required yard areas.

(Schmeichel/Spear) Motion to approve the proposed amendment to the City’s Zoning Ordinances plan.

(Schmeichel/Jamison) Motion to table the proposed amendment to the City’s Zoning Ordinances plan to a future meeting. All present voted aye. **MOTION CARRIED.**

Item #6h – Deputy City Manager Jacob Meshke presented a report on the Development Review Team’s role in City Planning.

Item #7a – Adjourn

The meeting adjourned at 7:50 p.m.

Ryan Miller

Tanner Aiken, Chairperson

OFFICIAL SUMMARY

Chairperson Tanner Aiken called the meeting of the City Planning Commission to order on Tuesday, August 6, 2024, 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, Kyle Jamison, Scot Leddy, Nick Schmeichel, Richard Smith and Debra Spear. Jacob Limmer and Roger Solum were absent. Also present were Community Development Director Michael Struck and City Planner Ryan Miller. Also present were Phillip Altman, Nathan Traffie, Diane Nelson, Patrick Daly, Marty Syrstad, Ken Just, Tim Reid, Jim Burkhardt and Jacob Meshke.

(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 – NT Homes LLC constructed the home at 1828 E Briarwood Circle. The home was built as a spec and sold to a buyer who then requested the widening of the driveway. The contractor was unaware of the maximum driveway width and completed the driveway addition. 1828 E Briarwood Circle is a single-family home with a 32-foot wide garage and the additional driveway added per the buyers request is 12-feet poured up to the side property line to the west. The driveway width at the sidewalk is 44-feet. The width flares back from the sidewalk to a total width of 32 feet at the curb. The closest comparable examples for the request include 217 Hickory Street, 1816 Pinehurst Drive and 1905 Half Moon Road. 217 Hickory Street was approved for a maximum width of 50-feet on a 102-foot wide lot in the Joint Jurisdiction Area with screening requirements. 1816 Pinehurst Drive was approved for a 46-foot-wide driveway on a 119-foot wide lot with a six-foot fence required for screening. 1905 Half Moon Road was approved for a 48-foot-wide driveway on a double lot with a total street frontage of 142 feet. 1828 E Briarwood Circle has a lot width of 85-feet. With the driveway constructed up to the property line, no additional room remains for potential screening. Screening to the south may be an option and would be recommended if the variance was approved in order to mitigate light pollution to neighbors to the south. Due to the lot being significantly narrower and the lack of screening options, staff recommended denial.

Altman, property owner, was available for questions. He requested a 44 ft driveway due to 3-car garage not being large enough to accommodate his 4 vehicles and to prevent cars being parked on the road. Karolyn Haas, 1827 Briarwood Circle, and Marvin Tjaden, 1835 Briarwood Circle, have reached out to owner in favor of the driveway width. He would like to remove his vehicle from the street to reduce congestion. Staff previously reached out to Traffie to advise of the denial. Traffie said he did get the recommendation but had not forwarded it to the homeowner, although he did state that he thought it would be denied. Altman asked for the reason for denial. Miller explained that the maximum allowed width is 24 ft but, in this circumstance, it could be increased to 36 feet since the garage is 32 feet wide and there would be another 4 feet allowed on the west side. Once beyond the front yard setback, he could add a wider concrete area but the concern would be access since there would only be an additional 4 feet of concrete on the side of the driveway. Smith asked if the homeowner would like to amend his request. Altman stated yes at this time he would. Aiken clarified that the maximum driveway width allowed beyond the side of the garage would be 4 feet and asked if there was an option to amend to. Without seeing an amended plan and checking the code, it cannot be decided today so Altman can withdraw his application or proceed and have it voted on. Altman decided to proceed to hear the vote and move forward from there. Miller read an email from the next-door neighbor at 1812 Briarwood in opposition of the parking pad.

Jamison pointed out that a 3-car garage with a full width driveway in front should equal 6 spaces. Schmeichel discussed that due to the pad being on the property line, there was not an option to request screening. Aiken appreciated the applicant's willingness to declutter the street but the lot layout and orientation did not warrant a hardship. Miller clarified that the curb cut had to match the garage width not the driveway width. Schmeichel asked if they could angle the cut before or after sidewalk. Miller responded that it would have to wait until after the sidewalk to flare to the widened pad but a variance could change the curb cut location.

Item #5 – Reconvene as the Planning Commission.

Item #6 – Other Business

Item #6a – Diane Nelson has applied for a Conditional Use Permit to operate a home hair salon, a Major Home Occupation in a residential district at 1635 17th Avenue South. Home hair salons are allowed as a major home occupation only as single chair operation. The property is a single-family residence in the Residence R-3 Apartment district. The applicant is proposing to renovate a portion of the garage for use as a salon. The home includes a two-stall garage with three parking stalls in the driveway for a total of five parking spaces. Two spaces are required for the home occupation in addition to the required two spaces for a single-family home.

Nelson was available for questions. Schmeichel clarified that the request met the outlined criteria. Miller explained that the salon would not have to be removed from the garage in the event of sale of the property but a future homeowner would have to apply for their own Conditional Use Permit. Spear asked for the plan to contain toxic or noxious chemicals. Nelson would have a contractor's assistance with ventilation. Spear asked if it would be on the park side of the dwelling. Nelson said yes, she had considered using the basement but did not want her older clients using the steps. Aiken asked if it would be required to be built to code. Miller stated, yes, at permitting it would need to meet commercial use codes.

Item #6b – Ryan Companies submitted an amended final development plan for Sub Area 1 of the planned development district located in Block 9 of Wiese Addition, also known as the Brookings Marketplace. The developer of the proposed retail subdivision previously submitted a final development plan in 2023 which was approved by the Planning Commission. Since that time, the developer has been working with an anchor tenant for the Brookings Marketplace and proposed a revision to the final development plan. The changes included a reduced footprint for the primary anchor tenant, reduced parking and minor revisions to lot dimensions for Lot 1, Outlot A and Outlot B. A revised landscape plan was submitted with the final development plan which showed that all landscape requirements would be met with the exception of a previously approved elimination of side yard landscape areas where private drives were located along lot lines. The final development plan included proposed sign allowances for each of the lots. Future final development plans would be required for Lots 2, 3 and 4.

Daly, Ryan Companies, explained that the space was designed for an anchor tenant that was a nationwide retailer but they were unable to disclose who due to a nondisclosure agreement. They would like to break ground this year but will likely push forward to in the spring. Smith thanked him for clarifying that there was a nondisclosure agreement. Jamison requested a secondary pedestrian access farther to the west be considered since almost all residential development was on the other side of the interstate. Miller noted that the area for a walking path mentioned by Jamison would be on

another future development plan for lot 3 and may not be able to be graded to ADA compliance. Aiken agreed it was great feedback for future lots.

Item #6c – Marty Syrstad submitted a site plan for review within the Commercial Corridor Design Review Overlay District. The proposed development was located near the intersection of 20th St S and Christine Ave. The proposed development included two phases. The current phase for review consisted of a 20,430 square foot building intended for indoor pet services including boarding. A zoning revision passed in 2023 allowed for pet services in the Business B-2 districts so long as all services, storage areas, retail areas, boarding areas and recreation areas were located entirely within a completely enclosed building. The development would be accessed via Christine Ave. A secondary discharge to 20th St S was included in the plans as a one-way exit only. Parking located to the northwest of the primary building included the necessary number of minimum parking stalls for the use with excess spaces to accommodate the potential future Building 2. The proposed Building 1 included a drop off location at the primary entrance on the north side of the building. The trash enclosure was proposed to be located inside the building with access from a garage door on the southwest corner of the building. The proposed plans met all zoning requirements, commercial corridor design review overlay district requirements and landscape ordinance requirements.

Syrstad, property owner, and Just, RWE Planning + Design, were available for questions. Schmeichel appreciated that the builder followed the guidelines and had not requested variances. Leddy inquired on the use of Building 2. Syrstad explained that it was a potential pet space or leased space depending on growth of the business. Schmeichel asked if the exit only onto 20th St S would be right turn only. Miller said it was suggested at DRT but not required and as shown it was a one way exit with no restriction to right turn only.

Item #6d – The proposed future land use map changes include:

Southwest Corner of 20th Street South / Interstate 29

This area included multiple parcels of land immediately southwest of the new interstate ramp along 20th St S including a northern portion of Western Estates. Portions of this area were classified as Mobile Homes and Open Space. The proposed future land use for this area was Urban High Intensity, which would match the future land use located near the 6th St and Interstate 29 ramp.

1600 Block of 20th Street South

This area included 7.5 acres of land located between Bluegill Addition and the future Branch Creek Addition. The existing future land use classification was Medium Density Residential. The proposed future land use classification was Urban Medium Intensity.

20th Street South / 9th Avenue

This area included existing development and zoning that conflict with the future land use classification. An existing gas station and convenience store with Business B-2 district zoning conflicts with the future land use classification of Open Wetland. The proposed future land use classification of Urban Medium Intensity would align with the existing zoning district.

20th Street South / Tallgrass Parkway

This area included multiple parcels of land located in a Business B-2A office district. The existing uses in this area aligned with the proposed Urban Medium Intensity future land use category.

20th Street South / Main Avenue South

This area, located at the corner of 20th St S and Main Ave S, was undeveloped and zoned as a Business B-2 district. The future land use classification was Urban Low Intensity and the proposed future land use classification was Urban Medium Intensity. This revision was based on development potential consistent with Main Ave S which included Business B-3 districts for a majority of the corridor.

100 Block of West 20th Street South

This area included an existing residential use located in an Agriculture zoning district. The future land use classification was a mix of low-high residential densities. The proposed future land use classification was Urban Low Intensity which supported the potential for a mix of future uses such as residential, business and office zoning districts. The property included two parcels commonly owned for single family purposes. Redevelopment west of Main Ave S was less likely in the immediate future, however, in the further distance there may be a demand for future offices or commercial services in the area as the city continues to grow to the south and west. The land was cut off from nearby residential developments meaning that any future development would be oriented towards 20th Street South. The Development Review Team discussed concern with changing the future land use map in this area due to the potential timeline for any redevelopment being so far out.

-The Development Review Team thought it may be best to not intervene at this point in time.

20th Street South / Western Avenue

This area included four parcels of land with access to Western Ave. The existing zoning varied from agriculture to high density residential and the future land use classification was Low Density Residential. The proposed future land use classification of Urban Low Intensity would support the potential for a mix of future uses such as residential, business and office zoning districts.

Redevelopment west of Main Ave is less likely in the immediate future, however, in the further distance there may be a demand for future offices or commercial services in the area as the city continues growing to the south and west. The land is cut off from nearby residential developments meaning that any future development limited to Western Ave and 20th St S.

-The Development Review Team thought it may be best to not intervene at this point in time.

Tim Reid, Brookings Economic Development Corporation, appreciated Community Development proactively amending the future land use map for more businesses. Spear asked if the people within the areas were aware of the proposed change. Miller said that the property owners were notified via postcard and public notice. He went on to clarify that this was not a zoning change but a future land use map change that would make future development more flexible. Spear inquired how these spaces were chosen. Miller stated that staff discussion with planning commission regarding the number of rezones in the area prompted the proposal. Spear went on to ask about safety of kids on bikes at the soccer fields if traffic increased. Miller said, depending on the scale of development, they could request a traffic impact study. Schmeichel wondered why west of Main Ave was not looked at to be included in the amendment. Miller replied that it was discussed how likely commercial development would be that far out in the near future. Aiken commented that he was happy to see this done as a batch instead of one at a time.

Item #6e – The City of Brookings proposed to create Tax Increment District Number Sixteen in the east central portion of the City of Brookings to support industrial development at Outlots, That Portion of SW ¼ Lying S of C & NW RR, Inc. Meyers Subdiv, Exc Lot 5A, 5B, 6B, & 7B & Exc S .84 Ac of L H-11, Exc L H-8 Sec 30-110-49, Also N ½ NW ¼ Exc H-2 & Exc. .43 Acres of Lot H-5. The use of tax increment financing (TIF) to fund improvements within a specified area has become popular in the state. Many communities throughout the state have utilized tax increment financing to pay for extending roads, sewer, water, trails, and other infrastructure into areas to expedite development. As

the name implies, only the tax increment (future growth in property tax revenues) is used to fund the improvements. The base, or property tax generated before the creation of the Tax Increment Finance District, continues to be paid to the taxing authorities. Tax Increment Districts are created to help attract private development. In turn, these developments expand employment opportunities, increase sales tax, and expand businesses into the community. Tax Increment District #16 boundaries consist of the Solventum property along 22nd Ave. The proposed improvements consist of water, sanitary sewer, storm sewer, drainage facilities, site grading and street improvements for the development of industrial pad sites for the Solventum expansion. Solventum would front the costs associated with the industrial project improvements and would only be reimbursed the increment generated from the improvements. The eligible project costs are at \$5 million. The proposed improvements lie within the proposed boundaries of the district.

Schmeichel asked for a map of existing TIFS and how many the city was allowed to have. Struck said the quantity was unlimited but the valuation was limited to 10% of the assessed tax valuation of the city of Brookings. After this proposal the city would be at roughly 2%. Schmeichel asked how many jobs this brings. Reid said the expansion would create 46 new jobs and about \$2.6 million in payroll. The investment was almost \$222 million and would have an economic output of \$289 million. Schmeichel said this was the first TIF he had seen where the project had already been started and did not want this to become common. Schmeichel said several large businesses in town have expanded without requesting a TIF and the job output of this project was not that high. Reid stated that there are not going to be as many new manufacturing jobs due to automation. This project replaced jobs that were lost when a line was sold off. Brookings Economic Development Corporation had been working with 3M before they sold to Solventum to try to keep them in Brookings. The expansion also had a one-time boost to the economy in sales tax and construction costs. This project may have already begun but the discussion began a year ago and took time to fine tune. Schmeichel explained that his inquiries were because he did not want to come close to the 10% threshold and limit future benefits. He also did not want to get into the habit of companies beginning construction and asking for money later similar to stadiums threatening to leave a community if the city does not provide funding. Jamison clarified that the first vote was on district boundaries and second vote is on the creation of the TIF.

Item #6f – The City of Brookings is proposing the creation of Tax Increment District #16 to construct improvements in east central portion of the community for an industrial development project at Outlots, That Portion of SW ¼ Lying S of C & NW RR, Inc. Meyers Subdiv, Exc Lot 5A, 5B, 6B, & 7B & Exc S .84 Ac of L H-11, Exc L H-8 Sec 30-110-49, Also N ½ NW ¼ Exc H-2 & Exc. .43 Acres of Lot H-5 All Located in the City of Brookings, Brookings County, South Dakota including within and adjacent rights-of-ways. Solventum is planning an expansion at their current location and grading and infrastructure improvements are necessary to accommodate the expansion projects. State law (SDCL 11-9-13) requires the Planning Commission adopt a project plan for each tax increment district and submit the plan to the governing body. The plan must contain specific information as stated in SDCL Chapter 11. The Developer is responsible to front the costs of the project improvements and will only be reimbursed property tax increment generated from development occurring within the district. The aggregate assessed value of the taxable property in Tax Increment District #16 plus the tax increment base of all other existing districts is less than two (2%) percent of the total assessed value of all taxable property in the City. State law restricts the maximum percentage to ten (10%) percent. Tax Increment District # 16 proposed to construct improvements consisting of water, sanitary sewer, storm sewer, drainage facilities, and site grading for the expansion of industrial development. The project plan identifies eligible project costs as Five Million (\$5,000,000) Dollars and the tax increment

financing district shall be decertified at such time as the project costs have been reimbursed or twenty (20) years has expired from the date the district was created, whichever occurs first.

Jamison asked if the underlying goal was for the TIF be paid off early. Struck replied that ideally, yes, because that would generate more taxable revenue. Jamison inquired if there would be reason to think this is not a good plan. Struck explained that each TIF needed to be assessed on its own merit.

Item #6g – Staff proposed amendments to the allowable encroachment of decks within required yard areas. Many recent projects successfully sought variances for the encroachment of decks, mainly within front yards. Since 2021, four variances have been granted for entry level decks that project further than allowed into front yard setbacks. At least two variances were granted for decks projecting further than allowed into rear yards for single family homes. Two recent variances were granted for the projection of apartment balconies within the required front yard area. With those cases in mind, staff prepared a draft amendment to Sec. 94-395 in an attempt to add flexibility for deck construction, primarily in the front and rear yards.

Due to further revisions needed, Miller requested tabling this item.

Item #6h – Deputy City Manager Jacob Meshke presented a report on the Development Review Team’s role in City Planning.

Smith asked if the information provided was available to the public. Meshke responded that it was available on the city the website. Schmeichel inquired what to say to developers that were concerned that if they don’t have DRT approval that Planning Commission won’t pass their requests. Meshke said, when you see the DRT recommendation for approval, it means that the project met code. Furthermore, if DRT recommended denial, it means that the project had not met code yet and was not amended to bring it into compliance. Developers can go to Planning Commission without going through DRT but it’s preferred that they go through DRT to review code prior to being seen. Meshke noted that all developers that go to DRT were sent a survey for feedback to make the process as efficient as possible while still upholding the code of the city. Jamison appreciated the presentation and mentioned that other municipalities he has worked in that had a preapproval sequence like DRT did not require City Council approval afterwards. Meshke stated that the City monitors code and code outlined certain changes that are required to go to City Council for approval. Jamison inquired if there were plans to better codify pedestrian access on projects. Meshke said that earlier this year the City contracted RDG to look at connectivity is taking steps to improve connectivity. Jamison asked when RDG’s report would be finalized. Miller explained that they have submitted revisions and wanted to make sure it contained a full scope instead of rushing and potentially missing something. Aiken asked if it was safe to assume that the items that recommended denial or have not gone through DRT should be more closely reviewed by Planning Commission. Meshke replied that it is an item-by-item basis but a DRT recommendation is a collective staff recommendation. Staff recommendation means it was not reviewed by one or more departments of the collective group.

The meeting adjourned at 7:50 p.m.

Ryan Miller

Tanner Aiken, Chairperson