

OFFICIAL MINUTES

Chairperson Greg Fargen called the meeting of the City Planning Commission to order on Tuesday, December 6, 2022, 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, James Drew, Kyle Jamison, Gregg Jorgenson, Lee Ann Pierce, Nick Schmeichel, Roger Solum, and Fargen. Absent was Jacob Mills. Also present were City Planner Ryan Miller, Community Development Director Mike Struck, Dusten Hendrickson, Barnaby Wainman, Wade Price, Justin Bucher, and Eric Witt.

Item #1 – Roll Call

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

Item #3a – (Jorgenson/Schmeichel) Motion to approve the November 1, 2022 minutes. All present voted aye. **MOTION CARRIED.**

Item #4 – Convene as Board of Adjustment.

Item #4a – Dusten Hendrickson made a request for a variance on the North 50' of Lots 8, 9, and 10 in Block 13 of Second Addition also known as 510 Main Avenue. The request is for a zero-foot rear yard setback. The minimum rear yard setback in the Business B-1 Central District is twenty feet.

(Schmeichel/Jorgenson) Motion to approve the variance request for a zero-foot rear yard setback. Pierce voted no. All others vote aye. **MOTION CARRIED.**

Item #4b – Barnaby Wainman made a request, on behalf of Chuck Bennis, for a variance on Lot 8 in Block 5 of Peterson's Second Addition also known as 630 6th Avenue. The request is to locate a detached garage 12.5 feet from the front property line. The required front yard setback in the Residence R-2 two-family district is 25 feet.

(Solum/Aiken) Motion to approve the variance request to locate a detached garage closer than allowed. All present voted aye. **MOTION CARRIED.**

Jamison arrived at 5:57.

Item #4c – Barnaby Wainman made a request for a variance on Lot 15 in Block 8 of Moriarty Edgebrook Addition also known as 1816 Pinehurst Drive. The request is for a 46-foot wide driveway located within the front yard setback. The maximum allowed width of a driveway within the front yard setback is 36 feet.

(Jorgenson/Solum) Motion to approve the variance request for a wider driveway within the front yard setback.

(Schmeichel/Aiken) Amendment to require a 6-foot privacy fence around the west and south sides of the 10-foot parking pad. Amendment was voted on. All present voted aye. **AMENDMENT CARRIED.**

Motion as amended was voted on. Schmeichel and Drew voted no. All others voted aye. **MOTION CARRIED.**

Item #5 – Reconvene as Planning Commission

Item #6a – PMVK Limited submitted a revised preliminary plat of Lot 1 of Block 1; Lots 1-7 of Block 4; and Lot 6 in Southland Addition and 23rd Street South in Bluegill Third Addition.

(Aiken/Schmeichel) Motion to approve the revised preliminary plat as presented.

(Pierce/Solum) Amendment to the motion to replace the 30' shared access drive with a 60' public right-of-way running from Ace Avenue to the eastern edge of Lot 6 in Block 4. Schmeichel, Jamison, Jorgenson, Aiken, and Fargen voted no. Pierce, Drew, and Solum voted yes. **AMENDMENT FAILED.**

(Schmeichel/Aiken) Motion to amend the original motion to increase the 30' shared access drive to a 50' shared access easement. All present voted aye. **AMENDMENT CARRIED.**

Motion as amended was voted on. All present voted aye. **MOTION CARRIED.**

Item #7a – Amendment to the Future Land Use Map.

(Pierce/Schmeichel) Motion to approve the amendment. All present voted aye. **MOTION CARRIED.**

Item #8a – Brookings Municipal Utilities submitted a petition to rezone Tract 1 of BMU WTP Addition, in the NW ¼ and the SW ¼ of Section 20, Township 110 North, Range 49 West of the 5th P.M., Brookings County, South Dakota. The request is to rezone from Agriculture District to Industrial I-1 District.

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

Item #9a – Brookings Municipal Utilities submitted a petition for annexation of the Northwest Quarter (NW ¼) of Section Thirteen (13) Excluding the south Eight Hundred Sixty Feet (S 860') of the North One Thousand Nine Hundred Seventy Feet (N 1,970') of the West Six Hundred Twenty-eight Feet (W 628'), Excluding the North One Thousand One Hundred Ten Feet (N 1,110') and Excluding Lot H-2 thereof; All in Section Thirteen (13), Township One Hundred Ten (110) North, Range Fifty (50) West of the 5th P.M., County of Brookings, State of South Dakota.

AND

The Northeast Quarter (NE ¼) of Section Thirteen (13), Excluding the North One Thousand One Hundred Ten Feet (N 1,110') of the West Four Hundred Seventy-eight Feet (W 478') and Excluding the North Five Hundred Eighty-four Feet (N 584') of the East Five Hundred Twenty-four Feet (E 524') thereof, All in Section Thirteen (13), Township One Hundred Ten (110) North, Range Fifty (50) West of the 5th P.M., County of Brookings, State of South Dakota.

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

Item #9b – Election of Officers for 2023.

(Schmeichel/Solum) Motion to elect Aiken for Chairperson and Jacob Mills for Vice-Chairperson for 2023. All present voted aye. **MOTION CARRIED.**

The meeting adjourned at 6:57 p.m.

Ryan Miller, City Planner

Greg Fargen, Chairperson

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OFFICIAL SUMMARY

Chairperson Greg Fargen called the meeting of the City Planning Commission to order on Tuesday, December 6, 2022, 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, James Drew, Kyle Jamison, Gregg Jorgenson, Lee Ann Pierce, Nick Schmeichel, Roger Solum, and Fargen. Absent was Jacob Mills. Also present were City Planner Ryan Miller, Community Development Director Mike Struck, Dusten Hendrickson, Barnaby Wainman, Wade Price, Justin Bucher, and Eric Witt.

Item #4a – The rear setback in this district is twenty feet and the applicant is requesting a variance for a zero-foot setback. The applicant is considering adding a second and third floor to the existing garage, which is at the rear of the property, for additional apartment units. The second floor and third floor will each have five apartment units.

Hendrickson explained that this property already has a variance for a zero foot setback for the garage, but since they are adding above the current garage, they also need a variance for this portion of the building. This project will need to go through an 11.1 Historic review process before being able to move forward with the plan. A portion of the historic review has been complete and they are requiring that the building be shorter in height so the current proposed plan will be going through additional changes and reviews.

Pierce asked Hendrickson what his hardship is. Hendrickson explained that the hardship is that Brookings needs more housing downtown in their urban core and this is actually a goal of the City. Hendrickson stated that he, himself, doesn't have a hardship.

Miller explained that a hardship could be found in the orientation of the building and adjacent alleyway. Miller mentioned that typically in the downtown district, buildings have zero-foot side yard setbacks and twenty-foot rear yard setbacks in order to allow for access and parking in the rear of the buildings, where the alleyway is typically located. In this case, the alleyway runs along the side of the building rather than the rear. The area where the apartments would be added have a greater than twenty-foot setback from the alleyway to the north..

Item #4b – This property is located in an R-2 two family district where the minimum front yard setback is twenty-five feet. The existing home has a 12'5" setback and the current garage has a 7-foot setback. The owner would like to demolish the damaged garage and replace it with a new detached garage at the 12'5" setback.

Hendrickson feels that it fits to have a garage built at this location and the location is more in line than the current garage. There are a lot of unique circumstances with zoning and it is hard to apply all the rules to this lot and this request makes sense.

Wainman explained that they are going to rotate the garage and have access from the alley rather than from 7th Street which is keeping with the other garages along the alley.

Item #4c – The maximum width of a driveway is thirty-six feet and the applicant is requesting forty-six feet to allow for driveway access to a side parking pad along the side of the garage. The side parking pad is allowed; this request is just for the drive area to the pad. Fargen questioned the ten-foot expansion and how this expansion will be prevented to the whole length of the driveway. Wainman explained that he is

going to install a parking pad, with fencing around it, and then a triangular driveway to the pad. Miller explained that zoning doesn't allow for the 10 foot wide extension all the way to the sidewalk.

Schmeichel feels that if the applicant is going to have this parking pad, and it is being used to park a construction trailer, then the parking pad should be required to be fenced. Drew doesn't feel that a construction trailer should be allowed to be parked here and he doesn't see that there is a hardship with this request. Aiken would support an amendment to require the parking pad be fenced.

Item #6a – This revised plat is near the intersection of Ace Avenue and 22nd Street South. A plat from 2018 shows Blocks 1,2,3,4,5 and 6 of Southland Addition. A subsequent plat voided much of Block 5. This revised plat includes Lot 1 of Block 1; Lots 1-6 in Block 4 and Block 6 in Southland Addition. The preliminary plat does include a few shared access drives, one between Lots 4 and 5 and another between Lots 5 and 6 of Block 4. In addition, there is a 30 foot shared access drive between Lots 4, 5, and 6 and the north side of Lots 1 and 3. A preliminary utility plan was provided. Staff is recommending approval with changes to the access drive/drives. Staff recommends to either replace the 30' shared access easement that runs between the commercial and residential lots with a 60' public right-of-way running from Ace Avenue to the eastern edge of Lot 6 or increase the 30' shared access easement to a 50' shared access easement which would run from Ace Avenue to the eastern edge of Lot 6 in Block 3. The reason for this is because likely secondary access is going to be required due to Lot 3 in Block 4. Additionally, there will be bufferyard requirements to be applied.

Schmeichel questioned how the applicant feels about the staff recommendations and if they may cause any hardships. Price explained that he would prefer the 50' shared access easement. If there were a 60' right-of-way, there would be more problems at the intersection of 20th Street S and 22nd Avenue because the infrastructure isn't there. Struck clarified the staff recommendation and that the 50' access drive would cover a 30' access drive and then the bufferyard requirements of between the residential and the commercial. Miller stated that the correct verbiage would be a 50' shared access "easement" to allow for the shared access drive and the bufferyard.

Drew feels that a 30' shared access drive may not be sufficient with the amount of traffic from the lots in Block 4 that have different zoning districts, he feels that the 60' right-of-way access is needed. Jamison doesn't feel that a sixty foot shared access would be necessary. There are already two shared accesses on the north side and creating a wider road to the back of the business could be excessive. Also, thinner roads incentivize slower traffic. Miller explained that the shared access drives on the north end appear as only access drives to the lots and not south all the way through the lots. Lot 3 of Block 4 is zoned R-3 and it is likely that development on this lot will require secondary access. But if that is the only access, then they would be restricted to lower density development on this lot. A 30' access easement would not be sufficient. Pierce agrees that the 60' right of way should be required. Price doesn't agree with this amendment. Due to a mess up on the platting back in 2020, Price is here. Miller explained that there is an increase in the number of lots in this development which is requiring the revised preliminary plat. Struck stated that this development has a significant amount of density and additional density is being planned. The only way out of here right now is Ace Avenue and as development occurs, we need to look at different ways to disburse the traffic. So looking at the long term perspective of how this area will grow and function, we need to be sure there is a transportation network available in the future to meet the needs. Aiken supports the 50' shared access easement.

Item #7a – This request is for a revision to the future land use map for a parcel of land located along 34th Avenue from Urban-Medium to Civic.

Witt explained that they recently annexed this property into the City for the waste water treatment plant.

Item #8a – The request is to rezone 18.84 acres. This land is currently zoned Joint Jurisdiction Agriculture and the request is to I-1 Light Industrial.

Item #9a– Brookings Municipal Utilities is requesting to annex this area containing a portion of the wellhead protection zone which is east of Medary Avenue and South of 30th Street, all north of the Hwy 14 Bypass.

Witt explained that BMU management felt that annexation into this city for this property, where feasible, was appropriate. This property is contiguous to the north well field which will remain in service as part of the water treatment plant upgrade. The portion that is being annexed will have two additional wells installed on it.

The meeting adjourned at 6:57 p.m.

Ryan Miller, City Planner

Greg Fargen, Chairperson