

OFFICIAL MINUTES

Chairperson Greg Fargen called the meeting of the City Planning Commission to order on Tuesday, October 4, 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, Jacob Mills, Lee Ann Pierce, Nick Schmeichel, Roger Solum, and Fargen. Absent was Gregg Jorgenson. Also present were City Planner Ryan Miller, Community Development Director Mike Struck, Peder Haugen, Nathan Moe, Lynda Pierce, Peggy Morris, Matthew Weiss - DesignArc Group, Joann Puetz-Anderson, Debra Steichen, Dan Parson, Miranda and Eric Peterson, Kyle Rausch, Jeremy Johnson – Daktronics and Jacob Meshke Assistant City Manager.

Item #1 – Roll Call

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

Item #3a – (Schmeichel/Mills) Motion to approve the September 6, 2022 minutes. All present voted aye. **MOTION CARRIED.**

Item #4 – Convene as Board of Adjustment.

Item #4a – Peder Haugan made a request for a variance on the North Forty Feet (N 40') of the East One-Hundred Eighty-Five (E 185') of Lot "D" in Block 9 of Peterson's Second Addition, also known as 929 6th Ave. The request is to expand a nonconforming structure beyond the allowable 25 percent expansion. A building containing a nonconforming use shall be allowed a 25 percent maximum expansion based on its gross floor area.

(Mills/Schmeichel) Motion to approve the variance request to expand a nonconforming structure beyond the allowable 25 percent. All present voted no. **MOTION FAILED.**

Item #4b – Nathan and Colleen Moe made a request for a variance on the North Forty Feet (N 40') of Lot Three (3) and the South Twenty Feet (S 20') of Lot Two (2) in Block One (1) of Mills Addition, also known as 108 14th Avenue South. The request is for a one-foot side yard setback for an accessory structure. The required side yard setback for an accessory structure is five feet.

(Aiken/Pierce) Motion to approve the variance request for a one-foot side yard setback. All present voted aye. **MOTION CARRIED.**

Item #4c – Lily Design has made a request for a variance on Lot Four (4) in Block Eight (8) of Folsom's Addition, also known as 152 2nd Avenue South. The request is to build a front porch further into the front yard than permitted. Porches, decks and platforms exceeding 30 inches in height may extend into a front yard no more than 48 inches.

(Mills/Solum) Motion to approve the variance request to build further into the front yard than permitted. All present voted aye. **MOTION CARRIED.**

Item #5 – Reconvene as Planning Commission

Item #6a - RFP Beneficiaries LLC and DesignArc Group LLC have submitted a petition to rezone the South Fifteen Feet (S 15') of Lot Twelve (12) and All of Lot Thirteen (13) of Block One (1) of Randi Peterson's Addition from Residence R-2 Two-Family District to Business B-2 District.

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

Item #7a – Perelandra, LLC submitted an application for a Conditional Use Permit on the Southwest Quarter (SW1/4) of Section Six (6), Township One-Hundred Nine (109) North, Range Forty-Nine (49) West of the 5th P.M., Except: Lot H-4, VanderVliet Addition, Bowes Addition and Bowes Second Addition Thereof, All in the City of Brookings. The request is for an Asphalt Mixing Plant in the Agriculture A District.

(Pierce/Solum) Motion to approve the Conditional Use Permit. All present voted aye. **MOTION CARRIED.**

Mills recused himself.

Item #7b – Dakota Land Design LLC submitted an application for approval of a Commercial Corridor Design Review Overlay District site plan on Lot 2 in Block 7 of Prairie Hills Addition, City of Brookings.

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

Mills returned to the Commission.

Planning Commission adjourned at 6:50 and reconvened at 7:50.

Schmeichel recused himself.

Item #6b – The City of Brookings submitted amendments to Chapter 94, Article VI, Division 5 related to standards for electronic message display signs.

(Pierce/Solum) Motion to remove from the table.

(Drew/Solum) Amendment to the original motion to 1. Remove the eight second hold time for Electronic Message Display, 2. Change the allowable size of an Electronic Message Display from 25% of the allowable size or 40 square feet, whichever is less to 25% of the allowable size or 40 square feet, whichever is greater. 3. The Proposed height restriction changes to only limit the height of the EMD portion of the sign, rather than the entire sign. 4. Add an exception to the height limitation for the EMD portion of signs for corner lots impacted by the intersection and driveway safety zone. 5. And exclusion of Edgebrook Golf Course as a Residential Property. All present voted aye.

AMENDMENT CARRIED.

Motion as amended was voted on. Mills voted no. Fargen, Aiken, Pierce, Drew and Solum voted aye. **MOTION CARRIED.**

The meeting adjourned at 9:15 p.m.

Ryan Miller, City Planner

Greg Fargen, Chairperson

Planning Commission
Brookings, South Dakota
October 4, 2022

OFFICIAL SUMMARY

Chairperson Greg Fargen called the meeting of the City Planning Commission to order on Tuesday, October 4, 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, Jacob Mills, Lee Ann Pierce, Nick Schmeichel, Roger Solum, and Fargen. Absent was Gregg Jorgenson. Also present were City Planner Ryan Miller, Community Development Director Mike Struck, Peder Haugen, Nathan Moe, Lynda Pierce, Peggy Morris, Matthew Weiss - DesignArc Group, Joann Puetz-Anderson, Debra Steichen, Dan Parson, Miranda and Eric Peterson, Kyle Rausch, Jeremy Johnson – Daktronics and Jacob Meshke Assistant City Manager.

Item #4a – This property is a single family home converted into a three-unit apartment. Previous expansions have increased the original gross square footage by 22.8%. The applicant would like to add an enclosed stairway which will add additional square footage bringing the total to 28.9%.

Haugen explained that he purchased this property a couple of years ago and did some modifications to improve the property. Currently to get into the basement, the head room is low and not sufficient. He would like to add this staircase to provide better accessibility to this basement unit and it would make it safer for his tenants. Pierce asked where the current entrance is at to this unit. Haugen explained that it is at the front of the house which is the entrance to the other units also. This addition would provide access solely to the basement unit.

Miller read a letter into the record from Dan McColley from Brookings Habitat for Humanity. They are against this variance since the property is not in conformance and the applicant doesn't appear to be planning to improve this.

Mills is wondering if there is another option for this applicant? Possibly an attached garage? Miller explained that the applicant would still need to apply for a variance because they would be over the allowed expansion square footage.

Fargen is concerned about the number of variances that would be required to bring this property into compliance.

Item #4b – The applicants are looking to replace a previous detached garage that was damaged in a storm. The applicant would like to rebuild a new garage using the existing side yard setback of one-foot. This new garage will be a larger two stall garage and it will be setback further away from the home.

Moe explained that on their lot, their driveway is one foot from the side property line. During a recent storm, the garage was damaged. The insurance company is requiring that they rebuild the garage but not on the current slab.

Item #4c – This expansion would allow for a wheelchair accessible ramp to be built which will encroach into the front yard setback. This wheelchair ramp would run along the side of the house and there would be steps up to the access on the front of the house.

Lynda Pierce explained that the reason for the porch addition is to provide access to the home. The ramp proposed is slightly steeper than what you would find on a public building. They are not able to build a switchback ramp because of the location of the driveway on this property. Pierce explained that to meet the ADA requirements they would need a 30-foot long ramp and they are just short on the distance at 21 feet 6 inches. Fargen asked if they looked at other options? Pierce stated that they did look at a switchback ramp and they also looked at continuing the ramp further into the front yard and then turning the ramp to make an “L” shape into the home.

Miller stated that in talking with the City Building Official, they would prefer that this ramp meet the ADA requirements. Lee Ann Pierce doesn't feel that the ADA requirements need to be applied to this request on a private property.

Item #6a – The future land use map for this property is Mixed-use/High-density residential. The parcel directly south of this parcel is zoned B-2. Preliminary plans call for a mixed use development with first floor commercial on the 6th Street frontage. Parking would be provided below and behind the structure.

Weiss who is an architect for DesignArc Group, representing the owner, explained that this lot has been in disuse for a couple of years and they have identified this lot as usable for mixed-use.

Puetz-Anderson, 614 11th Avenue, is wondering what the plan is for parking? Miller explained that this is a concept plan and there is an access drive on 11th Avenue that will enter to the parking lot. Anderson asked if the building is going to be built along 6th Street? Miller explained that this is a concept plan and yes, the building would be along 6th Street and the parking would be to the north of the structure. Puetz-Anderson asked if the parking would then be across from her front yard? Miller stated that the zoning requirements will not allow for parking along the 6th Street side of the building. Fargen reminded her that the request tonight is for rezoning the property. The site plan will be reviewed at a future meeting and it will need to comply with the Commercial Corridor Design Overlay District.

Pierce asked for clarification on the staff report regarding the rezone to a B-2 rather than following what the Comprehensive Plan shows. Pierce asked Miller to explain the inconsistencies with the Comp Plan and why we wouldn't be following the plan. Miller explained that there is Residential Scale Preservation (RSP) on the north lot being considered in this rezone request and the B-2 zone is on the south lot along 6th Street. Bringing in the additional lot to the north to make a project feasible was not considered in the comprehensive plan. She feels that an amendment to the Comp Plan should be considered.

Drew feels like this is an appropriate use for this property. The property has been sitting unused and there are parties interested in improving this area. The surround zoning to the south and west is B-2 and this rezone request fits the area.

Item #7a– The Conditional Use Permit for Bowes is to replace the current asphalt mixing plat. This request is not a new request it is just to replace the current asphalt mixing plant. The original Conditional Use Permit was permitted by Brookings County in 1991 and now this property has been annexed into the City.

Miranda Peterson explained that their current facility was built in 1992 and it is time to upgrade the equipment. This update will create more space, improve processes, and make operations safer.

Item #7b – This is a site plan review for a project located along 20th Street South west of Tallgrass Parkway. This project will be for an optical building. All required information has been provided. The parking and landscaping plans meet all of the requirements.

Rausch, representing the owners, stated that they are in full compliance with the site plan and they are not asking for any exceptions.

Item #7c - This item was introduced in September and was tabled asking for staff to provide additional information. Updates to the ordinance being presented tonight are to remove the 8 second hold time on screens, change the allowable size of an EMD sign, change the proposed height restrictions for the EMD portion of the sign and add an exception to the height limitation for the EMD portion of signs for corner lots.

Johnson has been assisting the City in rewriting this ordinance to prevent the ordinance from becoming too harsh. He feels that this current ordinance is well written.

Schmeichel, has a business in this industry. He feels there could be a compromise for the area along 22nd Avenue near 20th Street South. He feels that the residential area along 22nd Avenue South and Main Avenue South are going to change as the city grows. The restrictions for the residential zoned area are too restrictive. He wonders if a 100-foot buffer would be better. He does however feel that the buffer in the Historic District is good.

Miller provided a map that showed the areas of town that would and would not be impacted by the new ordinance.

Mills and Aiken wondered if there was a mechanism that could be designed that would allow signs in some of these areas, such as the PDD or Commercial Design Overlay District review. Drew is comfortable with the map other than the area of town near 20th Street South and 22nd Avenue South intersection. The land use is changing in this area due to the interchange. Pierce agrees that it would be nice to exclude the Edgebrook Golf Course from this ordinance since the 20th Street South and 22nd Avenue South intersection would then be excluded from the buffer area. Solum wondered if the buffer could be 100 feet instead of 200 feet. Mills wondered if the 200 foot buffer could be measured from the residential structure rather than the property line. Pierce wondered if there could be a statute that states “for purposes of the sign ordinance, the golf course is not considered residential or within this 200 foot buffer zone.

Miller stated that applying for a variance might be an option for applicants that are affected by these amendments. Schmeichel feels that a lot of variances requests are going to be submitted and in the long run an additional amendment to this ordinance would need to be considered. Pierce thinks that for purposes of this ordinance, eliminating “public areas” that are zoned residential would free up a lot of area to work with, specifically the area around the golf course.

Mills asked what the risk is if the Planning Commission doesn't act on this amendment? Meshke stated that the biggest risk is what we are seeing now. Commercial lots, that are close to residential lots, have these signs installed and now we have single-family homes being affected by 160 sf EMD signs.

Drew is concerned that these amendments could be too restrictive that it impedes development and retailers from having an opportunity to post their businesses. Drew wonders if this item could be tabled and staff could provide maps with a 150 foot buffer area. Meshke commented that there currently is not a policy for these signs. He feels that starting this policy with more restrictions, and seeing what happens, is a better way to implement this policy and then staff could reexamine the policy if needed in the future. Aiken feels that the proposed amendments should be approved and if there is pushback in the future, then this can be reviewed again.

Fargen feels that the amendments are not favorable to the stretch of 20th Street South from just west of the 20th Street South and 22nd Avenue South intersection and east to the interstate. He feels that this area should be allowed to have EMD's just like the area from the interstate on 6th Street east to 22nd Avenue. The zoning of the golf course is preventing this from happening. Drew agrees with Fargen.

The meeting adjourned at 9:15 p.m.

Ryan Miller, City Planner

Greg Fargen, Chairperson