

## **OFFICIAL MINUTES**

Chairperson Scot Leddy called the meeting of the Planning Commission to order on Tuesday, June 3, 2025, 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, Emily Braun, Billie Jo Hinrichs, Kyle Jamison, Scot Leddy, Jacob Limmer, Roger Solum and Debra Spear. Nick Schmeichel was absent. Also present were Community Development Director Michael Struck, City Planner Ryan Miller and Associate Planner Bailey Maca. Also present were Kurt Gutormson, Susan Gannon, Richard Howey, Matt Wagner, Kyle Rausch and Alicia Haich from the public.

### **Item #1 – Roll Call**

### **Item #2 – Approval of Agenda**

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

### **Item #3 – Approval of Minutes**

(Limmer/Solum) Motion to approve the May 6, 2025 Minutes. All present voted aye. **MOTION CARRIED.**

### **Introduction of Bailey Maca, Associate Planner**

### **Item #4 – Convene as Board of Adjustment**

**Item #4a** – Kurt Gutormson has made a request for a 7-foot side yard setback variance on Lot 5 in Block 1 of Gilkerson Second Addition. The minimum required side yard setback in the Industrial I-1 Light District is 20 feet. Staff recommends denial.

(Limmer/Solum) Motion to approve the side yard setback variance. All present voted nay. **MOTION FAILED**

**Item #4b** – Susan Gannon has made a request for a variance to allow an accessory structure located in the front yard area on Lot 34B Onaka Village of Indian Hills Addition, also known as 1100 Crystal Ridge Road. Staff recommends approval.

(Aiken/Limmer) Motion to approve the accessory structure variance. Aiken, Jamison, Limmer and Solum voted aye. Spear, Hinrichs and Braun voted nay. **MOTION FAILED**

**Item #4c** – Richard Howey has made a request for variances on the North 52.36 Feet of Lot 2 and the South 8 Feet of Lot 1 in Block 2 of Orchard Drive Addition, also known as 215 Medary Avenue South. The first request is to build a single-family dwelling on a 60.36-foot-wide lot. The second request is to build a single-family dwelling on a lot less than 10,000 square feet in size. The third request is for a 5-foot setback for an accessory structure. Staff recommends approval of all three variance requests.

(Limmer/Solum) Motion to approve the lot width and lot area variances. All present voted aye.

**MOTION CARRIED**

(Limmer/Solum) Motion to approve the 5-foot setback variance. All present voted aye. **MOTION CARRIED**

**Item #5** – Reconvene as Planning Commission

**Item #5a** – Matt Wagner has submitted a Future Land Use Map revision for 3707 Main Avenue South. The request is to change the Future Land Use Map from Open Wetland/Urban Low Intensity to Urban Medium Intensity. Staff recommends approval of the request.

(Solum/Spear) Motion to approve the Future Land Use Map Amendment. All present voted aye. **MOTION CARRIED.**

**Item #5b** – Dakota Land Design, LLC has submitted a site plan at 2118 Main Avenue South for review within the Commercial Corridor Design Review Overlay District. Staff recommends approval.

(Limmer/Solum) Motion to approve the Commercial Corridor Design Review Overlay District. All present voted aye. **MOTION CARRIED.**

**Item #5c** – The City of Brookings is proposing amendments to Chapter 94 Zoning pertaining to the expiration of a conditional use permit for the purpose of administration of the Zoning Ordinance. Staff recommends approval.

(Aiken/Jamison) Motion to approve the amendments to Chapter 94 Zoning Ordinance. All present voted aye. **MOTION CARRIED.**

**Item #5d** – The City of Brookings is proposing amendments to Chapter 94 Zoning for the purpose of regulating the use of a concrete, asphalt and rock crushing facility. The use would be allowed as a conditional use with proposed conditional use standards. Staff recommends approval.

(Limmer/Solum) Motion to approve the amendments to Chapter 94 Zoning Ordinance including adding commercial to (c). All present voted aye. **MOTION CARRIED.**

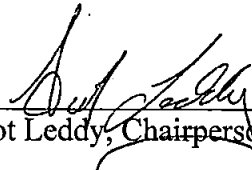
**Item #6** – Adjourn

(Limmer/Solum) Motion to adjourn.

The meeting adjourned at 6:42 p.m.



Ryan Miller



Scot Leddy, Chairperson

## **OFFICIAL SUMMARY**

Chairperson Scot Leddy called the meeting of the Planning Commission to order on Tuesday, June 3, 2025, 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, Emily Braun, Billie Jo Hinrichs, Kyle Jamison, Scot Leddy, Jacob Limmer, Roger Solum and Debra Spear. Nick Schmeichel was absent. Also present were Community Development Director Michael Struck, City Planner Ryan Miller and Associate Planner Bailey Maca. Also present were Kurt Gutormson, Susan Gannon, Richard Howey, Matt Wagner, Kyle Rausch and Alicia Haich from the public.

### **Item #1 – Roll Call**

### **Item #2 – Approval of Agenda**

### **Item #3 – Approval of Minutes**

### **Item #4 – Convene as Board of Adjustment**

**Item #4a** – Kurt Gutormson has made a request for a 7-foot side yard setback variance on Lot 5 in Block 1 of Gilkerson Second Addition to construct a 40' x 224' building. The minimum required side yard setback in the Industrial I-1 Light District is 20 feet. The lot is currently vacant but includes an access drive for contractor shops located at 300 32<sup>nd</sup> Avenue. The two lots, along with adjacent lots to the south and east, are owned in common by Maize Properties Inc.

Hinrichs inquired what the adjacent businesses were. Miller stated that to the south was SoDak Labs and to the north and east were contractor shops. Hinrichs asked how many units were proposed and their uses. Gutormson stated that they currently lease out the building to the north as contractor shops and the proposed structure would be approximately twelve additional contractor shops. Limmer asked the reasoning for the replat recommendation. Miller stated that a replat is an option to solve the problem where a variance would be reserved for situations where there were no other methods of resolution. Limmer asked for the applicant's perspective of the denial recommendation. Gutormson stated that there were other properties in the vicinity that were granted similar variances and the cost associated with a replat was more significant. Miller explained that there were similar variances granted on properties to the north, however, those properties did not have an option to replat.

**Item #4b** – Susan Gannon has made a request for a variance to allow an accessory structure located in the front yard area on Lot 34B Onaka Village of Indian Hills Addition, also known as 1100 Crystal Ridge Road. The property is half of a duplex located at the corner of Crystal Ridge Road and Indian Hills Road. The applicant has placed an 8'x10' shed on a poured concrete pad located within the front yard of Indian Hills Road. The location of this shed is prohibited per Section 94-399 (c)(5)(e) which states that front yards of lots with residential uses shall be devoted entirely to landscaped area except for the necessary surfacing of driveways and walkways used to reach parking and loading areas. The size of the shed does not require a building permit.

Gannon asked Planning Commission to consider allowing her to keep the shed at its current location citing that there is not another location on the property to place the structure. Hinrichs requested

further information on the site photos. Gannon stated that they show the slope that is unique to their site. Limmer asked if neighbors had expressed concerns. Gannon stated they are supportive of the request. Hinrichs asked if there is a homeowner's association. Gannon confirmed that there is. The only other member is the owner of the other side of the duplex, who does not object. Aiken inquired how corner lots are handled for zoning purposes. Miller explained that any sides of the property abutting a right of way are front yards and due to the common wall of the duplex, one side yard is eliminated. Anything except driveways, sidewalks and landscaping are prohibited in the front yard.

**Item #4c** – Richard Howey has made a request for variances on the North 52.36 Feet of Lot 2 and the South 8 Feet of Lot 1 in Block 2 of Orchard Drive Addition, also known as 215 Medary Avenue South. The first request is to build a single-family dwelling on a 60.36-foot-wide lot. The second request is to build a single-family dwelling on a lot less than 10,000 square feet in size. The third request is for a 5-foot setback for an accessory structure. A fire has destroyed the home and the owner proposes to demolish the existing structure and rebuild a single-family dwelling on the same lot. The applicant would like to retain the existing detached garage which avoided significant damage in the fire.

Howey stated that the garage setback leaves the existing garage and would allow future construction of a 3-stall garage. He has left enough room to construct the new garage with setbacks at a later date. At that time his intent is to demolish the single stall garage and relocate the driveway. Aiken asked what the difference was between the minimum lot area required and what is present. Miller stated that the minimum required lot size is 10,000 sq ft and the parcel is roughly 9,000 sq ft.

#### **Item #5** – Reconvene as Planning Commission

**Item #5a** – Matt Wagner has submitted a Future Land Use Map revision for 3707 Main Avenue South. The request is to change the Future Land Use Map from Open Wetland/Urban Low Intensity to Urban Medium Intensity. The property does not appear to be impacted by delineated wetlands, however, based on the development suitability map the property is likely impacted by high water table and relatively low and flat topography. This development constraint can be mitigated by grading as necessary. The property is not located within the floodplain.

Wagner had consulted with Civil Design Incorporated prior to purchasing the property and was assured that there were no wetlands recorded with the fish and wildlife services. He also confirmed that the property was not deemed too low to be built on. With recent Future Land Use Map Amendments, the request for Urban Medium Intensity is in line with the region. He also noted that the existing designation refers to Open Space and Floodplain where this property is Open Space more so than Wetland. Hinrichs inquired the difference between wetland and Open Space on the future land use map. Miller stated that the Open Space wetland is area similar to the floodplain with low lying areas that are wet and historic drainage. Floodplain is a delineated location identified by the federal government for the purpose of homeowners insurance.

**Item #5b** – Dakota Land Design, LLC has submitted a site plan at 2118 Main Avenue South for review within the Commercial Corridor Design Review Overlay District. Dakota Land Design previously submitted a site plan in September 2023 which approved the original phase of construction. The first phase was constructed according to the approved plans and the owner is now proposing an addition to the north side of the existing structure. The 2,362 square foot addition will allow for business growth.

Haich, project designer, explained that the applicant is not requesting any further exceptions and is seeking to expand their business at this time. Limmer asked if the City Council had approved the Commercial Corridor Design Review Overlay Ordinance Amendment and if the Planning Commission would have still seen the request if it had. Struck explained that Planning Commission would not have seen this request due to the site plan meeting all requirements. However, they would have seen the original plan since there were requested exceptions. Hinrichs asked how much additional parking was required due to the expansion. Miller stated that the expansion increased the parking requirements by four spaces and there is space on site for additional parking if needed in the future.

**Item #5c** – The City of Brookings is proposing amendments to Chapter 94 Zoning pertaining to the expiration of a conditional use permit for the purpose of administration of the Zoning Ordinance. Currently, a Conditional Use Permit expires after one year from the date upon which it becomes effective if no significant work has commenced. Staff is recommending to amend the expiration date from one to two years.


Limmer stated that another approach the problem would be to redefine “significant work.” Miller stated that it is another option, however, the request as proposed is to change the expiration to 2 years. Hinrichs was pleased that the city utilized a measure of time.

**Item #5d** – The City of Brookings is proposing amendments to Chapter 94 Zoning for the purpose of regulating the use of a concrete, asphalt and rock crushing facility. The use would be allowed as a conditional use with proposed conditional use standards. A concrete, asphalt or rock crushing facility is currently not defined as a use in the zoning ordinance. Other similar uses such as mining or concrete plant are defined, however the use of crushing specifically and individually is not defined.

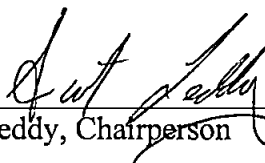
Struck requested amending Item (c) to “Hours of operation shall be limited to 7 am to 6 pm Monday through Saturday when abutting Agricultural or Industrial Zoned Properties and 8 am to 5 pm Monday through Friday when abutting properties other than Agricultural or Industrial.” Limmer made a motion to approve the request including the amended Item (c) and Solum seconded the motion. Aiken asked what previously happened with rock crushing. Struck stated that there was not previously an ordinance which led to crushing being performed on vacant parcels causing problems on adjacent properties. Struck expanded that it is a good re-use for these materials and needs to be accounted for in ordinance. Hinrichs asked what determined the distances requested in the ordinance. Struck stated that these distances were obtained from other municipalities ordinances as there is not a lot of communities with this type of ordinance in place.

**Item #6 – Adjourn**

The meeting adjourned at 6:42 p.m.



Ryan Miller

  
Scot Leddy, Chairperson