

OFFICIAL MINUTES

Chairperson Jacob Limmer called the meeting of the Planning Commission to order on Tuesday, April 7, 2026, 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, Billie Jo Hinrichs, Kyle Jamison, Scot Leddy, Jacob Limmer, Nick Schmeichel, Roger Solum and Debra Spear. Emily Braun was absent. Also present were Community Development Director Michael Struck, City Planner Ryan Miller, Associate Planner Bailey Maca and Public Works Director John Thompson. Also present were Dakota Dodds, Jacob Mills and Justin Bucher from the public.

Item #1 – Roll Call

Item #2 – Approval of Agenda

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

Item #3 – Approval of Minutes

(Schmeichel/Solum) Motion to approve the March 3, 2026 Minutes. All present voted aye. **MOTION CARRIED.**

Item #4 – Open Forum

Item #5 – Disclosure of Conflicts of Interest

Item #6 – Convene as the Board of Adjustment

Item #6a – Dakota Dodds has made a request for a variance on Lot 8 of Block 4 in Esther Heights Addition, also known as 404 Martin Boulevard. The request is for a six-foot-high fence in the front yard. Staff recommends approval with the condition of the fence being constructed 10-feet west of the east property line.

(Aiken/Solum) Motion to approve the fence height variance including staff recommendation. All present voted aye. **MOTION CARRIED.**

Item #7 – Reconvene as the Planning Commission

Item #7a – Heron Cove LLC has submitted a petition to rezone portions of Outlot 2 in the SW ¼ of the NW ¼ in Section 23, Township 110 North, Range 50 West, also known as 1120 Western Avenue, from a Residence R-1A Single-family District to a Residence R-3 Multi-family District and a Business B-3 Heavy District. Staff recommends approval.

(Solum/Hinrichs) Motion to approve the rezone. Hinrichs voted nay. All others present voted aye. **MOTION CARRIED.**

Item #7b – Heron Cove LLC has submitted a preliminary plat for Lots 1-3 in Heron Cove Addition. The property is currently described as Outlot 2 in the SW ¼ of the NW ¼ in Section 23, Township 110 North, Range 50 West and is zoned Residential R-1A Single-family district. Staff recommends approval with the following condition, 35-foot right-of-way required on Lots 1 and 2.

(Aiken/Solum) Motion to approve the preliminary plat including the staff recommendations. All present voted aye. **MOTION CARRIED.**

Item #7c – Amendments to Sec. 94-362-Home Occupations.

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

Item #7d – Amendments to Sec. 51-61, Sec. 51-62, Sec. 51-63, Sec. 51-64, Sec. 51-65, Sec. 51-66 and Sec. 51-67 – Subdivision Regulations.

(Schmeichel/Hinrichs) Motion to approve the ordinance amendment.

(Schmeichel/Hinrichs) Motion to amend the original request from a 3-year warranty to a 1-year warranty, remove the 1-year construction delay and implement standards to ensure quality contractors are hired. Jamison and Solum voted aye. Aiken, Schmeichel, Spear, Hinrich, Leddy and Limmer vote nay. **MOTION FAILED.**

(Schmeichel/Aiken) Motion to amend the original request from a 3-year warranty to a 1-year warranty and enforce design standards to ensure quality construction. Aiken, Schmeichel, Jamison, Spear, Hinrich and Solum voted aye. Leddy and Limmer voted nay. **MOTION CARRIED.**

(Schmeichel/Hinrichs) Motion to approve the amended ordinance amendment. Leddy, Schmeichel, Jamison, Spear and Limmer voted nay. Solum, Aiken and Hinrich voted aye. **MOTION FAILED.**

Item #7e – Miller requested the creation of a bylaws subcommittee. Aiken, Solum and Limmer volunteered.

Item #7f – Hinrichs requested the creation of an onboarding subcommittee. Schmeichel, Hinrichs and Jamison volunteered.

Item #8 – Adjourn

(Schmeichel/Solum) Motion to adjourn. All present voted aye. **MOTION CARRIED**

The meeting adjourned at 7:43 p.m.

Ryan Miller, City Planner

Jacob Limmer, Chairperson

OFFICIAL SUMMARY

Chairperson Jacob Limmer called the meeting of the Planning Commission to order on Tuesday, April 7, 2026, 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, Billie Jo Hinrichs, Kyle Jamison, Scot Leddy, Jacob Limmer, Nick Schmeichel, Roger Solum and Debra Spear. Emily Braun was absent. Also present were Community Development Director Michael Struck, City Planner Ryan Miller, Associate Planner Bailey Maca and Public Works Director John Thompson. Also present were Dakota Dodds, Jacob Mills and Justin Bucher from the public.

Item #1 – Roll Call

Item #2 – Approval of Agenda

Hinrichs proposed adding discussion on board member training to the agenda. Miller requested adding bylaws discussion to the agenda.

Item #3 – Approval of Minutes

Item #4 – Open Forum

Item #5 – Disclosure of Conflicts of Interest

Item #6 – Convene as the Board of Adjustment

Item #6a – Dakota Dodds requested a fence height variance on Lot 8 of Block 4 in Esther Heights Addition, also known as 404 Martin Boulevard. The request is for a six-foot-high fence in the front yard. Per Section 94-398(a)(1) privacy fencing utilizing solid board or other similarly designed fences and walls shall not exceed 48 inches in height when located between the front lot line and the principal building. The residence is located on a corner lot and has two front yards along Martin Boulevard and Western Avenue South.

Dodds, applicant, explained the request and his desire to have a safer yard for his children. Aiken asked why staff recommended 10' spacing from the property line. Miller explained that there is a utility easement along that property line.

Item #7 – Reconvene as the Planning Commission

Item #7a – Heron Cove LLC has submitted a petition to rezone portions of Outlot 2 in the SW ¼ of the NW ¼ in Section 23, Township 110 North, Range 50 West, also known as 1120 Western Avenue, from a Residence R-1A Single-family District to a Residence R-3 Multi-family District and a Business B-3 Heavy District. The current 9.85-acre parcel will be subdivided with the proposed Preliminary Plat of Lots 1-3 in Heron Cove Addition. Currently, the entire parcel is zoned R-1A. Based on the Preliminary Plat, 1.1-acres along Western Avenue in the northwest corner of the parcel are proposed as Business B-3. An additional 4.4-acres are proposed as Residence R-3. The remaining 4.32-acres would not be rezoned. The Future Land Use Map describes the property as Business Park and Open Space.

Mills, applicant, and Bucher, Engineer, were available for inquiries. Mills explained that they purchased the property with a damaged dwelling and outbuildings that has since been demolished. They are aware of the floodplain development regulations and will not make any changes that would impact other properties. Wetland mitigation was completed previously so they want to get any other dirt work completed within the next couple years. Hinrichs asked for more information on the future density. Mills stated that they would like to continue the model of Heron Cove to include “man cave storage buildings,” low density housing, large green spaces and a pond for compensatory storage that could become an amenity similar to Sexauer Park. Hinrichs noted that the Western Ave area is not currently safely walkable and inquired if there was a plan to increase the walkability of the area. Mills is supportive of trails but not currently aware of any City plans to connect to. Hinrichs went on to ask if there was something in the Comprehensive Plan that would trigger the requirement for trails. Miller referenced the City’s future trails map that does detail a potential future trail; however, it is not currently in the capital improvement plan. Miller went on to explain that staff could review the project for readiness and as more development occurs it could be prioritized higher. The Master Transportation Plan may also have provisions in the area that could raise the prioritization. Hinrichs expressed concern about placing development above the safety of citizens.

Item #7b – Heron Cove LLC has submitted a preliminary plat for Lots 1-3 in Heron Cove Addition. The property is currently described as Outlot 2 in the SW ¼ of the NW ¼ in Section 23, Township 110 North, Range 50 West and is zoned Residential R-1A Single-family district. Staff recommends approval with the following condition, 35-foot right-of-way required on Lots 1 and 2.

Schmeichel asked for more details of the “man cave storage buildings” access. Mills explained that the buildings would have south facing doors with approximately 50-55 feet before the drive aisle to allow room to maneuver. Limmer asked if the staff recommendation changed plans for the applicant. Mills stated it did not.

Item #7c – The City of Brookings is proposing amendments to Sec. 94-362-Home Occupations. The proposed changes introduce a new “no-impact” category, remove occupation-based lists, and establish an intensity-based framework for classification.

Schmeichel asked what zoning designation was a buffer between residential and Commercial and if that zoning has a restriction on hours of operation. Miller said B-2A is the buffer and it does not have restrictions on hours of operation.

Item #7d – The City of Brookings is proposing amendments to Sec. 51-61, Sec. 51-62, Sec. 51-63, Sec. 51-64, Sec. 51-65, Sec 51-66 and Sec. 51-67 of the Subdivision Regulations. The amendments include changes to street design, street system coordination, street plans and specifications, street standards, street acceptance, and land design and improvements.

Bucher, residential development engineer, pointed out a reduction in future development may be an unintended consequence of increasing the warranty period from 1 year to 3 years siting the industry standard of a 1-year warranty and the burden of that cost falling on the developer. Hinrichs asked for more information on the burden. Bucher explained that the longer the warranty period, the more expense for the contractor to complete repairs on items such as cracked curb and cracked asphalt which may be damage not caused by how it was built. He also mentioned repairs being required due to settling of utility trenches. Limmer asked why the city should take responsibility for the costs of the detailed repairs. Bucher stated that the City is currently drafting engineering standards that has a

requirement for an engineer's observation in addition to the longer warranty period outlined in the new acceptance policy. He went on to highlight that the amended acceptance policy includes a 1 year waiting period after utilities are installed to construct the road which essentially turns the warranty period into 4 years and delays the timeframe for a return on the investment.

Mills, local developer, offered his perspective that the tradeoff for wider sidewalks, thicker roads, etc., is a cost and the burden of that cost is falling on the developer. This, in turn, will cause the developer to increase the price of the completed project. He continued to detail that the amendment would create an additional delay before the developer could sell their product. Mills also explained that the developer would need to withhold retainage from their contractors for a total of 4 years between the 1-year waiting period and 3-year warranty to uphold their side of the contract for the warranty.

Schmeichel asked if the city completed a cost analysis. Thompson, Public Works Director, said that the city has not completed an analysis, however, they have noted construction that is only three to five years old in disrepair. He went on to explain that they City opted for a 3-year warranty to standardize with Brookings Municipal Utilities (BMU) infrastructure warranty requirements. The current ordinance includes a 5-year warranty if you trench in the right-of-way. Schmeichel asked if any other communities in the area have similar warranty requirements. Thompson stated that he was unaware of other community requirements. Staff wanted to align with BMU's requirements and to include a 1-year layup before paving to allow a freeze-thaw cycle to settle in the trenches prior to final grading.

Limmer asked what justification the City has for the developer to bear the cost of the warranty and if the intent was to encourage developers to be more diligent during construction. Thompson agreed that the intent was to encourage higher quality construction and added the City is working with Banner to amend the engineering standards to be certain that the trench and backfill requirements are appropriate for the area. Hinrichs asked who performs trench inspections. Thompson stated that BMU performs the inspections for the bedding around the utilities, from the top of the bedding to the surface is limited inspection completed by the developer. Hinrich agreed with Limmer in asking who is responsible for the cost associated with the failures. Jamison detailed there can be failure in design, failure in workmanship and failure in the product. With that in mind, he suggested a 1-year workmanship warranty and 3-year product warranty.

Thompson said the intent of the amendment is to promote the construction of quality streets that last and don't become "rollercoasters" after a year or two. Schmeichel asked what causes the rollercoaster effect. Thompson stated that it is primarily from trench settlements. Schmeichel asked if the standards for BMU inspections were being addressed as well. Thompson said that BMU is also reviewing their design standards at this time but he believed the failure was between the bedding area and the road surface. Limmer asked if the failures are predominantly in years 2 and 3. Thompson shared that they do not typically see the failures in the first year. Schmeichel inquired how many of the failures would be prevented with the 1 year waiting period and if the City could change the 3-year warranty to a 1-year to alleviate the cost. Thompson explained that waiting for a freeze-thaw cycle will allow the trenches to settle before grading for a road to be constructed. Generally, within that time, there is still a lot of construction in the development. BMU has a 3-year warranty so the City also sought a 3-year warranty standardize and to cover the timeframe where they are seeing the settling in trenches.

Solum asked what the inspection process is for trenches that are backfilled and if compaction testing is required. Bucher explained that there are standards on compaction testing requirements and agreed that allowing trenches to settle for a freeze-thaw cycle will benefit the grading of the roads. Bucher proposed implementing the 1-year delay now and then if needed, come back to implement a 3-year

warranty. He added that in private development BMU does not inspect the pipe trenches, the developers' engineer does. Schmeichel asked if BMU has an engineer on staff. Bucher stated that they do to inspect their own projects or they may contract them out to a consultant.

Hinrichs asked what the process would be if the homeowner contacts the City with a problem. Bucher stated that if it was a new street within the 3-year warranty period, the City would contact the developer with 180-day deadline to complete the repairs. Thompson added that currently, the City goes in to cut out the bad section and replace it at the City's cost.

Leddy confirmed that industry standard is a 1-year warranty and expressed concern about delaying pavement installation on street reconstruction projects because it can cause a mess in the storm sewer. In the case of new development, it truly comes down to having a quality contractor that follows through with specifications, compaction and correct fill. He said that the warranty is an afterthought and most repairs can be prevented by ensuring correct installation in the beginning.

Leddy shifted towards the block length changes and noted that the historical 400-foot block length is ideal for maintaining sewers and pointed out that longer block lengths can also cause emergency vehicle access issues. Struck explained that the block length change was a concession to allow more flexibility for the developers. He went on to explain that the proposed cul-de-sac changes were a priority to City staff due to maintenance, connection and safety. Struck requested input to allow for more connectivity without impacting the cost of housing. Aiken reviewed the warranty security clause and asked if the contractors would be limited by how much they can be bonded for with the increase to 3 years. Schmeichel pointed out that City Council frequently brings up housing affordability and asked if there was compromise where the City can put procedures in place to ensure a quality product initially instead of increasing the warranty. Jamison requested adding the differentiation between connectivity of roads and connectivity of walkability to the ordinance. Bucher mentioned that connectivity of roads also translates to emergency vehicle access.

Struck referenced past developments that had trail requirements but the caveat was trail maintenance costs, useability during certain times of the year, privacy of the homeowners, and future repair and replacement costs. He said that the city is trying to be supportive of multimodal transportation. Hinrichs asked for the definition of subdivision versus apartment complex. Miller stated that a subdivision is a lot being split into multiple lots where each lot can eventually become a dwelling or apartment etc. Hinrichs asked why the same design standards do not apply to all developments. Struck explained that parts of town that were already built out would need to be retrofitted to meet new City standards. Sometimes those retrofits are not as easily feasible. Staff was met with challenges when reconstructing 20th Street South, the properties on the north could not accommodate a traditional urban network because of the elevations of the houses. Schmeichel asked what the industry standard was for block length. Leddy explained that there is not an industry standard so staff needs to work collectively to determine what is best for the community.

Schmeichel made a motion to amend the original request from a 3-year warranty to a 1-year warranty, remove the 1-year construction delay and implement standards to ensure quality contractors are hired. Hinrichs seconded the motion. Leddy mentioned that he has seen the 1-year layup implemented in other cities due to the soil structure. Aiken does not support removing both the 1-year layup and the 3-year warranty but would support one change or the other. Solum supports the amendment for a 1-year warranty but wants more detail on the inspection requirements for compaction. Jamison agreed with Aiken that they should either amend the warranty period or remove the construction delay, not both. He also stated that "hiring quality contractors" is hard to enforce when many organizations are

required to go to the lowest bidder. Schmeichel clarified his intent in “hiring quality contractors” to mean that the city should have standards for the contractors to abide by. He added that he was supportive of leaving the 1-year construction delay and increasing the inspection standards. If those standards are followed the burden of repair should not fall on the developer. Limmer is not supportive of the original request or the amended version. Jamison and Solum voted aye. Aiken, Schmeichel, Spear, Hinrich, Leddy and Limmer vote nay. Amendment failed. Limmer clarified that the original motion was being heard after the amendment failed.

Schmeichel made a motion to amend the original request from a 3-year warranty to a 1-year warranty and enforce design standards to ensure quality construction. Aiken seconded the motion. Struck said that BMU’s 3-year warranty is from the date of pipe installation and the City warranty is from the date of acceptance which would be at least 1 year after installation. Struck proposed amending the City warranty to 2-years to align with BMU. Thompson agreed that Struck’s proposal may be a good compromise. Aiken, Schmeichel, Jamison, Spear, Hinrich and Solum voted aye. Leddy and Limmer voted nay. The amendment to the original request carried.

Miller clarified the details of the amendment and called the vote on the amended request. Leddy, Schmeichel, Jamison, Spear and Limmer voted nay. Solum, Aiken and Hinrich voted aye. The amended motion failed.

Item #7e – Miller requested the creation of a bylaws subcommittee. Aiken, Solum and Limmer volunteered.

Item #7f – Hinrichs requested the creation of an onboarding subcommittee. Schmeichel, Hinrichs and Jamison volunteered.

Item #8 – Adjourn

The meeting adjourned at 7:43 p.m.

Ryan Miller, City Planner

Jacob Limmer, Chairperson