

OFFICIAL MINUTES

Chairperson Tanner Aiken called the meeting of the City Planning Commission to order on Tuesday October 6, 2020, at 5:30 PM in the Council Chambers Room #310 on the third floor of the City & County Government Center. Members present were Ashley Biggar, James Drew, Greg Fargen, Gregg Jorgenson, Jacob Mills, Lee Ann Pierce, and Aiken. Absent were Jason Meusburger and Eric Rasmussen. Also present were Community Development Director Mike Struck, City Engineer Jackie Lanning, Deborah Steichen owner of RFP Beneficiaries, Joanne Anderson, David Kneip, Kyle Rausch, Ron Borchardt, and Paul Moriarty.

Item #1 – Roll Call

Item #2 – (Mills/Biggar) Motion to approve the agenda. All present voted aye. MOTION CARRIED.

Item #3 – (Pierce/Fargen) Motion to approve the September 1, 2020 Planning Commission minutes. All present voted aye. MOTION CARRIED.

Item #4a – RFP Beneficiaries LLC submitted a petition to rezone the South 25' of Lot 11, Lot 12 and 13, Block 1, Randi Petersons Addition in City of Brookings, Brookings County, South Dakota from Residence R-2 Two-Family District to Business B-2 District (also known as 613 and 621 11th Avenue)

(Jorgenson/Drew) Motion to approve the rezone request. Drew voted aye. All others voted no. **MOTION FAILED.**

Drew recused himself.

Item #4b – Anita Thomas submitted a petition to rezone Lots 8A, 9, 10, 11, 12, and 13, Block 1, Fox Run Addition in City of Brookings, Brookings County, South Dakota from a Residence R-2 Two-Family District, Residence R-1D Single-Family/Residence R-2 Two-Family District, and Residence R-1D Single-Family District to a Residence R-3 Apartment District (Generally located south of 20th Street South and east of Fox Run Trail).

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

Drew returned to the Commission.

Item #5a – The City of Brookings has submitted amendments to Chapter 51, Subdivision Regulations pertaining to Section 51-42, 51-64, and 51-65.

(Jorgenson/Pierce) Motion to approve the Amendments.

(Pierce/Biggar) Motion to table to a future Planning Commission meeting with the intent to be the November meeting. All present voted aye. **MOTION CARRIED.**

Item #5b – The City of Brookings has submitted amendments to Chapter 94, Zoning, pertaining to repealing Section 94-165 – SDSU campus edge neighborhood design review overlay district and replacing it with Commercial corridor design review overlay district.

(Fargen/Pierce) Motion to approve the amendments. All present voted no. **MOTION FAILED.**

Item #5c - Selection of Nominating Committee – Pierce, Biggar and Fargen volunteered to be members of the nominating committee.

The meeting was adjourned at 7:48 p.m.

Mike Struck, Community Development Director

Tanner Aiken, Chairperson

OFFICIAL SUMMARY

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Item #4a – The applicant is requesting a rezone for two residential lots currently zoned R-2, these lots are located just north of 6th Street. The applicant also owns the property directly to the south of these lots. The future land use map of the Comprehensive Plan does have it identified as an Urban Strategy Area. The Comprehensive Plan does call it out as a mixed use area including commercial and residential uses with some higher density residential and commercial planning being appropriate due to its location to 6th Street. Additionally the Comp Plan talks about Residential Scale Preservation (RSP), commercial zoning is appropriate but it needs to be one or two stories and maintain the residential setbacks. A letter was received from a surrounding property owner against this request.

Steichen, manager of the current properties, feels that these properties being zoned to B-2 would benefit the City as this would allow for development on these lots to be multi use. Mills asked if they had any immediate plans for the parcels, Steichen stated “no, other than they have talked about mixed use with commercial on the bottom and residential above.”

Anderson, 614 11th Ave, they have lived here for over 30 years and it has always been residential. She has concerns about what type of business, how many stories, what is the footprint, where will parking be? She feels that a multiple story structure will be a negative impact on the neighborhood property values. Noise levels based on the type of business are a concern and extra trash will be around. She feels that her and the neighbors should know what the plan is. Struck explained that with a rezone request, typically the commission isn’t aware of the plans or intended uses at the time of the rezoning. The plans typically come in after the zoning is in place.

Pierce is not in favor of this request. The Commercial Corridor discussions the past few months have leaned towards expanding just a half block off of 6th Street, and not the whole block being included. Aiken received a phone call from a concerned citizen with the same concerns as Mrs Anderson. Fargen feels like the unknown is going to make it hard for him to vote in favor of this at this time. Drew wondered if the applicants would be able to change the request to a PDD with an underlying B-2 District? Struck stated that an amendment could be made. Struck explained that the RSP zoning limits a building to one or two stories so a tall building wouldn’t be allowed to be built here. Additional, parking is required at the back of the building and wouldn’t allow parking to be pulled to the front. Aiken asked if B-2 zoning allows for bars and businesses of this type. Struck stated that yes, the B-2 District allows for businesses similar to what are found in a downtown district. Aiken too is unsure on this matter.

Item #4b – This rezone request is for 6 lots in the Fox Run Addition. The use will remain as a twinhome development. The R-3 District has a 20 foot setback. The Comprehensive Plan has this area designated as medium or high density area. Drew representing the applicant, explained that they do plan to continue with the twinhome development and the 20 foot setback in the R-3 District is more suitable for the development. Mills is concerned with the 20 foot front yard setback and then with a sidewalk is this do-able. Struck explained that the 20 foot setback is pretty minimal, but can be done. Oversized vehicle could have issues with being parked over the sidewalk. Struck also explained that setbacks are minimums and the developers can use a larger setback.

Item #5a – This ordinance amendment cleans up some language that was missed during the last recodification of ordinances. This will clean up incorrect cross-referencing of ordinances and moves existing language to more appropriate section. Additionally it provides clarity on the process pertaining to public street acceptance and drainage easement requirements. The street acceptance policy has been a struggle as to when it is an appropriate time to turn a street over to the City. Staff is proposing that once a street has been constructed and a developer is ready to turn it over to the City, the developer's engineer will complete a sign a certificate of completion.

Aiken asked if the Drainage Easement requirement and keeping items out of the easement included trees and bushes. Lanning explained that they would handle these on a case by case basis. Pierce suggested that another portion needs to be added to the requirement of a certificate of completion for the street acceptance process. It needs to be stated what will happen if the signed certificate isn't received. Pierce wonders if the Drainage Easement section applies to old and new sections of town? Struck said both. Pierce is concerned that if this pertains to the older parts of town, some people may be required to take down fences and such that have been in place for years. Lanning stated that they would need to look at the Resolution from 2004 to see exactly how it was written regarding items within easements. Lanning explained that it is the goal of the City to work with people on future developments and not past. Pierce is wondering if there is a possibility for a fence that isn't solid and wouldn't block the flow. Is it possible for there to be an option to allow fences that are open so many inches above the ground? Lanning explained that they do work on these situations, case by case. Additionally the ordinance states it is the discretion of the Engineer. Pierce would like the ordinance to be clear. Kneip appreciates Pierces concerns, as a realtor he doesn't see that there are many developments that are affected by drainage easements. Lanning explained that not all drainage easements are 15 feet. Pierce feels that the verbage is stating that the drainage easement is a 15 foot minimum and this should be stated differently. Jorgensen feels that the public streets acceptance process should be handled differently. He feels that getting an engineer to sign off on this would require a full-time engineer to be on site. And he doesn't feel that engineering firms are going to be willing to take on that liability. Mills agrees with Jorgenson. He received a phone call from an Engineering firm regarding these same concerns. He would like to delay voting on this to allow the more researching to be complete and the city could discuss with the engineering firms. The way it is written could be costly to the developer. Drew wondered if a development fee could be enforced and the City could have someone at the site during development and completing the inspections.

Item #5b – The City is proposing to add a Commercial Corridor Overlay District to the Zoning Ordinance. This district will provide guidance for when the opportunities for development are available. Since the previous meeting, staff has prepared examples with different scenarios.

Rausch is currently working on some projects in this area. He appreciates what the City is trying to do but he feels this is too restrictive. These requirements are going to cost the developers more money and this is going to make it difficult to be affordable.

Borchardt agrees that Brookings should be a beautiful thriving community. However, he feels that we have excellent zoning ordinances in Brookings already. He is concerned about commercial

development though as he feels that the more streamlined and easy to process a system, the higher the probability there is to see growth. If the process is too complex, development will slow down.

Paul Moriarty is concerned about the parking being proposed in the ordinance. Moriarty doesn't feel that this ordinance, as presented, benefits the City or developers. He asked "Will this ordinance be the best thing for Brookings?" David Kneip is also concerned about the ordinance as proposed, it's alot! He would like to see this rewritten. He agrees with Rausch's comments regarding the extra expenses that will be involved for the developer. Fargen appreciates the input of those in attendance tonight. He agrees that this could cause extra expenses for the developers. Drew feels that if the true intent is to improve the design on 6th Street, then they truly need to focus on the pages of 9, 10 and 11 because all the other "stuff" is being dealt with in current ordinances.

Aiken feels that this document should focus on themes like building masses and scales. It could make it feel inviting. He does feel that these are covered in the pages that Drew pointed out. Aiken also wants to be sure that this district covers the whole block and not just a part of the block to the north or south of 6th Street. He thinks that some developments are going to cover more than just a half of a block.

Pierce still supports the coverage being only a half block. And she agrees that the pages that Drew pointed out are good. She is also concerned with a 15 foot setback. She doesn't feel that this is very much. Struck explained that a lot of communities are using the 15 foot setback, and they are requiring that the buildings be built at the 15 foot line, this allows for the parking to be moved to the back.

Item #5c – Next months meeting will be held on Monday, November 2nd.

The meeting was adjourned at 7:48 p.m.

Mike Struck
Community Development Director

Tanner Aiken, Chairperson