

OFFICIAL MINUTES

Chairperson Tanner Aiken called the meeting of the City Planning Commission to order on Tuesday, December 5, 2023, at 5:30 PM in the Council Chambers Room #310 on the third floor of the City & County Government Center. Members present were Greg Fargen, Kyle Jamison, Scot Leddy, Jacob Mills, Nick Schmeichel via telephone, Richard Smith, Roger Solum, and Aiken. James Drew was absent. Also present were City Planner Ryan Miller, Community Development Director Mike Struck, Trent Archer, Amanda Fogelson, and Brent and Shayna Rohl.

Item #1 – Roll Call

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

Item #3 – (Smith/Solum) Motion to approve the November 7, 2023 minutes. All present voted aye. **MOTION CARRIED.**

Item #4 – Convene as the Board of Adjustment

Item #4a – Trent Archer made a request for a variance on Lots 7-10 in Block 3 of Parkdale Home Replat Addition, also known as 617 Hughes Avenue. The request is to exceed the allowable accessory structure size. In the Business B-3 Heavy District, accessory buildings containing not more than 120 square feet of floor area and used solely for the storage of ground maintenance equipment used on the premises are permitted.

(Mills/Fargen) Motion to approve the variance request.

(Solum/Jamison) Motion to table to a future meeting to allow the applicant time to consider the Conditional Use process. All present voted aye. **MOTION CARRIED.**

Item #4b – Scott and Amanda Fogelson made a request for a variance on Lot 16 in Block 13, Camelot Square Addition, also known as 1506 Breckenridge Lane. The request is to build a deck twenty-three feet from the rear lot line. Porches, decks and platforms exceeding thirty inches in height shall not project into any requested yard area. The rear yard setback in the Residence R-1B single-family district is twenty-five feet.

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

Item #5 – Reconvene as the Planning Commission

Item #5a – Shayna Rohl submitted an application for a Conditional Use Permit on Colburn Tract of the Colburn-Hind Subdivision and Lot 2, Stewart's Addition, also known as 230 US Highway 14 Bypass. The request is to remove a condition to an approved conditional use permit for a dog kennel in an Agriculture District.

(Smith/Solum) Motion to approve the Conditional Use Permit with the condition not to exceed 40 dogs.

(Smith/Solum) Amendment to the motion to remove the condition and not limit the number of dogs. All present voted aye. **AMENDMENT CARRIED.**

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

Item #6a – Election of Officers for 2024 –

(Solum/Schmeichel) Motion to elect Aiken as Chairperson and Leddy as Vice-Chairperson for 2024. All present voted aye. **MOTION CARRIED.**

Item #6b – 2024 Discussion. No action required.

The meeting adjourned at 6:55 p.m.

Ryan Miller, City Planner

Tanner Aiken, Chairperson

OFFICIAL SUMMARY

Chairperson Tanner Aiken called the meeting of the City Planning Commission to order on Tuesday, December 5, 2023, at 5:30 PM in the Council Chambers Room #310 on the third floor of the City & County Government Center. Members present were Greg Fargen, Kyle Jamison, Scot Leddy, Jacob Mills, Nick Schmeichel via telephone, Richard Smith, Roger Solum, and Aiken. James Drew was absent. Also present were City Planner Ryan Miller, Community Development Director Mike Struck, Trent Archer, Amanda Fogelson, and Brent and Shayna Rohl.

Item #4a – This variance is to exceed the allowable size for an accessory structure. The applicant has put into place a 320 square foot storage unit on a bare lot adjacent to his home in a B-3 zoning district. Archer is requesting to keep the shipping container. He didn't realize that placing this on his property was against the ordinance. He spoke with his neighbors and they do not have any issues with the structure remaining. He also indicated that there is another shipping container located in the neighborhood. Mills asked Archer if this is sitting on a foundation or is it tied down? Archer explained that it is placed on an old concrete driveway. Jamison asked if this is the only structure on this lot? Miller stated yes but since this lot is zoned business an accessory structure can be on a lot without a primary structure but must remain at the 120 square feet or smaller. Mills asked for the definition of an accessory structure as he is concerned that this item may be classified incorrectly. Smith asked if staff denial for this request was due to the fact that the accessory structure doesn't look like a building. Miller stated no, it is because there wasn't a hardship. Fargen asked if zoning would allow if a separate building or structure of this size could be built here, such as a detached garage? Miller stated that accessory storage structures would be limited to 120 square feet but a garage or shop could be built on this lot. Mills is concerned that if the commission doesn't allow this structure to be on a B-3 zoned lot, then we are going to need to remove this type of structure from all B-3 zoned lots. Miller stated that he explained to the applicant that contractor storage and other uses could be looked into which could be obtained through a conditional use permit. Mills doesn't understand why the applicant would be required to obtain a conditional use for this use in a B-3 zoning district, he feels this structure should be allowed.

Item #4b – This request is to encroach into the rear yard setback with a deck. The deck will be installed around an above ground pool. The deck will encroach into the rear yard by 14 inches due to their rear lot line not being parallel with the house. Fogelson explained that they are placing a deck around their pool for safer access but since the lot line is not perpendicular, the one side is too narrow.

Item #5a – Miller explained that this is an existing conditional use and the applicant is requesting to remove the condition of a 20-dog limit. Additionally, the applicants are requesting to expand the kennel structure. Rohl's explained their business plan with Walk N Rohl kennel. They have the facility and staff to allow them to house 40 or more dogs. The addition they are planning for will allow for additional kennel space and office space. Schmeichel wondered if the city has a limit on any other kennels within the City of Brookings. Miller stated that the Humane Society is the only kennel within city limits and we do not have a limit on them but there are 3 kennels within the joint jurisdiction area that do have limits. Schmeichel asked why the city wants to limit the number of dogs? Miller explained that the Development Review Team applied this condition to prevent any noise pollution. Fargen asked the applicant if they were looking for a higher number to be allowed. Rohl's explained that with the kennel addition they will have 31 kennels and some of these kennels could have 2 family dogs in them so they could have more than 40 dogs at a time. They would rather have a higher number so they aren't breaking the rules. They

also feel that there really isn't a necessity to apply a condition with the number of dogs. There business doesn't negatively impact anybody based on their location.

Item #6a – The nominating committee met and discussed the positions for 2024.

Item #6b – Miller explained that this is a discussion item about challenges and successes that the commission had in the past year in preparation for the 2024 City Council retreat. Aiken wonders if a discussion could be held on a possible amendment to the ordinance regarding the 30 inch decks/porches within the setback area. Mills would like the commercial corridor review process changed to speed up the process for the applicant. Mills would also like to do a sidewalk review of the city. There are areas of town where there is lack of connectivity with the sidewalks. Aiken wonders if some discussion could be had on TIF's to better help understand TIF's. Schmeichel would like the Development Review Team come to the Planning Commission to explain their process.

The meeting adjourned at 6:55 p.m.

Ryan Miller, City Planner

Tanner Aiken, Chairperson