

## **OFFICIAL MINUTES**

Chairperson Tanner Aiken called the meeting of the City Planning Commission to order on Tuesday, April 4, 2023, at 5:30 PM in the Council Chambers Room #310 on the third floor of the City & County Government Center. Members present were James Drew, Greg Fargen, Kyle Jamison, Scot Leddy, Jacob Mills, Nick Schmeichel, Roger Solum, and Aiken. Also present were City Planner Ryan Miller, Community Development Director Mike Struck, Steve Jastram-Architecture Incorporated via telephone, Angie Boersma-ID8 Architecture, Jason and Maria Evans-1912 Tanbury Lane, Tim and Deb DeWitt-1622 20<sup>th</sup> Street S, Frank Kurtenbach-2427 Bluegill Circle, Keith Schram-1516 24<sup>th</sup> Street S, Justin Bucher, Ken Vlaminck- 2425 Bluegill Circle, Angela McKillip-Arise Design Studio, Dustin Tetzlaff, and Craig Kreyger.

### **Item #1 – Roll Call**

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

**Item #3a –** (Mills/Schmeichel) Motion to approve the March 7, 2023 minutes. All present voted aye. **MOTION CARRIED.**

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

#### **Drew recused himself.**

**Item #4a –** Brookings School District submitted a request for a variance on Lot N of Section 25, Township 110 North, Range 50 West. The request was for a one-foot side yard setback. The minimum side yard setback allowed in the Residence R-2 District is seven feet.

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

**Item #4b –** Brookings School District submitted a request for a variance on the South Three Hundred Fifty Feet (S350') of G. C. Andersons Addition also known as 718 5<sup>th</sup> Street. The request is for a 27-foot front yard setback. The minimum front yard setback allowed in the Residence R-1B district is 30 feet.

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

#### **Drew returned to the Commission.**

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

**Item #6** – Ryan Companies US Inc submitted a Preliminary Plat of Lots 1-5 and Outlot A in Block 9 of Weise Addition.

(Fargen/Jamison) Motion to approve the Preliminary Plat as presented. All present voted aye.  
**MOTION CARRIED.**

**Drew recused himself from the Commission.**

**Item #7** – The City of Brookings submitted an amendment to the 2040 Comprehensive Plan for the City of Brookings pertaining to the future land use map.

(Solum/Fargen) Motion to approve the amendments to the future land use map. All present voted aye. **MOTION CARRIED.**

**Item #8** – Fishback Family Farms LLC and Branch Creek LLC submitted a petition to rezone the North Half of the Northwest Quarter (N1/2 N1/4) Excluding the North Three Hundred Sixty-Five Feet (Exc. N365') and Excluding the East Six Hundred Fifty Feet (Exc. E650') and Excluding the West One Thousand Six Hundred Feet (Exc. W1600') and Excluding Substation Addition in Section One, Township One Hundred Nine North, Range Fifty West (Sec 1-T109N-R50W) and the West Three Hundred Ninety Feet (W390') of the East One Thousand Forty Feet (E1040') in the Southeast Quarter (SE1/4) in Section One, Township One Hundred Nine North, Range Fifty West (Sec 1-T109N-R50W). The request is to rezone from Agriculture to Residence R-3 Apartment District.

(Solum/Jamison) Motion to approve the rezone request as presented. All present voted aye.  
**MOTION CARRIED.**

**Item #9** – Fishback Family Farms LLC and Branch Creek LLC submitted a petition to rezone the South Three Hundred Twenty-Five Feet (S325') of the North Three Hundred Sixty-Five Feet (N365') of the North Half of the Northwest Quarter (N1/2NW1/4) excluding the East Six Hundred Fifty Feet (Exc. E650') and Excluding the West One Thousand Six Hundred Feet (Exc. W1600') and Excluding Substation Addition in Section One, Township One Hundred Nine North, Range Fifty West (Sec 1-T109N-R50W). The request is to rezone from Agriculture to Business B-2 District.

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

**Item #10** – Fishback Family Farms LLC and Branch Creek LLC submitted a Preliminary Plat of Blocks 1-15 in Branch Creek Addition.

(Mills/Solum) Motion to approve the Preliminary Plat.

(Leddy/Jamison) Amendment to require a traffic impact study. Leddy voted yes. Aiken voted yes. All other voted no. **AMENDMENT FAILED.**

Original motion as present was voted on. All present voted aye. **MOTION CARRIED.**

**Drew returned to the Commission.**

**Mills recused himself from the Commission.**

**Item #11** – Minor Investments, Family L.L.L.P. submitted a petition to rezone Outlots 7A, 7 & 8 Excluding Lot H1 and H2 in Lot 8, City of Brookings from R-B4 Neighborhood Business District to a Planned Development District with Business B-2 District underlying zoning.

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

**Item #12** – Minor Investments, Family L.L.L.P. submitted an Initial Development Plan within a Planned Development District on Lot 2, Cree Village, Indian Hills Addition and Outlots 7A, 7 and 8 Excluding Lot H1 and H2 in Lot 8 in the City of Brookings.

(Fargen/Schmeichel) Motion to approve the Initial Development Plan as presented. All present voted aye. **MOTION CARRIED.**

**(Schmeichel/Solum) Motion to adjourn at 7:55 to move to a different meeting room.**

**Reconvene at 8:00 p.m.**

**Item #13** – Minor Investments, Family L.L.L.P. submitted a preliminary plat of Block 1 and Block 2 in Trails Head Addition.

(Solum/Leddy) Motion to approve the preliminary plat as presented. All present voted aye. **MOTION CARRIED.**

**Item #14** – Prairie Hills LLC submitted a petition to rezone Wetland C Tract 1A and Lots 89-91 in Block 11 of Prairie Hills Addition. The rezone request is from Business B-2 District to Residence R-3 Apartment District.

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

**Item #15** – Prairie Hills LLC submitted a petition to rezone Lot 6 of Block 8, Lots 82-86 of Block 11, Lots 7-14 of Block 12, Lots 72-81 of Block 14, Lots 93-101 and Lots 111A, 111B, 111C and 112A of Block 15, Lot 155C and the South 1,000 feet of the West 700 feet excluding platted areas in the NE quarter of Section 2, Township 109, Range 50, Brookings County, South Dakota. The rezone request is from Residence R-3 Apartment District to Residence R-1B Single-family District.

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

**Drew returned to the Commission.**

The meeting adjourned at 8:20 p.m.

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Ryan Miller, City Planner

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Tanner Aiken, Chairperson

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**OFFICIAL SUMMARY**

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**Item #4a** – This variance is for the Hillcrest School at 304 15<sup>th</sup> Avenue. The request is for a 1-foot side yard setback along portions of the north side of the property. Jastram, the architect for the school, explained that the new school is designed to go around the existing school building as the current school will be utilized during the construction. Because they are working around the current building, they moved the new building as far south as possible and with this the variance is still going to be needed. Miller explained that there may be a land transfer that will provide the school with more land on the north side of the project, but to move forward with the building permit, at this time, this variance will be needed. Struck further explained that if the future land transfer goes through, it will be for land on the west side and the transfer would not extend all the way to 17<sup>th</sup> Avenue so the variance would still be needed.

**Item #4b** – This request is for the Medary Elementary school at 718 5<sup>th</sup> Street. The request is for a reduced front yard setback from 30 feet to 27 feet 10 inches along the west property line. For this project they will be utilizing a portion of the existing building. New construction will be to the west of the current structure.

**Item #6** – Planning Commission recently approved the zoning and Initial Development Plan for this development. The lots on this plat will be zoned commercial. The Preliminary Plat aligns with the proposed phase development and subdivision plan. Two future right-of-ways are noted on the preliminary plat. The preliminary plat also includes a proposed grading plan, utility plan and preliminary drainage plan.

Mills wondered if a no access easement should be required, on the primary road, on this plat. Miller explained that there are no plans for accesses at this time but at the final platting stage, staff would control the no access easement enforcement.

**Item #7** – This is an amendment to the future land use map which currently shows this area as Medium Density Residential and would change it to Urban Medium density. Boersma stated that the goal is to be able to do some variety of mixed use in the future and this amendment would support the medium density residential zoning.

Evans asked how the drainage, storm water and sewer system are going to be managed through this development and rezoning in the area. Miller explained that a drainage plan will be required for this development. Mrs. Evans asked if the public would know when these plans are brought forward and how will they know that what they plan for will be adequate? Miller explained that the drainage plan is part of the preliminary plat but the drainage plan is not reviewed at the Planning Commission meeting, it is reviewed by City staff in the Engineering Department. A Final Plat will not be filed until the drainage plan is approved.

Mr. and Mrs. DeWitt, 1622 20<sup>th</sup> Street S, spoke and they are not in favor of a development here. They are concerned with the roads that are going to be installed near/through their property. The plan to have roads come through their property is not what they or their family would like and it is not part of their plan. Additionally, the plan is for a significant number of residences and that is going to create a lot of traffic. Mrs. DeWitt doesn't think that the roads that are penciled in are wanted, the ones onto their property and she feels that the development plan isn't the best for the area.

**Item #8 –** This area is currently zoned Agriculture and the request is to rezone to Residence R-3 Apartment district. The property to the east of this location is zoned R-2 so there is a natural transition from east to west with the zoning. The owners are proposing a development of a large scale residential plan. Boersma explained that the intent for this development, and the R-3 zoning is to support townhouses and not large scale apartments, townhouses are not covered in the R-2 zoning.

Schram who lives on 24<sup>th</sup> Street S, explained that his son-in-law and daughter purchased a lot on Bluegill Circle because of the size and location and the fact that there would be very little traffic. Building apartments in this area would create a lot of traffic, but townhouses could be acceptable. He feels that neighbors would not approve of large buildings/apartments being built in their backyards.

**Item #9 -** This rezone is for an area of land being 2.852 acres on 20<sup>th</sup> Street South near the intersection with Tanbury Lane, located near the Fishback Soccer Complex. The land is currently zoned Agriculture and the applicant is requesting the rezone to a Business B-2 District. The previous amendment to the land use map covers this area to change to the Urban Medium Land use.

Fargen feels that this rezone is similar to other requests along this corridor and the request fits well.

Kurtenbach is concerned with development in this area. He is concerned about the drainage in this area and wondered if the drainage had been looked into. Miller explained that the drainage plan is part of the preliminary platting process, which will be coming forward. Kurtenbach is also wondering if the sewer situation has been addressed? Mills explained to Kurtenbach that he will have adequate time to talk to City staff and Council Members, to discuss drainage, before this development is approved because the City Council will hear this request in the future.

**Item #10 -** This preliminary plat is for 23.3 acres between the Fishback Soccer Complex and Bluegill Addition. This plat consists of 3 blocks zoned commercial and 11 blocks zoned residential, and 1 block for storm water management.

There are right-of-ways proposed for this development consisting of 6 roads. The Large Scale Residential Plan is requesting a 55-foot wide ROW being allowed for 3 of these roads, only single family, 2, 3, or 4-unit townhome dwellings allowed, a no minimum lot area or lot width exception, a 10' minimum building separation, rear yard setbacks shall be 20' from the alleys, front yard setbacks for rear loading garages shall be 10' minimum, front yard setbacks for front loading garages shall be 20' minimum, and side yard setbacks from alley shall be 5' minimum. Additionally, the maximum density allowed shall be 160 total dwelling units, all common areas will be considered landscaped areas and accessory structures, access drives, walking paths and off street parking may be located within the landscape area, and a minimum of 50% of the common area shall be maintained as open space.

Bucher, engineer for the developer, explained that the Traffic Study was added at the last minute by city staff. However, the developers feel that the study could be beneficial and they are going to plan to complete the study. Bucher explained that the sewer will flow to the south, the only sewer that will flow north is the sewer from Block 1. A preliminary drainage plan has been submitted to city staff and they are waiting for approval on this submittal. Most of the storm water will flow south to the detention pond. The request for the narrower right-of-ways does not mean that the streets will be narrower, the streets will be built to the city construction standards. Fargen asked Bucher if he was confident that the drainage for this development will improve the drainage in this area? Bucher stated that some grading will need to be done to accomplish the flow of water, it is designed that if the detention pond were to overflow, the overflow would then go to the City's pond and not back east. Bucher explained that the drainage is not designed to flow back to the east, the pond that will be installed should handle the drainage.

Boersma explained that this development is intended to be for workforce housing. There is a combination of single-family, two-family and 4 family townhomes, no large buildings. She also explained that Brook Street, extending to the east, doesn't need to be installed but if installed it would be available to the developers to the east to utilize. Mills inquired if the alleys are dedicated right-of-ways. Boersma explained that the alleys will be part of the common area maintenance being covered by the homeowner's association. She also explained that there are walking areas planned for this development.

Leddy asked how the drainage will be handled for the alleys. Bucher explained that the alleys will probably be inverted crowns. There will be inlets at the intersections that will collect the water and additional inlets can be added if necessary.

Leddy is concerned about having just one access into the development. He wondered if Willow Branch Ave could extend to 20<sup>th</sup> Street South. Boersma explained that the traffic study that they are requesting is to focus specifically on this. Miller explained that if it is decided to extend Willow Branch Ave to 20<sup>th</sup> Street S, then a revised Preliminary Plat would need to be submitted to the Planning Commission. Leddy just feels that with the high density in this area and the extra traffic, an additional access to 20<sup>th</sup> Street South is favorable to him.

Vlaminck is concerned about the additional traffic. He is also concerned about the sewer and water issues that could develop into more issues. He feels the developers need to look into the sewer and water issue more.

Jamison isn't too concerned about the traffic in this area. Generally, traffic is slower in smaller right-of-ways. He doesn't feel that a traffic study would be beneficial to the business in the area but not the residential area. He does wonder if there is an opportunity to do some type of permeable paving in the alleys?

Schmeichel is concerned with the drainage. He hopes that staff is really looking into the drainage before moving forward with this development.

Fargen wondered if having Brook Street extend to the property to the east will have an impact on their property? Miller explained that this stub could be utilized by the owners to the east if they choose to come forward with a plan to develop their property. Fargen asked if the access to Bluegill will be required if there were two accesses on 20<sup>th</sup> Street South. Miller explained that the secondary access requirements would be met if there were two connections on 20<sup>th</sup> Street South. Fargen is also concerned with the drainage partially because of his lack of knowledge with drainage. He feels confident that relying on city staff to approve the drainage plans is the best.

Mills agrees with Fargen on the drainage. Planning Commission doesn't approve the drainage plan, city staff does. And the plan is never to make a drainage problem worse and to look at improving some situations from the past.

**Item #11 -** This request is for a rezone to a Planned Development District with B-2 underlying. This development is located at Main Avenue South and Trail Ridge Road. A Future Land Use Map revision to Urban Medium was recently approved.

McKillip, representing the applicants, explained that they are looking at a plan that fits in the neighborhood. They are planning to coordinate a well-planned mix of land uses. The PDD is being requested because the traditional zoning limits how they are looking at the plan as an entire development.

Tetzlaff is concerned about the rezone to the PDD. He feels that this zone is too loose. Miller explained that they are requesting a PDD with a B-2 underlying district. With a PDD, the developers are required to submit an Initial Development Plan that will explain the specific uses that are planned.

**Item #12 -** This Initial Development Plan is at the intersection of Main Avenue South and Trail Ridge Road and Crystal Ridge Road. Phase 1 will consist of Block 1 on the western parcel and will consist of townhomes, a total of 18 units. Phase 2 will be on the eastern parcel and will have a mixed business/residential structure with 52 residential units and 8,700 s.f. of commercial space is planned. The applicant is requesting to reduce the required drive-thru stacking requirements, are requesting a shared parking agreement between the blocks and seeking a



variance from the secondary access requirements. McKillip explained that the goal with this development is to provide a gateway to Indian Hills. The mixed use building will provide for Commercial on the first floor. The plan will also provide a pocket park within this development. The second floor will consist of studio, 1 bedroom and 2 bedroom units. Aiken asked if the trees along the west lot line will remain? The plan is to keep them there but if any need to be removed, they will replace them with new trees.

Kreyger planted these trees and at that time there was a 50-foot buffer. He appreciates that they will replant trees if any need to be removed. Kreyger is concerned with the amount of parking that is planned, he doesn't feel that the parking will be sufficient. He is concerned about only having one access on/off Main Ave.

Miller explained the parking for the plan. The townhome units will have garages for parking and they are allowed one stacking place in the drive way, there will be enclosed parking provided and then the shared parking between the blocks. McKillip stated that 137 spaces are required but the plan is for 154 parking spaces proposed. Fargen ask McKillip to explain the reason for the one-way access into this development. McKillip explained that there is room for in and out traffic but due to the drive-thru being planned, it is safer to have the one-way traffic in.

Drew feels that moving it from B-3 to B-2 is a better transition with the area to the west.

Aiken asked why this is developed in 2 lots rather than one. McKillip explained that this is for future estate planning.

Jamison is concerned with the exception to the stacking distance for the drive-thru. Aiken is also concerned about this. Miller explained how the stacking is measured. Jamison wondered if there was sufficient drive room for vehicles between the drive-thru and the parking spots on the north. McKillip stated that there is enough room for two vehicles there.

**Item #13 -** This is the preliminary plat of the area for the previous IDP. There are some easements that will need to be removed and relocated at the Final Platting stage. There will likely be some no access easements placed along Main Ave.

**Item #14 -** This rezone is to clean up some spot zoning in the Prairie Hills development near Tall Grass Parkway and Sweetgrass Drive areas.

**Item #15 -** This rezone is also to clean up some zoning in the Prairie Hills development.

The meeting adjourned at 8:20 p.m.

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Ryan Miller, City Planner

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Tanner Aiken, Chairperson