

OFFICIAL MINUTES

Chairperson Tanner Aiken called the meeting of the City Planning Commission to order on Monday, July 10, 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, Richard Smith, Roger Solum, and Aiken. Also present were City Planner Ryan Miller, Community Development Director Mike Struck, John Kahle, Robert Jones, Brian Ardy – Advance, David Jones and Shawn Storhaug – members of Ringneck Inc, Komal Raina, Dennis Rebelein, Randy Roiger – Clark Drew Construction, Wade Price – PMVK, Justin Bucher – Banner Associates, and Todd Meierhenry.

Item #1 – Roll Call

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

Item #3 – (Solum/Jamison) Motion to approve the June 6, 2023 minutes. All present voted aye. **MOTION CARRIED.**

Item #4 – Convene as the Board of Adjustment

Item #4a – John Kahle made a request for a variance at 1721 15th Street South. The request is for a reduced front yard setback of 19.1 feet. The required front yard setback in the Residence R-1B single family district is thirty feet.

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

Item #4b – Ringneck Investment Group Inc made a request for a variance at 911 5th Street South. The request is to allow an accessory structure in the required landscape area for an apartment use and for reduced accessory structure setbacks. For apartments, an area of landscaping, equivalent to the setback requirements, kept free of accessory structures must be provided around the perimeter of the site. Accessory structures in a residential district shall have a five-foot side and rear setback.

(Solum/ Drew) Motion to approve the variance request.

(Jamison/Schmeichel) Amendment to the motion to add that all Fire Code Requirements need to be met. All present voted aye. **AMENDMENT CARRIED.**

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

Item #4c – Komal Raina made a request for a variance at 222 8th Street. The request is to landscape 100% of the rear yard. Zoning Ordinance states that at least 50% of the rear yard must be maintained as living ground cover.

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

Item #4d – Dennis and Tammy Rebelein made a request for a variance at 1838 Santee Pass. The request is to build a deck within the front yard setback. Porches, decks and platforms exceeding 30 inches in height shall not project into any required yard area.

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

Drew and Jamison recused themselves. Mills and Aiken are now voting.

Item #4e – Clark Drew Construction made a request for a variance at 2311 Minnesota Drive. The request is for an expansion of a nonconforming use beyond the allowable 25% gross floor area and the elimination of required three-foot foundation plantings in a commercial district.

(Schmeichel/Mills) Motion to approve the use beyond the allowable 25% gross floor area. All present voted aye. **MOTION CARRIED.**

(Solum/Fargen) Motion to approve the elimination of the required three-foot foundation plantings in a commercial district. All present voted aye. **MOTION CARRIED.**

Mills and Jamison returned to the Commission.

Item #5– Reconvene as the Planning Commission

Item #5a – PMVK Limited submitted a Preliminary Plat of Lots 1-3 in Block 7 of Southland Addition.

(Smith/Mills) Motion to approve the Preliminary Plat contingent up approval with staff recommendations to provide preliminary grading and drainage plans. All present voted aye. **MOTION CARRIED.**

Item #5b – The City of Brookings proposes to create a Tax Increment District Number Thirteen in the Wiese Addition.

(Smith/Fargen) Motion to approve the creation of Tax Increment District Number Thirteen. All present voted aye. **MOTION CARRIED.**

Item #5c – The City of Brookings submitted a proposed project plan for Tax Increment District Number Thirteen.

(Solum/Drew) Motion to approve the adoption of Tax Increment District #13 Project Plan. All present voted aye. **MOTION CARRIED.**

Item #5d – The City of Brookings submitted amendments to Chapter 94, Zoning, pertaining to Sec. 94-1, Sec 94-131, Sec 94-134, and Sec 94-135 related to the establishment of indoor pet services as an allowable use.

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

The meeting adjourned at 7:36 p.m.

Ryan Miller, City Planner

Tanner Aiken, Chairperson

DRAFT

OFFICIAL SUMMARY

Chairperson Tanner Aiken called the meeting of the City Planning Commission to order on Monday, July 10, 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, Richard Smith, Roger Solum, and Aiken. Also present were City Planner Ryan Miller, Community Development Director Mike Struck, John Kahle, Robert Jones, Brian Ardy – Advance, David Jones and Shawn Storhaug – members of Ringneck Inc, Komal Raina, Dennis Rebelein, Randy Roiger – Clark Drew Construction, Wade Price – PMVK, Justin Bucher – Banner Associates, and Todd Meierhenry.

Item #4a – This variance request is for a 19.1’ front yard setback to expand an attached garage on a corner lot. The applicant applied for a similar project in 2019 and the variance was approved for a reduced yard setback of 20’. This variance expired and therefore the applicant is applying again for a slightly different variance. The addition will be a 12’ wide by 36’ long expansion to the garage.

Kahle explained that there is a parking issue in this neighborhood. Since the prior approval, he has added a covered patio onto the back of his garage. The extended addition request is so that the roof lines will line up.

Schmeichel wondered why the City staff are not in favor of the 19.1’ request compared to the 20’ request approved in 2019. Miller stated that they were approved for a sufficient setback at the time of the 2019 request. Miller stated that the variance should be approved for the minimum needed in order to mitigate the hardship, which was granted in 2019 for a reduced setback of 20’. Fargen asked what the driveway access will be, will this be expanded? Kahle explained that there will be an expansion to the driveway but it will be up to 32’ and 36’ wide is allowed by ordinance. Drew is in support of the request; he doesn’t feel that 9 inches is an issue.

Item #4b – This request is to keep a detached garage on the property, which is located within a required landscape area. The proposal is to add an apartment complex on the east side of the lot.

Jones explained that a previous owner built this garage in 1988. This previous owner had an agreement with Advance that they could utilize the driveway that runs straight to the garage. Jones’s have kept this property for many years and had recently decided to sell the property.

Ardy, representing Advance, explained that they have a group home to the west of this property. This driveway has been very useful for their use with traffic coming and going.

Storhaug explained that during the design phase of this project they didn’t realize that this garage would become an issue. Storhaug explained that the design of the apartment building is to allow them to get every bit of building area as possible. Jones explained that the intention is to leave

access there for Advance. The way that the apartment building is planned doesn't impede upon the garage at all and doesn't create any issues with building code. Leaving the garage here would allow for the access to remain on this lot for Advance to continue to use. Storhaug explained that building officials from the City said they would work with them to be sure any firewalls that needed to be installed, would be.

Jamison asked what the current setback is of the garage to the property line. Miller explained that it is less than 5' but when the garage was built, 3' was the setback requirement. Fargen is in favor of this request because this garage has been here for many years, it isn't a new structure being built. Jamison is also in favor of the request as long as the fire separation is met.

Item #4c – This request is to eliminate the required 50% rear yard landscape area. Recently the landscaping was complete to remove all the greenspace in the rear yard. Raina explained that the rear yard of this house was infested with snakes. She stated that they had tried everything they could think of to get arid of the snakes. As a homeowner she would like to be able to utilize her yard. While working with her landscaper, they decided that trying rocks might help because the snakes wouldn't want to make her rear yard a home, and it has helped.

Aiken wondered if there was a plastic barrier laid down under the rock/gravel. Raina was not sure.

Fargen wondered what the applicant would have to do if the board doesn't approve this request. Miller explained that the applicant would have to remove a portion of the rocks/gravel/concrete to get them back to required amount of living ground area. Schmeichel wondered if the landscaper should have been required to obtain a permit for this. Miller explained that permits are not required for landscaping. Jamison wondered if this item should be tabled and have plans provided to show the 50% of landscaping. Smith feels the board should accommodate the applicant.

Item #4d – This request is for the reconstruction of a front yard porch with a 24-foot setback from the front lot line. Rebelein explained that the front deck that they currently have does not meet the required setback. To make things accommodating for moving big items in and out, they would like to increase the size of their deck to be approximately 9' by 12'.

Item #4e – The first request is to expand a nonconforming use beyond the 25% gross floor area. The second request is to eliminate the required 3-foot foundation planting.

Roiger explained that the addition is going to replace the storage garage that was there. He also stated that they are increasing the front yard landscape area and also adding in some landscape area on the side in hopes to remove the foundation planting. The foundation planting is a very minimal area.

Item #5a – This preliminary plat is for lots located near 22nd Avenue South and 20th Street South. This plat consists of 3 lots and an extension of Canasta Lane.

Item #5b– Struck explained that this motion will create the boundaries of the Tax Increment District project which is located in the Wiese Addition, located at the intersection of 6th Street and I-29. This does include the area of the Brookings Marketplace and also two lots that will benefit from the improvements.

Mills inquired about the Research and Technology Center not being included. Struck explained that the city doesn't know what the future is for this building so they didn't want to tie up this project with that building. Leddy wondered if there was any consideration of extending this district further to the east to help with sanitary sewer issues. Struck stated no because the project would not cashflow to cover extended areas.

Item #5c – This step is to approve the project plan for Tax Increment District #13.

Item #5d – This amendment would add a definition for “Pet Services.” Schmeichel asked how this would affect the current business that would fall under this use. Miller explained that the use definition would be for new business, other uses will continue to be defined as they were at the time of establishment. This new use is more for boarding facilities. Mills and Drew aren't sure that this use is an appropriate use in the B-1 District. Schmeichel wants to be sure that current businesses won't be affected if the B-1 District is removed and will current business be grandfathered in then?

The meeting adjourned at 7:36 p.m.

Ryan Miller, City Planner

Tanner Aiken, Chairperson