

**OFFICIAL MINUTES**

Vice-Chairperson Ashley Biggar called the meeting of the City Planning Commission to order on Tuesday April 6, 2021, at 5:00 PM in the Council Chambers Room #310 on the third floor of the City & County Government Center. Members present were Tanner Aiken, James Drew, Greg Fargen, Jason Meusburger, Lee Ann Pierce, Eric Rasmussen and Biggar. Absent were Gregg Jorgenson and Jacob Mills. Also present were Community Development Director Mike Struck, City Planner Ryan Miller, City Engineer Jackie Lanning, Chad Borchardt, Justin Bucher Banner Associates, and City Attorney Steve Britzman.

**Item #1 – Roll Call**

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

**Item #3 – (Aiken/Meusburger) Motion to approve the March 2, 2021 Planning Commission minutes. All present voted aye. MOTION CARRIED.**

**Item #4a -** Amendment to the 2040 Comprehensive Plan pertaining to the Future Land Use Map.

(Fargen/Rasmussen) Motion to approve the amendment.

(Rasmussen/Aiken) Motion to table to the May Planning Commission meeting. Aiken, Drew, Fargen, Meusberger, Rasmussen, and Bigger voted aye. Pierce voted nay. **MOTION CARRIED.**

**Item #4b -** 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.

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

**Item #4c –** Amendments to Chapter 51, Subdivision Regulations: Information Required Section 51-42, Street Standards Section 51-64, Land Design and Improvements Section 51-65, pertaining primarily to public street acceptance and drainage requirements.

(Fargen/Meusburger) Motion to remove from the table. All present voted aye. **MOTION CARRIED.**

Motion made at March 2, 2021 meeting, Rasmussen/Meusburger to approve the amendments. All present voted aye. **MOTION CARRIED.**

The meeting adjourned at 6:22 p.m.

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Ryan Miller, City Planner

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Ashley Biggar, Vice-Chairperson

## **OFFICIAL SUMMARY**

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**Item #4a** – This is an area of land located at 34<sup>th</sup> Avenue and 8<sup>th</sup> Street South. There is approximately 34 acres that is included in the amendment. The intent of the request to amend the Comp Plan is to entertain a rezone request in the future. The applicant will be submitting a request to rezone to a light industrial zone. The entirety of the property is located within the flood plain and a portion of this area is located within a wellhead protection area. There is a preliminary plan to bring in fill and move this area out of the flood plain.

Borchardt explained that they spoke with City Staff and the Development Review Team regarding their intent with this property. They have gathered additional information pertinent to this parcel and the development of this parcel. He understands the reasoning for staff recommendation to deny this request, however, since they do have additional information to provide, he would like to see the Commission entertain the option to table this request to a future meeting.

**Item #4b** – The Commercial Corridor District was introduced in 2020, in October of 2020 the Planning Commission did not pass this amendment. Some revisions have been made to the Commercial Corridor District and therefore the request for the amendments has been brought forward again. Miller explained the revisions that were made since the October 2020 meeting.

Pierce asked for clarification regarding when there would be a developers agreement that would potentially be exempted from this ordinance. Struck explained that “The Brookings Marketplace” would be a good example of this, the City Council could agree to a developers agreement. This situation will typically only apply on City owned land that is deemed no longer needed for public purpose and the land is put up for sale. The City could apply some restrictions to the sale. Pierce also questioned the section that states “Exceptions to the standards required by the district may be allowed on a case by case basis consistent with the overall purposes of the district.” Who makes these exceptions? Struck stated that this would follow the same process and the developer would submit their exceptions to staff and staff would review them, and then it would be forwarded on to the Planning Commission. Pierce asked to verify if exceptions would be approved by the Planning Commission. Struck stated yes. Pierce would like this to be clearly stated in the document.

Rasmussen wondered if any of the contractors/developers in town are concerned about this amendment. Struck hasn’t heard anything from them this time like during the previous amendment request.

Struck also reiterated that this would not apply to residential areas, this is for commercial zoning.

Aiken feels that staff did a great job revising these amendments.

**Item #4c** – This item was tabled at the March 2<sup>nd</sup> Planning Commission meeting. Some revisions have been made to the amendments and Lanning explained the revisions. The revisions reorganized the timeline and also clarified some of the requirements that were not real clear.

Bucher questioned when the warranty period starts. Typically, the warranty period starts when the substantial completion date has been assigned. Lanning explained that it would start on the date of the street ownership. So this may not be the same date as the substantial completion date.

Rasmussen wondered why Warranty Security is capitalized and if this should be defined to clarify what it means. Britzman would like it to state that a bond or cash payment would be what they would like and this could be added for clarification.

The meeting adjourned at 6:22 p.m.

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Ryan Miller, City Planner

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Ashley Biggar, Vice-Chairperson