

## **OFFICIAL MINUTES**

Vice-Chairperson Ashley Biggar called the meeting of the City Planning Commission to order on Tuesday July 6, 2021, at 5:30 PM in the Council Chambers Room #310 on the third floor of the City & County Government Center. Members present were Tanner Aiken, Greg Fargen, Jacob Mills, LeeAnn Pierce and Biggar. Absent were James Drew, Gregg Jorgenson and Jason Meusburger. Also present were Community Development Director Mike Struck, City Planner Ryan Miller, Carla Kwasniewski, Mary Ann Peterson, Grant Leffelbein, Theodore Elverson, James Drew, and Jay Larsen.

### **Item #1 – Roll Call**

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

**Item #3 – (Pierce/Mills) Motion to approve the June 6, 2021 Planning Commission Minutes. All present voted aye. MOTION CARRIED.**

**Item #4a -** Carla Kwasniewski submitted an application for a Conditional Use Permit on Lot 5, Block 4, East Acres Second Addition, also known as 2029 Elmwood Drive. The request is to operate a hair salon within a single-family home, which is a major home occupation, in the Residence R-1B single-family district.

(Aiken/ Fargen) Motion to approve the Conditional Use Permit application with the recommendations from City Staff;1. The conditional use permit is for the applicant only and cannot be transferred to subsequent property owners. 2. Any signage requires a sign permit and must conform to standards and allowances set for a residential district.

(Pierce/Aiken) Amendment to the motion to state “only 1 chair allowed” and “no non-residential employees allowed”. All present voted aye. **AMENDMENT CARRIED.**

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

**Item #4b-** Granted Properties LLC submitted an application for a Conditional Use Permit on Lot 1, Block 2, Folsom Addition, also known as 530 1<sup>st</sup> St S; and Lot 2 and Lot 3, Block 2, Folsom Addition, also known as 110 6<sup>th</sup> Ave S. The request is to operate contractor’s shops with mixed business/residential in a Business B-3 heavy district.

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

(Aiken/Meusburger) Motion to approve the Conditional Use Permit application. (Motion made at the May 4, 2021 meeting.)

Mills must recuse himself from voting on the item due to ex parte communication with the applicants. A quorum of the Planning Commission was not present to vote on the item.

(Pierce/Aiken) Motion to table to the August 3, 2021 meeting. All present voted aye. **MOTION CARRIED.**

**Item #5a -** Brookings County Title Co submitted an application for approval of a Commercial Corridor Design Review Overlay District site plan on Lot 1 excluding Lot H-1, Cheevers Addition, also known as 418 6<sup>th</sup> Street.

(Pierce/Aiken) Motion to approve the site plan with the exception to allow five (5') foot planting strip instead of the ten (10') foot planting strip along the 6th Street right-of-way. All present voted aye.

**MOTION CARRIED.**

**Item #5b-** CD Properties LLC submitted an application for approval of a Commercial Corridor Design Review Overlay District site plan on Lot 1 of Aldrich's Addition, formerly known as 1402 and 1404 6<sup>th</sup> Street.

(Mills/ Fargen) Motion to approve the site plan.

(Fargen/Aiken) Amendment to the motion to state "Approval of the site plan but allowing an opportunity for the City and the developer to work out an agreement with either a privacy fence or enhanced living fence in the southeast corner and require transom windows on the north side to more closely achieve the 20% window glazing facade. All present voted aye. **AMENDMENT CARRIED.**

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

(Pierce/Mills) Motion to adjourn the meeting at 7:55 to reconvene in a different meeting room. All present voted aye. **MOTION CARRIED.**

(Fargen/Mills) Motion to reconvene the meeting at 8:01 in Community Room #300. All present voted aye. **MOTION CARRIED.**

**Items #5c –** The City of Brookings submitted amendments to Chapter 94, Zoning, pertaining to the inclusion of Cannabis Establishments as a use and corresponding supplemental regulations related to the siting of such Cannabis Establishments.

(Pierce/Fargen) Motion to approve the amendments.

(Aiken/Mills) Amendment to the motion to add the B-4 District to the Cannabis Dispensaries. Pierce voted no. All others voted aye. **AMENDMENT CARRIED.**

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

The meeting adjourned at 8:32 p.m.

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Ryan Miller, City Planner

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Ashley Biggar, Vice-Chairperson

**OFFICIAL SUMMARY**

Vice-Chairperson Ashley Biggar called the meeting of the City Planning Commission to order on Tuesday July 6, 2021, at 5:30 PM in the Council Chambers Room #310 on the third floor of the City & County Government Center. Members present were Tanner Aiken, Greg Fargen, Jacob Mills, LeeAnn Pierce and Biggar. Absent were James Drew, Gregg Jorgenson and Jason Meusburger. Also present were Community Development Director Mike Struck, City Planner Ryan Miller, Carla Kwasniewski, Mary Ann Peterson, Grant Leffelbein, Theodore Elverson, James Drew, and Jay Larsen.

**Item #4a** – Kwasniewski’s recently purchased this property which had previously had a rental unit in the basement. This portion of the basement has a separate entrance providing direct access to the space where the application would like to have a hair salon. This type of home occupation will require two parking spaces and parking is sufficient for this request. The applicant will provide a walkway which will direct customers to the salon. Mills requested the requirements for the signage. Miller stated that in all residential districts you can have a maximum of 16 square feet of signage. Pierce asked if the signage could have lighting? Struck explained that they cannot have any electronic or illuminated signage in a residential district.

Kwasniewski explained that she might put a sign up for a short period of time, but ultimately she doesn’t plan to keep a sign up. She does not plan to have much traffic but the parking in their driveway will be sufficient. Mills asked about the walk way that she plans to install? Kwasniewski stated that there is already a walk way installed.

Peterson, 2038 Elmwood Drive, would like the permit to state that only one chair will be allowed in the salon. There is also a fire hydrant near this property. Miller stated that parking will not be an issue because off-street parking will be available.

**Item #4b** – This item was tabled at the May 4, 2021 meeting. The request is for seven contractor shops on the first floor and four two-bedroom residential units on the second floor. The applicants have added some proposed covenants to the plan. This project has received a variance for a reduced buffer yard on the south side allowing for a 20’ setback rather than the required 30’ setback. The parking will be met based on the site plan provided and they do have two accesses onto the property. There is currently a house on the property that will be demolished.

The request in being recommended for denial, from the Development Review Team, based on the incompatibility of uses. However, the applicants are willing to apply covenants to the property to satisfy some of the concerns.

Leffelbein and Elverson noted that the building will be sprinkled and there will be a two-hour separation between the units. They also anticipate that most of the storage will be hobby storage and not used for contractor shops. They also feel that this project will bring additional residential/rental units closer to the downtown area. The plan is to keep storage clean and organized. They do not anticipate much traffic from the contractor’s that will be using these shops.

Mills feels that the Planning Commission doesn't have reason to deny this request. The applicant/property owners are the ones that will have to deal with renting out these properties and it is their concern. The applicants are trying to bring housing and affordable housing to town.

Biggar asked if there are other developments like this around town. Miller stated no, not exactly like this one.

Fargen asked if a residential house would be permitted in a B-3 District. Miller stated no, however “Mixed business/residential use” could be applied for through the Conditional Use Permit application process. Fargen also asked for clarification of where the twelve parking spaces are located, the site plan doesn’t show twelve spaces. Fargen is most concerned about chemicals and chemical storage in the contractor shops below. Leffelbein and Elverson stated that they would have to complete inspections to verify the OSHA rules are being followed.

Pierce asked if City Staff could regulate the types of contractor shops that could be allowed in this development. Miller explained that this would be a large task.

**Item #5a** – This is a redevelopment project on the corner of 6<sup>th</sup> Street and 5<sup>th</sup> Avenue. The proposal will be for a new building facing 6<sup>th</sup> Street. Parking is planned for the west and south sides of this building. The building will be setback 5’ from the front (north) property line and 18’6” from the front (east) property line. Drew, representing the development, explained that they shifted the parking and the dumpster area based on a recommendation from the Development Review Team. With this shift, they were also able to add a green space island that ultimately increased the green space on the development. The landscaping plan is consistent with the landscaping regulations of the zoning ordinance with the exception of the 10’ planting strip along the 6<sup>th</sup> Street right-of-way however there is no front yard setback therefore the option exists for the developer to build up to the property line. Foundation plantings meet the zoning requirements and tree planting requirements will be accomplished with the plan. Aiken appreciates the plan and the work that was put into this plan to be presented to the Commission.

**Item #5b** – This project is for the redevelopment of two lots located at 1402 and 1404 6<sup>th</sup> Street. These two lots have been combined and have been rezoned to a B-2 district. The plan is to build a coffee shop at this location. There will be one access coming off of 6<sup>th</sup> Street, into the parking area. There is a drive thru planned for this development also. A variance to the east side yard buffer yard was approved by the Board of Adjustment in April and the parking requirements are met for this plan. The developers plan to install a fence along the west and south property lines to provide a buffer between this development and the adjacent residential lots. An outdoor patio is planned for this development, which is allowed in the Commercial Corridor Overlay District. This plan does not meet the requirement of 20% window coverage on the 6<sup>th</sup> Street (north) side of the building. Mechanical equipment will be located on the roof of the property and the parapet roof aids in the screening of this equipment.

Drew, representing CD Properties LLC, explained that they added a pedestrian sidewalk and screening from the transformer based on recommendations. He explained that they eliminated one access off of 6<sup>th</sup> Street to make this a user friendly spot. With this plan, they needed to move the drive-thru to the north side of the building which explained why they were not able to meet the window requirement on the 6<sup>th</sup> Street (north) side. Biggar asked how many cars will be able to be stacked in the drive-thru and exit lane? Aiken is also concerned about how vehicles will exit to the west and not cause a stacking issue. Struck explained that the Public Works Director doesn't feel this will be an issue since there is a turn lane that could be utilized for the exit process.

Aiken asked if the landscaping were to be dressed up, would this improve the view of the north side of the building. Mills feels that since the drive-thru on the north side will typically have a vehicle located at it, you won't look directly at just the side of the building. Fargen is concerned about the view on the east side of the building more than the north side of the building.

Drew stated that if the Commission feels that additional windows should be added; they could propose adding windows at a higher height on the north side. Fargen likes the idea and proposal that Drew offered to install the additional windows at the higher height. Aiken concurred.

Jay Larsen, 1347 5<sup>th</sup> Street, doesn't have an issue with the building but has issues with the site. He stated that they will be affected by the lighting, smells and noise coming from this business. Larsen feels that the site plan has changed since he last saw it. He spoke with the Parks and Recreation Director and they feel that the chain link fence will not be sufficient. Larsen would like to see the Commission require a fence that will increase the screening along the east side. Mills asked for clarification on this requirement that Larsen is proposing. Larsen stated that he would like the chain link fence replaced with a full size, full material fence to provide additional privacy. Struck did talk with the Dusty Rodiek, the Parks and Recreation Director, and he is concerned with the privacy on the east side of this development. He has no concerns with the setback but would like to see the chain link fence be replaced with something that will provide the additional privacy. Larsen is also concerned that there isn't any green space other than along the lot lines and along the north side.

Fargen asked for clarification of the fencing that Drew plans to install. Drew explained that there is 6-foot vinyl fencing along the south on the east end of this lot and he will plan to attach to that fence and continue to the west, across the south and connect with a fence that will be installed along the west side. Drew isn't sure what type of fence Larsen is requesting be installed along the east side. Larsen stated that the site line isn't their concern, it's the smells, lighting and privacy and therefore they would like to see a privacy fence installed. Pierce asked if the current 6-foot fence along the south side helps buffer the headlights? Larsen explained that their property sits higher than this area being developed so therefore they will be affected by headlights. Aiken wondered if shrubbery could be used instead of fencing. Larsen stated that since the developers were granted a 5-foot buffer yard variance, there won't be room for shrubbery. Pierce feels that the Commission should require fencing around the perimeter of this site along with the six tree plantings along the south side. Fargen wonders if the biggest concern is just the southeast corner of the fencing and if just this portion should be required to be replaced/installed. Drew again explained that there will be a fence along the whole south side and the east side already has a slatted chain link fence. Drew stated that they would be willing to install a 6-foot privacy fence from the south east corner going north and ending at the south end of the building.

**Item #5c** – Struck explained that this is a new Zoning Ordinance that has been written by City Staff and the City Attorney. The City looked at this and didn't reference this ordinance as "medical." The proposed ordinance identifies different types of cannabis establishments, appropriate zoning districts for each type of establishment and buffer distances. The Dispensary regulations were drafted in a manner to closely align with a pharmacy use and the proposed zoning districts customarily associated with retail/pharmacy. Cannabis testing facilities, product manufacturing facilities, and cultivation facilities are proposed in the Industrial I-1 district. These uses closely resemble other business uses in this area due to size, needs and odors.

This ordinance applies to the zoning and not the licensing requirements. A cannabis dispensary shall be considered a permitted use in the B-1, B-2, B-2A and B-3 Heavy District. Additionally, a dispensary shall not operate within 300' of an educational institution, religious institution, preschool or detention facility. In all the listed districts, other than the B-1 Central District, only 1 cannabis dispensary shall be allowed within 1,000 feet of each other.

Aiken feels that the B-4 district should also be in this ordinance. Mills agrees.

The meeting adjourned at 8:32 p.m.

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Ryan Miller, City Planner

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Ashley Biggar, Vice-Chairperson