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August 6, 2019 Minutes

Brookings County Planning & Zoning Commission
August 6, 2019 – 8:00 PM
Brookings City & County Government Center
310 Chambers

Chair Elenkiwich called the meeting to order at 8:02 PM. Commission members present were: Mike Bartley, Kimberly Elenkiwich, Darrell Nelson, Darrel Kleinjan, Randy Jensen, and alternate board members Tom Davis and Roger Erickson. Absent was Michael McHugh, Terrell Spence, and Chad Ford.

Chair Elenkiwich read **agenda item # 2: Approval of minutes from July 2, 2019 meeting.** Board member Kleinjan noted that corrections were needed on the roll-call vote of agenda item # 8 page 5-6 of 8. Board member Bartley noted the roll-call vote was incorrect as recorded, the aye votes were Bartley and Nelson and all the rest were nays, with the correct vote total of 2-ayes and 7-nays. The minutes of the July 2, 2019 meeting be accepted as a true and correct record with the following amendment: *Page 5-6 Under roll-call vote: note correct votes as: Kleinjan-nay, Ford-nay, Spence-nay, Jensen-nay, Bartley-aye, McHugh-nay, Erickson-nay, Nelson-aye, Elenkiwich-nay.* Mike Bartley moved to approve the minutes as corrected. Darrell Kleinjan second. Chair Elenkiwich called for a voice vote. 7-ayes and 0-nays, motion carried.

Chair Elenkiwich read **agenda item # 3: Items to be added to agenda by commission members or staff.** No items added.

Chair Elenkiwich read **agenda item # 4: Invitation for citizen to schedule time on the commission agenda for an item not listed. Time limited to 5 minutes per person to address the board.** No one scheduled time to address the board.

Chair Elenkiwich read **agenda item # 5: Disclosure of Conflicts of Interest: Relationship(s) to Applicant; or Ex Parte Communication.** None

Chair Elenkiwich read **agenda item # 6: Approval of Agenda.** Mike Bartley moved to approve the agenda. Tom Davis second. Chair Elenkiwich called for a voice vote. 7-ayes and 0-nays, motion carried.

Chair Elenkiwich read **agenda items # 7: Election of Vice Chairman.** Chair Elenkiwich opened up for nominations for Vice Chairman. Roger Erickson

nominated Chad Ford. Chair Elenkiwich asked three times for more nominations, hearing none. Mike Bartley made a motion that nominations cease and accept the unanimous ballot of Chad Ford for Vice Chairman. Tom Davis second. Chair Elenkiwich called for a voice vote, 7-ayes, 0-nays.

Chair Elenkiwich stated, "We are now acting as the Brookings County Planning and Zoning Commission" read the opening statement and **agenda item # 8: Consideration of Plats: a. 2019plat012: "Plat of Block 1, Hesby Addition in the N1/2 NW1/4 of Section 26, T110N, R51W of the 5th P.M., Brookings County, South Dakota."** Mike Bartley moved to approve the plat. Tom Davis second. Chair Elenkiwich opened up for discussion and asked Mr. Haugen for his staff report. Mr. Haugen stated, "Marilyn Hesby is platting off 11.2 acres of agricultural land from the 32.23 acres existing farmstead building site she owns." He noted: 1) the platted parcel was irregular in shape and would not be a buildable site as it did not meet the 35 acre requirement. 2) Parcel area was currently being farmed. 3) The plat met the platting requirements for the 2016 Comprehensive Plan Unincorporated Rural Areal Land Use on page 24 for Agricultural Land Use. Mr. Haugen used visuals to describe the plat. Chair Elenkiwich opened up for questions from the board and asked the reason for plat. Mr. Haugen noted plat would divide off farmable ground and an adjoining landowner was interested in purchasing as it adjoined his crop ground. She opened up the public hearing portion asking for questions or comments from the audience opponents and proponents, hearing none she closed the public hearing. Chair Elenkiwich asked the board for questions or comments, hearing none she called for a roll-call vote: Bartley-aye, Erickson-aye, Davis-aye, Nelson-aye, Kleinjan-aye, Jensen-aye, Elenkiwich-aye. 7-ayes, 0-nays, motion carried.

Chair Elenkiwich read **agenda item b. 2019plat014: "Plat of Lot 49A of the First Addition of Lake Poinsett Heights Subdivision in Lot 2, Section 5, T112N, R52W of the 5th P.M., Brookings County, South Dakota."** Tom Davis moved to approve the plat. Darrell Nelson second. Chair Elenkiwich opened up for discussion and asked Mr. Haugen for his staff report. Mr. Haugen stated, "Don Clelland is re-platting his lot at Lake Poinsett to the ordinary high water mark." He noted: 1) Lake Poinsett Heights was originally platted in 1922. 2) The depth of the lot was being updated to the Ordinary High Water Mark (from 41 feet to 140.76 feet) and the lot width would stay the same. Mr. Haugen used visuals to describe the plat. Chair Elenkiwich opened up for questions from the board, hearing none. She opened up the public hearing portion asking for questions or comments from the audience opponents and proponents, hearing none she closed the public hearing. Chair Elenkiwich asked the board for questions or comments, hearing none she called for a roll-call vote: Erickson-aye, Davis-aye, Nelson-aye, Kleinjan-aye, Jensen-aye, Bartley-aye, Elenkiwich-aye. 7-ayes, 0-nays, motion carried.

Chair Elenkiwich stated, "We are now acting as the Brookings County Board of Adjustment" read the opening statement and **agenda item # 9: 2019cu008: Jim Schade has made an application, 2019cu008, to the Brookings County Board of Adjustment for a conditional use. Article 11: Section 11.01: "A" Agricultural District: Conditional Use Permit # 20: Home Extended Business".** The property is described as: "SE1/4 SE1/4 SE1/4 of Section 16,

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T110N, R51W (Volga Township)” ~~ located at 21095 463rd Ave, Volga, SD 57071. Darrel Kleinjan moved to approve the conditional use request. Roger Erickson second. Chair Elenkiwich opened up for discussion and asked Mr. Haugen for his staff report. Mr. Haugen stated, “Jim Schade has applied for a conditional use for an extended home business for an event center to be able to host, but not limited to: wedding, anniversaries, reunions, corporate retreats, graduations, etc.. at their rural residence (located at 21095 463rd Ave, Volga, SD 57071) which is approximately 325 feet north of the intersection of US Hwy 14 and 463rd Avenue.” He noted: 1) the building site was 10.0 acres and currently consisted of a residence, winery building, and storage shed. 2) The proposed new building would be a 3-season event hall measuring 64 feet x 132 feet. 3) The proposed building would be used in the spring, summer and fall and would consist of a 54 feet x 112 feet main room that could hold 400 guests. It would also contain a bar area, 2 full ADA restrooms, prep kitchen, storage room, utility room, grooms loft, and a bridal suite. 4) Applicant at present has a South Dakota Farm Wine and Malt Beverage License that was approved by Brookings County and issued by the South Dakota Department of Revenue, allowing them to serve malted beverages and wine, but not hard liquor. 5) Applicant had provided a business plan that was place on file. 6) Proposed hours of operation would be 8:00 AM-1:00AM. 7) Public notices were published in the Brookings Register on July 23 and 30, 2019 and in the Volga Tribune on July 25 and August 1, 2019. 8) Letters were sent to the adjoining landowners, Volga Township Chairman and Clerk and the South Dakota Department of Transportation and no comments were received. Mr. Haugen then presented a visual presentation of the site. Chair Elenkiwich asked the applicant to come forward and address the board. The applicant identified himself as Jim Schade and stated, “My wife Nancy and I started Schade Vineyard in 2000, and we were the 3rd bonded Winery in South Dakota. We originally purchased 80 acres and have sold 70 of it to an adjoining landowner and have the winery and our residence on 10 acres. We have employed over 100 employees and Mr. Ringling is one of those employees.” Mr. Schade also introduced Dillon Ringling. Mr. Schade and Dillon Ringling presented a PowerPoint presentation describing the current site, business plans, and future building and the site plans. The planned venue business name would be “The Crossing.” Mr. Schade noted that Dillon Ringling was in the process of purchasing the winery (Schade Vineyard Inc) on a contract for deed with an option to sell the real estate to Mr. Ringling in the future. Chair Elenkiwich opened up for questions from the board. Board members Davis, Bartley, Elenkiwich, and Jensen reviewed and discussed: 1) Structure over 8,000 square feet and being professional engineered. 2) Business plan and options to host reunions, weddings, reunions and business gatherings for 400 people. 3) Future purchasing of entire site and living on site requirement. 4) Road maintenance and road agreement. 5) Conditional use permit being under current applicant and the understanding that if property is sold/transferred the new owner would need to reapply for a new permit. Standard practice is reapplication if deed/ownership is transferred. Chair Elenkiwich asked for additional questions from the board, hearing none she opened up the public hearing portion asking for questions or comments from the audience opponents and proponents. Luke Muller

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from First District Association of Local Governments. Noted he wanted to add a few points. He then stated, "This is in the area of your land use plan known as the area of development transition which is an area along the fringe of your communities which gives a little more difference to commercial sorts of things. I also want to point out that wineries were a part of the draft ordinance for the Ag District, it is something that is planned for in the Ag District but is not in the current Ordinance." He noted: 1) the current Ordinance allowed for commercial uses not normally located inside the city – a farm themed type venue. 2) Allowed current business as home occupation and other similar venues approved in the past. Mr. Muller asked a question regarding number of parking slots. Mr. Ringling addressed the question and noted that there were diagonal spaces for 140 cars plus 6 Handicapped spaces and room for 50+ overflow on grass area. Hearing no further comments from the audience Chair Elenkiwich closed the public hearing. Chair Elenkiwich asked for additional comments from the board. Board member Nelson expressed concern with alcohol and asked about communication with farming neighbors. Mr. Ringling noted that there would be just beer and wine allowed, they would suggest to attendees to use shuttle services when available and all bartenders would be state certified. Mr. Schade stated that he had talked with all adjoining landowners and they were all in favor and that they had great relationships with the neighbors. Board member Davis asked question regarding signage. Mr. Schade noted they would have temporary signage during venue events in addition to the current permanent signage. Board member Bartley asked for clarification by the staff regarding transferability for type of application. Mr. Haugen stated, "We have always required a reapplication for this type of application (Extended Home Business), it does not transfer with the land. We discussed this when they came in for the application, they are aware a new application would need to be made if he (Mr. Ringling) purchases the property in the future." Board member Davis asked question regarding caution lights and sign when event taking place. Mr. Schade noted that in the past no issue in the past. Mr. Haugen noted there was clear visibility to the North and limited distance to the South. Chair Elenkiwich hearing not additional questions or comments from the board asked Mr. Haugen to go over the findings of facts, with any additions, which are on file. Chair Elenkiwich called for a roll-call vote: Davis-aye, Nelson-aye, Kleinjan-aye, Jensen-aye, Bartley-aye, Erickson-aye, Elenkiwich-aye. 7-ayes, 0-nays, motion carried.

Chair Elenkiwich read **agenda item # 10: Department Reports**. Chair Elenkiwich asked Mr. Hill for his Directors report. Mr. Hill announced; 1) FEMA paperwork had been turned in for Brookings Townships and a total of 56 Counties in South Dakota were working with FEMA. 2) Use caution on roads as some were still in poor condition in areas. 3) Planners Conference would be Oct. 16 & 17 in Brookings 4) preparation for the 2020 Census was beginning. Mr. Haugen noted that the September meeting would be a busy one and also updated the board on a change in Hammink Dairy's number of mature cows and calves but noted the 1300 AU (Animal Unit) number would remain the same. The board would not need to rehear, the state of South Dakota would be working with the changes. No change in AU (Animal Units) so no effect requiring any board action.

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Chair Elenkiwich read **agenda item # 11: Executive Session, if Necessary**. Chair Elenkiwich noted no need for executive session.

Chair Elenkiwich asked for a motion to adjourn. Darrell Nelson made a motion to adjourn the meeting, Roger Erickson second. Chair Elenkiwich called for a voice vote. 7-eyes, 0-nays.

Chair Elenkiwich adjourned the meeting at 9:14 PM.

Rae Lynn Maher
Brookings County
Development Department.