

**Ordinance 2024 – 02**

**An Ordinance Authorizing Rezoning of “OL 6-9, & 14 in W1/2 S1/2 NE1/4 of Sec 11, T109N, R50W (Medary Township) of the 5<sup>th</sup> P.M., Brookings County, South Dakota”**

WHEREAS, Keith Poppen made an application to the Brookings County Zoning Board to rezone property from Joint Jurisdiction Agricultural & Joint Jurisdiction R-3A (Multiple-Family & Mobile Home) District to Joint Jurisdiction B-3 (Business: Heavy) District;

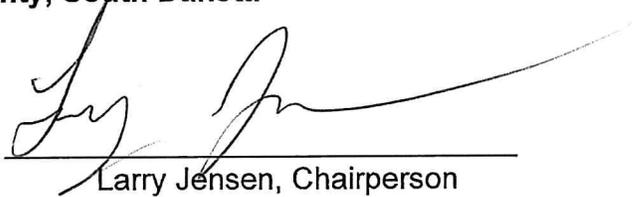
WHEREAS, the Brookings County Planning Commission recommended approval to rezone the property on April 2, 2024;

WHEREAS, SDCL 11-2-30 requires the Brookings County Commission to adopt or reject the change;

THEREFORE, BE IT ORDAINED, BY THE BROOKINGS COUNTY COMMISSION, BROOKINGS COUNTY, SOUTH DAKOTA, in accordance with Chapter 4.04 Zoning Amendments, of the Joint Zoning Ordinance for Brookings County and the City of Brookings, that the following property be rezoned from “Joint Jurisdiction Agricultural and Joint Jurisdiction R-3A (Multiple-Family & Mobile Home) District” to “B-3 (Business: Heavy) District.

**“OL 6-9, & 14 in W1/2 S1/2 NE1/4 of Sec 11, T109N, R50W (Medary Township)” of the 5<sup>th</sup> P.M., Brookings County, South Dakota”**

Dated this 7<sup>th</sup> day of May 2024.

  
\_\_\_\_\_  
Larry Jensen, Chairperson  
Brookings County Commission

ATTEST:  
  
  
\_\_\_\_\_  
Lori Schultz  
Brookings Finance Officer

First Reading: April 16, 2024  
Second Reading: May 7, 20224  
Adopted: May 7, 2024  
Publication Date: May 16, 2024  
Effective Date: June 6, 2024

## BROOKINGS COUNTY DEVELOPMENT

Brookings City & County Government Center  
520 3<sup>rd</sup> Street, Suite 110  
BROOKINGS, SOUTH DAKOTA 57006  
(605)-696-8350  
E-Mail: zoning@brookingscountysd.gov

Brookings County Commission

April 16, 2024, County Commission meeting.

May 7, 2024, County Commission and Brookings City Council, joint meeting.

April 3, 2024: The Brookings County Planning Commission met jointly with the Brookings City Planning Commission on Tuesday, April 2, 2024, for the rezoning application from Keith Poppen, located in the Joint Jurisdiction area. The Brookings County Planning Commission and City of Brookings Planning Commission both voted unanimously to recommend approval of the Joint Jurisdiction rezoning request. The rezoning request will be forwarded to Brookings County Commission and Brookings City Council by the respective Commission's for final approval or denial. The rezoning request must be passed by both entities to be approved.

Joint Jurisdiction joint meeting Brookings County Planning and Zoning Commission  
and City of Brookings Planning Commission.

April 2, 2024 – 8:00 PM meeting

# 2024jjrz001 – April 2, 2024

Prepared by Richard Haugen

Applicant/Owner: Keith Poppen, 2022 Moriarty Dr, Brookings, SD 57006

Site: 401 37<sup>th</sup> St S, Brookings, SD 57006

Legal Description: "OL 6-9, & 14 in W1/2 S1/2 NE1/4 of Sec 11, T109N, R50W (Medary Township)" ~~~  
located at 401 37<sup>th</sup> St S, Brookings, SD 57006.

2024rz001: Keith Poppen has applied for rezoning of property located in the Brookings City/Brookings County Joint Jurisdiction Area from a "Joint Jurisdiction Agriculture and Joint Jurisdiction R-3A (Multiple-Family & Mobile Home) District" to a "Joint Jurisdiction B-3(Heavy Business) District". The property is located southeast of the intersection of 36 St S and Main Ave S. The property was platted on October 2, 1972, prior to Zoning in Brookings County in 1976 and the Brookings City/Brookings County Joint Jurisdictional area in June 1980. The property was zoned "Agricultural" when the Joint Jurisdictional Area went into effect. Outlot 8 was rezoned from "JJ-Agricultural to JJ-R3A" in June 1993, to allow the mobile home to be located there. The property was used for horses, livestock and grass, it is currently grass only

2024rz001

Staff Report

April 2, 2024

Page 1 of 2

The Brookings County Development Office has reviewed the rezoning request and has no objections to the request, providing it meets the requirements of the Brookings City Community Development Office. Brookings City Planner, Ryan Miller's report is included in the report.

The rezoning request will be heard by a joint meeting of the Brookings County Planning and Zoning Commission and the City of Brookings Planning and Zoning Commission as it is in the Joint Jurisdiction Area. The decision made by the Joint Planning Commission is a recommendation to the Brookings County Commission and the Brookings City Council for the final decision of the rezoning request.

Public notices were published in the Brookings Register on March 19 and 26, 2024. The applicant notified abutting landowners by certified mail of the proposed rezoning request at least 14 days prior to the public hearing.

Letters were sent to the Medary Township Chairman and Clerk, Brookings County Highway Department.

2024 jmr 2001

PETITION FOR REZONING

RECEIVED

To the Brookings County Commissioners  
And County Planning Commissioners

FEB 8 2024

Gentlemen:

BROOKINGS  
COUNTY DEVELOPMENT

We (I), the undersigned, owner (s) of the property described in paragraph 1 below, do hereby respectfully petition your Honorable Body to amend the present Brookings County Zoning Ordinance as hereinafter designated, and in support thereof, the following facts are presented:

1. That the area to be rezoned is contained in the following legal description:

Out lots 6, 7, 8, 9, + 14 of the Plat of out lots 6 through 18 in the west half of the South Half of the Northeast Quarter (W 1/2 S 1/2 NE 1/4) of Section 11 Township 109 North Range 50 West of the 5<sup>th</sup> B. M., Brookings County, South Dakota.

2. That it is requested and desired that the foregoing property be rezoned from the

A<sub>2</sub> + JJ-R3A District to the JJB3 District.

3. That the reasons for requesting the change are as follows:

To allow for Development in the future.

4. That the undersigned below own (s) property within the area which is requested to be rezoned.

5. That the undersigned have been fully appraised and acquainted with the uses to which the area to be rezoned may be put if the rezoning takes place.

\* 6. That in addition to the name (s) given below, there is also attached a plat and the names and mailing addresses of abutting landowners. (Property shall be considered as abutting even though it may be separated from the property of the petitioner by a public road or highway.)

7. That the undersigned shall notify all abutting landowners by registered or certified mail of the petitioned zoning change at least **14 days** prior to any public hearing held thereon by the County Commissioners or County Planning Commission.

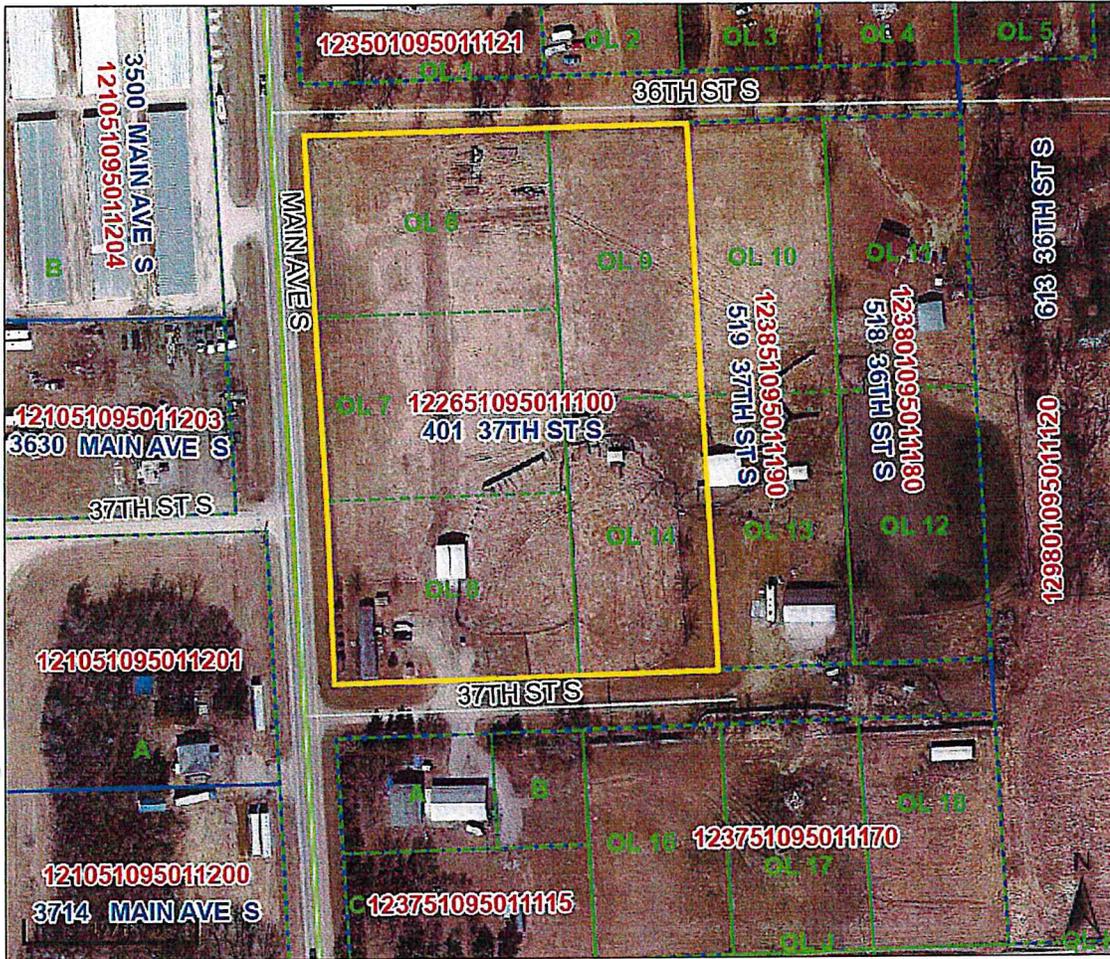
Respectfully,

| Signed              | (Date)         | (Name)              | (Address)               | (Phone)             | Description of Property         |
|---------------------|----------------|---------------------|-------------------------|---------------------|---------------------------------|
| <u>Keith Pappan</u> | <u>2-19-24</u> | <u>Keith Pappan</u> | <u>2022 Maricopa Dr</u> | <u>605-695-2396</u> | <u>401 37<sup>th</sup> Sts.</u> |
|                     |                |                     |                         |                     |                                 |
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|                     |                |                     |                         |                     |                                 |
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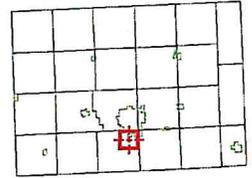


Beacon™

2024 JJ 2001  
Brookings County, SD



Overview



Legend

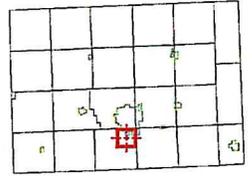
- Brookings City Limits
- City Limits
- Township Boundary
- Sections
- Lots
- Parcels
- Roads
- County Roads
- Gravel Roads
- Paved Roads

|                       |  |              |     |               |                       |
|-----------------------|--|--------------|-----|---------------|-----------------------|
| Parcel ID             | 122651095011100  | Alternate ID | n/a | Owner Address | POPPEN, KEITH D ET UX |
| Sec/Twp/Rng           | 11-109-50  | Class        | NAC |               | 2022 MORIARTY DR      |
| Property Address      | 401 37TH ST S<br>BROOKINGS   | Acreage      | n/a |               | BROOKINGS SD 57006    |
| District              | 1201   |              |     |               |                       |
| Brief Tax Description | OLS 6-9 & 14 IN W 1/2 S 1/2 NE 1/4 SEC 11-109-50 417' X 600' MH 12995-00212 -039-01 SITS ON THIS PARCEL<br>(Note: Not to be used on legal documents) |              |     |               |                       |

Date created: 2/26/2024  
Last Data Uploaded: 2/26/2024 1:35:36 AM

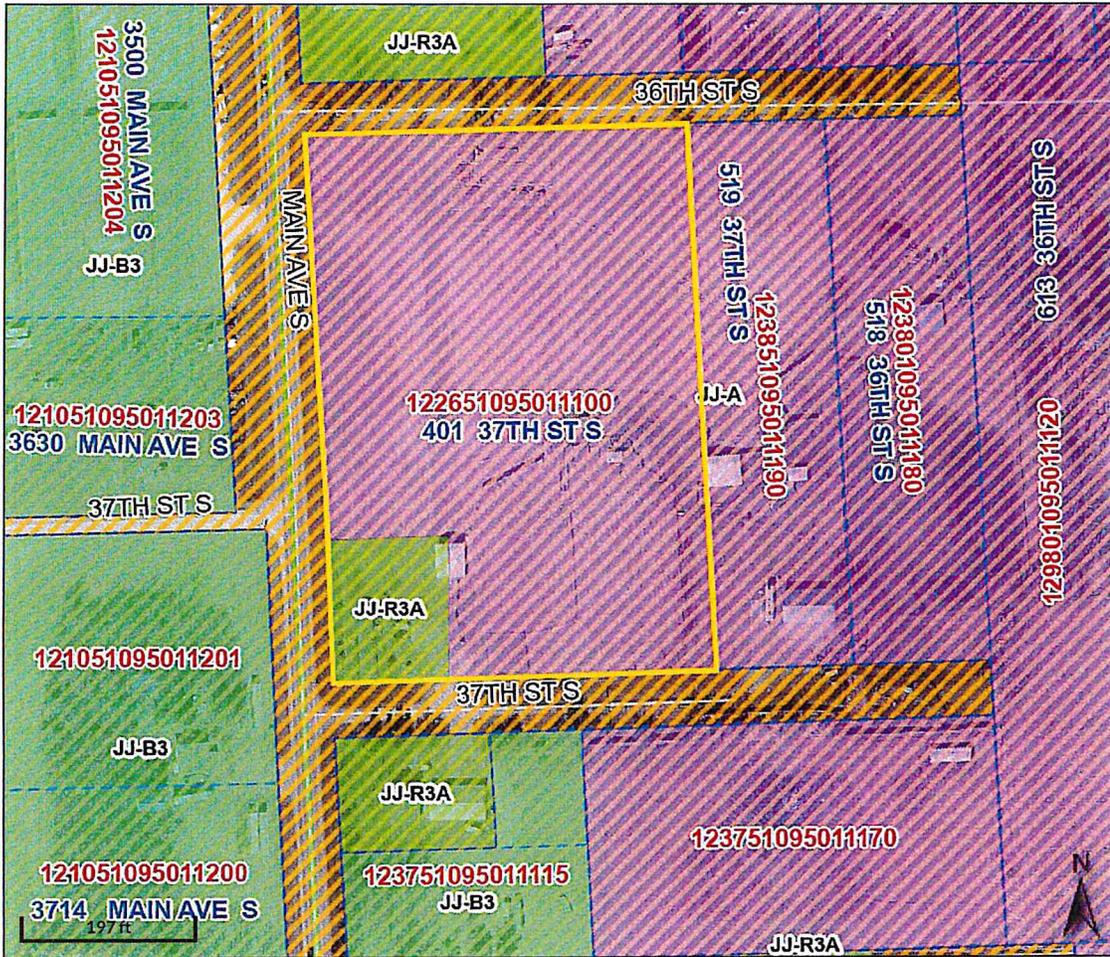
Developed by Schneider  
GEOSPATIAL

Overview



Legend

- Brookings City Limits
- City Limits
- City Zoning**
- A
- AP
- B-1
- B-2
- B-2A
- B-3
- B-4
- B-5
- FW
- I-1
- I-1R
- I-2
- JJ-A
- JJ-B3
- JJ-I1R
- JJ-R1A
- JJ-R1B
- JJ-R3A
- PDD
- R-1A
- R-1B
- R-1C
- R-1D
- R-2
- R-3
- R-3A
- RB-4
- RMH
- <all other values>
- Township Boundary
- Sections
- Joint Jurisdiction Area



# Joint Planning Commission Memo

**From:** Ryan Miller, City Planner

**Meeting:** April 2, 2024

**Subject:** Rezone Outlots 6, 7, 8, 9 and 14 in the West ½ of the South ½ of the Northeast ¼ in Section 11, Township 109, Range 50, Brookings County, South Dakota

**Person(s) Responsible:** Ryan Miller, City Planner

## **Summary:**

Keith Poppen has submitted a petition to rezone Outlots 6, 7, 8, 9 and 14 in the West ½ of the South ½ of the Northeast ¼ in Section 11, Township 109, Range 50. The outlots are currently zoned Joint Jurisdiction Agriculture and Joint Jurisdiction Residence R-3A. The property owner would like to rezone the outlots to Joint Jurisdiction Business B-3 Heavy District in anticipation of a future redevelopment of the lots.

## **Background:**

The property owner recently submitted a request to amend the future land use map of the City's 2040 Comprehensive Plan. The request amended the future land use map to Urban Medium Intensity, a future land use category that supports a mix of residential and business uses including high density residential and business. The future land use category would not support industrial zoning. The applicant requested the amendment of the future land use map in anticipation of a subsequent rezoning petition to Business B-3 Heavy District.

The property has historically been used for agriculture purposes. One residential dwelling is located in the southwest corner of the property with access to 37<sup>th</sup> Street South. This residential dwelling will become a nonconforming use and subject to Sec.94-41 upon rezoning of the property.

## **Item Details:**

The request is to rezone the outlots from Joint Jurisdiction Ag and Joint Jurisdiction R-3A to Joint Jurisdiction Business B-3 Heavy District.

Adjacent zoning includes JJ B-3 Heavy District to the west across Main Avenue South, JJ Agriculture to the east, a mix of JJ Agriculture and JJ R-3A multifamily residential to the north across 36<sup>th</sup> Street, and a mix of JJ Agriculture, JJ B-3 and JJ R-3A to the south across 37<sup>th</sup> Street. The area is located within a roughly half mile stretch of JJ B-3 zoning along Main Avenue South in this area. Joint Jurisdiction B-3 zoning would follow the City's zoning standards including B-3 zoning and supplemental zoning standards.

**Options and Recommendation:**

The Joint Planning Commission has the following options:

1. Approve as presented
2. Amend
3. Deny
4. Table until a future meeting

Staff recommends approval of the rezone.

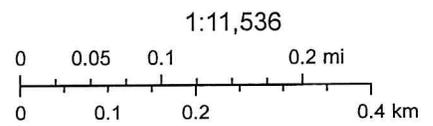
**Supporting Documentation:**

1. Location Map
2. Zoning Map
3. Future Land Use Map
4. B-3 Zoning Regulations

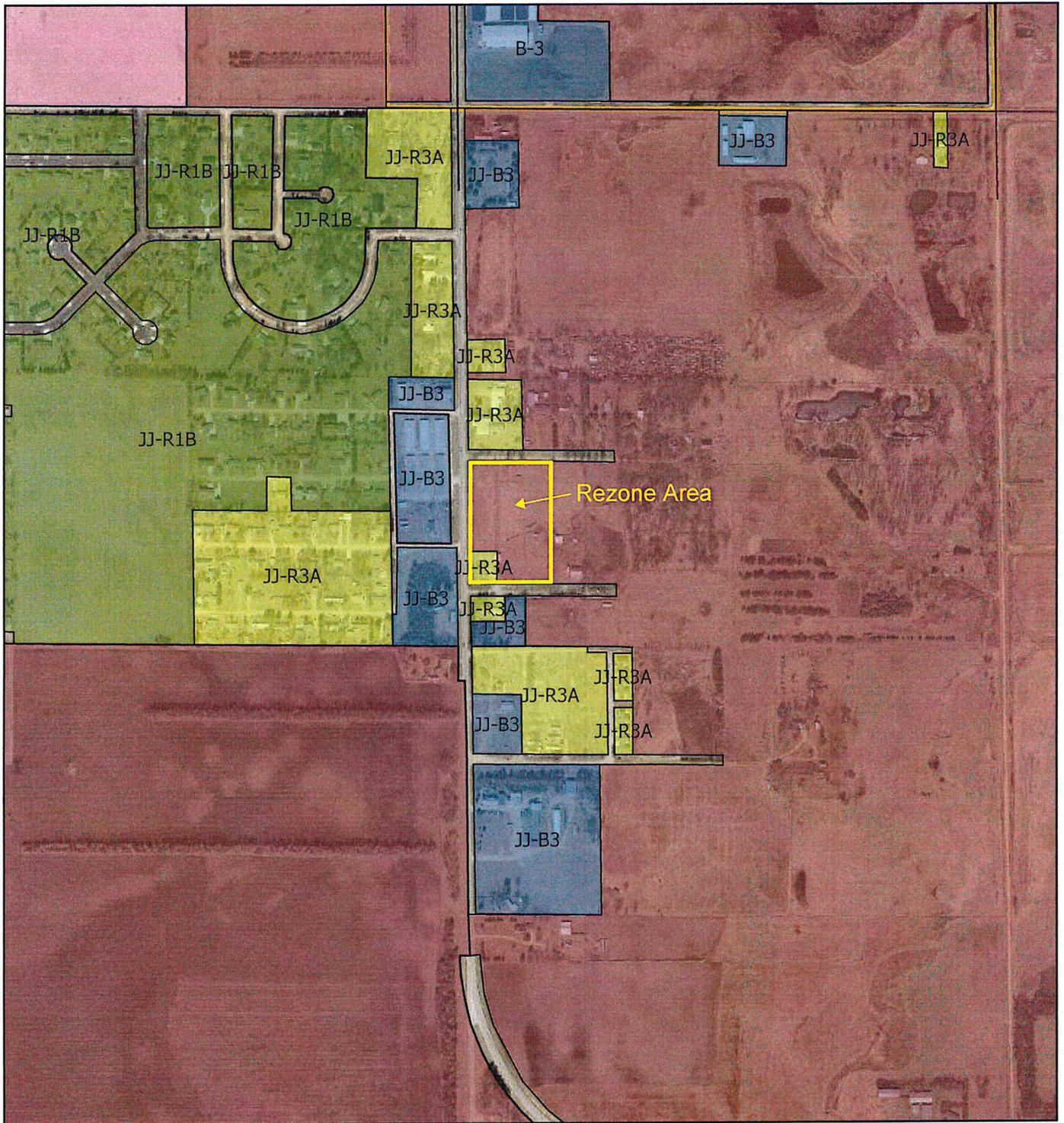
# Location Map



3/22/2024

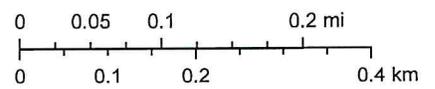


# Zoning Map

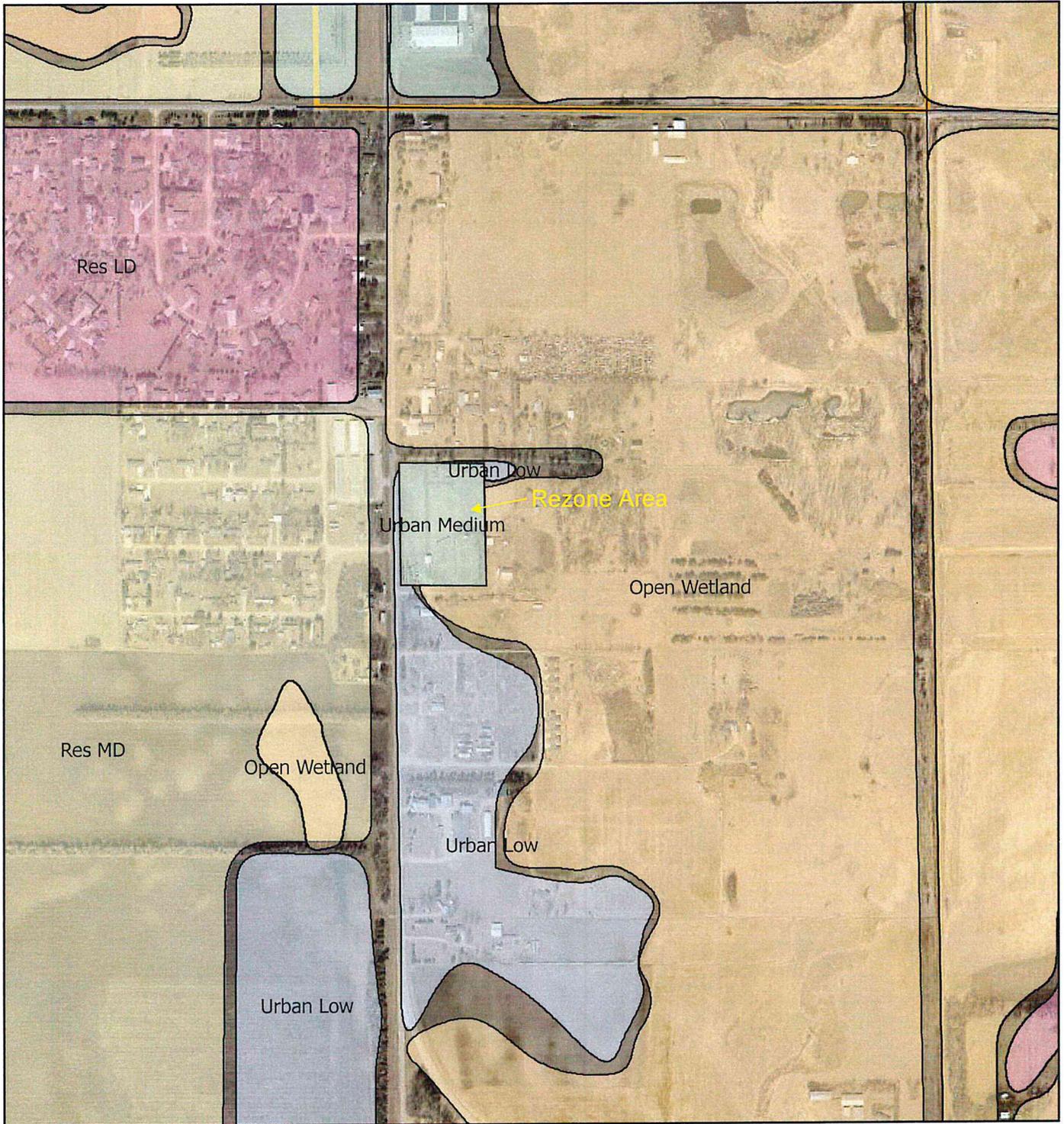


3/22/2024

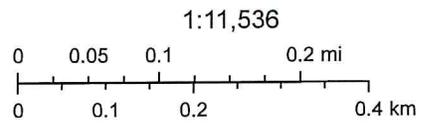
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# Future Land Use Map



3/22/2024



Sec. 94-134. - Business B-3 heavy district.

- (a) *Intent.* This district is intended to provide for a wide variety of retail services. This district will include commercial uses requiring large land areas, extensive retail operations and outdoor display of merchandise. Inventory and material storage shall be screened.
- (b) *Scope of regulations.* The regulations set forth in this section or set forth elsewhere in this chapter, when referred to in this section, are the district regulations of the Business B-3 heavy district.
- (c) *Permitted uses.*
  - (1) Retail or service store.
  - (2) Personal service store.
  - (3) Financial services.
  - (4) Public transportation facility.
  - (5) Public utility facility.
  - (6) Parking facility or lot.
  - (7) Grocery supermarket.
  - (8) Drive-in food service.
  - (9) Gas dispensing station.
  - (10) Reserved.
  - (11) Car wash.
  - (12) Indoor or outdoor recreational facility.
  - (13) Temporary storage facility.
  - (14) Automobile sales.
  - (15) Office building.
  - (16) Roadside stand.
  - (17) Drinking establishment.
  - (18) Telecommunications towers.
  - (19) Emergency services.
  - (20) Personal health services.
- (d) *Permitted special uses.* A building or premises may be used for the following purposes in conformance with the conditions prescribed herein:
  - (1) Outdoor sales.
    - a. Used parts and other material storage shall be screened from adjoining property.
  - (2) Wholesale trade with warehousing.

- a. All inventory shall be stored within a completely enclosed building.
- (3) Lumberyard.
- a. The lumber storage area shall be at the rear of the building and screened from any arterial street or residential district.
  - b. Seasonal outdoor displays shall not reduce the number of required parking spaces on the lot below the minimum requirements.
- (4) Nursery or greenhouse.
- a. Any land used to grow flowers, shrubs or trees shall not be located within 50 feet of an arterial street.
- (5) Reverse vending machine.
- a. A trash receptacle shall be provided on-site.
- (6) Automobile service station.
- a. No fuel delivery pump shall be located within 20 feet of any side lot line or right-of-way line. No fuel pump shall be located within 50 feet of the side or rear lot line abutting a residential district.
  - b. All repair work shall be done within a completely enclosed building.
  - c. All used automobile parts and dismantled vehicles shall be screened from adjacent property.
- (7) Citizen's drop-off for recyclables.
- a. No container shall be located within 100 feet of a residential district.
- (8) Motor vehicle repair shop.
- a. All repair work shall be done within a completely enclosed building.
  - b. All used automobile parts and dismantled vehicles shall be screened from adjacent property.
- (9) Motel or hotel.
- a. A minimum lot area of 1,000 square feet shall be provided for each sleeping room or suite.
- (10) Equipment rental store.
- a. An on-premises pickup and drop-off area shall be provided.
  - b. Outdoor displays shall not reduce the number of required parking spaces on the lot below the minimum requirements.
- (11) Auction house.
- a. An on-premises pickup and drop-off area shall be provided.
  - b.

Outdoor displays shall not reduce the number of required parking spaces on the lot below the minimum requirements.

(12) Semi-trailer storage.

- a. Storage shall not be permitted in the minimum front yard setback.

(13) Extended stay motel.

- a. A minimum lot area of 1,000 square feet shall be provided for each sleeping room or suite.

(14) Brewpub.

- a. The area used for brewing, including bottling and kegging, shall not exceed 25 percent of the total floor area of a combined restaurant and drinking establishment and 50 percent of the total floor area of a drinking establishment without restaurant services.
- b. A malt beverage manufacturer's license must be obtained per state law.
- c. An alcohol beverage license must be obtained per city ordinance.
- d. The brewery shall not produce more than 1,500 barrels of beer and ale per year. A barrel contains 31 gallons.

(15) Microbrewery.

- a. The production of malt beverages shall be limited to 15,000 barrels per year or less.
- b. A malt beverage manufacturer's license must be obtained per state law.
- c. All grain shipments and spent grain shall be contained within a completely enclosed building.

(16) Contractor's shop.

- a. All equipment and materials shall be contained within a completely enclosed building.

(17) Farm/feed store.

- a. No retail sale items in bulk form shall be permitted as outside display.
- b. All outside retail items shall only be displayed adjacent to the building.

(18) Animal hospital.

- a. All cremation equipment and processes must be confined within an enclosed building.
- b. Deceased animal storage areas must be completely within an enclosed building at all times.

(e) *Conditional uses.*

- (1) Assembling and packaging.
- (2) Freight handling.
- (3) Manufacturing, light.

- (4) Mixed business/residential use.
- (5) Contractors shop and storage yard.
- (6) Buy back center for recyclables.
- (7) Household hazardous waste site.
- (8) Light processing facility.
- (9) Transfer site for recyclables.
- (10) Day care facility.
- (11) Kennel.
- (12) Truck and trailer rentals.
- (13) Farm implement sales.
- (14) Broadcast tower.
- (15) Wholesale trades with storage yard.

(f) *Density, area, yard and height regulations.* The B-3 district regulations are as follows:

|          | Density<br>Sq. Ft. | Min. Lot<br>Area<br>Sq. Ft. | Min. Lot<br>Width | Min.<br>Front<br>Yard | Min.<br>Side<br>Yard | Min.<br>Rear<br>Yard | Max.<br>Height |
|----------|--------------------|-----------------------------|-------------------|-----------------------|----------------------|----------------------|----------------|
| All uses |                    |                             |                   | 20 feet               | 5 feet*              | 20 feet*             | 60 feet        |

\*Refer to section 94-399.1 bufferyards.

- (g) *Accessory uses.* Accessory uses and building permitted in the B-3 district are buildings and uses customarily incidental to any of the permitted uses in the district.
- (h) *Parking regulations.* Parking, loading and stacking within the B-3 district shall be in conformance with the regulations set forth in division 4 of article VI of this chapter.
- (i) *Sign regulations.* Signs within the B-3 district shall be in conformance with the regulations set forth in division 5 of article VI of this chapter.
- (j) *Other regulations.* Development within the B-3 district shall be in conformance with the regulations set forth in article II of this chapter.

(Ord. No. 21-03, 8-26-2003; Ord. No. 42-08, 11-18-2008; Ord. No. 29-09, § 1, 11-17-2009; Ord. No. 09-10, 2-23-2010; Ord. No. 18-12, § 2, 7-10-2012; Ord. No. 15-020, § 2, 12-8-2015; Ord. No. 17-005, § 1, 2-28-2017; Ord. No. 18-014, § IV, 10-9-2018; Ord. No. 20-014, § 3, 8-11-2020; Ord. No. 22-040, § I, 12-13-2022)