

## **OFFICIAL MINUTES**

Vice Chairperson Jacob Limmer called the meeting of the Planning Commission to order on Tuesday, July 1, 2025, 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, Emily Braun, Billie Jo Hinrichs, Kyle Jamison, Jacob Limmer, Nick Schmeichel, Roger Solum and Debra Spear. Scot Leddy was absent. Also present were Community Development Director Michael Struck, City Planner Ryan Miller and Associate Planner Bailey Maca. Also present were Janet Merriman, Benjamin Stout, Doris Schumacher, Al Austreim, Rebecca Schmieding, Jeff Struwe, Johnnie Einspahr, Doug Austreim, Mike McClemans and Justin Ruesch from the public.

### **Item #1 – Roll Call**

### **Item #2 – Approval of Agenda**

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

### **Item #3 – Approval of Minutes**

(Aiken/Schmeichel) Motion to approve the June 3, 2025 Minutes. All present voted aye. **MOTION CARRIED.**

### **Item #4 – Convene as Board of Adjustment**

**Item #4a** – South Dakota State University Foundation has made a request for variances on the South 58' of Lot 2, Block 2, Orchard Drive Addition, also known as 217 Medary Avenue South. The first request is to move a single-family dwelling onto a 58-foot-wide lot. The second request is to move a single-family dwelling on a lot less than 10,000 square feet in size. Staff recommends approval of both variance requests.

(Solum/Jamison) Motion to approve the lot width and lot area variances. All present voted aye. **MOTION CARRIED.**

**Item #4b** – Dave Dykhous has made a request for a variance on Lot 1 in Block 10 of Camelot Square Addition, also known as 1328 Westminster Drive. The request is for a 15.5-foot front yard setback. Staff recommends approval.

(Schmeichel/Aiken) Motion to approve the front yard setback variance. All present voted aye. **MOTION CARRIED.**

**Item #4c** – Benjamin Stout has made a request for a variance on Lot 9, Block 4, Peterson's Second Addition, also known as 629 6th Avenue. The request is for a six-foot-high fence in the front yard at the property line. Staff recommends approval.

(Solum/Hinrichs) Motion to approve the fence height variance. All present voted aye. **MOTION CARRIED**

**Item #5** – Reconvene as Planning Commission

**Item #5a** – The City of Brookings proposes to rezone various city parcels to a Civic C District. Staff recommends approval.

(Hinrichs/Jamison) Motion to approve the rezone. All present voted aye. **MOTION CARRIED.**

(Schmeichel/Aiken) Motion to amend the Civic zoning ordinance changing the maximum allowable height from 60 feet to 40 feet. All voted nay on the amendment. **MOTION FAILED.**

**Item #5b** – Andrew Vrchota has submitted a petition to rezone the South 110’ of Outlot A in the Southwest 1/4 in Section 20-110-49 also known as 716 34<sup>th</sup> Avenue. The request is to rezone the parcel from Agriculture A District to Business B-3 Heavy District. Staff recommends approval.

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

**Item #5c** – Legacy Storage Condos LLC has submitted a Preliminary Plat of Block 1 of Legacy Addition. Staff recommends approval.

(Solum/Spear) Motion to approve the Preliminary Plat. All present voted aye. **MOTION CARRIED.**

**Item #5d** – Mark Hayes has submitted a Future Land Use Map revision request for 3439 Main Avenue South. The request is to change the Future Land Use Map from Open Wetland to Urban Medium Intensity. Staff recommends approval of the request.

(Schmeichel/Jamison) Motion to approve the future land use map amendments. All present voted aye. **MOTION CARRIED.**

**Item #5f** – Staff is proposing amendments to the City’s zoning ordinances located in Chapter 94, Article VI, Division 6, to remove the B-2A district from the permitted districts for cannabis dispensaries. Staff recommends approval.

(Solum/Hinrichs) Motion to approve the Ordinance Amendment. Jamison voted nay; all others present voted aye. **MOTION CARRIED.**

**Item #6** – Adjourn

(Solum/Schmeichel) Motion to adjourn. All present voted aye. **MOTION CARRIED**

The meeting adjourned at 7:17 p.m.

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Ryan Miller

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Jacob Limmer, Vice Chairperson

## **OFFICIAL SUMMARY**

Vice Chairperson Jacob Limmer called the meeting of the Planning Commission to order on Tuesday, July 1, 2025, 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, Emily Braun, Billie Jo Hinrichs, Kyle Jamison, Jacob Limmer, Nick Schmeichel, Roger Solum and Debra Spear. Scot Leddy was absent. Also present were Community Development Director Michael Struck, City Planner Ryan Miller and Associate Planner Bailey Maca. Also present were Janet Merriman, Benjamin Stout, Doris Schumacher, Al Austreim, Rebecca Schmieding, Jeff Struwe, Johnnie Einspahr, Doug Austreim, Mike McClemans and Justin Ruesch from the public.

### **Item #1** – Roll Call

### **Item #2** – Approval of Agenda

### **Item #3** – Approval of Minutes

### **Item #4** – Convene as Board of Adjustment

**Item #4a** – South Dakota State University Foundation has made a request for variances on the South 58' of Lot 2, Block 2, Orchard Drive Addition, also known as 217 Medary Avenue South. The original house and garage at 217 Medary Avenue South received extensive fire damage and were deemed uninhabitable. SDSU Foundation purchased the property and the lot has been cleared. SDSU Foundation owns a house located in the University Residential Historic District at 820 9<sup>th</sup> Avenue that they would like to relocate or demolish. Upon going through the Historic Preservation 11.1 Review, it was determined that the house should be relocated within the city rather than demolished. The applicant desires to sell the house and empty lot as a package. The buyer would complete the relocation of the house to the empty lot at 217 Medary Avenue South. The construction will require two variances as proposed. The first request is to the lot width of 58-foot-wide lot. The second request is for lot area of less than 10,000 square feet.

Merriman, Assistant Chair of Brookings Historic Preservation Commission (BHPC), spoke in support of the request. She stated that the proposed house to be moved onto the site is a contributing structure in the University Residential Historic District and the BHPC prefers that the dwelling be relocated within the city of Brookings rather than demolished. Schmeichel inquired if the house would be required to go through an 11.1 Review for future maintenance after it is relocated out of a historic district. Miller stated that it would no longer be required. Hinrichs asked how the variance would affect the adjacent properties. Miller explained that there would be very little impact as the setbacks would be maintained.

**Item #4b** – Dave Dykhous has made a request for a variance on Lot 1 in Block 10 of Camelot Square Addition, also known as 1328 Westminster Dr. A variance was approved in 1993 to amend the front yard setback to 15.5-feet and allow for a 18' x 32' garage to be added onto the house. The actual size of garage built was 18' x 24'. The applicant is requesting to expand the garage an additional 20-feet to the south. The applicant does not intend to add a driveway or overhead garage door on the west side of

the garage. The property across the street to the west also has a garage located within the front yard setback.

**Item #4c** – Benjamin Stout has made a request for a variance on Lot 9, Block 4, Peterson’s Second Addition, also known as 629 6<sup>th</sup> Ave. The applicant is proposing to install a six-foot-high privacy fence for a length of the property line along 7<sup>th</sup> St. A previous variance was approved in 2000 for a five-foot-high fence in the same location. Although the previously granted variance remains in effect, the applicant is now requesting a one-foot increase to the front yard fence height. The lot is 50-feet wide and contains two front yards, which are located along both 7<sup>th</sup> St and 6<sup>th</sup> Ave. The small lot size makes it unfavorable to construct a fence at the 25-foot front yard setback, which would allow for a six-foot-high fence versus a four-foot-high fence. The proposed fence does not impact any site triangles.

Stout explained that the request is to allow for a 6-foot fence along the sidewalk and he wishes to maintain a mature black walnut tree within the fenced portion of his yard. Schumacher, neighbor across the alley, was present to explain that the dwelling is located in a historic district. She went on to note that the surrounding area was primarily rental properties and was concerned that a privacy fence would encourage illegal behaviors if the property was used as a rental. Aiken asked if fences go through an 11.1 Review. Miller stated that they do not. Stout explained that his intention is to rent the dwelling to a family and he is interested in protecting his investment in the property.

**Item #5** – Reconvene as Planning Commission

**Item #5a** – The City of Brookings created a new zoning district, Civic district, in February 2025. The intent of the Civic district is to provide for a zoning district for public and civic buildings and large institutional uses that otherwise may not fit into other zoning districts because of their specialized land use needs and public purpose. The rezoning request is to rezone a number of city-owned properties throughout the community from their current zoning designation to the Civic district. The properties include parks, trails, drainage facilities, fire stations, lift stations, water towers, and electrical substations. The Comprehensive Plan identifies land use classification based upon intensity. The Civic land use intensity classification aligns with the Civic district and supports the rezoning.

Al Austreim asked how twelve different zoning categories could be combined into one. He also listed inquiries including: what dangers exist with the current designations; if the City of Brookings participated in recent legislation regarding parks land sale; if the city considered creating Park Zoning; the reasoning a park’s use would need to change in the future and if a park is zoned Civic, what process would be required to change the use of the park. Schmieding asked the reasoning for the rezone. She purchased her property to be able to view nature and wants to know if her property is in danger of losing that. She also requested potential effects on her homeowner’s association. Struwe asked that parks be removed from the rezone request. Einspahr requested that the city continues to maintain the drainage ponds to prevent noxious weeds and varmint. Doug Austreim stated that Brookings is known for its parks and was concerned that the city intended to build on park land. McClemans requested more information on how the rezone affects adjacent properties. Ruesch expressed concerns of a wildlife easement being rezoned due to its importance on drainage and asked if the rezone would allow the city to sell the property without a vote.

Limmer asked Struck to speak on the City’s behalf. Struck stated that Civic zoning was created to give greater protection than what is currently in place. The city desired aligning the zoning of properties more closely with their uses. He went on to say that Civic zoning creates awareness that these properties are designated for public use. Civic zoning is held to higher standards than residential

property. There was a change in state law that took place July 1, 2025 that altered how parks property can be disposed. However, this did not affect rezones or zoning designations. Struck explained that not only City owned properties are eligible for Civic zoning. Struck explained that the Planning Commission cannot speak to nor are they responsible for a change of use on public land. In the event a Civic zoned property was transferred to the private sector, the developer would need to seek a rezone to fit their intended use.

Schmeichel asked if the city will continue to maintain the properties. Struck stated that the properties will still be maintained outside of property that is designated "No Mow". Aiken asked what zoning designation parks are currently. Struck stated that they are many different zones currently. Aiken went on to clarify that it would create a more cohesive zone for the parks.

Schmeichel made a motion to amend the Civic zoning ordinance changing the allowable height from 60 feet to 40 feet. Aiken seconded the motion. Struck mentioned that the action tonight is only to rezone property into the Civic Zoning District, not to amend the district standards. .. Struck stated that if he wished to make an ordinance amendment it would need to be a new request before Planning Commission.

Spear asked how the request would change the process of future construction. Miller stated that the steps would remain the same but the design criteria does change some. Solum asked if there were provisions for having subcategories within Civic zoning. Struck stated that this would require an ordinance amendment. Limmer asked if Planning Commission would be required to grant a rezone to an entity that met the permitted uses. Struck stated that each rezone needs to be reviewed on its own merit. Hinrichs expressed concerns that the request could be perceived like imminent domain. Struck stated that it is an entirely different process that the city has not pursued in his tenure. Hinrichs asked if it would be easier to develop on park land under the current zoning than Civic zoning. Struck confirmed that was correct.

**Item #5b** – Andrew Vrchota submitted a petition to rezone the South 110' of Outlot A in the SW ¼ 20-110-49, also known as 716 34th Avenue, to Business B-3 Heavy District. The owner and the developer of a proposed adjacent storage unit development have a purchase agreement on the property. The property would need B-3 zoning in order to allow for the use of storage units. The property will become part of the Legacy Addition storage unit development. The property is located in a General Industrial future land use category which supports the proposed zoning of B-3. Adjacent property to the south and west was recently rezoned to B-3 and will also be part of the Legacy Addition. Property to the north is zoned Industrial I-1 Light District. To the west is Agriculture District and Planned Development District on City owned land.

**Item #5c** – Legacy Storage Condos LLC has submitted a Preliminary Plat of Block 1 of Legacy Addition. The developer has recently purchased and platted land along 34th Ave. The ownership's land includes Lot 1 in Clark Addition and Lot 2 in Clark Second Addition which were recently platted and rezoned to Business B-3 Heavy District. Those two lots along with the South 110' of Outlot A in the SW 1/4 in 20-110-49 will all become Block 1 in Legacy Addition. Block 1 in Legacy Addition is a proposed 3.3-acre block with frontage along 34<sup>th</sup> Ave. The northwest portion of the block requires a rezoning to Business B-3 District, which is the intended zoning district for the entirety of Block 1.

Aiken asked if the Development Review Team had reviewed the plan. Miller stated they had and they were supportive of the request.

**Item #5d** – Mark Hayes has submitted a Future Land Use Map revision request for 3439 Main Avenue South from Open Wetland to Urban Medium Intensity. The Open Wetland future land use category is meant to be applied to areas potentially impacted by wetlands or a high-water table. The property is not impacted by any delineated wetlands or floodplain, however, based on the development suitability map the property is likely impacted by a high-water table and relatively low and flat topography. This development constraint can be mitigated by grading as necessary. Existing zoning includes primarily Joint Jurisdiction (JJ) Agriculture to the north, south and east with Joint Jurisdiction Residence R-3A also to the south and west.

Schmeichel asked what zoning is allowable in Urban Medium Intensity. Miller stated that single family, mixed use, commercial, etc with high connectivity is supported but it does not support higher industrial zoning. Struck stated that Urban Medium Intensity is often associated with supporting B-3. He explained that the new owner is seeking to clean up the site.

**Item #5f** – Staff has proposed amendments to the City’s zoning ordinances located in Chapter 94, Article VI, Division 6, to remove the B-2A district from the permitted districts for cannabis dispensaries. Community members have voiced concerns that cannabis dispensaries are not an appropriate use in the Business B-2A Office district as the district is intended to be light commercial use or used as a transitional zone between commercial and residential uses.

Spear asked if there were currently any dispensaries in the business B-2A. Miller stated there are not. Limmer asked if they would still be allowed as conditional uses. Miller explained that dispensaries are a special permitted use so it would not be allowable at all. Jamison asked if it made more sense to add the restrictions instead of removing B-2A as an allowable zoning designation. Limmer inquired the current process for permitted special uses. Struck stated that if a request meets the criteria, it could be permitted administratively.

## **Item #6 – Adjourn**

The meeting adjourned at 7:17 p.m.

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Ryan Miller

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Jacob Limmer, Vice Chairperson