

## **OFFICIAL MINUTES**

Chairperson Scot Leddy called the meeting of the Planning Commission to order on Tuesday, April 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 Billie Jo Hinrichs, Kyle Jamison, Scot Leddy, Jacob Limmer, Nick Schmeichel and Debra Spear. Tanner Aiken and Roger Solum were absent. Also present were Community Development Director Michael Struck and City Planner Ryan Miller. Also present were Andrew Vrchota, Josh Bakker and Andrew Atrium.

### **Item #1** – Roll Call

### **Item #2** – Approval of Agenda

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

### **Item #3** – Approval of Minutes

(Limmer/Spear) Motion to approve the March 4, 2025 minutes. All present voted aye. **MOTION CARRIED.**

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

**Item #4a** – Andrew Vrchota and Josh Bakker have made a request for a ten foot side yard setback variance on Lot 1 in Block 1 of Gilkerson Second Addition, also known as 334 32nd Avenue. Staff recommends approval with the following conditions, all required landscape areas must be maintained and the existing chain-link fence must be removed.

(Schmeichel/Limmer) Motion to approve the 10 foot side yard setback with staff recommendations. All present voted aye. **MOTION CARRIED**

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

**Item #5a** – The Verna Clark Trust has submitted a petition for annexation of Lots 1 and 2 in Clark 2nd Addition. The two lots, contiguous to the existing City limits, total roughly 52.9 acres and meets the statutory requirement for annexation.

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

**Item #5b** – Jesse Rounds has submitted an amendment to the Future Land Use Map for Lots 1 and 2 of Clark Second Addition located along 34th Avenue. The proposed Future Land Use Map amendment would change the area from Urban Medium Intensity and Open Wetland to Business Park/Light Industrial. In addition to the request, staff has recommended adjacent areas of Urban Medium Intensity be amended to Business Park/Light Industrial for consistency on the Future Land Use Map.

(Limmer/Schmeichel) Motion to approve the Future Land Use Map Amendment. All present voted aye. **MOTION CARRIED.**

**Item #5c** – CD Properties, LLC has submitted a revised preliminary plat for Lots 2-3 in Block 2 and Block 3 in Reserve Fourth Addition located at 20<sup>th</sup> Street South and Christine Ave. The preliminary plat will add an additional Block, Block 3 and an additional lot to Block 2.

(Limmer/Schmeichel) Motion to approve the Revised Preliminary Plat. All present voted aye. **MOTION CARRIED.**

**Item #5d** – Tyler Brockel has applied for a Conditional Use Permit to operate a gun manufacturing business as a Major Home Occupation in a residential district. Staff recommends approval with the following conditions; the Conditional Use Permit is valid only for the current applicant, Mr. Tyler Brockel at the address of 2505 Larkspur Ridge Drive & is nontransferable, build or assembly classes shall be prohibited at the residence at 2505 Larkspur Ridge Drive and the applicant must submit proof of all relevant licensing renewals every three years.

(Limmer/Spear) Motion to approve the Conditional Use Permit-Gunsmithing including staff recommendations.

(Schmeichel/Jamison) Motion to table the Conditional Use Permit until the applicant can be present and the city attorney can review if the request for federal compliance. All present voted aye. **MOTION CARRIED.**

**Item #5e** – Central Bank has submitted a site plan for review within the Commercial Corridor Design Review Overlay District located at 600 Main Avenue. Staff recommends approval noting an exception to the minimum landscape area (existing condition) and non-living ground cover in landscape areas.

(Limmer/Schmeichel) Motion to approve the Commercial Corridor Design Review Overlay District including requested exceptions. All present voted aye. **MOTION CARRIED.**

**Item #5f** – Governance & Engagement Subcommittee presentation by Planning Commission Member Hinrichs for open discussion.

**Item #6** – Adjourn

(Spear/Hinrichs) Motion to adjourn. All present voted aye. **MOTION CARRIED.**

The meeting adjourned at 7:29 p.m.

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Ryan Miller

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Scot Leddy, Chairperson

## **OFFICIAL SUMMARY**

Chairperson Scot Leddy called the meeting of the Planning Commission to order on Tuesday, April 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 Billie Jo Hinrichs, Kyle Jamison, Scot Leddy, Jacob Limmer, Nick Schmeichel and Debra Spear. Tanner Aiken and Roger Solum were absent. Also present were Community Development Director Michael Struck and City Planner Ryan Miller. Also present were Andrew Vrchota, Josh Bakker and Andrew Atrium.

### **Item #1** – Roll Call

### **Item #2** – Approval of Agenda

### **Item #3** – Approval of Minutes

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

**Item #4a** – Andrew Vrchota and Josh Bakker have made a request for a ten foot side yard setback variance on Lot 1 in Block 1 of Gilkerson Second Addition, also known as 334 32nd Avenue. Staff recommends approval with the following conditions, all required landscape areas must be maintained and the existing chain-link fence must be removed.

Limmer asked if the applicant had any conversations with the property owner to the north in regards to the request. Vrchota stated that they have not. Schmeichel asked about other setbacks in similar areas. Miller explained that in I-1 zoning district, there is a twenty foot setback requirement on all sides of the parcel but there are other examples of similar variances being granted in the community including a property to the south of the applicant. Limmer inquired the reasoning for the removal of the chain link fence. Miller stated that per section 94-399, business and industrial districts are required to have 10 foot landscaping setback along the right of way and 5 foot landscaping setback on the sides and the fence cannot be within the landscaping setback. Staff did advise the applicant of the recommendations in advance of the Planning Commission meeting. Jamison asked if a site plan detailing the turning radius of truck access to the structures was provided. Vrchota explained that they have delivery trucks that are, at a minimum, a straight truck completing the deliveries for his HVAC business but sometimes it is a tractor trailer. Bakker stated that when they purchased property from the owner of the property to the north, he was made aware of the plans at the time and the property owner did not have a problem with the proposed building location. Miller expanded that turning radiuses were not provided on site plans by the applicant.

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

**Item #5a** – A petition for annexation of Lots 1 and 2 of Clark 2nd Addition in the SW ¼ of Section 20 has been submitted by the owners of the property. The property is located east of 34<sup>th</sup> Avenue between US Highway 14 and the Bypass.

Hinrichs asked what the future zoning plans are after the property is annexed. Miller explained that that will be discussed further with the Future Land Use Map Amendment agenda item that if approved,

would allow industrial. Spear asked about the effects of neighboring structures. Miller detailed that the properties adjacent would not be affected, however, one property could become an “island” within city limits. Hinrichs asked about anticipated infrastructure needs and traffic impact. Miller went on to say that the agenda item does not discuss the future uses, those questions would be explored when a preliminary plat has been submitted.

**Item #5b** – Jesse Rounds has submitted an amendment to the Future Land Use Map for Lots 1 and 2 of Clark Second Addition located along 34th Avenue. The proposed Future Land Use Map amendment would change the area from Urban Medium Intensity and Open Wetland to Business Park/Light Industrial. In addition to the request, staff has recommended adjacent areas of Urban Medium Intensity be amended to Business Park/Light Industrial for consistency on the Future Land Use Map.

Limmer asked why the comprehensive plan had originally designated the area as Urban Medium Intensity. Miller stated that at the time of the creation of the Future Land Use Map, there was desire to have workforce housing to support the industrial parks to the east of the interstate. City growth and property owner’s requests has not supported that plan. Urban Medium Intensity does not support industrial uses that are more common in this area of town. Schmeichel asked if the civic property to the north would affect the setbacks of the described area. Miller explained that civic setbacks would only be imposed on the civic zoned lots and bufferyard setbacks do not apply to civic zoning. Hinrichs asked if the southern portion of the requested area was contained within the floodplain. Miller showed that the updated floodplain map does not include any of the area to be reclassified and explained that if there were a proposal to develop in the floodplain area, there is an ordinance requiring the building to build 2 feet out of the floodplain.

**Item #5c** – CD Properties, LLC has submitted a revised preliminary plat for Lots 2-3 in Block 2 and Block 3 in Reserve Fourth Addition. The preliminary plat will add an additional Block, Block 3 and an additional lot to Block 2.

**Item #5d** – Tyler Brockel has applied for a Conditional Use Permit to operate a gun manufacturing business as a Major Home Occupation in a residential district. Staff recommends approval with the following conditions; the Conditional Use Permit is valid only for the current applicant, Mr. Tyler Brockel at the address of 2505 Larkspur Ridge Drive & is nontransferable, build or assembly classes shall be prohibited at the residence at 2505 Larkspur Ridge Drive and the applicant must submit proof of all relevant licensing renewals every three years.

Hinrichs asked if there were concerns operating a firearms business so close to an elementary school. Miller explained that they did notify the school but have not heard back. A federal gun free school zone law that prohibits firearm sales within 1000 ft includes an exemption for private property not located on the school grounds. Hinrichs asked if staff had discussed the application with legal counsel to determine potential liability. Miller stated that the City attorney has viewed the application. Hinrichs voiced concerns of the optics and potential liability. Spear inquired about security. Miller stated that the applicant would need to answer that question. Hinrichs inquired about the assembly of the firearms. Miller explained assembly classes would be prohibited per staff recommendations. Hinrichs inquired if this was his permanent residence. Miller clarified that the property owned by the applicant’s mother. Jamison inquired if the fact that it is a business in private residence negates the 1000’ exception. Miller said that the law specified private property, not private residence. Limmer voiced reservations approving this without the applicant present. Schmeichel referenced a law stating that a business with a federal firearms license cannot be located in a gun free zone. Schmeichel made a motion to table the item until the applicant is available to represent the request. Jamison seconded the motion. Limmer

requested seeking input from School District before removing the item from the table. All present voted aye.

**Item #5e** – Central Bank has submitted a site plan for review within the Commercial Corridor Design Review Overlay District located at 600 Main Avenue. Staff recommends approval noting an exception to the minimum landscape area (existing condition) and non-living ground cover in landscape areas.

Schmeichel asked if any other properties in town, other than the football fields, had turf. Miller stated it is not common but playgrounds at some of the schools, ball fields and a few rear yards do have turf. Hinrichs inquired if there would be any environmental impact. Miller stated that drainage is the only potential foreseen concern but the applicant would need to expand further if they had explored that. He also confirmed that natural grass would be planted on the eastern side of the site near the trees and to the north per the site plan. Atruim agreed that Miller's description of the natural grass areas was correct. He did not have the technical data for the turf, but explained that it is designed to drain. Limmer confirmed with Miller that the property is not located in the historic district and also asked if the developer would retain the mature trees on the west side of the property. Atrium stated they have planned to keep the mature trees and they will also be adding more to the interior of the property. Limmer inquired why the north side of the parking lot could not meet landscaping requirements. Atrium noted that the primary focus of the project was redevelopment of the structure and they wanted to maintain employee parking to the north. Miller also noted that if the northern parking lot is reconstructed to include the required landscape setback that the existing mature trees would need to be removed. Limmer asked if a lighting plan is required. Miller stated that there is a requirement for a lighting plan and the developer did submit one that met all standards.

**Item #5f** – Governance & Engagement Subcommittee presentation by Planning Commission Member Billie Jo Hinrichs for open discussion.

Limmer agreed with the challenges identified and asked how Planning Commission would proceed if they pursued this subcommittee. Struck stated that the City attorney will need to research the governance policy set by City Council if the Planning Commission members requested to move forward. Historically, committees have been appointed by City Council. Limmer asked if there were suggestions for other solutions than a subcommittee. Struck stated that communication is a priority. Staff does not know where further information is needed if it is not voiced by members. Staff can compile links to resources that would be helpful and put together a binder of training session materials. Struck emphasized that members can reach out to staff with any questions to discuss agenda items. This allows staff to cover those inquiries in the staff report presentation. Since Planning Commission Meetings are published, a resource file of dates and times would be a good reference. Schmeichel requested clarification from City Council on what they are seeking in applicants. Struck stated that they request that information. Miller hesitates to ask because requirements could be viewed as roadblocks to applicants. Hinrichs requested a framework of criteria instead of a list of requirements. Struck stated that in 2026 there will be a South Dakota Planners Association conference in Sioux Falls that would be a good opportunity to explore training opportunities. Schmeichel asked if more experienced members can meet with new members. Struck clarified that it is ok to meet with new members as long as they do not have quorum, only discuss processes and do not discuss agenda items. Jamison proposed the creation of a temporary subcommittee to address these issues and create a Standard Operating Procedure in addition to a "one pager" for each agenda item type. Schmeichel ventured that the goal of the Planning Commission is to have detailed discussions on requests so City Council doesn't need to have as deep of a conversation. Struck agreed with Schmeichel's statement and added that doing so also allows time in between the meetings to review public concerns as well as

opening conversations for further review with City Council. Spear asked how much of Planning Commission's discussions are forwarded to the City Council. Everything that Planning Commission reviews, except variances and final development plans, City Council hears and receives the minutes in advance of the meeting and inquires on any dissenting votes. Members of City Council may also receive correspondences from citizens. Staff also prepares information to City Council via the City Managers Report. Struck noted that the city has had Planning Commission members for as long as 20 years which can contribute institutional knowledge offering almost a mentorship to the new members. Schmeichel asked about a conflict-of-interest and ex-parte communication presentation that they had received. Struck was going locate the date and time of the video to watch. He also requested that members speak up in advance of a meeting if they are concerned about conflict of interest so the City Attorney can make a determination.

#### **Item #6 – Adjourn**

The meeting adjourned at 7:29 p.m.

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Ryan Miller

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Scot Leddy, Chairperson