

## **OFFICIAL MINUTES**

Vice Chairperson Jacob Limmer called the meeting of the Planning Commission to order on Tuesday, May 6, 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, Kyle Jamison, Scot Leddy, Jacob Limmer, Roger Solum and Debra Spear. Billie Jo Hinrichs and Nick Schmeichel were present via telephone. Also present were Community Development Director Michael Struck and City Planner Ryan Miller. Also present were Sarah Wilson, Shane Andersen, Tyler Brockel, Andrew Austreim, Jacob Mills, Zach Pagel, Angie Boersma, David Kneip, Matthew Weiss, Sandra Callies, Samuel Krueger, Audra Fullerton, Gene Stegeman, Joshua Westwick, Debra Dominiack, Diane Kosbau, Benjamin Stout and Sue Engelman.

### **Item #1 – Roll Call**

### **Item #2 – Approval of Agenda**

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

### **Leddy assumed his role as chairperson**

### **Item #3 – Approval of Minutes**

(Limmer/Spear) Motion to approve the April 1, 2025 Minutes. All present voted aye. **MOTION CARRIED.**

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

**Item #4a** – Sarah Wilson has requested a variance on Lot 5, Bridle Estates Addition, also known as 3229 Maple Drive. The request is for a 1,200 square foot detached accessory building. Staff recommended approval.

(Limmer/Solum) Motion to approve the accessory structure size variance. All present voted aye. **MOTION CARRIED**

**Item #4b** – Shane Andersen has requested a variance on Lot 14 in Block 1 of LeGeros Addition, also known as 214 16th Ave S. The request is to replace an existing 43-foot-wide driveway. The maximum width of a driveway within the front yard setback area is 36 feet. Staff recommended approval.

(Jamison/Solum) Motion to approve the driveway width variance. All present voted aye. **MOTION CARRIED**

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

**Item #5a** – NE Hansen LLC has submitted a petition for annexation of the West Half of the Northwest Quarter, Excluding Platted Areas in Section 20, Township 110, Range 49 in Brookings County, South Dakota, excluding land north of US Highway 14. Staff recommended approval.

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

**Item #5b** – 1 Cor 3:9 LLC has submitted a petition to rezone Lot 1 in Clark Addition and Lot 2 in Clark Second Addition from an Agriculture A District to a Business B-3 Heavy District.

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

**Item #5c** – 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 recommended approval with the following conditions; the Conditional Use Permit is valid only for the current applicant at the current address of 2505 Larkspur Ridge Drive and is nontransferable, build or assembly classes shall be prohibited on the premises and the applicant must submit proof of all relevant licensing renewals every three years. This item was tabled at the April 1, 2025 meeting to allow the applicant to answer any staff inquiries.

(Schmeichel/Jamison) Motion to remove the Conditional Use Permit-Gunsmithing including staff recommendations from the table. All present voted aye. **MOTION CARRIED.**

(Limmer/Spear) Motion to approve the Conditional Use Permit-Gunsmithing including staff recommendations made April 1, 2025. All present voted aye. **MOTION CARRIED.**

**Item #5d** – Andrew Austreim has applied for a Conditional Use Permit to operate a home hair salon, a Major Home Occupation in a residential district. Staff recommended approval with the following condition; the Conditional Use Permit is valid only for the current owner.

(Limmer/Spear) Motion to approve the Conditional Use Permit for a Major Home Occupation including staff recommendations. All present voted aye. **MOTION CARRIED.**

**Item #5e** – Prairie Hills LLC has submitted an amendment to a Large-Scale Residential Development (LSRD) plan for a portion of the Prairie Hills Landing. The LSRD would include developed and undeveloped portions of Lot 1A in Block 3B, Block 4, Block 5, Block 6, Block 9A, Block 9B, Lot 157C, and Wetland D Tract 2, all in Prairie Hills Addition. The LSRD amendment seeks to amend the minimum rear yard setbacks of the development area. Staff recommended approval.

(Aiken/Jamison) Motion to approve the amended Large Scale Residential Development Plan. All present voted aye. **MOTION CARRIED.**

**Item #5f** – Kwik Trip, Inc. submitted a Final Development Plan (FDP) for Lot 2 in Block 9 of Wiese Addition. The FDP is proposed within the Initial Development Plan submitted by Ryan Companies US Inc for the Brookings Marketplace Planned Development District located at the northeast corner of Interstate 29 and 6th Street. The site plan includes a convenience store gas station and car wash. Staff recommended approval.

(Solum/Limmer) Motion to approve the Final Development Plan. All present voted aye. **MOTION CARRIED.**

**Item #5g** – Java Companies LLC has submitted a revised site plan for review within the Commercial Corridor Design Review Overlay District. The project is located on Lot 2 in Block 1 of Wiese Addition near the intersection of 6th Street and LeFevre Drive. The Staff recommended approval including a minimum lot size exception and minimum window glazing exception.

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

**Item #5h** – The Brookings Historic Preservation Commission submitted a series of Future Land Use Map revisions along and near 6th Street in Brookings. The five areas include property located along the 6<sup>th</sup> Street between downtown and Medary Avenue where the future land use map includes medium or high-density residential guidance for areas located within existing historic residential districts. Staff was not supportive of the proposal.

(Limmer/Hinrichs) Motion to approve the Future Land Use Amendment. Braun, Hinrichs, Jamison and Limmer voted aye. Aiken, Leddy, Schmeichel, Solum and Spear voted nay. **MOTION FAILED.**

**Item #6** – Adjourn

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

The meeting adjourned at 7:57 p.m.

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Ryan Miller

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Scot Leddy, Chairperson

## **OFFICIAL SUMMARY**

Vice Chairperson Jacob Limmer called the meeting of the Planning Commission to order on Tuesday, May 6, 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, Kyle Jamison, Scot Leddy, Jacob Limmer, Roger Solum and Debra Spear. Billie Jo Hinrichs and Nick Schmeichel were present via telephone. Also present were Community Development Director Michael Struck and City Planner Ryan Miller. Also present were Sarah Wilson, Shane Andersen, Tyler Brockel, Andrew Austreim, Jacob Mills, Zach Pagel, Angie Boersma, David Kneip, Matthew Weiss, Sandra Callies, Samuel Krueger, Audra Fullerton, Gene Stegeman, Joshua Westwick, Debra Dominiack, Diane Kosbau and Benjamin Stout.

### **Item #1** – Roll Call

### **Item #2** – Approval of Agenda

### **Item #3** – Approval of Minutes

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

**Item #4a** – Sarah Wilson requested a variance at 3229 Maple Drive, located in the Joint Jurisdiction R-1B. The Joint Jurisdiction Zoning Ordinance was updated in 2022 to align with City Ordinances. The total square footage for all accessory buildings on a lot used for residential purposes is 1,000 square feet of all floors combined. The applicant is proposing a 1,200 square foot accessory structure located in the rear of the house with a driveway to secondary frontage on Heather Lane.

Wilson was available for any inquiries and stated that there are existing accessory structures in the area of similar size. Hinrichs asked if the other structures were constructed prior to the ordinance change. Miller confirmed that they were.

**Item #4b** – Shane Andersen requested a variance at 214 16th Ave S to replace an existing 43-foot-wide driveway. The maximum width of a driveway within the front yard setback is 36 feet. A permit from 1988 approved the driveway at its current width of 43-feet. Since that time, the driveway width allowance has been modified in code to the current maximum width allowed – 36-feet. The applicant would like to make this improvement for drainage improvements and general property maintenance.

Andersen was available for inquiries and explained that he is replacing an existing driveway, extending the approach by 6” and improving drainage. Solum asked for further details of the 6” change. Andersen explained that it would be to improve the curb cut by flattening it out and extending into the boulevard. Aiken clarified that the only area required to have a variance is the connection between the parking pad and driveway down to the street. Miller confirmed, that is correct.

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

**Item #5a** – NE Hansen LLC has submitted a petition for annexation of the West Half of the Northwest Quarter, Excluding Platted Areas in Section 20, Township 110, Range 49 in Brookings County, South

Dakota, excluding land north of US Highway 14. This annexation was previously approved by Planning Commission. However, due to a clerical error on the Resolution, a new hearing is required.

Aiken inquired if Hwy 14 interrupts the city boundary. Struck clarified that a highway does not disrupt the requirement for contiguous property for annexation. Hinrichs asked what the zoning would become once the property is annexed. Miller stated that it would remain zoned Ag.

**Item #5b** – 1 Cor 3:9 LLC has submitted a petition to rezone Lot 1 in Clark Addition and Lot 2 in Clark Second Addition from an Agriculture A District to a Business B-3 Heavy District.

**Item #5c** – 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 at the current address of 2505 Larkspur Ridge Drive and is nontransferable, build or assembly classes shall be prohibited on the premises and the applicant must submit proof of all relevant licensing renewals every three years. This item was tabled at the April 1, 2025 meeting to allow the applicant to answer staff inquiries.

Brockel explained that he has an existing federal firearms license and is currently performing build classes at another location in Brookings. He is seeking to utilize his home address to host the license and offering solely traveling classes with no classes or signage on the premises. Limmer asked the applicant if he had communicated with the nearby school and for any further information to settle concerns with the proximity to the school. Brockel stated all materials are made by third party shops and the assembly of firearms will not be completed on site. The addition of the business does not add to the amount of completed firearms in the vicinity of the school. He also had not spoken with the school district in regards to the request. Schmeichel asked what the city attorney's determination was regarding operating a federal firearm license within a school zone. Miller stated that he consulted with the City Attorney to confirm that this would be exempt from the federal law banning firearms within 1,000 feet of a school. Miller added that he had contacted the school who also asked to confirm if the application would meet state and federal laws. Aiken asked if there would be any manufacturing on site. Brockel stated that he himself has put together two firearms for charity in the past. Aiken inquired if he was ok with the staff recommendations. Brockel confirmed that he was ok with all the recommendations and that this was the first step of applying for the federal firearms license.

**Item #5d** – Andrew Austreim applied for a Conditional Use Permit to operate a home hair salon, a Major Home Occupation in a residential district. Staff recommends approval with the condition that the Conditional Use Permit is valid only for the current owner. The applicant is proposing to build an addition to the home to be used as a salon or extra room if the request is not approved. The addition will meet all required setbacks and would be considered an ordinary improvement to a single-family home. The property includes sufficient parking for a home occupation.

Austreim was available for inquiries. Aiken asked if the motion included staff recommendations. Limmer confirmed that it did. Limmer inquired if the exterior display and addition were allowable. Miller stated that the sign ordinance allows signage and the small addition is typical of a standard home addition. Limmer asked if parking requirements were met. Miller stated that the site plan provided does meet the parking requirements.

**Item #5e** – Prairie Hills LLC has submitted an amendment to a Large-Scale Residential Development (LSRD) plan for a portion of the Prairie Hills Landing. The LSRD would include developed and

undeveloped portions of Lot 1A in Block 3B, Block 4, Block 5, Block 6, Block 9A, Block 9B, Lot 157C, and Wetland D Tract 2, all in Prairie Hills Addition. The LSRD amendment seeks to amend the minimum rear yard setbacks of the development area.

Mills was available for and inquiries and explained that he is requesting lot line setback variances since the homes are platted after the foundation has been poured. This can cause rear yard setbacks to not be met. He went on to state that the request was similar to setbacks at The Reserve. Limmer asked for clarification of the 25-foot rear yard setback request. Mills explained that most of the dwellings do not require the request but due to irregular lot lines, the setbacks are not able to be met on each dwelling.

**Item #5f** – Kwik Trip, Inc. submitted a Final Development Plan (FDP) for Lot 2 in Block 9 of Wiese Addition. The FDP is proposed within the Initial Development Plan submitted by Ryan Companies US Inc for the Brookings Marketplace Planned Development District located at the northeast corner of Interstate 29 and 6th Street. The proposal includes a convenience store gas station and car wash.

Pagel, real estate development manager for Kwik Trip, was available to represent the request. Jamison asked if there was pedestrian access. Miller explained that the site plan met city requirements with a sidewalk to the north connecting to LeFevre Drive.

**Item #5g** – Java Companies LLC submitted a revised site plan for review within the Commercial Corridor Design Review Overlay District. The project is located on Lot 2 in Block 1 of Wiese Addition near the intersection of 6th Street and LeFevre Drive. A site plan was approved by the Planning Commission in February 2025. Since then, the site plan has changed to accommodate a future tenant, including the separation of drive thru-lanes, the reduction in size of the two proposed buildings, reduction to window glazing, and reduction to off-street parking.

Boersma was available to represent the request. Aiken asked for more details on the drive thru que length. Boersma stated that building two has 70 feet with an average vehicle being 14-18 feet long. Jamison expressed gratitude for pedestrian access. Limmer asked the reason for no bypass lane on building one. Boersma explained, due to the driveways being fully separate with signage, it was no longer necessary to have a bypass lane for those who entered the incorrect lane.

**Item #5h** – The Brookings Historic Preservation Commission submitted a series of Future Land Use Map revisions along and near 6th Street in Brookings. The five areas include property located along the 6<sup>th</sup> Street between downtown and Medary Avenue where the future land use map includes medium or high-density residential guidance for areas located within existing historic residential districts.

Spear asked for more details as to what the change means. Miller explained that the Future Land Use map is a guide that includes future uses and density for rezoning decisions and described the process that staff would use to determine if a rezone would be appropriate.

Weiss and Callies were present to represent the request. Weiss stated that as members of the Brookings Historic Preservation Commission (BHPC), they are obligated to note any inconsistencies in the zoning of historic properties and have requested Residential Scale Preservation as a gentler approach to density for future redevelopment. Callies added that nine contributing houses are located within the amendment.

Stegeman, congregational chairman of Mount Calvary Lutheran Church, stated three of the properties located within the request are owned by the church who is currently exploring expansion and requested

the board wait until after the completion of their 11.1 Review to approve any changes. Westwick, 502 9<sup>th</sup> Ave, supported the amendment and expressed that he felt that the Comprehensive Plan did not protect the historic districts. Dominiack, long time resident of a historical home, believes that the historic districts add value to the community and added that new homeowners have ignited a passion for preservation. Kneip, former resident and current business owner within the historic district, was concerned the proposal would cause constraints for the church's development. He also noted that dwellings on 6<sup>th</sup> Street are not easily accessible and that the dwellings do not look the same now that they are rentals. Kneip requested an amended proposal not restricting the areas bordering 6<sup>th</sup> Street. Kosbau purchased her historic home shortly after the creation of the historic district and renovated it to preserve the property. She is asking for approval of the amendment to protect 6<sup>th</sup> Street between Medary Avenue and Main Street. Stout, owner of two properties in the amendment and member of the team that wrote the 2040 Comprehensive Plan, believed that these areas could be looked at more closely while noting the substantial cost of maintenance on historical properties. He proposed incentivizing homeowners to improve the properties. Engelman, representing her son at 516 7<sup>th</sup> Ave, stated that an agreement had to be signed when the property was purchased due to other parties interested in the location. Krueger requested discussions moving forward on why the specific areas were designated for future development.

Limmer pointed out that the proposal does not alter the zoning. He also said it was noteworthy that the proposal was brought forth by the BHPC and he had not previously seen the same amount of public support at Planning Commission so that should carry weight as well. Hinrichs detailed that less than 1% of the city is historic per her calculations. She explained that she is pro-preservation and pro-construction because she sees that more housing will cause less historic homes to be used as rentals. Schmeichel asked why Development Review Team was not supportive. Miller explained that their stance on Future Land Use Map amendments is to allow flexibility. The current Medium Density Residential would preserve existing medium density neighborhoods and allow additional density at target locations. Spear asked, if the item failed, could the properties come back to Planning Commission for Future Land Use amendments. Miller explained that if the request was not approved, an owner could request to amend the Future Land Use Map for their property. Struck explained that an urban strategic area defines what the city would anticipate for zoning and uses in the future. These properties would need to go through the 11.1 Review where they look at the scale and determine how a proposed project would fit in the existing district. Medium and High Density designations allow for the existing scale but also allows for higher density if there is an opportunity for growth where Residential Scale Preservation limits density to what is existing. Miller added that the rest of the historic districts are medium density residential.

#### **Item #6 – Adjourn**

The meeting adjourned at 7:57 p.m.

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Ryan Miller

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Scot Leddy, Chairperson