

The regular meeting of the Lake County Planning Commission was called to order at the hour of 08:00 AM in the County Commission Board Room.

ROLL CALL:

Craig Johannsen, Dale Thompson, Alan Schaefer, Don Bickett, Doug Jerlow, Aaron Johnson, Gene Anderson and Official Mandi Anderson were all present.

AGENDA/ADDITIONS:

None.

Motion by Craig Johannsen to approve the agenda. Second by Gene Anderson. M/C All were ayes.

MINUTES/CORRECTIONS:

Motion by Dale Thompson to approve April 11th minutes sent to them by mail. Second by Doug Jerlow. M/C All were ayes.

OLD/UNFINISHED BUSINESS:

None

NEW BUSINESS:

Ordinance Amendment #18-67

Rezoning #18-01

Owner/Applicant: Rick Odland

Property Description: Lots 24 to 26 Exc H-1 Plat Voiture Subdivision Block 1 Chautauqua Plat, SW ¼ of Section 15
Lakeview Township

Zoning Description: "LP 1" Lake Park District 1 - Lake Madison

Request: Petition to Rezone his property from "LP 1" Lake Park District-1 to "LP 3" Lake Park District-3 to allow for oversized commercial storage buildings

History/Issue(s):

1. The applicant has petitioned to rezone his property to allow for him to build several rental storage units.
2. Lake County Ordinance requires a landowner to go thru the petition to rezone process and ask the Planning Commission for a recommendation after reviewing the proposal.
3. Both lot size and width meet the Lake County requirements LP-3 District.
4. The proposed structures on his site plan would meet our current Lake County Ordinance for setback requirements.
5. Depending on which buildings he would construct first may require him to obtain a conditional use permit for dimensions larger than 4,000 Sq/ft or sidewalls taller than 14'.
6. The current access to this property is located off of Dakota Ave. However, he is communicating with the SD DOT for access directly off of SD Hwy 34. There is an agreement in place that grants this access. No other adjoining landowner may utilize this access, it is strictly allowed only for Lot 24-26. The approach will be sufficient to accommodate the traffic coming in and going out of the property.
7. I have spoken with the City of Madison about their bike path running along Hwy 34 road r-o-w, Chad Comes has just said he wants communication with the SD DOT and applicant whenever the approach work is done. There doesn't seem to be any pedestrian safety concerns from his stand point since there will be pretty limited traffic used for the storage facility.
8. A 6' chain link fence with barbwire top will be constructed to surround the property for safety of the renter's possessions along with exterior security lighting.
9. He has notified all adjoining landowners via certified mail of this proposed rezoning of the use of the land and also the Hearing dates/time as required in our Lake County Ordinance.
10. A sign for public notice was placed on the property with the hearing dates and times of the rezoning request.

Dale Thompson asked Rick about the access for this property? Rick stated that he has been in communication with the SD DOT about the existing access and is working with them on the final approval process. It remains in their hands if they will grant this Highway Deed or not. If they do not, the property currently has access off of Dakota Ave.

Steve Olson, neighbor to the East, family has owned this property in the past and talked about how the approach off of the SD Highway was illegally put in and should be moved to the East to line up with the 20' alleyway so he can have access to it too. In the past he has asked the State to move this approach but his request was denied and also if it were to be moved it wouldn't be at the expense of the State.

- Zoning Officer's response to the board was that this access granting or denial or moving of the approach isn't up to the county. This is something that the landowner and SD DOT will have to work out. We cannot answer his request.

Action Item: Ordinance Amendment #18-67

Motion by Doug Jerlow to recommend **granting** the Rezoning request and Ordinance Amendment to the County Commissioners and adopt the facts and findings found in the staff report. Second by Dale Thompson. M/C All were ayes.

Ordinance Amendment #18-68

Rezoning #18-02

Owner/Applicant: Jesse Bruns

Property Description: a portion of the NE ¼ Exc Bruns' 1st Addition Section 9-106-53 (Herman Township), Lake County, South Dakota, the portion shall later be platted and designated as Lots 1-8 Bruns' 2nd Addition in NE ¼ Section 9- 106-53 (Herman Township), Lake County, South Dakota

Zoning Description: "A" Agricultural District

Request: Petition to Rezone his property from "A" to "PD" Planned Development to allow for 8 single family residential lots

History/Issue(s):

1. The applicant has petitioned to rezone his property to allow for him to plat and sell 8 single family residential lots for future development.
2. Lake County Ordinance requires a landowner to go thru the petition to rezone process and ask the Planning Commission for a recommendation after reviewing their proposal.
3. Both the lot sizes and widths meet the Lake County requirements "A" District.
 - a) Our current Lake County Zoning Ordinance for the "A" allows only 4 single family dwellings per ¼ - ¼ section of land.
 - b) According to our Comprehensive Land Use map this area allows for lot sizes of at least 1 acre or more for single family residences.
4. The proposed setbacks for a single-family home would remain the same as the "A" District's currently are however he would like to propose a lesser setback for the side and rear yard for unattached accessory buildings. Rear yard 45' to include the service road and side yard of 5'. The current Ordinance requires rear yard 50' and side yard 30'.
5. This development is close to a mirror image of the development to the North and to the East so he feels that this proposed planned development would fit in well with the surrounding properties.
6. He is proposing one private access road off of County road 451st to reach all 8 of his lots with a culdassack at the far west end of lots 7 & 8. This access road will be blacktopped and the lot owners will maintain the road afterwards. Road will be owned by the buyer of each lot. He has spoken with the Hwy superintendent about this access approach and it was okayed by Dave Fedeler.
7. He has notified all adjacent landowners to this portion of land via certified mail of this proposed rezoning of the use of the land and also the hearing dates/time as required in our Lake County Ordinance.
8. A sign for public notice was placed on the property with the hearing dates and times of the rezoning request.

Action Item: Ordinance Amendment #18-68

Motion by Dale Thompson to recommend **granting** the Rezoning request and Ordinance Amendment to the County Commissioners and adopt the facts and finding found in the staff report. Second by Craig Johannsen. M/C All were ayes.

CONDITIONAL USE #18-04

Owner/Applicant: Mathias (Matt) & Maggie Burbach

Property Description: Lots 17 & N ½ of 18 Nordstrom's Addition 36-106-52, Lakeview Township

Zoning Designation: "LP 1" –Lake Park-District 1

Request: The applicant would like to build a shed/garage/accessory building with sidewalls greater than 12 feet and dimensions greater than 1,200 sq/ft.

History/Issue(s):

1. He is requesting to build a 60'x 100' x 16' shed on his property.
 - a. Shed to include cold storage for his own personal use. This is a non-living dwelling. He owns a property on Evergreen Acres Drive across from this lot with living and needs the extra storage.

- b. Proposed structure to contain 6,000 sq/ft.
2. Lake County Ordinance requires that a land owner go through the Conditional Use Process to build a shed/garage/accessory building taller than 12 feet and greater than 1,200 sq/ft in the "LP 1" District.
3. He is adjacent to a private road. Ordinance regulates that they must have a front yard of no less than 10 feet from the road right-of-way and shall not be nearer than 2 feet to any side lot line. He meets all setbacks on this lot.
4. Staff recommendation – Conditional Use – **Oversized Shed/Garage/Accessory Building**
The Planning Commission has the option to table, recommend granting of the Conditional Use to the Board of Adjustment, or recommend denial of the Conditional Use to the Board of Adjustment.

If the Planning Commission recommends granting of the Conditional Use to the BOA, it could use the following findings:

- Oversized unattached sheds/garages/accessory buildings are allowable as a conditional use in the LP 1 – Lake Park District under certain conditions.
- If approved, the conditional use shall be specifically conditioned upon initial and continued compliance with all of the requirements and conditions herein and upon compliance with all applicable provisions of the Zoning Ordinance.
- Satisfactory provisions and arrangements have been made, or may be made through the conditions placed upon the operation, concerning the followings:
 - Entrance and exit to property and proposed structures thereon;
 - Off-street parking and loading areas;
 - Utilities, refuse, and service areas;
 - Signs;
 - Required yards and other open space; and
 - General compatibility with adjacent properties and other property in the district.

If the Planning Commission recommends denial of the Conditional Use to the BOA, it could use the following finding:

- The granting of the conditional use would not be in harmony with the purpose and intent of the zoning ordinance

Action Item: Conditional Use – Oversized Shed/Garage/Accessory Building

Motion by Doug Jerlow to recommends approval of the conditional use request to the Board of Adjustment and adopt the findings outlines in the staff report. Second by Aaron Johnson. M/C All were eyes.

VARIANCE #18-05

Owner/Applicant: Thomas Taylor

Property Description: Lot 6A Round Lake Hills Addition Sec 5-105-51

Zoning Description: "A"- Agricultural & Aquifer Protection Overlay, Zone A District – Round Lake

Request: The applicant is seeking a Variance from the minimum side yard setback.

History/Issue(s):

1. The applicant is interested in building a storage/garage/accessory building on the rear of his property.
 - a) Building 40 x 40 x 16
2. He is asking for a 20 ft. variance from the west side yard setback. Lake County Ordinance requires unattached storage/accessory buildings to be 30' from side yard lot lines. He meets all other required setbacks.
3. Lake County Ordinance requires that a land owner go through the variance process if they cannot meet the setback.
4. Adjoining neighbors and the homeowner's association have all been sent certified notification letters and the township have been contacted. Township raises no objections to the Variance request.
5. Staff recommendation – Variance – **Minimum Side Yard Setback**
The Planning Commission has the option to table, recommend granting of the Variance to the Board of Adjustment, or recommend denial of the Variance to the Board of Adjustment.

If the Planning Commission recommends approval of the Variance it could use the following findings:

- The variance would not be injurious to the neighborhood or detrimental to the public welfare.
- The variance is the minimum variance that will make possible the reasonable use of the land.
- Granting the variance would not substantially impair the intent and purpose of the zoning ordinance
- There are special conditions or circumstances that exist which are peculiar to the land, structure, or building involved, and which are applicable to other land, structures, or buildings in the same district.
- The reasons set forth justify the granting of the variance.

If the Planning Commission recommends denial of the Variance it could use the following findings:

- The granting of this variance request would confer on the applicant special privilege denied to others in the A district.

Action Item: Variance – Minimum Side Yard Setback

Motion by Aaron Johnson to recommend approval of the applicant's variance permit to the Board of Adjustment and adopt the findings outlined in the staff report. Second by Alan Schaefer. M/C All were ayes.

A Plat of Lot 1 of K & B Hoekman's Addition in the SW ¼ of Section 36-108-52 in Nunda Township was presented to the Planning Commission. This plat is located in the "A" District. They are dividing the existing farmstead away from the adjacent farmland. Meets Lake County Regulations and the taxes have been paid in full. Motion by Craig Johannsen to recommend the approval of this plat to the County Commission. Second by Gene Anderson. M/C All were ayes.

Welcome Alan Schaefer to the Planning Commission Board and celebrate Joe Aldrich's retirement off of the board.

Motion by Gene Anderson to adjure the Planning Commission Meeting. Second by Craig Johannsen. Chair Don Bickett adjourned the meeting at the hour of 8:32 AM.