

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 and Official Mandi Anderson were all present. Gene Anderson was excused from today's meeting.

**AGENDA/ADDITIONS:**

Revise the commissioner's agenda on VanZanten's Plat to Chester township instead of Lakeview township. The correction was made prior to the Agenda being publicly displayed but not before the commission packets went out.

Motion by Dale Thompson to approve the revised agenda. Second by Craig Johannsen. M/C All were ayes.

**MINUTES/CORRECTIONS:**

Motion by Craig Johannsen to approve August 8<sup>th</sup> minutes sent to them by mail. Second by Dale Thompson. M/C All were ayes.

**OLD/UNFINISHED BUSINESS:**

None

**NEW BUSINESS:**

**VARIANCE-18-09**

**Owner/Applicant:** Sterling & Candice Nelson                      Contractor: Kim Hofer (Big D Homes)

**Property Description:** Lot 5 Plat Block 13 Wentworth Park, Wentworth Township

**Zoning Designation:** "LP 1" – Lake Madison

**Request:** The applicant is requesting a Variance from the minimum side yard setback

**History/Issue(s):**

1. The applicant is requesting to build a new single-family residence on their lake side lot.
  - a. There is a small existing cabin on the lot and are wishing to replace it with a 2-story home.
2. Lake County Ordinance requires that all single-family structures in the Lake Park District-1 must have a minimum side yard setback of 9'. If they cannot meet the setbacks they shall go through the Variance process.
  - a. They are requesting a 4' variance from the South side yard property line.
  - b. There will be at least 15' between their new structure and the neighbor's structure.
  - c. A gutter system will capture rain water and would improve the current drainage. Yards will be sloped to the side yard lot line and will run with the land down to the lake.
  - d. They would meet all other setbacks (north side yard, front, rear, height, averaging and 4' above OHWM.)
3. We acknowledge that this lot was platted prior to Lake County Zoning regulations and is considered nonconforming due to the square footage only being approximately 6,800 sq. /ft. and the width only being 40'. It is a lot of record. (40'width x 170'depth)
  - a) Minimum lot size requirement for LP-1 district is 9,600 sq. /ft.
  - b) Minimum lot width requirement for LP-1 district is 75 feet.
4. Adjoining neighbors and Homeowners Association have been contacted. They have raised no objections to the variance request and their signatures were obtained in approval.
5. Staff recommendation – Variance – **Minimum Side Yard Setbacks**  
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 granting of the variance to the BOA, it could use the following findings:

- The variance would not be injurious to the neighborhood or detrimental to the public welfare
- The adjoining neighbors and homeowner's association do not object to the Variance request.
- The Variance is the minimum Variance that will make possible the reasonable use of the land.
- The reasons set forth justify the granting of the Variance.
- 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.

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

- The granting of the variance request would confer on the applicant special privilege denied to others in the LP-1 district.

**Discussion:**

Aaron Johnson asked about the drainage and slope on the side yards. Any concerns about a steep grade of land for any drainage issues?

Contractor Kim Hofer responded saying there is only be a 4" drop on the south side yard so no concerns there.

**Action Item: Variance – Side yard setback**

Motion by Dale Thompson 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 Doug Jerlow. M/C All were ayes.

**Ordinance Amendment #18-69**

**Rezoning #18-03**

**Owner/Applicant:** Lance Nordstrom, Nordstrom Investment Co. LLC

**Property Description:** Lots 1 & 2 Nordstrom Addition in Section 25, 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 self-storage units.
2. Lake County Ordinance requires a landowner to go thru the petition process to rezone 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 access to this property is located off of Nordstrom Trail. The entrance will be sufficient to accommodate the traffic coming in and going out of the property.
7. 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.
8. A sign for public notice was placed on the property with the hearing dates and times of the rezoning request.

**Discussion:**

Doug Jerlow states that he received a call from a property owner of Evergreen Acres Association with drainage concerns regarding to filling in of Lots 1 & 2 Nordstrom's Addition. Where will the drainage go?

Lance responded regards to the current berm and the culvert that is existing. He plans on relocating the culvert that runs north/south under Evergreen Acres Drive towards the West under the road. Same size, same depth 36" culvert. He then is planning for his private road, Nordstrom's Trail, to have driveways with culverts located under them entering into most of the lots with a ditch system to carry potential water run off in the same direction it is currently going. He says he spoke with SD GF&P, John, and at this time doesn't have concerns about his drainage plan

Zoning Official Mandi Anderson – this property is not a wetland nor is it in the Flood way or FEMA flood plain.

Concerns from Evergreen Acres via Email from Jeff Nelson were received by Zoning Official Mandi Anderson and the following was taken into record: (attached enclosure will be referred to as **Exhibit A**)

*Please accept the following comments with the attached enclosure for consideration by the Planning and Zoning Committee when it meets on September 12, 2018 to consider the pending zoning request of Lance Nordstrom. Please contact me if you or members of the Committee have any questions. Thanks.  
Jeff Nelson 605-270-3200.*

*Ms Mandi Anderson, Lake County Planning and Zoning Officer*

*On behalf of the Evergreen Killarney Lenola Park (homeowners) Association please accept these comments concerning the pending request from Lance Nordstrom to rezone two lots in the Nordstrom Development from LP-1 to LP-3. I wish to ask*

these comments and enclosure be provided to the Planning and Zoning Committee as part of the record related to this request.

We wish to offer the following:

1. The two lots subject to rezoning are the location of a 'water retention and regulation' (reservoir) area which was constructed by the previous owner (Gene Hemmer) in late 2005 or spring 2006 as a means to mitigate concerns related to drainage. The reservoir was constructed to serve as a 'catch basin' and temporary settling pond with a modestly sized culvert designed to moderate water flows in high water events through the large culvert in the township road which drains into Walkers State Park and ultimately into Lake Madison. This reservoir apparently will be filled and used as a building site for commercial rental units if rezoning is approved. Since purchasing this property Nordstrom has partially filled the reservoir.

2. The basis for the construction of the retention/ regulation area arose from concerns expressed by residents of this Association and the SD Game Fish and Parks. Hemmer hired an engineer who prepared an Erosion plan which calculated the reservoir size and flow projections for a 10-year rain event and shows two scenarios using a Hydrograph to map the outcome. That Erosion plan is enclosed and we ask it be included as part of the Planning and Zoning Committee hearing on the Nordstrom request.

3. If this rezoning is approved and the reservoir is filled for construction of new structures, we wish to request a revised assessment be made of the drainage from this property related to the effects on landowners who reside on Evergreen Acres Drive.

4. We also offer the observation that the Association believes the projected drainage problems for landowners who are part of the Association, the Walkers State Park and Lake Madison will be again placed at risk of flooding and conveyance of sediment into Lake Madison if the reservoir is filled.

We wonder if the Nordstrom proposal is in the best interests of the affected parties and suggest retaining and restoring this reservoir should be considered and other portions of the Nordstrom development used for LP-3 purposes.

On behalf of the Association,  
Jeff Nelson, President

Zoning Official Mandi Anderson reminded the Planning Commissioners that drainage will be discussed during the Building Permit process once Lance has decided what and where he wants to build the first storage unit. Drainage is not a part of our Lake County Zoning Ordinance and a drainage plan is not required for a Rezoning Request/Ordinance Amendment. The Lots 1 & 2 that we are considering today are already zoned for development (LP-1) and by rezoning (LP-3) we are allowing the type of development to be altered. So today we acknowledge the Association's concerns but they do not have a bearing on the Ordinance Amendment / Rezoning process. A drainage complaint or concern is acted on by the Board of Resolution (county commissioners).

**Action Item: Ordinance Amendment**

Motion by Craig Johannsen 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 Alan Schaefer. M/C All were ayes.

**CONDITIONAL USE #18-09**

**Owner/Applicant:** Jay Shank

**Property Description:** Lot 13 Nordstrom's Addition 25-106-52, Lakeview Township

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

**Request:** The applicant would like to build an attached garage with dimensions greater than 1,200 sq/ft.

**History/Issue(s):**

1. He is requesting to build a 40'x 80' x 12' shed/house on his property.
  - a. This garage will be all storage for now but eventually he will add living in the rear portion with a dividing wall between the garage and living area. He owns a property on Lake Madison and needs the extra storage and living space.
  - b. Proposed structure to contain 3,200 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 or rear and shall not be nearer than 9 feet to any side lot line. He meets all setbacks on this lot.
4. Staff recommendation – Conditional Use – **Oversized Attached Garage**  
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 attached 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 Aaron Johnson to recommends approval of the conditional use request to the Board of Adjustment and adopt the findings outlines in the staff report. Second by Doug Jerlow. M/C All were ayes.

**PLATS:**

**A Plat of Tract 1 Van Zanten’s Addition** in the SE ¼ of SW ¼ of Section 33-105-51 in Chester Township was presented to the Planning Commission. This plat is located in the “A” District. They are subdividing land away from the adjacent farmland for CAFO development. Meets Lake County Regulations and the taxes have been paid in full. Motion by Aaron Johnson to recommend the approval of this plat to the County Commission. Second by Dale Thompson. M/C All were ayes.

**A Plat of Lots 1, 2, 3, 4, 5, 6, 7 & 8 Bruns’ 2nd Addition** in the NE¼ of Section 9-106-53 in Herman Township was presented to the Planning Commission. This plat is located in the “PD” District. He is subdividing land for single family residential development. 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 Doug Jerlow. M/C All were ayes.

**A Plat of Lot 1 of Block 4 of Woodland’s 71st Addition** in Government Lot 5 of Section 23-106-52 in Lakeview Township was presented to the Planning Commission. This plat is located in the “LP-1” District. They are re-subdividing Government Lot 5 for single family residential development. Meets Lake County Regulations and the taxes have been paid in full. Motion by Doug Jerlow to recommend the approval of this plat to the County Commission. Second by Alan Schaefer. M/C All were ayes.

**PUBLIC COMMENT:**

None.

Motion by Aaron Johnson to adjure the Planning Commission Meeting. Second by Doug Jerlow. Chair Don Bickett adjourned the meeting at the hour of 9:00 AM.