

The regular meeting of the Lake County Planning Commission was called order at the hour of 08:09 AM in the County Commission Board Room.

**ROLL CALL:**

Alan Schaefer, Don Bickett, Dan Hansen and Official Mandi Anderson were all present, Aaron Johnson was present & appeared by Zoom Meeting. Roger Albertson and Jody Ackerman were absent but excused.

**AGENDA/ADDITIONS:**

None.

Motion by Alan Schaefer to approve the agenda. Second by Dan Hansen. M/C All were ayes.

**REORGANIZATION:**

Official Mandi Anderson asked for nominations for Chairman.

Alan Schaefer nominated Don Bickett. Mandi Anderson called for any additional nominations. There being no further nominations, motion by Alan Schaefer, second by Dan Hansen, for nominations to cease and a unanimous ballot be cast for Don Bickett as 2022 Chairman of the Lake County Board of Planning Commissioners. Motion carried.

Mandi Anderson turned the meeting over to Chairman Don Bickett.

Chair Don Bickett asked for nominations for Vice Chairman.

Dan Hansen nominated Alan Schaefer. Motion by Dan Hansen, second by Don Bickett, for nominations to cease and a unanimous ballot be cast for Alan Schaefer as 2022 Vice Chairman of the Lake County Board of Planning Commissioners. Motion carried.

**MINUTES:**

Motion by Dan Hansen to approve December 8th minutes sent to them by mail. Second by Aaron Johnson. M/C All were ayes.

**OLD/UNFINISHED BUSINESS:**

None.

**NEW BUSINESS:**

**CONDITIONAL USE #22-01**

**Owner/Applicant:** Shoenrock Properties LLC                      John & Melissa Dougan & Chris & Danielle Shoenrock

**Property Description:** Lot 17 (excluding the East 13" North 25') & All of Lot 18 Block 9 of Chester Village Original Plat,  
Chester Township

**Zoning Designation:** "TD" – Town District (Chester)

**Request:** Requesting a bar & service business for casino/lottery machine use.

**History/Issue(s):**

1. The applicant is requesting to open a small video lottery casino business called "Snake Eyes" in an existing main street commercial building. They are proposing 10 or so video lottery machines and to serve beer to players.
  - a. Hoping to capture the residents of Chester, Lake Madison & Brant Lake by offering this casino business and to bring additional profits to the community.
  - b. The State of SD requires a malt beverage license to obtain a lottery license.
  - c. The video lottery machines are acquired and maintained through a vendor.
2. Lake County Ordinance requires that a land owner go through the Conditional Use Process to proceed with any bar/tavern or service business when located within a Town District.
3. The proposed location seems to be adequate and is convenient for the public to find. No private off-street parking is provided or available for use but the proposed business is located on the corner of two public streets/avenues so it does have public access.
4. They will not be making any exterior additions to the existing structure. They have added a divider wall to the interior to separate this proposed use from the existing storage area. They wish to add a bar area and make other necessary changes/additions to the interior to update and create the casino space.

Opened the hearing to the public.

Dougans and Shoenrocks were present along with their attorney Brendan Reilly.

Chair Don Bickett called for public testimony. Two public members whom were opposed to the application spoke their concerns.

Five total public members present. Keli Anderson the manager of Heff's bar across the road fears this may cause unwanted competition and other businesses might struggle from this bar/casino. Scott Larson, adjacent structure owner, is concerned about mess, noise, parking, building codes and permits.

Chair Don Bickett asked the applicants if they would like to respond to the public comments. Melissa Dougan said that this has been in the works for a couple years now with the Shoenrocks. They had been playing around with ideas of what type of business would draw people to the community and they decided on the casino/bar use. They want nothing but to support the town and be a positive business. John Dougan gave testimony that they wanted a business that would provide extra revenue for their family, for the town and they are not interested in a restaurant or a full bar. They don't even plan on adding bar stool around the bar area. They wanted a business that was going to require little staff to operate.

Closed public hearing.

**Action Item: Conditional Use – Bar/Tavern & Service Business**

Motion by Aaron Johnson to recommend approval of the conditional use request to the Board of Adjustment and adopt the findings outlines in the staff report. Second by Dan Hansen. M/C All were ayes.

- A service business and bar/tavern use are allowable as a conditional use in the TD - Town District under certain conditions.
- There is already an existing bar/tavern with video lottery machines directly across the street in the same district so it would be generally compatible with adjacent properties and other property in the district.
- 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;
  - Screening and Buffering;
  - Signs;
  - Required yards and other open space; and
  - General compatibility with adjacent properties and other property in the district.
- The granting of the conditional use would be in harmony with the purpose and intent of the zoning ordinance.
- The granting of the conditional use would not adversely affect the public interest.

**CONDITIONAL USE #22-03**

**Owner/Applicant:** Shoenrock Properties LLC                      John & Melissa Dougan & Chris & Danielle Shoenrock

**Property Description:** Lot 17 (excluding the East 13" North 25') & All of Lot 18 Block 9 of Chester Village Original Plat,  
Chester Township

**Zoning Designation:** "TD" – Town District (Chester)

**Request:** Service Business for a Tanning Salon

**History/Issue(s):**

1. The applicant is requesting to start a tanning salon business in an existing main street commercial building. Their establishment will provide tanning services along with the retail sale of any products or goods that the general public may use in association with the business.
  - a. It came to my attention that in the past there had already been a tanning salon located within this same building. I was unable to locate any past conditional use approvals for this location. It may have been existing at the time the Town of Chester dissolved and became unincorporated, unknown.
2. Lake County Ordinance requires that a land owner go through the Conditional Use Process to proceed with any retail and service business when located within a Town District.
3. The proposed location seems to be adequate and is convenient for the public to find. No private off-street parking is provided or available for use but the proposed business is located on the corner of two public streets/avenues so it does have public access.
4. They will not be making any exterior additions to the existing structure. Minor cosmetic updates may be made to the interior.

**Action Item: Conditional Use – Retail & Service Business**

Motion by Dan Hansen to recommend approval of the conditional use request to the Board of Adjustment and adopt the findings outlines in the staff report. Second by Alan Schaefer. M/C All were ayes.

- A service business tanning salon is allowable as a conditional use in the TD - Town District under certain conditions.

- There are other businesses in the town that provide service and its retail to the general public so it would be generally compatible with adjacent properties and other property in the district.
- 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;
  - Screening and Buffering;
  - Signs;
  - Required yards and other open space; and
  - General compatibility with adjacent properties and other property in the district.
- The granting of the conditional use would be in harmony with the purpose and intent of the zoning ordinance.
- The granting of the conditional use would not adversely affect the public interest.

### **CONDITIONAL USE #22-02**

\*Signed the waiver of personal appearance.

**Owner/Applicant:** Dan Stapleton Properties, LLC

**Property Description:** Lot 3A Christiansen Sunrise Acres 2nd Addition, SE ¼ of Section 26, Lakeview Township

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

**Request:** The applicant would like to build an attached garage with greater dimensions.

#### **History/Issue(s):**

1. The applicant is requesting to build a new home with an oversized attached garage.
  - a) Proposed garage/accessory dimensions requested are 44'x 68' (2,992 sq/ft)
  - b) Home to be built on the northern half of the lot so if he wishes to subdivide the lot into two in the future he may as long as it meets the subdivision and zoning ordinances at that point in time.
2. Lake County Ordinance requires that a land owner go through the Conditional Use Process to build a shed/garage/accessory building with a taller sidewall height than 12' and greater than 1,200 sq/ft in the "LP 1" District.
3. He meets all setbacks on this lot.
  - a) He is adjacent to a private road easement (front yard) and ordinance regulates that they must have a front yard of no less than 10 feet from the road r-o-w easement.
  - b) Shall not be nearer than 9 feet to any side yard lot line.
  - c) Shall not be nearer than 25' to the rear yard.
  - d) The proposed structure meets the overall height requirement of no taller than 30'.

#### **Action Item: Conditional Use – Oversized attached garage**

Motion by Alan Schaefer to recommend approval of the conditional use request to the Board of Adjustment and adopt the findings outlines in the staff report. Second by Dan Hansen. M/C All were ayes.

- Oversized attached garages/accessory buildings are allowable as a conditional use in the LP 1 – Lake Park District under certain conditions.
- There are other attached oversized garages around the lake so it would be generally compatible with adjacent properties and other property in the district.
- 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;
  - Screening and Buffering;
  - Signs;
  - Required yards and other open space; and
  - General compatibility with adjacent properties and other property in the district.
- The granting of the conditional use would be in harmony with the purpose and intent of the zoning ordinance
- The granting of the conditional use would not adversely affect the public interest.

## **Ordinance Amendment #22-79**

### **Rezoning #22-01**

**Owner/Applicant:** Smith's Cove LLC                      Dan Lemme, Eric Johnson – Representatives                      Jesse Morris – DGR Engineering

**Property Description:** South ½ of Lot 1 & South ½ of Lot 2, excluding the West 100' of the North 584.5' & Lot 10 except Thompson Tract 1 thereof, in Section 6-105-51, Lake County SD.

**Current Zoning Description:** "A" Agricultural

**Request:** Petition to Rezone his property to both Lake Park District 1 & 3.

#### **Facts & Finding(s):**

1. The applicant has petitioned to rezone the property to allow for individuals to purchase residential lots and/or LP-1 District Conditional Use requests and also an area to allow for LP-3 commercial and/or private storage facilities.
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. The lot density and widths meet the Lake County requirements LP-1 & LP-3 District.
4. According to the Comprehensive Land Use Plan this land is in the Area of Development Opportunity which encourages development by utilizing the Lake Madison Sanitary Sewer District. This helps preserve the water quality in the lake's areas.
5. He has notified all adjoining landowners via certified mail of this proposed rezoning request and also the hearing dates/time as required in our Lake County Ordinance.
6. A sign for public notice was placed on the property with the hearing dates and times of the rezoning request.

Opened the hearing to the public.

Dan Lemme was present along with his engineer Jesse Morris.

Chair Don Bickett called for public testimony. Five total public members were present. All spoke about the same types of concerns and questions regarding lake traffic, road traffic, construction traffic, their proposed entrance, proposed campground use, buffer area with trees from other residential lots.

Chair Don Bickett asked the applicants if they would like to respond to the public comments. Dan Lemme stated that a lot of those types of concerns will be addressed during their preliminary plan development plan and that he would be willing and was planning on adding trees for buffer area between the uses and that adds to the appeal of the development. The traffic cannot be helped, this development is located next to public roads and they are for the use of anyone.

Closed public hearing.

#### **Action Item: Rezoning – Ordinance Amendment Request**

Motion by Dan Hansen 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 Aaron Johnson. M/C All were ayes.

## **PLATS**

**A Plat of Lot 2 of Reiff Addition** in the SW ¼ of the SW ¼ of Section 27-106-51 of Wentworth Township was presented to the Planning Commission. This plat is located in the "A" District. Subdividing the existing farmstead away from the adjacent farmland. Meets Lake County Regulations and the taxes have been paid in full. Motion by Alan Schaefer to recommend the approval of this plat to the County Commission. Second by Dan Hansen. M/C All were ayes.

**A Plat of Block 1, Deragisch Addition** in the NE ¼ of Section 18-108-52 in Nunda Township was presented to the Planning Commission. This plat is located in the "A" District. Subdividing the existing farmstead away from the adjacent farmland. 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 Alan Schaefer. M/C All were ayes.

**A Plat of Tract 2B of Lakes Community Addition** in government lot 3, in the SW ¼ of Section 32-106-51 in Wentworth Township was presented to the Planning Commission. This plat is located in the "LP-1" District. Resubdividing the existing golf course lot to add additional land in. Meets Lake County Regulations and the taxes have been paid in full. Motion by Dan Hansen to recommend the approval of this plat to the County Commission. Second by Aaron Johnson. M/C All were ayes.

**A Plat Lot 32 in Block 8 of Lakes Community Addition** in government lot 7, in Section 32-106-51, Wentworth Township was presented to the Planning Commission. This plat is located in the "LP-1" District. Subdividing a lot for future single family residential development. The taxes have been paid in full. Motion by Alan Schaefer to recommend the approval of this plat to the County Commission. Second by Dan Hansen. M/C All were ayes.

**CONTINUE REORGANIZATION:**

2022 Meeting dates and times set for the second Wednesday of each month at 8am with the exception that there is not an Agenda to meet for. The 2022 Planning Meeting Calendar was provided in their packets.

Roger Albertson and Jody Ackerman were appointed planning commission members serving as alternates (1st & 2nd Alternate) on the BOA.

At the January 4<sup>th</sup> Lake County Commissioner's meeting Aaron Johnson was appointed back to our Planning board. He is a County Commissioner serving on our Planning Commissioner Board.

County Commissioners appointed Mark Ferber to fill the planning commissioner's position. We have a full board of 7 members again.

Subcommittee Members: Aaron Johnson, First District member, Shelli Gust & Mandi Anderson.

**PUBLIC COMMENT:**

None.

Motion by Alan Schafer to adjure the Planning Commission Meeting. Second by Dan Hansen. Chair Don Bickett adjourned the Planning Commission meeting at the hour of 10:04 AM.