

The regular meeting of the Lake County Planning Commission was called order at the hour of 08:03 AM in the County Commission Board Room.

ROLL CALL:

Jody Ackerman, Dale Thompson, Alan Schaefer, Don Bickett, Roger Albertson, Aaron Johnson and official Mandi Anderson were all present. Craig Johannsen was absent but excused.

AGENDA/ADDITIONS:

Comments from Zoning Official on new Planning Commission vacancy.

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

MINUTES/CORRECTIONS:

Motion by Dale Thompson to approve January 13th minutes sent to them by mail. Second by Alan Schaefer. M/C All were ayes.

OLD/UNFINISHED BUSINESS:

None.

NEW BUSINESS:

Welcome Jody Ackerman and Roger Albertson to the board.

CONDITIONAL USE #21-01

*signed waive of personal appearance.

Owner/Applicant: Walter & Patricia Schaefer, Family Trust along with Curt Walter-project manager for AT&T

Property Description SW ¼ of Section 6-106-54, excluding Lot H-2, H-3 & Highway, Winfred Township

Zoning Designation: "A" Agricultural District

Request: The landowner and applicant are requesting to build a wireless telecommunications tower and facility.

History/Issue(s):

1. The applicant is requesting to construct a new 400-foot tall, guyed tower for wireless phone and internet coverage.
 - a) A proposed easement will be placed on the property to allows for the facility and equipment to be constructed, maintained and accessed by AT&T.
 - b) Site is located adjacent to SD State Hwy 34/81, North of Winfred.
2. Lake County Ordinance requires that a land owner go through the Conditional Use Process when located in the "A" District to construct a wireless telecommunication tower and facility. Article XI 1101.03 Conditional Use #17.
3. The proposed structure meets the required list of setbacks for structures located in the "A" District along with Section 1214.4 setback for wireless towers exceeding 150' in height.
4. The State of SD DOT has been contacted and raises no objection to the dual use of the existing approach as long as they file a mutual access easement in the ROD Office and a letter was obtained in approval.
5. Staff Recommends the Conditional Use - **wireless telecommunications tower and facility**
The Planning Commission has the option to postpone, 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:

- Wireless telecommunication towers and facilities are allowed in the "A" District (CU #17) under certain conditions (Section 1213).
- The construction and placement for the tower will not interfere with public safety communications and the usual and customary transmission or reception of radio, television or other communications services enjoyed by adjacent residential and non-residential properties.
- Tower meets the setback standards and structural requirements of the Lake County Zoning Ordinance.
- There are wireless towers in the "A" District so it would be generally compatible with adjacent properties and other property in the district.

- There is an essential need to provide consistent wireless phone and internet coverage to this area.
- The State of SD DOT approved of the dual use of the existing approach with the requirement of a mutual access easement.
- 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.

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

- None.

Action Item: Conditional Use – wireless telecommunications tower and facility

Motion by Dale Thompson to recommend 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 ayes

CONDITIONAL USE #21-03

*signed waiver of personal appearance.

Owner/Applicant: Rick Odland, Highway 34 Storage, LLC

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

Zoning Designation: “LP 3” – Lake Park-District 3 (Lake Madison)

Request: The applicant would like to build an oversized storage facility with greater dimensions than the Ordinance regulates.

History/Issue(s):

1. Applicant is requesting to build a 40’ x 143’ x 16’ oversized commercial storage building alongside of his already existing storage buildings. Proposed containing 5,720 sq/ft.
 - a. Eleven 13’ x 40’ storage units. Each unit to have a 11’ x 14’ steel overhead door.
2. Lake County Ordinance requires that a land owner go through the Conditional Use process to build oversized commercial storage facilities with taller than 14’ sidewalls and greater than 4,000 sq/ft in the District as long as it is not detrimental to other uses and is in the general character with the “LP 3” District.
3. Ordinance regulates that they must have a front yard of no less than 20’ from the road right-of-way or road easement, 10’ rear setback and shall not be nearer than 2’ to any side lot line. The maximum height of the structure may not exceed 30’ tall. The structure meets all setbacks and overall height regulation.
4. Property was rezoned from Lake Park District -1 to Lake Park District-3 in 2018 (Ordinance Amendment #18-67). The second building required a Conditional Use permit, permit (CU #20-02) was approved in March 2020.
5. Staff recommendation – Conditional Use – **Oversized Commercial Storage Facilities**
The Planning Commission has the option to postpone, 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 private and commercial storage facilities are allowable as a conditional use in the “LP 3” District under certain conditions and it is the opinion of the board that granting this use would not be detrimental to other uses and is in the general character of the other uses in the district.
- There are other oversized private and commercial buildings in the area 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;
 - 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 will not adversely affect the public interest.

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

- NONE

Action Item: Conditional Use – Oversized Commercial Storage Facilities

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 Alan Schaefer. M/C All were ayes

PLATS:

A Plat of Lot 1 of Dooley’s Addition in the NE ¼ of Section 28-108-83 in Badus Township was presented to the Planning Commission. This plat is located in the “A” District. Subdividing the adjacent farmland from the existing farmstead. 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 Lot 1 of Sonny’s Addition in the N ½ of the NW ¼ of Section 22-105-53 in Herman Township was presented to the Planning Commission. This plat is located in the “LP-1” District. Subdividing land for purchase for future single-family development. Meets Lake County Regulations and the taxes have been paid in full. Motion by Dale Thompson to recommend the approval of this plat to the County Commission. Second by Roger Albertson. M/C All were ayes.

VACANT PLANNING COMMISSIONERS POSITION: Craig Johannsen has decided regrettably to retire early off the Planning Commission board which leaves a vacant position to fill the remainder of his term. Zoning Official will contact the last months’ applicants and inquire if they are interested in filling the remainder of the term. Will bring applications back to Planning in March for recommendation.

PUBLIC COMMENT: None.

Motion by Alan Schaefer to adjure the Planning Commission Meeting. Second by Aaron Johnson. Chair Don Bickett adjourned the Planning Commission meeting at the hour of 9:20 AM.