

The regular meeting of the Lake County Planning Commission was called order at the hour of 08:01 AM in the County Commission Board Room.

**ROLL CALL:**

Don Bickett, Dan Hansen, Aaron Johnson, Roger Albertson, Jody Ackerman, Mark Ferber and Official Mandi Anderson were all present. Alan Schaefer was absent but excused.

**AGENDA/ADDITIONS:**

None.

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

**MINUTES:**

Motion by Dan Hansen to approve February 9th minutes sent to them by mail. Second by Roger Albertson. M/C All were ayes.

**OLD/UNFINISHED BUSINESS:**

None.

**NEW BUSINESS:**

**CONDITIONAL USE #22-05**

\*Applicant has waived their right to personal appearance.

**Owner/Applicant:** Paul & Marilyn Schultz along with contractor: Schwebach Construction, Larry Schwebach

**Property Description:** Lot 3 Block 6 of Lakes Community Addition in Gvt Lot 6 in the SE ¼ of Section 32-106-51, Wentworth Township

**Parcel Number:** 02004-00600-00010

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

**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 approximately 1,270 sq/ft.
  - b) Several other oversized attached garages in the immediate area.
  - c) The applicant states the they have approval from the developments homeowner's association for the oversized garage.
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 Jody Ackerman 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.

- 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.
- The structure meets the required minimum setbacks of the lot.
- 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 #22-07**

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

**Property Description:** Lot 25 Nordstrom’s Addition in the NW ¼ of Section 36-106-52

**Parcel Number:** 06030-00000-02510

**Zoning Designation:** “C/I” District

**Request:** The applicant would like to request a seasonal retail stand utilizing a permanent structure.

**History/Issue(s):**

1. The applicant is requesting to use an existing structure on his property to sell fireworks from June 27th through July 5th each year. In the past he had used this property to sell fireworks out of a temporary tent structure and now he is looking to use a more permanent location for the seasonal business. In the offseason this structure is used for business storage.
  - a) They have already obtained a state retail fireworks license.
  - b) All parking will be located on the off-street private business property.
  - c) They would request to add temporary banners out by the road that will not obstruct view and on the structure for advertisement.
2. Lake County Ordinance requires that a land owner go through the Conditional Use process to request a seasonal retail stand.
  - a) Article XI, Section 1102. CI District, Conditional Use #12. “Conditional Uses in the Ag District except residential dwellings”. Article XI, Section 1101. Conditional Uses #23. “Seasonal retail stands – including produce and fireworks – utilizing a permanent structure”.

**Action Item: Conditional Use – Seasonal Retail Stand for fireworks**

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 Roger Albertson. M/C All were ayes.

- Seasonal retail stands are allowable as a conditional use in the “C/I” 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.
- No new structure shall be built or erected, only utilizing the existing structures located on the property and that structure meets the required setbacks of the district.
- There are other seasonal retail stands for firework sales in the immediate area.
- This use would be generally compatible with adjacent properties and other property in the district, the nearest residence is approximately 400 feet away.
- 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 will not adversely affect the public interest.

**CONDITIONAL USE #22-08**

**Owner/Applicant:** Lance Nordstrom of Nordstrom Investment Co LLC along with Dan Stapleton

**Property Description:** NW1/4 NW1/4 Lying NE RR Row Including Govt Lot 1 Lying W. Of Lots 27 & 28 Evergreen Acres & N. Of Tract A & Excluding Avises Addition & Excluding Hemmer Additions & Excluding Nordstrom & Other Deeded & Platted Portions & Lot 3 & SW1/4 SW1/4 all in Sections 25 & 36 of 106-52, Lakeview Township

**Parcel Number:** 06000-10652-36210 & 06000-10652-25310

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

**Request:** The applicant would like to expand their current private campground to add additional sites.

**History/Issue(s):**

1. Jacobs Landing Campground currently has and is approved for approx. 56 full RV hook-ups with rural water, sanitary sewer and electricity. Requesting to add an additional 25-35 spots to a total of 81-91 full hook-up sites. There is great demand for additional sites at this current campground.
  - a. Existing campground was initially approved April of 2017, followed by an expansion permit approval in May of 2021. No additional conditions were added at that either time.
  - b. No bathroom or shower house structure requested at this time but there will be an additional picnic shelter in the common area much like the other in the existing campground.
  - c. A gravel road will be added to reach these sites off from the existing campground.
2. Lake County Ordinance requires a landowner to go thru the conditional use process when requesting a private campground when located in the LP -1 District.
3. Lake Madison Sanitary District have been contacted. They have no concerns about this expansion request. This campground is in compliance with state and local regulations.

Discussion with applicant about access to the lake from the public area on Walkers Point to the north. Campground open approximately April 1st to October 31st each year.

**Action Item: Conditional Use – Private Campground Expansion**

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 Mark Ferber. M/C All were ayes.

- Private Parks and Campgrounds are allowable as a conditional use in the LP 1 – Lake Park District 1 under certain conditions.
- There are other private parks and campgrounds 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.

**CONDITIONAL USE #22-06**

**Owner/Applicant:** ZL, Inc. along with Van Buskirk Companies, Steve & Brian

**Property Description:** A portion of Gvt Lot 1 in the NW ¼ of Section 32 & a portion of Gvt Lot 2 in the SW ¼ of Section 29 & a portion of the East ½ of the SW ¼ of Section 29 all in 106-51, Wentworth Township

**Parcel Number:** 02000-10651-29220 & 02000-10651-29225 & 02000-10651-32210

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

**Request:** The applicant is requesting a private park and recreation area.

**History/Issue(s):**

1. Applicant has received the approval for the next stages in their single-family development along the East side of Lake Madison and are starting to plat lots for sale. In addition to their development, they have proposed a private park and recreation area for the homeowners. They have put together a concept plan to include certain off-lake amenities such as:
  - a. Walking trails, beach area, playgrounds, restrooms, ball courts, outdoor gym area, frisbee golf, picnic areas, open green space and off-street parking.

- b. They are also working with SD-GF&P on communal/private dock slips.
2. Lake County Ordinance requires a landowner to go thru the conditional use process when requesting a private park and recreation area when located in the LP -1 District. This request is NOT to include a private campground or RV hookups.
3. This development is proposed to be a gated private community on private roads. They are working on creating an HOA and amenity sharing plans specifically for every property so that they can enjoy the recreational offering if they choose to.

Discussion about boat slips, speed limits, emergency access and swimming area. No campers (RV) are allowed to be used in the Lake Park residential districts unless a campground permit is obtained for a commercial campground. There will be no boat launch.

Discussion was opened up to the public for comments. Questions about and in support of a bike/walking path that would be accessible to the general public and traffic control concerns. Has there been a traffic study done?

Applicant responded with not traffic study and that there are private walking paths in the development but not public paths.

**Action Item: Conditional Use – Private Park and Recreation Area**

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 Roger Albertson. M/C All were ayes.

- Private Parks and Recreational areas are allowable as a conditional use in the LP 1 – Lake Park District 1 under certain conditions.
- There are other private parks and recreation areas 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.

**PRELIMINARY PLAT & DEVELOPMENT PLAN FOR SMITH’S COVE**

Owner/Applicant: Smith’s Cove, LLC, Dan Lemme & Eric Johnson – Representatives. Along with Trent Bruce from DGR Engineering

Property Description: LOT 1 & LOT 2 Excluding the W100’ N584.50’ & LOT 10 Excluding Thompson Tract #1 in the NE ¼ of Section 6, Chester Township

Zoning Description: “LP-1 & LP-3” Lake Park District-1 & 3 (Long Lake)

Parcel Number: 01000-10551-06115

Eric, Trent & Dan appeared and presented the preliminary plan for Smith’s Cove between Lake Madison and Long Lake for future potential single family residential development along with commercial and private storage lots along the east side of the development. Discussion took place with the board and applicant regarding utilities, entrance roads, pond feature and storage building area. The applicants have spoken to some neighbors & Nels from the highway dept about the new private road entrance on the NW side of this development.

Nels Nelson, highway superintendent, voiced his concerns about the proposed location of the entrance off of 238th Street. He recommends moving it farther to the east (approx. 230’) but if the applicants can work with the existing entrance to the north (Smith Drive) and move that intersection farther East as well, then he would be in favor of the preliminary plan location they have proposed. Nels provided each commissioner with a photo describing his recommendations.

Discussion was opened up to the public. Several public members made comments in regards to the traffic concerns and the 238th Street private road entrance location. A few comments about recommending bike/walking paths either on public or private land to help filter some of the pedestrians. Neighbors to the South would like the applicants to consider trees to help screen the view of the storage area.

The applicants spoke in favor of some sort of bike/walking path, moving the Smith Trail entrance, adding a stop sign and also adding fire safety for a dry hydrant at the spring fed pond area on the north side of the development. They do meet the SD DOT and county subdivision regulations when it comes to private road entrances so they ask their plan gets approved as is today.

Motion by Mark Ferber to recommend the approval of this preliminary plan/plat to the County Commission and to adopt the facts and findings in the staff report. Second by Roger Albertson. M/C All were ayes.

#### **PLATS**

**A Plat of Kearin Tract 1 in Outlot 1** in the SW  $\frac{1}{4}$  of the NW  $\frac{1}{4}$  of Section 3-106-52, Lakeview Township was presented to the Planning Commission. This plat is located in the "A" District. Subdividing the existing farmstead lot to create an additional lot for future single-family residence. Meets Lake County Regulations and the taxes have been paid in full. Motion by Roger Albertson to recommend the approval of this plat to the County Commission. Second by Dan Hansen. M/C All were ayes.

**A Plat Lots 1-12 & Tract 1 in Block 1; Lots 1-13 & Tract 1 in Block 2; Lots 1-13 & Tract 1 in Block 3; & Tract 1 of Zimmermann Landing Addition** in Government Lot 2 & the E  $\frac{1}{2}$  of the SW  $\frac{1}{4}$  of Section 29 & in Government Lot 1 & the E  $\frac{1}{2}$  of the NW  $\frac{1}{4}$  of Section 32-106-51, Wentworth Township was presented to the Planning Commission. This plat is located in the "LP-1 & "A" District. Subdividing lots for future single family residential development, roads and private park area. The taxes have been paid in full. Motion by Jody Ackerman to recommend the approval of this plat to the County Commission. Second by Dan Hansen. M/C All were ayes.

#### **PUBLIC COMMENT:**

Elaine Garry, Vice President of the Lake Madison Development Association, would like the support from the county to add a bike/walking path to areas of the lake community. Says there are several public grants available.

Motion by Jody Ackerman to adjure the Planning Commission Meeting. Second by Dan Hansen. Chair Don Bickett adjourned the Planning Commission meeting at the hour of 10:19 AM.