

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

ROLL CALL:

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

Vice- Chair Alan Schaefer conducted the meeting since Chairman Don Bickette was absent.

AGENDA/ADDITIONS:

None.

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

MINUTES:

Motion by Jody Ackerman to approve April 13th minutes sent to them by mail. Second by Aaron Johnson. M/C All were ayes.

OLD/UNFINISHED BUSINESS:

None.

NEW BUSINESS:

CONDITIONAL USE #22-14

*Applicant has waived their right to personal appearance.

Owner/Applicant: Brian & Mary Johnson

Property Description: Lot 4 Nordstrom's Addition in Section 25-106-52, Lakeview Township

Parcel Number: 06030-00000-00410

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 single-family home with an oversized attached garage/shop space.
 - a) Proposed garage/accessory approximately 120' x 48' (5,760 sq/ft) with 14' sidewalls. Living space 40' x 54'.
 - b) Several other oversized attached garages in the immediate area.
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'.
4. Applicant was approved for a Conditional Use permit (18-13) back in October of 2018 for a 100'x 48' attached accessory. He postponed his build and now after finding the right contractor decided on this design with the larger attached accessory.

Action Item – Conditional Use - Oversized attached garage

Motion by Mark Ferber 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.

- 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 #22-15

Owner/Applicant: Pete and Jean Stemper

Property Description: Lot 1 Stemper's 2nd Addition in the W ½ of the NW ¼ of Section 16-106-52, Lakeview Township

Parcel Number: 06123-10652-16220

Zoning Designation: "A" –Agricultural District

Request: The applicant would like to expand their current auto body repair shop.

History/Issue(s):

1. The applicant is requesting to build a mechanical repair and calibration shop. Stemper Auto Body business is located to the south of this proposed location and this will be an expansion of the repair uses he current conducts.
 - a) Requesting to build this structure detached from the current business' structures on the southern property.
2. Lake County Ordinance requires that a land owner go through the Conditional Use Process to allow for a repair shop for general vehicle and equipment.
3. General requirements for a Repair shop:
 - a) Must have a minimum of 5acres.
 - b) No abandoned vehicles may be kept on the property;
 - c) No more than 5 vehicles shall be kept outdoors at any one-time pending repair and *shall be fully screened from the road and adjacent properties;*
 - d) All motor vehicle work shall be conducted within an enclosed structure;
 - e) Vehicle repair shall not include the dismantling or wrecking of any motor or the storage of wrecked vehicles;
 - f) All fluids must be stored, disposed or recycled according to state and federal guidelines;
 - g) *Repair shops may have a maximum of three employees;*
 - h) No repair shops will be allowed within 1,000' from the property line to the nearest residence;
 - i) No traffic shall be generated in greater volumes than normally expected in a residential neighborhood;
 - j) Any off-street parking shall be provided on the property and other than located in the required front yard;
 - k) Shall not create noise, vibration, glare, fumes, odors or electrical interference detectable to the normal senses off the lot.
4. To service this business expansion, the applicant will require to employ more than three employees.
5. Currently there isn't screening from the road or adjacent properties. The property's appearance is highly important and the grounds are well maintained. This business is located within an area with limited visibility from adjacent properties. Screening is not being requested but would be entertained if the board finds this requirement necessary.
6. Applicant meets all setbacks on this lot.
 - a) This lot is a corner lot and is adjacent to public township roads (front yard) and ordinance regulates that they must have a front yard of no less than 75' from the edge of the road r-o-w easement. Structures on all corner lots shall observe two front yards.
 - b) This proposed structure meets the vision clearance on corner lots and does not obstruct the clear view triangle.
 - c) Shall not be nearer than 30' feet to any side yard lot line.
 - d) Shall not be nearer than 50' to the rear yard.
 - e) The proposed structure meets the overall height requirement of no taller than 35'.
7. Lakeview township has been contacted and does not raise any concerns of this proposed conditional use request.

Action Item – Conditional Use - Repair Shop, general vehicle and equipment

Motion by Mark Ferber to recommend approval of the conditional use request to the Board of Adjustment and adopt the findings outlines in the staff report. Second by Jody Ackerman. M/C All were ayes.

- We recognize this particular repair shop will more than 3 employees to service this business expansion.

- No screening from the road and adjacent properties is being required at this time due to the location of this business in the “A” District. He keeps the grounds well maintained and the location within the area has limited visibility from adjacent properties.
- Repair shops are allowable as a conditional use in the A- Agricultural District under certain conditions.
- 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 #22-16

*Applicant signed waiver of personal appearance.

Owner/Applicant: Lake Point Properties LLC, Micheal Verley

Property Description: Lot 5A Block 4 Lakes Community Addition in Gvt Lot 5 SW ¼ of Section 32, Wentworth Township

Parcel Number: 02004-00400-05010

Zoning Designation: “LP 1” –Lake Park-District 1 (Round Lake)

Request: The applicant would like to build multi family home.

History/Issue(s):

1. Applicant is requesting to build a fourplex dwelling on an existing lot he owns.
 - a. There are several other multi-family homes in this immediate area. This lot was subdivided in the past with the intentions for a future multi-family home request.
2. Lake County Ordinance requires that a land owner go through the Conditional Use Process to build multi-family dwellings when located in the Lake Park -1 District.
3. The lot meets the schedule of regulations for the minimum density and required square footage for this proposed fourplex home.
4. The proposed structure meets all the required setbacks for a multi-family usage.

Action Item – Conditional Use – Multi-family dwelling

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 eyes.

- Multi-family homes are allowable as a conditional use in the LP 1 – Lake Park District under certain conditions.
- There are several multi-family homes in this same area of the lake.
- This lot meets the minimum requirements for a multi-family home four plex density.
- The proposed structure meets the required minimum setbacks of the lake park district for multi-family homes.
- 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 #22-17

*Applicant signed waiver of personal appearance.

Owner/Applicant: Lewis and Clark Regional Water System, Representative: Clinton Koehn

Property Description: Madison Reservoir Addition in the S ½ of the SW ¼ of Section 12-106-52, Lakeview Township

Parcel Number: 06079-10652-12320

Zoning Designation: "A" –Agricultural District

Request: The applicant would like to build an essential public utility service structure, elevated tank and related equipment.

History/Issue(s):

1. The applicant is interested in building an elevated rural water tank for public utilities on a parcel platted back in 2016.
2. Lake County Ordinance requires that a land owner go through the Conditional Use Process to build an elevated tank service structure.
3. The proposed structure meets the minimum requirements of the "A" district as far as setbacks and overall height.

Action Item – Conditional Use – Public Utility Service Station

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 Mark Ferber. M/C All were ayes.

- Elevated tanks and related equipment for public utility service stations are allowable as a conditional use in the "A" Agricultural 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;
 - 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.

FINAL PLAT & DEVELOPMENT PLAN FOR PHASE ONE SOUTHLAKE HOLDINGS, LLC

Property Owner: Jeff Heinemeyer of Southlake Holdings LLC

Applicant: Jeff Heinemeyer

Property Description: GVT LOT 2 EXC TRACT 1 & 2 KILLARNEY ROAD ADD & GVT LOTS 3, 4, 5 NORTH AND EAST OF HWY EXC DEEDED & PLATED all in Lakeview township.

Parcel Number: 06000-10652-36410

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

Jeff appeared and presented his phase one plan for Southlake Estates off of Lake Madison for future potential residential development. Discussion took place with the board and applicant regarding drainage, existing trees and native grasses. Jeff elaborated on the existing drainage near lots 8-11. Has been speaking with the neighbor across the private road, Chuck Graff, about the drainage concerns.

Discussion was opened up to the public. Chuck Graff appeared and voiced his drainage concerns.

Motion by Aaron Johnson to recommend the approval of this final plan to the County Commission. Second by Roger Albertson. Roger, Aaron, Alan & Mark were ayes. Jody Ackerman was nay. Motion carried.

PRELIMINARY DEVELOPMENT PLAN/PLAT LEE'S ADDITION

Owner/Applicant: Albert Lee Yager, Representatives - Dan Lemme & Eric Johnson & Donna Yager

Property Description: Tract 2B & 3 B. Price Addition in the W /2 of Section 15-106-52, Lakeview Township

Zoning Description: "A" Agricultural District

Parcel Number: 06119-10652-15213 & 06119-10652-15212

Request: Preliminary Development Plan approval for single family residential use and other potential uses of the "A" District.

1. The applicant is requesting to development The Gravel Pit for future single family residential AG use. They will be reclaiming the 2 phases of the gravel pit and having it released from the conditional use that was approved for these parcels in the past.
2. Both the lot density and widths meet the Lake County requirements for the "A" District.
 - a) Our current Lake County Zoning Ordinance for the "A" allows for only 4 single family dwellings per ¼ - ¼ section of land. This development meets that requirement.
 - b) According to our Comprehensive Land Use map this area allows for lot sizes of at least 5 acre or more excluding the road easements or road r-o-w for single family residences. This land is located over the Zone B Shallow Aquifer Protection Area.
 - c) These lots may have the future potential opportunity to be annexed into the Lake Madison Sanitation District and be placed on their sanitary sewer system.
3. There are two proposed accesses to this development all of which lay along our Lake County Highway 457th Ave.
 - a) Lake County Highway Department has inspected the proposed location and do not have any concerns. The other accesses will need to be removed once the land is in the final development stages.
4. The proposed use of the lands involved are consistent with future residential goals found in the Comprehensive Plan. Does not intrude upon or mix with intensive AG, industrial or commercial uses. Incorporates private streets and general utilities development plans.

No opposition or public comments.

Motion by Roger Albertson to recommend the approval of Lee's Addition preliminary plan/plat to the County Commission. Second by Mark Ferber. M/C All were ayes.

FINAL PLAT & DEVELOPMENT PLAN FOR SMITH'S COVE

Owner/Applicant: Smith's Cove, LLC, Dan Lemme & Eric Johnson – Representatives. Along with Jesse Morris 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 appeared for the final plan of the whole development but seeking approval for Phase One of the plan. Entrances and Exits were approved by the Highway Superintendent. No opposition or public comments.

Motion by Mark Ferber to recommend the approval of this revised preliminary plan/plat to the County Commission. Second by Aaron Johnson. M/C All were ayes.

9:00 A.M. (9:26 A.M.)

Ordinance Amendment #22-80

Rezoning #22-02

Owner/Applicant: Matt & Katie Jeratowski

Property Description: Lot 2B Doerr's Addition in the SE ¼ of Section 2-106-53, Herman Township, Lake County SD.

Current Zoning Description: "C/I" Commercial/Industrial District

Request: Petition to Rezone property to "A" District.

Facts & Finding(s):

1. The applicant has petitioned to rezone the property to allow for their new single-family home to be built on this west half of the business, contractor shop & yard, property.
 - a) Residential dwellings are prohibited within the C/I District.
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 along with the contractor shop setbacks from the side yard all meet the Lake County requirements for both districts.
 - a) The lots have since been resubdivided to accommodate the required setbacks of the C/I District's structure.
4. According to the current Zoning Map, the surrounding properties are all zoned as "A" District. This request would not reflect a "spot zone". There are other immediate single-family residences adjacent to this property.
5. Applicant 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.

Discussion took place with the applicants. Entrance and Exit is already existing off the state highway. No opposition or public comments.

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

A Plat Lots 1 & 2 of Lewis Addition in the Government Lot 7 in Section 22-106-52, Lakeview Township was presented to the Planning Commission. This plat is located in the "LP-1" District. Resubdividing existing single family lots with existing homes, adding additional land into Lot 2. This plat meets Lake County Regulations and the taxes have been paid in full. Motion by Jody Ackerman to recommend the approval of this plat to the County Commission. Second by Aaron Johnson. M/C All were ayes.

A Plat of Lots 1A & 1B Elverud Addition in the NE ¼ of Section 2-108-51, Summit Township was presented to the Planning Commission. This plat is located in the "A" District. RE-Subdividing an existing farmstead of the adjacent pasture land into two conforming lots. This plat meets Lake County Regulations and the taxes have been paid in full. Motion by Mark Ferber to recommend the approval of this plat to the County Commission. Second by Aaron Johnson. M/C All were ayes.

A Plat of Tract 1 of Maher Addition in the government lot 1 in Section 30-108-51, Summit Township was presented to the Planning Commission. This plat is located in the "A" District. Subdividing the existing farmstead away from the adjacent farmland. This plat meets the 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 Roger Albertson. M/C All were ayes.

A Plat Lot 12 in Block 1 of Peterson's 2nd Addition in Outlot 3 of Government Lot 2 in the NE ¼ of Section 23-106-52, Lakeview 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. This plat meets Lake County's Regulations and the taxes have been paid in full. Motion by Jody Ackerman to recommend the approval of this plat to the County Commission. Second by Aaron Johnson. M/C All were ayes.

PUBLIC COMMENT:

None.

Motion by Mark Ferber to adjure the Planning Commission Meeting. Second by Jody Ackerman. Vice-chair Alan Schaefer adjourned the Planning Commission meeting at the hour of 9:53 AM.