

**PLANNING COMMISSION/
BOARD OF ADJUSTMENT MEETING
CITY COMMISSION ROOM
Tuesday, April 12, 2022
7:00am**

CALL TO ORDER

ROLL CALL

APPROVAL OF MINUTES: March 8, 2022, Planning Commission Minutes.

APPROVAL OF MINUTES: March 8, 2022, Board of Adjustment Minutes

APPROVAL OF AGENDA:

APPEARANCES, ACKNOWLEDGEMENTS, CORRESPONDENCE:

OLD BUSINESS (Planning Commission and Board of Adjustment): None.

NEW BUSINESS (Board of Adjustment): None

NEW BUSINESS (Planning Commission):

1. Final Plat Approval – Lots 2A and 2B of Doerr's Addition in the SE1/4 of Section 2, T106N, R53W of the 5th P.M., Lake County, South Dakota.

PUBLIC INPUT:

ADJOURNMENT:

Any person with a disability wishing to attend any board meeting who may require special arrangements may contact the Finance Office at 256-7500 and all attempts shall be made to accommodate those requests

**PLANNING COMMISSION PROCEEDINGS
CITY OF MADISON
March 8, 2022**

Chairman John Groce called the meeting to order at 7:01am.

The following members were present for roll call: Chairman John Groce, Commissioner Jim Iverson, Bob Maxwell, Roger Olson, Donna Fawbush, Jennifer Wolff, and Michael Johnson. Also present were Administrative Officials Ryan Hegg, Dan Whitlock, and City Commission Liaison Jeremiah Corbin

Motion by Commissioner Wolff to approve the February 8, 2022 Planning Commission minutes, second by Commissioner Maxwell. Motion carried unanimously.

Motion by Commissioner Johnson, second by Commissioner Olson to approve the March 8, 2022 agenda. Motion carried unanimously.

Approve additional changes to Revised Ordinance No. 1643 – Marijuana Zoning to City of Madison Board of Commissioners. Marijuana Ordinance No. 1644 to Amend Ordinance No. 1637. It allowed 2 of each type of facility. The word dispensary was changed to establishment. The change is to add Light Manufacturing and Heavy Manufacturing to allowed areas for Cannabis Facilities. All the previously set distance rules would still apply. It was recommended to allow the dispensary only in Highway Business and the testing, and cultivation facilities in either Highway Business, Light Manufacturing, and Heavy Manufacturing. It was brought up that most of the traffic would be at the dispensary. The Planning Commission approved Ordinance 1644 with leaving the dispensary in Highway Business and allowing the cultivation and testing facilities in either Highway Business, Light Manufacturing, or Heavy Manufacturing was their recommendation.

Commissioner Iverson moved to recommend approval of the Additional changes to Ordinance No. 1643 – Marijuana Zoning to the City Commission, second by Commissioner Olson. Motion carried unanimously.

Motion by Commissioner Iverson, second by Commissioner Maxwell to move into Board of Adjustment at 7:15am. Motion carried unanimously.

Motion by Commissioner Olson. second by Commissioner Wolff to move out of Board of Adjustment and into Planning Commission at 8:38am. Motion carried unanimously.

Final Plat Approval – Lots 10A, 10B, and 10C in Block 1 of Lakeview Industrial Park Addition to the City of Madison, Lake County, South Dakota. Ryan explained the Plat. Lot 10 A will contain the hotel and lots 10B, and 10C would be developed in the future. There is a 32' mutual access easement existing on the property. It is not known at this time what lots 10B, and 10C will be used for.

Motion by Commissioner Iverson to approve Lots 10A, 10B, and 10C in Block 1 of Lakeview Industrial Park Addition to the City of Madison, Lake County, South Dakota, second by Commissioner Maxwell. Motion carried unanimously.

Final Plat Approval – Tract A, Block 3 of Windsor Estates Second Addition to the City of Madison, Lake County, South Dakota. Ryan explained that the purpose of this plat is to transfer land. Kip Spier is selling to Mr. Petersen. It was brought up if there would be any concerns with the subdivision master plan. Ryan stated that they had entered into a letter of assurance agreement that will lock them into the subdivision regulations as noted on the proposed plat. It was asked if Mr. Petersen had talked to any of the adjacent property owners about the plat. No one is aware of Mr. Petersen talking with anyone yet.

Motion by Commissioner Fawbush to approve Tract A, Block 3 of Windsor Estates Second Addition to the City of Madison, Lake County, South Dakota, second by Commissioner Johnson. Motion carried unanimously.

There were no public input comments.

Motion by Commissioner Iverson, second by Commissioner Maxwell to adjourn. Motion carried unanimously.

The meeting adjourned at 8:48 am.

Dan Whitlock
Planning Commission

**BOARD OF ADJUSTMENT PROCEEDINGS
CITY OF MADISON
March 8, 2022**

The Planning Commission motioned to move into Board of adjustment at 7:15 am.

The following members were present for roll call: Chairman John Groce, Board Members Jim Iverson, Jennifer Wolff, Roger Olson, Donna Fawbush, Bob Maxwell and Michael Johnson. Also present were Administrative Officials Ryan Hegg, Dan Whitlock, and City Commission Liaison Jeremiah Corbin.

Appeal No. 658 – Faith Handegard was discussed. The clear view triangle for the property interferes with the original conditions for the slats in the existing chain link fence. The entire fence would not be able to be slatted due to the clear view triangle. Ryan passed out a photo showing approximately how much of the fence would be able to be slatted. The distance that can be slatted equals about 20 feet. Ms. Fawbush asked about any other resolution. It was mentioned that placement a shed would need a variance. It was decided to leave the condition as is. If the applicant wishes to do something different than the slats in the fence she would need to attend a future meeting with alternate ideas.

This being the time and place set for the hearing on Conditional Use Appeal Request No. 661, John Tokheim. The following people were in attendance in addition to the Board and the aforementioned individuals: Jerry & Michele Mohr, Kevin & Connie McGowan, Shane Molitor, Jarret Lee, Glen Lee, & Dallas & Chonette Schwiesow.

Mr. Hegg went through the contents of the packet for Appeal No. 661 – John Tokheim. He read through the insert for inclusion that was put together by Code Enforcement Officer Gary Zay. Items on this list need to be completed by May 1, 2022. Ryan stated that the Commission can change the list in any way. Mr. Zay stated that he has been working with Mr. Tokheim. He has already got a good start on cleaning up the area and has been allowed to stay in business. Shane Molitor asked about things that would be visible above the required fence to be installed. It was stated that it should not be allowed to be visible above the fence. Mr. Iverson asked about the fence height. It was decided to go with the original height of a 7' fence. Ms. Fawbush asked about the material to build the fence. Mr. Zay recommended to him that he use wood as it is easier to repair than vinyl etc. Ryan stated that the building permit process would approve the proper building materials for the fence. Ms. Wolff asked about any vehicles not parked in correct areas. Mr. Zay would be checking periodically for compliance of any conditions on the property. Mr. Olson asked about getting access to check parked vehicles for proper registration. It was brought up that Mr. Tokheim is still running the mechanic shop and not the towing business as of today. He is limited to 10 vehicles right now since fence has not been installed yet. Once he has the fence installed, he will be able to park more vehicles. The fence will need to be 7' tall and built with approved materials through the Building Permit process.

There were no additional opponents or proponents. Chairman Groce closed the public hearing and proceeded to the decision agenda item for appeal.

Motion by Mr. Iverson, second by Ms. Wolff to approve Appeal No. 661.

A verbal roll call vote was taken with 5 responding aye and 2 responding nay. Motion carried.

This being the time and place set for the hearing on Conditional Use Appeal Request No. 662, Valiant Living. The following people were in attendance in addition to the Board and the aforementioned individuals: Jerry & Michele Mohr, Kevin & Connie McGowan, Shane Molitor, Jarret Lee, Glen Lee, & Dallas & Chonette Schwiesow.

Mr. Hegg went through the contents of the packet for Appeal No. 662 – Valiant Living. He mentioned that proposed setbacks were all compliant. The property address is 1016 N Lincoln Avenue. Les Rowland spoke on behalf of Valiant Living. He stated that the additions would be in the front of the building and would face Lincoln Avenue. The parking was asked about and Mr. Rowland is fine with reducing the parking spaces from 6 to 4. The parking variance will be addressed with Appeal No. 664 later in today's meeting.

There were no additional opponents or proponents. Chairman Groce closed the public hearing and proceeded to the decision agenda item for appeal.

Motion by Mr. Olson, second by Ms. Fawbush to approve Appeal No. 662.

Motion carried unanimously.

This being the time and place set for the hearing on Conditional Use Appeal Request No. 664 - Valiant Living. The following people were in attendance in addition to the Board and the aforementioned individuals: Jerry & Michele Mohr, Kevin & Connie McGowan, Shane Molitor, Jarret Lee, Glen Lee, & Dallas & Chonette Schwiesow.

Mr. Hegg went through the contents of the agenda packet for Appeal No. 664 – Valiant Living. He explained that they are taking away 2 parking spaces due to the additions being added. They will be going from 6 to 4 parking spaces. It was stated that the residents there do not drive. Only the employee's drive. Mr. Rowland spoke. The building permit would any driveway work that would be needed to complete the project. Mr. Iverson asked about if Valiant Living ever sold the property if having less parking would then create an issue. Mark Stearns spoke and brought up this issue also. He asked if vehicles would have to be parked on the street. It was brought up that if the property was ever sold the new owner would need to go through the variance process to address this if there was to be an issue.

There were no additional opponents or proponents. Chairman Groce closed the public hearing and proceeded to the decision agenda item for appeal.

Motion by Mr. Iverson, second by Ms. Wolff to approve Appeal No. 664.

Motion carried unanimously.

This being the time and place set for the hearing on Conditional Use Appeal Request No. 663 - Dallas Schwiesow. The following people were in attendance in addition to the Board and the aforementioned individuals: Jerry & Michele Mohr, Kevin & Connie McGowan, Shane Molitor, Jarret Lee, Glen Lee, & Dallas & Chonette Schwiesow.

Mr. Hegg went through the contents of the agenda packet for Appeal No. 663, Dallas Schwiesow. Ryan stated that Mr. Schwiesow was planning to re-side, re-roof, replace windows, and do any other maintenance that needs to be done to make the house presentable. The house will meet all zoning requirements (R20) for the lot including setbacks, coverage, etc. Mr Schwiesow spoke. He may rent the property out short term, but the long-term plan is to sell the property. The house will be orientated on the lot to face south. It will have a full basement with drain tile installed. There will be a new attached garage constructed with alley access. The size of the house is approximately 33'x45'. The house or garage will not sit on the lot at an angle and will not encroach in any way on neighbor's properties. It was asked what the age of the house was, and Mr. Schwiesow believed it to be around the early 1960's. Mr. Schwiesow will be expected to address any drainage issues with the property. It is believed that the property slopes towards the east.

Shane Molitor spoke. He lives at 528 SE 3rd street. His concerns are if it would end up being a rental property, crowding, and drainage. He was not against the property. He just wanted to voice his concerns.

Jerry Mohr spoke. He lives at 526 SE 3rd Street. His main concerns are drainage, Lack of a yard, and having renters as neighbors. Michele Mohr spoke. She was also concerned with the drainage and having renters for neighbors. She stated that they do have some water that sits in back yard and that they do not want this new structure adding to the water problem.

Mr. Schwiesow spoke about the drainage concerns. He does not plan on forcing any water onto any of the adjoining properties and will do what is needed to accomplish this.

There were no additional opponents or proponents. Chairman Groce closed the public hearing and proceeded to the decision agenda item for appeal.

Motion by Ms. Wolff, second by Mr. Olson to approve Appeal No. 663.

Motion carried unanimously.

Motion by Mr. Olson, second by Ms. Wolff to move out of the Board of Adjustment at 8:38am

Motion carried unanimously.

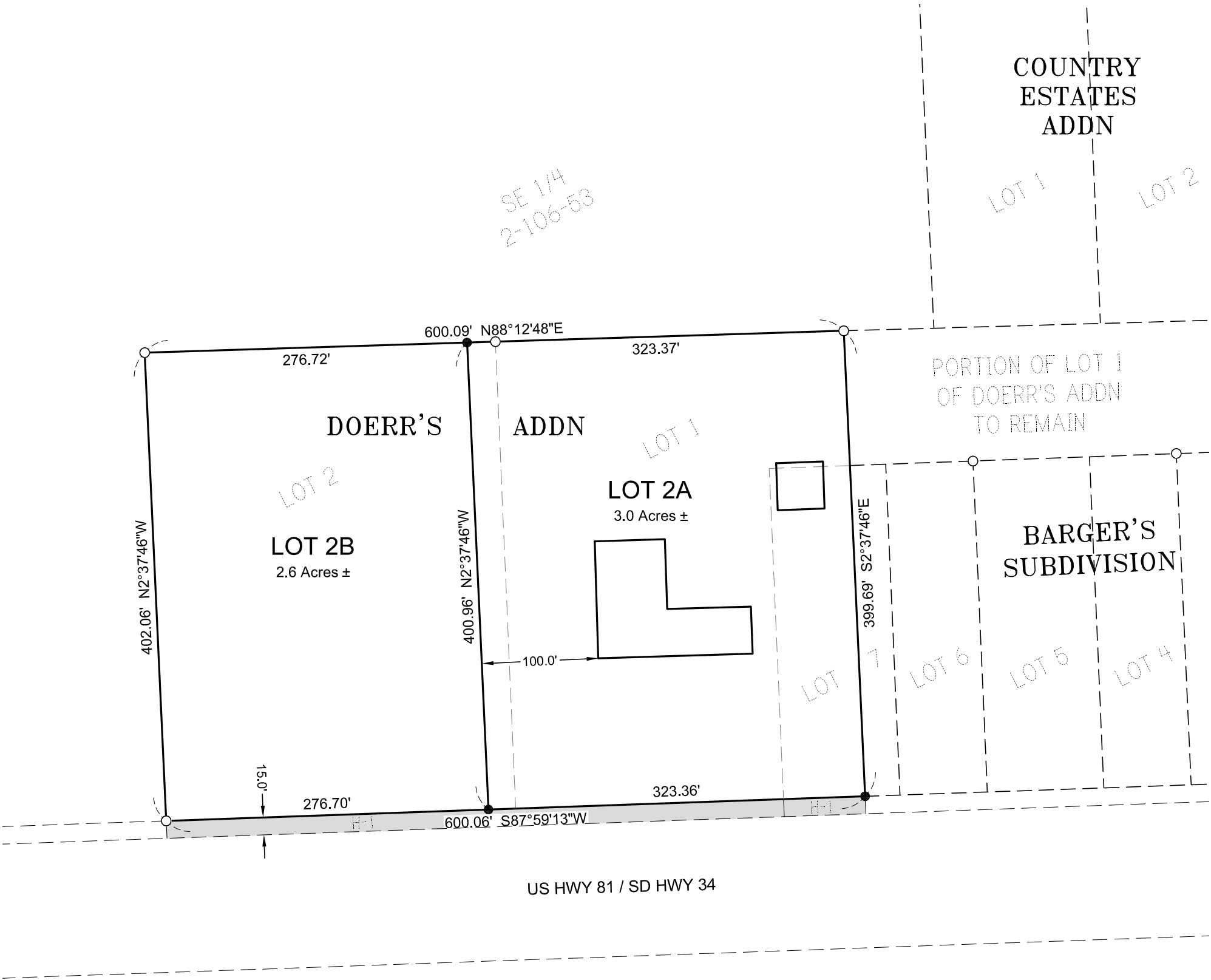
Dan Whitlock
Board of Adjustment

PLAT OF

LOTS 2A AND 2B OF DOERR'S ADDITION IN THE SE ¼ OF SECTION 2, T106N,
R53W OF THE 5TH P.M., LAKE COUNTY, SOUTH DAKOTA.

THIS PLAT TO VACATE AND REPLAT A PORTION OF LOT 1 AND ALL OF LOT 2 OF "PLAT OF DOERR'S ADDITION IN THE SE 1/4 OF SECTION 2, TOWNSHIP 106 NORTH, RANGE 53 WEST OF THE 5TH PM IN LAKE COUNTY, SOUTH DAKOTA", FILED FOR RECORD ON JULY 26TH, 1971 AT 10:45 P.M. IN PLAT BOOK 5, PAGE 15.

THIS PLAT TO VACATE AND REPLAT A PORTION OF LOT 7 OF "PLAT OF BARGER'S SUBDIVISION OF A PORTION OF THE SE 1/4, SEC. 2 - T106N - R53W, 5TH P.M. LAKE COUNTY, SOUTH DAKOTA", FILED FOR RECORD ON JUNE 4TH, 1959 AT 4:15 P.M. IN PLAT BOOK 4, PAGE 9.



February, 2022
Scale: 1" = 100'
○ Monument Recovered
● Monument Set
(5/8" x 18" Capped Rebar RLS 10400)
Bearings are Based on Assumed Datum

SURVEYOR'S CERTIFICATE

I, Andrew E. Kangas, a Registered Land Surveyor of the State of South Dakota, do hereby certify that on or before the 17th day of February, 2022 and at the request of the owner of the real property hereinafter described, surveyed and platted a portion of the SE ¼ of Section 2, Township 106 North, Range 53 West of the 5th P.M. Lake County, South Dakota, as shown on the plat, and marked upon the ground boundaries thereof in the manner shown on the plat, and that the attached plat is a true and correct representation of said survey and that the parcel of land so platted contains: "PLAT OF LOTS 2A AND 2B OF DOERR'S ADDITION IN THE SE ¼ OF SECTION 2, T106N, R53W OF THE 5TH P.M., LAKE COUNTY, SOUTH DAKOTA".

IN WITNESS WHEREOF, I have executed this Surveyor's Certificate this 17th day of February, 2022.

Prepared By:



Civil Engineers & Land Surveyors
Brookings, South Dakota
Ph. 605-696-3200



OWNER'S CERTIFICATE

I, Matt Jeratowski, Authorized Representative of Asphalt Pros Inc., owner of the tract of land shown in the foregoing plat hereby certify that I do authorize and do join in, and approve the above survey and plat, and that the development of this land shall conform to all existing applicable zoning, subdivision and erosion and sediment control regulation. Any land shown in the above plat and designated as a street, road, alley, park or public ground is hereby dedicated to public land use as such forever, but such dedication shall not be construed to be a donation of the fee of such land.

THIS PLAT TO VACATE AND REPLAT A PORTION OF LOT 1 AND ALL OF LOT 2 OF "PLAT OF DOERR'S ADDITION IN THE SE 1/4 OF SECTION 2, TOWNSHIP 106 NORTH, RANGE 53 WEST OF THE 5TH PM IN LAKE COUNTY, SOUTH DAKOTA", FILED FOR RECORD ON JULY 26TH, 1971 AT 10:45 P.M. IN PLAT BOOK 5, PAGE 15.

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The portion so platted shall hereafter be designated as "PLAT OF LOTS 2A AND 2B OF DOERR'S ADDITION IN THE SE ¼ OF SECTION 2, T106N, R53W OF THE 5TH P.M., LAKE COUNTY, SOUTH DAKOTA".

IN WITNESS WHEREOF, I have executed this Owner's Certificate this ____day of _____, 2022

Matt Jeratowski, Authorized Representative

STATE OF _____)
) SS
COUNTY OF _____)

On this _____ day of _____, 20____, before me, the undersigned Notary Public within and for the State and County aforesaid, personally appeared Matt Jeratowski, who acknowledged himself to be an Authorized Representative of Asphalt Pros Inc., and that he, as being authorized to do so, executed the foregoing instrument for the purposes therein contained, by signing the name of Asphalt Pros Inc., himself as Authorized Representative.

NOTARY PUBLIC
My commission expires: _____

LAKE COUNTY PLANNING COMMISSION

Recommend approval by the Lake County Planning Commission on the _____day of _____, 2022

CHAIRMAN, LAKE COUNTY
PLANNING COMMISSION

BOARD OF COUNTY COMMISSIONERS

It was moved by _____ and seconded by _____ and motion carried, that the plat shown hereon and described as "PLAT OF LOTS 2A AND 2B OF DOERR'S ADDITION IN THE SE ¼ OF SECTION 2, T106N, R53W OF THE 5TH P.M., LAKE COUNTY, SOUTH DAKOTA" be approved and accepted by the Lake County Board of Commissioners.

Dated this ____day of _____, 2022

CHAIRMAN, LAKE COUNTY BOARD
OF COUNTY COMMISSIONERS

CERTIFICATE OF ROAD AUTHORITY

Access to the abutting road is hereby approved. Necessary permits, if applicable, shall be submitted and approved prior to constructing an access. In accordance with SDCL 11-3-12, approval of the access shall not require the governing body to open, improve or maintain any such dedicated public or private streets, alleys, ways, commons or easements.

ROAD AUTHORITY

TITLE

CERTIFICATE OF COUNTY AUDITOR

I, Lake County Auditor, South Dakota, do hereby certify that a copy of the above plat has been filed at my office.

Dated this _____ day of _____, 2022

COUNTY AUDITOR
LAKE COUNTY, SOUTH DAKOTA

TREASURER'S CERTIFICATE

I, Treasurer of Lake County, South Dakota, do hereby certify that all taxes which are liens upon any land included in the above (and the foregoing) plats, as shown by the records in my office, have been fully paid.

Dated this _____ day of _____, 2022

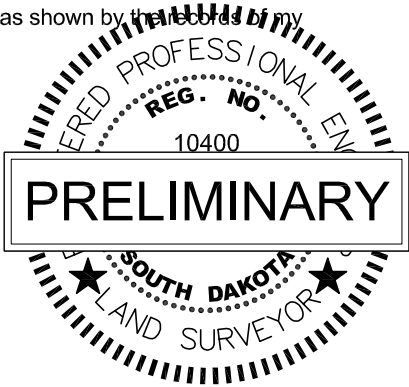
TREASURER
LAKE COUNTY, SOUTH DAKOTA

DIRECTOR OF EQUALIZATION

I, Director of Equalization of Lake County, South Dakota, do hereby certify that a copy of the above plat has been filed at my office.

Dated this _____ day of _____, 2022

DIRECTOR OF EQUALIZATION
LAKE COUNTY, SOUTH DAKOTA



CITY ENGINEER'S CERTIFICATE

I, _____, City Engineer of the City of Madison, do hereby certify that this plat has been reviewed by me or my authorized agent and that this plat is recommended for approval by the City Commission.

Dated this ____day of _____, 2022

CITY ENGINEER
MADISON, SOUTH DAKOTA

CITY PLANNING COMMISSION

Approval of the "PLAT OF LOTS 2A AND 2B OF DOERR'S ADDITION IN THE SE ¼ OF SECTION 2, T106N, R53W OF THE 5TH P.M., LAKE COUNTY, SOUTH DAKOTA" is hereby granted by the City Planning Commission on this _____day of _____, 2022

CHAIR PLANNING COMMISSION
MADISON, SOUTH DAKOTA

CITY COMMISSION

Be it Resolved by the City Commission of the City of Madison, that the plat of "LOTS 2A AND 2B OF DOERR'S ADDITION IN THE SE ¼ OF SECTION 2, T106N, R53W OF THE 5TH P.M., LAKE COUNTY, SOUTH DAKOTA" within the 3 mile jurisdiction of the City of Madison is hereby approved and that the City Finance Officer of Madison is hereby directed to endorse on such plan a copy of this resolution and certify the same thereon.

Dated this ____day of _____, 2022

MAYOR
MADISON, SOUTH DAKOTA

CITY FINANCE OFFICER

I, _____, the duly appointed, qualified and acting City Finance Officer of the City of Madison, South Dakota, hereby certify that I have compared the copy of the foregoing Resolution No. _____ with the original as contained in the minutes of the said Board of City Commissioners for the meeting of said Board held on the ____ day of _____, 2022 and that the same has not been altered, modified, or amended, on this ____ day of _____, 2022.

Dated this _____ day of _____, 2022

CITY FINANCE OFFICER
MADISON, SOUTH DAKOTA

REGISTER OF DEEDS

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF LAKE)

Filed for record this ____day of _____, 2022, at _____o'clock _____M., and recorded in Book _____, of Plats on page _____.

REGISTER OF DEEDS
LAKE COUNTY, SOUTH DAKOTA



Prepared By:



Civil Engineers & Land Surveyors
Brookings, South Dakota
Ph. 605-696-3200