

**PLANNING COMMISSION/
BOARD OF ADJUSTMENT MEETING
CITY COMMISSION ROOM
Tuesday, August 13, 2024
7:00am**

CALL TO ORDER

ROLL CALL

APPROVAL OF MINUTES: July 9, 2024, Planning Commission Minutes.

APPROVAL OF MINUTES: July 9, 2024, 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. Hearing on Appeal No. 718, Schultz Family LLC, requesting a change of Zoning that, if granted, will change the Zoning District from Single Family Residence (R-90) to Highway Business (HB). The property is legally described as Lots 1 and 2 of Schultz's Second Addition in the NE ¼ of Section 18, Township 106 North, Range 52 West of the 5th P.M., Lake County, South Dakota.
2. Decision on Appeal No. 718, Schultz Family LLC
3. Approve Plat of Tract A1, Block 3 of Windsor Estates Second Addition to the City of Madison, Lake County South Dakota.
4. Approve Plat of Lots 10A, 10B, 10C and 10D in Block 1 of Lakeview Industrial Park Addition to the City of Madison, 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
July 9, 2024
7:00 am

Chairman John Groce called the meeting to order at 7:02am. The following members were present for roll call: Jim Iverson, Bob Maxwell, John Groce, Donna Fawbush, Roger Olson and alternate Kerry Barlow. Also present was Administrative Official Ryan Hegg. Jennifer Hasleton, Chad Van Den Hemel, Gary Zay, Luke Jessen, Eric Kunzweiler and Mike Anderson were also in attendance.

Motion by Commissioner Maxwell to approve the June 11, 2024, Planning Commission Minutes. Seconded by Commissioner Fawbush. Motion carried unanimously.

Motion by Commissioner Olson to approve the June 11, 2024, Board of Adjustment Minutes. Seconded by Commissioner Iverson. Motion carried unanimously.

Motion by Commissioner Fawbush to approve the July 9, 2024 agenda. Seconded by Commissioner Olson. Motion carried unanimously.

Old Business: None

Motion by Commissioner Maxwell, seconded by Commissioner Barlow to move into Board of Adjustment at 7:05 am. Motion carried unanimously.

Motion by Commissioner Iverson, seconded by Commissioner Olson to move out of Board of Adjustment and into Planning Commission at 7:44 am. Motion carried unanimously.

New Business: None

Public Comment: None

Commissioner Iverson motioned to adjourn. Second by Commissioner Olson. Motion carried unanimously. Meeting adjourned at 7:49 am.

Dan Whitlock
Planning Commission

BOARD OF ADJUSTMENT PROCEEDINGS
CITY OF MADISON
July 9, 2024

The Planning Commission motioned to move into Board of adjustment at 7:05 am.

The following members were present for roll call: Chairman John Groce, Board Members Jim Iverson, Donna Fawbush, Bob Maxwell, Roger Olson and Alternate Kerry Barlow. Absent was Jennifer Wolff and Jacob DeBoer. Also present was Administrative Officials Ryan Hegg. The following people were in attendance in addition to the Board and the aforementioned individuals, Jennifer Hasleton, Chad Van Den Hemel, Gary Zay, Luke Jessen, Eric Kunzweiler and Mike Anderson.

This being the time and place set for the hearing on variance Appeal Request No. 717 – by Inter-Lakes Community Action Partnership. Mr. Hegg went through the contents of the packet for Appeal No. 717. The applicant is requesting a variance that would permit the applicant to deviate from the on-site parking requirements, and allow 28 units in the Central Business District in lieu of the allowed 24 units at 122 SW 1st Street. Luke Jessen with Lloyd explains the reasoning behind the 28 unit request and the need for the commercial kitchen to serve the meals on wheels service.

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. Fawbush, second by Mr. Barlow to approve Appeal No. 717. Motion carried unanimously.

Motion by Mr. Iverson, second by Mr. Olson to move out of the Board of Adjustment at 7:44 am. Motion carried unanimously.

Dan Whitlock
Board of Adjustment

Robblet457

CITY OF MADISON
PETITION FOR A CHANGE IN ZONING CLASSIFICATION

10/29/09

APPEAL NUMBER 718

APPLICANT (PRINT): Kwik Trip PHONE: 608-793-5954 (Steven Lowe)

ADDRESS: 1813 Kramer St., Lacrosse, WI 54602

OWNER (PRINT): The Schultz Family, LLC & Red Horse Seed Production, INC PHONE: 605-270-2600
IF DIFFERENT THAN APPLICANT

ADDRESS: PO Box 466, Madison, SD 57042

I/WE, THE UNDERSIGNED, DO HEREBY PETITION THE CITY COMMISSION OF THE CITY OF MADISON, SOUTH DAKOTA, TO ISSUE A CHANGE IN ZONING CLASSIFICATION FOR THE PROPERTY DESCRIBED AS:

LEGAL DESCRIPTION (Please print or type)

Lots 1 and 2 of Schultz's Second Addition in the NE 1/4 of Section 18, Township 106 North, Range 52 West of the 5th P.M., Lake County, South Dakota

GENERAL AREA OR STREET ADDRESS: The Southwest Corner of Washington Ave. and SW 10th St.

EXISTING LAND USE: Agriculture/Park It Market EXISTING ZONING: R-90 Single Family Residential

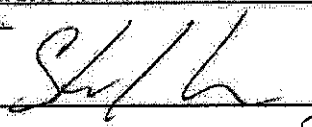
SIZE OF PARCEL (Lot 1): ACRES / SQFT 2.48 ac LOT DIMENSIONS: WIDTH: 199.74'-199.89' DEPTH: 540.71'-540.81'
SIZE OF PARCEL (Lot 2): ACRES / SQFT 4.76 ac LOT DIMENSIONS: WIDTH: 384.81'-369.01' DEPTH: 543.34'-540.81'

SURROUNDING LAND USE/ZONING
NORTH: Park and commercial/car lot
SOUTH: Agriculture and commercial
EAST: Commercial/office buildings
WEST: Commercial/floral shop and residential acreage

-PLEASE DESCRIBE WHAT YOU PROPOSE TO DO AND WHY YOU ARE SEEKING A CHANGE IN ZONING CLASSIFICATION INCLUDING DISCUSSION ON WHAT CHANGE OR CHANGING CONDITIONS MAKE THE PASSAGE OF THIS AMENDMENT NECESSARY (attach a separate sheet of paper if necessary)

A plat of the property was recently approved by both Lake County on June 6th, 2024 and the City of Madison on May 20th, 2024. Following the approval of the plat, the property was annexed into the City of Madison on July 1st, 2024. The platting and annexation were pursued in order to allow the applicant to construct a Kwik Star convenience store, fueling station and car wash on Lot 2.

The property was historically zoned in Lake County as "A" (Agriculture) and "CC" (Commercial). Upon annexation into the City of Madison, the property was automatically designated as "R-90" Single Family Residential. The applicant and owner requests that Lots 1 and 2 be rezoned to "HB" Highway Business District so to allow for the commercial development for both lots.

SIGNATURE OF APPLICANT  7/22/2024

SIGNATURE OF OWNER (IF DIFFERENT THAN APPLICANT) Tony Schultz, Manager, Kwik Trip, President

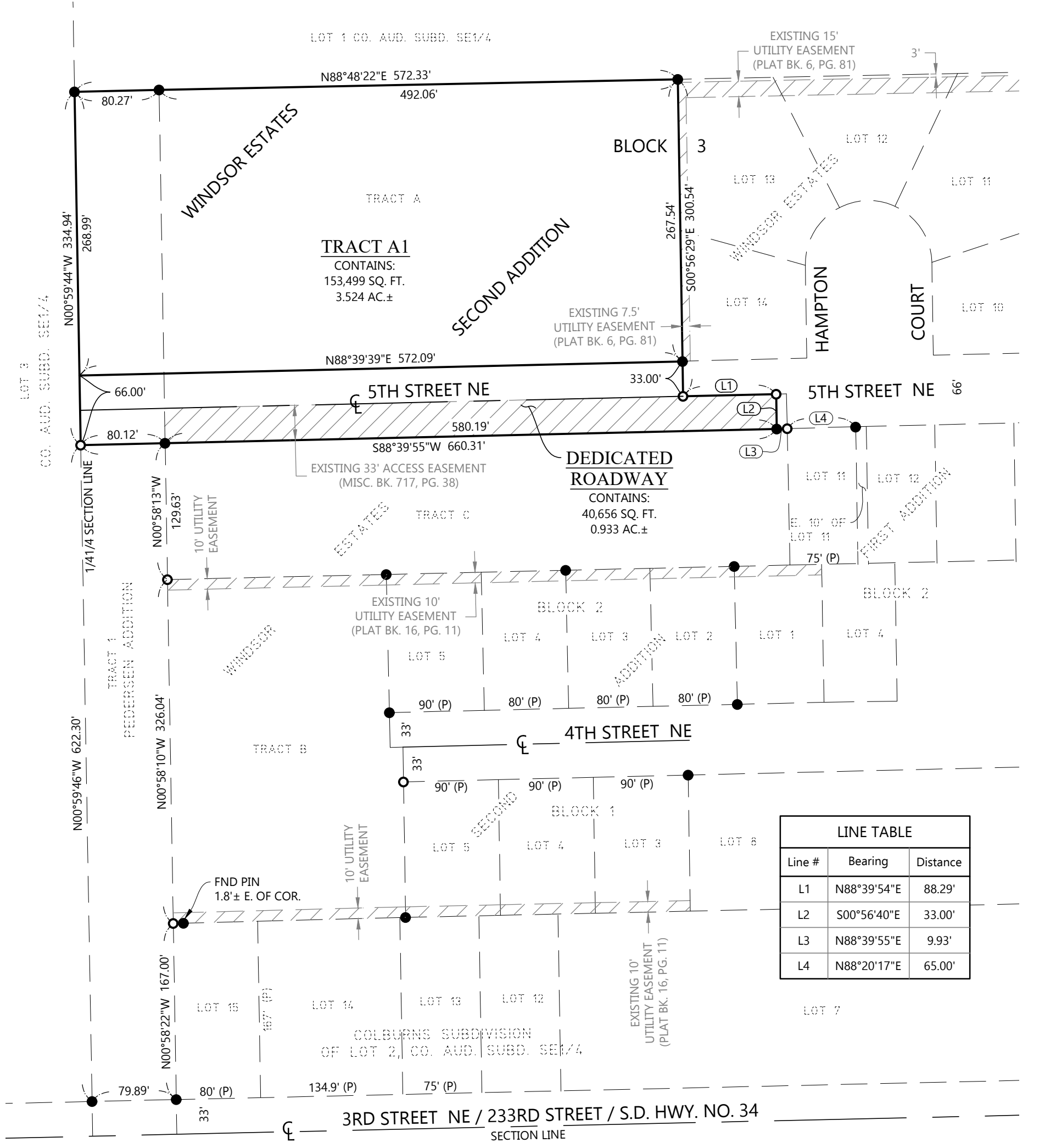
NOTE: A SKETCH OF PROPOSED PROPERTY SHALL ACCOMPANY THIS APPLICATION, SHOWING THE FOLLOWING:

3. NORTH DIRECTION
2. DIMENSIONS OF PROPOSED STRUCTURE
3. STREET NAMES
4. OTHER INFORMATION AS MAY BE REQUESTED
5. LOCATION OF PROPOSED STRUCTURE ON LOT
6. DIMENSIONS OF FRONT AND SIDE SET BACKS
7. LOCATION OF ADJACENT EXISTING BUILDINGS

FOR OFFICIAL USE ONLY

DATE FILED WITH ADMINISTRATIVE OFFICIAL: _____
FEE PAID (NON-REFUNDABLE): _____ YES _____ NO
DATE OF HEARING: _____
ACTION BY BOARD OF ADJUSTMENT: _____

PLAT OF
TRACT A1, BLOCK 3 OF WINDSOR ESTATES SECOND ADDITION
TO THE CITY OF MADISON, LAKE COUNTY, SOUTH DAKOTA

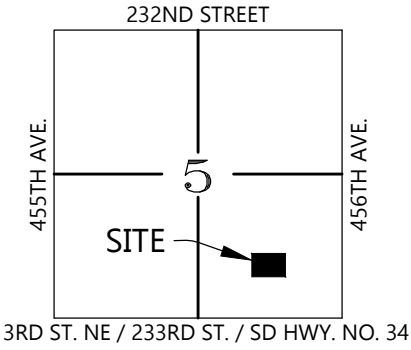


LINE TABLE		
Line #	Bearing	Distance
L1	N88°39'54"E	88.29'
L2	S00°56'40"E	33.00'
L3	N88°39'55"E	9.93'
L4	N88°20'17"E	65.00'



Notes:
The bearing system for this plat is based on the UTM Zone 14 North.

This plat was prepared without the benefit of a title commitment.

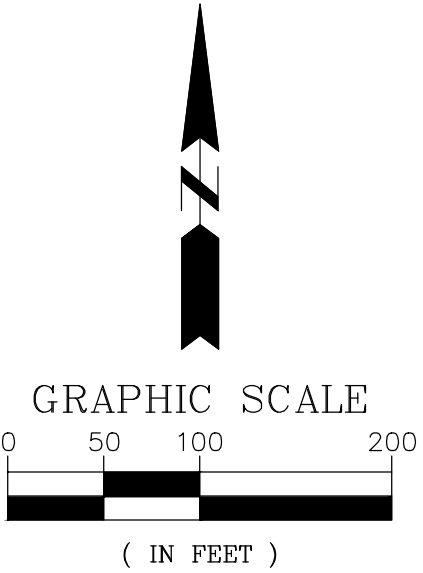


VICINITY MAP
SECTION 5-106-52

Total Area Surveyed:
4.458 Acres±

Legend

- - Denotes 5/8 inch by 18 inch rebar set and marked by License No. 4478
- - Denotes found monument
- (P) - Platted distance



PLAT OF
TRACT A1, BLOCK 3 OF WINDSOR ESTATES SECOND ADDITION
TO THE CITY OF MADISON, LAKE COUNTY, SOUTH DAKOTA

SURVEYOR'S CERTIFICATE

I, Eugene F. Maurice, a Registered Land Surveyor of the State of South Dakota, do hereby certify that I did on or before June 12, 2024, survey and replat Tract A, Block 3 of Windsor Estates Second Addition and replat a part of Tract 1 of Pedersen Addition, all to the City of Madison, Lake County, South Dakota, into a tract & dedicated roadway as shown. The same shall hereafter be known and described as **Tract A1, Block 3 of Windsor Estates Second Addition to the City of Madison, Lake County, South Dakota.**

I further certify that to the best of my knowledge the plat correctly represents the same, is true and correct and that it was made under my direct supervision.

Dated this ____ day of _____, 20____.

SD Registered Land Surveyor No. 4478



OWNER'S CERTIFICATE OF COMPLIANCE

We, Steven P. Pedersen and Embrace Madison, do hereby certify that we are the sole, absolute, and unqualified owners of all land included in the above plat and that said plat has been made at our request and in accordance with our instructions for the purpose of transfer, and that the development of this land shall conform to all existing applicable zoning, subdivision and erosion and sediment control regulations as well as all water pollution prevention control rules, codes and laws. This parcel of land is free from any encumbrances.

We hereby dedicate to the public for public use forever the streets, roads and alleys, parks and public grounds, if any, as shown on said plat, including all sewers, culverts, bridges, water distribution lines, sidewalks and other improvements on or under the streets, alleys, parks and public grounds whether such improvements are shown or not. We also hereby grant easements to run with the land for water, drainage, sewer, gas, electric, telephone or other public utility lines or services under, on or over those strips of land designated hereon as easements.

On our behalf as the owners and also binding on behalf of future successors and assigns, we hereby waive any rights of protest to any special assessment program which may be initiated by the City for the purpose of installation of improvements required by the Subdivision Ordinance of the City of Madison.

We do hereby certify that this replat will not place any existing lot or building in violation of any applicable ordinance, code, regulation, or law including but not limited to zoning, building, subdivision, and flood prevention.

We further certify that this platting of said described Tract A1, Block 3 of Windsor Estates Second Addition to the City of Madison, Lake County, South Dakota, does hereby vacate the following plattings: Tract A, Block 3 of Windsor Estates Second Addition to the City of Madison, Lake County, South Dakota, said plat on file at the Register of Deeds office in Book 20 of Plats, page 52; and also vacates that part of Tract 1 of Pedersen Addition to the City of Madison, Lake County, South Dakota, said plat on file at the Register of Deeds office in Book 20 of Plats, page 72. Said plats, hereby vacated, are situated within the plat of Tract A1, Block 3 of Windsor Estates Second Addition to the City of Madison, Lake County, South Dakota, as surveyed.

We do hereby acknowledge that this platting is being proposed for transfer purposes only and that prior to development of any parcels of this land or the issuance of any permit for the erection of any structure on any of the parcels of this land, the Owner shall accomplish the following as described in the City of Madison Subdivision Regulations - apply for and secure approval of a preliminary plat, particularly including but not limited to, development of a single drainage plan and detention pond(s) for all the land or parcels described in this plat, regardless of individual parcel size(s). These requirements shall be applicable and binding on our heirs, successors, and assigns, even if there are multiple owners of the land or parcels described herein. It is understood that the provision of this paragraph shall not apply or be binding as to any or all portions of the platted property which may be hereafter sold, transferred or otherwise acquired by the State of South Dakota, or any institution or agency under its jurisdiction; however, any of said property shall be subject to any municipal powers specifically granted in South Dakota Codified Laws 11-4, or any other applicable chapters.

Dated this ____ day of _____, 20____.

Owner:
(Tract 1, Pedersen Addition)

Steven P. Pedersen

Owner: Embrace Madison
(Tract A, Block 3, Windsor Estates Second Addition)

By: _____

Title: _____

STATE OF SOUTH DAKOTA) §
COUNTY OF _____)

On this ____ day of _____, 20____, before me, the undersigned officer, appeared Steven P. Pedersen, known to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same for the purposes therein contained.

In witness thereof, I have hereunto set my hand and official seal.

My commission expires: _____

Notary Public, _____ County, South Dakota

STATE OF SOUTH DAKOTA) §
COUNTY OF _____)

On this ____ day of _____, 20____, before me, the undersigned officer, personally appeared _____, who acknowledged ____self to be the _____ of Embrace Madison, and that _he as such _____ being authorized so to do, executed the foregoing instrument for the purposes therein contained by signing the name of the church by ____self as _____.

In witness thereof, I have hereunto set my hand and official seal.

My commission expires: _____

Notary Public, State of 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.

Signed on this ____ day of _____, 20____.

City Engineer, Madison, South Dakota

PLANNING COMMISSION CERTIFICATE

Approval of the plat of Tract A1, Block 3 of Windsor Estates Second Addition to the City of Madison, Lake County, South Dakota, is hereby granted by the City Planning Commission on this ____ day of _____, 20____.

Chair, City Planning Commission

CITY COMMISSION APPROVAL

Resolution Number _____

Be it resolved by the City Commission of the City of Madison, that the plat of Tract A1, Block 3 of Windsor Estates Second Addition to the City of Madison, Lake County, South Dakota, is hereby approved and that the City Finance Officer of the City of Madison is hereby directed to endorse on such plan a copy of this resolution and certify the same thereon.

Adopted this ____ day of _____, 20____.

Mayor, City of Madison

Attest: _____
City Finance Officer

CITY FINANCE OFFICER'S CERTIFICATE

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 _____, 20____, and that the foregoing is a true and correct copy of said resolution and that the same has not been altered, modified, or amended, on this ____ day of _____, 20____.

City Finance Officer, Madison, South Dakota

COUNTY 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 record of my office, have been fully paid.

Dated this ____ day of _____, 20____.

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.

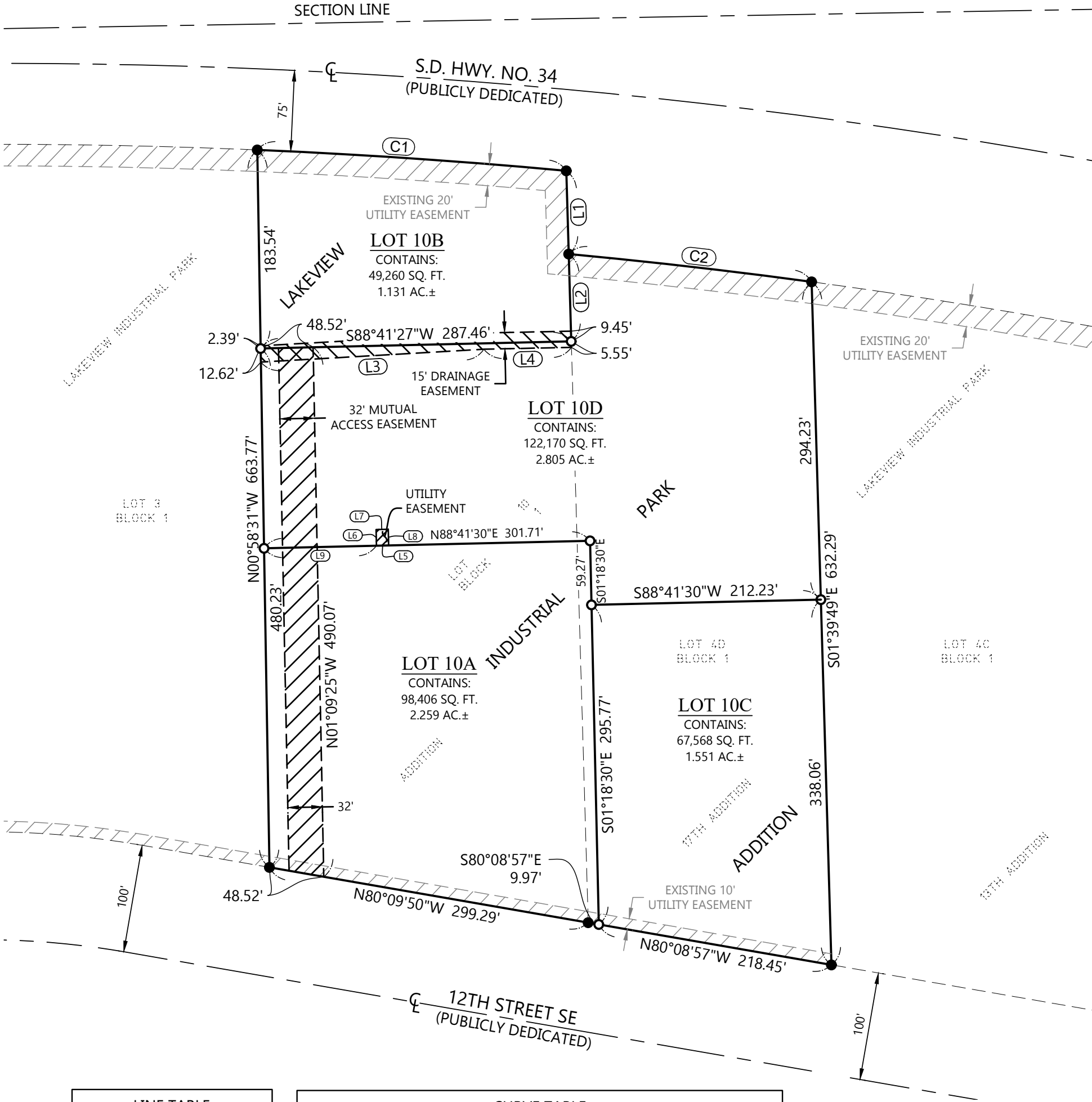
Director of Equalization, Lake County, South Dakota

REGISTER OF DEEDS

Filed for record this ____ day of _____, 20____, at ____ o'clock, ____m., and recorded in Book ____ of Plats on Page ____.

Register of Deeds, Lake County, South Dakota

PLAT OF
LOTS 10A, 10B, 10C AND 10D IN BLOCK 1 OF
LAKEVIEW INDUSTRIAL PARK ADDITION
TO THE CITY OF MADISON, LAKE COUNTY, SOUTH DAKOTA

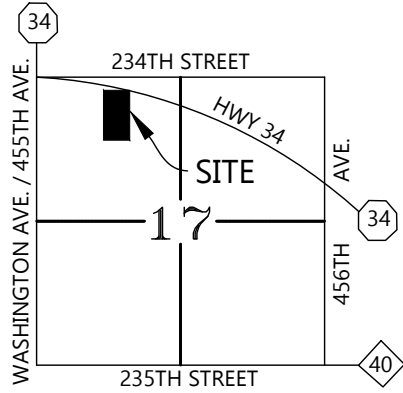
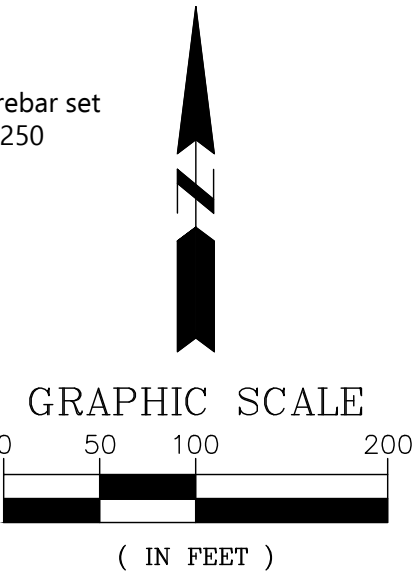
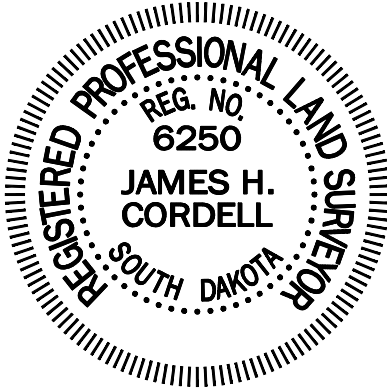


LINE TABLE		
Line #	Bearing	Distance
L1	S01°40'09"E	77.02'
L2	S01°40'09"E	80.86'
L3	S86°41'45"W	206.64'
L4	S88°46'42"W	81.06'
L5	S88°41'30"W	11.30'
L6	N01°18'30"W	15.00'
L7	N88°41'30"E	11.30'
L8	S01°18'30"E	15.00'
L9	S88°41'30"W	103.98'

CURVE TABLE						
Curve #	Delta	Radius	Tangent	Length (L)	Length (C)	Chord Direction
C1	2°51'35"	5741.99'	143.33'	286.60'	286.57'	S86°07'28"E
C2	2°19'05"	5591.52'	113.12'	226.21'	226.20'	S83°28'05"E

Legend

- - Denotes 5/8 inch by 18 inch rebar set and marked by License No. 6250
- - Denotes found monument



VICINITY MAP
SECTION 17-106-52

Total Area Surveyed:
7.746 Acres±

Notes:
The bearing system for this plat is based on the UTM Zone 14 North.

This plat was prepared without the benefit of a title commitment.

PLAT OF
LOTS 10A, 10B, 10C AND 10D IN BLOCK 1 OF
LAKEVIEW INDUSTRIAL PARK ADDITION
TO THE CITY OF MADISON, LAKE COUNTY, SOUTH DAKOTA

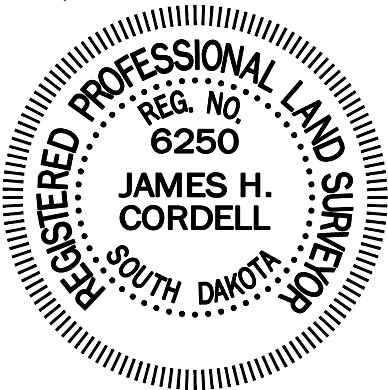
SURVEYOR'S CERTIFICATE

I, James H. Cordell, a Registered Land Surveyor of the State of South Dakota, do hereby certify that I did on or before May 21, 2024, survey and replat Lot 10, Block 1 of Lakeview Industrial Park Addition to the City of Madison, Lake County, South Dakota, and Lot 4D, Block 1 of Lakeview Industrial Park 17th Addition to the City of Madison, Lake County, South Dakota, into lots and a block as shown. The same shall hereafter be known and described as **Lots 10A, 10B, 10C and 10D in Block 1 of Lakeview Industrial Park Addition to the City of Madison, Lake County, South Dakota.**

I further certify that to the best of my knowledge the plat correctly represents the same, is true and correct and that it was made under my direct supervision.

Dated this ____ day of _____, 20____.

SD Registered Land Surveyor No. 6250



OWNER'S CERTIFICATE OF COMPLIANCE

We, Madison Hospitality Group, LLC, do hereby certify that we are the sole, absolute, and unqualified owner of all land included in the above plat and that said plat has been made at our request and in accordance with our instructions for the purpose of transfer, and that the development of this land shall conform to all existing applicable zoning, subdivision and erosion and sediment control regulations as well as all water pollution prevention control rules, codes and laws. This parcel of land is free from any encumbrances.

We hereby dedicate to the public for public use forever the streets, roads and alleys, parks and public grounds, if any, as shown on said plat, including all sewers, culverts, bridges, water distribution lines, sidewalks and other improvements on or under the streets, alleys, parks and public grounds whether such improvements are shown or not. We also hereby grant easements to run with the land for water, drainage, sewer, gas, electric, telephone or other public utility lines or services under, on or over those strips of land designated hereon as easements.

On our behalf as the owners and also binding on behalf of future successors and assigns, we hereby waive any rights of protest to any special assessment program which may be initiated by the City for the purpose of installation of improvements required by the Subdivision Ordinance of the City of Madison.

We do hereby certify that this replat will not place any existing lot or building in violation of any applicable ordinance, code, regulation, or law including but not limited to zoning, building, subdivision, and flood prevention.

We further certify that this platting of said described Lots 10A, 10B, 10C and 10D in Block 1 of Lakeview Industrial Park Addition to the City of Madison, Lake County, South Dakota, does hereby vacate the following plattings: Lot 10, Block 1 of Lakeview Industrial Park Addition to the City of Madison, Lake County, South Dakota, said plat on file at the Register of Deeds office in Book 16 of Plats, page 92; and also vacates Lot 4D, Block 1 of Lakeview Industrial Park 17th Addition to the City of Madison, Lake County, South Dakota, said plat on file at the Register of Deeds office in Book 18 of Plats, page 12. Said plats, hereby vacated, are situated within Lots 10A, 10B, 10C and 10D in Block 1 of Lakeview Industrial Park Addition to the City of Madison, Lake County, South Dakota, as surveyed.

Dated this ____ day of _____, 20____.

Owner: Madison Hospitality Group, LLC

By: _____

Title: _____

STATE OF SOUTH DAKOTA)
§
COUNTY OF _____)

On this ____ day of _____, 20____, before me, the undersigned officer, personally appeared _____, who acknowledged ____self to be the _____ of Madison Hospitality Group, LLC, and that ____he as such _____ being authorized so to do, executed the foregoing instrument for the purposes therein contained by signing the name of the corporation by ____self as _____.

In witness thereof, I have hereunto set my hand and official seal.

My commission expires: _____

Notary Public, State of 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.

Signed on this ____ day of _____, 20____.

City Engineer, Madison, South Dakota

PLANNING COMMISSION CERTIFICATE

Approval of the plat of Lots 10A, 10B, 10C and 10D in Block 1 of Lakeview Industrial Park Addition to the City of Madison, Lake County, South Dakota, is hereby granted by the City Planning Commission on this ____ day of _____, 20____.

Chair, City Planning Commission

CITY COMMISSION APPROVAL

Resolution Number _____

Be it resolved by the City Commission of the City of Madison, that the plat of Lots 10A, 10B, 10C and 10D in Block 1 of Lakeview Industrial Park Addition to the City of Madison, Lake County, South Dakota, is hereby approved and that the City Finance Officer of the City of Madison is hereby directed to endorse on such plan a copy of this resolution and certify the same thereon.

Adopted this ____ day of _____, 20____.

Mayor, City of Madison

Attest: _____
City Finance Officer

CITY FINANCE OFFICER'S CERTIFICATE

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 _____, 20____, and that the foregoing is a true and correct copy of said resolution and that the same has not been altered, modified, or amended, on this ____ day of _____, 20____.

City Finance Officer, Madison, South Dakota

COUNTY 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 record of my office, have been fully paid.

Dated this ____ day of _____, 20____.

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.

Director of Equalization, Lake County, South Dakota

REGISTER OF DEEDS

Filed for record this ____ day of _____, 20____, at ____ o'clock, ____m., and recorded in Book ____ of Plats on Page ____.

Register of Deeds, Lake County, South Dakota