

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, Dan Hansen, Aaron Johnson, Roger Albertson, Jody Ackerman, Adam Leighton and Official Mandi Anderson were all present.

**AGENDA/ADDITIONS:**

None.

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

**MINUTES:**

Motion by Dan Hanse to approve January 11th minutes sent to them by mail. Second by Jody Ackerman. M/C All were ayes.

**OLD/UNFINISHED BUSINESS:**

None.

**NEW BUSINESS:**

Disclosure of Conflicts of Interest; Relationship(s) to Applicant; or Ex Parte Communication:

- Commissioners Adam Leighton, Jody Ackerman, Aaron Johnson & Alan Schaefer all recuse themselves from application #23-01 for conflict of interest reasons.

**CONDITIONAL USE #23-02**

**Owner/Applicant:** Smith's Cove LLC Eric Johnson & Nicole Bruce - Contacts

**Property Description:** Lot 1 Block 2 of Smith's Cove Addition in the NE ¼ of Section 6-105-51, Chester Township

**Parcel Number:** 01000-10551-06115

**Zoning Designation:** "LP 3" – Lake Park-District 3 (Lake Madison)

**Request:** The applicant would like to build oversized commercial storage facilities with greater dimensions.

**History/Issue(s):**

1. Applicant is requesting to build multiple oversized commercial storage buildings. Proposed containing both 14,400 sq/ft (seven - 40' x 360' x 14') facilities and 12,000 sq/ft (two - 40' x 300' x 16') facilities.
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 AG to Lake Park District-3 in 2022 (Ordinance Amendment #22-79).
5. Motion by Dan Hansen to recommend approval of the applicant's conditional use permit to the Board of Adjustment and adopt the findings outlines in the staff report. Second by Roger Albertson. All were ayes.

The planning commission recommends 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.

Proponent: none

Opponent: Bill & Rene Brunner- setback and fencing questions

**CONDITIONAL USE #23-03**

**Owner/Applicant:** Smith’s Cove LLC

Eric Johnson & Nicole Bruce - Contacts

**Property Description:** Lot 24 Block 6 of Smith’s Cove Addition in the NE ¼ of Section 6-105-51, Chester Township

**Parcel Number:** 01000-10551-06115

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

**Request:** The applicant would like to build oversized commercial storage facilities with greater dimensions.

**History/Issue(s):**

1. Applicant is requesting to build multiple oversized commercial storage buildings. Proposed containing both 5,400 sq/ft (two - 20’ x 270’ x 10’) facilities and 5,200 sq/ft (one - 20’ x 260’ x 10’) facilities. As well as 3,400 sq/ft (six - 20’ x 170’ x 10’) facilities and 1,800 sq/ft (two – 20’ x 90’ x 10’).
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 AG to Lake Park District-3 in 2022 (Ordinance Amendment #22-79).
5. Motion by Adam Leighton to recommend approval of the applicant’s conditional use permit to the Board of Adjustment and adopt the findings outlines in the staff report. Second by Alan Schaefer. All were ayes.

The planning commission recommends 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.

Proponent: none

Opponent: Bill & Rene Brunner- setback and fencing questions

Commission appointed Commissioner Dan Hansen to sit as the temporary Chair member for CU application #23-01.

**CONDITIONAL USE #23-01**

**Owner/Applicant:** Dakota Ethanol (landowner) & SCS Carbon Removal LLC along with Jon Lietzke- representative for TurnKey

**Property Description:** W ½ of the NE ¼ Excluding the Rly & Plat of Lot H-1 & Water Tower Addition in Section 21-106-51, Wentworth Township

**Parcel Number:** 02000-10651-21120

**Zoning Designation:** "A" –Agricultural District

**Request:** The applicant is requesting to build utility and service structures specifically to capture CO2 emissions from the Ethanol Plant.

**History/Issue(s):**

1. The applicant is interested in adding equipment to the Ethanol Plant site to capture CO2 emissions. This request includes installing above ground equipment and structures related to the capture of the ethanol plant fermentation process CO2 emissions.
  - a. Site to include CO2 capture and compression equipment, a compressor building, pump building and modular control building.
2. Lake County Ordinance requires that a land owner go through the Conditional Use Process to build an above ground utility structure.
3. The proposed structure meets the minimum requirements of the "A" district as far as setbacks and overall height.
4. Motion by Dan Hansen to recommend approval of the applicant's conditional use permit to the Board of Adjustment and adopt the findings outlines in the staff report. Second by Roger Albertson. All were ayes.

The planning commission recommends the following findings:

- Conditioned upon approval of the PUC application.
- Equipment and other related structures for utility services 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.

Proponent: none

Opponent: Wendy & Rick Schulz, Daryl Rippentrop, Rita Brown, Linda Rippentrop, Betty Strom, Lori Basler, Tim Basler, Charlie Johnson, Aaron Johnson & Michael Shum. Comments regarding the safety concern for the general public and water/power consumption, waste disposal. Postpone or deny approval until the permit with the PUC has been approved with the state and with landowners. Comprehensive Land Use Plan and Emergency Plan.

Jon Lietzke responded to comments about only the above ground equipment. That the structures and equipment would only be installed if and when approved by the state.

**PUBLIC COMMENT:**

Charlie Johnson comments about updating our current ordinance in regards to the pipeline.

Betty Strom comments about CU #23-01 approval process.

**PLATS:**

**A Plat of Lots 2A & 3A, Rath's Addition** in the SE ¼ of Section 11-105-52 of Franklin Township was presented to the Planning Commission. This plat is located in the "A" District. Resubdividing the existing farmstead away from the adjacent farmland. Meets Lake County Regulations and the taxes have been paid in full. Motion by Alan Schaefer to recommend the approval of this plat to the County Commission. Second by Adam Leighton. M/C All were ayes.

**A Plat of Tract 3 of Fischer's Place Addition** in the SE ¼ of the NE ¼ the SW ¼ of the SE ¼ and government lots 1, 2 & 3 all in Section 24-106-52 in Lakeview Township was presented to the Planning Commission. This plat is located in the "LP-2" District. Consolidating all LP-2 area into one large lot for legal description purposes, no land use change. Plat meets Lake County Regulations but the use of

the land does not and the taxes have been paid in full. Motion by Dan Hansen to recommend the approval of this plat and recognize the non-conforming use of the land to the County Commission. Second by Adam Leighton. M/C All were ayes.

**A Plat Lots 4A, 5A, 6A, 7A, 20A, 21A, 22A & 23A in Block 6 of Smith's Cove Addition** in the NE ¼ of Section 6-105-51 in Chester Township was presented to the Planning Commission. This plat is located in the "LP-1" District. Resubdividing some existing residential lots. Meets Lake County Regulations and the taxes have been paid in full. Motion by Adam Leighton to recommend the approval of this plat to the County Commission. Second by Roger Albertson. M/C All were ayes.

Motion by Jody Ackerman to adjure the Planning Commission Meeting. Second by Alan Schaefer. Chair Aaron Johnson adjourned the Planning Commission meeting at the hour of 10:07 AM.