

INFORMATION PAPER



November 29, 2023
Planning, Building and Development Department
Eric Waggoner, Director

SUBJ: Wanish Park Planned Unit Development - Warren Township Request to extend Subdivision Development Agreement

Summary:

Wanish, LLC, through their attorney, Mark Eiden (see attached letter), has submitted a written request to extend the existing development agreement for the Wanish Park Planned Unit Development (PUD) until December 31, 2025. The proposed extension would preserve the general development rights of Wanish, LLC under the terms and conditions of the approved development plan (with the exception of engineering/stormwater management and natural resource protection standards), while allowing continuation to market the property for sale. Since the last extension was approved, Wanish has hired a new agent to market the property. The new agent has introduced the project to a motivated developer who builds the same type of product approved for the Wanish development. The potential buyer is currently in the process of having a full market study prepared and is working with Wanish's site engineer to fit their product on the site in accordance with original approvals.

Background:

The Planning, Building and Zoning Committee approved the Final Plat for the Wanish Park PUD in April 2008 and accepted performance assurances to ensure the completion of subdivision improvements. However, following the downturn in the economy, it became apparent to Wanish, LLC [the developer] that completing the subdivision improvements was not fiscally possible until market conditions improved. In an effort to maintain the viability of the subdivision and to enable the County to release the assurances, an agreement was implemented between Wanish, LLC and Lake County. The agreement temporarily suspended the Planning, Building and Zoning Committee's approval of the final plat and set terms to control the marketing and development of the subdivision over the time of the suspension. The agreement retained the development standards in effect on April 2008. The initial agreement was approved on July 13, 2010 and subsequently amended on June 13, 2012, October 2, 2013, September 1, 2015, November 8, 2017, December 31, 2019 and most recently on December 8, 2021. As amended in 2013 and 2017, the agreement requires updates to the site's engineering/stormwater management controls and natural resource protection requirements to be compliant with standards that are in effect at the time the final development plan is ultimately submitted. The agreement is currently scheduled to expire on December 31, 2023 absent action on this request by the Committee.

Recommendation:

Staff recommends the Committee grant the requested seventh extension to December 31, 2025. Although approval has been extended for a significant timeframe, the PUD will be kept current through updated engineering/stormwater management and natural resource protection standards of the County Code.