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March 16, 2017

Memorandum

To: Planning, Building and Zoning Committee
Fr: Patrick Tierney, Principal Planner
Department of Planning, Building and Development

Re: Summary of Zoning Case #8014 #8022

Applicants:

Robert Bradley Petersen and Linda L. Petersen as Co-Trustees of the Robert Bradley Petersen and Linda L. Petersen Revocable Trust Agreement dated April 30, 2013, record owners

Requests:

Case 8014: Rezone from the General Office (GO) District to the Limited Industrial (LI) District – PIN 07-14-200-023

Case 8022: Application for a Conditional Use Permit for a Planned Unit Development (PUD) and a PUD Preliminary Plan to expand an existing asphalt, concrete, redi-mix, rock and concrete crushing plant, expand an existing nonconforming residence, provide for future growth and incorporate site improvements to improve onsite circulation and overall business operations. The Conditional Use Permit for a PUD Preliminary Plan approval also requests regulatory flexibility in the integration of mixed uses associated with the business, and provides limitations for future growth of the business – PIN 07-14-200-021; 07-14-200-023, 07-14-200-024.

Location:

The subject properties are located on the south side of N. Barberry Lane, approximately 0.25 miles southwest of the intersection of N. Delany Road and N. Barberry Lane in Warren Township.

Regulatory History:

In 1994, the County granted the applicant a variation to allow an excavating business in the Urban Zoning District without connection to sanitary sewer. Upon adoption of the Unified

Development Ordinance (UDO), the properties subject to this application were zoned General Office (GO).

In 2008, the County rezoned two of the three parcels associated with this application from the General Office (GO) District to the Limited Industrial (LI) District enabling an expansion of the contracting business.

In 2012, the County amended the use standards for Asphalt, Concrete, Redi-Mix, Rock and Concrete Crushing Plants requiring the applicants obtain a Conditional Use Permit in the Limited Industrial (LI) District should the business expand.

Following an Early Assistance meeting with staff In April 2014, the applicant expanded the existing business in June 2015 on a parcel adjacent to the existing business operation without obtaining a rezoning or Conditional Use Permit, resulting in a violation.

Since notification of the violation, staff has been working with the applicant's consultants to review the expansion plans, assess natural resources on the property, and evaluate the existing uses and site plan-related elements (i.e. landscaping and engineering). Staff has determined the Planned Unit Development approach would allow the necessary flexibility to address various inconsistencies related to the business that otherwise would require independent actions by the County to approve either a rezoning, conditional use permit or variances.

Staff Recommendation:

Rezoning:

Staff recommends approval of the rezoning and finds the request meets the Standards for a Map Amendment in the following manner:

- The business has thrived in the current location for approximately 30 years and is surrounded by properties developed with office, warehouses and industrial uses. The proposed rezoning will allow the expansion of a use adjacent to existing business operations and in an area containing uses that won't be negatively impacted by the expansion.

Conditional Use Permit:

Staff recommends approval of the PUD Preliminary Plan because the proposal meets Standards for Preliminary Plan Approval in the County Code in the following manner.

- The Conditional Use Permit will implement the County Regional Framework Plan by enabling the regulated expansion of an existing business that is surrounded by warehousing, office and light industrial uses so it will be compatible with the neighborhood. Through the site plan review process and the application of conditions (see Exhibit "B" in the resolution) to regulate the use, the intent of the Lake County Code will be met by controlling the intensity of the use and by protecting adjacent properties from the negative impacts associated with the existing use.

Legislative Summary:

A public hearing was conducted by the Lake County Zoning Board of Appeals on January 24, 2017, at the conclusion of the hearing, the Zoning Board of Appeals unanimously approved the requested rezoning, and approved the Conditional Use Permit for a PUD Preliminary Plan subject to the applicant complying with 11 conditions that will control elements of the business operations, landscaping and development assurances for the site improvements.

Next Steps:

Following a decision on the rezoning and Conditional Use Permit for the proposed PUD Preliminary Plan by the Planning, Building and Zoning Committee, the applications move to the April County Board meeting for a decision on the applications. If the County Board approves the applications, the rezoning associated with the Conditional Use Permit will not go into effect until the Planning, Building and Zoning Committee approves the PUD Final Plan which is scheduled to occur at their May 3rd meeting.