



MEMORANDUM

TO: Plan Commission
FROM: Eric Berg, AICP, Senior Planner
THROUGH: Kevin Whaley, AICP, Director of Planning
DATE: September 10, 2026
RE: PUD-26-084, PPW-26-084, and FDP-26-084

The site has been the subject of two (2) development proposals over the past four years. The plans have changed significantly during that time, and each iteration has been reviewed by Staff and the Plan Commission for compliance with applicable requirements.

The proposal advanced last November required a waiver to the Subdivision Control Ordinance to allow a modification of how secondary means of access could be designed. Staff brought the following concerns to the applicant in writing at the *Project Review Meeting on September 25, 2025* and raised the following concerns in their Plan Commission report for the December meeting:

Section 4, Article B.13 (C1 only). The applicant proposes:

“For a second means of access, there shall be a gated, fire only access for Area C1 through Double Creek Flats Apartments (Area B), contingent upon final acquisition of land and/or easement area from the adjacent landowner.”

This is concerning for multiple reasons.

- First, what is the plan if there is not a final acquisition of land and/or easement area from the adjacent landowner?
- Second, the Plainfield Subdivision Control Ordinance defines how a remote secondary access should be designed. (Highlights added for emphasis)

These concerns address two key tenets of development: safety and compliance with applicable laws and regulations.

At the December Plan Commission meeting, neither the compliance with the Subdivision Control Ordinance nor the agreement with the adjacent property owner were in place. It was determined that since these items were affiliated with the Subdivision Control Ordinance, they could be addressed with the Primary Plat.

STATUS UPDATE

Safety. On August 19, 2026, the applicant **provided proof** that the parking lots and roads were constructed in a manner that would meet the ordinance.

Legality. As of September 2, 2026, the applicant **has yet to provide an executed agreement** with Double Creek to provide the required secondary means of access. This means that the applicant is requesting the Plan Commission:

A Community of Values

TOWN OF PLAINFIELD

1. Authorize the applicant to remove parking spaces from Double Creek without approval or agreement;
2. Authorize the applicant to construct improvements on the Double Creek property without approval or agreement.
3. Compel Double Creek to ensure that these improvements (*made without approval or agreement*) are *maintained at the cost of Double Creek.* (*As a reminder, the Plan Commission required an executed maintenance agreement for two entities within the same integrated center to share parking spaces in 2023.*)

MOTION 1: Planned Unit Development Amendment

I move that the Plan Commission certify [PUD-26-084](#) with a(n) **favorable recommendation** / **unfavorable recommendation** / **no recommendation** subject to the following condition(s):

- 1.

MOTION 2: Primary Plat Waiver

I move that the Plan Commission **approve** / **deny** / **continue** petition [PPW-26-084](#), requesting a **waiver** to Article 3.3.B.4.a.1 of the Subdivision Control Ordinance, finding that:

1. The granting of the waiver **will not** / **will** be detrimental to the public safety, health or welfare, or injurious to other property;
2. The conditions upon which the request for a waiver **is** / **is not** based are unique to the property for which a waiver is sought and are not applicable generally to other property;
3. Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner **would** / **would not** result, as distinguished from a mere inconvenience, if the strict letter of these regulations are carried out;
4. The waiver **will not** / **will** contravene the provisions of the Town Zoning Ordinance or the Comprehensive Plan; and
5. Where the waiver impacts on the design, construction or maintenance obligations of public facilities, that the appropriate public agency **has** / **has not** reviewed and approved the proposed development in writing to the Plan Commission.

And that any approval shall be subject to the following condition(s):

1. Substantial compliance with the primary plat file as of September 10, 2026, except as noted below;
2. All roadways shall be constructed to private street standards.
3. Prior to the issuance of the secondary plat, the off-site areas used for the emergency access shall comply with Subdivision Control Article 3.3.B.4.e.
4. The access used to create the emergency access shall be in perpetuity, not temporary. Should the easement no longer be necessary, the applicant may apply to have it abandoned.
5. The Secondary Plat shall include a requirement obligating the parcel owner to maintain the platted right-of-way of Plank Road, including the proposed detention basins, until future action is taken by the Town to accept Plank Road as a Public Street.

MOTION 3: Final Detailed Plan Amendment

I move that the Plan Commission **approve** / **deny** / **continue** [FDP-26-084](#) requesting Final Detailed Plan approval, finding that:

1. The Final Detailed Plan **satisfies** / **does not satisfy** the Development Requirements and Development Standards specified in the PUD District ordinance establishing such District;
2. The Final Detailed Plan **accomplishes** / **does not accomplish** the intent set forth in Article 6 of the Zoning Ordinance;
3. The Final Detailed Plan **provides** / **does not provide** for the protection or provision of the site features and amenities outlined in Article 6.1, C., 2 of the Zoning Ordinance.

And that such approval shall be subject to the following condition(s):

1. Town Council approval of the Planned Unit Development Ordinance.
2. Plan Commission approval of the amended Primary Plat.
3. Substantial compliance with the Final Detailed Plan for file dated September 10, 2026.
4. As per the Town Code, no permits, including site disturbance, site and infrastructure, or improvement location permits, shall be issued prior to the recording of the secondary plat.