PLAINFIELD

MEMORANDUM

TO: Plan Commission
FROM: Eric Berg, AICP, Senior Planner
THROUGH: Kevin Whaley, AICP, Director of Planning
DATE: October 5, 2026
RE: PUD-26-084, PPW-26-084, and FDP-26-084

In September 2025, Staff requested an executed agreement between the two properties to ensure that both parties are aware and agree to the use and that the emergency access will be maintained by one or both of the parties to ensure that it will be able to be used. The need for an executed agreement was discussed at the November 3, 2025 and August 3, 2026 Plan Commission meetings.

An executed agreement is not an unusual request as the Commission has brought up a similar agreement with shared parking between Plainfield Commons and the Urban Air Trampoline and Adventure Park.

The Town Council and Plan Commission have consistently worked to ensure that the rights of adjoining property owners are protected through a legal notice process that is more thorough than most Indiana municipalities and counties. The processes also ensure that owners of land are aware and consent to potential changes upon their real estate through the Owner's Authorization requirement.

An Owner's Authorization is a part of all petitions where the applicant is not the owner of the property. Contract purchasers will often file these to ensure that any petitions they file will be resolved prior to closing on a property. Attorneys, engineers, and architects file these with the Town when they represent real property to ensure that they have the authorization to represent the interests of the property owners.

How this situation differs is that the owner of one property is proposing to make improvements upon a property in which they do not have ownership, a contract to purchase, or an agreement to construct, maintain, or use another owner's property for their gain.

STATUS UPDATE

The project was continued by the Plan Commission at its August 3rd meeting to allow the applicant time to secure an executed agreement. The Plan Commission granted an additional continuance on September 10th at the applicant's request. As of September 27th, 2026, the applicant has yet to provide an executed agreement with Double Creek to provide the required secondary means of access. In the absence of such an agreement, approval of the request would involve the Plan Commission allowing the applicant to:

1. Remove existing parking spaces from Double Creek without an executed agreement with the property owner;
2. Construct improvements on the Double Creek property without an executed agreement authorizing those improvements; and

development services

3. Rely on Double Creek to maintain those improvements, at Double Creek's expense, without an executed agreement establishing that obligation.

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.

TOWN OF PLAINFIELD

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