

PLAINFIELD BOARD OF ZONING APPEALS
June 19, 2017
7:00 p.m.

CALL TO ORDER

Mr. Monnett: Board of Zoning Appeals for June 19, 2017. I will ask Mr. Klinger to have a roll call for determination of a quorum.

Mr. Klinger: Ms. Duffer- here
Mr. Monnett- here
Mr. Cavanaugh-
Mr. Philip- here
Mr. Slavens- here

We have 4 present one not accounted for but we have a quorum to do business.

PLEDGE TO ALLEGIANCE

APPROVAL OF MINTUES (May 15, 2017)

Mr. Monnett: I will now entertain from our Board a motion to approve the minutes of our May 15, 2017 meeting.

Mr. Philips: So moved.

Ms. Duffer: Second.

Mr. Monnett: All in favor say aye, Mr. Slavens abstained because he wasn't here.

PETITIONS FOR PUBLIC HEARING- NONE

OLD BUSINESS/NEW BUSINESS

Mr. Monnett: Old business, we have BZA-14-007.

Mr. James: Good evening Mr. Chairman and members of the Board. We've got an unusual meeting tonight because we have no petitions for a public hearing but we do have 2 old business items. The first one is to revisit BZA-14-007 it is the special exception granted to Wings Etc. in Plainfield Plaza Shopping Center. The special exception was to allow them to serve alcoholic beverages in the GC general commercial zoning district. This was granted in 2014, when this was granted at that time they did not plan on having outdoor seating but now they would like to have outdoor seating and we did issue an ILP for the outdoor seating, it complied with all the outdoor seating standards, so now they would like to open this back up and add the outdoor seating to their special exception for the alcoholic beverage sales that was granted in 2014. Mr. Singh, one of the owners is here if you've got any questions.

Ms. Duffer: I don't have any questions I think this fits within what we have done before.

Mr. Slavens: I make a motion to approve the special exception for outdoor dining including for alcohol sales for Wings Etc.

Ms. Duffer: I will second.

Mr. Monnett: I have a motion is second, all in favor say aye, those opposed, amendment passes. Number 2 under old business, Mr. James, BZA-17-007.

Mr. James: This was heard last month at the May meeting. This was a use variance to allow Walmart to build a parking lot on what we call AllPoints 7 next to their existing building, AllPoints 3. At the existing building in AllPoints 3 it is ecommerce building and they don't have enough parking to handle all of the employees especially during peak seasons. So, the use variance was granted with 4 conditions and the last condition was that they will come back before the board in April of next year before a year is up to revisit this and see when Walmart is ready to build the second building in AllPoints 7. Then they are to apply for another use variance at that time. So, Walmart was not comfortable with that condition so they would like to amend that condition, so I think amending a condition would probably require a public hearing unlike the special exception we are just adding on the outdoor seating. So, Elizabeth Hailes is here with Carlson Consulting, she drove up from Memphis and she can further explain Walmart's position on this.

Mr. Daniel: Was this noticed for a public hearing then, Joe?

Mr. James: No.

Ms. Hailes: Good evening, I am Elizabeth Hailes with Carlson Consulting. We are here today just to kind of get your feedback on this condition to see if this is something that you are willing to work with us on. Walmart is not comfortable with the 1 year use variance, just because this is a significant, we are looking at a 2 in a half plus million-dollar parking lot they are looking to install. We understand that main concern is that we don't want to get stuck with a parking lot. This parking lot is right now trying to be used for the AllPoints building number 3. They don't have enough parking and the reason that we are kind of going this route rather than adding parking onto that facility is that this has already been looked at by the city, it has been approved, Walmart owns this property, so we would be able to construct it in time for Walmart to use it during this peak season. It was just kind of a fast track. Walmart is looking at master site development plans for the overall 2 buildings. We want to make sure that this fits their need and it fits what is happening right now in the industry. The intent is that they are going to construct this building 7, right now with this parking lot we are building the detention pond for the entire facility here, sizing all of the storm sewer for the entire facility, we are also building the utilities for the entire facility, that is the reason it is an investment, their intention is that they are going to be leaving this in place for their facility. So, we would like to amend the condition to where if for some reason, lets tie the condition to the lease that Walmart currently has. I know that that was another concern that Walmart does not own AllPoints Midwest3, so we were wondering if the use variance could be tied to their lease and that if they were to ever leave AllPoints Midwest3, they would be required to remove the parking lot, if the building 7 was not built. I don't know if that makes sense.

Mr. Monnett: So basically, Mr. James they want to modify condition number 4 because we put a one year use variance on their parking lot, correct?

Mr. James: That is correct.

Mr. Monnett: We are actually modifying what we had at our last month meeting, correct? So, this should be at a public meeting.

Mr. James: Yes that is one reason why we are here before you tonight to see if this should be done at a public hearing and would we consider the request.

Mr. Monnett: I would like to decide at a public meeting. Without reading into it too much, I'm limited on what she had mentioned, I have iffy feelings about it for some reason, that is just my personal take, anyone else?

Mr. Philip: I'm not going to say I am comfortable with the ask at this point and time.

Mr. Monnett: It is not just them in particular it is just us modifying something that we did at a public meeting last month, that is what I want to visit at a public meeting again.

Ms. Hailes: Tonight I don't think we are actually asking to modify it at this meeting, we really here just to get your feedback, you are all here together so we can talk about this. If you are even open to this, that is kind of, we understand we can come back to a public hearing have it actually voted on, but we were kind of just the discussion, put it on the table.

Mr. Monnett: I am fine with bringing it back at our public meeting because that way we will have a written for what you want versus what you just told us, I understand, but I want to see it in black and white. Because we are talking about leases and all of that.

Ms. Hailes: We did provide a memo, I don't know if that was in your packet.

Ms. Duffer: It is.

Ms. Hailes: The revised language, the condition was in there, and that is the condition that we are asking, the rewording of it.

Mr. Monnett: Yes what we saw of it, I think the word modify has me wanting to have a public meeting.

Ms. Duffer: But you are here tonight just to take our temperature and see if it is something that we will be open to it.

Ms. Hailes: That way I can take it back to our client because this is an investment that they have a time schedule and they are trying to get this moving and that 1 year condition is a problem that they are not comfortable moving forward with, so we need to know if there is another condition, or if you are willing to revise this at all.

Mr. Klinger: So just how close are you to development plan for both blocks? Seems to me that that is really your best alternative, would be to come back with a campus plans for both lots that makes sense and then it allows the staff the opportunity to vet that and work through it and it theoretically could fix this problem, which is that you are trying to build an accessory use before the primary use of a building, it seems to me that that would be the easier avenue to resolve this than to try to do..

Ms. Hailes: We totally agree with that, I think the problem is we, like I said, we are working on a master plan with them. We are not going to have it done in time for this parking lot to be built for Walmart to use during the peak season. We are trying to remove that accessory parking that is on AllPoints building number 3 right now. So, we want to be able to remove that and then we need to be able to replace it with some sort of parking for them for the peak season. So, that is where this parking lot came in to play, but right now in order for the master plan to be approved, it goes through different departments internally at Walmart and then we have to get the blessing of the actual owners of AllPoints building 3 since it is a leased property. Then at that time once all parties agree, then you are able to bring it to the city to get your feedback, so it is a several month process and then that is when the design starts.

Mr. Klinger: This board really has already given you the window of opportunity to move forward on the parking structure and to pursue that in the meantime. I mean by giving it a year you have the opportunity to move forward with that parking and structure.

Mr. James: I've already issued the permit location for the parking lot.

Ms. Hailes: I think Walmart's main concern is the one year time stamp is, what happens if they come back in a year and they haven't broken ground or they are still in the process of negotiating with who they are leasing the property from and then you say we have to remove it, they just invested 2 plus million dollars in their sites and they are having to remove it and then go rebuild it. I think that is kind of their concern.

Ms. Duffer: I think one of points of us putting the time stamp on it was just to give, I mean we want to know where you are going to be in a year. Is it going to take one year, three years, or five years, so coming back in a year gives us the opportunity to hear back from you and say okay this is where we are in our plan, it doesn't say that we are not going to extend a variance, you can ask for an extension and those, those types of things I am not saying that we would or we would not, but it gives us the opportunity to say okay this is where you are, now you are going to plan on breaking ground in 6 months or the design is going to be done and we are 3 months out, that is what we are looking for of putting that time stamp on it, not that if you are not doing anything in the year it is done, that was not the intent.

Mr. Philip: I don't think we are not aware of what the town gains from pulling it after a year, I think what we are really looking for is size of progress and some assurance that we are not going to wake up three years from now and there is never going to be a building built.

Mr. Klinger: And this isn't really for this board, but there was a tax abatement granted on that piece of property and there is certain expectations that investment is going to be made and at a certain point it is hasn't been made we are going to have compliance issues, right. So, that starts to cause concern for me, again that is not related to what this board is deciding but if the indications are is that there is not going to be a building being built within a fairly reasonable amount of time, then we need to kind of rethink that. So, there is other complications is what I am saying, right.

Ms. Hailes: I understand that, definitely. That is exactly why I am here today is just to kind of revisit so I can take this feedback because it is a big investment and we understand it is an investment on your end as well, so

we are just trying to open the dialog and it is just that 1 year is really kind of harsh for them, for them to say we are going to make this investment and build it and then in a year we might not be able to use it, I think is their concern.

Mr. Klinger: I think Ms. Duffer spoke well, she said the intent of the board was to have you come back in a year and explain your progress and to be able to show some substantial progress, that doesn't mean that you have to have a building up, but show substantial progress.

Ms. Duffer: And that timeline is not something that is uncommon to the board to ask someone is granting for a variance before, we've done it before. When you are coming back and saying this is where you are.

Ms. Hailes: And that is very reasonable, and I agree. That is like I said we just wanted to revisit it. Do you have any questions, I know you kind of brought up the time limit again where we are and getting master planned?

Mr. Klinger: I think doing a masterplan for both sites is what makes sense to me in terms of how do you move forward with this and how are you going to phase it.

Ms. Hailes: That is exactly what we are working on right now.

Mr. Klinger: Again that allows the staff then to review that, I assume this would be something that would be submitted to the Plan Commission, which is probably the more appropriate board to be reviewing that and dealing with whatever concerns there might be associated with that, whether it is drainage or traffic or whatever. I think that is the better way of going forward.

Ms. Hailes: Again the reason why we wanted to do this parking lot, it had already been reviewed and we thought the approval process we could speed things up and actually get them parking that they could use and get rid of the temporary parking pretty quickly, and that was the intent and then to regroup and come up with an actual plan for this.

Ms. Duffer: So you got our blessing on it from last month on moving forward with that.

Ms. Hailes: I'm thinking this condition, after your feedback tonight you are not looking...

Ms. Duffer: It is not out of the ordinary for us to ask.

Ms. Hailes: Thank you, I appreciate your time.

Mr. James: I just want to be clear, are we going to hear this next month, or just go to the development plan route amending the development plan. So, we will keep the conditions as they are, that allows them to move forward, put the parking lot in this year and revisit it with the development plan.

Mr. Monnett: Yes.

Mr. Daniel: Right.

Mr. Monnett: Anything else Mr. James?

Mr. James: No, that is all I have.

ADOURNMENT

Ms. Duffer: Motion to adjourn.

Mr. Monnett: Thank you.