

Staff Responses to Council Questions October 18, 2016

Consent Agenda Item C. Removed from Consent Agenda

Consent Agenda Item C. *Resolution: Authorize an Addendum to the Agreement with Williams Architects* will be removed from the Consent Agenda

6. Consent Agenda

C. Resolution: Authorize an Addendum to the Agreement with Williams Architects

While Council is proceeding with options, why is an addendum to the contract to design a combo building needed at this time? Why the first step?

The addendum to the Contract is being requested to allow Williams Architects to assist with the review of the alternative option as directed by Council on October 11, 2016. Specifically, Williams will be tasked with:

1. Preparation of a site plan showing the location of the Village combined facility/parking and the area designated for development;
2. An updated space program for the combined facility;
3. A cost estimate for construction of the combined facility.

This scope is similar to the work performed by Williams on previous options considered by the Village Council. Design work on the preferred option will not proceed until the Council approves a separate contract for design services.

What were the steps and timeframes for the Acadia on the Green process, from tests, site requirements, bids, to construction and completion?

The following represent key milestones related to the Acadia on the Green project:

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| ● Developer Request for Qualifications Issued | September 2003 |
| ● Developer Request for Proposal Issued | March 2004 |
| ● Redevelopment Agreement Approved by Council | September 2005 |
| ● Construction Timeframe (All Phases) | 2006-2009 |

H-N. Resolutions for Insurance

The above items refer to the 2017 Budget. Could you provide the page/line references?

These costs are budgeted in the Health Insurance Fund, found on page 4-7 of the 2017 Proposed Budget, Line 17 Professional Services and Line 18 Other Contractual Services.

8. First Reading

A. Ordinance: Amend Ordinance No. 5265 Authorizing a Special Use to Permit the Construction of Three Principal Buildings on a Single Lot at 2300 Wisconsin Avenue

If there are no changes being proposed, officially or unofficially, why are we making these particular changes at this particular time? Have there been any conversations about changes or reasons why we are taking this action at this particular time?

The petitioner is requesting the proposed changes. To better explain the request, the following is a timeline related to the 2300 Wisconsin Avenue property:

May 2012 - The petitioner received a Special Use (Ordinance 5265) to construct three buildings on a single parcel at 2300 Wisconsin Avenue. The Village Council was concerned with the amount of parking available on the property and placed restrictions within the Ordinance that limit the types of tenants to those uses which typically do not have a large parking requirement. The ordinance limits the uses that can occupy the buildings to these:

- a) Professional and Business Offices
- b) Research and Development Facilities
- c) Light Manufacturing including production, processing, cleaning, testing and repair limited to uses and products described in 28.902(h)
- d) Wholesale and warehousing, storage and distribution facilities, excluding motor freight terminals or self-storage facilities (mini-warehouses); however, no single tenant shall contain more than 10,000 square feet
- e) Uses accessory to the above-listed permitted uses

2012-2013 - Petitioner constructs three buildings per the approved plans.

June 2014 - Updated Zoning Ordinance adopted by the Village. The new Zoning Ordinance modifies the allowable uses from an individual list format to a table format that creates use subcategories.

2014 - early 2016 - Village staff received numerous inquiries regarding potential tenants for the building. The Village approved potential tenants that fall within the categories listed in Ordinance 5265 (shown above). Tenant requests that do not fall within the categories listed above were informed that their use is not permitted at this location. These unpermitted requests have included automobile repair, automobile sales and recreational facility uses.

Summer 2016 - The petitioner requested a meeting to review use restrictions and requested that all use restrictions be removed from the Ordinance and all uses (permitted or special) be allowed at 2300 Wisconsin Avenue. After discussion and consideration of the petitioner's request, staff developed an alternative which brings the 2012 permitted uses into the 2014 Zoning Ordinance

language. A table identifying the difference between Ordinance 5265, the petitioner’s request and the staff alternative is shown below:

Ordinance 5265	Petitioner’s Request	Staff Recommendation
<p><u>Permitted Uses</u></p> <ul style="list-style-type: none"> ● Professional and Business Offices ● Light Manufacturing including production, processing, cleaning, testing and repair limited to uses and products described in 28.902(h) ● Wholesale and warehousing, storage and distribution facilities, excluding motor freight terminals or self-storage facilities (mini-warehouses); however, no single tenant shall contain more than 10,000 square feet ● Uses accessory to the above-listed permitted uses <p><u>Special Uses</u></p> <ul style="list-style-type: none"> ● Research and Development Facilities 	<p><u>Permitted uses</u></p> <ul style="list-style-type: none"> ● Natural Resource Protection ● Safety Service ● Utilities (Minor & Major) ● Wireless Telecommunications (Freestanding / Building Mounted) ● Adult Entertainment ● Animal Service (Vet, Boarding, Grooming) ● Building Service ● Business Support Service ● Consumer Maintenance & Repair ● Research Service ● Day Care Center ● Financial Service ● Business / Professional / Medical Office ● Commercial Vehicle Repair ● Trucking & Transportation Terminal ● Warehouse ● Wholesale Sales & Distribution ● Artisan, Limited & General Industrial ● Community Garden <p><u>Special Uses</u></p> <ul style="list-style-type: none"> ● Aircraft landing area ● Personal Improvement Service ● Fortune Telling ● Massage Therapy ● Parking Non-Accessory ● Guns and Firearm Supplies ● Self Storage Facilities ● Trade School ● Commercial Vehicle Sales ● Fueling Station ● Personal Vehicle Repair ● Personal Vehicle Sales ● Vehicle Body & Paint Shop ● Recyclable Material Drop-off Facility ● Drive-Through 	<p><u>Permitted uses</u></p> <ul style="list-style-type: none"> ● Building Service ● Business Support Service ● Consumer Maintenance & Repair ● Research Service ● Business / Professional / Medical Office ● Warehouse ● Wholesale Sales & Distribution ● Artisan, Limited & General Industrial <p><u>Special Uses</u></p> <ul style="list-style-type: none"> ● None

	<ul style="list-style-type: none">• Medical Cannabis Cultivation or Distribution	
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Will Council still have all options, such as approving, denying, or modifying any and all special uses for this property?

Yes, if the petitioner's request is approved. Under the staff recommendation, the use list would only include those uses permitted by-right.

Does this request have anything to do with the owner's Weathertech business?

No.

What happens to future requests should Council not grant this action?

The applicant would only be able to lease space to businesses who fall within the restrictions placed on the property by the Council in 2012 by Ordinance 5265.

Couldn't Council grant special uses with or without restrictions with no adverse effects on a case by case basis? Explain.

No. Under Ordinance 5265, the applicant is only permitted to request occupancy for those tenants who fall within the five approved use categories. The petitioner would not be able to request a use that is not identified in Ordinance 5265. The petitioner would not be able to request a Special Use without modifying Ordinance 5265. It is this restriction that the petitioner is requesting be removed. If the Council removes this restriction and grants the petitioner's request, then uses that are deemed Special Uses (see table above) would go through the entitlement process.

What options does Council lose by granting this request?

Granting the petitioner's request would open the property up to all the permitted uses shown in the table above and allow the petitioner to apply for Special Use approval for those special uses shown above. Under the staff recommendation, only permitted by-right uses would be allowed and thus no Special Use approval would be required.

How could this action affect the presence of Food Trucks?

A food truck on site would remove one parking space from the limited amount of existing parking spaces. The parking regulations of the Zoning Ordinance do not account for the temporary parking of food trucks.

Did the required 250 ft notice that went to property owners also include all businesses as well?

No.

ATTACHMENTS

There are no rEmarks this week.