

VALPARAISO PLAN COMMISSION
Regular Meeting Minutes
December 14, 2010

The regular meeting of the Valparaiso Plan Commission was held at 7:00 p.m. on Tuesday, December 14, 2010 in the Valparaiso City Hall Council Chambers. Bruce Berner presided.

Members present were: Jim Mooney, Diane Worstell, Mike Micka, Al Shields, Bruce Berner, Jan Dick, Vic Ritter and Tim Burkman. Also present were Craig Phillips and Attorney Scott Bozik.

MINUTES:

Jan Dick made a motion to approve the November 9, 2010 minutes as submitted. Seconded by Diane Worstell. A voice vote was taken and the motion unanimously carried.

OLD BUSINESS:

RZ10-003 - Rezoning CN District to NC 60 District – John Hannon for Jason Carter.

Request to rezone land located at 1000 Kentucky Street and 905 Evans Avenue from CN Commercial Neighborhood Commercial District to NC 60 Neighborhood Conservation 60 District. Mr. John Hannon with Great Lake Engineering presented. Mr. Carter would like to rezone the western portion of his property from neighborhood-commercial to residential neighborhood conservation 60 district. The intent is to build one home on Kentucky Avenue and possibly one home on the western part of the property to front on Evans Avenue.

Bruce Berner asked if any of the public would like to speak in favor of or in opposition of this petition. Bruce Berner also asked that the public address their questions to the Plan Commission while at the same time the petitioner will take notes and respond at one time.

Jamie Anderson – 1201 Ohio Street – questioned how the developer plans to address the drainage issues in this area and not further impact the storm sewer lines?

Marilynn Senne – 1207 Ohio Street – noted that flooding in this area has been rectified to a degree by Fairground Parks, but it is still not great. There is a great concern with regard to additional flooding on Kentucky Street.

Mr. Hannon's rebuttal:

- Drainage was addressed earlier with the replat request. There has been a commitment by Mr. Carter to complete some road improvements and connect to the drainage system.
- There is no intent to rezone any other areas at this time, but rather to remain Mr. Carter's home.

The public hearing was closed and comments/questions were heard from the Members.

C: Tim Burkman noted that these are legitimate concerns. This is an existing platted subdivision and there are no restrictions for further construction. We cannot prohibit the owner from developing on these lots. Individual lot plans have not been submitted. The City is requiring a cul-de-sac be completed and right of way work as well as individual lot work will be reviewed. As well, we cannot require an individual lot to have its own detention basin, and there is no detention basin in the subdivision currently.

C: Bruce Berner noted that a developer may not make drainage worse, however, they are not required to fix preexisting issues. Run-off numbers cannot exceed what they are prior to construction and the City Engineer's office would insure compliance. The petitioner is not asking to construct anything tonight but rather asking for a rezone of the property.

Q: Was suspension of the rules requested?

A: No

Petition RZ10-003 will be voted on at the January, 2011 regular meeting.

PP10-002 – Primary Plat Hawthorne Phase 3 – William Ferngren for Hawthorne Communities LLC – Request for approval of Primary Plat for a 29-lot residential subdivision to be known as Hawthorne Subdivision Phase 3 located on the north side of Burlington Beach Road between Silhavy Road and Calumet Avenue in the SR Suburban Residential District. Bruce Berner noted that it has been requested to continue this petition to the January, 2011 regular meeting.

PUD10-001 – Minor Amendment to Fairfield Greens Planned Unit Development Lot S-13 – Robert Coolman for Mark J. and Michael J. Forszt – Request for a minor amendment to the Fairfield Greens Planned Unit Development Lot S-13 to allow for a reduction in rear yard setback. Craig Phillips noted that this petition was on the agenda in error.

ZO10-003 – Amendments to the Unified Development Ordinance – City of Valparaiso – Request to amend Article 2 Permitted Uses and Supplemental Standards, Article 5 Signage, Article 6 Subdivision Design and Land Development, Article 8 Streets and Utilities, Article 9 Parking, Article 10 Landscaping, Article 11 Design Standards, Article 15 Permits and Procedures of the Unified Development Ordinance. Craig Phillips presented.

- Section 2.503 – Kennels - As a result of kennel research, kennels were added to Section 2.503 as a special use in the CN and PB districts as long as there are no outdoor runs and the building is soundproofed. Vic Ritter suggested using language such as: no outdoor animal confinement areas and methods for soundproofing shall be demonstrated during site review process.
- Section 2.309 – RV's. Craig Phillips noted that this section is premature at this time. The intent is to lessen the standard but not do away with it all together. Jan Dick and Craig Phillips will continue to work on this section. In the meantime it will remain the same until officially changed.
- Section 6.309 – Required Improvements. The language of this section was changed for clarification and to include the frontage of developments.
- Section 11.501 – Purpose and Applicability – The language was changed in this section to recognize different design standards for large industrial buildings versus office buildings. After discussion, it was agreed that this section would be on hold to give Vic Ritter and Craig Phillips an opportunity to talk through the language and make the section fair and understandable. This is a complicated issue and it needs to be worded carefully.
- Section 11.704-D- Minimum Standards for Landscape Material with a Campus District – Jim Mooney questioned why this item was being removed from the section? Craig Phillips noted that it is actually very hard to find and very expensive. Other are covered elsewhere in the Ordinance.

Motion: Tim Burkman made a motion to favorably recommend Amendments to the Unified Development Ordinance to City Council as presented, with the exception of Sections 11.501 and 2.309 that are being left out for further review. Seconded by Jim Mooney. A roll call vote was taken and unanimously carried 8-0. *Craig Phillips noted this may be heard at the 12/27/10 City Council meeting.*

NEW BUSINESS:

VAC10-001 – Partial Alley Vacation Request – Lee I. Lane of Hoepfner, Wagner & Evans for the owner Carbone Lorraine North America Corp. Request to vacate portions of east-west alley in First Addition to Valparaiso and Thomas Subdivision located between Elm and Poplar Streets. Bruce Berner noted that it was requested to table this petition to the January, 2011 regular meeting.

RZ10-004: Porter Business Center Lots 2 and 3a rezoning – Dan Vukovich – Request to rezone Lot 2 in Porter Business Centre and Lot 3a in Porter Business Center – First Amendment from CG Commercial General District to BP Business Park District. The property is located at 1360 and 1450 Clark Drive to the north of South State Road 2. Mr. Dan Vukovich presented. He is requesting the property be rezoned from CG Commercial General District to BP Business Park District to allow for a facility that will house offices, product and product testing all under one roof. His business tests and distributes sensors used in the automotive industry. Craig Phillips noted that this property was annexed in 2000-2001 and zone commercial because at that time the Business Park District did not exist for Valparaiso. Since that time Mr. Vukovich proposed a new building and applied to rezone a portion of the property, if not all the property, to Business Park. We were able to include some of the property owners, but not all wanted the rezone. It is Staff opinion that Business Park is the best fit for this business. Suspension of the rules has been requested.

Bruce Berner asked if any of the public would like to speak in favor of or in opposition of this petition. Bruce Berner also asked that the public address their questions to the Plan Commission while at the same time the petitioner will take notes and respond at one time.

Dr. Steve Heckler, property owner, asked if the rezoning would affect his property in any negative manner? Dr. Heckler and his partners are veterinarians and are concerned if the rezoning will affect them if they want to build an animal hospital on their property or sell the property to another buyer.

Mr. Vukovich's rebuttal:

- The proposed building is professional and attractive and modern. The back will be a post-type building but will have a façade. Landscaping will be provided as well.

The public hearing was closed and comments/questions were heard from the Members.

C: The architecture of the building has not been approved yet, however, Staff is working with the Petitioner.

Q: Will you be manufacturing anything on this property?

A: No.

Q: Are there plans for another building on this property?

A: We do own the next lot also in hopes of being able to expand sometime in the future.

C: Craig Phillips noted that although he cannot say the rezone would be a benefit to other property owners it definitely will do no harm. Business Park is a similar if not higher zone. There is a higher level of interest in a Business Park zone versus an Industrial zone and the standards are more strict to minimize any impacts.

Q: What kind of traffic will be generated by your business?

A: Minimal. Employees and a truck load of product per week coming in and one going out. The trucks coming and going are semis and we will have a dock level truck station.

Motion: Diane Worstell made a motion to grant the suspension of the rules as requested. Seconded by Al Shields. A roll call vote was taken and unanimously carried 8-0.

Motion: Al Shields made a motion to favorably recommend RZ10-004 to City Council and support the rezone of this property from CG Commercial General District to BP Business Park District. Seconded by Jim Mooney. A roll call vote was taken and unanimously carried 8-0. *Craig Phillips noted that is petition will be presented to City Council on 12/27/10 and receive a possible vote on 01/10/11.*

STAFF ITEMS:

2011 Meeting Dates and Deadlines: Craig Phillips submitted the 2011 meeting dates and deadlines listing. Meetings will be held on the second Tuesday of each month at 7:00 p.m. at Valparaiso City Hall. Deadlines are approximately three and one-half (3-1/2) weeks prior to the meeting date and are on Fridays unless that day of the week conflicts with a holiday.

Motion: Jim Mooney made a motion to approve the 2011 meeting dates and deadlines as submitted. Seconded by Jan Dick. A voice vote was taken and carried unanimously.

EnVision Valparaiso 2030 Comprehensive Plan Re-write Process and US 30 Corridor Study Process Updates: Craig Phillips advised that US 30 Corridor meeting is scheduled to be held on January 5th or 6th – notice is forthcoming. On February 14, 2011 the Steering Committee will meeting regarding the overall project. The Airport Corridor committee will meet on December 16, 2010 at 3:00 p.m. in the Valparaiso Chamber meeting room.

ADJOURNMENT:

There being no further business to discuss the December 14, 2010 Plan Commission meeting was adjourned at 8:30 p.m.