

VALPARAISO PLAN COMMISSION
Regular Meeting Minutes
November 9, 2010

The regular meeting of the Valparaiso Plan Commission was held at 7:00 p.m. on Tuesday, November 9, 2010 in the Valparaiso City Hall Council Chambers. Bruce Berner presided.

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

Bruce Berner advised the Member Deb Butterfield has been appointed to City Council and therefore by law had to resign her position on the Park Board resulting in her not representing the Park Board as a Member of the Plan Commission. The Park Board will appoint another Board representative prior to next month's meeting.

MINUTES:

Jan Dick made a motion to approve the October 12, 2010 minutes as submitted. Seconded by Vic Ritter. A voice vote was taken and the motion unanimously carried.

OLD BUSINESS:

RP10-003 – Replat Lots 18 and 19 in Harlin Terrace – John Hannon for Jason Carter.

Request to replat Lots 18 and 19 in Harlin Terrace Subdivision located at 1000 Kentucky Street in the CN Commercial Neighborhood Commercial District. Mr. John Hannon with Great Lakes Engineering presented. Mr. Carter purchased an approximate 3-1/2-acre parcel of land from the YMCA that is located on Evans Avenue and abuts Kentucky Street in the rear. The large existing building is going to be Mr. Carter's residence. He would like to turn part of Lot 18 and all of Lot 19 into one residential lot that fronts on Kentucky Street. The initial thought is that this process would be easy; however, we later found that the property is zoned commercial. Mr. Carter is requesting the replat first and will later request a rezoning.

Q: Tim Burkman asked if Lot 18 was already split.

A: Yes, prior to Mr. Carter's ownership.

Q: And lot 17 has built on part of lot 18?

A: Yes.

C: Tim Burkman advised that when the building permits are pulled for any of the lots in this project the entire cul-de-sac will need to be completed at the same time. We do not want it piecemealed together.

R: Understood.

C: Tim Burkman noted that during certain storm events residents in the area have experienced sewer backups. The utility is currently investigating this issue, however, there is no solution or proposed timeline for implementation at this time.

Motion: Tim Burkman made a motion to approve RP10-003 subject to when the building permits are pulled for any of the lots in this project (19A, 20 or 21 provided 20 and 21 are rezoned appropriately) the cul-de-sac will need to be completed in its entirety at the same time. Seconded by Jan Dick. A roll call vote was taken and unanimously carried 7-0.

NEW 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. This is the same parcel of property that was discussed in RP10-003. The owner is requesting that Lot 19A be rezoned to NC 60 in order to be more consistent with the adjacent properties. He is also seeking the same rezoning for the west 66-foot frontage at 905 Evans Avenue.

C: Bruce Berner stated this is what is referred to as an “up zone” because commercial to residential would be more restrictive in use.

Q: Tim Burkman questioned why the owner doesn’t rezone the entire property?

A: Because he does not want to restrict potential future uses of the existing large structure.

No further discussion took place. This Petition will have a public hearing held in December.

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. Attorney Bill Ferngren presented. The petitioner is seeking primary plat approval for Phase 3 of Hawthorne subdivision located on the north side of Burlington Beach Road. Approximately 14.6 acres of land zoned suburban residential. Original platting took place in 2003. The downturn of the economy delayed some of the project and Phase 3 never attained secondary plat approval and has since expired. The new UDO changes the features of the development. Originally the property was zoned R1-B and that zone no longer exists. Setbacks, frontages, lot widths, etc. would all be changed. We received a variance in September 2010 from the Board of Zoning appeals to allow the project to be completed as it was planned for and zoned originally. No lot lines have changed and everything is identical. There is a reoccurring drainage issue that the petitioner is aware of and has been diligently working with the City Staff to resolve. This project started in the County and was designed using a drainage pipe that has been found to be too small. Although it is not a problem often, it is still a problem that needs to be resolved. We have been working with City Staff on the best possible solution. Currently the proposal is to install a 60-inch bypass drain that will wrap around the subdivision and ultimately flow into the Flint Lake Garden Terrace drain. We are still working out the final terms. Tim Burkman has requested that an easement document be agreed upon with the Golib family and that document is still being working on. We are on the agenda for the December 13, 2010 Porter County Drainage Board. We are not requesting a suspension of the rules. The plat complies with the Ordinance minus the variances received.

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. No one spoke, therefore, the public hearing was closed and questions/comments were heard from the Members.

Q: Would the project be possible to complete without requesting the variances?

A: Possible – yes. Financially possible – no. As well, lot sizes would be affected and changed the nature of the subdivision. Now all phases will match in nature.

Q: How will water get into the interceptor located at the north end of the property?

A: Watershed crosses Highway 49 and come through Fairfield to the north. It channels down and works its way into this area. We are trying to channelize the flow instead of allowing it to be an all natural flow. There will be a five-foot structure with a 60-inch pipe of gabion design.

Q: What phase of this subdivision flooded two years ago?

A: Existing areas of Hawthorne because the pipe was too small. A major rain event causes the issue, not a regular rain event.

Q: What is the size of the easement between Lots 104 and 105?

A: 20 feet.

C: That area is a concern because of the 60-inch pipe being located between homes. 20 feet may be too narrow. Tim Burkman noted that he will discuss this with the utilities division to see if that will work and he will report back to Attorney Ferngren respectively.

Q: Where is the access to the easement?

A: The easement width is 100 feet. If Silhavy connected you could drive along the north side of the property to get to the easement.

C: Tim Burkman noted that there has been some talk to providing a sidewalk or pathway along the north side of Burlington Beach Road that would connect along the southwest portion of the development near lots 106-109. Tim would like to discuss this issue with both City Staff and the Developer prior to the next meeting in order to make the necessary provisions regarding the sidewalk easement on the primary plat.

C: Tim Burkman had the following comments:

1. Before the Board of Public Works and Safety approves the Secondary Plat, the required improvements will have to be installed and accepted, or a surety provided for both the on and off site improvements.
2. Since the runoff that the 60-inch bypass pipe will carry is completely from non-incorporated land, and the existing 36 inch drain, detention basins, and Flint Lake Garden Terrace Drain are all considered County Regulated Drains, it would follow that the 60-inch pipe also be made part of the County system and under their jurisdiction. The developer is asked to pursue this with the Porter Country Drainage Board.
3. Outstanding comments with regard to the proposed configuration of the receiving pipes at the north end of the development still need to be addressed.

Suspension of the rules was not requested. This petition will return at the December 2010 meeting.

RP10-005 – Porter Business Centre First Amendment – Bob Palm for Len-Mar Group LLC and Four Points Properties LLC – Request to replat lots in Porter Business Centre to be known as Porter Business Centre First Amendment. The property is located at 1360 and 1450 Clark Drive (off of South State Road 2) in the CG Commercial General District. Mr. Robert Palm with Palm and Associates presented. They would like to reconfigure a lot line between Lots 3 and 4 in Porter Business Centre. Streets and infrastructure are complete. This will be the first lot to be developed. Alliance Group plans to develop a new and larger facility in this location.

Q: The original plat shows a 20-foot drain easement between Lot 4 and another unmarked Lot that seems to disappear on this plat. Where does it go?

A: It is still there and on what is considered Lot 4A.

C: The 20 foot easement shown on Lot 4A is also an overflow swale. The building portion of Lot 4A is reduced because of this. That easement and swale will need to be preserved and maintained when developed.

Q: Are you planning to build on Lot 3A?

A: Yes.

Suspension of the rules is requested.

Motion: Tim Burkman made a motion to suspend the rules. Seconded by Diane Worstell. A roll call vote was taken and unanimously carried 7-0.

Motion: Tim Burkman made a motion to approve Petition RP10-005 as submitted and without conditions. Seconded by Jan Dick. A roll call vote was taken and unanimously carried 7-0.

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. Mr. Robert Coolman presented. This petition is for a minor amendment to one rear yard setback in the PUD of Fairfield Greens. Lot S-13 has a skewed rear lot line due to a storm sewer line that is in place. There is nothing behind the lot, only open space. The request is for a rear yard reduction from 15 feet to 5 feet on this one lot only. Functionally everything is the same.

Motion: Tim Burkman made a motion to approve PUD10-001 as presented. Seconded by Jim Mooney. A roll call vote was taken and unanimously carried 7-0.

RES10-002 – Recreation Impact Fee (replacement of existing) – City of Valparaiso – Request for recommendation for approval of new Recreation Impact Fee and Ordinance as a replacement for the existing Fee and Ordinance. Mr. John Seibert, Director of the City of Valparaiso Parks and Recreation Department, presented along with Matt Eckerly of Umbaugh Associates. The Park Department is seeking a favorable recommendation to City Council to a recertification of recreation impact fees that were approved in 2005. An advisory committee was formed and they worked on the project approximately 10-15 hours. The study was presented to the Park Board two weeks ago and passed unanimously. Mr. Matt Eckerly stated that the basis for calculation has three elements. One being the projected cost for the level of service needs. Given a couple of credits to avoid double payment in some situations, the net capital cost is \$974 base impact fee. In 2005 there were some accelerators included that now bring the current fee up to approximately \$1,300. We developed a sliding scale of sorts based on development type and used the Indiana Business Historic Research Center statistics to estimate future populations. Other things considered were housing unit estimates, target inventories, current deficits, projected amenity needs, base unit cost for each amenity type, costs of raising current inventory to 2010 target level of service standards, estimated costs and estimated revenues, capital expenditures, estimated new population's share of payments toward outstanding budgets and their share toward capital budgets, how previous fees were spent, and what type of other resources the department may receive funding through.

Q: When does the current impact fee expire?

- A: May 28, 2011. Because there is a six-month waiting period in order to stay on schedule we will need approval at the December 13, 2010 City Council meeting.
- Q: There are no accelerators in this study?
- A: No. There was no basis for them this time; however, it is something that can be revisited if the economy sees positive changes.
- Q: Recreation impact fees only affect new construction?
- A: Yes.
- Q: How does Valparaiso University get figured in if they are building something like a new dormitory?
- A: Dorms are included and would be the same fee as an apartment building. Some of the thought process is that, at least for the short term, a project like this would be a public/private partnership.
- Q: Assisted living receives a discount?
- A: Yes, fifty percent (50%).
- Q: Currently the impact fee is at \$1,331 and you are recommending dropping the fee to \$974 for five years with no accelerators. Is the Park Department going to be okay? We don't want to strap them for the next five years.
- A: It is with the understanding that if nothing is being built then the Park Department receives nothing. This seems to be a fair and equitable way to help promote growth in the community.
- Q: How does Valparaiso compare to other communities?
- A: The new fee (\$974) will be middle of the road for the State of Indiana. At \$1,331 we were in the top two percent (2%) for Indiana. \$2,700 is the national average, but we do not know what goes into every calculation.

Motion: Jim Mooney made a motion to favorably recommend the proposed recertification of Recreation Impact Fees to City Council as presented. Seconded by Jan Dick. A roll call vote was taken and unanimously carried 7-0.

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. A draft of edits was provided to the Members. Now that we have been using the new UDO there a few housekeeping matter and some new items that need to considered. Some are simply typos, wrong word usage and basically editorial in nature and considered minor. Other items are requests of thing that may need to be considered and Craig welcomes input from the Members.

1. To consider allowing warehousing and transportation services in the Business Park District as a limited use.
2. To consider the current standards for recreational vehicle storage and perhaps allow continuous hedge as a screening option, and to allow parking in driveways.
3. Under the review of project section to add language and clarification with regard to improvements to gutters and curbs, etc. We need threshold clarification and an option for payment in lieu of situations. Tim Burkman, Dave Pilz and Craig Phillips are currently working on these issues and how to handle them more thoroughly.
4. Sections 8.212, 213 and 214 – language needs to be clarified and to consider striking the language that automatically allows a 5% increase in the number of units when more than

20 units are being development and the developer is providing a pathway or trail. To allow this automatically is not best.

5. Section 9.203 to consider a standard for credit of on street parking in Campus District and to allow for the Central Business District also.
6. Section 11.501 to consider changing the standard with regard to architectural design of industrial type buildings in certain zones.
7. Sections 11.703 and 704 – to change the requirements for campus landscaping, and add language for clarity so someone does not have to go back and forth between sections 10 and 11.

All members were asked to review the draft document and email their changes or suggestions to Craig Phillips prior to meeting next month. Petition ZO10-003 will be carried over to the December 2010 meeting.

STAFF ITEMS:

EnVision Valparaiso 2030 Comprehensive Plan Re-write Process and US 30 Corridor

Study Process Updates: Craig Phillips advised that various US 30 Corridor master plan public input and stakeholders meeting were held recently. There will not be a lot going on with the Comprehensive Plan until the beginning of the year. The airport corridor committee will kick off their efforts in early to mid December. Due to the Board changes, Deb Butterfield will no longer be a representative on that committee.

ADJOURNMENT:

There being no further business to discuss the November 9, 2010 Plan Commission meeting was adjourned at 8:55 p.m.