

**MINUTES OF THE MEETING  
OF THE PLAN COMMISSION  
VALPARAISO, INDIANA  
January 3, 2023**

The Plan Commission of the City of Valparaiso, Indiana, met on Tuesday January 3, 2022, at 5:30 p.m. in City Hall. Tim Warner called the meeting to order. The Pledge of Allegiance was said. Present were Diane Worstell, Clay Patton, Vic Ritter, Tim Warner, Al Shields, Mike Jabo, and Harris Peterson. Matt Evans and Peter Anderson were absent.

**MINUTES**

December 6, 2022 minutes were presented for approval.

**Motion:** Mike Jabo moved to approve the December 6, 2022 minutes as presented. Al Shields seconded the motion. Upon voice vote, the motion passed with a 7-0 vote.

**Old Business**

**PUD22-001** filed by Urschel Development Corporation c/o Todd A. Leeth/Katie L. Kopf, Hoepfner Wagner & Evans LLP, 103 Lincolnway, Valparaiso, IN 46383. The petitioner requests rezone to Planned Unit Development for five parcels with addresses 258-262, 354 Jefferson St and 106 Campbell St. Petitioner requests continuance to February 7 meeting.

**Motion:** Clay Patton moved to continue Case PUD22-001 to the February 7, 2023 meeting. Vic Ritter seconded the motion. So approved with a 7-0 vote.

**Roll Call Vote:**

Matt Evans – Absent	Peter Anderson – Absent
Tim Warner – Yes	Clay Patton – Yes
Vic Ritter – Yes	Harris Peterson – Yes
Al Shields – Yes	Diane Worstell – Yes
Mike Jabo – Yes	

**RZ22-002** filed by City of Valparaiso Redevelopment Commission, 166 Lincolnway, Valparaiso, and Patko P & K LLC, c/o Tim Brust, 464 Bella Ct, Valparaiso. The petitioners request rezone from GR-General Residential to CA-Campus and PS-Public Space for six parcels within an approximately 160-acre irregularly shaped area around the intersection of Burlington Beach Rd and Memorial Parkway.

Beth Shrader – The Redevelopment Commission will be presenting. Present also is Tim Brust of Patko P & K LLC by Webinar. The Petition for Rezone is in the packet. The most important documents are the maps. She showed the conceptual master plan for the sports and recreation park. This is to the east. To the west between 49 and the extension of Memorial Drive, is what

will be Campus Zone. It is currently Campus Zone except for two parcels that are split by Memorial Drive. The intent was when this was brought into the City it would be a residential subdivision. There are large lot subdivisions surrounding this area. But the proposal now is for a park. The proposed zoning for two parcels and a tiny sliver is Public Space which is a zoning category for parks and schools. There are remnants that will join in with the zoning on the west side of Memorial Parkway and be Campus Zone. There are guidelines for land use and development standards for Campus Zone in the UDO. Those will be refined in the Campus Master Plan that is underway. The proposed zoning is marked on a map. There is Public Space for the part that is planned to be developed as a park. There is part that is under annexation from the County. That will be going before the Council later this year. In the staff report there is a quote from the UDO that the factors that should be considered are compatibility with the Comprehensive Plan, air, light, general welfare. Staff recommends the proposed zoning as presented. This matter requires a Public Hearing.

### **Public Hearing**

Terry Beisen – 446 Meadowbrook Drive. He would like to know if they have considered putting 5G towers in this area.

Beth Shrader - There are no plans for that. Generally, they take all the questions and then answer them after the Public Hearing is over.

Terry Beisen – 446 Meadowbrook Drive. What exactly is Public Space?

Tom Froelich – 443 Meadowbrook Drive. Are there any plans for putting wells in the area? If so, has anybody taken into consideration how that will affect his well? He would like to know what they will do with the land marked for Public Space. The part in the front marked Public Space, will that be buffer to the subdivision? Will it be utilized in some way?

Virginia McKuhen – 448 Meadowbrook Drive. Has this already been rezoned for this project?

Beth Shrader – This is what starts that process.

Virginia McKuhen – Her property has a tree line and then the field goes to CR 500 North. Is there a layout of what is going to transpire in that area?

Seeing no one else wishing to address the Board, Tim Warner declared the Public Hearing closed.

### **Staff Reply to Questions**

Beth Shrader – Public Space is the most narrowly defined zoning classification in the UDO. It is exclusively for public schools and public parks. The intent is to build a public park. The Master Plan, as far as it has gone, is what is before the Board tonight. At this time there is no plan to

have anything built in the areas shown without development. Certainly not in the first phase. It is premature for anybody to know how long the phases will last. The Administration and Park Department are very excited to get this going. Right now, they are doing value engineering. The park will be done in phases. That does not mean that at some time in the future this will not be developed as a park, but there are development standards for building next to residential. The expectation is there will continue to be a buffer.

The Facilities that are proposed as part of the Park are planned to have City sewer and water. There may be exploration of this area to be a well field. That will be handled by the City Services. She does not know how they do their analysis.

Mike Jabo – When VCU considers this they do an exhaustive analysis.

Beth Shrader– Citizens can leave contact information and it will be forwarded to City Services. That way they know that person is concerned about how a well will affect their property. The process for rezoning begins with a Public Hearing at the Plan Commission. The Plan Commission makes a recommendation to the City Council and the City Council makes the final determination if it will be rezoned or not. She anticipates this coming before the Council at their second meeting in January.

Virginia McKuhen - Are there limitations of what they can put on the park?

Beth Shrader – There is a requirement for a buffer. What you see right now is the intention. Sports fields are a part of it. There will be access roads to get to the sports fields. There will be parking lots. There will be drainage facilities. If budget allows an indoor component would be desirable. Right now, that is not in the budget. What you see will be phased. If it is Public Park, park facilities can be located there. There is no intent to build an ATV Park.

Tim Warner (Park Board Appointment to Plan Commission) – The intent in the first Phase is to build multi use sports fields. Those can be used for soccer, baseball, softball, pickleball. They are flexible type fields that can be converted. It gives the community the ability to increase the amount of fields if there is a shortage. It also gives them an opportunity to host regional sports. They are not planning on any hockey at this time. These are intended to be all weather surface fields.

Beth Shrader – There are four fields. They can be adapted to be baseball, softball, lacrosse, or soccer fields. There are more fields that are primarily soccer but can be made into smaller baseball fields. There is a parking lot. There are viewing areas. There are small playground areas. A walking trail. There is an access drive. The intent is that the trails will continue to the southern half of the property which is part of the annexation area. This will be a more natural park area.

Tim Warner – There is a small community building that will have restrooms and concessions.

Beth Shrader – Buffer is an amount of space and an amount of vegetation to provide a buffer between uses that would benefit from that.

Virginia McKuhen – When you present this as a park are you going to present all that is going to be applied to that land? Are you going to say it is going to be zoned as a park and that is that? Or are you going to list what the intention is for that land?

Beth Shrader – It will be just a park. A zoning classification does not come with a specific use. Public Space zoning is the most restrictive zoning classification there is because it has to be a public park or a public school. They are obligated to follow the development standards in the UDO for the development of the park.

Virginia McKuhen - When you present this are you going to present it as just a park without all of the intention of what you plan to do with the land?

Mark Worthley – Today this is the Plan Commission. The Plan Commission decides what the zoning criteria are for a parcel. The City is requesting that this parcel be re-zoned to make it park space. There is no requirement that the City provide any specificity for what the plan would become. There is a lot of flexibility for the City in that regard. All of the rules for what would be, are contained in the Unified Development Ordinance.

Virginia McKuhen – So the public does not have a say in what is being rezoned. Is that correct?

Mark Worthley – That is not true. You have a say right now. You are talking to the Board.

Virginia McKuhen – And how many people know about this? How has this been presented to the Public? How many people in Valparaiso know this is going to be zoned from a housing development to a public park. When you say public park there are all the venues. It is behind her home and she has a major interest. Does this committee just say we are going to rezone this to a park, vote on it and then it just changes?

Mark Worthley – If the committee votes on it and changes the zoning, then the zoning for that parcel would change. All the people who have land adjoining the parcels affected received notice. Everybody else would have received notice through postings at City Hall, on line and newspapers. Whether people are not here due to lack of notification, or they are happy with the plan is up for interpretation. Your line of questioning is getting past the point of collegial extension of public comment section we have granted you.

Virginia McKuhen - She has a problem with hearing it is going to be a park. Her understanding of a park does not include all of these venues near a housing development. To her that is more of a commercial enterprise. It is not just a park. It is a conglomerate of fields in an area where there is housing. She wants to know how it is going to be presented. This is the Board that votes, right?

Beth Shrader – There are two Boards. This Board makes a recommendation to the City Council. The Council will confirm the zoning change with an Ordinance. It will be brought before the City Council. However, the Public Hearing is happening right now. So your comments will be recorded and included in the minutes and be made available to City Council.

Virginia McKuhen – So it is not a public voting on whether it can be rezoned. That is just in this Committee?

Beth Shrader – That is correct. The Public Hearing is closed. We need to wrap up the comments.

Member of the Audience – He doesn't want to seem combative, but the statement Mark made saying everyone within 300' got notice is not correct. Not everyone got notified. Only the six parcels that are at the north end of the property. He has been in communication with a lot of folks who spent an awful lot of calls this afternoon and no one has gotten a letter.

Clay Patton – He finds that hard to believe.

Beth Shrader – We have all of the green cards for the notice that was sent as back up for that.

Member of the Audience – He just checked with the HOA today. They have no knowledge of this. The people of the Board have no knowledge of this. The folks right next door and he is on the Board and they have no knowledge of this.

### **Questions/Comments from the Board**

Clay Patton – The retention ponds that are shown, are those existing retention ponds?

Mike Jabo – The one that looks like South America is existing.

Clay Patton – The one just north of Meadowbrook? It is on the longer parcel that goes up to 500 North.

Mike Jabo – The places that are shown in blue are places where they would like to put ponds. They have not finished their hydrological calculations.

Clay Patton – All of these parcels are currently zoned GR for General Residential? How many acres is this in total?

Beth Shrader – It is zoned GR. The total area is about 160 acres.

Clay Patton – How many houses per acre are allowed in GR?

Beth Shrader – GR Zone allows a 6,000 sq ft lot minimum.

Mike Jabo – In theory after all has been accounted for approximately 700 homes could be put here. However, as you progress south there are a lot of wetlands.

Clay Patton – But at least several hundred houses could be put in that would be on City services.

Beth Shrader - Public Space is a lower impact type of use than most zoning classifications. This is why the development standards are what they are. As far as impact to the neighbors, she would say that under General Residential you would expect much more intensity of use than what you would see for this park. An event will be impactful.

Beth Shrader – The Redevelopment Commission purchased this property from Patko and Tim Brust represents Patko.

Tim Brust – They were under contract twice with residential developers for 120 acres. This is all of the frontage along 500 North. Their plans both felt they could support 380 to 400 houses. They would have been looking for four home sites per acre.

Beth Shrader – If the Plan Commission members are amenable to taking a vote tonight, it would have to be a motion and then a unanimous vote.

Mark Worthley – Tim Warner should recuse himself since he receives pay for being on the Park Board.

**MOTION:** Vic Ritter moved to suspend the rules for voting on Case RZ22-002. Clay Patton seconded the motion. The motion passed unanimously on voice vote.

**MOTION:** Vic Ritter moved to approve Case RZ22-002 a request to rezone from GR-General Residential to CA-Campus and PS-Public Space for six parcels within an approximately 160-acre irregularly shaped area around the intersection of Burlington Beach Rd and Memorial Parkway to send it to the City Council with a favorable recommendation. Harris Peterson seconded the motion. The motion unanimously passed with a 6-0 vote.

**Roll Call Vote:**

Matt Evans – Absent

Tim Warner – Abstain

Vic Ritter – Yes

Al Shields – Yes

Mike Jabo – Yes

Peter Anderson – Absent

Clay Patton – Yes

Harris Peterson – Yes

Diane Worstell – Yes

Clay Patton - He suggested residents keep in touch with Staff. He appreciates their concerns but feels this will enhance their property. The Plan Commission does not develop the land. That is up to the City.

Tim Warner - Also keep a lookout for any Public Hearings that the Park Department and City Council may have.

### **New Business**

**A22-003** "Franciscan Alliance Annexation" filed by Franciscan Alliance, Inc. c/o Kenneth Catellier, 5721 Progress Rd, Indianapolis. The petitioner requests zone assignment of BP – Business Park for a proposed annexation area including two parcels at Mariposa Dr between IN-49 and Eastport Centre Dr.

Ken Catellier, Vice President of Real Estate for Tonn & Blank Construction presented by Zoom. Also present is Matt Hover, Director of precon. Tonn & Blank is a wholly owned subsidiary of Franciscan Alliance for Sisters of St. Francis. They have purchased land in the Eastport Centre. They have been received well by their Franciscan Physician Network. This property is located in the southeast corner of Highway 2 and Highway 49. They are proposing a two story 50,000 square foot ambulatory surgery center and urgent care on the first floor. Physician offices will be on the second floor. This is Phase One. Phase Two will be a little bit more but that has not been planned out. There is a detention pond that is about five acres. They purchased this in 2018 and below it is 10 acres they purchased shortly thereafter. Where the bulk of the building is and the parking is 20 acres and just to the left of that is five acres. There are a total of 40 acres. However, the 5- and 10-acre parcels are in the City of Valparaiso. The 20 acres and the 5 acres are not in the City. They are requesting annexation for these two to join the other two that are zoned Business Park in the Eastport Centre. This is a voluntary annexation. Phase One is a \$35 Million Dollar investment.

Beth Shrader – The Public Hearing will be at the City Council meeting for the annexation.

### **Questions/Comments from the Board**

Clay Patton – This is an island within the City of Valparaiso that is unincorporated.

Beth Shrader – That is correct. She prefers to call it a donut hole.

Clay Patton – In the Staff Report it shows four donut holes. If we pass this that leaves only three donut holes.

Beth Shrader – the role of the Plan Commission here is to make a recommendation for the zone. They are requesting Business Park zoning. This is consistent with surrounding property and the vision of the Comprehensive Plan.

**MOTION:** Clay Patton moved to accept the annexation of these parcels with a zone classification of BP – Business Park. Diane Worstell seconded the motion. Upon roll call vote the motion passed with a 7-0 vote.

**Roll Call Vote:**

Matt Evans – Absent	Peter Anderson – Absent
Tim Warner – Yes	Clay Patton – Yes
Vic Ritter – Yes	Harris Peterson – Yes
Al Shields – Yes	Diane Worstell – Yes
Mike Jabo – Yes	

**Staff**

**Reappointments and Officer Election**

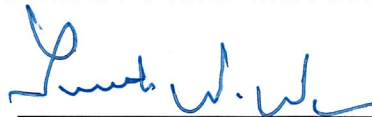
**Motion:** Clay Patton moved to have Matt Evans serve as President of the Plan Commission for 2023 and Tim Warner to serve as Vice President of the Plan Commission for 2023. Tim Warner seconded the motion. The motion passed with a 7-0 roll call vote.

**Roll Call Vote:**

Matt Evans – Absent	Peter Anderson – Absent
Tim Warner – Yes	Clay Patton – Yes
Vic Ritter – Yes	Harris Peterson – Yes
Al Shields – Yes	Diane Worstell – Yes
Mike Jabo – Yes	

**ADJOURNMENT:**

**Motion:** Peter Anderson moved to adjourn the meeting. Al Shields seconded the motion. Upon voice vote the motion passed with a 7-0 vote. There being no further business, the meeting adjourned.



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Tim Warner, Vice President



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Beth Shrader, Executive Secretary

**Next Meeting:** February 7, 2023