

**MINUTES OF THE MEETING
OF THE PLAN COMMISSION
VALPARAISO, INDIANA
January, 10, 2024**

The Plan Commission of the City of Valparaiso, Indiana, met on Wednesday, January 10, 2024 at 5:30 p.m. in City Hall. Matt Evans called the meeting to order. The Pledge of Allegiance was said. Present were Diane Worstell, Harris Peterson, Sarah Polman, Vic Ritter, Tim Warner, Matt Evans, Ellen Kapitan and Max Rehlander. Clay Patton was absent.

Matt Evans welcomed Sarah Polman and Ellen Kapitan as new members of the Plan Commission.

MINUTES

November 7, 2023 minutes were presented for approval.

Motion: Diane Worstell moved to approve the November 7, 2023 minutes as presented. Harris Peterson seconded the motion. Upon voice vote, the motion passed with an 8-0 voice vote.

Reorganization

Motion: Vic Ritter moved to approve the slate as presented. Harris Peterson seconded the motion. Motion passed with an 8-0 voice vote.

Motion: Vic Ritter moved to elect Tim Warner as Vice President. Harris Peterson seconded the motion. Motion passed with an 8-0 voice vote.

Motion: Tim Warner moved to elect Matt Evans as President. Harris Peterson seconded the motion. Motion passed with an 8-0 voice vote.

Old Business – None.

New Business

A23-002 Annexation Petition filed by Werner Property, LLC and Lona R. Werner Revocable Living Trust c/o Tim Brust, 464 Bella Ct, Valparaiso, IN 46385. Petitioners request zone assignment of INH – Heavy Industrial for an approximately 89-acre area at the northeast corner of the intersection of Slover Rd (CR 325E) and the Norfolk Southern railroad tracks. Public hearing is on the zone assignment. Staff requests suspension of the rules to allow a decision in the same meeting.

George Douglas presented on behalf of the Petitioners. George is Director of Development for the City of Valparaiso. This is a super voluntary annexation seeking Heavy Industrial zoning. As Director of Development, he works with a lot of businesses to attract them to the Valparaiso

area. A few months ago there was property in the area that was under contract for sale with Heavy Industrial zoning. It appeared there was a shortage of additional property that is in the city, served by the City and properly zoned for industrial growth and development. This property was under contract for sale with the condition it would be annexed into the City. It currently is not under contract. The owners are going to sell this property and they are still very much interested in proceeding with the annexation. This will remove one of the obstacles for the future developer.

Beth Shrader – In Valparaiso annexations go to the Plan Commission for zone assignment. The Plan Commission makes a recommendation to the Council. This area has quite a few annexation requests. Voting on this tonight under suspension of the rules would keep them all on the same track. When there is a Public Hearing the request is usually heard at two meetings. That is not a State statute but the custom for Valparaiso. To suspend the rules requires a unanimous vote. This annexation is the most straightforward and easiest annexation there is. All of the property owners in the annexation area are requesting the annexation. This is in the Comprehensive Plan.

Tim Warner -What is the status of the Fiscal Plan?

Beth Shrader – A draft has been prepared. After review by the Department Heads, there were some changes that needed to be made. This will be ready for the first reading at the Council.

PUBLIC HEARING

Robert Cotton – 705 Lytle Street. – Is there anything on the property?

George Douglas – Two houses. The majority is farmed. There will not be any change in this until the property is sold.

Robert Cotton – 705 Lytle Street – Were there any remonstrances?

George Douglas – No.

Seeing no one else wishing to address the Board, Matt Evans declared the Public Hearing closed.

Questions/Comments from the Board

Ellen Kapitan – If the recommendation to the Council comes from the Plan Commission and there are no plans for the property, what happens when there are plans for the property?

Beth Shrader – If the proposed project is all compliant with the UDO then they proceed. If they want to subdivide then it comes back to the Plan Commission. If they are not compliant with the UDO they can petition the BZA.

Max Rehlander – He asked Beth to explain the small square inside the trapezoid.

Beth Shrader – There is no explanation.

Ellen Kapitan – For Heavy Industrial zoning what is the responsibility of the Plan Commission with environmental impacts?

Beth Shrader – The Plan Commission approves a Comprehensive Plan and a UDO. If there is a problem with the standards, the Plan Commission deals with them. If there are no problems the Plan Commission can move forward knowing it is ok. The standards in place are protective of the surrounding land use and waterways. Even though there is a lot of agriculture in this area every direction has Heavy Industrial zoning. Staff's recommendation is to approve this request.

George Douglas – It is currently zoned in the County General Industrial which is the equivalent.

Attorney Worthley – The surrounding property is zoned Heavy Industrial and abuts to farmland. It is fairly common to see Industrial zoning in Agricultural zoning. IDEM handles environmental issues.

Matt Evans – He likes that there is contiguity and surrounding uses are the same.

Motion: Tim Warner moved to consider case A23-002 under suspension of the rules. Harris Peterson seconded the motion. Motion passed with an 8-0 roll call vote.

Roll Call Vote:

Diane Worstell – Yes
Harris Peterson – Yes
Sarah Polman – Yes
Vic Ritter – Yes
Tim Warner - Yes

Matt Evans – Yes
Clay Patton – Absent
Ellen Kapitan – Yes
Max Rehlander – Yes

MOTION: Diane Worstell moved to approve Case A23-002 and send a favorable recommendation to the Council. Vic Ritter seconded the motion and so approved with an 8-0 roll call vote.

Roll Call Vote:

Diane Worstell – Yes
Harris Peterson – Yes
Sarah Polman – Yes
Vic Ritter – Yes
Tim Warner – Yes

Matt Evans – Yes
Clay Patton – Absent
Ellen Kapitan – Yes
Max Rehlander – Yes

A23-003 Annexation Petition filed by Northern Indiana Public Service Company and Maxwell Realty, LLC. Staff requests zone assignment of INL – Light Industrial for an area of approximately 78 acres made up of 5 parcels located west of State Road 49, south of Division Road and east of County Road 150 East. Public hearing is on the zone assignment. Staff requests suspension of the rules to allow a decision in the same meeting.

George Douglas – This is a super voluntary annexation. The request for suspension of the rules is more administrative than anything. There are three Maxwell parcels which are not contiguous and a NIPSCO parcel to the north. This request is a total of 78 acres. This matches up with the Family Express request that is sitting in front of the Council now. There is no development proposed at this time.

Beth Shrader – If this is approved tonight it will move on with the Family Express annexation and will be heard by the Council in February. If they get separated, they lose contiguity in the Family Express annexation. There would be a pause while they wait for the Family Express annexation to take effect. If that happens this comes to Council at a later time this year rather than in February. The Comprehensive Plan was adopted in 2013. It identified the areas targeted for annexation but did not state zoning. In the previous Comprehensive Plan it showed annexation going to Division Road and Light Industrial on either side. Then along the State Corridor it provides an appropriate transition from high volume into residential as you get further away from the Highway. They are due for another Comprehensive Plan soon. Going south they will have to look at the subdivisions already on 49 and provide appropriate buffers. In this case there is a residence in the little notched out area. All of this is recommended to be Light Industrial with certain carve outs of uses that are found to be inappropriate. The recommendation for the Family Express annexation was to include an Annexation Agreement with certain elevated development standards and certain restrictive uses that would run with the parcel. In UDO updates she would like to bring some version of the Overlay standards that just go to Division and bring it to City limits as that grows. The same restrictions of the most heavy industrial uses and commercial uses that were recommend for Family Express are what staff recommends in these parcels. For the protection of any parcels adjacent there are development standards that require buffer yards.

Max Rehlander – How does contiguity affect annexations and this parcel?

Beth Shrader – It is required that there is 12.5% of the perimeter contiguity. She showed the greater than 12% contiguity in this annexation request. There is special legislation that allows noncontiguous annexations. That is not sought in this case

Matt Evans – Should the recommendation include contiguity being met along with the Family Express annexation.

PUBLIC HEARING

Frank Matea – Good evening commission members, city staff and everyone in attendance.

Thank you for the opportunity to express my opinion on the annexation and zoning request before you.

Currently, the property south of Division Road and extending south approximately 1,360 feet is zoned I2 by the county with the remainder of the property to be considered is low density single family residence.

I would suggest that the plan commission recommend annexation for the property occupied by NIPSCO and the property to the north be approved for annexation and rezoning to light industrial (INL) as it is consistent with the existing use of NIPSCO property and the property on the north side of Division Road. I would also suggest that the property south of NIPSCO be annexed and zoned either estate residential district (ER) or suburban residential district (SR) to more closely match the existing R1 low density single family residential district assigned by the county and matching all of the adjoining property or not be annexed at this time.

Support for this recommendation is as follow:

1. The unified development ordinance section 1.305A states “the RU zoning district shall apply to all land that is annexed into the City unless and until the City adopts an ordinance changing zoning of the property”.
2. Envision 2030 chapter 7 section 7.1 states “promote cluster and conservation development for new residential areas.”
3. Envision 2030 chapter 7 section 7.13 states “Determine the appropriate zoning of the infill development tracts and initiate rezoning as appropriate. Care must be taken to ensure that the neighborhood character is preserved and compatibility with existing uses is observed.”
4. Envision 2030 chapter 7 section 7.17 states “Pre-zone the preferred future growth areas to be consistent with the future land use plan. Such zoning should allow flexibility as to the development type, provided the development character is compatible with the surrounding area.”
5. The City of Valparaiso annexation policy item II states “One of the City’s goals is increased homeownership. We need to provide additional land for development within our boundaries, as there is little undeveloped land for this purpose.”
6. The City of Valparaiso annexation policy VII.D.6 states “Annexations that would result in the creation of islands or peninsulas of unincorporated area shall be avoided if possible.”
7. Looking at the envision 2030 map 7.5, the area in question is part of a larger area to be annexed in the future and a master zoning map of the area should be created as a whole.
8. City goals and strategies section 3.1.1 states “to increase the degree of control, regulation and enforcement of the land use within the SR49 corridor, the City of Valparaiso should develop an annexation program to incorporate the remaining areas of the corridor, as currently delineated within the envision 2030 comprehensive plan and illustrated in map 3.1 future annexation plan , into the City’s corporate limits.

9. Looking at the proposed recreational trails map 3.5, the proposed recreational trail is better suited for a residential area than an industrial one.
10. State Road 49 south of Division Road is reduced to two lanes and not constructed for industrial use at this time. One only needs to look at the deterioration of Division Road created by the traffic diversion to the existing industrial park to predict the future of SR 49 with the approval as requested.
11. Annexation 101 requires 12.5% of an area to be annexed must be contiguous with existing City limits but strongly suggests 25%. The property as presented meets the 12.5% requirement but ends after the existing NIPSCO property if the suggested 25% is considered.

Seeing no one wishing to address the Board, Matt Evans declared the Public Hearing closed.

George Douglas – The NIPSCO went from Residential to Light Industrial. He believes that is the best zoning for this area. As they move further south, they abut more into Agricultural area rather than Residential.

Beth Shrader – She is not aware of a document in the City that recommends any greater contiguity than the state so the 12.5% is standard.

George Douglas – When development begins, they will look at what improvements need to be made on SR49.

Beth Shrader – There is a lower level of service than they would like at the intersection of SR49 and Division. As projects are proposed in this area there will be changes to the road.

Max Rehlander – With any annexation the Engineer Department looks at what roads will be added to their inventory as well as the utility network and expansion. SR49 is INDOT controlled and their responsibility. The City can make recommendations.

Beth Shrader – At this time there are no plans to make improvements to the roads. That will be considered when development is proposed.

Ellen Kapitan – She asked if Mr. Matea is out of the City limits. He is.

Harris Peterson – Where does the Maxwell property start?

George – Everything south of NIPSCO is owned by the Maxwell family.

Beth Shrader – She referenced the recommendations made for the zone recommendation in the Annexation Agreement with Family Express:

Restriction of disposal or salvage uses. The manufacture or storage of explosives. Any extraction or any sewage disposal. In addition, restriction of any heavy retail particularly big

box stores and vehicle sales rental service. Those are the recommended use restrictions recommended for an Annexation Agreement for the Maxwell parcels. Additionally, retain the increased street yard setbacks, the 6' height maximum on monument signs, a Class D buffer yard along 49 which are all elements of the Corridor Overlay for Indiana 49.

Motion: Vic Ritter moved to consider case A23-003 under suspension of the rules. Diane Worstell seconded the motion. Motion passed with an 8-0 roll call vote.

Roll Call Vote:

Diane Worstell – Yes
Harris Peterson – Yes
Sarah Polman – Yes
Vic Ritter – Yes

Matt Evans – Yes
Clay Patton – Absent
Ellen Kapitan – Yes
Max Rehlander – Yes

MOTION: Harris Peterson moved to approve Case A23-003 and send a favorable recommendation to the Council with Light Industrial zone assignment with the use restrictions outlined by Beth Shrader and the 49 Corridor Overlay subject to Family Express annexation and contiguity requirements. Diane Worstell seconded the motion and so approved with an 8-0 roll call vote.

Roll Call Vote:

Diane Worstell – Yes
Harris Peterson – Yes
Sarah Polman – Yes
Vic Ritter – Yes
Tim Warner – Yes

Matt Evans – Yes
Clay Patton – Absent
Ellen Kapitan – Yes
Max Rehlander – Yes

Staff Items

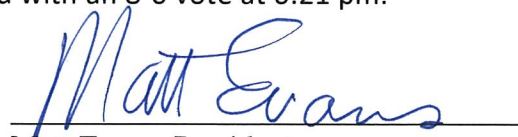
Beth Shrader – She thanked Board members for their service and gave background information on the two new members – Sarah Polman and Ellen Kapitan.

ADJOURNMENT:

Motion: Harris Peterson moved to adjourn the meeting. Vic Ritter seconded the motion. Upon voice vote the motion passed with an 8-0 vote at 6:21 pm.



Beth Shrader, Executive Secretary


Matt Evans, President

Next Meeting: Tuesday, February 6, 2024