

**MINUTES OF THE MEETING
OF THE PLAN COMMISSION
VALPARAISO, INDIANA
January 11, 2022**

The Plan Commission of the City of Valparaiso, Indiana, met on Tuesday January 11, 2022 at 5:30 p.m. in City Hall. Matt Evans called the meeting to order. The Pledge of Allegiance was said. Present were Matt Evans, Peter Anderson, Tim Warner, Vic Ritter, Jim Mooney, Diane Worstell, and Mike Jabo. Absent were: Al Shields. TJ Edwards has moved outside the City limits and has been replaced by Clay Patton who was absent.

MINUTES:

July, October, and December 2021 minutes were presented for approval.

Motion: A motion was made and seconded to approve the minutes as presented. Upon voice vote, the motion passed with an 8-0 vote.

OLD BUSINESS

PP21-002 (2nd Reading) – A petition filed by Olthof Homes c/o Todd A. Leeth and Katie L. Kopf of Hoepfner, Wagner & Evans 103 E. Lincolnway Valparaiso, IN 46383. The petitioner requests approval of a primary plat for a two-hundred and ten (210) lot subdivision to be known as Westwind Subdivision. The property in question is located at (Parcel #) 64-09-09-401-001.000-003.

Todd Leeth presented on behalf of the Petitioner, Olthof Homes. Ed Rechtenwald of Olthof was present also. At the last meeting they conducted the Public Hearing. There were six items to take care of: An issue with traffic. First Group Engineering is doing traffic studies about the traffic calming question that came up. They will work with the City as they receive their site permits. This is not a plat issue. The second issue was pathways. This has been resolved. A pathway will run along Pepper Creek and will connect Vale Park and Tower Road. Another issue was street names. They are going to work on new street names for those that are in conflict. This is not a primary plat issue. They will be correct on the secondary plat. Landscaping plans have been revised. Declaration of Restrictive Covenants have been submitted. The correct number of lots is 249 and they are within the code requirements.

Staff: Beth Shrader reported the density does check out. The items mentioned in the staff report will come as Todd Leeth mentioned. They will be looked at by Engineering before site permits are issued. Beth asked about the pathway alignments and continued public access along Creek Side pathway. Todd replied there have been conversations. The pathways will be in easements. They are public easements so the pathways will be public. The flood plain issues will be addressed at the engineering stage with site permits. The street and subdivision names will be received before secondary plat. Adjustments have been made to the landscaping plan. She is reviewing the covenants and restrictions.

Mike Jabo reported he has talked with the traffic engineer consultant. They are discussing impact of traffic, especially at CR250 and the intersection of 130. They are also discussing traffic calming designs within the subdivision.

Beth Shrader explained Primary Plat Approvals – Findings of Facts. Each member has a copy for review. It lists all outstanding items to remind staff and petitioner as they are going through the process. Staff recommends approval.

Motion: Jim Mooney moved to approve PP21-002 pursuant to the issues to be resolved. Diane Worstell seconded the motion. Upon roll call vote the motion passed with an 7-0 vote.

Roll Call Vote:

| | |
|------------------------|----------------------|
| Matt Evans – Yes | Peter Anderson – Yes |
| Tim Warner – Yes | Clay Patton – Absent |
| Vic Ritter – Yes | Jim Mooney – Yes |
| Alvin Shields – Absent | Diane Worstell – Yes |
| Mike Jabo – Yes | |

PUD21-003 (WITHDRAWN) – A petition filed by Lennar Homes of Indiana c/o Todd A. Leeth and Katie L. Kopf of Hoeppner, Wagner & Evans 103 E. Lincolnway Valparaiso, IN 46383. The petitioner has withdrawn the request to rezone a property from Urban Residential (UR), General Residential (GR), Public Space (PS) and Commercial General (CG) to Planned United Development.

NEW BUSINESS:

RP21-003 – A petition filed by Larson-Danielson Construction Co., Inc. c/o Tony Oss, 302 Tyler St, LaPorte, IN 46350. The petitioner requests approval of a replat of Lot 2 in the Appletree Ventures Minor Subdivision. The property in question is located at 2650 Barley Rd (Parcel #: 64-10-31-276-002.000-004).

Tony Oss presented remotely. The purpose is to prepare for the construction of a new building like the existing building but larger. Lot 2B will not have frontage on Barley Road. It will share a driveway with ingress and egress on Lot 2A. This Petition has been filed with the BZA and is on the Agenda for their January 19th meeting.

Public Hearing:

Seeing no one wishing to address the Board, the Public Hearing was closed, and questions/comments were heard from the Members.

Staff: Beth Shrader advised they received no other public comment before the meeting. The Petitioner could have gone two ways with this – through the Plat Committee or the Plan Commission. The timing worked out to bring this before the Plan Commission. The approval that could be given tonight would be conditioned on approval of the variance for lack of frontage on a public way. The lot split represents appropriate lot sizes. They have addressed the lack of frontage

with easements. This has been reviewed by City Staff and Engineering. The easements are appropriate for ingress and egress. Staff recommends approval.

Mike Jabo stated they are more than adequately served with storm water. The drawing presented tonight includes the crossing easements through the property.

Q: Asked for clarification on ingress and egress.

A: At the end of Barley Road there is an access point. Along that southern property line will be an ingress/egress easement that will provide access to Lot 2B. There is also an ingress/egress easement running north/south along the western side. Part of this development will be to expand the drive along the south side of the building.

Q: Is there an access and maintenance agreement even though the owners are the same.

A: The owners plan on having a full access agreement that will involve a shared parking agreement.

C: That should include maintenance of the street as well.

Motion: Mike Jabo moved to approve RP21-003 contingent upon Petitioner receiving approval from the BZA. Jim Mooney seconded the motion. Upon roll call vote the motion passed with an 7-0 vote.

Roll Call Vote:

Matt Evans – Yes
Tim Warner – Yes
Vic Ritter – Yes
Alvin Shields - Absent
Mike Jabo – Yes

Peter Anderson – Yes
Clay Patton – Absent
Jim Mooney – Yes
Diane Worstell – Yes

PP21-003 – A petition filed by Lennar Homes of Indiana, Inc. c/o Todd A. Leeth and Katie L. Kopf of Hoepfner, Wagner & Evans 103 E. Lincolnway Valparaiso, IN 46383. The petitioner requests approval of a primary plat for a one-hundred and sixty (160) lot subdivision to be known as Iron Gate Subdivision. The property in question is located at the following parcel numbers: 64-09-09-200-006.000-004, 64-09-09-200- 007.000-004 and 64-09-09-200-008.000-004.

Todd Leeth presented on behalf of Lennar Homes of Indiana. Todd Clevin of Lennar, Kevin McTrey of Macke Consultants, and Rich Olson from Gary Webber Associates were also in attendance. They are seeking primary plat approval for a new subdivision. Iron Gate is on the south side of 500 N. It is the extreme north west corner of the city of Valparaiso. They are proposing 160 lots. The parcel is 79 acres. Pepper Creek is south and east. Brigata Hills abuts the parcel on the east. They are zoned Suburban Residential which is the same zoning as Brigata. Pepper Creek is estate size lots. They are utilizing cluster development option under the UDO. A cluster development is not a variance. It is an option to allow them to proceed under a different set of standards. The cluster development encourages a creative design to achieve certain goals. In this case a larger open space. This project has 38% open space. That exceeds the requirement to utilize the cluster development which is 35%. Without using the cluster development there would only be a 10% open space requirement. This open space is a great amenity. These 20 acres

provide a great buffer between Brigata Hills. The open space does not go all the way to the south, so in the landscaping plan they have provided the required buffer yard along that area.

In August they received variances. Cluster development requires certain lot widths and a percentage of lot widths. They wanted relief from the ridged numbers. They have large lots of 90' and smaller lots of 65' width. The largest of the lots are on the east and border along Brigata Hills. There is a roadway system through out the development. There is open space that is significant. They have the detention areas. Traffic calming is always a concern. That is part of the UDO. They are proposing intersection islands to slow down and impede the speed at those intersections. They are working with the Engineer and will have new drawings of the streets at the next meeting. Macke Consultants have put together the engineering plans. These plans include storm water management. It shows how they are going to capture all the water that is generated. The plans also address the utility extensions. They are going to bring a water line off site to Brigata. The street design is also set forth in the engineering plans. They have done a traffic impact study.

The primary plat is the survey plat and all they have submitted over the last several months. They meet the Suburban Residential zoning utilizing the cluster development options and employing and deploying the variances they have received.

Public Hearing:

John Gast – 474 North 250 West. He is adjacent to the property and is concerned regarding the drainage. He has been waiting on the County to do a survey where the existing drain tiles are. They had indicated it might be a problem. He is also concerned about the traffic. Not only with this subdivision but there are two or three more – 600 housing units – going up through the area. He will not be in favor of any connectivity. He wants to know the method of sewage removal.

Seeing no one else wishing to address the Board, the public hearing was closed, and questions/comments were heard from the Members.

Todd Leeth responded. Regarding the storm water drainage, they significantly investigated the farm tiles that are on this property except for the wooded area. They know exactly where each tile is. All those field tiles flow to Mr. Gast's property. The storm water plan intercepts those tiles and captures the water on site and redirects it to the detention ponds. The bottom line is there will be less water going at any time but there will be more water so it will be wetter longer. No one will be flooded out. The City's ordinance requires the connectivity. There was connectivity to Brigata, but the City instructed them to remove it. If they are instructed to remove this one as well, they will. The sanitary sewer plans are part of the submission. He understands there is a lift station that is in the proposal before the Board.

Staff: Beth Shrader stated there is additional coordination with the County that is required. They have been doing this. [DC1]In the storm water report, there is special attention paid to the field tiles. The connection to the west is a city requirement. It is the hope that should that property be developed, that is where the connectivity would be. There is no obligation unless the property is

developed. There is a lot of growth on the north west side of the City. The projected increase in growth in this area is historically 1% to 1.5%. The traffic impact study is distributed.

Mike Jabo stated they did a traffic impact analysis. The traffic impacts were very minimal to 500 North. There are two developments in a row here. There is room for more. The City maintains SR 130 to Tower Road and in 2024 they will maintain to SR149. Brooks development is going to put in the link for Vale Park Road. The City is watching the traffic in this area. The Engineering Department has reached out to the County to discuss their standards. The developer is going to use county standards which are stricter. There are ongoing conversations with the Engineer regarding the ponds and safety. To this point the Engineering Department is satisfied with all the work that has been done.

Beth Shrader stated the engineer for the petitioner provided some responses. They will follow up on these items. They want to make sure there is pathway connectivity. The Petitioner is agreeing to incorporate traffic calming measures. Road improvements to 500 N are to be determined. In general, the Petitioner has provided adequate information. Staff recommends continuing to the February meeting and may have more information at that time. Overall, what has been presented meets the requirements for primary plat.

Q: Why is this not connecting to Brigata Drive?

A: When at the BZA in August there was a significant amount of remonstrance and very passionate comments. Over half of the comments did not have anything to do with the variances they were asking for but were regarding the connectivity. The City asked the developer to remove the connection. They are providing a pedestrian connection.

Beth Shrader added that ideally there would be that connection and it is good sound planning. There is adequate connection with West Wind to the South and any further development to the west.

Todd Clevin addressed the Board. The connection is nothing more than the spirit of cooperation. They were asked not to connect. His concern is what the Ordinance says about phasing. Will they be limited to a certain number of lots until they have the second connection. The Olthoff connection may be somewhere in the future. He has agreed to not connect to Brigata, but he does not want to be held to a certain amount of homesites. He has no problem with putting in a large turn around. He wants to make sure there isn't an ordinance that impedes them from moving forward until that second connection is there. And if there is an Ordinance, is there a way they can continue to work around that or will he be forced to connect to Brigata to avoid that hinderance. They have agreed to everything in the staff report.

Beth Shrader stated it was the City's request to remove the access to Brigata Drive. In terms of phasing for the development the City will work with the Petitioner. If temporary turn arounds are required for access for garbage, street department vehicles and emergency vehicles, they can discuss that at the site work permit stage. This should not hold them up.

Matt Evans commended putting a pedestrian path between Iron Gate and Brigata. This development is almost 40% open spaces. That is to be commended. He wishes the connectivity

was there with Brigata. He would like to see this addressed so plats show very clearly that connectivity is planned. Macke showed they were going to use ornamental street signs. He would like to see if there is a standard that could be adopted for the future.

STAFF ITEMS:

Matt Evans announced that TJ Edwards has moved out of the City limits and has resigned from the Plan Commission. He thanked TJ for all this work over the years. Clay Patton will start next month on the Commission.

Election of Officers for 2022

Motion: A Motion was made and seconded to have Matt Evans as President of the Plan Commission.

Motion: A Motion was made and seconded to have Tim Warner as Vice President of the Plan Commission.

Hearing no more nominations and on a voice vote, the motion to have Matt Evans as President and Tim Warner as Vice President of the Plan Commission passed with a 7-0 vote.

Beth Shrader introduced Mark Worthley. He is the new attorney for the Plan Commission. She also introduced Deb Cook who will be taking over as Secretary.

Motion: A motion was made and seconded to have Mark Worthley as attorney and Deb Cook as Secretary for the Plan Commission.

Upon a voice vote the motion passed with a 7-0 vote.

Matt Evans thanked the outgoing attorneys for their many years of service to the City of Valparaiso.

ADJOURNMENT:

There being no further business, a motion was made and seconded to adjourn the January 11, 2022 Plan Commission meeting.

Matt Evans, President

Beth Shrader, Executive Secretary

NEXT MEETING: February 1st, 2022