

**MINUTES OF THE MEETING
OF THE PLAN COMMISSION
VALPARAISO, INDIANA
April 4, 2023**

The Plan Commission of the City of Valparaiso, Indiana, met on Tuesday April 4, 2023, 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, Diane Worstell, Clay Patton, Vic Ritter, Tim Warner, Mike Jabo, Al Shields, and Peter Anderson. Harris Peterson was absent.

MINUTES

March 5, 2023 minutes were presented for approval.

Motion: Mike Jabo moved to approve the March 5, 2023 minutes as presented. Vic Ritter seconded the motion. Upon voice vote, the motion passed with an 8-0 vote.

Old Business

PUD22-001 filed by Urschel Development Corporation c/o Todd A. Leeth, 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. Public hearing for this matter was held on December 6, 2022.

Todd Leeth presented on behalf of the Petitioner. Also present were two representatives of Urschels. Randy Peterson of Abonmarche was also present. They are seeking a Planned Unit Development the purpose of which is to repurpose the 1.5 acre site that was the Boys and Girls Club and before that the Gardner Elementary School. The Gardner School was built in the 1800s. The purpose of the redevelopment will be to establish a boutique hotel with 58 guest rooms. Because of its orientation. Because of its location. Because of the significant architectural features of the building, we have decided to use a Planned Unit Development. He presented a rendering of the old building as it was built in 1899. He presented a rendering of the old building with the additions to the east and west side. The east side is the guest rooms. The west side is where the amenities are. At the Public Hearing he stated this is a very cool project. It is great for saving the historic building. It also is a neat use of the property. The architecture and the work is extraordinary. He showed pictures from a drone that show the demolition that has been done to make way for this project. He showed some interior design features. The inside of this project will be first class.

They are establishing a PUD which is an ordinance to cover zoning just for this 1.5 acre parcel. It incorporates the building schematic plans and landscaping plans. All of this states what they are going to do. It also incorporates parking issues, utilities, and storm water. The Public Hearing was held December 6th. In attendance were eight opposed to this project and one in favor of the project. Issues raised were parking, noise, use of the alley, sewer backup issues, they didn't think the building fit within the community, and they thought a hotel was not integral to what the building was and there was a lack of integrity. Staff had their concerns as well. The permitted

uses. In his opinion they zone land, not buildings. They should have some flexibility in the PUD Ordinance if it is not a hotel. Utilities, parking and many other issues were tackled since the Public Hearing. He has created a matrix in the PUD Ordinance where they call out commercial lodging. That is everybody's intent and that is what is going to get built if they get all the approvals, Randy does his job and designs and engineers it and the City is satisfied, then we will get a building permit and build the plan you see. Zoning Ordinances and PUD Ordinances have a life. That life is perpetual until it is changed. They need to provide alternatives. Under 3B we have other uses that the building could be used for. That is a senior care facility and place of public assembly. If the building is not there the PUD provides for it to revert to NC 60. He thinks the plan is well laid out. There are alternatives. Parking is another big issue. At the last meeting we had 74 spaces and now we have 64. Along the alley on the north, they had angled parking. Now it is parallel parking. That was done because the alley is narrow and with larger vehicles the parking spaces were short. It was felt larger cars could hang out and would block the alley. The parking lot on the east side, there was some pushback with the size of the spaces. Randy re-did the parking lot several times and got it to code. There are some EV parking spaces and a few are marked compact. They changed the traffic circulation in the parking lot. Along Jefferson they reorientated the parking. They are now traditional pull in parking spaces.

The planning documents show this property is within walking radius of many parking areas in downtown. This project is two parcels from Central Business Zoning. The PUD Ordinance says there will likely be a parking study. They are going to participate in that and collaborate with the City. When the study comes back they hope they will have some suggestions and we are committing to collaborate but they are not committing to do something that they do not know what it would be. Urschels has the most vested interest in making sure there is plenty of parking for their hotel. That cannot fail. In the short term there is always remote parking in the City Lot. That is one block away. They can have shuttle services, valet service all during events. Once the hotel is operating then they can develop a game plan. The PUD says they will meet with the City Administrator and they will collaborate on parking. He reached out to the Boys and Girls Club. They provided a letter stating there are 35 spaces and five days a week their parking demand was between 50 and 100 cars twice a day. The Hotel's parking requirement is going to be far less than that and they have twice as many parking spaces. They had sports leagues that often required parking of 100 spaces. The net gain from the Boys and Girls Club to a boutique hotel will be less of a demand for not only the site because they are providing more, but the community around and the neighborhood. He feels the parking demand is going to go down based upon the change of use from the Boys and Girls Club to the boutique hotel. That is not true every day and every hour of every day.

The history of recent PUDs in this area has struggled. Beth wanted to look at the UDO to see how PUDs were changed and modified. This is a single use PUD. It is only 1.5 acres. We know what we are doing with the building. There is always the chance a modification would be needed. Some changes can be made by Staff. Those are administrative modifications. Some are minor modifications which come to this Board without a Public Hearing. There are major modifications that would require a Public Hearing. He has incorporated the UDO framework. A little bit has changed to make it more specific to this project.

Utilities were a big issue. Water and sewer are available. Storm water, soil erosion will be dealt with at the next stage of the process. Randy Peterson knows all of the City requirements can be met. They will be taken care of on the Engineering Design rather than surveys and site plans. Today he received some changes to the PUD.

Beth Shrader – These are compromises from elements of the plan that were revised and sent to the Petitioner that were brought back because they were not carried forward in your version. So they are the same comments that were received over a week ago or they were a compromise between what was presented a week ago by Staff and what was left out or changed in the version we received Saturday.

Todd Leeth – Our western boundary is Campbell Street. It has been suggested by the City that the Petitioner needs to dedicate a right of way. They have believed all along that they do not. Today he believes both are right. The Petitioner needs to dedicate 6' north of the east-west alley where the parking lot is. Where the building is they do not need to dedicate anything. It has already been dedicated. There was an exception to that lot for 16.5'. The City's Beacon website does not show this. The County's GIS shows 16.5'. The deed shows 16.5'. So that has already been dedicated. What he proposes is a change that would say no new streets are proposed in the District. Additional right of way may be dedicated along Campbell not to exceed 25' from the centerline of the existing right of way. He talked with Mike Jabo and that is what he needs. On the south side there is an extra 6". On the north side along lot 5 that doesn't match up exactly. It looks to be 6'. Randy Peterson will survey and they will get that fixed. Their agreement is they will dedicate 25' from the centerline if it is not already dedicated.

Todd Leeth – He feels they can agree to the lighting requirements. He just wants the architect to tell him they can agree. They do not know if there is lighting in the alley or not.

Beth Shrader – It would exclude existing lighting. It would be based on the photometric plan for any new proposed lighting.

Todd Leeth – He is going to wait until the architect says they can agree. On modifications to the floor area ratio, the City wants this to go down to 2%. He would rather keep the flexibility at 10% because they have already modified the building plans for some things in the alley they felt were important. He feels those are already over the 2%. They would rather it be 10% than 2%. He cannot agree to this request. All of the other changes that were made, he feels the ordinance incorporating the UDO amendments are appropriate and they have agreed to do that. Now those are being tweaked even further. That handcuffs the City and Developer in not allowing them to make modifications at certain levels. They respectfully request that they have that flexibility.

Public Comment - No One

George Douglas – Director of Development for the City and Executive Director of the RDC. Later in tonight's meeting the Board will be considering creating a separate allocation area, TIF District. The Redevelopment Commission is very much involved in this project. They feel it is important to the City. Last year a parking study was done as it relates to the Linc parking garage. They are going to use the same consultant to look at this particular project and look at

the surrounding area to understand what is going on in the neighborhood from a parking standpoint and what generation might be from this use. The RDC will pay for that study. This will take a couple of months. This study will be used to look for solutions if any are needed.

Beth Shrader – A lot of good changes have been made. She appreciates Todd going over point by point on the comments she sent out this afternoon. Most of those are reiterating or going back to comments made before or providing leniency that is somewhere between what we wanted originally and what we got a few days ago from the Petitioner. There are a few remaining comments. She wants the Plan Commission to keep in mind this is a wonderful project we all want to see happen. The City is very excited the Urschels are doing this. The PUD Ordinance is something that will outlive perhaps the hotel or the Urschels owning it. And that is where making sure all the i's are dotted and t's are crossed is really important. Keep that in mind and remember there are other uses permitted. The list is smaller now. Any time it sounds like she is quibbling over something that shouldn't matter, remember that even though we see these beautiful site plans for the hotel, we have to think about what happens if a wing gets knocked down or it is no longer a hotel. On the increased building coverage and floor area ratio, part of this comes from the UDO where a 10% wiggle room is provided. That was written in anticipation of very large developments. That is where 10% is appropriate. For this, we are already maximizing the site. There is not 10% more to give here. Just as a reference point, 2% is over 1,200 sq ft. This is larger than most of the rooms in the hotel. She feels 2% is generous. If there is something specific the design team is concerned about accommodating, they can talk about that. But 10% is too much.

Todd Leeth – The building is three stories up. It is not just 1.5 acres of land. It is three stories and a building.

Matt Evans - What is the square footage of the building?

Todd Leeth – 63,400 + sq ft. If they made a 500' footprint change times three floors, now they are over the 2%.

Peter Anderson - He discussed 6%.

Todd Leeth – He could live with 6% but doesn't think they could live with 2%.

Matt Evans – What is the square footage of the lot?

Todd Leeth – The square footage is 1.5 acres overall.

Beth Shrader – The Landscape Plan says it is 65,188 sq ft total land area. Is that accurate?

Todd Leeth – The 10% comes from the UDO. He knows it is anticipating a 70 acre subdivision multifamily development. It starts at 10%. He received 2%. He looked at the middle number and he can live with 6%. It allows the Developer and City more flexibility.

Beth Shrader – She would like to see the sidewalks on the south side along Jefferson. The parallel parking is being converted to angle parking. This will result in some vehicle overhang. She needs wider than 5' to have acceptable public access in that area. This has been recognized but is not reflected in the document.

Todd Leeth - The PUD says “Developer shall cooperate with the City in widening the sidewalk along Jefferson Street if it is determined that a vehicle parked in the new angle parking will overhang the sidewalk.”

Beth Shrader - In the PUD the Site Improvement Plans rule over the text of the document. That is true in this PUD and it is true in most. She would like something, even if it is just a notation, so the Site Improvement Plan reflects that.

Todd Leeth – He will have a notation added that says “sidewalk subject to change pursuant to Section 15.”

Beth Shrader – The Site Improvement Plan that shows modifications to the right-of-way are outside the purview of the PUD so that includes the sidewalks unless they can't be accommodated in the public right of way. There are a lot of very small things that will be addressed down the road. She would prefer that the Landscape Plan reflect the modifications to the Site Plan. She doesn't want to come back and have to re-look at it later. It would be preferred to have those updates made.

Todd Leeth – It was his intent to have the first page of the Landscape Plan redone. The concept plan that was used by the landscape architect was an older version showing some things that are inconsistent.

Beth Shrader – Between now and City Council she would like to add the FAR and LSR to the Site Plan so it marks in time what the intent is. The only other matter she wants to bring up is developing some sort of wording that provides a fence buffer for the neighbors. She knows this is the Developer's intent. She believes the Developer is going to offer that and work through that with the adjacent property owners. However, it is something that is standard to have this type of use against a residential area to have buffer. She feels it is important to recognize that is the intent in this document. Whether that shows up in the Landscape Plan or there is some sort of language that addresses the intent to cooperate with willing property owners to build the buffer fences that don't fit on the Grand Gardner District but will serve their intended function at the property line of the adjacent property owners.

Todd Leeth – They did not agree to that. One reason was that it provided that the property owner would choose the type of fence. He believes a common fence would look much better. Some thought should be given to the aesthetics of the fence. He will work with Beth and his client to see what they can come up with.

Mike Jabo – He appreciates the conversation regarding dedication of a right of way and Lot 5. He agrees the sidewalk along Jefferson is going to have to be wider. He looks forward to

meeting with the Developer to work out the storm water and utilities. The parking lot can use some fine tuning.

Clay Patton – He reminded the Commission that he represented the Petitioner in the acquisition of the land. He will abstain from voting on this matter.

Matt Evans – He knows fencing has been offered. He would like to see that memorialized if that truly is the intention. It seems to be important to the neighbors. He likes the idea of continuity. There are questions about light pollution mitigation and noise. Noise comes with living in a downtown area. Lighting would have to adhere to the City's standards so it should be ok.

Beth Shrader – What she proposed is a bit of leniency from the standards in the UDO which would require .3 foot candles maximum at the property line. She extended that to the neighbor's property line so they have the alley to get down to the required amount. It could be dealt with in the modifications process if it can't be resolved by design.

Todd Leeth – I feel confident we can agree to that. I just need to have the architect look at it and tell me it is ok.

Matt Evans – If parking is memorialized and you are both happy, that is fine.

Todd Leeth – He believes 64 is the magic number of spaces for parking. Beth says there is more to what he is showing them than just 58 rooms. That is right. It is a hotel and the parking ordinance under Article 9 says Hotel.

Matt Evans – He thinks it is a good idea to identify future potential uses if this building is ever converted to a different use. He asked if there were any questions about what was listed and if they should add more. Would it be wise to add multifamily to a certain limit. Or condominiums to a certain limit. He understands there are different needs like fire protection but they need to think outside the box in case this building ever needs to be converted back to a different use.

Beth Shrader - That would come in the form of a major conceptual modification. There has been a lot of caution about where major multifamily developments go. We haven't had anything that would be of this scale this far north. It is correct to have it as a major conceptual modification. Then it would come back to the Plan Commission and have a Public Hearing.

Matt Evans – That is because of the NC 60 zoning?

Beth Shrader – It is NC 60 zoning all the way around it. NC is Neighborhood Conservation. Any of the NC Districts are probably the most restrictive in uses. The intent is to allow established neighborhoods to remain as residential neighborhoods.

Matt Evans – Senior Care-Nursing Home. Does that typically work in an NC60 Zoning District?

Beth – No. Not much is allowed in NC zone. It is either a limited or special use. No new senior care facilities could be built. If it existed at the time the UDO was put in place, it can remain. It

is about protecting the neighborhoods from incompatible uses. In this case, when you look at the proposed boutique hotel, it is anticipated that the impact would be similar or less than a nursing home. That is debatable when you go through all the ways a use can impact a neighborhood but there are safeguards in the document. They need to show they meet the parking standards for that use. If there are only 54 spaces provided of off-street parking, the parking study is no longer relevant because that was specifically for a boutique hotel, then they have to figure out their parking before they could have that use in this location.

Matt Evans – These additional uses did not go through the public hearing process. We did not get public response on that.

Peter Anderson – What he is hearing is that the Petitioner is willing to address issues but intimate details are unable to be worked out right now. Like lighting and fencing; things of that sort.

Todd Leeth – He thinks the lighting is going to be fine. The fencing, the devil is in the details there. There was a public hearing and fencing was an issue. There seemed to be a desire to have a fence. The Petitioner is open to doing that. The time frame was a long time. They would like to have a shorter time. They would like to do all the fences at once with the same material. Those details can be worked out. In the last two weeks they have come a long way in getting this down. The Ordinance is in better shape now than it was two weeks ago. As far as engineering they do not have any agreement about anything. That is why they punted. That level of detail should not be in the PUD. The level of detail requires the expenditure of a great deal of time and money. If they don't have a PUD Ordinance, then all of that is for naught. Developers do not want to spend \$50,000 or \$100,000 in engineering work in order to bring to the municipality an ordinance that gets denied. He has put in the ordinance, subject to future approval by the Engineering Department site review process. He knows the big picture as to how they are going to solve things. The Engineering Department has communicated to Urschel the cost of doing that. They feel comfortable with moving forward and not having any type of lockdown with engineering. The City is not at risk at all. They can say they are not satisfied with the way the storm water is being managed. The PUD does not give any wiggle room because it says "subject to review".

Peter Anderson – His general thought is that the Urschels have always been outstanding community members and really care about what is good and best for Valpo. They always do what they say they will do. He doesn't think it will be any different with this project.

Todd Leeth – He doesn't either. He doesn't want to use that as a reason why they should be handed the keys to the kingdom. That is why they have said "subject to further approval."

Mike Jabo – In Engineering we have had meetings and discussions with the Developer's engineer. He is confident they are going to find solutions. Where the PUD is silent, the UDO still has precedence.

Matt Evans – Going back to the senior care facility and nursing home. Is that something they should strike out of the Ordinance? It doesn't really fit with the community's use around it.

Perhaps it should come back through for permission if that is ever a needed use for this property. The UDO would overrule that use at this point.

Beth Shrader – When this first came to the Plan Commission in December, there was a longer list of permitted uses. Nursing homes and senior care facilities were presented. That list has been narrowed down to two. She has seen hotels turned into senior care facilities with great success. She has a comfort level with what is being proposed for the hotel as an alternate use even though a boutique hotel is not a use in NC60.

Peter Anderson – With the 6% what is to stop the Petitioner from using all of that on the ground level.

Todd Leeth – It is an administrative approval and Beth would stop it. If his 6% is taking up 12 parking spaces Beth will probably say parking is a problem right now. Can you do something different? Or, the answer is No.

Beth Shrader- It allows an administrative modification to the FAR and building coverage up to 6%.

Tim Werner – He feels the 6% is reasonable.

Diane Worstell – She agrees. She feels 6% is reasonable.

Al Shields – He agrees with 6%.

Attorney Worthley – He heard Mr. Leeth say he is ok with 2% per floor. That could just be added to the language.

Beth Shrader – The concern is floor area ratio and building coverage really are two different things and we are lumping them together here. She thinks 2% is generous. The original concept was between 25 and 40 rooms and now it is 58. They are exceeding the building coverage for NC60 and other comparable zones. Can your design team work with that? So 6% would be for the FAR and 2% for the building coverage.

Todd Leeth – If you word it that way, Yes.

Vic Ritter – Should we include a comment regarding the light coverage/spillage?

Beth Shrader – The things she mentioned are things that need to be addressed before this gets to Council. She would like the motion to reflect that the lighting and FAR and building coverage are issues and the fencing and other things brought up by staff are important.

Todd Leeth – Agree. The lighting. He is quite confident the lighting will be ok. It is just that he hates to step on another discipline's toes with regard to the architect. They are going to have building lighting in the rear that is probably important to have more intense than you would anticipate because that is where the service areas are going to be. None the less the lighting

standards apply. That is only 16.5' to the property owner on the north side of the alley. He wants to make sure he has all of the information before he agrees to the lighting on that issue.

Matt Evans – Perhaps any motion should say these items should be worked out before City Council.

Motion: Mike Jabo moved to approve subject to staff concerns as raised and reflected in the minutes including but not limited to lighting, fencing of adjacent neighbors, FAR and building coverage. Vic Ritter seconded the motion and so approved with a 7-0 roll call vote.

Roll Call Vote:

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

New Business

RES23-002 Plan Commission Resolution 2-2023, Resolution of the Valparaiso Plan Commission Approving a Resolution of the City of Valparaiso, Indiana Redevelopment Commission Declaring an Area in the City of Valparaiso, Indiana, as an Economic Development Area, Approving an Economic Development Plan for Said Area, and Regarding Related Matters. This Resolution allows for the creation of a new allocation area for the Grand Gardner Hotel.

George Douglas – He was joined by Trista Hudson of Cender and Dalton who put together the Economic Development Plan for the Grand Gardner Allocation Area. A representative of Barns and Thornburg was also present. This is a Resolution establishing a new allocation area for the tax allocation area typically called a TIF District. This was presented to the RDC at their meeting last month and approved. The City Council will review it next for approval and then it will go back to the Redevelopment Commission for Public Hearing and final approval. He is asking that the Plan Commission find that this is consistent with the City's Comprehensive Plan and is consistent with the City's overall economic development and development goals for this area. This is an improvement district and would achieve the overall economic development goals.

Beth Shrader – She recommends approval. This fits in with the overall Comprehensive Plan with the City. It plays an important role in preserving the historic fabric of our community.

Motion: Diane Worstell moved to approve Case RES23—002 a Resolution of the Valparaiso Plan Commission approving a Resolution of the City of Valparaiso, Redevelopment Commission Declaring an Area in the City of Valparaiso, Indiana, as an Economic Development Area, Approving an Economic Development Plan for said Area, and regarding related matters. This Resolution allows for the creation of a new allocation area for the Grand Gardner Hotel. Tim Werner seconded the motion and so approved with a 7-0 roll call vote.

Roll Call Vote:

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

RES23-003 Plan Commission Resolution 3-2023, Resolution of the Valparaiso Plan Commission Approving Amendments to the Declaratory Resolutions for the Consolidated Valparaiso Economic Development Area, as Previously Approved and Adopted by the City of Valparaiso Redevelopment Commission. This Resolution allows for amendments to an existing allocation area to create a new allocation area specifically for the Journeyman Distillery.

George Douglas – This is very similar to the Grand Gardner Allocation Area with the exception that the Journeyman project is already in the Consolidated TIF District. All this is doing is carving out just the Journeyman Project so this will have just the Journeyman owned which is owned by Anco LLC. This will allow them to track the taxes and other incentives related to this project. This is consistent with the City’s Comprehensive Plan.

Al Shields – The overall intent is so you can track this area uniquely?

Trista Hudson – For Journeyman and Grand Gardner, the purpose in separating out the allocation area is so the increment above that base level of property tax can go back to the project to help the redevelopment. In this case there is some bond discussion which does not put the City at any risk. But does allow the specific collection of that extra increment to go back to that debt service directly which helps promote the redevelopment of that project. By Journeyman being cut out specifically, it resets the clock for 25 years.

Motion: Vic Ritter moved to approve RES23-003 which is the Plan Commission Resolution 3-2023, Resolution of the Valparaiso Plan Commission approving amendments to the Declaratory Resolutions of the Consolidated Valparaiso Economic Development Area, as previously approved and adopted by the City of Valparaiso Redevelopment Commission. This resolution allows for amendment to an existing allocation area to create a new allocation area specifically for the Journeyman Distillery. Al Shields seconded the motion and so approved with an 8-0 roll call vote.

Roll Call Vote:

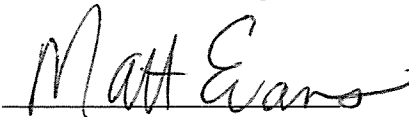
Matt Evans – Yes	Peter Anderson – Yes
Tim Warner – Yes	Clay Patton – Yes
Vic Ritter – Yes	Harris Peterson – Absent
Al Shields – Yes	Diane Worstell – Yes
Mike Jabo – Yes	

STAFF

Beth Shrader – There is an appointment form for Diane Worstell to be the Plan Commission appointment to the BZA. There is a form for Al Shields to be reappointed to the Plan Commission. No one opposed either and both agreed to accept the appointment.

ADJOURNMENT:

Motion: Clay Patton moved to adjourn the meeting. Mike Jabo seconded the motion. Upon voice vote the motion passed with an 8-0 vote. There being no further business, the meeting adjourned at 7:01 pm.


Matt Evans, President


Beth Shrader, Executive Secretary

Next Meeting: May 2, 2023