

MEETING AGENDA

Valparaiso Plan Commission

Tuesday, July 13th, 2021, 5:30 PM

Valparaiso City Hall – Council Chambers

1. Pledge of Allegiance
2. Roll Call
3. Adoption of Meeting Minutes
4. Old Business

RZ21-001 (2nd Reading) – A petition filed by Robert + Melissa Wanek. The petitioner requests a rezone from Public Space (PS) to Neighborhood Conservation – 60 (NC-60). The property is located at Lots 4,5, +6 in block 16 in Chautauqua Park.

5. New Business

FAC21-002 – A Façade Improvement Program request by DAM Fine Properties, LLC. The applicant requests favorable recommendation the Valparaiso City Council of a façade renovation for the building located at 159, 157 & 155 Lincolnway. The Façade Renovation includes the following: doors, windows, columns, signage board, sign and exterior lighting, tuck-pointing, siding and waterproofing.

RP21-002 – A petition filed by DVG Team, Inc c/o Robyn Pappenheim. The property is located at 2614 LaPorte Ave (Outlot A). The petitioner requests a plat amendment to remove a portion of the drainage easement along the east property line.

PUD21-002 (Requests Suspension of the Rules) – A petition filed by Eastgate Investments I & II, LLC. c/o Todd A Leeth, Hoepfner Wagner & Evans LLP, 103 Lincolnway Valparaiso, IN 46383. The petitioner requests approval of rezoning multiple properties from Urban Residential (UR) and Commercial General (CG) to Planned Unit Development (PUD). The properties are located at 53 Roosevelt Rd, 1301 LaPorte Ave and 1308 Lincolnway.

A21-001 (Requests Suspension of the Rules) – A petition filed by Olthof Homes c/o Todd A. Leeth & Katie L. Kopf, Hoepfner Wagner & Evans LLP, 103 Lincolnway Valparaiso, IN 46383. The petitioner requests an annexation of a parcel of property to

the City of Valparaiso. The parcel is currently zoned Medium Density, Single Family Residential (R2) in Porter County and the petitioner request to zone the property as Suburban Residential (SR). The property is located North of Vale Park Rd, South of 500 N, West of Froberg Rd and East of 250 W at 3850 Vale Park Rd.

6. Staff Items

RESOLUTION #3-2021 – A resolution establishing the policy by which members of the Commission may participate by Electronic Means of Communication.

7. Adjournment

Matt Evans, President – Valparaiso Plan Commission

Beth Shrader, Planning Director

Next Meeting: August 10th, 2021

Interested persons can view the public hearing Live on the City of Valparaiso Website, www.valpo.us or via web conference at <https://bit.ly/2SfUuhR>.

****Requests for alternate formats please contact Beth Shrader at bshrader@valpo.us or (219) 462-1161. ****

VALPARAISO FAÇADE IMPROVEMENT PROGRAM

Application Form

1. Applicant Information

NAME: DAM Fine Properties LLC.

ADDRESS OF PROPERTY TO BE IMPROVED:

159 Lincolnway Rear Facade 157 Lincolnway Front and rear Facade
155 Lincolnway rear Facade

NAME OF BUSINESS: Le Bon Brasserie

TAX ID#/SOCIAL SECURITY #: [REDACTED]

HOME ADDRESS: [REDACTED]

BUSINESS PHONE: [REDACTED] HOME PHONE: [REDACTED]

FAX: [REDACTED] EMAIL: mssegundaassociates.com

2. Project Information

BUILDING LOCATION: Front 157 Lincolnway Rear 155-159 Lincolnway

BUSINESS(ES) LOCATED IN BUILDING:

Le Bon Brasserie, Asana Yoga Center, Locks of Fun

BUILDING AGE: 1900 BUILDING LOCATED IN HISTORIC DISTRICT? YES

BUILDING ZONED AS: Commercial PIN NUMBER: [REDACTED]

OWNER OF RECORD: DAM Fine Properties

IF LEASED: Lease Expires [REDACTED] Renewal Term [REDACTED]

3. Project Description

Describe in detail the proposed scope of work including design firm and/or contractor(s) selected. In describing project, be sure to differentiate between interior renovations vs. exterior façade improvements to be undertaken. Use separate sheet(s) if necessary.

157 Lincolnway Le Bon Front Facade renovation to include new entrance including new doors, windows, columns, signage board, sign and lighting. The Second floor at 157 Asana is to receive new tuck-pointing and new windows. The rear facade will receive a new entrance as well as tuck-pointing and new siding. The upper rear facade at 159-155 will receive new waterproofing, windows and siding.

Anticipated Construction

Start Date: 7/14/22 Completion Date: 10/1/23 Total Project Cost: \$100,000-\$150,000

4. Mortgage Information

Is there a current Mortgage on the property: YES X NO

If YES, Holder of Mortgage CENTIER BANK

Date of Mortgage: 1/10/21

Original Amount: \$600,000 Current Balance: \$511,549.59

Are there any other loans, liens, deed restrictions on the property:

YES NO X

If YES, please list:

5. Building Information

Will project result in a change of use for the building? YES NO X

Uses of the building after completion of the façade project:

1st Floor: Le Bon Brasserie

2nd Floor: ASANA Yoga Center

3rd Floor:

Other:

6. Other Required Documentation

- a. Property deed with legal description of property
- b. Proof that all property taxes are paid and current
- c. Proof of property and liability insurance
- d. Signed mortgage note
- e. Copies of any leases associated with property
- f. Project budget
- g. Two (2)-contractor quotes/construction bids for total façade project
- h. Photographs of proposed project site

I/We certify that all information set forth in this application is a true representation of the facts pertaining to the subject property for the purpose of obtaining funding under the Valparaiso Façade Improvement Program. I understand and acknowledge that any willful misrepresentation of the information contained in this application could result in disqualification from the program, requiring any funds already disbursed to be repaid in full to the City of Valparaiso.

The applicant further certifies that he/she has read and understands the Valparaiso Façade Improvement Program Guidelines. If a determination is made by the Planning Commission that program funds have not been used for eligible program activities, the Applicant agrees that the proceeds shall be returned, in full, to the City of Valparaiso and acknowledges that, with respect to such proceeds so returned, he/she shall have no further interest, right, or claim. It is understood that all Valparaiso Façade Improvement Program funding commitments are contingent upon the availability of program funds.

Signed this 10th day of June, 20 21

By: Michael S Bonczyk & Dana M Darr

Project Score Sheet

All projects are to be scored by the applicant based on the project score criteria.

Eligible Improvements	Exit Doors	Painting	Shutters and Awnings	Signs	Stairs, Porches, Railings	Legal Non-Confor Sign	Wall Repair	Arch. Detail	Windows	Roofs	Walkways	Landscaping	Lighting	
Points Allowed	1	1	1	1	1/2	2	1	1	1	1/2	1/2	1/2	1	
Applicants Score														
Staff Score														
														Total Points Required /4

A minimum of 4 points are required for projects to be eligible for the Main Corridor Façade Program. The following eligible improvements are worth one point each; Exit Doors, Painting, Shutters, Awnings, Signs, Wall Repair, Windows, Architectural Detail or Ornamentation and Lighting. Stairs, Porches, Railings, Exits, Roofs, Walkways, and landscaping shall be worth ½ point each. The removal of a legal non-conforming sign shall be worth two points. Sign scoring shall be limited to a maximum of two points. The applicant shall score the project based on the criteria eligible improvements on page 3 of the façade program description. City staff will review the applicant's scores to ensure that the criteria is met for the minimum required 4 points.











PETITION TO VALPARAISO PLAN COMMISSION

This application is being submitted for (Check all that apply):

PUBLIC HEARING REQUIRED:

- ☐ To Rezone a Property from ____ to ____
- ☐ To Approve a Primary Plat
- ☐ To Approve a Planned Unit Development (PUD)
- ☐ To Approve a Major Planned Unit Development (PUD) Amendment
- ☐ To Annex Property into the City of Valparaiso, IN
- ☐ To Vacate Alley
- ☐ To Appeal the Decision of the Plat Committee

NO PUBLIC HEARING REQUIRED:

- ☐ To Approve a Minor Subdivision (Lot Split)
- ☐ To Approve a Final Plat
- ☒ To Approve a Plat Amendment
- ☐ Design/Architectural Approval in _____ Overlay District

For Office Use Only:

Petition #: _____

Application Filing Fee: _____

Date Filed: ____ / ____ / ____

Meeting: ____ / ____ / ____

SUBJECT PROPERTY INFORMATION

TYPE OR PRINT IN INK

Property Address: _____

Crew Car Wash 2615 LaPorte Avenue

Description of Location of Property: _____

Outlot directly north of Crew Car Wash

Parcel/Tax Duplicate Number: _____

64-10-19-428-025.000-004

Subdivision (If Applicable): Parkwood Estates

Dimensions of Property: Front: 195 Depth: 151

Property Area (sq. ft./acres): 0.68 acres

Subject Property fronts on the northwest side
between (streets) _____

McAfee Drive and LaPorte Avenue (please note
that nearest road is a curved cul de sac road)

Zoning District (Current): GR

Zoning District (Proposed): GR (no change)

Zoning of Adjacent Properties:

North: GR South: GC

East: GC West: GR

Present Use of Property: _____

Detention pond

Proposed Use of Property: _____

Detention pond and Pavilion

PETITIONER INFORMATION

Applicant Name: DVG Team, Inc
Robyn Pappenheim
Phone: 219.281.3133
Email: rpappenheim@dvgteam.com

Address: 1155 Troutwine Rd. 
Crown Point, IN 46307

PROPERTY OWNER INFORMATION

Applicant Name: Justin Furr
DAHM NO. 51, LLC
Phone: 317.558.7931
Email: jfurr@crewcarwash.com

Address: 10251 Hague Rd. 
Indianapolis, IN 46256

LEGAL DESCRIPTION OF SUBJECT PROPERTY: (EXHIBIT NO. _____)

See attached Crew #51 Addition - First Amendment

PROPOSED VARIANCES OR WAIVERS: (EXHIBIT NO. _____)

n/a



June 10, 2021

Attn: City of Valparaiso Planners

Re: Crew Car Wash 2615 LaPorte Avenue Detention Pond area
DESCRIPTION OF PROJECT for PLAT AMENDMENT request

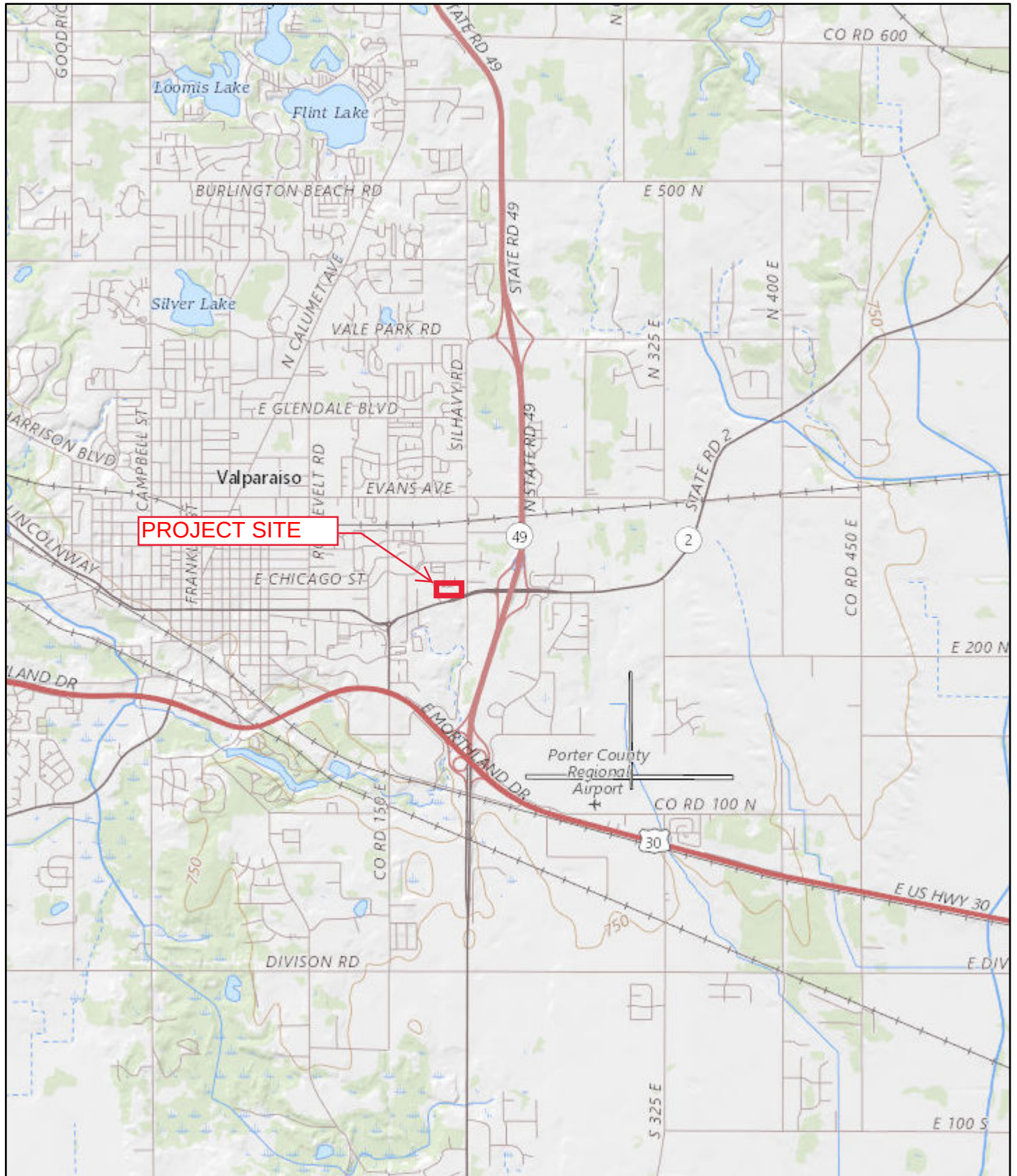
To whom it may concern,

The Crew Car Wash was constructed and opened in late 2019. The detention pond on site is on land currently owned by Crew Car Wash (as DAHM #51, LLC). As part of the agreement with the residential subdivision homeowner's association and adjacent homeowner (see attached agreement), Crew Car Wash is required to re-construct a pavilion on the detention pond lot. The original pavilion had to be removed to accommodate enlargement of the pond. Currently, the entire outlot (Outlot 'A') is recorded as a drainage easement. However, in order to comply with the agreement, a portion of the outlot must be removed from the easement to accommodate the planned structure. This chosen location is on the east middle portion of the lot as depicted on the plat amendment drawing as well as on the proposed landscaping plan.

Should you have any questions prior to the Plan Commission meeting please do not hesitate to contact Robyn L. Pappenheim, PE, of DVG Team, Inc at 219.281.3133 or at rpappenheim@dvgteam.com

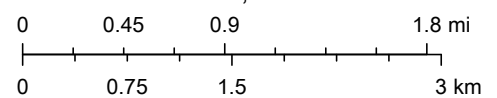
Thank you for your time and consideration of this request.

The National Map Advanced Viewer



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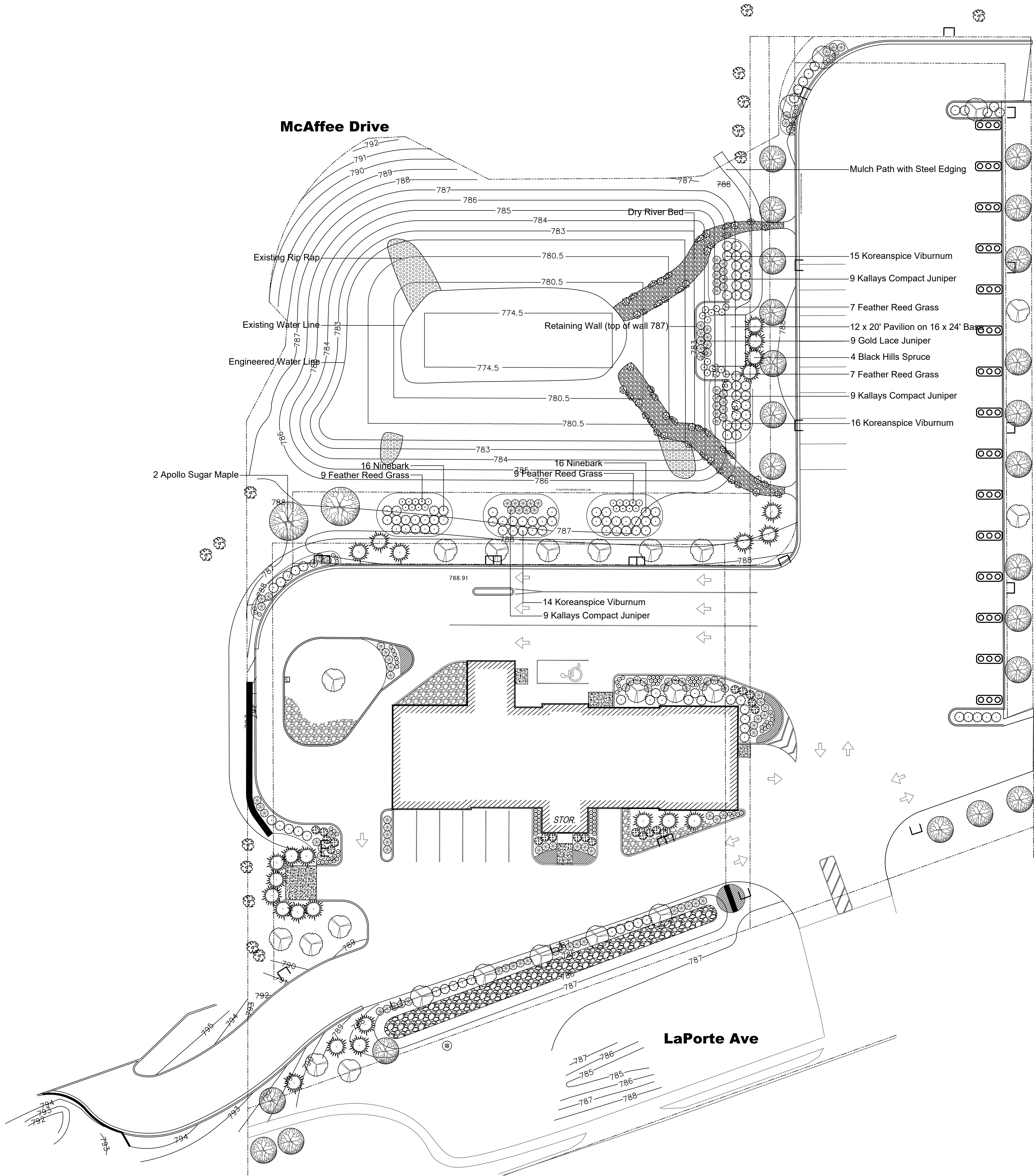
1:72,224



USGS The National Map: National Boundaries Dataset, 3DEP Elevation Program, Geographic Names Information System, National Hydrography Dataset, National Land Cover Database, National Structures Dataset, and National Transportation Dataset; USGS Global Ecosystems; U.S. Census

USGS

USGS The National Map: National Boundaries Dataset, 3DEP Elevation Program, Geographic Names Information System, National Hydrography Dataset, National Land Cover Database, National



LaPorte Ave Overlay	325 In ft	
	Required	Provided
Shade Tree	7	7
Ornamental Tree	7	7
Large Evergreen Tree	4	4
Shrub	10	30

Qty	Scientific Name	Common Name	Size
7	Acer rubrum 'Armstrong'	Armstrong Maple	2.5"
5	Prunus virginiana 'Shubert'	Canada Red Cherry	1.5"
2	Syringa reticulata 'Ivory Silk'	Ivory Silk Lilac	1.5"
4	Picea abies	Norway Spruce	6'
20	Juniperus chinensis 'Kallay's Compact'	Kallays Compact Juniper	3 g
10	Viburnum dentatum	Arrowood Viburnum	3 g

On-Lot Landscape	1.71 acres	
	Required	Provided
Large Tree	16	16
Ornamental Tree	31	32
Shrub	86	86

Qty	Scientific Name	Common Name	Size
7	Carpinus betulus 'Fran Fontaine'	Columnar Hornbeam	2.5"
9	Quercus rubra	Red Oak	2.5"
9	Amelanchier x grandiflora 'Autumn Brilliance'	Serviceberry	6' Clump
1	Malus x "Prairifire"	Crabapple	1.5"
6	Syringa reticulata 'Ivory Silk'	Ivory Silk Lilac	1.5"
17	Picea glauca 'Densata'	Black Hills Spruce	6'
6	Viburnum dentatum	Arrowood Viburnum	3 g
21	Taxus x media 'Densiformis'	Dense Yew	3 g
5	Rosa 'Meidrifora'	Coral Drift Rose	3 g
13	Chamaecyparis pisifera filifera 'King's Gold'	Kings Gold Cypress	3 g
6	Buxus Hybrid 'Green Gem'	Green Gem Boxwood	3 g
11	Rosa 'Meigalpio'	Red Drift Rose	3 g
5	Itea virginica 'Sprich'	Little Henry Sweetspire	3 g
7	Buxus 'Green Velvet'	Green Velvet Boxwood	3 g
5	Hydrangea paniculata 'Limelight'	Limelight Hydrangea	3 g
7	Hydrangea quercifolia	Oakleaf Hydrangea	3 g
26	Liriope muscari	Liriope	1 g
23	Hemerocallis 'Happy Returns'	Happy Returns Daylily	1 g
21	Coreopsis verticillata Zagreb	Coreopsis	1 g
12	Salvia nemorosa Marcus	Marcus Salvia	1 g
21	Sedum spectabile 'Autumn Joy'	Autumn Joy Sedum	1 g

Parking Lot	8 spaces	
	Required	Provided
Large Tree	1	1
Shrub	2	10

Qty	Scientific Name	Common Name	Size
1	Acer rubrum 'Armstrong'	Armstrong Maple	2.5"
10	Hydrangea paniculata 'SMHPLQF'	Little Quick Fire Hydrangea	3 g

Bufferyard	340 In ft	
	Required	Provided
Large Tree	9	9
Ornamental Tree	17	18
Shrub	153	167

Qty	Scientific Name	Common Name	Size
3	Acer saccharum 'Barrett Cole'	Apollo Sugar Maple	2.5"
2	Amelanchier x grandiflora 'Autumn Brilliance'	Serviceberry	6' Clump
6	Syringa reticulata 'Ivory Silk'	Ivory Silk Lilac	1.5"
27	Juniperus chinensis 'Kallay's Compact'	Kallays Compact Juniper	3 g
32	Physocarpus opulifolius	Ninebark	3 g
45	Viburnum carlesii	Koreanspice Viburnum	3 g
9	Juniperus chinensis 'Gold Lace'	Gold Lace Juniper	3 g
32	Calamagrostis x acutiflora 'Karl Foerster'	Karl Foerster Feather Reed Grass	3 g
10	Hydrangea paniculata 'Limelight'	Limelight Hydrangea	3 g
12	Taxus x media 'Densiformis'	Dense Yew	3 g
10	Picea glauca 'Densata'	Black Hills Spruce	6'
7	Carpinus Betulus 'Fran Fontaine'	Columnar Hornbeam	2.5"

This drawing and any and all ideas and designs contained herein are the sole property of Wild Ridge Lawn & Landscape and are not to be used without written permission.



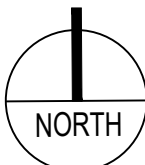
Know what's below.
Call before you dig.

Crew Carwash

2611 LaPorte Ave
Valparaiso, IN

DATE
May 14, 2019

REVISIONS
Jan 11, 2021
May 10, 2021



SHEET TITLE
Landscape Plan
Pond Area

DESIGN
KR
ACCOUNT MANAGER
KR

SHEET NUMBER
1 of 1

CREW #51 ADDITION - FIRST AMENDMENT
TO THE CITY OF VALPARAISO, PORTER COUNTY, INDIANA & PARTIAL REPLAT OF PARKWOOD ESTATES

PARCEL DESCRIPTION:

PARCEL 1: THE WEST 110 FEET OF THE FOLLOWING DESCRIBED PARCEL: COMMENCING AT A POINT 243.7 FEET WEST AND 99.0 FEET SOUTH OF THE EAST 1/4 POST OF SECTION 19, TOWNSHIP 35 NORTH, RANGE 5 WEST OF THE SECOND PRINCIPAL MERIDIAN IN PORTER COUNTY, INDIANA, AND RUNNING THENCE SOUTH 558.9 FEET TO THE CENTER LINE OF THE VALPARAISO AND LAPORTE ROAD, FORMERLY THE LINCOLN HIGHWAY, NOW STATE ROAD NO. 2; THENCE NORTHEASTERLY ALONG THE CENTER LINE OF SAID ROAD TO THE INTERSECTION OF THE EAST LINE OF SAID SECTION 19; THENCE NORTH ALONG THE EAST LINE OF SAID SECTION 19 TO A POINT 99.0 FEET SOUTH OF THE EAST 1/4 POST OF SAID SECTION 19, THE SAME BEING DIRECTLY OPPOSITE THE PLACE OF BEGINNING; THENCE RUNNING WEST 243.7 FEET TO THE PLACE OF BEGINNING, EXCEPT THE NORTH 180.0 FEET THEREOF AND EXCEPTING THAT PORTION CONVEYED TO THE CITY OF VALPARAISO, INDIANA AS CONTAINED IN A WARRANTY DEED RECORDED NOVEMBER 13, 2017 AS DOCUMENT NO. 2017-027710.

PARCEL 2: PART OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 19, TOWNSHIP 35 NORTH, RANGE 5 WEST OF THE SECOND PRINCIPAL MERIDIAN, IN PORTER COUNTY, INDIANA, MORE PARTICULARLY DESCRIBED AS BEGINNING AT A POINT ON THE NORTH LINE OF SAID SOUTHEAST 1/4, 243.7 FEET WEST OF THE NORTHEAST CORNER THEREOF; THENCE WEST ALONG SAID NORTH LINE, 196.37 FEET; THENCE SOUTH 729.85 FEET TO THE CENTER LINE OF STATE ROAD NO. 2; THENCE NORTHEASTERLY ALONG THE CENTER LINE OF STATE ROAD NO. 2, TO A POINT WHICH IS 238 FEET (258 FEET MEASURED) SOUTHWESTERLY, AS MEASURED ALONG THE CENTER LINE OF STATE ROAD NO. 2, FROM THE EAST LINE OF SAID SOUTHEAST 1/4; THENCE NORTH 657.9 FEET TO THE POINT OF BEGINNING EXCEPTING THEREFROM THE NORTH 467.00 FEET AND EXCEPTING THAT PORTION CONVEYED TO THE CITY OF VALPARAISO, INDIANA AS CONTAINED IN WARRANTY DEED RECORDED NOVEMBER 13, 2017 AS DOCUMENT NO. 2017-027710.

PARCEL 3: DETENTION POND IN PARKWOOD ESTATES, IN THE CITY OF VALPARAISO, AS PER PLAT THEREOF, RECORDED IN PLAT FILE 27-C-1, IN THE OFFICE OF THE RECORDER OF PORTER COUNTY, INDIANA.

DEED OF DEDICATION:

IT, THE UNDERSIGNED, DAHM NO. 51, LLC, AN INDIANA LIMITED LIABILITY COMPANY, OWNER OF THE REAL ESTATE SHOWN AND DESCRIBED HEREIN, DO HEREBY CERTIFY THAT IT HAS LAID OFF, PLATTED, AND SUBDIVIDED SAID REAL ESTATE IN ACCORDANCE WITH THE ATTACHED PLAT. THIS SUBDIVISION SHALL BE KNOWN AND DESIGNATED AS CREW #51 ADDITION- FIRST AMENDMENT. ALL STREETS AND ALLEYS SHOWN AND NOT HERETOFORE DEDICATED ARE HEREBY DEDICATED TO THE PUBLIC. THERE ARE STRIPS OF GROUND OF VARIOUS WIDTHS SHOWN ON THIS PLAT AND LABELED AS EASEMENTS FOR VARIOUS PURPOSES. UTILITY EASEMENTS ARE RESERVED FOR THE USE OF PUBLIC UTILITIES FOR THE INSTALLATION OF MAINS, POLES, DUCTS, LINES AND WIRES, SUBJECT AT ALL TIMES TO THE PROPER AUTHORITIES AND TO THE EASEMENT HEREIN RESERVED. DRAINAGE EASEMENTS ARE RESERVED FOR THE USE OF THE CITY, HOMEOWNERS, AND/OR THE PROPERTY OWNERS' ASSOCIATION TO PROVIDE FOR THE CONSTRUCTION, MAINTENANCE, AND OPERATION OF DRAINAGE CONDUITS, SWALES, CHANNELS, OVERFLOWS, DETENTION BASINS, OR OTHER RUNOFF MANAGEMENT FACILITIES. NO PERMANENT OR OTHER STRUCTURES ARE TO BE ERRECTED OR MAINTAINED UPON SAID EASEMENTS. OWNERS OF LOTS IN THIS SUBDIVISION SHALL TAKE THEIR TITLES SUBJECT TO THE RIGHTS OF THE PUBLIC UTILITIES AND TO THE RIGHTS OF THE OWNERS OF OTHER LOTS IN THIS SUBDIVISION.

OPERATION AND MAINTENANCE OF OPEN SPACES, COMMON AREAS, REAR OR SIDE YARD SWALES, AND DETENTION FACILITIES, SHALL BE BY THE OWNER OF LOT 1. IN THE EVENT OF AN EMERGENCY WHERE PROPERTY DAMAGE OR PERSONAL INJURY MAY RESULT FROM THE OWNER OF LOT 1'S FAILURE TO MAINTAIN OR REPAIR SAID FACILITIES, THE CITY SHALL HAVE THE RIGHT TO ENTER UPON THE PROPERTY, MAKE ANY NECESSARY CORRECTIONS TO REMEDY THE SITUATION AND THEN RECOVER ALL ADMINISTRATIVE, LEGAL, ENGINEERING, AND CONSTRUCTION COSTS FOR SAID WORK FROM THE OWNER OF LOT 1 OR BY SPECIAL ASSESSMENT OF THE BENEFITED PROPERTY OWNER.

WITNESS MY HAND AND SEAL THIS _____ DAY OF _____ 20_____.

DAHM NO. 51, LLC, AN INDIANA LIMITED LIABILITY COMPANY

WILLIAM J. DAHM, MANAGER

STATE OF _____ }
COUNTY OF _____ } SS:

BEFORE ME, A NOTARY PUBLIC, IN AND FOR THE SAID COUNTY AND STATE, PERSONALLY APPEARED _____ AND ACKNOWLEDGED THE EXECUTION OF THE FOREGOING AS HIS VOLUNTARY ACT AND DEED ON THIS _____ DAY OF _____ 20_____.

NOTARY PUBLIC

PRINTED NAME

MY COMMISSION EXPIRES: _____

PLAN COMMISSION CERTIFICATE:

UNDER AUTHORITY PROVIDED BY INDIANA CODE 36-7-4, ET SEQ., ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF INDIANA AND ORDINANCE ADOPTED BY THE COMMON COUNCIL OF THE CITY OF VALPARAISO, THIS PLAT WAS GIVEN APPROVAL BY THE CITY AS FOLLOWS:

APPROVED BY THE VALPARAISO PLAN COMMISSION (OR PLAT COMMITTEE) AT A REGULAR MEETING HELD ON _____ 20_____,

VALPARAISO PLAN COMMISSION (OR PLAT COMMITTEE)

MATT EVANS, PRESIDENT

_____, EXECUTIVE DIRECTOR

BOARD OF PUBLIC WORKS AND SAFETY CERTIFICATE:

UNDER THE AUTHORITY OF ORDINANCE 18, 1974, AS AMENDED, THE PLAT WAS EXAMINED BY THE BOARD OF PUBLIC WORKS AND SAFETY OF THE CITY OF VALPARAISO AND WAS APPROVED

THIS _____ DAY OF _____ 20_____.

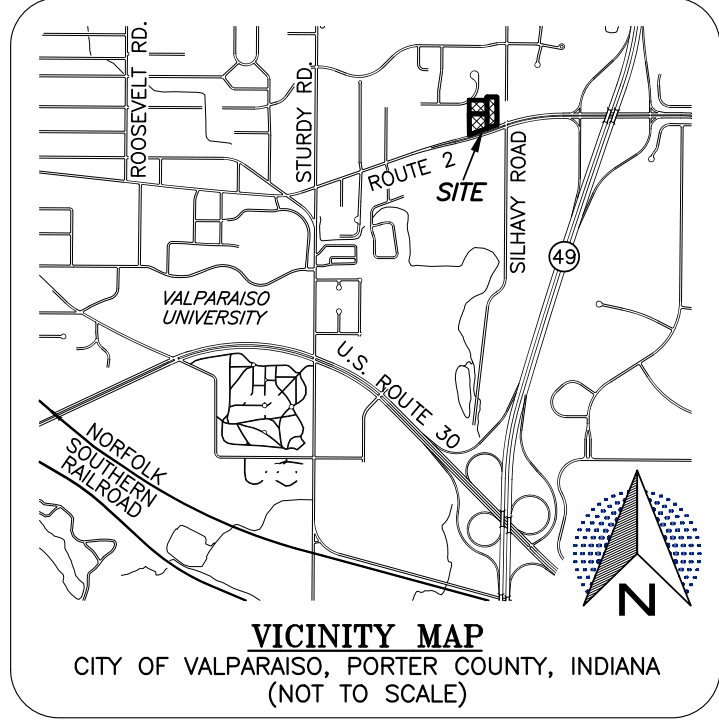
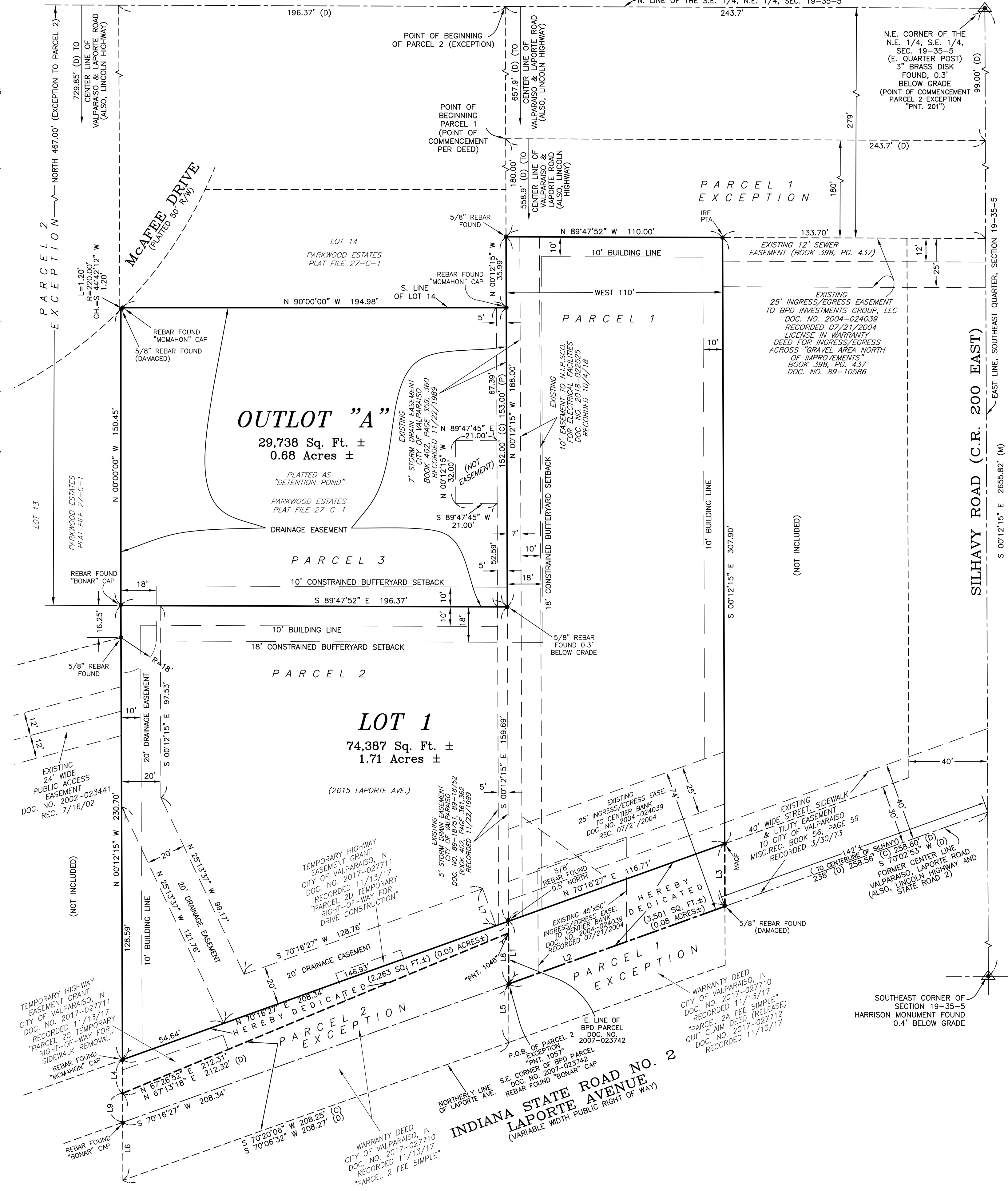
ATTEST:

HOLLY TAYLOR, CLERK TREASURER

MATTHEW R. MURPHY, MAYOR

BILL OEDING, MEMBER

STEVE POULOS, MEMBER



SETTLEMENT AGREEMENT:

A SETTLEMENT AGREEMENT AFFECTS THIS PROPERTY AND WAS RECORDED AS DOCUMENT NUMBER 2019-024538 ON NOVEMBER 4, 2019 IN THE OFFICE OF THE RECORDER OF PORTER COUNTY, INDIANA. ADDITIONALLY, A FIRST AMENDMENT TO SETTLEMENT AGREEMENT WAS RECORDED AS DOCUMENT NUMBER 2019-024623 ON NOVEMBER 5, 2019 IN SAID RECORDER'S OFFICE.

SUBJECT PARCEL INFORMATION:

TAX ID'S:
64-10-19-428-025.000-004 (PARCEL 1A)
64-10-19-428-032.000-004 (PARCEL 2)
64-10-19-428-014.000-004 (PARCEL 3)
DAHM NO. 51, LLC
COMPANY WARRANTY DEED
DOC. NO. 2018-002258
REC. 1/24/18

OWNER/DEVELOPER

DAHM NO. 51, LLC
10251 HAGUE ROAD
INDIANAPOLIS, IN 46256
ENGINEER/SURVEYOR
DVG TEAM, INC.
1155 TROUTWINE ROAD
CROWN POINT, INDIANA 46307
219-662-7710

SUBJECT PARCEL AREAS (LESS EXCEPTIONS):

	GROSS	
PARCEL 1A:	39,558 sq. ft. ±	0.91 acre ±
PARCEL 2:	40,592 sq. ft. ±	0.93 acre ±
PARCEL 3:	29,738 sq. ft. ±	0.68 acre ±
TOTAL:	109,888 sq. ft. ±	2.52 acre ±

LINE TABLE

LINE	BEARING	DISTANCE
L1	S 00°12'15" E	31.83'
L2	S 70°16'27" W	116.71'
L3	S 00°12'15" E	31.83'
L4	S 00°12'15" E	17.08'
L5	S 00°12'15" E	29.70'
L6	S 00°24'32" E	29.70' (D)
L7	N 00°12'15" W	44.21'
L8	N 19°43'33" W	20.00'
L9	S 00°12'15" E	25.86'
L10	S 00°24'32" E	25.87' (D)
L11	N 00°12'15" W	14.75'

LEGEND

D- DIMENSION SHOWN ON RECORD DEED.
C- DIMENSION CALCULATED BASED ON DEED/PLAT INFORMATION AND FOUND MONUMENTATION.
R/W- RIGHT OF WAY
REC- RECORDED
DOC- DOCUMENT
IRF PTA- 5/8-INCH REBAR FOUND WITH PINK PLASTIC CAP STAMPED "219-736-0555 PLUMB, TUCKETT AND ASSOCIATES ID. NO. 00-59"
MAGF- "MAG" NAIL FOUND WITH METAL WASHER STAMPED "PLUMB, TUCKETT COMPANY ID. NO. 00-59"
BPD- BPD INVESTMENTS GROUP, LLC
"BONAR"- BONAR GROUP SURVEYING
"BENGEL"- DONALD BENDEL, P.S.
"MCMAHON"- MCMAHON AND ASSOCIATES
P.O.B.- POINT OF BEGINNING

PLAT AMENDMENT NOTE:

THE PURPOSE OF THIS AMENDMENT IS TO CORRECT A PORTION OF OUTLOT "A" THAT WAS INADVERTENTLY INCLUDED AND PLATTED AS "DRAINAGE EASEMENT". THE PORTION IS NOW DIMENSIONED AND LABELED IN OUTLOT "A" AS "NOT EASEMENT" HEREON.

REFERENCE BOUNDARY INFORMATION TO AN ALTA/NSPS LAND TITLE SURVEY OF THE SUBJECT PARCELS BY GLEN E. BOREN, P.S. OF DVG TEAM, INC., JOB NO. S17770, LAST REVISED JANUARY 23, 2018, RECORDED AS DOCUMENT NUMBER 2019-011566 ON JUNE 14, 2019 IN THE OFFICE OF THE RECORDER OF PORTER COUNTY, INDIANA. THERE ARE NO SUBSTANTIAL DIFFERENCES WITH THE BOUNDARY OF SAID SURVEY AND THIS PLAT.

SURVEYORS CERTIFICATE:

I, GLEN E. BOREN, HEREBY CERTIFY THAT I AM A LAND SURVEYOR LICENSED IN COMPLIANCE WITH THE LAWS OF THE STATE OF INDIANA, AND THAT TO THE BEST OF MY KNOWLEDGE, THIS PLAT CONFORMS TO THE REQUIREMENTS OF THE CITY OF VALPARAISO UNIFIED DEVELOPMENT ORDINANCE, AND THE STANDARDS MANUAL, THAT THE MARKERS AND MONUMENTS SHOWN ON THE PLAT ACTUALLY EXIST; AND THAT THEIR LOCATION, SIZE, TYPE AND MATERIAL ARE ACCURATELY SHOWN.

GLEN E. BOREN
INDIANA PROFESSIONAL SURVEYOR NO. LS20000006

REDACTION STATEMENT:

"I AFFIRM, UNDER PENALTIES FOR PERJURY, THAT I HAVE TAKEN REASONABLE CARE TO REDACT EACH SOCIAL SECURITY NUMBER IN THIS DOCUMENT, UNLESS REQUIRED BY LAW."

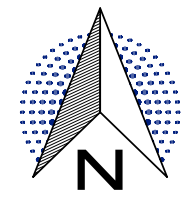
GLEN E. BOREN



1155 Troutwine Road
Crown Point, IN 46307
P: (219) 662-7710
F: (219) 662-2740
www.dvgteam.com

DATE:	REVISIONS AND NOTES:
12/23/19	CITY COMMENTS
1-20-20	BPW Certification Baries
6-8-21	Revised Outlot A Easement

CREW #51 - FIRST AMENDMENT
SECONDARY PLAT
2615 LAPORTE AVENUE
VALPARAISO, IN 46383



0' 15' 30'
SCALE: 1" = 30'

CREW CAR WASH

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1\19-861\19-861 R-3.DWG	
FB/PG	FILE NO.
	17-1076
DRAWN BY	DATE
G.B.	6/9/21
SECTION	COUNTY, STATE
19-35-5	PORTER, IN
JOB NO.	
S19-861	

STATE OF INDIANA)
) SS:
COUNTY OF PORTER)

IN THE PORTER SUPERIOR COURT 5
SITTING AT
VALPARAISO, INDIANA

BRENDA COLEMAN, et al,)
)
 Plaintiffs)
)
v.)
)
BPD DEVELOPMENT, INC., et al,)
)
 Defendants)

CAUSE NO: 64D05-1512-PL-010925

SETTLEMENT AGREEMENT

The parties now agree and stipulate as follows:

1. All litigation shall be stayed until the City of Valparaiso approves or rejects the plat design submitted by Rossman Partners, LLC, as modified herein, but conceptually in accordance with the drawing by iCS dated January 16, 2017 and attached hereto as exhibit 1.
2. Brenda Coleman reserves the right to a) review and approve any modifications of the plat design, b) participate by counsel in all plat review meetings with City of Valparaiso staff, and c) remonstrate against any plat petition with which she (or the Property Owners' Association) disagrees.
3. Plaintiffs authorize the transfer of the Detention Pond Parcel from BPD to Rossman Partners, LLC or its assigns, for the limited purpose of design and plat approval; the revised/replatted Detention Pond shall be transferred back to the plaintiffs up the completion of the final approved detention pond, with the exception of those portions of the current Detention Pond Parcel described herein, and the work on the Detention Pond described in paragraph 8.
4. The plat design by Rossman Partners, LLC shall remove from the current Detention Pond Parcel those rectangular parcels of approximately 12 ½ feet by 196 ⅓ feet located on the south side of the Detention Pond Parcel and approximately 33 ¼ feet by 76 ¼ feet located on the east side of the Detention Pond Parcel as revised by the parties on March 9, 2017, from the dimensions shown on exhibit 1 attached hereto. Further, the plat design by Rossman Partners, LLC shall further remove from the current Detention Pond Parcel a rectangular parcel of approximately 196 1/3 feet by 20 feet, or as much property as will be necessary for Coleman to own to the water's edge of the redesigned detention pond, located on the north side of the Detention Pond Parcel. The exact dimensions of the land to be transferred shall be determined by a surveyor hired by Rossman, subject to plaintiffs' approval, which approval shall not be unreasonably withheld.

5. Plaintiffs and Rossman agree that Plaintiffs shall have final approval of the berms and landscaping between the Detention Pond Parcel and the parcels south and east of the Detention Pond Parcel, which approval shall not be unreasonably withheld.
6. Plaintiffs shall have access to, and shall be entitled to rely upon as beneficiaries, an engineering study to determine the capacity of the revised Detention Pond to handle the runoff from a 100 year rain/flood.
7. Plaintiffs and Rossman or its assigns shall execute and record a Maintenance Agreement obligating Rossman or its successors and assigns to maintain the Detention Pond for the benefit of Parkwood Estates in perpetuity.
8. Plaintiffs and Rossman or its assigns agree that Rossman or its assigns shall replace the picnic pavilion on the Detention Pond Parcel for the benefit of Parkwood Estates at a location of Plaintiffs' choosing. The location of the picnic pavilion shall not interfere with the use of the portion of the parcel being transferred to Rossman or its assigns and that parcel transferred to Coleman.
9. Immediately upon the conclusion of the modifications and upgrading to the Detention Pond, as contemplated by the approved plat design and engineering study, completion of the work to the satisfaction of the City of Valparaiso and receipt of permanent loan funding by Rossman, Rossman and its assigns agree to authorize the recording of the Deeds to the Detention Pond as referred to in paragraph 10.
10. Upon transfer of the Detention Pond parcel to Rossman or its assigns contemplated by paragraph 2, supra., Rossman or its assigns shall execute a Deed or Deeds to Parkwood, to be held in trust and escrow by counsel for the Plaintiffs, exclusive of those parcels removed from the square footage of the Detention Pond Parcel described herein. The Deed(s) shall be recorded after Rossman or its assigns receives its permanent loan funding.
11. Upon final construction, approval and transfer of the Detention Pond Parcel back to Parkwood Estates by recorded deed, the parties shall execute a stipulation to dismiss with prejudice.
12. Rossman or its assign shall pay Coleman \$30,000.00 as consideration for the rectangular pieces of property and the other promises contained in this agreement. The funds shall be paid at the time the Deed is recorded as required in paragraph 9, or upon first construction draw, whichever is earlier.
13. This agreement may be executed in separate counterparts, and so long as all signatures are affixed to the following page, the counterparts shall constitute one (1) full agreement.

So Agreed.

Scott Lynn, for BPD Development, LLC
Member/Owner



Brenda Coleman, Individually and for Parkwood
Estates Property Owners Association, Inc.

Kevin E. Werner, Atty. No. 22788-49



Patrick B. McEuen, Atty. No. 17441-45

INTENDING TO BE BOUND UNTO THE PARTIES:

Matt Rossman, Owner
Rossman Partners, LLC

Kevin E. Steele, Atty. No. 17567-53

So Agreed.



Scott Lynn, for BPD Development, LLC
Member/Owner

Brenda Coleman, Individually and for Parkwood
Estates Property Owners Association, Inc.

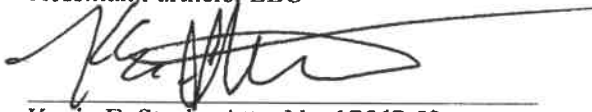
Kevin E. Werner, Atty. No. 22788-49

Patrick B. McEuen, Atty. No. 17441-45

INTENDING TO BE BOUND UNTO THE PARTIES:



Matt Rossman, Owner
Rossman Partners, LLC



Kevin E. Steele, Atty. No. 17567-53

PETITION TO VALPARAISO PLAN COMMISSION

This application is being submitted for (Check all that apply):

PUBLIC HEARING REQUIRED:

- ☐ To Rezone a Property from _____ to _____
- ☐ To Approve a Primary Plat
- ☒ To Approve a Planned Unit Development (PUD)
- ☐ To Approve a Major Planned Unit Development (PUD) Amendment
- ☐ To Annex Property into the City of Valparaiso, IN
- ☐ To Vacate Alley
- ☐ To Appeal the Decision of the Plat Committee

NO PUBLIC HEARING REQUIRED:

- ☐ To Approve a Minor Subdivision (Lot Split)
- ☐ To Approve a Final Plat
- ☐ To Approve a Plat Amendment
- ☐ Design/Architectural Approval in _____ Overlay District

For Office Use Only:

Petition #: _____

Application Filing Fee: _____

Date Filed: ____ / ____ / ____

Meeting: ____ / ____ / ____

SUBJECT PROPERTY INFORMATION

TYPE OR PRINT IN INK

Property Address: 53 Roosevelt Road;
1301 LaPorte Avenue; 1308 Lincolnway

Description of Location of Property: _____
Subject property fronts on Roosevelt Road,
LaPorte Avenue and Lincolnway and sits
South of Lincolnway between Roosevelt

Road and University Drive

Parcel/Tax Duplicate Number: _____
64-10-19-303-014.000-004;
64-10-19-351-008.000-004;
64-10-19-303-013.000-004
 Subdivision (If Applicable): _____

Dimensions of Property: Front: _____ Depth: _____

Property Area (sq. ft./acres): 4.15 acres +/-

Subject Property fronts on the _____ side
 between (streets) _____

Zoning District (Current): UR and CG

Zoning District (Proposed): _____

Zoning of Adjacent Properties:

North: CG South: NC 60 & CA

East: CG West: CG

Present Use of Property: _____

Mixed Use

Proposed Use of Property: _____

Mixed Use

PETITIONER INFORMATIONApplicant Name: Eastgate Investments I, LLCAddress: c/o Todd A. Leeth Eastgate Investments II, LLCHoepfner Wagner & Evans LLPPhone: [REDACTED]103 E. LincolnwayEmail: [REDACTED]Valparaiso, Indiana 46383**PROPERTY OWNER INFORMATION**Applicant Name: Same As Petitioner

Address: _____

Phone: _____

Email: _____

LEGAL DESCRIPTION OF SUBJECT PROPERTY: (EXHIBIT NO. A)See Attached**PROPOSED VARIANCES OR WAIVERS: (EXHIBIT NO. _____)**

ALL OWNERS OF RECORD OF THE ABOVE-REFERENCED PROPERTY MUST SIGN THE PETITION FOR PUBLIC HEARING. The owner(s), by signing this Petition for Public Hearing, represent to the City of Valparaiso – Plan Commission, that he/she/it has the necessary legal authority to request action to be taken on the above-referenced property. If the name of the Petitioner is different from the property owner, the Plan Commission shall accept the requests and representations of the Petitioner and the property owner shall be bound by such requests and representations via the Attached Affidavit of Consent of Property Owner.

Todd A. Leeth

Signature of owner/Petitioner

5/21/21

Date

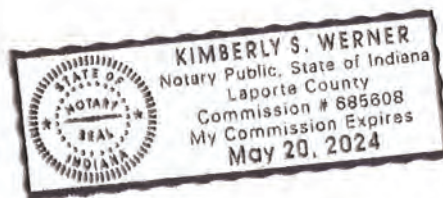
Todd A. Leeth, Attorney for Petitioner

Printed name

Subscribed and sworn to before me this 20th day of May, 2021.

Kimberly S. Werner

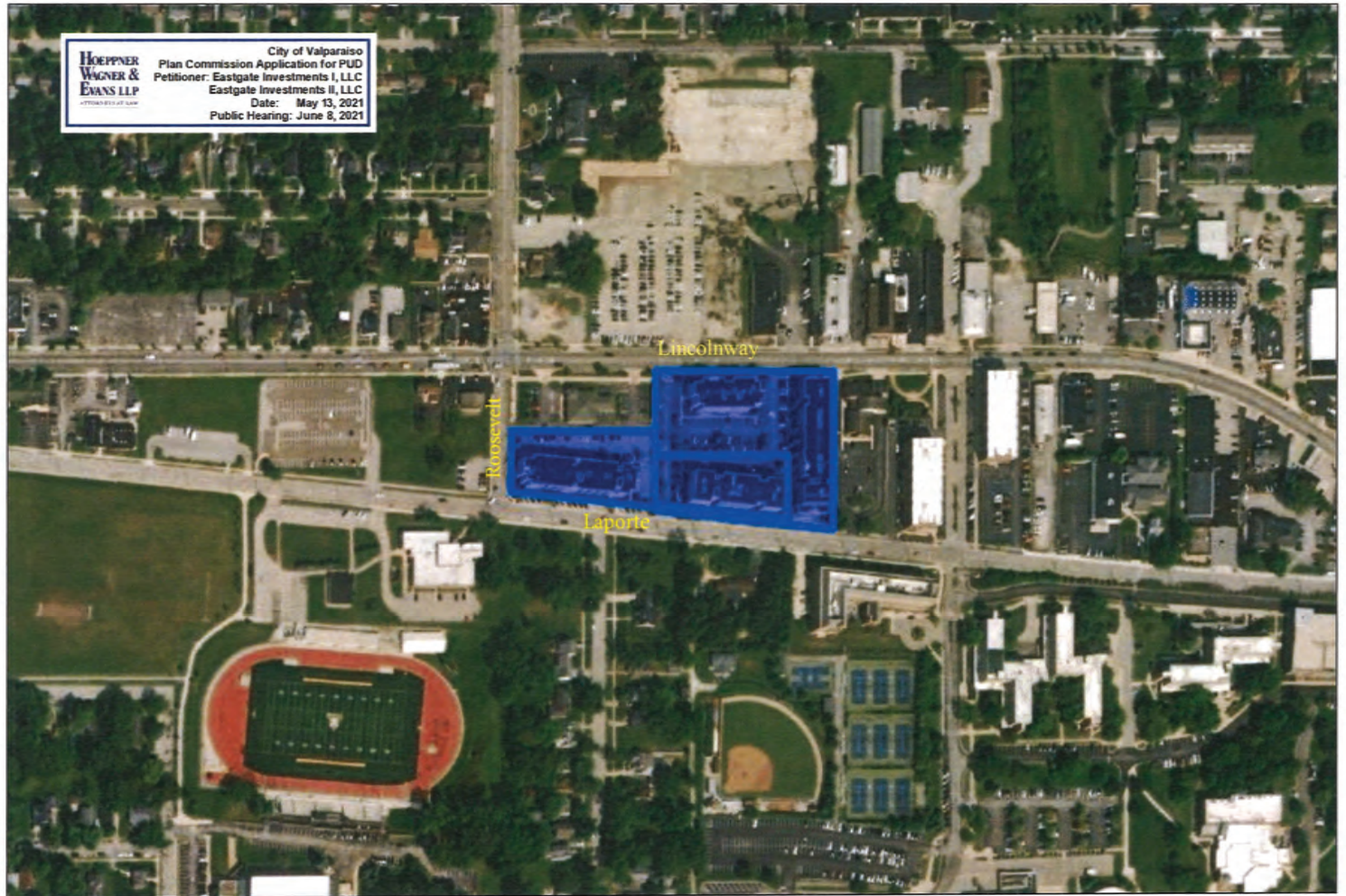
Notary Public



My Commission Expires: _____

HOEPPNER
WAGNER &
EVANS LLP
ATTORNEYS AT LAW

City of Valparaiso
Plan Commission Application for PUD
Petitioner: Eastgate Investments I, LLC
Eastgate Investments II, LLC
Date: May 13, 2021
Public Hearing: June 8, 2021



Enter Map Title...

Web Print: 05/21/2021

0 376 752
Feet

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.



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**HOEPPNER
WAGNER &
EVANS LLP**
ATTORNEYS AT LAW

City of Valparaiso
Plan Commission Application for PUD
Petitioner: Eastgate Investments I, LLC
Eastgate Investments II, LLC
Date: May 13, 2021
Public Hearing: June 8, 2021

Legal Description

PARCEL 1:

A parcel of land in the Southwest Quarter of Section 19, Township 35 North, Range 5 West of the Second Principal Meridian, in the City of Valparaiso, Porter County, Indiana, describes as follows:

Commencing at a point on the South right of way line of Lincolnway in the City of Valparaiso, said point being located 1144.3 feet South and 330 feet East of the Northwest corner of the Southwest Quarter of said Section 19, said point also being the Northwest corner of a Parcel of land conveyed to Larry P. Rouch and Julie K. Rouch per a Trustees' Warranty Deed recorded October 22, 2001 as Document Number 2001-031763; thence South 00 degrees 20 minutes 15 seconds East, assumed bearing, along the West line of said Rouch Parcel 15.00 feet; thence continuing South 00 degrees 20 minutes 15 seconds East, along said West line said West line also being the East line and the East line extended of Greenbriar Addition to the City of Valparaiso, as per plat thereof, recorded August 24, 1963 in Plat File 9-A-2 in the Office of the Recorder of said Porter County, 172.50 feet to the point of beginning; thence North 89 degrees 43 minutes 00 seconds East 292.13 feet; thence South 00 degrees 17 minutes 00 seconds East, 137.71 feet; thence North 84 degrees 07 minutes 58 seconds West, parallel with and 15 feet North of the North right of way line of LaPorte Avenue in said City of Valparaiso, 293.72 feet to the East line of said Greenbriar Addition; thence North 00 degrees 20 minutes 15 seconds West, along said East line, 106.24 feet to the point of beginning.

PARCEL 2:

Lots A and B in Greenbriar Addition to the City of Valparaiso, as per plat thereof, recorded in Plat File 9-a-2, IN THE Office of the Recorder of Porter County, Indiana, EXCEPTING THEREFROM THE FOLLOWING TRACTS SET OUT IN THOSE CERTAIN DEDICATION OF PUBLIC RIGHTS-OF-WAY RECORDED JUNE 2, 2015 AS IN INSTRUMENT NOS. 2015-012338 AND 2015-012339, RESPECTIVELY, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

PART OF LOT B IN GREENBRIAR ADDITION TO THE CITY OF VALPARAISO, AS PER PLAT THEREOF, RECORDED AUGUST 24, 1963 IN PLAT FILE 9-A-2, IN THE OFFICE OF THE RECORDER OF PORTER COUNTY, INDIANA, DESCRIBES AS COMMENCING AT THE SOUTHEAST CORNER OF SAID LOT B; THENCE NORTH 00 DEGREES 20 MINUTES 15 SECONDS WEST, ASSUMES BEARING, ALONG THE EAST LINE OF SAID LOT B, 7.00 FEET; THENCE NORTH 84 DEGREES 07 MINUTES 58 SECONDS WEST, 319.73 FEET TO THE WEST LINE OF SAID LOT B, SAID WEST LINE ALSO BEING THE EAST RIGHT OF WAY LINE OF ROOSEVELT ROAD IN THE CITY OF VALPARAISO; THENCE SOUTH 00 DEGREES 28 MINUTES 14 SECONDS WEST, ALONG THE WEST LINE OF SAID LOT B, 5.89 FEET TO THE SOUTH LINE OF SAID LOT B, CITY OF VALPARAISO; THENCE SOUTH

83 DEGREES 56 MINUTES 16 SECONDS EAST, ALONG THE SOUTH LINE OF SAID LOT B, 319.93 FEET TO THE POINT OF THE BEGINNING.

AND

A PARCEL OF LAND BEING A PART OF LOTS A AND B OF GREENBRIAR ADDITION TO THE CITY OF VALPARAISO, WHICH IS RECORDED IN PLATE FILE 9-A-2, PLAT BOOK 3 PAGE 30, IN THE OFFICE OF THE RECORDER OF PORTER COUNTY, INDIANA, MORE PARTICULARLY DESCRIBES AS FOLLOWS:

THE "POINT OF BEING" OF SAID PARCEL OF LAND BEING THE NORTHWEST CORNER OF SAID LOT A: THENCE SOUTH 00 DEGREES 28 MINUTES 14 SECONDS WEST, ALONG THE WEST LINE OF SAID GREENBRIAR ADDITION TO THE CITY OF VALPARAISO, A DISTANCE OF 128.94 FEET OT A POINT THAT IS 5.89 FEET NORTHERLY OF THE SOUTHWEST CORNER OF SAID LOT B, SAID POINT BEING ON THE NORTH LINE OF LAPORTE AVENUE; THENCE SOUTH 84 DEGREES 07 MINUTES 58 SECONDS EAST, ALONG SAID NORTH LINE, A DISTANCE OF 10.04 FEET; THENCE NORTH 00 DEGREES 28 MINUTES 14 SECONDS EAST A DISTANCE OF 129.97 FEET TO THE NORTH LINE OF LOT A; THENCE SOUTH 89 DEGREES 58 MINUTES 45 SECONDS WEST A DISTANCE OF 10.00 FEET TO THE "POINT OF BEGINNING".

AND

Parcel 3:

A parcel of land in the Southwest Quarter of Section 19, Township 35 North, Range 5 West of the Second Principal Meridian, in the City of Valparaiso, Porter County, Indiana, describes as follows:

Commencing at a point on the South right of way line in Lincolnway in the City of Valparaiso, said point being located 1144.3 feet South and 330 feet East of the Northwest corner of the Southwest Quarter of said Section 19, said point also being the Northwest corner of a parcel of land conveyed to Larry P. Rouch and Julie K. Rouch per a Trustees' Warranty Deed recorded October 22, 2001 as Document Number 2001-031763; thence South 00 degrees 20 minutes 15 seconds East, assumed bearing, along the West line of said Rouch parcel, 15.00 feet to the point beginning; thence continuing South 00 degrees 20 minutes 15 seconds East, along said West line, said West line also being the East line extended of Greenbriar Addition to the City of Valparaiso, as per plat thereof, recorded August 24, 1963 in Plat file 9-A-2, in the Office of the Recorder of said Porter County, 172.50 feet; thence North 89 degrees 43 minutes 00 seconds East, 292.13 feet; thence South 00 degrees 17 minutes 00 seconds East 137.71 feet; thence South 84 degrees 07 minutes 58 seconds East, parallel with and 15 feet North of the North right of way line of LaPorte Avenue in said City of Valparaiso, 101.08 feet to the West line of a parcel of land conveyed to the Valparaiso University Federal Credit Union per a Corporate Warranty Deed recorded May 6, 1987 in Deed Record 378, page 152; thence North 00 degrees 17 minutes 00 seconds West, along said West line, 319.32 feet; thence South 89 degrees 57 minutes 59 seconds West, parallel with and 15 feet South of the South right of way line of said Lincolnway, 392.79 feet to the point of beginning.



UPTOWN EAST
APARTMENTS

UPTOWN EAST PUD
A PLANNED UNIT DEVELOPMENT

Todd A. Leeth
Katie L. Kopf
Hoeppner Wagner & Evans, LLP
103 Lincolnway
Valparaiso, Indiana 46383

ORDINANCE No. _____, 2021

**ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF
VALPARAISO, INDIANA, REZONING PROPERTY FROM GENERAL
COMMERCIAL (CG) DISTRICT AND URBAN RESIDENTIAL (UR)
DISTRICT TO PUD, PLANNED UNIT DEVELOPMENT, KNOWN AS
"UPTOWN EAST"**

WHEREAS, on _____, 2021, Eastgate Investments I, LLC and Eastgate Investments II, LLC (hereinafter jointly referred to as "Petitioners" or "Developer") presented a rezoning Petition to the Valparaiso Plan Commission, which included a public hearing following proper notice. Such Petition is incorporated by reference;

WHEREAS, the Petition received a unanimous favorable recommendation from the Valparaiso Plan Commission;

WHEREAS, on _____, 2021, consistent with proper notice, Petitioners presented a rezoning Petition was certified to the Common Council of the City of Valparaiso.

NOW, THEREFORE, BE IT ORDAINED, by the Common Council of the City of Valparaiso, Indiana, under authority granted by Ind. Code 36-7-4-600 *et seq.* and Ind. Code 36-7-4-1500 *et seq.* and Article 15, Division 15.500 of the Unified Development Ordinance entitled "Procedures and Administration for Planned Unit Development Approval" as follows:

1. Uptown East PUD District is established as an amendment to the Unified Development Ordinance, pursuant to and subject to the terms, conditions, stipulations and requirements of this Ordinance by the Common Council of the City of Valparaiso, Indiana.
2. The attached Schedule 1 (with Exhibits) is a true and accurate copy of the terms, conditions, stipulations and requirements of the Uptown East Plan Unit Development.
3. This Ordinance shall be in full force and effect from and after its passage by the Common Council as required by law.

DULY PASSED AND ADOPTED this ____ day of _____, 2021, by the
Common Council of the City of Valparaiso, Porter County, Indiana, having been passed by a vote
of ____ in favor and ____ opposed.

Matthew R. Murphy, Mayor
Presiding Officer

ATTEST:

Holly Taylor, Clerk-Treasurer

This Ordinance presented by me, the Clerk-Treasurer of the City of Valparaiso, Indiana to
the Mayor for his approval this ____ day of _____, 2021.

Holly Taylor, Clerk-Treasurer

Presented by me to the Mayor of the City of Valparaiso, Indiana, this ____ day of
_____, 2021 at the hour of _____ o'clock p.m.

Holly Taylor, Clerk-Treasurer

This Ordinance approved and signed by me this ____ day of _____, 2021 at the hour
of _____ o'clock p.m.

Matthew R. Murphy, Mayor

SCHEDULE 1

TO

ORDINANCE NO. _____, 2021

**ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF
VALPARAISO, INDIANA, REZONING PROPERTY FROM GENERAL
COMMERCIAL (CG) DISTRICT AND URBAN RESIDENTIAL (UR)
DISTRICT TO PUD, PLANNED UNIT DEVELOPMENT, KNOWN AS
"UPTOWN EAST"**



STATE OF INDIANA)
)
PORTER COUNTY)

**BEFORE THE COMMON COUNCIL
FOR THE CITY OF VALPARAISO, INDIANA**

The Common Council of the City of Valparaiso, Indiana, in adopting Ordinance No. ____, 2021 under authority granted by Ind. Code § 36-7-4-600 *et seq.* and Ind. Code § 36-7-4-1500 *et seq.* and Article 15, Division 15.500 of the Unified Development Ordinance entitled "Procedures and Administration for Planned Unit Development Approval" that Uptown East PUD District is established as an amendment to the Unified Development Ordinance and the Official Zoning Map for the City of Valparaiso, pursuant to and subject to the following terms, conditions, stipulations and requirements:

Section 1. Legislative Intent. Having given reasonable regard to the Comprehensive Plan and the other matters specified in Article 15, Division 15.500 of the Unified Development Ordinance, the intent of the Common Council in adopting this Ordinance is (i) to determine that the existing urban project, Uptown East, is incorporating workforce housing with student housing resulting from the decrease in market demand for student housing, and is a good land use and is in the best interest of the City of Valparaiso; (ii) to insure that the increased flexibility and design regulations over the land development authorized herein are carried out under administrative standards and procedures in a matter consistent with the goals and policies of the City of Valparaiso; and (iii) to define that this Ordinance and the project proposed to be developed here under satisfies all Indiana statutes and the Valparaiso ordinances relating to planned unit developments. Developer shall have the right to seek joinder of additional parcels of land contiguous to the District as part of the District, which such joinder shall occur only upon the approval by the Common Council on such terms and conditions as the Common Council may establish following the written application by Developer and review and recommendation of the Valparaiso Plan Commission.

Section 2. Change of Zoning Classification to PUD District: The parcel of real property in the City of Valparaiso, Indiana, legally described on Exhibit "A-1" and depicted on Exhibit "A-2" which is attached hereto and incorporated herein and currently classified on the Official Zoning Map of the City of Valparaiso, as follows:

Current Zoning
Classification:

General Commercial (CG) District and Urban Residential (UR) District

The real estate described on Exhibit "A-1" is hereby rezoned and reclassified as Uptown East PUD District. The Official Zoning Map for the City of Valparaiso, Indiana is hereby amended to incorporate this change. Development in the District shall be governed by the provisions of this Ordinance together with the provisions of the Unified Development Ordinance specifically referenced by and incorporated into this Ordinance or terms and provisions that shall apply where this Ordinance is silent or does not generally address procedures or development standards. The Plan Commission shall have the right to initiate litigation in any Court of competent jurisdiction to enforce and compel the Developer's compliance with all of the terms and provisions of this Ordinance.

Section 3. Permitted Principal Uses.

(a) Uses permitted by right in the District shall include the following:

Student Housing
Single-Family Residential
Multifamily Residential
Live-Work Units
Home Occupation
Home Business
Cottage Industry
Places of Public Assembly
College/University
Institutional Residential
Private Club
Public Service
Respite Care Facility
Utilities, Neighborhood
Hospitals
Agricultural Support and Other Rural Services
Alcoholic Beverage Sales
Bed and Breakfast
Commercial Lodging
Commercial Retail
Heavy Retail
Light Automobile Service

Drive-in/Drive Through Facility
 Mixed Use
 Office
 Car Wash
 Restaurant
 Services
 Shopping Center
 Vehicle Sales, Rental, and Service
 Veterinarian
 Commercial Amusement, Indoor
 Commercial Amusement, Outdoor
 Recreation, Indoor
 Recreation, Outdoor
 Utilities, Community
 Parking (Stand Alone Lot) and Transit Facilities
 Commercial Outdoor Sales Event
 Contractors Office
 Model Homes
 Public Interest or Special Events
 Sales Office
 Sidewalk Sales and Farmers' Markets
 Truck Load Sales

- (b) Uses permitted by right in the District limited to Building 1 and Building 2:

Workforce Housing

“Workforce Housing” shall mean multi-family housing that is supported by tax credit or other supportive housing incentives for essentially middle-earners who may not be dependent on government-subsidized rents. Rents in Workforce Housing are adjusted for tenant’s income in relation to an average median income (“AMI”). The AMI in the Uptown East PUD shall follow the requirements of the Indiana Housing & Community Development Authority promulgated and adopted from time to time.

- (c) The District is approximately 4.15 acres and depicted on the Concept Plan attached hereto and incorporated herein as Exhibit “B”. The Concept Plan shows the available parking spaces dedicated to Building 1, Building 2, Building 3, and Building 4.
- (d) If a proposed use is not listed hereinabove or if the classification of the use is ambiguous, then the City Planning Director shall decide whether the proposed use is either a subcategory of a permitted use, or a use that is functionally similar to a permitted use. A proposed use that is either not listed or ambiguous shall be considered a subcategory of a permitted use if:

- (i) its North American Industrial Classification System (NAICS) code is a subset of an NAICS code for a permitted use; and
- (ii) with regard to each of the decision criteria enumerated in subsection B., the proposed use's impacts are not materially greater than the permitted use with the more general NAICS code.

A proposed use that is either not listed or ambiguous shall be considered a functionally similar use to a permitted use if with regard to each of the decision criteria enumerated in subsection (ii), the proposed use has no greater impacts than the permitted use with which it is functionally similar.

Section 4. Buildings Within the District. The District is currently improved with four building structure improvements which are shown on the exhibits attached hereto. No new buildings or other improvements are anticipated for the District. Nothing in this PUD Ordinance is intended to allocate to any particular building or space within a building a specific use to the exclusion of other uses or limit the Developer's ability to adjust or change the location of permitted uses within the existing buildings, now or in the future from time to time, except as limited by §3(b) above.

Section 5. Density and Intensity. All requirements of the Unified Development Ordinance relating to densities and intensities for the commercial uses within the existing floor area for Building 1, Building 2, Building 3, and Building 4 are satisfied or waived. All construction outside of the existing buildings or expansion of existing floor area are subject to bulk and area standards for the General Commercial (CG) District and Urban Residential (UR) District.

Section 6. Ownership of Open Space. The development of the District consistent with this Ordinance shall be undertaken by Developer or its successors and assigns. No Open Space is anticipated in the District. Open Space is defined in the Unified Development Ordinance as land area that will be left undeveloped as part of a natural resource preservation, recreation, bufferyard, or other open space provision and excludes areas in lots, street rights-of-way, or parking. The District was exclusively a redevelopment project in an urban setting. The entire District is developed currently and affords no opportunity for greenspace dedication as Open Space. Because there is no formal Open Space as part of a District's overall site, no assurances regarding the maintenance of Open Space are required. No conservation easements are required.

Section 7. Proposed Restrictive Covenants. Ownership shall remain with Developer for the foreseeable future. Therefore, there will be no private covenants, conditions, or restrictions for the District. Developer reserves the right and opportunity to impose future covenants and restrictions upon the sale of all or a portion of the District by agreement and by recording an instrument in the public records of the Office of the Recorder for Porter County, Indiana, the terms of which shall be subject to its sole and absolute discretion.

Section 8. Water/Sewer Utilities. The existing buildings are connected to municipal utilities. The sanitary sewer collection system and water department have capacity to serve the

development and redevelopment of the District for all uses. No further approvals are needed for water and sewer utilities.

Section 9. Environmental Areas. There are no known environmental areas or features within the District, such as forested areas, streams, ponds, lakes, dunes, or other environmental features or areas that are critical habitat for endangered species. The District does not have any known jurisdictional wetlands, flood plains, or regulated drains.

Section 10. Placement of Buildings. It is anticipated that there will be no new buildings in the District and improvements shall be limited to existing imperious surfaces or areas that have no limitations or obstacles for the anticipated amenities or improvements.

Section 11. Public Streets. There are no new streets or rights-of-way within the District that require dedication as public streets.

Section 12. Sidewalks and Pathways. Developer shall not be required to provide or construct new sidewalks as part of the development of the improvements within the District anticipated by this PUD Ordinance.

Section 13. Street Lighting. The District does not include public rights-of-way, therefore there will be no street lighting provided by Developer.

Section 14. Storm Water Management. It is the intent of this PUD Ordinance to provide a storm water management system generally meeting the requirements of the Unified Development Ordinance and Stormwater Technical Standards Manual of the City of Valparaiso, except where provided otherwise by this PUD.

Section 15. Soil Erosion Plan. Uptown East PUD District shall satisfy the requirements of Article 7, Stormwater Management of the Unified Development Ordinance and the requirements of the Construction Site Run-off general permit for construction activity (which includes clearing, grading, excavation and other land-disturbing activities) that results in the disturbance of one (1) acre or more of total land area pursuant to Indiana Department of Environmental Management Rule 5 (327 IAC 15-5).

Section 16. Landscape Plan. The existing landscaping for the District, as shown on the Landscape Plan attached hereto as Exhibit "C", shall satisfy the requirements of Articles 10 and 11 of the Unified Development Ordinance, including all requirements for buffering (bufferyard requirements), screening, on-lot landscaping, plantings, or other general landscaping standards or requirements.

Section 17. Signs. Zoning classification sign regulations contained in the Unified Development Ordinance for Rural and Residential Districts (§5.302) and Commercial Districts (§5.303) shall govern all signs located within the District. Nothing in this Ordinance shall prohibit Developer from seeking a variance from the terms of the Unified Development Ordinance from the Board of Zoning Appeals.

If a sign is illuminated by light beamed or reflected upon it, direct rays of light shall not beam upon any part of any existing residential area nor into a residential district, nor into a street. A sign in direct line of vision of a traffic signal shall not be red, green, or amber in color. Illuminated signs are permitted, including internally illuminated signs.

Section 18. Parking. The Uptown East project was originally developed in 2007, prior to the Unified Development Ordinance. At that time, the Valparaiso Plan Commission granted a parking reduction pursuant to the Eastgate Overlay District Ordinance Section 3950. In 2010, the City of Valparaiso engaged Walker Parking Consultants of Indianapolis, Indiana to perform a parking study in Downtown Valparaiso and the scope of the study included the Uptown East project. The Walker study is dated January 22, 2010. More recently, the Developer further engaged Walker Parking Consultants to update the 2010 study looking exclusively at the Uptown East project. On September 3, 2020, Walker issued its Shared Parking Update of the Uptown East Development. The modifications proposed by the Developer relating to the number of units, the type of each unit, and the inclusion of Workforce Housing tenants has changed during and after the relevant parking studies. Some of these changes were initiated or encouraged by the City. With each change and modification of Developer's plans, the Valparaiso Planning Department has calculated parking requirements under the Unified Development Ordinance and the Eastgate Overlay District which is determined by the Planning Department to apply to Buildings 3 and 4 of Uptown East.

The Uptown East project has one hundred seventy-one (171) onsite parking spaces. Of those, fifty-eight (58) are dedicated to commercial use which are located in Building 1 and Building 2. Thirty-five (35) of those fifty-eight (58) spaces shall be available to residents of Building 1 and Building 2 between the hours of 9:00 pm and 7:00 am. Developer and Horizon Bank have entered into a separate agreement with Developer allowing overnight parking for residential tenants to thirteen (13) parking spaces as shown on the Concept Plan. The parking agreement was originally entered into November 28, 2007 and recorded March 26, 2008 in the Office of the Recorder of Porter County, Indiana as Document No. 2008-008162. A recent amendment to the parking agreement (Amendment to Access and Parking Agreement and Six Party Agreement dated January 4, 2021 and recorded January 22, 2021 in the Office of the Recorder of Porter County, Indiana as Document No. 2021-002147. The amendment provided further clarification that the thirteen (13) shared parking spaces with Horizon Bank could be used for overnight parking by the residents in Building 1 and Building 2.

The Unified Development Ordinance acknowledges that shared parking in mixed use developments such as Uptown East would allow for a reduction in the total number of required parking spaces when a parcel is occupied by two or more uses which typically do not experience peak parking demands at the same time. The Planning Department has determined that the number of necessary parking spaces for the Uptown East PUD District is 319 parking spaces. Uptown East PUD District meets the necessary parking spaces by the following:

PARKING SPACES AVAILABLE	
On-Site Spaces	171
Horizon Bank Agreement	13
LaPorte Ave Permits	<u>135</u>
Total Parking Spaces	319

Developer shall continue to cooperate with the City to take advantage of opportunities for expansion of parking alternatives when they become available in the future, including connection to interconnected lots, pedestrian circulation improvements, bicycle parking, cross-access and/or parking easements, enhanced or extension of permit parking in proximity to the District, or other innovative methods to address parking demand.

Section 19. Subdivision of the District Real Estate. The District is intended to remain as one parcel for the foreseeable future. Any subdivisions of lots in the District shall comply with the Unified Development Ordinance standards and procedures for subdividing real estate (*see* Division 15.800 of the Unified Development Ordinance) or the division of ownership under the Indiana Condominium Act (Ind. Code §32-25-1-1 *et seq.*).

Section 20. Change in Development Standards or Approval of Alternate Plans. Modifications of PUD uses and development requirements are governed by §15.506 of the Unified Development Ordinance.

Section 21. Deviation from PUD Requirements. To the extent that the this Ordinance does not include information, plans, drawings, or otherwise satisfy the requirements of Division 15.500 of the Unified Development Ordinance, the adoption and effect of this Ordinance shall remain and continue in full effect and not be altered by such omission, which is intentional and excused. The Uptown East PUD District is fully improved at the time of the adoption of this Ordinance; therefore, the requirements for substantive matters set forth in the requirements of Division 15.500 are superfluous, including but not limited to, the following:

Stormwater Management Plans and Permitting Procedures (§15.305)

Development Plan (§15.503)

The deviations are recommended by the Plan Commission and the City Common Council have adopted such pursuant to Section 15.505 of the Unified Development Ordinance after determining that (a) the requirements would cause unnecessary hardship or practical difficulties because of exceptional and unique topography, access, location, shape, size, drainage or other physical features of the site; or (b) due to the size, shape location, permitted use, or uniqueness of the development the deviation(s) would constitute better planning than could be achieved through strict compliance, and such deviation would not adversely affect the public health, safety morals or welfare, or the rights, property values, or peace of adjacent property owners, because the District is fully improved, no new buildings or structures are anticipated to be erected or built by Developer and all improvements were designed, permitted and constructed pursuant to standards then in effect for the project.

Section 22. Other Ordinances. Any Ordinance of the City of Valparaiso in conflict with the provisions of any Ordinance is hereby superseded by this Ordinance.

Section 23. Severability. The invalidity of any section, clause, sentence or provision of this Ordinance shall not affect the validity of any other part of this Ordinance which can be given effect without such invalid part or parts.

Section 24. Effective Date and Suspension of Rules. Pursuant to Section 15.310, the Common Council finds that unusual circumstances justify the suspension of rules of procedure and hereby waive the two meeting requirement to take official action on the application of Developer. This Ordinance shall be in full force and effect after its passage and approval by the Common Council for the City of Valparaiso and publication as may be required by law.

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each social security number in this document, unless required by law. *Todd A. Leeth*

This Instrument Prepared By:

Todd A. Leeth
Hoeppner Wagner & Evans LLP
103 E. Lincolnway
Valparaiso, Indiana 46383

**HOEPPNER
WAGNER &
EVANS LLP**
ATTORNEYS AT LAW

Exhibit A-1

Legal Description

Buildings One and Two

Parcel No. 64-10-19-303-01.000-004

A parcel of land in the Southwest Quarter of Section 19, Township 35 North, Range 5 West of the Second Principal Meridian, in the City of Valparaiso, Porter County, Indiana, describes as follows: Commencing at a point on the South right of way line in Lincolnway in the City of Valparaiso, said point being located 1144.3 feet South and 330 feet East of the Northwest corner of the Southwest Quarter of said Section 19, said point also being the Northwest corner of a parcel of land conveyed to Larry P. Rouch and Julie K. Rouch per a Trustees' Warranty Deed recorded October 22, 2001 as Document Number 2001-031763; thence South 00 degrees 20 minutes 15 seconds East, assumed bearing, along the West line of said Rouch parcel, 15.00 feet to the point beginning; thence continuing South 00 degrees 20 minutes 15 seconds East, along said West line, said West line also being the East line extended of Greenbriar Addition to the City of Valparaiso, as per plat thereof, recorded August 24, 1963 in Plat file 9-A-2, in the Office of the Recorder of said Porter County, 172.50 feet; thence North 89 degrees 43 minutes 00 seconds East, 292.13 feet; thence South 00 degrees 17 minutes 00 seconds East 137.71 feet; thence South 84 degrees 07 minutes 58 seconds East, parallel with and 15 feet North of the North right of way line of LaPorte Avenue in said City of Valparaiso, 101.08 feet to the West line of a parcel of land conveyed to the Valparaiso University Federal Credit Union per a Corporate Warranty Deed recorded May 6, 1987 in Deed Record 378, page 152; thence North 00 degrees 17 minutes 00 seconds West, along said West line, 319.32 feet; thence South 89 degrees 57 minutes 59 seconds West, parallel with and 15 feet South of the South right of way line of said Lincolnway, 392.79 feet to the point of beginning.

Building Three

Parcel: 64-10-19-351-008.000-004

A parcel of land in the Southwest Quarter of Section 19, Township 35 North, Range 5 West of the Second Principal Meridian, in the City of Valparaiso, Porter County, Indiana, describes as follows: Commencing at a point on the South right of way line of Lincolnway in the City of Valparaiso, said point being located 1144.3 feet South and 330 feet East of the Northwest corner of the Southwest Quarter of said Section 19, said point also being the Northwest corner of a Parcel of land conveyed to Larry P. Rouch and Julie K. Rouch per a Trustees' Warranty Deed recorded October 22, 2001 as Document Number 2001-031763; thence South 00 degrees 20 minutes 15 seconds East, assumed bearing, along the West line of said Rouch Parcel 15.00 feet; thence continuing South 00 degrees 20 minutes 15 seconds East, along said West line said West line also being the East line and the East line extended of Greenbriar Addition to the City of Valparaiso, as per plat thereof, recorded August 24, 1963 in Plat File 9-A-2 in the Office of the Recorder of said Porter County, 172.50 feet to the point of beginning; thence North 89 degrees 43 minutes 00 seconds East 292.13 feet; thence South 00 degrees 17 minutes 00 seconds East, 137.71 feet; thence North 84 degrees 07 minutes 58 seconds West, parallel with and 15 feet North of the North right of way line of LaPorte Avenue in said City of Valparaiso, 293.72 feet to the East line of said Greenbriar Addition; thence North 00 degrees 20 minutes 15 seconds West, along said East line, 106.24 feet to the point of beginning.

Building Four

Parcel No.: 64-10-19-303-013.000-004

Lots A and B in Greenbriar Addition to the City of Valparaiso, as per plat thereof, recorded in Plat File 9-a-2, IN THE Office of the Recorder of Porter County, Indiana, EXCEPTING THEREFROM THE FOLLOWING TRACTS SET OUT IN THOSE CERTAIN DEDICATION OF PUBLIC RIGHTS-OF-WAY RECORDED JUNE 2, 2015 AS IN INSTRUMENT NOS. 2015-012338 AND 2015-012339, RESPECTIVELY, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

PART OF LOT B IN GREENBRIAR ADDITION TO THE CITY OF VALPARAISO, AS PER PLAT THEREOF, RECORDED AUGUST 24, 1963 IN PLAT FILE 9-A-2, IN THE OFFICE OF THE RECORDER OF PORTER COUNTY, INDIANA, DESCRIBES AS COMMENCING AT THE SOUTHEAST CORNER OF SAID LOT B; THENCE NORTH 00 DEGREES 20 MINUTES 15 SECONDS WEST, ASSUMES BEARING, ALONG THE EAST LINE OF SAID LOT B, 7.00 FEET; THENCE NORTH 84 DEGREES 07 MINUTES 58 SECONDS WEST, 319.73 FEET TO THE WEST LINE OF SAID LOT B, SAID WEST LINE ALSO BEING THE EAST RIGHT OF WAY LINE OF ROOSEVELT ROAD IN THE CITY OF VALPARAISO; THENCE SOUTH 00 DEGREES 28 MINUTES 14 SECONDS WEST, ALONG THE WEST LINE OF SAID LOT B, 5.89 FEET TO THE SOUTH LINE OF SAID LOT B, CITY OF VALPARAISO; THENCE SOUTH 83 DEGREES 56 MINUTES 16 SECONDS EAST, ALONG THE SOUTH LINE OF SAID LOT B, 319.93 FEET TO THE POINT OF THE BEGINNING.

AND

A PARCEL OF LAND BEING A PART OF LOTS A AND B OF GREENBRIAR ADDITION TO THE CITY OF VALPARAISO, WHICH IS RECORDED IN PLATE FILE 9-A-2, PLAT BOOK 3 PAGE 30, IN THE OFFICE OF THE RECORDER OF PORTER COUNTY, INDIANA, MORE PARTICULARLY DESCRIBES AS FOLLOWS:

THE "POINT OF BEING" OF SAID PARCEL OF LAND BEING THE NORTHWEST CORNER OF SAID LOT A; THENCE SOUTH 00 DEGREES 28 MINUTES 14 SECONDS WEST, ALONG THE WEST LINE OF SAID GREENBRIAR ADDITION TO THE CITY OF VALPARAISO, A DISTANCE OF 128.94 FEET OT A POINT THAT IS 5.89 FEET NORTHERLY OF THE SOUTHWEST CORNER OF SAID LOT B, SAID POINT BEING ON THE NORTH LINE OF LAPORTE AVENUE; THENCE SOUTH 84 DEGREES 07 MINUTES 58 SECONDS EAST, ALONG SAID NORTH LINE, A DISTANCE OF 10.04 FEET; THENCE NORTH 00 DEGREES 28 MINUTES 14 SECONDS EAST A DISTANCE OF 129.97 FEET TO THE NORTH LINE OF LOT A; THENCE SOUTH 89 DEGREES 58 MINUTES 45 SECONDS WEST A DISTANCE OF 10.00 FEET TO THE "POINT OF BEGINNING".

Exhibit A-2 The PUD District



Exhibit B

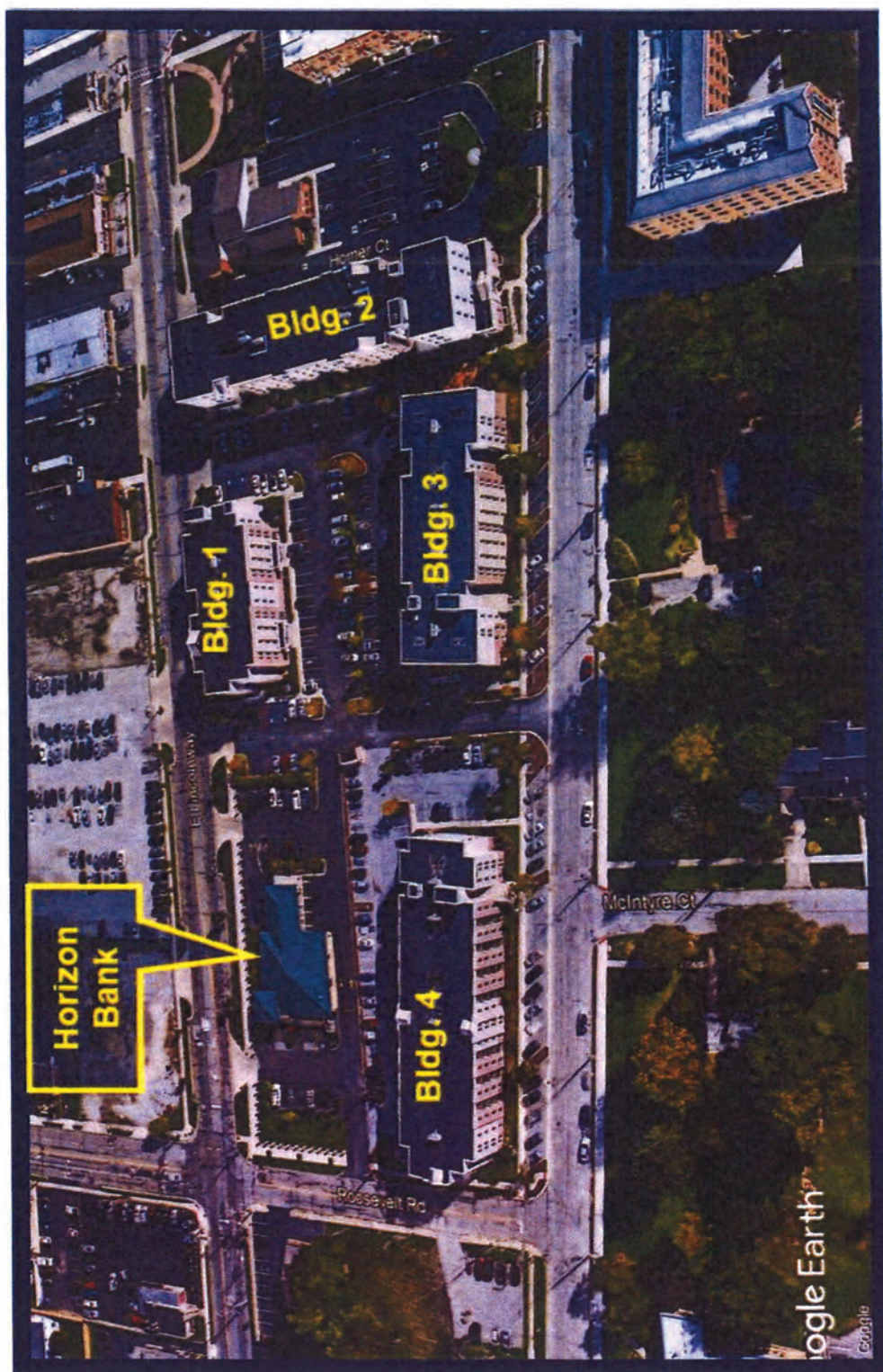
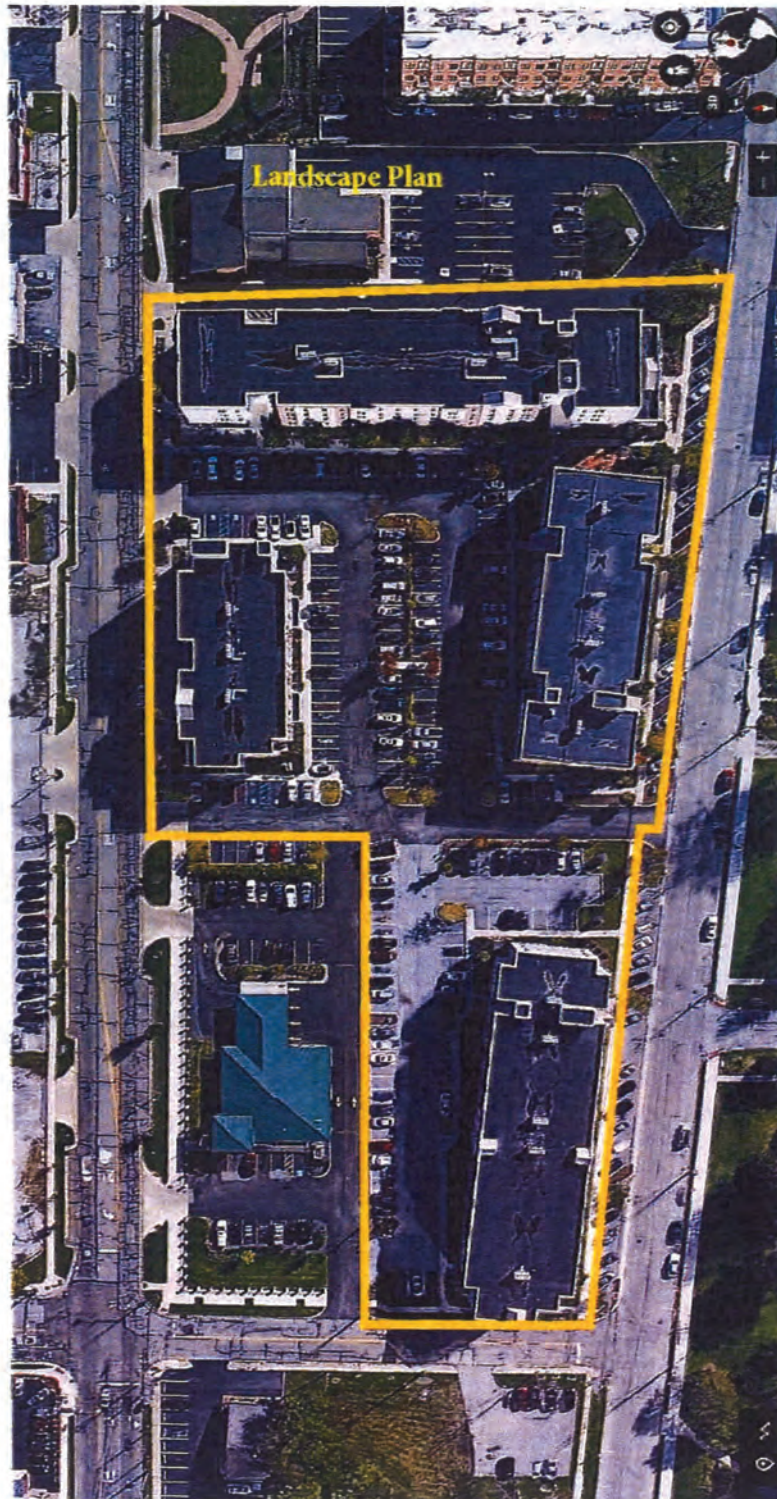


Exhibit C



AGREEMENT FOR WRITTEN COMMITMENT

This Agreement for Written Commitment ("Agreement") is made this 20th day of January, 2021 by **Eastgate Investments I, LLC**, an Indiana limited liability company (and its successors and assigns) and **Eastgate Investments II, LLC**, an Indiana limited liability company (and its successors and assigns) (jointly referred to as the "Petitioner") for the creation of certain written commitments to induce the City of Valparaiso Board of Zoning Appeals ("BZA") to approve the application for a development standards variance to allow for **319 parking spaces**, including on-street permit parking, within the mixed-use project located on Petitioner's property commonly known as Uptown East Apartments, in accordance with general plans filed with the City pursuant to the provisions set forth in the Unified Development Ordinance ("UDO").

NOW, THEREFORE, in consideration of the mutual promises contained herein, and other good and valuable consideration the receipt and sufficiency of which are hereby acknowledged, Petitioner does hereby covenant, promise and agree as follows:

Factual Background:

1. Petitioner is the fee simple title owner of the real property located in the City of Valparaiso, Indiana and more fully shown on attached **Exhibit A** ("Real Estate"). Eastgate Investments I, LLC owns Buildings 1-2, as identified on **Exhibit A** and Eastgate Investments II, LLC owns Buildings 3-4, as identified on **Exhibit A**.

2. On or about **June 6, 2006**, Investment Property Advisors, LLC ("IPA"), the manager of Petitioner's Real Estate, appeared before the City's Site Review Committee to discuss the proposed new construction of student housing across from Valparaiso University. The Meeting Minutes of such meeting are incorporated by reference.

3. On **May 11, 2007**, IPA filed a petition before the Plan Commission to vary the requirements of Section 3920 (Item A) and Section 3945 (Item 6) of the City's Zoning Code. Section 3920 pertains to setback requirements. Section 3945 empowered the Plan Commission to reduce the number of off-street parking spots "by up to 50%" based on certain factors. At the time of the filing, the Plan Commission was empowered to grant the requested variances.

4. On **June 12 and July 10, 2007**, IPA (by Larry Gough) appeared before the Plan Commission seeking a 50% reduction in off street parking. The following statements were made:
 - a. The development will have "263 total onsite parking spaces."
 - b. The development will be student housing and it is anticipated that only 75% of the residents will have vehicles.
 - c. There is adjacent private and public parking and additional permit parking at Valparaiso University. As such, the developer estimates that the development will only need to account for around 70% of the tenants' vehicles.
 - d. The number of onsite parking spots include 16 spaces from Horizon.

The Meeting Minutes of the June 12 and July 10, 2007 Plan Commission are incorporated by reference.

5. The two variances, including the 50% in reduction in onsite parking, were approved by the Plan Commission.

6. On **July 27, 2009**, Ordinance 16-2009 was adopted by the City Council. This established the Eastgate permit parking area and created additional parking spaces to be credited towards the number of parking spots necessary for Petitioner's original student housing development. Such Ordinance is incorporated by reference.

7. On **August 13, 2009**, the Board of Public Works approved Resolution 3-2009, which adopted certain rules and regulations for Eastgate parking. Such Resolution is incorporated by reference.

8. For a period of time, Petitioner leased parking space from Valparaiso University in a large parking lot across Lincolnway Ave. to supplement its need for parking spaces. See Exhibit B. Those spaces are no longer available. In addition, Petitioner was credited 18 parking spaces by virtue of a November 28, 2007 *Access and Parking Agreement* with Horizon Bank (Document 2008-008162). In reality there were only 13 spaces and based on the language of the *Access and Parking Agreement*, there was no right for residents located in Petitioner's apartments to use the spaces. Finally, although 80 permit public (street) parking spaces along LaPorte Ave. were made available to Petitioner, Petitioner has not purchased all 80 permits on a regular basis.

9. Each of City and Petitioner acknowledges that there is an inadequate number of parking spaces to meet the need of Petitioner's current use of the Real Estate.

10. In April 2020, Petitioner approached the City about converting Buildings 1-2 from dedicated student housing of 44 units to 95 units to be used for traditional residential tenants.

11. Based on lack of available parking to meet the minimum requirements under the UDO, coupled with the significant change from student housing to traditional residential use, the City Planner raised concerns about the proposal, but worked with Petitioner to address the deficiencies and offer solutions that were acceptable to the Petitioner and beneficial to the community.

Procedural Background:

12. On **September 18, 2020**, Petitioner filed its Petition with the BZA (Variance 20-19) seeking relief from the UDO parking requirements. Petitioner sought to set the number of parking spaces (including dedicated offsite parking permit spaces) at 265 for Buildings 1-4.

13. On **October 5, 2020**, Petitioner presented its request to the BZA and a public hearing was conducted. After consideration, the matter was continued until the BZA's October 21, 2020 meeting; however, the BZA retained the right to reopen the public hearing.

14. On **October 21, 2020**, the BZA allowed additional public comment, but continued the matter to its November meeting.

14. On **November 18, 2020**, the BZA granted the petitioner's request to continue the matter to its December meeting.

15. On **December 16, 2020**, the BZA cancelled its December meeting and the Petition was placed on the BZA's January 20, 2021 Agenda.

16. On **January 20, 2021**, the BZA allowed further comment from interested parties. After due consideration, the Petition was granted with specific findings that, based on Petitioner's adherence to this Agreement, the granting of the variance would not be injurious to the public health, safety, morals, and general welfare of the community; the use and value of the area adjacent to the property included in the variance would not be affected in a substantially adverse manner; and the strict application of the terms of the Zoning Ordinance would result in practical difficulties because of those reasons and facts determined by the BZA and set forth in its separate Findings of Fact.

Commitments:

17. The items contained in **Sections 1-16** are acknowledged as being true and accurate and a material part of this Agreement. In addition, the following commitments are made by the Petitioner:

A. Buildings 1-2 will be converted from existing student housing to more traditional residential apartments. Building 1 shall remain at 24 units with 1 unit containing 1 bedroom and 23 units containing 2 bedrooms. Building 2 will be converted to a total of 95 units with 87 units containing 1 bedroom and 8 units containing 2 bedrooms. The number of units in Buildings 1-2 shall not exceed 119. Buildings 3-4 shall remain student housing, as originally developed and approved. Building 3 shall remain at 40 units divided between 1 unit containing 1 bedroom, 23 units containing two bedrooms and 16 units containing 3 bedrooms. Building 4 shall remain at 80 units with 56 units containing 1 bedroom and 24 units containing two bedrooms.

B. The number of necessary parking spaces for Buildings 1-4 shall be set at **319**. It is agreed that the Petitioner meets this requirement based on the following: 171 onsite parking spaces, 13 parking spaces shared with Horizon Bank, and 135 permit parking spaces to be established along LaPorte Ave. See Exhibit B.

C. In order to satisfy the need for additional permit parking, additional parking spots will need to be created. Petitioner agrees to work with the City Engineer as to options that will create the maximum number of spaces within the shortest distance to the Real Estate. One option being contemplated is to convert LaPorte Ave. into a one-way street. Ordinance 16-2009 will need to be amended. If requested, Petitioner will attend the necessary City Council and/or Board of Works meetings to support the amending of Ordinance 16-2009.

D. Petitioner and Horizon Bank have entered into a separate agreement with Petitioner which allows for evening access by Petitioner's residential tenants to 13 parking spaces as identified in **Exhibit B**. Such agreement was recorded with the Porter County Recorder as Document # 2021-002147.

E. Of the 171 onsite parking spaces, 58 are dedicated to commercial use in Buildings 1-2. Thirty-five (35) of those 58 spaces shall be available to residents in Buildings 1-2 between the hours of 9:00 pm and 7:00 am. In addition, the 13 shared parking spaces with Horizon Bank shall be used solely by the residents in Buildings 1-2. Of the remaining 126 off-street parking spaces, 119 shall be dedicated to the residents in Buildings 1-2. Petitioner agrees that the tenants in Buildings 1-2 will be year-round residents and it is more likely that each unit will have at least

1 automobile. Every effort will be made to ensure each unit in Buildings 1-2 is assigned at least 1 onsite parking space. Appropriate signage, to the satisfaction of the City Planner, shall be placed on the Real Estate to indicate the availability and designation of parking. Attached as **Exhibit B** is a map showing the designation of off-street parking areas.

F. As will be outlined in greater detail in a separate agreement with the City, a significant consideration for granting this variance was based upon the management of the Real Estate by IPA as well as the personal investment by Larry Gough and John Walsh.

G. As will be outlined in greater detail in a separate agreement with the City, Petitioner, upon request by the City Planner, shall meet to discuss the management of the Real Estate and any public issues or concerns about the Real Estate. A representative from Valparaiso University may be invited to provide its perspective.

H. As currently drafted, Ordinance 16-2009 makes parking permits available for purchase each July. Petitioner agrees to purchase 135 parking permits on an annual basis. Failure to purchase 135 parking permits shall be a breach of this Agreement.

I. As to onsite parking, Petitioner shall issue permits and/or take other steps to limit onsite parking to only authorized users. Petitioner shall engage the services of a towing company to remove illegally parked vehicles.

Additional Items:

18. **Ownership of the Real Estate.** Petitioner represents and warrants that it is the fee simple title owner of the parcel or parcels of the Real Estate as described on **Exhibit A**.

19. **Approval of Application for Development Standards Variance.** Consistent with terms, limitation and commitments contained in this Agreement, the Petition is approved based on continual existence of **a minimum of 319 parking spaces**, including on-street permit parking, within the mixed use project located on the Real Estate commonly known as Uptown Apartments.

20. **Conversion of Units to Other than Student Housing.** The granting of the development standards variance for parking shall allow for the conversion of Buildings 1-2 as outlined in **Section 17(A)**. Petitioner agrees that it shall abide by all local and state building codes in the conversion of Buildings 1-2, and no variances shall be requested.

21. **Reaffirmation of Representation made to Plan Commission.** A material part of granting Petitioner's variance was predicated that Buildings 3-4 would remain exclusively student

housing as originally presented to the City. Petitioner acknowledges and accepts the representations it made to the City, Plan Commission and Site Review Committee during the development of Buildings 1-4 as student housing. Petitioner agrees that any change to either the number of units in Buildings 1-4 (beyond what is stated in **Section 17(A)**) and/or away from exclusively student housing in Buildings 3-4 shall require a variance from the Board of Zoning Appeal as well as any other necessary approvals.

22. **Performance Standards for Petitioner.** As will be outlined in greater detail in a separate agreement with the City, the City may establish identifiable, fair and equitable standards for the Uptown East Apartments to be incorporated into the land use restrictions for the Regulatory Agreements related to the bond financing for the unit conversion project to be undertaken by Eastgate Investments I, LLC. The Regulatory Agreements shall provide for sanctions in the event that Petitioner becomes noncompliant with the performance standards.

23. **Subsequent Owners.** This Agreement shall run with the land and be binding upon subsequent owners of the Real Estate, unless modified or terminated hereinafter.

24. **Duration and Termination.** This Agreement shall be effective until such time as Petitioner can provide alternative onsite parking to offset the need for all permit parking. Should Petitioner identify appropriate offsite parking, it shall first notify the City Planner, in writing, to determine if such alternative arrangements are acceptable.

25. **Merger.** This Agreement constitutes the entire agreement of the parties, and all promises, undertakings, representations, agreements, understandings, and arrangements with reference to representations are herein merged. It is understood that additional documents will be prepared to address other aspects of Petitioner's Real Estate and the financing of certain renovations.

26. **Construction.** This Agreement is entered into in the State of Indiana and shall be construed in accordance with the laws thereof. In the event of a conflict or ambiguity within this Agreement, the more restrictive provision shall be deemed to prevail. The headings appearing as titles for each of the provisions of this Agreement are included for purposes of convenience only and shall not be considered in the construction of any of the substantive provisions herein.

27. **Designated Party of Enforcement – Variances.** The BZA shall be the designated party of enforcement of this Agreement and the covenants and agreements contained herein.

28. **Enforceability.** If any provision of this Agreement is determined by a court of competent jurisdiction to be invalid or unenforceable for any reason, the remaining provisions will not be affected. A court of competent jurisdiction may reform any such provision to make it enforceable. The provisions of this Agreement will, where possible, be interpreted so as to sustain its legality and enforceability.

29. **Voluntary.** The provisions of this Agreement are voluntarily tendered by the Petitioner to the BZA, in good faith.

30. **Financing and involvement from the Indiana Housing and Community Development Authority and the City.** Petitioner has indicated that it will seek allocations of low-income housing tax-credits and tax-exempt bond volume cap through an application to the Indiana Housing and Community Development Authority ("IHCD") to facilitate the financing of the conversion of Buildings 1-2. Petitioner has also committed to have the City serve as the issuer of the tax-exempt bonds. City shall also serve as issuer of the taxable bonds for Buildings 3 and 4. Absent the City objecting, in writing, to serve as the issuer of the tax-exempt bonds, the City shall, in coordination with actions to be taken by the Petitioner and IHCD, facilitate the issuance of the tax-exempt bonds.

31. **Authority.** The individual executing this Agreement represents he has the legal authority to sign this Agreement on behalf of both Eastgate Investments I, LLC and Eastgate Investments II, LLC.

32. **Recordation.** Upon approval of Petitioner's Petition, the City Planner shall record a copy of this Agreement with the Porter County Recorder's Office as to the Real Estate. A recorded copy shall be provided to the Petitioner within 30 days of approval.

IN WITNESS WHEREOF, the Petitioner has executed this Agreement for Written Commitment on the date and year first above written.

EASTGATE INVESTMENTS I, LLC

By: 

Larry Gough, Manager

EASTGATE INVESTMENTS II, LLC

By: [Signature]
Larry Gough, Manager

STATE OF MICHIGAN)
) SS:
COUNTY OF ST. JOSEPH)

Before me, a Notary Public, in and for said County and State, this 20th day of January, 2021, personally appeared Larry Gough, Manager of both **Eastgate Investments I, LLC** and **Eastgate Investments II, LLC** who acknowledged the execution of the foregoing instrument to be his free and voluntary act.

My Commission Expires:

May 13, 2024



[Signature]
Notary Public
Printed: Tegan K. Stuby-Hekter
County of Residence: St. Joseph

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each social security number in this document, unless required by law, Todd A. Leeth

RECORDING PROOF PURSUANT TO IC 32-21-2-3(A)
EFFECTIVE JULY 1, 2020

The foregoing instrument was EXECUTED AND DELIVERED in my presence:

Lisa A. DeLeo
Signature

Witnesses Printed Name:

Lisa A. DeLeo

STATE OF MICHIGAN)
) SS:
COUNTY OF ST JOSEPH)

Before me, a Notary Public in and for said County and State, personally appeared Lisa A. DeLeo, being known to me to be the person whose name is subscribed as a witness to the foregoing instrument, who, being duly sworn by me, deposes and says that the foregoing instrument was executed and delivered by LARRY GLOUGH in the above-named subscribing witness' presence, and that the above-named subscribing witness is not a party to the transaction described in the foregoing instrument and will not receive any interest in or proceeds from the property that is the subject of the transaction.

Witness my hand and Notarial Seal this 20th day of January, 2021.

My Commission Expires:

May 13, 2024



Tegan K. Stuby-Hender
Notary Public
Tegan K. Stuby-Hender

EXHIBIT "A"

LEGAL DESCRIPTION FOR REAL ESTATE

Buildings One and Two

Parcel No. 64-10-19-303-01.000-004

A parcel of land in the Southwest Quarter of Section 19, Township 35 North, Range 5 West of the Second Principal Meridian, in the City of Valparaiso, Porter County, Indiana, describes as follows: Commencing at a point on the South right of way line in Lincolnway in the City of Valparaiso, said point being located 1144.3 feet South and 330 feet East of the Northwest corner of the Southwest Quarter of said Section 19, said point also being the Northwest corner of a parcel of land conveyed to Larry P. Rouch and Julie K. Rouch per a Trustees' Warranty Deed recorded October 22, 2001 as Document Number 2001-031763; thence South 00 degrees 20 minutes 15 seconds East, assumed bearing, along the West line of said Rouch parcel, 15.00 feet to the point beginning; thence continuing South 00 degrees 20 minutes 15 seconds East, along said West line, said West line also being the East line extended of Greenbriar Addition to the City of Valparaiso, as per plat thereof, recorded August 24, 1963 in Plat file 9-A-2, in the Office of the Recorder of said Porter County, 172.50 feet; thence North 89 degrees 43 minutes 00 seconds East, 292.13 feet; thence South 00 degrees 17 minutes 00 seconds East 137.71 feet; thence South 84 degrees 07 minutes 58 seconds East, parallel with and 15 feet North of the North right of way line of LaPorte Avenue in said City of Valparaiso, 101.08 feet to the West line of a parcel of land conveyed to the Valparaiso University Federal Credit Union per a Corporate Warranty Deed recorded May 6, 1987 in Deed Record 378, page 152; thence North 00 degrees 17 minutes 00 seconds West, along said West line, 319.32 feet; thence South 89 degrees 57 minutes 59 seconds West, parallel with and 15 feet South of the South right of way line of said Lincolnway, 392.79 feet to the point of beginning.

Building Three

Parcel: 64-10-19-351-008.000-004

A parcel of land in the Southwest Quarter of Section 19, Township 35 North, Range 5 West of the Second Principal Meridian, in the City of Valparaiso, Porter County, Indiana, describes as follows: Commencing at a point on the South right of way line of Lincolnway in the City of Valparaiso, said point being located 1144.3 feet South and 330 feet East of the Northwest corner of the Southwest Quarter of said Section 19, said point also being the Northwest corner of a Parcel of land conveyed to Larry P. Rouch and Julie K. Rouch per a Trustees' Warranty Deed recorded October 22, 2001 as Document Number 2001-031763; thence South 00 degrees 20 minutes 15 seconds East, assumed bearing, along the West line of said Rouch Parcel 15.00 feet; thence continuing South 00 degrees 20 minutes 15 seconds East, along said West line said West line also being the East line and the East line extended of Greenbriar Addition to the City of Valparaiso, as per plat thereof, recorded August 24, 1963 in Plat File 9-A-2 in the Office of the Recorder of said Porter County, 172.50 feet to the point of beginning; thence North 89 degrees 43 minutes 00 seconds East 292.13 feet; thence South 00 degrees 17 minutes 00 seconds East, 137.71 feet; thence North 84 degrees 07 minutes 58 seconds West, parallel with and 15 feet North of the North right of way line of LaPorte Avenue in said City of Valparaiso, 293.72 feet to the East line of said

Greenbriar Addition; thence North 00 degrees 20 minutes 15 seconds West, along said East line, 106.24 feet to the point of beginning.

Building Four

Parcel No.: 64-10-19-303-013.000-004

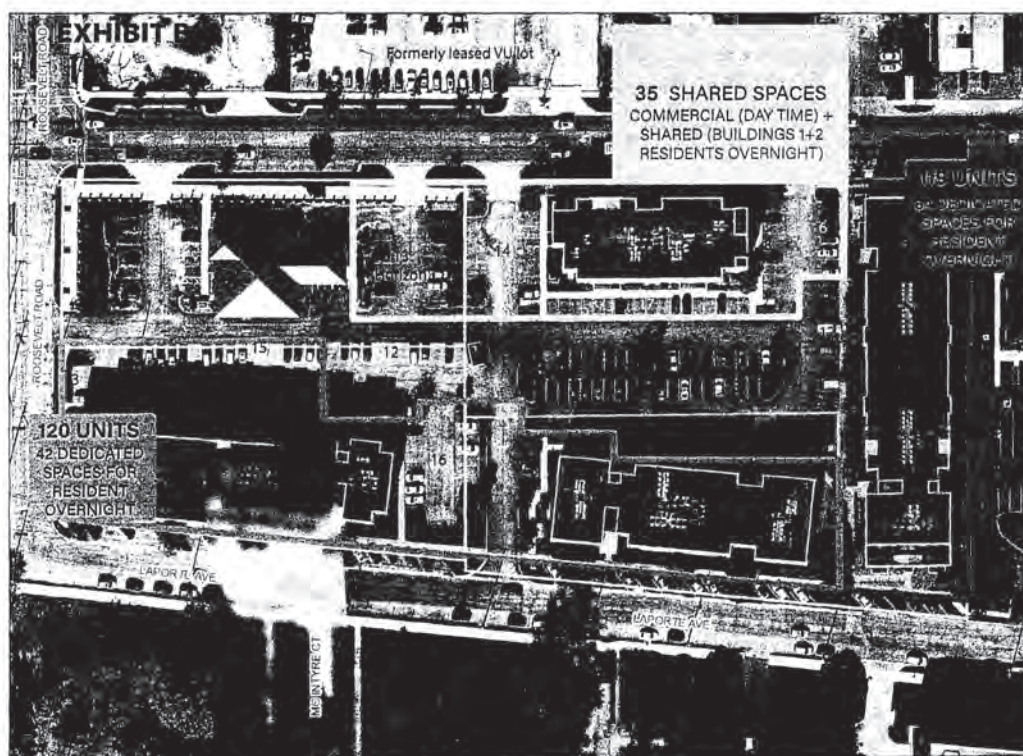
Lots A and B in Greenbriar Addition to the City of Valparaiso, as per plat thereof, recorded in Plat File 9-a-2, IN THE Office of the Recorder of Porter County, Indiana, EXCEPTING THEREFROM THE FOLLOWING TRACTS SET OUT IN THOSE CERTAIN DEDICATION OF PUBLIC RIGHTS-OF-WAY RECORDED JUNE 2, 2015 AS IN INSTRUMENT NOS. 2015-012338 AND 2015-012339, RESPECTIVELY, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

PART OF LOT B IN GREENBRIAR ADDITION TO THE CITY OF VALPARAISO, AS PER PLAT THEREOF, RECORDED AUGUST 24, 1963 IN PLAT FILE 9-A-2, IN THE OFFICE OF THE RECORDER OF PORTER COUNTY, INDIANA, DESCRIBES AS COMMENCING AT THE SOUTHEAST CORNER OF SAID LOT B; THENCE NORTH 00 DEGREES 20 MINUTES 15 SECONDS WEST, ASSUMES BEARING, ALONG THE EAST LINE OF SAID LOT B, 7.00 FEET; THENCE NORTH 84 DEGREES 07 MINUTES 58 SECONDS WEST, 319.73 FEET TO THE WEST LINE OF SAID LOT B, SAID WEST LINE ALSO BEING THE EAST RIGHT OF WAY LINE OF ROOSEVELT ROAD IN THE CITY OF VALPARAISO; THENCE SOUTH 00 DEGREES 28 MINUTES 14 SECONDS WEST, ALONG THE WEST LINE OF SAID LOT B, 5.89 FEET TO THE SOUTH LINE OF SAID LOT B, CITY OF VALPARAISO; THENCE SOUTH 83 DEGREES 56 MINUTES 16 SECONDS EAST, ALONG THE SOUTH LINE OF SAID LOT B, 319.93 FEET TO THE POINT OF THE BEGINNING.

AND

A PARCEL OF LAND BEING A PART OF LOTS A AND B OF GREENBRIAR ADDITION TO THE CITY OF VALPARAISO, WHICH IS RECORDED IN PLATE FILE 9-A-2, PLAT BOOK 3 PAGE 30, IN THE OFFICE OF THE RECORDER OF PORTER COUNTY, INDIANA, MORE PARTICULARLY DESCRIBES AS FOLLOWS:

THE "POINT OF BEING" OF SAID PARCEL OF LAND BEING THE NORTHWEST CORNER OF SAID LOT A: THENCE SOUTH 00 DEGREES 28 MINUTES 14 SECONDS WEST, ALONG THE WEST LINE OF SAID GREENBRIAR ADDITION TO THE CITY OF VALPARAISO, A DISTANCE OF 128.94 FEET OT A POINT THAT IS 5.89 FEET NORTHERLY OF THE SOUTHWEST CORNER OF SAID LOT B, SAID POINT BEING ON THE NORTH LINE OF LAPORTE AVENUE; THENCE SOUTH 84 DEGREES 07 MINUTES 58 SECONDS EAST, ALONG SAID NORTH LINE, A DISTANCE OF 10.04 FEET; THENCE NORTH 00 DEGREES 28 MINUTES 14 SECONDS EAST A DISTANCE OF 129.97 FEET TO THE NORTH LINE OF LOT A; THENCE SOUTH 89 DEGREES 58 MINUTES 45 SECONDS WEST A DISTANCE OF 10.00 FEET TO THE "POINT OF BEGINNING".



Fire Access confirmed with VFD 1/18/21 to confirm 171 total off-street spaces as shown in diagram.

PETITION TO VALPARAISO PLAN COMMISSION

This application is being submitted for (Check all that apply):

PUBLIC HEARING REQUIRED:

- ☐ To Rezone a Property from ____ to ____
- ☐ To Approve a Primary Plat
- ☐ To Approve a Planned Unit Development (PUD)
- ☐ To Approve a Major Planned Unit Development (PUD) Amendment
- ☒ To Annex Property into the City of Valparaiso, IN
- ☐ To Vacate Alley
- ☐ To Appeal the Decision of the Plat Committee

NO PUBLIC HEARING REQUIRED:

- ☐ To Approve a Minor Subdivision (Lot Split)
- ☐ To Approve a Final Plat
- ☐ To Approve a Plat Amendment
- ☐ Design/Architectural Approval in _____ Overlay District

For Office Use Only:

Petition #: _____

Application Filing Fee: _____

Date Filed: ____ / ____ / ____

Meeting: ____ / ____ / ____

SUBJECT PROPERTY INFORMATION

TYPE OR PRINT IN INK

Property Address: 400 N Valparaiso, IN 46385

Subject Property fronts on the North side
between (streets) HWY 149 and Froberg Rd +

Description of Location of Property: _____

North side of 400 North between
Indiana Highway 149 and Froberg Road

Zoning District (Current): See Attached

Zoning District (Proposed): See Attached

Zoning of Adjacent Properties: See Attached

Parcel/Tax Duplicate Number: _____

64-09-09-401-001.000-003

North: _____ South: _____

East: _____ West: _____

Present Use of Property: Vacant Land

Subdivision (If Applicable): _____

Yes, name to be determined

Irregular

Dimensions of Property: Front: _____ Depth: _____

Proposed Use of Property: _____

Single Family Development

Property Area (sq. ft./acres): 142.504 acres

PETITIONER INFORMATIONApplicant Name: Olthof HomesAddress: c/o Todd A. Leeth and Katie L. Kopf +Phone: [REDACTED]103 E. LincolnwayValparaiso, Indiana 46383Email: [REDACTED] +**PROPERTY OWNER INFORMATION**Applicant Name: Eroberg HoldingsAddress: 16553 Cava Dr. +Fishers, Indiana 46307

Phone: _____

Email: _____

LEGAL DESCRIPTION OF SUBJECT PROPERTY: (EXHIBIT NO. _____)See Attached**PROPOSED VARIANCES OR WAIVERS: (EXHIBIT NO. _____)**

1. §3.603 Table 3.603.C - Lot Area
2. §3.603 Table 3.603.C - Minimum Lot Area

ALL OWNERS OF RECORD OF THE ABOVE-REFERENCED PROPERTY MUST SIGN THE PETITION FOR PUBLIC HEARING. The owner(s), by signing this Petition for Public Hearing, represent to the City of Valparaiso – Plan Commission, that he/she/it has the necessary legal authority to request action to be taken on the above-referenced property. If the name of the Petitioner is different from the property owner, the Plan Commission shall accept the requests and representations of the Petitioner and the property owner shall be bound by such requests and representations via the Attached Affidavit of Consent of Property Owner.

Katie L. Kopf

Signature of owner/Petitioner

6/11/2021

Date

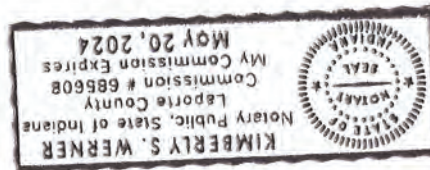
Katie L. Kopf, Attorney for Petitioner

Printed name

Subscribed and sworn to before me this 11 day of June, 2021.

Kimberly S. Werner

Notary Public



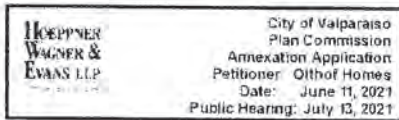
My Commission Expires: _____

HOEPPNER
WAGNER &
EVANS LLP

City of Valparaiso
Plan Commission
Annexation Application
Petitioner: Othof Homes
Date: June 11, 2021
Public Hearing: July 13, 2021

Legal Description

The Southeast $\frac{1}{4}$ of Section 9, Township 35 North, Range 6 West, excepting therefrom the South 543 feet of the West 1319 feet thereof, and excepting therefrom the East 140 feet of the West 1455 feet of the South 310 thereof, Porter County, Indiana.



Olthoff Homes

1. Zoning District (Current) – R2, Medium Density, Single Family Residential (County jurisdiction)
2. Zoning Adjacent Properties:
 - North: SR – Suburban Residential (City Jurisdiction)
R2 - Medium Density, Single Family Residential (County Jurisdiction)
 - South: R2 - Medium Density, Single Family Residential (County Jurisdiction)
 - East: ER – Estate Residential (City Jurisdiction)
 - West: R1 – Low Density, Single Family Residential (County Jurisdiction)

HOEPPNER
WAGNER &
EVANS LLP

City of Valparaiso
Plan Commission
Annexation Application
Petitioner: Olthof Homes
Date: June 11, 2021
Public Hearing: July 13, 2021

OLTHOF HOMES
ANNEXATION PETITION

Names of Property Owners:

Froberg Holdings LLC
16553 Cava Dr.
Fishers, Indiana 46037

Assessed Valuations:

See Property Record Cards attached

Estimate of Value:

See Fiscal Plan

Development Plan:

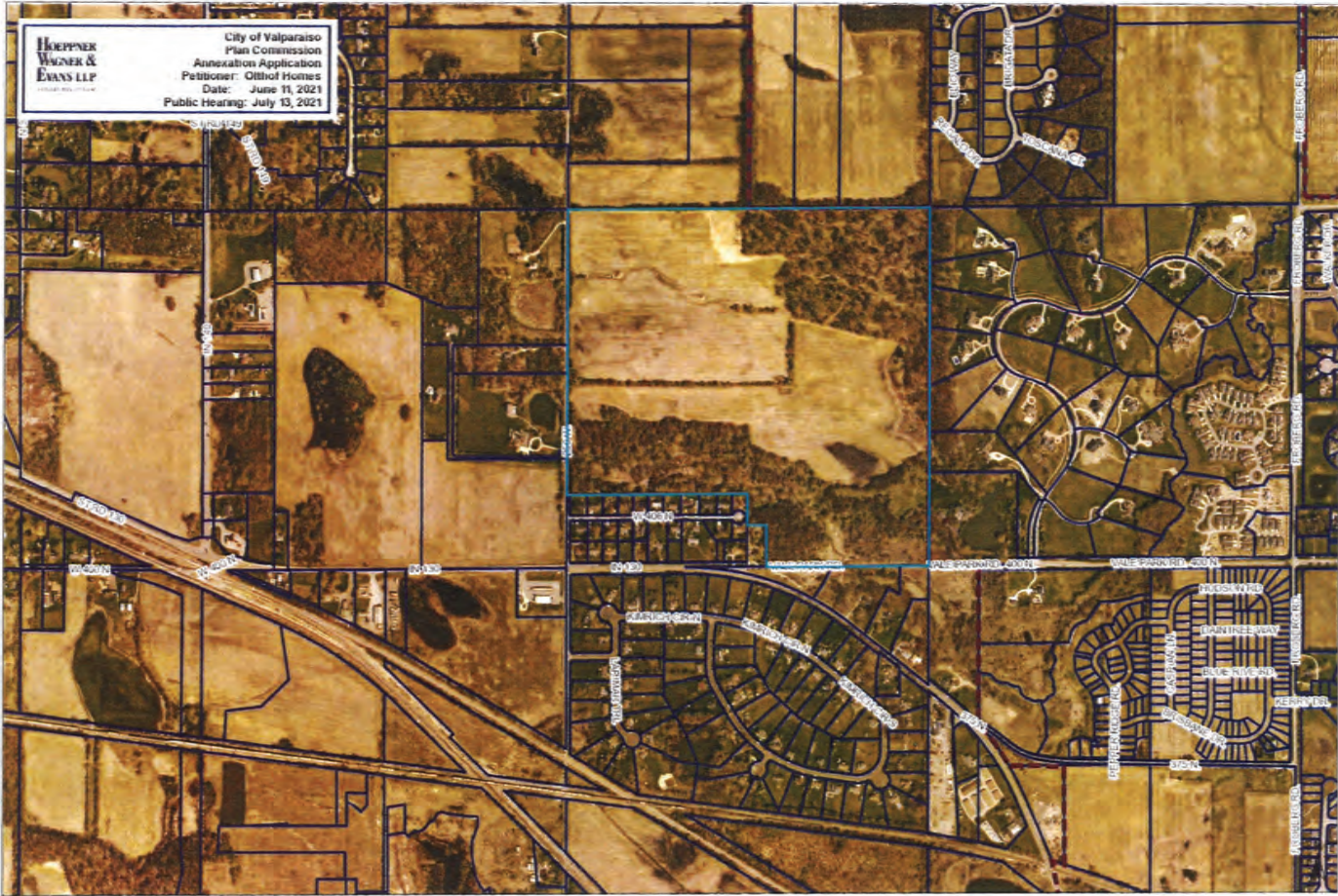
See Concept Plan

Legal Description:

See Attached

Proof of Contiguity

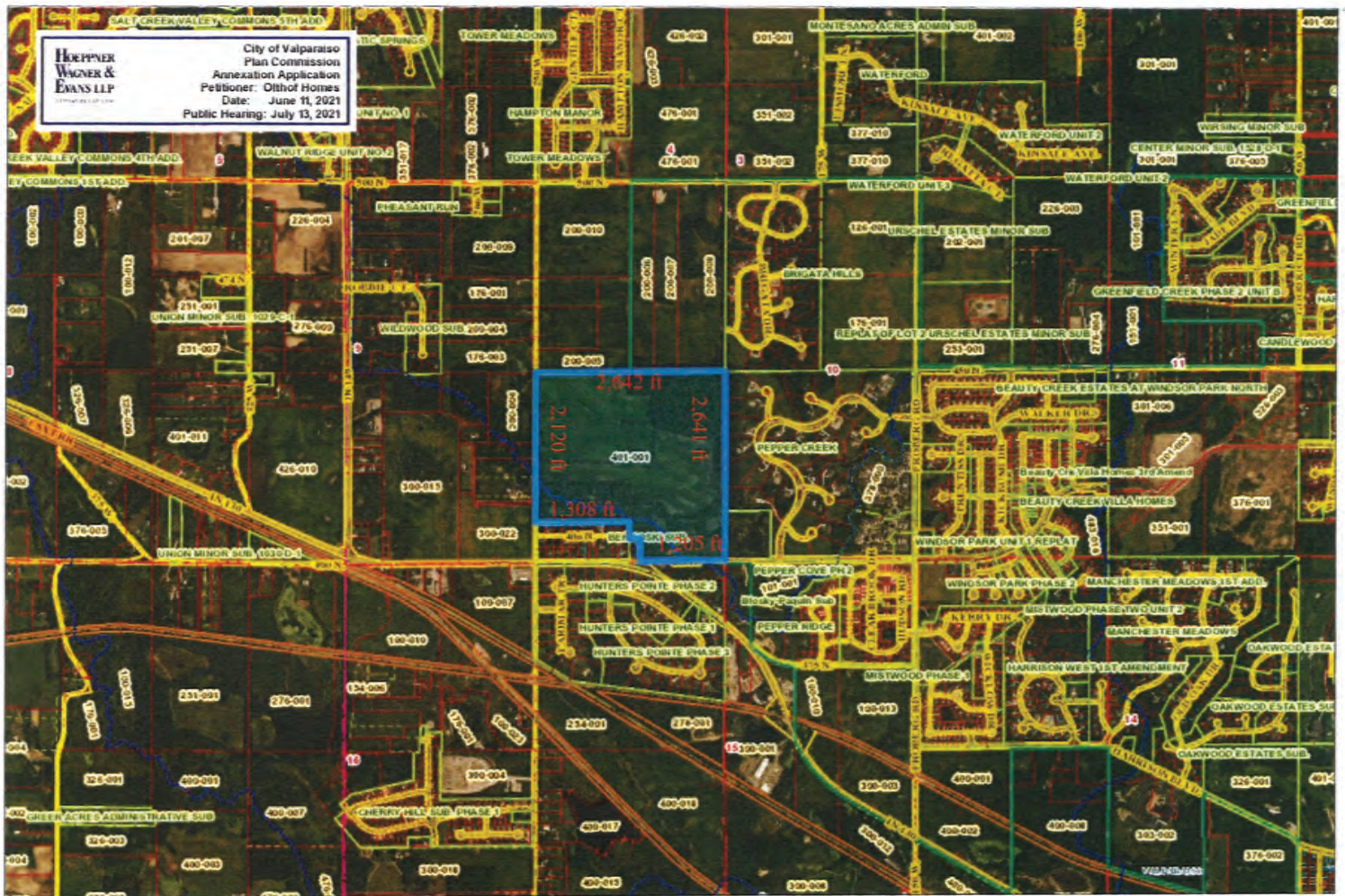
Greater than 12.5%



**HOEPFNER
WAGNER &
EVANS LLP**
Attorneys at Law

City of Valparaiso
Plan Commission
Annexation Application
Petitioner: Ottobol Homes
Date: June 11, 2021
Public Hearing: July 13, 2021

Legend
□ Parcels
□ Street Names
□ City Limits



Enter Map Title...

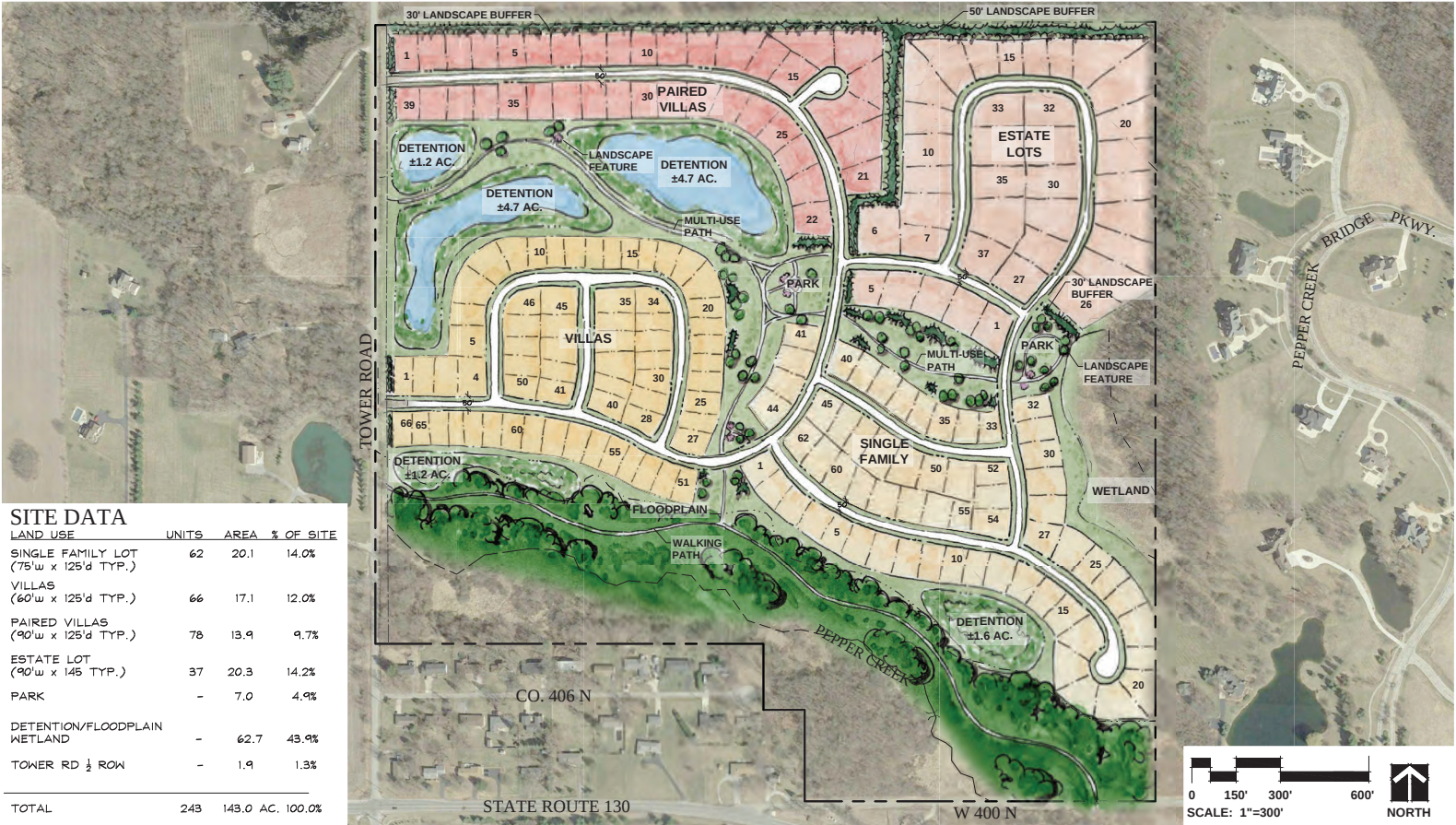
Web Print: 06/11/2021

0 2,372 4,744 Feet

This map is a user-generated static output from an internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.



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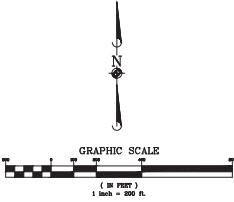
ILLUSTRATIVE CONCEPT PLAN

VALPARAISO, INDIANA

3/19/2021

PLAT OF ANNEXATION TO THE CITY OF VALPARAISO, PORTER COUNTY, INDIANA

PART OF THE SOUTH HALF OF SECTION 9, AND THE NORTHEAST QUARTER OF SECTION 16, TOWNSHIP 35 NORTH, RANGE 8 WEST OF THE SECOND PRINCIPAL MERIDIAN IN PORTER COUNTY, INDIANA.



AREA OF ANNEXATION

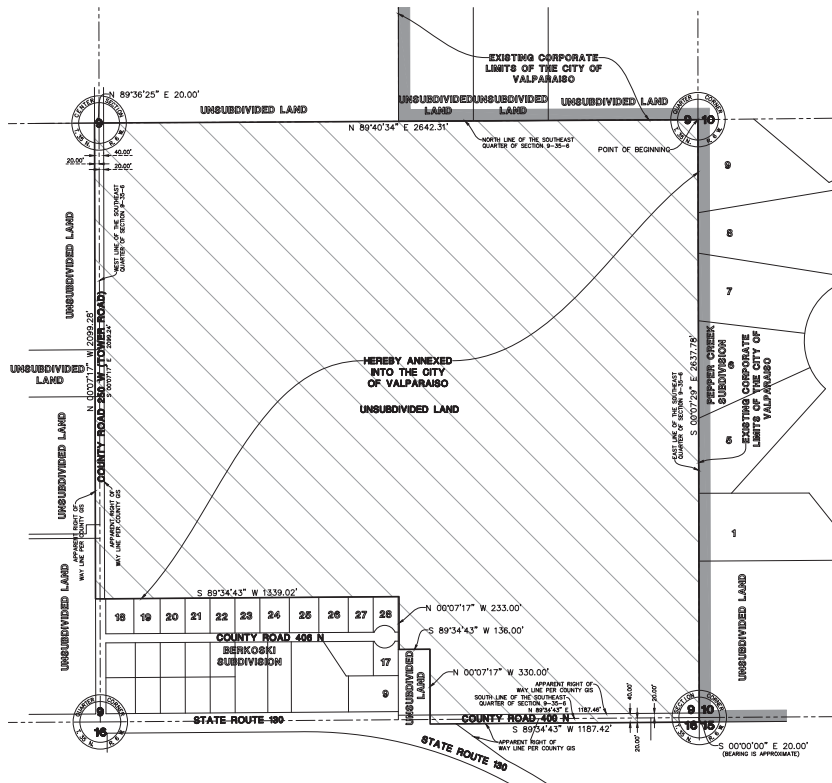
AREA (EXCLUDING R.O.W.) = 6,151,815 SQ. FT. (141,228 ACRES)
AREA OF EXISTING R.O.W. = 33,485 SQ. FT. = 0.768 ACRES
TOTAL AREA = 6,285,300 SQ. FT. (142,996 ACRES)

ANNEXATION REQUIREMENT

CONTIGUOUS PERIMETER WITH MUNICIPALITY = 3,378.82
ALLOWABLE PERIMETER PER 10.36-4-1-1.2 = 3,333.44'
PERIMETER OF PROPOSED ANNEXATION = 6,665.98'

PIN'S

64-09-09-401-001-000-003



LEGAL DESCRIPTION OF TERRITORY TO BE ANNEXED

THE SOUTHWEST QUARTER OF SECTION 9, TOWNSHIP 35 NORTH, RANGE 8 WEST OF THE SECOND PRINCIPAL MERIDIAN, IN PORTER COUNTY, INDIANA.

EXCEPTING THEREFROM THE SOUTH 543 FEET OF THE WEST 1200 FEET OF SAID SOUTHWEST QUARTER.

ALSO EXCEPTING THEREFROM THAT PART OF THE REMAINING PORTION OF THE SOUTHWEST QUARTER (AFTER EXCEPTING THE SOUTH 543 FEET OF THE WEST 1200 FEET THEREOF) THAT LIES WITHIN THE PARCELS DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF SAID SOUTHWEST QUARTER; THENCE NORTH BY COURSE 89 DEGREES 36 MINUTES 25 SECONDS EAST; ALONG THE SOUTH LINE OF SAID SOUTHWEST QUARTER, A DISTANCE OF TWO HUNDRED FEET TO THE SOUTHWEST CORNER (AS SURVEYED) OF BROWN SUBDIVISION, AS PER PLAT THEREOF RECORDED IN PLAT BOOK 100, PAGE 35, NOW SHOWN IN PLAT FILE # 2-8-8, IN THE OFFICE OF THE RECORDER OF DEEDS OF PORTER COUNTY, INDIANA; THENCE EAST BY COURSE 89 DEGREES 36 MINUTES 25 SECONDS EAST, A DISTANCE OF TWO HUNDRED FEET TO THE EAST LINE (AS SURVEYED) OF SAID BROWN SUBDIVISION, A DISTANCE OF 210.0 FEET THENCE NORTH BY COURSE 89 DEGREES 36 MINUTES 25 SECONDS EAST, PARALLEL WITH SAID EAST BOUNDARY OF SAID BROWN SUBDIVISION, A DISTANCE OF TWO HUNDRED FEET TO THE SOUTHWEST CORNER OF THE SOUTHWEST QUARTER, A DISTANCE OF TWO HUNDRED FEET THENCE SOUTH BY COURSE 89 DEGREES 36 MINUTES 25 SECONDS WEST, PARALLEL WITH SAID EAST LINE (AS SURVEYED) OF BROWN SUBDIVISION, A DISTANCE OF TWO HUNDRED FEET TO SAID SOUTH LINE OF THE SOUTHWEST QUARTER THENCE SOUTH BY COURSE 89 DEGREES 36 MINUTES 25 SECONDS WEST, ALONG SAID SOUTH LINE, 1400.0 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH THAT PART OF COUNTY ROAD 250 WEST (TOWNSHIP ROAD) LYING WEST OF AND ADJOINING THE ABOVE DESCRIBED PROPERTY AND THAT PART OF COUNTY ROAD 400 NORTH LYING SOUTH OF AND ADJOINING THE ABOVE DESCRIBED PROPERTY.

SURVEYOR'S NOTES

1. DISTANCES ARE MEASURED IN FEET AND DECIMAL PLACES THEREOF. NO DIMENSION SHALL BE ASSUMED BY SCALE MEASUREMENT HEREON.
2. THIS SURVEY IS SUBJECT TO MATTERS OF TITLE, WHICH MAY BE REVEALED BY A CURRENT TITLE REPORT, EASEMENTS, EASEMENTS, AND OTHER INSTRUMENTS WHICH MAY BE FOUND IN A CURRENT TITLE REPORT, LOCAL ORDINANCES, DEEDS OR OTHER INSTRUMENTS OF RECORD HAVE NOT BEEN SHOWN.
3. THE PROPERTY SHOWN HEREON HAS BEEN SHOWN ON A PREVIOUSLY PREPARED ALTAIRMAP AND TITLE SURVEY PREPARED BY MANHARD CONSULTING AND LAST DATED JANUARY 29, 2021.
4. EXISTING CORPORATE LIMITS FOR THE CITY OF VALPARAISO HAVE BEEN SHOWN HEREON BASED ON THE CITY OF VALPARAISO ZONING MAP AND THE PORTER COUNTY GIS.

SURVEYOR CERTIFICATE

STATE OF INDIANA) 355
COUNTY OF DUFGALY)
THIS IS TO CERTIFY THAT WE, MANHARD CONSULTING LTD., HAVE PLATED THE ABOVE DESCRIBED PROPERTY FOR THE PURPOSE OF ANNEXING SAID PROPERTY INTO THE CITY OF VALPARAISO AND THAT THE PLAT DRAWN HEREON IS A TRUE AND CORRECT REPRESENTATION OF SAID PROPERTY.

WITNESS MY HAND AND SEAL THIS 22ND DAY OF JUNE, A.D. 2021.

R. J. Manhard
INDIANA REGISTERED LAND SURVEYOR
LS-25800006



FROBERG PROPERTY
PORTER COUNTY, INDIANA
PLAT OF ANNEXATION

DATE OF SURVEY: 06/22/21
DATE OF PLAT: 06/22/21
SHEET
1 OF 1
OLTPW003

RESOLUTION No. 3, 2021

A RESOLUTION OF THE VALPARAISO PLAN COMMISSION ESTABLISHING THE POLICY BY WHICH MEMBERS OF THE COMMISSION MAY PARTICIPATE BY ELECTRONIC MEANS OF COMMUNICATION

WHEREAS, P.L. 88-2021 (HEA 1437), SEC. 5, amended IC 5-14-1.5-1 et seq. (Act), effective April 20, 2021 by amending IC 5-14-1.5-3.5 to prescribe new requirements by which members of the governing body of a public agency of a political subdivision may participate in a meeting by any electronic means of communication; and

WHEREAS, a member of the governing body may participate by any means of communication that:

- Allows all participating members of the governing body to simultaneously communicate with each other; and
- Except for a meeting that is an executive session, allows the public to simultaneously attend and observe the meeting; and

WHEREAS, the Act requires the governing body to adopt a written policy establishing the procedures that apply to a member's participation in a meeting by an electronic means of communication and may adopt procedures that are more restrictive than the procedures established by I 5-14-1.5-3.5(d);

NOW THEREFORE, BE IT RESOLVED BY THE VALPARAISO PLAN COMMISSION AS FOLLOWS

Section 1. (a) The provisions of the Act, including definitions, apply to this resolution.

(b) This Resolution shall be known as the "Electronic Meetings Policy" of the Commission and applies to the Commission and any committee appointed directly by the Commission or its presiding officer.

Section 2. (a) Subject to Sections 3 and 5, any member may participate in a meeting by any electronic means of communication that: (i) allows all participating members of the governing body to simultaneously communicate with each other; and (ii) other than a meeting that is an executive session, allows the public to simultaneously attend and observe the meeting. Absent good cause, as determined by the Commission President, a member wishing to participate by electronic means of communication must provide 24 hours' notice so that appropriate accommodations can be made.

(b) A member who participates by an electronic means of communication: (i) shall be considered present for purposes of establishing a quorum; and may participate in final action only if the member can be seen and heard.

(c) All votes taken during a meeting at which at least one (1) member participates by an electronic means of communication must be taken by roll call vote.

Section 3. (a) At least fifty percent (50%) of the members must be physically present at a meeting at which a member will participate by means of electronic communication. Not more than fifty percent (50%) of the members may participate by an electronic means of communication at that same meeting.

(b) A member may not attend more than a fifty percent (50%) of the meetings in a calendar year by an electronic means of communication, unless the member's electronic participation is due to:

- (1) military service;

- (2) illness or other medical condition;
- (3) death of a relative; or
- (4) an emergency involving actual or threatened injury to persons or property.

(c) A member may attend two (2) consecutive meetings (a set of meetings) by electronic communication. A member must attend in person at least one (1) meeting between sets of meetings that the member attends by electronic communication, unless the member's absence is due to:

- (1) military service;
- (2) illness or other medical condition;
- (3) death of a relative; or
- (4) an emergency involving actual or threatened injury to persons or property.

Section 4. The minutes or memoranda of a meeting at which any member participates by electronic means of communication must:

- (1) identify each member who:
 - (A) was physically present at the meeting;
 - (B) participated in the meeting by electronic means of communication; and
 - (C) was absent; and
- (2) identify the electronic means of communication by which:
 - (A) members participated in the meeting; and
 - (B) members of the public attended and observed the meeting, if the meeting was not an executive session.

Section 5. No member of the Commission may participate by means of electronic communication in a meeting at which the Commission may take final action to:

- (1) adopt a budget;
- (2) make a reduction in personnel;
- (3) initiate a referendum;
- (4) impose or increase a fee;
- (5) impose or increase a penalty;
- (6) exercise the Commission's power of eminent domain; or
- (7) establish, impose, raise or renew a tax.

Section 6. (a) If an emergency is declared by:

- (1) the governor under IC 10-14-3-12; or
- (2) the mayor under IC 10-14-3-29;

members are not required to be physically present for a meeting until the emergency is terminated.

(b) Members may participate in a meeting by any means of communication provided that:

(1) At least a quorum of the members participate in the meeting by means of electronic communication or in person.

(2) The public may simultaneously attend and observe the meeting unless the meeting is an executive session.

(3) The minutes or memoranda of the meeting must comply with Section 4 of this resolution.

(c) All votes taken during a meeting at which at least one member participates by an electronic means of communication must be taken by roll call vote.

Section 7. This resolution shall be effective from and after adoption by this Commission and compliance with IC 36-4-6-14.

Adopted this ____ day of July 2021.

VALPARAISO PLAN COMMISSION

President

Attest

Secretary