

**MINUTES OF THE MEETING
OF THE PLAN COMMISSION
VALPARAISO, INDIANA
March 4, 2025**

The Plan Commission of the City of Valparaiso, Indiana, met on Tuesday, March 4, 2025 at 5:30 p.m. in City Hall. Matt Evans called the meeting to order. The Pledge of Allegiance was said. Present were Diane Worstell, Vic Ritter, Harris Peterson, Sarah Litke, Clay Patton, Tim Warner, Ellen Kapitan, Matt Evans, and Max Rehlander. Also present were Bob Thompson, Attorney Mark Worthley, Jessica Gage, Seyi Aletan and Petitioners.

Matt Evans – The Plan Commission is bound by their rules and regulation which allow them to hear only items that are on their Agenda. The request has to be submitted and notification given to the public. He read a prepared statement from the City Administration. There will be plenty of opportunities to address Boards and express concerns regarding the proposed data center.

Attorney Mark Worthley – He confirmed that the Plan Commission can only discuss items on the Agenda. The Plan Commission is in charge of maintaining the Comprehensive Plan and making sure all development is done pursuant to the terms of the Plan. There is nobody on the Board that has a say in what the next development will be. Make sure any comments made today are germane to an item on the Agenda.

Election of Officers and BZA Appointment

Motion: Clay Patton moved to nominate Tim Warner as Vice President. Paul Reed seconded the motion. Upon voice vote, the motion passed with a 9-0 vote.

Motion: Clay Patton moved to nominate Matt Evans as President. Ellen Kapitan seconded the motion. Upon voice vote, the motion passed with a 9-0 vote.

Bob Thompson – The Plan Commission is required to appoint one of its citizen members to the BZA. This should be on a yearly basis.

Attorney Mark Worthley – The same person can do this year to year but should be appointed yearly.

Motion: Ellen Kapitan moved to nominate Sarah Litke as BZA appointment. Clay Patton seconded the motion. Upon voice vote, the motion passed with a 9-0 vote.

MINUTES

December 3, 2024, minutes were presented for approval.

Motion: Vic Ritter moved to approve the December 3, 2024 minutes. Harry Peterson seconded the motion. Upon voice vote, the motion passed with a 9-0 vote.

New Business

PUDA25-001 (Public Hearing)

A petition filed by Leeth Law LLC, 2700 Valparaiso St. #2412, Valparaiso, IN 46384 on behalf of The Brooks Land LLC. The petitioner seeks an Alternate Plan for Phase 3 in The Brooks at Vale Park.

ALSO

SSP25-001 (Public Hearing)

A petition filed by Leeth Law LLC, 2700 Valparaiso St. #2412, Valparaiso, IN 46384 on behalf of The Brooks Land LLC. The petitioner seeks a Secondary Development Plan for Phase 3 of The Brooks at Vale Park.

Attorney Todd Leeth – The second case is the Development Plan. His power point covers both. Tonight he is going to talk about the PUD amendment as well as the Development Plan which is a secondary plat. A Development Plan is a plat of subdivision. He is asking to amend the alternate plan for Phase 3. The second request is to approve the Development Plan with the amendment of the Plan as he is going to outline. This is on the Zoning Map as a PUD. It was approved by the Council in 2019. He showed the area that is Phase 3. A large part of this is the same as it was in 2019. There are CS lots. Nothing in that area has changed from 2019. There are estate lots. Both of these areas are part of Phase 2. This is what he is asking to have the secondary plat approved for. In Phase 3, the rear of all of the estate lots they have created a tree preservation easement. That easement follows the creek to the rear of those lots. They did this because they realized a lot of the home were being built by taking down a lot of the trees. In Phase 3 they want to prohibit that. They want to vacate a walking path but will substitute it with a new easement. On the estate lots they want to reduce the front setback because they are pushing the homes further to get out of the tree preservation area. They will have the same area, just not in the trees. They are also asking for a reduction of side lot lines. On the CS lots, they want to increase the front setback. He showed a map of Phase 2 which shows the walking path. They are substituting an easement along the lot lines. There is no loss of the walking path. They are just moving it to the south.

The second part of the amendment has to do with the E lots (estate lots). They are having driveways that are 26' long. This is a 6' buffer. On the north end and on the south end, approximately half of the homes are on convex curves. This means the front lot line is smaller than the rear lot line. This means there is less side yard to work with. They are asking for a 4' reduction on each side. On the west side they want the sidewalk and pathway to match so they are increasing the setback from 10' to 15'. Three things they are amending. To allow for the plat and to place the tree preservation easement and to approve the secondary

Development Plan for Phase 3. The CS lots are all conforming. They are only modifying the setback by increasing it on the west side.

Public Hearing

Bill Herring – 1856 Hampstead Court. He is President of the HOA of Manchester Meadows. He applauds the consideration for preservation of the existing mature trees. That is part of the attraction of that area. The property this development is on was the Detert and Ransom farms. He concurs with what Attorney Leeth said about Phase 1 and the trees. If you enter the development by Oakwood the first house on the left looked like a lumber yard. They just increased the density of the houses from 13 homes to 18 homes. They are already about triple the density of Manchester Meadows. He is concerned about a lot more traffic. A bigger concern is property values. They are putting smaller homes on smaller lots next to a development of larger homes and larger lots. You can't get there without going through another development.

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

Attorney Todd Leeth – The area of the E lots, all of the lot are over 12,000 sq ft. That is where they started when they were developing the Brooks. In the PUD that area is called the Flex Area. The provision of the PUD allowed them to reduce the lots along that road from 12,000 sq ft to 10,000 sq ft only in this area. But all of those lots exceed 12,000 sq ft so there is no reduction. The number of homes in the Brooks can never exceed the number set out in the Ordinance. They will never get there even with these extra lots. Each lot is consistent with the Ordinance. The reason they did the Flex lots is the E lots are different than the E lots on the other side on Phase 2. They face the CS lots. They have made the E lots conform to the SR but smaller than the other lots in Phase 2 on the other side of the creek where they face each other of similar size lots. The E lots in Phase 3 are a transition from Phase 2.

Staff/Board Comments

Bob Thompson – He did work with the Developer on this with the setbacks to the point where they felt comfortable. They made sure there is a 20' stacking area for vehicles in the driveway. On the E lots they originally asked for a 5' side yard setback. He requested 6' so they would not get into issues with fire rated walls and proper distance of 12' between houses.

Max Rehlander – Engineering emphasized the 5' sidewalk with a 5' parkway. On the north side of Vale Park the parkway is 5' and 10'. The majority is a 6' side walk to allow for stacking in the driveway. They learned from that and came up with the plan they have now for this area.

Clay Patton – Is the Tree Preservation area part of the acreage you are including.

Attorney Todd Leeth – Yes

Ellen Kapitan -Is there anything preventing the people from getting rid of the trees once they have purchased the lot.

Attorney Todd Leeth – It is a platted easement. It is Of Record.

Clay Patton – So the only way to know is if someone cuts down the trees then goes to the City and says we want to put in a swimming pool and the City says you cant do that because of the tree easement. They owner then says they already cut down the trees.

Attorney Todd Leeth – He doesn't have an answer for that. They can't label every tree.

Clay Patton – Isn't it a bit misleading to include the Tree Preservation easement as part of the square footage to say they have that much area to build on. But really they can't because we are placing an easement on it.

Attorney Todd Leeth – The only remedy is to make it a common area. Do we really want everyone to have the right to walk in your backyard?

Clay Patton – Between E79 and E80 there is a walking path. A walking path to where?

Attorney Todd Leeth – It goes to the common area where the creek is. It connects the right of way to the common area to the rear on the other side of the tree area. They get back to the sidewalks a lot and one half north. It connects back out to the road.

Clay Patton – How does a 12 year old kid walking the creek know where is common area, the tree preservation area and the lot line so he doesn't get chased off.

Attorney Todd Leeth – They are going to create a path so it will probably be mulch.

Clay Patton – Are lots 79 and 80 going to be marketed so the purchaser knows they are going to have people walking in their side yard?

Attorney Todd Leeth – They are going to have a small scale drawing of their lot so they will know. It will show utility easements along the side. Front yard setbacks. As well as the Tree Preservation and the walking path.

Clay Patton – He wants to make sure it is marketed so the person knows. A person could build right up to the setback line and there would be 12' between houses. Two people could put out their arms and be touching each house. These are executive lots. How wide is the easement walking path?

Attorney Todd Leeth – It is 12'.

Clay Patton – If lot 79 and 80 both decide to build on the setback line there could be a 12' concrete path touching both homes.

Attorney Todd Leeth – It will be mulch.

Ellen Kapitan – Is the current plan what you showed?

Attorney Todd Leeth – The current plan is the Flex Area. That is a number of lots that can be changed from 12,000 sq ft to 10,000 sq ft. at the developers option down the road. They have adjusted within the area but all the lots are 12,000 sq ft or more.

Ellen Kapitan – What is the current plan without what you just showed.

Attorney Todd Leeth – There are less lots. There were 13.

Clay Patton – There appears to be two lots in Manchester Meadows that border on four lots that are the Executive lots.

Matt Evans – He understands fencing is not allowed to go into the tree area.

Attorney Todd Leeth – He believes so but will confirm it.

Bob Thompson – Usually any easement area says no structures.

Attorney Todd Leeth – They can make that part of the easement for Phase 3.

Matt Evans – If there is an HOA that should be delineated.

RZ25-001 (Public Hearing)

A petition filed by Neighbors Corp., 454 College Ave., Valparaiso, IN 46383. The petitioner seeks to rezone Lots 4-7 in Block 13 in Smith's Addition. Currently, the four lots are addressed as 556-560 Locust St. The current zoning is CA Campus. The proposed zoning is RT Residential Transition.

Matt Evans recused himself from this case due to a conflict of interest. Tim Warner took over.

Carmen Vincent – They are interested in purchasing and developing Lots 4,5, 6, and 7 in Smith's Addition. These are four lots at the end of Locust Street by VU law school and the railroad. The purpose is to create four duplexes totaling eight living units. Each will have three bedrooms and 1,200 sq ft. By developing this land, they will be improving the appeal of the area while addressing the growing need for cost effective and attainable housing in accordance with the Mission of Project Neighbors.

Public Hearing

Paul Shreiner – This is a huge opportunity for the City of Valparaiso. As land becomes scarcer and scarcer and as property costs go higher and higher, there is a widely recognized need for folks that cannot afford the median cost of a house being built in Valparaiso. Project Neighbors has a long track record of having well built, very moderate size housing that accommodates families that work and live in Valparaiso, and they do a good job of maintaining that housing. It is really tough to find land. These lots were provided by VU. We already have the land to the north. They propose to build living units on this property. They will have three bedrooms. Probably a bath and one half. Off street parking. They will do a good job, and they will maintain the property.

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

Staff/Board Comments

Bob Thompson – RT is what is just north of these lots. That is why they gave the recommendation of RT. It states duplexes are an allowed structure within that zoning district. They all thought duplexes were side by side. The definition states it is one unit at ground level and one on top. As long as it has the character of a house in this District you are fine. On these same lots they can build a multiplex. They can build three or four units as long as it looks like a house. And they can build a single-family home. They cannot build two side by side attached single family residences. This is one of the reasons staff wants to look into this particular district and do some clean up with our ordinances on that. We are looking at attaching a Written Commitments if this is approved. Usually Written Commitments are for adding a little bit more restrictive standards. They are requesting a Written Commitment that will open up a particular standard that will be allowed on these specified lots. That is why they are going forward with the recommendation of RT Zoning with the Written Commitment document to allow for single family attached housing. Four structures total. Two units per structure for a total of eight units.

Max Rehlander – Roads and infrastructure are already installed or in the vicinity. He has talked with their team regarding extensions.

Clay Patton – Are the lot lines the blue lines they are seeing?

Bob Thompson – The blue dash lines are the actual lot lines for Smith Addition. The red lines are what they have title to. If they are approved by the Council, he is going to request they come back and do a replat for these four lots.

Clay Patton – Right now there are three parcels.

Bob Thompson – Yes.

Clay Patton – Who parks in the existing parking lot? Are we taking away parking from someone else?

Cody Wilson – Currently that is overflow University parking. It is not enforced real well so there are a lot of stray cars there. Developing this into attractive duplex housing will be a preferable option to just open parking.

Clay Patton – So where will the people park?

Cody Wilson – It will be off street parking. It will be off the sidewalk and room enough for two vehicles.

Clay Patton – Is that enough for these units. Does that meet the Code?

Cody Wilson – There will be 16 parking spaces.

Bob Thompson – They require two parking spaces per unit.

Clay Patton – So is 16 spaces for residents and visitors enough?

Bob Thompson – The only thing he can enforce is the UDO that says two spaces off street.

Clay Patton – But there are no garages with these units.

Cody Wilson – None are planned. It will be parking pads. This is to keep it affordable. Pads will keep it off street.

Bob Thompson – Two units together on one lot. There will be a pad for each unit on that lot. Each pad will be big enough for two cars.

Clay Patton – So guests can park on the street on south Locust.

Attorney Mark Worthley – When the law school was open that parking lot was full and in demand. There are two other existing lots for parking for the VU buildings.

Jessica Gage – Assistant Planner – The blue lines are the existing lot lines. They are legally non-conforming. They can be built on regardless of combinations that happen for tax paperwork purposes. They can automatically go back to those legal non-conforming lots as long as they meet the development standards. That is how they four structures on four lots. Each structure with two units. It is important for this to continue to be RT. It is a hot mess. They will make edits. They are waiting for the updated Comprehensive Plan before they start housing and lot related clean up of the UDO. She has been doing a neighborhood study of the definition of duplex. The UDO says it must look like a home. She handed out a paper relating to the Written Commitment. This is versus going to the BZA. They feel these structures will fit in the

neighborhood. The handout shows two houses side by side. This is considered a twin home instead of a duplex. It is on separate lots. There is another picture of a unit side by side. This is what Paul Shriner referenced. This is a structure with two units side by side on one lot. There is a picture that shows a multiplex. It has seven units in it. The last picture is what looks like a single-family home. There is a door that indicates this could easily be a second unit. All of these structures are within a block and one-half within the proposed development.

Staff

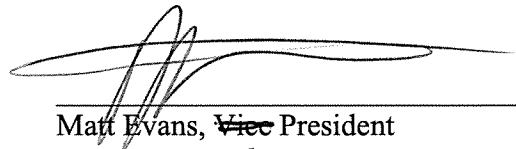
Motion: Vic Ritter moved to approve the proposed meeting schedule for 2025. Max Rehlander seconded the Motion. Upon voice vote the motion passed with a 9-0 vote.

Bob Thompson – He has prepared a draft update of Rules and Procedure. Once Attorney Worthley has reviewed it, he will get it out to Board members. He has permission to move forward with looking at a new Comprehensive Plan.

ADJOURNMENT:

Motion: Clay Patton moved to adjourn the meeting. Diane Worstell seconded the motion. Upon voice vote the motion passed with a 9-0 vote.


Bob Thompson Executive Secretary


Matt Evans, ~~Vice~~ President
MCE

Next Meeting: Tuesday, April 1, 2025