

MEETING AGENDA

Valparaiso Plan Commission

Tuesday, December 14th, 2021, 5:30 PM

Valparaiso City Hall – Council Chambers

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

FAC21-003 – A Façade Improvement Program request by Diane Worstell. The applicant requests favorable recommendation to the Valparaiso City Council for a façade renovation for the building located at 8 Lafayette St. The Façade Renovation includes the following: brick removal and installation, exterior lighting, install cement band/sign board, windows and internal wall.

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

PUD21-003 – A petition filed by Lennar Homes of Indiana c/o Todd A. Leeth and Katie L. Kopf of Hoepfner, Wagner & Evans 103 E. Lincolnway Valparaiso, IN 46383. The petitioner requests approval of rezoning a property from Urban Residential (UR), General Residential (GR), Public Space (PS) and Commercial General (CG) to Planned United Development. The property in question is located at 4301 LaPorte Ave (Parcel Numbers: 64-10-20-276-002.000-029, 64-10-20-276-001.000-029, 64-10-20-426-004.000-029, 64-10-20-426-005.000-029, 64-10-21-151-001.000-029, 64-10-21-300-001.000-029, 64-10-20-426-002.000-029& 64-10-21-300-002.000-029)

5. Staff Items

Request Approval – 2022 Plan Commission Application and Meeting Dates

6. Adjournment

Matt Evans, President – Valparaiso Plan Commission

Beth Shrader, Planning Director

Next Meeting: **January 4th, 2022**

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/3cJYnSK>.

****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: DIANE WORSTELL [REDACTED]ADDRESS OF PROPERTY TO BE IMPROVED:
8 LAFAYETTE ST, VALPARAISO, INDIANANAME OF BUSINESS: N/A

TAX ID#/SOCIAL SECURITY #: [REDACTED]

HOME ADDRESS: [REDACTED]

BUSINESS PHONE: N/A HOME PHONE: NONEFAX: NONE EMAIL: [REDACTED]**2. Project Information**BUILDING LOCATION: 8 LAFAYETTE STREET, VALPARAISO, INDBUSINESS(ES) LOCATED IN BUILDING:
E + A JEWELERS IN ADJACANT BLDG 74 W LINCOLNWAY
TOYS IN THE ATTIC " " 72 W LINCOLNWAYBUILDING AGE: 120 yrs BUILDING LOCATED IN HISTORIC DISTRICT? YESBUILDING ZONED AS: COMM PIN NUMBER: [REDACTED]OWNER OF RECORD: DIANE WORSTELL, JIM + NATALIE SLAWNIKOWSKIIF LEASED: Lease Expires VACANT Renewal Term N/A

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.

SEE ARCHITECT BRENT WAGNERS CONCEPT PLAN
EGA 35,600.00
GLASS 8350.00
LITES 873.95
BRICK 3825.25
AWNING 6978.00

$\$55,627.20 \div 2 = 27813.60 + 2600 \text{ ARCH} = \$30,413.60$

Anticipated Construction

Start Date: ASAP Completion Date: 20 Days Total Project Cost: \$98,477 TOTAL INCLUDES
INSIDE + STRUCTURAL COSTS

4. Mortgage Information

Is there a current Mortgage on the property: YES ☒ NO ☐

If YES, Holder of Mortgage

1ST SOURCE BANK

Date of Mortgage: [REDACTED]

Original Amount: [REDACTED] Current Balance: [REDACTED]

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

YES ☐ NO ☒

If YES, please list:

5. Building Information

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

Uses of the building after completion of the façade project:

1st Floor: RETAIL

2nd Floor:

N/A

3rd Floor:

N/A

Other:

N/A

6. Other Required Documentation

- ✓ a. Property deed with legal description of property O.S. W $\frac{2}{3}$ LOTS Block 17
- ✓ b. Proof that all property taxes are paid and current
- ✓ c. Proof of property and liability insurance PINNACLE INSURANCE
- ✓ d. Signed mortgage note
- N/A e. Copies of any leases associated with property VACANT
- ✓ f. Project budget TOTAL \$ 98,477 INCLUDES INSIDE & STRUCTURAL COS
- ✓ g. ^{TWO (2)}~~Three (3)~~-contractor quotes/construction bids for total façade project
- ✓ h. Photographs of proposed project site

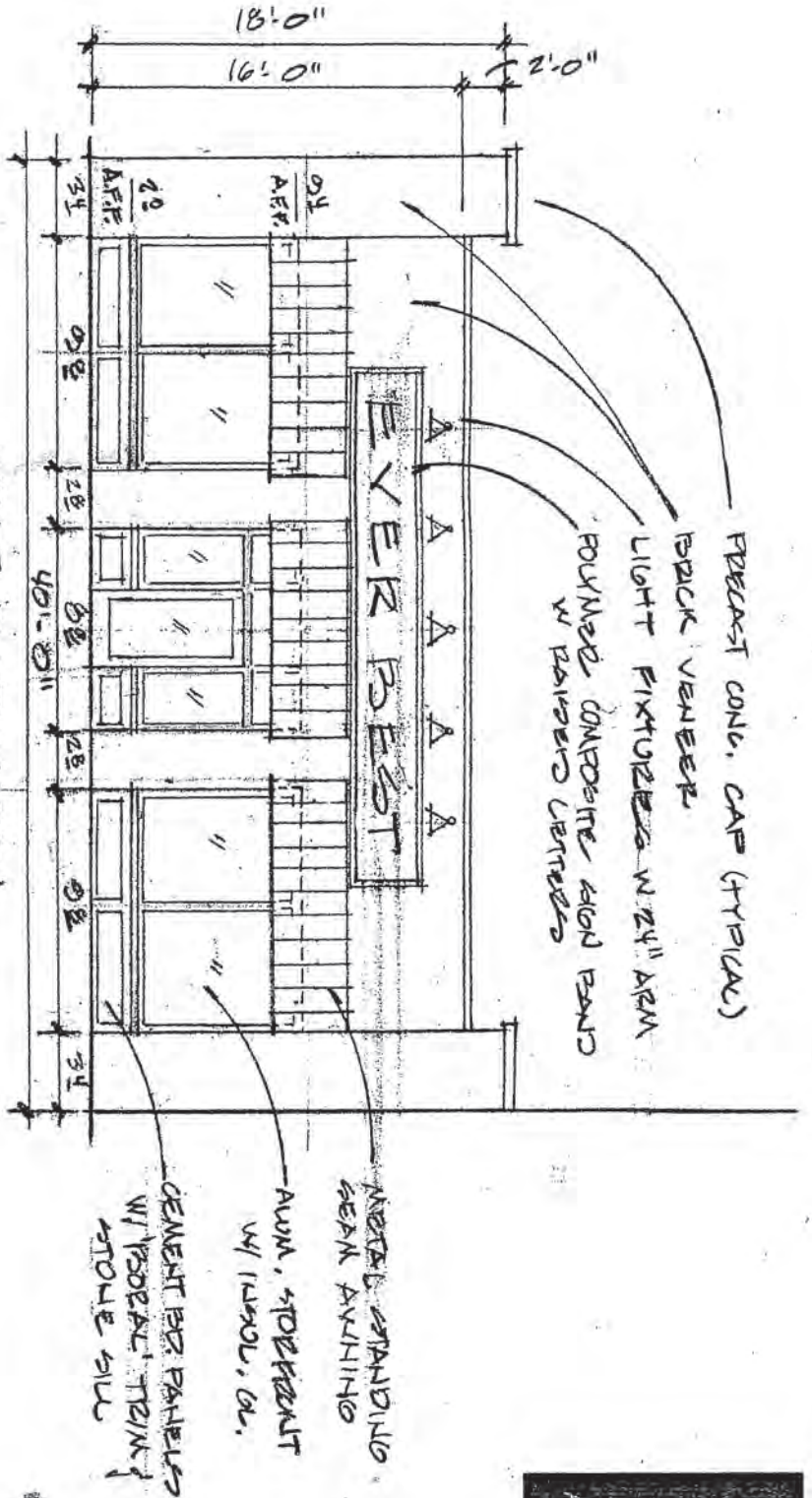
I/We certify that all information set forth in this application is a true representation of the facts pertaining to the subject property for the purpose of obtaining funding under the Valparaiso Façade Improvement Program. I understand and acknowledge that any willful misrepresentation of the information 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 12 day of NOV, 20 21

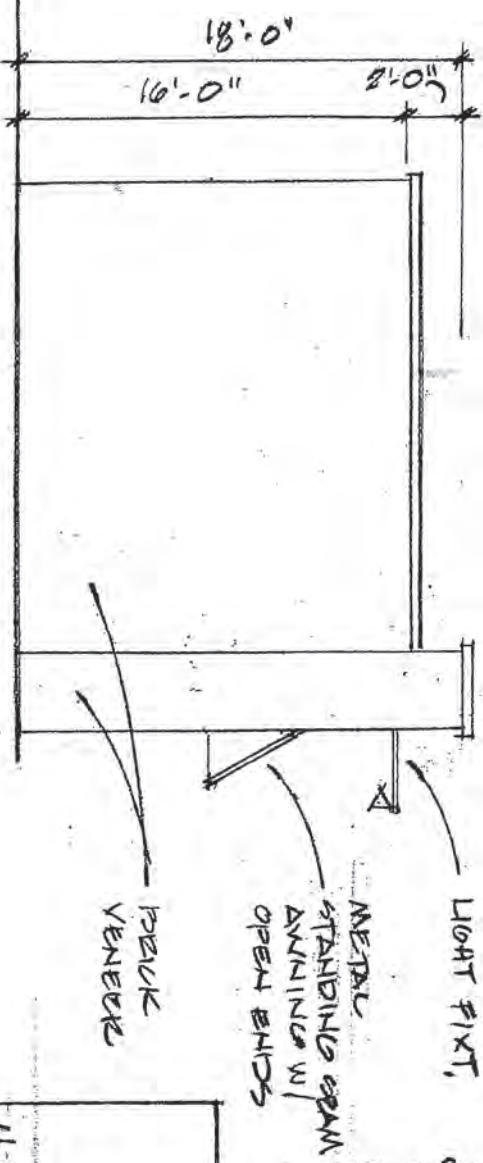
By: Aaron Winstee





WEST ELEVATION

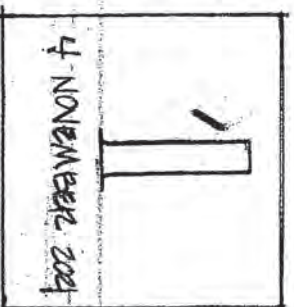
SCALE 1/8" = 1'-0"



NORTH ELEVATION

SCALE 1/8" = 1'-0"

8 LAFAYETTE
FACADE IMPROVEMENTS
8 LAFAYETTE ST, VALPARAISO IN





EGA Construction

177 Cimarron Dr, Valparaiso, IN, 46385

Proposal

November 1, 2021

Re: 8 Lafayette Facade
Valparaiso, IN 46383

Build wood wall:	\$5,400
Demo old façade on Lafayette:	\$7,600
Install new brick façade:	\$17,600
Bring electric to façade/install lights:	\$2,000
Cement board/sign band/etc.	\$3,000
Total:	\$35,600

Thank you,

Euclides Azevedo



GOOD BIDS



**Merrillville
Awning**
Commercial Canvas & Metal

1420 East 91st Drive
Merrillville, IN 46410

219-736-9800
AwningGuy.com

ESTIMATE / CONTRACT

TO:	PROJECT:	11.4.21
Natalie Worstell 8 Lafayette st Valparaiso, IN	Metal Standing Seam Awnings	
219-928-0759 Worstell.c21alliance@gmail.com		

Thank You for the opportunity to provide this proposal for the following:

FABRICATE

& INSTALL: 3 Standing Seam Metal Awnings with Open Ends
Per Plans and Shop Drawings

DIMENSIONS: 2 @ 10' 0" Wide x 3' 4" Drop x 2' Projection
1 @ 9' 2" Wide x 3' 4" Drop x 2' Projection

FRAME: Welded Aluminum Tubing, Painted

TOP: Pac Clad 24 ga. Steel Panels with Kynar Finish, Color Top, Grey Underside.
Top Color T.B.D.

BOTTOM: Open

PRICE: \$ 6,978.00

TERMS: 50% Deposit, Balance Due Upon Completion

We accept all major credit cards. With Credit Card payment, an additional 3% CONVENIENCE FEE will be applied.

PERMIT FEES ARE NOT INCLUDED AND WILL BE ADDED TO THE FINAL INVOICE.

ACCEPTANCE OF THIS CONTRACT: The above prices, specifications and conditions are satisfactory and are hereby accepted and agreed to with my signature below.
Merrillville Awning is authorized to do the work specified, per approval drawings to follow. Details on approved drawings take precedence over stated specifications in this proposal.

With my signature below, I agree to the TERMS as stated above.

Respectfully Submitted:

Date of Acceptance: _____

John Wickstrom

Signature



**Merrillville
Awning**
Commercial Canvas & Metal

1420 East 91st Drive
Merrillville, IN 46410

219-736-9800
AwningGuy.com

ESTIMATE / CONTRACT

TO: PROJECT: 11,421

Natalie Worstell
8 Lafayette st
Valparaiso, IN

219-928-0759
Worstell.c21alliance@gmail.com

Metal Standing Seam Awnings

Thank You for the opportunity to provide this proposal for the following:

FABRICATE

& INSTALL: 3 Standing Seam Metal Awnings with Open Ends
Per Plans and Shop Drawings

DIMENSIONS: 2 @ 10' 0" Wide x 3' 4" Drop x 2' Projection
1 @ 9' 2" Wide x 3' 4" Drop x 2' Projection

FRAME: Welded Aluminum Tubing, Painted

TOP: Pac Clad 24 ga. Steel Panels with Kynar Finish, Color Top, Grey Underside.
Top Color T.B.D.

BOTTOM: Open

PRICE: \$ 6,978.00

TERMS: 50% Deposit, Balance Due Upon Completion

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With my signature below, I agree to the TERMS as stated above.

Respectfully Submitted:

Date of Acceptance: _____

John Wickstrom

Signature



TROUT GLASS & MIRROR INC.
GLAZING CONTRACTOR

Date: November 4, 2021

FAX NO:

ATTN: Natalie Worstell

CO NAME: Century 21 Alliance

DEPT:

NO. OF PG: 3

FROM: Mike Trout

**Job Quotation: 8 Lafayette Street/Façade Renovation
Valparaiso, IN**

*Furnish and install in the three (3) storefront openings Kawneer's Trifab 451T 2" x 4 ½" thermally broken aluminum framing with a standard Kynar black painted finish. The door to be a Kawneer 3'0" x 7'0" '190' narrow stile with a 10" bottom rail. Door hardware includes offset pivots, Adams Rite 1850 deadbolt locking with thumb turn, CO9/CP push/pull, Norton 1605 overhead surface door closer, threshold and weathering. Glaze the door and framing with 1" clear insulated glass with low E on the #3 surface, using safety tempered where required by code. Caulk the exterior perimeters of the frames with matching bronze silicone.

*Demolition and preparation of the openings to accept the new frames is by others.

*Sales/use tax is include in this bid.

*Bid is valid for 60 days.

Bid \$8,350.00

Project Name: 8 Lafayette Facade

11/3/2021 4:11 PM

Frame Set Name: Frame Set 1

Frame Name: Frame 1

Metal Group: _TGM 451T CG/SS/OG STOPS UP

D/S: 1

Frame Type: Standard

Required: 1

Panels: 3

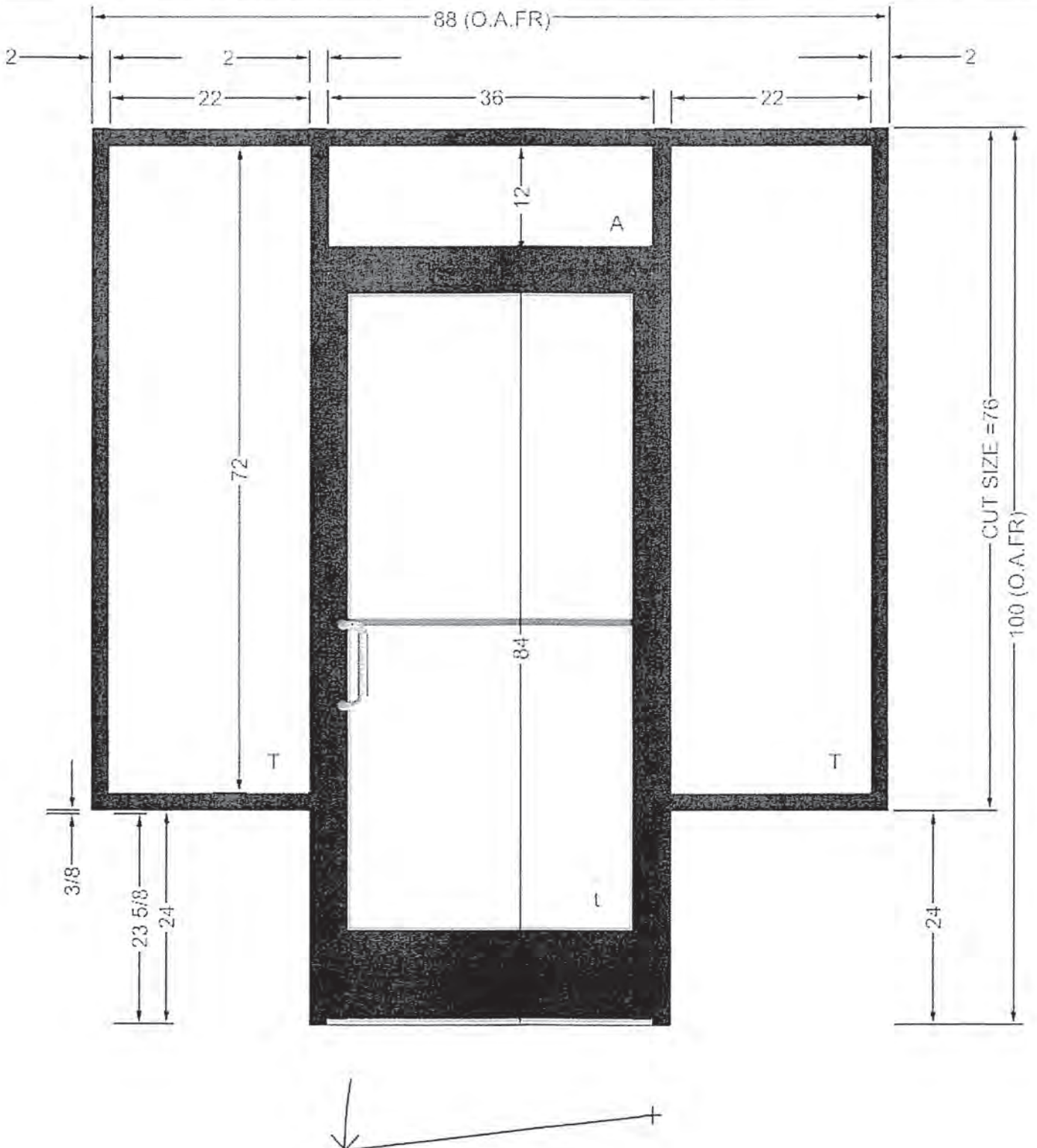
Rows: 2

Frame Width: 88

Frame Height: 100

Back Member Color: #22 BLACK : FLUROPON

Face Member Color: #22 BLACK : FLUROPON



Project Name: 8 Lafayette Facade

11/3/2021 4:11 PM

Frame Set Name: Frame Set 1

Frame Name: Frame 2

Metal Group: _TGM 451T CG/SS/OG STOPS UP

D/S: 1 Frame Type: Standard

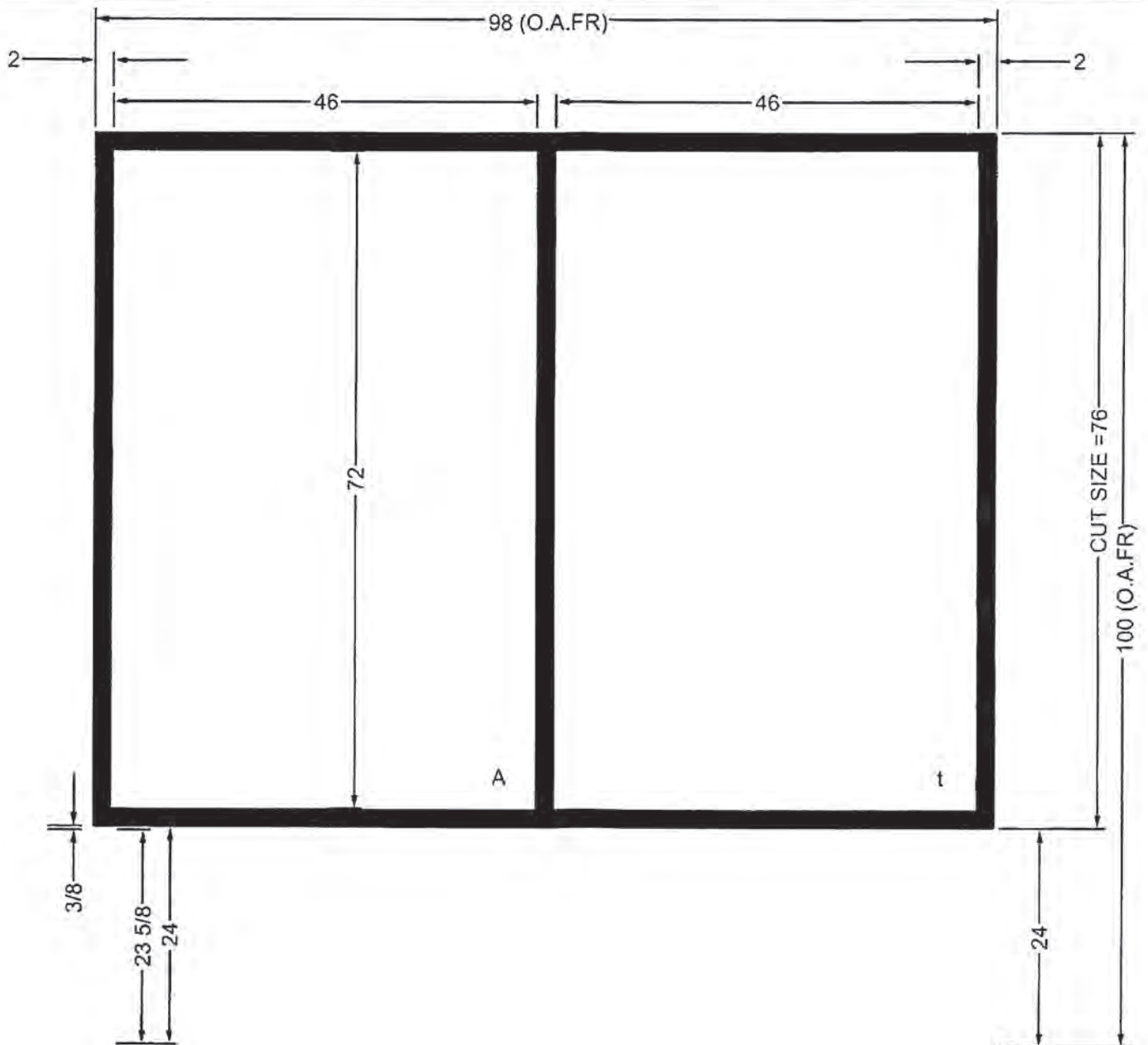
Required: 2 Panels: 2 Rows: 1

Frame Width: 98

Frame Height: 100

Back Member Color: #22 BLACK : FLUROPON

Face Member Color: #22 BLACK : FLUROPON



NORTH
COAST
LIGHTING, LLC

Visit us at www.northcoastlighting.net

Architecture, Wagner
54 Indiana Avenue
Valparaiso IN 46383

Phone: (219) 531-2468

Alt.

[illegible]

Sub Total	\$873.95
Sales Tax 7%	\$0.00
Total	\$873.95

This quotation is based on the above listed bill of materials and counts. Any modifications will void quotation and require a quote. All Quotes are valid for 30 days from Quote Date unless otherwise indicated.



4004 - Rose Brick - Chesterton
1631 Pioneer Trail
Chesterton IN 46304
United States

Bill To
PREPAY4004V RS CHESTERTON
1631 Pioneer Trail
Chesterton IN 46304
United States

Ship To
WORSTELL
8 LAFAYETTE STREET
VALPARAISO, IN 46383

Quote

Date 11/08/2021
Estimate # EST22202
Expiration Date 12/08/2021
Subsidiary Rose Brick
PO# 8 LAFAYETTE STREET
Shipping Method
Estimated Ship Date
Last Modified Date 11/08/2021
Sales Rep Brian Smith

Description	Quantity	Units	Unit Rate	Amount	Memo (2)
ASH BLEND SMOOTH MODULAR COUNTY MATERIALS	6,500	EA(1)	0.55	3,575.00	SIZE 3 5/8" D X 2 1/4" H X 7 5/8" L

Subtotal 3,575.00
Tax Total 250.25
Total \$3,825.25

Please examine this order carefully and report any changes immediately. You are responsible for the quantities ordered. No returns allowed without proper authorization. The above order is subject to applicable sales taxes, delivery, and special handling charges at the time of delivery. There are no returns on bagged goods or loose brick. All approved returns are subject to a restocking charge & return cartage if picked up by our trucks.



FELTS BUILDERS, INC.
CUSTOM CRAFTED HOMES
49 Zane Ct.
Valparaiso, IN 46385
(219)462-6209

November 7, 2021

To: Diane and Natalie Worstell
C/O Century 21 Alliance Group
Valparaiso, IN 46385
Re: 8 Lafayette St. Building Façade

Proposal

Complete the following work per drawing by Architect Brent Wagner:

1. Labor to remove old brick/wood/glass on storefront on Lafayette St. \$8900.
2. Construct 2x8x16 wall on Lafayette St. \$5800.
3. Install new brick on Lafayette St. façade \$18500 (Brick not included).
4. Bring electric to outside wall above sign band and install 5 light fixtures which will be provided by owner \$2600.
5. Install cement board/sign band/etc. on façade \$4100.

*Entrance door and windows installed by glass company and awnings installed by others.

Total: \$39,900



REJECTED BIDS

MEYER GLASS & MIRROR CO., INC.

202 W HARRISON STREET
P.O. BOX 8687
MICHIGAN CITY, IN 46361

Proposal

8 Lafayette St
Valparaiso, IN

Date 11/9/2021

The undersigned proposal to furnish all materials and perform all labor necessary to complete the following:
Furnish and install black anodized 2 x 4 1/2" storefront thermal with 1"OA insulated tempered solar ban 60 low glazing.
Door and frames to be Black Anodized with standard push pull closer and threshold
Total Price \$12,800.00

Exclusions/Qualifications:

1. No final cleaning or washing.
2. No replacement of broken glass unless caused by MGM.
3. Work to be performed during normal working hours M-F 7:00 - 3:30
4. No special or field testing, mockups, structural calculations or PE stamp
5. All terms and conditions of this proposal are to become an integral part of the contract.
6. No glass handrail, or any specialty glazing is included in proposal.
7. Tax included.

All of the above work to be completed in a substantial and workmanlike manner for the sum of _____
(\$ _____) Dollars

The entire amount of contract to be paid within _____ days after completion.

Any alteration or deviation from the above specifications involving extra cost of material or labor will only be executed upon written orders for same and will become an extra charge over the sum mentioned in this contract. All changes must be made in writing.

The contractor agrees to carry Workmen's Compensation and Public Liability Insurance, also to pay all Sales Taxes, Old Age Benefit and Unemployment Compensation Taxes on the material and labor furnished under this contract, as may be required by the United States Government and the State in which this work is performed.

Respectfully submitted,

Joe Schultz

ACCEPTANCE

You are hereby authorized to furnish all materials and labor required to complete the work mentioned in the above proposal, for which the undersigned agrees to pay the amount mentioned in said proposal, and according to the terms thereof.

Date _____ 20 _____

Warehouse: 6
Leeps Supply - Lynwood
19830 STONY ISLAND AVE
LYNWOOD, IL 60411
Fax # : 708-889-9744
Phone # : 708-889-9741

** Bid **
S3473290
P/O-JOB: WORSTELL C21
Ordered By: NATALIE
Required : 11/12/21
Writer : SKIP EGOLF

Page # 1

Bid To:
WATERPLACE VALPO SHOWROOM QUOTATION
1150 SOUTHPOINT DRIVE
SUITE A
VALPARAISO, IN 46385
Phone # : 219-307-4442

Ship To:
WATERPLACE VALPO SHOWROOM QUOTATION
1150 SOUTHPOINT DRIVE
SUITE A
VALPARAISO, IN 46385

Bid-Date---Expr-Date--Writer--Terms-----Ship Via-----Warehouse-----
11/12/21 12/12/21 EGOSKI CASH ON DEMAND OT OUR TRUCK Shp 6 Prc 13

Bid-Qty--		Unit Price	Ext Price
	***** Shipping Instructions *****		
	* * * * *		
	* *** COLLECT ON DELIVERY! *** *		
	* * * * *		

5ea	2RA10MMB-2 TROY RLM ANGLE REFLECTOR 1 LT (250M) 10" W X 11" H OUTDOOR WALL MOUNT MATTE BLACK *Special Order Item Not Returnable*	114.290	571.45
5ea	2A24MB TROY RLM 1/2" X 24" STRAIGHT ARM W/CANOPY OUTDOOR WALL MOUNT MOUNTING ARM MATTE BLACK *Special Order Item Not Returnable*	77.140	385.70
5ea	S29816 SATCO 15W A19 3000K 1600 LUMEN 120V MED DIMMABLE LED BULB * FREIGHT APPROX. \$100.00 *	8.650	43.25

BID TOTAL	1000.40
Sales tax	77.03
Freight	100.00

Bid Amount 1177.43
.. Reprint .. Reprint .. Reprint .. Reprint ..

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) 250 West and Froberg Rd. 

Description of Location of Property: _____

North side of 400 North between
250 West and Froberg Road

Zoning District (Current): See Attached

Zoning District (Proposed): See Attached

Zoning of Adjacent Properties: See Attached

North: _____ South: _____

East: _____ West: _____

Parcel/Tax Duplicate Number: _____

64-09-09-401-001.000-003

Present Use of Property: Vacant Land

Subdivision (If Applicable): _____

Westwind Subdivision

Irregular

Dimensions of Property: Front: _____ Depth: _____

Proposed Use of Property: _____

210 Lot 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. LincolnwayEmail: [REDACTED]Valparaiso, Indiana 46383**PROPERTY OWNER INFORMATION**Applicant Name: Eroberg HoldingsAddress: 16553 Cava Dr. 

Phone: _____

Fishers, Indiana 46307

Email: _____

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

11/12/2021

Date



Todd A. Leeth, Attorney for Petitioner

Printed name

Subscribed and sworn to before me this 12 day of November, 2021.

Kimberly Swerner

Kimberly Swerner
Notary Public

My Commission Expires: May 20, 2024

Affidavit of Consent of Property Owner

(To be presented with application for Plan Commission)

Linda Froberg being dully sworn upon his/her oath, being of sound mind and legal age deposes and states:

1. That Froberg Holdings LLC ("Owner") (is/are) the legal owner(s) of real property that is the subject of a Petition before the Plan Commission.
2. That Owner authorizes Olthof Homes ("Petitioner") to seek the relief sought in the Petition filed before the Plan Commission. Petitioner is further authorized to commit to any reasonable restriction requested by the Plan Commission or proposed by the Petitioner.

Linda Froberg
Property Owner

November 11, 2021
Date

Property Owner

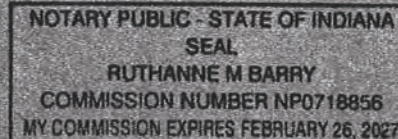
Date

Subscribed and sworn to before me this 11th day of November, 20 21.

[Signature]
Notary Public

My Commission Expires: 02/26/2027

11/11/2021
Date



Olthoff Homes

1. Zoning District (Current) – Suburban Residential (SR)
2. Zoning District (Proposed) – Suburban Residential (SR)
3. 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)

The Southeast $\frac{1}{4}$ of Section 9, Township 35 North, Range 6 West of the Second Principal Meridian, in Porter County, Indiana:

Excepting therefrom the South 543 feet of the West 1319 feet of said Southeast Quarter;

Also excepting therefrom that part of the remaining portion of the Southeast Quarter (after excepting the South 543 feet of the West 1319 feet thereof) that lies within the parcel described as follows: Commencing at the Southwest corner of said Southeast Quarter; thence North 89 degrees 51 minutes 35 seconds East, along the South line of said Southeast Quarter, a distance of 1315.00 feet to the Southeast corner (as surveyed) of Berkoski Subdivision, as per plat thereof recorded in Plat Book 1, Page 93, now shown in Plat File 2-B-4, in the Office of the Recorder of Porter County, Indiana, and the Point of Beginning of this description;

Thence North 00 degrees 10 minutes 33 seconds East, along the East line (as surveyed) of said Berkoski Subdivision, a distance of 310.0 feet; thence North 89 degrees 51 minutes 35 seconds East, parallel with said South line of the Southeast Quarter, a distance of 140.00 feet; thence South 00 degrees 10 minutes 33 seconds West, parallel with said East line (as surveyed) of Berkoski Subdivision, a distance of 310.00 feet to said South line of the Southeast Quarter; thence South 89 degrees 51 minutes 35 seconds West, along said South line, 140.00 feet to the Point of Beginning.



Enter Map Title...

Web Print: 11/09/2021



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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ORDINANCE NO. 29, 2021

**AN ORDINANCE OF THE COMMON COUNCIL OF THE
CITY OF VALPARAISO, PORTER COUNTY, INDIANA,
ANNEXING CERTAIN REAL ESTATE TO THE CITY OF
VALPARAISO, INDIANA**

WHEREAS, on June 11, 2021, in accordance with Indiana Code §36-4-3-5.1, Olthof Homes filed a Petition for Annexation, to annex an area consisting of approximately 142.5 acres located outside of but contiguous with the City, more particularly described on Exhibit A attached hereto and incorporated herein ("Annexed Territory"). Such petition is incorporated by reference into this Ordinance; and

WHEREAS, on August 27, 2021, in accordance with Indiana Code §36-4-3-5.1, Dean M. Froberg filed a Petition for Annexation, to annex an area consisting of approximately 71 acres located outside of the City, more particularly described on Exhibit A attached hereto and incorporated herein ("Annexed Territory"). Such petition is incorporated by reference into this Ordinance; and

WHEREAS, the total annexation area, including three parcels and adjacent rights of way, is approximately 219 acres with 3,979 feet of contiguous perimeter with the City; and

WHEREAS, the City of Valparaiso, Porter County, Indiana ("City"), wishes to annex the Annexed Territory; and

WHEREAS, in accordance with Indiana Code §36-4-3-5.1(e), on or about September 27, 2021, the Common Council held a duly noticed public hearing regarding the Annexed Territory; and

WHEREAS, the Common Council has determined, in accordance with Indiana Code §36-4-3-5.1, the petition requesting a super voluntary annexation is signed by 100% of the owners of land within the Annexed Territory; and

WHEREAS, in accordance with Indiana Code §36-4-3-1.5, the Common Council has determined that the Annexed Territory is contiguous as at least one-eighth (1/8) of the aggregate external boundaries of the Annexed Territory coincides with the existing boundaries of the City; and

WHEREAS, on or about September 27, 2021, and prior to holding the above-referenced public hearing, in accordance with Indiana Code §36-4-3-3.1 and §36-4-3-12, the Common Council adopted by resolution a written fiscal plan for the Annexed Territory; and

WHEREAS, on or about July 13, 2021, the City's Plan Commission held a duly noticed public hearing regarding the initial zoning of the Olthof parcel; and

WHEREAS, on or about July 13, 2021, the City's Plan Commission voted by a vote of 8 - 0 to favorably recommend initially zoning the Olthof parcel as Suburban Residential (SR) District; and

WHEREAS, the Froberg agricultural parcels have proposed placeholder zoning of Rural (RU) District with no immediate plan for development; and

WHEREAS, the Common Council finds that the annexation and initial zoning of the Annexed Territory pursuant to the terms and conditions of this Ordinance is in the best interest of all owners of land in the Annexed Territory, is fair and equitable, and should be accomplished; and

WHEREAS, the Common Council now desires to annex the Annexed Territory.

NOW, THEREFORE BE IT ORDAINED by the Common Council of the City of Valparaiso, Porter County, Indiana, as follows:

Section 1. Incorporation of Recitals. The foregoing recitals are findings of fact by the Common Council and are incorporated into this Ordinance by reference.

Section 2. Contiguity. The petition requesting super voluntary annexation for the Annexed Territory is signed by 100% of the owners of land within the Annexed Territory and is contiguous to the City boundaries as at least one-eighth (1/8) of the aggregate external boundaries of the Annexed Territory coincides with the existing boundaries of the City.

Section 3. Annexed Territory. The real estate containing approximately 219 acres more or less more particularly described in Exhibit A attached hereto and incorporated herein, is hereby annexed to and declared part of the City of Valparaiso, Porter County, Indiana.

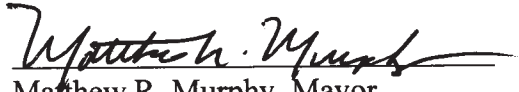
Section 4. Councilmanic District. The Annexed Territory is hereby assigned City Council District No. 4 and shall become a part thereof immediately upon the effective date of this Ordinance.

Section 5. Zoning. Upon the effective date of this Ordinance, the Annexed Territory shall be classified for zoning purposes as Suburban Residential (SR) and Rural (RU) Districts, subject to the terms of the Annexation Agreement effective simultaneously with this Ordinance, and attached hereto as Exhibit C.

Section 6. Effective Date. Consistent with Indiana Code §36-4-3-5.1(j), this Ordinance shall be in full force and effect thirty (30) days after its passage by the Common Council and as provided by Indiana law.

Section 7. Severability. The sections, subsections, paragraphs, sentences, clauses, and phrases of this ordinance are severable, and if any section, subsection, paragraph, sentence, clause or phrase of this Ordinance shall be declared unconstitutional, invalid or unenforceable by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality, invalidity, or unenforceability shall not affect any of the remaining sections, subsections, paragraphs, sentences, clauses, and phrases of this Ordinance.

DULY PASSED AND ADOPTED this 25th day of October, 2021, by the Common Council of the City of Valparaiso, Porter County, Indiana, having been passed by a vote of 7 in favor and 0 opposed.


Matthew R. Murphy, Mayor

ATTEST:


Holly Taylor, Clerk-Treasurer

Presented by me to the Mayor of the City of Valparaiso, Indiana, this 25th day of October, 2021 at the hour of 6:00 o'clock p.m.


Holly Taylor, Clerk-Treasurer

This Ordinance approved and signed by me this 25th day of October, 2021 at 6:00 o'clock PM.

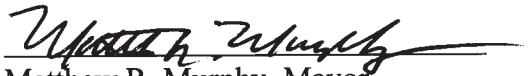

Matthew R. Murphy, Mayor

Exhibit A

Legal Description – Westwind Annexation Area

PARCEL 1 (64-09-09-401-001.000-003):

THE SOUTHEAST QUARTER OF SECTION 9, TOWNSHIP 35 NORTH, RANGE 6 WEST OF THE SECOND PRINCIPAL MERIDIAN, IN PORTER COUNTY, INDIANA;

EXCEPTING THEREFOREM THE SOUTH 543 FEET OF THE WEST 1319 FEET OF SAID SOUTHEAST QUARTER;

ALSO EXCEPTING THEREFROM THAT PART OF THE REMAINING PORTION OF THE SOUTHEASTQUARTER (AFTER EXCEPTINGTHE SOUTH543 FEETOF THE WEST 1319 FEET THEREOF) THAT LIES WITHIN THE PARCEL DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF SAID SOUTHEAST QUARTER; THENCE NORTH 89 DEGREES 51 MINUTES 35 SECONDS EAST, ALONG THE SOUTH LINE OF SAID SOUTHEAST QUARTER, A DISTANCE OF 1315.00 FEET TO THE SOUTHEAST CORNER (AS SURVEYED) OF BERKOSKI SUBDIVISION, AS PER PLAT THEREOF RECORDED IN PLAT BOOK 1, PAGE 93, NOW SHOWN IN PLAT FILE 2-B-4, IN THE OFFICE OF THE RECORDER OF PORTER COUNTY, INDIANA, AND THE POINTOF BEGINNINGOF THIS DESCRIPTION; THENCE NORTH 00 DEGREES 10 MINUTES 33 SECONDS EAST, ALONG THE EAST LINE (AS SURVEYED) OF SAID BERKOSKI SUBDIVISION, A DISTANCE OF 310.00 FEET; THENCE NORTH 89 DEGRESS 51 MINUTES 35 SECONDS EAST, PARALLEL WITH SAID SOUTH LINEOF THE SOUTHEAST QUARTER, A DISTANCE OF 140.00 FEET; THENCE SOUTH 00 DEGRESS 10 MINUTES 33 SECONDS WEST, PARALLEL WITH SAID EAST LINE (AS SURVEYED) OF BERKOSKI SUBDIVISION, A DISTANCE OF 310.00 FEET TO SAID SOUTH LINE OF THE SOUTHEAST QUARTER; THENCE SOUTH 89 DEGREES 51 MINUTES 35 SECONDS WEST, ALONG SAID SOUTH LINE, 140.00 FEET TO THE POINT OF BEGINNING. TOGETHER WITH THAT PART OF COUNTY ROAD 250 WEST (TOWER 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.

AND

PARCEL 2 (64-09-09-300-022.000-003):

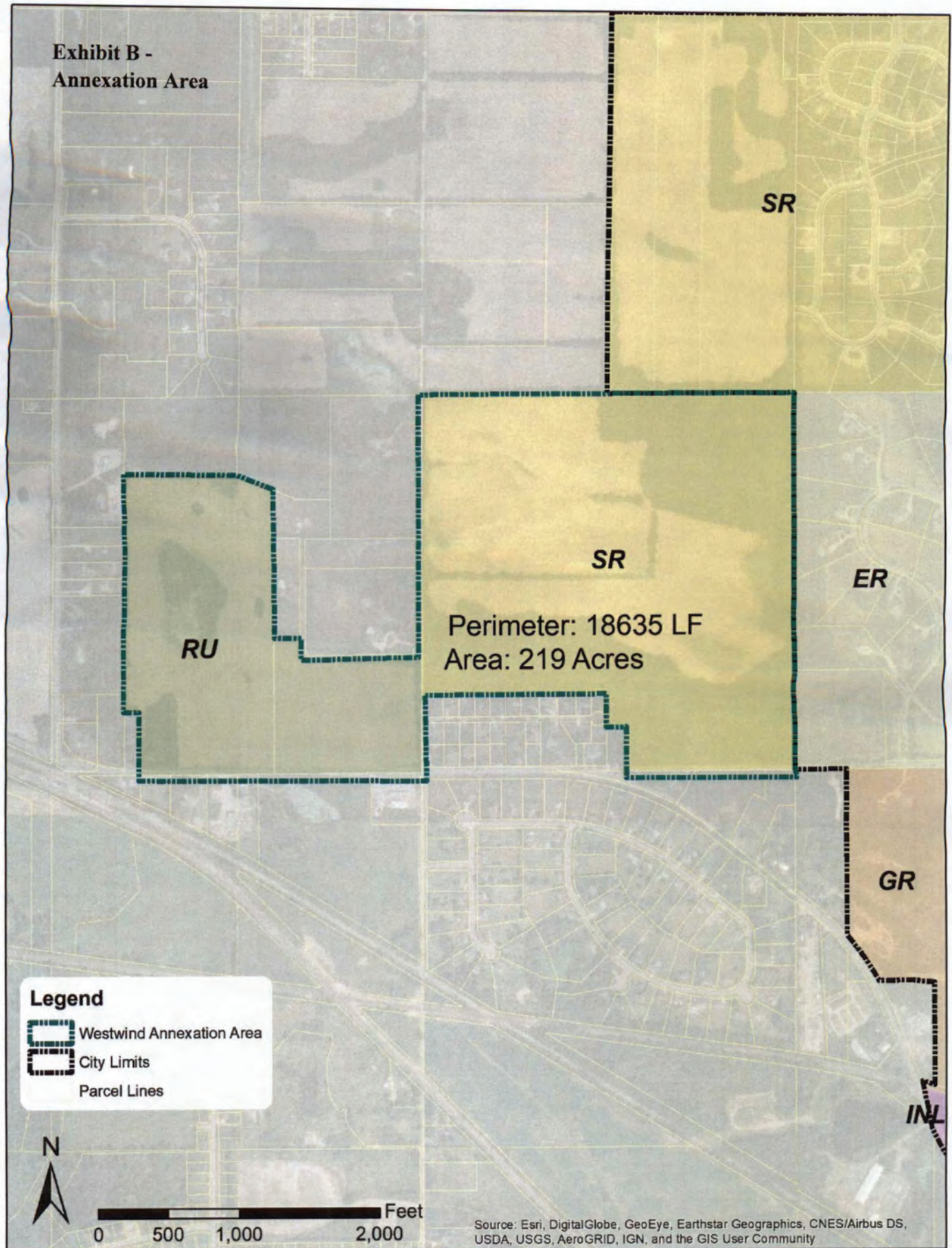
E1053.325 SW EX PARS SOLD 9-35-6 20.915A

AND

PARCEL 3 (64-09-09-300-015.000-003):

W1/2 SW EX W516.85 NOF RD 130 & EX RR & EX1A S 9-35-6 EX PT SLD 49.63A

**Exhibit B -
Annexation Area**



ANNEXATION AGREEMENT

THIS ANNEXATION AGREEMENT ("Agreement") is made by and between Olthof Homes ("Petitioner"), and the City of Valparaiso, Indiana, a municipality created and existing pursuant to the laws of the State of Indiana ("City"), and jointly referred to herein as "Parties."

WITNESSETH:

WHEREAS, Petitioner has an interest in the following described real estate located in Porter County, Indiana (the "Property"):

Note: The following description is written along rights-of-way line(s) of existing roads on the side opposite the lands to be annexed. In these instances, it is the intent to include the interest in the road in the annexation without impacting or affecting the underlying interests of property owners on that opposite side of the road.

THE SOUTHEAST QUARTER OF SECTION 9, TOWNSHIP 35 NORTH, RANGE 6 WEST OF THE SECOND PRINCIPAL MERIDIAN, IN PORTER COUNTY, INDIANA;

EXCEPTING THEREFOREM THE SOUTH 543 FEET OF THE WEST 1319 FEET OF SAID SOUTHEAST QUARTER;

ALSO EXCEPTING THEREFROM THAT PART OF THE REMAINING PORTION OF THE SOUTHEASTQUARTER (AFTER EXCEPTINGTHE SOUTH543 FEETOF THE WEST 1319 FEET THEREOF) THAT LIES WITHIN THE PARCEL DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF SAID SOUTHEAST QUARTER; THENCE NORTH 89 DEGREES 51 MINUTES 35 SECONDS EAST, ALONG THE SOUTH LINE OF SAID SOUTHEAST QUARTER, A DISTANCE OF 1315.00 FEET TO THE SOUTHEAST CORNER (AS SURVEYED) OF BERKOSKI SUBDIVISION, AS PER PLAT THEREOF RECORDED IN PLAT BOOK 1, PAGE 93, NOW SHOWN IN PLAT FILE 2-B-4, IN THE OFFICE OF THE RECORDER OF PORTER COUNTY, INDIANA,AND THE POINTOF BEGINNINGOF THISDESCRIPTION; THENCE NORTH 00 DEGREES 10 MINUTES 33 SECONDS EAST, ALONG THE EAST LINE (AS SURVEYED) OF SAID BERKOSKI SUBDIVISION, A DISTANCE OF 310.00 FEET; THENCE NORTH 89 DEGRESS 51 MINUTES 35 SECONDS EAST, PARALLEL WITH SAID SOUTH LINE OF THE SOUTHEAST QUARTER, A DISTANCE OF 140.00 FEET; THENCE SOUTH 00 DEGRESS 10 MINUTES 33 SECONDS WEST, PARALLEL WITH SAID EAST LINE (AS SURVEYED) OF BERKOSKI SUBDIVISION, A DISTANCE OF 310.00 FEET TO SAID SOUTH LINE OF THE SOUTHEAST QUARTER; THENCE SOUTH 89 DEGREES 51 MINUTES 35 SECONDS WEST, ALONG SAID SOUTH LINE, 140.00 FEET TO THE POINT OF BEGINNING. TOGETHER WITH THAT PART OF COUNTY ROAD 250 WEST (TOWER 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.

WHEREAS, the Property is approximately 143 acres located on the north side of CR 400 North and the east side of CR 250 West (Tower Road) in unincorporated Porter County but contiguous to the corporate boundaries of the City of Valparaiso located within unincorporated Porter County, Indiana; and

WHEREAS, the Property is the subject of a proposed residential development consisting of approximately Two Hundred and Forty-three (243) homes of differing styles, to be known as the Westwind Subdivision; and

WHEREAS, Petitioner has prepared a certain Site Exhibit dated October 5, 2021 and prepared by Manhard Consulting Ltd for the Westwind Subdivision which is attached hereto as Exhibit "A". The Parties acknowledge and understand that the Site Exhibit is conceptual in nature, not the result of detailed final engineering work, and Petitioner can freely change or modify the layout and design of the Westwind Subdivision, except for the specific commitments hereinafter set forth and any must comply with all City ordinances, including the Unified Development Ordinance (as relaxed by any variances granted previously or in the future by the Board of Zoning Appeals); and

WHEREAS, on or about June 11, 2021, Petitioner filed Petition No. A21-001 (the "Petition") with the City seeking to have the Property annexed into the City and zoned as Suburban Residential (SR) District pursuant to the City's Unified Development Ordinance, and the Petition is hereby incorporated by reference into this Agreement as if fully set forth herein;

WHEREAS, on July 13, 2021, the City Plan Commission conducted a legally advertised public hearing on the Petition; and

WHEREAS, on July 13, 2021, the City Plan Commission made a favorable recommendation to the Common Council of the City by a vote of 8 to 0 to annex the Property and designate the Property to be within the Suburban Residential (SR) District on the Official Zone Map for the City; and

WHEREAS, on October 11, 2021, the Common Council of the City adopted Resolution No. 14-2021 and in doing so approved the Fiscal Plan for the Property. Resolution No. 14-2021 is hereby incorporated by reference into this Agreement as if fully set forth herein.

WHEREAS, also on October 11, 2021, the Common Council of the City convened a public hearing on the Petition; and

WHEREAS, on October 25, 2021, the Common Council of the City adopted Ordinance No. 29-2021 by a vote of 1 to 8 contingent upon the City and Petitioner executing an Annexation Agreement imposing certain requirements on the development of a residential subdivision on the Property. Ordinance No. 29-2021 is hereby incorporated by reference into this Agreement as if full set forth herein; and

WHEREAS, the Parties wish to enter into this Agreement to memorialize and ratify the terms and conditions placed upon the Property as part of its annexation into the corporate limits of the City.

NOW, THEREFORE, in consideration of being permitted to be annexed into the City based upon the terms and conditions set forth herein, the Parties agree as follows:

1. Incorporation of Recitals. The above and foregoing recitals are true and correct and are hereby incorporated by reference and made a part of this Agreement.

2. Conditions Related to Subdivision for Residential Purposes. The Parties hereby acknowledge and agree that the current zoning of the Property is Medium Density Single Family Residential (R2) District in unincorporated Porter County, Indiana pursuant to the Official Zone Map. The Parties further acknowledge and agree that the City's Unified Development Ordinance permits a residential subdivision to be developed on the Property under the Suburban Residential (SR) District. In the event that Petitioner, or its successors and assigns, seek to develop a residential subdivision on the Property, the subdivision shall comply with all of the following requirements:

- (a) All lots east of the easternmost residential street as shown on the Site Exhibit (Lots 202 to 210, inclusive, and Lots 162 to 128, inclusive) shall have a Lot Width (as that term is currently defined in the Unified Development Ordinance) of no less than the base zoning district standard for the Suburban Residential (SR) District which is ninety feet (90').
- (b) The primary and secondary plats shall provide a community-owned common area/open space outlot with a width of thirty feet (30') or greater between the eastern boundary of the Property and all lots within the Property. Within this open space outlot there shall be a modified Class B Bufferyard with the following specifications:

Width	Large trees	Small trees	Shrubs
30 ft.	3 / 100 linear ft.	6 / 100 linear ft.	25 / 100 linear ft.

The Primary Plat for any subdivision on the Property shall provide this thirty-foot-wide common area be designated as a Bufferyard Preservation Easement. If the existing vegetation and trees provide for equal or greater opacity, then no new plantings within the Bufferyard Preservation Easement shall be required.

- (c) No fences shall be allowed in the Bufferyard Preservation Easement.
- (d) If it is legally and reasonably feasible, Petitioner shall install a walking path at least eight (8) feet wide extending along the north side of the Pepper Creek corridor from County Road 400 North/Vale Park Road to County Road 250 West/Tower Road north of the Berkoski Subdivision.

The walking path shall tie into a sidewalk built to city standards within the northern right of way of County Road 400 North/Vale Park Rd that extends approximately 285 feet from the Pepper Creek walking path east to the eastern property boundary. The Pepper Creek walking path shall also tie into a sidewalk built to city standards within the eastern right of way of County Road 250 West/Tower Road that extends approximately 1,200 feet from the west end of the Pepper Creek walking path on County Road 250 West/Tower Road northerly to the northernmost residential street intersection of Westwind with County Road 250 West/Tower Road.

- (e) Petitioner shall use its best efforts to the design all stormwater basins within the Property retention ponds with water permanently present. Ponds shall be aerated and landscaped with native or near-native vegetation to improve bank stability and aesthetics. Ponds shall be designed to avoid safety hazards.
- (f) Petitioner shall cooperate with the City and the developer of the neighboring Iron Gate proposed subdivision to the north to provide for a utility and potential public road connection at a location reasonably acceptable to Petitioner. It is anticipated that this easement and road right-of-way be in the vicinity of Lot 197 on the Site Exhibit. Such road connection shall serve as for the installation of city utilities.

If any of the foregoing commitment(s) deviate from required development standards of the Unified Development Ordinance, Petitioner shall seek a variance from the Board of Zoning Appeals consistent with this commitment and this commitment shall only be required or enforced if the Board of Zoning Appeals grants the necessary development standards variance(s).

3. Compliance with City Standards. Until such time as the Property is sold or otherwise transferred to a third party, Petitioner shall at all times be responsible for maintaining the Property in compliance with all applicable sections of the City's Code of Ordinances, Unified Development Ordinance and all other ordinances, rules or regulations. All future development, construction or alteration of the Property shall be done in full conformance with all requirements of the City. Existing structures shall be non-conforming structures under the Unified Development Ordinance.

4. Further Assurances. Promptly upon request from time to time of any party, the other party(ies) shall execute, acknowledge and deliver, or cause to be done, executed, acknowledged or deliver, to or at the direction of such party, all further acts, powers and other documents and instruments as may be so requested to give effect to the terms and conditions of this Agreement.

5. Deferred Annexation - Effective Date. This Agreement and the effective date of the annexation shall be determined to be the date of execution by the parties; and (ii) the adoption of Ordinance No. 29-2021; whichever is the last to occur. Petitioner reserves the right and opportunity to withdraw the Petition prior to the effective date of the annexation.

6. Merger. This Agreement constitutes the entire agreement of the parties, and all promises, undertakings, representations, agreements and understandings, and arrangements with reference to representations are herein merged.

7. 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.

8. Severability. If any provision of this Agreement is held to be illegal, invalid, or unenforceable under the present or future laws effective during the term of this Agreement, such provision will be fully severable, and this Agreement will be construed and enforced as if such illegal, invalid, or unenforceable provision had never been a part of this Agreement; and the remaining provisions of this Agreement will remain in full force and effect and will not be affected by the illegal, invalid, or unenforceable provision or by its severance from this Agreement. Furthermore, in lieu of such illegal, invalid or unenforceable provision, there will be added automatically as part of this Agreement a provision as similar in terms and intent to such illegal, invalid or unenforceable provision as may be possible.

9. Amendments. All amendments to this Agreement shall be in writing and approved and signed by all the parties, and no such amendment shall be effective unless and until so made.

10. Attorney's Fees. If any party to this Agreement seeks to enforce its terms or provisions by way of litigation or other methods of dispute resolution, the prevailing party shall be entitled to recover its reasonable attorney's fees, costs and other expenses from the non-prevailing party.

11. Authority. Each party hereto represents and warrants to the other that it is duly authorized by proper resolution or other such valid appointment to execute this Agreement.

12. Recordation. The Parties hereby acknowledge and agree that this Agreement will be recorded with the Office of the Recorder of Porter County, Indiana. The requirements of this Agreement shall run with the land and shall be binding upon and enforceable against Petitioners and their successors and assigns.

IN WITNESS WHEREOF, the Parties have executed this Agreement on the dates and year set forth below.

PETITIONER:

OLTHOF HOMES

By: OD Enterprises, Inc.

By: 
Todd M. Olthof
President

STATE OF INDIANA)
) SS:
COUNTY OF)

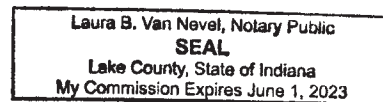
Before me, a Notary Public in and for said county and state, do hereby certify that Todd M. Olthof and personally known to me to be the person whose name is subscribed in the foregoing instrument, appeared before me as the President of Olthof Homes, this day in person and acknowledged that he executed the foregoing instrument of his free and voluntary act.

Given under my hand and notarial seal this 22nd day of October, 2021.

My Commission Expires:

June 1, 2023


Notary Public
Printed: Laura B. Van Nevel



CITY:

CITY OF VALPARAISO, INDIANA

By: Matthew R. Murphy
Printed Name: MATTHEW R MURPHY
Its: MAYOR

STATE OF INDIANA)
)
COUNTY OF PORTER)

SS:

Before me, a Notary Public, in and for said County and State, this 25th day of OCTOBER, 2021, personally appeared MATTHEW R MURPHY, as the MAYOR of the City of Valparaiso, Indiana, who has stated that they are authorized to execute said document and have acknowledged the execution of the foregoing instrument to be their free and voluntary act for and on behalf of the City of Valparaiso, Indiana.

Barbara Ann Jones
Notary Public
Printed: BARBARA ANN JONES
County of Residence: Porter
My Commission Expires: 2/26/2029

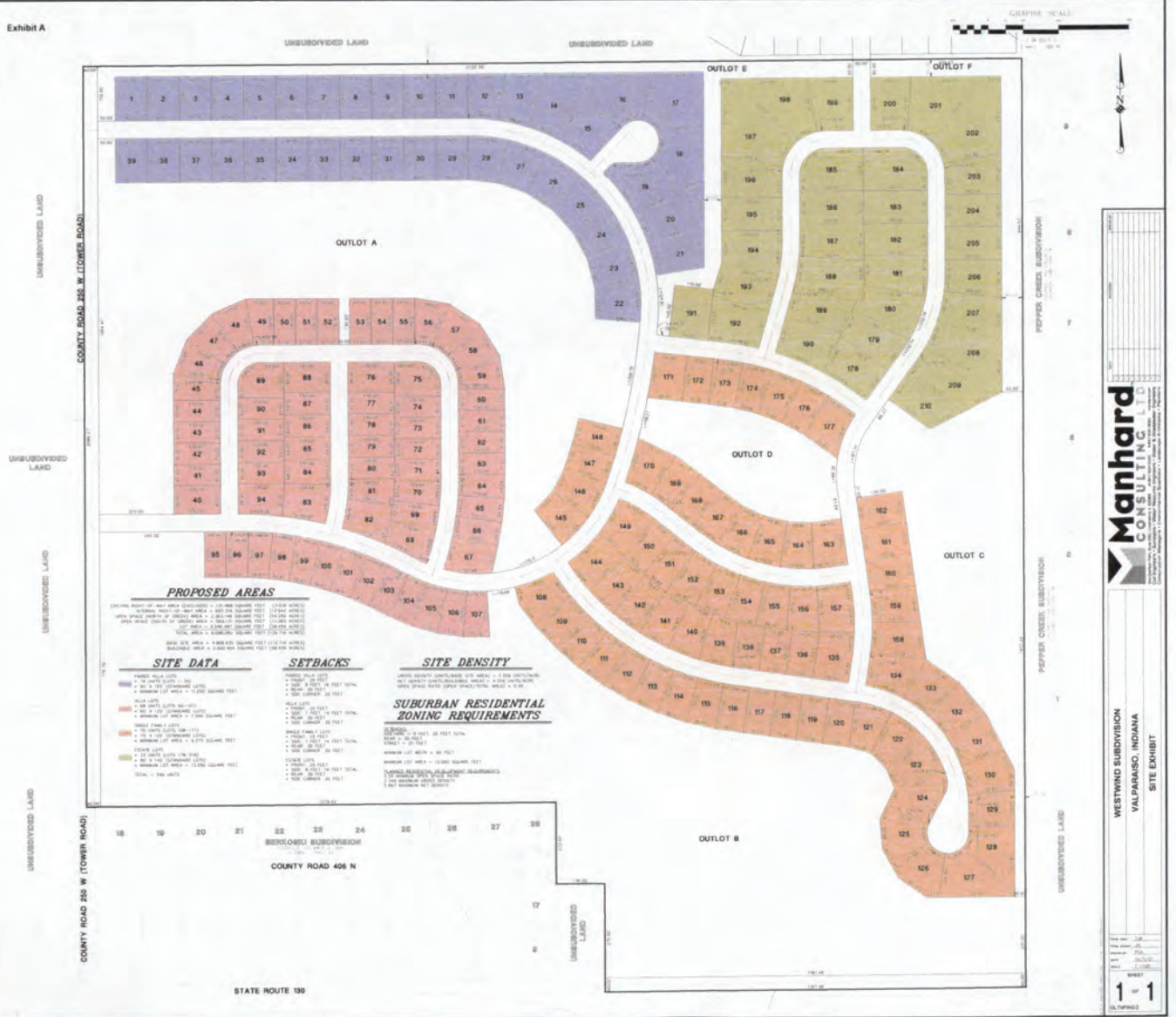
I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law. *Todd A. Leeth*

This Instrument Prepared By:

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

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

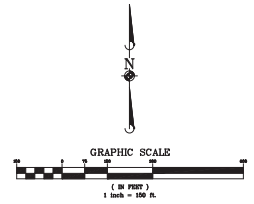
Exhibit A



Manhard
CONSULTING, LLC

WESTWIND SUBDIVISION
VALPARAISO, INDIANA
SITE EXHIBIT

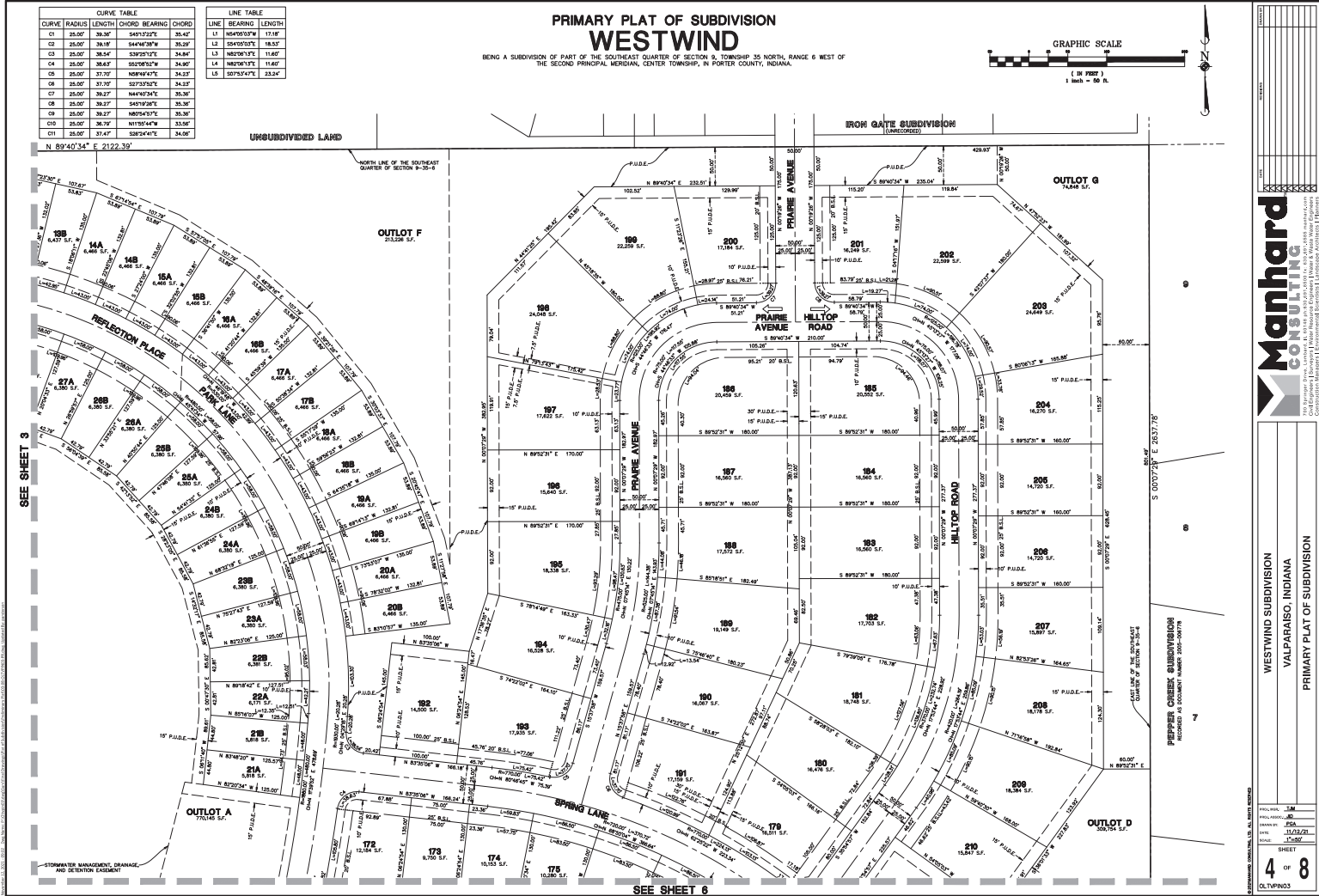
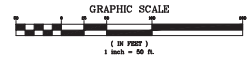
BEING A SUBDIVISION OF PART OF THE SOUTHEAST QUARTER OF SECTION 9, TOWNSHIP 35 NORTH, RANGE 6 WEST OF THE SECOND PRINCIPAL MERIDIAN, CENTER TOWNSHIP, IN PORTER COUNTY, INDIANA.



CURVE TABLE					LINE TABLE				
CURVE	RADIUS	LENGTH	CHORD BEARING	CHORD	LINE	BEARING	LENGTH		
C1	25.00'	36.30'	S44°13'22"E	35.42'	L1	S64°05'53"W	17.10'		
C2	25.00'	36.19'	S44°40'38"W	35.29'	L2	S54°10'53"E	18.53'		
C3	25.00'	36.54'	S39°35'17"E	34.84'	L3	N82°09'17"E	11.87'		
C4	25.00'	36.87'	S32°09'19"W	34.95'	L4	N48°09'17"E	11.87'		
C5	25.00'	37.10'	N08°49'41"E	34.33'	L5	S57°33'47"E	23.24'		
C6	25.00'	37.10'	S27°33'56"E	34.33'					
C7	25.00'	36.27'	N44°40'34"E	35.20'					
C8	25.00'	36.37'	S44°09'25"E	35.30'					
C9	25.00'	36.27'	N05°49'37"E	35.30'					
C10	25.00'	36.70'	N17°04'44"W	33.56'					
C11	25.00'	37.47'	S08°24'47"E	34.58'					

PRIMARY PLAT OF SUBDIVISION WESTWIND

BEING A SUBDIVISION OF PART OF THE SOUTHEAST QUARTER OF SECTION 8, TOWNSHIP 35 NORTH, RANGE 6 WEST OF THE SECOND PRINCIPAL MERIDIAN, CENTER TOWNSHIP, IN PORTER COUNTY, INDIANA.



Manhard
CONSULTING

10000 N. 100th Ave., Suite 100, Overland Park, KS 66213
 Tel: 913.241.1100
 Fax: 913.241.1101
 Email: info@manhardconsulting.com

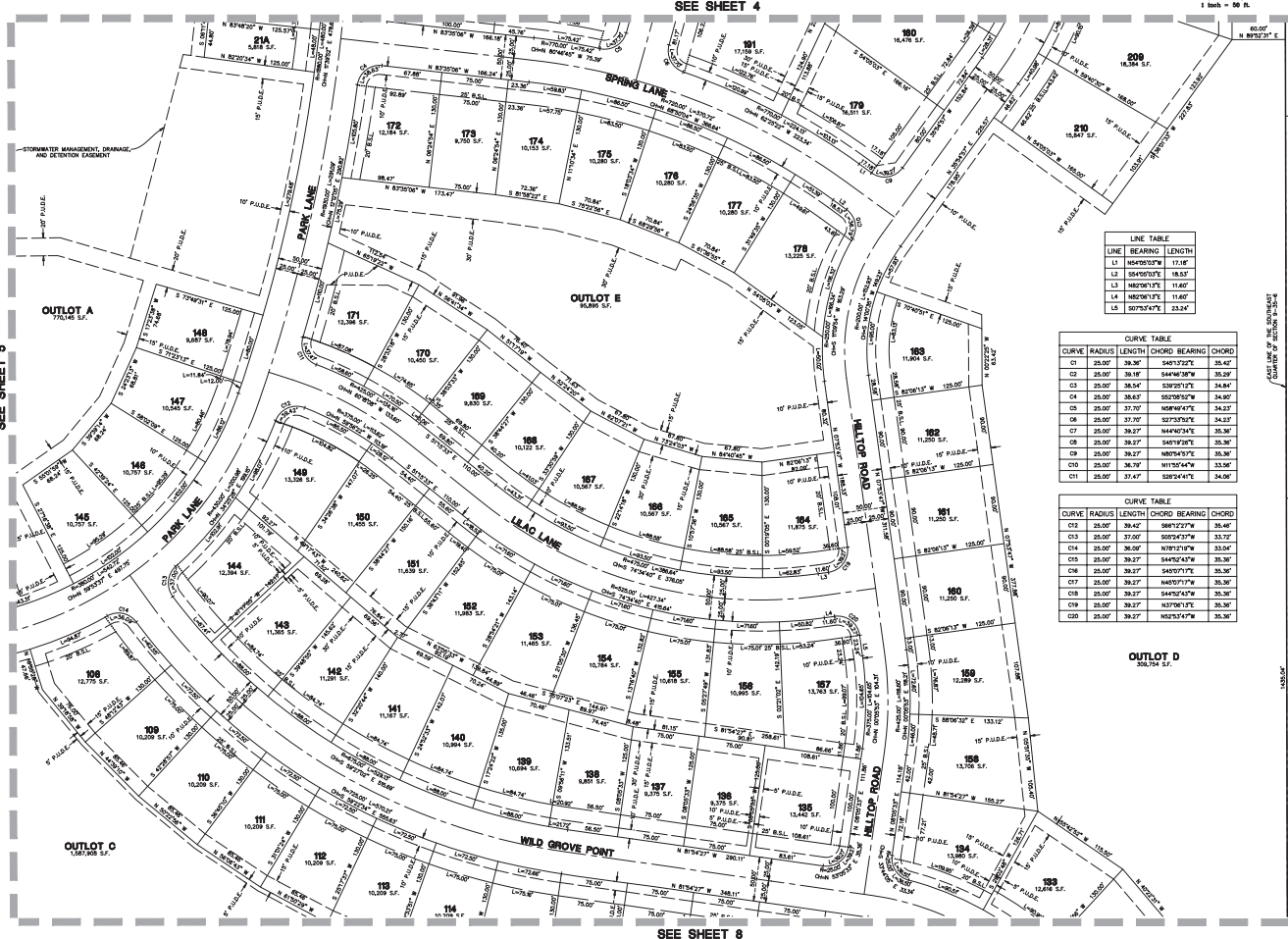
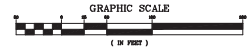
WESTWIND SUBDIVISION
 VALPARAISO, INDIANA
 PRIMARY PLAT OF SUBDIVISION

SHEET
 4 OF 8

DATE: 11/01/2011
 BY: J. MANHARD

BEING A SUBDIVISION OF PART OF THE SOUTHEAST QUARTER OF SECTION 9, TOWNSHIP 35 NORTH, RANGE 6 WEST OF THE SECOND PRINCIPAL MERIDIAN, CENTER TOWNSHIP, IN PORTER COUNTY, INDIANA.

SEE SHEET 4



LINE TABLE		
LINE	BEARING	LENGTH
L1	N54°05'03"W	17.18'
L2	S54°06'03"E	18.53'
L3	N82°06'15"E	11.60'
L4	N82°06'15"E	11.60'
L5	S07°03'47"E	23.24'

CURVE TABLE				
CURVE	RADIUS	LENGTH	CHORD BEARING	CHORD
C1	25.00'	38.36'	S40°13'27"E	35.42'
C2	25.00'	38.18'	S44°W38'W	35.29'
C3	25.00'	38.54'	S39°25'12"E	34.84'
C4	25.00'	38.63'	S52°08'52"W	34.90'
C5	25.00'	37.70'	N58°49'47"E	34.23'
C6	25.00'	37.70'	S27°35'52"E	34.23'
C7	25.00'	38.27'	N44°W62'W	35.36'
C8	25.00'	38.27'	S45°19'37"E	35.36'
C9	25.00'	38.27'	N80°54'57"E	35.36'
C10	25.00'	36.79'	N11°55'44"W	33.56'
C11	25.00'	37.47'	S26°24'47"E	34.06'

CURVE TABLE					
CURVE	RADIUS	LENGTH	CHORD	BEARING	CHORD
C12	25.00'	39.42'	9667.227'w		35.48'
C13	25.00'	37.00'	9029.433'w		33.72'
C14	25.00'	36.00'	8781.219'w		33.04'
C15	25.00'	39.27'	94452.43'w		35.36'
C16	25.00'	39.27'	94507.71'w		35.36'
C17	25.00'	39.27'	94507.71'w		35.36'
C18	25.00'	39.27'	94452.43'w		35.36'
C19	25.00'	39.27'	93706.15'E		35.36'
C20	25.00'	39.27'	95253.47'w		35.36'

S 00°07'29" E 2637.78'

PEPPER CREEK SUBDIVISION
RECORDED AS DOCUMENT NUMBER 2005-006778

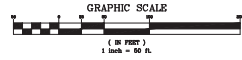
WESTWIND SUBDIVISION
VALPARAISO, INDIANA
PRIMARY PLAT OF SUBDIVISION

PROJ WSA:	T.M.	
PROJ ASSOC:	RD	
DRAWN BY:	PGA	
DATE:	11/12/21	
SHEET:	1"=50'	
SHEET		
6	OF	8
DLTVPIN03		

Manhard
CONSULTING

PRIMARY PLAT OF SUBDIVISION WESTWIND

BEING A SUBDIVISION OF PART OF THE SOUTHEAST QUARTER OF SECTION 8, TOWNSHIP 35 NORTH, RANGE 6 WEST OF THE SECOND PRINCIPAL MERIDIAN, CENTER TOWNSHIP, IN PORTER COUNTY, INDIANA.



SEE SHEET 5

OUTLOT C
1,567,968 S.F.

SEE SHEET 8

BERKOSKI SUBDIVISION
RECORDED DECEMBER 1, 1996 IN BOOK 1, PAGE 93

S 89°34'43" W 1319.02'

Manhard
CONSULTING

1800 E. 10th Street, Suite 100
Valparaiso, IN 46383
Tel: (219) 261-1000
Fax: (219) 261-1001
www.manhardconsulting.com

WESTWIND SUBDIVISION
VALPARAISO, INDIANA
PRIMARY PLAT OF SUBDIVISION

DATE: 11/01/2011
BY: JAM
CHECKED BY: JAM
SCALE: 1"=80'

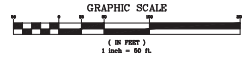
SHEET
7 OF 8

047P0003

PRIMARY PLAT OF SUBDIVISION WESTWIND

BEING A SUBDIVISION OF PART OF THE SOUTHEAST QUARTER OF SECTION 8, TOWNSHIP 35 NORTH, RANGE 6 WEST OF THE SECOND PRINCIPAL MERIDIAN, CENTER TOWNSHIP, IN PORTER COUNTY, INDIANA.

SEE SHEET 6



1

CURVE	RADIUS	LENGTH	CHORD	BEARING	CHORD
C12	25.00'	38.42'	59.122779'	35.46°	35.46°
C13	25.00'	37.00'	56.971379'	33.37°	33.37°
C14	25.00'	36.09'	54.781219'	33.04°	33.04°
C15	25.00'	36.27'	54.452439'	35.36°	35.36°
C16	25.00'	36.27'	54.071175'	35.36°	35.36°
C17	25.00'	36.27'	54.052179'	35.36°	35.36°
C18	25.00'	36.27'	54.452439'	35.36°	35.36°
C19	25.00'	36.27'	52.7961375'	35.36°	35.36°
C20	25.00'	36.27'	56.971379'	35.36°	35.36°

COUNTY ROAD 400 N
APPROXIMATE RIGHT-OF-WAY LINE PER COUNTY GIS
RIGHT-OF-WAY LINE HEREBY DEDICATED
SOUTH LINE OF THE SOUTHEAST QUARTER OF SECTION 8-35-4
S 89°34'43" W 1187.46'



WESTWIND SUBDIVISION
VALPARAISO, INDIANA
PRIMARY PLAT OF SUBDIVISION

DATE: 11/01/20
BY: JLM
SHEET 8 OF 8
017PND03

Preliminary Landscape Plan

WESTWIND

Valparaiso, Indiana

November 9, 2021

CONSULTANTS:

LANDSCAPE ARCHITECT:
GARY R. WEBER ASSOCIATES, INC.
402 W. LIBERTY DRIVE
WHEATON, ILLINOIS 60187

CIVIL ENGINEER:
MANHARD CONSULTING, LTD.
700 SPRINGER DRIVE
LOMBARD, ILLINOIS 60148



LOCATION MAP
SCALE: 1"=500'

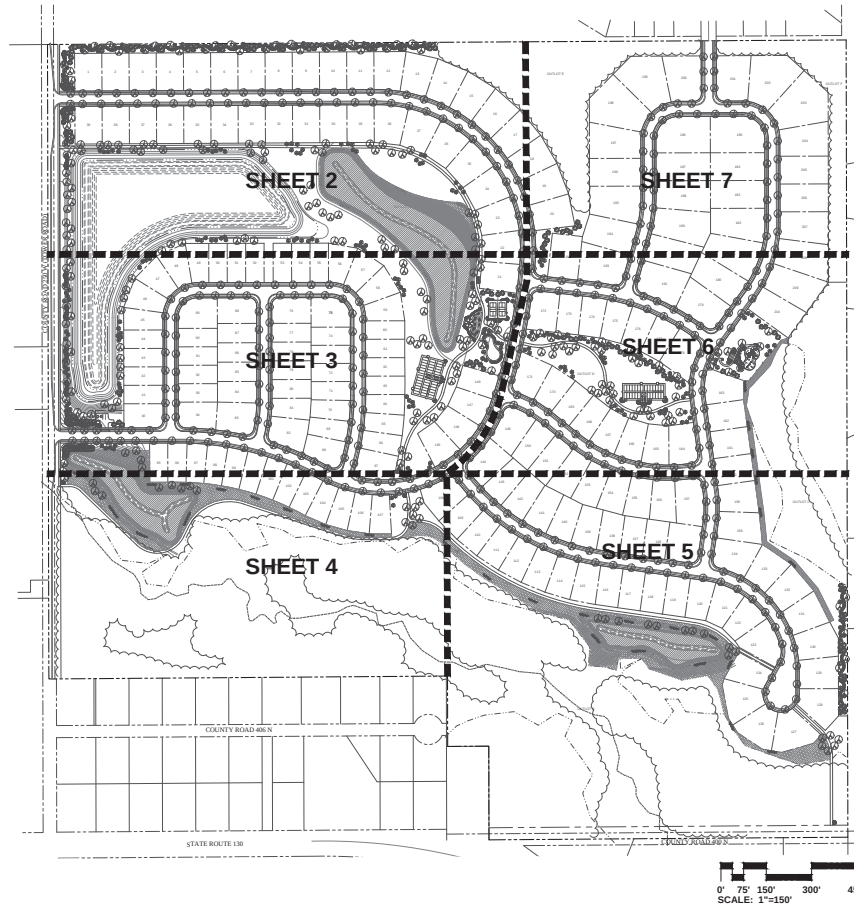
INDEX OF SHEETS	
SHEET NO.	DESCRIPTION
0	COVER SHEET
1	OVERALL LANDSCAPE PLAN
2	PRELIMINARY LANDSCAPE PLAN
3	PRELIMINARY LANDSCAPE PLAN
4	PRELIMINARY LANDSCAPE PLAN
5	PRELIMINARY LANDSCAPE PLAN
6	PRELIMINARY LANDSCAPE PLAN
7	PRELIMINARY LANDSCAPE PLAN
8	LANDSCAPE DETAILS
9	LANDSCAPE DETAILS



GENERAL LANDSCAPE NOTES

1. Contractor shall verify underground utility lines and is responsible for any damage.
2. Contractor shall verify all existing conditions in the field prior to construction and shall notify landscape architect of any variance.
3. Material quantities shown are for contractors convenience only. The contractor shall verify material and supply sufficient materials to complete the job per plan.
4. The landscape architect reserves the right to inspect plant materials either at place of growth or at site before planting, for compliance with regulations to the satisfaction of the landscape architect.
5. Work shall conform to American Standard for Nursery Stock, State of Illinois Horticultural Standards, and Local Municipal requirements.
6. Contractor shall secure and pay for all permits, fees, and inspections necessary for the proper execution of this work and comply with all rules and regulations to the satisfaction of the landscape architect.
7. See General Conditions and Specifications for landscape work for additional requirements.

Key	Botanical/Common Name	Size	Remarks
	BLADE TREES		
	<i>Aster x Pennsylv</i> AUTUMN STARFLE	2 1/2' Cal.	
	<i>Celtis occidentalis</i> COMMON NUTT	2 1/2' Cal.	
	<i>Quercus prinus</i> var. <i>macro</i> BLACK-THROATED	2 1/2' Cal.	
	<i>Quercus</i> SHARP NUTS CAL.	2 1/2' Cal.	
	<i>Tilia americana</i> "Holland" SWIFT AMERICAN LINDEN	2 1/2' Cal.	
	<i>Ulmus americana</i> "Royal" REAL HORTENGLUST ELM	2 1/2' Cal.	
	ORNAMENTAL TREES		
	<i>Amelanchier grandifolia</i> NIGHT FLOWERING	6' Tall	Foliage-stem
	<i>Betula nigra</i> WYOMING	6' Tall	Foliage-stem
	<i>Cornus canadensis</i> SWEETGOLD	6' Tall	Foliage-stem
	<i>Cornus mas</i> COMBINATIONARY DOGWOOD	6' Tall	Foliage-stem
	<i>Tilia "Holland"</i> PRISMATIC CANNABLE	6' Tall	Foliage-stem
	EVERGREEN TREES		
	<i>Abies</i> var. <i>Dominol</i> WHITE FIR	6' Tall	
	<i>Juniperus</i> BLACK HILLS SPRUCE	6' Tall	
	<i>Pinus strobus</i> GREEN COLUMBIAN	6' Tall	
	<i>Thuja occidentalis</i> "Trophy" HOLLY HEDICUT	6' Tall	
	DECIDUOUS TREES		
	<i>Cornus canadensis</i> "Royal" NIGHT FLOWERING DOGWOOD	8' Tall	F. O.C.
	<i>Calceolaria multiflora</i> PRINCE OF CONQUEST	8' Tall	F. O.C.
	<i>Salix latifolia</i> "Tus" BRIGHTSTAR SPRUCE	24' Tall	F. O.C.
	<i>Ulmus americana</i> "Holland" SHARP ROSEAN LILAC	24' Tall	F. O.C.
	<i>Viburnum dentatum</i> AROUNDABOUT VIBURNUM	24' Tall	F. O.C.
	<i>Viburnum trilobum</i> "Navy" NIGHT FLOWERING VIBURNUM	24' Tall	F. O.C.
	EVERGREEN SHRUBS		
	<i>Juniperus chinensis</i> x <i>sargentii</i> "Vivid" PRINCE OF CONQUEST JUNE	24' Hike	F. O.C.
	<i>Juniperus chinensis</i> "Sagean" SEA OF JUNE	24' Hike	F. O.C.
	<i>Juniperus chinensis</i> "Vivid" PRINCE OF CONQUEST JUNE	24' Hike	F. O.C.
	<i>Taxus x media</i> "Trophy" DENSE YEW	24' Hike	F. O.C.
	PERENNIALS AND ORNAMENTAL GRASSES		
	<i>Coreopsis verticillata</i> "Zigzag" ZIGZAG COREOPSIS	18"	F. O.C.
	<i>Coreopsis verticillata</i> "Theresa" FRANCOIS WILLIAMS HOSTA	18"	F. O.C.
	<i>Hemerocallis</i> "Happy Return" MAY RETURN DAY LILY	18"	F. O.C.
	<i>Lilium</i> var. "Nobis" BLAZING STAR	18"	F. O.C.
	<i>Perennium canadensis</i> "Vivid" PRINCE OF CONQUEST	18"	F. O.C.
	<i>Rubus</i> "Nobis" BLACK-EYED SUSAN	18"	F. O.C.
	<i>Salix latifolia</i> "Tus" EAST FREELAND SALIX	18"	F. O.C.
	<i>Salix latifolia</i> "Tus" EAST FREELAND SALIX	18"	F. O.C.
	GRASSES/POPPERS		
	<i>Ulmus americana</i> "Holland" PRISMATIC HORTENGLUST	80-84"	F. O.C.
	<i>Ulmus americana</i> "Holland" PRISMATIC HORTENGLUST	80-84"	F. O.C.



0' 75' 150' 300' 450'
SCALE: 1"=150'

GRWA
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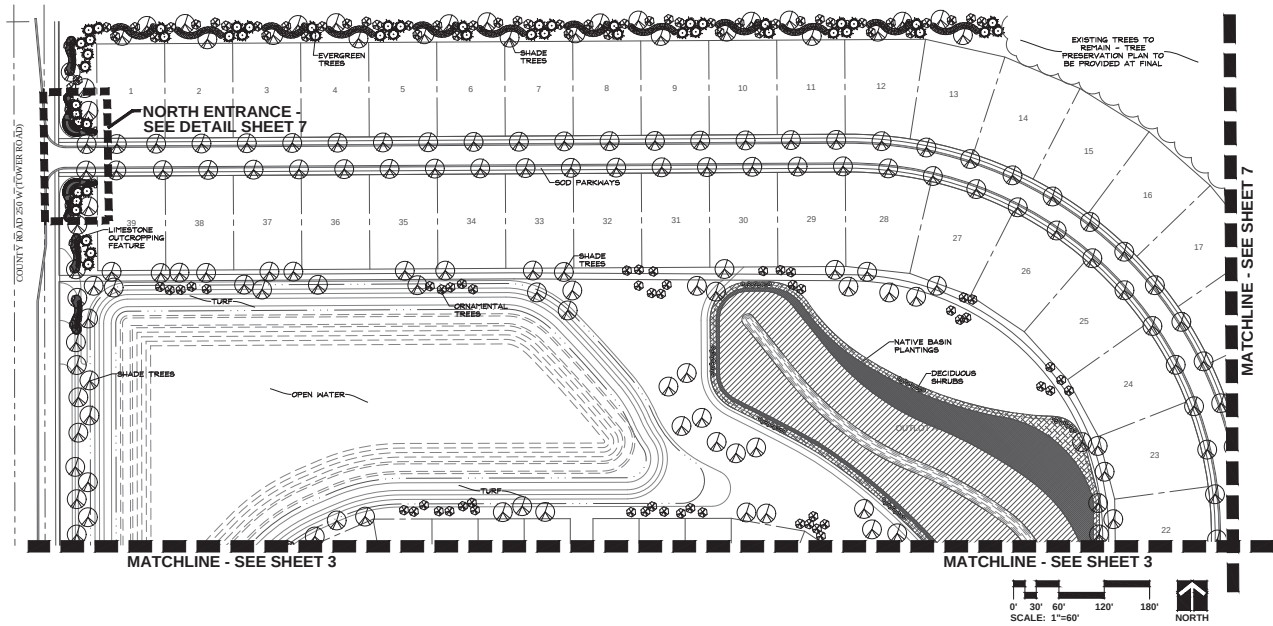
CLIENT
 **Olthof Homes**
8052 WICKER AVENUE
ST JOHN, INDIANA 46373

ENGINEER
MANHARD CONSULTING, LTD
700 SPRINGER DRIVE
LOMBARD, ILLINOIS 60148

WESTWIND
VALPARAISO, INDIANA

OVERALL LANDSCAPE PLAN

DATE 11.09.2021
PROJECT NO. CLT2100
DRAWN DS
CHECKED GER
SHEET NO.
1 OF 9



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WESTWIND VALPARAISO, INDIANA **PRELIMINARY LANDSCAPE PLAN**

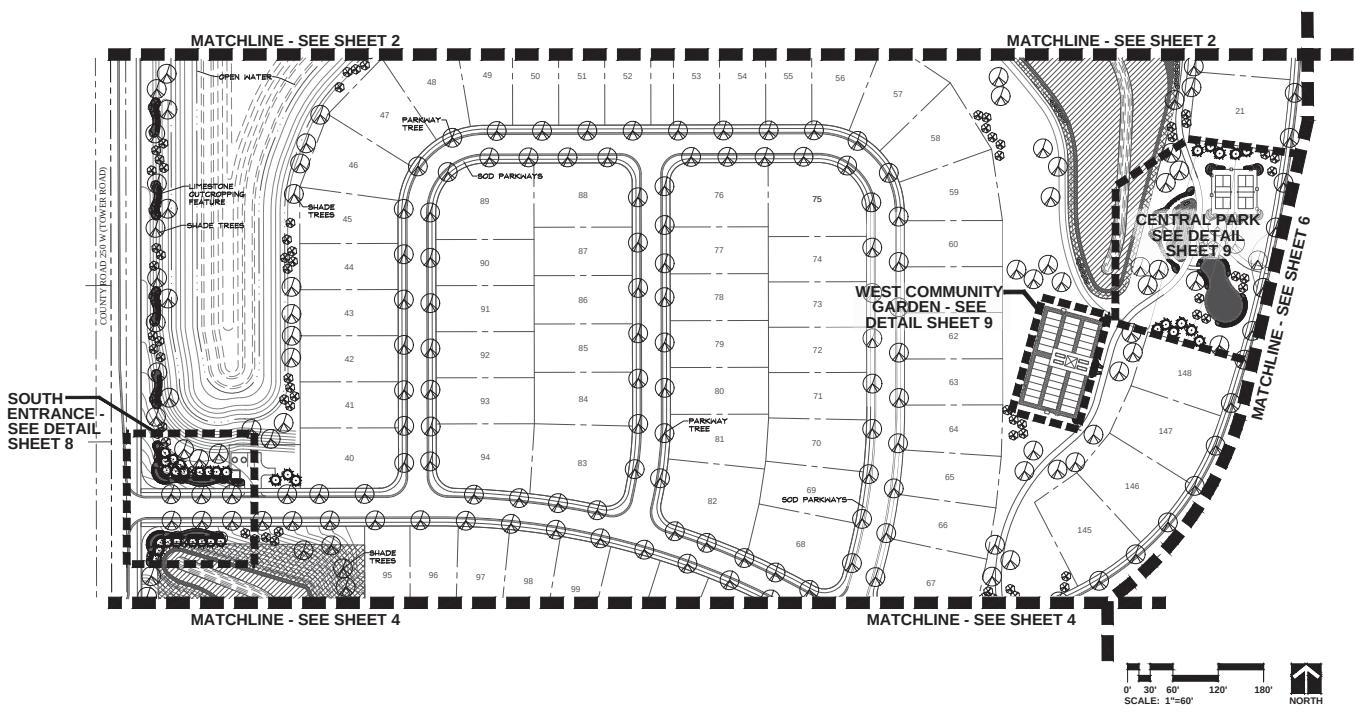
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 SHEET NO.: 2 OF 9

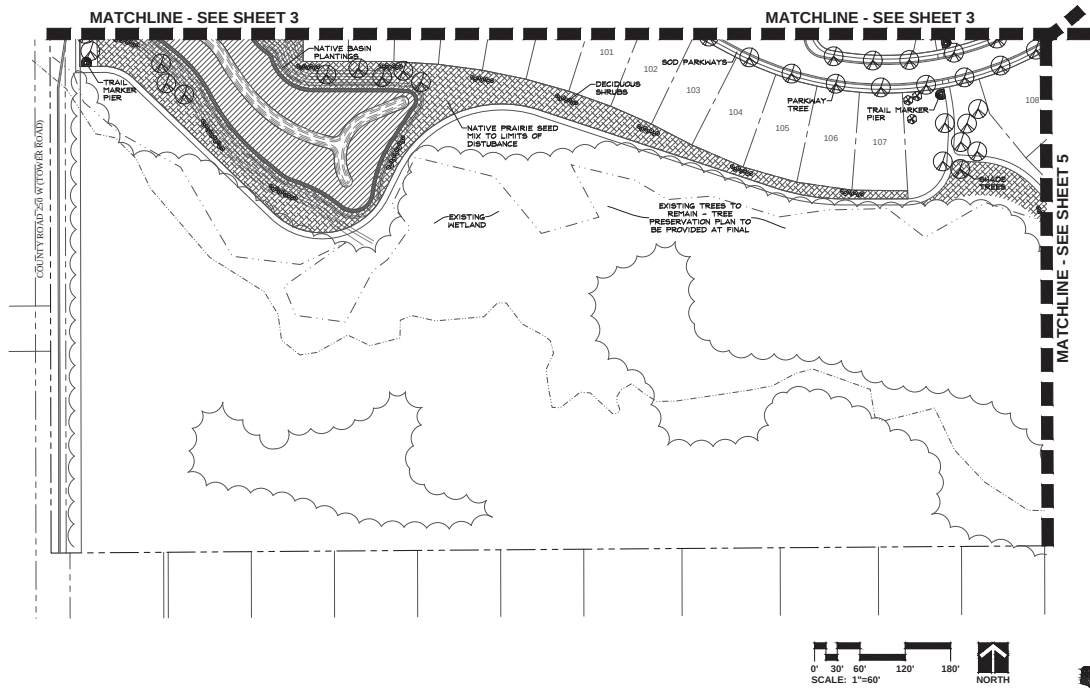


WESTWIND
VALPARAISO, INDIANA
PRELIMINARY LANDSCAPE PLAN

REVISIONS

DATE: 11.09.2011
PROJECT NO.: 04.12.100
DRAWN: GJS
CHECKED: GJS
SHEET NO.: 3 OF 9





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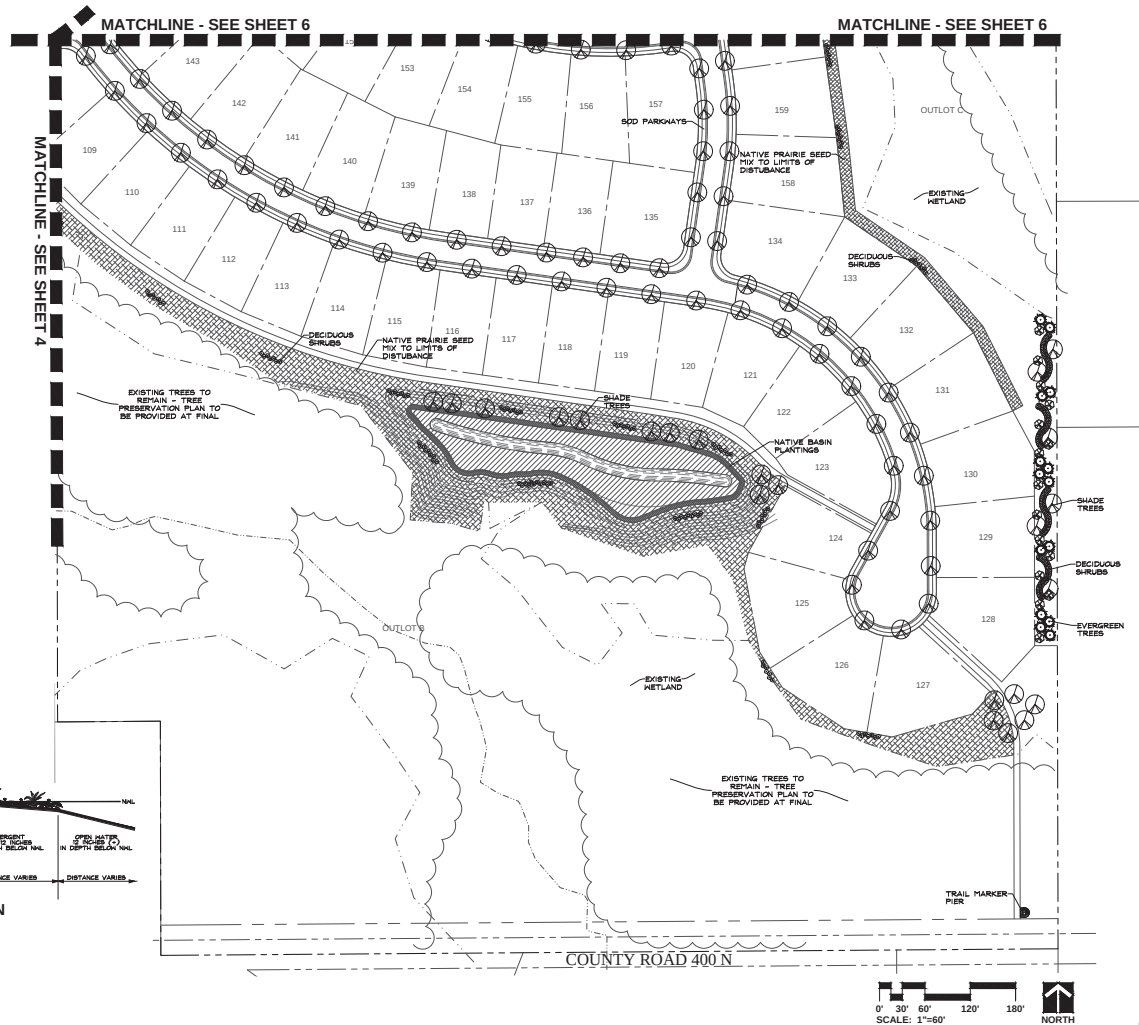
WESTWIND
 VALPARAISO, INDIANA

PRELIMINARY LANDSCAPE PLAN

REVISIONS

DATE: 11.09.2011
 PROJECT NO.: 0412100
 DRAWN: GJS
 CHECKED: GJS
 SHEET NO.: 4 OF 9





CHARTERED SURVEYORS ASSOCIATES, INC.
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JAMES W. HARTMAN, P.E.
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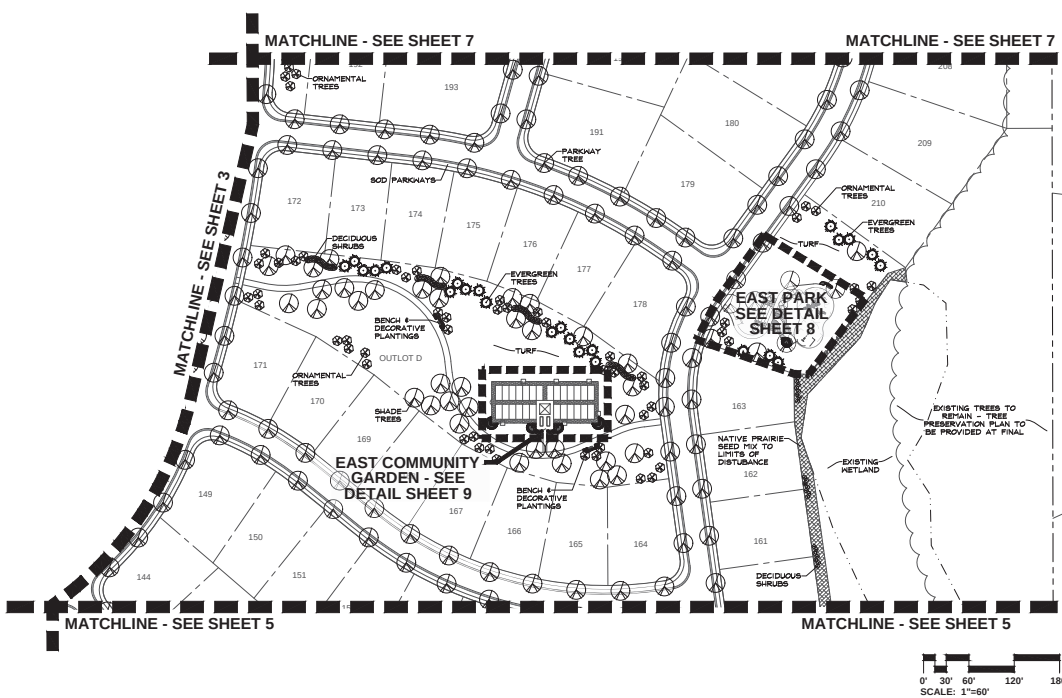
WESTWIND
VALPARAISO, INDIANA
PRELIMINARY LANDSCAPE PLAN

REVISIONS

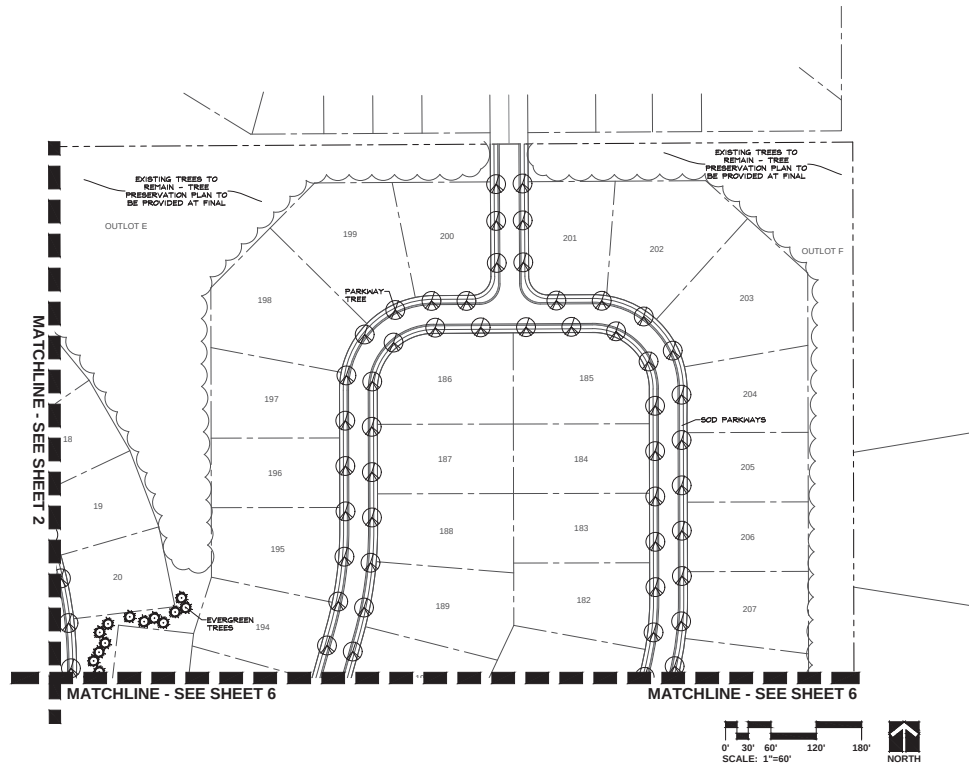
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WESTWIND
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PRELIMINARY LANDSCAPE PLAN



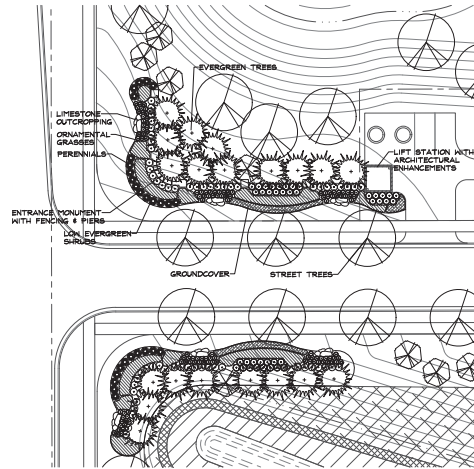
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WESTWIND
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PRELIMINARY LANDSCAPE PLAN

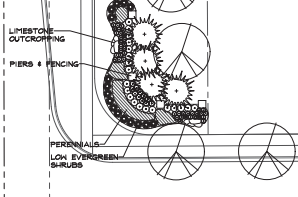
REVISIONS

DATE: 11.09.2011
PROJECT NO.: 04.12.09
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SHEET NO.



SOUTH ENTRANCE LANDSCAPE DETAIL

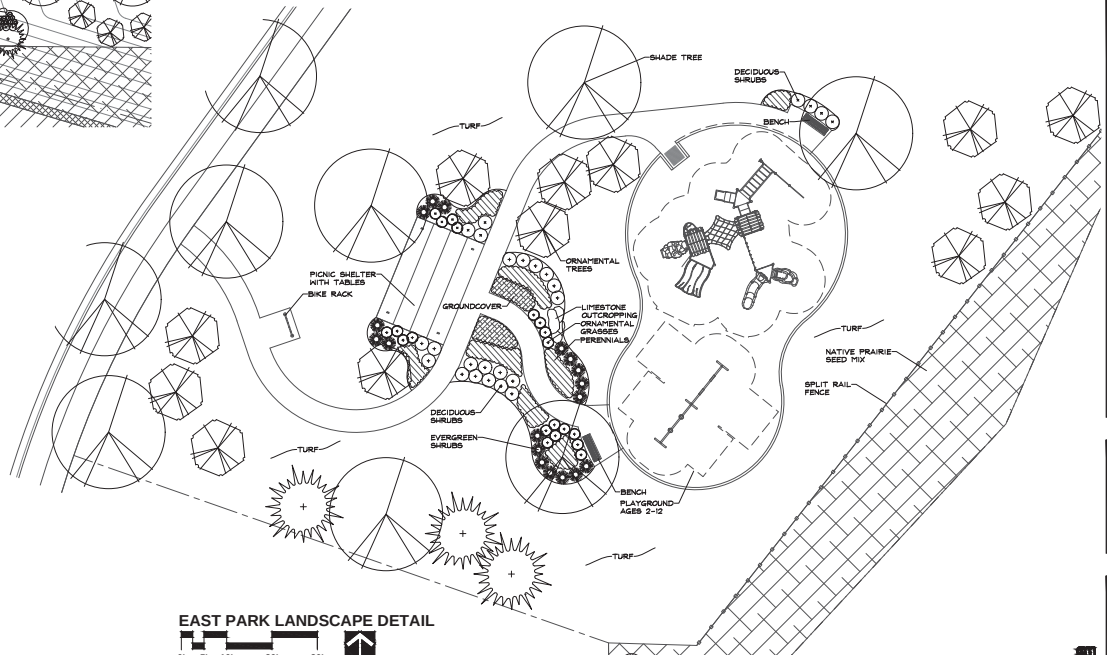
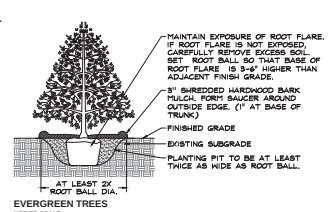
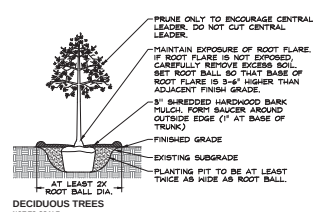
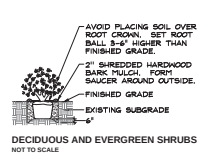
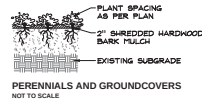
0' 10' 20' 40' 60' NORTH
SCALE: 1"=20'



NORTH ENTRANCE LANDSCAPE DETAIL

0' 10' 20' 40' 60' NORTH
SCALE: 1"=20'

PLANTING DETAILS



EAST PARK LANDSCAPE DETAIL

0' 5' 10' 20' 30' NORTH
SCALE: 1"=10'



MANHARD CONSULTING, LTD.
100 SPANISH DRIVE
LOMBARD, ILLINOIS 60148

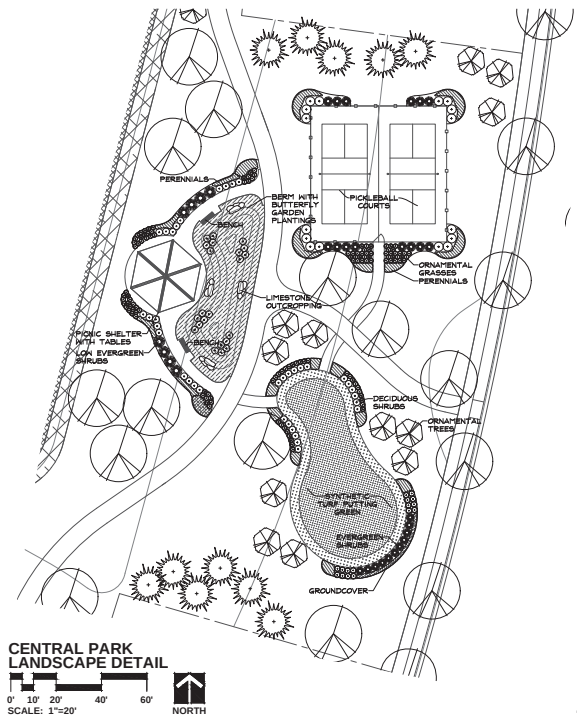
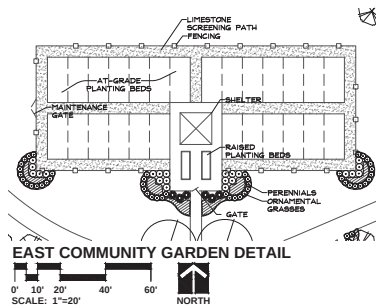
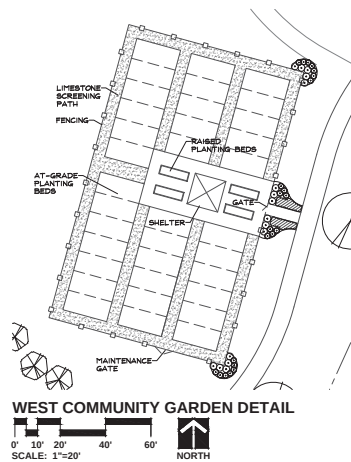
WESTWIND
VALPARAISO, INDIANA
LANDSCAPE DETAILS

REVISIONS

DATE: 11.09.2011
PROJECT NO.: 04.12.00
DRAWN: GJS
CHECKED: GJS
WEEK NO.



8 OF 9





**PRELIMINARY STORMWATER
MANAGEMENT REPORT
FOR
WESTWIND SUBDIVISION
VALPARAISO, INDIANA**

PREPARED FOR:

OLTHOF HOMES
8051 WICKER AVENUE (US 41)
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PHONE: (219) 558-8080

PREPARED BY:

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NOVEMBER 12, 2021

Table of Contents

Project Narrative.....

- Project Overview
- Existing Drainage Characteristics
- Proposed Drainage Characteristics
- Stormwater Pollution Prevention and Post Construction Stormwater Quality
- Emergency Overflow Weirs
- Conclusion

Site Information.....

- FEMA FIRM Map
- National Wetland Inventory Map
- NRCS Soil Map

Existing Conditions Analysis.....

- Existing Conditions Drainage Exhibit
- Existing Conditions PondPack Analysis
- CN Calculations
- Time of Concentration Calculations
- Existing Depression Stage Storage
- Existing Conditions PondPack Analysis with Offsite Flow
- Offsite CN Calculations
- Offsite Time of Concentration Calculations

Proposed Conditions Analysis.....

- Proposed Conditions Drainage Exhibit
- 100 Year – 24 Hour Detention Analysis
- Stage Storage Table
- Emergency Overflow Calculations
- CN Calculations
- Stage-Discharge Calculations



Project Overview

The purpose of this Stormwater Management Summary is to identify the onsite detention requirements for the proposed subdivision and to manage the stormwater for the development site pursuant to the code provisions and accepted engineering practices. The proposed improvements are located at the northeast corner of Tower Road and 400N in the City of Valparaiso, Porter County, Indiana. This stormwater report will analyze existing and proposed conditions for the site and will meet the detention requirements of all phases of development. A site location map can be found on the Title Sheet of the associated plan set.

The Westwind Development is a proposed single-family and multi-family residential community consisting of 39 paired cottages (78 units), 68 villa lots, 70 single family lots, and 33 estate lots. The proposed development is located in the southeast quarter of Section 9, Township 35 North, Range 6 West of the Second Principal Meridian, in Porter County, Indiana. The existing site is approximately 142.7 acres and consists of agricultural land, a large wooded area along the east and northeast portions of the property, and Pepper Creek, which is a heavily wooded riverine ditch along the south end of the property.

The Westwind Development is bordered by Pepper Creek Subdivision to the east, County Road 400N and residential land to the sound, and agricultural land to the south, Tower Road and residential land to the east, and agricultural land and proposed Iron Gate Subdivision to the north.

A Firmette showing panel 18127C0201D is included in this report and shows that the site includes Zone X flood areas.

A National Wetland Inventory Map is included in the report for the project that indicates several potential wetlands onsite. The major wetland is Pepper Creek on the south side of the site, which is generally avoided with all development. Additionally, there are some freshwater emergent and freshwater forested wetlands onsite. A large wetland along the east property line will be maintained throughout the development process and maintained as a natural feature.

The soils onsite consist of several different types, though it is mostly silt loam, with a mix of clay loams and muck onsite as well. A NRCS soil map is included in this report. A detailed table of on-site soils and their hydrologic properties are below.

Soil Information			
Soil Name	Soil Description	Hydrologic Soil Group	Hydrologic Soil Group Used in Calculations
Ad	Adrian much, drained, 0-1% slopes	A/D	D
BaA	Blount silt loam, Lake Michigan Lobe, 0-2% slopes	C/D	D
ChC	Chelsea fine sand, 6-12% slopes	A	A
Hm	Houghton much, ponded	A/D	D
MoB	Metea loamy fine sand, 1-6% slopes	B	B
Mp	Milford silty clay loam, 0-2% slopes	C/D	D
OzaB2	Ozaukee silt loam, 0-2% slopes, eroded	C	C
OzaD2	Ozaukee silt loam, 12-18% slopes, eroded	C	C
OzIC3	Ozaukee silty clay loam, 6-12% slopes, severely eroded	C	C
Pa	Palms muck, drained	B/D	D
Pe	Pewamo silty clay loam	C/D	D
RaB	Rawson loam, 0-2% slopes	C	C
RaC2	Rawson loam, 6-12% slopes, eroded	C	C
Wa	Wallkill silt loam	B/D	D
Wh	Washtenaw silt loam	B/D	D

For the detention analysis, rainfall depths were determined by Table V-2 from the Porter County Stormwater Ordinance. For on-site overland flow routes and storm sewer analysis, rainfall depths were determined by Table 2-4 and Table 2-5 in the City of Valparaiso Stormwater Technical Standards Manual. The SCS Type II, 24-hour rainfall distribution was used from Table 2-6 for the 24-hour storm as specified in the Stormwater Technical Standards Manual as well.

Required detention volumes were determined based using portion of the Porter County and City of Valparaiso Stormwater Technical Standards Manual based on the 100-year analysis. The proposed release rate was determined using the lesser of the allowable rate of 0.5 cfs/ac, the existing 2-year 24-hour flow, and the downstream capacity. The proposed development is working with the City and County to reduce stormwater impacts downstream by further reducing the allowable release rate to meet the county rate of 0.13 cfs/ac at locations with a direct discharge to Porter County. The proposed detention basins were analyzed using PondPack (TR55 methodology). Where reasonably possible, the limits of the subdivision are tributary to the ponds.

Existing Drainage Characteristics

The existing site is mostly farmed area, with a large, wooded area in the northeast corner of the site, as well as a heavily vegetated and wooded area along the southern property line. The site is well drained and has slopes ranging from 1% - 30% in the farmed and wooded areas. There is a defined ditch that runs from the northeast corner of the property to the southwest, where it discharges through a 36" culvert under Tower Road. The northern portion of the site, approximately 60 acres, discharges through the 36" culvert. The rest of the development drains to the south, where it enters Pepper Creek, which runs through the property. Pepper Creek leaves the site via a 74" culvert under Tower Road.

There are several small depressional areas onsite that fill up and overtop in existing conditions prior to stormwater leaving the site. Depressional Area 2 fills up and spoils into Depressional Area 1, which drains into Tributary Area 1 and drains through the existing 36" culvert under Tower Road.

Depressional Area 3 is a larger area that feeds the apparent onsite wetland. This area eventually overtops and spills into Depressional Area 4. Depressional Area 4, however, has several open drains at its low point and does not hold water. It was analyzed with drains and an earthen weir as a spillway to show the rate at which water left the site, its peak volume is not depressional because it is drained. Depressional Area 4 drains into Tributary Area 2, which enters Pepper Creek and leaves the site via the 74" culvert under Tower Road.

There are several off-site areas that drain onto and through the subject property. In general, Pepper Creek has a significant tributary area. This was not delineated or included in any calculations as Pepper Creek and its outlets to the site, and from the site, will not be altered with this development.

Aside from Pepper Creek, there are other areas that drain onto the property. Pepper Creek Subdivision, directly to the east of the property, has multiple areas that sheet flow and drain onto the property. Additionally, Pepper Creek Detention Basin 3 outlets onto the property. These area of Pepper Creek drain through the property and outlet to either the 36" or 74" culverts under Tower Road.

To the north and northeast, there is approximately 47 acres that drains through the property via the Brigata Hills Subdivision. This area includes the southern portion of the subdivision as well as area further to the east that drains into Brigata Hills. There is a detention basin in the southwest corner of Brigata Hills that drains to the property directly north of the proposed development, that then drains onto the property and into the 36" culvert under Tower Road. The table below summarizes the 2, 10, and 100-year flows in existing conditions for the on-site and off-site areas.

Existing Conditions Summary Table						
Outlet Location	2-Year 24-Hour Flow	2-Year 24-Hour Flow with Offsite	10-Year 24-Hour Flow	10-Year 24-Hour Flow with Offsite	100-Year 24-Hour Flow	100-Year 24-Hour Flow with Offsite
36" CMP	27.13	40.66	62.02	95.34	161.94	257.74
74" CMP	71.25	71.25	141.58	141.58	308.38	308.38

Proposed Drainage Characteristics

The proposed site consists of 39 paired cottages (78 units), 68 villa lots, 70 single family lots, and 33 estate lots, roadway, storm sewer, watermain, sanitary sewer, and detention basin construction. The detention ponds are designed to provide stormwater detention for the proposed on-site conditions per the City of Valparaiso standards. Pond A is designed as an open water detention pond so it will be aesthetically pleasing, provide stormwater detention, and provide room for sedimentation. Pond B, C, and D are all designed to be dry bottom ponds with a small sump connecting the inflows to the outflow of the pond, which will also allow for sedimentation.

The system was modeled and designed using PondPack. The hydrologic modeling used the NRCS Type II rainfall distribution and Porter County rainfall data to analyze the required detention for the 100-year 24-hour event. As detailed earlier in the report, the release rate was governed by the lesser of the Porter County release rate, City of Valparaiso release rate, and existing 2-year release rate from the site, depending on this discharge point. A summary table is below that clarifies the release rate from each pond.

Basin	Discharge Location	Existing Tributary Area to Discharge Location (Ac.)	Existing 2-Year 24-Hour Discharge Rate (cfs)	Porter County Release Rate (cfs)	City of Valparaiso Release Rate (cfs)	Allowable Release Rate (cfs)
Pond A	Porter County	60.94	27.13	7.92	N/A	7.92
Pond C*	City of Valparaiso	78.78	71.25	N/A	23.92	23.92
Pond D*	City of Valparaiso	(47.85 Hydrologically Disturbed)		N/A		

*Pond C and Pond D both discharge to Pepper Creek, the release rate is shared for the basins

The development uses a series of detention basins to reduce the flow of stormwaters off-site. Pond B detains 29.99 acres and slowly releases the flow into Pond A. Pond A has a discharge point to the existing 36" culvert, but it has a secondary release point that directs water to Pond C. Pond C has a small tributary area, but by having Pond A discharge to Pond C it helps to maintain existing drainage conditions and prevents additional stormwater from discharging into the 36" culvert. A summary of the detention basins is below that details out the provided and required volumes, as well as the allowable and proposed release rates.

Pond D works in conjunction with Depressional Area 3, which will remain in place after the proposed improvements. Stormwaters on-site are routed to Depressional Area 3 to maintain the wetland hydrology. A culvert has been added to Depressional Area 3 connecting to Pond D to reduce the potential standing water in the wetland. The intent of this is not to provide detention in the wetland, but to prevent increasing the potential standing water elevation in Depressional Area 3 since the depression extends off-site.

Pond	Proposed Tributary Area (Ac.)	NWL	Design HWL	Volume Provided (Ac-Ft)	100 Year HWL	Volume Required (Ac-Ft)	Release Rate (cfs)	Allowable Release Rate (cfs)	Orifice Size (in)
Pond A	50.54	694.00	698.00	24.00	696.96	16.95	6.41	7.92	12.5
Pond B	29.99	708.00	712.00	9.15	710.96	6.00	N/A	N/A	18.0
Pond C	6.13	679.00	682.50	3.11	681.73	2.21	13.41	23.92	21.0
Pond D	9.42	700.00	704.00	3.44	702.98	2.35	5.05		11.0
Ex Wetland	12.71	706.30	N/A	4.99	708.54	2.70	N/A	N/A	12.0

In accordance with the City of Valparaiso standards, the off-site flow tributary to the project will be routed through the development and into the detention ponds, then bypassed through the overflow weirs of the ponds. In general, the 10-year flow will be piped with in storm sewer in combination with on-site flows and drained into the detention basins. The 100-year flow will use overland flood routes in series to reach the detention basins. The overland flood routes will be designed in a way that does not increase water elevations off-site and protects the proposed homes from flood damage.

It should be noted that the property directly north of the development is currently being developed into a residential subdivision named Iron Gate. While the off-site flow is calculated to drain through the proposed development, if Iron Gate is developed and constructed prior to Westwind, the stormwater conditions will be altered and the off-site flows will be reduced.

Stormwater Pollution Prevention and Post Construction Stormwater Quality

During construction, silt fence will be installed along the perimeter of proposed grading operations for the project where applicable. A temporary gravel construction entrance and wheel wash station will be utilized to minimize sediment being tracked from the site onto the public roadway. Dust Control, Spill Prevention and Control, and Solid Waste Management will be provided when required in accordance with City of Valparaiso and IDEM requirements. All existing and proposed drainage structures will be protected from sedimentation with barriers meeting accepted criteria, standards and specifications. All disturbed ground left inactive for fifteen (15) days or more will be stabilized by seeding, sodding, mulching, covering, or by other equivalent erosion control measures.

Post-Construction Water Quality BMPs for the project are found in the various detention basins. The City of Valparaiso Stormwater Management Ordinance requires that 80% of Total Suspended Solids (TSS) be removed from the stormwater prior to being discharged offsite.

Ponds B, C, and D are designed as a dry detention basins, with other stormwater quality components installed as well. The sump in the middle of the pond functions as a forebay for large sediment and other pollutants to collect rather than being discharged offsite. The sump also acts as a low flow channel where small rainfalls will collect and eventually discharge from the basin. Additionally, the bottom of the basin will be seeded with a no-mow fescue seed mix, which will help naturally filter out pollutants as well as remove TSS.

Pond A is a wet basin, which meets the 80% TSS removal requirement as put forth in the City of Valparaiso Stormwater Management Ordinance. The inlets to the pond will have rip rap that will reduce any erosion around the pond bank as well.

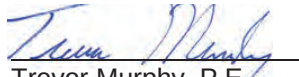
Emergency Overflow Weirs

The detention pond is designed to detain up to the 100-year storm, but in the event of storms in excess of the 100-year frequency, an overflow weir is provided to allow stormwater to leave the basins. Based on the City of Valparaiso Stormwater Technical Standards Manual, the required discharge required to overflow out of the pond is 1.25 times the peak flow of the tributary area entering the pond. This peak flow includes the offsite flow that is tributary to the basins that is bypassed through the subdivision.

Pond	Peak Inflow	Required Weir Flow	Weir Length	Peak Weir Elevation
Pond A	331.02	413.78	300	698.60
Pond B	228.75	285.94	150	712.70
Pond C	44.14	55.18	50	683.00
Pond D	58.53	73.16	50	704.60

Conclusion

The proposed Westwind Subdivision improvements provide stormwater management consistent with the requirements of the City of Valparaiso standards. In addition, best management practices will be provided throughout the entire construction process to ensure that stormwater runoff is improved to the extent possible before being released. Should you have any questions, comment or concerns regarding the content of this report, please do not hesitate to contact Manhard Consulting.



Trevor Murphy, P.E.
Project Manager

FILED

NOV 08 2021

STATE OF INDIANA)
)
COUNTY OF PORTER)

BEFORE THE PLAN COMMISSION
FOR THE CITY OF VALPARAISO, INDIANA
[Signature]
Clerk-Treasurer

Applicant:

LENNAR HOMES OF INDIANA

AMENDMENT TO APPLICATION TO REZONE

Comes now, Lennar Homes of Indiana (the "Applicant"), by counsel, Todd A. Leeth and Katie L. Kopf of Hoeppner Wagner & Evans LLP, and does hereby amend that certain Application for Rezone filed by the Applicant on July 9, 2021, (the "Application") in the following respects:

1. Applicant does hereby amend the Application to change the requested zoning classification from Traditional Neighborhood Development to Planned Unit Development. Applicant does submit herewith the proposed Ordinance for The Preserves at Porter's Vale PUD together with supporting documents pursuant to UDO §15.503.
2. Applicant does hereby amend the Application to add parcel number 64-10-20-426-002.000-029 to its Application. The ownership of this parcel is vested in Vansland, LLC, same as the original parcels listed on the Application.

3. Applicant respectfully requests that the Rules of Procedure be suspended to allow the Plan Commission to take final action and vote on the recommendation to the Common Council at the conclusion of the Public Hearing.

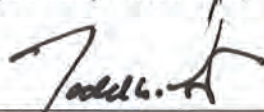
4. Applicant does hereby amend the Application to include the Affidavit and Consent of Property Owner, attached hereto.

5. Applicant does hereby tender an additional One Thousand Nine Hundred Fifty Dollars (\$1,950.00) to supplement the original filing fee of One Hundred Fifty Dollars (\$150.00) (the fee for an Application to Rezone) so as to equal the correct filing fee for the Application, as amended, and determined as follows:

Filing fee for a PUD is \$500 + \$10/lot
160 lots x \$10.00 = \$1,600
\$1,600 + \$500 = \$2,100.00
\$2,100.00 - \$150.00 (original filing fee) = \$1,950.00

This Amendment to Application to Rezone is made this 8th day of November, 2021.

Respectfully submitted,



Todd A. Leeth/Katie L. Kopf
HOEPPNER WAGNER & EVANS LLP
103 E. Lincolnway
Valparaiso, Indiana 46383
Attorneys for Lennar Homes of Indiana

Affidavit of Consent of Property Owner

(To be presented with application for Plan Commission)

Vansland LLC

being dully sworn upon his/her oath, being of sound mind and legal age deposes and states:

1. That Jeanette E. Vandertoll ("Owner") (is/are) the legal owner(s) of real property that is the subject of a Petition before the Plan Commission.
2. That Owner authorizes Lennar Homes of Indiana ("Petitioner") to seek the relief sought in the Petition filed before the Plan Commission. Petitioner is further authorized to commit to any reasonable restriction requested by the Plan Commission or proposed by the Petitioner.

Jeanette Vandertoll
Property Owner

7-13-21
Date

Property Owner

Date

Subscribed and sworn to before me this 13 day of July, 2021.

Alessandra Baxter
Notary Public

My Commission Expires:

3-1-25
Date



PETITION TO VALPARAISO PLAN COMMISSION

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

PUBLIC HEARING REQUIRED:

UR, GR and CG to TND

- ☒ 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: 4103, 4301, 4408 LaPorte
Avenue, Valparaiso

Subject Property fronts on the North side
between (streets) Porter's Vale Blvd and
325 East

Description of Location of Property: _____
North side of State Road 2 East of Porter's
Vale Shopping Center

Zoning District (Current): UR, GR, and CG

Zoning District (Proposed): TND

Zoning of Adjacent Properties:

North: I1 & R1 (County) South: A1 (County)

East: I2 & A1 (County) West: CG & UR

Parcel/Tax Duplicate Number: See Attached

Present Use of Property: Farm Land

Subdivision (If Applicable): _____

Dimensions of Property: Front: _____ Depth: _____
Irregular

Proposed Use of Property: _____

Property Area (sq. ft./acres): 79 +/-

Traditional Neighborhood Development

PETITIONER INFORMATIONApplicant Name: Lennar Homes of IndianaAddress: c/o Todd A. Leeth and Katie L. Kopf +Phone: [REDACTED]Hoepfner Wagner & Evans LLPEmail: [REDACTED]103 E. LincolnwayValparaiso, Indiana 46383**PROPERTY OWNER INFORMATION**Applicant Name: Vansland LLCAddress: c/o James Bozik +Phone: 56 Washington StreetEmail: Ste 401Valparaiso, Indiana 46383**LEGAL DESCRIPTION OF SUBJECT PROPERTY: (EXHIBIT NO. _____)**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.

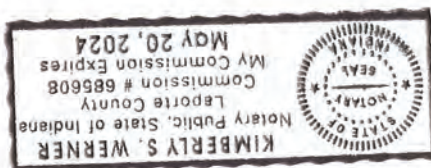
Katie L. Kopf 7/9/2021
Signature of owner/Petitioner Date

Katie L. Kopf, Attorney for Petitioner

Printed name

Subscribed and sworn to before me this 9 day of July, 2021.

Kimberly S. Werner
Notary Public



My Commission Expires: _____

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

City of Valparaiso
Plan Commission - Rezone Application
Petitioner: Lennar Homes of Indiana
Date: July 9, 2021
Public Hearing: August 10, 2021

Parcel/Tax Duplicate Numbers
Lennar Homes of Indiana

Parcel Number

64-10-20-276-002.000-029

64-10-20-276-001.000-029

64-10-20-426-005.000-029

64-10-20-426-004.000-029

64-10-21-151-001.000-029

64-10-21-300-001.000-029

64-10-21-300-002.000-029

Legal Description Lennar Homes of Indiana

One acre of land being 100 feet in width East and West by 435.6 feet in length North and South out of the Southwest corner of the following described real estate to-wit: Beginning at the Northeast corner of the Southeast $\frac{1}{4}$ of Section 20, Township 35 North, Range 5 West of the Second Principal Meridian; thence running South 22 rods to the center of the Valparaiso-LaPorte Road; thence Westerly along the center of said road 57.5 rods; thence North 29 rods to the North line of the Southeast Quarter of said Section 20; thence East to the place of beginning.

Also:

A parcel of land described as beginning at the Northeast corner of the Southeast $\frac{1}{4}$ of Section 20, Township 35 North, Range 5 West of the Second Principal Meridian; thence south 22 rods to the center of the Valparaiso-LaPorte Road; thence Westerly along the center of said road 57.5 rods; thence North 29 rods to the North line of said $\frac{1}{4}$ section; thence East to the place of beginning; EXCEPTING therefrom 1 acre in the Southwest corner thereof, 100 feet in width, East and West, by 435.6 feet in length North and South.

Also:

The East $\frac{1}{2}$ of the Northeast $\frac{1}{4}$ of Section 20, Township 35 North, Range 5 West of the Second Principal Meridian, EXCEPT a parcel described as beginning at the Southwest corner of said tract; thence North 60 rods; thence East 22.75 rods; thence South 60 rods; thence West 22.75 rods to the place of beginning. AND EXCEPT the part of said East $\frac{1}{2}$ of the Northeast $\frac{1}{4}$ lying North of the south line of the Chicago, Grand Trunk and Western Railway. ALSO EXCEPTING any part of the E $\frac{1}{2}$ of the Northeast $\frac{1}{4}$ that was platted to Porters Vale Shopping Center.

Also:

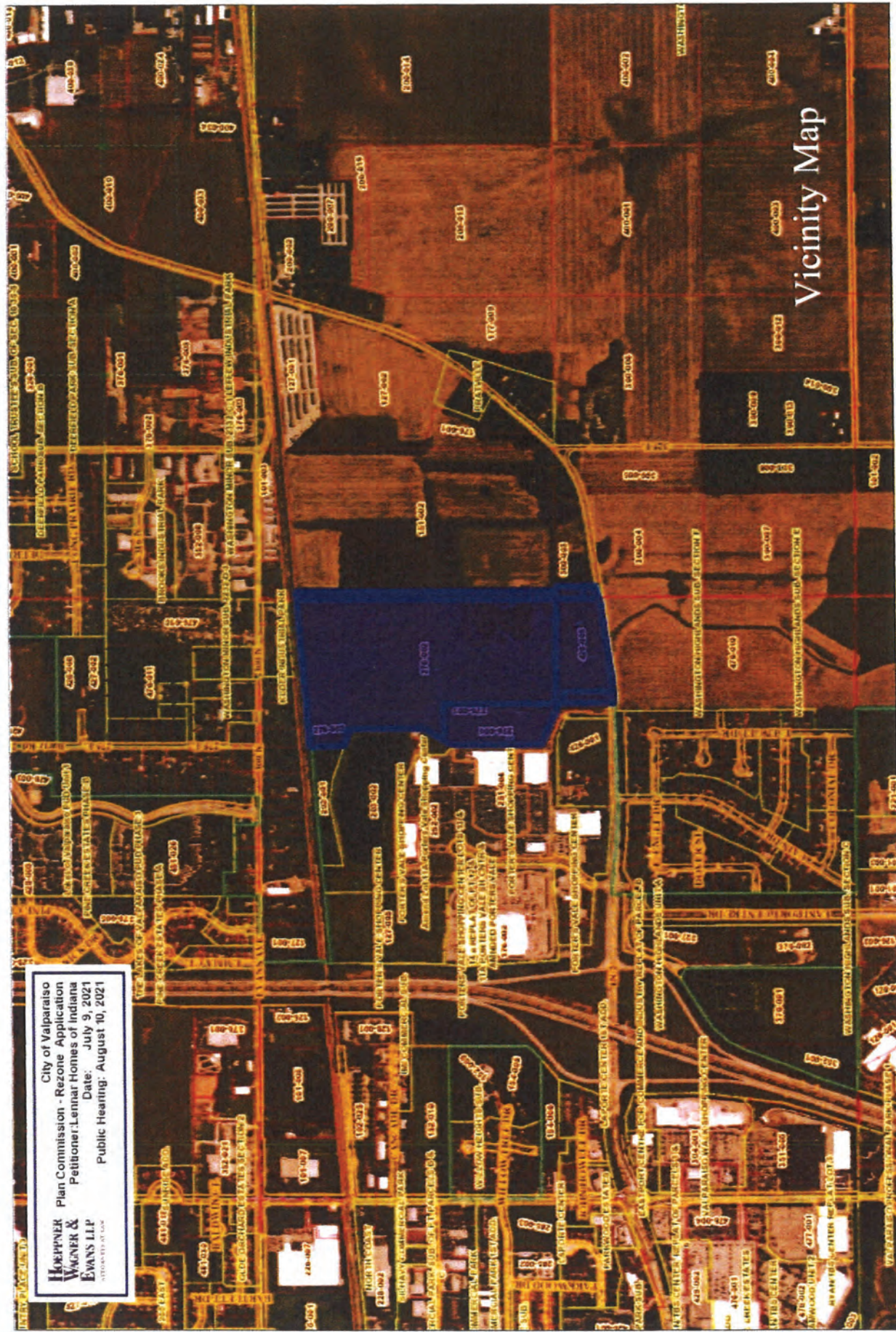
A parcel of land 10 rods square out of the Northwest corner of the West $\frac{1}{2}$ of the Southwest $\frac{1}{4}$ of Section 21, Township 35 North, Range 5 West of the Second Principal Meridian.

Also:

A parcel of land in the Southwest $\frac{1}{4}$ of Section 21, Township 35 North, Range 5 West of the Second Principal Meridian, in Porter, County, Indiana, described as follows: Beginning 256.08 feet south from the Quarter post of the West line of said Section 21, and running thence South 104.94 feet; thence North $82\frac{1}{2}$ degrees East, 104.94 feet; thence North 104.94 feet; thence south $82\frac{1}{2}$ degrees West, 104.94 feet to the place of beginning.

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

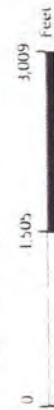
City of Valparaiso
Plan Commission - Rezone Application
Petitioner: Lennar Homes of Indiana
Date: July 9, 2021
Public Hearing: August 10, 2021



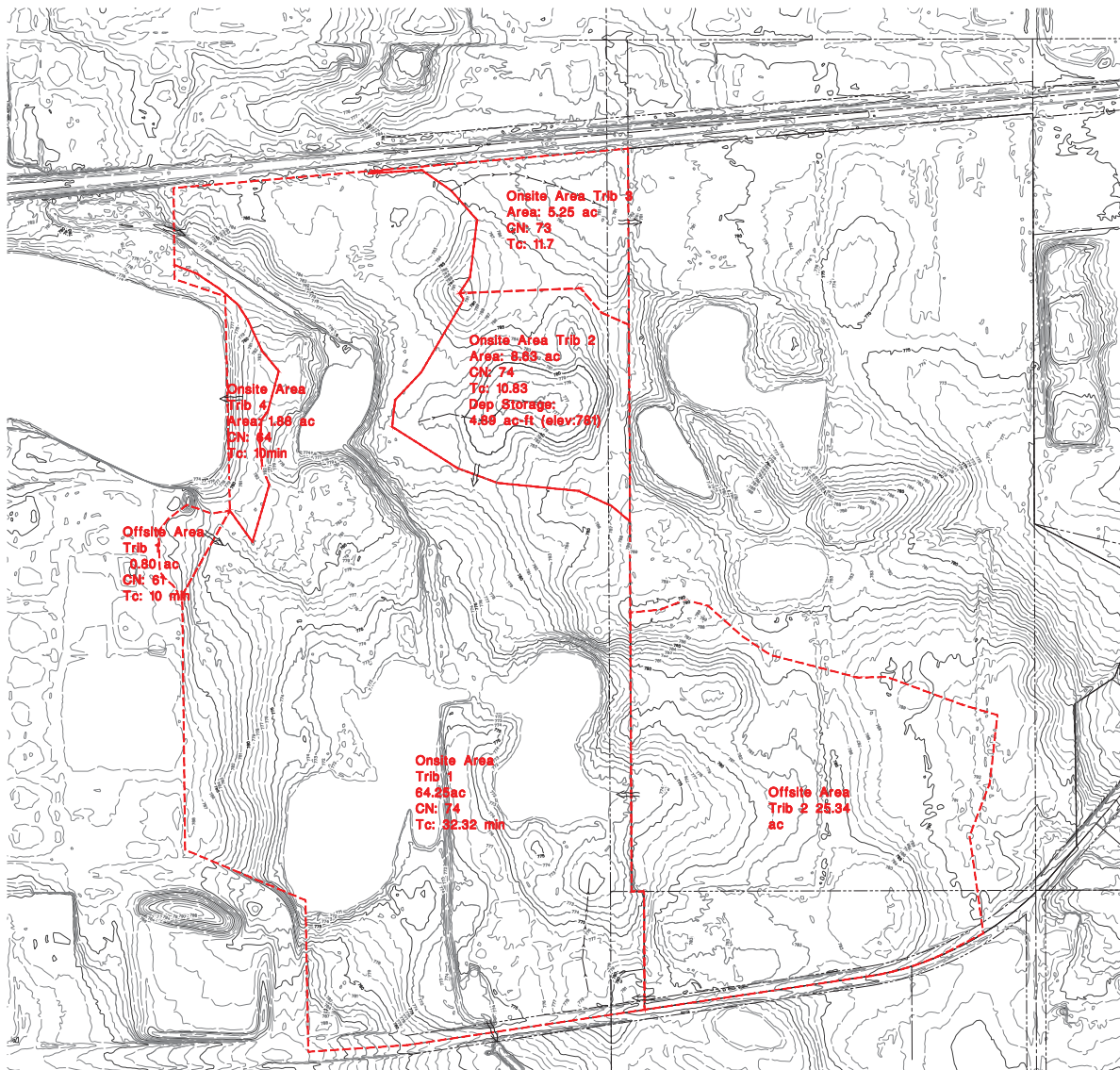
Vicinity Map

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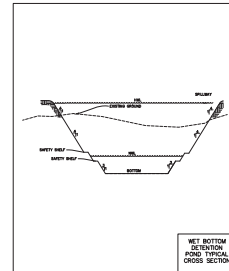
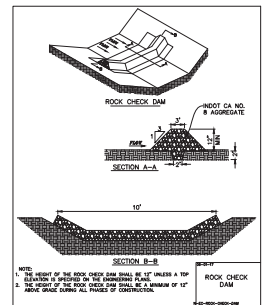
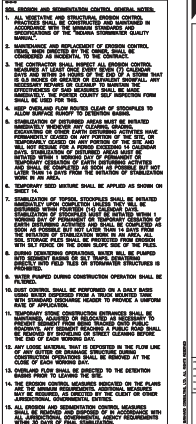
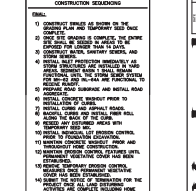
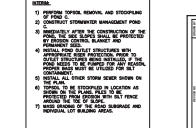
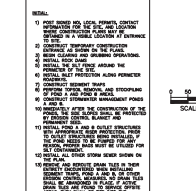
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Web Print 07/08/2021



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LEGEND	
	RIDGE LINE
	To FLOW PATH
	OVERFLOW LOCATION

[illegible]

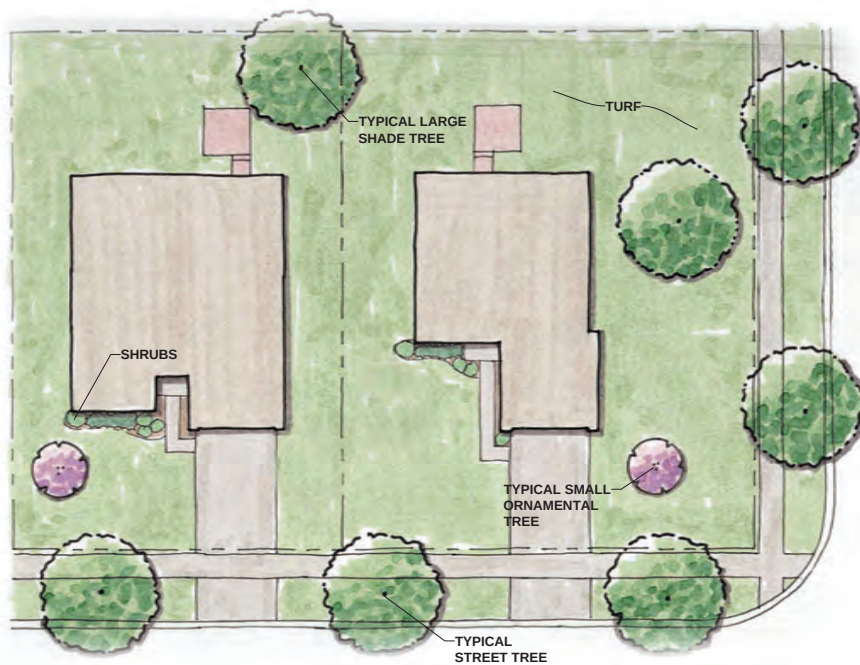


CONCEPT LANDSCAPE PLAN THE RESERVE AT PORTER'S VALE VALPARAISO, INDIANA NOVEMBER 3, 2021

SHEET INDEX

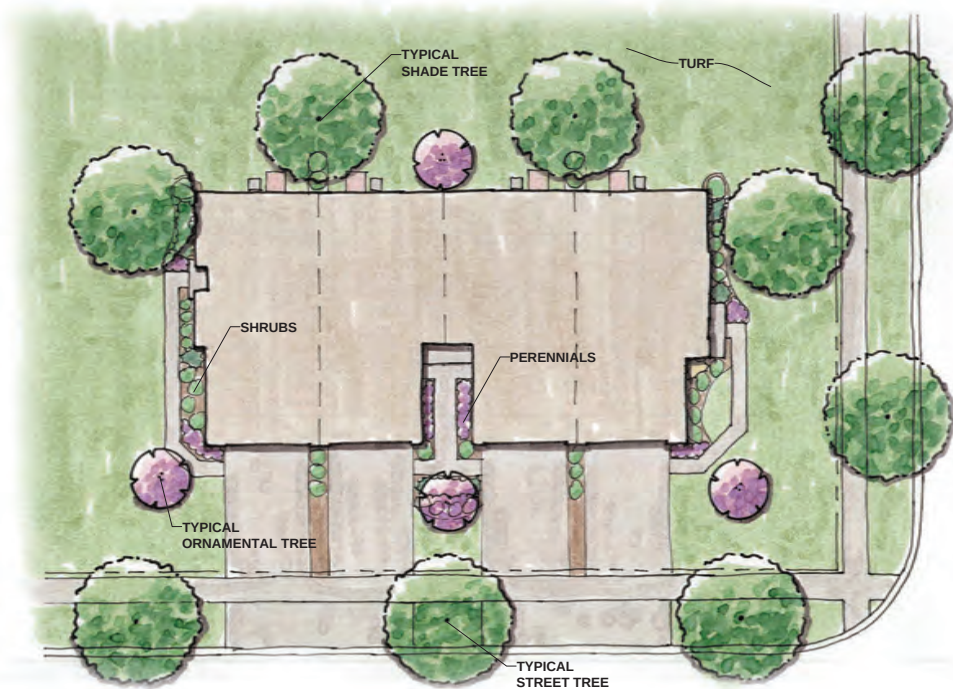
0	COVER
1	ON-LOT LANDSCAPING- DETACHED SINGLE FAMILY HOMES
2	ON-LOT LANDSCAPING- ATTACHED SINGLE FAMILY HOMES
3	OPEN SPACE LANDSCAPING
4	STREET TREES
5	BUFFERYARD LANDSCAPING- ADJACENT TO COMMERCIAL
6	BUFFERYARD LANDSCAPING- ADJACENT TO RAILROAD
7	BUFFERYARD LANDSCAPING- ADJACENT TO VACANT PARCEL
8	BUFFERYARD LANDSCAPING- ADJACENT TO LAPORTE AVENUE
9	ENTRANCE FEATURE
10	PARK FEATURE
11	PLANT PALETTE





Single Family Detached On-Lot	
Proposed:	
Large Trees	1 per home/site
Small Trees	2 per home/site
Shrubs	7 per home/site

TYPICAL HOMESITE LANDSCAPING
SCALE: 1"=20'



Single Family Attached On-Lot	
Proposed:	
Large Trees	1 per d.u.
Small Trees	1 per d.u.
Shrubs	10 per d.u.

TYPICAL TOWNHOME FOUNDATION PLANTINGS
SCALE: 1"=20'

PLANT LIST

Botanical/Common Name

SHADE TREES

<i>Acer x freemanii</i> AUTUMN BLAZE MAPLE	2 1/2" Cal.
<i>Celtis occidentalis</i> COMMON HACKBERRY	2 1/2" Cal.
<i>Liquidambar styraciflua</i> SWEETGUM	2 1/2" Cal.
<i>Quercus macrocarpa</i> BUR OAK	2 1/2" Cal.
<i>Quercus rubra</i> RED OAK	2 1/2" Cal.
<i>Tilia cordata</i> 'Greenspire' GREENSPIRE LITTLELEAF LINDEN	2 1/2" Cal.

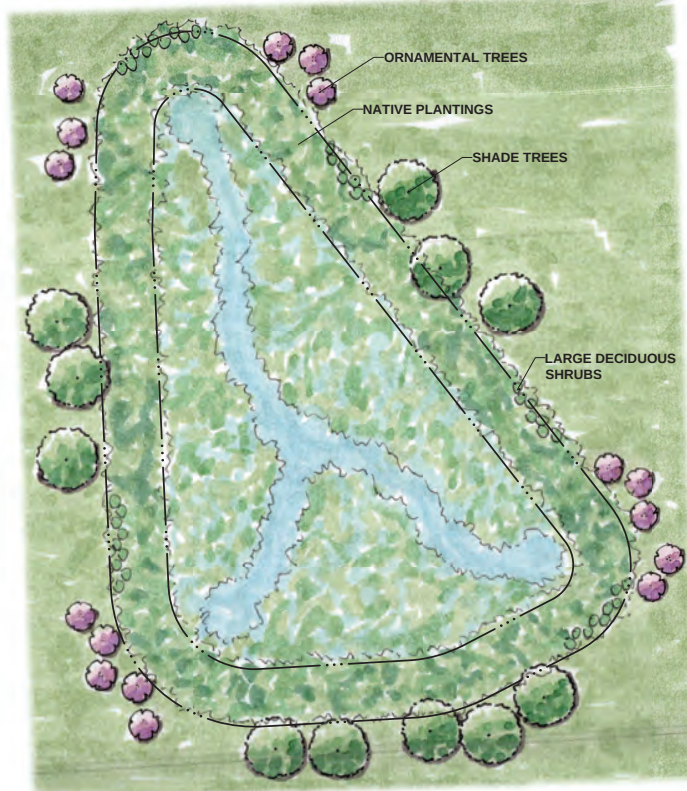
ORNAMENTAL TREES

<i>Amelanchier grandiflora</i> APPLE SERVICEBERRY	6' Tall
<i>Betula nigra</i> RIVER BIRCH	6' Tall
<i>Cercis canadensis</i> EASTERN REDBUD	6' Tall
<i>Malus</i> 'Prairifire' PRAIRIFIRE CRABAPPLE	6' Tall

DECIDUOUS SHRUBS

<i>Cornus sericea</i> 'Baileyi' BAILEY'S REDTWIG DOGWOOD	30" Tall
<i>Physocarpus opulifolius</i> COMMON NINEBARK	30" Tall
<i>Syringa meyeri</i> 'Palibin' DWARF KOREAN LILAC	24" Tall
<i>Viburnum x juddii</i> JUDD VIBURNUM	30" Tall
<i>Viburnum trilobum</i> 'Hah's' HAH'S CRANBERRYBUSH VIBURNUM	30" Tall

Size



TYPICAL OPEN SPACE LANDSCAPING
SCALE: 1"=40'

Open Space

Proposed	
Large Trees	10 / acre
Small Trees	15 / acre
Shrubs	40 / acre

- Wetlands & ditch subtracted from Open Space Area
- Wetland buffers subtracted from Open Space Area
- Detention Areas subtracted from tree requirements

OPEN SPACE LANDSCAPING
THE RESERVE AT PORTER'S VALE
VALPARAISO, INDIANA

11/03/2021 PAGE 3 OF 11

LENNAR

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TECHNICAL CONSULTING
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SUGAR MAPLE



COMMON HACKBERRY



SCARLET OAK



LITTLELEAF LINDEN



HOMESTEAD ELM

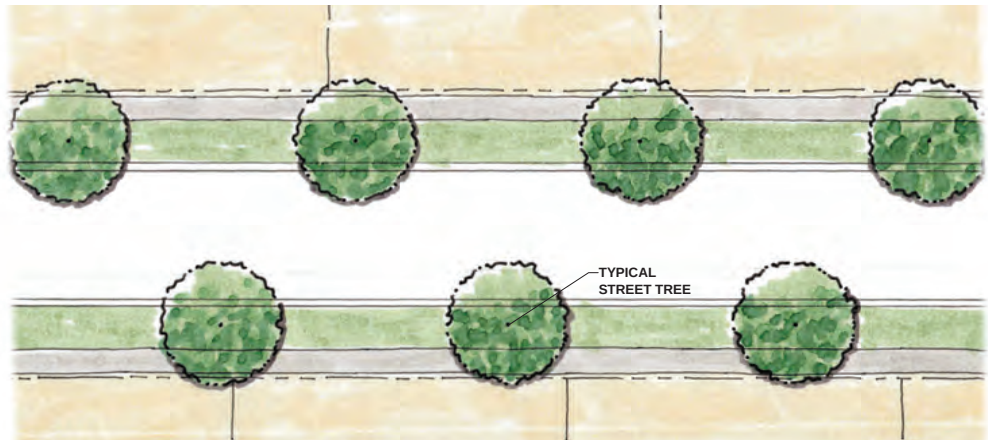
PLANT LIST

Botanical/Common Name

Size

SHADE TREES

<i>Acer saccharum</i> SUGAR MAPLE	2 1/2" Cal.
<i>Celtis occidentalis</i> COMMON HACKBERRY	2 1/2" Cal.
<i>Gleditsia triacanthos inermis</i> 'Skyline' SKYLINE HONEYLOCUST	2 1/2" Cal.
<i>Quercus bicolor</i> SWAMP WHITE OAK	2 1/2" Cal.
<i>Quercus coccinea</i> SCARLET OAK	2 1/2" Cal.
<i>Quercus imbricaria</i> SHINGLE OAK	2 1/2" Cal.
<i>Tilia americana</i> AMERICAN LINDEN	2 1/2" Cal.
<i>Tilia cordata</i> LITTLELEAF LINDEN	2 1/2" Cal.
<i>Ulmus carpinifolia</i> 'Homestead' HOMESTEAD SMOOTHLEAF ELM	2 1/2" Cal.



TYPICAL STREET
SCALE: 1"=20'

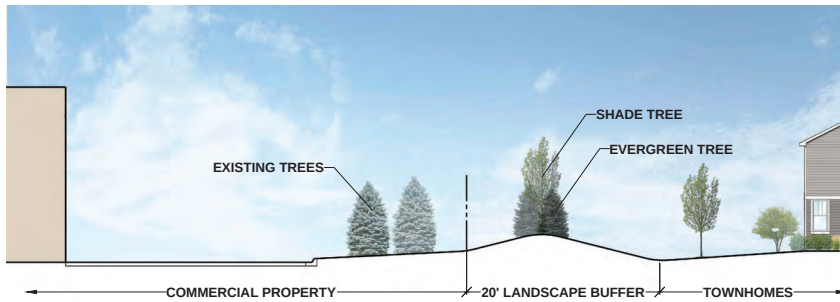
TYPICAL PARKWAY TREES SPACED 60 FEET ON CENTER, BUT NO CLOSER THAN 25'

STREET TREES
THE RESERVE AT PORTER'S VALE
VALPARAISO, INDIANA

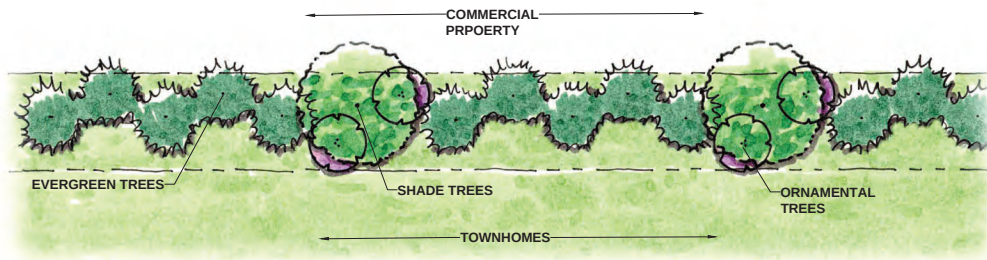
11/03/2021 PAGE 4 OF 11

LENNAR

GR
WA
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ASSOCIATES, INC.
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TECHNICAL CONSULTING
LANDSCAPE ARCHITECTURE
WWW.GRWAINC.COM
L:\Projects\2020\Reserve at Porter's Vale\04_Landscaping



SECTION A-A'
NOT TO SCALE

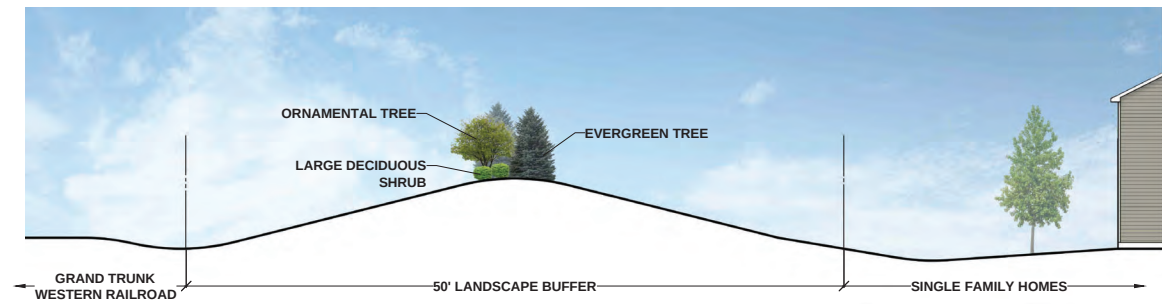


TYPICAL BUFFER
SCALE: 1"=20'

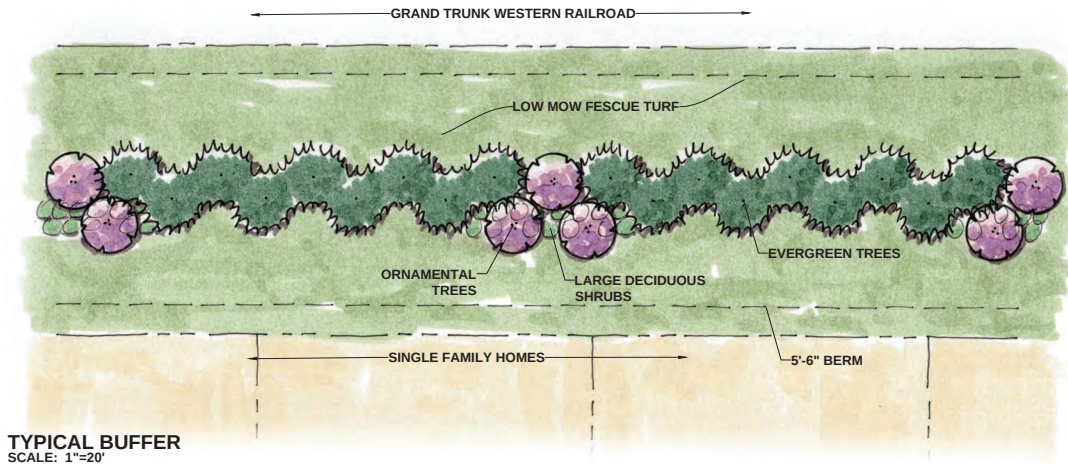


LOCATION MAP
SCALE: 1"=600'

Landscape Buffer	
Proposed	
% Opacity	±90%
Yard Width	20'
Large Trees	7 / 100 l.f.
Small Trees	2 / 100 l.f.



SECTION B-B'
NOT TO SCALE



TYPICAL BUFFER
SCALE: 1"=20'



LOCATION MAP
SCALE: 1"=600'

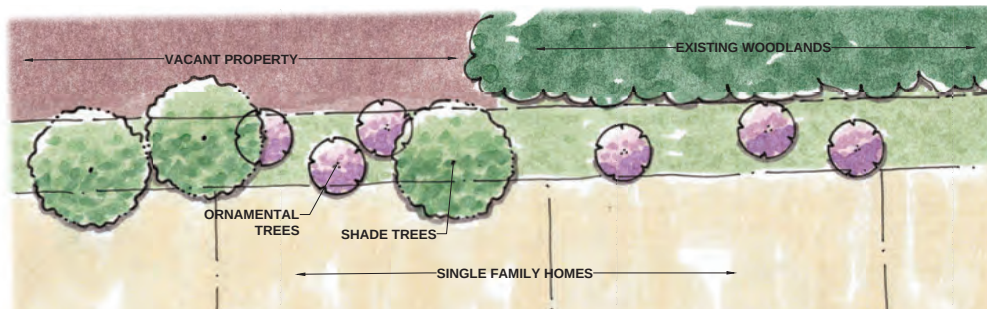
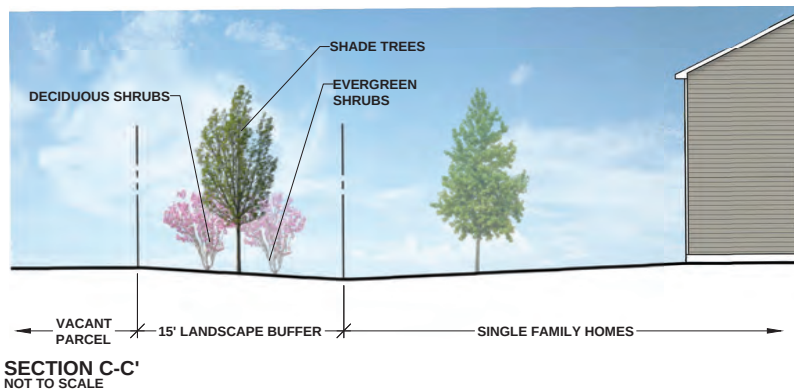
Landscape Buffer	
Proposed	
% Opacity	±100%
Yard Width	±60'
Large Trees	9 / 100 l.f.
Small Trees	3 / 100 l.f.
Shrubs	15 / 100 l.f.
Berm	5' - 6' Height

BUFFERYARD LANDSCAPING- ADJACENT TO RAILROAD THE RESERVE AT PORTER'S VALE VALPARAISO, INDIANA

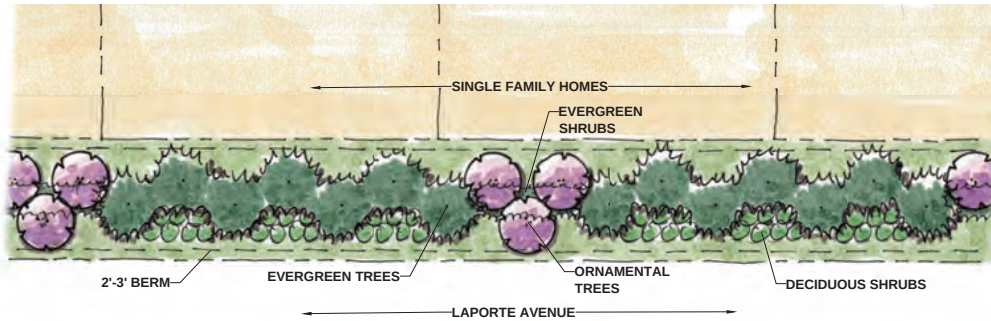
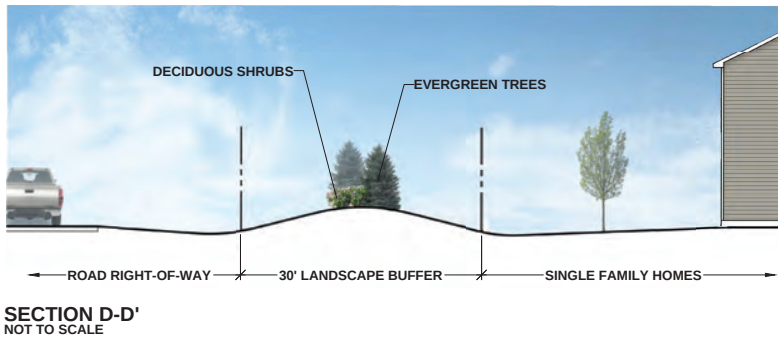
11/03/2021 PAGE 6 OF 11

LENNAR

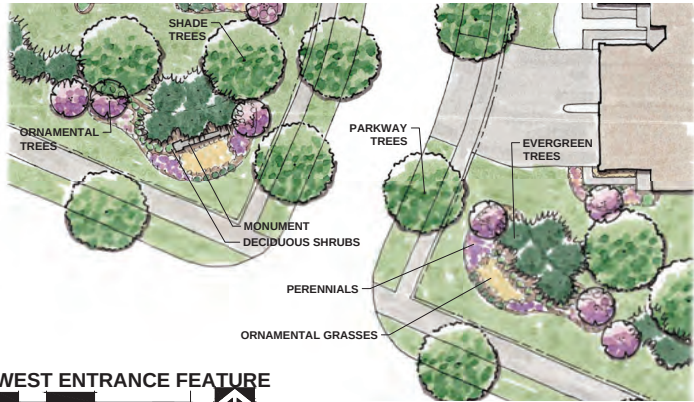
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LAND PLANNING
ARCHITECTURAL CONSULTING
LANDSCAPE ARCHITECTURE
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Landscape Buffer	
Proposed (Adjacent to Field)	
Yard Width	15'
Large Trees	3 / 100 l.f.
Small Trees	3 / 100 l.f.
Proposed (Adjacent to Existing Woods)	
Yard Width	15'
Small Trees	3 / 100 l.f.



Landscape Buffer	
Proposed	
Yard Width	25'
Large Trees	7 / 100 l.f.
Small Trees	3 / 100 l.f.
Shrubs	35 / 100 l.f.
Berm	2' - 3' Height



WEST ENTRANCE FEATURE
 0 10' 20' 40'
 SCALE: 1"=20' NORTH



EAST ENTRANCE FEATURE
 0 15' 30' 60'
 SCALE: 1"=30' NORTH

PLANT LIST

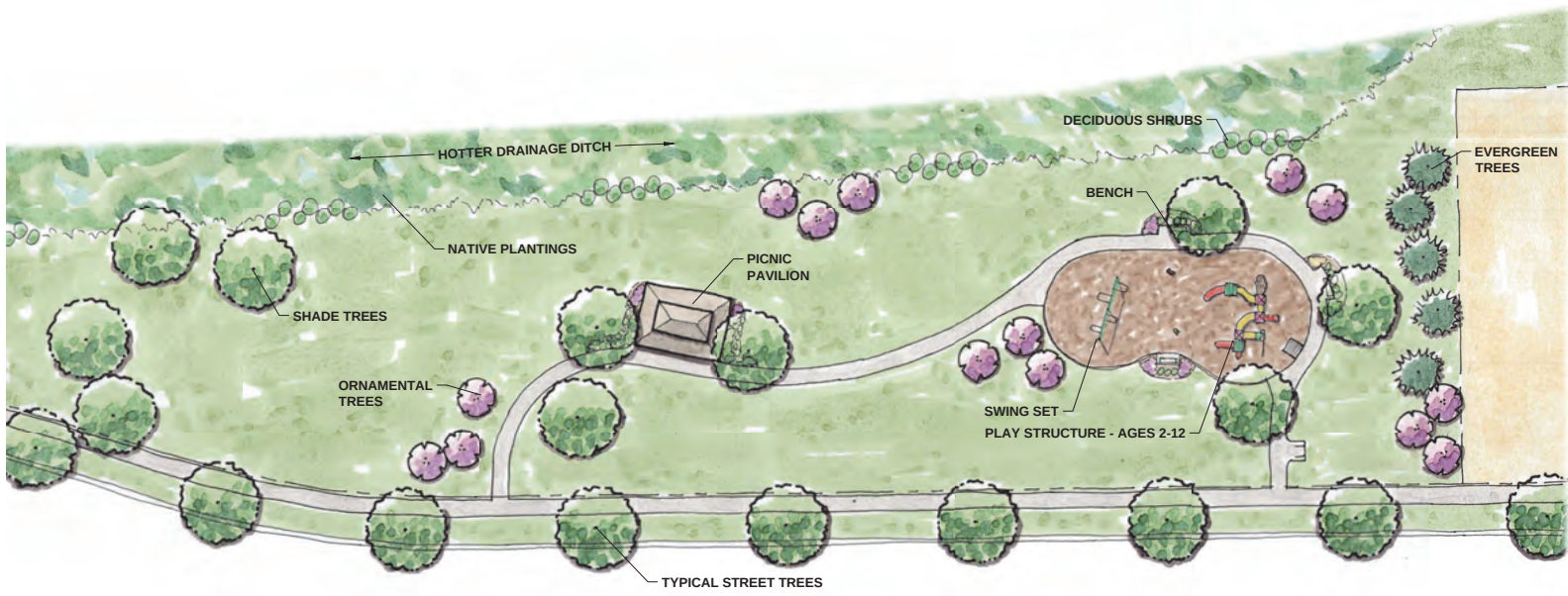
Botanical/Common Name	Size
SHADE TREES	
Acer x freemanii AUTUMN BLAZE MAPLE	3" Cal.
ORNAMENTAL TREES	
Amelanchier grandiflora APPLE SERVICEBERRY	8' Tall
Betula nigra RIVER BIRCH	6' Tall
EVERGREEN TREES	
Abies concolor WHITE FIR	6' Tall
Picea glauca 'Denata' BLACK HILLS SPRUCE	6' Tall
DECIDUOUS SHRUBS	
Cornus sericea 'Bailey' BAILEY'S REDTIG DOGWOOD	30" Tall
Syringa meyeri 'Palibin' DWARF KOREAN LILAC	24" Tall
Weigela florida 'Bramwell' FINE WINE WEIGELA	24" Tall
EVERGREEN SHRUBS	
Juniperus chinensis v. sargentii 'Viridis' GREEN SARGENT JUNIPER	24" Wide
Juniperus chinensis 'Kallay's Compact' KALLAY COMPACT PFITZER JUNIPER	24" Wide
PERENNIALS AND ORNAMENTAL GRASSES	
Calamagrostis x acutiflora 'Karl Foerster' #3 FEATHER REED GRASS	#3
Hemerocallis 'Happy Returns' HAPPY RETURNS DAYLILY	#1
Salvia nemorosa 'East Friesland' EAST FRIESLAND SALVIA	#1
Sporobolus heterolepis PRAIRIE DROPSEED	#1



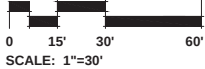
LOCATION MAP
 SCALE: 1"=600'



MONUMENT ELEVATION
 NOT TO SCALE



PARK PLAN



PARK FEATURE
 THE RESERVE AT PORTER'S VALE
 VALPARAISO, INDIANA

11/03/2021 PAGE 10 OF 11

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 GARY R. WEBER
 ASSOCIATES, INC.
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 TECHNICAL CONSULTING
 LANDSCAPE ARCHITECTURE
 WWW.GRWAINC.COM



RED OAK



LITTLELEAF LINDEN



APPLE SERVICEBERRY



HERITAGE RIVER BIRCH



BLACK HILLS SPRUCE



ARCTIC FIRE DOGWOOD



SUMMER WINE NINEBARK



DWARF KOREAN LILAC



KALLAY'S COMPACT JUNIPER



BLUE PACIFIC JUNIPER



FEATHER REED GRASS



PRAIRIE DROPSEED



BLUE WONDER CATMINT



RUSSIAN SAGE



CREeping LILYTURF

*PLANT SPECIES TO BE LABELED ON FINAL LANDSCAPE PLAN. PLANT PALETTE DOES NOT INCLUDE ALL PLANTS THAT WILL BE ON FINAL PLANS.

PLANT PALETTE
THE MANORS AT VALE PARK
VALPARAISO, INDIANA

The Siena
1,866 sq ft



LENNAR

The Ridgefield
2,171 sq ft



LENNAR

The Victoria
2,282 sq ft



LENNAR

The Brooklyn
2,448 sq ft



LENNAR

The Galveston
2,612 sq ft



LENNAR

The Raleigh
2,907 sq ft



LENNAR

The Darcy-End
1,717 sq ft



The Marianne
1,767 sq ft



The Charlotte
1,840 sq ft



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LENNAR

THE
RESERVE
AT
PORTER'S VALE
PUD

A PLANNED UNIT DEVELOPMENT



LENNAR®

TABLE OF CONTENTS

ORDINANCE No. _____, 2022	1
SCHEDULE 1	3
Section 1. Legislative Intent.....	4
Section 2. Applicability of PUD Ordinance.....	4
Section 2.1. Official Zoning Map.....	4
Section 2.2. Controlling Ordinance.....	5
Section 2.3. Platting Exception.	5
Section 2.4. Conflict.....	5
Section 3. Permitted Uses.....	5
Section 4. Density and Intensity.....	6
Section 5. General Development Standards.....	7
Section 6. Open Space.....	8
Section 7. Proposed Restrictive Covenants.....	8
Section 8. Water/Sewer and Utilities Facilities.....	8
Section 9. Environmental Areas.....	9
Section 10. Public Streets.....	9
Section 11. Sidewalks and Pathways.	10
Section 12. Street Lighting.....	10
Section 13. Storm Water Management.	10
Section 14. Soil Erosion Plan.....	10
Section 15. Landscape Plan.....	10
Section 16. Parking.	11
Section 17. Development Standards.....	11
Section 18. Preliminary Development Plan Approval.	12
Section 19. Secondary Development Plan Approval.	12
Section 20. Phasing of Secondary Development Plan.	13
Section 21. Design Waivers to Specific Development Standards.....	13
Section 22. Alterations.	14
Section 23. Deviations from PUD Standards	14
Section 24. Development Schedule.....	15

Section 25.	Park Impact Fees.	15
Section 26.	Other Ordinances.....	15
Section 27.	Severability.....	16
Section 28.	Definitions.....	16
Section 29.	Effective Date.....	16

DRAFT

ORDINANCE No. _____, 2022

**ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF
VALPARAISO, INDIANA, REZONING PROPERTY FROM URBAN
RESIDENTIAL (UR) DISTRICT, GENERAL RESIDENTIAL (GR)
DISTRICT AND COMMERCIAL, GENERAL (CG) DISTRICT TO PUD,
PLANNED UNIT DEVELOPMENT, KNOWN AS "The Reserve at Porter's
Vale"**

WHEREAS, on September 14, 2021, Lennar Homes of Indiana, Inc. 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 _____, 20__ consistent with proper notice, Lennar Homes of Indiana, Inc. presented a rezoning Petition 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. The Reserve at Porter's Vale 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 Reserve at Porter's Vale 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 _____, 2022, 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 _____, 2022.

Holly Taylor, Clerk-Treasurer

Presented by me to the Mayor of the City of Valparaiso, Indiana, this ____ day of _____, 2022 at the hour of ____ o'clock p.m.

Holly Taylor, Clerk-Treasurer

This Ordinance approved and signed by me this ____ day of _____, 2022 at the hour of ____ o'clock p.m.

Matthew R. Murphy, Mayor

SCHEDULE 1

TO

ORDINANCE NO. _____, 2022

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF VALPARAISO, INDIANA, REZONING PROPERTY FROM URBAN RESIDENTIAL (UR) DISTRICT; GENERAL RESIDENTIAL (GR) DISTRICT; AND COMMERCIAL, GENERAL (CG) DISTRICT TO PUD, PLANNED UNIT DEVELOPMENT, TO BE KNOWN AS THE "THE RESERVE AT PORTER'S VALE PUD DISTRICT"



LENNAR®

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. 5, 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 AProcedures and Administration for Planned Unit Development Approval@ that The Reserve at Porter's Vale 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 community being proposed which consists of a subdivision including a mix of single-family residences and traditional townhomes is a good land use believed to be in the best interest of the City of Valparaiso; (ii) to encourage the use of innovative and unique land development techniques in the design of the District; (iii) 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 (iv) 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. Applicability of PUD Ordinance.

Section 2.1. Official Zoning Map. 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	Urban Residential (UR) District;
The Reserve at Porter's Vale PUD District Ordinance	

Classifications:

General Residential (GR) District;
Commercial, General (CG) District

The Official Zoning Map, a part of the Unified Development Ordinance, is hereby amended to designate the Property as a Planned Unit Development District (“PUD”) known as The Reserve at Porter’s Vale Planned Unit Development District.

Section 2.2. Controlling Ordinance. Development of the Property shall be governed entirely by the provisions of this The Reserve at Porter’s Vale PUD Ordinance except to the extent reference is made to the Unified Development Ordinance. 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. When there is reference to the Unified Development Ordinance in this The Reserve at Porter’s Vale PUD Ordinance, then only the provisions of the Unified Development Ordinance so referenced, as are in effect under the Unified Development Ordinance (as defined in Section 3.2 as the Unified Development Ordinance exists on the date of this PUD Ordinance, not including any subsequent amendment or revision) shall be applicable to the Development. After the enactment of this The Reserve at Porter’s Vale PUD Ordinance, improvements and construction within the Development shall not be governed, in whole or in part, by any future overlay district regulations that may include any part of the Development.

Section 2.3. Platting Exception. This The Reserve at Porter’s Vale PUD Ordinance shall control whether or not any land within a District shall be required to be platted and under what circumstances the approval of subdivision plats are required. The approval of Development Plans, when required by this The Reserve at Porter’s Vale PUD Ordinance, shall be in compliance with the provisions of this The Reserve at Porter’s Vale PUD Ordinance, except the Townhome portion of the District is not required to be separately platted if the Developer proceeds as a condominium development, which shall be governed by Indiana Code Section 32-25.

Section 2.4. Conflict. In the event of a conflict between this The Reserve at Porter’s Vale PUD Ordinance and the Unified Development Ordinance or the Subdivision Regulations, the provisions of this The Reserve at Porter’s Vale PUD Ordinance shall apply. Any conflict between the narrative terms of this The Reserve at Porter’s Vale PUD Ordinance and Exhibit B, the Site Improvement Plans, the Site Improvement Plans shall govern and control.

Section 3. Permitted Uses. The Reserve at Porter’s Vale PUD District (which may sometimes be referred to herein as the District) is proposed for development as shown and depicted on a draft development plan of the District anticipated by Section 15.503 (hereinafter the Concept Plan). The Concept Plan is attached hereto as Exhibit B and incorporated herein by reference.

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

Single Family
Single-Family Cluster
Single Family Attached
Planned Residential Development
Multifamily
Townhomes
Sales Office

- (b) The District is approximately 79.32 acres and depicted on the Concept Plan attached hereto and incorporated herein as Exhibit "B".
- (c) Townhome area of the Development is anticipated to be platted lots with each home within the Townhome structure on a separate lot with zero side lot lines on most lots and maintenance free living with a homeowners association maintaining exterior yards and landscaping, among other services and amenities. The side yard standard shall be from the foundation of the building structure (the end unit) to the lot line with a common wall between internal Townhome units.
- (d) If a proposed use is not listed hereinabove or if the classification of the use is ambiguous, then the Administrator 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. Density and Intensity. The District may be improved with a total of Two HUNDRED AND ELEVEN (211) total homes, including ONE HUNDRED (100) single family detached homes and ONE HUNDRED AND ELEVEN (111) Townhome units, subject to the terms for alternative plans, or other modifications set forth in this PUD Ordinance. The Concept Plan shows the general and anticipated locations of the streets, open space, and home locations. All requirements of the Unified Development Ordinance for density and intensity are achieved or relaxed.

Section 5. General Development Standards. All requirements of the Unified Development Ordinance relating to General PUD Development Standards set forth in §11.802 are satisfied by the Concept Plan:

- a) **Parcel Setbacks.** Buildings shall be set back from all lots lines that dividing land inside the PUD from land zoned or used for residential purposes outside the PUD as follows:
 - 1. 25 feet, plus one foot for each two feet or fraction thereof that the building exceeds 30 feet in height, or
 - 2. The width of the buffer required by Division 10.400, Bufferyard Requirements, whichever provides the greatest setback.
- b) **Site and Structures.** Site and structure regulations for PUDs shall demonstrate compliance with the following:
 - 1. Plot and lot sizes, dimensions, and structure heights, and locations may be freely disposed and arranged in conformity to the overall density standards recommended by the Plan Commission and are set forth in this PUD Ordinance.
 - 2. A minimum of 30-foot front yard setback shall be provided on LaPorte Avenue which is the only highway or thoroughfare designated as arterial or collector on the Official Intermodal Transportation Plan.
 - 3. Every residential dwelling unit shall have access to a public street, court, cul-de-sac, walkway, or other area dedicated to public use or subject to an easement for access. The boundaries and extent of the lot or plot upon which any single unit detached or attached dwelling is located shall be clearly defined and monumented.
 - 4. Right-of-way and pavement widths for internal ways, streets, and alleys shall be determined from sound planning and engineering standards in conformity with the estimated needs of the full development proposed and the traffic to be generated, and shall be adequate and sufficient in size, location and design to accommodate the maximum traffic, parking and loading needs and the access of fire-fighting equipment and other emergency vehicles.
- c) **Utilities.** Public water and sanitary sewer lines shall be furnished to the PUD District based on agreement with the appropriate municipal officials. The Developer shall provide all necessary storm drainage, highway access, paved

alleys, parking facilities, fire hydrants, off-street lighting and other public improvements deemed necessary by the City, and shall make reasonable provision for service to the connections with adjoining properties in other ownership.

Section 6. Open Space. The minimum total aggregate Open Space shall be forty percent (40%) of the District. Open Space areas shall be designated during the Preliminary Development Plan approval process and approved during the Secondary Development Plan approval process.

- a. No homes shall be permitted in the Open Space as identified on the Development Plan. Wetlands have been delineated and no development will occur in the regulated areas or requirement of site specific individual permits from the US Army Corps of Engineers or any other federal, state or local agency, body or group. The significant environmentally sensitive features or areas within the District have been protected.
- b. Open Space shall be used for social, recreational, rain water harvesting, storm water management and/or environmental preservation purposes. The use authorized must be appropriate to the character of the Open Space, including its topography, size, and vegetation.
- c. Open Space containing existing attractive or unique natural features, such as streams, creeks, ponds, woodlands, specimen trees, and other areas of mature vegetation worthy of preservation shall be developed as regional storm water and in a natural state. Developer may make improvements such as the cutting of trails for walking or jogging, the provision of picnic areas, removal of dead or diseased trees, thinning of trees or other vegetation to encourage more desirable growth, and grading and seeding.
- d. Open Space may be used for public and semi-public recreation, social and educational purposes.

Section 7. Proposed Restrictive Covenants. The Reserve at Porter's Vale District shall be made subject to certain covenants, restrictions, conditions, reservations, easements, charges and liens to promote the orderly development of the District and to provide for the maintenance of designated Open Space or common areas within the District by the owner of each Lot or home, as the case may be, in a fair *pro rata* method of assessment.

Section 8. Water/Sewer and Utilities Facilities. No construction shall be permitted in the District that relies on well water for potable water and a private septic system for sewage disposal. Sanitary sewer collection systems may employ the E/One small diameter pressure system or traditional gravity systems or a combination of both. Water, natural gas, sewer and utilities facilities may be located within buffer yards, landscape easements, sidewalk or pathway/walkway system easements and other similar required landscape yards or reserved areas.

All new utility facilities, including sanitary sewer, water, telephone, cable and electrical systems, but excluding high voltage electrical transmission lines which are impracticable to be underground (as determined by the applicable service provider and approved by the City Engineer), constructed within the Development after the effective date of The Reserve at Porter's Vale PUD Ordinance are required to be underground. This includes distribution as well as transmission systems. Appurtenances to these systems that can be screened may be excepted from this requirement if the Administrator determines that such exemption will not violate the intent or character of The Reserve at Porter's Vale PUD District.

Section 9. Environmental Areas. There are no known environmental areas or features within the District, such as forested areas, streams, regulated drains ponds, lakes, dunes, or other environmental features or areas that are critical habitat for endangered species. The District does include the drainage ditch known as Hotter Drain and a known jurisdictional wetlands, which do not provide critical habitat for endangered species.

Section 10. Public Streets. All streets within The Reserve at Porter's Vale District shall be dedicated as public streets, and shall be laid out as shown on the Site Improvement Plan.

Section 10.1. The street layout and type (including right-of-way and curbing) within the each District shall be as indicated on the Secondary Development Plan, adapted as appropriate to the topography, unique natural features and environmental constraints of the site. The street layout shall take into consideration the location of the community areas, Open Space areas and recreational areas. Streets shown on the Preliminary Development Plan may be eliminated or relocated as part of an approved Secondary Development Plan to consolidate blocks for development as long as there is no materially adverse impact on the flow of vehicular traffic within the District, no elimination of required Open Space, and no interference with the proper functioning of drainage easements.

Section 10.2. All public streets within the District are to be constructed to the standards of the City of Valparaiso as applicable at the time of construction, for depth and materials and thereafter dedicated for public use following inspection and acceptance by City of Valparaiso officials. Pavement width, curb type and standards, street trees and plantings shall be consistent with the Site Improvement Plans. No construction of building improvements on any lot may occur prior to approval of the Preliminary Development Plan by the Plan Commission and issuance of all other required permits or approvals from any governmental authority. All City ordinances regarding the erection and placement of street signs shall be complied with or proper variances allowed if the Administrator determines that the purpose of the ordinance can be accommodated by alternative methods.

Section 10.3. The Site Improvement Plan depicts a right-of-way for the future extension of a street to the real estate to the east of the District. Developer shall dedicate this right-of-way to the City for public use on the Preliminary Development Plan and

Secondary Development Plan; however, Developer shall not be obligated to build, construct or install any pavement or other infrastructure in this segment of public right-of-way.

Section 10.4. The street and road circulation within the District does not create any "T" intersections to existing public or private streets; therefore, no acceleration and deceleration lanes and tapers, or traditional entrance details and features shall be provided to the District.

Section 11. Sidewalks and Pathways. Sidewalks will be no less than five feet (5') wide and constructed in accordance with ADA standards. Sidewalks shall be provided on at least one side of all streets in all Districts, unless otherwise shown on the Development Plan and except that if an Open Space abuts a street, a path in such Open Space may be substituted for a sidewalk.

Section 12. Street Lighting. The Developer shall provide adequate electrical service to proposed street light locations as determined by the City Engineer.

Section 13. Storm Water Management. It is the intent of this PUD Ordinance to provide a storm water management system meeting the requirements of the Unified Development Ordinance and Stormwater Technical Standards Manual of the City of Valparaiso, except where the City Engineer and Administrator may provide for a design waiver or variance of the terms of the Manual or the Unified Development Ordinance. The three main goals of the storm water system are to attenuate storm water as much as possible, limit point source discharges, and improve water quality. Manmade and natural materials and/or techniques are encouraged.

Section 14. Soil Erosion Plan. The Secondary Development Plan for any portion of The Reserve at Porter's Vale 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 15. Landscape Plan. The Illustrative Site Plan (Exhibit "C" attached hereto) for the District shall be deemed to be a Landscape Concept and the Preliminary Development Plan shall include a more detailed Landscape Plan to include the number and location of plantings (including a species list) on a dimensioned plan of the overall site which shall be substantially consistent with Exhibit "D" incorporated herein. The Preliminary Development Plan (as substantially consistent with Exhibit "D") for the District of The Reserve at Porter's Vale PUD District shall satisfy the requirements of Articles 10 and 11 of the Unified Development Ordinance, including Division 10.600 Tree Protection, Division 10.700 Landscape Installation Requirements of the Unified Development Ordinance and all requirements for buffering (bufferyard requirements), screening, on-lot landscaping, plantings, or other general landscaping standards or requirements.

Section 16. Parking. Each home shall have a two (2) car garage. Developer shall endeavor to provide for four (4) parking spaces for each home, including garage, driveway and outside spaces, but in no event shall the overall parking for the Development have less than an average of 4.0 parking spaces per each home.

Section 17. Development Standards. The Reserve at Porter's Vale PUD District shall be developed and shall in all respects comply with all of the following development standards:

- (a) The following development standards found in Table 17 shall apply to the homes and lots within The Reserve at Porter's Vale PUD District:

Table 17 Development Standards						
Home Type	Min. Lot Size (Sq. Ft.)	Minimum Yards			Height (feet)	Max. Lot Coverage
		Front	Rear	Side/Ea.		
Single Family Detached Homes	8,750.	25'	25'	5'	30	40%
Townhomes	2,400 sq.ft./du	25'	20'	10'*	30	70%

* The side yard standard shall be from the foundation of the building structure (the end unit) to the lot line with a common wall between internal Townhome units. Interior lots shall have a zero lot line standard.

- (b) Other than the development standards set forth in Table 17 above, The Reserve at Porter's Vale PUD District shall comply with the development standards set forth in the Unified Development Ordinance (Suburban Residential (SR) District standards), with the following specific exceptions and those in conflict with the Concept Plan and other terms of this The Reserve at Porter's Vale PUD Ordinance. The specific exceptions are:
- (i) Townhomes (single family attached homes) are permitted.
 - (ii) Single Family Detached Home lot width shall be a minimum of seventy feet (70').
- (b) The Reserve at Porter's Vale PUD District shall be generally developed in accordance with the Concept Plan and specifically with the Secondary Development Plan(s) pursuant to Section 19 herein. To the extent that the Secondary Development Plan(s) is/are inconsistent with or different from the

development standards of the Unified Development Ordinance, the Concept Plan and Table 18 shall govern the standards for The Reserve at Porter's Vale PUD District.

Section 18. Preliminary Development Plan Approval. Before any improvement location permit can be issued for any improvement to be located in The Reserve at Porter's Vale PUD District, and/or before any construction or development of any kind can be commenced by Developer, or any successor or assign, within The Reserve at Porter's Vale PUD District, a Preliminary Development Plan approval request for any District (or any part thereof) within the Property shall be made to the Plan Commission in accordance with the procedure established in this The Reserve at Porter's Vale PUD Ordinance, or as otherwise established by the Plan Commission. The Preliminary Plan review includes general landscaping, parking, drainage plan, erosion control, signage, lighting, educational, directional signs, and building information. Plan Commission approval of the Preliminary Development Plan for all or a smaller or limited portion of the Development within the District where the work is proposed to be undertaken shall be provided upon a determination by the Plan Commission that (i) the Preliminary Development Plan is in accord with the Site Improvement Plan; and, (ii) the Preliminary Development Plan is otherwise in compliance with this The Reserve at Porter's Vale PUD Ordinance. Preliminary Development Plan approval and Secondary Development Plan approval may be sought simultaneously. If the Plan Commission determines that the Preliminary Development Plan is not in accord with the Site Improvement Plan or is not otherwise in compliance with this The Reserve at Porter's Vale Ordinance and denies the application for approval, the Plan Commission shall specifically detail in writing the basis for its belief that (i) the Preliminary Development Plan is not in accord with the Site Improvement Plan; or (ii) the Preliminary Development Plan is not otherwise in compliance with this The Reserve at Porter's Vale PUD Ordinance. An applicant who has been denied by the Plan Commission may immediately apply for approval of a new or amended Preliminary Development Plan. If the Plan Commission denies the Preliminary Development Plan, the Common Council may review and affirm, revise, modify or reverse that decision.

If the Common Council does revise, modify or reverse the denial by the Plan Commission of a Preliminary Development Plan, the Preliminary Development Plan shall be approved as revised, modified or reversed. If the Common Council affirms the denial by the Plan Commission of a Preliminary Development Plan, the Common Council shall specifically detail in writing its basis for its belief that (i) the Preliminary Development Plan is not in accord with the Site Improvement Plan or (ii) the Preliminary Development Plan is not otherwise in compliance with this The Reserve at Porter's Vale PUD Ordinance. An applicant who has been denied by the Common Council may immediately reapply for approval of a new or amended Preliminary Development Plan.

Section 19. Secondary Development Plan Approval. Before lots may be conveyed, sold, or homes within the District may be occupied, Developer shall first obtain the approval of a Secondary Development Plan for all or a smaller or limited portion of Development within the approved Preliminary Development Plan. Prior to the issuance of an improvement location

permit (building permit), Developer shall submit to the Administrator, a Secondary Development Plan which shall include all easements for rights-of-way for public services and utilities and any limitations on such easements, lot numbers and dimensions, an accurate outline of all property which is offered for dedication for public use with the purpose thereof indicated, and all property that may be reserved by deed covenant or restricted for the common use of property owners of the subdivision, certificate of approval, and a reference to the recordation of any restrictive or protective and/or Property Owners Association documents. The Administrator, in consultation with the City Engineer and Building Commissioner shall review the Secondary Development Plan. The Secondary Development Plan shall be in addition to, and not a substitution for, all state and local building code requirements for the issuance of an improvement location permit for the work proposed to be carried out as shown on the Secondary Development Plan. If the Secondary Development Plan complies with this Ordinance and the requirements of Unified Development Ordinance §15.503, the Administrator shall approve the Secondary Development Plan. If the Secondary Development Plan does not comply with one or more development standards, Developer may seek a design waiver to relax such standards pursuant to Section 21 of this PUD Ordinance.

The approved Secondary Development Plan drawing shall be signed by the Developer and the City and recorded in the same manner as a secondary plat of subdivision. A Secondary Development Plan may not be filed with the Porter County Auditor, and the Porter County Recorder may not record it, unless it has been granted secondary approval and signed and certified as required by Section 6.401 of the Unified Development Ordinance. The filing and recording of the Secondary Development Plan is without legal effect unless approved pursuant to this section.

Section 20. Phasing of Secondary Development Plan. Developer may submit a Secondary Development Plan or a Secondary Development Plan for all or only a portion of the District.

Section 21. Design Waivers to Specific Development Standards. At such time as Developer submits its Secondary Development Plan to the Administrator, the Administrator may also approve one or more Minor Alterations, or such other design waivers to the provisions of Unified Development Ordinance upon a determination that (a) the standard is unnecessarily burdensome; or (b) alternatives proposed by Developer satisfy the purpose and intent of the requirement sought to be relaxed and the public interest is otherwise protected. A design waiver shall not have the effect of nullifying the intent and purpose of any development standard. Developer may only seek a design waiver in conjunction with a Secondary Development Plan or a Preliminary Development Plan petition. If the design waiver is determined by the Administrator to be a Substantial Alteration to a proposed or approved Development Plan or critical development standard, in the sole discretion of the Administrator, the Administrator may refer the determination of a design waiver to the Plan Commission for approval. The Administrator, in consultation with the President of the Plan Commission, shall determine if the design waiver question shall be heard at a public hearing before the Plan Commission, after due notice. Nothing in this Ordinance shall prohibit or restrict the jurisdiction of the Board of Zoning Appeals to hear variances from any provision of the Unified Development Ordinance or this PUD Ordinance. Except as provided in

the foregoing paragraph, all variances to development standards shall be the subject of a petition filed under IC 36-7-4-900 *et seq.* and Article 14 of the Unified Development Ordinance.

Section 22. Alterations.

- (a) **Minor Alteration.** After conferring with the President of the Plan Commission, any Minor Alteration to an approved plan may be reviewed and approved by the Administrator. Minor Alterations are limited to approvals governed by Architectural Design Standards or Landscaping Standards unless otherwise designated by the Plan Commission. All Minor Alterations approved by the Administrator must be in compliance with the standards contained in this The Reserve at Porter's Vale PUD Ordinance. The preceding process shall be appropriate to deviate from the number and/or type of homes allowed in Section 4 and homes shown on the Concept Plan and Site Improvement Plan as long as the deviation results in a change of more or less of ten percent (10%) of the number or type of homes.
- (b) **Substantial Alteration or Alternative Plan.** The Plan Commission, upon petition of a Developer at a public hearing conducted per the rules of the Plan Commission, may approve a Substantial Alteration, which may include a development standard or an alternate plan that is not included in, or is different from, those set forth in this The Reserve at Porter's Vale PUD Ordinance or which is different than previously approved by the Plan Commission, so long as the Plan Commission determines that such addition or modification (i) would not substantially affect the integrity of the Site Improvement Plan for the Development, (ii) is appropriate for the site and its surrounding and (iii) is compatible and consistent with the intent of the stated standards or Site Improvement Plan. Any Substantial Alteration to an approved plan must be reviewed and approved by the Plan Commission. The denial by the Plan Commission of a Substantial Alteration may be appealed to the City's Common Council.

Section 23. Deviations from PUD Standards. To the extent that the Concept Plan reflects a deviation of PUD design standards, the deviation or deviations from the PUD Design Standards of Division 11.800, PUD Design Standards shall be relaxed. Deviations from the PUD Design Standards shall be made a part of the approved Secondary Development Plan. 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.

Section 24. Development Schedule. The tentative and preliminary schedule of development for when construction of the infrastructure and building improvements is likely to occur is as followings:

Phase 1 – First priority will be the extension of infrastructure, utilities and public improvements, including storm water management features to serve the Development. Phase 1 will commence upon the approval of the PUD District, and the issuance of all governmental permits for the Development.

Phase 2 – The second priority is the establishment of saleable lots and platting lots with home construction on the single family lots to commence on the southern portion and continue northerly as construction and market conditions permit. Phase 2 is anticipated to commence prior to or shortly following the conclusion of the completion of Phase 1.

Phase 3 – The third priority is the creation of the Townhome area of the Development which is anticipated to be platted lots as shown on the Concept Plan.

Phase 4 – Developer may seek to amend this PUD Ordinance with the addition of other real estate anticipated to be owned by Developer which is contiguous to or in close proximity to the District. The master planning for the District is not complete and development schedule is uncertain at this time and will be dependent upon the launch of Phases 1, 2 and 3.

Nothing in this section shall create an obligation or duty of Developer to commence construction or maintain an agreed upon schedule, but this estimate is provided to inform the City of the Developer's expectations of needs for services from the City during the development and construction of the projects. This schedule is subject to changes and modifications of Developer's sole and absolute discretion. Nothing in this PUD Ordinance shall create an obligation or duty of Developer to add or annex other real estate into the District established by this PUD Ordinance.

Section 25. Park Impact Fees. The development of The Reserve at Porter's Vale District shall comply with and all fees imposed by Ordinance No. 10, 2020, the Equitable Impact Fee for the Purpose of Planning and Financing Park and Recreational Infrastructure to Serve New Development adopted August 24, 2020 shall be paid in accordance with said ordinance.

Section 26. Other Ordinances. Any Ordinance of the City of Valparaiso in conflict with the provisions of any Ordinance is hereby superseded by this Ordinance. Subject to the foregoing, the passage and approval of this Ordinance shall not in any way except the owner of

any land in The Reserve at Porter's Vale PUD District from compliance with the provisions of any and all other applicable ordinances of the City of Valparaiso.

Section 27. 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 28. Definitions. Capitalized words in this Ordinance and not specifically defined herein shall have the meaning set forth in the Unified Development Ordinance.

Section 29. Effective Date. 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.

EXHIBIT LIST

- A-1 - Legal Description
- A-2 - The PUD District
- B - Concept Plan
- C - Illustrative Site Plan – Landscape Concept Plan
- D - Definitions

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
Katie L. Kopf
Hoeppner Wagner & Evans LLP
103 E. Lincolnway
Valparaiso, Indiana 46383



X:\Lennar Homes of Indiana 19691\79.32 Acres-Hwy 2 -2\File Documents\PUD Document Submission 11-8-2021\PUD Ordinance 2021-11-05.docx

Exhibit A-1

Legal Description

One acre of land being 100 feet in width East and West by 435.6 feet in length North and South out of the Southwest corner of the following described real estate to-wit: Beginning at the Northeast corner of the Southeast $\frac{1}{4}$ of Section 20, Township 35 North, Range 5 West of the Second Principal Meridian; thence running South 22 rods to the center of the Valparaiso-LaPorte Road; thence Westerly along the center of said road 57.5 rods; thence North 29 rods to the North line of the Southeast Quarter of said Section 20; thence East to the place of beginning.

Also:

A parcel of land described as beginning at the Northeast corner of the Southeast $\frac{1}{4}$ of Section 20, Township 35 North, Range 5 West of the Second Principal Meridian; thence south 22 rods to the center of the Valparaiso-LaPorte Road; thence Westerly along the center of said road 57.5 rods; thence North 29 rods to the North line of said $\frac{1}{4}$ section; thence East to the place of beginning; EXCEPTING therefrom 1 acre in the Southwest corner thereof, 100 feet in width, East and West, by 435.6 feet in length North and South.

Also:

The East $\frac{1}{2}$ of the Northeast $\frac{1}{4}$ of Section 20, Township 35 North, Range 5 West of the Second Principal Meridian, EXCEPT a parcel described as beginning at the Southwest corner of said tract; thence North 60 rods; thence East 22.75 rods; thence South 60 rods; thence West 22.75 rods to the place of beginning. AND EXCEPT the part of said East $\frac{1}{2}$ of the Northeast $\frac{1}{4}$ lying North of the south line of the Chicago, Grand Trunk and Western Railway. ALSO EXCEPTING any part of the E $\frac{1}{2}$ of the Northeast $\frac{1}{4}$ that was platted to Porters Vale Shopping Center.

Also:

A parcel of land 10 rods square out of the Northwest corner of the West $\frac{1}{2}$ of the Southwest $\frac{1}{4}$ of Section 21, Township 35 North, Range 5 West of the Second Principal Meridian.

Also:

A parcel of land in the Southwest $\frac{1}{4}$ of Section 21, Township 35 North, Range 5 West of the Second Principal Meridian, in Porter, County, Indiana, described as follows: Beginning 256.08 feet south from the Quarter post of the West line of

said Section 21, and running thence South 104.94 feet; thence North 82 ½ degrees East, 104.94 feet; thence North 104.94 feet; thence south 82 ½ degrees West, 104.94 feet to the place of beginning.

DRAFT

Exhibit A-2
The PUD District

DRAFT

EXHIBIT B

Concept Plan



EXHIBIT C
Illustrative Site Plan – Landscape Concept Plan

DRAFT

Exhibit D Definitions

"Administrator" shall mean the official in charge of the Plan Commission Staff or the Executive Director of the Plan Commission and authorized to administer and enforce the Unified Development Ordinance.

"Developer" means Lennar Homes of Indiana, Inc., an Indiana corporation, its successors and assigns, until such time as Developer transfers its rights as Developer. Such rights may be transferred in whole or in part. To transfer all or any portion of its rights as Developer, it may (i) name each individual owner of real estate within the Development as Developer solely with respect to the real estate owned by each such individual owner; (ii) establish a committee of individual owners of the real estate within the Development to act as Developer with respect to the real estate owned by all such owners, or (iii) use either method described in (i) and (ii) above with respect to different areas within the Development.

"Development" means the project anticipated, planned, or constructed on the real estate described herein (and includes all references to the real estate) by the Developer.

"Development Plan" shall mean one or both of the Preliminary Development Plan and/or the Secondary Development Plan.

"Minor Alteration" shall mean any change to a proposed or approved Development Plan of any type that involves the revision of less than ten percent (10%) of the plan's total area or approved materials.

Multifamily means buildings that contain three or more condominium or rental apartment units (subject to long-term leases) that share one or more common entrances. Boarding houses, dormitories, fraternities, sororities, bed and breakfast establishments, duplexes, twin homes, hotels and motels are not included in this definition.

"Plan Commission" shall mean the advisory Plan Commission for the City of Valparaiso.

"Planned Residential Development" means a residential development that consists of a variety of lot sizes and more than one housing type.

"Single-Family Attached" means all attached dwelling units except multiplex and multifamily. The phrase includes twin homes, duplexes, and all types of Townhomes.

“Single-Family Detached” (also called "Single-Family") means dwelling units that are:

1. Constructed on individual lots;
2. Separated from each other by outside walls; and
3. Intended for the use of a single housekeeping unit.

“Single-Family Cluster” means single-family detached units that are developed on lots that are platted in a subdivision that includes common open space that meets or exceeds the standards set out in the Unified Development Ordinance.

"Substantial Alteration" shall mean any change to a proposed or approved Development Plan of any type that involves the revision of ten percent (10%) or more of the plan's total area or approved materials.

“Townhome” shall mean a single-family attached dwelling unit, with a single unit going from ground to roof and with individual outside access.



CITY OF VALPARAISO

Planning Department | 166 Lincolnway | Valparaiso, IN 46383 | (219) 462-1161

PLAN COMMISSION APPLICATION PACKET

For Office Use Only:

CHECK #: _____ RECEIPT #: _____

This packet contains the application and instructions to petition the Valparaiso Plan Commission for a variety of approvals as required under Valparaiso's Unified Development Ordinance (UDO) and state law.

The Petitioner must provide a complete application, required fee, and all associated documents for the petition by the deadline. Late or incomplete petitions will be placed on the agenda for the following month. If you need help completing this form or would like a copy of the application in an alternative format, please call the Planning Department at (219) 462-1161.

2022 MEETING DATES & DEADLINES

The City of Valparaiso Plan Commission generally meets at 5:30 PM, on the first Tuesday of each month at Valparaiso City Hall, 166 Lincolnway, Valparaiso, IN 46383. You must file your petition no later than the close of business on the appropriate date listed below. The office hours of the City of Valparaiso Planning Department are from 8:30 AM to 4:30 PM, Monday through Friday.

APPLICATION DEADLINE	PUBLIC NOTICE DEADLINE	PROOF OF NOTICE DEADLINE	MEETING DATE
December 3rd, 2021	<i>December 25th, 2021</i>	<i>December 28th, 2021</i>	January 4 th , 2022
December 31st, 2021	<i>January 25th, 2022</i>	<i>January 22nd</i>	February 1 st , 2022
January 28th, 2022	<i>February 22nd</i>	<i>February 19th</i>	March 1 st , 2022
March 4th, 2022	<i>March 29th</i>	<i>March 26th</i>	April 5 th , 2022
April 1st, 2022	<i>April 26th</i>	<i>April 23rd</i>	May 3 rd , 2022
May 6th, 2022	<i>May 31st</i>	<i>May 28th</i>	June 7 th , 2022
June 3rd, 2022	<i>June 28th</i>	<i>June 25th</i>	July 5 th , 2022
July 1st, 2022	<i>July 26th</i>	<i>July 23rd</i>	August 2 nd , 2022
August 5th, 2022	<i>August 30th</i>	<i>August 27th</i>	September 6 th , 2022
September 2nd, 2022	<i>September 27th</i>	<i>September 24th</i>	October 4 th , 2022
September 30th, 2022	<i>October 25th</i>	<i>October 22nd</i>	November 1 st , 2022
November 4th, 2022	<i>November 29th</i>	<i>November 26th</i>	December 6 th , 2022
December 2nd, 2022	<i>December 27th</i>	<i>December 24th</i>	January 3 rd , 2023

FILING PROCEDURE & PETITIONER CHECKLIST

Step 1: Pre-Application Conference

At least one week prior to the intended filing of the petition, the petitioner must discuss the project with Planning staff to review requirements, submittals, procedures, deadlines, and hearings. Contact the Planning Department by phone at 219-462-1161 to speak with staff.

Step 2: Complete & Submit Application

Use the following checklist to assemble your application and contact the Planning Department with any questions.

- ☐ **Completed Application & Checklist**
- ☐ **Application Fee** – Submit fee with one completed copy of the application to the Clerk-Treasurers Office by 4:00 PM on or before the deadline. Meeting dates and deadlines are on p. 1 of this packet and the fee schedule is on p. 4.
- ☐ **Affidavit of Consent of Property Owner** – Submit only if the applicant is not the property owner.
- ☐ **Vicinity Map** – Provide a map identifying the subject property within the City of Valparaiso with major street labeled. At the very least, all parcels within 300' of the subject property should be represented.
- ☐ **Site Plan/Concept Plan** – Provide a site plan with the entire layout of the property and all items related to the petition clearly shown. The site plan shall also include all present and proposed buildings, structures, parking areas, location and name of all adjacent streets and roads (whether public or private) and a north arrow. Easement information must also be provided if easements exist or proposed on the property in question.
- ☐ **Written Description of the Project** – Please provide a brief written description of the proposed project. The written description allows the public, the Plan Commission, and planning staff to better understand the proposed project.
- ☐ **Commitments/Restrictions/Covenants.** – Proposed Commitments/restrictions/covenants for the property or subdivision must be provided for reference if the petitioner intends to require them as a condition of sale or development of property.
- ☐ **Legal Description** – A legal description for the property must be included, either in the space provided or attached. The legal description can be found on the deed of the property or potentially within the recorded mortgage. The abbreviated version of the legal description on the property tax bill is sufficient if the full legal description is not readily available.
- ☐ **Surrounding Property Owners List** – If a public hearing is required (see list on p. 5), you must provide the names and addresses of all the property owners within 300 feet in all directions from the subject parcel, including those owned by the City, State, or other governmental unit. You can identify these property owners using [Porter County's web map](#) following [instructions on the city website](#).
- ☐ **Letter to Surrounding Property Owners** – If a public hearing is required, you must prepare notice to property owners within a 300-foot radius of the project's parcel boundaries. Complete your draft letter for planning staff review using the sample notice to surrounding property owners on p. 10 of this application. The notice must include the basic information as indicated in the sample, explaining the petition in clear, simple language. Also provide a site plan, map, and/or any illustrations that will help the surrounding property owners understand the petition.
- ☐ **Annexation Documentation (If applicable)** – If the petition is submitted for an annexation request, refer to the [annexation application requirements sheet](#) in addition to this information.
- ☐ **Supporting Documents** – Please include any additional documents such as images, plans, elevations etc. that will assist the Plan Commission to evaluate your petition. Other items may be required for your petition if specified in the [UDO](#).

Step 3: Staff Review Prior to Notification

- ☐ Planning staff will review the submitted application for completeness and clarity and schedule the request for the following Plan Commission meeting date. If it is determined that the application is incomplete, planning staff will notify you of the missing or incomplete items.

Step 4: Notify the Public (for petitions that require public hearings only)

- ☐ **Notification by Newspaper** - After it is determined that your application is complete, Planning Staff will submit a Public Hearing Notice in compliance with applicable state law to the Northwest Indiana Times Newspaper. The cost for publication and a proof of publication will be mailed to the Petitioner listed on the Petition. Payment of the bill is the responsibility of the Petitioner. Failure to pay the publication cost may constitute grounds for revoking any approvals or being removed from the requested Plan Commission meeting agenda. Following Indiana Code, the notice will appear once, a minimum of ten (10) days prior to the meeting date.
- ☐ **Surrounding Property Owner Notification** - Once planning staff has reviewed your draft letter and surrounding property owner list to and finds it to be complete, you must send the letters out to all the property owners using either certified mail (green cards) or certificates of mailing (white slips) by the public notice deadline (p.1). If any property owner does not receive timely notice, your request may be denied, delayed, or potentially revoked at some later date. After mailing your notices, provide proof of notice to planning staff by the proof of notice deadline. Proof of notice may be copies or images of the green certified mail cards or white certificate of mailing slips postmarked by the public notice deadline.
- ☐ **Onsite Notification Sign** – Planning staff will place one or more signs on the subject parcel in a conspicuous location at least ten (10) days prior to the scheduled public hearing for your requested action. Staff will collect the sign(s) immediately following the public hearing date listed on the sign. Do not remove the onsite notification sign for any reason without the permission of the Planning Director. If the sign is damaged or stolen, please contact the Planning Department so that a new sign may be placed on the property.
- ☐ **Affidavit of Proper Public Notice** – Because adequate public notice is so important for all petitions requiring public hearings, in addition to providing proof of notice, the Petitioner must also submit a copy of the Affidavit of Proper Public Notice for Public Hearing (p.11) after letters to surrounding property owners are sent but before the Proof of Notice deadline.

Step 5: Plan Commission Meeting

- ☐ Planning Department Staff will distribute all petitioner exhibits to the Board and post supporting documents on the City of Valparaiso website one (1) week prior to the meeting date.
- ☐ Either the petitioner or a representative of the petition must be present at the meeting to present the petition and address any relevant questions from the Board.
- ☐ If the petition requires a public hearing, the Plan Commission will provide the public the opportunity to comment on the petition.
- ☐ For matters requiring a public hearing, the Plan Commission typically postpones decision-making until the next regularly scheduled meeting unless the petitioner has specifically requested a suspension of the rules.

PLAN COMMISSION APPLICATION FEES

Plan Commission application types and associated fees are listed in the table below. Application Fees must be submitted to the Clerk-Treasurers Office by no later than 4:00 PM on the day of the posted deadline for the desired Plan Commission Meeting. Checks may be made out to the City of Valparaiso.

APPLICATION TYPE	APPLICATION FEE
Rezoning	\$150
Subdivision – Primary Plat	\$150 + \$10 per Lot
Subdivision – Amendment	\$100 + \$5 per Lot
Planned Unit Development (PUD)	\$500 + \$10 per Lot
Major Planned Unit Development (PUD) Amendment	\$250 + \$5 per lot
Minor Subdivision or Plat Amendment	\$150
Subdivision – Final Plat	\$100 + \$5 per Lot
Minor Planned Unit Development (PUD) Amendment	\$150
Annexation	\$500 + Cost of Fiscal Plan**
Design/Architectural Approval _____ Overlay District	\$150
Special Meeting Fee	\$1500
Text Amendment	\$250
Comprehensive Plan Amendment	\$250
Vacation – Property	\$100
Plat Committee Appeal	\$200

**The Plan Commission requires that all fiscal plans be prepared by a municipal advisor firm approved by the Planning Department. The applicant is solely responsible for the cost of the preparation of the fiscal plan. The fiscal plan must be submitted together with the applicant's petition for public hearing. The fiscal plan must comply with the requirements of Ind. Code § 36-4-3-13(d). **

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: _____ _____ _____	Subject Property fronts on the _____ side between (streets) _____ _____
Description of Location of Property: _____ _____ _____ _____	Zoning District (Current): _____ Zoning District (Proposed): _____ <u>Zoning of Adjacent Properties:</u> North: _____ South: _____ East: _____ West: _____
Parcel/Tax Duplicate Number: _____ _____ _____	Present Use of Property: _____ _____ _____
Subdivision (If Applicable): _____ _____	Proposed Use of Property: _____ _____ _____
Dimensions of Property: Front: _____ Depth: _____	
Property Area (sq. ft./acres): _____	

PETITIONER INFORMATION

Applicant Name: _____

Address: _____

Phone: __________

Email: _____

_____**PROPERTY OWNER INFORMATION**

Applicant Name: _____

Address: _____

Phone: __________

Email: _____

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

_____**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.

Signature of owner/Petitioner Date

Printed name

Subscribed and sworn to before me this ____ day of _____, _____.

Notary Public

My Commission Expires: _____

SURROUNDING PROPERTY OWNER LIST

List the name and address of all property owners who have received notification below
(Use additional sheets if necessary):

(Please Print)

Name

AddressThis image shows a single sheet of white paper with horizontal blue ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

Affidavit of Consent of Property Owner

(To be presented with application for Plan Commission)

_____, being dully sworn upon his/her oath, being of sound mind and legal age deposes and states:

1. That _____ ("Owner") (is/are) the legal owner(s) of real property that is the subject of a Petition before the Plan Commission.
2. That Owner authorizes _____ ("Petitioner") to seek the relief sought in the Petition filed before the Plan Commission. Petitioner is further authorized to commit to any reasonable restriction requested by the Plan Commission or proposed by the Petitioner.

Property Owner

Date

Property Owner

Date

Subscribed and sworn to before me this ____ day of _____, 20____.

Notary Public

My Commission Expires:

Date

SAMPLE NOTICE TO SURROUNDING PROPERTY OWNERS

Dear Property Owner:

I _____, owner or agent of the property at (address or location) _____
_____ filed a petition with the City of Valparaiso Plan Commission for (explain
petition) _____.

The legal description of this parcel is _____.

Plainly speaking, I am asking the Valparaiso Plan Commission to _____
_____.

A site plan illustrating the petition is included with this letter.

The Plan Commission will conduct a public hearing on this matter, Petition Number _____ on
_____ 20__ at 5:30 pm at Valparaiso City Hall, 166 Lincolnway in Council Chambers.

You are receiving this notice because you are a property owner within 300 feet of the parcel(s) under
consideration. You may submit your view on this matter in writing to the Planning Director before the hearing
date. Alternatively, you have the opportunity to be heard at the above-mentioned time of the Public Hearing.
All interested parties are invited to attend.

If you have questions about this petition or would like more information, please contact the City of Valparaiso
Planning Department.

Beth Shrader, Planning Director

Valparaiso City Hall

166 Lincolnway

Valparaiso, IN 46383

Phone: (219) 462-1161

e-mail: bshrader@valpo.us (all e-mails must include name, address, and telephone number)

Respectfully,

Insert Petitioner's Name

Affidavit of Proper Public Notice for Public Hearing

(To be presented to Plan Commission staff or attorney at Public Hearing)

_____, being dully sworn upon his/her oath, being of sound mind and legal age deposes and states:

1. That he/she is the _____ (agent, attorney, owner) of the property described in the attached notice which an application for a variance has been filed before the Board of Zoning Appeals of the City of Valparaiso, Indiana

2. That on the ____ day of _____, _____, did mail at least ten (10) days prior to the scheduled Public Hearing, postage paid, by certified mail, returned receipt requested, a letter explaining the proposed change, time, date and place of hearing and attached hereto, to all of the property owners within three hundred (300) feet from the lot lines of described real estate, as follows.

(Please attach legal description)

List the name the address of all property owners who have received notification below:

(Please print)

Please Attach a copy of the Surrounding Property Owners List.

Petitioner

Date

Subscribed and sworn to before me this ____ day of _____, _____.

Notary Public

My Commission Expires:

Date