

## JOURNEYMAN DISTILLERY PUD A PLANNED UNIT DEVELOPMENT

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

#### **ORDINANCE No. 5, 2021**

# ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF VALPARAISO, INDIANA, REZONING PROPERTY FROM HEAVY INDUSTRIAL (INL) DISTRICT TO PUD, PLANNED UNIT DEVELOPMENT, KNOWN AS "JOURNEYMAN DISTILLERY"

WHEREAS, on March 9, 2021, ANCO Revitalization, LLC 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 March 29, 2021, consistent with proper notice, ANCO Revitalization, LLC 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. Journeyman Distillery 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 Journeyman Distillery 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 10th day of May, 2021, by the
Common Council of the City of Valparaiso, Porter County, Indiana, having been passed by a vote
of in favor and opposed.
Marr. Vin
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 10th day of 1000, 2021.
J
Holly Taylor, Clerk-Treasurer
Presented by me to the Mayor of the City of Valparaiso, Indiana, this 10th day of
May, 2021 at the hour of b:00 o'clock p.m.
Dellitutor
Holly Taylor, Clerk-Treasurer
1044
This Ordinance approved and signed by me this 10th day of May, 2021 at the hour
of 0:00 o'clock p.m.
Matthew R. Murphy, Mayor
Matthew R. Murphy, Mayor

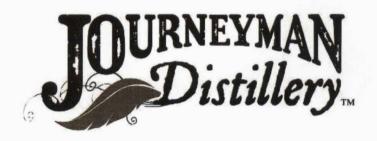
#### **SCHEDULE 1**

TO

#### **ORDINANCE NO. 5, 2021**

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF VALPARAISO, INDIANA, REZONING PROPERTY FROM HEAVY INDUSTRIAL (INL) DISTRICT TO PUD, PLANNED UNIT DEVELOPMENT, TO BE KNOWN AS THE "JOURNEYMAN DISTILLERY PUD DISTRICT"





STATE OF INDIANA	)	BEFORE THE COMMON COUNCIL
	)	FOR THE CITY OF VALPARAISO, INDIANA
PORTER COUNTY	)	

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 Journeyman Distillery 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 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 combines mixed commercial adjacent to or near the vibrant downtown and a series of uses generally found within the Central Place zoning district 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. Change of Zoning Classification to PUD District: The parcel of real property in the City of Valparaiso, Indiana, legally described on Exhibit "A-1" and depicted on Exhibit "A-2" which is attached hereto and incorporated herein and currently classified on the Official Zoning Map of the City of Valparaiso, as follows:

**Current Zoning** 

#### Classification:

#### Heavy Industrial (INH) District

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

Section 3. Permitted Principal Uses. The Journeyman Distillery 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 Residential

Single Family Attached

Planned or Traditional Neighborhood Development

Multifamily

Live-Work Units

Alcoholic Beverage Sales

Bed and Breakfast

Commercial Lodging (including guest suites)

Commercial Retail

Mixed Use

Office

Restaurants, Pub, Bars or Taverns

Services

Vehicle Rental (Not Sales and Service)

Commercial Amusement, Indoor

Recreation, Indoor

Parking (standalone lot)

Transit Facilities

Sales Office

Sidewalk Sales and Farmers Market

Banquet and Event Facility

Places of Public Assembly

Brewery

Distillery

Demonstration Kitchen Theater Outdoor Concerts and Event Seating

- (b) The District is approximately 6.57 acres and depicted on the Concept Plan attached hereto and incorporated herein as Exhibit "B". The Concept Plan shows the anticipated utilization of the existing floor area of Building A, Building B, Building C, and Building D.
- (c) The real estate is depicted on Exhibits "C-1" and "C-2" attached hereto and incorporated herein, the North Courtyard and South Courtyard areas. Exhibits "C-1" and "C-2" shall be considered part of the Concept Plan. Parcels, lots or tracts of land within the District shall be shown and the real estate divided, if at all, on the Final Development Plan or a plat of subdivision approved pursuant to Article 6 of the Unified Development Ordinance.
- (d) If a proposed use is not listed hereinabove or if the classification of the use is ambiguous, then the City Planning Director shall decide whether the proposed use is either a subcategory of a permitted use, or a use that is functionally similar to a permitted use. A proposed use that is either not listed or ambiguous shall be considered a subcategory of a permitted use if:
  - (i) its North American Industrial Classification System (NAICS) code is a subset of an NAICS code for a permitted use; and
  - (ii) with regard to each of the decision criteria enumerated in subsection B., the proposed use's impacts are not materially greater than the permitted use with the more general NAICS code.

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

Section 4. Buildings Within the District. The District is improved with one or more building structure improvements which are shown on the exhibits attached hereto. No new buildings are anticipated for the District. The Concept Plan refers to anticipated uses and locations within each building dedicated to the intended uses. Nothing in this PUD Ordinance is intended to allocate to any particular building or space within a building a specific use to the exclusion of other uses or limit the Developer's ability to adjust or change the location of permitted uses within the existing buildings, now or in the future from time to time. The Concept Plan and layout of building uses is an expression of the anticipated utilization of space but not the required use of the building space shown on the Concept Plan.

Section 5. Density and Intensity. All requirements of the Unified Development Ordinance relating to densities and intensities for the commercial uses within the existing floor area for Building A, Building B, Building C, and Building D are satisfied or waived. (see Article 3, Unified Development Ordinance). All construction outside of the existing buildings or expansion of existing floor area are subject to bulk and area standards for the Central Place (CP) District.

Section 6. Ownership of Open Space. The development of the District consistent with this Ordinance shall be undertaken by Developer or its successors and assigns. No Open Space is anticipated in the District. Open Space is defined in the Unified Development Ordinance as land area that will be left undeveloped as part of a natural resource preservation, recreation, bufferyard, or other open space provision and excludes areas in lots, street rights-of-way, or parking. The District is exclusively a redevelopment project repurposing a large industrial building that has been shuttered for more than thirty (30) years. The entire District is developed currently and affords no opportunity for greenspace dedication as Open Space. The Concept Plan anticipates hardscape outdoor public areas with landscaping islands. Because there is no formal Open Space as part of a District's overall site, no assurances regarding the maintenance of Open Space are required. No conservation easements are required.

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

Section 8. <u>Water/Sewer Utilities</u>. The sanitary sewer collection system and water department have capacity to serve the development and redevelopment of the District for all uses. The utility plan for all proposed work shall be required for approval of the Final Development Plan and any redevelopment or other new construction located within the District.

The District is served by combination storm and sanitary sewers. An 18-inch sewer is in Campbell Street and flows northwardly to a 72 inch trunk line sewer which is under the TOD parking lot and directly feeds to the City of Valparaiso Waste Water Treatment Plant. The distillery and proposed microbrewery operation will produce waste water chemistry that will need to be analyzed and quantified before discharging into the municipal system. Developer has been in ongoing discussions with the Valparaiso City Utilities for strategies to deal with the distillery waste. Any use having food preparation, the plumbing lines with fats, oils, and greases (FOG) must be separated and discharged through an external 1000-gallon (minimum size) grease trap. After the trap, the sewage will be recombined with other waste water.

Section 9. Environmental Areas. There are no known environmental areas or features within the District, such as forested areas, streams, ponds, lakes, dunes, or other Journeyman Distillery PUD District Ordinance

environmental features or areas that are critical habitat for endangered species. The District does not have any known jurisdictional wetlands, flood plains, or regulated drains.

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

<u>Section 11.</u> <u>Public Streets</u>. There are no new streets or rights-of-way within the District that require dedication as public streets. Where applicable and/or to accommodate the desired roadway cross section, the Final Development Plan may show additional right-of-way dedication.

The City of Valparaiso is planning improvements in the rights-of-way for Campbell Street and Brown Street, which may include sidewalk improvements. Because the City and Developer both anticipate that the District and the surrounding future development will be pedestrian friendly, the City shall commit that this intersection shall be developed with non-motorized (i.e., pedestrian) traffic in mind. Other traffic calming may be employed at the discretion of the City.

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

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

<u>Section 14.</u> <u>Storm Water Management</u>. It is the intent of this PUD Ordinance to provide a storm water management system generally meeting the requirements of the Unified Development Ordinance and Stormwater Technical Standards Manual of the City of Valparaiso, except where provided otherwise by this PUD. While no in-ground detention is expected, devising creative and practical solutions for stormwater management appear to be possible.

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.

The following will serve as a guide for specific stormwater management zones with their own unique discharge locations within the physical developed PUD area (see Exhibit H):

- Approximately 1/3 of the area may be released towards the future storm sewer on Campbell Street.
- Approximately 1/3 of the area may be released to the existing depressional storage located northwest of the northernmost existing building (Building C).
- Approximately 1/3 of the area may be released to the existing stormwater piping on Boundary Street.

The three distinct areas described above represent a general description in which stormwater can flow via the site stormwater management system. The final size of these areas may differ to a limited extent during the course of actual design.

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

Section 16. Landscape Plan. The Illustrative Site Plan (Exhibit "D" attached hereto) for the District shall be deemed to be a Landscape Concept and the Final 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 Final Development Plan (as substantially consistent with Exhibit "D") for the District of the Journeyman Distillery 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, and §11.804 Commercial PUD Standards of the Unified Development Ordinance and all requirements for buffering (bufferyard requirements), screening, on-lot landscaping, plantings, or other general landscaping standards or requirements. Street trees shall not be required as part of the Final Development Plan as they are located in right-of-way improvements by others.

Section 17. Signs. Zoning classification sign regulations contained in the Unified Development Ordinance for Industrial Districts (§5.304) shall govern all signs located within the District. Nothing in this Ordinance shall prohibit Developer from seeking a variance from the terms of the Unified Development Ordinance from the Board of Zoning Appeals.

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

#### Section 18. Parking.

**Parking Availability.** There is limited area on the site within the entire District to provide for on-site parking. The existing site is near totally improved. Exhibits C-1 and C-2 are the North Courtyard Plan and the South Courtyard Plan respectively for the District. The South Courtyard Plan provides for approximately twenty-three (23) automobile parking spaces, with opportunities for potential additional parking on-site. Phase 2 of development includes construction of up to an additional 235 parking spaces on private land just east of the PUD. Additionally, there are public lots nearby with capacity to spare. In lieu of applying the public lot

The total available parking for the PU Phase 2.	D for Phase 1 is 3	08 and is estimate	ted to be up to 586 by
ourneyman Distillery PUD District Ordinance			

Table	18.1		
Area Park	ing Totals		
	Up to 50		
	235		
	175		
60% of Existing Northeast Lot	83		
Total	586		

**Parking Demand.** Exhibit F details anticipated parking need by use. Parking need follows UDO standards except for the novel use of "Distillery Event Center" which is established to be 1 space/135 square feet of useable floor space based on parking analysis of the Three Oaks, MI Journeyman location.

The cumulative parking need is reduced by application of the shared parking standards for mixed uses in §9.205 of the Unified Development Ordinance. Table 9.205 has been adapted in Exhibit G to account for the uses anticipated for this PUD. Distillery use borrows from the office peak hours and alcoholic beverage sales borrows from the restaurant peak hours. Based on standard UDO parking requirements, the novel "Distillery Event Center" use, and the modified shared parking table from §9.205, the parking demand for Phase 1 is expected to be 244 spaces; for Phase 2 an additional 148 spaces are required. The total expected parking demand for both phases is 391 spaces.

If square footage dedicated to certain uses changes during the development of the project, the modified shared use parking table in Exhibit G shall be revised accordingly.

If at any time parking needs exceed expectations in a way that results in negative impacts on publicly-owned lots, Journeyman will work with the City and its Redevelopment Commission to find solutions to alleviate the negative impacts.

#### Section 19. Loading and Service Areas.

- (a) Loading docks, solid waste facilities, and other service areas shall be placed to the rear or side of buildings.
- (b) Screening and landscaping shall prevent direct views of the loading areas and their driveways from adjacent properties or from the public right-of-way. Screening and buffering shall be achieved through walls, fences, and landscaping, shall be a minimum of five feet tall, and shall be visually impervious. Recesses in the building, or depressed access ramps may be used.

<u>Section 20</u>. <u>Development Standards</u>. Journeyman Distillery PUD District shall be developed and shall in all respects comply with all of the following development standards:

- (a) Journeyman Distillery PUD District shall comply with the development standards set forth in the Unified Development Ordinance (Central Place (CP) District standards), with the following specific exceptions and those in conflict with the Concept Plan. The specific exceptions are:
  - (i) The existing water tower is an iconic feature of the District. The water tower shall be and is hereby deemed to be a conforming structure and considered a legal structure and therefore not a nonconforming pursuant to Article 13 of the Unified Development Ordinance, but subject only to Section 22 herein. Developer may improve, alter, repair, or replace one or more of the component parts of the structure to extend its useful life at any time, subject to securing all necessary permits for the work proposed. The water tower may be painted or otherwise marked with the trademark of the Journeyman Distillery and/or illuminated. The water tower shall not be counted toward the maximum sign area as regulated by Article 5 of the Unified Development Ordinance.
  - (ii) The lot coverage and building coverage standards for the District shall not exceed the existing impervious surface, and to the extent that this exceeds current lot coverage or building coverage for the underlying zoning classification, the percentage shall be allowed consistent with the Concept Plan.
  - (iii) The height of all existing buildings and structures within the District shall be and is hereby deemed to be conforming, including the water tower.
  - (iv) All yard setbacks required in the Unified Development Ordinance shall be reduced to the setback established by existing improvements shown on Exhibit B.
  - (v) The overall site is improved with building improvements that are to be re-purposed and not razed. The restoration work anticipated by Developer shall be undertaken to modernize and change the building for its new uses consistent with this PUD Ordinance, but in keeping with the industrial character of the original architecture. Industrial architectural standards of the Unified Development Ordinance shall apply. A glass curtain wall is specifically permitted.

(b) Journeyman Distillery PUD District shall be generally developed in accordance with the Concept Plan and specifically with the Final Development Plan(s) pursuant to Section 23 herein. To the extent that the Final Development Plan(s) is/are inconsistent with or different from the development standards of the Unified Development Ordinance, the Concept Plan shall govern the standards for the Journeyman Distillery PUD District.

#### Section 21. Conditions.

- (a) No outdoor musical concerts or performances shall commence prior to 9:00 am any morning or extend later than midnight on Friday or Saturday nights or 9:00 pm any other night of the week.
- (b) The water tower may not be enlarged, raised or heightened in any way.

Section 22. Subdivision of the District Real Estate. It is anticipated that the development of the District will not result in any lots or divisions of real estate forming portions the District. The District is intended to remain as one parcel for the foreseeable future. Any subdivisions of lots in the District shall comply with the Unified Development Ordinance standards and procedures for subdividing real estate (see Division 15.800 of the Unified Development Ordinance).

Final Development Plan Approval. Before any improvement location Section 23. permit can be issued for any improvement to be located in Journeyman Distillery PUD District, and/or before any construction or development of any kind can be commenced by Developer, or any successor or assign, within the Journeyman Distillery PUD District, Developer shall first obtain the approval of a Final Development Plan for that portion of the work proposed to be undertaken. Prior to the issuance of an improvement location permit (building permit), Developer shall submit to the Planning Director, a Final Development Plan which shall include general landscaping, parking, Drainage Plan, erosion control measures, proposed signage, lighting, educational and directional signs, and building information. The Planning Director, in consultation with the City Engineer and Building Commissioner shall review the Final Development Plan. The Final 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 Final Development Plan. If the Final Development Plan complies with this Ordinance and the requirements of Unified Development Ordinance §15.503, the Planning Director shall approve the Final Development Plan. If the Final Development Plan does not comply with one or more development standards, Developer may seek a design waiver to relax such standards pursuant to Section 25 of this PUD Ordinance.

Section 24. Phasing of Final Development Plan. Developer may submit a Final Development Plan for all or only a portion of the District.

Design Waivers to Specific Development Standards. At such time as Section 25. Developer submits its Final Development Plan to the Planning Director, the Planning Director may also approve one or more design waivers to the provisions of Division 2.400 Supplemental Nonresidential Standards, Article 3 District Intensity and Bulk Standards, Parking and Loading Calculation standards in Division 9.200, and/or Article 11 Design Standards of the 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 Final Development Plan or a primary plat petition for a subdivision within the District. If the design waiver is determined by the Planning Director to be a substantial alteration to an approved plan or critical development standard, in the sole discretion of the Planning Director, the Planning Director may refer the determination of a design waiver to the Plan Commission for approval. The Planning Director, 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.

A development standards variance shall be required to vary any development standard not in Division 2.400, Article 3, Division 9.200 (Parking & Loading), or Article 11. 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 26. Change in Development Standards or Approval of Alternate Plans. Subject to alternative procedures in Section 25 for development standards, modifications of PUD uses and development requirements are governed by §15.506 of the Unified Development Ordinance.

Section 27. 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, including building setbacks (§11.802 B) and Open Space requirements for the District §11.802 E (and Table 11.802). Deviations from the PUD Design Standards shall be made a part of the approved Final 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.

<u>Section 28.</u> <u>Development Schedule</u>. 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 improvements to Buildings B and C with work anticipated to begin in the spring 2021 (or approximately ninety days following the issuance of all necessary permits and approvals). Buildings B and C are the core of the Journeyman Distillery PUD District and form the anchor use for the entire District.

Phase 2 – The second priority is the improvements to Building A and D. Phase 2 is anticipated to commence prior to or shortly following the conclusion of the completion of Phase 1.

Phase 3 – 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 and 2.

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 29. Final Development Plan Need Not Be Recorded. Before any improvement location permit can be issued for any improvement to be located in Journeyman Distillery PUD District, and/or before any construction or development of any kind can be commenced by Journeyman Distillery PUD District, A Final Development Plan is not a plat of subdivision and does not divide the District into a lot or lots for conveyance to owners other than the Developer, therefore, the owner shall not be required to record the Final Development Plan in the Office of the Recorder of Porter County. If the Final Development Plan does serve to divide real estate within the District or if a separate Plat of Subdivision is made, then the Final Development Plan or Plat of Subdivision shall only then be required to be recorded in the public records.

<u>Section 30</u>. <u>Other Ordinances</u>. 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 Journeyman Distillery PUD District from compliance with the provisions of any and all other applicable ordinances of the City of Valparaiso.

- <u>Section 31</u>. <u>Severability</u>. 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.
- <u>Section 32.</u> <u>Definitions</u>. Capitalized words in this Ordinance and not specifically defined herein shall have the meaning set forth in the Unified Development Ordinance. For additional definitions, see Exhibit "E" attached hereto and incorporated herein.
- Section 33. 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.

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



X:\ANCO Revitalization 19857\City of Valpo Land Use -1\Documents\PUD Ordinance Draft\PUD Ordinance 2021-05-10.docx

#### **EXHIBIT LIST**

- A-1 Legal Description
- A-2 The PUD District
- B Concept Plan
- C-1 North Courtyard Plan
- C-2 South Courtyard Plan
- D Illustrative Site Plan Landscape Concept Plan
- E Definitions
- F Parking Demand
- G Shared-Use Parking Table
- H Physical Developed PUD Area

## Exhibit A-1 Legal Description

Parcel 1: That part of the Southwest Addition to Valparaiso, being a subdivision in the Southeast Quarter of Section 23, Township 35 North Range 6 West of the Second Principal Meridian, in the City of Valparaiso, in Porter County, Indiana, described as follows: Beginning at the Southwest corner of Lot 5, in Block 6, in said Addition; thence East along the South line of Lots 5 and 4 to the Southeast corner of said Lot 4; thence South along a southerly extension of the East line of said Lot 4, 16.5 feet; thence West along an easterly extension of the North line of Block 4, and along the North line of Block 4, 156.75 feet to the Northwest corner of Lot 7, in Block 4; thence South along the West line of said Lot 7, 132.0 feet to the Southwest corner of said Lot 7; thence East along the South line of Block 4 and said South line extended, 181.50 feet to the Southwest corner of Lot 5, in Bock 5; thence South along the Northerly extension of the West line of Block 1 and along the West line of Block 1, 313.5 feet to the Southwest corner of Lot 5, in Bock 1; thence East along the South line of Block 1, 280.4 feet to the Southeast corner of Lot 8, in Bock 1; thence North along the East line of Bock 1 and the Northerly extension of said East line, 313.5 feet to the Southeast corner of Lot 8, in Block 5; thence continuing North along the East line of said Lot 8 and said East line extended North 148.5 feet to the South line of Lot 1, in Bock 6; thence East along said South line, 13.0 feet to a point 20.0 feet West of the Southeast corner of said Lot 1; thence North along the West line of the East 20.0 feet of said Lot 1, 227.8 feet, more or less, to a point on the North line of said Lot 1, that is 20 feet West of the Northeast corner of said Lot 1; thence West along the North line of Bock 6, 673.0 feet to the Northwest corner of Lot 5, in said Bock 6; thence South along the West line of said Lot 5, 228.62 feet to the Point of Beginning.

Commonly known as 258 Campbell, Valparaiso, Indiana Parcel No. 64-09-23-476-007.000-004

## Exhibit A-2 The PUD District

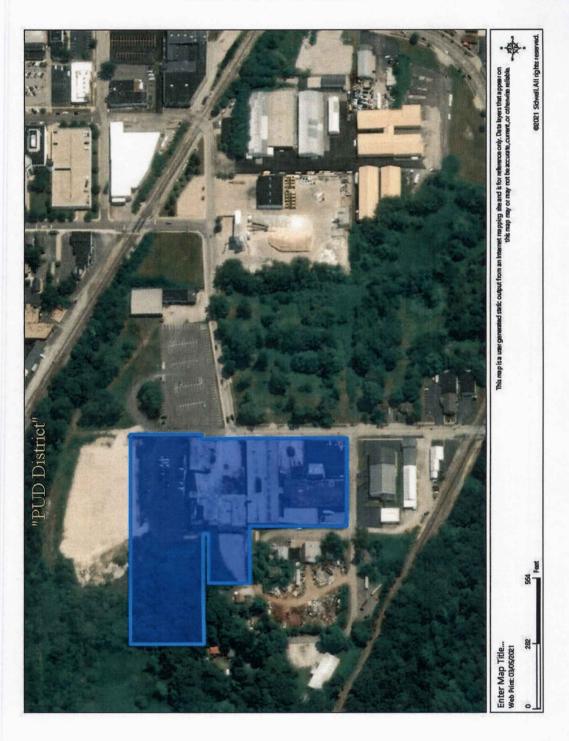
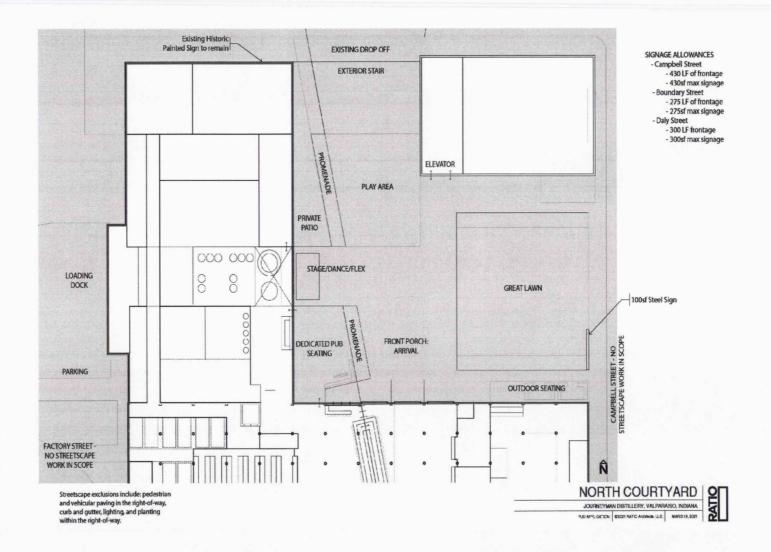
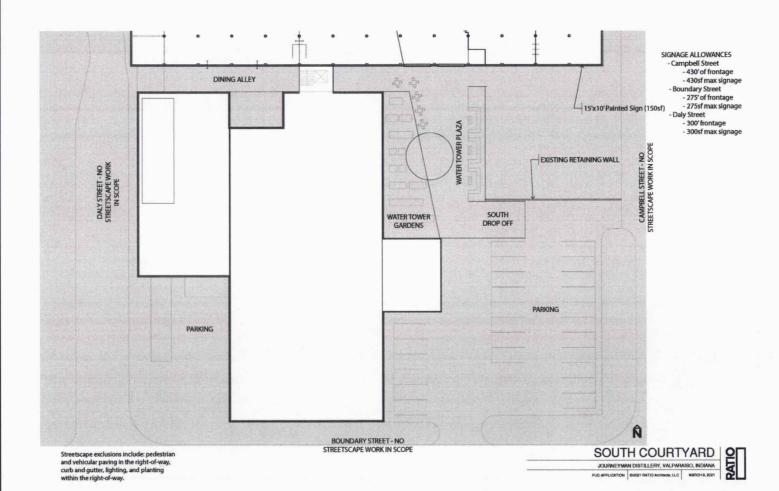




Exhibit B Concept Plan Page 1











### Exhibit E Definitions

Alcoholic Beverage Sales means the retail sale of beer, wine, or other alcoholic beverages for onor off-premises consumption, but, for the purposes of this UDO, does not include the sale of alcoholic beverages by:

- 1. A restaurant in which more than 60 percent of the annual gross sales are generated by food, provided that the sale of alcoholic beverages is for on-premises consumption;
- 2. A retail permittee that complies with Rule 29, Selling of Package Alcoholic Beverages by Retail Permittee, of Title 905 IAC, Alcohol and Tobacco Commission;
- 3. A grocery store, supermarket, delicatessen which is primarily engaged in the retail sale of a general food line, which may include canned and frozen foods; fresh fruits and vegetables; and fresh and prepared meats, fish, and poultry;
- 4. A convenience store or food mart that is primarily engaged in the retail sale of goods, which may include milk, bread, soda, snacks and the sale of automotive fuels, provided that the sale of alcoholic beverages represents a percentage of annual gross sales of 25 percent or less of all items sold on the premises, excluding gasoline and automotive oil products;
- 5. A warehouse club, superstore, supercenter, or general merchandise store primarily engaged in the retail sale of a general line of groceries or gourmet foods in combination with general merchandise, which may include apparel, furniture, and appliances;
- 6. A specialty or gourmet food store primarily engaged in the retail sale of miscellaneous specialty foods not for immediate consumption and not made on the premises, which food items do not include meat, fish, seafood, fruits, vegetables, confections, nuts, popcorn, and baked goods;
- 7. The sale of alcoholic beverages by a hotel pursuant to a State of Indiana Type 110, 114, 215, or 308 Permit;
- 8. The sale of alcoholic beverages by a civic center pursuant to a State of Indiana Type 219, 219-1, or 219-2 Permit; and
- 9. The temporary sale of alcoholic beverages pursuant to a State of Indiana Type 118 Temporary Beer / Wine Permit.

#### Bed and Breakfast means a place of lodging that:

- 1. Provides five or fewer rooms for short-term rental;
- 2. Is the owner's personal residence; and
- 3. Is occupied by the owner at the time of room rental.

Commercial Amusement, Indoor means uses that provide commercial amusement indoors (except adult uses), including but not limited to:

- 1. Bowling alleys and pool rooms;
- 2. Indoor sports arenas;
- 3. Movie theaters and live theaters;

- 4. Indoor skating rinks (ice or roller);
- 5. Video arcades; and
- 6. Shooting arcades.

**Commercial Lodging** means places that offer overnight accommodations for short-term rental, including hotels and motels. The phrase "commercial lodging" also includes hotels that offer convention facilities or meeting rooms, and guest suites.

**Commercial Retail** means commercial and retail uses that do not include regular outside storage or sales. The phrase "commercial retail" includes uses that are comparable to the following:

- 1. Furniture and home furnishings stores (NAICS Code 442);
- 2. Electronics and appliance stores (NAICS Code 443);
- 3. Paint and wallpaper stores (NAICS Code 44412);
- 4. Hardware stores (NAICS Code 44413);
- 5. Food and beverage stores (NAICS Code 445, except 4453);
- 6. Health and personal care stores (NAICS Code 446);
- 7. Clothing and clothing accessory stores (NAICS Code 448);
- 8. Sporting goods, hobby, book, and music stores (NAICS Code 451);
- 9. General merchandise stores (NAICS Code 452, except 45291); and
- 10. Miscellaneous store retailers (NAICS Code 453).

**Demonstration Kitchen** means as a kitchen designed and operated for the express purpose of providing a venue for the presentation and demonstration of food and/or domestic equipment product lines and/or the presentation and explanation of domestic cooking recipes or techniques to an audience.

**Developer** means ANCO Revitalization, LLC, an Indiana limited liability company, its successors and assigns.

**Distillery** means an establishment or facility which produces by distillation spirits for consumption, the sales and distribution of which are subject to regulation by the Indiana Alcohol and Tobacco Commission, and such other incidental uses or activities to the production of spirits are allowed ac

**Live-Work Units.** A dwelling unit that provides space that is designed for commercial uses that are permitted in the zoning district. Access between the dwelling unit and the commercial space is provided within the unit.

**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.

**Mixed Use** means development in which a combination of residential and commercial uses (e.g., residential-over-retail), or several classifications of commercial uses (e.g., office and retail), are located on the same parcel proposed for development.

**Office** means uses in which professional, outpatient medical, or financial services are provided. The term includes:

- 1. Accounting, auditing and bookkeeping;
- 2. Advertising and graphic design;
- 3. Architectural, engineering, and surveying services;
- 4. Attorneys and court reporters;
- 5. Banks, mortgage companies; and financial services;
- 6. Call centers;
- 7. Computer programming;
- 8. Corporate headquarters;
- 9. Counseling services;
- 10. Data processing and word processing services;
- 11. Detective agencies;
- 12. Government offices;
- 13. Insurance:
- 14. Interior design;
- 15. Medical, dental, and chiropractic offices;
- 16. Real estate sales;
- 17. Research and development that does not include on-site manufacturing;
- 18. Retail catalog, internet, and telephone order processing, but not warehousing; and
- 19. Virtual office services.

#### Parking and Transit Facilities means:

- 1. Parking that is not accessory to a specific use, where a fee is normally charged. A facility that provides both accessory parking for a specific use and regular fee parking for people not connected to the use is also classified as a Parking Facility. This includes small structures intended to shield attendants from the weather.
- 2. Terminals used for the ticketing, loading, and unloading of bus or train passengers. Food and beverage sales conducted during normal terminal operations are included as accessory uses.

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

**Recreation, Indoor** means uses that provide recreation opportunities indoors for the public (open to the community) or residents of a subdivision or development, which are not commercial in nature. Specifically excluded from the definition are health and exercise clubs and commercial amusement uses. The phrase "recreation, indoor" includes:

- 1. Community recreation centers;
- 2. Gymnasiums;
- 3. Indoor swimming pools; or
- 4. Tennis, racquetball, or handball courts.

**Restaurant** means an establishment that serves prepared meals to customers for consumption onsite or off-site, and includes:

- 1. Full-service restaurants (NAICS Code 7221);
- 2. Limited-service eating facilities (NAICS Code 7222); and
- 3. Special foodservices (NAICS Code 7223).

#### Sales Office means:

- 1. A dwelling unit within a subdivision that is used as a sales office;
- 2. A dwelling unit within a condominium that is used as a sales office; or
- 3. A modular unit used as a sales office for a subdivision or condominium.

Services means commercial and personal services, such as:

- 1. Copy centers;
- 2. Social assistance;
- 3. Repair services and shops, except automobile, truck, and heavy equipment repair;
- 4. Health, exercise, martial arts, yoga, or dance studios;
- 5. Parcel service drop-off locations and mailbox services;
- 6. Nail salons, beauty and barber shops, skin care, and day spas;
- 7. Funeral homes:
- 8. Laundry and dry-cleaning services;

**Sidewalk Sale and Farmer's Market** means sales that are conducted by either the store owner or occupant, outside their store, or by one or more commercial farms, on:

- 1. A public sidewalk;
- 2. A private sidewalk; or
- 3. Pedestrian areas adjacent to a sidewalk.

**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.

Traditional Neighborhood Development means development that consists of a variety of residential lot sizes and more than one housing type, along with neighborhood supportive

nonresidential development, designed to give equal or greater dignity to the pedestrian compared to the automobile.

Vehicle Rental (Not Sales and Service) means uses that rent or lease automobiles. All automobiles held for rental shall be parked or stored in a location so as not to reduce the parking spaces allowed for uses within the District. Rental of boats, motorcycles, or recreational vehicles shall not be permitted. The phrase also does not include or allow the offering for sale of any automobiles or performing service or repair on any automobile, auto body (e.g., collision repair), paint or upholstery services.

### Exhibit F

Tr	able 18	.2	
Park	ing Der	mand	
	PHASE 1		
	Area		
Space	(sf)	Requirement	<b>Parking Spaces</b>
Alcoholic Beverage Sales		5 Spaces / 1,000sf	
Whiskey Garden	2281		
Tasting Room	1034		
Brew Pub (not incl. outdoor seating)	4674		
Library	1145		
Cigar Lounge	1073		
Karaoke Bar	2295		
Total	12502		63
		1 space/guestroom +	1 snace/10
Commercial Lodging		guestrooms	1 space, 10
North Suite (5 bedrooms)	5		
East Suite (3 bedrooms)	3		
Total	8		9
Commercial Retail		5 Spaces / 1,000sf	
Retail Area	1718		
Total	17180		9
Restaurant		1 space / 75sf	
Steak House	3169		
Pizza	600		
Total	3769		50
Distillery Event Center		1 space / 135 SF	
East Event Space	9073		
West Event Space (not incl. terrace)	6051		
Total	15124		112
Office, General		3 spaces / 1,000sf	
First Floor	1515		

Basement	1515		
Total	3030		9
Heavy Industry		2.5 spaces / 1,000sf	
Distilling / Brewing / Storage	8683		
Total	8683		22
		Grand Total Phase 1	274

PHASE 2		
Area (sf)	Requirement	Parking Spaces
	5 Spaces / 1,000sf	
910		
910		5
	Area (sf) 910	Area (sf) Requirement 5 Spaces / 1,000sf 910

Bowling Alley	12 5 spaces / lane	60
Pool Rooms	4 2 spaces / table	8
Theater	192 1 space / 3 seats	64
Total		132
Restaurant	1 space / 75sf	
Ice Cream	824	
Total	824	11

TOTAL BOTH	PHASES	422

**Grand Total Phase 2** 

### Exhibit G

Shared Use Parking Table -Journeyman Phase 1

	Cuart	Doguino		Weekday		Weekend	
Use	Guest Rooms/S q. Ft.	Require d Spaces	Night (12AM to 6AM)	Day (6AM to 6PM)	Evening (6PM tp 12AM)	Day (6AM to 6PM)	Evening (6PM to 12AM)
Office	3030	9.09	0.45	9.09	0.91	0.91	0.45
Heavy Industry Retail/Com-	8683	21.71	1.09	21.71	2.17	2.17	1.09
mercial	1718	8.59	0.43	6.01	7.73	8.59	6.01
Commercial Lodging Event	8	8.80	7.04	7.04	8.80	4.40	8.80
Center Alcoholic Beverage	15124	112.03	11.20	56.01	112.03	56.01	112.03
Sales	12502	62.51	6.25	31.26	62.51	31.26	62.51
Restaurant	3769	50.25	5.03	25.13	50.25	25.13	50.25
		Total:	31.49	156.25	244.40	128.47	241.15
			Space	Spaces available			
			Spac	es to spare	64		

Shared Use Parking Table -Journeyman Phase 2

		Require d Spaces	Weekday			Weekend	
Use	Sq. Ft.		Night (12AM to 6AM)	Day (6AM to 6PM)	Evening (6PM tp 12AM)	Day (6AM to 6PM)	Evening (6PM to 12AM)
Entertain- ment* Alcoholic Beverage		132.00	13.20	52.80	132.00	105.60	132.00
Sales	910	4.55	0.46	2.28	4.55	2.28	4.55
Restaurant	824	10.99	1.10	5.49	10.99	5.49	10.99
		Total:	14.75	60.57	147.54	113.37	147.54
			Total need both phases		391.94		
			Spaces available		543		
			Spac	es to spare	151		



### Exhibit H

