



166 Lincolnway
Valparaiso, IN 46383
(219) 462-1161
Valpo.us

Valparaiso Board of Zoning Appeals Meeting Agenda

Wednesday, October 18, 2023, 5:30 p.m.
City Hall, 166 Lincolnway, Valparaiso, IN 46383
Council Chambers

1. Pledge of Allegiance
2. Roll Call
3. Adoption of Meeting Minutes – September 20, 2023
4. Old Business
5. New Business with Public Hearing

VAR23-009

A petition filed by PK Industrial LLC c/o Todd A. Leeth, Leeth Law LLC. The property is located at 1260 Transport Drive. The petitioner requests the following variance:

- Table 3.505 to allow a subdivision of land in the INH Heavy Industrial zoning district to have a lot size less than 1 acre (lot size to be 0.87 acre).

VAR23-008

A petition filed by MJF Development, Inc. c/o William A. Ferngren, Ferngren Law Offices, LLC. The project includes four parcels of land that currently have the common addresses of 957, 959, 1059, and 1061 West Street. The petitioner requests the following variances related to the platting of a commercial subdivision and design standards for a new hotel (CG Commercial General Zoning District):

- Section 11.305(K)(1) to reduce Minimum Lot Size for a commercially zoned lot in the US 30 (Morthland Drive) Signature Overlay District from 0.5 acres to 0.28 acres (only Lot 4 per proposed Plat)
- Table 9.401 and Section 11.305(N)(2) to vary from Frontage Street or Reverse Frontage Street Requirements and Access Roads for Commercial Zoned Parcels Requirement which describe intention of no direct access on US 30 (Morthland Drive) (Proposed Project: Shared access drive proposed in location shown on plan)
- Variances related to new construction hotel:
 - Table 3.301(B) to exceed 0.353 Nonresidential Gross Maximum Floor Area Ratio (Gross FAR) (Proposed Project: 0.404 Gross FAR)
 - Section 11.502(B)(1) (Building Dimensions) to reduce required building offsets from 6 feet for walls 80 feet long or greater and 2 feet for walls less than 80 feet (Proposed Project: Building Offsets Provided ranging in dimension of 2.1 feet to 5.0 feet per plan provided)
 - Section 11.503 (Architectural Features): Subsection (A)(1) (Primary Facades) to reduce requirement of Architectural Features spaced no greater than 12 feet in the Horizontal

Distance to that shown in plans; Subsection (B)(1) (Other Facades Facing Streets) to reduce requirement of Architectural Features to be provided along 40% of the Façade that is closest to the corner with the primary façade and spaced at intervals no greater than 12 feet in horizontal distance to that shown in plans; Subsection (C) (Blank Walls) to reduce requirement not allowing areas of blank wall greater than 16 feet in the Horizontal Distance to that shown in plans.

- Section 11.506(A) (Required Transparency Along Street Frontages) to reduce Primary Façade Transparency from 40% to that shown in plans and to reduce Other Street Frontage Transparency from 30% to that shown in plans.
- Section 11.507 (Building Materials): Subsection (B) (Permitted Materials) to allow EIFS, Terra Neo Stone and Laminate Metal Panels not on list of Permitted Materials; Subsection (C)(1) (Limited Materials) to allow EIFS proposed on the at grade level and above, proposed to exceed 30% of the façade and proposed to be in pedestrian contact areas.

6. Other Business

7. Staff Items

8. Adjournment

Kyle Yelton, President – Board of Zoning Appeals
Beth Shrader, Planning Director

Next Meeting: November 15, 2023, 5:30 p.m.

Interested persons may attend in person, view the meeting live on the city's website (www.valpo.us), participate via web conference (bit.ly/ValpoBZA2023), or submit written comments (with name, address and telephone number) to the Planning Director prior to the hearing date (planningdepartment@valpo.us or City Hall address provided above).

PETITION TO VALPARAISO BOARD OF ZONING APPEALS:

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

- ☐ Use Variance
☒ Development Standards Variance
☐ Special Exception/Special Use
☐ Relief to Administrative Decision
☐ Conditional Use
☐ Wireless Communication Facility

For Office Use Only:

Petition #: VAC23-007
Application Type: DSV
Application Filing Fee: \$50.00
Date Filed: 09 / 15 / 23
Meeting: 10 / 19 / 23

SUBJECT PROPERTY INFORMATION**TYPE OR PRINT IN INK**

Property Address

Subject property fronts on the West side of Transport Dr.

1260 Transport Dr.
Valparaiso, Indiana 46383

side between (streets) Redbow Dr.& Enterprise AveZoning District: INH – Heavy Industrial**PETITIONER INFORMATION**

Applicant Name:

Address:

PK Industrial LLC

c/o Todd A. Leeth
Leeth Law LLC
2700 Valparaiso St., #2412
Valparaiso, Indiana 46384

Phone:

219-250-6501

Email:

todd@leeth.law

Applicant Name:

Address:

Same as Petitioner

Phone:

Email:

SECTIONS OF UDO FROM WHICH A VARIANCE, SPECIAL EXCEPTION OR ADMIN RELIEF IS SOUGHT: SEE ATTACHED

Article: _____ Section: _____ Paragraph: _____ Item: _____

Article: _____ Section: _____ Paragraph: _____ Item: _____

Article: _____ Section: _____ Paragraph: _____ Item: _____

Article: _____ Section: _____ Paragraph: _____ Item: _____

Article: _____ Section: _____ Paragraph: _____ Item: _____

Article: _____ Section: _____ Paragraph: _____ Item: _____

Article: _____ Section: _____ Paragraph: _____ Item: _____

Article: _____ Section: _____ Paragraph: _____ Item: _____

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

Lot 15-B in the Replat of Lot 15 Eastport Centre for Commerce and Industry to the City of Valparaiso, Indiana as Plat File 23-A-6H recorded as Document No. 2019-107670 in the Office of the Recorder of Porter County, Indiana.

DESCRIPTION OF PROPOSED PROJECT: (OR EXHIBIT NO._____)

Re-plat of a larger lot in the Eastport Centre industrial park to establish a new building site for future development.

DEVELOPMENT STANDARD VARIANCE REQUESTS

PK Industrial LLC

Minimum Lot Area	Table 3.305*
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Code:	1 Acre
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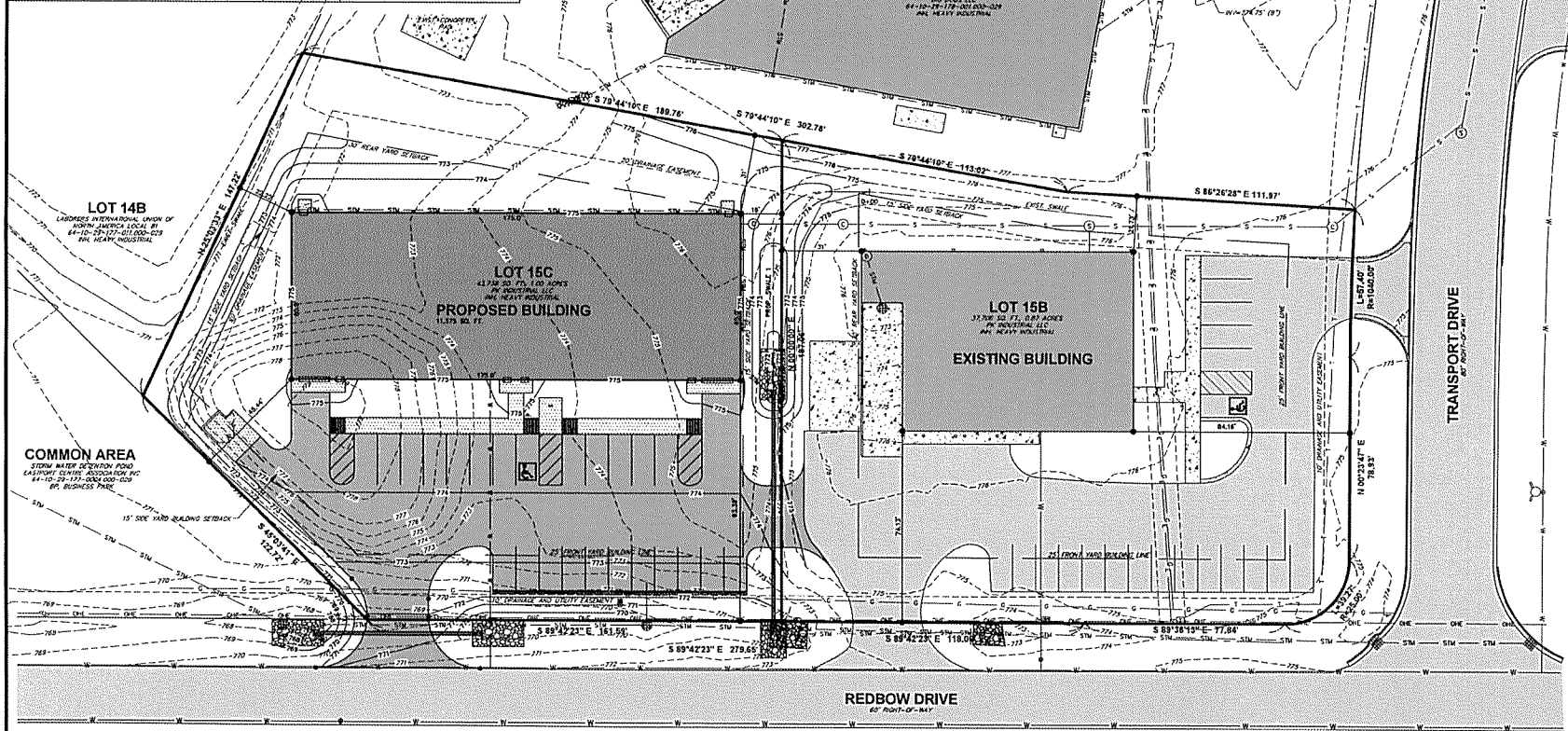
Proposed:	37,706 or .87 Acre
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*Conflicts with Table 3.301b

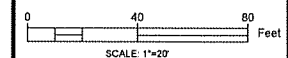


Vicinity Map

MIN. LANDSCAPE SURFACE RATIO (LSR)	15B	MIN. LANDSCAPE SURFACE RATIO (LSR)	15C
ZONING DISTRICT	HEAVY INDUSTRIAL (HI)	ZONING DISTRICT	HEAVY INDUSTRIAL (HI)
LSR REQUIREMENT	0.30	LSR REQUIREMENT	0.30
CALCULATION	0.87 ACRES (GROSS SITE ACRES) $\times$ 0.30 (LSR) = 0.261	CALCULATION	1.00 ACRE (GROSS SITE ACRES) $\times$ 0.30 (LSR) = 0.30
REQUIRED	0.261 ACRES	REQUIRED	0.30 ACRES
PROVIDED	0.413 ACRES = O.K.	PROVIDED	0.338 ACRES = O.K.
MAX. GROSS FLOOR AREA RATIO (FAR)	15B	MAX. GROSS FLOOR AREA RATIO (FAR)	15C
ZONING DISTRICT	HEAVY INDUSTRIAL (HI)	ZONING DISTRICT	HEAVY INDUSTRIAL (HI)
FAR REQUIREMENT	0.431	FAR REQUIREMENT	0.431
CALCULATION	37,708 SQ. FT. (GROSS SITE S.F.) $\times$ 0.431 (GROSS FAR) = 16,251	CALCULATION	43,738 SQ. FT. (GROSS SITE S.F.) $\times$ 0.431 (GROSS FAR) = 18,851
MAX. ALLOWABLE BUILDING S.F.	16,251 SQ. FT.	MAX. ALLOWABLE BUILDING S.F.	18,851 SQ. FT.
TOTAL BUILDING S.F.	4,820 SQ. FT. = O.K.	TOTAL BUILDING S.F.	11,375 SQ. FT. = O.K.
NET GROSS FLOOR AREA RATIO (FAR)	15B	NET GROSS FLOOR AREA RATIO (FAR)	15C
ZONING DISTRICT	HEAVY INDUSTRIAL (HI)	ZONING DISTRICT	HEAVY INDUSTRIAL (HI)
FAR REQUIREMENT	0.615	FAR REQUIREMENT	0.615
CALCULATION	4,820 S.F. (TOTAL BUILDING S.F.) / 7,837 (27,708 GROSS SITE S.F. - 11,368 LSR REQUIRED) = 0.31	CALCULATION	11,375 S.F. (TOTAL BUILDING S.F.) / 30,870 (43,738 GROSS SITE S.F. - 13,068 LSR REQUIRED) = 0.31
REQUIRED NOT TO EXCEED	0.615	REQUIRED NOT TO EXCEED	0.615
PROVIDED	0.351 = O.K.	PROVIDED	0.371 = O.K.



DEVELOPED PROJECT SITE LAYOUT PLAN



REVISIONS	1	2	3	4	5	6	7	8	9	10	11	12	13	14
DATE														
BY														
CHKD														
APP'D														
DATE														

LOT 15 REPLAT
EASTPORT CENTRE FOR
COMMERCE AND INDUSTRY

VALPARAISO, IN 46383

Ochester Inc.
Architectural Services
11111 Ochester Drive, Suite 100
Valparaiso, IN 46383
Phone: 219.463.1111
Fax: 219.463.1112
Email: info@ochesterinc.com
www.ochesterinc.com

DRAWN BY: DMD
JOB NUMBER: A123-10
DEVELOPED PROJECT
SITE LAYOUT PLAN

DRAWING NUMBER
C1

**CITY OF VALPARAISO
BOARD OF ZONING APPEALS**

PETITIONER'S PROPOSED FINDINGS OF FACT

Petitioner: PK Industrial LLC

Legal Description: Lot 15B

Location: 1206 Transport Dr., Valparaiso, Indiana 46383

Current Zoning: Industrial, Heavy (INH) District

Petition: Development Standards Variance:

Minimum Lot Area

Table 3.305*

Code: 1 Acre

Proposed: 37,706 SF or .87 Acre

*Conflicting with Table 3.301b

The above named Petitioner now makes the proposed Findings of Fact in support of Petitioner's petition for development standards variance to permit a lot area of 37,706 Square Feet or .87 acre within the Eastport Centre industrial park. After conducting a public hearing pursuant to I.C. 37-7-4-920 *et seq.* and the UDO, and after hearing Petitioner's arguments and evidence in support of the variances, remonstrance and opposition or the opportunity for the receipt thereof, and comments, reports or recommendations of staff and others, the Valparaiso Board of Zoning Appeals now finds:

FINDINGS:

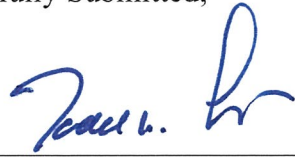
1. The grant will not be injurious to the public health, safety, morals, and general welfare of the community because:
 - a. The INH District is generally established for utilitarian buildings and structures, buffered from views outside of the district by extensive

landscape buffers which are required by Article 11 of the UDO which are unaffected by the size of the lot or parcel standards.

- b. The grant will not alter the essential character of the Petitioner's property or the neighboring industrial community.
 - c. Access to and enjoyment of all abutting property is not made difficult or frustrated by the granting of the variances.
 - d. There are no residential uses adjacent to the Petitioner's property.
2. The use and value of the area adjacent to the property included in the variances will not be affected in a substantially adverse manner because:
- a. The granting of the variance will not abrogate the general intent of the INH District or the stated District Purposes of Section 1.416 UDO where the district provides for a range of heavy industrial uses. The UDO provides for performance standards that protect public safety, community character, public infrastructure, and land use compatibility within the INL District. Areas to be designated as INH should be selected with care to ensure that the location, soils, and other physical features of the site are compatible with the intended uses, without posing unnecessary risks to the public health and safety.
 - b. There will be no change in the use of the property that will result if the variance is granted.
3. The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property because:
- a. The UDO has conflicting standards for the Lot Area within the Industrial, Heavy (INH) District with Table 3.301b permitting all Heavy Industrial uses on a Minimum Area of Parcel Proposed for Development of not less than 20,000 square feet, or more than a quarter of the size of the smallest lot proposed for the replat of Lot B
 - b. The Petitioner's property is unique in that is a corner lot with road frontage on two public rights of way.
 - c. Granting the variance allows for more beneficial and efficient use of the property without detrimentally affecting safety or aesthetics.

- d. The circumstances and conditions existing on or about Petitioner's property which prevent conformance with the UDO and requiring the variance are not self-created.

Respectfully Submitted;

By: 

Todd A. Leeth
Leeth Law LLC
2700 Valparaiso St., #2412
Valparaiso, Indiana 46384

Attorney for Petitioner

This Instrument Prepared By:

**TODD A. LEETH
LEETH LAW LLC
2700 VALPARAISO ST., #2412
VALPARAISO, INDIANA 46384**



9/13/2023 3:19 PM

<https://leethlaw.sharepoint.com/sites/LeethLaw/Shared Documents/Client Folders/Charlie/Chester - 826/Subdivision of Lot 15B/Documents/FOF Development Standards Variances 2023-09-03.docx>

PETITION TO VALPARAISO BOARD OF ZONING APPEALS:

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

- ☐ Use Variance
☒ Development Standards Variance
☐ Special Exception/Special Use
☐ Relief to Administrative Decision
☐ Conditional Use
☐ Wireless Communications Facility

Ret. 60025

For Office Use Only:

Petition #: VAR23-008
Application Type: DSV
Application Filing Fee: 150-
Date Filed: 08 / 17 / 2023
Meeting: 10 / 18 / 2023

SUBJECT PROPERTY INFORMATION**TYPE OR PRINT IN INK**

Property Address:

Northeast corner of US 30 and Marsh Street

957, 959, 1059 & 1061 West Street
Parcel No.'s: 64-09-026-202-008.000-004, 64-09-026-202-009.000-004,
64-09-26-202-010.000-004 & 64-09-26-202-004.000-004

Subject property fronts on the North side US 30side between (streets) West Street& Marsh StreetZoning District: Commercial General (CG)**PETITIONER INFORMATION**

Applicant Name:

MJF Development, Inc.

Phone:

219-405-7618

Email:

markforszt2hotmail.com

Address:

c/o William A. Ferngren, Esq.
Ferngren Law Offices, LLC
570 Vale Park Road, Suite B
Valparaiso, Indiana 46385
219-771-0155
bill@ferngrenlaw.com

PROPERTY OWNER INFORMATION

Applicant Name:

Same as Petitioner

Phone:

Email:

Address:

SECTIONS OF UDO FROM WHICH A VARIANCE, SPECIAL EXCEPTION OR ADMIN RELIEF IS SOUGHT:

Article: _____ Section: _____ Paragraph: _____ Item: _____

Article: _____ Section: _____ Paragraph: _____ Item: _____

Article: _____ Section: _____ Paragraph: _____ Item: _____

Article: _____ Section: _____ Paragraph: _____ Item: _____

Article: _____ Section: _____ Paragraph: _____ Item: _____

Article: _____ Section: _____ Paragraph: _____ Item: _____

Article: _____ Section: _____ Paragraph: _____ Item: _____

Article: _____ Section: _____ Paragraph: _____ Item: _____

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

A PARCEL OF LAND LYING IN THE NORTHEAST QUARTER OF SECTION 26, TOWNSHIP 35 NORTH, RANGE 6 WEST OF THE SECOND PRINCIPAL MERIDIAN, IN THE CITY OF VALPARAISO, PORTER COUNTY, INDIANA, SAID PARCEL ALSO BEING PART OF BLOCKS 57 AND 62 IN COUNCIL' S ADDITION OF 1883 TO THE CITY OF VALPARAISO, INDIANA AS PER PLAT THEREOF RECORDED IN MISCELLANEOUS RECORD "E", PAGE 534 IN THE OFFICE OF THE RECORDER OF SAID COUNTY, LYING NORTH OF THE NORTH RIGHT-OF-WAY LINE OF U.S. HIGHWAY NO. 30 - MORTHLAND DRIVE, SAID PARCEL DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF SAID BLOCK 62, THENCE NORTH 89 DEGREES 58 MINUTES 10 SECONDS EAST (BASIS OF BEARINGS IS ASSUMED), 83.50 FEET ALONG THE NORTH LINE OF SAID BLOCK 62 AND THE SOUTH RIGHT-OF-WAY LINE OF WEST STREET TO THE EAST LINE OF A HIGHWAY GRANT (MARSH STREET) AS RECORDED IN BOOK 3, PAGE 47 IN SAID RECORDER' S OFFICE AND THE POINT OF BEGINNING; THENCE CONTINUING NORTH 89 DEGREES 58 MINUTES 10 SECONDS EAST, 741.76 FEET ALONG THE NORTH LINES OF SAID BLOCKS 62 AND 57 TO THE NORTHEAST CORNER OF SAID BLOCK 57; THENCE SOUTH 00 DEGREES 02 MINUTES 51 SECONDS EAST, 141.40 FEET ALONG THE EAST LINE OF SAID BLOCK 57; THENCE NORTH 89 DEGREES 57 MINUTES 09 SECONDS EAST, 100.00 FEET TO THE EAST LINE OF THE WEST 100 FEET OF BLOCK 56 IN SAID COUNCIL' S ADDITION; THENCE SOUTH 00 DEGREES 02 MINUTES 51 SECONDS EAST, 165.26 FEET ALONG LAST SAID EAST LINE TO SAID NORTH RIGHT-OF-WAY LINE BEING A NON-TANGENT CURVE CONCAVE NORTH, HAVING A RADIUS OF 7,540.00 FEET, AND A CHORD THAT BEARS NORTH 87 DEGREES 37 MINUTES 51 SECONDS WEST, 842.88 FEET; THENCE WEST 843.32 FEET ALONG SAID RIGHT-OF-WAY LINE TO SAID EAST LINE OF HIGHWAY GRANT (MARSH STREET); THENCE NORTH 00 DEGREES 01 MINUTES 49 SECONDS EAST, 271.34 FEET ALONG LAST SAID EAST LINE TO THE POINT OF BEGINNING, CONTAINING 5.74 ACRES MORE OR LESS.

DESCRIPTION OF PROPOSED PROJECT: (OR EXHIBIT NO. _____)

A three lot commercial subdivision with access from West Street, Marsh Street and US 30 as depicted on the drawings. Commercial office buildings on Lot 1 and Lot 2 are intended. A hotel will be located on Lot 3. The subdivision will utilize sewer and water from the City, include shared ingress and egress and well as on-site drainage facilities as shown on the drawings. The subdivision of the land and the construction of the hotel on the property requires a series of variances to the developmental standards of the City's UDO. The details of the variances and the associated reasons supporting the same are as set forth on the petitioner's proposed findings of fact submitted herewith.

City of Valparaiso Board of Zoning Appeals

VARIANCE FROM DEVELOPMENT STANDARDS APPLICATION Findings of Fact

Petitioner: MJF Development, Inc.

Owner: MJF Development, Inc.
Michael J. & Mark J. Forszt

Site Location: Approximately 5.74 Acres located at the Northeast Corner of US 30 and Marsh Street

Site Tax Key Numbers: 1. 64-09-26-202-010.000-004 (0.71 acres +/-)
2. 64-09-26-202-009.000-004 (0.88 acres +/-)
3. 64-09-26-202-008.000-004 (3.44 acres +/-)
4. 64-09-26-202-004.000-004 (0.71 acres +/-)

Existing Zoning District: CG – Commercial, General

Public Hearing Date: October 18, 2023 – 5:30 pm CST

Variances from Development Standards Request:

1. Division 3.300, Section 3.301 – Standards Applicable to Parcels Proposed for Development, Paragraph E – Nonresidential Gross Maximum Floor Area Ratio (Gross FAR), Table 3.201.B
 - Ordinance Requirement:
Gross Maximum Floor Area Ratio – 0.353
 - Proposed Project:
Gross Floor Area Ratio – 0.404
2. Division 9.400, Section 9.401 – General Access Management Provisions and Division 11.300, Section 11.305 – Signature Overlay Districts, US 30 (Northland Drive)
 - Ordinance Requirement:
Section 3.301, Paragraph A, Table 9.401 – Frontage Street or Reverse Frontage Street Requirements

Section 11.305, Paragraph N.2. – Access Roads for
Commercial Zoned Parcels Requirement

- Proposed Project:

No Frontage Street, Reverse Frontage Street or Access Road
Provided

3. Division 11.300, Section 11.305 – Signature Overlay Districts, US 30
(Morthland Drive), Paragraph K.1, Minimum Lot Size for Commercial and
Industrial Lots

- Ordinance Requirement:
Minimum Lot Size = 0.5 acres
- Proposed Project:
Lot 4 Lot Size = 0.28 acres

4. Division 11.500, Section 11.502 – Nonresidential Design Standards – Building
Dimensions, Paragraph B.1, Required Offsets

- Ordinance Requirement:
Minimum Building Offsets – 6-feet for walls 80-feet long or
greater and 2-feet for walls less than 80-feet
- Proposed Project:
Building Offsets Provided ranging in dimension of 2.1-feet to
5.0-feet

5. Division 11.500 – Nonresidential Design Standards, Section 11.503 –
Architectural Features

- a. Paragraph A.1, Primary Facades
- b. Paragraph B.1, Other Facades Facing Streets
- c. Paragraph C, Blank Walls
- Ordinance Requirement:
 - a. Paragraph A.1, Primary Facades – Architectural Features
spaced no greater than 12-feet in the Horizontal Distance
 - b. Paragraph B.1, Other Facades Facing Streets – Architectural
Features along 40% of the Façade and no greater than 12-
feet in the Horizontal Distance
 - c. Paragraph C, Blank Walls – No Blank Walls greater than 16-
feet in the Horizontal Distance can be on Exterior Building
Elevations that face a Public Street

- Proposed Project:
 - a. Paragraph A.1, Primary Facades – Proposed in Areas of the Building greater than 12-feet
 - b. Paragraph B.1, Other Facades Facing Streets – Proposed in Areas of the Building greater than 12-feet
 - c. Paragraph C, Blank Walls – Proposed in Areas of the Building greater than 16-feet

- 6. Division 11.500 – Nonresidential Design Standards, Section 11.506 – Transparency
 - a. Paragraph A, Required Transparency Along Street Frontages
 - Ordinance Requirement:
 - Primary Façade Transparency = 40%
 - Other Street Frontage Transparency = 30%
 - Proposed Project:
 - Primary Façade Transparency = Less than 40%
 - Other Street Frontage Transparency = Less than 30%

- 7. Division 11.500 – Nonresidential Design Standards, Section 11.507 – Building Materials
 - a. Paragraph B, Permitted Materials
 - b. Paragraph C.1b, Limited Materials
 - Ordinance Requirement:
 - a. Paragraph B, Permitted Materials – Building Exteriors shall be constructed from proven, high quality, durable materials including: Brick, Limestone, Other Native Stone, Textured Colored Aggregate Masonry Units, Fiber Cement Panels of 5/8" or greater, Architectural Composite Metal Siding, Glass Curtain Walls
 - b. Paragraph C.1b, Limited Materials – EIFS may only be installed above the first floor level of the second story, shall not exceed 30% of the façade and shall not be installed in any pedestrian contact areas.
 - Proposed Project:
 - a. Paragraph B, Permitted Materials – Proposed materials include EIFS, Terra Neo Stone and Laminate Metal Panels not on list of Permitted Materials
 - b. Paragraph C.1b, Limited Materials – EIFS proposed on the at grade level and above, proposed to exceed 30% of the façade and proposed to be in pedestrian contact areas

Findings of Fact:

a. The proposed Variance from Development Standards will not be injurious to the Public Health, Safety, Moral and General Welfare of the Community because:

Hotels and General Offices are permitted uses in a CG Commercial Zoning District. The proposed Tru Hotel is located adjacent to US 30 (Morthland Drive). The proposed Tru Hotel is located in an area that is typical for lodging and hospitality services and is in an area easily identifiable and accessible for travelers driving along US 30.

Additionally, the Tru Hotel is being designed in collaboration with the design of additional future development lots immediately west and adjacent to the site. Cross access between the hotel and future development commercial lots has been designed to provide safe and efficient access between the uses by both pedestrians and vehicles.

- i. The Tru Hotel was designed to have the entry on the west side of the building to provide easy access to its entry and face the main access drives coming from the west.
- ii. The Tru Hotel was designed to have its long axis in the north south direction to keep hotel room windows from being adjacent to the road and truck noise produce by vehicles traveling on US 30.
- iii. EIFS is the selected primary building material because of its strong sound insulation properties to dampen and reduce the road and truck noise produce by vehicles traveling on US 30.
- iv. The site detention pond was placed on the far south east corner of the site nearest the receiving drainage stream that will serve the site.

The use and development of the property will allow the property to be used in a manner consistent with the zoning of the property, surrounding areas and with the City's Master Plan. Commercial use and development such as that proposed is in furtherance of appropriate development along the City's Regional Arterial Roadway (US 30) and will result in significant investment and assessed valuation in the US 30 Business corridor.

There are no adjacent buildings, properties, and infrastructure affected by the proposed Development Standards Variances nor do the proposed Development Standards Variances create sight distance conflicts or public safety issues for adjacent right of ways and adjacent properties.

1. Division 3.300, Section 3.301 – Standards Applicable to Parcels Proposed for Development, Paragraph E – Nonresidential Gross Maximum Floor Area Ratio (Gross FAR), Table 3.201.B
 - Grading on the north side of the hotel site, the need for large and tall retaining walls, additional property dedication for West Street and the narrow site all impacted the ability to provide landscape area to meet the maximum Floor Area Ratio. The site was designed to position the hotel building's long axis in the north and south direction to remove hotel room windows away from direct road noise from US 30.

2. Division 9.400, Section 9.401 – General Access Management Provisions and Division 11.300, Section 11.305 – Signature Overlay Districts, US 30 (Morthland Drive)
 - Due to the unique narrow nature of the site, marketable building and site design was unable to be achieved if frontage roads were additionally required on the site. West Street acts as a reverse frontage road to the site. If a frontage road would be required on the property, the site would not be able to be properly developed and would become undevelopable.
3. Division 11.300, Section 11.305 – Signature Overlay Districts, US 30 (Morthland Drive), Paragraph K.1, Minimum Lot Size for Commercial and Industrial Lots
 - The proposed Lot 4 is currently zoned CG Commercial but contains a single family home. This single family home has existed for many decades in the CG Commercial district. Lot 4 is only being created as a result of the remaining development parcel that is being used for the detention basin for the development parcel. A strict application of the Ordinance would require displacing the family currently living in the home and demolition of the existing home and abandoning the proposed Lot 4. Exhibit A shows the resulting Lot 4 adjacent to the proposed detention basin.
4. Division 11.500, Section 11.502 – Nonresidential Design Standards – Building Dimensions, Paragraph B.1, Required Offsets
 - Room size requirements, building exiting stair locations for life safety requirements, interior building room hallway connectivity, mechanical systems and Hilton design standards requirement have defined the 1st, 2nd, 3rd and 4th level floor plan design. The proposed building design has 3 offsets on the north elevation, 7 offsets on the east elevation, 3 offsets on the south elevation and 8 offsets on the west elevation for a total of 21 offset around the entire building ranging in size from 2.1-feet to 5.0-feet. The proposed offsets are consistent or exceed the offset design of exiting buildings in the US 30 Business Corridor. The building offsets can be seen on Exhibit B.
5. Division 11.500 – Nonresidential Design Standards, Section 11.503 – Architectural Features
 - a. Paragraph A.1, Primary Facades
 - b. Paragraph B.1, Other Facades Facing Streets
 - c. Paragraph C, Blank Walls
 - Room size requirements, building exiting stair locations for life safety requirements, interior building room hallway connectivity and Hilton design standards requirement have defined the 1st, 2nd, 3rd and 4th level floor plan design. The Primary Facades, Other Facades and Blank Walls have been addressed to accommodate the requirements of the ordinance while building around the interior floor plan requirements. Much of the Blank Walls that are on the Primary Façade and Other Façade Facing

Street are incorporated in the design accommodate life safety exiting requirements for stair towers, exiting doors and exiting hallways. No detriment is created from the creation of Blank Walls for adjacent properties due to these interior life safety building areas. The proposed exterior design can be seen on the elevations and rendering shown Exhibit C & D.

6. Division 11.500 – Nonresidential Design Standards, Section 11.506 – Transparency
a. Paragraph A, Required Transparency Along Street Frontages

- Room size requirements and room locations define the location of associated windows and glass doors. Additionally, glass windows are provided in the design on the west elevation on the first floor entry area and the south elevation near the life safety exiting stair tower. The north and south elevations primarily contain the life safety exiting stair towers and mechanical systems that support the building. The north and south elevations are the Primary and Other Façade Elevations and cannot be developed with glass due to their function. The east and west elevations contain the majority of the building's glass for the Transparency requirement. It is impractical to turn the building so that the windows are facing US 30 and West Street. The building was designed and positioned to avoid windows facing the public streets so as not to cause exposure to roadway noise through the windows. The proposed exterior design can be seen on the elevations and rendering shown Exhibit C & D.

7. Division 11.500 – Nonresidential Design Standards, Section 11.507 – Building Materials

- a. Paragraph B, Permitted Materials
b. Paragraph C.1b, Limited Materials

- The building has been designed with EFIS, Terra Neo Stone and Metal Laminate Panels as the exterior façade materials, none of which are Permitted Materials. EFIS and Terra Neo Stone and traditional use exterior façade materials for hotels throughout the United States because of their exceptional thermal and sound insulation properties. The greatest complaint received by hotels is related to exterior noise penetrating hotel guest rooms. Due to the close proximity of the property to US 30, the building design includes enhancement for sound insulation with structural sound walls and with the EFIS exterior façade system. Additionally, the Terra Neo Stone product is an EFIS system with a Quartz Aggregate and Mica Chip coating that performs like a native stone product with comparable durability, impact resistance and longevity quality properties. The proposed materials meet or exceed similar building materials used on existing buildings within the US 30 Business Corridor.

Thus, Granting this Variance from Development Standards will not cause harm to the general welfare of the City of Valparaiso or the public health, safety or morals of the community.

b. The Use and Value of the area adjacent to the property included in the proposed Variance from Development Standards will not be affected in a substantially adverse manner because:

The proposed Tru Hotel is located in an area that is typical for lodging and hospitality services and is in an area easily identifiable and accessible for travelers driving along US 30 (Morthland Drive). The site is in an area to service business travelers to Valparaiso and Porter County businesses. The site has an Average Annual Daily Traffic count of 25,000 vehicles per day on US 30 that services as a Regional Arterial roadway to the property for both out of town and Valparaiso community travelers.

The hotel is in a business zoning district and will increase business activity for nearby restaurants, retail shops and the downtown business district.

The area in and around the property includes a variety of existing developed properties and buildings that are NOT consistent with the current City Master Plan and Unified Development Ordinance. While the proposed project does include several variances, approval of the proposed Development Standards Variances will allow the development of the site in an attractive and high quality manner consistent with market conditions and current design standards with improvements over and above the quality and design of existing adjacent properties within the US 30 business corridor. Additionally, the use of the property will support the existing Valparaiso Business Community and is located approximately 4,500 feet to Downtown Valparaiso, 2,600 feet to the new Journeyman Distillery and Event Center and 9,000 feet to Valparaiso University.

The investment into the entire 5.74 acre development parcel is projected to exceed \$25,000,000 of new site and building improvements and will cause to improve the City utility services within the US 30 Business Corridor. The property is properly zoned for the proposed use and development and will attract businesses and uses similar to those of existing property within the US 30 Business Corridor.

1. Division 3.300, Section 3.301 – Standards Applicable to Parcels Proposed for Development, Paragraph E – Nonresidential Gross Maximum Floor Area Ratio (Gross FAR), Table 3.201.B
 - Hotels in areas typical of the proposed Tru Hotel location consisting of 82 units are mostly 4-story in height. As more building area is added with additional building floors, the Floor Area Ratio (FAR) will increase. The FAR for the proposed site exceeds the maximum ordinance requirement due to the building being 4-stories. From West street, the building will only be seen from the 2nd floor and above due to the ground elevations at the hotel site being 14-feet below the ground elevations of West Street.
2. Division 9.400, Section 9.401 – General Access Management Provisions and Division 11.300, Section 11.305 – Signature Overlay Districts, US 30 (Morthland Drive)
 - Due to the unique narrow nature of the site, marketable building and site design was unable to be achieved if frontage roads where additionally required on the site. West Street acts as a reverse frontage road to the

site. If a frontage road would be required on the property, the site would not be able to be properly developed and would become undevelopable.

3. Division 11.300, Section 11.305 – Signature Overlay Districts, US 30 (Morthland Drive), Paragraph K.1, Minimum Lot Size for Commercial and Industrial Lots
 - The proposed Lot 4 is currently zoned CG Commercial but contains a single family home. This single family home has existed for many decades in the CG Commercial district. Lot 4 is only being created as a result of the remaining development parcel that is being used for the detention basin for the development parcel. A strict application of the Ordinance would require displacing the family currently living in the home and demolition of the existing home and abandoning the proposed Lot 4. Exhibit A shows the resulting Lot 4 adjacent to the proposed detention basin.
4. Division 11.500, Section 11.502 – Nonresidential Design Standards – Building Dimensions, Paragraph B.1, Required Offsets
 - Room size requirements, building exiting stair locations for life safety requirements, interior building room hallway connectivity, mechanical systems and Hilton design standards requirement have defined the 1st, 2nd, 3rd and 4th level floor plan design. The proposed building design has 3 offsets on the north elevation, 7 offsets on the east elevation, 3 offsets on the south elevation and 8 offsets on the west elevation for a total of 21 offset around the entire building ranging in size from 2.1-feet to 5.0-feet. The proposed offsets are consistent or exceed the offset design of exiting buildings in the US 30 Business Corridor. The building offsets can be seen on Exhibit B.
5. Division 11.500 – Nonresidential Design Standards, Section 11.503 – Architectural Features
 - a. Paragraph A.1, Primary Facades
 - b. Paragraph B.1, Other Facades Facing Streets
 - c. Paragraph C, Blank Walls
 - Room size requirements, building exiting stair locations for life safety requirements, interior building room hallway connectivity and Hilton design standards requirement have defined the 1st, 2nd, 3rd and 4th level floor plan design. The Primary Facades, Other Facades and Blank Walls have been addressed to accommodate the requirements of the ordinance while building around the interior floor plan requirements. Much of the Blank Walls that are on the Primary Façade and Other Façade Facing Street are incorporated in the design accommodate life safety exiting requirements for stair towers, exiting doors and exiting hallways. No detriment is created from the creation of Blank Walls for adjacent properties due to these interior life safety building areas. The proposed exterior design can be seen on the elevations and rendering shown Exhibit C & D.

6. Division 11.500 – Nonresidential Design Standards, Section 11.506 – Transparency
a. Paragraph A, Required Transparency Along Street Frontages

- Room size requirements and room locations define the location of associated windows and glass doors. Additionally, glass windows are provided in the design on the west elevation on the first floor entry area and the south elevation near the life safety exiting stair tower. The north and south elevations primarily contain the life safety exiting stair towers and mechanical systems that support the building. The north and south elevations are the Primary and Other Façade Elevations and cannot be developed with glass due to their function. The east and west elevations contain the majority of the building's glass for the Transparency requirement. It is impractical to turn the building so that the windows are facing US 30 and West Street. The building was designed and positioned to avoid windows facing the public streets so as not to cause exposure to roadway noise through the windows. The proposed exterior design can be seen on the elevations and rendering shown Exhibit C & D.

7. Division 11.500 – Nonresidential Design Standards, Section 11.507 – Building Materials

- a. Paragraph B, Permitted Materials
- b. Paragraph C.1b, Limited Materials
 - The building has been designed with EFIS, Terra Neo Stone and Metal Laminate Panels as the exterior façade materials, none of which are Permitted Materials. EFIS and Terra Neo Stone and traditional use exterior façade materials for hotels throughout the United States because of their exceptional thermal and sound insulation properties. The greatest complaint received by hotels is related to exterior noise penetrating hotel guest rooms. Due to the close proximity of the property to US 30, the building design includes enhancement for sound insulation with structural sound walls and with the EFIS exterior façade system. Additionally, the Terra Neo Stone product is an EFIS system with a Quartz Aggregate and Mica Chip coating that performs like a native stone product with comparable durability, impact resistance and longevity quality properties. The proposed materials meet or exceed similar building materials used on existing buildings within the US 30 Business Corridor.

Thus, Granting the Variance from Development Standards will not cause any substantial decline in the use and value of the adjacent area because the Variance from Development Standards is consistent with and not detrimental to the actual, expected or intended development and use of the adjacent area.

c. The strict application of the terms of the Zoning Ordinance will result in practical difficulties in the use of the property included in the proposed Variance because:

A strict application of the Ordinance would reduce the calculated amount of Tax Increment and Assessed Value of building development within the City's US 30 Business Corridor by repositioning the hotel long axis in the east and west direction and placing all of the hotel parking on the north side of the hotel building. This building positioning would result in reduced business for the hotel and reduce the amount of future development building area.

A strict application of the ordinance would reduce available land for CG Commercial Zoning District permitted uses to meet the growing business service needs of the Valparaiso community and restrict proper design of the hotel building and site improvements to service the Valparaiso Community.

The property is unique in that it has 3 property lines that front 3 public right of ways. The south side of the property is adjacent to the US 30 right of way, the west side of the property is adjacent to the Marsh Street right of way and the north side of the property is adjacent to the West Street right of way. The site is generally only 269-feet in the north south direction on the western most property line and 307-feet in the north south direction on the eastern most property line. Additionally, the ground elevations of the east half of the property are approximately 14-feet below the West Street roadway elevations. The narrowness of the property and the grading and elevations of the property relative to West Street makes design of the site meeting several of the standards of the Valparaiso UDO very difficult and challenging.

To provide for the safest and optimal development use of the property, the site conditions prevent the placement of all parking lots behind the buildings. Thus, the parking lots have been designed to be located on the sides and fronts of the lots. The parking lot and access drives have been designed to accommodate convenient and safe access to parking spaces and building entries. Additionally, the Tru Hotel building was designed with its long axis in the north and south direction in order to eliminate hotel rooms and windows facing to US 30. The north south axis building position eliminates the highway and truck traveling noise that otherwise would have been experienced if hotel room windows were facing US 30.

1. Division 3.300, Section 3.301 – Standards Applicable to Parcels Proposed for Development, Paragraph E – Nonresidential Gross Maximum Floor Area Ratio (Gross FAR), Table 3.201.B
 - Hotels in areas typical of the proposed Tru Hotel location consisting of 82 units are mostly 4-story in height. As more building area is added with additional building floors, the Floor Area Ratio (FAR) will increase. The FAR for the proposed site exceeds the maximum ordinance requirement due to the building being 4-stories. From West street, the building will only be seen from the 2nd floor and above due to the ground elevations at the hotel site being 14-feet below the ground elevations of West Street.
2. Division 9.400, Section 9.401 – General Access Management Provisions and Division 11.300, Section 11.305 – Signature Overlay Districts, US 30 (Morthland Drive)

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4. Division 11.500, Section 11.502 – Nonresidential Design Standards – Building Dimensions, Paragraph B.1, Required Offsets
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- a. Paragraph A.1, Primary Facades
 - b. Paragraph B.1, Other Facades Facing Streets
 - c. Paragraph C, Blank Walls
 - Room size requirements, building exiting stair locations for life safety requirements, interior building room hallway connectivity and Hilton design standards requirement have defined the 1st, 2nd, 3rd and 4th level floor plan design. The Primary Facades, Other Facades and Blank Walls have been addressed to accommodate the requirements of the ordinance while building around the interior floor plan requirements. Much of the Blank Walls that are on the Primary Façade and Other Façade Facing Street are incorporated in the design accommodate life safety exiting requirements for stair towers, exiting doors and exiting hallways. No detriment is created from the creation of Blank Walls for adjacent properties due to these interior life safety building areas. The proposed

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a. Paragraph B, Permitted Materials

b. Paragraph C.1b, Limited Materials

- The building has been designed with EFIS, Terra Neo Stone and Metal Laminate Panels as the exterior façade materials, none of which are Permitted Materials. EFIS and Terra Neo Stone and traditional use exterior façade materials for hotels throughout the United States because of their exceptional thermal and sound insulation properties. The greatest complaint received by hotels is related to exterior noise penetrating hotel guest rooms. Due to the close proximity of the property to US 30, the building design includes enhancement for sound insulation with structural sound walls and with the EFIS exterior façade system. Additionally, the Terra Neo Stone product is an EFIS system with a Quartz Aggregate and Mica Chip coating that performs like a native stone product with comparable durability, impact resistance and longevity quality properties. The proposed materials meet or exceed similar building materials used on existing buildings within the US 30 Business Corridor.

Thus, The Variance from Development Standards should be granted because the strict application of the terms of the Zoning Ordinance will result in practical difficulties in the use of the petitioner's property.

Exhibit A

LOT 1 - OFFICE BUILDING (FUTURE DEVELOPMENT)

- ZONING: CC (COMMERCIAL, GENERAL)
- LOT AREA: 66,609 SQ FT - 1.53 AC
- BUILDING AREA: 18,200 SQ FT (1,100 SQ FT FLOOR) - 0.21 AC FLOOR
- IMPERVIOUS COVER: 48,951 SQ FT - 1.11 AC
- LANDSCAPING: 18,299 SQ FT - 0.42 AC
- PARKING REQUIRED: 55 SPACES (1 SPACE PER 1,000 SQ FT)
- PARKING PROVIDED: 63 SPACES (INCLUDES 3 ADA SPACES)
- LSR REQUIRED: 0.25 (0.5 SIGNATURE CORRIDOR) MIN
- LSR PROVIDED: 1.0A (5.166,000 - 0.27)
- GROSS FAR REQUIRED: 0.75 MAX
- GROSS FAR PROVIDED: 9.10002 - 66,609 - 0.273
- NET FAR REQUIRED: 0.541 MAX
- NET FAR PROVIDED: 9.10002 - 66,609,650,650,250 - 0.364

LOT 2 - OFFICE BUILDING (FUTURE DEVELOPMENT)

- ZONING: CC (COMMERCIAL, GENERAL)
- LOT AREA: 67,615 SQ FT - 1.55 AC
- BUILDING AREA: 19,600 SQ FT (1,100 SQ FT FLOOR) - 0.21 AC FLOOR
- IMPERVIOUS COVER: 49,012 SQ FT - 1.14 AC
- LANDSCAPING: 17,803 SQ FT - 0.41 AC
- PARKING REQUIRED: 55 SPACES (1 SPACE PER 1,000 SQ FT)
- PARKING PROVIDED: 63 SPACES (INCLUDES 3 ADA SPACES)
- LSR REQUIRED: 0.25 (0.5 SIGNATURE CORRIDOR) MIN
- LSR PROVIDED: 1.14912 - 67,615 - 0.261
- GROSS FAR REQUIRED: 0.75 MAX
- GROSS FAR PROVIDED: 9.80082 - 67,615 - 0.261
- NET FAR REQUIRED: 0.541 MAX
- NET FAR PROVIDED: 9.80082 - 67,615,650,650,250 - 0.386

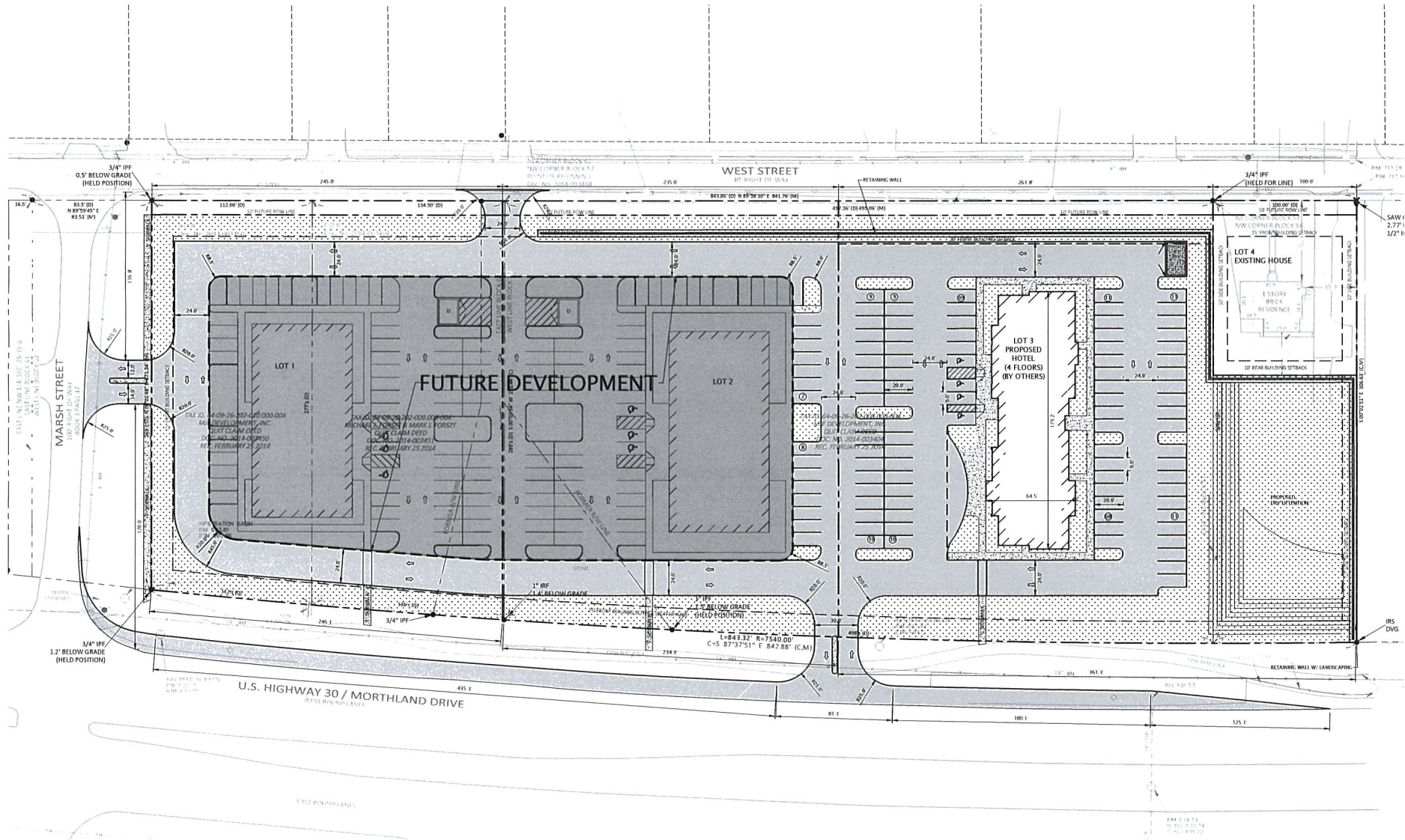
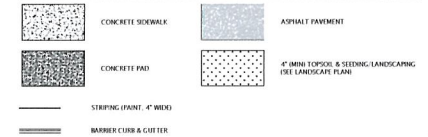
LOT 3 - HOTEL

- ZONING: CC (COMMERCIAL, GENERAL)
- LOT AREA: 96,086 SQ FT - 2.20 AC
- BUILDING AREA: 38,700 SQ FT (18,750 SQ FT FLOOR) - 0.43 AC FLOOR
- IMPERVIOUS COVER: 54,462 SQ FT - 1.25 AC
- LANDSCAPING: 41,584 SQ FT - 0.95 AC
- PARKING REQUIRED: 84 SPACES (1 SPACE PER GUEST ROOM)
- PARKING PROVIDED: 80 SPACES (INCLUDES 4 ADA SPACES)
- LSR REQUIRED: 0.25 (0.5 SIGNATURE CORRIDOR) MIN
- LSR PROVIDED: 1.154402 - 96,086 - 0.415
- GROSS FAR REQUIRED: 0.75 MAX
- GROSS FAR PROVIDED: 9.67034 - 96,086 - 0.401
- NET FAR REQUIRED: 0.541 MAX
- NET FAR PROVIDED: 9.67034 - 96,086,196,080,250 - 0.517

LOT 4 - EXISTING HOUSE

- ZONING: CC (COMMERCIAL, GENERAL)
- LOT SIZE: 100' X 121.31'
- LOT AREA: 12,131 SQ FT - 0.28 AC

LEGEND



MJF DEVELOPMENT, INC
1155 W. US HWY 30
VALPARAISO, IN 46383

US 30 & MARSH DEVELOPMENT
Conceptual Site Plan



NOT FOR CONSTRUCTION
C103

DVG TEAM INC
1155 Troutwine Road
Crown Point, IN 46307
P: (219) 662-2710
F: (219) 662-2740
www.dvgteam.com

NOT FOR CONSTRUCTION

Exhibit B

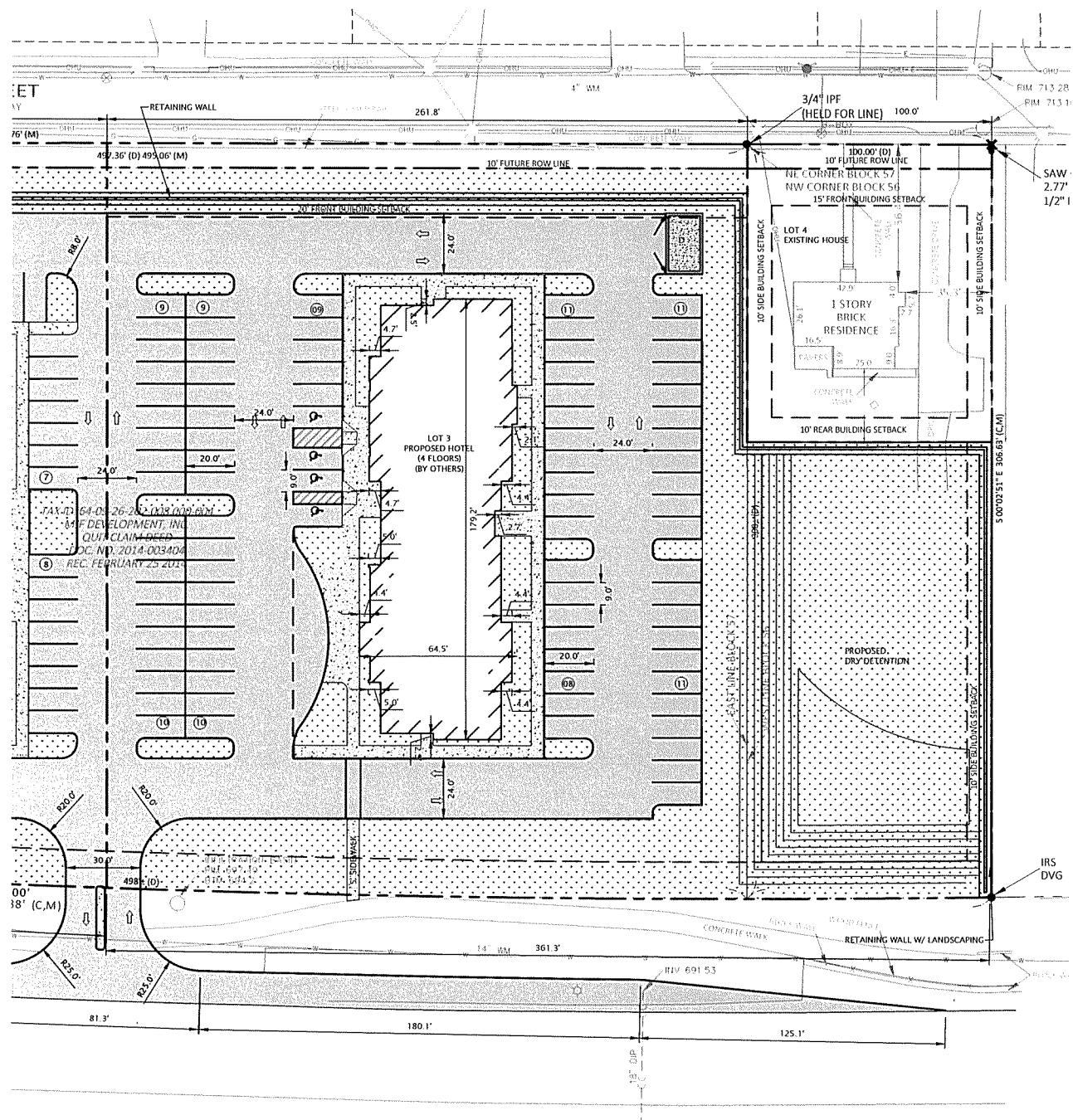


Exhibit C

Exhibit D

A Distinctly Different Design



This advertisement is not an offering. Federal regulations and the laws of some states and provinces regulate the offer and sale of franchises. An offering will only be made in compliance with those regulations and laws, which may require providing you with a disclosure document.