

ORDINANCE NO. 34, 2006

AN ORDINANCE REZONING PROPERTY FROM R-1 SINGLE FAMILY RESIDENTIAL DISTRICT TO PUD PLANNED UNIT DEVELOPMENT TO BE KNOWN AS "VILLAS AT VALE PARK PUD"

WHEREAS, a petition was presented by Chip Krusemark of Wilcox Development on behalf of the owner Brian Dean to rezone approximately 24 acres of land located on the south side of Vale Park Road to a Planned Unit Development (PUD) zoning; and

WHEREAS, the Plan Commission duly advertised and held a public hearing on the proposed PUD on July 11, 2006; and

WHEREAS, the general public was given an opportunity to comment on the proposed PUD; and

WHEREAS, the Plan Commission voted to recommend approval of the PUD by a 7-0 vote.

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

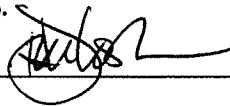
1) The following described real estate in the City of Valparaiso be given the Planned Unit Development (PUD) zoning classification accompanied by the required development plan and concept plan pursuant to IC 36-7-4-1403 as Exhibit A to wit:

SEE ATTACHED LEGAL DESCRIPTION (EXHIBIT B)

2) This ordinance shall be in full force and effect from and after its adoption and approval by the Mayor.

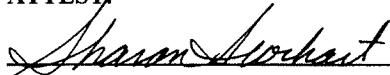
PASSED by the Common Council of the City of Valparaiso, Indiana, by a 6-0 vote of all members present and voting this 28th day of September, 2006.

August



Jon Costas, Mayor

ATTEST:



Sharon Swihart, Clerk-Treasurer

Presented by me to the Mayor of the City of Valparaiso, Indiana, this 28th day of August, 2006, at 7:40 o'clock p.m.



Sharon Swihart, Clerk-Treasurer

EXHIBIT A

Development Plan Pursuant to Indiana Code 36-7-4-1403 and Article VIII, Section 800 *et seq.* Of the Valparaiso Zoning Ordinance

Villas At Vale Park Planned Unit Development

1. Property. The property is approximately 24.65 +/- acres located on the south side of Vale Park Road between Silhavy Road and Roosevelt Road and is more particularly described as follows (collectively Parcel 1 and Parcel 2 are referred to as "Property"):

Parcel 1:

The East half of the Northeast Quarter of the Northwest Quarter of Section 18, Township 35 North, Range 5 West of the Second Principal Meridian in Porter County, Indiana.

Parcel 2:

The West 300 feet of the North 660 feet of the West half of the Northeast Quarter of Section 18, Township 35 North, Range 5 West of the Second Principal Meridian in Porter County, Indiana.

2. Current Zoning Of Property. The Property is currently zoned R-1 under the City's Zoning Ordinance.
3. Proposed Use of the Property. The proposed use of the Property is sixteen (16) four (4) unit buildings providing sixty four (64) living units and four (4) duplex units providing for eight (8) living units. Additionally, the development will contain a single clubhouse with an outdoor swimming pool. The Property will be developed in substantial compliance and conformity to the final site plan submitted simultaneously with and incorporated into this Development Plan.
4. Compatible With Adjoining Property Uses. The proposed use of the property is compatible with the uses of the adjoining parcels in that the adjoining parcels are developed and used as follows:
 - A. North. The property located north across Vale Park Road of the Property is developed as multifamily apartment buildings.

- B. South. The property located to the south of the Property is developed as multifamily apartment buildings.
- C. East. The property located east of the Property is primarily developed as traditional single family residential subdivision.
- D. West. The property located west of the Property is developed as multifamily apartment buildings.

5. Availability and Coordination of Utilities.

- A. Sewer. City of Valparaiso sanitary sewer service is available to the Property at its present terminus located at or near the intersection of Fleming and Sturdy Road. The City has capacity to accept the volume of wastewater expected from the proposed use.
- B. Water. City of Valparaiso water service is available to the Property at its present terminus located at or near Sturdy Road and/or Vale Park Road. The City has sufficient water supply to provide acceptable water service for the proposed use.
- C. Storm Water. The Property will have a storm water management system including curbs and gutters on Sturdy Road and will utilize the existing wetlands on the Property as part of its storm water management system. An easement for the City's anticipated Vale Park Storm Water Project will be provided along that part of the Property abutting Sturdy Road the width of the same to be approximately fifteen (15) feet with said easement being included within the building setback lines. The storm water management will be designed in accordance with the City's ordinances with detailed calculations and designs being submitted, reviewed and approved as part of the primary plat review process.
- D. Other Utilities. NIPSCO, Verizon and other public utilities will be provided necessary and appropriate easements throughout the Property for the proposed use.
- E. Garbage and Recycling. The City will provide garbage and recycling services for the Property.

6. Traffic. The principal entrance to the Property will be on Vale Park Road and will be Sturdy Road extended to the south primarily along the western property line of the Property.

- A. New Sturdy Road. The newly installed Sturdy Road will be a public road with a right of way sixty (60) feet in width with traditional asphaltic surface and concrete curb. The width of the road improvement will be twenty eight (28) feet from back-of-curb to back-of-curb.
- B. Private Roads. All other road or streets in the Property shall be private roads owned and maintained by the owners of the Property. The pavement width

of the circular “main” private road shall be a minimum of twenty eight (28) feet from back-of-curb to back-of-curb with parking permitted on one side.

C. No Access From Property Located West. The plat of the Property shall include a strip of the Property retained by the Developer and/or the property owner’s association of the development running the entire north-south dimension of the western property line of the Property to prohibit access directly from the property located west of the Property onto the proposed Sturdy Road. This area may be landscaped and/or screened as provided for in Section 9(B)(ii) of this Development Plan.

7. Building Set Backs. A setback of twenty five (25) feet is to be provided along the east side of the proposed extension of Sturdy Road. A setback of forty (40) feet is to be provided along the north side of the Property along Vale Park Road and along the east side of the Property. A setback of thirty (30) feet shall be maintained at all other points from the property lines of the Property. All building setback lines shall be measured from the Property lines and utility easements may be located within the building setback lines. A setback measured from the curb of the interior dwellings along the private loop road of no less than ten (10) feet to each residential building, specifically excluding the clubhouse and pool.

8. Pedestrian Circulation.

A. Sturdy Road. A bikepath/sidewalk eight (8) feet in width shall be provided along the eastern side of the proposed Sturdy Road extension.

B. Private Roads. Sidewalks and other pathways shall be provided on an as-needed basis determined by the developer of the Property; provided, however, that the developer shall install a sidewalk along the frontage of lot 15 on the private loop road to provide access to the clubhouse.

9. Landscaping.

A. Overall Site Landscaping. The developer shall submit a landscape plan in compliance with City ordinances to the City for review and approval prior to issuance of building permits for the Property. The overall site landscaping plan while in compliance with City ordinance shall be determined by the developer. A tree survey and replacement schedule shall be provided in accordance with City ordinance.

- B. Buffer.

(i) East. A landscape buffer ten feet (10'-0") wide (“Landscape Buffer”) shall be provided along the existing Sturdy Road abutting the Property to the east, provided, however, that the existing tree line may be utilized as the Landscape Buffer. In the event the City undertakes construction of municipal works, such as its proposed storm

water drainage facilities along the existing Sturdy Road or the widening of the existing Sturdy Road, which result in the removal of the existing Landscape Buffer, the developer shall install the Landscape Buffer consisting of a combination of trees and shrubbery. The developer's obligation to create the Landscape Buffer shall terminate when the final certificate of occupancy is issued for a unit in the development or three (3) years from the date of preliminary plat approval of the development, whichever is first to occur.

(ii) West. The Developer retains the right at its discretion to install a landscape buffer and/or screening, including fencing, in and along the western right-of-way of the newly installed Sturdy Road.

10. Improvements. The proposed use of the Property as set forth above is comprised of a variety of different building products. The Building Floor Plans and Building Types may be composed of any mix of those listed in this Section 10 and shall be determined by the developer based on the developer's understanding of demand for certain types of units. Additionally, The various building products include the following:

A. Building Floor Plans.

(i) Chatueau. The Chateau consists of approximately 1,926 square feet of living space not including a two car garage.

(ii) Villa. The Villa consists of approximately 1,325 square feet of living space not including a two car garage.

(iii) Abbey. The Abbey consists of approximately 1,718 square feet of living space not including a two car garage.

(iv) Canterbury. The Canterbury consists of approximately 1,861 square feet of living space not including a two car garage.

B. Building Types. The Building Types in which the Building Floor Plans will be constructed are as follows:

(i) Classic. The height of the Classic building type is twenty two (22) feet measured to the mid-point of the peak of the roof.

(ii) Cathedral. The height of the Cathedral building type is twenty five (25) feet measured to the mid-point of the peak of the roof.

C. Parking areas. The development shall provide each residential unit with parking for no less than two (2) passenger automobiles in each unit's respective driveway.

D. Building Materials. The exterior siding or building materials shall incorporate brick, stone or other masonry materials. The "Cathedral" building type shall be approximately 70% brick, stone or other masonry type materials and the "Classic" building type shall be approximately 20% brick, stone or other masonry type materials.

11. Signage. The development will have an entrance subdivision sign located on Vale Park Road or at the intersection of Sturdy Road and internal private road in accordance with the City's sign ordinance and shall not exceed thirty two (32) square feet; provided, however, the developer may install temporary marketing signage on the Property along Vale Park Road, at the corner where the new Sturdy Road will be extended from its present terminus and on the private loop road. Other directional and similar types of signage in and about the development may be installed on an as needed basis for traffic safety and similar protection in accordance with City ordinance.
12. Recreation Space. The development will retain the existing wetland as open space. A walking path along the southern portion of the wetland and along the northern portion of the wetland shall be provided. The area of open space along the northern portion of the wetland shall have a gazebo. The clubhouse and pool is provided for additional recreation space for the residents of the Property and their guests. The bikepath/sidewalk along Sturdy Road will provide for additional recreational opportunity.
13. Maximum Lot Coverage. The maximum lot coverage in the PUD is 38% or less than 40%, the requirement under the R-1, Single Family Residential District.
14. Outdoor Lighting. Traditional outdoor lighting associated with residential dwelling units shall be provided. Necessary and appropriate lighting shall be provided for the clubhouse and pool area, and other open spaces, excluding walking paths, to protect the health, safety and welfare of the residents and guests of the Property.
15. Fire Safety. There must be suitable and sufficient fire hydrant connections for the City of Valparaiso Fire Department to serve all units to be located in the development. The location, number and suitability of fire hydrants shall be approved by the City of Valparaiso Fire Department.
16. Construction Schedule. It is anticipated that the Villas at Vale Park Road infrastructure construction will commence in the fall of 2006 with the first units for occupancy in the spring or summer of 2007. Construction of the extension of Sturdy Road will be completed in phases. The first phase will include construction from Vale Park Road to the private main loop road. Commencement of the second phase will occur when the fiftieth (50th) unit in the development has received a certificate of occupancy.
17. Ownership. Each unit in the development will be developed to be sold and owned in fee simple and the Property shall not be developed as apartments; provided, however, that unit-owners shall have the right to rent their unit. The ownership shall be either a townhome, condominium or combination of townhome and condominium. The Villas at Vale Park Road shall be subjected to covenants, restrictions, conditions, reservations, easements, charges and liens that shall provide for the establishment of an organization of the homeowners with direct responsibility to, and control by, the property owners in the Property for the operation and maintenance of any and all private common facilities jointly owned and/or shared by such property owners all of which is and are for the benefit of the individual lots and real estate comprising the development.

EXHIBIT B

LEGAL DESCRIPTION FOR VILLAS AT VALE PARK

Parcel 1:

The East half of the Northeast Quarter of the Northwest Quarter of Section 18, Township 35 North, Range 5 West of the Second Principal Meridian in Porter County, Indiana.

Parcel 2:

The West 300 feet of the North 660 feet of the West half of the Northeast Quarter of Section 18, Township 35 North, Range 5 West of the Second Principal Meridian in Porter County, Indiana.

NOTES:

- Holder of Title
Dated 09-10-2007
Warranty Deed dated 4-23-07 recorded 07-24-2007 as Document Number 2007-022766 in the Office of the Recorder of Porter County, Indiana
- Survey Monuments
Following construction 5/8" diameter by 30' long rebars with Bonar Group identification caps will be set at all lot corners and angle points in lot lines, and also at all street centerline intersections at the beginning and end of centerline curves
- Based on survey dated 01/17/2006 as prepared by McMahon Associates
- Wetland Delineation was provided by Soil Solution, Inc. Valparaiso, IN. Delineation was located by McMahon Associates and shown per said survey

BOARD OF PUBLIC WORKS AND SAFETY CERTIFICATION

Under the authority of Ordinance 18, 1974, as amended, this secondary plat was examined by the Board of Public Works and Safety of the City of Valparaiso, Indiana and approved this 21st day of September, 2007

Jon Costas, Mayor

David L. Pilz, Member

John A. Hardwick

ATTEST

Sharon Emerson Swihart,
Clerk-Treasurer

PLAN COMMISSION CERTIFICATE

Under authority provided by I.C. 36-7-4-et. seq. enacted by the General Assembly of the State of Indiana and Ordinance adopted by the Common Council of the City of Valparaiso, Indiana, this secondary plat was given approval by the City of Valparaiso as follows:

Approved by the Valparaiso Plan Commission at a regular meeting held on April 10, 2007
2007.

Valparaiso Plan Commission

Bruce Berner, President

Craig Phillips, Director

Deed of Dedication

We, the undersigned, Villas at Vale Park, LLC, By James C. Wilcox, Managing Partner, owners of the real estate shown and described herein, do hereby certify that we have laid off, platted, and subdivided said real estate in accordance with the attached plat. This subdivision shall be known and designated as **VILLAS AT VALE PARK**. All streets and alleys shown are hereby dedicated to the public. Building setback lines are hereby established as shown on this plat. Easements for the installation and maintenance of utilities and land drainage facilities are reserved as shown on the plat. No building material, refuse or fill dirt may be placed within such easements in such a manner that the drainage of said lot or other lots in the subdivision is prevented. An easement is hereby granted to Verizon, Northern Indiana Public Service Company, Comcast and any other entity having the Power of Eminent Domain severally and to their respective successors and assigns, to install, lay, erect, construct, renew, operate, repair, replace, and maintain sewers, water mains, gas mains, conduits, cables, poles, and wires, either overhead or underground with all necessary braces, guys, anchors, and other appliances in, upon, along, and over said easements and the strip or strips of land designated by dotted lines on the plat marked "Utility Easement" for the purpose of serving the public in general with sewer, water, gas, electric and telephone service, including the right to use the streets where necessary, and to overhang lots with aerial service to serve adjacent lots, together with the right to enter upon said easements at all time for any and all purposes aforesaid, and to trim and keep trimmed and trees, shrubs, or saplings that interfere with any such utility use. No permanent or other structures are to be erected or maintained upon said strips of land, but owners of lots in this subdivision shall take their titles subject to the rights of public utilities and to the rights of the owners of other lots in this subdivision. Upon proper construction and approval of sanitary sewers in the development, easements for a minimum width of 20' shall be granted to the City of Valparaiso.

- The holder of title (Owner) to the lands herein, and specifically the lands upon which the drainage facilities exist, including but not limited to the storm sewers and structures that are not located within the public rights of way, Forebay A-A and Forebay B-B, the wetlands, and the pond, shall be responsible for the cleaning operation and maintenance of those facilities

Should the City of Valparaiso or any of its departments (collectively "City") determine that the obligations for operation and/or maintenance are not being met, the City shall notify the Owner of the deficiencies and set a time for meeting those obligations. If the obligations continue to be unmet, or, if an emergency exists, the City shall have the right to enter onto the property and make the necessary corrections. The City shall then have the right to collect the costs of those corrections, including legal, administrative or engineering fees, from the Owner by means of an assessment against the property.

- An easement is shown for the wetlands on Lot 1 and the wetlands and pond on Lot 2. Said easements are intended to guarantee the continued protection of those areas and their proper functioning for drainage purposes. No alteration, filling, draining or other activity that might impact those purposes is permitted without the express permission of the appropriate governmental authorities. The easement shall not prevent the use of the property by the Owner or the tenants of the development and/or their guests, to enter on, use and enjoy the purposes of the features in the easement for recreational activities

- Owner hereby agrees to hold the City harmless for any damages to the interior, private roads that may occur as a result of operating, cleaning and/or maintaining the sanitary sewer and/or water mains and/or appurtenances, or collecting trash or recycling. The Owner shall be solely responsible for the maintenance, snow plowing and repair of said roads and the enforcement of any traffic restrictions posted

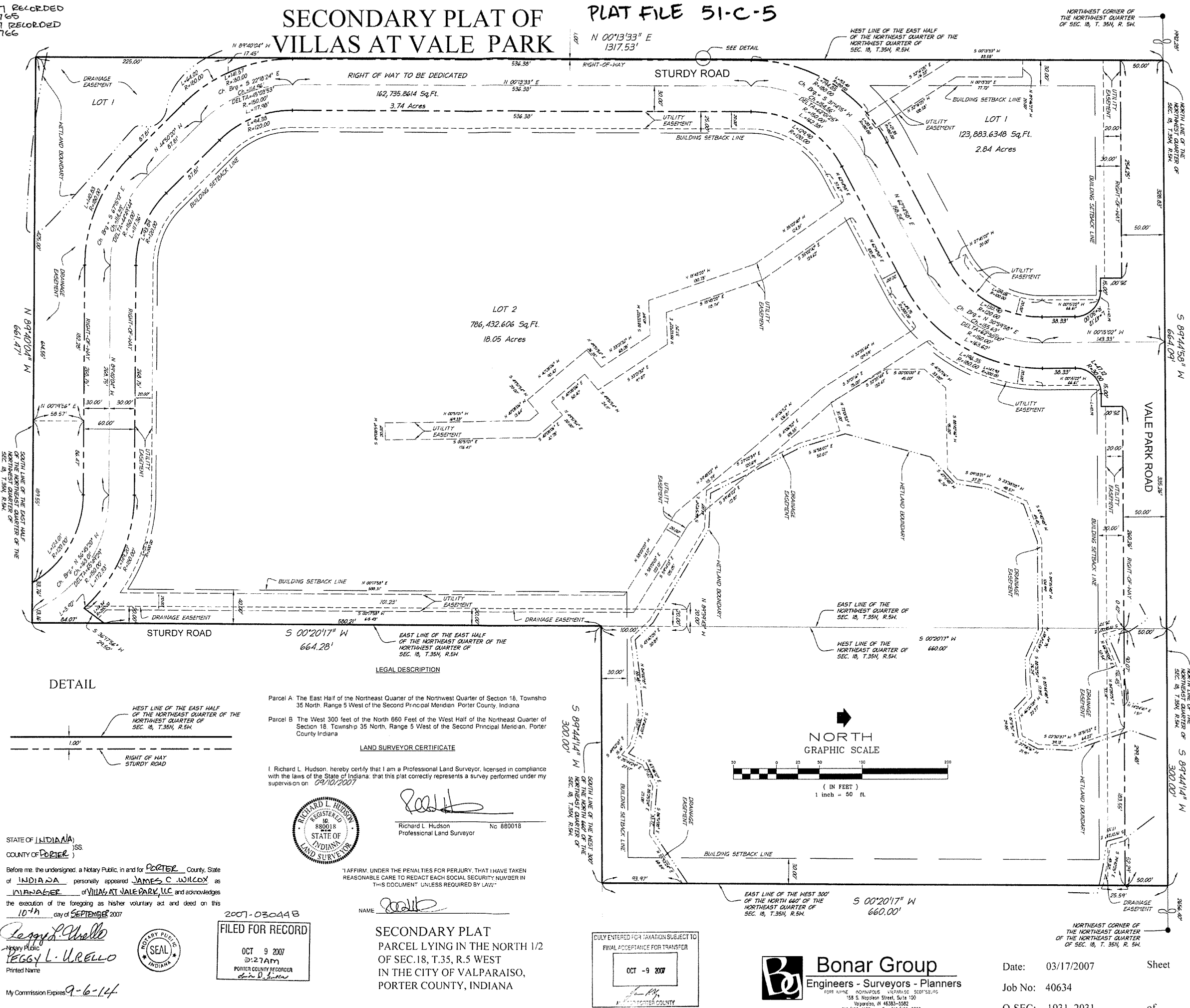
Witness our Hands and Seals this 10th day of SEPTEMBER, 2007

VILLAS AT VALE PARK, LLC

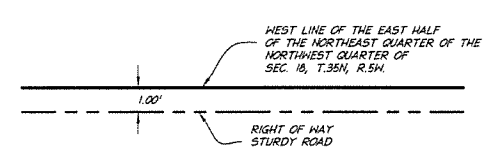
By: James C. Wilcox

Printed: James C. Wilcox

Title: MANAGER



DETAIL



LEGAL DESCRIPTION

- Parcel A: The East Half of the Northeast Quarter of the Northwest Quarter of Section 18, Township 35 North, Range 5 West of the Second Principal Meridian, Porter County, Indiana
- Parcel B: The West 300 feet of the North 660 Feet of the West Half of the Northeast Quarter of Section 18, Township 35 North, Range 5 West of the Second Principal Meridian, Porter County, Indiana

LAND SURVEYOR CERTIFICATE

I, Richard L. Hudson, hereby certify that I am a Professional Land Surveyor, licensed in compliance with the laws of the State of Indiana; that this plat correctly represents a survey performed under my supervision on 09/10/2007



Richard L. Hudson
Professional Land Surveyor
No. 880018

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.

NAME: Richard L. Hudson

2007-030448
FILED FOR RECORD
OCT 9 2007
3:27 AM
PORTER COUNTY RECORDER
Don D. Brown

SECONDARY PLAT
PARCEL LYING IN THE NORTH 1/2
OF SEC. 18, T.35, R.5 WEST
IN THE CITY OF VALPARAISO,
PORTER COUNTY, INDIANA

CULY ENTERED FOR TAXATION SUBJECT TO
FINAL ACCEPTANCE FOR TRANSFER
OCT -9 2007
PORTER COUNTY

Bonar Group
Engineers - Surveyors - Planners
FORT MYNE INDIANAPOLIS VALPARAISO SCOTTSDALE
158 S. Napoleon Street, Suite 100
Valparaiso, IN 46383-3582
219/452-1158 Fax 219/452-0339

Date: 03/17/2007

Job No: 40634

Q-SEC: 1931, 2031

Sheet

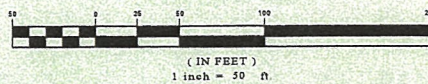
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of ONE

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Silhavy Road (County Road 200 East)

GRAPHIC SCALE



NOTE: Layout Plans are considered Conceptual. Final Site Plan layouts shall be made during Final Design Engineering. All Dimension, Boundaries and Site Data shall be verified with Final Survey.

CONCEPTUAL PLAN ASSUMPTIONS:

- Setback to Internal Roads are 10' to 20'
- Unit mix is latest Epcor Communities Concept
- Roadway width 28' B/B, 60' R/W
- Detention
- 30' & 40' Building Setback at Perimeter of Site
- 25' R/W Setback
- NOTE: Property lines interpreted Topographic/ Boundary Survey

SITE DATA:

GROSS SITE AREA	23.47± A.C.
R/W AREA	2.60± A.C.
NET AREA	21.10± A.C.
NUMBER OF BUILDINGS	21
16 (4) UNIT	(84) UNITS
4 (2) UNIT	(8) UNITS
TOTAL UNITS	72 UNITS
1 CLUBHOUSE	(1) CLUBHOUSE
NET DENSITY	3.41 D.U.A.



CLASSIC
(Chateau - 2 Car Garage)
(Villa - 2 Car Garage)
Building Height = 22'



CATHEDRAL
(Abbey - 2 Car Garage)
(Chateau - 2 Car Garage)
Building Height = 25'



CATHEDRAL
2 UNIT
(Abbey - 2 Car Garage)
(Chateau - 2 Car Garage)

Chateau - 1926 s.f. - Living space
Villa - 1325 s.f. - Living space
Abbey - 1718 s.f. - Living space
Canterbury - 1861 s.f. - Living space

BUILDING TYPES

No Scale

NOTE: Each building shall be composed of a mix of the following unit types: Villa (V), Chateau (CH), Abbey (A) or Canterbury (C). Units mix is subject to change based on demand.

* All dimensions shall be verified prior to any construction

Vale Park Road

Fleming Road

Sturdy Road

Proposed Sturdy Road



PRELIMINARY
NOT TO BE USED
FOR CONSTRUCTION



PREPARED FOR:
WILCOX DEVELOPMENT GROUP, LLC
745 MCCLINTOCK DRIVE, SUITE 302
BURRIDGE, IL 60527

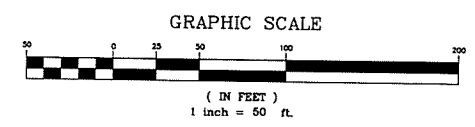
COLORED SITE PLAN
FOR
VILLAS @ VALE PARK
VALPARAISO, IN

Date: APRIL, 2006
Job No.: 2006-0494
Scale: 1"=50'
Sheet: 1/1

CHM101 | PROJECT | 20060494 | DMC VALPARAISO, INDIANA | 03/11/2006 12:33:25 PM | PLOTTED BY CARTER [4/12/2006 8:50:36 AM] -- NO XREFS -- LAST SAVED BY CARTER [4/11/2006 12:33:25 PM] --

Sturdy Road (County Road 200 East)

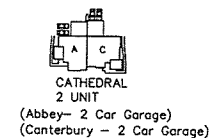
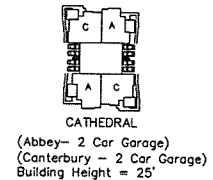
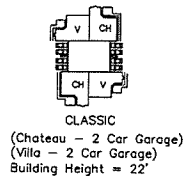
EAST 1/4, NORTHEAST 1/4
SEC 18-35-5



NOTE: Layout Plans are considered Conceptual. Final Site Plan layouts shall be made during Final Design Engineering. All Dimension, Boundaries and Site Data shall be verified with Final Survey.

CONCEPTUAL PLAN ASSUMPTIONS:

- Setback to Internal Roads are 15' to 20'
- Unit mix is latest Epcon Communities Concept
- Roadway width 24' B/B, 60' R/W
- Detention
- 30, & 40' Building Setback at Perimeter of Site
- 25' R/W Setback
- NOTE: Property lines interpreted Topographic/ Boundary Survey



Chateau - 1926 s.f. - Living space
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* All dimensions shall be verified prior to any construction

JOB No.	2006-0494	DATE	APRIL, 2006	Scale	1"=50'	Sheet	1/1
CONCEPT SITE PLAN FOR VILLAS @ VALE PARK VALPARAISO, IN							
PREPARED FOR: WILCOX DEVELOPMENT GROUP, LLC 745 MCCLINTOCK DRIVE, SUITE 302 BURR RIDGE, IL 60527							
 EMHT Evans, McArthur, Henshaw & Tilton, Inc. 550 New Albany Road, Columbus, OH 43204 Phone: 614.775.6000 Fax: 614.775.6000							
MARK	DATE	DESCRIPTION	REVISIONS				

PRELIMINARY
NOT TO BE USED
FOR CONSTRUCTION

Wilcox Development – Valparaiso, IN











