

**CITY OF VALPARAISO DEVELOPMENT PLAN
FOR**

Executive Park P.U.D.

(214 East County Road 500 North LLC.)

Commercial/Residential

The Executive Park P.U.D. Development Plan is consistent with the Valparaiso community goals for the growth and development of Valparaiso, which are:

1. To preserve the community's heritage and small city character while accommodating change that meets the needs of residents.
2. To create a better living environment for the residents.
3. To ensure the community's resources are beneficially used to satisfy the current and future needs of residents.
4. To promote the economic role of Valparaiso through the use of growth management strategies aimed at establishing a favorable base of business and industry.
5. To develop and promote guidelines for development directly outside the city limits.
6. To continue to develop the financial resources necessary to improve the Valparaiso quality of life.

This Development Plan for Executive Park Planned Unit Development has been written per 1C 36-7-4-1403. Development Plans are required for all Planned Unit Developments (PUDs) and subdivisions created in the City of Valparaiso.

The Development Plan includes resolution to all issues regarding infrastructure, environmental, density, and other specific development issues raised in the concept stage of development. Once the Development Plan has been approved by the Plan Commission it cannot be amended without developer and City approval. Development Plans for PUDs will be part of the presentation to the Plan Commission of a PUD concept site plan. When the Plan Commission recommends approval of both the concept site plan and Development Plan to the City Council, then both will be presented to the Council. Once the concept site plan and Development Plan have been approved or amended and approved by the Council, then the developer can proceed with a primary plat. Development Plans for subdivisions will be presented with the Primary Plat.

GENERAL

Executive Park P.U.D. will include Professional/Office buildings, single-family houses and paired patio homes, and is compatible with the existing neighborhood, which includes single-family and multi-family uses, as well as a country club golf course. The developer of Executive Park P.U.D. agrees to follow all of the City's existing ordinances regarding public infrastructure.

The permitted uses in the commercial section are professional offices, medical and dental offices, financial institutions and governmental offices, services and uses. The existing covenant in favor of the Porter County Board of Commissioners dated June 15, 1972 and recorded in Book 54, page 335 shall be extinguished and vacated.

DENSITY

Executive Park P.U.D. will have a total density of 28 single-family residential lots (5.66 acres or 22.3%), two paired patio residential lots (0.89 acres or 3.5%) and six Professional/Office buildings (8.89 acres or 35%) on 25.39 acres. The remaining property (9.95 acres or 39.2%) is either public right-of-way, or open space.

The residential section shall contain 30 lots. Each residential lot shall have an area or size between 8,400 and 12,000 square feet. The following developmental standards shall apply to the residential lots:

Lots	Road Width (Feet)	Right-of-Way (Feet)	Front Building Setbacks (Feet)	Minimum Sideyard Setback (Feet)	Rear Yard Setback (Feet)	Permitted Lot Coverage (Percent)	Minimum Lot (Square Footages)
1 - 28	30	60	25	0*	25	40%	8,400
29,30	20	80	25	6	25	40%	19,000

*The total side yard setback for each lot must be maintained on one side yard.

The commercial section, consisting of six (6) lots, shall have the following developmental standards:

Lots	Road Width (Feet)	Right-of-Way (Feet)	Front Building Setbacks (Feet)	Minimum Sideyard Setback (Feet)	Rear Yard Setback Facing SR 49 (Feet)	Permitted Lot Coverage (Percent)	Minimum Lot (Square Footages)
31-37	30	60	20	6	50	75%	50,000

COMMERCIAL BUILDINGS

The commercial buildings proposed for the Executive Park P.U.D. will be in harmony with each other. The materials, colors and placement of the buildings will be reviewed by the developer to ensure consistency throughout the development.

The parking lots may be shared for each building to allow for greater parking in event situations. The parking requirements will meet or exceed the off-street parking requirements of the Valparaiso Standards.

SITE PLANNING – COMMERCIAL

- A. Minimum Building Size - The minimum size is 4000 sq. ft. of heated space.
- B. Maximum Building Size – The maximum size is two floors over basement for any building built on a single lot and three floors over the basement for any building built on two or more adjacent lots.
- C. Maximum Building Height – The maximum height is two stories or 36 feet for a single lot and three stories or 50 feet for two or more adjacent lots.
- D. Maximum Lot Coverage – The maximum lot coverage is 75% with parking.
- E. Minimum Lot Size – The Minimum lot size is greater than one-acre.
- F. Buildings over one story may occupy more than one lot. Various lots and configurations are allowed in order to encourage efficient commercial use, accommodate parking area designs that may serve multiple properties and uses, and encourage designs that locate buildings and parking in a way that the pedestrian and SR 49 streetscape are best served.

OUT BUILDINGS

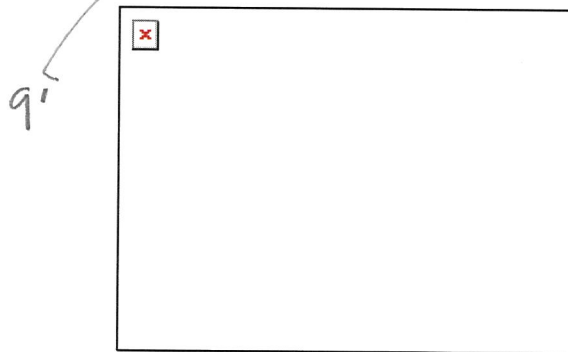
Not Permitted.

AUXILIARY LIVING SPACE

Living above the offices is not permitted.

PARKING

- A. Parking shall be provided at the ratios required by and in conformance with the City of Valparaiso Ordinances.
- B. On-street parking will not be allowed.
- C. No parking will be allowed in the 90-foot building setback from State Road 49.
- D. Parking may be located in side yards with Architectural Review Board (ARB) approval.
- E. Parking spaces shall be a minimum of 10-foot wide for 90° parking.
- F. Parking shall be screened or landscaped when parking is next to a building on another lot.



- G. A setback of 5-feet from the property line is required for all parking lots except when the parking lots are shared with parking from adjacent buildings.

MISCELLANEOUS

All site plans are to be reviewed by the Architecture Review Board (ARB) before being submitted to the City of Valparaiso.

MATERIALS & ARCHITECTURE

The purpose of these standards and guidelines are to encourage the use of historic patterns as the basis for office design but adapt themselves to the 21st century.



The standards contained herein specify basic proportions and detailing, while avoiding strict discussion of prescribed styles. Only described materials and architecture are permitted in conformance with the standards set forth in this section. The ARB may, at its sole discretion, approve other materials or architecture provided that such materials and architecture are consistent with the goals of:

- A. Constructing with materials that will wear well over time and, if properly maintained, age without adverse aesthetic impacts.
- B. Constructing with materials having no unusual adverse environmental consequences.
- C. Using architectural approaches that contribute positively to streetscape.
- D. Using architectural approaches that discourage unnecessary complexity and design.
- E. Building facades that face state highway 49 ("Prominent Façade") shall be designed and constructed to be aesthetically appropriate as a front façade, even if the main entrance to the building faces another direction. Prominent Facades shall be designed and constructed of materials consistent with but not necessarily identical to the building's front façade. Windows, columns, or other architectural features or materials shall be incorporated into Prominent Facades consistent with the architectural features of the building to provide aesthetic variety.

FREESTANDING WALLS & FENCES

- A. The fences should be made of brick, stone, wrought iron or landscaped.
- B. Fences shall be no taller than 24-inches in height if a solid wall or fence.
- C. Piers located at entry points may be up to 36-inches in height.

ROOFS

- A. Roofs of buildings shall be:
 - 1) Painted steel standing seam.

- 2) Slate and artificial slate
- 3) Copper

B. Architecture:

- 1) Simple gabled roofs symmetrical pitch - minimum 6/12
- 2) Simple hip roofs symmetrical pitch - minimum 4/12
- 3) Simple shed roofs asymmetric pitch - minimum 4/12, maximum 8/12, used against a main structure wall or as a dormer only.
- 4) Dormers shall be minimum 36-inches from end gable
- 5) Eyebrow windows shall be a minimum 48-inches wide.
- 6) Skylights (other than light tubes) shall be flat.
- 7) Vent stacks and other fenestration shall be consistent with the roof color.
- 8) Gutters and downspouts are encouraged and shall be located at building corners.
- 9) Soffit, fascia, and eaves fascia shall be vinyl, aluminum or cementitious wood fiber product.
- 10) When downspouts are placed at the building corners to convey stormwater to the lawn, gutter or storm drain, they shall not sheet flow across the sidewalk.

MATERIALS

The materials shall be of the following:

- A. Brick
- B. Stone:
 - 1) Limestone (5-inch min. vertical dimension)
 - 2) Synthetic stucco for accents or details.
- C. Windows shall be:
 - 1) Aluminum clad wood
 - 2) Aluminum
 - 3) Vinyl
 - 4) Vinyl-clad
- D. Trim shall be:
 - 1) Painted or stained hardwood or cedar
 - 2) Architectural in vinyl, wood/plastic composite or fiberglass
- E. Doors shall be:
 - 1) Stained or painted hardwood doors
 - 2) Steel clad doors
 - 3) Glass doors

COLORS

All colors must conform to the style of the architecture and must be submitted to and approved by the ARB.

LANDSCAPING

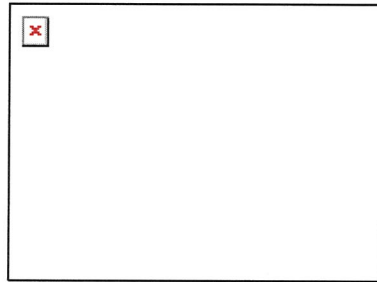
A. Entry Walks

- 1) Each building shall have an entry walk with a landscaped area between the building and walk.
- 2) The walk, whether of permeable or non-permeable materials must be level enough to be cleared of snow in winter.

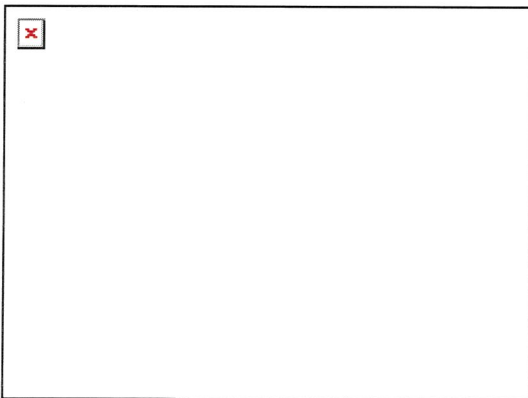
B. Front Property Line – A vertical element shall be provided continuously along the front property line of each building to shield parking and shall meet the requirements of the fencing standards set forth herein.

C. Screening

- 1) Trash receptacle storage, dumpsters shall be located at the side on a level surface screened from passersby with a structure or plantings.
- 2) HVAC equipment, power facilities, and satellite dishes shall be screened or enclosed and not be visible from State Route 49.



D. Landscape Plan – Before starting construction of any structure on a lot, a landscape plan describing all outdoor aspects of the lot must be submitted to and approved by the ARB. Such plan shall provide all necessary information on the existing conditions such as topography and existing trees, as well as necessary information on the proposed conditions, including (but not limited to) topography, plantings, paving areas, screening, materials and design, as well as plans to deal with existing trees and stormwater runoff.



- E. Plant Lists – Use of any species of tree, shrub, or plant not listed on the Valparaiso list of approved species must be approved by the ARB. The species on the list were chosen for their hardiness in this region (and, thus, their need for less water, fertilizer and chemical treatment than other species).
- F. Trees - Unless precluded by lot conditions, each lot shall have at least three trees planted somewhere on the lot. Such trees may be in the front, rear or side of the main structure.

SIGNS

- A. All signs shall conform to the requirements set forth in this section and to those in the City of Valparaiso Zoning Ordinance, which ever is most restrictive.
- B. Signs are allowed on:
 - 1) Yards
 - 2) Facades
 - 3) Windows
- C. Signs are prohibited on:
 - 1) Roofs
 - 2) Beyond property lines
 - 3) No sign may extend above the bottom of the eve or the top of the parapet line.
- D. A sign in any material not specifically prohibited by Valparaiso City Code is allowed for signs.
- E. Freestanding Signs must be monument.
- F. Facade Signs
 - 1) Mounted
 - 2) Window Graphics
- G. Temporary signs are limited to construction only.

CONFIGURATION

- A. Monument Signs:
 - 1) Maximum one monument sign per building.
 - 2) Setbacks shall match those of the principal building
 - 3) The sign size shall not exceed 36 sq. ft.
 - 4) The maximum height is 6'6" (measured from the grade from the sign location to the top of the highest point on the sign).



- B. Facade Signs
 - 1) For multi-tenant buildings, one marquee sign is permitted for each facade visible from a dedicated right-of-way.
 - 2) Facade signs shall be used primarily to list tenants and/or occupants of the building to which it is applied.



- 3) Marquee signs shall be applied flat to a façade and shall be located at or near building corners or at the entrance of a building such as a stone fence.
- 4) Marquee signs shall not obscure transom windows, any upper floor window, piers, or architectural features, except those specifically designed to receive signs.
- 5) Sign size is not to exceed 15 sq. ft.

INDEPENDENT SIGNS

Flags and flagpoles shall be permitted only after review the ARB.

TEMPORARY SIGNS

A. Construction Signs

- 1) Sign may be mounted on a post set in the ground or on skids.
- 2) Only one sign per construction site
- 3) Signs shall be removed within seven days after substantial completion of the construction work.
- 4) One non-illuminated temporary sign bearing only the street number of a new or remodeled structure and the names, phone numbers and logos of the general contractor, subcontractors, owner and/or tenant, during construction work on the premises which they are placed, not exceeding 6 sq. ft. in gross surface area is permitted.

OTHER SIGNS

Other signs may be permitted upon review of the ARB.

LAND PLANNING

A. Parking Lot Lights

- 1) Parking lot lights shall be installed in accordance with the requirements of the Valparaiso City Code and PUD ordinances.

INFRASTRUCTURE

Executive Park P.U.D. will have 4-foot sidewalks along both sides of all public streets, and along the south side of County Road 500 North.

Executive Park P.U.D. will have 30' minimum width public streets including curb and gutter, and is consistent with the City Thoroughfare Plan. The road access to the development will be from County Road 500 North.

Executive Park P.U.D. will have all public water lines extended from the existing waterline at Silhavy Road and County Road 500 North. It will have all public sanitary sewer lines extended from the lift station located along County Road 500 North in the Hawthorne Subdivision.

Executive Park P.U.D. will have a complete storm water drainage system meeting the requirements of the City Ordinances. Storm water will be controlled by a system of storm sewers independent of the sanitary sewers. The storm water will be routed into a detention pond and released into Flint Lake Garden Terrace Drain with the City Engineer's recommendation. The storm water system will meet or exceed the IDEM Phase 2 requirements. Detailed calculations and designs will be submitted during primary plat review.

Executive Park P.U.D. will submit a landscaping plan that will require city approval before building permits are issued. The developers will maintain a preservation easement along the regulated ditch. Open space buffers, and tree preservation easements will separate the commercial section and the residential section. A preservation easement separates Lots 1 – 28 from the existing residential houses along Silhavy Road.

Provided that the right-of-way is sufficient in size, a passing blister shall be installed on the north side of Burlington Beach Road to permit westbound traffic to safely pass traffic stopped to turn southerly into the development.

ENVIRONMENTAL

Executive Park P.U.D. will have 5.9 acres or 23.3% of open space maintained by the POA, and 0 acres will be dedicated to the Valparaiso Park District.

Executive Park P.U.D. has 0.14 acres of wetlands. The development does not intend to disturb the delineated wetland with exception of minimal impacts for the road crossings and the wetland encroachment onto one commercial lot. The developer shall determine all appropriate permits required for this work (from the Department of the Army, Indiana Department of Environmental Management or others) and apply and prosecute such required permits prior to the commencement of any disturbance of the wetland.

Executive Park P.U.D. is in the Flint Lake Garden Terrace Drain Floodway. The Porter County Drainage Board has accepted the ditch as a legal regulated drain. The developer intends on leaving the area within the regulated drain easement in its natural state for open space and a buffer between the development and the existing residential along County Road 200 East.

Executive Park P.U.D. will not negatively impact the water quality of the City of Valparaiso.

Executive Park P.U.D. shall have tree preservation easements prohibiting the removal of mature trees from the areas shown and denoted for this purpose on the Concept Plan. The developer shall provide for penalties for removal of trees from the preservation easements in the restrictive covenants for the residential lots.

CONSTRUCTION SCHEDULE

It is anticipated that the Executive Park P.U.D. will be constructed over four years, commencing in the spring of 2006.

The developer of Executive Park P.U.D. agrees to provide the City with copies of as-builts for all public utilities, and covenants and restrictions as recorded.

The City of Valparaiso agrees to process requests for Executive Park P.U.D. as efficiently as possible. This includes requests for site review, landscaping approval, and permits. The City agrees to this Development Plan and the PUD as submitted in the primary plat.

VARIANCES REQUESTED

The following variances for each lot are requested:

1. Street pavement width through the commercial section reduced from 36' to 30'.
2. Minimum lot area in commercial area reduced from 2 acres to 1.2 acres within the State Route 49 overlay area. (State Highway 49 Overlay Ordinance)
3. Reduction of the Section 2935 setback for State Highway 49 from 90' to 50'. (State Highway 49 Overlay Ordinance)
4. Sidewalks shall not be required on the west side of the commercial street (eastern most street).
5. Only one access point shall be required for the development.
6. Lots 29 and 30 shall not be required to have a 25' planted greenbelt abutting the PUD boundaries.

214 East County Road 500 North LLC.

Surjit Patheja, Member

Plan Commission President

VALPARAISO PLAN COMMISSION
Regular Meeting Minutes
April 8, 2008

The regular meeting of the Valparaiso Plan Commission was held at 7:00 p.m. on Tuesday, April 8, 2008 in the Valparaiso City Hall Council Chambers. Bruce Berner presided.

Members present were: Diane Worstell, Kathleen Evans, Deb Butterfield, Al Shields, Bruce Berner, Jan Dick, Vic Ritter and Dave Pilz. Also present were Attorney Ethan Lowe, Craig Phillips, Tyler Kent, citizens, and representatives of the press.

MINUTES:

Jan Dick made a motion to approve the March 11, 2008 minutes as submitted. Seconded by Vic Ritter. A voice vote was taken and the motion was unanimously carried.

OLD BUSINESS:

RZ08-002 – Vale Park Rezoning - Valparaiso Redevelopment Commission – Request for approval of a rezoning of land located on the north and south sides of Vale Park Road between Campbell and Valparaiso Streets from R-1A Low Density Residential District to C-1 Neighborhood Commercial District, R-1 Single Family Residential District, and OS Open Space District.

Motion: Jan Dick made a motion to postpone project RZ08-002 until the May 2008 regular meeting in order to give the Redevelopment Commission another opportunity to review the petition completely. Seconded by Kathleen Evans. A roll call vote was taken and unanimously carried 8-0.

EOD08-001 – University Place Project Variance Recommendation – Eastgate Investors II LLC – Request for recommendation on variance from Section 3935 and 3940 Eastgate Overlay District standards. Attorney Bill Ferngren presented. The initial hearing on this project was two months ago. They are here seeking a favorable recommendation to the BZA. This is a four-building project with a mixed residential and commercial use in the Eastgate Overlay District. The petitioner is proposing that the primary facades be at least 40% masonry, while exceeding the EIFS maximum of 30%. Even with doing so they feel the project fits within the goal of the EOD. The EIFS material will allow them to have articulation and a long lasting product that allow variety throughout. The rear and sides of the buildings will also be similar and the developer is willing to work with staff to achieve a comfort level for everyone.

- Q: How much masonry will you have?
A: At least 40%.
Q: What are the primary streets?
A: LaPorte and Lincolnway are both primary streets.
Q: What does the back face?
A: Parking. This is more like a quad project.
Q: Is tonight's building rendering actual?
A: Yes, but we are willing to continue to accept input from staff, etc.
Q: Will there be ground floor EIFS?
A: Wherever there is pedestrian contact it is masonry. There will be some EIFS guarded by landscaped areas and the panzer mesh material will be used on the first floor in these areas.
Q: Is the 40-50% masonry you are requesting real masonry?
A: Yes.
C: EIFS may be easily patched, but matching is another issue.
R: When Mr. Powers gave his presentation he specified that they are able to recommend durable colors and we will commit to used a more tested and less known to fade color. The building not being one large wall also helps decrease notice ability.
C: Vic Ritter noted that the EOD Ordinance directs developers to use more brick, block stone, etc. It doesn't force anyone to sue vinyl siding, etc. The EOD Ordinance was designed to raise the bar. Horizon Bank and Country Inn and Suites are in the EOD and complied with the masonry requirements. If we recommend a variance then we are setting a precedence and we will automatically be resetting the percentage and the bar.

- R: Every project is individual. This particular style of building might not have been the mindset of the EOD Ordinance committee when writing the requirements. With have four-story buildings, a lot of first floor glass, articulation and the right materials the intent is met.
- C: 40% is the bare minimum recommended for masonry.
- R: We are anticipating 67% masonry on LaPorte and Lincolnway facades. We are not diminishing anything and feel this will be a good fit.
- Q: When the standards were written what was the intent of the 30%?
- A: (Craig Phillips) It was not an arbitrary number. Across the Country it is common to see EIFS allowed as an accent only. 30% is still considered accent. The goal was to limit the amount of EIFS because of the concerns with the product. Staff is very uncomfortable with any first floor use even with the panzer mesh. EIFS is considered an inferior product. It is not timeless and there are a myriad of issues with it. There needs to be a specific number set for the EIFS percentage and panzer mesh should be required if allowed at all.
- Q: (Directed to Vic Ritter) The EOD Ordinance states a minimum of 40% masonry and a maximum of 30% EIFS. What is to fill in the gap? Would the alternatives be less or greater than the EIFS?
- A: Greater. Simulated stone, metal panels would be examples.
- Q: What is the developer willing to commit to?
- A: The design is not totally finalized, but we are willing to commit to up to 40% EIFS on the primary facades for an increase of 10%, and up to 70% EIFS for the entire project for an increase of 40% with the trade off being that everything not EIFS is masonry therefore increasing the overall percentage of masonry.
- Q: What about the building facing the bank?
- A: That building will need special consideration and we will coordinate with staff but know it will need a higher masonry percentage as well.

In summary the project will:

- Contain 60% masonry and 40% EIFS on the primary facades.
- The entirety of the project will not exceed 70% EIFS with the balance being masonry. Anything that faces the outside of the courtyard will be 60% masonry and glass. (Nothing that 60% masonry on the primary facades is a 20% increase of the masonry requirement.)
- EIFS on the first floor will include the panzer mesh material.
- EIFS on the first floor will not be within pedestrian contact and will have landscape and sidewalk barriers.

Bruce Berner passed the Chairman gavel to Vice-Chair Jan Dick.

Motion: Bruce Berner made a motion to give a positive recommendation to the BZA with the conditions of the four bullet points stated above. Seconded by Diane Worstell. A roll call vote was taken and denied 6-2 (Evans, Butterfield, Shields, Dick, Ritter, Pilz). This petition will go to BZA with a 6-2 negative recommendation.

NEW BUSINESS:

PP08-001 – The Orchards Primary Plat – Dennis Hain – Request for approval of a primary plat of a 9-lot commercial subdivision to be known as The Orchards. Attorney Bill Ferngren presented. The public hearing on the petition was held last month. We are here for primary plat approval tonight. In review, The Orchards commercial subdivision is 14 acres located between Silhavy Road and Highway 49. The area is zoned both C-3 General Commercial and M-2 Heavy Industrial. In January the Board of Zoning Appeals granted four developmental standards variances. Those were double frontage lots, lots less than two acres in size, lots allowed to abut a private road, and food sales permitted. On March 27, 2008 the Board of Works voted 3-0 in favor of this private internal road. The road will be built to city standards and there will be a Property Owners Association responsible for the maintenance and the covenants and plat will state that the City has the right to “take” the road if they so choose. We have also worked with Dave Pilz regarding the wording for the drainage. We request your approval.

- Q: What about the questions from last month that have not been answered such as:
- You are showing a 20-foot setback from the easement. The setback on Silhavy Road needs to meet at 30 feet and 90 feet from Highway 49.
 - What will be seen from Highway 49. Will the east side be oriented toward 49 and the west side toward Silhavy?
- A: We will be 90 feet from Highway 49 and 30 feet from Silhavy and those will be shown on the plat.
- A: We do not have site plans. We are only requesting approval of the lot lines and where someone can build a building. Those that come in will have to go through site review and comply with the Overlay requirements.
- C: Vic Ritter noted that he does still have concerns with the rear of the buildings facing Highway 49. Can the buildings be arranged so that they are back to back and the sides face Highway 49?
- A: This has been discussed and it may actually be an advantage to arrange the buildings in this fashion. The fronts will face north and south and the sides will face east and west.
- Q: Will Dennis be the builder?
- A: He hopes to be.
- Q: Will there be sidewalks?
- A: That is up to Site Review. If they want them or require them, the developer does not object to having them.

Motion: Jan Dick made a motion to approve petition PP08-001 with the condition that the buildings are built so the sides face Highway 49. Seconded by Al Shields. A roll call vote was taken and carried 7-1 (Pilz).

NEW BUSINESS:

A080-002 – Caribbean Pool Annexation – Caribbean Pools – Request to annex land located between US 30 and Murvihill Road and rezone from I-1 in the County to C-3 General Business District. Bruce Berner advised this petition is postponed to the May 2008 regular meeting.

PP08-002 – Aero Center Primary Plat – Redbow 100 LLC – Request for 4-lot industrial subdivision to be known as Aero Center. Dave Tiemens presented. This parcel is 10-acres on the east side of Eastport Centre Drive. They are proposing four lots. Lot one has an existing 35,000 square-foot building on it and is 3.72 acres in size. Lot 2 is 3.37 acres in size and they are proposing a similar building to what is on Lot 1. Lots 3 and 4 are smaller in size at 1.23 acres and there are no plans for development at this time, but they are required to plat the entire property in order to build on Lot 2. There is an existing retention pond on Lot 1 and it will be lengthened to accommodate the other lots. They will dedicate part of Redbow Drive and Loudermilk Drive to the City and drainage easements will be dedicated. There is no infrastructure to install and no variances are being requested. The proposed building will be steel with some stucco and have front parking. Suspension of rules is requested.

Bruce Berner asked if any of the public would like to speak in favor of or in opposition of this petition. Bruce Berner also asked that the public address their questions to the Plan Commission while at the same time the petitioner will take notes and respond at one time.

Gene Anderson, Plant Manager for Continental Midland LLC, 4001 Redbow Drive, questioned if the retention pond on Mr. Tiemen's property will drain into the retention pond behind their plant at 4001 Redbow Drive. Is the pond large enough to hold the run off with potentially three new buildings. If the ponds fill up will this affect the airport?

Dave Tiemen's rebuttal:

- A drainage plan exists. The retention pond on our property will be lengthened to accommodate, but he cannot speak for the retention pond capacity at 4001 Redbow Drive. We did the calculations to show that we will not be discharging any additional run off.
- Bruce Berner added that legally the Petitioner is required not to increase any run off and the City Engineer's office reviews the calculations and ensures that their proposal will not increase it.

The public hearing was closed and questions/comments were heard from the Members.

Q: Does Planning or Engineering have any issues with this proposal?

A: No.

Motion: Al Shields made a motion to suspend the rules. Seconded by Jan Dick. A roll call vote was taken and unanimously carried 8-0.

Motion: Dave Pilz made a motion to approve PP08-002 with the condition that the owner provide a separate document granting an easement across the road to allow for property drainage. Seconded by Diane Worstell. A roll call vote was taken and unanimously carried 8-0.

Dave Tiemens stated that he requested primary and secondary plat approval on the application and therefore is requesting secondary plat approval subject to final review by the Engineer's office. Dave Pilz noted that he has not reviewed final plat, but is willing to allow them to proceed subject to final review by the City Engineer's office and Board of Works approval.

Motion: Dave Pilz made a motion to approve SP08-002 subject to final review by the City Engineer's office and Board of Works approval. Seconded by Vic Ritter. A roll call vote was taken and unanimously carried 8-0.

PUD08-002 – Executive Park PUD Amendment 1 – Valparaiso Executive Park LLC –
Request to amend the Executive Park PUD Ordinance pertaining to building height, roof type, and parking space width. See comments under PUD08-003.

PUD08-003 – Executive Park PUD Amendment 2 – Lots 31 and 32 – Property 49 LLC –
Request to amend the Executive Park PUD Ordinance pertaining to building height, roof type, and parking space width. Attorney Bill Ferngren presented both PUD08-002 and PUD08-003 together. This PUD was passed in September 2005. It is located at the corner of Burlington Beach Road and Highway 49. The site plan only permitted two-story structures and we are requesting 3-story structures 45-50 feet in height. We are asking for flat roof styles on only those 3-story structures, and we are requesting 90-degree parking with 9-foot wide spaces. We are not increasing the number of spaces but rather increasing the amount of green space. Also the 3-story structures will require 2 lots. Suspension of the rules is requested.

Craig Phillips advised that the affidavit of public notice for PUD08-003 was left out of the packet and the petitioner needs to submit it by the end of the day on April 9, 2008 and any approval would be subject receiving it.

Bruce Berner asked if any of the public would like to speak in favor of or in opposition of this petition. Bruce Berner also asked that the public address their questions to the Plan Commission while at the same time the petitioner will take notes and respond at one time.

Matt Murphy, Economic Development Director for the City of Valparaiso advised that this is a quality investment and an attractive design and asks the Members support.

Nick Furlis, a resident in the vicinity of this project, stated that the use for this area has changed over the years and questioned if this is going to increase or decrease the surrounding property values? What guarantees do the homeowners have? Why do we have a public hearing one month, then allow the petitioner to make changes and vote without another public hearing? He also noted that there was no website agenda for tonight's meeting available online.

Attorney Ferngren's rebuttal:

- We are confident that this type of project will not negatively affect property values. This is a \$3.3-3.6 million dollar project.
- Bruce Berner advised that the process of presenting, public hearing, and voting is done according to the State Statute.
- Craig Phillips noted that the Planner was out recovering from surgery for two week and the online agenda was simply an oversight.
- Craig Phillips also noted that these are somewhat minor changes. The building mass is the same, they are just making it clear that flat roofs are acceptable and the parking width is a benefit to the environment.

The public hearing was closed and questions/comments were heard from the Members.

Q: Are you increasing the number of parking spaces?

A: No, just lessening the amount of pavement.

C: If this were not in a PUD it would probably be zoned C-3 and all of these things could be allowed. There is nothing out of character with their requests, it is simply a change from the PUD requirements.

Q: Are the buildings the same design on all four sides?

A: They will have some glazing facing Highway 49 and are somewhat similar facing to the west. The ends will be smaller and also have some glazing.

Q: Are you asking for flat roofs on all sizes to buildings?

A: No, only for 3-story building, this PUD and these four lots.

Q: These variances only pertain to lots 31-36?

A: Yes.

Motion: Dave Pilz made a motion to approve petition PUD08-002 and PUD08-003 as presented. Seconded by Kathleen Evans. A roll call vote was taken and unanimously carried 8-0

REPORTS & DISCUSSIONS:

Zoning Ordinance/UDO Project Update – Craig Phillips reminded everyone that there is an all day workshop for ZO/UDO committee members on Thursday, April 10, 2008 beginning at 8:30 a.m. in the Valparaiso Chamber Upstairs Conference Room. Things are progressing nicely and the online version was received.

ADJOURNMENT:

There being no further business to discuss the April 8, 2008 Regular Plan Commission meeting was adjourned at 9:10 p.m.