



**MEETING: Site Review Committee**  
**SUBJECT: The Courtyards at Pepper Creek**  
**ADDRESS: NW Corner Froberg Road and 400 N**

**LOCATION: City Hall**  
**DATE: March 4, 2014**

## PRELIMINARY SITE REVIEW

### IN ATTENDANCE:

Tyler Kent, Planning Director	(219) 462-1161
Tim Burkman, Engineering Director	(219) 462-1161
Adam McAlpine, Engineering Dept.	(219) 462.1161
Ed Pilarski, Water Reclamation Dept.	(219) 464-4973
Vicki Thrasher, Building Commissioner	(219) 462-1161
Mark Geskey, Utilities	(219) 462-6174
Mike Steege, Utilities	(219) 462-6174
Dave Souders, Fire Department	(219) 462-8325
Matt Evans, Public Works Director	(219) 462-4612

Media

Email addresses for the above City of Valparaiso Departments can be found at [www.valpo.us](http://www.valpo.us).

### PRESENTERS:

Bill Ferngren, Ferngren Law Offices LLC  
 (219) 548-9800 / [bill@ferngrenlaw.com](mailto:bill@ferngrenlaw.com)

The following is a summary of discussion at this meeting:

**OPENING:** The Site Review Committee met to discuss rezoning of property to residential so that it can be incorporated into and made part of the Courtyards at Pepper Creek condominiums. Kent stated that site review is not an approval. Rather, it is a preliminary discussion of the requirements and issues to be considered by the developer or owner. It is possible it will need to come back before site review or to seek other approvals.

**EXPLANATION OF PROJECT:** Ferngren indicated he was attending the site review on behalf of 400 North LLC. This project is part of the overall development of Pepper Creek. There are large estate family sites located to the west. The project being presented at this meeting is the area highlighted in yellow on the drawings submitted and the continuation of the Courtyards at Pepper Creek Condominiums. The Courtyards Condominium development has been done in a single phase. The condominiums have just expanded into phase 2 and phase 3 will be the highlighted area on the drawings. All single family detached condominiums are being built by The Courtyards at Pepper Creek LLC. The highlighted property is zoned Neighborhood Commercial. This project was originally reviewed at the Porter County level because the property was in fact in Porter County. The whole master plan for the site was envisioned in 2004. At that time a portion of the property was rezoned to R3 under the County's zoning jurisdiction which is the bulk of what is now known as The Courtyards at Pepper Creek. The 2.64 acres being discussed today was zoned Neighborhood Commercial. There is some Neighborhood Commercial property across the street from this site. The thought at that time was that it would be a good location for perhaps a restaurant, coffee shop, dry cleaner or some other office type of use. Despite efforts to make this happen, nothing has materialized. It appears the owners of this property want to move forward in the direction of making this a continuation of the condominium project all the way through the 2.64 acres. A meeting with Tim Burkman, Tyler Kent, Vicki Thrasher and Dave Nondorf took place to discuss the phase 2 part of the project. The discussions concerned roadway widths, etc. and Ferngren believes issues were resolved relating to the existing roads and units in phase 2. Phase 3 is being presented today. Ferngren indicated nothing has changed concerning the units or

design. All infrastructure improvements were installed as part of the original development. The principal roads are in; however, driveway extensions may not be installed. Sewer and water are also in place. There will be approximately 10 units affected. Since residential uses are not permitted in the Neighborhood Commercial, rezoning to Urban Residential is being requested. This is consistent with the rest of the project.

#### **STAFF COMMENTS:**

**BURKMAN:** Burkman is aware the main topic of discussion for today is the highlighted area shown on the drawings. Burkman indicated he was not part of the meeting referred to early by Ferngren. Burkman said due to the number of changes that have taken place at Pepper Creek he is requesting a complete set of updated plans showing what is already in the ground and what is being proposed. When this was proposed to be multi-family with the commercial on the corner the original construction plans indicate that a 2 ft. curb and pavement widening are called for along the frontages of 400N and 150W. Burkman said he visited the site and he does not believe this has been done. The plans indicate this was to be done “per annexation agreement.” Burkman researched this and the annexation agreement also calls for a payment in lieu of sidewalks when the property develops. A fixed fee was established for this payment. If this payment has not been made, this needs to be resolved. Burkman said the grading plan indicates that units along the west side of Froberg sit very low (about 6 ft.) in relation to the road elevation. This creates a concern for drainage shedding off towards the east side of these units from the road. Assuming there are windows facing east they would be looking up at car tires on the pavement. Also as it relates to the grading plan, Burkman wants to know how the 100 year flood elevation of the pond relates to the proposed look-out elevation of the buildings that are along the east side of the pond. Burkman indicated this was more into phase 2. There does not appear to be much separation between what looks like the edge of the pond and what is proposed as a look-out elevation. Burkman is assuming the inlet shown on the southeast side of Unit 62 is already installed. This is a low area and may create a drainage issue. If not already in place, some sort of storm water management will be required in this area. The Rule 5 Permit expired in 2011. An updated Storm Water Pollution Prevention Plan must be submitted and applying for a Rule 5 renewal for the overall development will be necessary. Burkman stated the Utility Plan shows multiple services entering the E1 Units and multiple services entering single gravity services. This is unconventional; however, this is privately owned and maintained by the condo association. There is an agreement which was executed in 2012 for the utilities. This agreement stipulates what is owned and operated by property owners association versus what is operated by the utilities. The agreement covers phase 1 with an exhibit showing phase 1. Amending this agreement to incorporate phase 2 and clearly defining what portions of the mains will be considered public versus what will be privately maintained is necessary. Burkman conveyed there are several issues that need further discussion with Palm and Associates. Burkman reserves the opportunity to provide further comment once plans are developed. Burkman said the notes from the August 5 meeting indicated that nine “No Parking” signs were to be installed by the developer. Burkman asked if the intention was to install these signs throughout phase 2. Ferngren said his recollection was the signs were to be installed along the drives and not on the main road. Ferngren indicated the main road is 26 ft. wide, but the concern was being able to get back into some of the other areas where there are the drives. On street parking was discussed. Burkman indicated this needs further discussion.

**THRASHER:** Thrasher said there is an easement that appears to run under Unit 61 and 62. Building over an easement is not allowed and must be changed.

**SOUDERS:** Souders said that since he had not been involved with this project he did speak to Nondorf concerning issues. Nondorf indicated that accessibility was a primary issue along with the fire hydrant locations of 250 ft. to any structure. Souders stated his understanding is that these

concerns have been resolved. Therefore, Souders provided no further comments.

**EVANS:** Evans stated the roads are private; however, Public Works does supply trash and recycle services. Evans said that sometimes the owners of private roads approach the City to ask that private roads be accepted by the City. If the roadways have not been designed to City standards, the City will require improvements before accepting them. This should be taken into consideration if the roads were to be dedicated in the future.

**KENT:** Kent asked if residents would have to bring their trash bins out to the roadway. Evans confirmed the residents would be required to bring trash bins onto Rustic Crooked Circle. Kent suggested the owners work with their engineer to design a common area for residents to bring their trash bins. Evans heartily supported this measure. Kent requested some landscaping around this common area to block the trash bins from public viewing. Kent asked about an overall landscape plan for the site. Ferngren is not aware of a landscape plan. Providing a landscape plan for phase 3 will be necessary. Kent indicated the density calculations for phase 3 will need to be shown on the plans. Kent will research the requirement for street trees. Evans said there is an arborist on staff at Public Works and a horticulturist at the Parks Department. Both Public Works and the Parks Department would be very interested in reviewing the landscape plan.

**MCALPINE:** McAlpine stated his comments will be mainly related to drainage and will include both phase 2 and 3. McAlpine said he is interested in learning more about the overall drainage plan for The Courtyards at Pepper Creek based on both the as-built in-the-ground conditions as well as the proposed development. McAlpine would like language included somewhere regarding how storm water is managed internally. If this were to be publicly maintained, McAlpine conveyed he would have many concerns with the close proximity of the units and the difference in elevations from one to the next; however if storm water is privately maintained it could alleviate these concerns. It would be beneficial if the elevation of Unit 61 and 62 which backup to Unit 64 and 63 could be modified in some way because there is a 3 ft. difference in elevation over approximately 10 ft. in length. This same situation exists at Unit 66 and 67 backing up to Unit 69 and 68. It appears they are trying to step it down based on the terrain; however, this seems very difficult because they are so close together. McAlpine reiterated comments by Burkman concerning how low the units on the east side of the development sit relative to the roadway. McAlpine said the Engineering Department may receive concerns from future residents even if they are publicly maintained because the public road runoff will be shedding onto these sites. With these specific areas where public runoff sheds onto this privately developed subdivision close attention will need to be paid to pipe sizes and the terrain. With regard to the surrounding body of water or wetland where there are the look-out basements again what is the high water level of this body of water during a 100 year rain storm and how does that compare with these units. This information needs to be provided and determine a reasonable setback is from the high water level. McAlpine reserves the opportunity to provide further comment once plans are developed.

**PILARSKI:** Pilarski expressed concern with the wastewater discharges from the project. Pilarski asked for confirmation that phase 2 and 3 will be strictly residential and no commercial is being considered. Ferngren confirmed phase 2 and 3 will be all residential. Pilarski requested updated plans. There are some issues that need to be addressed; however, Pilarski will reserve further comments at this time and will also defer comment to the sewer division on these issues. Pilarski requested the plans include a definition for PDB and what it stands for. Pilarski noted the plans show three E1 units on the sanitary sewer line servicing building #69. This needs clarification.

**GESKEY:** Geskey said a water main addition will be needed for the yellow highlighted portion. Also some water main will be deleted under Unit 61 and 62. Geskey provided procedures for a water main extension. Geskey conveyed that all single family homes must have their own water tap. The plans show one water service to serve one unit. This must be a water main with services coming off the main. Installing an auto-flusher on all dead-end water mains will be required. Geskey indicated that a meeting with Palm and Associated concerning sanitary sewer will be

necessary. Geskey provided contact information.

**STEEGE:** Steege stated all his comments have already been covered.

**ISSUES TO BE RESOLVED:**

Landscaping Plan

Erosion Control Plan

Rule 5 Permit Renewal

Detailed Site Plan

Site Improvement Permit

Zoning Clearance

Updated Plans

Payment In-Lieu-Of Sidewalks

2 Ft. Curb and Pavement Widening

Drainage

Updated Storm Water Pollution Prevention Plan

Amend 2012 Agreement for Utilities to Include Phase 2

Meeting with Palm & Associates

Common Area for Trash Bins

Density Calculations for Phase 3

Provide Information on Pond/Wetland High Water Level

Water Main Extension

Water Taps for Single Family Homes

Auto-flusher at Dead-end mains