

MEETING: Site Review Committee **LOCATION:** Zoom
SUBJECT: Heinold & Feller Sales Center **DATE:** January 20, 2022
ADDRESS: 52 Marks Road, Suite 5
PRELIMINARY SITE REVIEW

IN ATTENDANCE:

Beth Shrader, Planning Director
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Carley Lemmon, Asst. Planner
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Vicki Thrasher, Building Commissioner
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Bill Laird, Engineering Dept.
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Tim Stites, Fire Department
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Matt Zurbriggen, Engineering Dept.,
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Will Rose, Engineering Dept.
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Nate McGinley, Water Dept.
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Tony Fahel, Water Reclamation Dept.
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PRESENTERS:

Scott Hazlett, The Hamstra Group
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Joe Feller, Owner
(219) 508-3433 / joefeller@heinold-feller.com

The following is a summary of discussion at this meeting.

OPENING: The Site Review Committee met to discuss the proposed Heinold & Feller Lawn Mower Sales Center to be located at 52 Marks Road, Suite 5. Lemmon 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: This is a minor remodel of an existing tenant space within a multi-tenant building located at 52 Marks Road, Suite 5, which is just north of the existing Heinold & Feller site at Lincolnway and Marks Road. This project involves some minor remodel work to convert this space, which was most recently a building materials sales facility, to a lawn mower equipment service facility. Three existing offices will be converted to a couple smaller offices and providing a sales counter area. A large office in the middle of the existing showroom space will be removed to make room for a display area. A small portion of the existing warehouse area will be converted into an enclosed

space for the mower repair shop. The project also includes the addition of a small 15 ft. x 100 ft. fenced storage area to the east side of the building for the outdoor storage of additional lawn mower equipment. The site has a series of steps to walk up to get to the raised concrete platform before you are able to enter any of the facilities. This issue will be remedied by installing a handicapped accessible ramp in the west parking stall area to accommodate accessibility into all of the tenant spaces in this building.

STAFF COMMENTS:

MCGINLEY: McGinley asked if there will be any changes to the existing water or sewer services or changes to the existing meter. Hazlett said no changes are being considered. McGinley offered no other comments on the project.

FAHEL: Fahel asked if the repair area will have floor or trench drains. Hazlett said there will not be floor or trench drains. Fahel asked if they will be changing oil on equipment. Feller said they will be doing oil changes. However, they will be doing dry cleanup using Oil Dry. Fahel asked if there will be new plumbing in the building. Hazlett stated there will not be any new plumbing. Fahel requested they have a Spill Prevention Plan in place.

STITES: All initial inspections required during the construction phase must be scheduled and coordinated with the Building Department. After occupancy is granted, the facility will be subject to annual fire inspections. Stites asked if there is a fire alarm system. Hazlett mentioned that the building is fully sprinkled. Adjustments will be made to the sprinkler system in the enclosed repair shop. A re-evaluation on the existing sprinkler spreads and layouts will also be done to ensure coverage areas are maintained. Stites requested that fire protection contractors contact him prior to beginning any work.

THRASHER: Thrasher asked if the project will be submitted to the State, or does Hazlett believe it falls under the exceptions. Hazlett believes it falls under the exceptions due to the amount of work being done. Thrasher asked if they are adding less than 100 lineal feet of wall. Hazlett confirmed that this is correct. Thrasher asked if the demising wall between this space and the adjacent space is rated. Hazlett stated that it is rated. Thrasher asked what type of business is on the other side of the wall. Feller interjected that Funflatables is on the other side of the wall. Thrasher asked if it is a one-hour wall. Hazlett confirmed. Thrasher is aware that the restrooms are existing, and no changes are being proposed. The restrooms do not appear to be ADA compliant. Hazlett stated that the restrooms are not ADA compliant. Thrasher asked if there will be any effort made to make them compliant. Hazlett explained that they did not plan to make them ADA compliant since they were not making any type of adjustment to the restrooms. Thrasher mentioned that with the ramp they are making accommodations for people to get into the building, but then the restrooms would

not be accessible to them. Thrasher believes if it is possible, they might bump the wall out a little to provide more space. Hazlett agreed that this is a very good point, and he will see what can be done to make this adjustment. Thrasher indicated that a local Building Permit will be required. All contractors must be registered with the City. Signage will require a separate permit. Thrasher advised that if more than 20 sprinkler heads are being affected, the project will have to be submitted to the State for review. Thrasher stated that the plans show fencing. Thrasher is requesting a separate permit for the fencing to ensure it will be compliant with the UDO requirements for this area.

ZURBRIGGEN: The ramp section is shown on the plans; however, there are no grades, elevations, or slopes provided on the ramp section. Zurbruggen requested this information be provided when they submit for the Site Permit to ensure that the ramp meets ADA accessibility. Zurbruggen asked if the fenced storage area will be paved and what will be stored in this area. Feller indicated that it will be stone. They will be storing lawn equipment brought in for repair. Zurbruggen mentioned that the fence will encroach on a utility easement located in this area. Zurbruggen cautioned them to be aware that it is an easement and if it is ever necessary for the City to go back there, the City will have the right to do construction in that area. Hazlett said this is understood. Zurbruggen provided no other comments.

SHRADER: Shrader asked what type of easement exists in the back. McGinley said the City has a sanitary sewer main there that runs north/south. Shrader asked if the fenced area is within the easement. Hazlett confirmed. Shrader mentioned that she will have to discuss with staff. It may need to be added to the variance request, and it may be subject to VCU and Engineering approval. Shrader asked Thrasher if this is how this is typically handled. Thrasher stated that historically, the City has allowed fences to encroach on easements with the thought that they are easy to remove if necessary and they are doing this at their own risk. However, the use of the space might be different, and needs to be explored further. Feller stated the fence can be put back deeper if it helps. Shrader said review has been done in advance of the BZA application. They are on the agenda for February. The issue is not meeting the limited use standards. This is considered a heavy retail use because there is lawn and garden equipment and supply stores. There is some outdoor storage. Shrader asked if lawn mowers will be displayed outside in the front. Feller indicated there will be some mowers outside. Shrader asked where the display area will be. Feller indicated they may pull mowers out close to the road. They will be brought out in the morning and brought back in at night. There may also be a few items up on the sidewalk area in front of the showroom. Shrader stated that right now the property line appears to go to the center line and then some. Rose interjected

that in 2005 there was a site review of the area and Engineer Pilz requested a right-of-way dedication. Then back in 2015 there was a 30-ft. right-of-way dedication on the west 30 ft., but it did not include the words “fee simple”, so the right-of-way actually was not transferred to the City. There is also notation and a correspondence between Engineering and Attorney Katz, who at the time, was representing 52 Marks LLC. This correspondence noted that if there were improvements to be made to Marks Road it was possible they would have impacts on the western most parking that would need to be dealt with. This was part of the arrangement. Shrader stated that if it is dedicated right-of-way even though it is not fee simple, she would still expect that anything in the grassy strip would be considered “in the right-of-way”. Engineering agreed and confirmed. It will be necessary for Heinold-Feller to give some thought to where the display area will be and if it is going in any of the parking spaces it needs to be figured out now to understand what impacts it would have on parking. If there are adjustments needed, now is the time with the BZA application. Zurbriggen asked if there was going to be a display area. Shrader said we are trying to figure out if there will be a display area and where exactly it will be located. However, at this time, the exact location has not been determined. Hazlett confirmed. Feller interjected that they did not want to display very many mowers because of the effort involved. The display would probably not use more than one parking spot, maybe two at the maximum. Shrader clarified that the grassy area is right-of-way, and it will not be available for display purposes. Assuming there is sufficient parking, that may be available to use for display. Shrader wants Lemmon to speak about outdoor display rules. Laird interjected that as the display area is hashed out, Engineering wants to see it noted on the plans where it will be located and if it is just in a parking space or two how the parking is protected adjacent to the display area. How will it be separated or delineated? Shrader stated that the two issues that generated the use variance are not meeting the limited use standards for heavy retail in a Commercial General District. There is an issue with the minimum separation from the residential district boundaries, which is 300 ft. There is residential just east of the site. Required access needs to abut access from an arterial or collector. Shrader said the arterial or collector issue is not as big a deal. The use of the site has already been established as something similar to this and it is pretty close to an arterial. The one that we will want to give focus to is the residential district boundaries and particularly to what is happening in the back of the building. With the new fenced storage area, it will be necessary to ensure the outdoor storage requirements are being met. The storage area needs to be enclosed by a wall or opaque fence tall enough to completely screen everything from public view. The requirement in Section 2.405 is that such wall or fence shall be landscaped with shrubs planted 36

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inches on center that are maintained as a hedge around the entire periphery of the wall, except at points of access. There is no landscape plan and there are no details for the fence, but these are items that we will need to see. Shrader asked what the fencing material and height will be. Hazlett said they were looking at making it as economical as possible because it is a remote location behind the building. Hazlett pointed out that there are no access points out of this area for the sole purpose of maintaining the security of the equipment. Feller pointed out that the storage area is heavily wooded. Shrader stated that the options are to build to the standards of Section 2.405 which requires the fence to be opaque and tall enough to completely screen what is being stored from public view. Shrader asked how tall the items being stored will be. Feller said probably no more than 4 ft. in height, but they would probably have a 6 ft. fence for security. Shrader stated that coated chain link is permitted. However, this would not meet the requirement for opacity. The fencing needs to provide opacity. The hedge also needs to be planted unless they request a variance not to. Feller asked if the hedge should be in the utility easement or at the edge of the easement. Shrader said the hedge needs to be at the base of the fence. Hazlett conveyed that the hedge would be approximately 10 ft. into the easement. Shrader asked McGinley about any concerns with this location for the hedge. McGinley said neither the hedge nor fence will be consider permanent structures. However, if anything has to be removed because of a sewer issue VCU will not be responsible for replacement of the hedge or fence. Shrader stated trees should not be planted. They will want to stay with a hedge. Shrader asked if any new lighting will be added in the back. Hazlett advised that no additional lighting is being considered for the back. Shrader said if at some point lighting in the back is considered, it will be necessary to ensure that light does not escape into the neighboring properties, and it will have to be shown with a Photometric Plan. Shrader would like detailed information concerning the fence for the Board members to review. The plans also need to show where the outdoor display area will be placed. If it is going to be in the parking, it will be necessary to show that parking will still be sufficient.

LEMMON: Lemmon asked if they intend to continue with the addition to the property along Lincolnway or will this project replace it. Feller when this property became available it replaced the expansion on Lincolnway. As Shrader mentioned, heavy retail is a limited use in the district. The standards for this can be found in Section 2.528. Will there be direct sales to customers from this location? Feller said people will not be allowed into the fenced storage area. They would be going into the showroom. Also, equipment that is too large will be setup in the warehouse area. Lemmon asked if the existing rolling doors will be used. Feller stated they will be using these doors and there are a couple of

additional doors that have to go into the fenced area. The mower storage will be accessed by employees only. Lemmon said anything regarding fencing, garden walls or hedges is located in Section 2.402. This section speaks to setbacks, design, orientation, and materials. However, as Shrader mentioned the outdoor storage Section 2.405 does specifically mention the requirement for an opaque fence for outdoor storage. Lemmon asked if there is anything on site that will be used for a dumpster enclosure. Will a new dumpster be included for this location? Feller said they will probably be sharing the dumpster from the other location, but it will be moved farther to the north and will be very close. Lemmon said Planning will look at this dumpster location in conjunction to our solid waste codes. Lemmon suggested they refer to Section 2.406 which contains loading, truck access, and solid waste requirements. Lemmon asked if there will be any exterior modifications or additions to the building. Hazlett said nothing is being considered at this time. Lemmon advised that this project is within the Eastgate Overlay District and the Commercial General Zoning District. Anything that is done concerning exterior work will need to meet the requirements of Section 11.400. Lemmon asked if any trees will be removed with the construction of the outdoor storage area. Hazlett stated no trees will be removed. Lemmon conveyed that if will be necessary to refer to Section 11.410 for sign requirements within the Eastgate Overlay. Information concerning encroachment into easements can be found in Article 6. Lemmon asked if Feller is aware of the other uses within the building. Feller said all of the other uses are unknown. He does know that there is an electrical sales facility, and the Funflatables. Lemmon explained the reason for asking is that it will be necessary to ensure that there is sufficient parking based on the uses. Planning wants to make sure that parking does not need to be included in the variance request. Shrader interjected that it will be necessary to provide a calculation for useable floor area. This calculation should not include restrooms, storage areas, or mechanical equipment areas. Shrader believes they may be okay on LSR; however, gravel counts against the LSR as a permeable surface. Shrader asked about the square footage of the new fenced storage area. Hazlett said it is 15 ft. x 100 ft. Lemmon advised that after looking over the BZA petition this will be a Development Standards Variance, not a Use Variance. This is a limited use in the district: Therefore, the petition is for development standards of the limited use. A refund on the petition fee is possible. Lemmon indicated that the UDO articles referenced can be sent to Hazlett and Feller, but the UDO can be found on our website under the Planning Department.

ISSUES TO BE RESOLVED:

Provide Grades, Elevations, and Slopes for Ramp

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Right-of-Way
Detailed Site Plan
Spill Prevention Plan
Building Permit
Contractors Registered with the City
Provide Useable Floor Area Calculation
Signage/Fencing Permit

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