

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 __ vote of all members present and voting this __ day of September, 2006.

Jon Costas, Mayor

ATTEST:

Sharon Swihart, Clerk-Treasurer

Presented by me to the Mayor of the City of Valparaiso, Indiana, this __ day of September, 2006, at _:___ o'clock p.m.

Sharon Swihart, Clerk-Treasurer

This Ordinance approved and signed by me this __ day of September, 2006, at _:___ o'clock p.m.

Jon Costas, Mayor

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 building

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

(ii) (“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) Chateau. 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.