
**PORTER COUNTY BOARD OF ZONING APPEALS
January 18, 2023 – MEETING MINUTES**

LOCATION: County Administrative Center, Ste 205 **TIME:** 5:30 p.m.
155 Indiana Avenue, Valparaiso IN

MEMBERS IN ATTENDANCE

Debbie Kerr-Cook, Marv Brickner, Jim Clarida, Brian Damitz (Late), and Luther Williams.

Also Attending:

Attorney Scott McClure, Kristy Marasco and Monica Gee.

Debbie Kerr-Cook called the meeting to order and led the pledge of allegiance.

Minutes

MOTION: Luther Williams moved to approve the minutes from the September 21, 2022 meeting. Jim Clarida seconded the motion. The motion passed with a 4-0 voice vote.

Correspondence

Received a letter of remonstrance from Adam Falasz.

New Business

Case: UV-22-0073

Applicant: Heartland Christian Center, c/o Colin Osborn w/SB Construction

Location: 170 South State Road 49, Valparaiso, IN 46383 (Morgan Township)

Zoning: IN, Institutional District

Request: To allow a fitness center in a proposed (46,000) sq. ft. building to be used to assist the Special Needs community.

Colin Osborn, 8740 East 30th St. Indianapolis and Dr. Phil, 471 State Road 8, Kouts. Dr. Phil presented. He is the pastor at Heartland Christian Center. In Porter County 43% of the students have special needs. The age group they are targeting is 21 down to pre-school. They have been working on this for a couple of years and have developed the Sunshine Center. This is a community ministry center than a fitness center. The fitness area is more for parents of children that are at the facility. This will all be free of charge. This is a \$15 Million Dollar project. They are relying on public participation, public partnerships, donations. This will also be available to the local school. Kids with special needs fight depression. This will create activities they can look forward to.

Public Hearing

Kenneth Litko – 157 Palomino Lane. His concern is the amount of light coming into the residential area. He is also concerned about the increase of traffic. They might need a light or additional sheriff directing traffic.

Adam Falasz – 175 Palomino Lane. When he opens his front door he will be looking at a commercial style building. That is not what draws people to this area. Is a setting on a highway the best for a facility for special needs people? It is difficult to turn out of his subdivision already now there will be increased traffic. People already come into the residential area. The pastor has promised to plant trees. The proposed building is 50' in the air. It cannot be hidden by trees.

Collin Arndt – 176 Palomino Lane. He is concerned about the large amount of people being brought into a small area. This project proposes to bring in a large amount of children that need help. Safety is a concern. His biggest concern is the safety of his family. They picked this lot because it is an acre and has a big back yard to play in. Now it is proposed to have a 46,000 sq. ft. building right in his back yard. What will separate this is a bunch of pine trees and a tall mound of dirt. He is afraid this will affect his property value. Valpo has a nice big YMCA, a brand new Boys and Girls Club and at least 10 exercise facilities.

James Moore – 174 Palomino Lane. His concern is safety and increased traffic. The church was a decent neighbor in the beginning. They put in a pavilion behind the church. They put up a big light. That is still an issue. Now there will be more light. He has kids wandering into his back yard. He has garbage thrown in his backyard. There are other facilities in the area. They could use these facilities. Does this have to be rezoned? There is other property available that is already zoned Commercial and would be a better fit.

Jamie Powell - 217 Northwind Drive. She is a new fitness facility in Valparaiso. She has been open for 45 days. There are 10 fitness facilities in Porter County. It was alluded to that the parents of the children would have access to your fitness facilities and they are free. How will that affect her business? She can appreciate the need for a facility for people with special needs. She thinks this would be better suited near Opportunity Enterprises.

Resident – 4621 East 400 South. He was in charge of the soccer games that were at the Church. He coaches basketball at Morgan Township. He is not aware of any issues with increased traffic.

Dr. Phil replied. They have done their best to be a good neighbor. Heartland was there before Grand Prairie came along. The berm was put in by Grand Prairie. They have been mindful of not putting in a square box for a building. They let the Grand Prairie children come on their property and use their playground equipment. The County police use Heartland as an example for churches to remain lit to avoid break ins, vandalism and things like that. They do not think they are going to have to add a whole lot more lighting. What does go in will be designed with a timer or reflect more to the east side of the facility. Highway 49 traffic has grown. On Sunday they do hire a safety officer to direct traffic. Events at Sunshine Center will not be at the same time as events at Heartland. Only about 3,200 sq ft will be a fitness area. They will not be competition to any of the fitness facilities in the area.

Colin Osborn – There are standards in the zoning for the lights. They have to follow these. This building currently is allowed in the zoning.

David Powell – 217 Morthland Drive. His concern is the future when it is not used as it is being built for. What happens to the building then? Can it be turned into a warehouse? Is there really a need for that size of a building?

Dr. Phil – Heartland celebrates 75 years this year. They have been on that property for about 25 years. They are not going anywhere. Special needs is not a fad. The need has grown in the last two years. The other facilities are already absorbed with Valpo kids. Special needs kids are always put at the back of the list.

Seeing no one else wishing to address the Board, the Public Hearing was closed.

Questions/Comments from the Board

Luther Williams – He would like to know what is allowed in the current zoning of an institutional district.
Attorney McClure – Read permitted uses in an Institutional zoning. A community center is allowed.

Luther Williams – Without the fitness center this building is allowed without requiring a variance. The parents work hard taking care of their children with little help. This fitness center would be a help to them. Has the church looked into a caution light at this area? How many people do they think will be at this community center at one time?

Dr. Phil – If doing games, the network of families would never fill the lot. They had 400 total in the soccer program but at any one time never had more than 100 at one time.

Jim Clarida – Is this going to be served by the same entrance or will there be another entrance?

Dr. Phil – Currently it is set up to be the same entrance off of 49.

Jim Clarida – At what point do you do some sort of traffic study?

Attorney McClure – 49 is a State Road. Requests can be made but it is up to INDOT.

Dr. Phil – Over the years they have asked but they have always gotten shot down. Once Grand Prairie and Family Express came in, they only allow so many cuts on the highway. They have turning lanes.

Jim Clarida – He thinks traffic is a legit concern.

Dr. Phil – They will commit to doing whatever they need to do to help with safety.

Jim Clarida – Along with safety he feels there are some valid concerns of the neighbors that they will have people walking into their yards. He does not feel the homeowners should have to pay to put a fence up. The church should put up a fence or something to ensure that no one walks onto the property. That is a legit concern.

Dr. Phil – They have had young people use their parking lot to park and then go over to Grand Prairie. That is the reason there are so many lights out there. They have a buddy system so there will not be a child wandering around by themselves.

Jim Clarida – He thinks this is a great project. He understands the neighbors' concerns. He thinks they can be worked out where everyone can be mostly happy.

Attorney McClure – Staff and he are of the opinion that if within this 46,000 sq ft building in this zoning, if they just scrapped the 3,000 or 4,000 sq ft of fitness area, they do not have to be here. The Institutional zoning would allow it. They have to go through site plan and follow all the Ordinances as far as buildings and setbacks and lighting etc. But that is the part that is forcing them to be here at the BZA seeking relief. When there are issues, the Board is in a position to put on to the Petitioner things that are reasonably related to the concerns that have come up. If this were to be denied, this does not stop the addition.

Dr. Phil – They were just trying to be forthcoming in their goals when they put that in there. They felt that by knowing the codes a little bit, they knew they could have put the building up and snuck the fitness center in later. He doesn't want it to be a deal breaker for them. They want to make sure they can at least do some of the other things.

Marv Brickner – The area is referred to as a community center, a fitness center and a special needs center.

Kristy Marasco – It is a community center for special needs with a fitness center in it. Because it has a fitness center in a special needs building, the building is allowed. The fitness center is not allowed.

Marv Brickner – His main concern is the traffic. They should make an effort to contact the State and get another count when they get this up and running to see if they qualify for a warning light. The traffic blister is not adequate. It is shorter and narrower than the one for Grand Prairie. Any increase in traffic is going to be a bigger problem than it already is. There are warning signs for Family Express and Grand Prairie. They should get one put up for this along 49.

Dr. Phil – They have made that request and were denied.

Marv Brickner – You are on city water?

Dr. Phil – No. We are on well and septic.

Attorney McClure – The State is in charge of the sewer permits because you are commercial.

Brian Damitz – He does not like the location of this building. This has been Institutional since you bought it. At purchase there were zero homes behind the property. People have to look at the zoning in the area where they build a home. The Board cannot deny what is allowed. But they can try to make it so that everyone in the room can work together. He asked Dr. Phil if he would be willing to work with the homeowners to make them happier.

Attorney McClure – In this case there is no question if the area is a fitness center. It is a 3-4,000 sq ft area with exercise equipment in it.

Debbie Cook – In the beginning of the presentation this was a place for parents to go. Then it seemed like people who donated money could go. Then schools were being talked about. It seems like it keeps getting added to as far as what the fitness center is being used for. She can see having it as a place for the parents while their children are there. She cannot see having the whole community invited. It does affect the other businesses.

Dr. Phil – Grand Prairie has a lot of restrictions as to what fences can look like. Trying to be a good neighbor they do not want to throw up something that will become an eyesore.

Attorney McClure – If a motion tonight is to include a fence it will have to have as much specifics as possible.

Brian Damitz – How much influence does the Plan Commission have on this?

Attorney McClure – The Plan Commission cannot change it. The variance is granted on the condition.

Dr. Phil – Is there a restriction on how much equipment can be in the area?

Attorney McClure – He does not see that listed.

Jim Clarida - There are Ordinances they will have to follow. He doesn't think the neighbors will see the fence.

Dr. Phil – Grand Prairie stopped the berm short. It does not go to their pavilion. There was discussion and he showed where their property goes and where the berm stops.

MOTION: Luther Williams moved to approve Case UV-22-0073 with the stipulation that a fence be built that is agreeable to Heartland and the neighbors and that a fitness center be allowed in the building. Also that Petitioner make a request of INDOT for a traffic count to determine if a caution light can be installed and if the blister lanes can be improved. Marv Brickner seconded the motion. The motion passed with a 5-0 ballot vote.

There being no further business, the meeting adjourned at 6:54 p.m.

Debbie Kerr-Cook, President

Kristy Marasco, Planning & Zoning Manager