

MEETING: Site Review Committee
SUBJECT: Biruh's Kitchen
ADDRESS: 309 Lincolnway
PRELIMINARY SITE REVIEW

LOCATION: Zoom Meeting
DATE: April 13, 2021

IN ATTENDANCE:

Beth Shrader, Planning Director
(219) 462-1161 / bshrader@valpo.us
Vicki Thrasher, Building Commissioner
(219) 462-1161 / vthrasher@valpo.us
Bill Laird, Engineering Dept.
(219) 462-1161 / blaird@valpo.us
Matt Zurbriggen, Engineering Dept.,
(219) 462-1161 / mzurbriggen@valapo.us
Nate McGinley, Water Dept.
(219) 462-6174 / nmcginley@valpo.us
Tony Fahel, Water Reclamation Dept.
(219) 464-4973 / tfahel@valpo.us

PRESENTERS:

Aman Wolde, Owner
(219) 230-6640 / contact@biruhskitchen.com
Davita Johnson, Project Manager
dmjohnson2685@gmail.com

The following is a summary of discussion at this meeting.

OPENING: The Site Review Committee met to discuss the proposed Ethiopian restaurant to be located at 309 Lincolnway. Shrader 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 building was built in 1880. The space is approximately 1,200 sq. ft. The building is located in the Residential Transition Zoning District. Wolde pointed out the proposed kitchen space on the plans. There will be an ADA ramp on the east side of the building. Both the inside and outside of the building will be painted. Landscaping is being planned. Wolde stated that if sales are good, they would like to proceed with Phase 2 to expand the dining area. The north side of the building will be used for outdoor dining. Wolde said they would like to extend the front porch to the street level. Right now, the building is pushed back from the street. The kitchen will have a hood system, a three-compartment sink, and all sinks required by the Health Department. Wolde mentioned there is an existing restroom and they want to try to put a dry storage area, a mop sink, and closet behind it. They are anticipating seating for 17-20 people. Wolde mentioned they will probably hire one or two people. Wolde is aware that parking is an issue. The restaurant will be open from 10:00 a.m. to 2:00 p.m. and then they will come back at 5:00 p.m. to

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prepare for dinner. There is parking for four or five small cars. However, this area may be used for outdoor dining in Phase 2. There is potential parking approximately a block away at Morgan and Jefferson. There is parking on Lincolnway. Wolde asked if the parking in front of the building could be changed to angled parking.

STAFF COMMENTS:

LAIRD: Laird asked if any site work is being done in Phase 1. Wolde said there is no site work being done in Phase 1. They will only be doing some patching on the building. Laird conveyed that Engineering has no comments concerning the work being done in Phase 1. However, if Wolde proceeds with Phase 2 (extending the front porch and outdoor dining), Engineering will need to see plans for Phase 2 that show grading and drainage. The parking area is currently stone, but if hardscape is added there will be additional storm water runoff. Engineering will have to look at how much more runoff will be generated and how the runoff will be handled. Laird conveyed that it may be necessary to meet to discuss options that are available. Laird mentioned that permits will be required for Phase 2 and these can be discussed when Wolde is ready to move into Phase 2. Shrader interjected that there are certain elements of Phase 2 that need to be brought into the project to get it going with respect to the surfacing of the parking lot. If this moves forward, this can be discussed. Shrader conveyed that variances will be needed to operate in the location. Depending on how they progress through the variance process, some site work may be needed that will require further coordination with the Engineering Department.

FAHEL: The Water Reclamation Department is concerned about what is being discharged into the sanitary sewer. Fahel asked if a grease trap will be installed in the kitchen. Wolde said only if it is a requirement. They do not do frying or heavy grilling. Fahel said Wolde mentioned earlier the possibility of renting out the kitchen to other individuals. It would be difficult to know what other individuals would be preparing. Grease equipment may be needed if other people rent the kitchen. Wolde said they could set limits that no frying or heavy grease cooking would be allowed. However, if the grease trap is a requirement, they would install it. Fahel conveyed that it will be necessary to go through the waiver process. Fahel will send the waiver to Wolde for completion.

MCGINLEY: McGinley asked if they are considering any changes to the water coming into the building or the existing sanitary service leaving the building. Wolde asked for an explanation. McGinley said the Water Department records indicate that there is 1" copper line coming from Lincolnway into the building. Currently, there is no backflow prevention on the water line. Because this project is a restaurant, it will be necessary to install backflow prevention on the water line. Contacting Shaun Shifflett (sshifflett@valpo.us) at the Water Department to

coordinate the backflow installation will be necessary. The sanitary sewer lateral (the sanitary discharge to the City's sewer main) could come off Lincolnway or it could come off the Valparaiso Street side. If any work is needed, the Water Department has the equipment to determine which side is live.

SHRADER: We are very excited about this business. This particular building and site present several challenges. There are many issues on the Planning side, most of which need to go through several variance requests to the Board of Zoning Appeals. When you go through this process, the burden of proof is on the applicant. It will be necessary to work with the property owner to determine what can be done to get as close as possible to meeting the code. Because of the size of the lot and what is available, certain things such as the parking requirements will be impossible to meet. As mentioned, the building is in the Residential Transition Zoning District, and this zone is recognized as primarily residential, but moving towards commercial. This is a commercial use in this location. The building is small with not much parking. This is an older building with lots of challenges to actual reconstruction in meeting building code. In terms of the exterior, will there be any changes to the façade, other than what is required in order to shore up back kitchen area during Phase 1? Wolde said they are willing to put in work to make it look presentable. Shrader said there are no required exterior aesthetic modifications, but if changes are considered, it will be necessary to reference the Unified Development Ordinance. The UDO has all of the design standards. The design standards for a commercial building are in Section 11. Shrader can help if they decide to go this route. One thing Wolde may want to do to the exterior is some sort of signage. There is a section in the UDO concerning signage. Referring to Article 5 is recommended. The maximum allowable signage for Residential Transition is 1 sq. ft. of signage per lineal foot of building frontage. Shrader does not want them to have to go through the variance process more than once. Shrader suggested they do a thorough analysis of what they are proposing and identify anything that is contrary to the standards so it can be included in the variance request. A Use Variance will be required for the restaurant being proposed in this zoning district. In Residential Transition restaurants are a limited use and the limited use standard is that it has to be under 7,500 sq. ft. and the restaurant meets this standard. There is a limited use application that is being brought on. Shrader will provide a copy of the application for completion. Parking is the main challenge. All standards for parking are in Article 9 of the UDO. The standard is one (1) space per 75 sq. ft. of useable floor space. Storage areas, bathrooms, equipment, and HVAC are not included in the calculation. It will be necessary to get a good idea of what this number is to be aware of what the standard is. As an example, if there is a 1,000 sq. ft. of useable floor space, the parking requirement would be 14 spaces.

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Currently, there is the ability to park four vehicles in the back. If an expansion is seriously being considered for outdoor dining in the back, Wolde may want to include this in the variance request with respect to parking. In the Residential Transition zone there is no right to count street parking or public lots that are close. This is something that can be done in the Central Place Zone or the Central Business District. In the variance request it will be necessary to recognize all the parking options. It would be good if some shared use parking agreements could be worked out with some of the neighbors. There are some office uses across the street. It would be beneficial to a variance request if a legal agreement could be brought to the City and we could recognize that it helps satisfy the parking requirements. The parking area needs to be concrete or another material that is approved by the City. It will be necessary to work with Planning and Engineering. The current surface is in very poor condition. (broken concrete or compacted gravel). The City standard is typically concrete. If there is a different material they wish to propose, this can be discussed with Planning and Engineering to see what the impacts are on the site. Parking spaces need to be striped. Shrader wants to talk further about their ideas for the expansion in the front. If this is something they really want to do, it may be a good idea to draw up some plans that would allow them to get a variance for this, so they do not have to come back a second time before the BZA. The BZA applications are typically due one month before the meeting happens. Shrader asked about the timeline for starting construction and opening. Wolde stated they are looking at starting the beginning of July. Wolde stated they still need to go through the Health Department.

THRASHER: Thrasher asked if they are working with an architect or engineer. Wolde confirmed they are working with an architect/engineer. Thrasher mentioned that she has concerns about the structural integrity of the building. It appears that there are severe foundation issues and maybe some roof issues based on the way it comes together. Submittal of an engineer's report showing that the foundation is sound or what repairs need to be done to bring the building up to code, especially the back portion is required. This report can be submitted with the plans. It appears that the east stoop that is going to be enlarged for handicapped accessibility is beyond the property line. Encroaching on the City's right-of-way is not permitted. Submittal of a survey will be required to show exactly where the property lines are and how the building falls on the property. Thrasher said it almost appears the building from east to west is the property line. There is nothing beyond it. Submittal of a full set of plans that include items Thrasher has discussed and the proposed improvements is required. A floor plan showing the existing conditions and a floor plan showing the proposed project need to be submitted. The project must be submitted to the State of

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Indiana because the work being proposed is large enough to require a Construction Design Release. Thrasher stated the architect should be familiar with this process. Thrasher conveyed they are right on the cusp for occupant load. If occupancy exceeds 49 people, it becomes a restaurant that is an A2 which is an assembly occupancy and greater fire safety requirements will apply. Thrasher suggested they may want to keep occupancy below 49 this includes diners and staff being in the building at the same time. They need to decide if they want to stay at a B occupancy or whether they want to increase the occupancy. If the porch is added, it will count towards occupant load. There is an issue with the proximity of the building next door. Thrasher stated that she does not know what the fire separation rating is between these two buildings, but there should be something. When these buildings were built, this probably was not the case. It was built as a house not a commercial building. Thrasher is assuming there is nothing on the side of the building at 309 Lincolnway for fire separation. The engineer/architect will need to look at this as well because the State will probably mention this. Wolde asked what the fire separation needs to be. Thrasher explained that usually at a minimum depending on the construction type, it's 5 ft. It's usually anywhere from 5 ft. to 10 ft. between buildings. Thrasher said something may need to be done on their side to add some kind of rating. It will be necessary to work with the architect on this issue as well, to ensure they are in compliance with building code requirements. The project requires two restrooms that are handicapped accessible. Some of the downtown buildings have existed as restaurants or similar uses for a long time and have been grandfathered in. This building was a home and Thrasher believes it was never actually converted to a commercial structure. When the project is submitted to the State, they will probably note that a second restroom is required to meet code. The building is being altered enough that a handicapped accessible restroom needs to be provided. Wolde stated that the existing restroom is handicapped accessible. Wouldn't this be enough? Thrasher explained the Building Code requires a minimum of two restrooms. Wolde asked if this is based on the square footage or occupancy. Thrasher said the minimum has always been two restrooms. Thrasher suggested they work with the architect to review the Building Code to see what they feel they can do. There is also a section of the code called "Existing Buildings". The architect can look at this section to see if this is something that can be altered by the State. Thrasher is aware they are already working with the Health Department. The Health Department must issue final approval before the Building Department can issue any occupancy permits. A Building Permit will be required for all the work being done. A Construction Design from the State is required. All work must be done by contractors who are registered with the City. Any signage will require a

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separate permit. Wolde asked if any of the Building Code issues could be handled with a variance. Thrasher stated that the Building Code is handled through the State of Indiana. The State of Indiana does have a Building Code Variance process. Thrasher suggested they explore this with their architect. However, this may not be necessary because there is the Existing Building Chapter in the Indiana Building Code that might be able to address some of these problems. Any further questions by either the Woldes or their architect can be referred to Thrasher.

ON BEHALF OF TIM STITES (FIRE DEPARTMENT): All initial inspections required during the construction phase must be scheduled and coordinated through the Building Department. The building will be subject to annual fire inspections. This project will need a hood. The hood system needs to be submitted to the State of Indiana. Contacting Tim Stites prior to installation of the hood system is necessary. Contact information for Stites is tstites@valpo.us or 219-462-8325. The plans for the hood system need to be submitted to the Building Department.

ISSUES TO BE RESOLVED:

- Detailed Site Plan
- Backflow Prevention (contact Shaun Shifflett)
- State Design Release
- Building Permit
- Contractors Registered with the City
- Submit Engineer's Report
- Submit Survey of Property
- Submit Full Set of Plans
- Contact Porter County Health Department
- Signage Permit
- Submit Waiver for Grease Trap
- Contact Tim Stites Prior to Installation of Hood System
- Complete and Submit Limited Use Application
- Variances as required