

**LOWELL PLAN COMMISSION MEETING
OCTOBER 11, 2012
7:00 P.M.**

President Kelley called the meeting to order at 7:03 P.M. The Pledge of Allegiance was recited. Recording Secretary Gena Knapp called the roll. Members answering the roll call were James Konradi, Richard Kelley, Robert Philpot, Edgar Corns and Don Parker. Absent were Eli Carras and Matt Felder. Also present were Planning Consultant Jim Mandon, Attorney Larry Steele, Building Official Tom Trulley, and four citizens.

APPROVAL OF MINUTES

Mr. Philpot made a motion to approve the September 13th regular meeting minutes, seconded by Mr. Corns and carried by voice vote.

PUBLIC HEARINGS

Petitioner: PC #12-017 Ramsey Development, LLC. 706 Jefferson St. Tell City, IN 47586
Request: A re-subdivision of lot part of lot 2B in the re-subdivision of lot 2 in CS2. Turning the 1 lot in to 2 lots per Section 154.038.
Purpose: To build the Lowell Nursing Campus for the property located at the East side of Burr Street, 900 feet south of E. Commercial Ave., Lowell, IN

Nathan Waggner, Cash Waggner & Associates, 332 Third Ave. Jasper, IN, stated they are the twelve acres South of Walgreens and East of Burr Street. The purpose is to split the twelve and a half acres in to two six and one-quarter acre lots. Their client, Ramsey Development, is looking to build the nursing home on the Southern lot, which is lot 2B-2. The current property owner, Whiteco Industries who will be selling them the lot, has requested that on the Northern lot the detention easement that is no longer being used be removed from the plat. Ramsey Development will be taking care of their own drainage on their lot, and when the other lot is developed, they will do the same. Whiteco is asking permission to remove that drainage area from the plat.

Mr. Kelley opened the public hearing. With no one to speak for or against the petitioner, the public hearing was closed.

Mr. Corns asked if they would be building a retention pond on their six acres. Mr. Waggner stated that was correct. Mr. Kelley asked if Cash Waggner was representing the landowner since they are the ones that need to ask permission to sub-divide. Mr. Waggner stated he did have a letter from the current owner giving them permission for this petition.

Mr. Kelley read the letter in to the record as follows: "Dated October 11, 2012, to the Lowell Board of Zoning Appeals, Lowell Town Hall 501 East Main Street, Lowell,

Indiana 46356, regarding Ramsey Development. This letter is provided at the request of Ramsey Development in connection with its acquisition of real estate from Whiteco Industries, Inc. for a proposed assisted living/nursing home facility to be developed in Lowell, Indiana. In that regard, Whiteco consents to a two lot subdivision being requested by Ramsey Development on the Whiteco owned property as reflected in the attached enclosed Resubdivision of Part of Lot 2B in the Resubdivision of Lot 2 in CS2; provided, however, the notation as to the Temporary Detention On Easement is deleted as it is no longer applicable. With respect to your review and consideration of this matter, please feel free to contact me if you have any questions or would like additional information provided. Toward that end, I may be reached directly by telephone at 219-757-3511, by telecopy at 219-680-4226, or electronically at abowman@whiteco.com. Very truly yours, Carol Ann Bowman, Corporate Secretary and General Counsel.”

Mr. Steele stated it was addressed to the Zoning Appeals because they did have a matter with them so this letter covers both. Mr. Mandon stated Mr. Trulley has indicated that the pond that was there has been filled in and no longer serves as a detention pond. Mr. Trulley stated there was an agreement made between Providence, the development to the East, and Whiteco that they would handle the water if Whiteco would run the pipes which was all done a long time ago. Mr. Kelley asked if the pond needed to be re-dug. Mr. Trulley stated no, not on that lot. Mr. Mandon stated when the lot to the North gets developed, it will come in here for a site plan, and we will require detention. Mr. Corns asked if Ramsey’s detention pond would be going on their site. Mr. Waggner stated it would be. Mr. Philpot asked if the water from the paved area would be drained in to that. Mr. Waggner stated that was correct. Mr. Parker asked if they owned the property to the North as well. Mr. Waggner stated they would only own the south parcel. Mr. Mandon stated when the North parcel is sold; they may expand their pond, or build a new one on that lot. A discussion followed on how the motions should be stated.

Mr. Parker made a motion to allow the property to be vacated per the letter from Whiteco, seconded by Mr. Konradi and carried by voice vote. Mr. Parker made a motion to allow the plat change with the removal of the drainage pond, seconded by Mr. Philpot and carried by voice vote.

Mr. Mandon stated Jeff Bann was present to request a special meeting for the tabled petition for the Medical Center. Jeff Bann, Project Engineer and Project Manager with DVG Civil Engineering Company, stated the one-lot subdivision motion that was tabled was not listed on the agenda for this meeting. Mr. Parker made a motion to include the tabled motion from last month in to the old business seconded by Mr. Philpot and carried by voice vote. Mr. Bann stated we have an existing plat on the twenty acres that needs to be vacated. We have been working with the four doctors that own that property and they have actual mylars of the plat of vacation, which will have all four of their signatures. We are asking for a special meeting on October 29th to hear the plat of vacation. If the vacation were approved, we would like to have the one-lot subdivision action heard and acted on as well. Under primary plat approval, we would be able to begin construction within a week or so. This would give us time to get going and within thirty days we would be in front of you again for the final approval. At our last meeting, Mr. Lotton

was present from the Spring Run Subdivision, and we went through a lot of things that were not completed as a part of his project that were arranged with the property owners. We are creating an easement document that would be an agreement between the doctors group, the Town, and Mr. Lotton's subdivision that would allow him access in to the doctor's property to access utilities, deal with drainage issues, and the forty-eight inch pipe that is a dead end. We also want to make a matter of record the interconnection between Spring Run and the doctor's property so that everyone understands, even though we are doing this by phase, each phase is going to be building that segment of plan to make that connection. That should be wrapped up within the next week and a half so that we can have it ready for the special meeting on October 29th. Mr. Kelley asked the board what time the meeting should be. The board discussed it and decided on 5:00 PM. Mr. Philpot made a motion to approve the special meeting on October 29th at 5:00 PM seconded by Mr. Konradi and carried by voice vote.

Mr. Parker stated himself and Mr. Mandon had met and discussed a resolution to some of his concerns with traffic and how to manage the amount. Mr. Mandon stated the first thing that needs to be done is a comprehensive traffic count to see what the current conditions of the streets are right now. You can then work with the current engineering company to determine the capacity of these streets. You can come up with a maximum desired count of the capacity for each street to handle. In the areas where you are coming close to or are exceeding that capacity, those are the routes to look at first. You have to try to anticipate where roadway systems are to be installed before a development occurs. When you lay that out and get it approved, so long as the concept is something that is achievable, you can change the exact location of the street, but the function has to be the same. If it is a high-density area, those roads have to be designed to handle it. It is important to lay that out before development occurs so that those developers know you will hold them to those plans. Mr. Parker stated for the property we are potentially looking at, we can work with the County so that as things develop, the County can work with the Town to make sure our plans can be followed. Mr. Mandon stated you lay out what you think makes sense with connecting East/West roadways to North/South roadways. Right now everything channels down to one road and it is over crowded. It changes the character of the land uses that are adjacent to it when you have all of the thru traffic concentrated on one roadway. You have a few roadways from the North/South standpoint, but you need to connect them so it is easier to get from one part of Town to the other. You need a layout that makes sense for the Town so you can impose that on the developers that come in. You can move the roadway two hundred feet either way if you want, but it has to connect from here to there and it has to be meaningful. There may be intersection improvements that are part of the development and instead of having the Town pay for them the developer can take a part in that since he is the one creating the traffic.

Mr. Parker stated he attended the Illiana meeting the other night and they have decided to make the proposal the B3 route. The next phase is to meet with the cities and towns to discuss things. They have met with Cedar Lake already and they have their land use plan and map, which we do not even have yet. A representative from INDOT stated they would probably be meeting with Lowell in the next few months, and we don't have our

land use map or plan together. The fact that they have met with Cedar Lake and have discussed their land use plan, tells me that Cedar Lake may be looking at coming down to the high tension wire lines. Mr. Philpot asked if we knew where the overpasses would be. Mr. Parker stated we know where the exchanges will be, I-65, 41, and 55. That is where your development will be.

Mr. Parker stated there are also some developers that have made proposals for subdivisions and some conditions have not been met. He stated most of those subdivisions have lots still for sale and asked what we could do to possibly stop those open lots from being sold. Mr. Mandon stated what you need to do is not go after the current landowners. If you do that, you are going after the innocent party. With lots that are owned by the developer still, there should be a way to put some sort of lien or hold on them until the conditions promised are met. Mr. Steele stated he would look in to that, and it may consist of a lawsuit. Mr. Parker asked if Mr. Steele and Mr. Mandon could touch base before the next meeting. He also asked if Mr. Mandon could come up with a time schedule of what needs to be done for the land use maps. Mr. Mandon stated he first is working on finishing the subdivision ordinance. He stated once the code is made more local, it would be a really good code. This code will show what the Town wants to accomplish once it is done. After the code is passed, we need to get in to the land use map and plan to have it include land outside of your current boundaries. Mr. Parker stated we did move forward with a fiscal report on the Southwest corner of Austin Street and Route 2 and to include the landfill. Somewhere around the first of the year, we will have the decision on whether to annex them. Mr. Mandon stated the Town needs to know how they intend to use that property by that time. Mr. Parker asked if the County made all of 41 South of Cedar Lake a TIF. Mr. Mandon stated he could find out. Mr. Parker stated the map that was presented at the meeting shows within two hundred feet where the toll road will go. Mr. Mandon asked if they have taken actual soil borings. Mr. Parker stated they have.

ADJOURNMENT

Mr. Konradi made a motion to adjourn the meeting at 7:34 P.M., seconded by Mr. Parker and carried by voice vote.

Richard Kelley, President

Elias Carras, Secretary

Note: The above-proposed minutes are submitted for review and approval as the official minutes by the Plan Commission.

Gena Knapp – Recording Secretary