

**LOWELL PLAN COMMISSION MEETING
SEPTEMBER 13, 2012
7:00 P.M.**

President Kelley called the meeting to order at 7:00 P.M. The Pledge of Allegiance was recited. Roll call was taken. Members answering the roll call were James Konradi, Richard Kelley, Elias Carras, Robert Philpot, and Don Parker. Absent were Edgar Corns and Matt Felder. Also present were Planning Consultant Jim Mandon, Attorney Larry Steele, Public Works Director Greg Shook, Recording Secretary Gena Knapp, and two citizens.

APPROVAL OF MINUTES

Mr. Parker made a motion to approve the June 14th regular meeting minutes, seconded by Mr. Carras and carried by voice vote. Mr. Philpot abstained since he was not present at that meeting.

PUBLIC HEARINGS

Petitioner: PC #12-014 - 4500 E. 181st St. - HSA Commercial Real Estate
Request: Primary Plat Petition
Purpose: Lowell Professional Center

Jeff Bann, Project Engineer and Project Manager with DVG Civil Engineering Company in Crown Point, IN with Dave Dyer, Project Manager and Franciscan Alliance Project Representative. Mr. Bann stated they are here tonight to have a public hearing for the Primary Plat Petition for a one-lot 2.17-acre subdivision. We are also here to ask for a vacation of the existing subdivision on the 20-acre parcel so that we may permit the location of this one-lot and also accommodate for the size, shape, and specific location of the purposed 12,000 square foot medical office building. We were before you months ago discussing the need to vacate and establish a one-lot subdivision. The top cover of the package that was handed out tonight is a representation of the existing subdivision. We have twenty-some odd lots that have been previously platted that do not fit a market need for today, so those lots need to go away. Also we are looking to shift to the west to hug our east property line. As we talked through with Mr. Mandon on what else is planned for the balance of the twenty acres, we presented last month an interconnection plan to make Brandywine Drive hook and tie in to the Spring Run subdivision to the west of us. Our one-lot subdivision reflects those comments made by staff and the Plan Commission. We are not doing anything on this property other than platting this one-lot encompassing 2.17 acres. The remaining twenty acres will go un-platted until development plans come before you from the current owner. Our client, HSA Real Estate from Chicago, is in a purchase agreement with the current owners of this property.

Mr. Bann stated as far as the utility infrastructure, we have submitted plans that show off-site utilities to be extended from the Speedway general area. The Town has an existing ten-inch water line and a twelve-inch sanitary sewer line east of Speedway. We are

extending the ten-inch water line passed, the property is about 1300 feet west of us and between us and the Speedway, we are coming off-site and extending the water line passing through our frontage along Route 2 and under Brandywine with our water main. We are going to extend the twelve-inch sanitary sewer line that just services our one lot by gravity. Any further development around our site will need a pump station because the ground starts to fall towards the Red Wing Ditch. There is adequate capacity in gas, electric, and communication to service this one-lot structure as well. As far as the access infrastructure is concerned, we have created a public roadway as part of this subdivision. Sixty feet on the east side of this property will be dedicated as public roadway, which will be built to the Town's specifications. We also have met with INDOT and are in the process of completing an INDOT Traffic Impact Analysis study, which should be done within the next couple of weeks to submit along with our access driveway permit. As far as the drainage infrastructure is concerned, we are looking at putting in a detention pond that will serve the one lot only that may need to be further developed later on. We have provided .5 acre-feet of storage with this pond, and the minimum, according to ordinance, is .36 acre-feet. As far as the Red Wing Ditch, there is an issue with the base flood elevation. The developer to the north of us has done a lot of updating on studies. We were using a base flood elevation of 676 and that is what the pond elevations are designed to meet so that we would not have any encroachment issues. Mr. Lotton of Spring Run subdivision has informed us that we do have some corrections to make on that. The Red Wing Ditch is a County regulated drain, but once we know that the Town endorses the development plan, we go and start the process of the permits for the other things, whether it's the Lake County Drainage Board, IDEM, or INDOT.

Mr. Bann stated Mr. Lotton had made an inquiry about what was going on with the one-lot, and wanted to know how it would impact his Spring Run subdivision. Through his process of developing, there were a lot of efforts and commitments that were made between the current owners of the twenty acres and Mr. Lotton. We have learned a lot on what we need to do to make our plan work. Most of the commitments that were made were about drainage and the utility services. One of the concerns that we have is that there is an existing storm sewer that drains about 70% of this developed area that comes to the property line and stops. It sits today about four to five feet below ground. The only way the water drains is when it bubbles up and gets to grade and just washes over the land. Mr. Lotton's plans very clearly show the intent of a storm sewer coming across and over land flood routing as well. We need to make sure that the landowner we are buying from gets that corrected. We can not buy this property until it gets the Town's approval and this is an issue that needs to be taken care of today. We are trying to work with the Town, the landowner, and Mr. Lotton so that the work that was committed to Mr. Lotton can be done.

Mr. Bann stated the second item relates to drainage as well. Mr. Bann showed a picture of the property that showed storm water storage that was agreed upon by the owner of this parcel to occur to allow a master plan storm water plan so that the storm water basin would straddle Red Wing Ditch. The Lake County Drainage Board approved this plan. We, again, need to work with Mr. Lotton and the property owner to make sure that we execute an easement that permits this plan to occur. The last item is utility easements to

provide sanitary and water service. Prior to the slow down in the residential market, Spring Run was going strong. This property was supposed to be serviced by a pump station in the subdivision and water main connections. The plans are there and the engineering has been done, but they do not exist. We believe there needs to be some mutual easements placed on the twenty acre parcel that provide for access to both projects because we do not want two pump stations. We just recently have learned of these concerns and the history between Mr. Lotton and the owner of the property. We are asking for a Primary Plat approval with conditions that within the next thirty days, we figure out these easement issues. That would help us continue the schedule we need. We are supposed to be starting mid to late October, but we do not want to push through without recognizing the commitments that have been made to Mr. Lotton.

Mr. Kelley opened the public hearing. Linda Armstrong, 635 Morningside Dr., stated she would like to take a look at the plat. Mr. Parker handed her a copy of the plat. A discussion was had between Ms. Armstrong and Mr. Bann.

Mr. Parker asked Mr. Mandon if the Commission needed to take action on the vacation of the current subdivision. Mr. Mandon stated that is what he was asking Mr. Steele about, the sequence. The petitioner would like to get approval for the Primary Plat plus the road right of way that would support that lot and give access. In between primary and secondary approval, they would petition to vacate the remainder of the subdivision.

Mr. Kelley asked Ms. Armstrong if her questions had been answered. She stated they had been. Mr. Kelley then closed the public hearing.

Mr. Steele stated his concern was that you could not approve a Primary Plat before the subdivision is vacated. Mr. Parker asked if we have the authority to recommend they vacate the current plat. He also asked if the recommendations go to the Town Council. Mr. Steele stated the Plan Commission has the authority to grant that approval, but he was not sure if the Plan Commission has the authority to get the entire property vacated. There may be a signed release needed from the property owner in order to give the authority to Mr. Bann to petition for the vacation of the property.

Mr. Parker asked Mr. Shook if there is another infrastructure that was supposed to be installed that is not. Mr. Shook stated his concern was the storm sewer, and it sounds like the two are getting together on that. Mr. Parker stated those easements were supposed to be registered, but somewhere the ball got dropped. Mr. Shook stated his understanding was that the property owners where the medical center is going decided at the last minute they were not going to give the easements.

Mr. Mandon stated he is of the opinion that you can grant the preliminary approval because the lot does not exist until final approval occurs. We have a difference of opinion. Mr. Parker stated he wanted to make sure we do this the right way. Mr. Mandon asked if we could first hear from the petitioner what this will gain him. Mr. Bann stated process wise; it was our understanding within the next thirty days we would be providing you at the final plat phase a formal plat of vacation of the twenty-acre

parcel. As Mr. Mandon indicated we are not looking for a final approval, just the public hearing to hear about the development and creation of the one lot. It was our understanding that we would do the final approval and the plat vacation action concurrently and we will have the property owners sign off on the plat of vacation itself. What it does for us is let us get our construction going in to October. Mr. Parker asked how long it would take to get the permission from the property owners to vacate this. Mr. Bann stated maybe a day or two. Mr. Parker stated maybe we could have a special meeting. A discussion followed on the time line of creating a special meeting and what needs to be done for that. Mr. Kelley stated to Mr. Bann inform Mr. Mandon when you are ready so that we can get together a special meeting.

Mr. Philpot asked to see a plan for elevations on the curbs. On the northwest corner there are no elevations there. Mr. Bann stated we are working with our architect on those details. We will make sure that when we submit our revised plans, they will reflect more information. Mr. Philpot stated he has a concern of ponding in that area. Mr. Bann stated we will make sure that what we submit will show how we plan on taking care of those concerns. Mr. Parker stated to make sure whatever we need to talk about at the special meeting gets on the agenda.

Mr. Konradi made a motion to put the petition on hold until Mr. Bann gets the permission for vacation of the property, seconded by Mr. Philpot and carried by voice vote.

ADJOURNMENT

Mr. Philpot made a motion to adjourn the meeting at 7:37 P.M., seconded by Mr. Konradi 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