

**LOWELL PLAN COMMISSION MEETING  
AUGUST 13, 2015**

President Kelley called the meeting to order at 7:00P.M. The Pledge of Allegiance was recited. Recording Secretary Dianna Cade called the roll. Members answering the roll call were Rick Kelley, Craig Earley, Jim Konradi, Chris Salatas and Don Parker. Matt Felder and Ellias Carras were absent. Also present were Planning Consultant Jim Mandon, Town Attorney Nicole Bennett, Building Official Tom Trulley, Department of Public Works Director Greg Shook, Town Engineer Craig Hendrix, one member of the press and fourteen citizens.

**APPROVAL OF MINUTUES**

Mr. Konradi made a motion to approve the July 9th, 2015 regular meeting minutes, seconded by Mr. Earley and carried with five ayes.

**PUBLIC HEARING:**

PC #15-012, Bevest LLC, 17430 McKinney Pl, Lowell, IN. – requesting zone change for 18306 Clark Rd., Lowell, IN 46335 from A1 to R2.

Mr. Doug Homeier, with McMahan Engineering, stated he is here representing the owners of the property Don and Bonnie Cripe. Mr. Homeier stated what they were looking for tonight was a recommendation to rezone the property from Agricultural to R2. Mr. Homeier stated that the parcel is approximately thirty nine (39) acres and lies directly east of the existing Beverly Estates. Mr. Homeier stated that Mr. Trulley had passed out to the Commission a preliminary drawing that represented what he and the Town's staff have decided was the best possible layout for the property. Mr. Homeier stated that it ties into the existing Beverly Estates that is directly West of that and has two entrances onto Clark Rd and they would also be bringing down a future road stub that would lead to the South for future expansion into a parcel that at one time was platted for a subdivision but was put on hold when the economy tanked. Mr. Homeier stated that we are here asking for the rezoning and to answer any questions that you may have.

Mr. Konradi asked if they are all single family lots. Mr. Homeier replied yes. Mr. Earley asked Mr. Homeier what the 2.25 acres was. Mr. Homeier stated that is the low point of the property, he has not done any of the engineering yet, but that is going to be designated the detention pond. Mr. Homeier stated depending on what the final calculations are, it might be more or less, but that is where we are intending on having the detention for the subdivision. Mr. Homeier stated if we need more we will have to take out a couple of lots.

Mr. Kelley opened the public hearing.

Mr. Jack Slagger, with Shilling Development, 8900 Wicker Ave., St. John, Indiana, approached the podium and stated that he is here tonight representing S&W Holdings.

Mr. Slagger stated they are a partner in the eighty (80) acre parcel directly south of this development and they had previously explored developing this parcel in 2006 and 2007 and had done some engineering and brought it before the Plan Commission and nothing was approved at the time. Mr. Slager stated that as a neighboring parcel, we are not opposed to the R2 re-zoning, in fact we encourage it. Mr. Slagger stated that we came to the meeting tonight to ensure that there is some access to our parcel from the North, he stated that it appears that Mr. Homeier has already addressed that. Mr. Slagger stated that we just wanted to make sure there was access between the two parcels so that we can develop it in the future.

Mr. Bill Carlson, 18305 S. Clark Rd., stated he lives across the street from the proposed subdivision. Mr. Carlson stated he is not against the subdivision, the problem he has is that there is a lot of flooding across the street. Mr. Carlson stated that some of it comes from the Town running a culvert thru that field. Mr. Carlson stated The Lake County parks is north of his house and all that water from that field comes to the northwest corner of his property and floods us and our neighbors. Mr. Carlson stated that it all ends up going into a ditch that is called Spring Run Lateral 13. Mr. Carlson stated they have lived there since 1972 and the ditch has never been cleaned. Mr. Carlson stated that what he would like to see is that this ditch gets taken care of before we add more to it.

Mr. Tom Trulley stated that he has been working with the County since 2010 on this ditch. Mr. Trulley stated that they have recently spoken with Mr. Bill Emerson, the County Surveyor, and Mr. Gerry Schueb, a Lake County Commissioner, and they have been asked by Mary Feddler who lives on the ditch to make it into a regulated County ditch. Mr. Trulley stated that this way it can get cleaned regularly. Mr. Trulley stated that it is going in front of the Lake County Drainage Board next Wednesday 8/19. Mr. Early asked what time the meeting was. Mr. Trulley stated 9am, and it would not hurt to have some of the councilmen there because this ditch does drain thirty (30) percent of the Town. Discussion followed.

Ms. Nicole Mayer, 18224 Clark St., asked if there was going to be a road alongside her fence. Mr. Jim Mandon showed her a map and discussion followed.

Mr. Rich Carlson, 18331 Clark, approached the podium and stated that he lives directly across the proposed development and that the creek that Mr. Carlson mentioned runs thru his property. Mr. Carlson stated that Bill's property floods, mine retains the water for days. Mr. Carlson stated that he would like to know more about the cleaning out of the ditch since it dissects thru the corner of his property. Mr. Carlson stated he would be interested on what is happening to that, he would not want it to disrupt his property and what he has done with it. Mr. Carlson also stated that he is familiar with the terminology detention/retention pond and asked if the pond was going to be a dry pond. Discussion followed. Mr. Carlson stated he is not against development in the area but is concerned about the water issues in the area.

Mr. Bill Carlson, approached the podium and stated that there is too much water coming into the field from the Town. Discussed followed.

Mr. Earley asked Mr. Homeier to explain how a detention pond worked. Discussion followed.

Mr. Kelley closed the public hearing.

**Mr. Earley made a motion to forward a favorable recommendation to the Town Council to rezone the property from A1 to R2, seconded by Mr. Konradi and carried with a roll call vote of five (5) ayes.**

### **NEW BUSINESS**

**Providence/Sweetbriar** – Mr. Doug Ehens, Vice President of Land for Providence Real Estate, approached the podium and stated that he is here along with Chris Anderson who is the President and the owners of the property Don and Bonnie Cripe,. Mr. Ehens stated what they are requesting is the Commission's approval to the changes they are proposing to this plan, in that they are insignificant in nature to the original approvals. Mr. Ehens stated that the original plan had sixty one (61) townhouses to be built on the property, there are currently two (2) four (4) unit buildings that are built and occupied and we are planning on building forty one (41) more of our product that they are currently building in the Townes of Lowell. Mr. Ehens stated they will be making no changes to their product, the foot print stays the same. Mr. Ehens stated that things are going well in the Townes of Lowell and they plan on being sold out at the current location this year with all the remaining foundations to be in before the winter. Mr. Ehens stated that we are excited about this opportunity and are looking for approval as soon as possible so that we can possibly get one foundation in by winter.

Mr. Kelley asked if they were basically reducing the number of lots. Mr. Ehens stated that is correct, our footprint is probably twenty (20) or twenty five (25) % larger than the existing units. Mr. Ehens stated that thru our efficiency we lose quite a few units, so yes, the density is going down. Mr. Mandon stated that this is a Planned Unit Development area and this is a decrease in density. Mr. Mandon stated that the Plan Commission can determine that this is an insignificant change and that saves the developer time and money because no public hearing is required. Mr. Mandon stated that he did review that with Attorney Bennett and she agreed that this is an insignificant change. Mr. Mandon stated that he is making the recommendation to the Plan Commission that it is an insignificant change. Mr. Kelley asked Attorney Bennett if she agreed. Attorney Bennett stated yes.

Mr. Mandon stated that the site plan has to be approved. Discussion followed.

**Mr. Konradi made a motion to approve the determination that this is an insignificant change from the original site plan, seconded by Mr. Earley and carried with a roll call vote of five (5) ayes.**

**Mr. Earley made a motion to approve the new site plan for Sweetbriar, seconded by Mr. Konradi and called by a roll call vote of five (5) ayes.**

Mr. Ehens asked if the Findings of Facts could be approved on the Special Meeting being held on August 20<sup>th</sup>, 2015. Attorney Bennett stated that the Special Meeting was not being held, and the Findings of Fact would be read at the regularly scheduled meeting on September 10<sup>th</sup>, 2015.

Mr. Mandon stated that he was asked to look at park dedication ordinances to see how they fit into our code. Mr. Mandon stated that most developing communities have them, and it has to do with State statutes. Mr. Mandon stated that he reviewed several samples and forwarded the one he preferred to Attorney Bennett. Mr. Mandon stated that it was his understanding that she and Attorney Westland are working on a park dedication ordinance and it will be ready for review in the next few weeks. Attorney Bennett stated that, at the request of the council, there were some modifications and the draft should be ready either later this month or the beginning of September. Discussion followed.

Mr. Mandon stated that the next item is the amendment to the sign ordinance. Mr. Mandon stated that there will be a public hearing scheduled next month. Mr. Mandon stated that there are copies in their packet and he would like to go thru the changes that he is proposing. Discussion followed in depth on the changes being proposed to permanent and temporary signs ordinance including special event banners.

Mr. Mandon stated the Route 2 overlay was previously discussed when we were talking about goals in the beginning of this year. Mr. Mandon stated that in his opinion the State needs to be involved in making improvements to traffic flow along Commercial Ave. Mr. Mandon stated that it is a state highway they have a role in making sure that traffic moves smoothly on their state highways. Mr. Mandon stated the town has a great deal of interest in making sure that we do not have unnecessary traffic congestion. Mr. Mandon stated that it is difficult to sit down with the INDOT and ask them to participate unless you have a pretty good idea on what you would like the road to become. Discussion followed.

Mr. Mandon stated that he thinks we need to have a planning document in mind that is an outgrowth of the thoroughfare plan that was adopted a few years ago. Mr. Mandon stated that once that document is in place we can then contact INDOT and ask them if they are willing to participate financially. Mr. Mandon stated that if you agree he would like you to make that recommendation to the Council. Discussion followed.

Mr. Earley asked Mr. Mandon exactly what he needed recommended to the Town Council. Discussion followed on the effects this would have on existing businesses and new businesses.

**Mr. Parker made a motion to recommend to the Town Council that they allow Mr. Mandon to start working on a route 2 overlay plan, seconded by Jim Konradi, and carried with a roll call vote of five (5) ayes.**

Mr. Mandon stated that the next item on the agenda was subdivision code changes. Mr. Mandon stated that we were made aware a while ago that the new subdivision code that was written with the folks at Ball State, was never reviewed by us. Mr. Mandon stated we finished revising the zoning ordinance and made it more localized and changed a few things to make it more functional here, but we never had a chance to look at the subdivision code. Mr. Mandon stated that we have not had any sub dividing up to this point but we expect some soon. Mr. Mandon stated that there are conflicts between some of the Town's infrastructure standards. Mr. Mandon stated in some cases they are in two different places and they conflict. Mr. Mandon stated that the staff has met and went over all the conflicting standards and it was decided that as much of the detail as possible should be put in the Town's standards so that they are in one place. Mr. Mandon stated that Mr. Craig Hendrix has been working on these standards and was here tonight to give the Commission a more detailed explanation of the changes that are going to be made.

Mr. Hendrix stated his original charge was to take the town standards and update them. Mr. Hendrix stated these were basically construction standards. Mr. Hendrix stated that in the process of updating the standards, he also was reviewing the ordinances and he noticed that the existing standards conflicted with the ordinance, and sometimes the ordinance conflicted with itself. Mr. Hendrix stated that they are companion documents to each other. Mr. Hendrix stated the ordinances tell you what the law is and the standards tell you how to build it. Mr. Hendrix stated changing an ordinance requires a public hearing and a recommendation from this Commission to the Council. Mr. Hendrix stated the standards themselves do not require these things and are adopted with a resolution through the Town Council. Discussion followed.

Mr. Hendrix stated that he is going to provide the track changes to the Town Attorney and they are going to create the ordinance. Mr. Hendrix stated that he has meet with the staff and they are in agreement with the changes that he is proposing. Mr. Hendrix stated that he will provide the changes to the Attorney by Monday and they will prepare an ordinance for the Commission to review by the next meeting. Mr. Hendrix stated that he can provide the Commission with the standards in digital form or paper form for them to review. Discussion followed on the topics covered in the standards. Attorney Bennett explained that the standards can be modified in the future when changes need to be made without having to revise the ordinances.

**FINDINGS OF FACTS:**

**Mr. Kelley read into the record the Findings of Facts for PC #15-009, Vacation of Frontage Road that abuts 7305 McConnel Ave., Parcel #45-19-23-182-008.000-008 and 17644 Morse St., Parcel #45-19-23-182.006-000-008 and Parcel #45-19-23-182-007.000-008.**

**Mr. Parker made a motion to approve the Findings of Fact for PC #15-009, seconded by Mr. Salatas and carried with a roll call vote of five (5) ayes.**

**Mr. Kelley read into the record the Findings of Facts for PC #15-010, Town of Lowell, Re-Zone from B2 to LI (light industry)**

**Lots: #1 McConnel Plaza Parcel #45-19-23-182-008.000-008  
#2 McConnel Plaza Parcel #45-19-23-182-007.000-008  
#3 McConnel Plaza Parcel #45-19-23-182-006.000-008  
#5 McConnel Plaza Parcel #45-19-23-181-009.000-008  
#6 McConnel Plaza Parcel #45-19-23-181-008.000-008**

**Mr. Parker made a motion to approve the Findings of Facts for PC #15-010, seconded by Mr. Konradi and carried with a roll call vote with five (5) ayes.**

**Mr. Kelley read into the record the Findings of Facts for PC #15-011, Town of Lowell, Amend Ordinance §155.090 Fence and Wall Standards.**

**Mr. Parker made a motion to approve the Findings of Fact, seconded by Mr. Earley and carried with a roll call vote of five (5) ayes.**

**Mr. Parker made a motion to forward the Findings of Facts to the Town Council to amend ordinance §155.090, seconded by Mr. Konradi and carried with a roll call vote of five (5) ayes.**

**ANNOUNCEMENTS:**

Attorney Bennett stated that the Special Meeting that was scheduled for the Plan Commission on August 20<sup>th</sup>, 2015 has been canceled. The next meeting will be the regularly scheduled meeting on September 10<sup>th</sup>, 2015

**ADJOURNMENT**

With no further comments or questions, Mr. Konradi made a motion to adjourn the meeting at 8:21pm, seconded by Mr. Parker, and carried by a voice vote.

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Richard Kelley, President

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Elias Carras, Secretary