

**LOWELL PLAN COMMISSION MEETING
APRIL 14, 2016**

Vice President Jim Konradi called the meeting to order at 7:10 P.M. The Pledge of Allegiance was recited. Recording Secretary Dianna Cade called the roll. Members answering the roll call were Elias Carras, Jim Konradi, Chris Salatas, Mike Gruszka, Matt Felder and Edgar Corns. Don Parker was absent. Also present were Planning Consultant Jim Mandon, Town Attorney Nicole Bennett, Town Manager Jeff Sheridan, Town Engineer Craig Hendrix, and seven citizens.

APPROVAL OF MINUTES

Mr. Corns made a motion to approve the March 28th, 2016 special meeting minutes, seconded by Mr. Salatas and carried with six ayes.

PUBLIC HEARING

PC #16-011, Lowell First Assembly of God, DBA: Journey Church of God, 1601 Northview, Lowell, IN - Primary Plat Approval Approx. 5920 Belshaw Rd., Parcel #45-19-36-201-001.000-008 and Parcel #45-19-25-451-001.000-008.

Steve Debold, of Chester, Inc., 555 East Point Center Dr., Valparaiso, IN stated he was here tonight representing Journey Church of God. Mr. Debold stated that they are here for a one lot subdivision primary plat approval. Mr. Debold stated that the property is on the North side of Belshaw between Clark and Calhoun and is 23 (twenty-three) acres large. They are proposing a church facility on this site that will seat 286 (two hundred eighty-six) people and they will have a parking lot to the west and south of the building. Mr. Debold discussed the way the property will drain. Mr. Debold stated that at the last meeting there were some concerns on the south side of Belshaw. He said he did investigate that and it appears that a lot of that water on the south side of the road is trapped in the existing ditches alongside Belshaw Rd. Discussion followed. None of our property will contribute to this drainage problem. None of our property is draining toward Belshaw at all anymore. Discussion followed. The church will also be extending the sanitary sewer and the water main to the eastern portion of our parcel. The church will be putting in a 14" (fourteen) water main and a 10" (ten) sanitary sewer that will allow for development to the east and also connections to the neighbors across the way off of Ralston Court. Mr. Debold stated that we would also like to ask the Town to share in the cost differences between the upgrade of that pipe.

Mr. Hendrix provided the Commission with a copy of his staff engineering report and discussed the most recent submittal from the petitioner's engineer and the improvements that were done as suggested by the staff. Mr. Hendrix stated they had reached out to the Lake County Highway Dept. about the culvert and we are going to set up a meeting with them when Mr. Shook returns. Mr. Hendrix stated that the engineering staff is recommending approval of the primary plat. He stated typically we compute bonds at this point. There are public improvements that are being installed; the sewer and water, so you would typically compute a cost and they would put up a bond. But in this case they are building a church so we have security in that we will withhold their certificate of occupancy on their building if everything is not installed properly and tested and accepted by the Town.

Mr. Salatas asked if his drainage was going to be alright. Mr. Hendrix stated it should be less, the pond is bigger than what is needed for the site. Discussion followed on drainage. Mr. Hendrix stated that we do need to concentrate on that pipe, and once again, it is county area and we will be working on discussing that with the county highway. Discussion followed.

Mr. Konradi opened the public hearing. Mr. John Peters, 5395 Belshaw Rd., stated he is directly south and a little to the east of the proposed sight. He stated he was at the last meeting and Mr. Parker had addressed some of his and his neighbors' concerns about flooding and instructed Mr. Shook to get in touch with him and some of his neighbors and that has not been done as of today. Mr. Shook was also instructed to get in touch with the Lake County Highway department and I am hearing now that possibly some contact has been made. He passed out pictures to the Board and discussed the water path and drainage issues, and asked for the pictures to be made part of the public record. He discussed that currently, when the area does flood, it is about fifty (50) feet from his door. He is concerned when this church gets built, if the drainage issues are not seriously addressed and the water continues to take this path, that it is it will flood his house out. These are his concerns.

Mr. Konradi stated we will take note of that, Mr. Shook had to leave on family matters and he will take care of it when he returns I am sure.

Debra Earley, 18933 Ralston Court, stated I have the same concerns as John Peters. My house is directly in front of the corner of Ralston and Belshaw. There have been numerous instances of flooding. There is flooding across the street and we have been told it is not a problem. We are concerned about the flooding. We want to make sure it is addressed and nobody ignores us. We want our concerns to be on record.

Mr. John Peters, 5395 Belshaw Road, asked about the decel/accel lanes. I realize this is a county road. I want to know if it has been discussed with the county at all. Mr. Konradi stated that he was not at the last meeting and in reading the minutes, he saw that they waived those lanes. Attorney Bennett stated that is not correct. There was no requirement for there to be a waiver. The wording within the ordinance is a "may" and not a "shall," so there was not a requirement of a waiver to even occur. Mr. Peters asked if the waiver would have to come from the county since it is not a Lowell maintained road, or are they required to get a special permit to tie into Belshaw. Attorney Bennett discussed the ordinance on the lanes, curbs & sidewalks.

Mr. Konradi closed the public hearing.

Mr. Corns stated somehow this drainage needs to be fixed. Mr. Gruszka asked Mr. Hendrix if the drainage is fixed. Mr. Hendrix stated that if you do nothing, it will be the same. Discussion followed on the drainage issues. Mr. Mandon stated that the petitioner does not have any legal rights to leave the property and put improvements in on the South side of Belshaw. Discussion followed.

Attorney Bennett stated to clarify for the record, the items you set out in your staff report, are reflected on the preliminary plat that is before this board for approval tonight. Mr. Hendrix stated yes. Attorney Bennett stated the plat dated 4/7/16? Mr. Hendrix stated yes. Attorney Bennett asked if there are any other conditions that are to be placed on this preliminary plat and set forth in the Findings. Mr. Hendrix stated no. Discussion followed regarding bond and withholding the occupancy. Mr. Felder asked about the request by the petitioner for the Town to help with the

upgrading of the pipe. Mr. Hendrix stated that decision is not made from a plan commission standpoint. They put in what we asked for. That would have to be dealt with at the Council level.

Mr. Salatas stated, for the record, I am a little disappointed that there is no curb and sidewalks, but since this will help with the drainage issues in that area, and for the church to get put in, I can get behind this project.

Mr. Gruszka made a motion to approve PC #16-011, Lowell First Assembly of God, and Preliminary plat approval, seconded by Mr. Carras and carried by a roll call vote of all ayes.

MOTION PASSED

NEW BUSINESS

Discussion –Greg White Power Point presentation regarding street addressing to comply with county and E911.

Mr. Mandon stated that there have been some issues presented concerning street addresses in town. We have situations that can be a serious issue for emergency vehicles. Mr. Mandon stated that he will talk an about an ordinance change that is worth discussing to try and solve this problem after Greg's presentation.

Greg White stated that we are looking to do some address corrections and more accurate addressing going forth in the future. Mr. White highlighted some existing problems we have in Lowell. I cannot highlight all of the problems but I am going to show you're some of the more troublesome situations that were brought to light by our new enhanced 911 system. Mr. White shared a power point presentation.

Mr. White stated that with the new E911 service, you do not have a local dispatcher answering the phones who understand the local addressing system, you have dispatchers sitting in front of a map and the quality of their response and the information that they are giving the emergency personnel is solely based on the quality of the information on that map. We need to partner and communicate with the community, county, state, and post office to best utilize our mapping system.

Mr. White explained how in the beginning of the year he asked for a new set of data from the county, specifically on point addresses. A point address is an address on a structure. He explained how he went out in the field with the GPS unit and found 356 anomalies, or about ten (10) percent of our addresses, which does not mean that many were wrong. We have a large amount of new construction that was built since 2012 which is when the county mapping was last updated. He also found a lot of misplaced addresses mostly in downtown Lowell. He found some duplicate addresses and missing addresses. With his experience, he was able to grab those points with the GPS.

He showed where most of his anomalies were, which was mostly in the new subdivisions. He explained the county addressing system to the Board. He showed the Board the grid that he built for addressing for the Town of Lowell.

He explained the anomaly in the Meadows of Cedar Creek and the incorrect street names in that subdivision and how it affects the anomalies in the Preserves, and explained how it could cause a delay in emergency vehicles reaching their destination in these subdivisions. Mr. White explained why we need to change two addresses in the Preserves, 5450 & 5995 which are dangerously separated from their relative block. They should be in the 5800 block. He explained that the Preserves are not necessarily numbered incorrectly but it will be easier to change only two addresses instead of numerous ones in the Meadows of Cedar Creek. He further explained the addressing discrepancies in Brookwood Subdivision and McConnell Avenue.

Mr. White discussed our addressing ordinances and the conflicts that they present currently. He proposed how we should move forward with addressing in the future. He stated that the three-digit numbering system should be phased out along with naming streets with numbers. In town, streets should be given a single word name.

He discussed who should be notified if or when addresses are changed, and any new addresses. Those who should be notified include E911, post office, auditor's office, county surveyor, local police and fire, Nipsco, and the telephone company.

He stated we need to have a public meeting with those residents being affected by any address changes we make.

Mr. Salatas thanked Mr. White for his work on this project.

Mr. Mandon stated that they would like to amend ordinance §155.195 in its entirety. Mr. Mandon discussed the proposed amendment to this ordinance. He stated that we would need a public hearing. Mr. Mandon stated that if you are in favor of that we will work on it and bring it back to you by the next meeting. The second part would be if you are serious about changing existing addresses and not just future problems, we can put together a detailed report on how many people are affected and exactly where they are affected. The second item to decide on is whether or not you want us to pursue correcting existing problems or at least identifying them. Mr. Konradi stated he thinks it needs to be done.

Mr. Mandon asked Attorney Bennett if it was premature to schedule a public hearing. She stated yes and discussed some of the things that she would like to cross reference. Mr. Mandon stated that the intent is to have it stop at the Plan Commission level. Discussion followed. Mr. Mandon stated we will look at it in greater detail and have a report ready for you by the next meeting.

Mr. Mandon stated that he would also propose adding to ordinance §155.006, a detailed definition of living space. Discussion followed on attached garages as defined on living space. Attorney Bennett stated in the realm of real estate, a garage is not considered in square footage. She stated that Jim is correct it is not clear in the ordinance. Mr. Mandon asked Attorney Bennett if we can have a public hearing on this at the next meeting. Attorney Bennett stated she did not see a problem with that. Mr. Salatas made a motion to schedule a public hearing for an amendment of the above ordinance at the next meeting, seconded by Mr. Gruszka, and carried with voice vote of all ayes.

Mr. Mandon stated that the next ordinance that he would like to have amended is ordinance §155.195 (E) (8) which is what we dealt with last month. We would like to change the wording from "may" to "shall." Discussion followed on some other wording that Mr. Mandon was

requesting on this ordinance. Discussion followed. Attorney Bennett stated that the amendment to this ordinance has already been requested by the Town Council and forwarded to their office for a draft to be reviewed. Discussion followed on waivers.

Review the Findings of Fact:

Mr. Konradi read into record the Findings of Facts for - PC #16-011 Journey Church of God, Preliminary Plat- Mr. Felder made a motion to approve the Findings of Fact for PC #16-011, seconded by Mr. Corns, and carried by a voice vote of all ayes.

ANNOUNCEMENTS:

Mr. Konradi stated there would be a special meeting on Tuesday, April 19th at 7pm for Journey Church of God, Final Plat approval and Site Plan Approval.

PUBLIC COMMENTS:

Mr. Don Cripe, 17430 McKinnley Place, Lowell, IN. Mr. Cripe stated he had a handout for the Board. Mr. Cripe stated he was not here angry, not her irritated but he is here confused and at the age of 84 (eight four) he has a right to be confused. He said he purchased the Reel farm and it was zoned agriculture and he had it re zoned residential, he hired S & H to design the subdivision at a cost of \$75,000. He said he had a plat meeting with the staff and Tom Trulley handed him the first sheet you are looking at. He said Tom Trulley told him a few days before the staff meeting that since the parcel was over 20 (twenty) acres he would have to pay \$190,000 in park fees. He said he gasped and did not understand where this total came from. Tom called Mr. Cripe and said there was a mistake and Tom lowered the fee to \$17,045.45 and that was a relief. Mr. Cripe said he looked at the sheet and saw all the engineering fee and inspection fees for a total of \$99,000 in addition to the \$75,000 fees that he had paid S&H; he was not getting off to a good start. He said that he has been subdividing in Lowell sine 1958 I have watched several developers make money and I have seen several go belly up. I bought Beverly Estates when it was in dire straits several years ago. He stated the improvements he made to that subdivision and it is developed very good know and being vigorously built on today. He said he noticed tonight that the church you gave up the curbs and sidewalks there, but when I looked about doing this Beverly Estates II, the Town said I was going to have to put in curbs and have street widened. So I am a little confused you let one person go one way. He continued on to discuss Burr St. going south down to the school and the sidewalk and Beverly Estates I. and what the Town required him to pay for the on Burr St. He stated that he told the farmer to go ahead and farm Beverly Estates II until I get some things figured out. Mr. Cripe said these standards and fees all changed right when I when I bought the Reel Farm. He also stated he has the Preserves and he came in and talked to Mr. Shook about two weeks ago about the park fees and phase 6 in that subdivision is about 14 (fourteen) acres and the originally ordinance it was 20 (twenty) acres or more and I thought that I was not going to have a park impact fee. Mr. Shook said you will not have to pay any park impact fee and he called me on the phone and said he gave me the wrong information yesterday. He said in November the ordinance was changed and now it is five (5) acres. Mr. Cripe said he is not against the park department; he discussed the property he gave the parks some years back. He said I am not trying to get away with paying something to the parks department. When you got twenty (20) acres that was your original ordinance and now you have lowered it to five acres would normally make ten or twelve homes. He said the planning commission should make any new home that is built in Lowell pay a couple hundred-dollar fee on their building permit. If I would develop any of these subdivisions I would have to pay about

\$172 per lot. Mr. Cripe stated the \$172 should be put on the building permit. If you take all of the lots in Lowell there are three or four hundred building lots in Lowell right on the books. Why are you going to take some new sub divider maybe not even me coming into town and the other sub dividers who have platted their lots several years before or in the last few years they are getting by scot free on their lots. I think every lot a new home is going to built on should be assessed \$150 to \$200 per lot. I think sometime in the future you should have a work session and talk about what I have brought up tonight. Maybe you are trying to tell me to go home at eighty-four years old, we do not need you anymore and maybe that's a good thing that I get that indication. Mr. Cripe said all this started when I started talking to the Town about building Beverly Estates II. Mr. Gruszka stated this is an ordinance signed by the Town Council, not the Plan Commission Mr. Cripe. Mr. Salatas stated it started at the Plan Commission level. Mr. Konradi stated I think we need to listen to Mr. Cripe, I think we all agree we need more consistency within our organization, hopefully with the new town manager that can be facilitated. Mr. Cripe also questioned the \$15,000 per acre fee that the town used and he feels it is off and that has a big bearing on the engineering fees and review fees and so forth.

ADJOURNMENT

With no further comments or questions, Mr. Corns made a motion to adjourn the meeting at 8:45pm, seconded by Mr. Gruszka, and carried by a voice vote.

Mr. Jim Konradi, Vice President

Elias Carras, Secretary