

LOWELL PLAN COMMISSION MEETING JANAURY 13TH, 2022

John Alessia called the meeting to order at 7:00pm. The Pledge of Allegiance was recited, and a moment of silence was held. Recording Secretary Dianna Cade called the roll. Members answering the roll call were John Alessia, Greg White, Shane Tucker, John Gruszka. and Manny Fausto. Jim Konradi and Shane Lawrence were absent. Also, present was Rich Oman, Director of Planning and Development, and Town Attorney Nicole Bennett.

ELECTION OF OFFICERS:

Mr. Tucker nominated John Alessia for President of the Plan Commission for 2022, seconded by Mr. White and carried with a roll call vote of all ayes.

Mr. White nominated Manny Frausto for Vice President of the Plan Commission for 2022, seconded by Mr. Tucker and carried with a roll call vote of all ayes.

Mr. Tucker nominated John Gruszka for Secretary of the Plan Commission for 2022, seconded by Mr. Frausto and carried with a roll call vote of all ayes.

APPROVAL OF MINUTES:

Mr. White made a motion to approve the meeting minutes from December 9th, 2021, seconded by Mr. Frausto and carried with a voice vote of all ayes.

OLD BUSINESS:

TABELED FROM MARCH 11TH, 2021 - PC #21-006 - re-plat approval in accordance with §155.193 Major Subdivision for a parcel within the Town boundaries of Lowell, IN has been filed by Mannik & Smith Group, on behalf of their client: **Trilogy Health Services, LLC.**, 303 Hurstbourne Pkwy suite 200, Louisville, KY 40222 This is for property located at approx.: **North of 18275 Burr St.**, Lowell, IN. Parcel number: 45-19-25-201-036.000-008.

Greg Schunck, Civil Engineer, Mannik & Smith. Mr. Schunck stated they are requesting to be tabled this month.

Mr. Frausto made a motion to table the PC #21-006, seconded by Mr. White and carried with a voice vote of all ayes.

TABELED FROM MARCH 11TH, 2021 - PC #21-007 – site plan - has been filed by Mannik & Smith Group, on behalf of their client: **Trilogy Health Services, LLC.** **North of 18275 Burr St.**, Lowell, IN. Parcel number: 45-19-25-201-036.000-008.

Greg Schunck, Civil Engineer, Mannik & Smith. Mr. Schunck stated they are requesting to be tabled this month

Mr. Tucker made a motion to table PC #21-007, seconded by Mr. Frausto and carried with a voice vote of all ayes.

Tabled from October 11th, - PC #21-032 - PRIMARY PLAT- 2021 -An application for a preliminary plat approval for a 2-lot sub in accordance with §155.193 Major Subdivision for a parcel within the Town boundaries of Lowell, IN has been filed by Lifehouse Homes, P.O. Box 352, Lowell, IN 46356. This is for property located at approx. Platinum Dr. AKA: Detention Area, Lowell, IN., Parcel number: 45- 19-25-255-009.000-008

Mr. Rob Fischer, Lifehouse Development, 627 E. 110th Ave., Crown Point, IN. Mr. Fischer stated he is here tonight for preliminary approval of a 2-lot sub.

Mr. Oman stated the town council approved on 1/10/22 to vacate the blanket easement that was over the property. He indicated for the Commission on the monitor the location of the lots and the re-routing of the stormwater.

President Alessia opened the public hearing, no remonstrances were heard in person or on-line.

Mr. Tucker made a motion to approve Preliminary plat for 2-lot sub-PC #21-032, seconded by Mr. Frausto and carried with a roll call vote of all ayes.

Mr. White made a motion to approve the staff report, as Findings of Fact for PC 21-032, seconded by Mr. Gruszka and carried with w roll call vote of all ayes.

Tabled from October 11th, -PC #21-033 – FINAL PLAT – Beverly Estates 2 lot sub. Approx. Platinum Dr. AKA: Detention area.

Mr. Rob Fischer, Lifehouse Development, 627 E. 110th Ave., Crown Point, IN. Mr. Fischer stated he is here tonight for approval of a final plat for a 2-lot sub.

Mr. Tucker made a motion to approve the final plat for 2 lot sub PC #21-033, seconded by Mr. Frausto and carried with a roll call vote of all ayes.

Mr. Frausto made a motion to accept the staff report as the Findings of Fact for PC #21-033, seconded by Mr. Tucker and carried with a roll call vote of all ayes.

REZONE -PC #22-001 -Approx. 18524-18528 CLINE AVE (4 parcels) - an application to request a rezone from AG (agriculture) to PUD (Planned Unit Development) on a parcel within the Town boundaries of Lowell. Petition has been filed by Lennar Homes, 1141 East Main St., Suite 108, East Dundee, IL 60118 for property located at approx. 18524-18528 Cline Ave., 45-19-27-401-001.000-037, 45-19-27-300-003.000-037, 45-19-27-451-001.000-037 and 45-19-27-287-011.000-038. The four parcels consist of approximately 157.39 acres and are currently zoned AG.

Attorney Jim Wieser, 429 West Lincoln Hwy, Schererville, IN 46375. Attorney Wieser stated he is here on behalf of Lennar Homes. He introduced the following persons who were here tonight to present the project and assist with any questions the Commission may have.

Todd Kleven, Land Acquisition, Lennar Homes

Rich Olson, Architect – Gary R. Weber Consultants

Madeline Larmon, Civil Engineer, Mackie Consultants

Attorney Wieser stated the notice of public hearing and proof of certified mailings were provided to the town.

Property is between Cline Ave & Austin it is a little over 152 Acres. The parcel was annexed into town on 11/8/21. The ordinance was recorded on 12/20/21.

Attorney Wieser stated there are a total of 436 units in the proposed development, 223, traditional sfd, 145 cottage homes single, 68 townhome sites. He stated they are seeking a rezone from AG to PUD.

Attorney Wieser stated himself and Lennar have received the remonstrance letter from Carlson Farms, and they are prepared to discuss this issue with them.

Mr. Todd Kleven, Director Land Acquisition for Lennar Homes, 1700 E. Golf Rd. #1100, Schaumburg, IL. He stated the development proposed is called Kingston Ridge. The parcels total 162 acres of which 10 acres on the NE corner has been retained by the seller of the property for their homestead. Mr. Kleven started his presentation which included the location of the parcels. He stated Kingston Ridge, would consist of 4

products. He stated their community in Cedar Lake, Rose Garden mimics the community he is proposing for Lowell. There are 3 cottage home products, which are maintenance free. They target active adult age targeted but not restricted, snow removal and lawn maintenance are included. He stated there are 2 single family products. There will also be a townhome product. The community will have amenities including a walking path, splash pad, park, and pool house. He stated there will be a public park also. Density is 2.86. 31.9 acres of open space or about 20% of the project.

Mr. Rich Olson, Gary R Weber, Land Planning Company, 402 W. Liberty Dr. Wheatfield, IL. He discussed the topography of the parcels. He discussed the ridge line that run up the center of the property and it divides the water to the east and to the west. He stated there is an existing gas line and the water drainage from that area goes to the south. He discussed vehicular access. There are no wetlands or trees on the property. He presented a slideshow to indicate the proposed stormwater ponds. He stated there will be to main access points, Austin, and Cline. He stated there will be a water feature at the main entrance. The residents will be able to use a serious of pathways to the pool house and parks with very little interactive with vehicles.

Mr. Klevan stated the staff has requested that the park at the southeast corner be turned over as a public park. There will be a private park on the western side which is more of a tot recreation area.

Mr. Kleven discussed the HOA which will own and maintain all the amenities. Mr. Kleven discussed the options if the HOA fails. Covenants and restrictions are in draft form. The PUD agreement has also been drafted. There will be language in the agreement that will give the town the tool to have the right to take the HOA over and assess the homes in that community. The homebuyers will be made aware of this clause before they purchase one of Lennar's homes. There will be a parent HOA and a HOA for the cottage homes. He discussed a gas line that bisects the southern portion of the property diagonally and they are working very closely with NIPSCO on the easement.

Mr. Kleven stated the main entrance will be to the east and starting from there he showed the commission and the audience where each specific product would be in the community. Mr. Kleven stated the water is not an issue. He stated there is a gravity manhole ½ mile south of them at the middle school. A lift station and forced main is being proposed to service this community.

Mr. Kleven had renderings of each of the products and went through their lot size, house sizes and setbacks. There is 60' ROW and back of curb will be 30' to 30'. He showed the renderings of the pool house, splash pad and tot lot which will be HOA owned and maintained.

He discussed the assessed value of the community.

There are 14 single family plans. He discussed the elevations of some of their single-family dwellings. He discussed the anti-monotony clause that is included in their PUD agreement. Referring to his renderings on the monitor he explained some of the architectural plans of their products.

He stated engineering was submitted with this petition. He reviewed Lennar's landscaping plan. He read a letter that was submitted by Gary R Weber Associates, Lennar's ecological consultants stating there is no environmental impact to this property pursuant to their plan.

He stated they are aware of the remonstrance letter from Mr. Carlson and his erosion issues which are across the street from Lennar's property. He stated the subdivision to the north is out of their control, however they will not be releasing anything more than what he is receiving now. He said he will work with the adjacent property owner and Mr. Carlson on this issue. He stated but it is not this parcel that is putting extra water on his parcel.

Mr. Alessia opened the public hearing.

Lucas Straight, 18715 Austin St., Lowell, IN. Mr. Strait stated he purchased his property in 2019. This is his first house. He stated he wanted to live in the country. He stated he spent a while looking for a property that would be of value to him. He stated he likes people he did not want to be completely secluded. He has a great

relationship with his neighbors. He stated his concerns are the value to his property. He did not want to live in a neighborhood. He stated one of his hobbies is shooting. By putting houses on the other side of his berm it will put him in violation of Lake County's shooting ordinance. Subjectively, this is a value to him. He stated he has consulted an attorney and several real estate agents; this will drop the value of his property. Life is not all about money it is also what you find enjoyment in, which for him is to live in the country. He grew up in Illinois and did not like growing up in a town. This community will put a lot of people into town, which will affect traffic, roads, and infrastructure. His property is quiet, and he enjoys that. He stated if this community was there when he saw this house, he would not even have considered it. He just put up at 3800 sq. ft. pole barn, which he would not have done had he known about this subdivision. He intended to stay here for 20-30 years. Please consider his objection.

Randy Carlson, Carlsson Farms. 960 Doe Path Lane, Crown Point, IN 46307. He stated development is good. He stated their farm is across from this proposed community. He stated they already have stormwater issues on their property from across the street at Meadowbrook, which is washing them out. He indicated on the proposed subdivision map where he sees water issues will be on the one corner. Mr. Oman stated there is a new map that shows detention pond in this corner. Mr. Carlson stated the pond at Meadowbrook is not big enough it takes out a lot of their farmland. He stated he needs satisfaction that they are going to take care of the problem. Otherwise, they are opposed to this development.

Mr. Alessia stated he noticed also that there is a high density on the south end is the pond relative to the size. He said it seems smaller than the rest.

Ms. Madeline Larmon, Mackie Engineering, 9575 W. Higgins Rd. Rosemont, IL. Ms. Larmon stated the drawings you are looking at have been revised per staff. The detention basin in the south has been upsized. Lennar did reduce the home site density to fit this larger basin in. She indicated where the ridge line to the south was on a map. She stated it is roughly where the NIPSCO easement is. She pointed out on the map the other ridge line. She stated 60% of the site drains west and the other 40% drains east to Carlson Farm. She stated there is an existing 24" culvert where they intend to discharge to. She stated by ordinance you are not allowed to release more water than when you came. Referring to a map that was brought in tonight she discussed other locations where the detention area was increased from the concept plan. Mr. Alessia asked if the houses on the south the only ones were draining to the south pond. Ms. Larmon stated yes. Discussion followed.

Robert Fox, 1868 W 203rd Ave., Lowell, IN. Mr. Fox stated he owns property on Austin Ave. he stated this is coming right to their property. One will drain through his property. Mr. Fox indicated on the displayed map and discussed with Ms. Larmon. Mr. Fox stated a big rain creates a mess. Ms. Larmon explained how a basin works during large rain events, including the release rate of the stormwater. Discussion on the north pond and drainage patterns.

Jim Phillips, 19503 Cline Ave. Lowell, IN. Mr. Phillips asked if there was a tile being installed or a pipe. Ms. Larmon stated they are required to put in an outlet control structure it has to be a very small pipe probably a 6". It will drain at the surface. Discussion.

Lucas Strait, 18715 Austin St. He discussed water runoff and EPA regulations and salt run-off. Discussion. Mr. White stated that the town of Lowell does have a MS4 stormwater program to specifically address pollutants that run-off of construction site. We must abide by a rule 5. Discussion.

Kim Deutsch 18801 Austin St. she stated she is a Tri-Creek employee, she is not here representing Tri-Creek. Mrs. Deutsch stated that the school district has requested numerous times that a traffic light be installed at route 2 and Nichols. This development will affect the traffic tremendously on Cline. Mr. Alessia stated Route 2 is a state road. Discussion.

Mr. Oman asked the public that was listening online if they wished to make any comments. No remonstrances were heard. Mr. Alessia closed the public hearing.

Attorney Wieser approached the podium. He discussed the determination from the state of Indiana for

signalization. He stated this petition will be forwarded to the town council for final approval. If it is approved, then Lennar Homes will be back in front of the Plan Commission for preliminary plat with the engineering and more of the technical answers will be contemplated and discussed. He stated a public hearing is required by law for the preliminary plat and notices will be sent out again. Tonight's petition is for rezoning only. Attorney Wieser stated that by law the town is required to have a fiscal plan done with the annexation request and that plan becomes part of the ordinance. He stated a lot of the issues that were raised here tonight were considered. He continued; the financial consultant that performed the fiscal plan determined that the town has the proper infrastructure necessary to service this development. He discussed the 5 criteria that the plan commission by statute consider when making a rezone determination. He stated under the law value is monetary.

Mr. Oman stated the petitioner is requesting a PUD. With a PUD developmental standards and covenants for the district are not subject to the standard zoning requirements and are negotiated with the town and become an ordinance. He stated if they requested an R2 they would be allowed more density. The PUD is giving us more open space, and more park space.

Mr. Alessia stated he appreciated the tone of the meeting tonight. He discussed the role of the Plan Commission and the ordinances and statues that they must follow.

Mr. Kleven stated this parcel could have been brought in as county subdivision. A property owner has the right to develop this property. A PUD will meet the market demand and their product is well planned.

Attorney Bennett stated the Plan Commission is tasked with sending a favorable, non-favorable or no recommendation to the town council. She stated at the council meeting it is this record only that can be reviewed by them, no new testimony, public comment etc.

Mr. White made a motion to send a favorable recommendation to the Town Council for PC #22-001, seconded by Mr. Frausto and carried with roll call vote of all ayes.

Mr. Kleven provided a printed copy of the slide show for the record.

Mr. Frausto made a motion to accept the staff report as the Findings of Fact, seconded by Mr. Tucker and carried with a roll call vote of all ayes.

-Appoint one Plan Commission member to the TRC Committee for 2022

Discussion- Mr. Tucker made a motion to appoint John Alessia, as the PC rep for the TRC, seconded by Mr. Frausto and carried with a voice vote of all ayes.

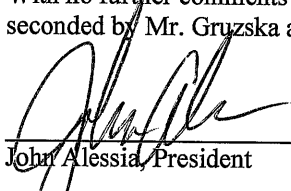
DISCUSSION: NONE

PUBLIC COMMENT: None is heard in person or on-line

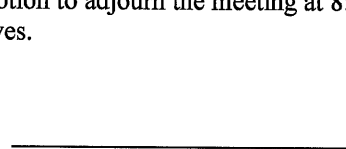
ANNOUNCEMENTS: Next regularly scheduled meeting will be held on February 10th, 2022

ADJOURNMENT

With no further comments or questions, Mr. White made a motion to adjourn the meeting at 8:30pm., seconded by Mr. Gruzka and carried by a voice vote of all ayes.



John Alessia, President



John Gruzka, Secretary