

LOWELL PLAN COMMISSION MEETING

February 20th, 2020

President Will Farrellbegg called the meeting to order at 7:10pm. 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, Will Farrellbegg, Chris Salatas, LeAnn Angerman., Jim Konradi, Shane Lawrence and Greg White. Eric Newell was absent. Also, present were Rich Oman, Director of Planning and Development, and Town Attorney Nicole Bennett.

APPROVAL OF MINUTES:

Mrs. Angerman made a motion to approve the regular meeting minutes of January 16th,2020, seconded by Mr. Salatas and carried with a voice vote of all ayes.

NEW BUSINESS:

PC #20-001, Site Plan Approval, Petitioner: Tri Creek School, for an addition at Three Creeks School, 670 S. Burr.

Alan Fox, Tri Creek School Corp. Ryan Marovich, DVG Team, Jeff Napiwocki, CSK Architects representing Tri Creek School for an addition to Three Creeks School. Mr. Marovich stated they are seeking a site plan approval for a two wing building addition with parking, extending water for fire hydrant and rerouting the storm sewer. He stated that they have addressed the comments from the TRC meeting. Including sending landscape and photometric plans. He stated there was a question from town staff on the east border. A DVG surveyor confirmed that the County GIS is not accurate and what they planned is correct.

Mr. Oman stated all the recommendations or questions the staff asked of them at the TRC meeting was addressed. Staff is recommending approval.

Mr. Konradi made a motion to approve PC #20-001 Site plan, Three Creeks School, addition. 670 S. Burr, seconded by Mr. Salatas and carried with a roll call vote of all ayes. **MOTION PASSED 6-0**

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

PC #20-003, PUBLIC HEARING - rezone from AG to R1 single family. Petition has been filed by John Brill, 15135 Hawthorne Ct., Cedar Lake, IN 46303. This is for property located at approx. 17500 Holtz Rd., Lowell, IN. Parcel numbers: 45-20-19-176-001.000-008, 45-20-19-126-002.000-008, 45-20-19-151-001.000-008 and 45-20-19-102-001.000-008.

Mr. Brill stated he is owner of the property and it has been annexed into town. He is petitioning for a rezone from AG to R1. He stated he is considering a 10 lot sub. He stated that this is Lowell's most restrictive single family level.

Mr. Oman stated staff is recommending forwarding a favorable recommendation to the Town Council.

President Farrellbegg opening the public hearing.

President Farrellbegg read into public record correspondence from remonstrator Angela Bikoff who resides at 17509 Holtz Rd., Lowell, IN. A copy of letter is in the file for public viewing.

Joel Lamber, 17515 Holtz Rd., Lowell, IN., He stated he lives across the street from the property, he agrees with the correspondence that was just read from Angela Bikoff. He discussed the standing water and run off issues on the property. Mr. Lamber stated that over the summer there was gravel fill added to the property and he feels that made it worse. He asked if there was going to be city water and sewer brought to the property and if there had been any studies done on it. He discussed his concern with sewage run off going into Red Wing Lake. President Farrellbegg stated that the reason it was not passed by the county was that they would not allow mound systems on the property, it had to be connected to the Town services. President Farrellbegg stated there will have to be an engineering study done by the developer in relation to stormwater, drainage and sanitary on the property. Mr. Oman stated that the developer understands that he has to have an engineer design putting in sewers, storm sewers and water. Mr. Lamber asked if the R1 approval can happen without the engineering plans being submitted. Mr. Oman stated tonight's meeting is for zoning approval only, no other designs. Mr. Salatas stated the developer will have to come back with engineered design for utilities, including stormwater. Attorney Bennett stated the primary plat is a separate approval and public hearing. Tonight's meeting is for zoning only and the Plan Commission cannot make a decision on the zoning, it is a recommendation forwarded to the Town Council for final approval. Mr. Lamber stated that over the summer the developer had a sign up promoting his lots. Attorney Bennett stated until the property is platted it cannot be sold. Attorney Bennett stated that by Lowell ordinance when property is annexed into town it comes in with the zoning classification that was closest to the county. She stated his concerns regarding water and utilities would be addressed at the primary plat meeting.

Barbara Ziady, 4507 W. 173rd Ave. Mrs. Ziady stated she is new to Lowell and lives by Red Wing Lake. She discussed that she had called the Town during the last big rain event to voice her concern that the lake had come in approx. 20' causing her dock to be under water. She is under the impression that the Town lowered a pipe and the water receded. She stated she does not own the lake, Mr. Brill does. She stated the lake is not being maintained and from her understanding from the maintenance company Mr. Brill was only going to maintenance part of it. She stated that her and the adjoining neighbors on the end of the lake wanted to hire the company to do the maintenance but they have no access to the lake. She asked about a future HOA being established to pay for maintenance on the lake. She stated the lake is in bad shape.

Dale Wade 17497 Holtz Rd., He stated he has lived there since 1979 and there has always been a water issue. He does not see how the Plan Commission can make an R1 decision on property that is wet all the time, unless it is for house boats. You cannot put houses there. He discussed the effects of impervious surface by building these houses. He feels storm sewers can only handle the water from the houses and not the run-off and the lake will not be able to take in all that water. He stated it is unfortunate that somebody bought a piece of property like this but that is not his problem, but it will be the town's problem when it floods. He stated it does not even make good farm land it is too wet. He suggested the town purchase the property and build a park.

Cory Wietbrock, 17455 Holtz Rd., he stated that he agrees with all of the other comments made here tonight. The property has not been farmed in years and that is because of the water on the property. He discussed other concerns of his and stated the major issues is the flooding in the area.

President Farrellbegg stated that the water issues will be addressed during the primary plat petition.

Clarence Randolph 4540 Cambridge Circle, he stated him and his wife have only lived here a few years they like the quiet. His concern is the traffic and congestion this subdivision will bring to the area.

John Kowkolski (SP?), 17705 Holtz Rd., he inquired if there will be another meeting where they can ask questions. President Farrellbegg stated that would be during the primary plat. President Farrellbegg stated you can come to the Town Hall and request to speak to the staff, they will help you.

Joel Lamber, 17515 Holtz Rd., He stated does the town consider the flood plain of the property when rezoning it from AG to R1. Mr. White stated the developer will be required to submit a watershed and flood plain study with the site plan submittal. He will be required to do a topographic study which will indicate elevations. Mr. Lamber asked if these studies will be available for the public to view. Mr. White stated yes and you are welcome to come in and talk to staff.

Dale Wade, 17497 Holtz Rd., Mr. Wade stated that he believed that this property was unincorporated. Attorney Bennett stated it was annexed into Lowell, January 2020. He asked why they were not notified. Attorney Bennett stated you were, it was a voluntary annexation. She discussed the processes. Discussion followed. Mr. Wade discussed gravel that was dumped on the property in the summer and asked if the town gave permission for the developer to do that. Attorney Bennett stated it is private property there would not have been a need for town approval. Discussion followed on when the property was annexed into town.

President Farrellbegg closed the public hearing.

Mr. White stated that Red Wing Lake is on a regulated drain. He stated even if an HOA is established there or deeded ti private properties along the lake it still will be subject to a 75' drainage easement that is maintained by the Lake County Drainage Board.

Mr. White made a motion to send a favorable recommendation to the Town Council for a rezone from AG to R1 for this property, seconded by Mr. Lawrence.

Mrs. Angerman stated that there have been eight neighbors here tonight speaking of their concerns, and their concerns are ours. Tonights meeting is for zoning approval only. The concerns we are hearing tonight will be dealt with in the planning stages by our staff to ensure that the property is being built to our standards.

Motion was followed with a roll call vote of all ayes. MOTION PASSED 6-0.

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

PC #20-008, Final Plat Approval, Petitioner: Paige Cripe, Preserves, Ph 6.

Doug Homier, with McMahon and Associates stated he is here tonight with Paige Cripe the developer to seek final plat approval for Preserves Ph 6. 35 lots in this phase, 14 ½ acres, dentisy of 2.4 lots per acre. He stated they have meet with the staff who had asked for revisions which have been done and submitted. He discussed the performance bonds.

Mr. White stated all of the bonds that were discussed at the TRC meeting will meet stormwater requirements.

Mr. Hendrix stated that the final plat will not be signed until the bond amounts are approved at a Town Council meeting.

Mr. Hendrix stated for the record the bond amounts recommended are as follows:
Maintenance bond: \$246,492.00
Performance bond: \$92,713.00 (assuming NIPSCO notification is received)

Mr. Konradi made a motion to approve the final plat for Preserves Phase 6, seconded by Mr. Salatas and carried with a roll call vote of all ayes. MOTION PASSED 6-0

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

PC #20-002, Site Plan Approval, Petitioner: Town of Lowell, to erect a Cell Tower, at 248 N. Liberty

Mr. Hendrix, Town Manager and Zach Steinbach, Fullerton Engineering. Mr. Hendrix stated that the water tower that is located at 248 N. Liberty has been decommissioned by the town. It will be dismantled soon and Sprint currently has equipment on it. Sprint proposed to the town that they would build a new cell tower with 4 tenant spaces available on it for lease and deed the pole to the town after it is constructed. The tower is colocated and Sprint would be the first tenant on the tower. The BZA forwarded a favorable recommendation to the Town Council who granted the special use variance. He is here tonight seeking site plan approval from the Plan Commission. Mr. Hendrix discussed the footprint of the tower. The tower will have a 6' fence around it. The landscaping plan will be determined at a later date once the tower is demolished. Mr. Salatas stated it appears that the tower is 20' higher than the water tower. Mr. Steinbach stated that with the lighting rod the tower will be 156' in height. Mr. Hendrix stated the tower is only scalable by professionals, it is durable construction. Discussion followed. Mr. Hendrix stated that the pole will be a revenue source for the tower.

Mr. Salatas made a motion to approve the site plan for PC #20-002 248 N. Liberty, cell tower, seconded by Mr. Konradi and carried with a roll call vote of all ayes.

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

PC #20-004, #20-005, #20-006 PUBLIC HEARING-FLOOD HAZARD ORDINANCE REVISION

Mr. White stated the DNR had questioned the TOL ordinances ability to allow another staff person other than the Town Manager or Director of Building as the Flood Plain Administrator. These ordinances are the results of Attorney Bennett working with the DNR to revise our ordinances to clear up any confusion with the DNR and reflect administrative rule changes at the state level. Attorney Bennett discussed specifics on the updates that were made to each ordinance.

President Farrellbegg opened the public hearing. No remonstrances were heard.

Mrs. Angerman made a motion to send a favorable recommendation to the Town Council for PC #20-004 repeal flood hazard Ordinance #2019-09, seconded by Mr. Salatas and carried with a roll call vote of all ayes. **MOTION PASSED 6-0**

Mrs. Angerman made a motion to send a favorable recommendation to the Town Council for PC #20-005 repeal and replace flood hazard areas Ordinance #2016-05, seconded by Mr. Salatas and carried with a roll call vote of all ayes. **MOTION PASSED 6-0**

Mrs. Angerman made a motion to send a favorable recommendation to the Town Council for PC #20-006 amend flood hazard area standards Ordinance #2013-02, seconded by Mr. Salatas and carried with a roll call vote of all ayes. **MOTION PASSED 6-0**

Mr. White made a motion to accept the staff report as the Findings of Fact for: PC 20-004, PC 20-005, PC 20-006, seconded by Mr. Lawrence and carried with a roll call vote of all ayes. **MOTION PASSED 6-0**

DISCUSSION:

ANNOUNCEMENTS: Next regularly scheduled meeting is on March 12th, 2020.

PUBLIC COMMENTS: none

ADJOURNMENT:

With no further comments or questions, Mr. Salatas made a motion to adjourn the meeting at 8:15PM, seconded by Mr. White and carried by a voice vote of 6-0.

Jim Konradi, Vice President

LeAnn Angerman, Secretary