

## LOWELL PLAN COMMISSION MEETING

November 18th, 2021

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, Shane Lawrence, Greg White, Shane Tucker, John Gruszka. Jim Konradi joined via zoom. Manny Frausto was absent. Also, present was Rich Oman, Director of Planning and Development, and Town Attorney Nicole Bennett.

### **APPROVAL OF MINUTES:**

Mr. Lawrence made a motion to approve the meeting minutes from October 14th, 2021, seconded by Mr. Tucker and carried with a voice vote of all ayes. Mr. Konradi is heard replying aye.

### **OLD BUSINESS:**

**TABELED FROM MARCH 11<sup>TH</sup>, 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. White made a motion to table the PC #21-006, seconded by Mr. Tucker and carried with a roll call vote of all ayes. Mr. Konradi is heard replying aye.

**TABELED FROM MARCH 11<sup>TH</sup>, 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. White made a motion to table PC #21-007, seconded by Mr. Lawrence and carried with a roll call vote of all ayes. Mr. Konradi is heard replying aye.

**Mr. Alessia stated he needs a motion to take agenda items out of order. He stated the petition is:**

**PC #21-035** - application filed by Lifehouse Development LLC, PO Box 352, Lowell, IN 46356 to vacate part of a plat and detention area easement. Property is located at Platinum Dr., Lowell, IN. Parcel #45-19-25-255-009.000-008. This is pursuant to Indiana Code §36-7-4-711 and §36-7-3-16.

Mr. Lawrence made a motion to move this petition up in the agenda, seconded by Mr. White and carried with a roll call vote of all ayes. Mr. Konradi is heard replying aye.

Mr. Robert Fisher, Lifehouse Development, 627 E. 110<sup>th</sup> Ave., Crown Point, IN. He stated he is here tonight petitioning to vacate the platted easement in the dentition area of Beverly Estates unit 1. He stated when Beverly Estates unit 2 preliminary engineering was discussed it was agreed that

some of the infrastructure that was in place in unit 1 could be rerouted into the 9-acre retention area in Beverly Estates unit 2. The storm pipe was upsized. His engineer and Town staff calculated and reviewed the stats to approve this change. The work is in place as part of unit 2. Currently, he is looking to vacate the detention easement in unit 1.

Mr. Oman stated when unit 1 was developed 2 ponds were installed. He indicated on the engineer drawings of unit 1 that was displayed on the monitor where these ponds were located at in the subdivision. He discussed the operation of those ponds in unit 1 including their release. He then indicated on the engineered drawings of unit 2 where the new pipe and pond were installed. He discussed the performance of that infrastructure as it relates to both units. He stated the pipe was upsized to a 48 and the pond was dug deeper. Attorney Bennett stated the preliminary plat engineering for unit 2 was approved in Sept. of 2019.

President Alessia stated so, the proposed vacated platted easement is no longer a detention area. Mr. Oman stated that is correct. Mr. Oman stated the town does not want to encumber property that no longer is needed. He stated in unit 1 the pond was needed because the neighboring property was farmland, and you must restrict the amount of stormwater you release on somebody else's property. He stated the pond was absolutely needed at the time. When Lifehouse purchased the farmland, and the new pipe was put in the existing pond was not needed. He discussed the stormwater release into the new detention area in unit 2 and the restricted stormwater release into Griesel ditch.

Attorney Bennett stated the petition before the Commission tonight is for the one-acre detention area that was platted in 2019. It is designated on the plat as stormwater drainage in addition to that was the easement that was granted to the town for stormwater facilities. The petitioner is requesting to vacate that part of the plat. Essentially, this would remove the stormwater drainage pond from the Beverly Estates Unit 1 plat. She stated regardless of what happens here, he will have to petition the council to vacate the easement by statue. After that, only then, can he do anything with the parcel. Any action taken here tonight does have to be recorded so that it links to the property. She discussed the parameters of the two separate actions.

President Alessia opened the public hearing.

Mr. Alessia read into public record a remonstrance letter from Rena Glover a resident of Lowell that was received by the Clerk Treasurer on November 11<sup>th</sup>, 2021. (Letter is attached to these minutes). Ms. Glover is remonstrating against the petition.

Tom Wesson, 18445 Candace Dr., Lowell, IN. He stated he lives in Beverly Estates Unit 1. He stated from their back yard you can see an area he believes is a stormwater area that is in between Platinum and Peggy Sue, and it is typically filled when it rains. He asked if this was the same pond they were referring to? Mr. Oman stated no, the one you are referencing is not being vacated. Mr. Wesson stated the pond I am referring to appears shallow and maybe it could be dug out some more. Mr. Oman stated currently this pond is not owed by the town. He discussed how this pond should be functioning. He stated he has not reviewed this existing pond as it was installed before he worked for the town. Mr. Wesson stated he hoped the rerouting of the other pond is enough to ensure that there is no flooding in this neighborhood.

Mr. Sandor Varro, 5245 Southview Dr. He stated he lives in Beverly Estates. He stated the information that he heard tonight has been helpful in him understanding what this petition represents. He stated in 2016 there was a major flood in the subdivision. He supplied the Commission with some photos from this flood. He stated it was 9" of rain and filled up both of the

retention ponds and the streets. Initially he was questioning this pond getting filled up, since he has heard the presentation tonight, he is not so concerned. He stated Lifehouse is a great construction company, and they build quality homes.

Jeff Wiltgren, 18308 Platinum Dr. he asked if this parcel was the retention pond on the East side that had already been filled in. Mr. Oman stated yes. He asked if the west side was going to be static. Mr. Oman stated yes. Mr. Alessia stated with all the linkage that Mr. Oman mentioned. Mr. Wiltgren stated the west side pond does fill up and that needs to stay. Mr. Oman discussed the stormwater that releases into the west side pond. Mr. Oman discussed the stormwater sub area shed and using the digital engineering for Beverly Estates he demonstrated on the map all the particulars of the stormwater restrictions. Mr. Oman discussed the inner workings of the west side pond and the new infrastructure that was put in rerouting the stormwater to the new 9-acre detention area.

Mr. Oman discussed the pipe sizes of the new pond and using the monitor indicated where all the pipes were located. He stated they are about 8-10' deep.

Mr. Oman explained who owned the pond in petition PC 21-035 and the easement that was over the parcel to maintain the stormwater. Mr. Oman stated the ponds were regionalized so instead of having 3 there will be 2. Discussion followed.

Mr. Varro asked if the creek has been cleaned up or whose responsibility was it to maintain it. Mr. White discussed the work that the Lake County Drainage Board did on the Griesel ditch and beyond. Discussion followed.

Mr. Alesia closed the public hearing, no remonstrances were heard online.

Mr. Lawrence made a motion to approve PC #21-035, seconded by Mr. White and carried with a roll call vote of all ayes. Mr. Konradi is heard replying aye

Attorney Bennett stated that she has included in the packet tonight a more detailed Findings of Fact, these Findings must be recorded. She discussed the process with the Commission.

Mr. Lawrence made motion to approve the typed 3-page Findings of Fact, that were presented by Attorney Bennett, with the legal descriptions, seconded by Mr. Tucker and carried with a roll call vote of all ayes. Mr. Konradi is heard replying aye.

**OLD BUSINESS CONTINUED:**

**Tabled from October 11<sup>th</sup>, - 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 Fisher, Lifehouse Development 627 E 100<sup>th</sup> Ave., Crown Point, IN. He stated He is requesting to be tabled.

Attorney Bennett stated that this was tabled in October so that the petitioner could petition the partial plat and stormwater easement dedicated to the town. That needed to take place first. She stated no one was present for the meeting last month therefore, the public hearing was not opened at that time. She stated there are people present tonight, the public hearing needs to be opened and they may speak if they wish. The public hearing will then be kept open until the next meeting.

Mr. Alessia opened the public hearing.

Mary Jo Lindenmolder. She stated her and her husband are purchasing one of the units that are potentially getting built on this parcel, once the vacate is approved. She stated she wanted to introduce herself. She stated her grandchildren go to Lowell Schools. She stated her daughter in law is involved in many community activities with her grandchildren.

A remonstrance is heard asking if the parcel she is referring to is the pond that is getting vacated and if they were intending on building 2 units. Mr. Oman stated yes.

The public hearing was left open.

Mr. White made a motion to table PC #21-032, seconded by Mr. Lawrence and carried with a roll call vote of all ayes. Mr. Konradi is heard replying aye.

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

Mr. Alessia opened the public hearing; no comments were heard in person or on-line. The public hearing was kept open.

Mr. Tucker made a motion to table PC #21-033, seconded by Mr. Gruszka and carried with a roll call vote of all ayes. Mr. Konradi is heard replying aye.

**DISCUSSION:** NONE

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

**ANNOUNCEMENTS:** Next regularly scheduled meeting will be held on December 9<sup>th</sup>, 2021

**ADJOURNMENT**

With no further comments or questions, Mr. Tucker made a motion to adjourn the meeting at 7:40pm., seconded by Mr. Lawrence and carried by a voice vote of all ayes.

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John Alessia, President

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Greg White, Secretary