

**LOWELL PLAN COMMISSION MEETING**  
**JANUARY 12<sup>TH</sup>, 2023**

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. Manny Fausto, Jim Konradi and Shane Lawrence. Also, present was Rich Oman, Director of Planning and Development, and Town Attorney Nicole Bennett.

**ELECTION OF OFFICERS:**

Mr. Frausto nominated John Alessia for President of the Plan Commission for 2023. No other nominations were heard. Motion was seconded by Mr. Gruskza and carried with a roll call vote of all ayes.

Mr. Konradi nominated Shane Tucker for Vice President of the Plan Commission for 2023. No other nominations were heard. The motion was seconded by Mr. Gruskza and carried with a roll call vote of all ayes.

Mr. White nominated Manny Frausto for Secretary of the Plan Commission for 2023. No other nominations were heard. The motion was seconded by Mr. Tucker 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 8<sup>th</sup> 2022, seconded by Mr. Tucker and carried with a voice vote of all ayes.

**OLD BUSINESS:** NONE

**NEW BUSINESS:**

**PC #23-001 2107 E COMMERCIAL AVE – SITE PLAN – Taco Bell**

Kurt Geiger, Excel Engineering. He is representing Black River Bells. They are proposing a Taco Bell at 2107 Commercial Ave. The footprint of the building would be approx. 2000 sq. ft. with a dual drive-through lane. Mr. Geiger referred to the engineering plans that were submitted and proceeded to go through each page with an explanation.

He stated a public roadway will be built off State Road. 2 as part of the construction of another public roadway that would access the Taco Bell site. There will be a circular pattern to the drive-through. There will also be dine-in. The parking lot is on the NE side. The stormwater mgmt. will be done by an existing detention pond that will be revitalized to the west that is a shared easement with Speedway.

He discussed:

the utilities.

landscape plan and screening of dumpster and mechanicals.

construction of the building.

Site signage

dumpster enclosure and grease interceptor

photometric plan

traffic control plan

Mr. Alessia asked if this is a normal size Taco Bell. Mr. Geiger said yes. It is 2000 sq. ft. There will be 19 seats.

Mr. Alessia asked if the staff report had changed since it was sent to the Commission. Mr. Oman stated

yes when it was sent out there were 3 conditions. Two of those conditions have since been satisfied, the lighting and the ADA route to the dumpster for the employees. Mr. Oman stated the only condition that has not been met is the INDOT road cut approval. He stated staff is not sure that INDOT will allow a drive in the middle of a transition lane. Discussion. Mr. Geiger stated that a permit has been submitted to INDOT. A preapplication site plan was also submitted to INDOT, which was approved. Mr. Oman stated a condition will be needed on the motion to include approval from INDOT. Discussion on Franciscan Road cut.

Mr. White stated at the TRC meeting there was discussion on the amount of riprap in the pond which was at 30% coverage. He asked the petitioner if that was removed. Mr. Geiger stated it has been removed. Mr. White stated flared riprap would be needed for erosion but not that much coverage. Mr. Konradi asked for the location of the pond. Discussion on easement for pond and where it drains to.

President Alessia opened the public hearing. No remonstrances were on-line.

Ken Novak, 18007 Holtz Rd. He stated he is connected to the north side of the project. He has concerns about fencing and drainage. He stated he has a lot of liabilities on his property and does not want kids getting out of their cars and entering his property. He already has some issues from speedway patrons. He discussed the fencing that was put up by Phillippe Builders when they developed Spring Run subdivision which borders the south side of his property. He stated there is a block barrier for part of it. President Alessia asked what the length of the lot was. President Alessia asked what kind of fencing Mr. Novak was asking for. Mr. Novak stated something that will have a nice curb appeal for Taco Bell. President Alessia asked if this was something that Taco Bell would consider if there were issues in the future. Mr. Geiger said yes. President Alessia stated there is future development in discussion and that is something the Commission can keep in mind. Mr. Novak stated he did not plan on living there forever but he wants to be safe while he is there. President Alessia stated he understood.

The public hearing was closed.

Mr. White made a motion to approve the site plan for PC #23-001, 2107 E Commercial Ave., Taco Bell, conditioned on approval from INDOT for the roadway entrance, seconded by Mr. Frausto. President Alessia stated for the record, discussion was made with the petitioner, and they understand that concerns have been expressed from neighboring parcels about a possibly needing a fence installed on their property in the future. The motion was carried with a roll call vote of all ayes.

Mr. Gruszka made a motion to accept the staff report as the findings of fact, seconded by Mr. Tucker and carried out with a roll call vote of all ayes.

**PC #23-002 (originally advertised as docket #22-017) - PRELIMINARY PUD PLAT -  
Approx. MOHAWK DR (PARCEL A) & WESTMEADOW (PARCEL B)**

MOHAWK Dr. – PARCEL A – legal description (currently zoned PUD)

274 - WESTMEADOW PL - PARCEL B - legal description (currently zoned LI)

1. Rezone from LI to PUD of parcel B;
2. Preliminary PUD plan, preliminary plat (replat of parcel B) and PUD ordinance of the combined parcel A and parcel B.

Attorney Greg Bouwer, 425 Joliet St., Dyer, IN. He represents MCA LLC. He stated his client acquired the parcel last year from the town that was identified in the petition as Mohawk Dr. He stated they had been in front of this Board last year to seek a PUD. At that time, they discussed some potential uses for the PUD. The petitioner also owns a parcel immediately south of this one. They would like to combine both of those parcels into one PUD. He stated as part of the process all the uses will remain consistent as what was proposed last year. He stated that he would like to approach and hand out an ordinance. President Alessia asked Attorney

Bennett if this as a zone change. Attorney Bennett stated for the purposes of a PUD yes, this is a zone change. The Mohawk parcel was approved for a PUD last year, this ordinance details the terms of the PUD as well as incorporating a second parcel into it for a zone change to that same PUD. The ordinance lays out the uses and the developmental standards for that PUD. Attorney Bennett stated if this is approved by the Commission these parcels will be one PUD. Attorney Bennett discussed the format of the PUD ordinance that she laid out. Attorney Bennett stated that a PUD allows the town to determine everything. The Commission is not limited to the zoning ordinance. A PUD can give you flexibility in parking, signage, uses, standards etc. Attorney Boucher discussed some of the uses that his client would like that was not allowed in the LI zoning. He discussed brewery use.

Attorney Boucher discussed the uses that his client intends for this entire track of land that is at approx. 14 acres. He passed out a proposed preliminary plat. He stated that Mohawk would be dedicated. The proposed combined parcel subdivision would be called Mohawk Industrial Park. He stated that the staff and town attorney have not reviewed these proposed issues. He stated they would like to discuss them tonight and formally be ready by the next Plan Commission meeting. He stated none of the developmental standards are indicated on the proposed ordinance and that is something his client will have prepared for the next meeting.

President Alessia stated the one use that is on this document as a permitted use that he is hesitant about is a dog kennel. He explained his reasoning behind his opinion. Vice President Tucker stated he agreed with President Alessia and discussed his perspective. Vice President Tucker discussed the animal ordinance in chapter 92. Mr. White stated the next page has no kennels. Attorney Bennett stated the uses are following what is set up in the town's matrix. Discussion. She stated this will need to be discussed if the Commission does have a concern. She stated in the past it has been allowed for kenneling if it is for straight boarding, grooming, dog training but not be approved if it was part of a vet. Discussion. The petitioner is heard stating that he does not want an outdoor kennel. The petitioner stated he would like boarding, but not outdoor kennels.

President Alessia stated the petition will be tabled tonight until the standards are submitted. Public hearing will be opened and continued.

President Alessia opened the public hearing.

Mario Auguano 837 Seminole Dr. Lowell, IN. He asked for a written copy of what was handed out to the commission tonight. His property is immediately north of this. He would like to show that to his neighbors and be able to review the issues.

Terry Bean, 885 Cheyenne, Lowell, IN. She stated that Cheyenne dead ends at her house. She stated she was told a cul-de-sac would be constructed. She has an empty lot next to her that she has been taking care of. She stated there is some grass she mows on the lot and it has a lot of trees. She did get a copy of the drawing that was submitted and she stated it looks like the cul-de-sac is going on the other side. Mr. Oman displayed her parcel and the proposed cul-de-sac on the GIS map on the screen. She stated her lot is 32, then there is an empty lot and then the cul-de-sac would be built. Mr. Oman stated is correct. She asked what would be done with the vacant property that is between the empty lot and the cul-de-sac. The petitioner is heard stating he was considering making it a residential lot. It does not serve any purpose for him. Discussion. She stated that she is against an outdoor kennel. She would like to know what the proposed uses are also.

Mr. White stated that he snowplows in this area and having a cul-de-sac would be a welcome feature.

Attorney Bennett stated the cul-de-sac would be dedicated as public.

Mr. Tucker made a motion to table PC #23-002 (formally advertised as PC 22-017), until the February 9<sup>th</sup>, 2023, meeting, seconded by Mr. Tucker and carried with a roll call votes of all ayes.

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

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

**DISCUSSION:** NONE

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

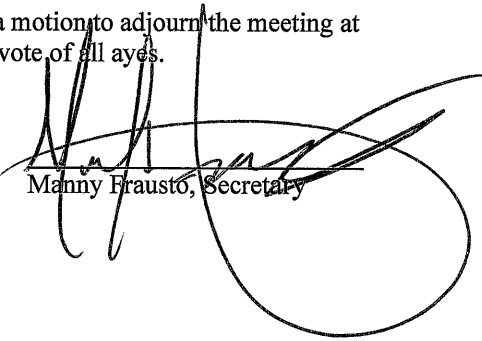
**ANNOUNCEMENTS:** Next regularly scheduled meeting will be held on February 9<sup>th</sup>, 2023

**ADJOURNMENT**

With no further comments or questions, Mr. Konradi made a motion to adjourn the meeting at 7:50pm., seconded by Mr. Lawrence and carried by a voice vote of all eyes.

  
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John Alessia, President

Shane Tucker, Vice  
President

  
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Manny Frausto, Secretary