

LOWELL PLAN COMMISSION MEETING, May 12th, 2022

John Alessia called the meeting to order at 7:32pm. 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, Manny Fausto, Shane Tucker, Jim Konradi and Greg White. John Gruszka, and Shane Lawrence were absent. Also, present was Rich Oman, Director of Planning and Development and Town Attorney Nicole Bennett.

APPROVAL OF MINUTES:

Mr. Frausto made a motion to approve the minutes from April 14th, 2022, seconded by Mr. Konradi and carried with a roll call vote of all ayes.

OLD BUSINESS: NONE

NEW BUSINESS:

PC #22-006 – REZONE -an application to request a zone change for a parcel from R4 to LI (light industry). This is for property located at Parcel directly south of 214 Lincoln St. Parcel # 45-19-26-130-001.000-008 Petition has been filed by Julie Sadler, 13237 Truman Circle., Cedar Lake, IN.

Julie, Saddler, 13227 Truman Circle, Cedar Lake, IN. Ms. Saddler stated that she would like to have the parcel to the south rezoned to LI. She stated the parcel to the north is already zoned LI. The parcel to the south is in a flood zone. This would impede a house being built on the parcel. Mr. Konradi asked if the parcel with the structure on it is zoned LI. Ms. Saddler was stated yes.

Mr. Oman stated for the record the parcel with the building on it (he indicated where the parcel was on the large monitor) is zoned TC not LI. Ms. Saddler asked for clarification on that zoning. Mr. Oman stated TC is downtown zoning. Discussion.

Mr. Oman stated the parcel is in a flood way. He asked for clarification from the petitioner on what the intent of the property was. He said she had mentioned storage and asked the petitioner if it was for her construction company equipment? She stated it would be outdoor storage for rental by potential customers and for her equipment. Ms. Saddler stated there would be no buildings strictly outdoor storage.

Mr. White asked what she planned on storing on the parcel. Ms. Saddler stated mostly seasonal boat storage. Mr. White stated LI expands to a lot of uses that he is not comfortable with for this property. He stated this is in a flood way and there many regulations with DNR, IDEM, EPA and FEMA. Mr. White stated if a building or a new flood insurance policy was allowed here it would affect every flood insurance policy in town. Discussion on the rezoning and the parcel being sold in the future. Mr. White stated storing boats or anything with an engine in it could have possible contaminates in it and this would require secondary containment in the area. He stated he sees too many dangers to the environment and flood insurance program to allow this to change to light industrial. He stated he would vote unfavorable recommendation due to where this is located.

Ms. Saddler stated she spoke with DNR several times and sent them maps with the location of the property and told them she was contemplating outdoor storage on the parcel. She stated DNR told her to apply for the rezone and the area would have to be build it up with permanent wall aggregate.

Discussion on instead of a rezone going to the BZA for a variance. The variance is tied to the owner and not the property like a rezone this would protect the town. Further discussion on procedures for variance.

Discussion on the variance versus the zoning.

Ms. Saddler stated that her wish was to withdraw her petition tonight for rezoning. She stated she will apply with the BZA for a variance of use. **PETITION WAS WITHDRAWN.**

PC #22-007 - PRELIMINARY PLAT a preliminary plat approval for a 1-lot sub in accordance with §155.193 Major Subdivision for a parcel within the Town boundaries of Lowell, IN has been filed by Apex Design Build on behalf of Lowell Animal Hospital, 17615 Morse St., Lowell, IN 46356. This is for property located at approx. 17615, and 17645 Morse St., Lowell, IN., Parcel numbers: 45-19-23-253-002.000-008, 45-19-23-253-004.000-008, 45-19-23-253-001.000-008.

Jason Bergwerff, Apex Design Build, 9505 W Higgins Rd. Rosemont, IL. He stated he is here tonight representing Lowell Animal Hospital. His client is looking to combine the 3 parcels they own which would allow them to develop the southern parcel. He stated they would also like the site plan approved that has been proposed for the southern parcel.

Mr. Bergwerff stated currently on the center parcel of the 3 is a 3400 sq ft vet clinic. The client is looking to expand a build another structure around 7500 sq. ft. on the southern parcel. He stated they were granted tonight some variances from the BZA. Including a special use. Attorney Bennett stated the special use is a favorable recommendation that will be forwarded to the town council after the minutes from this meeting are approved in June. Attorney Bennett stated the variances are conditioned on the special use being approved by the TC. Attorney Bennett stated the proposal from the staff is that the plat is conditioned on the special use being approved by the TC and some other conditions.

Mr. Oman discussed the setbacks on the preliminary plat. The setback variance brought the building out of the flood plain. The setback line that was granted a variance will have to be recorded on the final mylar plat. He discussed the ROW being dedicated to the county. He stated the petitioner will be paying in lieu of for curbs and sidewalks. Mr. Alessia stated the new building is going to the south and they are requesting a setback be decreased? Mr. Oman stated yes and using the GIS map indicated on the monitor where the new building is proposed in relation to the flood way and the variance for requested reduced setback that was approved by the BZA tonight. They are staying out of the county drainage easement at all.

Mr. Alessia opened the public hearing.

Susan Geist, 17619 Morse St. She stated she is the owner of Brookside Christian Academy which is directly south of the parcel with the proposed new building. Ms. Geist stated she is concerned about flooding. She stated this land was already filled years ago what is the impact a new building will put on flooding in this area that is already bad? She is very concerned about her playground is already does flood when there is a lot of rain. She stated they need to be able to use their playground which is on this side of her property. She understands they are putting a storm pipe in that will release into the creek. What are the implications on this for flooding? Mr. Alessia stated the goal is once the improvements are made it should help with the flooding. She stated she is not against the new building. She is very concerned about fencing. She has 65-70 kids outside in the playground at one time will there be any fencing. She said some of the animals that are being brought to the clinic will get away from their owner and run towards her property; if this proposed building is built it will limit the acreage, she had to coral the animals away from the children that are out on her playground. She said she cannot put up a fence. She does have a fence around the creek so the kids cannot get in. Mr. Alessia asked the petitioner why she could not put up a fence? She said it would be on their property it is around their parking lot. The issue is when clients are bringing their pets to the clinic they are not secured and run towards her playground. She is concerned about the flooding and the safety of her kids. Mr. Alessia stated he is not following why she cannot put up a fence. Discussion followed.

No remonstrators were on-line. Public hearing was closed.

Mr. Tucker made a motion to approve the preliminary plat, seconded by Mr. Konradi and carried with a roll call vote of all ayes.

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

PC #22-008 – SITE PLAN - has been filed by Apex Design Build on behalf of Lowell Animal Hospital, 17615 Morse St., Lowell, IN 46356. This is for property located at approx. 17615, and

17645 Morse St., Lowell, IN., Parcel numbers: 45-19-23-253-002.000-008, 45-19-23-253-004.000-008, 45-19-23-253-001.000-008

Jason Bergwerff, Apex Design Build, 9505 W Higgins Rd. Rosemont, IL. He stated he is representing the Lowell Animal Clinic. He is here seeking site plan approval for a new building for the animal clinic. It has gone through civil engineering and county drainage approval. He referred to renderings being displayed on the monitor where the parking stalls would be and the number of spaces. He discussed the phasing of the parking since the 2nd phase will be hinged on approval from the DNR since it is a flood way. He stated the BZA did grant a variance for parking spaces.

Mr. Oman stated staff would like the landscaping increased which was discussed with the petitioner's designee at the TRC meeting. He stated the staff is still discussing the south side landscaping. He asked the commission to consider that when making motion that be a condition. He stated the existing parking lot will be restriped and repaved. Outside lighting was requested to be added by staff. No curb will be required. Mr. Oman asked the petitioner rep if the dumpsters from the other lot will be moved to the enclosure. Mr. Bergwerff stated yes.

Mr. Frausto made a motion to approve the site plan for the Lowell Animal Hospital, with the conditions that the landscaping plan is in accordance with the items requested by staff along with the south parcel parking lot restriping and outside lighting as requested by staff report, seconded by Mr. Konradi and carried with a roll call vote of all ayes.

Mr. Mr. White a 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.

PC #22-009 -A petition to amend the Town of Lowell Code of Ordinances, Chapter 11 - Fee Schedule and Chapter 155 - Land Use and Developmental Code, has been filed by the Town of Lowell. Specifically, the Town desires to amend the fees for building and construction permits and applications set forth in §§ 11.152, 11.153, 11.155 through 11.160, and 155.161.

Mr. Oman stated this a proposed new fee schedule for building and planning fees. The last revision to the fees was in 2015. He stated there are some new fees that have been added. Attorney Bennett reviewed with the Commission the revisions and fee increases that were made. She discussed the evaluation scale for the building permits. She discussed the BZA and Plan Commission filing fees. A flat fee was added in for a request of a special meeting with the Plan Commission. Mr. Oman stated a comparison was done on fees from some of the surrounding towns and cities. Attorney Bennett stated a annexation fee was added and the PUD fee was increased. Discussion followed.

Mr. White made a motion to send a favorable recommendation to the Town Council to amend the fees as stated in the above PC #22-009, seconded by Mr. Frausto and carried with a roll call vote of all ayes.

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

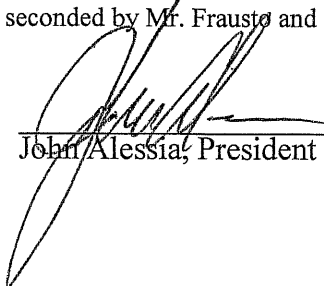
DISCUSSION: NONE

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

ANNOUNCEMENTS: Next regularly scheduled meeting will be held on June 9th., 2022

ADJOURNMENT:

With no further comments or questions, Mr. Konradi made a motion to adjourn the meeting at 8:15pm., seconded by Mr. Frausto and carried by a voice vote of all ayes.



John Alessia, President

John Gruzka, Secretary