

**LOWELL PLAN COMMISSION  
MEETING, August 11<sup>th</sup>, 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, John Gruszka, Shane Tucker, Greg White, Manny Frausto, and Shane Lawrence. Jim Konradi is participating via electronic media. Also, present was Rich Oman, Director of Planning and Development, Town Manager Craig Hendrix, and Town Attorney Nicole Bennett.

**APPROVAL OF MINUTES:**

Mr. Frausto made a motion to approve the regular meeting minutes from July 14<sup>th</sup>, 2022, seconded by Mr. Tucker and carried with a roll call vote of all ayes. Mr. Konradi responded aye via zoom.

President Alessia stated he would like a motion to take the petitioners out of order tonight. The old business will be time consuming.

Mr. Lawrence made a motion to take the petitioners out of order, seconded by Mr. White and carried with a roll call vote of all ayes. Mr. Konradi responded aye via zoom.

**NEW BUSINESS:**

**PC 22-013 – J2 Addition Phase 1 lot 2 – site plan** – Ron VanKalker, 2109 VanKalker Dr. Crete, IL. He stated that he is here tonight seeking site plan approval for 17247 Morse, lot 2. President Alessia stated this is for the east side of Morse. Mr. VanKalker stated that is correct.

Mr. Hendrix stated the lot was final platted and a variance of use was received to have a business on this lot. He has an underground contracting business and would like to move it to Lowell. Mr. Hendrix stated the site plan indicates his building and an area for future expansion. He stated for the driveway the petitioner has proposed a excel/decel lane meeting the counties standards. There will not be a lot of employee traffic and most of his equipment is stored on the job sites. The petitioner supplied the staff with a landscape plan that was sent out in the commissions packet. Mr. Hendrix discussed the screening, landscape mound and fencing of this area. He stated this is a large site. He has submitted for his well and septic permit. There is a provision on the plat that will require the petitioner to hook up to town utilities should they ever become available to this site. He stated any motion tonight should be contingent on the well and septic being approved. If they are not, he will have to make provisions to hook up to the towns utilities or he will not be able to utilize this parcel for his business. He stated that the staff is recommending approval.

Mr. Vankalker stated the letter for well and septic has been submitted to the county by his soil scientist.

Mr. White made a motion to approve PC #22-013 site plan subject to the well and septic permits being approved, seconded by Mr. Frausto and carried with a roll call vote of all ayes. Mr. Konradi responded aye via zoom.

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. Mr. Konradi responded aye via zoom.

**MOTION PASSED: 7-0**

**PC 22-014 – Heritage Falls Final Plat – Phase 4 Unit 2**

Ken Jernberg, Providence Real Estate. He stated he is seeking final plat approval for Heritage Falls Phase 4 unit 2. He stated it is in compliance with the requirements. Mr. Jernberg stated that the two-year bond has been given to Mr. Oman. There are 24 lots.

Mr. Frausto made a motion to accept final plat for PC #22-014, Heritage Falls Phase 4, unit 2, seconded by Mr. Tucker and carried with a roll call vote of all ayes. Mr. Konradi responded aye via zoom.

Mr. Gruszka made a motion to accept the staff report as the findings of fact, seconded by Mr. White and carried with a roll call vote of all ayes. Mr. Konradi responded aye via zoom.

**MOTION PASSED: 7-0**

**OLD BUSINESS:**

**PC #22-012 - PRELIMINARY PUD PLAT -Approx. 18524-18528 CLINE AVE (4 parcels)** - preliminary PUD plat petition on parcels within the Town boundaries of Lowell. Petition has been filed by Lennar Homes, 1700 East Golf Road Suite 1100, Schaumburg, IL 60173 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 a PUD.

Attorney Jim Wieser, Wieser and Wyllie Law, 459 Old Lincoln Hwy. Schererville, IN. He stated he represents Lennar. He stated he is with Todd Klevan, Land Acquisition, Lennar and Madeline Larmon, Mackie Engineering. He gave the Commission and the public a timeline of the processes for these parcels. The first step was annexation. The parcels were contiguous to Lowell but not in the town proper. This process started about a year ago. An annexation process is controlled by statutes from the state of Indiana. This did require a public hearing. The town approved the 2<sup>nd</sup> reading of the annexation ordinance in November of 2021. As part of an annexation a fiscal plan is required which the town did do and was paid for by Lennar. This report is done by the town's financial consultant. This plan demonstrated that the town has enough infrastructure to provide the services necessary. It was deemed the town was sufficient in these the requirements for annexation of this parcel. In January of 2022 Lennar sought a rezone with the Plan Commission for this parcel from AG to PUD-residential. This required a public hearing. PUD -residential is a mixed-use zoning. The Plan Commission forwarded a favorable recommendation to the town council for the PUD-R zoning. In February of 2022 the town council approved the zoning. The final step is that the approval of the PUD-R developmental plan and preliminary plat get approved by the Plan Commission and ordinance forwarded to the Town Council. The developmental plan follows the town's subdivision control plan, which is true of every subdivision. This was to have been presented last month however, his client asked for a continuance due to some changes that needed to be made to the stormwater engineering. It is a mixed unit development with 437 units on 152 acres.

Todd Klevan, Land Acquisition, Lennar Homes. 1700 E Golf Rd. Schaumburg, IL. He stated that they have been working with the staff for 12 months on this project. He stated the stormwater conveyance was moved to the street from the rear yard. This was a major redesign and that is why they needed to ask for a continuance from last month. He stated they are here for preliminary plat approval which is technical review and since it is a PUD-R there is also a legality side. Both are items needed for your review tonight. Lennar does a market study to determine the products that are needed in each area. He discussed the criteria they look at, including but not limited to how a new development will impact the area, infrastructure, sewer, and water installation. A PUD-R gives them more control over the policing of the subdivision. The HOA is the backbone of the business plan of Lennar. He stated the HOA is the governing body of this subdivision and there are legal documents presented before you tonight that speak to that. The HOA must approve any permit requests prior to the resident coming to the town. Some of the amenities in the community will be an in ground pool, splash pad, walking paths, and parks all owned and maintained by HOA. All home sites are owner occupied. He stated they also look at the existing communities in the surrounding areas when they are planning their community. He discussed the existing apartments to the north of this parcel. He discussed the other products that will be in the community. He stated there are 84 cottage homes age targeted maintenance free product, 68 cottage homes, 217 single family homes, 68 townhomes. He discussed the average prices for each product. He stated there are no duplexes in this community and discussed the history and popularity in the early 2000s of duplexes. There is around 30% open space.

Using the monitor, he displayed a drawing of the final design of the community. He stated the only change that was made from the annexation drawings was the entrance to the community which was shifted. They feel

it is more favorable and aesthetically pleasing in this location. Also, a road was added to the north to service that area. An existing road stub was not deep enough that was there so Lennar moved it to further west to help connection for that parcel to the north to have a 2<sup>nd</sup> point of access. He discussed the parks in the community and walking path. He stated there are several floor plans to choose from.

Mr. Kleven stated that in this subdivision of Lennar Homes everything is included in the home they are not sold with a base plus options. Discussion. He showed drawings of the homes and stated each one has 3 or 4 elevations. He discussed the exterior of the homes. He stated they use local contractors. He showed a picture of the schematic of the pool and the layout of the pool house.

He discussed the phasing plan. He stated it is a 3-phase project. The top portion will be done first. Which will focus on the infrastructure. He is anticipated a 5-7 year build out. Austin and Cline will be improved. The staff would like the sidewalk to connect to the development to the north of theirs. Mr. Kleven stated that this crosses several properties that they do not own. They have agreed to cooperate and contact those homeowners and see if they could get an easement to continue the connectivity. He stated once the town is ready to put that sidewalk in Lennar will pay for it. He stated during the annexation and rezone public hearing there was remonstrances regarding drainage. He stated as a developer we are not allowed to release anymore water on that site if it is 100% developed. They do this by installing ponds and basins. He stated they met with the county and discussed road and stormwater standards. He discussed the stormwater release of this subdivision.

Madeline Larmon, Lead Design Engineer, Mackie Consultants. Rosemont, IL. Using the land plan displayed on the monitor she discussed the first steps in design of this development. She discussed the points of access and the future planning that went into this and all the surrounding land so that in the future there will be access points for those developments. She discussed the easements and incumbrancers that they needed to work around. She discussed the gas line that was running through the property. She discussed the arrows on the land plan and stated those represent drainage patterns. She stated that existing drainage and future drainage must be taken into consideration. She advanced the slide and discussed the different evolutions of the land plan. She stated they did an environmental assessment which indicated no negative impacts on the site because of this development. She stated they did a drain tile study on the entire site so they could be connected properly and drained through the stormwater system correctly. She discussed the basins and release rates from the site. A stormwater report was submitted. Discussion. Ms. Larmon stated the sanitary sewer was studied and future properties that might be served through their site were considered. Discussion on stubs at future roadways. She stated the sanitary sewer will be connected to a lift station which will go to the middle school that is south of this site. Lennar will pay a recapture fee to Tri Creek Schools to connect to it.

She stated there will be road improvements on Cline and Austin. Full widening on the entire frontage on both sides that is an additional 12' lane and 8' of gravel shoulder. Entire length of property. This will allow for right turn lane and excel lane. She discussed Austin St. widening. Lake County Highway has approved these improvements. The entrance was shifted to achieve the tapering. She discussed sidewalks.

She gave a quick summary on the lot sizes and setbacks on all the products in the development. There is a 30' back-to-back road width.

Mr. Klevan stated a PUD can allow for deviation from subdivision control standards. They have not proposed any waivers from these standards. They are meeting all the requirements. The PUD allows them to adjust the setbacks and lot sizes. The HOA is the governing body and allows them to set policy. Discussion on the HOA if it were dismantled. Mr. Klevan stated in that case there is language that would supersede the HOA and default to the town. Mr. Klevan would like to have a preliminary plat approval tonight contingent on the PUD legalese getting approved. Mr. Klevan thanked the staff for being welcoming to them.

Mr. Hendrix stated he feels the technical plan is solid. There is some work to be done on the covenants and restrictions. He discussed future water and sewer and servicing area outside of this development. He discussed the county road standards. He discussed the stormwater requirements.

President Alessia stated that he would like to open the public hearing tonight, the staff has requested that the hearing be continued. He asked Mr. Hendrix to elaborate further on why the continuance is needed. Mr.

Hendrix stated the covenants and restrictions are not ready. He stated there will be a whole new ordinance created for this subdivision and staff needs to make sure that it is consistent with the towns. He stated engineering is solid. Mr. Hendrix stated once the ordinance has been reviewed by the Plan Commission it is forwarded to the town council for final approval.

President Alessia read the rules of the public hearing.

Gina Hathaway Vicari, 19820 Austin St., Lowell. She stated her property is in unincorporated Lake County. She stated she has major concerns on traffic coming off route 2, this affects the schools, St. Edwards church and Pop Warner field. She stated the majority of Austin is very narrow. She stated she has concerns on the water infrastructure. She stated she has a lot of friends who still lose water pressure. She stated the schools are at or near capacity. She stated there needs to be public areas for this side of town. She stated please take these things into consideration.

Jeff Wiltgen, 18308 Platinum Dr. Lowell. He stated he has concerns on drainage. He stated he is a retired operating engineer, and the roads need to be widened and improved before new subdivisions are built. He stated route 2 is dangerous. He asked if there will be a light at Route 2 and Nichols. He stated he has heard that the state will not install lights until there are 2 deaths. He discussed traffic patterns. He stated this could add 1000 -1200 more people. This is going to need extra infrastructure that should be planned a head of time.

Michael Lee, 5123 Eastview Pl, Lowell. He stated he is a Lake Dale resident. He stated the county council approved a development for north Lake Dale this week. It is a 90-acre project. He asked when is enough? When do we have enough houses, when do we have enough people?

Cheryl Slivka, 316 Valley Ct, Lowell. She stated this development will near her house. She has been a realtor for 16 years. There is a huge concern in the community about Nichols and Route 2. She stated she has also heard that the state does not install lights at intersections until there are 2 deaths. The town will continue to grow. She asked if there was an ordinance that limited the number of multi family units that could be built. She stated that is something that is going to negatively impact the community as it grows. She stated St. John and Crown Point do have an ordinance in place that limits the number of multi families.

President Alessia asked if there was anyone else that would like to speak. No one approached the podium. President Alessia asked if there was anyone online that would like to speak to raise their hand.

Tara Blackwell, via zoom, 1667 Crestwood Dr., Lowell, IN. She stated that she is concerned about the infrastructure in town. Not just drainage but also the NIPSCO outages. She is also concerned about the increase in the enrollment in the schools. Please take these things into consideration.

No one else is seen or heard asking to speak from zoom.

President Alessia stated that everybody in this room acknowledges that Rt 2 and Nichols is an issue. He stated and everyone knows this is a state road. He stated that he hopes the comments on the 2 deaths are an urban myth. Mr. Hendrix stated they are. He discussed traffic light warrant studies. Mr. Hendrix stated he had recently asked the state to do a warrant study and the state replied that currently it does not meet the warrants for a traffic signal. Mr. Hendrix stated the town will continue to ask. President Alessia stated if they comply with the state statues people are allowed to develop their property. Lennar followed all the legal requirements. He stated the staff and Lennar did a nice job in the planning of the development as the only section of townhomes abut the apartments.

Mr. Gruszka stated he has been through Lennar's Rose Garden Development in Cedar Lake, and he likes the way it is planned. This looks very similar.

President Alessia stated the cottage units represent just under 15% of the total project, traditional single-family homes represent 59% of the project, townhomes are 6%. Open space is 21% 2.86 units per acre.

Building Secretary asked how the HOA works with permits. Discussion.

Mr. Klevan stated development cannot stop, good planning is what makes it work. He stated with this development coming in that might help the Rt2 and Nichols stop light warrants.

Mr. Hendrix stated the staff meets with the schools often. They are aware of the new developments. There is a need for a park in the south area of town. Discussion. He discussed the fees the school will get through the recapture fee for the sanitary line.

Discussion on the PUD developmental agreement. Discussion on continuing the meeting and holding a special meeting.

Mr. White made a motion to schedule a special meeting, On Tuesday, August 23<sup>rd</sup> at 7pm., seconded by Mr. Frausto and carried with a roll call vote of all ayes. Mr. Konradi responded aye via zoom. Mr. Klevan stated Lennar will cover the cost of the special meeting. President Alessia stated there is a fixed rate and is the responsibility of the petitioner.

**DISCUSSION:** NONE

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

**ANNOUNCEMENTS:** Next regularly scheduled meeting will be held on September 8th, 2022

**ADJOURNMENT:**

With no further comments or questions, Mr. White made a motion to adjourn the meeting at 8:25pm., seconded by Mr. Lawrence and carried by a roll call vote of all ayes. Mr. Konradi responded aye via zoom.

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John Alessia, President

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John Gruzka, Secretary