

LOWELL PLAN COMMISSION MEETING
September 17th, 2020

President Jim Konradi called the meeting to order at 7:08pm. 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, Jim Konradi, Chris Salatas, LeAnn Angerman, John Alessia, Greg White and Shane Lawrence. Eric Newell was absent. Also present was, Nicole Bennett, Town Legal Counsel, Rich Oman Director of Planning and Building and Craig Hendrix, Town Manager.

APPROVAL OF MINUTES:

Mr. Salatas made a motion to approve the August 13th 2020 regular meeting minutes, seconded by Mr. Alessia and carried by roll call vote of all ayes.

NEW BUSINESS:

PC #20-019 – SPRING RUN SUBDIVISION - An application for an extension of preliminary plat approval in accordance with §155.193 for a parcel within the Town boundaries of Lowell, IN has been filed by Spring Run LLC, Spring Run Properties LLC, and Spring Run East LLC, 3500 Union Ave., Steger, IL 60475, for property located at approx. Oak Park Lane and Holtz Rd., Parcel #45-20-19-326-001.000-008 and Parcel #45-20-19-326-003.000-008

Attorney Tim Kuiper stated he is here to represent the three entities that were listed in the public hearing notice. Attorney Kuiper stated this project was started about 15 years ago. He stated that the subdivision is built out with half of the infrastructure in. Attorney Kuiper stated that a PUD was approved in the mid 2000's and the entire preliminary plat was approved at that time. The developer would like to move forward with some additional lots and the validity of the plat is in question. Her discussed this with the staff and town attorney and it was decided that the developer would seek an extension of the preliminary plat through the plan commission to allow for the continuance and completion of the subdivision. A public hearing notice was placed in the Lowell Tribune and the same notice was sent to the required adjacent property owners, just as if this was a preliminary plat. His client has acknowledged that there are updated specs for stormwater, rear yard drains and location of sanitary sewer and water main in the road. The engineering will be revised to reflect the current town standards.

Mr. Salatas stated that he would like an update on the stormwater infrastructure that was not completed in the previous phases. Mr. White discussed the stormwater infrastructure that is located east from Oak Park Lane and half way across the property, it is a large manhole that was left open. He stated the town closed the manhole to alleviate any injuries. He discussed the function of that manhole. Mr. White asked Mr. Lotton what stage of the phasing would this infrastructure get installed and be working correctly. Mr. Lotton stated the pipe would be installed immediately he is hoping by the fall. Attorney Kuiper stated the plan is if the extension of the plat is granted tonight, final plat on another portion which would also include this infrastructure would be requested shortly. Mr. Lotton stated it was not installed in previous phases because there was not an easement granted from the neighboring property. That has since been secured by the town. Mr. Lotton stated it will be part of the first phase of this extension.

Mr. White asked if the developer was going to approach the county drainage board on any changes they are going to require since there is a regulated drain that goes through the property. Attorney Kuiper stated those approvals were done a long time ago and there are no changes being made.

Mr. Oman stated the staff discussed with the developer the required infrastructure changes that would have to be brought up to current standards. He stated those included, sanitary in the road way, stormwater in the rear yard, and they will be cleaning up their pond and as builds will be required on all existing infrastructure. Mr. Lotton has agreed to all of these. He stated there is a new engineer on the project and staff will monitor their progress.

Mr. Salatas asked what the perspective build out time was for this project. Mr. Lotton stated they are looking at 3 more builds. He stated one this fall, one more in 2021 and one in 2022. He is looking to have all the infrastructure installed in 2 ½ years. Mr. Oman stated the ponds in the county drain were part of phase 1 the drainage has been taken care of there are some structures that have to be added in there and the developer is aware of it.

Mr. Hendirx stated the layout is the same as the preliminary plat. He stated there is also a sanitary lift station that will be installed and that will be required to adhere to our new standards. He continued our road standards have changed and the developer will have to install the roads at those new standards. He stated the drainage system was approved by the county and the function of the town would be to make sure that it was built to those specifications.

Mrs. Angerman stated she would like to stress to the staff that during the engineering review phase safe passage to the schools with sidewalks be included, even if temporary ones are needed. Mr. Oman stated that most of the sidewalks are installed when the houses are built. Discussion followed.

Mr. Konradi opened the public hearing. No remonstrances were heard.

Mr. Salatas made a motion to approve PC #20-019 – Spring Run Extension, with the condition that the engineering be brought up to the current town standards, seconded by Mr. White 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. Alessia, and carried with a roll call vote of all ayes.

PC #20-021 788 W. OAKLEY - application to request a Final Plat. Petition has been filed by MCA MP 797 LLC, 801 E. Main St., Griffith, IN for property located at 788 W. Oakley parcel # 45-19-27-201-019.000-038.

Attorney Greg Bouwer stated he was here to represent his client, MCA MP 797 LLC. He stated they are seeking a final plat approval for property located at 788 Oakley Ave. He stated that his client participated in a TRC meeting and all of staff's comments were addressed during that meeting.

Mr. Oman stated the final plat indicates 12 individual lots for townhomes. These are single family. It is zoned a PUD. Mr. Oman stated the emergency access easement between the 2 properties has been revised. It is now on the left side. He stated that the previous location was

where the pond is going to be located, staff asked them to move it to the east side of the property which is flat and will be able to accommodate it. He stated the Commission will be better able to see it when they hear the petition for the site plan directly after this docket. Mr. Hendrix stated that the emergency personal participated in the TRC meeting and they are ok with the location of the emergency access. Mr. Salatas asked about the mail box locations. Mr. Oman stated we have no new information on the mail boxes and we are waiting to hear back from Republic regarding trash pickup. Mr. Oman stated the petitioner has addressed it in their covenant's that the garbage totes have to be in the back of the building.

Mr. Salatas made a motion to accept PC 20-21, final plat 788 W Oakley, seconded by Mr. Alessia and carried with a roll call vote of all ayes.

Mr. White 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 #20-022 788 W OAKLEY – application for site plan approval. Petition has been filed by MCA MP 797 LLC, 801 E. Main St., Griffith, IN for property located at 788 W. Oakley parcel # 45-19-27-201-019.000-038

Attorney Greg Bouwer, stated he was here to represent his clients, MCA MP 797 LLC. He stated they are seeking site plan approval for 788 W. Oakley. He stated his petitioner participated in a TRC meeting and all of the staff's comments were addressed. There are covenants for this project. It is a zoned PUD. He stated that they would be willing to also address any concerns with mails boxes or garbage through their covenant's.

Mrs. Angerman asked for clarification from Attorney Bennett on whether the town can enforce the covenants. Attorney Bennett stated as a general rule no, but as part of a PUD any building code or standards can be. Attorney Bennett stated as part of the PUD ordinance for this property standards were included. Mrs. Angerman asked if the ordinance had been passed. Attorney Bennett stated yes. Mr. Salatas stated his mail box reference was to inquiry if boxes would be cluster or single. He has no preference for either or. Carrie Austgen, partner in MCA MP 797 LLC, stated she would consult with the post office for their determination. Mr. Salatas stated that is ultimately who has jurisdiction over the placement and types of boxes. Attorney Bennett stated that per the PUD ordinance any developmental standards that are not addressed in the ordinance, the R4 standards would apply. Discussion followed. Mr. Austgen stated his only concern would be if the garbage cannot be picked up in the rear of the building then the homeowner will have to pay double the cost. It was noted that by ordinance all residents have to be charged for trash pickup.

Mr. Hendrix asked Attorney Bennett if the covenants are recorded with the ordinance. Attorney Bennett stated along with the ordinance is exhibit A which is the developmental standards. She stated that lays out the uses and standards that were specifically set forth for the PUD. Anything that was not set forth in the developmental standard of the ordinance would fall into the R4 standards. Attorney Bennett stated the ordinance needs to be recorded as do the covenants. Mr. Hendrix stated that he wanted the PUD ordinances recorded language to be reflected on the final mylar plat. Discussion followed on the processes of the PUD ordinance, legal description of property and recording of mylar plat and ordinance. It was decided that:
The ordinance is recorded by the Town and the convents are recorded by the developer
The ordinance is recorded first, and the recorded language is put on the mylar final plat.

Attorney Bennett will further discuss the recording of the plat with staff tomorrow.

Mr. Hendrix stated there was a landscaping plan submitted with the site plan for 788 W. Oakley. Discussion followed.

Mr. Salatas made a motion to approve PC #20-022 site plan for 788 W. Oakley, seconded by Mr. Alessia 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. Alessia and carried with a roll call vote of all ayes.

ANNOUNCEMENTS: Mr. Konradi stated that currently the next regularly scheduled meeting is on October 8th, 2020 at 7pm.

ADJOURNMENT:

With no further comments or questions, Mr. Salatas made a motion to adjourn the meeting at 7:50pm, seconded by Mr. Lawrence and carried with a roll call vote of all ayes.

Jim Konradi, President

LeAnn Angerman, Secretary