

## **LOWELL PLAN COMMISSION MEETING**

**August 9th, 2018**

President Will Farrellbegg called the meeting to order at 7:10pm. 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, Chris Salatas, Will Farrellbegg, Edgar Corns, Jim Konradi, Eric Newell and Ryan Thiele. Matt Felder was absent. Also present were, Town Attorney Nicole Bennett, Town Manager Jeff Sherdian and Director of Planning and Development, Laura Rouse-DeVore.

### **APPROVAL OF MINUTES**

Mr. Konradi made a motion to approve the July 12th, 2018 regular meeting minutes, seconded by Mr. Salatas and carried with a voice vote of all ayes.

### **PUBLIC HEARING:**

**PC #18-012 - An application for a site plan approval has been filed in accordance with §155.113 public improvements for a parcel within the Town boundaries of Lowell, IN has been filed by Family Express, 213 State Road 49, Valparaiso, IN. The parcel is located at 1520 E. Commercial Ave., Lowell, IN Parcel #45-19-25-126-002.000-008**

Mr. Dave Wickland stated he was an attorney with offices in Munster and was here to represent Family Express. He stated Family Express has an option to buy the Family Video store at 1520 E. Commercial Ave. He stated the plan is to put in a fuel and convenience store. He stated they are here tonight for site plan approval. He noted prior to this meeting the BZA approved three developmental variances for the site, including signage, landscaping and fuel canopy height. He stated that they are here to ask for approval for the site plan which they believe meets all the criteria that staff had asked for.

Ms. Rouse-DeVore stated that Family Express is converting an existing Family Video location into a Family Express fueling station. While considering the conversion, they are attempting to do so with as little disruption to the existing site as possible. There will be no changes to the existing building footprint. They are relocating the Commercial Drive entrance to a more favorable position further away from the intersection of Joe Martin Rd. and Commercial Ave. The use is permitted use in the B-2 Highway Business District. Throughout the site plan review process, the drainage and stormwater has been given special consideration to ensure the safety of the neighboring Town park and pond.

The site plan is in front of the Plan Commission for approval because the Technical Review Committee could not approve it based upon the applicant's need for three variances. She noted all of the variances were approved unanimously this evening. The variances for the number of required plantings was approved contingent on the applicant donating the additional plantings to Evergreen Park.

Ms. Rouse-DeVore stated staff is recommending approval of the site plan. She noted Greg White, Director of Stormwater was here tonight to answer any of the Board's questions about drainage.

President Farrellbegg asked Mr. White to give a brief overview on the stormwater drainage.

Mr. White stated after reviewing the initial submission, staff had some questions on how they were going to ensure the containment of any contaminants that may run off with stormwater out of the parking and fueling area. Staff meet with the engineers on the project to discuss options. Mr. White stated that they are proposing the use of an aqua swirl containment system made by Aqua Shield. He noted in their site plan they are proposing to grade the parking lot so the water runs away from the center and toward the west to be captured by two inlets at the west and will be routed across the parking lot underground to the east side of the building where it will go through a third capture inlet and from there it will route through the Aqua Swirl System. He noted after the water is clean in the Aqua Swirl system it will run off underground toward the pond. Mr. White stated this system is compliant with IDEM and INDOT requirements. He noted everything that they have proposed for day to day run off is compliant with the Town, IDEMs and INDOTs needs. He stated if there is a problem above and beyond the day to day there is also the rule 13 that can be enforced by the Town to make sure that they are compliant. He noted that staff made this a priority and spent a good deal amount of time making sure that the storm water coming out of that facility is clean and compliant. He stated in regards to storm water they have satisfied everything that he needs for them to move forward with their facility.

Mr. Konradi stated that the Family Video storm water retention pond is underneath the parking lot. Mr. White stated Family Video does not have any underground storage. Mr. Konradi stated he was under the impression that the storm water retention was under the asphalt. Mr. White stated that there is only one facility in the Town of Lowell that has an underground storage facility and it is not this location that he knows of. Mr. Konradi stated it has been his understanding for a long time. Mr. White stated if you look at their demo plan there is not a sign of any underground storage, they would have to move that to put in tanks. Mr. White stated the only thing that is currently there underground that he knows of, unless there is a big surprise is two storm water lines that run across the parking lot to a catch basin at the east end of the parking lot and then out and around the building. Mr. Thiele stated for clarification, if once the parking lot is torn out and there is storm water retention under the asphalt, the plan would be to stick to the new site plan. Mr. White stated yes.

Attorney Bennett stated that the reason the site plan is before you tonight, is because when it was submitted to the TRC it was required that either modification to bring it into compliance be made to the site plan or variances be sought with the BZA in order for the project to move forward as proposed. She noted the site plan as it was submitted to the

TRC was not in compliance with the TOL requirements. She stated the variances were approved by the BZA earlier tonight. She stated as a result of those variances the site plan is complainant with the TOL requirements. She noted that this parcel is zoned B2 and under the current zoning code this is an approved use and the PC does not have the authority to turn it down because of use.

The public hearing was opened.

Cynthia Clinton, 1515 E. Commercial Ave. Lowell. She stated that she lives right across the street from the Family Video. She noted that the corner is congested enough and she knows because she is there every day and she sees it. She stated we need another gas station like we need a hole in the head. She noted there is already six in Town with convenience stores with them. She stated the TOL should have brought that corner a long time ago and incorporated it into Evergreen Park. She stated in her opinion what the town really needs is a hardware store or a bakery. She stated that they are talking about moving the drive away from the intersection and that is going to be right across from me, she has a hard-enough time getting out of there now. She listed the gas stations that are in Lowell and stated she thought we had enough. She noted that she has lived her whole life in Lowell and has seen it growing.

The public hearing was closed.

Mr. Salatas made a motion to accept the site plan as laid out, seconded by Mr. Feddler and carried with a roll call vote of all ayes.

SITE PLAN for 1520 E. COMMERCIAL WAS APPROVED 6-0

**NEW BUSINESS:**

**PC #18-014 - An application for a final plat has been filed by Divi Development, PO Box 302, Lowell, IN, parcel #Sierra Ridge Phase 1 part of parcel #45-19-22-126-001.000-038 and part of parcel #45-19-22-176-008.000-038. Preliminary plat was approved January 11<sup>th</sup>, 2018.**

Attorney Bennett asked Mr. Zunica to discuss the name change on the plat.

Mr. Zunica stated that the plat was preliminarily approved as Village Green Phase 2, Unit 4. He stated that Chris Adams is now the exclusive builder in the subdivision and they decided to change the name of the subdivision to Sierra Ridge. He stated that the remaining subdivision will be Sierra Ridge. The rest will be built out as Sierra Ridge and Village Green will cease to exist. He noted the plat is identical to what was originally approved except with a different name. He stated that he filed an amendment to the plat requesting the name change.

Mr. Thiele asked what unit it was. Mr. Zunica stated it is Sierra Ridge Unit 1. Mr. Thiele asked what unit was it for Village Green. Mr. Zunica stated Phase 2 Unit 4. Attorney Bennett stated that was how it was approved on primary plat. Mr. Zunica indicated on the plat drawing which area it was. He stated it was twenty-seven lots. He stated these are the last lots that can be improved before a lift station has to be put in. Mr. Thiele asked if there was going to be any signage identifying the new name. Mr. Zunica stated they are going to change the sign at the beginning of the subdivision. Mr. Zunica stated from here out any lots will be platted under Sierra Ridge. Mr. Thiele stated and this is all for the name change because of the new exclusive builder. Mr. Zunica stated yes and also because of some of the people in Village Green who do not want to pay a homeowner's association fee, which goes to the maintenance of the ponds. He stated he has been paying for pond maintenance out of his own pocket for years. Mr. Zunica stated the subdivision started development in 2005 or 2006 and a lot of people were told there was no homeowners association even though it was in the covenants. The dues were minimal but people were not willing to pay it. Mr. Salatas asked if Sierra Ridge will have its own homeowner's association. Mr. Zunica stated yes. Discussion followed.

Mr. Newell asked what the specific reason is for the name change. Mr. Zunica stated so we can start a new subdivision. Mr. Newell stated anybody moving to the new subdivision will be told about the homeowner's association. Mr. Zunica stated yes and they will turn over the Village Green homeowner's association to the people of Village Green. Mr. Thiele asked Mr. Zunica about Village Green covenants. Mr. Zunica stated they will still be bound by the covenants. Mr. Zunica stated the ponds will be maintained through Sierra Ridge.

Attorney Bennett stated to keep in mind that for purposes of your final plat review tonight by this Committee what you are looking at is the areas that are marked out in black on drawing that was passed out. There are no recorded covenants as to these lots. She noted covenants are not recorded until after a subdivision is final platted. She explained that this plat has no restrictions on the other phases and this plat has no effect on the restrictions on the other properties. She stated that by law when a preliminary plat is approved and a public hearing is held it is required that certain things are put forth on that plat as to what is known at the time, one of those things is the proposed name. She stated there is no requirement by the law that the name has to stay the same. She explained what is bounded by law are the lots, she stated that there has been no change in this proposed final plat from what was approved as the preliminary plat other than changing the name.

Ms. Rouse-DeVore stated that the petitioner is Divi Development of which Mr. Zunica is the representative.

Ms. Rouse-DeVore stated the applicant has submitted a secondary plat for the next phase to finalize infrastructure and twenty seven additional single family home lots in the Sierra Ridge Phase 1, formerly Village Green Phase 2 unit 4. She noted the existing zoning is

R2. She stated it is part of a previously approved phasing plan, it will be platted under a new name of Sierra Ridge. She explained that the property owners are working on a future petitioner application that will include vacating some of the previously approved plats in Village Green subdivision for the creation of this new subdivision of Sierra Ridge. She stated that the TRC reviewed the plat on 7/18/18 and made a favorable recommendation to the PC and the staff recommends that the PC approve this plat. Attorney Bennett stated it is twenty-seven home lots along with the community property for a total of twenty-eight lots.

Mr. Newell made a motion to approve the final plat for Sierra Ridge Phase 1, seconded by Mr. Corns.

Attorney Bennett asked Ms. Rouse-DeVore if there were any conditions that were set out in the preliminary plat. Ms. Rouse-DeVore stated not that she is aware of. Attorney Bennett asked Mr. Zunica the same question. Mr. Zunica stated the small pond was required to have upgrading done to the drainage system. He noted when they put it in originally the straps broke and the outlet went up and would not let as much water out and when it rained it flooded. Mr. Zunica stated they brought it down and it has been holding but Ziese it going to go in there and permanently fix it. Attorney Bennett asked if this is the pond to the South, it is officially in phase 2-unit 1 plat. Mr. Zunica stated yes, it is not in this subdivision but we agreed that we would fix it. Ms. Rouse-DeVore asked if there was a time frame on the repair. Mr. Zunica said we know we have to fix it first. Attorney Bennett asked before development. Mr. Zunica said before building permits are pulled.

The motion was carried with a roll call of 5 ayes and Mr. Konradi abstaining.

**MOTION PASSED FINAL PLAT APPROVAL SIERRA RIDGE PHASE 1**

**ANNOUNCEMENTS:** Next regularly scheduled meeting will be on September 13th, at 7pm.

**PUBLIC COMMENTS:** NONE

**ADJOURNMENT:**

With no further comments or questions, Mr. Thiele made a motion to adjourn the meeting at 7:45pm, seconded by Mr. Salatas and carried by a voice vote.

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Will Farrellbegg, President

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Ryan Thiele, Secretary