

LOWELL PLAN COMMISSION MEETING

February 21st, 2019

Vice President Will Farrellbegg called the meeting to order at 7:05pm. 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, Will Farrellbegg, Chris Salatas, LeAnn Angerman., and Ryan Thiel. Jim Konradi, Edgar Corns and Eric Newell were absent. Also, present were Aj Bytnar Director of Planning and Development, Town Attorney Nicole Bennett and Town Engineer Caig Hendrix.

APPROVAL OF MINUTES:

Mr. Salatas made a motion to approve the January 17th, 2019 regular meeting minutes, seconded by Mr. Thiele and carried with a voice vote of all ayes. **PASSED 4-0.**

NEW BUSINESS:

PC #19-001 AND 19-001 (A)19-001 Preliminary Plat Approval for The Preserves Unit 6. 19-001 (A) Waiver from ordinance 155.195 (G)(2)(a) to allow a cul-de-sac longer than 300 ft. Parcel is located within the Town boundaries of Lowell, IN, at approx. Brookwood Dr., Marion and 172nd. Petition has been filed by Paige Cripe, 20 Exeter Turn, Bourbonnais, IL. Consisting of 14.54 acres – Doug Homeier, McMahon Engineering, stated he was present tonight with the Cripe family for preliminary plat approval for Preserves Phase 6 and a waiver in regards to length of the culdesac in the phase. He stated the plans that were submitted were almost the same as what was approved in 2007, which at that time showed a looped road. In meeting with the Town, they have asked for a culdesac. Which would require a waiver for the to have the length. We have a little over 600 feet, 35 lots, and this road will connect Brookwood Drive along with 172nd Ave. We have worked over the last several months with the Town and currently have the sewer and water designed to the Towns request and standards, as well as the stormwater plan and zoning standards. Mr. Thiel asked why the waiver was needed. Director of Planning and Development, AJ Bytnar stated the length of the culdesac is longer than 300 feet and our design standards require the maximum length to be 300 feet. Due to the topography of the land and shape of the lots, after staff and developer discussion, we decided the configuration of the lots is better served with a longer culdesac.

Mr. Farrellbegg opened the public hearing. Derek Dziezak, 17238 Marion Dr., stated he just recently found out about the expansion and wanted to know if he could be afforded the opportunity to purchase the lot behind him. Director Bytnar stated that is not the purpose of this public hearing. This is about the approval of the subdivision, but we can speak with the developer and put you in contact with them to discuss the purchase of a lot.

Mark Lewandowski, 17311 Oak Valley Dr., stated his mother-in-law is on Debra Lane which is where the culdesac would back up against. The main concern we have is for elevations and drainage. When the subdivision to the east of Marion Dr. was completed, there was a major drainage issue that they still encounter. Director Bytnar stated one of the things all subdivisions go through now is a Technical Review Committee, and one of

the components of that is the drainage review. All of the yards in the new subdivision have rear-yard drains so there is a drainage easement at the back part of every property which is designed to only take the rain water that would normally flow through that path. Mr. Homeier stated the piping system has also been designed to handle a 100-year rain event. Mr. Lewandowski asked if that plan was not in place when the previous part of the subdivision was developed. Craig Hendrix, SEH Engineering, stated that is a separate issue that we are analyzing. This subdivision has a separate drainage system and does not connect to the previous subdivision. Director Bytnar stated the standards we are using were approved in 2013, and the construction standards have been updated as of 2015. The Town is very much aware of the issue and we are in the middle of doing a stormwater study as well. Discussion followed.

Leslie Kowalczyk, 6008 Debra Ln, stated she was not sent a letter for the last meeting but her neighbor was. She asked the Commission what size the houses would be that are to be built. Director Bytnar stated these lots are zone R-2 which is the same as your part of the subdivision. Mrs. Kowalczyk stated they were told the houses were going to be 1300 sq. ft. Director Bytnar stated it is whatever the minimum requirements are for the R-2 zoning. Mr. Farrellbegg stated to Mrs. Kowalczyk that she was already in an R-2 zone and that 1300 sq. ft. is just a minimum, which is the same for her part of the subdivision. Mrs. Kowalczyk stated she was told the lot behind her was going to be 175' and it would be an issue for home values if a small 1300 sq. ft. house was built. She stated she was also concerned about the mounds of debris that was cleared and is now sitting at the back of her house. Mr. Homeier stated he was not there when tree-clearing happened and is not sure where she is talking about. Director Bytnar asked if it was placed on her property. Mrs. Kowalczyk stated no, but it was dumped behind her property and has not been moved. Mr. Hendrix stated they are wanting to start construction this year so whatever may be there will be cleared out in order to build on that property. Mrs. Kowalczyk stated she was told there was approval a long time ago. Mr. Homeier stated approval was given in 2007, but expired in 2012 which is why they were back. Discussion followed. Attorney Nicole Bennett stated the minimum square footage for the R-2 zoning is 1350 sq. ft., that is not a maximum or what the house has to be built to, rather a minimum which was the same standard that applied to your lot. Mrs. Kowalczyk asked if there would be easements or if someone put up a fence they would be back to back. Mr. Hendrix stated there will be easements for drainage, that is an Ordinance. Discussion followed regarding the easements that are in place.

Jennifer Wilson, 17349 Brookwood Dr., stated her backyard backs up to the proposed subdivision and that she has a few questions regarding planning. When they attach Brookwood to 172nd, which side will houses be on. Mr. Homeier showed on a map where the lots will be. Ms. Wilson asked if there was a requirement to contact AT&T or other companies when a subdivision is being built to install underground wiring. Director Bytnar stated they are aware of the subdivision, but they are not required to run fiber optics. We have no control over what they do, but they are notified. Ms. Wilson asked where utilities will be run, in the back or front yard. Mr. Hendrix stated they will be transitioning to the front yard, street, or front easements. Ms. Wilson stated other than those questions, we are excited and are looking forward to the development.

Director Bytnar discussed the process and the Technical Review Committee's findings on the subdivision. Before the final plat is approved, the developer will need to submit the

appropriate bonds and payment for open space requirement. He also stated that a pre-construction meeting needs to occur prior to the commencement of infrastructure work to confirm the approved construction plans and schedule inspections and general timeline.

With no further questions or comments, Mr. Farrellbegg closed the public hearing.

Mr. Salatas made a motion to approve the Preliminary Plat Approval for the Preserves Unit 6, PC #19-001, seconded by Mr. Thiel and carried by roll call vote 4-0. Mr. Salatas made a motion to approve PC #19-001(A), seconded by Mr. Thiel and carried by roll call vote 4-0.

PREMILMINARY PLAT PRESERVES PHASE 6 AND WAIVER FOR CUL-DE-SAC APPROVED.

PC 19-002 - Modification of PUD conditions and covenants from Ordinance §1990-15 to allow shared housing, and establish development standards. Petition has been filed by Edward McCracken 1900 Lake St. Unit #1, Dyer, IN for property located at **18220 Clark Rd** – Attorney Adam Sworden, 103 Indiana Ave. Suite B Valparaiso, IN, stated this project has a bit of the history here with the Town so he will not be overly redundant. The petition is for a proposed in between housing. There are facilities that are for stages of life that do include life care facilities where you do not need assistance, then in to some form of semi-skilled nursing, and then in to the later stages of life where you require round-the-clock care. The downside to that model is there is usually a huge upfront cost and you are locked in for the remainder of your days. Attorney Sworden referred to the Lutheran Village in Crown Point. One thing that differs in this plan is that the residents will not be allowed to have a car. They may be mobile physically, but will not be driving. The reason we are here tonight is because this subdivision was originally platted as a PUD, but there is no specific criteria for allowing this type of use and with the current zoning ordinance, this use is not specifically defined. The closest definition is a group home. Attorney Sworden stated the lot itself is a little over one half of an acre, and the building footprint is 8,128 sq. ft. Of that, there is a total of 8 parking spaces, one of which is handicap, and the remainder will be used by staff or family members. There will also be an outdoor seating space and inside will hold a lounge, meeting area, dining area, and one kitchen. None of the rooms will have their own kitchen. There will be one staff person at the home 24/7, and at times there may be more than one staff person.

Mr. Salatas asked if there would be sidewalks and if they would tie in to the existing. Director Bytnar stated there will be. We will be requiring an eight foot wide walking/bike path so that in the future, the subdivision to the south will have to add the same so that people will have access to the shopping area.

Mr. Farrellbegg opened the public hearing. With no one to speak for or against the petition, Mr. Farrellbegg closed the public hearing.

Director Bytnar stated Attorney Bennett worked with Attorney Sworden to craft the PUD covenants. Attorney Bennett referred to the packet given to the Commission, that included the zone change ordinance from 1990. When this zone change happened, it

modified lots 1-10 and lot 13. When viewing the plat it started off as the large lots, but further in to the 90's many of those lots were subdivided again. What was left was lot 13, 1, and the strip on the south side. All of the other portions of what was rezoned in 1990 has been established in to Eastland Estates and has current covenants that set forth construction requirements, etc. As lot 13 and what was originally lot 1 are the only two lots where the covenants were not attached. These two lots are zoned PUD, but have no rules. From a legal perspective the requirement of enforcement is that it is in writing and is public to anyone inquiring about the property. In that perspective, we decided to do this in the form of covenants for these lots. For purposes of the declarations that are before you for consideration, the covenants set forth declarations for lot 13 only. Attorney Bennett stated on page two, the covenants address permitted uses in R-2 zoning since the lots surrounded are of R-2 zoning. We have identified the uses for this home since they were not identified in a Town Ordinance, but as State Code. Attorney Bennett gave examples of how people will qualify under the State Law as well as how the housing itself qualifies. She went in to further detail of the use allowed and how it fits in with the subdivision that is there as well as the houses on both sides. She also highlighted the zoning provisions created.

Director Bytnar asked Attorney Bennett if there was any language necessary if someone wanted to do a Variance from Development Standards or if it was understood. For example, if they wanted an accessory building closer to the building line. Attorney Bennett stated it would have to be modified in the covenants. The covenants are crafted for what this specific project is. Director Bytnar stated since the special use language was added, a section for a variance from developmental use standards should follow the regular path as specified in the Lowell Zoning Ordinance should be added. Discussion followed.

Mr. Salatas made a motion for a favorable recommendation to the Council for PC #19-002 modification to PUD conditions and covenants with the addition of Mr. Bytnar's aforementioned amendment, seconded by Mrs. Angerman and carried by roll call vote 4-0.

PUD ADMENTMENT 19-002 18306 CLARK PASSED 4-0

PC 19-004 – ZONING ORDINANCE UPDATES – Director Bytnar stated the rough draft is in front of you. These are the selective updates that needed to be touched on before the Plan Commission sets their public hearing. Our current definitions for single family, attached, detached, duplex, multifamily are not the easiest for a staff level person to determine, especially based on development patterns. These have been redrafted based on other zoning ordinances around the area, specifically articulating what a duplex, single family attached, single family detached, two-family attached, and multifamily dwelling is. Moving forward, in Agricultural through Heavy Industrial, there is a lot of extra language that is redundant and contradicts itself so we are trying to clean up that language. As far as developmental standards, R-1 has been left alone, but some changes have been made to R-2, R-3, and R-4. The biggest is allowing single family residential in R-4. There is so much R-4 in and around the area surrounding the downtown that is 90% single family. He stated he clarified some of the lot widths and setbacks as well, and further went in to details with an example. Director Bytnar stated in the R-3 and R-4 zoning, there is a bigger discussion of single family attached and single family detached,

which can be discussed further after your review. We are proposing more flexibility when it comes to duplexes to actually separate them and not have them running a whole block. He then articulated some of the development that may occur in the commercial and industrial areas and the need to look at the uses and development standards associated with B2 and LI. Director Bytnar discussed the land use matrix and some changes he was proposing in regards to animal boarding and farmer's markets, to name a few. He stated one thing he would like from the Commission is to really update and further articulate the Business and Industrial uses. Director Bytnar went on to highlight other changes that needed to be reviewed and discussed. Discussion followed between Commission members.

Director Bytnar stated he was asking the Commission to vote to put this on the docket for a public hearing, and in the meantime he would send a full 240 page PDF with the proposed changes. At the next meeting the Commission can propose any further changes to the draft, and then the following month it will come back with a final draft to send to the Council. Further discussion was had in regards to flatwork and accessory structures ie: solar panels, pergolas, extending driveways and sidewalks, as well as raising bees and chickens. The Commission directed the Director of Planning to schedule a public hearing at the next meeting regarding the changed proposal.

ANNOUNCEMENTS:

Mr. Farrellbegg stated that the next regularly scheduled meeting will be on March 14th, 2019 at 7pm.

ADJOURNMENT:

With no further comments or questions, Mrs. Angerman made a motion to adjourn the meeting at 8:35pm, seconded by Mr. Salatas and carried by a voice vote.

Will Farrellbegg, Vice President

LeAnn Angerman, Secretary