

**LOWELL PLAN COMMISSION MEETING**  
**April 11<sup>th</sup>, 2019**

President Eric Newell called the meeting to order at 7:20pm. 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 Jim Konradi. Ryan Thiel and Edgar Corns were absent. Also, present was Jeff Sheridan, Town Manager and Town Attorney Nicole Bennett.

**APPROVAL OF MINUTES:**

Mr. Farrellbegg made a motion to approve the minutes from March 14th, 2019, seconded by Mr. Konradi and carried with a voice vote of all eyes.

**NEW BUSINESS:**

PC #19-005 - an application to request a zone change for a partial of a parcel from R2 single family to R3 two family. Petition has been filed by Lifehouse Homes, PO Box 352, Lowell, IN 46356. This is for property located at 18306 Clark St. Parcel # 45-19-25-276-001.000-008 and affects the western and northerly boundaries of this parcel only.

The application is requesting a partial zone change to R3 two family from the current zoning of R2 single family as they affect the area bounded by the westerns and northerly boundaries consisting of approx. 9.58 acres out of 38.78 acres, located and legally described as follows:- Todd Harbrecht, President of Lifehouse Homes, stated he is here to request a zoning change for Phase Two of Beverly Estates on the north and west sides. We are wanting to do duplexes on the west side which will back up to what is currently being built now. On the north side we have commercial property where we are requesting narrower sized lots for cottage homes, sixty-five feet wide approximately. Currently we have this area platted for fourteen single-family lots, but if we can get this variance we would be looking at eleven lots. Mr. Farrellbegg asked what Mr. Harbrecht meant by cottage homes. Mr. Harbrecht stated it is a single family house with narrow sideyards. Mr. Farrellbegg stated more like the PUD that is there. Mr. Harbrecht stated that is correct. Mr. Newell asked what the approximate square footage was for the cottage home. Mr. Harbrecht stated between 1500-2000 square feet. Mr. Konradi asked if it was in conjunction with the whole subdivision. Mr. Harbrecht stated it was a continuation of Beverly Estates that they plan to do in three phases. The first phase probably will not consist of these, but the second and third phases will. The rest of the subdivision will still be single family. Mr. Konradi asked if they were proposing to only put in the one street for these homes. Mr. Harbrecht stated that was correct. The duplexes that are currently built are 1488-1700 square feet. Mr. Sheridan asked if they could know the number of duplexes versus cottage homes. Mr. Harbrecht stated we have 12-13 single family lots, we would be losing two lots, but gaining six homes if we are allowed to do the duplexes. That would be twenty units, ten duplexes. The cottage homes would be fifteen lots to the north.

Mr. Konradi stated you are matching what is already in the surrounding area. Mr. Harbrecht stated yes, what is already to the North.

Mr. Sheridan stated based on the fact of the consisten usage, the staff recommends the rezoning as it fits perfectly with what is there and is consistent with the transition of R-2 to R-3. We have successful development with the same mixture adjacent to that already. In conclusion, the staff recommends approval.

Mr. Newell opened the public hearing.

Renee Glover, 5281 Southview Drive, stated my husband built a home in Beverly Estates four years ago on the understanding that it was zoned for single-family and would not be changed. She stated she understood there was rezoning already done last year for duplexes along Platinum Drive, but she missed the meetings regarding it. She stated she would prefer to not have another row of duplexes that close to where she is. Mrs. Glover stated she realize that was selfish, but since she is a citizen she decided to express the fact that she does not like the idea. Mr. Konradi stated those duplexes were in the original plat if he was not mistaken. Mr. Sheridan stated that was correct.

Mark Hittle, 18385 Candace Drive, asked Mr. Harbrecht why he was proposing the change in going from single-family to duplexes. Mr. Harbrecht stated the next phase is all about density. As homebuilders we are forced to become the developers. The cost of development has increased so much that there is no money in it. We have to develop this because the big builders are coming in now and they are swallowing up all of the land, pushing the little guy out. If we get pushed out, we're out of work, so we are now forced to develop instead of buying it from somebody else. Honestly, there is no money in it so if we create density it increases my chances of not losing any money. Mr. Newell stated it is his understanding that Lifehouse is under no obligation to answer any questions from the public comment. Mr. Hittle stated he worried about the impact on value with the changes. When you talk about higher concentrations of people, that is the result in duplexes like this which tends to put more strain on infrastructure such as schools. He stated he was concerned about the plans of extending Southview Drive to Clark Street and the amount of traffic it will add to the area as well as duplexes only adding to the traffic factor. Mr. Hittle asked if the variance is granted, how would it benefit us as the Town and the residents that are already here. Mr. Newell stated this forum is for public comment. We are not prepared to answer questions. Mr. Hittle stated that needs to be something to keep in mind, what is the benefit of doing this other than to help the builder out. There is a lot of residential construction going on right now. We are bringing potentially a lot of people in to the area and consideration needs to be given to schools and other elements to support that. He stated he urged the Board to not approve the request.

Dominick Kuczvara, 5263 Southview Drive, stated on that map he owns the third largest lot in Phase One. Two of the other people here own the other larger ones. We already feel that we are getting stomped on because of these duplexes going in because we are right at the end of the street. He stated he is confused as to where the streets would line up and who owns the rest of the area outside of the subdivision. He agreed with Mr. Hittle's comments and urged the Board to reconsider changing the zoning.

Sam Varro, 5245 Southview Drive, stated according to the notification this was supposed to be zoned for single-family homes. This is just going to bring in more and more people yet we do not have a play park for kids or anything. He stated the changes would benefit the builder but asked about the residents already there and their property value. He stated he would like to ask the Board to vote against the change.

Mike Gralski, 344 Eastland Circle, asked if there was a plat for the area to know setbacks and drainage. Mr. Sheridan stated the process is that rezoning comes first. Mike asked what would

happen if the plat is something everyone disagrees on. Mr. Newell stated that is the process we are going through now. Mr. Sheridan stated based on the zoning the plat would have to meet the legal requirements. Mike stated he is a new person to Lowell and does not want this to become the projects because what is being proposed would turn in to the projects.

With no further public comments, Mr. Newell closed the public portin of the meeting. Attorney Bennett stated there was some question about notification, and for the record the requirement is for notice to be given to property owners within one hundred feet of the property line.

Mr. Konradi made a motion to approve the request for zone change from R-2 single family to R-3 two-family, seconded by Mr. Farrellbegg. Attorney Bennett stated the five factors are included in your packets as to what you should consider for a zone change. As part of your discussion to approve, this needs to be addressed in to the motion. Mr. Newell read the Findings of Fact as proposed by the petitioner in to record as follows:

In the following space please provide the reason and concept of why you propose to amend the zoning map and provide justification. Consider the following in your response; the comprehensive plan; the proposed use of the property as single family one and two unit dwellings. *This will be adjacent to existing Beverly Estates and Eastland Estates, both of which share the characteristics of proposed zoning change.* Current conditions and the character of current structures and uses in each district; *the current conditions of the properties surrounding the proposed change are majority single family and and two family dwellings. Proposed change will continue with this existing residential home types.* The most desirable use for which the land in each district is adapted; the flow through of requested area will be in conjunction with exiting residential zoning. *This will provide a blend of what is currently in place and provide a nice transition pass into the new proposed zoning.* The conservation of property values throughout the jurisdiction; *based upon an opinion of value from our existing sales in Beverly Estates Phase One, the prosed valude within the zoning change would not have an advere affect to adjacent property values. Current conditions only indicate a responsible influx to future values, based upon market conditions. Responsible development and growth; we find the prosed change to be in conjunction with property that are within 500 feet of proposed development. Zoning change would allow for a back to back similarity in properties within the new development. This would provide the natural progression for this area of town, and have no adverse effects on surrounding homeowners.*

Attorney Bennett state these are the five legal considerations you have to make in considering a zone change. The above was a proposed findings by the petitioner as to each of those factors. You may or may not agree with those specific detailed findings, but as long as you reach a decision and you have considered and made these a part of your reasoning in making such motion. She rquested that the motion be amended to adopt the findings as proposed, if they choose to move forward with a favorable recommendation as stated. Mr. Konradi made a motion to amend his previous motion to include the considering of the five factors a part of his motion, seconded by Mr. Farrellbegg and failed by roll call vote Mr. Konradi and Mr. Farrellbegg voting aye, and Mrs. Angerman and Mr. Newell voting nay.

Discussion followed on what the next steps would be sicne there was a tie vote. Attorney Bennett discussed with the Board their options.

Mrs. Angerman made a motion to table PC 19-005, seconded by Mr. Farrellbegg and carried by roll call vote 4-0.

Attorney Bennett stated since the BZA had its first meeting prior to this, it is State Statute that the Plan Commission appoint one of its members to the BZA. She asked for a motion to appoint Ryan Thiel to the BZA as he has been appointed to that Board previously. Mr. Farrellbegg made a motion for Ryan Thiel to be a representative on the BZA, seconded by Mrs. Angerman and carried by voice vote 4-0.

**OLD BUSINESS:**

**Tabled from 3/14/19 - PC 19-004 – ZONING ORDINANCE UPDATES**

Amendments to Chapter 155: Land use and development code; subdivision code: To update, but not limited to, basic provisions, zoning districts, land use matrix, development standards, sign standards, site design standards, nonconforming structures, lots, and uses, subdivision control code, and site plan review. – Attorney Bennett stated these were held over from last month. We have been covering the proposals that were made by Mr. Bytnar so that they can pick up other inconsistencies and will hopefully be coming as early as next month. It may not be the whole section, but the parts we need that will be easier to address in a small forum. We may require a work session to really delve in to some of these proposals and considerations. Attorney Bennett recommended that PC 19-004 be tabled until next month. Mr. Farrellbegg made a motion to table 19-004, seconded by Mrs. Angerman and carried by roll call vote 4-0.

**ANNOUNCEMENTS:**

Mr. Newell stated that the next regularly scheduled meeting will be on May 9th, 2019 at 7pm.

**PUBLIC COMMENTS:**

Renee Glover, 5281 Southview Drive, stated the Attorney made a comment in reference to the Findings of Fact and asked if the public could get a copy of that. Attorney Bennett stated they absolutely could. They will be in the Building Department next week and need to be signed by the President before we can give them out. Mrs. Glover asked who put together the Findings of Fact. Attorney Bennett stated she did. Mr. Newell stated the Findings of Fact do not mean that one necessarily agrees or disagrees with them, it is just what has to be taken in to consideration when determining their recommendation to the Board. Attorney Bennett stated that was correct.

**ADJOURNMENT:**

With no further comments or questions, Mr. Farrellbegg made a motion to adjourn the meeting at 8:10pm, seconded by Mr. Konradi and carried by a voice vote.

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Eric Newell, President

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LeAnn Angerman, Secretary