

## **LOWELL PLAN COMMISSION MEETING**

### **January 14th, 2021**

President Jim Konradi called the meeting to order at 7:10pm. The Pledge of Allegiance was recited. Recording Secretary Dianna Cade called the roll. Members answering the roll call were, John Alessia (via electronic), Chris Salatas (via electronic), Jim Konradi, Shane Lawrence (via electronic) and Greg White. LeAnn Angerman and Eric Newell were absent. Also, present were Rich Oman, Director of Planning and Development, and Town Attorney Nicole Bennett.

#### **ELECTION OF OFFICERS:**

Mr. Salatas made a motion to nominate John Alessia for President of the Plan Commission for 2021, seconded by Mr. White. Mr. Salatas made a motion to close the nominations seconded by Mr. White. Motion carried to close the nominations with a roll call vote of all ayes. Motion was carried to elect Mr. John Alessia for President of the Plan Commission for 2021 with a roll call vote of all ayes.

Mr. Alessia requested that since he is not feeling well that the facilitator of the meeting be deferred to the Vice President.

Mr. White made a motion to nominate Chris Salatas for Vice President of the Plan Commission for 2021, seconded by Mrs. Alessia. Mrs. White made a motion to close the nominations, seconded by Mr. Alessia. Motion carried with a roll call vote of all ayes. Motion was carried to elect Mr. Salatas as Vice President of the Plan Commission for 2021 with a roll call vote of all ayes.

Mr. Salatas asked to defer his facilitating the meeting to Mr. Konradi since he was participating via electronic media.

Mr. Lawrence made a motion to nominate Greg White for Secretary of the Plan Commission for 2021, seconded by Mr. Alessia. Mr. Alessia made a motion to close the nominations, seconded by Mr. Lawrence and carried with a roll call vote of all ayes. Motion was carried to elect Mr. White as Secretary of the Plan Commission for 2021 with a roll call vote of all ayes.

Mr. Alessia made a motion for Greg White to facilitate the meeting in place of the President and Vice President, seconded by Mr. Lawrence and carried with a roll call vote of all ayes.

Mr. White read the guidelines for participation.

#### **APPROVAL OF MINUTES:**

Mr. Konradi made a motion to approve the regular meeting minutes of December 10<sup>th</sup>, 2020, seconded by Mr. Alessia and carried with a voice vote of all ayes.

#### **NEW BUSINESS:**

**PC #21-001 - Preliminary plat Freedom Springs** approval in accordance with §155.193 Major Subdivision for a parcel within the Town boundaries of Lowell, IN has been filed by Accent Homes, 2036 W. 81<sup>st</sup> Ave. Suite B, Merrillville, IN., for a parcel located at approx. Nichols St., 174<sup>th</sup> Ave., Patriot Pl., Redbud Ln, Independence Dr., Lafayette Pl., and Concord Ct., Parcel # 45-

19-23-102-010.000-008.

Mr. Doug Rettig, of DVG Engineering stated he is here tonight with the President of Accent Homes and owner of the property, Mr. Frank Morin. They are requesting preliminary plat of Freedom Springs Unit 2. Mr. Rettig stated that the subdivision started 10-12 years ago. He stated the preliminary plat has expired and they need to renew it. He stated some minor changes were made to the previously approved preliminary plat. Number of lots is the same. He discussed the area in unit 2 that would be the first part built. He stated the engineering has been revised and brought up to the new standards and was presented to the staff at the TRC meeting. There are modifications to the pond and trails to Freedom Park.

Mr. Konradi asked the staff for their input. Mr. Oman discussed the TRC notations and requests. He stated one of the main concerns was on the original plat there was a right of way on the south end that goes into the property south of Freedom Springs. He stated around lots 96, 97 and indicated on a map to the Commission the area. He stated staff would like to see that right of way indicated on this new plat. The property to the south is 8 to 10 acres and the owner has expressed interest in subdividing it in the future. He stated this would allow a 2<sup>nd</sup> access for this future subdivision. Discussion followed. Mr. Rettig stated we are not opposed to granting access to the adjoiner but instead of dedicating ROW they would like to have a time limit agreement. Attorney Bennett stated it is required by ordinance 155.195(E)(4)(b)(1). She discussed the 2 options in the ordinance which are required as a continuation of subdivision streets. She stated there must be at least one connection to each adjacent undeveloped property or at least one made for each 1600 feet of property shared between the subdivision and an adjacent undeveloped property. Mr. Rettig stated the owner/developer will be happy to grant that access ROW.

Mr. Oman stated along Nichols there is a requirement for sidewalks, at the TRC the developer stated he would do the payment in lieu of installation of those sidewalks. There is no sidewalk there to connect to. Mr. Oman stated there is some escrow money being held at the Town from phase 1 for lots that are already developed, and a sidewalk was not put in. Discussion on the payment amount. Attorney Bennett stated discussed the recent ordinance for sidewalk and curb fund. An agreement would have to be signed and would be a condition on plat approval. It was stated that in phase 1 the developer had built a berm instead of sidewalks. Mr. Hendrix stated he would recommend the payment in lieu of for this new phase. He stated the escrows that are currently at the town hall are for phase 1 and he is not sure how that applies to this plat. The Plan Commission at that time did not make him put in the sidewalks in phase 1 and it has final plat and is built. Mr. Hendrix stated he is not aware of what happened with the Plan Commission on phase 1. Attorney Bennett stated the requirements for phase 1 cannot be put on today's petition. Mr. Konradi stated from what he remembers it was dedicated but never enforced. A sidewalk was supposed to be installed along Nichols street by the developer, but they put in a berm instead and the town never enforced the sidewalk, and the escrow money has been sitting here ever since. Attorney Bennett stated that for purposes of this plat approval that is a separate issue that will have to be determined as it relates to phase 1. It was decided that more research would have to be done on this issue and it does not pertain to the petition in front of the Plan Commission tonight. Mr. Hendrix stated they will further discuss phase 1 with the developer later. Attorney Bennett stated for purposes of this phase and the next phases if the payment in lieu of is desired for the sidewalk then the agreements need to be drawn up for phase 2, 3 and 4. It is a final platting payment and execution, but it must be contemplated and documented now.

Mr. Hendrix asked if the ROW was to be dedicated only or was the street to be constructed. He

feels it should be ROW dedicated only. Attorney Bennett stated the ordinance requires the ROW be extended to the boundary line of proposed subdivision with at least one connection made. Mr. Hendrix stated the ROW should be platted and design of Freedom Springs should be done with the idea that a development will be built to the south.

Mr. Hendrix asked if the developer made a commitment to install the streetlights in phase 1. Mr. Oman stated yes. Mr. Rettig stated the developer is aware of that and he will install the streetlights in phase 1.

Mr. White opened the public hearing.

Michelle Dumbky, 17506 Cline Ave., Lowell, IN – She asked if the number and size of the lots were the same as previously platted. Mr. Rettig stated it is all the same.

Suheil Nammari, 17509 Cline Ave., Lowell, IN – He stated he is the property owner to the south. He stated in 2015 he coordinated his property development with Jeff Ban (DVG) so that there would be a cohesive development between the 2 parcels. He stated his intention is to development his property as soon as the access is available. He discussed his engineering background and stated that in his practice in development he has always extended the improvements right to the line of the adjoining parcels. This allows no disruption in the future.

No remonstrators were participating digitally. Public hearing was closed

Mr. Konradi made a motion to approve the preliminary plat for Freedom Springs Phase 2 with contingency that it includes a right of way for the lot to the South and an agreement between developer and staff for the sidewalk along Nichols, he would also like to see the sidewalk issue from phase 1 researched, seconded by Mr. Alessia and carried with a roll call vote of all ayes.

Mr. Konradi made a motion to accept the staff report as the Findings of Fact, seconded by Mr. Lawrence and carried with a roll call vote of all ayes.

**PC #21-002 Waiver Heritage Falls Phase 4** - request a waiver from Subdivision Control Ordinance §155.191 (C), and Resolution 2015-12, standard details 200-1 street design, specifically street width, for a parcel within the Town boundaries of Lowell, IN has been filed by Providence Homes at Regency Inc., 700 Springer Dr., Lombard, IL 60148, Representative for Providence Homes: Doug Ehens. Heritage Falls Phase 4 Parcel #45-19-15-451-001.000-038.

Doug Ehens, Providence Homes, 1916 W 132<sup>nd</sup> Ave. Crown Point, IN – He stated like in the other phases of Heritage Falls they are seeking a waiver for street width from 30' to 28' for this phase. He stated phases 1 and 2 were constructed that way as was phase 3. This would be a continuation of the waiver that has been granted for other phases.

Mr. Oman stated during TRC, Lowell fire had expressed that the street was a little too narrow when cars are parked on each side. He stated as a commission moving forward it is something to consider. On the development side he is using the same size as the streets he is connecting into.

Mr. White stated this is the final phase of Heritage Falls.

Mr. Konradi asked if anyone has investigated restricting parking to one side of the street? Mr.

Oman stated no. Attorney Bennett discussed the process if that was a consideration. She stated for planning purposes this would be a separate issue and the waiver before them tonight does require a motion. Mr. Alessia stated that with a narrower street it does cause people to slow down. Discussion followed. Mr. Hendrix stated the road widths will never go less than 28'. Mr. Hendrix stated the collector roads are at 30' in this subdivision. Discussion followed. Mr. Hendrix stated that he would prefer if the commission were going to limit parking that instead they not grant the waiver. Mr. Salatas stated he feels it is better to keep the roads smaller so that people do not speed.

Mr. White opened the public hearing.

Amanda Silva, 17197 Nightingale Pl., – She stated that Mr. Ehens said that the other roads in the subdivision are at 28'. She stated there is only one road in the subdivision at 28' and that is one that he put in. She stated that there are only 4 roads in the subdivision. She stated the school busses have issues going down the street with all the cars parked along side the street. She stated smaller roads are dangerous for children. Mr. White stated Mayflower is at 30' and Nightingale and 171<sup>st</sup> Pl are bigger.

Margaret Denton, 8208 W. 171<sup>st</sup> Pl., - Lowell, IN – She stated her road is wide however the connection being made from her street to phase 3 is 28' and you cannot fit a car down there with the current construction and all the homeowner's cars on the street. She discussed the homeowner's social media site and the complaints on there that the school buses have issues navigating the narrow streets. She stated the driveways on the new streets are not staggered like hers and so all the cars are right next to each other. She stated it is dangerous for the children in the neighborhood if any of the kids run into the street. She asked if they could get a speed limit sign for her street. She stated the fire truck having an issue with the street width is also very concerning.

Mr. Alessia asked what current subdivisions have 28' streets. Discussion followed. Mr. Hendrix stated to clarify the fire dept stated the truck going down the road is not an issue it is when the outriggers are deployed on the ladder truck. Mr. Hendrix stated the thoroughfare streets in this subdivision are 30', the streets requested for a smaller width are side streets. Mr. Alessia stated he feels narrow streets are safer due to limiting the speed that can be traveled.

No remonstrators were participating digitally. Public hearing was closed.

Mr. Salatas made a motion to approve the waiver, seconded by Mr. Alessia and carried with a roll call vote of all ayes.

Mr. Konradi made a motion to accept the staff report as the Findings of Fact, seconded by Mr. Lawrence and carried with a roll call vote of all ayes.

**PC #21-003 preliminary plat Heritage Falls Phase 4** –approval in accordance with §155.193 Major Subdivision for a parcel within the Town boundaries of Lowell, IN has been filed by Providence Homes at Regency, 700 Springer Dr., Lombard, IL., 60148, for a parcel located at approx. Cline Ave., Adams Dr., Mayflower Dr., 171<sup>st</sup> Pl. Hoshaw St., and 173<sup>rd</sup> Ave., Parcel # 45-19-15-451-001.000-038

Doug Ehens, 1916 W 132<sup>nd</sup> Ave., Crown Point, IN – stated he is seeking preliminary plat approval for the final 31.6 acres of the original Heritage Falls subdivision. This property is zoned R2 and all lots will meet the minimum zoning requirement for this zone. He stated water and sewer will be connected to existing infrastructure. He discussed stormwater and the conveyance it flows through for this phase. He discussed outlot C and the retention facilities. He stated there will be some modifications to the existing pond to expand it for this phase.

Mr. Oman discussed the road connections and the phasing plan that was submitted for 4. He stated at TRC access to the ponds was discussed at length. He referred the Commission to the map being displayed and lot 236 and 237. Using that map he indicated the areas that the developer has given the town for access to maintain the pond. He stated the zoning requirements have been met.

Mr. Hendrix stated at TRC they discussed drainage and retention pond. They also discussed the grading around 228, 229, 230 and 231. The house and pond grading will have to be revisited over the development.

Mr. White opened the public hearing. No Remonstrators were heard in person or digitally. The public hearing was closed.

Mr. Alessia made a motion to approve preliminary plat for phase 4, seconded by Mr. Konradi and carried with a roll call vote of all ayes.

Mr. Konradi made a motion to accept the staff report as the Findings of Fact, seconded by Mr. Salatras and carried with a roll call vote of all ayes.

**APPOINT A PC MEMBER TO TRC:**

Mr. Alessia made a motion to reappoint Chris Salatras as the Plan Commission member on the Technical Review Committee, seconded by Mr. Konradi and carried with a roll call vote of all ayes.

**DISCUSSION** None

**ANNOUNCEMENTS:** Next regularly scheduled meeting will be held on February 11<sup>th</sup>, 2021.

**ADJOURNMENT:**

With no further comments or questions, Mr. Konradi made a motion to adjourn the meeting at 8:15pm, seconded by Mr. Salatras and carried by a voice vote.

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John Alessia, President

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Greg White, Secretary

