

**LOWELL PLAN COMMISSION MEETING**  
**August 8<sup>th</sup>, 2019**

President Eric Newell called the meeting to order at 7:03pm. 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, Greg White, Jim Konradi and LeAnn Angerman., Eric Newell and Ryan Thiele. Chris Salatas was absent. Also, present was Town Legal Counsel, Nicole Bennett and Town Engineer Craig Hendrix

**APPROVAL OF MINUTES:**

Mr. Farrellbegg made a motion to approve the minutes from July 11th, 2019, seconded by Mr. Konradi and carried with a voice vote of all ayes.

**NEW BUSINESS:**

**PC #19-008 – PRIMARY PLAT** - An application for a primary plat approval in accordance with §155.193 for a parcel within the Town boundaries of Lowell, IN has been filed by MCA MP 797 LLC, 801 E. Main St. Griffith, IN., for property located at **797 W. Commercial**, Parcel #45-19-27-201-001.000-038 and approx. 788.W. **Oakley**, Parcel #45-19-27-201-009.000-038.

Ryan Marovich, DVG Team 1155 Troutline Rd., Crown Point, IN stated he was representing Mike and Carrie Austgen who are the petitioners requesting the subdividing. It would be called Meadowdale of Lowell Unit 3 and will be a two-lot subdivision. Currently the south lot, lot 2, is undeveloped, and lot 1 has an existing building that will be renovated for future tenant use. Mr. Farrellbegg asked if it would be for business use. Mr. Marovich stated it would be and would adhere to the current zoning of B-2. Mr. Newell asked if lot 1 was currently being renovated. Mr. Marovich stated that was correct. Mr. Farrellbegg asked what the status of road cut permits were from INDOT. Mr. Marovich stated the permitting department has looked at the proposed plan and is comfortable with it, they just now have to go through the online application process. It usually takes them within a month, sometimes less than that. Attorney Bennett clarified that lot 1 is zoned B-2 and lot 2 is zoned R-4. Mr. Marovich stated that was correct. Currently they are two separate parcels, they are just not subdivided. Mr. Thiele asked if they were approving primary plat approval for both lots or just one. Attorney Bennett stated for both lots. Mr. White stated as we can see by the plat, there is a significant increase in impervious surface and there is a large pond that has been designed on lot 1. The outlet of that pond is to the roadside swale on State Rd. 2. Currently on State Rd. 2 just to the west, there is a significant amount of flooding when we get significant rains. He asked if by the design, runoff is limited or throttled so as not to add to the current problem. Mr. Ryan stated it meets ordinance for restricted rate. Currently lots 1 & 2 flow to that point unrestricted so it will help the downstream situation there.

Mr. Hendrix stated they are currently showing a thirty foot right-of-way dedicated to the

public from Commercial. That thirty foot is being made forty feet. Also, an easement will be placed in the rear yard of lot 1 for the purpose of the Town for utilities. There is water and sewer right now to the east in the rear yards, but there is no real way to extend the gravity sewer since it is shallow already, but the water can be extended and looped in as development goes west in the future. The pond serves both lots and there is a easement laid on top of it in case the Town has to do anything, but the Town will not maintain this pond, the owner of lot 1 will. Last, Oakley will eventually be extended, but right now if there is an emergency at Oakley and Willow, the owners cannot get out. We have discussed that there be access through the front of lots 1 & an rear of lot 2 in case of emergency only, which they have agreed to. Mr. Hendrix stated there is no language right now that allows for that access so we are requesting that the language be added to this request. Mr. Hendrix stated that this is a remedy that came up at the TRC meeting and both the fire and police reps were there. Attorney Bennett stated these changes can be added as conditions and put on the final plat before it is presented for approval. Mr. Hendrix would review the final plat before it is in front of the Commission for final approval to make sure the items requested have been added.

Mike Austgen, 801 E Main St., Griffith, IN stated he understands the easement, but that he wants to get the project moving forward and does not want to have to wait for approval with the additional items. The access through the other lot has to do with the other lot. Attorney Bennett stated that it does not because it is one plat and is not separated. They are proposing this be done in one shot. Mr. Newell stated he wanted to clarify that the easement between lot 1 & 2 will be used for residential vehicles only and not fire trucks or ambulances. Mr. Newell stated the average fire truck weights 75,000 lbs and cannot drive thru grass. Mr. Hendrix stated we are not restricting the fire department from driving over the grass to get to the fire if need be. Mr. Newell stated he wanted to make sure it would be used for getting people out rather than letting people in. Mr. Hendrix stated that is the idea, but it would be at the discretion of the chiefs. Attorney Bennett stated it should be set for that it is for emergency purposes only at the discretion of the chiefs, which will be done in the language. Discussion followed.

Attorney Bennett stated focusing on lot 1 as it sits on State Rd. 2, it is legally conforming with the Code of Ordinances. Upon platting these lots in to two lot subdivisions, Mr. Hendrix has set forth the requirements for road width and dedication which will result in lot 1 becoming legal nonconforming. The setbacks from State Rd. 2 will not be shortened upon dedication for the roadway. It in no way makes the building illegal, it is illegal in the sense that it is being done by an action through the platting process. Moving forward, the building can be remodeled, and maintained, but the use and structure cannot be expanded. Mr. Newell opened the public hearing. With no one to speak for or against the petition, Mr. Newell closed the public hearing. Mr. Farrellbegg made a motion to approve PC #19-008 contingent upon the recommendations made by staff being satisfied, seconded by Mrs. Angerman and carried by voice vote 5-0, with Mr. Konradi abstaining.

## **PC #19-011 – Site Plan Approval – 797 W. Commercial. Lot 1-**

Mr. Marovich stated the site plan deals with lot 1 of Meadowdale Lowell Subdivision. It is an existing building with detention shown to benefit lots 1 & 2. They will be curbing, paving, striping, adding a dumpster enclosure, and improving the frontage along Route 2. The defining of the drives and curbing would be done through INDOT. Mr. Hendrix stated the sidewalk around the north end of the building is currently six feet wide and staff would like it to be seven feet wide, which they have agreed to do. Staff will also need some sort of detail that the building has an enclosed dumpster area. To accommodate the egress they talked about a rolled type curb as opposed to a standup curb towards the south side as well. He stated the petitioners do not know how everything is going to be broken up, but they spoke about having enough parking and to watch the usages as the building develops to make sure that parking will accommodate the uses. Mr. Hendrix stated that the Commission was given the landscaping plan and he thought it was a pretty good plan. Mr. Hendrix stated that the signage would be submitted as part of separate permit. Mr. Hendrix stated he needs a photometric plan. Mr. Hendrix stated that they are installing a new water service line which will be metered separately to each tenant and he also indicated to the Commission where the sewer would be located at. Discussion followed on the sidewalk. Mr. Newell stated any approval today would be contingent upon the list that was given as well as the INDOT permit. Mr. Hendrix stated that was correct and that they have already been in contact with INDOT. Mr. Thiele made a motion to approve PC #19-011 siteplan approval for 797 W. Commercial Lot 1 and contingent upon staff's recommendations being approved as well as if the INDOT permit gets approved, seconded by Mr. Farrellbegg and carried with a voice vote of 5-0, with Mr. Konradi abstaining.

**PC #19-010 – Heritage Falls Subdivision** – Independence/Hoshaw street name revision. – Mr. White stated we have a very small chunk of road that extends north of 173<sup>rd</sup> in to Heritage Falls Subdivision called Independence Dr. Extending south of 173<sup>rd</sup> it is called Hoshaw which really would not mean anything to us because it is in the County except for we have another Independence in Freedom Springs the next subdivision to the east. The developer is preparing to extend that road north which we knew was going to happen, so now is the time to approach the Commission with the name change to Hoshaw. This will eliminate the confusion between the two Independences. The Lake County Auditor's office stated the proper procedure was to bring it to this Board and then it will get recorded appropriately so that it goes in to the 911 system, Post Office, etc. Mr. Konradi agreed that now is the time to make the change. Mr. White stated the addressing will continue to follow the County grid as well. Mr. Konradi asked if the homeowners have been approached. Mr. White stated they have not been approached yet, but that he would be "leading the charge" in contacting them. Attorney Bennett stated legally the requirement in naming streets is charged to the Town Council who can designate the authority to its Plan Commission, which your ordinance follows. There has to be a reason for the change such as safety concerns or to avoid complications. The requirement by statute is that it is filed with the Lake County Circuit Court Clerk, Auditors office, Recorders office, state 911 Board. Notice must be

given to interested property owners as determined by the Town. With Lowell Ordinances it is for sure the owners that are adjacent to the property. In this case there are four, two with specific Independence addresses and two with Mayflower addresses and anybody else the Town deems needs to be noticed. There is also no requirement that notice be given to anyone before making the name change. She stated the change is made via Resolution and once it is approved that is recorded with the County and that notice then be given to property owners as determined by the Commission. Attorney Bennett explained how the Commission typically decides who would be notified. Notification must be given by the last day of the following month of when the change was approved, which would be September 30<sup>th</sup> if this is approved tonight. It would be in effect by the vote tonight and once the announcements are made to the interested parties. Attorney Bennett stated that she had emailed the Commission the resolution to preview. Mr. Thiele asked if there was a plan to stop this from happening in the future. Mr. White stated he reviews every plat that comes in for addressing. There is a grid that has been created over the GIS mapping that staff uses to help us determine addressing. Discussion followed.

Mrs. Angerman asked if this moved forward without approval would this road go from Hoshaw to Independence to Hoshaw further north. Mr. White stated that was correct. The road that has been platted in the next phase as Hoshaw. Mr. Konradi made a motion to approve the resolution renaming Independence Dr. in Heritage Falls Subdivions, PC #19-010, seconded by Mr. Thiele and carried by voice vote 6-0.

**ANNOUNCEMENTS:**

Mr. Newell stated that the next regularly scheduled meeting will be on September 12th, 2019 at 7pm.

**PUBLIC COMMENTS: NONE**

**ADJOURNMENT:**

With no further comments or questions, Mr. Farrellbegg made a motion to adjourn the meeting at 7:50pm, seconded by Mr. Thiele and carried by a voice vote.

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Eric Newell, President

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LeAnn Angerman, Secretary