

LOWELL PLAN COMMISSION MEETING

October 11th, 2018

President Will Farrellbegg called the meeting to order at 7:01pm. 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, Edgar Corns, Jim Konradi, Eric Newell. Ryan Thiele, Chris Salatas, and Matt Felder were absent. Also, present were, Town Attorney Nicole Bennett, Aj Bytnar Director of Planning and Development and Town Manager Jeff Sherdian

APPROVAL OF MINUTES

Mr.Corns made a motion to approve the August 2nd, 2018 work session minutes and August 9th, 2018 regular meeting minutes, seconded by Mr. Konradi and carried with a voice vote of all ayes. **PASSED 4-0.**

OLD BUSINESS:

Attorney Bennett explained the process of withdrawing petitions. She stated at last month's meeting there were three petitions scheduled for a hearing regarding vacation of the subdivision plat for part of Village Green. At the conclusion of the hearing, the petitioner requested to withdrawal the following two pending petitions. Pursuant to your Plan Commission rules, a withdrawal made after publication of the public hearing and prior to the conclusion of the public hearing, must be approved by this Board. The vote that is needed and identified under old business would be the acceptance and approval of the withdrawal by the petitioner for PC 18-021 and PC 18-022.

Mr. Newell, made a motion to accept the withdrawal of PC 18-021 by the petitioner, Mr. Richard Zunica. The petition was an application requesting waivers from the Standard Specifications for Construction of Public Facilities in the Town of Lowell pursuant to Subdivision Control Ordinance §155.191 has been filed for parcel(s) within the Town boundaries of Lowell. The motion was seconded by Mr. Corns and carried with a roll call vote of all ayes. **PASSED 4-0.**

Mr. Konradi made a motion to accept the withdrawal of PC 18-022 by the petitioner, Mr. Richard Zunica. The petition was an application for Preliminary Plat Approval for Sierra Ridge Subdivision Phase 2 has been filed for parcel(s) within the Town boundaries of Lowell, IN. The motion was seconded by Mr. Corns and carried with a roll call vote of all ayes. **PASSED 4-0.**

FINDINGS OF FACT:

Mr. Farrellbegg read into public record the Findings of Fact for **PC 18-018** An application to vacate part of the subdivision plats and applicable restrictive covenants as to the lots owned by the petitioners in Village Green Subdivision Phase 2 Unit 1, located within the town boundaries of Lowell IN, has been jointly filed by Divi Development Inc., Greg & Kimberly Arnold, and Richard A. Zunica, as Trustee of the Richard A.

Zunica Trust. The petitioners request to vacate part of the original subdivision plat for Village Green Phase 2 Unit 1 recorded with the Office of the Lake County Recorder Mr. Konradi made a motion to approve the Findings of Fact, seconded by Mr. Corns and carried with a roll call vote. **PASSED 4-0.**

Mr. Farrellbegg read into public record the Findings of Fact for **PC 18-021** a withdrawal request for a petition application that was requesting waivers from the Standard Specifications for Construction of Public Facilities in the Town of Lowell pursuant to Subdivision Control Ordinance §155.191 has been filed for parcel(s) within the Town boundaries of Lowell, IN.

Mr. Corns made a motion to approve the Findings of Fact, seconded by Mr. Konradi and carried with a roll call vote. **PASSED 4-0.**

Mr. Farrellbegg read into public record the Findings of Fact for **PC 18-022** a withdrawal request for a petition application that was requesting a Preliminary Plat Approval for Sierra Ridge Subdivision Phase 2.

Mr. Corns made a motion to approve the Findings of Fact, seconded by Mr. Newell and carried with a roll call vote. **PASSED 4-0**

PUBLIC HEARING: None

NEW BUSINESS:

PC 18-025, Heritage Falls Final Plat Phase 3 Unit 1B – Ken Jernberg, Providence Real Estate Development, stated all of the improvements are in with the exception of the final surface on the road to the sidewalk. The performance and maintenance bonds have also been ordered. Director of Planning and Development, Aj Bytnar, stated on Monday the Council accepted the bonds in the amount of \$200,000 for the maintenance bond and a little over \$350,000 for the performance bond. We also have tidied up the open questions we had in regards to placement of street lamps and stop signs. We are now to the point of needing to approve the final plat and accepting the improvements as presented. Director Bytnar stated we can sign off on the mylars this evening, but we will not have the final plat recorded until we have the bonds at the Town Hall. He also mentioned that Attorney Bennett had included the findings of fact in the Commissions packet as well and stated if they would like to include the findings of fact in their motion, we will be able to move forward with the subdivision and handle the rest administratively.

Mr. Newell made a motion to approve the final plat for Heritage Falls Phase 3 Unit 1B as well as the presented Findings of Fact for PC 18-025, seconded by Mr. Corns and carried with a roll call vote. **PASSED 4-0**

PC 18-026 NORTH PARKING LOT SITE PLAN.

PETITIONER: TOWN OF LOWELL – Director Bytnar stated that SEH has done a redesign of the north parking lot in the downtown Lowell area. They tried to design a parking lot that kept as many spaces as possible, but that also met our ordinances in regards to parking space widths, lighting, and landscaping creating a much more attractive and inviting parking lot. This has already gone through the TRC and has received a favorable recommendation from them. He briefly outlined the area that would be resurfaced for the new parking lot.

Attorney Bennett stated because it is a Town project, this item is being brought to you. According to Town Ordinance, a site plan is only required in commercial areas, however, exempt from that is such things as parking lots if it is not an improvement or increase in the square footage of the lot. As Director Bytnar identified, this is not an improvement project, rather a beautification project. For purposes of the site plan having been required, this is actually an exempt project. Likewise, the only additional factor that would require a public hearing or review by the Plan Commission would be if there were improvements being made. She stated, although it is not required, the staff felt it was appropriate to present this project to the Plan Commission to make them aware of the plans and to approve the project and ask any questions they may have, otherwise it would be staff approving its own project.

Mr. Newell made a motion to approve PC 18-026, seconded by Mr. Corns and carried with a roll call vote. **PASSED 4-0**

DISCUSSION:

Updates from Director: Director Bytnar introduced himself and explained his background before taking the role as Director of Planning and Development for the Town of Lowell. He stated after spending the past month reviewing minutes and talking with the Town Council, staff, and Town residents, he believes there are opportunities for some updates as well as items that have been “long simmering” and in need of resolution. Director Bytnar listed some items of priority in regards to the Plan Commission and BZA, including the zoning map. In 2011, the Town had hired Ball State to work in conjunction with the Town and County to do an updated comprehensive plan, zoning ordinance, and zoning map. We do have a new comprehensive plan and zoning ordinance in place, but there are some questions in regards to the validity of the zoning map the Town is using. Director Bytnar stated the hearing held in 2013 by the Plan Commission was done properly in regards to the appeal and replace of the zoning ordinance. However, once it made it to Council, there was not an Ordinance put in to place. Typically, if a Council does not act on that action, within ninety days it becomes Ordinance by virtue of State Law. Since that action was not taken, he believes that is what has led to the confusion of which zoning map is indeed the proper zoning map of the town. Director Bytnar stated he believes they have come up with a solution to properly instate the zoning map as well incorporate the changes that have occurred through the various zoning map amendments between 2013 and present day. Attorney Bennett stated Director Bytnar was correct.

Director Bytnar stated his intent is to bring the zoning map back in November and that he believes the 2013 map was what was passed, but he would like to make sure there are no deviations from the initial review. He stated this would be a two-step process. First affirming the 2013 map is the correct map and having the Council act on that and create an Ordinance, and then incorporate the zone changes that have occurred between 2013 and today. By way of Resolution, we will then adopt the zoning map that is created. Director Bytnar stated this should be done on a yearly basis, and beginning in 2019, you will be receiving a recap of 2018's building permits, anything that went in front of the BZA and Plan Commission, as well as the zoning map. The official map will list zone changes by Ordinance in a title block on the side of the map, creating an easier way to keep track. Attorney Bennett stated she was very pleased with the findings of Director Bytnar. She stated the Ordinance does require that the Commission has an annual approval of a zone map. Not as a replacement, but merely acknowledging the record of what has occurred over the previous year, which has not been done. Mr. Farrellbegg asked if that would be done by the Plan Commission or the Town Council. Attorney Bennett stated it would be done by the Plan Commission since it is just an acknowledgement of record keeping since the Council will have already passed the Ordinances.

Director Bytnar listed some of the smaller items that needed to be cleaned up including rules and procedures for the Plan Commission and BZA. He stated he would be getting a red-line copy to the Commission members with items that reference the current Zoning Ordinance. Director Bytnar asked if the Commission would allow the staff to update the applications that are handed out for various petitions because they are lacking. We are working on creating a way to make things more digital rather than the current paper files that are piled up in order to get the Commission more accurate information from the department. Mr. Newell made a motion to direct the staff to update all of the applications for the Plan Commission and BZA, seconded by Mr. Corns and carried by voice vote with four ayes.

ANNOUNCEMENTS: Next regularly scheduled meeting will be on November 8th, at 7pm.

PUBLIC COMMENTS: NONE

ADJOURNMENT:

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

Will Farrellbegg, President

Ryan Thiele, Secretary

