

**ANNEXATION COMMITTEE MEETING
APRIL 25, 2013**

President Niksch called the meeting to order at 7:10 PM. The Pledge of Allegiance was recited. Recording Secretary Gena Knapp took Roll Call. Members answering the roll call were Doug Niksch, Richard Kelley, Randy Hall, and David Shilling. Michael Mears and Edgar Corns were not present. Also present were Building Administrator Tom Trulley, Planning Consultant Jim Mandon, and one citizen.

APPROVAL OF MINUTES

Mr. Hall made a motion to approve the February 28, 2013 regular meeting minutes, seconded by Mr. Kelley and carried by voice vote.

OLD BUSINESS

Jim Mandon – Update and Discussion on Status of New Zoning Map, Future Land Use Map, and Annexation Study – Mr. Mandon stated we do have some maps to look at tonight, and you will also be receiving a copy of these through e-mail within a week. Mr. Mandon stated he would like to start with the Existing Land Use Map, which is important because it shows how property is currently being used in Town and how much vacant property there is. When you start comparing this to your Future Land Use Map and how property should be used in the future, you start to look at the current areas and how they are developed to see if they are consistent with how the Town would like to see them developed in the future. In other areas we are looking at the vacant property to see how that property is recommended to be used in the future, and then we can look at and compare how much property we have for each land use and see where the deficiencies are. Mr. Mandon took the Existing Land Use Map up to the Committee for them to review. He did mention that the majority of the property that is used in Town is Industrial, when it comes to acreage. Mr. Mandon went on to explain what was shown on the map and the different land uses that are currently in Town. Mr. Mandon stated this map would help when the BZA has decisions to make on variances because you will be able to see how the land around that particular property is currently being used, and then compare it to the Future Land Use Map to see how the Town would like for it to be used. He stated the Future Land Use Map would also help the Plan Commission when they are determining rezoning on properties. Mr. Mandon stated that at the next Plan Commission meeting in May, they would be asking the Commission to set a public hearing for the Future Land Use Map and the Zoning Map to go along with the Zoning Ordinance that has already been passed. He stated the Future Land Use Map is a guide for how vacant property should be developed. When we look at properties that are outside of Town, the frontage on Route 2 does not need to be used as Industrial. It is important to have more than one commercial center to draw people in various directions to prevent gridlock. If some of the convenience and mid-range retail can be split up, all of that traffic will not be concentrated in one area, which is currently the east side of Town.

Mr. Mandon explained that most of the vacant property is on the north side of Town without annexing. There is an abundance of unused single-family property to the north side. This would influence how you rate property outside of your boundaries in terms of if they are suited for single-family purposes. Those properties would be rather low on your list of properties to annex. Mr. Mandon explained the Future Land Use Map and where certain zones should be located, including having commercial property to the west of Town. Mr. Niksch asked what type of commercial Mr. Mandon was speaking of out to the west. Mr. Mandon stated anything from convenience to mid-range retail like clothing, gas stations, dry cleaners, and restaurants. Mr. Niksch asked if Mr. Mandon took in to consideration that there is a large dump near the area where he is talking about putting a restaurant. Mr. Mandon stated you would not put a restaurant on the side where the landfill is. He stated on the north side of Route 2 there is already a road system, and they are set up with utilities. That area is far enough away from the landfill. Mr. Niksch asked if that area was already zoned industrial. Mr. Mandon stated parts of it are. Mr. Niksch stated across the street, where they are working on annexing, our idea is for it to be industrial. Mr. Mandon stated he is recommending that the frontage of the property be commercial and the back two-thirds be industrial. You do not need to waste the frontage on industrial usage. There is more money per acre for retail space when it is located on a highway that has the foot traffic. Mr. Niksch asked if there was a summary that shows the land uses. Mr. Mandon stated the narrative is not complete, but the maps are. The types of industrial uses that would be attracted to Lowell would be something like an assembly plant or a transportation center where the traffic is less, not steel mills. You have to take a proactive stance on where these people go when they want to build you cannot let them choose. Mr. Niksch stated we do not have much say-so on truck traffic due to the State road in the middle of our Town. Mr. Mandon stated you have the ability to direct traffic based on where you allow the industry to go. If the industrial buildings are west, they will head towards Route 41 rather than go through Town to get to I-65. If you take a look at industrial uses that would fit in Town, there are fewer issues with neighboring property owners than there would be with certain retail uses. With big box stores you would have a lot of traffic and plastic bags flying around. The industrial buildings usually have excessive setbacks, less traffic, and you can call for excessive landscaping as well. There is much more control over industrial buildings than there is over commercial or retail buildings. Another linkage could be multi-family next to industrial buildings.

Mr. Mandon took the new Zoning Map up to the Committee to explain the classifications. He stated this map is law, this is how these areas need to be zoned, but we cannot take a piece of property and change the zoning in a way to make the property owner feel that his value has been compromised. He stated the Town's current zoning is not that bad. You do not have pockets of random zones in areas that they do not belong. This map also goes to the Plan Commission, and this map will finalize the new Zoning Ordinance. Discussion followed. Mr. Mandon stated we will be going to the Plan Commission in May to schedule a public hearing for June. All of the Town's Committees, Commissions, and Council will have a chance to look at these maps and make their recommendations as well.

Mr. Mandon stated all of the properties have been identified for the Annexation Study, and all of those properties have been graded. The last thing we have to do is come up with a recommended land use, which should be done in a couple of weeks. The things that were measured were the number of properties involved, the number of properties occupied, the number of owners in each of the zones, how much of the property percentage wise is in a flood plan, how much of the property is vacant, what type of frontage it has, rail access, the amount of wetland, soil type, typography, access to public water supply, access to sewer, development potential meaning how close it is to the current Town boundaries, current land use, revenue production, and deed restrictions. Mr. Mandon showed the Committee the Annexation map and explained the lettering system he came up with. He explained that this map shows from Route 41 all the way to I-55. This map is for the next few years' use, and a lot can change to make this map change like the toll road and the commuter rail. Mr. Niksch stated that he believed Mr. Mandon missed the Town utilities. Mr. Mandon stated he assumed the legislation would pass either this year or next that would not require Town utilities to be contiguous. Mr. Niksch stated we do have a fiscal study that has been done that takes us past Belshaw Road. Mr. Mandon stated that could be one of the things you could comment on changing. Discussion followed. Mr. Mandon stated one of the things that he did not consider or grade was the ability to avoid having to go to the County to get permits. Mr. Niksch stated this map, though, is just a guide. Mr. Mandon stated that was correct. When you rank properties, it is in the moment, not six months down the line. This map and study has to become the Town's plan. Mr. Mandon stated he would put a narrative together to go along with the map explaining benefits about every parcel and also the negative side to every parcel along with the scores. A discussion followed on when the Committee will receive the maps and rankings.

Tom Trulley – Update and Review Annexation Process on Properties West of Town – Mr. Trulley stated the fiscal study to the west is completely done. The other two on the west side of Austin are 80% done, and will be done tomorrow. That takes us to the landfill. He stated this is the 80 acres and the two parcels; we are not taking the two-acre house. By not taking the house, there is no immediate need for water and sewer to that property. Mr. Niksch asked if that property was confronted about coming in friendly. Mr. Trulley stated he was told that if we do not take in any residential, we are not under any obligation to get the water and sewer to them. Whoever would develop that property would have to bring in the water and sewer. Mr. Niksch stated that is only if the property owner complained and filed a petition stating that they wanted it, but even then you would still have three years. Mr. Trulley stated that was correct, but the cost to get sewer out there is too high.

NEW BUSINESS

Review all “Pockets” That Were Not Included in Recent Annexation Process – Mr. Niksch stated now that we have a good map, we should look at the pockets that we may have missed. We need to look at the pockets where we already provide service and it will not cost us much money to annex. He asked Mr. Trulley where we stand with Pocket #5

and the litigation. Mr. Trulley stated he was not sure because it is still in litigation. Mr. Niksch asked about the property that has the tree cutting business. Mr. Trulley stated we are going through with that annexation and we will be bringing him in agricultural. Mr. Hall asked about the pocket south of Heritage Falls. Mr. Trulley stated those people would remonstrate against us, and the cost for water and sewer would be too high. Mr. Niksch stated there have been past remonstrations for that area that we can review for our next meeting. The Town has been very relaxed on annexation for quite a while now. He stated he would also like to look in to area #3 and #4, which came back with an expense when the fiscal studies were done, and the Town Council put it aside for the time being. Mr. Kelley stated if we do not have the money, we do not have the choice. Mr. Niksch stated all of the money is recoupable, it just depends how long we are willing to wait to get our money back. Mr. Trulley stated the booster station that is by Heritage Falls is just large enough to handle Heritage Falls. If there is any expansion, a twelve-inch main has to be run down Nichols to Main where the water tower is, which will cost over \$1 million. Heritage Falls paid for that booster station because it was the only way they could get annexed in to Town. Mr. Niksch stated his feelings are they have to go through Lowell to get where they need to be, there kids go to Lowell schools, and so they should be paying in to the Town. Mr. Trulley stated Heritage Falls will eventually expand and when they do, they have to put in the water. That would be a perfect time to try and annex that pocket. Mr. Niksch asked for everyone to look at the pockets for the next meeting.

Discuss Fiscal Plan 'Draft #1' of Wastewater Plant Area (area along CSX rail that includes the Lowell Utilities) – Mr. Niksch asked for the Committee to review the draft and familiarize themselves with it. If you take a look at the planning that the Town Council put together, number two was for more commercial property development or redevelopment, and number three was to annex Belshaw Road north to Town limits. This piece of property is number three on the priority list of the Town Council. Mr. Mandon asked if annexing Belshaw Road north excluded the two utility plants. Mr. Niksch stated our fiscal plan includes the plants. Mr. Mandon stated that was correct, but the goal does not talk about annexing the two treatment plants, it just states north of Belshaw Road. Mr. Niksch stated that was incorrect because he was the one that made that comment to add to the goals. Discussion followed. Mr. Trulley asked if the Committee would make a recommendation to the Council to move forward with that fiscal plan. Mr. Niksch stated that was his intent, but everyone on this Committee needs to familiarize themselves with that plan more. Mr. Trulley stated the Council would still have to ask for a complete fiscal plan, because this one is not complete. Mr. Guerrettaz gave us what he had started on, but this is not final. A discussion followed on what needed to be done for this fiscal plan to be complete. Mr. Niksch asked if the Committee felt comfortable making a recommendation for this fiscal plan to be done, or if they needed more time. Discussion followed. Mr. Niksch asked Mr. Mandon if we needed a complete fiscal plan to annex. Mr. Mandon stated yes you do. Discussion followed on making a motion to recommend getting complete fiscal plans done. Mr. Shilling asked if the draft needed to be approved first. Mr. Trulley stated the financial consultant was asked by the Council to get together everything he had on certain properties for annexation. Mr. Shilling stated we should find out before the next meeting if this is something that needs to be approved. Mr.

Trulley stated the draft does not need to be approved, but you can make a recommendation to the Council to complete this fiscal study. Mr. Shilling made a motion to ask the Town Council if they would direct Mr. Guerrettaz to finalize the fiscal plan for the area known as the water/wastewater area, seconded by Mr. Hall and carried by voice vote. Mr. Nicksch stated for the next meeting, everyone needs to review this study and come up with any questions, and hopefully we will have a finalized version. Mr. Trulley stated he could not guarantee that it will be done that soon. He stated he would have to find out what Mr. Guerrettaz still needed.

OTHER BUSINESS

None.

PUBLIC COMMENTS

None.

ADJOURNMENT

With no further questions or comments, Mr. Kelley made a motion to adjourn the meeting at 8:20 P.M., seconded by Mr. Shilling and carried by voice vote.

Doug Nicksch, Chairman

Randy Hall, Secretary

Note: The above-proposed minutes are submitted for review and approval as the official minutes by the Annexation Committee.

Gena Knapp – Recording Secretary