

**ANNEXATION COMMITTEE MEETING  
MAY 23, 2013**

President Nicksch called the meeting to order at 7:00 PM. The Pledge of Allegiance was recited. Recording Secretary Gena Knapp took Roll Call. Members answering the roll call were Doug Nicksch, Richard Kelley, Randy Hall, Edgar Corns and David Shilling. Michael Mears was not present. Also present was Planning Consultant Jim Mandon.

**APPROVAL OF MINUTES**

Mr. Kelley made a motion to approve the April 25, 2013 regular meeting minutes, seconded by Mr. Hall and carried by voice vote.

**OLD BUSINESS**

Review, Discuss and Comment on the Future Land Use Map and Zoning Map – Forward Comments to the Plan Commission – Planning Consultant, Jim Mandon, asked if anyone had any questions or comments about the Existing Land Use Map. He stated this is the map that, we admit, is the one area we do not know much about in terms of accuracy. Some of the areas that are identified as single family may not be because they may have been divided in to separate apartments. Mr. Nicksch stated he assumed that the Existing Land Use Map is relatively accurate. Mr. Mandon stated he would hope so. Mr. Nicksch stated there are subdivisions on here that are listed as vacant or agricultural, though. Mr. Mandon stated they have lots, but currently they do not have homes on them, therefore we listed them as vacant. Mr. Nicksch pointed out that the area next to Smith Chevrolet was not colored in and there are houses around there. Mr. Mandon stated that is something that will have to be fixed that might have been missed. Discussion followed. Mr. Mandon explained that he drove up and down every street in Town to see how lots were being used, and MS4 Director, Greg White, turned it in to a map and used some aerial photos to see how far back the use went on particular lots. Mr. Nicksch stated the Existing Land Use Map is going away. Mr. Mandon stated this map is changing all the time. There are land uses that were under construction that are identified as vacant. He stated it was a snap shot of what was happening in Town when he made his map in late March. Mr. Shilling stated everyone should look at this map and come back with changes by the next meeting. Mr. Mandon stated the most difficult area to determine is the multi-family. There could be a lot of issues with the older homes that have been split to multi-family with fire code issues, utility issues, and whether it is a legal conforming use or a non-legal conforming use. Mr. Kelley stated this is only a snap shot, so it is nothing to ponder on endlessly. Mr. Mandon stated that was correct.

Mr. Mandon explained the Future Land Use Map and stated that there are no vacant areas within the Town because that is something that we do not, obviously, want to encourage. He also explained the pie charts that were handed out and that those show the percentages of different land uses. We are pushing more convenience commercial in the northern portion of the community. There will be a lot of single family and some multi-family in

the north section, plus park use. If you had a convenience commercial area, it would keep from traffic coming down Route 2 and it would be more convenient for the people who live in that area as well. He stated this would be across the street from an industrial site, wrapped with medium or low density multi-family to help buffer some of the negative impacts from the single family neighborhoods. The other big push is for commercial uses on the west side of Town. There are some ideal sites for commercial uses out there. Mr. Niksch stated that is the area that he has the most difficulty with. In the last meeting a comment was made that the majority of the property that is used in Lowell is industrial. Mr. Mandon stated that was incorrect. There is very little industrial property in Town. Most of it is outside of the current boundaries. Mr. Niksch stated if we are going west with industrial and light industrial, there could be some of the commercial aspects, like Casey's, but not a lot of traffic will be kept out because the commercial is all going to the east. Mr. Mandon stated the commercial is going east if you sit back and let the commercial facilities dictate where they want to go. Everyone wants to be in the area of most congestion, and then you will have business people complaining that it is too congested. The problem with letting business people dictate where they want to go is that they do not know the first thing about what the impacts of having business in a certain area are. The municipality has to provide incentives for people to move places where the Town wants them. He stated you want to break up the commercial facilities so that you bring the facilities closer to the people who will make use of them, and you want more than one route available to get to that commercial facility. Mr. Niksch stated with this process, you are not only spreading the commercial out, but you are taking up specific areas that are planned for industrial and taking away part of the downtown area. Mr. Mandon stated industrial sites do not need frontage on a highway. They need easy access, but not frontage. Mr. Niksch stated the downtown area is losing customers and businesses because people are going somewhere else. He stated he did not think that we should not have commercial to the west, but we should not be taking away from the commercial that is coming in to the east. Mr. Mandon stated no one will relocate from east to west, we are recommending new uses. The area east and west of Casey's is ideal for commercial. That area would well serve that entire residential neighborhood. He asked what is wrong with putting in some convenience grocery store facilities so that the people in that area do not have to go to the other side of Town to get a bag of groceries. Mr. Niksch stated he believed that was being too simplistic. Mr. Mandon stated it would not happen if you do not encourage it. To continue to encourage linear development along the highway to the east of the Town is very detrimental to the capacity of the highway, and it causes delay to everyone that goes to those facilities. You have to have more than one group of convenience facilities. You cannot support two or three large stores of the same type, but you can support convenience uses.

Mr. Niksch asked what Mr. Mandon's definition of convenience was. Mr. Mandon stated dry cleaners, drug stores, and gas stations. Mr. Hall stated that is all we have in this Town. Mr. Mandon stated you only have one on the west side of Town. You could also include small clothing stores, but no large facilities. Mr. Niksch stated he was not sold on that idea. Mr. Mandon asked what Mr. Niksch would have that area be. It is immediately adjacent to a single-family area and there is road connectivity. He asked if

Mr. Niksch would put an industrial use in that property. Mr. Hall stated we have already had one car wash fail, and the Davis Store was a clothing store that was here for years. Mr. Niksch stated when it closed, so did half of the traffic to downtown. He stated down the road you have a concrete pipe manufacturer, across the street is a landfill that will get bigger, and if you start getting more industrial, you will want to direct the traffic flow to Route 41 to get to the Illiana Toll Road. Mr. Mandon asked what do you put between that and the residential area. Mr. Mandon explained the need for the commercial areas between the industrial sites and the residential sites. Mr. Niksch stated he agreed that there could be some conveniences, but nothing like a restaurant or grocery store. Mr. Mandon stated you can support a restaurant anywhere there is a sufficient number of traffic movements. Once the Illiana comes in with the interchange on Route 41, there will be a change in traffic movements. It is important to obtain control of the land uses that are going to occur in this area. The industrial uses should hover on either side of the railroad track to utilize that. However, you do not want traffic moving from the railroad area through Town to get to the highway system. If you locate the industry along the back of the properties and front the properties with commercial with controlled access that would be best. Mr. Kelly stated we have a logistical dilemma. He asked how we would stop the Town from going east. Mr. Mandon stated by selective annexation in other areas. There are severe limitations for utilities to the east.

Mr. Niksch asked if the medium density and multi-family uses have been increased. Mr. Mandon stated it is close to how it already is. Some of it has been expanded due to contiguous uses that are already there. Mr. Niksch asked if some of the new zoning could be explained since they were changed. Mr. Mandon went through all of the new zoning classifications. Mr. Niksch stated on the purposed land use, when you have industrial; it is not broken down to light or heavy. Mr. Mandon stated that is correct, you usually do not with land use because it can fluctuate so much. Mr. Niksch asked if there was a guideline on the ideal percentages. Mr. Mandon stated there is. Usually it is 20% business and 10% industrial, and the rest depends on where the community is and whether or not it is land-locked. The ideal percentage for business is 10% of the overall acreage of your community. He stated we are close in business, but industrial is not even close. The largest surplus you have is residential. Mr. Niksch stated he has always thought the down-home community is supposed to be single-family with one-acre homes. He asked if Mr. Mandon increased the amount of medium-density residential areas. Mr. Shilling asked if the zoning map needed to reflect the purposed land use better. Mr. Mandon stated the zoning map is on the way towards obtaining your future land use. In terms of your existing zoning, you have quit a bit that is zoned R2. You do not have an over abundance of R3, and very little R4. There is a good market for low to medium-density multi-family, and you are beginning to develop that. A discussion followed on the percentage of R1 areas. Mr. Mandon stated there is currently more R2 than R1, but the amount of R3 is about right for a community of this size, and it is in the right spot. Mr. Niksch asked if there were any other comments and stated that the biggest thing right now is to get the numbers fixed on the pie charts. He stated he still holds his opinion when it comes to the commercial areas to the west. Mr. Mandon stated he believed they were in agreement about the idea, just not the scope. He stated his idea is to push the

industrial west, closer to the tracks, and Mr. Niksch's idea is to start them sooner further east on the west side of Town. Discussion followed.

Mr. Mandon stated zoning gets tricky because we have to match the existing zoning with the new classifications. The only time you do not want to do that is when you have a land use on a property and the zoning allows something much more obnoxious than we want. We can then sometimes get buy with down zoning so that less can be done on the property. If someone comes in on a vacant piece of property and wants it to be rezoned, you go to the future land use map to see how we would like that area to be developed. This map gives you the ability, legally, to not change that piece of property if you all agree not to. Discussion followed. Mr. Niksch asked as we grow, would that open up additional liquor license. Mr. Mandon stated he believed that was done by population. Mr. Niksch stated he was worried about adult facilities coming in. Mr. Mandon stated the zoning would provide for controlling that. There is a lot more control that the Town has now over businesses like that.

Mr. Niksch stated he would like the Plan Commission to look at shrinking the commercial areas towards the west. Mr. Mandon asked what depth he should shrink them to. He stated he went all the way north on the north side of Route 2 by Casey's with commercial because it is all R1 zoning north of that. If you put industrial in there, it will be an inconsistent use with the neighbors to the north unless you put multi-family in, but then you have an issue with the traffic of multi-family and industrial. Mr. Niksch stated on the current zoning map it is zoned industry. Mr. Mandon stated that is because that is what it is, but it is vacant right now. Mr. Hall stated he does not see a business that would work there right now. Mr. Mandon stated we can all guess about the economy, but we are concerned about the land use. Mr. Kelley agreed with Mr. Mandon. Mr. Shilling stated the Future Land Use Map is not stopping anyone from asking for a zone change. It is just a guide. Mr. Corns stated it would be nice if we had some sort of commercial business there. Discussion followed. Mr. Niksch stated that his recommendation would be to narrow the commercial zoning on both sides. Mr. Mandon stated he would leave the Fitness Edge health club a B1, and then industrial south of that with three hundred feet of commercial on the frontage of Route 2. If someone wants to put in a small mall, the Plan Commission could rezone that area commercial if they want to. Mr. Niksch stated we will grow it is inevitable. Mr. Kelley stated we are growing; it is just all east of Town. You have the medical center, Taco Bell, George's Banquet Hall, and the nursing home. That is all building east. Mr. Niksch asked what of that could have gone west. Mr. Mandon stated that is what the vacant property was zoned for unless they would have knocked something down.

Mr. Niksch stated the Redevelopment Commission is trying to do things to save the downtown district as well. Mr. Corns stated there is going to be a new paint store down there. Mr. Mandon stated you can be careful about how you develop some of the other commercial areas so that you do not have predators that come in and rob from your downtown stores. Mr. Mandon asked if the multi-family areas were okay. Mr. Niksch stated he would like to look at the numbers, but would recommend reducing the amount of multi-family. He stated also that the difference between R1 and R2 is not very much.

Mr. Mandon stated it is about twenty percent. Mr. Niksch stated if you look at a lot of the multi-family, the lot sizes in this Town are right to the exact minimum. R1 lot sizes are not much bigger than an R2, neither is the square footage of the homes. Mr. Mandon stated he disagreed with that. Twenty percent is a large difference, which is why the price is also that much different. The R3 is all based on the number of units per acre. Discussion followed. Mr. Mandon asked if there was too much R3. Mr. Niksch stated yes. Mr. Mandon stated there is not much we can do about that because that would be down zoning and people can sue. Mr. Niksch asked if on the future land use map, the medium density was all R3. Mr. Mandon stated that was correct because you do not have a lot of R4. Mr. Shilling stated all of that orange color is R3 not R4. Discussion followed on where multi-family areas were. Mr. Mandon asked if there was an issue with the percentage of area that was recommended for medium-density multi-family use. Mr. Niksch stated it looks like it is close to what we already have, but he stated that he is against it growing. Mr. Shilling stated maybe we should take some of the areas that are zoned medium-density that are currently vacant out. Mr. Mandon stated if property is vacant and zoned R3, it is already platted as R3. He stated he followed almost identical to the zoning map and actually shrunk some areas that were R3. Mr. Hall stated he believed that was accurate, but he did not want that zone to grow either. Discussion followed.

Mr. Niksch asked if the Committee could receive an updated chart with the correct numbers before the maps go to the Plan Commission in June. Mr. Mandon stated he believed the future land use pie chart is accurate, but it will be corrected and forwarded. Discussion followed on an area that is zoned R3, but mainly has single-family homes and the possibility of changing that zone to R2. Mr. Niksch stated for every resident that pays \$1.00 in taxes, it costs us a \$1.40. We are losing money for every resident in here. He stated that is another reason why he is pushing for larger residences with less congestion until we get more industrial. Mr. Mandon stated that just adds to costs. If you scatter residents over a larger area, it is more expensive per acre to protect those assets with things like police patrol and fire. When you have residents more densely developed, then you will decrease your costs. That is why you do not encourage residential use with TIF dollars. He stated resident's come in because there are good jobs in the area, good schools, and good amenities. That is why you need industrial uses and commercial uses to make up the difference.

Mr. Shilling made a motion to forward a recommendation to the Plan Commission to consider shrinking the size of the business zoning across from Saco Industries on Morse Street and near Casey's on Route 2, and also shrinking the overall zoning size for R3 throughout the Town, seconded by Mr. Hall and carried by voice vote.

Review Fiscal Plan Draft of Wastewater Plant Area – Mr. Niksch stated currently there is a request for a Fiscal Plan for the area south of Town, most of it being north of Belshaw, even though part of it goes south of Belshaw covering the Wastewater Treatment Plant. There is also another section that the Council approved a fiscal plan to be done which is north of Belshaw and also south of Belshaw including the Water Treatment Plant. The two Fiscal Plans that we have are just drafts. For whatever reason there has been a lot of

other activity going on with the Town looking at other parcels to consider for annexation. Because of all of this, there have been a lot of expenses going out. Mr. Niksch stated since this Committee is an advisory Committee, he would like everyone to look over the fiscal plan that goes to the wells because we should have enough information to go through with that process. Once we look over the information and send a recommendation to the Council, if they agree with it, we will then be able to finalize the fiscal plan for that area. He stated there was rumor that State Legislature was going to pass a bill that states you can annex your Town utilities without annexing the land in between, but that bill did not pass this year. Mr. Corns stated the bill would go to the Summer Study Committee this year. The bill did pass out of the House 9-0, but when it got to the Senate, they tried to put thirty-seven amendments on it, so Rick Niemeyer would not push it through knowing all of those amendments were attached. Mr. Niksch stated we have enough information to do our homework on both parcels of property. He stated he took both of the properties and listed the 2012 calculated taxes, the actual taxes, and then matched what they would be if they were annexed. If you take a look at this property, we would actually increase the size of our Town by around 49%. Mr. Niksch stated right now we could hold off on any final fiscal plans for these two areas until we do our due diligence in reviewing the drafts. Discussion followed between Mr. Niksch and Mr. Corns on Mr. Niksch coming to a Town Council meeting to explain what he would like to see regarding the fiscal studies. Mr. Corns stated the Sewer Plant fiscal plan is fine, but some of the Council members believe that Nichols is not wide enough to handle the bus traffic, and there are no turn lanes at the new school. If the Town annexes that area, then we are responsible for the upkeep on that road and putting in those turn lanes. Mr. Corns asked for Mr. Niksch to come to the next Town Council meeting.

Mr. Niksch stated if we are to annex this property today, we have one year to provide any of the non-capital infrastructure, which is already being provided. They said that, at this time, they would not require any more police officers to patrol this area. Mr. Mandon stated it is still decreasing the amount of service to other areas. If you keep the same amount of officers, but spread them out, less service will be provided elsewhere. Mr. Niksch stated that is assuming they are not patrolling that area. Discussion followed. Mr. Niksch stated we do have three years to come up with the capital infrastructures needed. If you annex a property, it comes in to the Town under the same zone that it currently is. If someone were to come in and need to rezone, then the infrastructure would come in. Discussion followed. Mr. Hall made a motion to recommend to the Council to table the fiscal plan finalization on the Water and Wastewater Plant areas so that the Annexation Committee can review the information that they currently have, seconded by Mr. Kelley and carried by voice vote.

### **NEW BUSINESS**

Discuss Additional “Pockets” within the Town Limits – Mr. Shilling made a motion to table this item until next month’s meeting, seconded by Mr. Kelley and carried by voice vote.

**OTHER BUSINESS**

None.

**PUBLIC COMMENTS**

None.

**ADJOURNMENT**

With no further questions or comments, Mr. Kelley made a motion to adjourn the meeting at 8:43 P.M., seconded by Mr. Hall and carried by voice vote.

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Doug Nicksch, Chairman

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Randy Hall, Secretary