

LOWELL PLAN COMMISSION MEETING MINUTES
APRIL 12, 2012
7:00 PM

President Kelley called the meeting to order at 7:00 PM. The Pledge of Allegiance was recited. Roll call was taken. Members answering the roll call were Edgar Corns, Don Parker, Bob Philpot, Richard Kelley, James Konradi, Eli Carras and Matt Felder. Also present were Attorney Steele, Plan Commission Advisor James Mandon and Recording Secretary Christine Marbach.

Approval of Consent Agenda:

- a) President Kelley asked for a motion to approve the February 9, 2012 meeting minutes. Mr. Philpot made a motion to approve the meeting minutes, seconded by Mr. Corns and carried by voice vote.
- b) **Claims or expenditures – None.**
- c) **Staff Reports or Comments – None.**

Public Hearings:

Petitioner: PC# 12-001, Brian Lalonde, 101 N. Nichols, Lowell, IN 46356

Request: requesting a zone change from B-1 to R-1

Purpose: to change zone to residential

Brian Lalonde, 101 N. Nichols stated he was having difficulty getting his home refinanced because the zoning would not allow him to rebuild to residential in a fire unless it is 50% or less damaged. Mr. Parker asked if it has been residential and not a business. Mr. Lalonde stated it has always been residential.

President Kelley **opened the public hearing.** There was no one to speak for or against the petitioner. President Kelley **closed the public hearing.** Mr. Parker made a motion to send a recommendation to the Town Council to approve the zone change from B-1 to R-1, seconded by Mr. Konradi and carried by voice vote.

Old Business:

None

New Business:

None

Announcements:

Mr. Parker stated as new members of the Town Council on the Plan Commission, he recommended they have regular monthly meetings to work on an agenda item even if there is not an agenda item. He thinks the Plan Commission should be more involved and make sure they are diligent in things. He has experienced a problem in an area he lives in where they have found that the DNR denied phases or a phase of a subdivision that was going to be built in 2004. A notice was sent to the Plan Commission and the developer went ahead and developed even though DNR said no. There are hearings in Indianapolis now and this subdivision never should have been built. There are

subdivisions in this town that have advertised parks, walkways and other things but developers come in and get approval and walk away not doing what they are supposed to do. He can point out two subdivisions where the as-builts are totally different than what was approved. At the last Town Council meeting, the town entered into an agreement with the school and the police to enforce traffic laws in the school parking lot and also enforce jaywalking from the two subdivisions around the school. He stated there were three subdivisions on the east side of the school where the kids walk to school with no sidewalks for them to walk on. He wanted to know how a developer came into this town put a subdivision in, promised to put sidewalks in or didn't even offer to put them in. President Kelley stated this was an enforcement issue, which the Plan Commission doesn't do. Mr. Parker stated that the Plan Commission needs to make sure before the bonds are released that the developers are doing what they are supposed to do, and if they do not, he will seek legal opinion on what ramification they have. He further stated if they have to sue someone to get them to do what they are supposed to do then he thinks they need to do that. Mr. Felder asked who is supposed to enforce this to make sure they did what they were approved for. Mr. Trulley stated the Plat Committee is the one to release the bonds. Mr. Mandon stated if it was a public improvement, then it would go to Public Works or if it were an issue with a certain building lot then it would go to the Building Dept. Mr. Carras stated they need to go back to the minutes to see what was approved. Mr. Parker stated he want to have an executive meeting with the Town Council and the Plan Commission.

Mr. Mandon introduced himself to the Plan Commission and said they would have to look at the new code and make changes along with adding a zoning map. All changes would have to be approved by the Plan Commission. Tom Trulley explained the way the zoning book is written right now anyone coming in for a garage would have to go to the BZA for a variance. President Kelley stated they spend two years working on this new zoning book and were well aware that changes would have to be made. Mr. Trulley asked if the Town Council could rescind this current zoning until they have a chance to re-write it and go back to the old zoning. Mr. Mandon stated there is also no PUD provision in the new code so properties that were a PUD before December are no longer legitimate PUDs and there are also issues with the number of residential districts and are probably going to recommend they change back to R-4. Mr. Corns wanted to know how long it would take to implement these changes and get a zoning map. Mr. Mandon stated the first would probably be faster than the second. He stated he would make the changes and then come back to the Plan Commission with his recommendations. He will also see if he could get a disc or digital copy of the code to make changes on without having to type the whole thing. The map will take longer because they do not have a digital map that show property lines on it. Mr. Trulley stated they would be getting maps next week from the county showing property lines and their software coincides with Commonwealth Engineers and have a meeting to show Commonwealth how to do all the zoning, topos and watersheds. Mr. Parker stated this is why he feels they should have regular meetings so that these types of issues could be discussed.

Adjournment: Mr. Parker made a motion to adjourn at 7:30 PM.

Richard Kelley, President

Elias Carras, Secretary

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

Christine Marbach – Recording Secretary