

**LOWELL PLAN COMMISSION MEETING  
JULY 11, 2013**

President Kelley called the meeting to order at 7:34 P.M. The Pledge of Allegiance was recited. Recording Secretary Gena Knapp called the roll. Members answering the roll call were Richard Kelley, James Konradi, Eli Carras, Craig Earley, Robert Philpot, and Don Parker. Matt Felder was not in attendance. Also present were Town Attorney Jack Kramer, Planning Consultant Jim Mandon, Building Official Tom Trulley, one member of the media, and five interested citizens.

**APPROVAL OF MINUTUES**

Mr. Parker made a motion to approve the June 13, 2013 regular meeting minutes, seconded by Mr. Carras and carried by voice vote.

**OLD BUSINESS**

None.

**PUBLIC HEARING**

PC #13-010 – Town of Lowell – Adopt the Town of Lowell Annexation Plan – Mr. Kelley opened the public hearing. Dana Llewellyn, 6808 Belshaw Road, stated she was wondering what the rankings of the parcels mean. Mr. Mandon stated the rankings show an index of what sequence would be beneficial for the Town to annex in, but it also shows how difficult or time consuming a parcel may be. Mr. Mandon gave some examples of items that may make a parcel easier or more difficult to annex. Mr. Parker stated this map is just a guide. It does not mean that we will go through the parcels in order. Mr. Mandon stated that was correct. The Town cannot afford to do a facility plan or a detailed plan that would come up with projected tax revenues for hundreds of parcels. This gives the Town a guide of which properties to consider for annexation. It is very unlikely that you will annex an entire zone at one time. More than likely it will be multiple annexations within one zone, which would take a while. He stated the whole reason for annexing property is to provide the Town with vacant property to grow. Ms. Llewellyn stated even though it is ranked one, two, three, it might be harder to annex some areas. Mr. Mandon stated that could be. This also has to be analyzed every few years because there are all kinds of assumptions that have been made in the annexation study, which may not be true. He stated also, if a developer comes in and is interested in a property in zone three, we are not going to tell him that he has to develop in zone one. Situations change and assumptions change to where you have to make your plan a living document. Ms. Llewellyn asked about the law that the legislation has passed about being annexed even when you are not contiguous. Mr. Mandon stated you do have to be contiguous. Mr. Earley stated that bill did not pass, and that it had been pulled. He stated he had spoken with State Representative, Rick Niemeyer, about the bill and he had pulled it because he did not agree with some of the additions to it. Mr. Earley stated Mr. Niemeyer had told him that those additions will hopefully be removed, and it will be presented again in the fall. Ms. Llewellyn stated that way you could have gotten the sewer and water treatment plant without messing with anything else. Mr. Mandon stated right now you could only annex airports and golf courses if they are not contiguous. Ms. Llewellyn asked what the next step was if this is plan is adopted. Mr. Kramer stated this map is just a guide, as was

stated before. If actual annexation occurs, that will start with the Council and there is a whole process for that. This does not shortcut any of the statutory requirements of actual annexation of a particular territory. Mr. Earley stated this is a very long-term plan. This map could change next month depending on other things that could happen.

Wayne Wietbrock, 18524 Cline Avenue, stated annexation of his property has gone back many years. He stated at the time, he had asked if there was any sort of agricultural ordinance for what he could farm on his property, and there was none. Mr. Wietbrock stated his family has annexed the property just south of Snell Chevrolet as it has been developed. He asked why the Town would want to annex now and run the risk of not being able to provide sewer to the farms that they annex, and then return money due to a dis-annexation. Most developers, if they want to build houses, will voluntarily annex property to the Town as they develop. He asked if the Town just wanted control of the property. Mr. Kelley stated there are other reasons such as businesses that want to come in to this Town, and we have nowhere for them to go right now. Mr. Wietbrock stated years ago the Town annexed his father's property and they were not aware of it until they got the tax bill. That property had to be dis-annexed. Mr. Earley stated we did work earlier this year on putting together a committee specifically made up of farmers to create an ordinance for agricultural property. One of the biggest items that came out of that was if your property is annexed, it will remain zoned agricultural and you should not see any tax increase. Mr. Wietbrock stated until we develop it. Mr. Earley stated we are not going to make you sell it, though. That is up to you. Mr. Parker stated this map that is shown is potential annexation and a guide as to how we may do it. The Town did add some agricultural language to our zoning ordinance, and there was also a law that passed that states agricultural property that is annexed in to the Town will not see a change in their tax rates. Mr. Kelley stated the Annexation Committee is also being very cautious to not annex more than we can handle.

Doug Niksch, 5524 W. 173<sup>rd</sup> Place, introduced himself as the chairman of the Annexation Committee. He stated that he wanted to compliment Mr. Mandon on the work that he has done on this. It has been said about three times tonight, but this is a guide. The Annexation Committee has reviewed it and approved it and we believe it is a fitting document as long as it is maintained and is used as a guide. Sooner or later, you will not be up here and someone else will take your place, along with the Town Council. As long as we understand that this is a guide, then we should be fine. With no further questions or comments, Mr. Kelley closed the public hearing. Mr. Parker made a motion to approve the proposed Annexation Plan, seconded by Mr. Konradi and carried by roll call vote.

PC #13-011 – Townes of Lowell – Amend Ordinance #2003-07 – Preliminary Plan Approval to construct forty new townhomes – Mr. Kelley stated he did receive a letter from the attorney stating this petition will not include a zone change, which is needed before you can proceed. Pete Manhard, Executive Vice-President of Manhard Consulting Civil Engineers, stated he did understand that. Mr. Manhard handed out a map of the proposed land where the Townes of Lowell will be expanding Providence Subdivision and explained the orientation of it. He stated the property is currently zoned commercial because George Kouimanis from George's Resturant was going to construct his banquet hall there, but decided not to, so we would like to expand on to this property to construct forty more townhomes in eleven units. We will extend Platinum Drive to Lucas Parkway, and then from Lucas Parkway over to Bel Aire Drive. The building footprints will be the same as they are now with the same units. With that we will also be cleaning up the property and fixing the issue with the detention

pond. Mr. Konradi asked if the detention pond was in compliance. Mr. Trulley stated our engineers are looking at it now. Mr. Manhard does know that there is an issue there. Mr. Manhard stated that they did find out that the pond was not constructed to the original plan, and that he was not sure how that happened. He stated the pond would be corrected late this summer. As a point of information, when it was zoned commercial, that is a higher use of detention because there is more paved area than with the townhomes. There should be a little bit of access capacity there with the construction of the townhomes. Mr. Philpot asked if the correction would be made prior to the construction of the new townhomes. Mr. Manhard stated it would be the first thing done. Mr. Earley asked if our town engineers were looking at it. Mr. Trulley stated yes, SEH is looking at it. Mr. Earley asked if development of the commercial lots were taken into consideration at the time of Pond A. He also asked if the commercial lots were using that pond as well. Mr. Trulley stated that Mr. Manhard had said that when he comes in here to get the correction on Pond B, they would level out the bottom on Pond A. Mr. Manhard stated regarding pond A, there was some negotiation with Whiteco because they had a small temporary detention basin right next to it, so we made an agreement with them and extended that pond to take in their flows and provide detention for Aldi.

Mr. Mandon asked for Mr. Kramer to give an update on the issue of the public notice referencing the rezoning aspect of the petition. Mr. Kramer stated in light of the fact that the original PUD Ordinance is referenced in the add, legally you have constructive notice. Mr. Mandon stated since it is an amendment to the PUD it includes both steps. You are changing the way the lots are laid out with the Preliminary Plat, but you are also making a recommendation to the Town Council for rezoning. Both are up on the table tonight for public hearing and if you do approve of both, the subdivision will be a final action here at the Plan Commission, but the rezoning is a recommendation to the Town Council who rezones property by Ordinance. You can approve the subdivision, but it has to be conditional on the Council's action to approve the rezoning. Mr. Kelley opened the public hearing. With no one to speak for or against the petitioner, Mr. Kelley closed the public hearing. Mr. Parker made a motion to forward a favorable recommendation to the Town Council regarding the zone change from B3 to R4Q, seconded by Mr. Konradi and carried by roll call vote. Mr. Parker made a motion to approve the Preliminary Plat that has been proposed, condition upon approval of the rezoning by the Town Council, seconded by Mr. Philpot. Mr. Konradi added that the motion is also contingent upon approval of the detention pond by our engineers. Mr. Parker agreed and added that to the motion. The motion carried by roll call vote.

### **NEW BUSINESS**

Review Findings of Fact for the Town of Lowell Zoning Map and Future Land Use Map – PC #13-006 & PC #13-007 – Mr. Earley made a motion to approve the findings of fact for PC #13-006, the Town of Lowell Zoning Map, seconded by Mr. Parker and carried by roll call vote. Mr. Carras made a motion to approve the findings of fact for PC #13-007, the Town of Lowell Future Land Use Map, seconded by Mr. Parker and carried by roll call vote.

### **ADJOURNMENT**

With no further questions or comments, Mr. Konradi made a motion to adjourn the meeting at 8:05 PM, seconded by Mr. Earley and carried by voice vote.

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Richard Kelley, President

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Elias Carras, Secretary