

**LOWELL PLAN COMMISSION MEETING
NOVEMBER 13, 2014**

President Kelley called the meeting to order at 7:00 P.M. The Pledge of Allegiance was recited. Recording Secretary Dianna Cade called the roll. Members answering the roll call were Richard Kelley, James Konradi, Elias Carras, Donald Parker, Craig Early and Robert Philpot. Matt Felder was not in attendance. Also present were Planning Consultant Jim Mandon, Town Attorney Jim Kramer and Building Official Tom Trulley.

APPROVAL OF MINUTUES

Mr. Konradi made a motion to approve the October 9, 2014 regular meeting minutes, seconded by Mr. Early and carried with six ayes.

PUBLIC HEARING

14-016 Minor Subdivisions

Mr. Kelly opened up the public hearing, with no one to speak for or against the petitioner. The public hearing was closed.

Mr. Kelly stated he was turning over the floor to Mr. Mandon for discussion on Ordinance for Minor Subdivisions. Mr. Mandon stated he would quickly summarize for the Board. Mr. Mandon stated if a subdivision has no more than three lots, and there is no need for public utilities or new streets to be installed and it complies with everything else in the zoning ordinance, then state law permits municipalities to pass ordinances locally which would permit petitioners, to bypass the lengthy process of a full subdivision public hearing and going thru a preliminary and final approval. Mr. Mandon stated that what it permits is that members of the staff as a technical advisory committee can judge whether or not the subdivision before them is applicable under those three conditions and they can act on and approve those subdivisions as an administrative act. Mr. Mandon stated that what it tries to do is to take a situation that is very simple where you are merging two lots together, taking one piece of property that is large enough to be split into two lots or three lots and the roads, sewers and water main are already in and all they are doing is changing property lines. Mr. Mandon stated what this ordinance will do is allow us to have a simple process whereas the owners can bypass the Plan Commission process. Mr. Mandon stated that he recommends that the Board passes a favorable recommendation of this ordinance to the Town Council.

Mr. Kelly asked the Board if they had any questions. Mr. Parker asked about section C on the ordinance. Discussion followed.

Mr. Carras made a motion to forward a favorable recommendation to the Town Council on Minor Subdivisions ordinance, seconded by Mr. Konradi and carried by voice vote of 6 ayes.

NEW BUSINESS

Mr. Kelly stated that the next item on the agenda was temporary signs. Mr. Mandon stated that he would like to discuss temporary signs which is very difficult from a staff standpoint because we are always getting requests for temporary banners for non-profit, schools and church organizations etc. Mr. Mandon stated that you can not treat them differently from a business. Mr. Mandon stated that we need to have detailed regulations in place so that we can make sure that we are treating everybody the same regardless of the reason for the banner. Mr. Mandon stated that there are also some issues concerning public expression and political signs. Mr. Mandon stated we have some real limitations on the types of things that we can limit, we can limit things like size and duration but we cannot say much about the message or the ability for someone to have a sign on their property if it is a sign dealing with public expression or a political signs, that is protected by our Constitution. Mr. Mandon stated that what he is trying to accomplish at this meeting is to present a rough draft ordinance, we do not think that this is going to be the ordinance that we are going to recommend. Mr. Mandon stated that this is a sample ordinance that is put together from about three or four ordinances. Mr. Mandon stated that we would like guidance in the code for Mr. Trulley. Mr. Mandon stated that he would like the Board to review the rough draft and offer suggestions to come up with a draft by the January meeting, so that we can move forward with a public meeting.

Mr. Mandon stated that the ordinance as it sits right now is pretty weak on temporary signs and that is one of the areas we would like to augment. Mr. Philpot stated that he would like to review section E, special events banner, there is no size indicated. Mr. Mandon stated that is an oversight. Mr. Philpot stated that under section F, political signs, the size indicated is thirty two square feet. Mr. Philpot stated that he feels this size needs to be reduced drastically. Mr. Philpot stated that four x eight signs are too large. Mr. Mandon asked how we address billboards. Mr. Philpot stated that under the section for public expression the size indicated is also thirty two square feet, which is too large. Mr. Philpot stated that section G, numbers one, three, four could apply to all the signs. Mr. Philpot stated that he felt this section could be moved to a more general section. Discussion followed on general requirements, banners, size and public expression.

Mr. Parker asked what the penalties are for violations and are they addressed. Discussion followed.

Mr. Parker stated that we should write down our thoughts on temporary signs and we can discuss this at next meeting.

Mr. Mandon stated that the Board could also consider if we want to have businesses have the ability, without getting some sort of special permission, to put up temporary signs or banners on their property and restrict it. Mr. Mandon stated you could allow it but with restrictions so that it could be controlled. Mr. Parker asked what do you think. Mr. Mandon stated that he thinks that we should allow it. Discussion followed.

Mr. Kelly stated the next item was the sump pump discharge letter. Mr. Parker stated that this came before the Town Council from the Stormwater Committee and they wanted the Town Council to take action on it. Mr. Parker stated that he referred the letter to the Plan Commission. Mr. Parker asked if this is something we should address here. Mr. Mandon stated that it would be okay for the Plan Commission to give their opinion on it, but it is really an ordinance that needs to go into the sewer ordinance, which is controlled by the Town Council. Mr. Mandon stated that it is a utility related item as opposed to a zoning issue. Mr. Mandon stated that the ordinance needs to apply to all properties whether they require Plan Commission action or not. Mr. Mandon stated that he feels the sump pump letter does not belong at this Commission. Mr. Parker stated he would like to see one comprehensive list for the Town Council including side yards drains and rear drains. Mr. Trulley stated that when the zoning ordinances were updated, the two foot rule was left out. Mr. Trulley stated that the two foot rule is when your sump pump has to discharge two feet behind your sidewalk, two feet from the adjacent line etc. Mr. Trulley stated that the previous ordinances had it in there and it was somehow deleted when the new ones were codified. Mr. Trulley stated that is all the Stormwater Board is requesting is that the two foot rule be reinstated. Mr. Mandon stated that it belongs with the sewer related ordinances and not zoning. Mr. Parker stated that the letter would be brought to the building/planning staff and they would recommend it to the Town Council. Mr. Mandon stated that what he would suggest is that the Technical Committee, come up with a draft and that it go directly to the Town Council, along with a recommendation as to where within the code it should fit. Mr. Early asked who created the draft letter. Discussion followed.

Mr. Parker asked if we are implementing the rear yard/side yard drainage. Mr. Trulley stated that yes, it is in the subdivision code, and part of it is in the storm water management code. Mr. Parker asked if somebody comes in to build a new house today they are going to have to have rear and side yard drains. Mr. Trulley stated not necessarily drains, but a way of directing water away from people. Discussion followed on drain tiles in subdivision and backyard drains and drainage plans from developers. Mr. Parker asked if we have adequate codes in place. Mr. Parker stated that there is a house on the 177th/Oak Valley that was built within the last year and the Town had to recently install drain tiles there and the Town employees spent a day and half out there fixing it. Mr. Trulley stated that is the Town easement property. Mr. Parker stated that they are doing it right off the road because whoever built the house did not compensate for the hill. Mr. Parker stated that the Town employees should not have to fix a house that is a year old. Mr. Mandon stated it depends on when the preliminary plat was approved. Mr. Mandon stated that you could have ten year old standards in a subdivision that is not built out. Mr. Mandon stated that you can not go back to the developer, once

the development is approved. Mr. Parker stated Mr. Trulley you need to meet with Judy or Edgar and have this put on the agenda.

Mr. Trulley stated that a big problem is that we allow people to put fences in drainage easements and they are putting up solid fences around the drains and are blocking off the flow of the water, we need something in our fence ordinance that states that if the fence is in the drainage easement, the fence has to be "X" amount of inches off of the ground. Mr. Parker stated to make the recommendation and bring it forward.

Mr. Kelly stated that Councilman Early would like to discuss the complete streets policy. Mr. Early stated that several months ago when this committee was looking into the thoroughfare plan, concurrently the bike committee was looking into the adoption of the complete streets policy and provisions were made to add this to the thoroughfare plan when it was ready. Mr. Early stated that his hope is that this Board can review this ordinance, it is a recommendation by active transportation. Mr. Early stated that Mr. Mandon had reviewed the recommendation and is familiar with this from other communities and is going to discuss it with us tonight. Discussion followed on complete streets program. Discussion also on procedure for moving forward with this ordinance.

Mr. Kelly announced that the next regularly scheduled BZA meeting will be held on December 2, 2014 at 6:30pm and the next regularly scheduled Plan Commission meeting will be held on December 2, 2014 at 7:00pm. Discussion followed, and it was decided that the regularly scheduled Plan Commission and BZA meetings for the month of December will be held on the original date of December 11th, 2014.

ADJOURNMENT

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

Richard Kelley, President

Elias Carras, Secretary