

**LOWELL PLAN COMMISSION MEETING
MAY 8, 2014**

President Kelley called the meeting to order at 6:30 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, Eli Carras, Craig Earley, and Robert Philpot. Donald Parker arrived at 6:35pm. Matt Felder was not in attendance. Also present were Councilman Edgar Corns, Building Official Tom Trulley, Town Attorney Jack Kramer, Planning Consultant Jim Mandon and one citizen.

APPROVAL OF MINUTES

Mr. Konradi made a motion to approve the March 13, 2014 regular meeting minutes, seconded by Mr. Philpot and carried with five ayes.

NEW BUSINESS

Mr. Mandon introduced Anna Santos who lives at 260 W. Main, and displayed a drawing showing the members the parcel that was to be discussed. Mr. Mandon indicated the parcel is a twenty foot easement on the North side and West side of Mrs. Santos property. that is actually a Town right of way. Mr. Mandon stated that Anna Santos would like to vacate at least the portion on the north side of her lot and part of the right of way on the west side. The reason for only partial vacation on the west side is because of the location of a driveway for the property to the west. Mr. Trulley stated that we are discussing this tonight only and Mrs. Santos will have to file paperwork and come to a public meeting. Mr. Mandon stated the purpose of this tonight was to see if the Plan Commission has any objection to it and if not we will go through the formal process.

Mrs Santos stated her name and address. She stated that she is asking for the Town to vacate a right of way because she wants to turn all of her properties into one address. She stated her address is 260 W. Main. The property next to her is 260A W. Main, and the property that she owns behind her is 254B W. Main. She used a map to show the Commission where the properties are and explained that the Town had vacated some of the property years ago for back taxes. Mrs. Santos stated they paid for the property taxes on the vacated land behind her, and also paid the back taxes on the other parcels that were vacated. Mr. Mandon used the map to demonstrate to the Commission where the parcels that are owned by Mrs. Santos were located and the location of the right of way. Mr. Mandon stated they would like to combine all of those by vacating the right of way. Mr. Early asked for a clarification to be shown to him with the map on the parcels that she owned and which ones her neighbors owned. Discussion followed on the parcels that are owned by Mrs. Santos, her neighbors, and the actual address of those parcels. Mr. Early asked if this was the only way she could get her address on her parcels combined as one. Mr. Trulley stated that she cannot combine them into one lot if they are not connected. Mr. Mandon stated that the reason she wants to combine the 260 and the 254 parcel that she owns, is to put up an accessory structure to the north of the property. Mr. Early stated this does not have anything to do with the property that she does not own or their addresses. Mrs. Santos explained that she wants to turn 254B W. Main into 260 W. Main

and then her property would go straight back from the road and all be 260. Mr. Mandon stated that we have a code that says you can not build an accessory structure on a property that doesn't have a main structure so if you combine the lots then the house becomes the principal structure and she can build an out building Mr. Early stated we would also be vacating part of the right of way that connects this property. Mr. Mandon stated that the request is to vacate the entire right of way behind the property. Mr. Early stated 260 W. Main. Mr Mandon confirmed 260 W. Main and stated when you vacate the right away it is split between the two property owners on either side, Mrs. Santos owns both those properties so she would get the entire twenty feet. When you vacate the property on the west side that is split between the properties. Mr. Mandon stated the driveway to the house that is west of 260 is two thirds on that twenty feet right away. So the entire twenty feet can not go to 260. If it is vacated then ten feet go to 260 and ten feet go to the property owners to the west which ensures that the driveway is actually on the property of the owners to the west of 260. Mr. Early asked if this is going to cause any problems with the neighbors to the west and their driveway. Mr. Mandon stated it will not. Mr. Philpot asked Mr. Mandon to clarify if he is asking for ten feet all the way back for each side. Mr. Mandon stated yes. Mr. Philpot asked if this parcel was an alley. Mr. Mandon stated there are no improvements or public utilities on the right of way. Mr Mandon stated that Greg Shook Director of Public Works for the Town, sees no future use of this right of way for public utilities and that we should vacate the parcel. Mr. Philpot asked Mrs. Santos what where the circumstances that negated her on her previous effort to get this parcel vacated. Mrs. Santos stated that one of the neighbors was concerned that they might need emergency secondary access to their house in the future.

Mr. Carras asked if all of the neighbors would be notified if the formal process was to take place. Mr. Mandon stated they would. Mr. Trulley asked Mr. Mandon, if the Town vacates the parcel who pays for the survey. Mr. Mandon stated if the Town wants to vacate the parcel they would be have to pay for the survey. Mr. Mandon suggested that they wait to do a survey until after the public hearing. Mr. Kelly asked if the Commission had any other questions. Mr. Early asked Mr. Mandon what his position on the vacation was. Mr. Mandon stated that he thought it made sense to vacate the parcel. He stated that the purpose of this meeting was to see if the Commission had any objections to move forward to the next step which would be filling out an application, and having a formal public meeting. Mr. Kelley asked the Commission if there are any objections. Mr. Philpot asked Mr. Mandon if we go along with her request can these property owners that also have the twenty feet behind them come in individually and ask for that property to be vacated or can we do it all at one time. Mr. Mandon stated that we can initiate it, but the Town would be responsible to pay for the expenses to locate it and the paperwork that is necessary to get it done. If it is the resident that wants to link their property together then they would have to absorb the costs. Mr. Philpot asked what the twenty feet is classified as. Mr. Mandon stated it is classified as a right of way which means it is owned by the Town. Mr. Philpot asked if by granting her request on that back twenty feet, we are denying access to the rest of the right of way. Mr. Mandon stated that we are. Mr. Kelly asked if there are any objections from the Commission for Mrs. Santos to proceed with the vacation. Mr. Philpot stated he would like to hear from the other property owners. Mr. Mandon asked if the Commission would like to schedule the public

meeting for next month. Mr. Trulley stated that she has to fill out the proper paperwork. Mr. Kelly stated that whenever possible we will have the meeting. Mr. Kelly thanked Mrs. Santos for coming to the meeting.

Mr. Kelley stated that the next new business was to discuss the Thoroughfare Plan with the Commission and the Town Council. Mr. Mandon stated that he so far had two requests to change/add to the Thoroughfare Plan.

Mr. Mandon stated one of the requests was in relation to an effort the Town was working on. The program is called Complete Streets. Mr. Mandon discussed what that initiative was and that although it was not completed the provisions for it should be included in the Thoroughfare Plan. Mr. Mandon stated that he added a revision to the last page of the narrative, which included a paragraph and a reference for coordination with the steering committee to include the Complete Streets Program and accessibility standards. Mr. Mandon stated that the Town is adding a Ped and Pedal plan and he added appendices on what a Complete Street Program is. He also added general guidelines on how to establish a Complete Street Program and that these are not Lowell's plan but guidelines on how to set up a Complete Streets Developmental Plan. Mr. Mandon stated that the Town will have a Complete Street Program relatively soon and by adding a reference into the Thoroughfare Plan, any new development would be required to abide by the Thoroughfare Plan and incorporate the Complete Streets Program into their development.

Mr. Mandon stated the next recommended request that was added was a discussion concerning the actual number of roadways in the proposed annexed areas and the desire to follow the county roadway systems grid. Mr. Mandon stated he would add additional roadways to be installed when those areas are annexed. He stated that there are impediments that he was working on. Discussion followed.

Mr. Mandon stated that those are the two recommended alterations for the Thoroughfare Plan. He asked the Commission if there was general support on the two changes that he discussed tonight and if they had any additional changes, before they move forward with formally adopting the Thoroughfare Plan. Mr. Philpot asked what the distance is of the additional roadways on the grid plan. Mr. Mandon stated that the Thoroughfare Plan would follow the County road system wherever those roadways exist. He will take them across unless there are major impediments. Discussion followed.

Mr. Mandon stated that the Town's major deficiency in the transportation system is east and west. Mainly because our north and south roads parallel our impediments. Mr. Philpot asked if the Thoroughfare Plan would include what the intersections, width, right away and sidewalks that the developer will be required to put in when they develop. Discussion follows on the width of lanes and turn lanes.

Mr. Carras asked Mr. Mandon who will be responsible for paying for the curve that will be put on the South end of Freedom Park. Mr. Mandon stated that what was

recommended was that the portion to the east that was undeveloped would be a requirement of the developer, the other portion of the roadway would be paid for publically. Mr. Carras asked Mr. Mandon if Freedom Park was north of the proposed road. Mr. Mandon stated the road goes thru the south end of Freedom Park. The idea is that if it is a publically owned parcel then the public has to pay for it and it does not necessarily have to be the Town paying for the improvement if the property is going to stay in public hands then the public has to pay for it entirely and that is what is recommended in the plan. Mr. Philpot asked where the exact location of the curve is going to be going thru. Mr. Mandon stated that it is at the south end of the park. Discussion followed. Mr. Parker asked Mr. Mandon if the S curve could be brought in on the north end of the park and snake it thru Heritage Falls rather than come thru the Park. Mr. Mandon stated it is possible but it would require more roadway to be developed and it is more disruptive thru partially developed areas, instead of going thru public property. Discussion followed.

Mr. Parker stated that he would like to see the Commission get involved in conversations with the Railroad on trading a gate crossing quickly. Discussion followed.

Mr. Mandon stated that the important thing is to get an alternate east/west route from 41 to 55. This plan does that making use of all of the existing roadways. Mr. Corns asked if there was a thought on taking Oakley and curving it through and hooking up with Lincoln. Mr. Mandon stated that he looked at that but that would put us back on Commercial Ave thru the congested area and there is an obtuse angle and that route would not help us at all. Mr. Parker asked what we needed to do to get this moving forward. Mr. Mandon asked if there is any more changes that the Commission would like to make and is the Commission agreeable to the two changes that have been made. Mr. Philpot stated that he agreed that we need to get involved in discussions right away with the railroad. Mr. Mandon stated that we need to set a public hearing. Mr. Early stated that he is opposed to taking the road thru the middle of the park, we need to look at an alternative route. Mr. Early stated that maybe we could look at Heritage Falls. He stated that he agreed with everything else but this part of the plan. Mr. Parker asked Mr. Mandon if what is proposed here can be altered in the future. Mr. Mandon stated yes. Mr. Parker asked if the majority of the Board does not want to go thru with this can we alter the plan. Mr. Mandon stated yes. Discussion followed. Mr. Early stated that he understands this is a plan that can be altered, but he is opposed to the roadway that goes through the middle of the park. He asked the rest of the Commission how they felt about this. Mr. Mandon stated that it goes through the park and attempts to stay as far South as possible. Most of the property that is usable is on the North side of the park. Mr. Mandon stated that could be used for parking, open space area or variety of different uses. Discussion followed.

Mr. Mandon stated that this is the best opportunity for the Town for reasonable cost to get a parallel East/West route thru Town. He stated he made use of the roadways we already have, otherwise it is cost prohibitive. If the Town has to put in bridges or tunnels or move some of the railroad impediments it will cost millions of dollars. If you

try to make a subdivider bear the expense then you are guaranteeing the property will remain vacant. You want the property to be developed within Town Standards.

Mr. Parker stated that at the public hearing we will have an opportunity to hear what everybody has to say. Mr. Parker asked what is the next step after the public hearing. Mr. Mandon stated recommendation to the Council. Mr. Parker asked if that is at the same meeting. Mr. Kramer stated yes it would be at the same meeting and we would take a vote either favorable or otherwise to recommend to the Town Council. Mr. Parker asked when we have the public hearing do we give the residents a few days to come in to voice their opinion. Mr. Kramer stated that neither the Plan Commission or the Town Council have to take action at that point in time, the Plan Commission can table it and take it up again in the future. There is not a requirement that you have to vote at that time. Mr. Parker stated that this could be the first time the residents are having the Thoroughfare Plan explained to them and we may get some feedback. Mr. Trulley stated that we have to advertise for the meeting and that gives them ten days to come in and look at the information. Mr. Trulley stated that we could put together a packet for them. Mr. Parker stated that he wants to make sure that the residents have time to look at the plan. Mr. Mandon stated that if you get a lot of questions at the public hearing from residents or the Commission you could keep the public hearing open until the following month. Mr. Mandon stated would it help if he looked at a few alternatives on that particular park area and not be specific on which alternative we are going to use and pass the plan with the alternatives. Mr. Early stated that we need to look at alternatives. He does not feel the general public is going to support that part of the plan. The other areas of the plan he is in agreement with. Discussion followed on some of the viable alternative roadways. Mr. Mandon stated between now and the next meeting he would look at some alternatives and have a few options for the Commission. Mr. Mandon asked the Commission if there was any problems with any of the other recommendations. Mr. Philpot asked for clarification on the grids and if they would be tying into some of the existing Town roadways. Mr. Mandon stated yes and that there is a few additional ones that he added in that are not continuous but they at least tie subdivisions together.

Mr. Mandon stated that he will email the attachment to the Commission before the public hearing. Mr. Trulley asked if we can include the attachment at the public hearing. Mr. Parker stated you can include the attachment in the public hearing as an addition. Mr. Mandon thanked the Commission and stated that we would move forward with the Plan.

Mr. Parker stated that he would like to recommend that the Plan Commission have a joint meeting with the Lake County Plan Commission. He stated it might be advantageous for us to have a discussion with them, so that we can work together on our projected annexation areas and future developments. Mr. Kelly asked who would set this meeting up. Mr. Trulley stated he would set this meeting up. Discussion followed.

ADJOURNMENT

With no further questions or comments, Mr. Parker made a motion to adjourn the meeting at 7:20 PM, seconded by Mr. Philpot and carried with six ayes.

Richard Kelley, President

Elias Carras, Secretary