

**LOWELL PLAN COMMISSION MEETING
FEBRUARY 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, Eli Carras, Craig Earley, and Matt Felder. Also present were Building Official Tom Trulley, Department of Public Works Director Greg Shook, Town Attorney Jack Kramer, Planning Consultant Jim Mandon, and SEH Representative Craig Hendrix.

APPROVAL OF MINUTES

Mr. Konradi made a motion to approve the October 10, 2013 regular meeting minutes, seconded by Mr. Early and carried with five ayes. Mr. Carras made a motion to approve the Executive Session minutes from December 12, 2013 seconded by Mr. Early and carried by a voice vote. Mr. Early made a motion to approve the Findings of Fact #PC-13-018 seconded by Mr. Konradi and carried by a roll call.

NEW BUSINESS

Election of Officers 2014 – Mr. Konradi made a motion to nominate Mr. Kelly as President, seconded by Mr. Early and carried by a roll call. Mr. Carras made a motion to nominate Mr. Konradi as Vice President, seconded by Mr. Early a roll call was made with all ayes, except for Mr. Konradi who voted no. Mr. Konradi made a motion to nominate Mr. Carras as Secretary, Mr. Fedler seconded a roll call was made with all ayes, except for Mr. Carras who voted no.

Mr. Kelly addressed the board and stated that Mr. Parker had asked for the Town Standards to be addressed at this meeting and in his absence SEH representative Mr. Craig Hendrix would like to explain what an overlay plan is. Mr. Hendrix also asks Mr. Mandon to step in and offer assistance in explaining an overlay. Mr. Hendrix uses Route 6 in Portage as an example where he was the City Engineer for 12 years and sat on the Plan Commission. He explains to the Commission what was in the overlay plan for Route 6 in Portage. He states they developed an overlay plan early because when the big boxes come in then they are going to build whatever is in your ordinance. He also states that INDOT came into our office in Portage and said we are going to rebuild Route 6 do you have an overlay plan for Route 6 and we said yes and we gave them the plan and they build it exactly like we wanted it. So he had suggested in the group meeting with the Council that maybe you need an overlay plan to go in for at least those areas where you want things to happen. One of the viable areas is Route 2/ Commercial and Burr street all the way to the school. Jim is finishing the thoroughfare plan so since you know have a thoroughfare plan that shows were all the streets are going to go now is a good to time to look at an overlay plan. He explains what could be included in the overlay plan and discusses the frontage road behind Walgreens that has been started and by putting it in an overlay plan that would ensure that it would be finished when new commercial building is developed.

Once the thoroughfare plan is finalized maybe you narrow down corridors that you want to look at and get more specific, for a couple of purposes; #1 maybe INDOT comes in and wants to rebuild the road one day and #2 as businesses come in and develop you want businesses to develop these improvements as per your overlay plan. The overlay plan seems to be the next step. Mr Early asks if it is a thoroughfare plan that is blown up with more detail or does the detail exist. Mr Mandon states that in the original Zoning ordinances that Ball state drafted on your behalf there was an overlay district all up and down Commercial with a certain width from the center line of Commercial Ave and it dealt with landscaping requirements, larger sidewalks and such but what it turned out in that case was that it was in an area that was fully developed and it was too cumbersome to redevelopment it or change it. I think an overlay district would be really good in the annexation or potential annexation areas where there has been little or no development. Anywhere you want your standards to be higher than what they are right now in the general ordinance, and you want to treat that area differently. In the case of Commercial Ave. because its the only road that carries traffic thru town. I think it is a good idea, but it won't work well in areas that are already developed. Mr Kelly agrees with Mr. Mandon that it has to be in undeveloped area because there is no room to institute some of these changes on Commercial that are already developed. Mr Mandon states that if the overlay plan is in areas that are already developed what will happen is that you will have a line going out the door of your BZA meeting because they can't comply. Unless you want to keep property underutilized or not developed. I'm sure places like Family Dollar had many variances. Mr Trulley states they had eight variances. Mr. Mandon continues to explain when developers want to build on property where the standards cant be complied with wont be able to because over forty percent of the property would have been dedicated to some use other than retail on that lot, for example extended sidewalks excessive setbacks. Like I said before the overlay plan works real well with under developed areas. Mr. Early inquires if this can also extend beyond town limits. Mr. Mandon states the thoroughfare plan will include anticipated current roadway improvements within the current municipal boundaries and actually most of them will be outside of the boundaries. Mr. Early states that he can understand the thoroughfare extending beyond the boundaries is this overlay plan something you would try to complete as well beyond our boundaries or wait until you annex. Mr. Mandon states that, until you annex the area it is a plan it doesn't become an ordinance until you annex the area. to build whatever they need or want, INDOT doesn't care where the Walmarts come out. A discussion follows on the overlay plan on roadways that are not annexed and if its important to include those in the overlay plan. Mr Carras asks if this is only going to work on East side of Town, discussion follows on the side of town where it would work. Mr. Hendrix explains some of the improvements you can include in an overlay, for example: do you want a center turn lane; a concrete median to limit access. Some of the problems you have right now is at the Walgreens with the access points. With an overlay plan you can include where you would like your access points to be on Route 2/Commercial Ave. and limit those if necessary. When businesses come into Town they have to build according to and comply with the new overlay standard. A discussion follows on the locations that this would work on and specifically Route 2. Mr. Hendrix

tells the Commission the overlay will show actually what you want. He then uses the overlay plan that was implemented in Portage as an example of what transpired when INDOT improved Route 6 and that INDOT followed Portage's overlay plan exactly as it was laid out. He explains that an overlay can also include what type of structures and building materials the developer needs to use. You would show in there a frontage road has to be built, it may be 40 years down the road but as people are building they know that this has to be done. Frontage roads are going to be important on Commercial Ave. You know you wish they would have done this 40 years ago. This happens all the time so you have to plan for the future. Mr. Early asked about the frontage road on Route 2 a discussion follows regarding a frontage road behind the buildings off of Route 2. Mr. Kelly asks if there are any other questions. Mr. Mandon states he would like to talk about the Town Standards and Ordinances and talks about meetings held with the Town Council and they talked about a long list of improvements for the Town and about shorter term goals they would like to get done right away. Both of these affect the Town Council and the Plan Commission. There is an issue about some of the Town Standards whether they are rigorous enough in order to guarantee that some of the public improvements will be properly maintained or easier to maintain if you spend more capital funds to insure they are maintained properly. One of the areas is retention and detention ponds. Detention and Retention ponds are part of the storm water system and if it's not functioning well your overall storm system will not function right. The issue isn't really about the design specifics first but from the Planning perspective whose responsibility it's to maintain those. Which is an ordinance policy/planning issue. If there are ecstatic improvements that need to be made that would be Mr. Hendricks' area of expertise. Are there ways to improve the standards so they are properly maintained, if your pond fills with silt obviously there's not much contention for capacity. Who owns the ponds, I know it's a financial burden for the town to take over or the town assume new responsibility for the new ones. In my opinion that is the only way to make sure they are properly maintained. If you rely on homeowners' association they come and go it's easier with a business development, there is usually somebody that takes care of the common area, and there is somebody with financial ability to take care of these areas. The worst ones are SFD and low density multi-family developments that are limited to residential districts homeowners' associations don't usually last long and they have no financial backing or ability to raise money. So I think the council is going to end up with these ponds in the residential areas whether they want them or not. Either by taking them over or by default. It would be wise to enter into some work and discussion to improve the standards, so if we end up with these ponds it will be easier and cheaper to maintain. They then discuss some of the easier ways to maintain them. Mr. Kelly states so you insist the developer do it. Mr. Mandon states they still install them. The question is who gets them afterwards, is it the town or private hands that the town enforces them to maintain the ponds properly. Mr. Mandon tells the Commission this is a good time for us to work on our codes before the development season starts up. We need to examine the codes and see if there has been a trend on BZA Variances that they have approved, usually a good idea to amend your code to permit that instead of requiring people come to the meeting and continually approving the same code. We should look at that which is something the staff can do and we are working on that. We have also come across during the enforcement on some of the codes either it is lacking in various areas, it's not

clear or covered, definition not lifted, so we made a list of these things and we are going to be working thru them. We are bringing these up to you because we want to see if you have experienced this also. Please contact us if you have had any issues. One of the other problems is bonds or letter of credits. Sometimes the bank calls you and sometimes it doesn't. Time gets away from you so we are going to discuss with Jack if we can have a continuous bond that doesn't expire so that the Town is not responsible for some of these developments that don't get finished in a timely fashion. We need a procedure to lock the bond money up until the developer finishes everything up. Mr. Hendrix gives some examples on the bonds that he worked with in other communities and discussion followed. He also gave the examples to our Town Attorney David Westland. Mr. Kramer said they would look into a continuous bond, his only worry was that the bonding agency will do it and bond it over. Mr. Hendrix further explains how it worked in his previous experience with these bonds and discussion follows. Mr. Mandon discusses they would also like to better utilize the Technical Review Committee and making it more formalized with the record keeping. Doing more documentation on who signs off on plans and when those occurred. Are they able to approve anything? Mr Mandon says it is limited and there is a section in the subdivision code that gives specifics. Mr. Kelly asks are you talking about a sign off on the various departments on any projects. Mr. Mandon explains that they have gotten great feedback from the various departments and its helpful for them to see the project and know how it is going to tax his resources. We have done it in the past and we need to formalize it. So everybody is aware of who approved what and when and what they said. We dont have a good of record as we should have. We cannot enforce covenants, but we can make sure that they are recorded. We cannot enforce them but property owners in the subdivision can. Mr Kelly inquires if they would get recorded at Town Hall. Mr. Mandon discusses that they need to get recorded at Lake County. Mr. Trulley asks Mr Kramer if it is up to the developer to get them recorded? We cant force the developer to get them recorded but this body certainly has authority to hold back the subdivision grant if the proper paperwork is not submitted. Mr.Hendrix mentions that they can be put right on the plat to which Mr. Kramer states that sometimes it gets put on plat and then they dont record it. Mr. Carras asks about Deere Acres and their covenant. Mr. Trulley reiterates we cannot enforce a covenant and Mr. Hendrix asks for verification on that from Mr. Kramer. Mr. Kramer states that is correct we cannot enforce covenants. Mr. Early inquires on the condition of subdivision at what point do we have that teeth that you are describing and at what point should the covenant be addressed. Mr Kramer states it should be in the approval process. Mr. Mandon says also if they are working on procedural things some ordinances that are not specific enough or something is missing. Mr. Kelly asks do you need any help from the planning department. Mr. Mandon states that if the code needs to be changed we will bring it back to you if it procedural we will inform you what we are doing. If you are aware of things that you have come across that need to be addressed please let us know. Discussion follows on retention ponds and why they are not taking over them when they take over the roads. Mr. Mandon discusses that years ago their wasn't as many tools for the Town to utilize that the people who benefit from the improvement could pay for its maintenance. He discusses some of the different districts that the Town could set up to pay for maintenance of these ponds. Where the people who are actually in the subdivisions would pay for the maintenance of the pond. They discuss it thru utility

billing, property tax or special taxing district. Mr. Hendrix thinks there should be as some discussion on private residential development. He thinks that eventually we end up taking it over anyway and he doesn't think that they ever work out. Mr. Kramer discusses in going forward with the ponds you want to have them dedicated originally to the municipality. Ones that are on private property for us to get to them the Town is going to have to acquire them. Discussion follows on the current private retention ponds and the ponds that are going to be put in the future. They discuss the special improvement districts that can be established to fix the older ponds and for on going maintenance, they also discuss if they need to establish ownership before they fix the ones that aren't working properly. Mr. Hendrix inquires if the council is still interested in private subdivisions so moving forward do you continue with these subdivisions is that something the commission continues to approve private development. I think moving forward this is something the board needs to consider for residential development. Mr. Shook gives the board an example from one of the private subdivisions in our Town and explains what they developer is responsible for and what the Town maintains. There is some discussion on the differences between a PUD and a private development. Mr. Trulley the council and storm water board are having a work session on 3/5 to discuss the existing retention ponds. They have a role in this also. Mr. Hendrix states that the town is advancing its work on the Town standards and they he discusses the difference between the standards and ordinances. One thing I did notice is that Mr. Trulley explained to him that the impervious coverage on the lot does not include the driveway. Mr. Trulley clarifies that it is not impervious coverage but lot coverage. Mr. Mandon explains the percentages that should be adhered to in the ordinance regarding lot coverage. And that is one of the areas that we are working on. Mr. Kelley asked Mr. Kramer how Roy was doing, Mr. Kramer says he is ok and Mr. Carras inquires if they are still discussing what was presented to him. Mr. Kelly asks if there are any other questions. Mr. Hendrix discusses some new funds coming out that are coming out that we can apply for. And that there is a match involved, and the current ones are a 5 year cycle. He thinks the plan commission should plan big and would encourage us and the council to think about this to getting things done. He said the congressman usually sends out a request asking if we needs funds for any improvements. He has no earmarks, sometimes he can spearhead some money this way.

ADJOURNMENT

With no further questions or comments, Mr. Early made a motion to adjourn the meeting at 8:05 PM, seconded by Mr. Konradi and carried with five ayes.

Richard Kelley, President

Elias Carras, Secretary