

## **LOWELL PLAN COMMISSION MEETING**

**November 8th, 2018**

President Will Farrellbegg called the meeting to order at 7:01pm. The Pledge of Allegiance was recited and a moment of silence was held. Recording Secretary Dianna Cade called the roll. Members answering the roll call were, Will Farrellbegg, Chris Salatas, Edgar Corns, Jim Konradi, Ryan Thiele, and Matt Felder. Eric Newell was absent. Also, present were, Town Attorney Nicole Bennett, Aj Bytnar Director of Planning and Development and Town Manager Jeff Sherdian

### **APPROVAL OF MINUTES**

Mr.Corns made a motion to approve the October 11th, 2018 regular meeting minutes, seconded by Mr.Salatas and carried with a voice vote of all ayes. **PASSED 4-0.**

**PUBLIC HEARING:** None

### **NEW BUSINESS:**

**Update Forms and Applications** – Director of Planning and Development, AJ Bytnar, stated he has been working on modernizing the current forms and applications for the Plan Commission and BZA, as well as making sure they coordinate with the current ordinances. The building department is upgrading to new software and is trying to integrate the forms and applications with that new software.

**Training and Rules of Procedure** – Mr. Bytnar stated the Commission has received an outline of the rules and procedures for the Plan Commission. This series includes the State law requirements for how the Plan Commission and BZA make their decisions, but it also includes practical examples of what that means. The BZA is far more restrictive as far as how you make approvals than the Plan Commission, but the Plan Commission has a far wider range of responsibilities in setting an example for how a Town is supposed to develop. Mr. Bytnar stated over the next six months he would like to do some training with the Board members to make sure that as a Town there is an awareness of what our rules are as well as what the State’s rules are. He invited the Commission to e-mail or call him with any questions regarding the procedures that may strike up a conversation that could be used for training.

**Comprehensive Plan Updates** – Mr. Bytnar stated the reason for the training is so everyone can be as well versed as possible for updating the Comprehensive Plan and Zoning Ordinance so all members know what is supposed to be in it and what can be included in it. Indiana law describes certain criteria that should be in the Comprehensive Plan, such as future land use, parks and recreation, infrastructure, but is also allows us to set our future agenda. Mr. Bytnar described how having all parties, Town Council and Plan Commission, on the same page when it comes to the future improvements of the town and the Comprehensive Plan will help when applying for grants for projects as well as the overall growth of the town and where the priorities are. Mr. Salatas asked if Mr.

Bytnar could perform the Comprehensive Plan update or if they would need to reach out to RFP's or RFQ's to do so. Mr. Bytnar stated it can be done both ways. In the short term the initial analysis can be done in house and if the Board decides it is a larger undertaking than expected, then it can go out for the full RFP as a new Comprehensive Plan. Even though the current Plan is a decade old, it does still have some very good information. He stated right now his recommendation is not to go RFP it, but if in six months the staff and Board gets in to it and decides there are other things the Town wants to accomplish, then it can be looked at. In talking with the staff, there is a pretty good idea of what needs to be done in the next five years, but once we get to that point there can be discussion for a more elaborate strategic plan. Discussion followed.

**Zoning Ordinance Updates** – Mr. Bytnar stated the Comprehensive Plan sets out the agenda, but it is a suggestion. The Zoning Ordinance, however, is set in stone and is not a suggestion. The way to accomplish the goals of your Comprehensive Plan is to have your Ordinances correspond with that Comprehensive Plan. There are a lot of inconsistencies from the previous Zoning Ordinances to the one that was done by Ball State. Mr. Bytnar gave a few examples. Mr. Bytnar stated updating this is going to be time consuming, but it will ultimately benefit the property owners as well as the town in moving forward with the vision of the Comprehensive Plan. Discussion followed.

**Zoning Map** – Mr. Bytnar stated the number one goal he was given was to sort out the zoning map. The first map you see is the version that is in our current Comprehensive Plan prior to the 2013 repeal and replace. In 2013 the Plan Commission repealed and replaced the zoning ordinance at the time as well as the zoning map, which made its way to the Council. A few months later, a public hearing was held that received a favorable recommendation in June of 2013 that was forwarded to the Town Council for approval. The Town Council approved it, but there is no additional ordinance corresponding with that action. Mr. Bytnar found the original file with the zoning map from 2013. He stated he has been discussing with Attorney Bennett and Westland how they can acknowledge the 2013 map and move forward. He asked Attorney Bennett if it were possible that 2013-02 ordinance covers the map since it was articulated in there even though the map was not included at the time but was approved later in the year. Discussion followed between Mr. Bytnar and Attorney Bennett on whether or not the text of 2013-02 meant to include the map that was not submitted with that ordinance, but was also never submitted as a follow-up to that ordinance after the text was approved. Mr. Bytnar concluded that it would be up to the Commission and what they see as the best corrective action. Discussion followed.

Mr. Bytnar stated what you will see in the 2018 map is all annexations from 2013 to today and their zoning, as well as the zone changes that have occurred from 2013 to today. On the 2013 map there was an overlay put on for the schools and municipal owned property that designated it as public, which there is no public zoning classification. We have reverted those to the zoning from the 2000 zoning map. Mr. Bytnar also explained some slight deviations had occurred because certain zoning

districts no longer existed and those parcels were re-classified as the next closest zoning district. Mr. Salatas asked if there were a list of parcels that were changed in that way. Mr. Bytnar stated he had them on several maps in his office. Mr. Salatas asked if he knew the number of parcels that were changed. Mr. Bytnar stated it was less than a dozen. Mr. Farrellbegg asked if the zoning map fits what is posted. Mr. Bytnar stated there were not substantial changes. Most changes were due to re-zoning ordinances that passed, however the map had not been updated in a timely manner. Discussion followed as to some items that were never updated on the map.

Mr. Bytnar asked Attorney Bennett how she would like the Commission to proceed. Attorney Bennett recommended setting a public hearing for December in regards to the map itself. There is no reason for the 2013 map and 2018 map to not be put on the same agenda. She noted they will need to be two separate items so there is no confusion as to what is being done with the two maps. For purposes of the Plan Commission, it is just reviewing and approving the maps and sending a recommendation to the Council. Mr. Konradi asked what the four different types of PUD's were. Mr. Bytnar stated that would be residential, business, industrial, and manufactured housing. It is a way to delineate it on the map, but they are all Planned Unit Developments that have a specific zoning ordinance they created themselves. Mr. Salatas made a motion to hold a public hearing to officially acknowledge and adopt via ordinance the 2013 zoning map and as a separate matter update the 2018 zoning map, seconded by Mr. Corns and carried by a voice vote 4-0.

**MOTION PASSED 4-0**

**ANNOUNCEMENTS:** Next regularly scheduled meeting will be on December 8<sup>th</sup>2018, at 7pm.

**PUBLIC COMMENTS:**

A resident from Carriage Crossing stated they had noticed it the beginning of October, Nancy Frigo had put a sign up announcing her new project. We are aware that the Council rejected her request of the R-2 zoning she wanted, keeping the land R-1. We had a feeling she would move forward with it anyway, and it is a possibility that she will. We understand the R-1 zoning brought the number of homes down from the original fifty-four, but this still leaves the concern of the added traffic on Willow Street and the fact that we only have one entrance/exit. We understand Ms. Frigo has every right to move forward, but we would still like to reiterate the concerns we have. If anyone should move forward with a project in that area, there is no entrance/exit for construction traffic, and we do not know how long fifty-some homes would take. She asked the Commission to look carefully at any preliminary plat that is brought forth for the expansion of Carriage Crossing, making sure it addresses another entrance/exit as well as a separate entrance/exit for construction purposes.

**ADJOURNMENT:**

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

---

Will Farrellbegg, President

---

Ryan Thiele, Secretary