



CICERO/JACKSON TOWNSHIP PLAN COMMISSION

PETITIONERS:

Doug White (Mid-Indiana Marine)

**CICERO/JACKSON TOWNSHIP PLAN COMMISSION
MINUTES
12/10/14**

President Dan Strong called the December Session of the Cicero/Jackson Township Plan Commission meeting to order at 7:01 pm.

The members of the C/JT Plan Commission were present or absent as follows:

PRESENT: Dan Strong - President
Paul Vondersaar - Secretary
Tim Fonderoli
Christopher Lutz
Dennis Schruppf
Steve Shields
John Culp - Legal Counsel
Kelleigh Fagan - Legal Counsel
Sally Mangas - Recorder

ABSENT: Eric Hayden
Mark Thomas
Stephen Zell
Paul Munoz - C/JT Plan Director

1. DECLARATION OF QUORUM:

President Dan Strong declared a quorum with 6 members present. President Strong introduced Steve Shields to the board; he is replacing Dave Martin who had to step down after moving out of the Town and into the Township

2. APPROVAL OF MINUTES:

Tim Fonderoli made the motion to approve the 10/8/14 minutes as submitted and Paul Vondersaar seconded the motion. All members present were in favor. President Strong stated that there was not a quorum on 11/12/14 and no business was conducted but in following with the procedures there are some notes. Tim Fonderoli made the motion to approve the 11/12/14 minutes as submitted and Christopher Lutz seconded the motion. All members present were in favor.



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3. OLD BUSINESS:

Interlocal Agreement

President Strong stated that the Interlocal Agreement was tabled on October 8th; he asked everyone to take a few minutes and look over this agreement between the Town and Jackson Township. Mr. Culp asked if there were any questions about the Interlocal to which Mr. Lutz asked if he would identify what has changed. Mr. Culp remarked that paragraph 7 page 3...Mr. Culp stated that in paragraph 7 the Township Trustee has requested that Mr. Munoz give them, the Township Advisory Board, quarterly notices and also requested that if needed that Mr. Munoz would show up and answer their questions. Mr. Culp stated that he had verified with Mr. Munoz that he is in agreement with that. Mr. Culp concluded that everything else in the agreement is the same.

There was discussion about untabling this topic from the October meeting. Dennis Schrupf made a motion to untable the Interlocal Agreement from the October 8th, 2014 meeting and it was seconded by Tim Fonderoli. All members present were in favor.

Mr. Culp stated that if anyone has any questions or wants to go into the history of it...President Strong remarked that the only thing that might have changed since Mr. Lutz was not here is item #5; he stated that he is not sure if Mr. Lutz is aware of the compensation changing to which Mr. Lutz remarked that he was aware of it. Mr. Culp stated that Mr. Munoz is in agreement with the language. Mr. Culp continued stating that from here it will go on to the Town Council then it will go to Chris Miller and her Advisory Board. President Strong reminded everyone that they are only making a recommendation to the Town Council so it will be up to the Town Council to endorse it. President Strong asked if there was any further discussion needed on the Interlocal Agreement. Secretary Vondersaar asked if this used to be a percentage issue to which Mr. Culp agreed it was to which Secretary Vondersaar stated that it has gone away from percentage to a flat rate unless there is a special project which has to be approved by them prior to the Town...President Strong remarked that he believed that was presented by the Trustee for budgetary process...Secretary Vondersaar stated that he understood why he just wanted to make sure. President Strong asked if there was an further discussion and if not he was looking for a motion of a favorable recommendation for the Town Council.

Paul Vondersaar made a motion of a favorable recommendation to move the Interlocal Agreement on to the Town Council and Tim Fonderoli seconded the motion. All members present were in favor.

Mr. Culp stated that he would present this next Tuesday evening to the Town Council.



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Docket#: PC-0712-012-C1

Petitioner: Doug White (Mid-Indiana Marine)

**Property Address: 7770 E 236th Street
Cicero, IN 46034**

Aesthetic Review Overlay District: Review of original docket to include building of an accessory structure to the rear of the property.

President Strong introduced this docket stating that it does not require a public hearing since it is an aesthetic review adding that he knows that everyone just received this in their packet tonight so take a few minutes and look it over and have some discussion if needed. President Strong stated that Mr. Munoz tagged it on to the review of the original docket...Mr. Fonderoli asked if basically they're just putting this building in the back behind the other building to which Mr. White acknowledged. President Strong asked the petitioner to introduce himself and let them know what he is wanting to do. Doug White introduced himself stating that he is the owner of Mid-Indiana Marine and began by thanking the board for looking at this. Mr. White stated that there is not much more that they can do with the fence issue and moving on from that he is just trying to expand the business. Mr. White stated that they are pretty much taped out so he needs to build another structure basically due North on his property; he stated that the building would look just like the building he currently has. Mr. Fonderoli asked if this new building would be for service or storage to which Mr. White remarked that it would be for service, storage, or whatever. Mr. Fonderoli asked if it is going to have a concrete floor to which Mr. White stated it would. President Strong stated that it will be right behind and a little bit to the West to which Mr. White stated yes he has an existing gravel lot there currently and he would just be building on top of that. Secretary Vondersaar asked if the complete garage door would be facing the street or off to the West for the entrance or is this drawing...Mr. White stated that the garage door will be facing his other building. Secretary Vondersaar asked if it will be right behind the existing or half of it...Mr. White remarked that all of it will be behind, you will not be able to see any of it. President Strong stated that Mrs. Mangas had presented some photos that he would now pass around; he asked Mr. White if this was his existing building to which Mr. White stated it was. President Strong asked if the new building was going to match the photo of the existing building to which Mr. White stated it would. Mr. White continued stating that he has multiple people looking to bid on it and that is one of the stipulations that it has to look the same. President Strong stated that more than likely that would be a requirement of the board; however he cannot speak for everyone but that would be a recommendation. Secretary Vondersaar asked if the gravel in the picture was during construction to which Mr. White stated it was. President Strong asked if at this point there are no other buildings there just what you see in the picture to which Mr. White agreed there are no other buildings just what is in the picture. President Strong explained to Mr. White that since this came in late to the docket he is giving everyone a few minutes to review it to which Mr. White stated that he understood. Secretary Vondersaar asked Mr. White if he had combined the 2 lots into 1 or if they were still 2 legal descriptions to which Mr. White stated that he did not know. Secretary Vondersaar asked Mr. White when he bought the lot to the West is that 1 now or you just bought it and it is yours to which Mr. White stated that he pays the property tax on both but he does not know how the County does that. Secretary Vondersaar explained that it was up to him and if Mr. White did not combine it they would stay 2 legal...he would have to do a legal description to put it all into 1. Secretary



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Vondersaar remarked that the reason he is asking is because he wanted to know if it is a property line issue now because there is a property line right to the West of the building or a setback...Mr. Culp stated that not according to Mr. Munoz. Mr. Culp continued stating that Mr. Munoz had looked at it and he felt that it was alright but to answer the question the 2 separate properties with common ownership, if he agrees to combine the properties, and you can do so by a Quick Claim Deed, would be considered as 1 lot. Secretary Vondersaar stated that legally it is 2 because there is a property line there...Mr. Culp agreed...Secretary Vondersaar stated that he could sell 1 and keep the other. Mr. Fonderoli remarked that if it lines up behind the other building it is going to be exactly the same as the building that is existing so there would be no issue. Secretary Vondersaar stated that without a scaled survey he does not know where it is going to be; he further stated that this is something that they have been trying to avoid approving without knowing for sure. Mr. White remarked that he was told that there would be no need for a variance on this building because it is within all the parameters. President Strong asked Mr. White if he knows...because it is not exactly behind the other building from what they see in the picture so that is the question...Mr. Fonderoli stated that it is offset on the picture...Secretary Vondersaar stated that that is why he is asking...Mr. White stated that no it's right where the gravel is...President Strong remarked that that makes a big difference. Mr. White remarked that it is only 3200 sq ft to which Secretary Vondersaar asked how big the current building is to which Mr. White stated 11000 sq ft, 72X150 something. President Strong stated that basically it is going to set right here and be half that size. Mr. White remarked that he had given Mr. Munoz a plan that had where it was going to be on it. Mrs. Mangas stated that everyone received copies of everything that was in the file. President Strong explained to Mr. White that what they have is the paper that they showed him and that is why the question came up because if you look the property line is almost next to the bigger building to which Mr. White said that is not...he has a septic system on that side of the building so he can't build anything there. President Strong remarked that he is just explaining why that question came up and if you were to build over the property line you would have to combine those 2 lots. President Strong asked if there were any other questions or comments to which he went on to ask Mr. White about additional lighting and signage; Mr. White remarked that there was nothing more just the structure. President Strong stated that it needs to be in the minutes that there will be no additional lighting or additional signage with this. Mr. Culp asked Mr. White if he had spoken with Mr. Munoz about side yard requirements and if he is within those requirements to which Mr. White stated that his understanding from Mr. Munoz is that he is. Mr. Culp went on to ask about the existing building in regards to the proposed building and if Mr. White knows where the property line is that divides the 2 lots that he owns to which Mr. White remarked that he does. Mr. Culp asked if this building would be within the setback for that property line to which Mr. White stated it would be. President Strong asked Mr. White to show Mr. Culp what he had shown the board. There was discussion between Mr. White and Mr. Culp as he explained the picture and where the building would be located explaining that this is the gravel where the building would be and explaining that the building would not be nearly as big as depicted in the picture. Mr. Culp asked how far it would be from here to there to which Mr. White stated 50-60-70 feet something like that, big enough to have a septic system. Mr. Culp responded that he is in good shape. President Strong stated to Mr. Culp that if he felt comfortable with it they would proceed to which Mr. Culp remarked that Mr. White has conferred with Mr. Munoz and met the setbacks. President Strong stated that with no further discussion he would look for a motion to approve this docket and include that the new building must match the existing building



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per our ordinances. Mr. Culp stated that they could also add subject to Mr. Munoz approval of the setbacks. President Strong remarked that they would have 2 commitments to look for with that.

Chris Lutz made a motion to approve docket PC-0712-012-C1 contingent upon the approval by Mr. Munoz of the setbacks and also that the aesthetics of the building are also consistent with the existing structure; Dennis Schrupf seconded the motion. All members present were in favor. President Strong asked Mr. White to work with Mr. Munoz and verify the setbacks.

4. NEW BUSINESS:

None

5. PLAN DIRECTORS REPORT:

None

6. PRESIDENTS REPORT:

President Strong asked Mr. Culp if had had a chance to review the new ordinance in regards to Bonding to which Mr. Culp remarked that he had not but he would tomorrow. Mr. Culp apologized to which President Strong stated that there was no need to apologize they were not into the new ordinances yet and there is still time. President Strong went on to state that he just wants to make sure that there is Stipulation Bonding under the new ordinances like the current ordinances especially with commercial construction that does not get completed that there is a means of getting that bonded so that they can make sure that it gets done in the future. Secretary Vondersaar asked if we are bonding after the core permit is issued to which Secretary Vondersaar continued stating that if you don't get the bond up front you will never get it in the future. Secretary Vondersaar went on to discuss the bonding process for Hamilton County and how they won't release a permit until they have the bonds in hand. Mr. Culp remarked that tomorrow he will look at our code and see what we have in reference to Surety and reread it. Mr. Culp stated that he would contact President Strong tomorrow. Mr. Culp and Mr. Vondersaar discussed Maintenance Bonds.

President Strong stated that next month they will be looking at the Ordinances so that they may forward them on to the Council. Tonight there are only 6 members present and they want to try and have as many members as possible however if there are only 6 members present next month too they will probably try and move it on to the Council. President Strong went on to ask everyone to please review the Draft Ordinances and scribble down any comments or anything you might see; he and Mr. Munoz have already had some discussion on things they have seen. The board was asked to also look at definitions...Mr. Fonderoli asked about writing in the drafts because he has seen some things in signage and would like to write notes to which President Strong stated that it is a draft and that would be fine. Mr. Fonderoli continued stating that there is some LED signage that concerns him. President Strong stated that they could discuss some of it tonight to which Mr. Fonderoli stated that it was okay it could wait until next month when everyone is there. President Strong remarked that he would have the same concern with the LED lighting especially when you get into the definition section. President Strong stated that another area with concerns is with restaurants and the classifications with the restaurants that they have maintained in the past; that they've kept



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restaurants with alcohol under Special Exceptions and it is not spelled out in this ordinance so everyone might want to take a look at that before next month's discussion.

President Strong stated that there will be elections next month and with Dave Martin leaving there is currently no Vice President and all 3 spots will need to be filled. President Strong went on to state that if anyone would like to take his chair that would be fine with him.

President Strong thanked everyone for being on the board this year and wished them a Happy Holiday. Mr. Culp thanked President Strong for serving as President.

7. LEGAL COUNSEL REPORT:

None

8. PUBLIC COMMENT:

None

9. COMMENTS FROM COMMISSION MEMBERS:

Secretary Vondersaar remarked that they have got to get to the point to where they do not do this anymore. We cannot approve dockets that are turned in late with no survey and petitioners saying they turned items in but they're not in the files...we are just playing with fire. We have approved something and we have no idea what he's going to do except for a picture. We have got to get to the point where 15-30 days is the deadline...it will make Mr. Munoz life easier too. If there is a deadline it's a deadline. We keep bending over backwards for this stuff and I think we are losing respect because people are saying I turned my in 2 days before and got mine so everyone else does the same thing. Mr. Culp responded stating that the point Secretary Vondersaar is making is very good and with the 1st of the year the Plan Commission needs to say that we have a policy and we have to abide by it. Secretary Vondersaar talked about Noblesville and their policies of sticking to deadlines. Mr. Lutz remarked that he had been going to bring this up later but not having a survey what does that subject you to...Secretary Vondersaar stated that he does not care if the survey is from the original building it will show the setbacks and he could hand scale it from there but the original would be a stamped survey but just using a Google map and hand drawn...Mr. Culp stated that that is why he suggested that he meet all of the setbacks and meet with Mr. Munoz. Secretary Vondersaar stated that from now on he will either table it or something else. President Strong remarked that in the last couple of months they have had a lot of discussion about this and as they have talked they have a great opportunity with the new ordinances of putting it in place and as a board they have to be committed to following the ordinances. President Strong agreed that it is difficult for someone to submit at the last moment and then to have time to review it; in reality if this had been a CVS project there is no way they would have discussed it tonight. Mr. Lutz remarked that he did not know when this was turned in but the print was...Secretary Vondersaar stated yesterday...President Strong stated that the issue is that they really have to become consistent because they are starting to deviate a little bit so he would make the recommendation that at our next meeting we have a discussion on this and see what our ordinance says and his recommendation would be that we follow our ordinance. Mr. Fonderoli stated that his only thought is that he puts a lot of trust in Mr. Munoz and Mrs. Mangas and that they have already done all of the due diligence on this so that when they



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bring it to us that it comes ready for board review; on this one Mr. Culp had it stated that it is subject to Mr. Munoz reviewing it again for proper setbacks. However, Mr. Fonderoli agrees that there need to be deadlines that we stick to. President Strong remarked that this is only fair to everyone; it's not fair to Mr. Munoz and his department for the board to review something and say it's okay for someone to walk in the day before and turn it in and maybe they did not have time to review it; we have to be cautious with this but more importantly we have to be consistent. Mr. Fonderoli stated that with the weather the way it is can he even start construction or pour concrete to which Secretary Vondersaar stated that in the end that is not our problem. President Strong remarked that it is their job to follow the ordinances so there is always the latitude to not review last minute entries but they have to be consistent. President Strong stated that they really have to take a look at this because they have allowed some to come in the last few minutes and this one was not a hard one but to Secretary Vondersaar and Mr. Lutz comments they really approved something that they did not have the survey on and they took for granted that it is going to sit behind the other building and the other building seems to be okay with the setbacks but in the future that is really something that they need to be concerned about. Secretary Vondersaar stated that he has to have a survey to pull the permit so we're not asking him to do anything that he won't have to do anyway. Mr. Culp stated that with it going back to Mr. Munoz the Plan Commission can request that at our next meeting Mr. Munoz give a report saying that yes he did meet all of the setbacks and where the property line is and things like that. Secretary Vondersaar stated that the bad thing with this is that Mr. Munoz is not here and Mr. White was saying that he had told Mr. Munoz this and Mrs. Mangas is shaking her head and we have no idea since Mr. Munoz is not here to answer questions. Secretary Vondersaar went on to state that he went for this but he's not going to do it anymore. Mr. Culp remarked that Secretary Vondersaar is making a very valid point.

President Strong stated that this was a great discussion, he always appreciates discussions and especially when it's something that makes everyone's job easier and this would definitely make Mr. Munoz and Mrs. Mangas' job easier because basically it tells them that if it is not in within 15 days before our meeting then there is nothing they can do because it comes to the board and they are not going to pursue it...Secretary Vondersaar stated that it should just not even be presented on the docket or agenda. Mr. Culp stated that the Hamilton County BZA states that if it's not within their time period it's not accepted for that particular meeting. President Strong remarked that he thinks that is fair for anyone and he hopes that Mr. Munoz and Mrs. Mangas do a good job at letting everyone know what those time frames are; we do want to be business friendly but we have to be cautious with how we proceed. President Strong continued stating that we have a golden opportunity with our new ordinances to say this is what we are doing and we are not going to deviate from it.

President Strong asked for any other board member comments; there were none.



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10. NEXT PLAN COMMISSION MEETING:

January 14th, 2015 @ 7:00 p.m.

11. ADJOURNMENT:

Tim Fonderoli made a motion to adjourn and Dennis Schrumpf seconded the motion. All members present were in favor and the meeting was adjourned at 7:37 pm.

Signature on Official Documents!

Dan Strong, 2014 C/JT Plan Commission - President

Paul Vondersaar, 2014 C/JT Plan Commission - Secretary

Sally Mangas, C/JT Plan Commission - Recorder

Date: _____

Location:
Cicero Town Hall
70 N Byron Street
Cicero, IN 46034