



CICERO/JACKSON TOWNSHIP PLAN COMMISSION

PETITIONERS:

Michael and Kimberly Alexander

CICERO/JACKSON TOWNSHIP PLAN COMMISSION MINUTES 02/12/14

President Dan Strong called the December Session of the Cicero/Jackson Township Plan Commission meeting to order at 7:04 pm.

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

PRESENT: President Dan Strong
Vice President Stephen Zell
Dennis Schrumf
Paul Vondersaar
David Martin
John Culp-Legal Counsel
Paul Munoz- C/JT Plan Director
Kelly Gunn- Recording Secretary

ABSENT: Tim Fonderoli
Eric Hayden
Mark Thomas
Christopher Lutz

1. DECLARATION OF QUORUM:

President Dan Strong declared a quorum with 5 of 9 members.

2. APPROVAL OF MINUTES:

Stephen Zell made the motion to approve the 12/11/13 minutes and David Martin seconded the motion. All members were in favor.



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3. OLD BUSINESS

4. NEW BUSINESS

Docket #: PC-0114-001-R1

Petitioner: Michael & Kimberly Alexander

Property Address: 24592 Point Lane

Arcadia, IN 46030

Minor Subdivision Application: To allow for a split of the parent tract of 12.67 acres into two (2) separate parcels. Parcel #1 being 6.51 acres and parcel #2 being 6.15 acres.

President Dan Strong explained to the petitioner that he would need all five board members present to vote favorably for his request to be granted. Mr. Alexander stated that he would like to proceed. Nathan Althouse of Miller Surveying (948 Conner St, Noblesville, IN 46060) came forward to discuss the proposed Minor Subdivision split. Mr. Althouse stated that the purpose of the split is really lender and mortgage driven as the petitioner wants to give the bank the very least amount of land as possible. Mr. Althouse explained that the lender would not allow a metes and bounds description for the property and so they must split the land in this manner to attempt to achieve the petitioner's goals. Mr. Althouse discussed the TAC meeting and the cancelation due to weather. Mr. Althouse stated that even though the actual meeting was canceled, the TAC committee members did respond via email to him and they did not have issues that he was aware of. Plan Director Paul Munoz stated that Dave Lucas from the Hamilton County Highway Department did mention some minor clerical issues that needed to be addressed, and discussion of that took place. President Dan Strong asked Plan Director Paul Munoz about this property being just outside of the Point Subdivision and whether this project would fall under the scope of the Point Covenants and Restrictions. Plan Director Paul Munoz stated that because it is outside of the Subdivision, the Covenants and Restrictions do not apply. Stephen Zell asked Paul Munoz to inform the board of the previous variance history on this property. Discussion of this took place. President Dan Strong and Paul Vondersaar inquired about the lot to depth ratio. Legal Counsel John Culp stated that this would be an issue. Discussion of this topic continued.

Stephen Zell made a motion to open the Public Hearing. Dennis Schrupf seconded the motion. All members present were in favor.

Carol Hanley
71 Point Ln.
Arcadia, IN 46030

Ms. Hanley asked if a house could potentially be built on the other parcel where a home is not located currently. President Dan Strong stated that he sees no reason as of now that would prohibit this. President Dan Strong asked if such a stipulation could be placed to where the current homeowner must retain the property and that no home shall be permitted on the newly split property. Legal Counsel John Culp said as



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long as the minimum requirements are met in Subdivision Control Ordinance, that such a requirement or stipulation cannot be placed.

Steve Holt
3 Point Ln.
Arcadia, IN 46030

Mr. Holt asked if there is discretion for the Plan Commission to make this decision or does the decision just go through if the ordinance minimum requirements are met. Legal Counsel John Culp stated that the board is bound by certain requirements within the ordinances and if those things are met, the board must approve. Mr. Holt stated that he is concerned that another home will be built upon the new parcel. Mr. Alexander stated that he is not willing to put self imposed restrictions on no new homes on the 2nd parcel.

Mike Alexander
24592 Point Ln.
Arcadia, IN 46030

Mr. Alexander stated that his plans are strictly to accommodate the mortgage situation. Mr. Alexander stated that he has no intentions to sell the proposed split of land. Mr. Alexander stated that he wants as little land tied to Old National Bank as possible via his Construction loan. Paul Munoz stated that the barn currently exists on the proposed 2nd parcel, so Mr. Alexander would have to come for a Replat in order to sell. Steve Zell asked Mr. Alexander if he plans to build another home on the 2nd parcel. Mr. Alexander stated no.

Paul Gibson
5 Point Ln.
Arcadia, IN 46030

Mr. Gibson stated that he just wanted to go on the record that he is opposed to this project.

There were no further questions or comments from the board members or the public.

Stephen Zell made a motion to close the Public Hearing and Paul Vondersaar seconded the motion. All members present were in favor. Public Hearing was closed.

Paul Vondersaar asked if the width to depth ratio is a relevant issue for this proposal. Paul Vondersaar discussed the width to depth ratio on Lot 1 and 2 and the fact that they do not meet what is currently allowed in the ordinance. Paul Munoz stated that a Subdivision Control Ordinance Variance might be needed for this request and that he will research this. Paul Vondersaar asked why Lot 2 is laid out on the plat to be connected to the lake if the petitioner is not looking to sell the property in the future. Stephen Zell asked the petitioner for his rationale for this. Mr. Alexander stated that his thinking was that if there was lake access, the property is more valuable. President Dan Strong asked if he plans to try and divide in the future. Mr. Alexander stated no, that is his not his intention. Paul Vondersaar stated that there is a lot to depth ratio ordinance for a reason



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and that in this case, the proposed split does not even come close to meeting that ordinance. Stephen Zell said that the board makes their determinations on a case by case basis and that it does not set a precedent. Legal Counsel John Culp concurred. Legal Counsel John Culp stated that if the board approves this tonight, that he recommends that they make their approval contingent upon the BZA's approval. A discussion of the history of the Point subdivision area took place amongst the members of the board. Paul Vondersaar asked the petitioner more about the mortgage issue. Paul Vondersaar stated that he was trying to determine what the hardship is for the petitioner. Mr. Alexander said that his barn and property are paid for, but he is unwilling to turn over all his equity to Old National Bank just to fund a portion of the home itself. Mr. Alexander stated that he has not yet obtained his mortgage; he only has a construction loan. President Dan Strong discussed what he'd like to see added to the motion. Legal Counsel John Culp asked if this come back to the Plan Commission after a BZA decision. Discussion of which board would have discretion over a decision regarding the proposed split continued. Paul Vondersaar asked if the Plan Commission approved this project tonight, does this still have to go in front of the BZA because of the lot width to depth ratio issue. Paul Munoz stated that if this does not pass the Plan Commission's approval this evening, the petitioner would have to come back with changes to the lot specifications that would meet what the current ordinances are. Discussion of the petitioner having the opportunity to table his proposed split in order to amend the plat took place. Stephen Zell made a motion to approve with the motion being contingent upon approval by the BZA in relation to the lot width to depth ratio. David Martin seconded. Dan Strong, David Martin, Stephen Zell and Dennis Schrupf voted yes. Paul Vondersaar asked for clarification on what happens if Plan Commission approves tonight. President Dan Strong stated that approval by the Plan Commission this evening will move this to the BZA so that they can rule on the lot width to depth ratio issue. Discussion of what the implications are for the petitioner if this does not pass tonight took place. Paul Munoz stated that if this does not pass the Plan Commission this evening, the petitioner will have to refile with a new, amended plat. Discussion of this took place. Legal Counsel John Culp stated that the petitioner has the right to request that it be tabled so that they can submit an amended submission so that they do not have to refile. Mr. Alexander asked for an explanation of the timeline if he had to go in front of the BZA for approval as well or if he tabled this to amend his submission. Discussion of this took place. Paul Munoz explained to Mr. Alexander the option of tabling and taking the recommendations that he has heard from the board members to amend the plat and come back to the board with a more favorable version of the plat. Discussion of this continued. Mr. Alexander asked what the purpose of the TAC meeting is and why it does not address this width to depth issue. Paul Munoz discussed this. Paul Vondersaar asked if this agenda item would automatically be tabled if he abstained from voting. Legal Counsel John Culp explained that if Paul Vondersaar abstains, that the request would be denied because the petitioner needs 5 affirmative votes and he has 4 currently. Paul Vondersaar if the BZA has more discretion or authority to impose conditions and commitments to be recorded with a deed upon approval of a proposal. Paul Vondersaar went on to ask if the BZA can invoke a condition that states that lot 2 is not able to be built upon. Legal Counsel John Culp stated that the petitioner can agree to a stipulation like that for a certain number of years. Paul Vondersaar stated that the lake frontage left on lot 2 bothers him. Discussion continued on this topic. President Dan Strong discussed what that BZA's discretion is and what they can and cannot rule on. President Strong stated that no one can speak for the BZA but the lot to depth ratio is within the BZA's realm of decision making. The board went to vote on this topic and the vote went as follows: Dan Strong, Stephen Zell, Dennis Schrupf, and David Martin voted yes. Paul Vondersaar voted no.



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Mike Alexander asked where on the website and or in the ordinances are lot size and coverage discussed. Paul Munoz stated that this information was emailed to him at the start of this Minor Subdivision process.

Election of Officers: This item was tabled until next month's meeting so that more members could be in attendance and give their input. Dennis Schrupf made the motion to table and Stephen Zell seconded the motion. All members present were in favor.

5. PLAN DIRECTORS REPORT:

Plan Director Paul Munoz discussed his meeting with consulting firm Ratio last month in regards to the ordinance update project. Paul Munoz stated that they will be reformatting the ordinances and maps and that new ordinance books will be printed for all board members. Paul Munoz also discussed being added to the Hamilton County GIS system.

Plan Director Paul Munoz gave an update on the Comprehensive Plan project. Paul Munoz stated that there will be upcoming Steering Committee meetings at the end of February. Paul Munoz stated that it is hope that a draft of the new Comprehensive Plan will be ready to be reviewed in either May or June. Discussion of this continued amongst the Plan Director and the members of the board.

6. PRESIDENTS REPORT:

N/A

7. LEGAL COUNSEL REPORT:

Legal Counsel John Culp discussed the ongoing issue at the McGill storage unit facility. John Culp stated that he would recommend that the board agree to the current usage and that they address the loophole in the ordinance during the current ordinance revision process. President Dan Strong stated that this particular use would be grandfathered in. Paul Vondersaar asked if the challenge here is in the definition of the word "portable." Paul Munoz stated yes. Discussion of this topic continued.

John Culp discussed the Ad joiner agreement with Jackson Township. John Culp stated that he intends to have a draft ready to be reviewed prior to the next Plan Commission meeting. John Culp discussed some revisions and additions that will be included in the agreement. Jackson Township Trustee Chris Miller was present in the audience and stated that her goal is to be more active at the Plan Commission meetings. Chris Miller requested that she be given an original copy of the agreement and a synopsis of the proposed changes to be made. Paul Munoz discussed the proposed changes, and his meeting with Ms. Miller. Discussion on this topic continued.



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8. PUBLIC COMMENT

Paul Gibson
5 Point Ln.
Arcadia, IN 46030

Mr. Gibson discussed some aspects of Mr. Alexander's Minor Subdivision plat that he was not aware of. Mr. Gibson stated that as a neighbor that is information that he would like to be made aware of. President Strong stated that by receiving the Legal Notice from the petitioner that gives you notice and the right to come into the Planning Office to look at any documents and plans pertaining to the agenda item. Paul Vondersaar made the suggestion that it might be nice to post a copy of the proposed plat in the lobby of the Town Hall on the night of the meeting for any members of the public who did not have a chance to review it prior to the meeting date. President Dan Strong stated that the board could discuss this option further for future meetings.

9. COMMENTS FROM COMMISSION MEMBERS:

Stephen Zell discussed the automotive repair business on State Road 19 and the signage change that has occurred. Paul Munoz stated that he was not aware but he will review it and get back to the board.

10. NEXT PLAN COMMISSION MEETING

March 12th, 2014 @ 7:00 p.m.

11. ADJOURNMENT:

David Martin made a motion to adjourn and Stephen Zell seconded the motion. All members present were in favor and the meeting was adjourned at 8:20 pm.

Signature on Official Documents!

Dan Strong, 2014 C/JT Plan Commission-President

Stephen Zell, 2014 C/JT Plan Commission-Vice President

Mark Thomas, 2014 C/JT Plan Commission Secretary

Kelly Gunn, 2014 C/JT Recorder

Date: _____



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