



CICERO / JACKSON TOWNSHIP BOARD OF ZONING APPEALS

PETITIONERS:

Precision Landscaping LLC
Bullseye Fence Design, Inc.

BZA MEETING MINUTES

01/22/15

7:00 p.m.

Vice Chairman Brad Baker called the Cicero/Jackson Township BZA meeting to order at 7:00pm and the members were present or absent as follows:

ROLL CALL

Present: Brad Baker - Vice Chairman
Dan Strong
Tom Warner
Aaron Culp - Legal Counsel
Paul Munoz - C/JT Plan Director
Sally Mangas - Recorder

Absent: Art Hall - Chairman
- Secretary

1. DECLARATION OF QUORUM:

Vice Chairman Baker declared a quorum with 3 of 5 members present. Vice Chairman Baker informed the petitioners that there are only three (3) members present and that it will take all three (3) of the members to vote positive to pass their petitions this evening. The petitioners were asked if they would like to table their requests for another month to which they remarked that they would like to continue on tonight.

2. APPROVAL OF MINUTES:

Dan Strong made a motion to approve the 10/23/14 meeting minutes. Tom Warner seconded the motion. All members present were in favor.

3. OLD BUSINESS:

None

4. NEW BUSINESS:

Election of 2015 Officers

Dan Strong made a motion to table the 2015 Officer Elections until the February meeting; Tom Warner seconded the motion. All members present were in favor.



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Docket #: BZA-1214-011-AG

Petitioner: Precision Landscaping LLC

**Property Address: 0 Anthony Road
Cicero, IN 46034**

Land Use Variance: To allow for a landscape business to operate in an "AG" Agricultural Zoning District whereas a landscape business is not a permitted use in an "AG" District.

Vice Chairman Baker asked the petitioner to explain what they are planning on doing. The petitioner stated that they are a landscape and hardscape business and they are looking for a location where they can build a storage facility, pole barn structure, to store equipment as well as stockpile materials. He continued stating that they are not a retail location; there would not be a lot of traffic, just employees. The plan is simple just seeking 1 pole barn structure, a lane going back to it, and a well being put on the property.

Vice Chairman Baker asked the board members if they had any questions for the petitioner. Mr. Strong asked if they will be leasing or renting the property owner since they are not the property owner to which they stated that was correct. Mr. Strong asked Mr. Munoz if he was right in thinking that any outside storage would need to be screened since it is a Commercial facility even though it is in an AG district to which Mr. Munoz stated that yes the petitioner is aware of that. Mr. Strong asked the petitioner about his statement "not a lot of traffic" because by looking at the picture provided it looks like at least 10 trucks; Mr. Strong asked the petitioner how many vehicles he anticipates using Anthony Road to get to their facility. The petitioner stated that they currently have 5 vehicles in the fleet but they wanted some room for growth since they are planning on being there for 3-5 years or possibly longer. The petitioner continued stating that as far as traffic they will be there first thing in the morning, then load up and leave and then come back in the evening. Mr. Strong asked what the hours would represent in the morning getting there, leaving, and then coming home. The petitioner remarked that it varies from day to day but with landscaping it's seasonal usually sun up to sun down; 7am to 6-7pm. Mr. Strong asked if they are planning any lighting or signage for the facility. The petitioner stated that they do not have any plans for either. Mr. Strong asked that since it is sun up to sun down then there will not be any exterior lighting for security or for the parking lot or anything; to which the petitioner stated that the only light they may have would be on the outside of the pole barn but there are no plans for lights. Mr. Warner asked about the parking lot surface, what plans they have for it. The petitioner stated that it would be gravel. Vice Chairman Baker asked what size of pole barn they were thinking about. The petitioner replied that the one they are looking at is approximately 35X50. Vice Chairman Baker asked the petitioner how many employees they currently have to which the petitioner remarked that they are seasonal so it does vary; roughly 5-10 with 10 being during the peak season. Mr. Warner remarked that they had said that they will not have any customers, no retail, but if I am a customer can I bring my truck and pick up my mulch at your place to which the petitioner stated that he could not it would have to be delivered. Mr. Strong asked how the mulch would get to their facility, by semi or how it would work. The petitioner stated that they would be buying in bulk and a semi would be the largest delivery they would receive. Mr. Strong asked about other outside



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storage of equipment other than the mulch or stone; do they anticipate any equipment for the landscaping business being outside other than their trucks. The petitioner stated that they had a skid steer and a tractor but those will be kept in the barn. Mr. Warner asked if the gravel drive would be all the way to the country road to which the petitioner stated it would. Mr. Warner asked Mr. Munoz if gravel would be permissible to which Mr. Munoz stated that in an AG area it would be. Mr. Warner asked if there is currently any access to the property to which the petitioner stated that there is not. Mr. Warner asked if they would be landscaping the entire frontage of the property or just where the driveway is proposed. The petitioner stated that they would just put in the driveway and leave the rest of the trees; they plan on leaving all the trees and just cutting an access for the drive.

Dan Strong made a motion to open the public hearing; Tom Warner seconded the motion. Vice Chairman Baker asked if there was any public comment in regards to this request. Bob Parker stated that he has the property to the north of the proposed site; 23990 Anthony Road. Mr. Parker asked the petitioner what types of equipment they planned on storing there. The petitioner stated that they have a skid steer, tractor, mowing equipment and vehicles and trailers. Mr. Parker asked approximately how many vehicles and trailers to which the petitioner stated that they have 5 vehicles and 4 trailers. Mr. Parker asked how many full time employees they currently have to which the petitioner answered stating that they are seasonal but during the peak of the season it would be no more than 10. Mr. Parker asked if that would be the primary headquarters location for the company to which the petitioner stated it would be. Mr. Parker stated that they have lived there for approximately 25 years and the area is agricultural and residential; they oppose any variance in zoning. Even though it is a rural setting you get a lot of high speed traffic, especially northbound approaching south of 236th Street, with the presence of trucks and trailers and everything else, especially the location of their driveway because it is at the top of a hill it kind of presents a blind spot especially for southbound traffic, this could create a hazard out there. Vice Chairman Baker asked if there was any other public comment. Vice Chairman Baker asked the board if they had any questions for Mr. Parker. Dan Strong made a motion to close the public hearing; Tom Warner seconded the motion.

Vice Chairman asked the board members if they had any comments. Mr. Strong stated that he would like to clarify that if they do approve this they should look for some commitments as far as the lighting and some of the things they have talked about as well as from the standpoint of the amount of vehicles they would like to see there at a capacity. Mr. Strong continued stating that he would be concerned that as the business grows they could overgrow the area. He feels they should take that into consideration since it is an agricultural district and this could bring extra traffic into the area. Mr. Culp stated that he would also suggest attaching it to the current operators of the business. Mr. Culp also asked Mr. Munoz if we had a power of attorney from the property owner to which Mr. Munoz stated that we did. Vice Chairman Baker verified with the petitioner that there is no house on the property at this time to which the petitioner agreed. Vice Chairman Baker asked if either of the petitioners lived adjacent to the property to which they both stated that they did not. Vice Chairman Baker asked again if they were leasing the property; the petitioners stated they were. Mr. Warner asked if they were planning on doing any landscaping on the north and south sides of the property. The petitioner asked as far as fencing to which Mr. Munoz remarked that because it would be outdoor storage of materials,



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vehicles, and things like that it would have to be fenced. The petitioner stated that on the plan there is a fence around the entire property. Vice Chairman asked the board if they had any other questions.

Dan Strong made a motion that they approve BZA-1214-011-AG for Precision Landscaping LLC at 0 Anthony Road Cicero IN for a Land Use Variance to allow for a landscape business to operate in an "AG" Agricultural District whereas a landscape business is not a permitted use in an "AG" District with the following commitments: That they land use variance goes with the Precision Landscaping LLC only and if they vacate their business there then the land use variance would cease at that particular time and they would have to come back for review if anyone else would like to go there. That there would be no living quarters allowed out of that facility. That the maximum vehicles allowed at any one particular time would be 10. That there would be no exterior lighting other than just for security purposes around the building and if they so desire at a future date to add additional parking lot lighting they would need to come back for approval of that. Tom Warner seconded the motion. Vice Chairman Baker asked Mr. Munoz if screening would be required by zoning to which Mr. Munoz stated that was correct. Vice Chairman Baker asked if a mercury/vapor type security light would be allowed to which Mr. Munoz stated that you would just be looking at a security light attached to the building and the lighting requirements within our standards to make sure there is no variation outside of the property lines as much as possible; that way lights are not shining into people's homes. Vice Chairman Baker asked what the screening setback would be to the property line to which Mr. Munoz stated that fences can be on the property line. Mr. Strong asked the petitioners if they have any intentions of ever buying the property to which they stated that they have discussed that with the property owner and he has made it clear that he is not interested in selling at this time. Vice Chairman Baker asked Mr. Parker if he lived adjacent to the property to which Mr. Parker stated he lives immediately adjacent to the north. Tom Warner votes in favor, Mr. Strong votes no, Vice Chairman Baker votes no. Vice Chairman Baker stated that the petition is not approved at this time. Mr. Culp remarked to the petitioners that since there are not 3 votes it is not a formal denial which means that they are entitled to come back next month and have it on next month's agenda, he asked if they would like to do that...Vice Chairman Baker stated that because there is a neighbor who has spoken and has concerns for his own property if they would like to come back he would suggest that they refine the plan as far as the screening and lighting. The petitioner asked what types of details in regards to the screening to which Vice Chairman Baker stated that personally for him he would like to know what they had in mind for the fencing as far as type and more about the building; that would be helpful for him to decide. Mr. Culp stated that the reason he is asking if they would like to come is because since this has been advertised properly and you say you want to come we can announce tonight that you are coming to the next meeting, February 19th at 7:00pm and you will not have to re-advertise it. Mr. Munoz stated that if they decide they do not want to pursue it any further there is no other cost or implications. The petitioners stated that they will return. Mr. Culp stated that for the record this will be heard again on February 19th at 7:00pm here at our next meeting.



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Docket #: BZA-1214-012-C3

Petitioner: Bullseye Fence Design, Inc.

Property Address: 22179 US 31

Cicero, IN 46034

Development Standards Variance: To allow for a privacy fence in a front yard of a business in a "C3" Commercial Zoning District whereas the ordinance states that a fence in the front of the primary structure shall be no less than 50% surface open area.

Vice Chairman Baker asked the petitioners to tell a little bit about this. Rod Smith and Ryan Householder approached the board and explained how the existing warehouse sits at the back of the property. They are looking to screen their operation and include the warehouse. They are not a retail outlet so their building is not going to be open to the public. This is really a screening for equipment, trucks, trailers, materials for jobs and security. Their business is fencing so it will be a very nice fence. Vice Chairman Baker stated that they would be using an 8' Western Red Cedar Dog Ear fence to which they agreed. Vice Chairman Baker asked if the board members had any questions. Mr. Strong asked Mr. Munoz if this would be a permitted use for the building since it is in a Commercial District to which Mr. Munoz stated it would. Mr. Strong asked Mr. Munoz what the building is currently being operated as; Mr. Munoz stated that previously it was Dad's Auto Repair, they had been in last year or the year before for a variance but they have since vacated the building and the building was sold to these gentlemen from Bullseye. Mr. Strong asked the petitioners if they had purchased the building to which they stated that they had. Vice Chairman Baker asked if this fence is across the rear of the property to which the petitioners stated that because of the way the property is laid out this fence will actually be almost half way back because the warehouse is positioned at the very back of the property so this fence will actually be...there is going to be a considerable amount of green space from US 31 to the privacy fence. The petitioners also stated that they will be placing some pine trees in front of the privacy fence as well. Vice Chairman Baker asked if there is parking outside of where this fence would be currently to which the petitioners stated that there is parking, Dad's had put a lot out front, they do not have any current plans or usage the only thing that would be in front of the fence would be some employee vehicles. The petitioners stated that with the fence there pretty much 100% of anything they are doing will be screened and secured. Mr. Warner asked about what type of landscaping they would be doing besides the trees. The petitioners stated that they had envisioned planting some evergreen trees in front of the fence to give it an aesthetic/pleasurable view. There will probably be a landscape mound with mulch and the pine trees at a minimum. Mr. Warner verified that their business is fencing to which they agreed. Mr. Strong asked about the parking lot at this facility in regards to development standards and if it is currently paved or gravel to which the petitioners stated that it is entirely gravel. Mr. Strong asked if in the future they have plans to pave the parking lot to which the petitioners stated that there is no potential plan unless there was a future retail but with the way their operation is there would be very minimal if any customer base coming out. They further stated that if that were a direction they decided to go they would need to pave and do some considerable development if setting up for public access. Mr. Strong stated that they would need to come back to this board with details if they decided to do that. Mr. Strong asked about the lighting



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and if there is lighting today to which the petitioners stated that there is currently lighting; a security light out by the gate entrance and there is a security light and 2 lights, 1 on the warehouse and a security light in the back corner of the lot. They further stated that they do not have plans to do further work with the lighting unless there is a security issue. The petitioners stated that the business location was a turnkey set up for their business. Vice Chairman Baker asked if the board had any further questions.

Dan Strong made a motion to open the public hearing; Tom Warner seconded the motion. Vice Chairman Baker asked if there was any comment from the public. There was no comment. Dan Strong made a motion to close the public hearing; Tom Warner seconded the motion. All members present were in favor.

Dan Strong made a motion to approve BZA-1214-012-C3 which is in a Commercial Zoning District for petitioners Bullseye Fence Design, Inc. at 22179 US 31 Cicero IN 46034 for a Development Standards Variance to allow for a privacy fence in a front yard of a business in a "C3" Commercial Zoning District whereas the ordinance states that a fence in the front of the primary structure shall be no less than 50% surface open area; with the following commitments: they cannot operate a retail business out of the facility and they will be allowed to continue to have their security lighting and add additional security lighting to their building if that became an issue in the future and that their landscape plan be approved by the Planning Director, Mr. Paul Munoz. Tom Warner seconded the motion. Mr. Warner voted in favor, Mr. Strong voted in favor, Vice Chairman Baker voted in favor. Vice Chairman Baker stated that BZA-1214-012-C3 is approved.

5. PLAN DIRECTOR'S REPORT:

Mr. Munoz stated that he is finishing up the last of the yearend report for 2014; he still does not have the financials balanced from the Clerk Treasurer's office so it's going to be a brief overview of permits, violations, BZA and PC dockets, also a brief summary of some of the larger projects that we've been able to accomplish this year; he should have this out if not by tomorrow by Monday. Vice Chairman Baker asked the board if they had any questions for Mr. Munoz. Mr. Strong asked about an update on the Comprehensive Plan and the Zoning Ordinances. Mr. Munoz stated that the Comprehensive Plan had its first reading in front of the Plan Commission this month and it was very favorable and they are looking to vote on it and actually approve it by February and then it will go to the Town Council with a favorable recommendation for them to do the final approval on. We also had our first approval meeting with the Plan Commission on the Zoning Ordinances updates. There were a lot of very good comments, there were some things that we felt needed to be addressed to fill in some loopholes that could be in place and they are going to bring those back to the Plan Commission at the next meeting to hopefully have a final draft in place and be able to recommend those to the Town Council at the same time as the Comprehensive Plan.

6. CHAIRMAN'S REPORT:

None



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7. LEGAL COUNSEL REPORT:

None

8. PUBLIC COMMENT:

None

9. BOARD MEMBERS COMMENTS:

None

10. NEXT MEETING:

February 19th, 2015 at 7:00 p.m.

11. ADJOURNMENT:

Dan Strong made a motion to adjourn and Tom Warner seconded the motion. All members present were in favor. The meeting was adjourned at 7:31 pm.

Signature on Official Documents!

Art Hall, 2014 C/JT BZA - Chairman

Brad Baker, 2014 C/JT BZA - Vice Chairman

Sally Mangas, C/JT BZA - Recorder

Date: _____

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