

Cicero/Jackson Township
Plan Commission Meeting Minutes

April 12, 2017

7:00 p.m.

Roll Call of Members:

Present:

_ David Martin-present
_ Jack Russell-absent
_ Rusty Miller-absent
_ Chad Amos-present
_ Tim Fonderoli-absent
_ Dennis Schruppf-absent
_ Glen Schwartz-present
_ Stephen Zell-present-Vice-President
_ Aaron Culp-Legal Counsel-absent
_ Dan Strong-C/JT Plan Director-present
_ Terri Strong-Recorder

1. **Declaration of Quorum**-President Zell declared quorum with five members present. President Zell explained the procedures for the evening. All motions will require all 5 affirmative votes to pass. Petitioners expressed no concerns.
2. **Approval of Minutes**- Mr. Amos made motion to approve minutes from March 8, 2017 as presented. Mr. Martin second. Minutes approved 5-0.
3. **Public Comment**: President Zell explained that this portion is for any items not on the agenda, public comment for M/I Homes has been handled previously and Vondersaar project will be later in the evening. No public comments.

4. Old Business

Docket# PC-0217-001-R3/PDR3

Petitioner: Susan Wilson, Jerry Brown, David and Angela Jordan, and MLW, LLC

Petitioner Address: Southwest Corner of Tollgate and 236th St.

Cicero, IN 46034

M/I Homes rezone request from R3 to PDR3 Southeast Corner of Tollgate and 236th St.

(Needs to be untabled from the March 8, 2017 meeting)

Mr. Amos made motion to untable Docket# PC-0217-001-R3/PDR3. Mr. Miller second. All present in favor. Docket untabled.

President Zell welcomed Mr. Isaacs representing the petitioners to the front for presentation.

Mr. Isaac presented the packets that included a modified ordinance and a red-line version that is an intermediate version. Mr. Martin clarified that the red-line is the latest version.

Mr. Isaacs approximately 112 acres is the PUD, 50 owned by MLW, 21 acres Mr. Brown, 40 acres by Susan Wilson and 5 acres by the Jordan's. The five acres is the area where the most controversy was expressed for the request for neighborhood commercial zoning. M/I Homes has modified the ordinance to eliminate the request for neighborhood commercial zoning for that parcel. President Zell indicated that section 5.3 in the handout addresses this. Mr. Isaacs stated there are other standards that are modified to address as well.

Area A-1 A-2, B, C, D-1 and D-2 are the areas. Added area E to address the remnant piece of the Jordan piece that could hold 3 units. This information is listed under 6.2 section 8 addresses the design standards. Mr. Isaacs stated the Jordan's could at a later time ask for the rezone if they had a request. However M/I home is not petitioning for this to be commercial. Mr. Martin asked if presenting is up to 3 units entering from 236th. Mr. Isaacs stated could hold 3.5 units, split the .5 among the three.

Originally gas stations were eliminated but now all uses allowed, process with BZA would need to be followed but not prevented by M/I.

Mr. Isaacs worked with Mr. Strong to make sure standards are met. Five foot sidewalks on both sides of streets, path on perimeter of project and work around the parcel that is currently on Tollgate to incorporate path continuity. Mr. Amos asked if approached parish about that parcel. Mr. Isaacs stated he did not believe so, the concern is the value of the home/land as current versus the need for the land only. Mr. Amos stated this could be a concern at the town council level, if there is something that can be done with trade of property etc. Mr. Isaacs stated he will follow up with property owner for possibilities.

Mr. Isaacs discussed lighting standards, at intersections and 600 ft. if a long street, none on the cul-de-sac. Two dusk to dawn lights on homes is required. President Zell stated the exhibit under Tab 4 address the lighting.

On the commercial standards, the corner of Tollgate and 236th the plan shows a 30 ft. landing strip, mounding of 4 ft., intermitting fencing around as well, mounding on common area between commercial and residential to be further discussed to be on property line. Site plan in two areas, cul-de-sac on north and 92-93 lots, came to property line. Have reviewed and pulled them back to include a 15ft landscaping area between the areas. The areas that currently have trees will remain as much as possible and the other areas would ^{could} be part of a lot or a common area. Just finishing up surveys, to determine common area or landscaping easement concern for no trees seems to be limited to 5-6 lots as addressed. Drainage area on south end, there is a drainage easement on MLW property on south end and swell is protected easement. Mr. Isaacs stated he is confident that they would be able to use it and prevent issues.

The ordinance in general requires 30% open spaces are in place. With exception to Area E three lots on two acres.

From last month's meeting items added in that Cicero is interested in but not being enforced, placed into covenants. The outline is in packet, an HOA will be in place to enforce. Discussed are items like trash pickup, no outbuildings, permanent basketball goals, no overnight street parking. Mr. Amos clarified that Town has no pavement parking policy and if full driveway for event, police is not going to harass. Mr. Isaacs stated the comfort level for enforcement is that town ordinance is the rule and comfortable with modifying. Mr. Amos asked Mr. Strong to follow up with Mr. Culp on the wording. Discussion on water bill, clarified.

Mr. Isaac addressed the annexing concern regarding water/sewer, expectation is that if annexed then all homeowners will be required to participate.

Mr. Isaac addressed the front yard setback standards, 30 standard and is asking for 25 ft. In other areas they are working in, 25 is standard. Mr. Isaac explained their measuring and the benefits and impact, explaining that the setback measured from the back of the sidewalk, 30 ft. would not allow on average two cars. Mr. Amos thanked for the information on the measuring, was not known information.

Mr. Martin asked why lots in Area E didn't come thru the cul-de-sac versus coming off 236th St. Mr. Isaacs answered it was a possibility however the property owner was retaining rights currently. Mr. Zell expressed concern for lighting in that particular area if Area C would become the access more lighting would be needed.

Mr. Isaacs summarized the areas and changes.

Area A-duplexes would not be intermingled with single family homes per discussion with Mr. Strong. Doesn't mean they would not split the section based on sales.

Duplex design still being refined. Newer single family products have been released and in Brownsburg currently, that is closest. Maximum lot count is 240-276 plus the three.

Values- Attached \$225-250K, Detached \$240-280K, Area B \$260-310K, Area C \$300K+.

Approach to value setting is conservative, could be higher once costs are finalized however want to share where feel would be able to come in during this process.

There will be a pool with a bath house, still reviewing what would be needed to make bath house larger and able to use year round. External study being done to assist with the needs.

President Zell asked who would staff the pool etc. Mr. Isaac answered HOA would be responsible for whatever needs. Usually a third party service does the maintenance and if needed life guards or service for building. President Zell asked what size pool. Mr. Isaac stated that has a formula based on number of units so not determined as of yet, typically large enough for area but not where it requires lifeguard service by regulation.

As they move forward paths could lead to a gazebo or other items, layout and space will determine this.

President Zell discussed the three retention areas, how would they drain out. Mr. Isaac stated at this point they don't know enough on the details to state how, but appears to be north to south with everything eventually going to the lake. Discussion with map, including the natural draining areas.

Mr. Isaacs concluded the presentation stating he felt they had addressed all aspects previously brought up.

Mr. Strong stated that Mr. Isaacs also had agreed for the ordinance agreement to be reviewed for items such as trash and such to be accurate. Document will stay intact.

President Zell recapped with thank you for detail and for section E being changed/added. Mr. Isaacs stated would be talking to the church about their property.

Mr. Strong stated he would reach out concerning the street parking for recommendation with Mr. Culp.

Motion made by Mr. Martin to favorably recommend Docket# PC-0217-001-R3/PDR-3 to the Town Council for review and approval. Second by Mr. Amos.

Mr. Martin-favorable, Mr. Miller-favorable, Mr. Amos-favorable, Mr. Schwartz-yes, Mr. Zell-yes. Motion passed 5-0.

President Zell asked Mr. Strong to relay recommendation to Town Council. Mr. Strong stated it would be on the agenda for the next meeting with no action by petitioner but as information. Approximately a month before decision.

5. **New Business:**

Docket# PC-0317-002-R2

Petitioner: Eric and Jane Nichols

Petitioner Address: 0 East 226th St.

Cicero, IN 46034

A Major Subdivision application has been submitted concerning Article 5 Major Subdivision Plats of the Cicero/Jackson Township Control Ordinance in order to develop a Major Subdivision and allow the split of 20.23 acres into 10 buildable lots.

Mr. Strong stated legal notice has been presented and Mr. Vondersaar has permission to speak on behalf of the property owners.

Paul Vondersaar, 1105 Bear Slide Dr., Cicero, developer for property. Packets were presented. Mr. Vondersaar shared a couple of changes in packet. Dry swell to the east side versus a pond. Mr. Strong stated this was approved by the Drainage Board. Explanations given to the Board using the maps provided. The existing home and existing 10 acres will not be part of the subdivision. The road will become the access and county specs will be used. Originally 50 ft. setbacks with 30 ft. side yard. County asking for 55 ft. so side yards will be 25 ft. side yards. Discussion on two lots that would be different. President Zell asked if it would be a BZA issue. Mr. Strong stated will be on May agenda for this particular change as legal notice had already been done prior to the change. Mr. Martin asked if this was for recommendation to Town Council. The process was explained by Mr. Zell. Mr. Vondersaar will be presenting overview for approval for Major Subdivision status, then they will go to BZA for details.

Mr. Vondersaar stated HOA and covenant restrictions will be presented later on.

Mr. Miller questioned the hill area. Mr. Schwartz suggested the west entrance should require signage due to the hill. Discussion ensued on options and location. Mr. Strong stated it has been before TAC and Highway Dept., suggestions will be addressed.

Motion made to open public hearing by Mr. Amos. Mr. Martin second. Hearing open.

Susan Wilson 37 Pleasant Hill Ct. concerned with the traffic aspects. Difficult to get onto 226th, concern with cul-de-sac placement and impact. Mr. Strong stated it was briefly discussed at TAC and he would pass along the concerns to Highway Dept. and David Lucas.

Mrs. Williams (?) 36 Pleasant Hill Ct. Can we suggest to county to take speed limit to 30 MPH. Mr. Amos suggested a neighborhood getting together to send a message as a group to the highway department, also suggested testing one of the new signs in the area for review of actual speed limit.

Motion made to close public hearing by Mr. Amos. Mr. Schwartz second. Hearing closed.

Motion made to approve Docket PC-0317-002-R2 by Mr. Martin with the contingency of BZA approval of the plat. Mr. Amos second.

Mr. Martin-favorable, Mr. Amos-favorable, Mr. Miller-favorable, Mr. Zell-favorable, Mr. Schwartz-favorable. Motion passed 5-0.

6. **Plan Director's Report:** Mr. Strong announced that Mr. Taylor was present to review process and would be starting on the 24th. Mr. Strong thanked the board for their time and review of all the moving parts of M/I Homes, and felt they were addressing the concerns of the citizens and

Board. Also thanked the members for being present this evening especially in light of needing a quorum.

7. **President's Report:** President Zell thanked the members of the board for all of their help, comments and attendance while they help Cicero grow.
8. **Legal Counsels Report:** No legal present.
9. **Board Member Comments:** Mr. Amos stated on street parking is part of town enforceable ordinance. Mr. Strong stated he would reach out to Mr. Culp with regards to the necessary signage responsibilities. Mr. Martin asked if there were alternates available to the Plan Commission. Mr. Strong stated the state statue does not allow for alternates for Plan Commission since they are all appointed members it does allow for the BZA to have alternates. Mr. Strong distributed an update from Peggy Jackson with the school system. Mr. Miller was asked about the winery project and where things stood. Mr. Strong stated that three variances were approved one tabled, they are still waiting for drainage board and others to proceed even after the last variance is reviewed. Mr. Martin asked which one was tabled and why. Mr. Strong explained not proper notification and the rear setback, ordinance is 45 ft., modified to 32, but after plans are reviewed they need 18 feet.

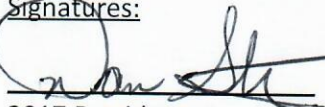
10. Next Planned Plan Commission Meeting:

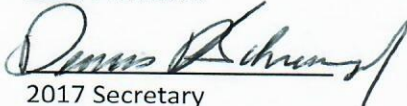
May 10, 2017 @7:00p.m.

11. Adjournment:

Motion by Mr. Amos for adjournment. Second by Mr. Martin. All present in favor.

Signatures:


2017 President


2017 Secretary

-Recorder

Date: 4-12-2017

Location:

Cicero Town Hall
70 N. Byron Street
Cicero, IN 46034