

Cicero/Jackson Township
Plan Commission Meeting Minutes

January 11, 2017

7:00 p.m.

Roll Call of Members:

Present:

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

1. **Declaration of Quorum:** Chairman Zell declared a quorum with disclaimer that motions would require five positive votes to pass, and gave petitioner opportunity to reschedule if there was a concern. 7/9 members present.
2. **Approval of Minutes:** Chairman Zell thanked Terri Strong for work on the minutes. Several months to approve this meeting which catches the board up. Starting with meeting on December 14, 2016 any corrections or additions.

Motion to approve December 14, 2016 PC meeting made by Mr. Schrumpf. Second by Mr. Martin. All present in favor.

President Zell asked for November 9th comments or additions. Docket on page 2, please check for all members listed on vote, Mr. Zell not listed.

Motion to approve November 9, 2016 as amended made by Mr. Amos. Second by Mr. Schrumpf. All present in favor.

President Zell asked for October 12, 2016 corrections or additions.

Motion to approve October 12, 2016 made by Mr. Amos. Second by Mr. Schrumpf. All present in favor.

3. **Public Comment:** President Zell stated this is the only time for public comment tonight. Regarding Arbor Homes the public session was conducted on December 14th. It is now in the hands of Planning Commission and then to the Town Council. If anyone is here to speak on behalf of anything not on tonight's agenda, please come forward. No comments were made.
4. **Old Business**
Docket# PC-1116-005-R3
Petitioner: Richard J. Irving
Petitioner Address: 9400 Block of E. 235th St. (0 E. 235th St. per Hamilton County Recorder's Office)

Tabled at December Meeting.

A Rezone Application has been submitted concerning Article 3 (Residential Zoning Districts) of the Cicero/Jackson Township Ordinances/Maps in order to:

Rezone the property from an R3 Medium Lot, Medium Home Residential to a PD-R3, for the purpose of residential single family, commercial/business, and community open space. President Zell read the above information explaining further information was required. Motion required.

Motion made by Mr. Schrumpf to untable Docket#1116-005-R3. Second by Mr. Martin. All present in favor.

President Zell reminded the Board of their responsibility tonight towards this docket is to form recommendation to be forwarded to the Town Council. Recommendation from this board must be favorable, unfavorable or perhaps tabled, depending on information presented tonight.

Paul Claire with Arbor Homes and Arbor Investments, Paul Munoz working with Arbor, and HWC Engineering representative. Presented last month this proposal with lots of good comments and suggestions from Board and public, we have taken them seriously. Mr. Claire did a recap for individuals that may not have been at previous meeting. Mr. Claire presented the Town Comp Plan, the land use map of the area. Referred to maps and Town Comp Plan that was adopted by Town Council in 2015. Mr. Claire stated he had been working on identifying site for more than two years. Detailed package was handed out last month, very little changes however what changed came from comments made last month. Map and development standards document with changes were provided. Mr. Claire referred to zoning map, highlighting existing streets, two well head areas, and five planned districts. Excluded two destinations in zoning codes that are better suited for larger tracts, this has wide range of uses. Permitted uses and special exceptions both listed in these areas, Mr. Claire as stated from last month they were willing to strike uses as appropriate.

President Zell asked if that would be part of aesthetic review. Mr. Strong stated would recommend as part of planning commission to make aesthetic review only a review at that time. President Zell asked if necessary to review for this meeting. Mr. Strong stated if board found questions in a particular district. Mr. Claire went on to explain commercial access would be off the busy highway. District 3 and 4 are planned to be less dense as the project got further away from existing home areas. District 5 is area that is open space, Arbor has stated if the town is interested, they are willing to donate to the Town acreage for a City park. If not, they would keep for open space. That is a determination the Town Council will have to make to accept the donation of acreage at no cost to the town.

Mr. Claire referred to another exhibit have only one that changed due to public comment, relating to buffers in the area. For clarity, ordinances have buffering built in to projects, however buffer yard B would be basically three trees every 50 ft. with additional 8ft setback, that would provide opportunity for existing vegetation to stay. No vegetation along the water well area, however will create a delineation area. Added this to the development standards even though the ordinances had it covered, in blue paragraph 6, from 7.A on ordinance.

Regarding sidewalks, from last month, almost 1 mile of 8 ft. asphalt walking trail along roads in lieu of 5ft concrete sidewalks but in the standards per ordinance, all other streets will have concrete sidewalks on both sides of street per requirements. Discussion.

Mr. Culp stated he would like to change the "or" to "and" for clarification purposes Planning Commission and Town Council. Mr. Claire was willing. Mr. Schrumpf stated path would be asphalt on one side. Mr. Claire stated other side would be concrete. No sidewalks on perimeter roads with exception of Briton Street and path to the north. President Zell asked about connecting district 4 to other parts of project with sidewalks. Discussion ensued using maps. Mr. Claire stated there would

be a sidewalk coming to the road. Mr. Russell stated his concern was connectivity to the trails and to downtown. Mr. Russell stated park is an asset however from Buckeye there would be no way to connect. Mr. Claire stated if Town took the park a path could be placed down the middle to Buckeye. Mr. Schrupf discussed 234th street area, questioning if that would be done and county trails could be an easy connect if the connectivity was improved or planned for. Mr. Claire stated they were staying out of the existing right away currently. Question was not only is there room for mounding, landscaping and trail but would it be an item Arbor would be required to do in addition to all other items they are attempting to do. President Zell stated he would like to see it considered, added to the list of items due to connectivity and future of trails etc. Mr. Amos stated it may be an item the county would consider partnering on, either with Arbor or the Town. Mr. Russell stated going from downtown Cicero to the park would be a huge quality of life addition that should be considered. Mr. Culp one item for consideration for the board, the town would have jurisdiction if a crosswalk or stop signs to slow down traffic.

Mr. Claire stated he wanted to be transparent, that at some point in time, if items continued to be added and are all at cost to Arbor, the project becomes infeasible. Mr. Claire continued to state they had a concept and have added quite a bit before filing, bringing a great project in their mind. President Zell stated they are playing catch up as a Board, they are aware of other meetings, but they are looking at it with fresh eyes and will continue to listen to public and ask for items. It would be up to Arbor to say no and he understands Arbor's position.

Mr. Martin asked about the landscaping that is struck from the plan was it required or added to their plan. Mr. Claire explained that the original plan has to have at least one element to break up the back of the homes from an architectural aspect. This is not a landscape buffer but an architectural aspect and the reason it wasn't listed on the landscaping plan. Homes have to have one of seven options to break up the flat facades, rear extension, brick/masonry, colors, etc. and one was two additional trees. Mr. Strong asked Arbor to strike the two trees from the list of options. Mr. Strong reminded that the reason was a concern for the visibility of the backs of these homes looking all the same and did not want to replace a brick or porch options for two trees as a choice the homeowner would have to meet requirements. President Zell questioned which homes. Mr. Claire stated asterisk lots indicated on the map which primarily are the ones visible from the main roads.

Mr. Claire stated one other comment that came from public was around utilities. Council approved a study to be conducted by the town's choice of consultant, at Arbor's cost. Study was conducted, result is Town has capacity but utilities have to be extended. Regional lift station, and oversized sanitary sewer are recommendations. Waterlines needed to be extended along Buckeye and Briton. These are the primary items needed.

Mr. Claire stated drainage to the north, there are some issues already. County has been aware of issues on the east side of Cicero for some time and no solutions offered by county. Mr. Claire stated in meeting with Mr. Ward since there is a developer, the county will not do anymore in the area. Mr. Claire spoke to the legal drains, and private drains being fixed. Mr. Martin asked if sub surface and surface and private drains. Mr. Claire stated very strict requirements by the County any drainage they would touch. Mr. Claire stated very strict if they touch any easement and drainage they have to get approval. President Zell, asked if this statement is in the development standards. Mr. Claire stated he didn't feel it needed to be due to, if they encroach on County legal drainage it would be required to reconstruct.

Mr. Culp stated regardless of anything the Town or this Board requires, the County is completely separate and has to approve what would be done. Mr. Claire stated land use or zoning approval doesn't give ability to do anything on this site. This is only the first step, Mr. Claire listed the

multitude of steps before building could happen. Technical review would take place in the next steps and another public hearing more steps to follow for approval on local, county, and statewide levels. President Zell thanked Mr. Claire for speaking specifically on the drainage as it is a huge concern for the public. Mr. Claire stated the other public comment was around a gas pipeline and they have modified lot to reflect not disturbing that line.

Mr. Claire discussed the typical four big concerns drainage, utilities, schools and traffic. Addressing traffic, access points into the neighborhood by extending Briton St., connection at Neal St., connection at Buckeye St., and connection at Jackson St. or 246th St. as well as there would be additional streets as it is built out to provide access to town, etc. President Zell asked if the connection at Neal St. was a concern for anyone due to the curve. Mr. Claire clarified that the road was currently there and they would be picking it up at the Harrison St. point. Mr. Strong stated there is a concern due to the narrowness of the street at that point and existing elements in the intersection. Mr. Claire stated they would be tying into the existing Neal St. Mr. Claire addressed the maps and the thoroughfare plan in the comp plan. Addressing future development, mentioning that this project is an 8-10 year build out.

Mr. Claire concluded his update and clarification presentation.

President Zell stated he made comments last month around lot sizes, setbacks, and square footage compared to current R-3 zoning. Council had made an effort to address this in the last few years after other areas of town were built. First floor minimum square footage on R-5 is 900. And speaking for himself not the board, have you addressed the density issue and these concerns.

Mr. Claire responded that density gets a bad rap and is defined as gross number of homes per acre. The current zoning classification is 2.5 to 3.5 units per acre, this project is at 2.8. This is well in range and below the median of the range. Mr. Claire continued by stating the reason that can have open spaces and do other things in the project, is the R-3, 23000 sq. ft. lots which is over a ½ acre, not sure you have more than ½ acre lots in town, we could take them and make smaller and put improvements into open spaces. Mr. Claire continued by stating he felt it would be hard to get development in town if maintained ½ lots. President Zell stated he had to bring up the topic due to the number of questions. Mr. Claire stated he understood. President Zell stated topic of masonry etc., in general is this up to the homeowner, or has more consideration for other materials on the three sides outside of the asterisk areas. This way to dress up three sides of homes.

Mr. Claire answered that the development standards are the minimum zoning standards, and the buyers can add on. Minimum zoning requirements will be met. Mr. Claire referred to pictures handed out last month. Requiring additional items they would leave that to buyers.

Mr. Martin asked in Westfield, Sonoma how long has it been going on and how many total lots. Answer was 12 years approx. Mr. Claire stated the area he had wanted folks to compare to is Spring Orchard because it was similar in lot size yet still smaller lots 55/60 than proposed project in Cicero. Sonoma is 50 ft. and even 45 in front. Mr. Martin stated that would be denser than proposed but similar with park etc. Mr. Claire stated very large development and Sonoma is only one area.

Mr. Schrumpf stated he had looked over the standards and questioned if there was consideration to a veteran to fly a second flag, and also ham radio operators could not have an antenna. Mr. Claire stated certainly to the flag concern.

Mr. Schrumpf stated one other concern is the agreement states dwelling could be rented. Concern is that in the Fishers area there are large numbers owned by investors, question was is that the intent here. Mr. Claire stated they deal with contract buyers we do not build for investors. However, can I prevent a homeowner that is moving to rent their home, no. Mr. Russell asked are pictures we are looking at are in the price range. Mr. Claire answered comparable homes, some are \$400,000 but others are comparable, and they are comparable to Spring Orchard and Windsong in Fortville. Stated they were able to raise prices 15-29000 after taking over the development of

Windsong. Average price is 186000 now. Mr. Miller asked are there many developments with commercial. Mr. Claire stated Arbor is not a commercial developer, however they have done in the past. They expect to find someone interested then build will provide drainage, utilities, access etc. Mr. Strong stated fence on the commercial piece would be maintained by commercial client. Mr. Claire reminded that with this zoning case the board is approving uses of commercial area however each business would have to come for approvals on site plans, landscaping, style and such. Mr. Miller asked if area doesn't get purchased what happens. Mr. Claire stated Arbor would own and maintain until commercial client is on board, however from discussions, doesn't feel it is much of a concern, been led that the need is there. Mr. Claire responded to the question if individual businesses or strip business, wouldn't want to speculate. Mr. Strong stated to answer Mr. Schrumpf questions, the rules are still being amended for flags etc., but the verbiage on renting is pretty good to start with. Mr. Strong also responded that there is concern with the width and costs associated with the Neal St.

President Zell thanked Mr. Claire for the updates. To the board, many concerns addressed, however he still had concerns and would make recommendation to the board to table to review. Mr. Schrumpf would like to address the Neal St. item and the utilities. President Zell also asked about sidewalks in that area.

Mr. Miller made motion to table PC-1116-005-R3 until February meeting. Mr. Schrumpf second. All present in favor. Motion passed, tabled until February 8th meeting.

President Zell thanked the public for attending and welcomed them to stay for rest of business.

5. New Business

President Zell before getting to nominations, would like to say with President Dan Strong being moved to interim Plan Director. After speaking with Dan, he would be willing to stay as President after interim commitment is concluded to finish 2017 as president. And Mr. Zell is willing to continue in VP role for continuity, acting as President in Dan's place. President Zell stated open for any discussion among board if others felt this was a concern. Mr. Martin stated he felt current situation was working.

President Zell asked for nomination for President for 2017.

Mr. Martin made motion to nominate Dan Strong for President. Mr. Amos seconded. All present in favor.

Mr. Amos made motion to nominate Mr. Zell as Vice President/acting President. Second by Mr. Martin. All present in favor.

Mr. Amos made motion to nominate Mr. Schrumpf as Secretary. Second by Mr. Martin. All present in favor.

Election of officers for 2017: President Strong
Vice President Zell
Secretary Schrumpf

President Zell thanked Mr. Strong for his role, stating the office is running well.

6. Plan Director's Report: Mr. Strong stated a couple of candidates for position would pre-screen then if needed would have interview process set up.

7. President's Report: Thanks for the vote of confidence. After discussions with Mr. Strong, Mr. Zell shared he felt a member needed to actively participate on board for a year before an officer and while not documented seems like the learning curve would serve board and community well if considered. Mr. Miller asked if elected in other areas. Mr. Culp stated state stature

determined elected, or appointed based on size of community. Mr. Strong stated this came about from a conversation on sustainability of the board, having alternates and such.

8. **Legal Council Report:** Nothing to report

9. **Board Member Comments:** No other comments

10. **Next Planned Plan Commission Meeting:** Feb 8, 2017 at 7:00 p.m.

11. **Adjournment:** Mr. Martin made motion to adjourn. Mr. Russell second. All present in favor.

Signatures:

2017 President

2017 Secretary

Date 1-11-2017

Location:

Cicero Town Hall

70 North Byron

Cicero, Indiana 46034