

Cicero/Jackson Township  
Plan Commission Meeting Minutes

March 8, 2017

7:00 p.m.

**Roll Call of Members:**

Present:

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

1. **Declaration of Quorum-** Vice President Zell conducting the meeting declared quorum with 7 of 9 members present as listed. Reminded that 5 votes will be required. President Zell explained Mr. Strong's position as interim director and the fact he would be acting President tonight. Also stated disclaimer that while a Morse Landing resident Mr. Zell has no vested financial or conflicts as it relates to M/I Homes.
2. **Approval of Minutes-** Mr. Amos made motion to approve minutes. Mr. Schrumpf second. All present in favor. President Zell kindly thanked Terri Strong for work on the minutes.
3. **Public Comment:** Public comment as it relates to any matter not on agenda. Member of audience asked if minutes were on the website. Mr. Strong explained issues with website so minutes are currently not available via website, however can stop in at office to obtain any copy needed.
4. **Old Business-** none
5. **New Business:**  
**Docket#** PC-0217-001-R3/PDR3  
**Petitioner:** Susan Wilson, Jerry Brown, David and Angela Jordan, and MLW, LLC  
**Petitioner Address:** Southeast Corner of Tollgate and 236st.  
Cicero, IN 46034

M/I Homes rezone request from R3 to PDR3, southeast corner of Tollgate and 236<sup>th</sup> St.

Mr. Strong stated legal notifications have been received and M/I Homes has consents from property owner to speak on their behalf. President Zell stated board responsibility is to review and make recommendation to the Town Council for approval of a rezone. Only the Town Council can make that approval. President Zell stated there are many considerations to the request and board members should ask questions to seek answers to how fits in ordinances and comp plan. Petitioner please come



forward to present and stated to audience that there will be time for formal questions after the presentation.

Mr. Jonathon Isaacs with M/I Homes present as is M/I Homes attorney to answer questions if needed. Mr. Isaacs started with a history of M/I Homes. M/I has acquired approx. 112 acres for this site. Water and sewer is currently stubbed thru MLW. Twelve to 15 years ago there was a subdivision approved for 133 home sites for part of the 112 acres, the balance is open field. Mr. Isaacs discussed the color coding on the map with the blue being single family or single family attached-duplex, an empty nester type of home with lawn care and such mandated and extra fee paid for services. The yellow area a combination of ranch and two story homes with 70 ft. lots similar to Morse Landing and Morse Landing West. The peach area at bottom has 85 ft. wide lots. Last two pieces are commercial areas. The one by Tollgate is already zoned neighborhood commercial and the other side is requested for commercial area. Existing zoning was discussed, R3 which extends past Tollgate. Commercial area on corner discussed possible uses as medical and such. Mr. Isaacs showed slides with the current ordinance and zoning requirements. Emphasis on R4 requirements and comparison to Morse Landing and Morse Landing West. Asking for 6ft for side, 20 for rear and 25 ft. for front yard setbacks, allowing for flexibility of design. Example of third car garage was given. Area "B" side yard to 8 ft. Area "C" allows for a different look, side yard to be reduced to 5ft allowing 16 feet of separation between houses.

President Zell stated to the Board they could ask questions at any time before opening to the public. President Zell asked for Mr. Isaacs to look at the setbacks, the 25 ft., is a concern due to driveway spacing. Also concerned with the other setbacks in the other areas. Mr. Isaacs continued with the neighborhood commercial areas. 7000 sq. ft. as minimum, stating that he didn't have a handle on all the commercial ordinances. The whole area would be 30000 ft. due to parking etc. Additionally discussed the separation area between the commercial and residential and the differences in language with ordinances and PUD open space requirements and some of the confusing language. They did not modify any parking lot requirements, any language in document would revert to Cicero's ordinances. President Zell wants to understand the commercial area and the buffering plans for the areas meeting up with the existing areas. Mr. Isaacs stated this would be addressed in later presentation. Mr. Isaacs stated any uses permitted in R3 would still apply for area. Regarding commercial under NC in zoning book, professional offices, and other permitted uses as listed would be allowed except would not allow auto repair. Sidewalks on both sides, perimeter streets would have asphalt walk way. Street lights are as ordinances, and due to community meeting and concern for lighting, any street longer than 1000 ft. would have an additional light. All homes would have dusk to dawn or carriage lights on garage. All roofs have 7/12 pitch, brick on front per the architectural drawings, some designs have themes, such as a craftsman style home which would limit the percentage of brick, more in other designs. Vinyl that would be used is textured resembling wood, thickness and characteristics were discussed. Options for color are many and bolder than traditional. Front to back gable has overhang, 12in overhang is used. On the commercial side, any building that was built M/I wanted to ensure has a residential look. Landscaping plans would expect 12-15 shrubs with perimeter streets having a buffer area with landscaping. In commercial area there could be a mounding area, fencing. PUD requires open space. Discussion of how they met this requirement. Discussing the overall plan size, under agreement with the land owners they would retain control of the ground in the two commercial areas, for drainage it is needed to be part of the overall plan. Number of homes in each area was discussed by Mr. Isaacs, Area A-most variance due to duplex option with fluctuation on number of homes 72-108, Area B 107, Area C 61 homes. 240-276 is range of possibilities, 276 if all single family detached homes in Area A.

Mr. Amos asked on 236<sup>th</sup> and Tollgate if there was any area designated for turn lanes especially west bound etc. for traffic flow. Mr. Isaacs pointed out the area where this would be addressed. Mr. Amos stated he is not in favor of the commercial area that is closest to Morse Landing West (MLW). Doesn't make sense to have commercial, homes, then another commercial area to him. Mr. Amos stated not



decided on the corner being commercial. Mr. Amos also asked if there was a clubhouse building in this plan. Mr. Isaacs stated yes to clubhouse and would discuss it coming up.

Mr. Russell questioned the sheets that were passed out had no buffering. Lots numbered 59-65 to existing homes no buffering, lots numbered 12-15 no buffering. Buffering has been brought up, is there a landscaping plan that is missing? Mr. Isaacs stated the buffering has been discussed only from commercial to homes, not neighborhood to neighborhood. Mr. Isaacs used Morse Landing to MLW as example that had no buffering, which is typical, and patterned after that, lot sizes similar. Mr. Strong stated to Mr. Russell for clarification buffering is something the board can have addressed if so desired. Mr. Russell stated he would like to see section B at top and red area C have buffering from existing homes. Also lots 66-67 sit right behind one another. Lot 66 drive would come off Morse Landing Drive. Mr. Isaacs responded that the corner lot has to be bigger that is why it looks like that. Common area access is the other reason for the odd shape. Mr. Russell stated on the areas on the perimeter of the development he would like to see mounding areas.

Mr. Miller asked about walking trail and connectivity to Red Bridge Park, 8ft. path on 236<sup>th</sup> cannot reach due to the cemetery. Is the only access through Lionswood road and MLW? Mr. Isaacs answered yes until sidewalks on 236<sup>th</sup>. Discussion ensued on this topic, there is not enough right of way today to have a path or sidewalk to the Causeway. President Zell raised the concern of the increase in traffic thru MLW. Mr. Isaacs expressed the traffic flow working better in a grid style format giving options for getting thru neighborhood. Peak hour trips is the basis for designing the plan regarding traffic control. Discussion ensued. Mr. Miller questioned build out time, Mr. Isaacs answered generally five-six years. Mr. Martin asked if there was a similar development to look and their covenants to review. Mr. Isaacs stated not for the duplex, but in Westfield Waters Edge is showing the quality but not necessarily the same architecture. Mr. Martin asked when that development was started. Mr. Isaacs stated 3 years ago, gave the process of phase one started, then phase two started with phase one being continued, and by the third year working in all three phases ideally. Mr. Martin asked will there be a spec home and staff on location. Mr. Isaacs stated normally a spec or two model and two other to walk thru. Mr. Martin asked for best case scenario on time frame if approved. Mr. Isaacs answered super aggressive, close on first phase before end of year and work on piping over the winter with paving in April/May of 2018. Building permits in July with move in by end of year 2018. Utility question asked by Mr. Schrupf. Mr. Isaacs explained has talked to utility department a bit, the challenge is how far to go without zoning approval. Preliminary sewer and water should not be an issue, possible lift station upgrades. Twelve years ago know that 133 homes were slated, so there could be more room in existing system. But there are solutions to possible issues. President Zell asked about existing drainage concerns for MLW, so with retention ponds and assume you would ensure drainage is not an issue. Mr. Isaacs stated looking at possible issues and how to fix. Zoning aspect whether R3 or PUD, follows plan of any other development, engineer will determine what issues and solutions with preliminary plat stage of the development. More discussion ensued with references to the drawings and potential areas of concern and concerns of citizens.

Mr. Martin asked for the general category price points targeted. Mr. Isaacs stated this is on the last slide. Mr. Isaacs referred to the slides with architecture designs also stating there is a development in Carmel with some of the designs, VonMaur (?) which may be more expensive due to being in Carmel. However, similar in looks if members wanted to gain an idea of design. The duplex design would be attached or detached, can be paired with any home for floor plan. There is a lot of variety available in this option. Prestige series is a new design, not available currently in Westfield's development on Casey Road. More designs being released later this year. Interior flexibility is great for homeowners as well in these homes. Many have tandem garages and all have options to add a third car garage. President Zell asked about M/I homes position on duplication of elevations. Mr. Isaacs answered they would not allow the same elevations next to or across the street from one another. Also going further, would not allow the same



color packages two houses down or two across the street with the idea to mix up as much as possible. Mr. Strong asked to discuss the request for relief of 30% masonry versus the ordinance requirement of 50%. Mr. Isaacs referred to drawings such as Georgia style and Craftsman style photos and siding options of vertical and horizontal on the different options. Generally the elevations will have more features, spending more money versus simply brick, while adding value and character. Value perspective, all preliminary based on cost of development, based on the competitive market as follows: Duplex \$225-250,000, Ranch detached \$240-280,000, Area B \$260-300,000, Area C \$300-350,000. Might see a sign \$290,000 in Area C-but with plus customer extras get to the \$350+ price point. Expect nothing less than \$225,000 based on history.

President Zell asked on construction process, how do they ensure quality of home? Mr. Isaacs all designs are internally designed construction documents, examples were given of other required differences. Local subcontractors are used, with evaluations quarterly, measured across division. Supervisors in homes daily. Mr. Amos asked for further information on zip system and vinyl. Discussion ensued. Mr. Strong addressed tab 4 in booklet, it is a work in progress before being given to Town Council, will be updated before presented. Mr. Strong discussed landscaping and lighting as examples. Mr. Isaacs wanted to get feedback before final presentation. President Zell concurred that more work would need to be done on package before approval. Appreciate the work to this point. Mr. Amos commented on small town feel, growth is inevitable, would like it to be controlled growth to maintain small town feel. Asked Mr. Strong, if someone wanted to develop on west side of town with an R-3 development and do not want to be annexed, could they do this with minimal approvals. Mr. Strong stated as long as meet ordinance and no issues with drainage, utilities, road cuts yes they could. Mr. Amos stated he just wanted the audience to be aware of this.

President Zell gave instructions to audience, asking for everyone to limit to couple of minutes. This would be the only opportunity for public to address the board. Mr. Strong added that information needed to be addressed to the board.

Mr. Amos asked about the clubhouse. Mr. Isaacs stated bathhouse planned. Mr. Amos stated felt there was a need for a year round clubhouse rather than seasonal at least for the development use.

**Motion to open for public comment made by Mr. Schrupf. Mr. Amos second. All present in favor.**

Tom Grinstead 7680 East 236<sup>th</sup> street, concern for drainage on north side of road. Natural swell that comes across Tollgate and 236<sup>th</sup>. Mr. Culp stated current drainage issues would be reviewed and signed off by County Surveyor and Drainage Board. So any impact to current would be reviewed. Mr. Grinstead asked if he should discuss with Surveyors office. Mr. Culp stated certainly could, and if development progresses, talk to M/I about concerns.

Joe Cox 1015 Morse Landing Dr. moved up to this area for small town feel, many that live on the south side would like to see buffering and maintaining of natural habitat. If removed and corn field removed, just a sea of houses. Also questioned electrical box placement in neighborhood. Mr. Isaacs answered similar to MLW. Mr. Culp added the process would continue with plat plans and such that would layout all elements if this is approved.

Ralph Repp 1010 W. Morse Dr. Concern for commercial on east side of development and how backs to existing homes in MLW. All lots in MLW are 80 ft wide not the stated 70ft.

John Diller 1020 W. Morse Dr. Concern for commercial on east side of development. The area on the corner does not have an issue with as the lots would be sold knowing what would be there. Also expressed north side of road being commercial now and didn't see need for more in the placement backing to homes.

Mike Hamaker 1440 Edgewater Ct. New to area, do not live in area backing, but does agree that growth to come. Question was to the impact of the tax base and revenue growth with a project like that.



President Zell also added the cost impact of infrastructure. Mr. Hamaker stated would like to hear the positive aspects of growth.

Paul Viemann 580 Morse Landing Dr. Asked question to the green space and retention ponds, what does it represent, the existing woods. Mr. Isaacs stated unless required by agency would remain wooded area where Mr. Viemann referred to on map. Mr. Viemann questioned what public agency. Response was Drainage could require changes. Further discussion ensued. Mr. Amos questioned if currently has he had any issues with his property. Mr. Viemann stated no but he has had it looked at it due to the area flow into the reservoir.

Anne Viemann expressed concern for natural habitat and hurting the reservoir.

Mr. Strong stated a lot of work to be done for drainage purposes and to prevent issues it is one of the reasons for retention ponds and such to slow down the water flow. US Waterways controls what goes into the reservoirs so there will be many reviewing. President Zell told the audience that the board was concerned about those matters.

Nathan Stacy 900 Morse Landing Drive referred to the map for his question, stating the properties have a 20 ft. easement in the back, would that be shared with the new homes. Mr. Culp stated M/I would come up with their plan, other agencies would review it to determine requirements for drainage.

Mr. Stacy asked about two lots that sit sideways what are setback requirements. Mr. Strong answered the same setbacks that would be proposed for the area. Mr. Isaacs stated 5ft. from the property line with side entry garages. Mr. Culp clarified easement versus property line guidelines.

Eric Tomastewski 988 Quiet Bay Circle. Representing the United Methodist Church which has parsonage as indicated on map, process for possible tying into city utilities. Mr. Amos answered voluntary annexing for utilities. Mr. Culp town requires water and sewer but while he is not an engineer he would think it would be possible to tie in at the same time saving costs.

Mr. Strong stated if interested in any other options, such as trail discussion would recommend talking directly with M/I Homes.

Nicole Harmon 540 Morse Landing Dr. Wants to understand the traffic patterns and go on record with concern for people to go thru Morse Landing Dr. and the only way to go to Red Bridge is the one road. The current property that is being considered is not the town, is there a minimum on the county guidelines for parcel size. Mr. Culp stated this area is not in the municipality but within the zoning district. Ms. Harmon stated many areas have a minimum residential acreage allowed, so taking this as 276 lots and applying the 5 acre minimum if left as R-3, would decrease the pedestrian and vehicle traffic. Mr. Strong clarified anyone has right to propose a subdivision and as long as meeting requirements could build depends on lot sizes not acres. There is a 10 acre parcel minimum for a 4 lot subdivision under a minor subdivision but for more than five lots has a process for major subdivision. An R-3 is not a 5 acre minimum either, it is approx. ½ acre minimum lot per the ordinance.

Kathy Repp 1010 W. Morse Dr. Expressed concern for commercial property since they bought their home without commercial in that area. President Zell stated he understood her concerns.

Scott Bockski question on Area-2 with duplex, how does the sale work. Mr. Isaacs would work to sell the other half, if not make it a spec home. Usually working to sell then build, unsold side would stay at mechanicals most likely. Mr. Strong asked to explain the duplex contract with maintenance process. Mr. Isaacs stated it is listed in detail to handle the whole building. President Zell asked for the covenants restrictions. Mr. Isaacs stated once finalized it will be shared with board, but will send a sample.

President Zell asked how HOA would feel about accessory structures. Mr. Isaacs stated not to allow.

Mr. Strong stated he would ask for the draft before getting into many of these matters.

Joe Cox address a concern on OTC Facebook page about the covenants of MLW not being upheld, what protections would be in place. Mr. Culp the town cannot enforce those covenants, therefore it is up to the property owners and HOA. This being said, they encourage the HOA to be up and running. Ordinances the town does enforce but not the covenants.



Mr. Amos for the public, if PUD would get thru the Plan Commission, then Town Council can request changes before vote.

Terri Strong 810 Lanyard Dr. Asked the question does the public have the ability to ask questions in the future. President Zell stated this is the advertised public hearing so after this, the conversation would be between the PC and the developer. Mr. Culp stated it is the hearing for the rezone but when the plat or landscaping is presented there would be another opportunity but not on the rezone.

**Motion to close public hearing made by Mr. Amos. Second by Mr. Miller. All present in favor.**

President Zell discussed next steps, congratulations to M/I on Monday's meeting and meeting tonight. President Zell wants to see the documentation previously discussed and recommended tabling for questions to be answered. Mr. Isaacs would appreciate some direction, understand drainage concern but cannot solve all issues prior to rezone approval, also commercial piece if hearing consensus on the issue would appreciate comments. Mr. Strong while have to work thru, also hearing concerns wants some buffering on Section C, and in B where backs to homes but can work through other details. Mr. Russell added like to see the plan for buffering on 236<sup>th</sup> and Tollgate perhaps mounding. Mr. Isaacs stated can show on concept plan and also in the document we can make sure it is spelled out in the document. Mr. Strong stated the grey areas are what the board is concerned about, like to see clarification. Mr. Russell asked for them to look at lots 66-67 again. Mr. Isaacs stated he would look at again. Mr. Schruppf asked if cul-de-sac could be moved so commercial would be moved. Mr. Strong clarified they do not own those pieces, they are representing the property owners but do not own the acreage that is being proposed as commercial. Mr. Isaacs reminded the corner is already zoned NC. Mr. Miller asked if property owner knew possible roundabout on corner. Mr. Isaacs and Mr. Strong stated they felt they did, but good to confirm. Mr. Miller led discussion on speed limit in the area. Mr. Amos asked if plan for trail around the parsonage. Mr. Isaacs stated the right away for Tollgate in that area the trail would be very close to the home and would work with the property owner. Mr. Amos asked Dan if possible to extend the trail to Catamaran, was that a utility easement option. Mr. Strong stated he would look into it.

**Motion to table Docket #PC-0217-001-R3/PDR3 made by Mr. Miller. Second by Mr. Schruppf.**

**Mr. Russell-yes, Mr. Martin-yes, Mr. Miller-yes, Mr. Amos-yes, Mr. Schruppf-yes, Mr. Schwartz-yes, Mr. Zell-yes. Motion passed docket tabled until next month.**

6. **Plan Director's Report:** Mr. Strong handed out a sheet to add to everyone's books. Sheet has to do with definitions. Also shared that the search committee had determined a candidate for the position of Plan Director. Mr. CJ Taylor is present. For the record the search committee was Mr. Amos and Mr. Penwell from Town Council, Mr. Martin, Mr. Zell and Mr. Fonderoli from the Plan Commission. Mr. Taylor stated he was a current employee with the town and happy to be vetted for the position happy to answer questions, sensitive to the late hour. Mr. Zell stated CJ rose to the top quickly, not only due to the relationship with the other town leaders, but he felt had the necessary people skills needed for the job. Mr. Zell felt with mentoring and on the job training from Mr. Strong he would be an asset to the Town in this capacity. Mr. Martin concurred. Mr. Strong stated next step is for Board to make a recommendation to the TC. Mr. Russell asked if town would be looking for a wastewater treatment plant employee. Mr. Strong stated yes and he was not interested in interim wastewater position.

**Mr. Amos made motion to recommend CJ Taylor to the Town Council for the C/JT Plan Director position. Mr. Martin second. All present in favor.**

Mr. Martin stated sheet provided doesn't look different, clarification by Mr. Strong and Mr. Culp it is a duplicate for the subdivision section making it easier to find when needed.

7. **President's Report:** No report. Thanked the search committee for their work and time. And for the Board's help with tonight's long meeting.

8. **Legal Counsels Report:** Mr. Culp updated that Arbor Homes project was voted down last night. NRG update has engaged Gashall for demo of the structure. Looking at next week or two for starting of the project.

Mr. Zell verified that Arbor would have to wait a year if they decided to absorb the \$1.2M that was requested and continue the project.

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


**10. Next Planned Plan Commission Meeting:**

April 12, 2017 @7:00p.m.

**11. Adjournment:**

Motion made by Mr. Amos to adjourn. Second by Mr. Miller. All present in favor.

Signatures:

  
-2017 President

  
-2017 Secretary

\_\_\_\_\_  
-Recorder

Date: 3-08-2017

Location:

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