



Cicero / Jackson Township Plan Commission Meeting

Planned

Commission Meeting Minutes
October 11, 2017
7:00 p.m.

Roll Call of Members

Present:

- Dan Strong
- Steve Zell
- Rusty Miller
- Chad Amos
- Glen Schwartz
- Dennis Schrumph
- Aaron Culp - Legal Counsel
- C.J. Taylor- C/JT Plan Director
- Terri Strong - Recorder

Absent:

• Jack Russell
David Martin

Declaration of Quorum: President Strong declared a quorum.

1. Approval of Minutes

Mr. Zell made motion to approve minutes from meeting on September 13, 2017. Mr. Amos second. All present in favor.

2. Public Comment: President Strong asked for public comment for items not on the agenda. No comments made.

4. Old Business: President Strong confirmed with Mr. Taylor no old business.

3. New Business

Docket #: PC-0917-009-R3

Petitioner: James Steckley, Morse Landing West LLP

A Major Subdivision Re-Plat application has been submitted concerning article 1.6 of the Cicero/Jackson Township Subdivision Control Ordinances in order to: Increase the lot size of Lots 72 and 73 of the Morse Landing West Subdivision.

Nathan Althouse, Miller Surveying, Noblesville representing Jim Stuckley. Lots 72 and 73 on the cul-de-sac the depth of the two lots is a lot less than other home in the area. The monitor was used for clarification and the presentation. Measuring depth is 99 and 90 respectively. The adjoining lot 71 is 120 ft. Preventing a comparable home from being built. Description of the area was stated with adjustments proposed. Lot 73

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with adjustments

comparable with area homes. By replat building on this area is now possible. Asking for a replat approval. President Strong asked if questions from the board, no one had questions. Prior to opening public hearing, President Strong stated to the public many in audience, appreciate if someone discusses your topic that comments are not repeated so everyone has chance to speak if so desires.

Mr. Zell made motion to open public hearing. Mr. Amos second. All present in favor.

President Strong asked for anyone interesting in speaking to state their name and address for the record.

Amanda Katrin 1015 Spinner Court. Stated husband and she asked about those two lots and was told by Silverthorne those lots were not available; no home would fit on the lots and were not for sale. They were the lots they wanted, and now that there are not lots available in neighborhood, they want to build two homes on them. We were also told there would be a park in this area, along with other neighbors being told the same. We were told they did not have a home for these lots and had to go with Silverthorne as the builder. If Silverthorne does not have a home who is going to build, there. These are my concerns.

President Strong stated he would give the petitioner a chance to address concerns after the questions, could be easier this way.

Nick Boatrigger 1030 Spinner Court. Asked when Silverthorne came in did they have to come before the board for review. President Strong answered the area was platted for homes to be built on those lots, and he did not think it was necessary for the builder to come before the board. Mr. Boatrigger trying not to repeat, but when they did come to the area, it was stated that they would not build on those two lots. Also has the board looked at the covenants to ensure they are being met for all homes in the area. Questioning if the plat required that size of retention pond in the beginning, how can they take from the pond area to make buildable lots now, what has changed. Main point is we were told they could not build there. Worried also about home values.

President Strong asked if told if no homes could be built there or the lots were too small. Mr. Boatrigger stated they were told they could not and would not build there.

Scott Wilson 1013 Spinner Court. The fall of the back lot and the small print of this lot may work on paper, however might worked with a walk out basement, but with the issues the builder has had with basements and shoring up the land it would be a concern. We can change lines on paper, but doesn't make a suitable buildable lot. With the frontage the size of a driveway, the standards in the neighborhood do not match.

Mr. Taylor stated he had a letter to be added to the record. Bryan and Amanda Wilson 3025 W. Morse Dr. Concerns stated in the letter are with the size of the common area being reduced and the discussion of a park/play area would be deterred with a smaller available area. Proposal not in the best interests of the neighborhood. Actual letter added to the file.

Mr. Zell made motion to close public hearing. Mr. Miller second. All present in favor.

President Strong asked if petitioner wanted to addressed questions. Mr. Althouse stated needed the depth for the zoning setbacks. The homes would be on the pad, but need the depth to meet the setbacks the lots were planned to have a home on them. The builder may not have a footprint/floor plan, but it is still a buildable lot.

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Keeping the same

volume by

adding a utility easement on the back of the lot, not taking away from the drainage. Not sure about the playground, how to put on a retention area, where that has come from. Mr. stated they are correct, Silverthorne does not have a floor plan that fits, so something would have to change. The configuration of the lot, the setback requirements, or to adjust a floor plan.

Jim Steckley stated he wasn't aware that Silverthorne wasn't marketing those lots until a neighbor in the cul-de-sac shared. He talked to Nathan about the concerns with the pad. Seems to him that it would make more sense to find a way to build a comparable home to the ones there rather than a smaller house on the lots.

Mr. Culp stated for the record, regarding the restricted covenants, the Town and the Plan Commission are not party to them, and do not have authority under them or authority to enforce. Looking at ordinance for compliance, the Town and Plan Commission don't get to look at how marketed. Anything outside of the scope of ordinance review would be private civil matter with no jurisdiction.

Mr. Amos commented to answer first question from the public, some of the lots were sold previously but not built on, any lots that were not purchased from Mr. Steckley prior owned by individuals could use any builder that met the building codes and requirements. Any lot that was purchased from Silverthorne was required to use Silverthorne unless you had bought from a for sale by owner. This is the first he had heard of any situation stating the lots could not be built upon. From the first plat, they were part of the original plans to be built upon. Not sure where they would put a park, lot 82 area is the only area high enough for a possible playground. Mr. Amos asked Mr. Steckley if he knew anything about a park. (reply was no).

Mr. Zell asked when the plat was originally done. President Strong answered original was in the 90's. Mr. Albright stated these lots were part of phase two, which was in 2001.

Mr. Taylor indicate a letter in the packets to the Board, copy of letter that was sent to Mr. Steckley that the lots could not be built upon with the floor plans. Letter was from Nathan Custer at Silverthorne. Letter states changes would require extension to rear or adjustments.

Discussion on situation, with lot lines and smaller home, leaving lots empty and impact on neighborhood.

Mr. Bockoski asked if Silverthorne was going to take the lots if buildable. Mr. Steckley stated yes. Discussion on slope, pad, video was referred to on lot lines, deck building, etc.

President Strong stated rational is that additional space is needed to build larger homes like the homes that are currently in the area or that a smaller home would be required. Mr. Althouse stated that is correct. Gentleman in audience states that would not meet the covenants. President Strong reminded that the Board doesn't enforce covenants.

Mr. Amos used the video to describe where the issue is on the pad. Mr. Taylor stated the R3 requires a home of 1800 sq. ft. floor area for single story or 1200 sq. ft. for first floor of two story.

Mr. Zell expressed concern, if leaving as is, a smaller home would be built which may not match covenants or current homes. As a homeowner, he would prefer to see comparable homes built rather than smaller homes that could affect home value.

Mr. Bockoski asked if staked out. Answer was no. Further discussion. Mr. Miller asked how could build a park on a retention pond. President Strong stated you cannot. Audience member stated the park was on the two

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lots. Question to

Ms. Katrin

by Mr. Amos if anything was given to her. She explained it was told in her meeting as they purchased her lot/home. Explanation was given by realtor. Further discussion by Board.

President Strong explained options for moving forward.

Mr. Zell made motion to table PC-0917-009-R3 to seek further review Mr. Schwartz second. All present in favor.

President Strong stated petition would be tabled until next meeting, November 8, however no further public comment. Mr. Althouse with Miller Surveying stated he would have the lots staked out. Mr. Miller stated he would like to see current and proposed lot lines staked out. Mr. Amos gave his number to the public if needed. Mr. Culp reminded Mr. Amos that the petition could not be discussed outside of the room. Mr. Amos rescinded his number and offer. President Strong explained why. Mr. Culp stated the public could contact the Planning Department. There were several comments from the public around the next meeting, President Strong thanked everyone for their comments.

New Business Continued:

Review/Revision of Ordinance 7.23, MS-02 Recreational Vehicle Parking

President Strong opened the floor to Mr. Taylor asking him to give brief overview on why this current ordinance was being discussed tonight.

Mr. Taylor stated his department had received some complaints around RV's. The Town Council had instructed Mr. Taylor to look into the enforcing the ordinance as it was, after doing some research found 36 RV's that would be in violation, not including boats or trailers that would not be covered by the same ordinance. After bringing to the Town Council, they asked that the ordinance come before the Board for review. The original ordinance presented, with clarification from Mr. Culp, Mr. Taylor provided a flowchart and sent the revised ordinance to the members prior to the meeting for review. Mr. Taylor proceeded to show pictures of violations, and with input from Mr. Strong explained why they would have been in violation.

Examples included, lack of screening, positioned in front of home, corner home-parked on street, RV in violation but boat trailer and jet ski would not be due to not covered by ordinance. Examples also showed items that would not be violations, but perception is that they should be covered. Mr. Taylor explained he is looking for consistency among the items. President Strong explained the process, stating looking for input from board if changes should be made, what changes if any and using Mr. Taylor's draft as a starting point, direction to the Town Council.

Mr. Schwartz asked for clarification on the seven-day limit. President Strong stated it was for a visitor.

Mr. Schrumpf commented on the front yard issue, the size of the lots, with minimal side yards would make it a hardship to get to the back or to have blocked. Mainly the way the home sits on the property, especially on the lake side being punished in a way. Mr. Amos used Carmel as a reference, their policy is no parking on grass. Mr. Amos proposed with being a recreation community if they have in their driveway have no issue, not living in them, but on pavement. Mr. Amos suggested the ideas of no parking on grass, one acre or greater having guidelines, if they wanted to have stone etc. Mr. Schwartz questioned the view of neighbors then if allowed a motor home in driveway. Discussion on this aspect. President Strong questioned if felt same for boats and trailers. Also hearing, no living quarters. Mr. Amos agreed with this summary, adding special exceptions with Chief of Police approval, or Planning Department. Mr. Zell questioned boats without trailers.

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Mr. Zell asked this type of issue to be addressed and have Mr. Taylor has discretion. Mr. Miller stated subdivision covenants should cover those type of concerns. President Strong stated that they have required for quite some time, unfortunately areas such as Old Town Cicero that have small lots where folks do park in yards etc. Mr. Amos questioned the latter part of the ordinance language regarding covenants. Discussion ensued with Mr. Culp and Mr. Strong on that language and terminology to allow Police Department to enforce as well. Discussion of advantages and disadvantages of being in the Municipal Code. Mr. Culp stated he recommended whatever is passed it is then added to the Municipal Code for enforcement. President Strong added that Article 1.5 wording on covenants was worded well to address the subdivision/town jurisdiction questions. Mr. Amos asked if lawnmowers and golf carts should be addressed at this time as well emphasis on golf carts. President Strong suggested if a drive is allowed adding no blocking of sidewalks, currently our parking is one, but perhaps need to look at the number of vehicles. Mr. Zell suggested leaving as current, three. Mr. Amos stated needs to be a number, suggestion is two, drive sizes. Size of drives was discussed, agreed that a number should be used. President Strong stated no public hearing on this matter, however received an email on this and if appropriate Mr. Culp to add this. President Strong gave copies to Board. President Strong referred to lady in public, having solutions as well as ideas. Mr. Culp stated would be added to the record.

Board members took time to review letter.

Mr. Culp stated while he finds the idea of a referendum intriguing, the State of Indiana does not allow it. President Strong stated he appreciated the clarification and to the board, this does not have to be decided tonight, there was a lot presented and obviously we want to get it right.

Mr. Zell would like to have more time to digest the information shared. Mr. Culp stated he suggested everyone take time to drive around and see the magnitude of the issue. Mr. Zell stated his concern is that the ordinance has not been enforced for many years and suddenly it is a violation.

Mr. Culp stated there is no reason for it to be rushed at this point.

President Strong stated wanted to handle properly, there are many concerns especially if you drive around. Mr. Schrupf brought up the items on the line, even if in the back, making sure the public is made aware of the changes and reasonable time to become compliant.

Mr. Culp stated once approved, and published in paper, the earliest would be thirty days before enforcement could commence. Most will not see legal notice, therefore other notices would be needed, utility bill notices.

Mr. Zell stated some are in his neighborhood, and while would love to see this wants to be fair to all homeowners. Mr. Culp stated could have different requirements for areas such as Old Town Cicero, due to the size of the lots. Mr. Schrupf also mentioned some neighbors do not have an issue to making everyone aware. Discussion continued.

Mr. Taylor asked for Mr. Culp legal aspects of updates. Mr. Culp suggested everyone review and send to Mr. Taylor individually so there is not an on-line discussion. Mr. Taylor can summarize and send with packets and address in the next public meeting. Mr. Culp stated Board members could talk back and forth with Mr. Taylor just not themselves.

President Strong stated everyone should review and gather thoughts, share with Mr. Taylor before the next meeting. Tonight's discussion was the first step in the matter. Mr. Zell asked if looking at Old Town Cicero differences would be helpful to moving ahead. Mr. Taylor summarized that setbacks and such he would review differences in the documents. Mr. Amos suggested looking at Syracuse or North Webster might be comparable areas to Cicero.

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5. Planning

Director's

Report: Report was included, revenue versus last year up substantially. Mr. Taylor explained a few items he has been working on such as the Zoning Ordinance Book page numbers, etc. New pages will be forthcoming. Hyperlink additions on the Digital Versions to improve speed for users. Also working to create packet per Zoning District with additional standards that could be handed to people as well as digitally available. With changes that are being worked on, the reprinting of the Ordinance books will be in 2018 once everything has been reviewed and approved. President Strong asked everyone as they are using the current book, if they see items that may need addressed, please let it be known to Mr. Taylor. Simple or complex to save time or errors on the new books. Mr. Zell thanked Mr. Taylor for the updates to the books, and the inspection sheets are something new to see, and appreciate knowing what is going on. Mr. Taylor stated there are more by Rod the inspector, however while money savings it is also more efficient for Rod on the one-two days. More discussion on Rod, and the service he has provided, and a pleasure to work with.

6. President's Report: President Strong stated no report, however, thank you to everyone for reviewing the information for tonight and ready for discussion. Discussion on the timing of the staking of the lot, Mr. Taylor stated he would send an email when it has been done.

7. Legal Counsel's Report: No report

8. Board Member Comments: Mr. Schwartz regarding the 226th St. speed limit they reposted new sign with the speed limit of 50. Mr. Amos asked how the new vehicle is. Mr. Taylor stated great, the upgrades are now complete, and it is in service. Mr. Amos asked if anything else is needed from the Board or Town. Mr. Taylor stated no. Mr. Amos asked about training needs. Mr. Taylor shared that not at this time, there is a budget there for it. Becoming a certified home inspector is 300-400 hours of training which is not required in the position and he is getting his training with Rod currently for the inspections he is doing. The Code is probably the only expense currently planned. President Strong stated there are seminars coming up that may be attended. Mr. Amos asked for Mr. Taylor or President Strong to get with Silverthorne on the two lots and communication they have given regarding a park. Mr. Miller asked if this is a Town Council President issue versus Plan Development. Mr. Amos stated he didn't have issue asking himself. Discussion ensued. Mr. Taylor stated he had questioned language on a plan with Mr. Steckley, that it was a detention area but he didn't have a problem if kids were playing ball in the area. No discussion of playground equipment. Mr. Miller stated he had Mr. Taylor review the situation on the 236th street reality show, chased Mr. Taylor away. Mr. Culp stated to Mr. Strong not much could be done in taping a reality show.

Recording ended.

9. Next Planned Plan Commission Meeting: November 8, 2017

11. Adjournment: Mr. Taylor's notes indicated the following:

Mr. Schwartz made motion to adjourn. Mr. Amos second. All present in favor.

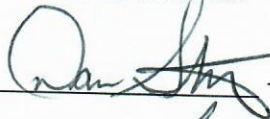
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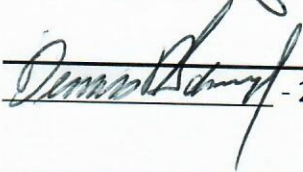
PLANNING
DEVELOPMENT



CICERO/JACKSON TOW

Cicero / Jackson Township Plan Commission Meeting

 - 2017 President

 - 2017 Secretary

_____- Recorder

Date: 10-11-2017

Location:

Cicero Town Hall
70 N Byron Street
Cicero, IN 46034



CICERO / JACKSON TOWNSHIP PLAN COMMISSION

CICERO/JACKSON TOWNSHIP PLAN COMMISSION MEETING

WEDNESDAY OCTOBER 11, 2017

7:00 P.M.

Please print your name, address, and sign in:

Tim Weber	2025 W. Morse Dr. Cicero
Nick Bontroyer	1030 Spinner Ct, Cicero
ARON Denhart	3060 W. Morse Dr Cicero
Bie Centrell	3060 W. Morse Dr Cicero
Shawn Cherry	1045 Spinner Ct
Nicole Cherry	1045 Spinner Ct
NATHAN A. Hovell	Millers Survey
Jim Steckley	M-LW LLC
Greg & Jennifer Maiden	1005 Spinner Ct
Tim & Deirdre Fisher	1040 Spinner Ct Deirdre Fisher
Ann Bule & Robin Lawson	1369 Casco Bay Cir
Scott Wilson	1015 Spinner Ct.
Shawn & Nicole Cherry	1015 Spinner Ct.