



CICERO / JACKSON TOWNSHIP PLAN COMMISSION MEETING

Topics: Hanh Nguyen-signage
Steve Cunningham-subdivide tract
RV Ordinance

Plan Commission Meeting Minutes

April 11, 2018 7:00 p.m.

Roll Call of Members

Present:

- ☐ Dan Strong
- ☐ Jack Russell
- ☐ David Martin
- ☐ Rusty Miller
- ☐ Chad Amos
- ☐ Dennis Schrumpf
- ☐ Glen Schwartz
- ☐ Stephen Zell
- ☐ Mark Diller
- ☐ Aaron Culp - Legal Counsel
- ☐ C.J. Taylor - Plan Director
- ☐ Terri Strong - Recorder

1. Declaration of Quorum- President Strong declared a quorum with full group to conduct business.

2. Approval of Minutes

Mr. Schrumpf made motion to approve Minutes from PC Meeting March 14, 2018. Mr. Amos second. Motion passed. Minutes approved.

President Strong before moving forward would like to amend the agenda by adding the RV Ordinance review to the agenda as the third item after new business.

Mr. Zell made motion to amend the agenda to include discussion on the RV Ordinance under old business. Mr. Martin second. All present in favor. Motion passed.

3. Public Comment- President Strong stated time for public comment for items not on the agenda. No comments.

4. Old Business:

Docket# PC-1117-014-NC

Petitioner: Hanh Nguyen (Tenant) with P.O.A. from Thong Ho (Owner)

Property Address: 109 S. Peru St.

Cicero, IN 46034

150 W. JACKSON ST. P.O. Box 650 CICERO, IN 46034
PHONE: 317-984-5845 FAX: 317-984-5938 WWW.CICEROIN.ORG



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Aesthetic Review regarding signage on building.

Petitioner was not present, Mr. Taylor stated did not know why. Petitioner was expected. President Strong moved to second docket giving time to arrive.

Docket #PC-02-18-001-AG

Petitioner: Steve and Lisa Cunningham

Property Address: 26158 Salem Rd.

Arcadia, IN 46030- Jackson Twp.

A Minor Subdivision Application has been submitted concerning Article 4 of the Cicero/Jackson Township Subdivision Control Ordinances in order to subdivide a parent tract of 11.88 acres into two (2) parcels. One parcel is to be 8.88 acres and the second to be 3.0 acres.

President Strong asked if petitioner was present and when verified, asked to step forward and state name, address and explain what wanted to do.

Steve Cunningham 1618 German Church Rd. the middle lot. Mr. Cunningham explained he would be separating 3 acres of the woods to the western side of the woods. Both neighbors north and south have sold part of their lots and new owner has asked them to sell a parcel. Discussion commenced using the monitor to determine the actual parcel.

President Strong asked if questions of the board. Mr. Zell expressed that he didn't see any problems and appreciate the work of Miller Surveying.

Mr. Amos made motion to open public hearing for Docket# PC-02-18-001-AG. Mr. Russell second. All present in favor.

No public present

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

President Strong asked if any questions from Board. None.

Mr. Amos made motion to approve Docket# Pc-02-18-001-AG. Mr. Martin second.

President Strong expressed need to untangle as this was old business.

Mr. Zell made motion to untangle Docket# PC-02-18-001-AG. Mr. Martin second. All present in favor.

Mr. Amos made motion to approve Docket# PC-02-18-001-AG. Mr. Martin second. All present in favor.

President Strong stated Mr. Cunningham request is approved. Mr. Taylor verified that secondary plat has been presented and Mr. Taylor has authority to approve as administrator. Mr. Culp verified.

President Strong recognized that first petitioner has arrived, and for review going to first Docket.

Docket# PC-1117-014-NC

Petitioner: Hanh Nguyen (Tenant) with P.O.A. from Thong Ho (Owner)

Property Address: 109 S. Peru St.

Cicero, IN 46034

Aesthetic Review regarding signage on building.

Mr. Amos made motion to untangle PC-1117-014-NC. Mr. Zell second. All present in favor.



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President Strong asked for petitioner to come forward. President Strong also verified that Mr. Taylor had the P.O.A. on file. Mr. Taylor was asked to assist with the presentation.

Mr. Taylor stated petitioner was cited for violation of sign ordinance by the number of signs on the building several months ago. Ms. Nguyen came in for temporary permit until P.O.A. could be received and applied for revision of signs under aesthetic review process.

Ms. Nguyen stated she wanted two additional signs so can do more than had before. Monitor was used to determine which signs and which banners petitioner was wanting to add for review. President Strong clarified one of the banners she was wanting was for seasonal. Ms. Nguyen stated yes holidays. Mr. Amos questioned Christmas only. Ms. Nguyen stated mostly Christmas. Mr. Russell stated the positioning was more of an issue than the number of signs. Discussion. President Strong stated part of the issue to remove would be damaging the siding according to what she stated. Mr. Zell referred to the signs around the downspout in the pictures that are not being seen in the photos. Mr. Zell stated would be advisable to understand the base line of the sign standards. Page 116, standards were read by Mr. Zell. Mr. Russell stated counting 11 signs. Mr. Zell stated his count was 14 when you looked around the corner. President Strong asked if Mr. Taylor had the original sign approval by aesthetic review. Mr. Taylor stated original 2012, St. Rd 19-3, and Buckeye St.- 2. Mr. Russell stated the neon was what was approved originally. President Strong stated a lot of discussion on the monument sign and was it grandfathered as it was a previous business. Discussion ensued regarding the photos on the monitor. Mr. Russell summarized that the three signs (eyebrow, wax, spa) were the issue and if organized would look better. Also stated that is a lot of signs. Mr. Zell stated with five signs approved, he didn't see why that approval wouldn't stand. President Strong stated if got thru aesthetic review would still need to go before BZA for square footage etc. to be approved. Discussion that no public hearing on aesthetic review.

Ms. Nguyen stated reason is the difficulty in seeing signs, that is why she puts them like she has. President Strong asked for picture for the monument sign. Question raised why monument sign couldn't be updated. Discussion on this topic. Mr. Russell felt the monument sign sections could be updated easily professionally. Seasonal banner was discussed.

President Strong brought up the parking lot on the side was not approved for parking, it was to be for grass, previous operation had barricades to prevent cars from pulling up. The original approval did not allow for parking for safety. Ms. Nguyen stated she was unaware, but now knows.

President Strong asked for motion or further questions. Mr. Zell asked what a reasonable time for sign changing to take place and what holidays for one banner would be approved. Mr. Taylor asked for clarification/verification that if approved, depending on the square footage of signs, they may or may not still need to come to BZA for approval. President Strong verified that is correct, if they change the square footage they would need to come to BZA for approval. Discussion on wording ensued. Mr. Culp questioned the holidays in questions. President Strong asked petitioner which holidays she would want to display a banner. Mr. Zell listed national holidays, Mother's Day, Father's Day and Valentine's day. Ms. Nguyen agreed with days. President Strong instructed Ms. Nguyen to get a list from Mr. Taylor if approved. Mr. Culp added that the days should be tied to final approval if must come from BZA. President Strong stated a banner would not have to go to BZA. Further discussion on options.



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Mr. Zell made motion to approve PC-1117-014-NC aesthetic review signage standards approved in 2012 will be observed with the following additions permitted. Petitioner allowed to use additional single banner on Town recognized National Holidays with the addition of Mother's Day, Father's Day, and Valentine's Day. In terms of removing signs, the Board would allow 30 days after final determination, triggered by Mr. Taylor. Size of banner is determined by Plan Director Mr. Taylor, banner allowed for seven consecutive days, longer display time BZA approval would be required. Mr. Russell second.

Mr. Miller-yes, Mr. Schruppf-yes, Mr. Amos-yes, Mr. Diller-yes, Mr. Zell-yes, Mr. Martin-yes, Mr. Russell-yes, Mr. Schwartz-yes, Mr. Strong-yes Motion passed.

Mr. Martin made point that temporary banner conditions based on ordinance includes seven consecutive days and maximum size of 25 square ft.

President Strong advised petitioner they have approval for banner, but some signage will need to come down. Petitioner can work with Mr. Taylor for relocation options if clarification is needed.

RV ordinance review: President Strong stated to continue discussion on the ordinance, had great dialogue last evening with the public attending so where do we go from here.

Mr. Amos stated heard everything from get rid of the ordinance to I don't want any boats/trailers in yards and everything in between.

Mr. Zell went over his notes determining the common themes. Number one was this is Cicero and the lake and recreational culture, second, if we make any changes or have an ordinance at all make it reasonable and in line with living in active the lake culture, flexible of parking RV's and vehicles. Reasonable guidelines so community doesn't become like junkyard. Protect property values, enforce street parking rules, even though out of our realm. Most all except for one, did not want dictated to. Another point, individuals in community do not understand what covenant and ordinance definition is. Mr. Zell questioned if recommendation to Town Council should include other types of vehicles.

President Strong asked Mr. Culp to address this part of the issue. Mr. Culp stated consistency is needed, if you look at height etc. for an RV you should include any type of trailer etc.

Mr. Zell does the proposed modified ordinance include the other type of vehicles and does it need to end up. Mr. Martin stated legally yes. Mr. Zell and does it get it to where we need to be for the meeting takeaway. Mr. Martin stated therefore we got to the 12-page document.

President Strong states the five items that are spelled out could be applied fairly and equitable.

Mr. Martin gave an example of sidewalks. There was discussion, unable to translate.

President Strong suggested going one by one on the modified ordinance list.

Mr. Schwartz asked if making an ordinance for HOA neighborhoods or non. President Strong stated an ordinance must cover all residents. Mr. Taylor listed the four neighborhoods that have an HOA.

Mr. Schwartz asked if ordinance would override an HOA rule. Mr. Culp stated if ordinance is stricter the residents must comply, if covenants are stricter than those must be followed. Also, if covenants and ordinance are the same but HOA isn't enforced then the Town could.

President Strong stated old town Cicero does not have, and keeping this in mind there might be a couple that should be part of the ordinance such as-no living in RV.



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Mr. Miller asked on the 38 violations, how many would be a violation under the proposed modification. Mr. Taylor stated didn't think any would be in violation, especially if no parking on sidewalk. Mr. Miller stated then we have an ordinance that allows RV in the yard. Discussion ensued.

Mr. Russell stated there should be an educational process as well, due to the number of items that people did not understand. The strategy should include an educational program. Taking away verbiage could help the Board.

President Strong stated ordinance goes back to late 1970's, so some items like 75 feet does not make sense with the current setbacks.

Mr. Schwartz do we have copies of the HOA agreements for each neighborhood. President Strong stated they are on-line now exception of two. Old Town Cicero does not have one. This should help with the concern that many did not know how to get one. Mr. Taylor stated his plan is to publish on the website and to help with a description of the legal aspect. Mr. Miller asked anyone had background on the changes in 1990. Discussion. How to get to the public any changes, many suggestions shared.

President Strong stated the sheet (modified copy) is the baseline to make adjustments for the whole town whether HOA covered or not. Discussion ensued. Number 6 covered by sidewalks, number 7 covers old town, further discussion. Determined to go line by line.

Mr. Taylor read the proposed verbiage:

MS-02: Storage or parking of recreational vehicles is subject to the following conditions:

1. At no time shall a parked or stored recreational vehicle be used for living, sleeping or housekeeping purposes, except as outlined below.

Discussion ensued. **Adding of "boat, or trailer" determined.** Applies to all areas of town, including old Town.

2. A vehicle may be permitted to be parked for seven consecutive days, but not to exceed fourteen total days in any one calendar year.

Discussion ensued. Sleeping during a visit would be the example during this discussion-a visit. Change was made from **parked to occupied**. Boat trailer parked would be allowed.

3/4/5 are to be stricken. President Strong asked for brief reading of items. Number 3 is no more than one recreational vehicle, stored outdoors. Mr. Martin asked to have on number three, discussion around if a limited number of vehicles would be allowed, and the definition of "stored". Determined two vehicles seemed to be logical. Determined to **leave number 3 in with changes** listed below.

3. No more than two (2) recreational vehicles may be stored or parked outdoors on a residential parcel at any one time.

Number 4 parking allowed on side or back not to exceed front. Number 5 board decided it needed to go away. Number 6 is parking on sidewalk not allowed. Mr. Taylor stated that municipal ordinance covers so this could be stricken.

7. Recreational vehicle shall not be parked on a parcel without a primary structure. Change made to include "less than one half (.05) acres".

8. Recreational vehicle shall not be used solely for the purpose of personal storage.



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Mr. Schrumpf discussed comments from last night regarding operational vehicles. How to protect property values does this address. Mr. Amos clarified licensed, tagged, have wheels, etc. This is covered as part of municipal ordinances enforceable by the police department.

Mr. Russell stated as looking at these, (HOA's), and comparing modifications, the only item that is stricter is number three with the limit on recreational vehicles.

Mr. Taylor addressed personal storage as it related to a construction trailer or lawn services trailer is that considered personal storage. Discussion ensued. President Strong stated this could be handled under definitions, outdoor storage definition without specify in the ordinance. This was agreed upon.

President Strong asked where to go from here. Mr. Zell asked for draft to be developed and allowed to review prior to recommendation to Town Council next months. President Strong stated time is not an issue when this was mentioned. The bigger issue is how we want the covenants to be involved in the ordinance. Does the Board want the covenants to be ruling or ordinance, this needs to be determined tonight. President Strong stated that he is looking for clarification is that this board has consensus that we are in agreement that the ordinance covers the items if an HOA is not in effect. Mr. Amos stated he was glad neighborhoods have the covenants and HOA's in place but wants to make sure the basics are covered for those that don't have or if HOA dissolves. Mr. Amos continued that doesn't see addressed some of the stricter items such as parking trailers in front yards. Mr. Amos questioned if need something separately for trailer/boat versus RV's. Mr. Culp stated didn't understand the need to separate. Mr. Russell discussed none of the other ordinances single out an individual item. Mr. Amos brought up no parking in front yard and allowed side or rear parking. Mr. Taylor asked if leave the ordinance as discussed and then add the no parking on grass in the municipal ordinances. Mr. Culp answered you could but do you want to, from a regulatory point and enforcement concern. Mr. Taylor stated if that was done, would expect the police to handle with common sense. Mr. Zell stated he agreed with Mr. Amos proposal about the front yard and looking at MS-02 modifications made tonight with separate municipal code, would be a package that would cover most items that have been a concern. President Strong stated by taking that approach would eliminate concern for construction trailers or storing items in front yards if the council would decide to take that option. Mr. Amos regarding front yard, surface is the concern, can still have weeds etc. Mr. Amos asked if others disagreed. Mr. Martin stated it has taken six months to get to this point, will it take another three to six months for wording.

President Strong stated what he is understanding to propose is that these modifications would go to town council and a recommendation on the municipal code change. Mr. Culp stated the municipal code would not go before this board. Mr. Zell reminded everyone that the reason this has taken so long is that there was an ordinance on the books that was not enforced. Making changes now, affects many so we are taking that into consideration as well as how to make it feasible for plan director to enforce going forward.

Mr. Russell stated the feedback he got from the public, they don't mind something but don't restrict me completely. If that is the case we have taken eight points and reduced to four possibly five which is a Mr. Miller expressed concern with have town expense due to not enforcing HOA, why should town become an HOA, seeing it as having an ordinance because there is not an HOA to enforce in some neighborhoods. There are covenants in place but not the HOA. Mr. Miller continued with items being talked about for the future such as municipal ordinances. President Strong and others stated no, not intent. President Strong summarized that this board is at the four possibly five items that everyone agreed on, and the fact that the covenants and HOA's will take care of other items for those that have them. The items would include the



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addition of boats and trailers. The only piece that is outside of this is the parking on the grass. That would be up to the Town Council as a municipal ordinance not this Board. We are not adding a bunch of ordinances for the ones that do not have an HOA. Mr. Russell stated this is now (covenants) we are adding this (ordinance) kind of like insurance if the covenants go away. President Strong stated need to look at two adjustments definitions of personal storage and classification of recreational vehicles to complete this. President Strong stated interested party in audience, like to hear from Mrs. Burkhart.

Mrs. Burkhart main concern was the 75 ft and that has been eliminated. President Strong stated the other concern was the front parking plan of house and that has been eliminated as well. Mrs. Burkhart said yes and understands the parking of the grass conversation as well.

Comments on meeting from last night and agreement. Mr. Taylor questioned the next steps were to work with Mr. Culp to have the draft for review. President Strong stated and the definitions. Mr. Taylor will send it out for review and to reply only to Mr. Taylor if concerns not to each other to keep legal. Mr. Zell asked for a deadline for replying.

6. Plan Director's Report: Mr. Taylor stated emailed report to members. Decrease March/March contribute to weather and economic scares. Bouncing back. Did complete training on International Plumbing Code. Hired an administrative assistance, Emily Russell, and doing a great job.

7. President's Report: President Strong thanked everyone for their diligence. Welcome to Mr. Diller. New planning office located at 331 E. Jackson St.

8. Legal Counsel's Report: Briefly on M/I Homes, down to 2-3 issues with the agreement, latest received this afternoon. Deadlines are approaching. Mr. Russell asked if timeline is ok. Mr. Miller stated May 15th. President Strong stated still ok, just would like to get resolved, getting close.

9. Board Member Comments: Mr. Russell stated whole point with the HOA's must keep them intact as we can not afford for them to fail/dissolve. Don't have the man power to enforce. President Strong stated don't have a legal recourse if they decide to dissolve, therefore we need some ordinance in place.

10. Next Planned Plan Commission Meeting: May 9th, 2018




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11. Adjournment: Mr. Zell made motion to adjourn. Mr. Russell second. All present in favor. Mr. Taylor asked for signatures and member to take a copy of the secondary plat for review.

Signatures:

 President

 Secretary

Date: 5-9-18

Location:

Cicero Town Hall
70 N Byron Street
Cicero, IN 46034