



PC- 0418-002-NC Pierce  
PC-0918-008-NC Day

# CICERO / JACKSON TOWNSHIP PLAN COMMISSION MEETING

## Plan Commission Meeting Minutes October 10, 2018 7:00 p.m.

### Roll Call of Members

#### Present:

- ☐ Dan Strong
- ☐ Dennis Schrumpf
- ☐ Glen Schwartz
- ☐ Rusty Miller
- ☐ Jack Russell
- ☐ David Martin
- ☐ Aaron Culp-Attorney
- ☐ C.J. Taylor - Plan Director
- ☐ Terri Strong - Recorder

#### Absent:

Chad Amos  
Mark Diller  
Steve Zell

1. Declaration of Quorum- President Strong declared quorum, explaining that any petitioners will need 5/6 votes. Further explanation of options of tabling for full board was discussed.
2. Approval of Minutes  
**Motion made by Mr. Russell to approve minutes from PC Meeting September 12, 2018. Mr. Schrumpf second. All present in favor.**
3. Public Comment  
President Strong welcomed any comments from public outside the agenda items. No comments.
4. Old Business:  
President Strong opened old business. Previously tabled.  
**Mr. Schrumpf made motion to untable PC-0418-002-C4. Mr. Russell second. All present in favor.**

**Docket #: PC-0418-002-C4**

**Petitioner: Gary Pierce**

**Property Address: 22275 US 31 North, Cicero, IN 46034**

**A Minor Subdivision application has been submitted concerning article four (4) of the Cicero/Jackson Township Subdivision Control Ordinances in order to: Subdivide forty and seventy-four hundredths (40.74) acres into four (4) separate parcels.**





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Nathan Althouse representing Miller Surveying 948 Conner St. Noblesville. Representing Gary Pierce who is present if questions arise that Mr. Althouse cannot answer.

Project is southeast corner of 226<sup>th</sup> and 31. Documentation was handed out and referred to. Blue lines on page 2 are the proposed division of property. Worked to eliminate the issues from the last meeting. Here to get approval for plat contingent upon variances. Need four variances, three for the plat. One variance is due to not being able to change the lot line. Second is lot line ratio on lot three. Third variance is lot two (14 acres) proposing additional drive. President Strong clarified that the drive crosses lot one and two there is a utility easement in that area. Mr. Althouse continued with variance four is for usage, for outdoor storage given history of the property, salvage industry is going down. Goal today is to get the plat in position to sell, and the new people would then get up to today's standards as relates to asphalt, etc. President Strong asked Mr. Taylor to speak to the variances that would be going before the BZA. Mr. Taylor stated that Mr. Althouse is correct as it relates to Lot 3 and Lot 4. Lot 2 would require use variance, so they can continue to use as it currently is. There may be more variances involved in that Lot 2. President Strong stated he wanted to make sure the board is aware of what would be before the BZA, and minor subdivision approval is up to this board. Mr. Martin asked if approval would be contingent upon BZA approval. President Strong responded with it could be. Mr. Schrupf realize don't have BZA authority, however lot 4 would be highly impacted with the 31 improvements. Mr. Althouse responded with once 31 is done, variance wouldn't be needed, but in the meantime. Mr. Taylor further explained that Co. will not call it a road, that is why seeking frontage access, therefore the Board must consider the variances. Mr. Culp suggested contingent to prevent approving lots that are not buildable if the BZA would not approve. President Strong stated if not buildable lots, we shouldn't approve a subdivision anyway. Discussion ensued. Mr. Russell asked if property is looking to be sold, should we look at what it could be rather than what it currently is. President Strong asked Mr. Culp would the legal non-conforming use go away if made into a subdivision. Mr. Culp stated yes, because they are changing the character of the property by splitting the property. The business owners would need to come to for use variance. President Strong repeated to ensure Mr. Althouse and Mr. Pierce were aware. Discussion ensued. Mr. Culp stated this is not final until the secondary plat is approved, so business can continue until that time. Mr. Taylor asked section lot 3 is currently the salvage yard, and it can remain until the plat is done. Mr. Culp stated that is correct, and when submitted would have to cease business or get a variance as the legal description would be changed.

**Mr. Martin made motion to open public hearing. Mr. Schwartz second. All present in favor.**

No public comments.

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

Mr. Russell asked for proposed drive to be explained again. Mr. Althouse explained using the materials presented.

\*recorder stopped, second recording started with same discussion.

Discussion ensued. Discussion on initial replat. President Strong clarified that this drive will give access to all four parcels. Mr. Althouse responded with correct.

Board discussion on items discussed for motion inclusion.





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Mr. Martin made motion to approve PC-0418-002-C4 as listed conditional upon: BZA approval and comply with permitted uses when apply with secondary plat. Mr. Schrumpf second.

Mr. Russell-yes, Mr. Martin-yes, Mr. Miller-yes, Mr. Schrumpf-yes, Mr. Schwartz-yes, Mr. Strong-yes.  
Motion passed.

President Strong stated have approval for minor subdivision and for petitioner to contact Mr. Taylor for documents to be recorded for plat.

### 5. New Business

**Docket #:** PC-0918-008-NC

**Petitioner:** Appleseed, LLC – Fred & Ann Day

**Property Address:** 7810 E. 236<sup>th</sup> St. Cicero, IN 46034

**Petitioner is seeking Aesthetic Review approval to construct an accessory structure on his property for storage.**

President Strong questioned if petitioner is here. Mr. Taylor stated had letter from Mr. Day that Mr. Kirkendall would be representing them.

Norvin Kirkendall 19469 Canyon Oak Drive, Noblesville, IN representing Mr. Day proposing to install a storage building on this property. Fischer Brothers, LLC is the contractor. Mr. Kirkendall believes the building will meet the aesthetic requirements and aware of the 12 ft. setback. Sides will be ivory and roof and such black. Documents provided. President Strong asked Mr. Taylor if he had anything to add, knowing he had spoke with Mr. Day. Mr. Taylor stated met with Mr. Day concerning the aesthetic guidelines. Pictures discussed, positioning of the building/business on the lot. Mr. Taylor discussed the use if for storage of the equipment in the pictures, he also commented that landscaping may be required. Mr. Day stated would like to be minimal due to maintenance concerns. (to Mr. Taylor). Mr. Russell asked if specifics were discussed. Mr. Kirkendall stated he could answer, current building has been transformed, not in Fred's nature to have things not looking nice and kept up. Mr. Kirkendall stated would presume the landscaping near the existing building would be low maintenance as well. Mr. Kirkendall also stated the back area has quite a bit of gravel to be able to handle the equipment that would be stored in the building. President Strong clarified for Mr. Russell that the board does have the latitude to ask for landscaping for screening if so desired, in aesthetic review areas. President Strong also clarified with Mr. Taylor that there was a semi on this property that has been removed. Mr. Taylor stated yes, Mr. Day's goal is to improve aesthetics of the area and get equipment inside, there was an old box trailer just dropped there previously. Discussion on actual location of the property. Mr. Day stated on front three door and the service door is on the side, concrete floor, in answer to questions from Mr. Martin and Mr. Miller. Mr. Taylor shared that the doors are facing east on the property. Mr. Miller stated on south would be needing landscaping. Mr. Russell expressed concern for the gateway to the community and the presence of landscaping needs to be considered. President Strong recalled that the property has been improved since Mr. Day started his business in that location with conditions met. Mr. Miller asked about a drive to the building. Mr. Kirkendall stated currently no plans for it, there are 5-6 in of aggregate under the grass. Mr. Taylor stated the conversation with Mr. Day stated very strong under and his theory is could keep mowed and looking better





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than maintaining a drive. Building would be used sporadically. Mr. Miller verified township property and asked if discussed possible annexation with Mr. Day. Mr. Taylor stated he didn't think so. If the area is annexed water and sewer would become available, Mr. Miller stated and unclear if Mr. Day was one of the property owners interested. President Strong stated the Council should receive an update on the interest of sewer and annexation. Mr. Taylor questioned President Strong and Mr. Culp if it was appropriate to add commitment to the building permit to cover the drive on the building permit. President Strong stated it would be handled by this board. Mr. Martin asked the timeframe on the project. Mr. Kirkendall stated while they may get started at the end of the year, it is likely a spring project. President Strong asked about lighting for the building. Mr. Kirkendall stated many options were discussed, it would come from the home. Stated might have a work station but not a commercial building. Mr. Taylor stated from recall, Mr. Day indicated he would put one light over the door. Mr. Kirkendall and Mr. Taylor verified the light would be on the north side of the building with the large doors on the east side. President Strong asked about windows, possibility of windows on the south side. Mr. Kirkendall stated talk was on west side for air flow. President Strong suggested the south side for aesthetics. Mr. Russell agreed the windows would improve aesthetics along with landscaping under on the south side, as you are driving on 236<sup>th</sup>. Mr. Martin questioned drainage and runoff being an issue to the front of the property to be addressed. Mr. Kirkendall did not have any concrete answer, did not want to do gutters. Mr. Russell questioned the buildings around where does that water flow. Mr. Taylor did not know. Mr. Taylor stated he is not allowed to run water onto surrounding properties, so if the watershed is an issue it would require gutters, etc. to prevent. Mr. Martin questioned the roof pitch. Mr. Taylor stated 14 ft at the peak. Mr. Russell asked if currently the property meets requirements for landscaping. Mr. Taylor stated based on the pictures yes. Discussion ensued. Mr. Miller questioned the positioning of the building from the road. Discussion ensued on visibility. Monitor was used for current pictures. Mr. Russell shared the vision of the future, driving by might not be an issue however if a trail was determined in the future, it would not be on the cemetery property so adding the landscaping to the south of the property could be an asset. Discussion on landscaping on the fence side. President Strong stated when opportunity is there to improve our gateways it should be considered. Mr. Taylor stated the Dance studio is starting to build fence to shield some of their area. President Strong stated public hearing is not required for Aesthetic Review, so would entertain a motion when ready. Discussion on timeline of project.

Discussion on commitments.

**President Strong recorded the following: Window on the south side of building to be added, Landscaping and Lighting to be approved by Plan Director, CJ Taylor, if annexation occurred black top would be required, colors as presented to match front building, deadline of June 1, 2019 for building to be completed. President Strong looked for approval of PC-0918-008-NC based on information above. So, moved by Mr. Russell, Second by Mr. Martin.**

**Mr. Martin-yes, Mr. Miller-yes, Mr. Schruppf-yes, Mr. Schwartz-yes, Mr. Russell-yes, Mr. Strong-yes.  
Motion approved.**

7. Plan Director's Report: Report was email. Discussion regarding NC District Use Standards, President Strong asked for comfortability of what has been presented. Consensus. President Strong asked for it to be





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an item on new business for the next meeting with a fuller board for recommendation to move to Town Council for review.

8. President's Report: President Strong stated good discussion and appreciation for attendance.
9. Legal Counsel's Report: No comments at this time.
10. Board Member Comments: Mr. Schwartz stated he would be getting a new knee on the 13<sup>th</sup> and unless meeting is at hospital, he would be unable to attend. Well wishes were extended.
11. Next Planned Plan Commission Meeting: **November 14, 2018**
12. Adjournment: **Mr. Miller made motion to adjourn. Mr. Martin second. All present in favor.**

Signatures:

 President

 Secretary

Date: 11-15-18

Location:

Cicero Town Hall  
70 N Byron Street  
Cicero, IN 46034