



**CICERO/JACKSON
TOWNSHIP
PLAN COMMISSION**

BZA# 1019-039-R5 Ferguson

BZA# 1119-041-C4 Pierce

BZA# 1119-042-C4 Pierce

**BZA Meeting Minutes
December 19, 2019
7:00 p.m.**

Roll Call of Members

Present:

- Brad Baker
- Mike Berry
- Scott Bockoski
- Steve Zell
- Dennis Schrupf
- Aaron Culp - Legal Counsel
- C.J. Taylor - C/JT Plan Director
- Terri Strong- Recorder

Absent:

David Martin

1. Declaration of Quorum- Chairman Bockoski declared a quorum with Mr. Zell subbing for Mr. Martin. Also reminded the public to sign in if planning on speaking to any items on the docket. Chairman Bockoski also reminded that three of five votes are needed for approval.
2. Approval of Minutes- **Mr. Zell made motion to approve minutes from October 17, 2019 meeting. Mr. Baker second. All present in favor.**
3. Public Comment-No public comment.
4. Old Business: None
5. New Business

Docket #: BZA-1019-039-R5

Petitioner: Troy Ferguson

Property Address: 139 North Peru St., Cicero, IN 46034

A Development Standards Variance Request application has been submitted concerning Article 7.21 of the Cicero/Jackson Township Zoning Ordinance in order to: Allow construction of a four (4) foot tall fence in



**CICERO/JACKSON
TOWNSHIP
PLAN COMMISSION**

BZA# 1019-039-R5 Ferguson

BZA# 1119-041-C4 Pierce

BZA# 1119-042-C4 Pierce

the front yard. Whereas; Article 7.21 states that a fence may not be greater than three (3) feet in height in the front yard.

Chairman Bockoski welcomed petitioner to address the Board.

Troy Ferguson 129 North Peru St. Mr. Ferguson stated remodeled the two homes on the property. Received permission from the Planning Commission for a side fence. Mr. Ferguson used pictures to address the homes in the area also giving history. Mr. Ferguson stated the PC wanted to maintain the appearance of a home not as a pool house after the addition of the pool. The 139 is not lived in but used as a pool house. After receiving permission for pool and privacy fence, built everything but modified for fence in the front to be iron, not privacy fence. Added plants and items to give appearance of a residence. Asking for permission to keep the decorative fence, it is 4ft. A three-foot fence is not available, the company makes a 4/5/6. Mr. Ferguson also stated the address is to be changed to all of it being 129 Peru St. Didn't realize the height of the fence is an issue. He felt it has improved the property value, improved the area.

Mr. Zell asked if Mr. Taylor had reviewed the fence and what was his opinion. Mr. Taylor stated yes, and it is a nice fence, simply violates that it is 4 ft and the ordinance states maximum 3 ft to the front of a property. Mr. Baker stated he would need to reclude himself from this docket. Chairman Bockoski accepted. Mr. Berry asked where the pool is. Mr. Ferguson indicated between the two buildings. Mr. Berry asked if the only fence. Mr. Ferguson stated there is a privacy fence, was replaced with new. Privacy fence is on three sides with the 4 ft. iron fence to the front. Mr. Zell stated he did look at it, is an attractive fence and probably has added to the aesthetic value. Mr. Schruppf stated by being 4 ft, if it was solid, he would have an issue but by being open, adds aesthetic value. Mr. Ferguson added once his larger plants were in, you wouldn't be able to look back there.

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

Chairman Bockoski asked if anyone from the public to speak to this docket.

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

Chairman Bockoski asked if further questions for the Board, asking if there any stipulations that should be added.

Mr. Zell made motion to approve BZA-1019-39-R5. Mr. Berry second.

Mr. Berry approve, Mr. Bockoski approve, Mr. Zell approve, Mr. Schruppf approve, Mr. Baker-reclude. Motion passed.

Docket#: BZA-1119-041-C4

Petitioner: GWP Enterprises Inc.

Property Address: 22275 US Highway 31, Cicero, IN 46034

A Land Use Variance request application has been submitted concerning Article 4.1 of the Cicero/Jackson Township Zoning Ordinance in order to: Allow an automobile sale and transporting business in



**CICERO/JACKSON
TOWNSHIP
PLAN COMMISSION**

BZA# 1019-039-R5 Ferguson

BZA# 1119-041-C4 Pierce

BZA# 1119-042-C4 Pierce

a C4 Commercial Zoning district. Whereas; under article 4.1 of the Cicero/Jackson Township Zoning Ordinance, an automobile sales and transport business is not a permitted or special exception use.

Chairman Bockoski asked if petitioner present.

Andy Wert-Church, Church, Hittle and Antrim, Noblesville. Owner of property is also present. Mr. Wert stated the next petition is the same issue with different parcel number, asking if could be address both. Mr. Culp was consulted, and request granted.

Mr. Wert gave history of project, request in June denied. Looking for what would make best fit for the location. Mr. Balcius moving of corporate headquarters for U.S.A Intercargo , combining with current business deemed enough of a change to resubmit for approval.

Mr. Wert stated requesting continuation of shipping and receiving business and addition of corporate headquarters for USA Intercargo at this location. Details of the business model was explained. Critical component of the request are the commitments being offered, implemented in two phases. First in a short period of time is the paving of the area in the front of the building and bringing the storage to the rear, only allowing employee parking to the front, also refacing the existing signage, installing landscaping along US 31, remodel the building for employee staff. Phase two would come once utilities are established to the site, by utilities referring to water, sewage and three-phase power, at that time new office building and warehouse would be built tearing down the existing building. Timeframe is unknown with the improvements to US 31. Mr. Wert stated should have included in packet has a pending subdivision plat approval for this property. Signatures being obtained by Mr. Pierce. Four parcels would turn into a three-lot subdivision. Mr. Wert stated win-win for community and for business owner.

Mr. Berry asked if corporate headquarters comes to this location does that bring people? New jobs?

Minda Balcius owner, currently have 18 professional employees with 2 part-time individuals. In Carmel location that feel will get pushed out, outgrown.

Mr. Berry questioned if all vehicles get shipped out. Mr. Balcius stated all, not parted, not stored. Process takes approximately 3-4 weeks. Mr. Berry verified hazardous materials are not present. Mr. Balcius stated due to the auction and moving around there is not liquid in vehicles. Mr. Zell asked what the business relationship is with GW Pierce. Mr. Culp questioned you are a tenant correct. Mr. Balcius stated currently leasing, deal of purchase depends upon able to use the land as requesting. Mr. Taylor added that proposing to purchase 2 of the parcels, map was used. Mr. Culp added that conditions of sell included the elimination of non-conforming items. Mr. Zell stated driving by currently it is unattractive and asked when the changes would take place. Mr. Balcius stated the front would be done right away; the other items are extensive which means the changes are too much for a tenant. Mr. Zell asked for timeline for transactions. Mr. Balcius Purchase agreement has 60-day clause, this is the only contingency delaying. End of summer would be timeline for all vehicles to be behind the building that are not employee vehicles.

Mr. Zell continued by asking hours of operations. Mr. Balcius answered currently open at 8 am, close at 5, Mon-Fri. Mr. Balcius stated considered adding a second shift, but business has not warranted for 18 years. Employees have to be present to accept the vehicles.



CICERO/JACKSON TOWNSHIP PLAN COMMISSION

BZA# 1019-039-R5 Ferguson

BZA# 1119-041-C4 Pierce

BZA# 1119-042-C4 Pierce

Mr. Baker asked for clarification on the monitor. Discussion ensued using monitor. Mr. Baker asked what future plans are for access if 31 is limited. Mr. Balcius stated did not have an answer beyond the sheet provided. Mr. Baker expressed his concern for his business having access to 31. Discussion ensued. Mr. Zell questioned the second docket description and where it is located. Mr. Taylor explained the positioning and the reason it went thru a subdivision process. Further discussion using monitor for parcel division.

Mr. Zell expressed concern for aesthetics for the area. Mr. Balcius stated if using for corporate headquarters want to improve the look of the area. Secondly with the history of the area being a junk yard for such a long time, get people stopping by to purchase parts. Not interested in selling parts, want to discourage public from seeing the cars. Perhaps more fencing and definitely more trees/bushes. Mockups were shared. Discussion of explanation of the operations of the business ensued.

Chairman Bockoski questioned the current state and the goal. Mr. Balcius stated some of the area is soft, once developed can move cars to the back. Asking for second lot for overflow however do not need presently. Chairman Bockoski asked number of vehicles shown. Mr. Balcius probably over 400 which is very high. Goal is to ship as quick as possible. Mr. Taylor verified that the second section after phase two would likely be developed for another operation. Mr. Balcius agreed.

Mr. Zell asked if EPA concerns. Mr. Balcius stated phase 1 is done, phase 2 is not but nothing unmanageable. Mr. Taylor added that with the GW Pierce changes, phase 1 showed concerns for the area that had the tire fire but nothing in this area. Monitor was used for this discussion.

Mr. Zell questioned this proposal versus the one in June. Mr. Culp stated this is separate from the one in June, some of the concerns would apply if you want to ask them to address. Chairman Bockoski stated his appreciation for the plan presented. While no question of what will see, question the timeline, main concern is 5-10 years from now. Accessibility concerns 5-10 years from now, area currently would be residential, and no direct routes if 236th is used for access road, 216th would certainly be a less residential area. Chairman Bockoski stated that is his concern. Mr. Schrupf stated he asked the question of the state at the public meeting held at Red Bridge how would access be granted. Mr. Schrupf stated he was told an access/frontage road would take place. Discussion ensued with comparisons.

Mr. Wert used the monitor to address some areas that have been talked about as access. Mr. Taylor also showed via monitor other areas being talked about.

Chairman Bockoski asked if petitioner had investigated the concerns, also appreciated the concern for aesthetics of the gateway to Cicero. Chairman Bockoski also stated the first docket did not appear to have access to the second docket. Mr. Balcius stated once the items are complete, the second parcel is no longer needed, the area is needed now. Which is why applying for the variance. Chairman Bockoski asked if ever the variance had expiration condition. Mr. Culp answered yes and was going to recommend that a condition be placed that once the rebuild/remodel was complete the approval expire on the second parcel.

Mr. Taylor stated a right a way is currently penciled in for a second business. Mr. Wert stated there is a leap of faith by Mr. Balcius. Chairman Bockoski asked for speculation for timeframe for second parcel to expire. Mr. Balcius stated if had water and sewer, could be within months. Needs the space now, if had the utilities all other matters are ready to build. To answer the question totally depends upon utilities.



**CICERO/JACKSON
TOWNSHIP
PLAN COMMISSION**

BZA# 1019-039-R5 Ferguson

BZA# 1119-041-C4 Pierce

BZA# 1119-042-C4 Pierce

Mr. Taylor clarified using monitor that the building proposed would not be built until water is available. Mr. Balcius stated correct. Mr. Zell added, statement made that not conducive to sewage with employees, so what are you going to do. Mr. Balcius answered in order to construct the facility need more than well water, for sprinkler system of the building need city water. Discussion on where the water would be coming from, from the south was general understanding with no guarantees. Mr. Balcius stated three phase power is another issue but is addressable, sewer is also desirable but holding tanks etc. could be done.

Mr. Berry stated in the event that approval is reached tonight, and water is not available, then the project would die. Mr. Balcius stated would hope the water would come eventually, needed for any development to take place in that area. Discussion on other business. Mr. Zell stated concern that this would stay undesirable. Mr. Balcius stated can improve the aesthetics and develop the back and sides for additional storage, improve the building to move most employees. Beautify the existing until could build new. Certainly, would be more efficient to build new and then move but without water, can not be done. Mr. Taylor stated is screening being proposed. Mr. Balcius stated have screening now, fence, chain-link with screening material. Can be made better how much as a tenant is a challenge. Mr. Balcius stated he felt his people do a good job of screening the salvage. Discussion of positioning took place. Mr. Berry asked if this was not approved, would he be looking for another location. Mr. Balcius stated yes, would ask for 6 months or so and would have to move operations. Mr. Taylor stated once the plat goes thru, the area is currently legal non-conforming, and that would be going away. If this is not approved would have to find another property as the business would not be approved. Mr. Balcius asked if it was possible, for a time frame for expiration, if can not build due to utilities it is not a good site for us. Can we get a variance for a period of time such as five years? We would need to be able to grow our business. Mr. Culp answered that is something that could be done.

Mr. Zell made motion to open public hearing for both dockets BZA-1119-041-C4 and BZA-1119-042-C4. Mr. Berry second. All present in favor.

No public comment.

Mr. Zell made motion to close public hearing for both dockets. Mr. Baker second. All present in favor.

Mr. Baker stated the future for traffic isn't something that should concern us. Secondly don't see a difference from what we saw before. Six months ago, with all the "what if's" makes it the same proposal. Mr. Zell agreed and stated concern for the water situation and a temporary variance to determine that it isn't the correct space for his business. Mr. Berry expressed his opinion of any new project is a lot of speculation. He stated difference between this and the last, he didn't think moving the corporate headquarters was part of the project. Mr. Berry shared observations around Westfield growth. Discussion ensued. Chairman Bockoski asked if any stipulations were needed. Mr. Schrupf asked how many years could be given. Mr. Culp stated would not recommend longer than five years. Mr. Schrupf stated plans show improvement and could get things moving in the area. Discussion on timeline and items involved as well as option for extension.



**CICERO/JACKSON
TOWNSHIP
PLAN COMMISSION**

BZA# 1019-039-R5 Ferguson

BZA# 1119-041-C4 Pierce

BZA# 1119-042-C4 Pierce

Discussion on the expiration of the variance for -042 after vehicles are moved, one year.

Mr. Culp suggested to add all the commitments to -041, and the new building with municipal water availability. Mr. Balcius added that Phase 2 would include the back-section landscaping, so it didn't need to be tore out for construction. Chairman Bockoski verified that 18 months after water is reasonable time for new building commitment.

Mr. Taylor read the following items to come due no later than 12/31/2020: to include front landscaping, the vehicles moved to the back of the current building, paving of the lot in front of current building, façade improvements to the current building and docket 042 to expire. And 12/31/2024 the new building constructed, or variance expires, unless municipal water is acquired then new building and back improvements would be constructed within 18 months. Whichever comes first for new building. Chairman Bockoski asked what lighting looks like. Mr. Balcius stated general lighting in front parking lot, down lighting would need to be done in Phase 1. Mr. Taylor stated there are requirements for lights and signage and see Mr. Taylor prior to purchasing. Discussion of back lot, for security purposes.

Mr. Baker made motion to approve BZA-1119-041-C4 with the following contingencies: 1) Overall variance will expire on 12/31/2024. 2) Phase 1 will be completed by 12/31/2020 which includes front signage and landscaping, rear parking improvement hard surface applied, front lighting, salvage vehicles to be removed from fronts of both parcels to the rear, and front paving. 3) Phase 2 will be completed as new building, rear paving and rear lighting will be completed within 18 months of water becoming available. Mr. Berry second.

Mr. Baker-approve, Mr. Berry-approve, Mr. Zell-approve, Mr. Schruppf-approve, Mr. Bockoski-approve. Motion passed 5-0.

Docket: BZA-1119-042-C4

Petitioner: GW Pierce Enterprises LLC

Property Address: 1715 E. 226th St., Cicero, IN 46034

A Land Use Variance request application has been submitted concerning Article 4.1 of the Cicero/Jackson Township Zoning Ordinance in order to: Allow an automobile sale and transporting business in a C4 Commercial Zoning district. Whereas; under article 4.1 of the Cicero/Jackson Township Zoning Ordinance, an automobile sales and transport business is not a permitted or special exception use.

Mr. Baker made motion to approve BZA-1119-042-C4 with the contingency that it expires on 12/31/2020. Mr. Berry second.



CICERO/JACKSON TOWNSHIP PLAN COMMISSION

BZA# 1019-039-R5 Ferguson

BZA# 1119-041-C4 Pierce

BZA# 1119-042-C4 Pierce

**Mr. Schrupf-approve, Mr. Zell-approve, Mr. Bockoski-approve, Mr. Berry-approve, Mr. Berry-approve.
Motion passed. 5-0.**

Chairman Bockoski stated please see Mr. Taylor for further details on the variance and information needed for competition.

Action Item: Chairman Bockoski stated consider Election of officers even though voting will be next meeting. Mr. Baker asked about terms. Mr. Taylor answered Mr. Bockoski and Mr. Berry's terms are both up and have agreed to reappointment if powers that be decided to reappoint. This would be a four-year term. Mr. Zell expressed his appreciation for everyone working together. Discussion ensued.

6. Plan Director's Report: Attached, Mr. Taylor thanked everyone for allowing his questions tonight. November was good month, ytd \$70120 ending over December 31, 2018. Five C/O's in Tamarack, M I Homes has approached the Plan Commission for changes and were tabled. More conversations to take place. This is a Town Council decision in the end. Lennar Homes also presented, asking to be tabled, asked for a summary of concerns so they have answers to all questions. Discussion on some of the items, all positive with conversations with Lennar. Also, Stan Widows has applied for rezone, again Town Council will have to approve. Discussion on ideas for these properties. Darkside Roasters pop up coffee shop at Alexanders, working at possibly leasing corner building from Brett Morrow (formerly Soul Sisters). Other news, Peru street new building Rugged Barbershop is open, front has possible lessee in sight.

7. Chairman's Report: Chairman Bockoski as chairman, Mr. Taylor jump in anytime, valuable input and very proud with the teamwork on tonight's dockets reaching a very good agreement.

8. Legal Counsel's Report: Mr. Culp stated he also very proud of how tonight ended, lots of detail but worked thru to improve the area. Mr. Zell questioned if business model questions were appropriate. Mr. Culp stated looking for a use variance, you have to understand what the use is being proposed and how to operate. Now if for a different variance, that would not be the case.

9. Board Member Comments: Mr. Zell asked if any updates on Arbor Homes. Mr. Taylor stated he has not heard from them. Perhaps Mr. Strong has. Mr. Culp stated at the last Town Council meeting water/sewer was discussed and determined to allocate 75 EDU's to each side of the bridge, with 25 on each side in reserve. Brief discussion on future concerns and solutions and current ordinances that are in place. Mr. Zell thanked for the opportunity to sub again.



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BZA# 1019-039-R5 Ferguson
BZA# 1119-041-C4 Pierce
BZA# 1119-042-C4 Pierce

10. Next Planned BZA Meeting: January 23, 2020 at 7:00 p.m.

11. Adjournment: **Mr. Baker made motion to adjourn. Mr. Berry second. All present in favor.**

Chairman _____

Secretary _____

Date _____

Location:
Cicero Town Hall
70 N Byron Street
Cicero, IN 46034