



CICERO/JACKSON TOWNSHIP PLAN COMMISSION

Plan Commission Meeting Minutes

March 8th, 2023

Cicero Town Hall

70 N Byron Street

Cicero, IN 46034

Roll Call of Members

Present:

- ☐ Dan Strong
- ☐ Harrison Massonne
- ☐ Chris Lutz
- ☐ Marc Diller
- ☐ Mark Thomas
- ☐ Dennis Schrumpf
- ☐ Corey Burkhardt
- ☐ Jenna Majors
- ☐ Aaron Culp - Legal Counsel
- ☐ Frank Zawadzki - Plan Director
- ☐ Terri Strong - Recorder

Absent:

Eric Hayden

1. **Declaration of Quorum:** President Strong declared a quorum with 8/9 members present.
2. **Approval of Minutes:**
Mr. Lutz made a motion to approve Minutes from PC Meeting: February 8th, 2023, as presented. Mrs. Burkhardt second. All present in favor.
3. **Public Comment:** President Strong stated this is opportunity for anyone to address any item not on tonight's agenda. No public comment.
4. **Old Business:** No old business.



**CICERO/JACKSON
TOWNSHIP
PLAN COMMISSION**

5. New Business:

Docket# PC-0323-04-AG

Petitioner: Jim Atwell

Property address: 0 E 246th Street

A Minor Subdivision application has been submitted concerning Article 4 of the Cicero/Jackson Township Zoning Ordinance in order to subdivide one (1) 10 Acre parcel, located at 0 E 246th Street, Cicero Indiana, 46034, into two (2) equal parcels of 4.58 acres each after the Right of Way dedication.

Nathan Atwell Miller's Surveying office located at 948 Conner Street, Noblesville. Representing Mr. Atwell in this petition. Property is North side of 236th east of Anthony Road, currently two five-acre tracts, property was purchased as two buyer tracts, but plat process was not done so now faced with doing that. It is 10 acres total and after Right of Way dedication leave two 4.58 acre sections meeting all setbacks, proposing shared drive. President Strong asked if any Board questions.

Mrs. Majors asked if any forethought given to maintaining of shared drive. Realize it is a family and they will decide, however, as a planning commission we have to look forward to other possible owners in time. How situation would be handled at that time. Mr. Atwell stated there is a maintenance agreement section, part of secondary plat. We certainly can add. Mrs. Majors added that most mortgage companies want to see an agreement, if it is done now as part of the plat, it saves from doing in the future. Mr. Atwell stated this can be done as part of the plat if no objections by petitioner.

Jim Atwell Jr. 15400 E. 191st Noblesville. No issue with adding.

Mrs. Majors made motion to open public hearing. Mr. Thomas second. All present in favor.

No public comment.

Mr. Lutz made motion to close public hearing. Mr. Diller second. All present in favor.

President Strong explained all motions are done in the affirmative.

Mr. Lutz made motion to approve PC-0323-04-AG as presented with contingency of petitioner adding the maintenance agreement language to the plat before gets final submission (part of secondary plat). To be reviewed by Mr. Strong and Mr. Zawadzki. Mrs. Majors second.

Mr. Lutz-approved, Mr. Diller-approved, Mr. Thomas-approved, Mr. Schruppf-approved, Mrs. Majors-approved, Mrs. Burkhardt-approved, Mr. Massonne-approve, Mr. Strong-approve. Motion passed.

President Strong advised motion is approved, can move forward with primary plat and the secondary plat can be approved by the plan department.

6. Plan Director's Report: Mr. Zawadzki gave summary of February permit revenue, enclosed in the packet. For February 2023 permit revenue was \$5941, YTD \$9959 compared to 2022 February monthly revenue was \$16063

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with YTD \$27348, down \$10122 for month and down \$17389 for YTD 2022. In February we issued 14 permits, 11 inside the town limits, 2 new homes, 3 in the township, one new home. Estimate of projects is \$2.21 million. Updates on subdivision, Auburn Estates all permitted, Tamarack 12 left of the 69 in section four.

Mr. Lutz commented on the last docket, is there some assistance needed to prevent the issue in the future. Mr. Zawadzki stated there is no issue in our system, the problem is they can go the recorder and they don't need to have anything signed by us to actually have recorded. Once recorded it can be shown in GIS. Their rules don't dictate they have to go thru this body first. Mr. Culp confirmed, if a deed is taken to recorder and have all the elements required, they also have an obligation to accept it. Different jurisdictions, different restrictions mean they can't keep track. If there is an issue it would become on the transfer. Mrs. Majors gave perspective of when deeds are presented, have to abide by the zoning, it is up to them to change the zoning, zoning is not listed on the deed. Mr. Lutz questioned if purchased, looked at deed, and jurisdiction has an issue. Mr. Culp stated depending upon how marketed, you would have a claim against property you purchased it from. President Strong stated that when they wanted to get building permit, they come to the plan department, this is when it was caught that they had not gone thru the subdivision process. Mr. Thomas stated the process does require survey and recorded. Discussion ensued on the process. President Strong stated this is the first time in long time that this has happened. Mr. Culp agreed. Mr. Zawadzki explained how he followed up with GIS and recorder's office as well as Mr. Atwell, also asking them to notify if situation happens so can deal with it properly in the beginning. Discussion of checks and balancing. Mrs. Majors suggested when talking to potential project developers to follow up with email of the zoning. Mr. Zawadzki stated does a level of this in email, however will add more.

7. **President's Report:** President Strong handed out draft information on RIP for comp plan. Spells out the details of what would be looking at as well as timelines. Asking members to review and give feedback, comments, suggestions to get to Mr. Zawadzki or Mr. Strong. This way can be added to the plan guidelines. Budgeted over two years, get started in the fall, finish up first quarter next year. Last time took approximately 8 months. Any feedback is appreciated.
President Strong thanked everyone for their participation and the time they give up for the board.
8. **Legal Counsel's Report:** Mr. Culp stated for those interested, he will send out a court decision from BZA in Noblesville. Does a nice job of how the courts look at the process that is followed. This case deals with a non-conforming sign. While the owner thought they were repairing, they changed and moved the sign, this resulted in back and forth in the courts.
9. **Board Member Comments:** Mr. Diller stated talked with Dan and Frank regarding Auburn Estates and the trash in the wooded area, but is there more that can be done. Mr. Zawadzki stated we can, had some other issues, it has been addressed again. There has been 4-5 times that it has been addressed. Mr. Lutz offered assistance if results are not achieved.



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Mrs. Majors commented after going thru this petition this evening, and looking at our zoning requirements, 4.1 Minor Subdivision plats, our requirements do not address maintenance of drive. Knowing they will have mortgage challenges in the future. Mrs. Majors suggested for the future our standards need to be adjusted to include a maintenance agreement. President Strong stated he heard Mr. Atwell state that can be added for tonight's petition, look to Mr. Culp for guidance. Mr. Culp could require some type of agreement, be careful not to dictate the terms of the agreement. Could add that to the subdivision control ordinances and since we are getting ready to update. President Strong questioned if adding to the plat is option. Mr. Culp stated yes, and Mr. Zawadzki can tell them about it also. President Strong thanked Mrs. Majors for her expertise. Mr. Lutz asked it to be added to the futures changes log.

10. **Next Planned Plan Commission Meeting:** Next meeting is April 12th, 2023, at Town Hall.

11. **Adjournment:** Mr. Schrupf made motion to adjourn. Mr. Massonne second. All present in favor.

Chairman: [Signature]

Secretary: [Signature]

Date: 4/12/23

Location:

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