



**CICERO/JACKSON
TOWNSHIP
PLAN COMMISSION**

Plan Commission Meeting Minutes

April 12, 2023

Cicero Town Hall

70 N Byron Street

Cicero, IN 46034

Roll Call of Members

Present:

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

Absent:

Jenna Majors

- 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: March 8th, 2023, as presented. Mr. Massonne second. All present in favor.
- 3. Public Comment:** President Strong stated this is opportunity for anyone in attendance to address any item not on tonight's agenda. No public comment.
- 4. Old Business:** No old business.

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5. New Business:

Docket# PC-0223-02-R5

Petitioner: Arbor Properties

Property Address: 90 So. Pearl Street, Cicero

A Minor Subdivision application has been submitted concerning Article 4 of the Cicero/Jackson Township Subdivision Control Ordinance in order to subdivide one (1) parcel, located at 90 So. Pearl Street, Cicero Indiana, 46034, into four (4) equal parcels of .14 acres each.

Darrin Radcliffe, with Park Properties, located in Noblesville, we are looking to get this minor subdivision approved with no zoning modifications. Business owns commercial and residential properties in Hamilton County. Intent is to build and lease out while maintaining.

President Strong asked if any questions from Board members. Mr. Hayden questioned the driveway, being from the back of the property, is it right on the property line. Mr. Radcliffe stated it is close to the property line. Mr. Hayden asked if it would be shielded in any manner. Mr. Radcliffe said no. Mr. Lutz asked when a neighborhood comes through like this is there a drain on the property, is there a swell. Mr. Zawadzki answered there is a swell. Mr. Radcliffe answered there is a swell on the lakeside of the property. Mr. Lutz asked if it would remain, or what are options for this property, is there a drainage plan. Mr. Radcliffe stated it runs east to west right now goes to the swell.

Matt Hamilton, Apollo Developers, explained the swell runs north to south, and there is a drain on the front. Details shared. Reached out to County, confident positive drainage on the site.

Mr. Hayden questioned Mr. Zawadzki about the information received as meeting requirements. Mr. Zawadzki responded that we are meeting every single zoning requirement that needs to be met. Two setbacks, impervious surface, minimal lot size, no buffer yard requirement, landscaping plan. One road cut, so drive meets requirements. Mr. Hayden questioned the dumpster in the back. Mr. Radcliffe stated it is a shed for grounds maintenance. Mr. Hayden questioned EDUs, currently property has one requesting three additional. While not a problem now, if continue could be. Mr. Thomas asked if water and sewer capacity in Cicero for this. Mr. Zawadzki stated it is complicated, when started there was not an issue and had 50 EDUs in reserve to use at discretion by Council. Mr. Radcliffe took all suggestions, adjusted them and when came back the issue was known. President Strong stated the shorter answer is yes, being in the boundaries we have to provide water and sewer. Mr. Culp stated if ordinance allows it to be subdivided, we have lines in the area, we are required to provide services. Mr. Lutz commented that you are in a favorable position to have approved of being in an R-5, if had envisioned would have considered rezoning. Ask petitioner to recognize this is heart of downtown area, a very visible property and be a reflection of how you are doing business in our town. Mr. Radcliffe stated absolutely will be something the town is proud of. Continued to state that part of the Gordon Marketing group and if want to see properties in Noblesville.

Mr. Hayden made motion to open public hearing. Mr. Schrumpf second. All present in favor.

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President Strong asked for anyone with comments to approach, state name and address for the record.

Jeremy Rainwater 70 S. Pearl, where is the alley at, there should be two. One on west side, one on the northside, the west side has been vacated, the north has not. Want to make sure the north is not the drive. Mr. Radcliffe answered using the screens, the original center line of the vacated alley is the property line. Our drive will be to the south of center line. Mr. Rainwater clarified it is his drive, taking our drive. President Strong asked if clarify to the west.

Mr. Rainwater stated losing half of my drive from vacated alley from 20 years ago, major operation to change drive or access to the front. Don't understand how you can subdivide a subdivision, property was not in zoning area due to previous owners, now it is an issue. Next issue is in Subdivision Ordinance 4.9 lines B&C should be consistent with goals and objections of comp plan. Pages 50 & 51 that is in downtown mixed use, all rest of area is downtown or neighborhood commercial. Four properties in this one space is against comp plan. Lot size compared to others in the area, no other place has this many homes in that small of an area. Community has one eyesore, the six-story condo, while beautiful doesn't fit our small town. Should not have been a subdivision, should have been a special variance use. Hopefully can do something with the alley because it is 8 feet from my house, and there is a lot of traffic.

Carol Dixon 359 Buckeye mentioned rentals and looked for properties to compare appearance and upkeep. Like to see existing properties.

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

President Strong asked for petitioner to approach and recapped the question of existing properties. Mr. Radcliffe stated we don't typically advertise a list of our locations, only marketing when leasing, but would speak offline to give dozen or so to go see. As far as driveway, we are keeping the access drive on our property side. We show a concrete drive, can speak with you. Mr. Rainwater spoke up to share a lot of traffic. President Strong questioned sounds like going to allow access to the property thru your drive, is that correct. Mr. Radcliffe stated believe it is half on this section, if wants to shift and be automatus, if want to make turn and make access will help. President Strong wants to make clear the new drive is totally on your property and will be upgrading to concrete to handle the traffic. Mr. Radcliffe stated yes, it is on our property and will upgrade to concrete or asphalt to handle traffic.

President Strong asked Mr. Culp to clarify Mr. Rainwaters question regarding the subdivision. Mr. Culp stated Subdivision Control Ordinance controls anytime a piece of land is divided into two or more pieces of property. There is nothing in the law or ordinance that prohibits land from being subdivided multiple times. Standards are set in the ordinance, if someone wants to subdivide, they must meet the standards or request a waiver. However, not a lot of latitude if they meet the standards are set in the ordinances. Whether or not it should be R-5 doesn't pertain, it is R-5 on the day of the petition and must meet those standards. When looking at comp plan, it is aspirational document and not legally binding document. It is something we use as reference to what we want to do, and at end of day we are bound by our ordinances. If someone feels that Subdivision Control Ordinance should not permit certain things, then option is to look at amending Subdivision Control Ordinance.

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President Strong thanked Mr. Culp and stated has a few questions. Most subdivisions have a name when platted. Mr. Radcliffe stated did not have a name at this time. President Strong added in looking at side that faces Pearl St., typically corner is considered to have two frontages, is there any considerations to adding features on that side. Perhaps additional windows, looking at floor plans wasn't sure if possible. Mr. Radcliffe answered intent at this time is to add detail to the east side of east home, as well as west side of west home. Could be additional brick, wrap board and batten not just on the front side. President Strong stated plans look like sidewalk on Buckeye and want to make sure on Pearl side as well, five-foot sidewalks, handicap accessible as needed per construction standards. Mr. Radcliffe answered yes. President Strong added in two-foot section between drive and Mr. Rainwater appears there are mailboxes, have you reached out to the post office. Mr. Radcliffe answered have not checked with them and will also have had considered what trash pick up looks like. President Strong have no requirement but could possibly have 12 cans on Pearl Street, drive may be better option. Mr. Hayden asked how wide the drive is. Mr. Radcliffe stated 20 ft. Mr. Hayden stated that does look tight. Mr. Radcliffe stated it does, possible look at using the shed space to accommodate a back and turn. Mr. Zawadzki stated normal drive is ED1 applies, not to exceed 32 feet. President Strong asked if any covenants or restrictions, while currently managing the property but if in the future were to sell as single-family homes there may be a concern for the access road/drive, how or who to maintain. Mr. Radcliffe stated yes, have thought of it and will consider wording in the by-laws. President Strong asked about maintenance of property. Mr. Radcliffe stated have a maintenance crew and construction crew and will maintain and are equipped to maintain. Stated have been maintaining since property was purchased. Mr. Lutz shared that regarding the covenants if there is any intent to sell off individually, the more restrictive the higher the value. Mr. Lutz asked Mr. Culp if there is a utility easement. Mr. Culp stated normally primary and usually during the secondary plat that spells out the details. Mr. Hayden if the driveway 20 ft. if people will be allowed to park in the access area. Mr. Radcliffe answered designed to park in drive before garage but not in the road. Will not allow them to use/block the access road.

Mr. Thomas asked where additional parking will be, most people will have two cars. Mr. Radcliffe answered it is a two-car garage, and the drive is probably 25 feet, so parking two cars in driveway.

President Strong asked for other questions by Board. Hearing none, stated Mr. Culp explained our Subdivision Control Ordinances and petitioner meets ordinance and setbacks we don't have a lot of choice in the matter. We do have to follow our ordinances and not deviate from those ordinances. President Strong added in the motion, we do want to make sure the east and west sides are addressed as discussed with brick and board and batten. Also, as the covenants are developed to be reviewed by Mr. Zawadzki and Mr. Strong to ensure do not supersede our ordinances. Also, that you are addressing some of the concerns, such as the maintaining of the drive, addressed tonight.

President Strong explained all motions are done in the affirmative.

Mr. Lutz made motion to approve PC-0223-02-R5 as presented with conditions as follows: Building on the east and eastside and building on the west and westside contain architectural standards as noted, to give Mr. Zawadzki and Mr. Strong approval of covenants for subdivision, and addition of sidewalk construction on Pearl Street per standards. Mr. Diller second.



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Mr. Massonne-approved, Mr. Lutz-approved, Mr. Hayden-nay, Mr. Diller-approved, Mr. Thomas-approved, Mr. Schrumpf-denied, Mrs. Burkhardt-denied, Mr. Strong-approve based on conforming to ordinances. Motion passed 5-3.

President Strong advised motion is approved, please get covenants and restrictions completed for review. Continue to work with Mr. Zawadzki on secondary plat, which is an administration function. Mr. Hayden added that as heard, this is a key area of our town and please put best forward for our town.

Docket# PC-0423-03-DC

Petitioner: Melissa Delk -Nolan James

Property Address: 99 W. Jackson Street, Cicero

An Aesthetic Review application has been submitted concerning Article 5 of the Aesthetic Review District. This is concerning signage for the property located at 99 W. Jackson Street, Cicero.

Melissa Delk Bernero, 99 W. Jackson. We are able to move to 99 W. Jackson and simply propose to change the sign that projects toward Jackson to simple black and white logo. This would match several of the businesses in town. The sign on the side would remain Booker Realty.

Mr. Hayden asked how much square footage is allowed. Mr. Zawadzki stated 100 sq foot for a single tenant structure or 75 for multi-tenant structure. Mr. Hayden asked what this is considered. Mr. Zawadzki answered multi-tenant structure. Sign currently is 40 square feet (both sides). Mr. Hayden explained he asked to point out if you are planning on any signage on windows, this is the time to leverage the 75 square feet available. Mrs. Bernero stated while budget didn't include, would plan on in the future a name on the door similar to current location. White writing on the glass structure. President Strong questioned square footage, in the downtown commercial, multi-tenant is 40 sq. feet. Mr. Schrumpf questioned if there was already an exception for the property. Discussion on two sides. President Strong questioned how Mr. Zawadzki counted the hanging sign. Mr. Zawadzki stated both sides are 20 square feet total. Discussion on options, for hours or sale signage.

President Strong stated no public hearing required.

Mr. Schrumpf made motion to approve PC-0423-03-DC with additional stipulations with existing hanging sign as 20 sq. feet and 20 sq. feet for door/window signage to be approved by Mr. Zawadzki.

Mr. Diller-approve, Mr. Thomas-approve, Mr. Schrumpf-approve, Mrs. Burkhardt-approve, Mr. Lutz-approve, Mr. Massonne-approve, Mr. Hayden-approve, Mr. Strong-approve. Motion passed.

President Strong motion approved, welcome to 99 W. Jackson, had the opportunity to go inside and see changes. Everyone will enjoy going, it is very nice.

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6. **Plan Director's Report:** Mr. Zawadzki gave summary of March permit revenue, enclosed in the packet. For March 2023 permit revenue was \$13025, YTD \$22984 compared to 2022 March monthly revenue was \$16220 with YTD \$43568, down \$3195 for month and down \$20584 for YTD 2022. In March we issued 26 permits, 17 inside the town limits, 5 new homes, 9 in the township, one new home. Estimate of projects is \$5.37 million. Updates on subdivision, Auburn Estates all permitted, Tamarack 7 left of the 69 in section four. Also, further education was certified last month on County Emergency Management. Big news have permitted wastewater treatment plant, step in right direction. Also, may have noticed a couple pages at your spots, what we have discovered the NC district standards on the website and a few books were incorrect. There are more permitted uses than were listed. Please check your books for accuracy.
7. **President's Report:** President Strong thanked everyone for attending and also commented on the difficulty for minor subdivision and protecting the neighbors. Appreciate the dialogue and questions. Passed out earlier a couple pieces, updated Comprehensive Plan RFP, which had changes due to feedback by this group. And modified timeline in the beginning based on feedback about end of school timeframe. Couple things moved back about a month. Mrs. Majors had some feedback and information that she wanted to share. When she returns, I'm sure she will share. There is a bit of time for tweaking, so if you have any comments, please reach out to myself or Mr. Zawadzki. Shared a paper from the steering committee of last plan, do not know if the chosen company will utilize the same but wanted to share what has been done for reference. If there are any changes, please let me know. Everything is preliminary but want to share information. Mr. Culp did add that if two Jackson Township members, which would mean a quorum. President Strong stated he would make a note of that. Mr. Hayden questioned department heads; do we ask Arcadia. They are not in the zoning district, only the township. Thank you for attending and your efforts.
8. **Legal Counsel's Report:** Mr. Culp stated as we do the Comp Plan it is the time to look for random parcels that could be like tonight. There have been a lot of changes and want to make sure no parcel is sitting out there that needs attention. President Strong added since 2015 many changes what with the county work and all, so good to look at in detail. President Strong added have properties along ST. RD 19 that half is zoned neighborhood commercial and back half is residential. Those would be things we need to clean up moving forward.
9. **Board Member Comments:** No comments.
10. **Next Planned Plan Commission Meeting:** Next meeting is May 10th, 2023, at Town Hall.
11. **Adjournment:** Mr. Schrupf made motion to adjourn. Mr. Massonne second. All present in favor.

Chairman: 

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Secretary: Eric Hay Jr.
Date: 5/10/23

Location:

Cicero Town Hall

70 N Byron Street

Cicero, IN 46034

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