



## CICERO/JACKSON TOWNSHIP PLAN COMMISSION

### Plan Commission Meeting Minutes

June 14, 2023

Cicero Town Hall

70 N Byron Street

Cicero, IN 46034

#### Roll Call of Members

Present:

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

Absent:

Harrison Massonne

Corey Burkhardt

1. **Declaration of Quorum:** President Strong declared a quorum with 7/9 members present.
2. **Approval of Minutes:**  
Mr. Schrumpf made a motion to approve Minutes from PC Meeting: May 10, 2023, with one correction as follows: Page two, Aesthetic Review second paragraph, 10 line down, "where the solar are". Mr. Lutz second. All present in favor.
3. **Public Comment:** President Strong stated this is opportunity for anyone in public to address any item not on tonight's agenda. No public comment.
4. **Old Business:**

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President Strong asked Mr. Zawadzki to address the Generator Permit review. Monitor used for reference. Mr. Zawadzki explained the recent uptick in generator permits, previously a two-step process. The electrical permit and accessory structure permit were both required for inspection and location. For efficiency and savings to petitioners, updated the permit to incorporate both permits to one. Mr. Thomas asked about the fourth point down "natural gas/LP propane supply installed by licensed plumber" suggests "appropriate licensed installer" depending upon the state requirements. Discussion ensued. Agreement reached to research state requirements for final wording on required person. Mr. Culp stated has to come back for public hearing. Mr. Lutz questioned if required licensed electrician from last month's discussion, what was outcome. Mr. Hayden answered not required in state of Indiana. Mr. Lutz suggested last line of signatures be all one line. Agreement reached, will revise prior to public hearing.

### **5. New Business:**

**Docket# PC-0523-04-AG Minor Subdivision**

**Petitioner: Reuben Arvin**

**Property Address: 8140 E. 279<sup>th</sup> St. Arcadia, IN 46030**

**A Minor Subdivision application has been submitted concerning Article 4 Minor Subdivision Plats of the Cicero/Jackson Township Zoning Ordinance in order to subdivide one (1) parcel, located at 8140 E. 279<sup>th</sup> St., Arcadia, IN 46030 into two (2) parcels. Parcel one (1) shall be 2.46 acres, Parcel two (2) shall be 2.0 acres.**

Nathan Althouse with Miller Surveyors, Noblesville, IN. Representing Mr. Arvin on plat. This is an "L" shaped property, just west of Millersburg. Has two primary structures on it already, looking to separate the parcel to reflect the two areas. Not looking to build. There are quite a few drainage easements so kind of bound to what can be done with the property. Mrs. Majors asked about the driveway, where it exits the property along the railroad, the driveway that is currently showing is it on the railroad easement. Mr. Althouse stated yes, it has been there forever. President Strong stated a secondary drive is there. Mr. Althouse stated yes and going to BZA for front to depth ratio. President Strong questioned, land use, lot to depth, and frontage. Mr. Zawadzki corrected, Land Use, lot to depth. President Strong questioned AG district and frontage requirement. Mr. Zawadzki stated 200 feet. President Strong stated frontage variance is required if they only have 180 feet.

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

President Strong stated public hearing is open, step to the podium please and state name and address for the record.

LeeAnn Richards 14279 New Bath Fishers, IN owner of Whisler Farm which is west of this plot. My concern is that it was just going to be two homes built not a development. President Strong stated at this particular time they are just wanting to divide off what is referred to as plot 2 and have it for two homes to be there. President Strong stated he thought one of the future Land Use is to allow a second home on the one parcel. Mr. Althouse stated a trailer. Mrs. Richards wanted to make sure it wasn't several homes.

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

Mrs. Majors expressed concern about the driveway being in the Railroad easement. Concern expressed for any future buyer(s) and will come up for any lender/mortgage writing again and again in the future. Mrs. Majors questioned Mr. Culp on previous conversations of allowing people to use railroad easement for ingress and egress, not favorable. Mr. Culp stated we do not have the authority to grant permission to use someone else's land. Mr. Hayden shared the observation that if there was an issue, they would be able to access in another location, requiring a road cut. Mrs. Majors questioned is it our responsibility to uphold the standard or wait for future property issues to happen. Mr. Culp expressed that we uphold the ordinance and can't recall that we control that in the subdivision control. Do not feel we take that step at this time but as we have discussed, updating could be an option with our comp plan. Mr. Schrumpf stated given how long they have used that easement, would find it hard that they would take away the right to use it. Personally, do not have an issue at this time and they will be before the BZA next week for the other concerns. Mr. Culp stated could be different if the road cut wasn't there, do not think as part of this process we want to set a need to move if we cannot cite a standard to adhere to. President Strong in the other property concerning the Railroad, it was stated working with the railroad or utilize HWY 19. Mr. Hayden questioned, if this is going to the BZA what are we voting on? President Strong suggested motion is made contingent upon BZA approval. It is going to BZA for Land Use Variance, and since goal is to convert one building to a duplex (future) that requires the variance, also lot to depth ratio, one parcel doesn't meet the 200 ft frontage requirement. Mr. Thomas stated only tonight is the split lots. President Strong stated that is correct, the other three are BZA functions, question is does it meets our minor subdivision standards.

Mrs. Richards asked what is considered a minor subdivision. President Strong explained that when you divide a parcel into four lots or less, if it goes to the fifth lot it would go thru major subdivision process. Mr. Thomas asked where the split is at, why are we having a jog. Mr. Althouse started trying to meet the frontage requirement. Discussion ensued that one variance could be eliminated if moved. Mr. Althouse stated that it could be moved. Mr. Culp warned that the legal notice would not be accurate if line is moved. Process would have to be redone if changes to the line. Mr. Zawadzki pulled up the GIS site to show current land. Mr. Schrumpf and Mr. Thomas commented that the way it is cut is the cleanest cut. GIS was reviewed by the group.

President Strong suggested any motion be contingent upon BZA approval. President Strong stated motions are done in the affirmative.

**Mr. Hayden made the motion to approve Docket # PC 0523-04-AG contingent upon approval of the three variances going to the BZA. Mr. Lutz second.**

**Mr. Hayden-approve, Mr. Schrumpf-approve, Mrs. Majors-approve, Mr. Lutz-approve, Mr. Thomas-approve, Mr. Diller-approve, Mr. Strong-approve.**

President Strong stated motion approved, will need to go before the BZA for the three variances but without moving the property line.

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6. **Plan Director's Report:** Mr. Zawadzki stated the report is in packet. May 2023 revenue \$9970, YTD \$42312. May 2022 revenue \$16880, with YTD \$105582. This is a decrease of -7310 for the month and YTD -63270. Permits issued in May 2023 were 26. Nineteen were in town limits with 4 being new homes, additional 7 in township with 1 new home. Estimated cost is \$2.45 million. Mr. Zawadzki stated there was a slight error in reporting of Tamarack section completion and will correct and get to everyone, it is minor between section 3 and 4. Attended continuing education on Air B&B's. Mr. Hayden suggested reviewing Key West for short-term rental guidelines. Mr. Culp stated some limitations due to State Assembly passed a law that preempted us. If it is a residential area and owner occupied, meaning primary residence, if allow residential use have to allow that type of Air B&B. If not, owner occupied have the ability to make any special use or land use variance. However, we have to make certain we write it or enforce it that makes it unable to allow that type of use. Mr. Thomas asked what owner occupied-main residence was. Mr. Culp stated yes, but do not have to be present while occupied. Mr. Thomas asked how is that monitored. Mr. Culp stated he believes it is based on taxes, if you indicate it is your homestead. Can rent out 30 days at a time. If in R-1-5 areas have to allow that type of Air B&B's. President Strong stated some of the information Mr. Hayden sent, they do a permitting process, could we do that. Mr. Culp said yes but they put restraints on permitting also. Rules, if in violation of other ordinances, can be put into place, i.e., noise. Mrs. Majors stated most people that are buying for this use would be their second residence. Discussion ensued on limits and options, and where to go in the future. Mr. Culp asked for information to be shared with him and will review for future discussion. President Strong stated the Key West area lists as transient and non-transient for your information. Mr. Schrupf expressed concern for the Indianapolis trend of renting for parties with underage teens.
7. **President's Report:** President Strong backed up to Mr. Zawadzki report and discussion on R-5 options. Mr. Culp stated after review, feel the simplest option is to adjust what is allowed in the R-5 district. Currently a lot must have 5000 sq. ft to build upon, if it is doubled to 10000 that would prevent packing. Example: the lot previously discussed could only have had two homes on it. Second suggestion is to require vehicle access on the same side as the front door. With those two changes to standards, it would take care of concerns expressed. If someone wanted to deviate from that, a waiver or variance would be required. During the revision next year, there could be more detail reviewed for the R-5 if desired. Mr. Culp stated this seemed to be simplest and thanked Mr. Strong for his input. Mr. Lutz asked how many R-5 areas do we have that have front access. Mr. Zawadzki stated a lot. Mr. Culp stated any area currently is considered legal non-conforming. But if new development would require a waiver. A waiver can be granted, or Plan Commission can require screening etc. Mr. Culp stated would put in ordinance form and can get on the agenda, for public hearing and this Board will make a recommendation to the Town Council. Mr. Hayden stated addressed his concerns and gave boards oversight.

President Strong continued with President's Report. Sheet was provided that has the eight firms that RFPs were sent to. For information purposes for Board members. Have heard from two that were interested. Mr. Thomas questioned the deadline. President Strong stated last month had the flow chart of timeline. July 10 was shared. Mr. Zawadzki questioned if another company would be accepted if they were not on the list. President Strong stated if received in timely manner.

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President Strong stated the next topic on the agenda is an introduction to the U.S. 31 Jackson Township Overlay District (name for placement only). Maps were handed out. President Strong stated using the Hamilton County Overlay District as a template. Wanting to look today as if the area was already created, this would be tweaked, but if a developer would come today, we have rough guidelines. Mr. Culp stated placeholder until after Comp Plan, adjustments could be made to finalize. President Strong discussed TIF districts maps and how they are created. Discussion ensued on options for continuing forward and also encouraged everyone to be engaged in the process. Maps include the Adams Township information as well as the County information. Overlay district to Anthony is rather large (one mile) which is quite an area to do overlay. Mr. Thomas questioned if there was a reason to not do the whole area. Question on TIF vs Overlay district. President Strong stated this map all of the TIF would be the overlay district. Mr. Schrupf questioned one area that zig zags on the map. President Strong stated didn't have an answer but could explain another zig zag which includes the whole parcel. Mr. Hayden asked if the reason not to go to Anthony was the parcel information. President Strong stated it was more of a get started quickly and could add to the area, not that difficult to get parcel numbers, etc. Mr. Culp added that if went that far, the county could extend with TIF district, not sure we want to do that at this point. Mr. Schrupf asked if there would be a frontage road along U.S. 31. President Strong stated last he knew they were not planning an access road on our side; they are planning on Dunbar Road as the access road for the Adams Township side. They have spelled out what would be allowed along 31 and what would be allowed on Dunbar Road. Mr. Lutz questioned Mr. Culp our overlay district could require a frontage road, developers required to pay into. Mr. Culp stated if that is our standard, we can require them to have road access. Discussion ensued on options for access. Mr. Lutz asked Mr. Hayden if area along I-75 a lot of businesses had facing I-75. Discussion among other areas. Mr. Lutz asked if there is a reason to have this done, sensing an urgency to get done. Currently this is all AG district and this is first pass to deviate from that zoning. Mr. Culp stated as Dan said, getting the phone calls and wanting to have some sort of standards in place. The developers will then come for rezone, or we will deal per parcel if we don't have standards in place for the area. President Strong stated not looking to do a rezone for any parcel, it is to put standards in, in the case someone comes in and wants a rezone they would know the standards that would have to be met. Mr. Lutz then questioned if they met the standards were we giving the impression it would automatically be rezoned. President Strong stated the County did an Overlay district with no rezoning of property. If someone wanted to put a commercial property in, they have the standards to meet, so would they have to go through the rezone process. Mr. Culp answered they could go in without a rezone but do have to go before the Overlay District committee. Compared to a PUD and the process that is used for that. President Strong stated it can be left alone and do rezone. Mr. Culp stated can wait for Comp Plan but then could be facing individual area rezones until that time. Mr. Hayden stated then back to where we were with the TIF districts and lack of control. Discussion ensued on limits and options. Construction district versus Use district differences. Concern expressed for setting up then being locked into those uses. Mr. Culp explained that approved Uses versus construction standards. President Strong stated if we do Aesthetic Review that would give review of what we want it to look like but not the uses. Mr. Culp then stated the Land Use would have to be approved and have to show hardship for rezone. This then goes back to the Town Council not the BZA for approval. Mrs. Majors stated the road frontage is paramount to flow, especially with only two access points to 31.

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Mr. Lutz questioned if could set up a commercial park with roads. Mr. Culp stated that is done with the landowner or developer.

President Strong stated great conversation and have homework to move forward. Additional map was summarized as two areas, 276<sup>th</sup> and 236<sup>th</sup> with Aesthetics and what we might want to have in particular areas. Mr. Lutz stated limiting road cuts or frontage road would be good. Mrs. Majors agreed. President Strong asked for everyone to take back and really review, give feedback. Mr. Lutz encouraged everyone to take the time to review, this is something to impact Cicero and Jackson Township for the next 50 years. Mr. Lutz thanked Mr. Strong for what has been done and trying to pull together what everyone wants to see. Mr. Hayden stated he felt really needed Mr. Culps direction also as he is hearing what everyone is saying as far as controlling. Mr. Culp stated he felt he now understood what the members are looking for.

President Strong thanked everyone for the discussion and the direction to take the next steps, not necessarily what we started with tonight but a direction forward.

Mrs. Majors regarding the situation earlier, with the access, they were already denied a mortgage twice due to the drive being in the easement. Costs to move the drive, they kept looking for a local lender that would give them a pass. This was a property issue that they already had and will always have. Mrs. Majors stated felt mortgage regulations in the future will be so tough that they will have to vacate. Mr. Lutz stated could be in the ordinances but not sure want the town policing that. Mrs. Majors used terminology for access easement. Mr. Culp stated could ask for documentation to prove have agreement to cross property. Discussion ensued.

8. **Legal Counsel's Report:** Mr. Culp no additional report.

9. **Board Member Comments:** Mr. Thomas brought up 276<sup>th</sup> looking at the whole area, agricultural zoning would be logical. Expect to remain crops. Armory is in that area, will see progress next year for building.

Mrs. Majors asked for the third variance for the earlier property. Mr. Zawadzki explained what would be going before the BZA.

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

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

President: 

Secretary: 

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TOWNSHIP  
PLAN COMMISSION**

Date: July 12, 2023

Location:

Cicero Town Hall

70 N Byron Street

Cicero, IN 46034

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