



**CICERO/JACKSON  
TOWNSHIP  
PLAN COMMISSION**

**Plan Commission Meeting Minutes**

**December 13<sup>th</sup>, 2023**

**Red Bridge Community Center**

**50 Red Bridge Park**

**Cicero, IN 46034**

**Roll Call of Members**

Present:

- ☐ Dan Strong
- ☐ Wendy Gillespie
- ☐ Harrison Massone
- ☐ Chris Lutz
- ☐ Marc Diller
- ☐ Dennis Schrumph
- ☐ Jenna Majors
- ☐ Eric Hayden
- ☐ Aaron Culp - Legal Counsel
- ☐ Frank Zawadzki - Plan Director
- ☐ Terri Strong - Recorder

Absent:

Mark Thomas

1. **Declaration of Quorum:** President Strong declared a quorum with 8/9 members present.
2. **Approval of Minutes:** Mr. Hayden had the following correction from page 5: Motion for PC-1023-10-AG did not have the second listed. Mr. Hayden was the second for this docket.  
  
Mr. Hayden made motion to approve minutes as amended above for the November 15<sup>th</sup>, 2023, PC meeting. Mr. Lutz second. All present in favor.



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3. **Public Comment:** President Strong stated this is the time for anyone wanting to address the Board for any item not on the agenda for this afternoon.

Mike Scherer 137 Ardglass Cicero, question on general annexation, like to know and understand the rules on annexation? Given we have heard rumblings of Westfield moving north, they are contacting landowners along 31. Feel extremely relevant and could Cicero annex land to the west.

Mr. Culp was asked to answer. Mr. Culp explained that it is a complicated process, Indiana Statue requires any annexation begins with a petition from at least one property owner that wants to be annexed. Used to be that there was involuntary annexation by municipality, today the only way that can happen is if multiple parcel are being annexed and owners of at least 51% of the parcels wants to be annexed then other parcels could be involuntarily be annexed. It could also be 75% of the land to be annexed and 25% then to be involuntarily annexed. Outside of that it has to be voluntary, there are other requirements as well. Such as you have to be contiguous meaning 1/8 of the parcels that are being annexed have to be touching the borders of Cicero. You can only annex if minimum of 150 feet wide, to prevent dripping annexation, recent law change. There is a step-by-step process for annexation. The Council has given a lot of thought to the situation, aware of the contact and the comments by the mayor of Westfield. Council has given this matter a lot of thought. Another topic to stop annexation is reorganization, representatives will be at Town Council meeting to give a presentation. This is the same avenue being looked at by Sheridan and Adams Township. Mr. Scherer questioned the two-mile restriction rule. Mr. Culp explained if they are a class 3 city, for a town to annex is within 1-2 miles. Reorganization is when two governmental entities that border or overlap become one entity, could be more than two as well.

Ann Mayer 620 Shore Lane, Cicero, questioned feasibility of Westfield annexing up to 296<sup>th</sup> and is annexation a different process for the city than for a township. Mr. Culp answered only cities and towns can do annexation. Mrs. Mayer then clarified that it would have to be Cicero not Jackson Township. Mr. Culp agreed, it is a city or town. Annexation does require landowners' permission. Utilities is often used as incentive for voluntary annexation, the district kind of removes that. Mr. Culp stated it is not something that happens overnight, typically 70-90 days. Mr. Culp stated there is time to address this concern. The presentation has been planned for Tuesday, open to the public but no public hearing they can come to listen.

Rita O'Rear 4302 E. 236<sup>th</sup> Street, questioned if Westfield annexed into Jackson Township the children would still go to Hamilton Heights school district. Mr. Culp answered yes, the school district is not dependent on what town it is in. It is its own geographic area. Mrs. O'Rear added but that can negatively impact us as we would take their children but get no tax benefit.

Scott Griffin 27890 Anthony Road, Atlanta, Hamilton County created the district, so Westfield could annex this area? Mr. Culp stated they could annex into the utility district, the utility district defines where utilities would be provided, another provider could not come into the utility district to give services.

Bill Schofield 24001 Cal Carson Road, appreciate the conversation has been helpful, clarity on reorganization, is the idea that Cicero and Jackson Township would potentially become one entity? Mr. Culp stated that is part, but also the other two towns, Arcadia and Atlanta, are part of the conversation and everyone is gathering information.

Mike Scherer 137 Ardglass, want a definitive answer on this: if Cicero is not successful in annexing to the west, they will get no tax revenue for any of the building over there but incur all the tax consequences for infrastructure, school system and all those things. Mr. Culp answered it is true the Town of Cicero would not get tax revenue, the revenue going to the school would continue to the school, the revenue going to the township would continue to the township, and the county would be responsible for the roads/paving and such and would be the first responsible for the policing and fire department. The Town of

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Cicero would certainly assist as they do now. Mr. Scherer questioned the 2.5 million that Lennar is projecting in taxes would not go to us. Mr. Culp stated correct.

President Strong stated he hoped that answered the questions and as Mr. Culp stated there is a presentation at the December 19<sup>th</sup> meeting of the Town Council on reorganization, which is open to the public to hear. At 7:00 p.m. at Red Bridge Community Building. Thank you, Mr. Culp, appreciate you having the answers.

4. **New Business:** President Strong asked if any new business. Mr. Zawadzki stated he shows none.

5. **Old Business:**

Docket: # PC-1023 -10-AG-Rezone-AG to R4

Petitioner: Lennar/Clark Farms

Property address: 23995 Anthony Rd/0 E 246th Street, Cicero, IN

Docket: # PC-1023-11-AG-Rezone-R4 to PUD R4

Petitioner: Lennar/Clark Farms

Property address: 23995 Anthony Rd/0 E 246th Street, Cicero, IN

Mr. Schruppf made a motion to untable the above dockets. Mr. Diller seconded the motion. All present in favor.

Tony Bagato, Lennar Homes, office is 101555 North Meridian Street Suite 400 Carmel. The tax situation will get into more later, but the school district would generate 1.4 million and that stays with the school district no matter what municipality controls it. The local income tax -fire protection etc., would stay with the township and whoever has the jurisdiction. Wanted to present that since it was just discussed. Thank everyone that spoke last time and is here again. Stated members of the team that are present. After last month, a lot of public comments have been put into writing and are in the packets presented to the Board. Will summarize and answer questions presented by Councilman Hayden. Mr. Bagato continued by highlighting the map area and the current zoning of AG. Requesting rezone to R-4 not due to density but to the mix of homes, townhomes as well as single family dwellings, it is not allowed in R-2 or R-3 no apartments. The PUD is to cover other zoning that does not meet standards in R-4. Our density is less than allowed in R-4. Plan 248 acres, with maximum of 720 homes, PUD requires 20% open area, have 81 acres or 33% open space based on current design would never go less than 20%. Want to build a multigenerational community with walking capabilities as per the comprehensive plan, appeals to the millennials and young families as well as aging population. Significant amount of amenities. Highlighted types of homes and amenities showing slides including alley way homes on the west side of Anthony. Amenities estimated at \$5M which is significant investment in project to help create the destination neighborhood and set the bar high for what is to come in future.

Mr. Bagato continued by addressing some comments made regarding Lennar being a spec builder. Office been around since 1970's, as Ryland Homes, 2016 merged with CalAtlantic homes, then after few years merged with Lennar Homes, second largest builder nationally. A lot of same people around for 30 years, architect etc. Employ over 5000 local individuals in building process, do care about the homes and neighborhoods we build. Support Gleaners through donations and volunteer hours. To address the spec builder, we call ourselves a market builder. Homes that could be move in ready or if someone has longer-a year-could pick items for the home. Slide shown permitting and job growth, showing the market being under built since 2010. In 2021-24 showing still 2.6 underbuilt level for the area. Homes are built not as a shell to be finished; we build the home to compete with the resell market.

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Are not a build to rent development. Historically there are homes that are for rent, which were bought by investors, corporate investors as well as homeowners to rent out. Volume means we will have more rentals to investors. Records for Westgate community currently is 449 homes 30 appear to be corporate owned (6%), most being townhomes 20/120 or 15% so the 50% number that was commented, not sure where it came from. Fair housing laws prohibit restrictions, however short-term rentals are prohibited. If buyer has time, choices are available versus the options. Standards of homes shared via slides. Comparison to Auburn Estates was shared with Board members, highlights given. Key differences: project has smaller homesites, same size homes. Amenities \$40,000 versus \$5M, rear loading garages available in new development, rear enhancements facing Anthony, four-sided brick option, 20 ft landscaping buffer to interior properties. Materials very similar.

Financial impact \$2.2 M to 2.5 M per year, \$1.4 goes to school district, \$500,000 goes to Jackson township, improvements paid by Lennar including drainage and water extension, weather alert and tornado alarms provided.

Did address many of the PUD standards, fountains added, mailboxes and hydrants on same side of street, driveways, brick ways to corners, improvements to 241<sup>st</sup> and 246<sup>th</sup> streets, addressed if trees die-replaced, addressed corner homes per ordinance, rear homes addressed, additional trees along perimeters.

Clark Farms will set a high bar for future, prevent cluster development, variety of type of homes per plan, variety of sizes which addresses affordable. Available for comment.

President Strong questioned if there are questions from the Board members. None, members indicated they would wait for public comment. President Strong questioned the location of the sirens, discussed at TAC but not seen on the plan. Mr. Bagato answered intended to be will check out location on the PUD.

Before opening the public hearing, President Strong make some comments, if your name is called, step to the podium and state name and address for the record, try to limit comments to two minutes or less to allow time for everyone to speak, Mr. Zawadski will keep time via phone alert, continue your sentence but try to limit, everyone wanting to speak should address the Board members and not the petitioner or others in the audience, since there was another public hearing if you would try to not cover the same items but rather to address items heard this evening. Thank you to everyone that was here last time, everyone was very respectful. Appreciate that continuing tonight.

**Mr. Lutz made the motion to open the public hearing for comment on the two dockets. Mr. Massonne second. All present in favor.**

President Strong started with requests to speak. Shelby Wills first. President Strong thanked Shelby for recording at the last meeting so others had opportunity to review.

*Disclaimer: All information given to the Board becomes part of the official file. Recorder does summarize comments in written form.*

Shelby Wills 24011 Twilight Hills Dr. Cicero, many safety concerns, and financial concerns with this development. Bus routes on Anthony Road and 241<sup>st</sup> explained with hazards currently. Development would only add to the danger. If Lennar truly cared, they would have proposed a much smaller development. Ms. Wills stated false information recently shared by Lennar regarding Marketing target and ability to afford price point. Details shared with numbers of cost compared to Indiana averages. Comp plan information shared for definition of affordable housing, goals of plan. Asked for rejection of proposal, or tabling until studies are complete. Requested information shared to be added to official minutes.

Katie Murray 2002 Trevin Drive, Cicero. Results of survey given to Board members from Preservation of Northern Hamilton County. Survey conducted to gather data to share with the board on public opinion of this project. In two weeks, 870 responses. Overview:

1. Does over 700 homes proposed aligns with small town Cicero comprehensive plan? 8% yes, 92% no.

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2. Do you believe 236<sup>th</sup> can handle the traffic that 1400 residents would bring? 9.2% yes, 90.8% no.

3. Does the proposed Lennar development fits in the Comp Plan that is geared to growth while preserving agricultural land? 8.5% yes, 91.5% no.

4. Would you be in favor of tax increase or referendum to pay for road infrastructure, additional police/fire and to build additional school or development. 8.3% yes, 90.7% no

Ms. Murray stated feels this is an accurate representation of collected voice of Cicero and Jackson Township. As past president of the historical society, wanted to add that once it is done it is done, can't get the farmland back.

Adam Murray 2402 Treving Drive Cicero. Watched the other meeting via video from home, saw a lot of emotion and caring for our community. Definition of a parasite read. Feels this 720-home development is a definition of a parasite to our community. They will benefit and become multi-millionaires by selling off homes and land. We will get the burdens of taxes and traffic and utilities. Moved out of Noblesville to Cicero because felt it represented what Noblesville was when we were kids. No business having this size development in rural county.

Betty Jo Wills 24011 Twilight Hills Dr. Cicero, Started by stating has a message from Dr. Arrowood conversation yesterday with him because several people questioned comments from last meeting, when did Dr. Arrowood say these things regarding the growth, what millennials want, what the school corporation was looking for. Mrs. Wills stated he asked me to say he has never once commented on this development, he is not for it, he is not against it. And he has also told people when asked to write letters, no, Hamilton Heights is a neutral entity and not going to speak one way or another wants everyone to consider HH Switzerland This is response to the rebuttal on growth of Hamilton County.

Mrs. Wills continued by addressing the traffic flow from page 33 of Lennar's rebuttal. Have contacted Hamilton County Highway and gave a copy of 10 questions for the engineer that is handling 236<sup>th</sup> and Anthony Rd projects. Answer to question six is that Anthony will only receive a stop sign on north and south, no roundabout or traffic light. Commuting with potential of 1400 additional cars, limited access and only a stop sign will be a challenge. Also 236<sup>th</sup> will be shut down for another 10 months while those improvements are done. Comp Plan page 80 states how we should preserve rural character of Jackson Township. Page 80 was read, emphasis on limited land uses, primarily agricultural, with some single family and leisure land use. Several elements would be given up with this development that are listed as desired by the residents and recommended by the comprehensive plan of 2015. Comprehensive Plan was quoted by Mrs. Wills regarding the way to preserve Jackson Township, pages 80-81. A conservation subdivision was listed as alternative, which requires minimum of 50% of buildable space to be undivided permanently protected undeveloped space. Lennar response and presented tonight they are only setting aside 20%. This alone should compel this council to say no to the project.

Kimberly Chance Appreciate everyone willing to listen to all of us. Last month and this month have tried to provide the Board and Town Council with facts and evidence regarding issues with this development. Going back to questions around annexation. Have attended meetings Sheridan about reorganization and Scott Willis annexation of land at 38<sup>th</sup> and Anthony Road. It was noted that Westfield had contacted large landowner on southeast corner of Adams Township. Owner had agreed to be annexed. The salvage yard owner on the east side of 31 had also been contacted about annexing. It is known that Westfield is looking to move north. Questions that were asked earlier and should be asked by the TC and Plan Commission, if Westfield moves north and the 2 mile was enforceable, wouldn't it be impossible for Cicero to annex. What revenue is Cicero entitled to if not annexed? Opinion if you intend annex at all, wouldn't it be prudent to annex prior to any development. Seems wise to delay any decision.

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Gerald Dunmire 2840 E. 236<sup>th</sup> Cicero, as resident very concerned about this subdivision. Doesn't comply with several of the provisions of subdivision regulations listed in the Comprehensive Plan for C/JT. So should not be approved. Section B-quoted. Size of subdivision does not meet criteria, concern for rental practices. Section I -protection of air/water/soil, no studies have been done and concerns for Eagle Creek and Morse Reservoir. Lennar agreement quoted – to amend zoning ordinance Section 1 p 1.4. Please don't allow them to supersede the ordinance and impose their own upon us, if it is done, sets a precedence for others to follow. Asked for individual studies to be done to address these concerns before any development.

Ann Mayer 269 Shorelane, Cicero. Stated people move up here to escape the 720 home subdivisions, size is 1/3 of Cicero, greater than Arcadia, and twice the size of Atlanta. Ms. Mayer shared information concerning fire safety and time to escape going down from 17 minutes to 2-3 minutes, inspections on Lennar projects gluing vs nailing. Need measured growth with quality homes not developments that are larger than two of our towns. Nothing to gain to enhance our lives, not even tax revenue. Take care of our citizens and say no to this development.

Michael Scherer 127 Ardglass, building homes to sell to hedge funds and investors this is dangerous. They addressed in rebuttal incorrect information regarding depreciation. A resident cannot depreciate their home, but an investor can. Government is now trying to address this because it is dangerous. When time come to sell, they would be able to sell at a lower price. Tax avoidance is concern. Also address the myth of attracting millennials, this is not the way. If we don't get any tax revenue other than permitting, we are going about backwards, we should be trying to figure out annexation, water. When that is figured out, can go about proper planned growth, with detailed comprehensive plan with what residents want out in this area. Questioned the tax revenue in a TIF district, whether it would go to the schools.

Mitchell Rockwell 17097 Linda Way Noblesville, 46062. Proposed development does not come close to standards laid out in C/JT Zoning standards. Lot widths requests. Resident for 48 years, farm in the family for 117 years, want the land to pass to son. A high-density development in rural is a slippery slope. Taxes will increase beyond what a farmer can afford. Comprehensive Plan is in place for a reason.

Rita O'Rear 4302 E. 236<sup>th</sup> Know for a fact that corporations have been buying properties since the crash, at higher than list prices and why affordable houses are harder to find. Checking subdivisions in area, Westgate started in 2006 and PUD had higher elevation and more masonry on front changes made in 2019. The PUD in Timbers in Noblesville- overlay R-2 zoning by Drees transferred to Lennar. PUD appears to allow changes and modification of ordinances. Comparisons of other millennials that would not be able to afford. Does not feel applies the spirit of R-4. Questioned the purpose of our plan that sets the zoning standards if an outsider is to come in and decides our community needs to adapt to what they think the consumer wants. Questioned the percentage that is sold to investors. Has list of out-of-state investors for the Board. Budget issues and questioned if Town has dug into the numbers. Asked that public hearing be opened back if there is another meeting. And Lennar request be rejected outright or at least tabled until a new Comprehensive Plan in place so the subdivisions that will enviably come to area would be proud of.

Ronald Liebert 282 Alvor Court Cicero, 2021 residence, relocated from Florida to be closer to family. Also looked at the Comprehensive Plan and chose Cicero. Opposed to proposals before you. Not opposed to growth but opposed to this because they do not meet the Comprehensive Plan. Ask for new plans to be done to reflect the requests. Based on what Mr. Culp stated is that we have heard that infrastructure is already in progress for the site. A new water treatment plant facility and sewer plant.

MaryJane Gunter 107 E. South St. Arcadia Shared background and how got to Arcadia, concern for water. Concerning is the number of students that would be added to Hamilton Heights and how does the number of \$1.4 million work, seeing referendums in the future. Will need better roads and more school buses. Other issues of concern is the water issue and buying water from Sheridan. Concern for size of subdivision.

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Jeff Brown 2270 E. 266<sup>th</sup> St, Arcadia Topic is Township Comprehensive Plan, point out sections of concern. Understand scheduled to be revised but hope many sections stand. Page one: the purpose to ensure the needs of the community is considered. (page read) Beginning of the whole plan is to benefit the citizens not to be bent to fit a developer needs/wants. Page 2: Brand (page read) Traffic is not fun. Please just follow the Plan as it is written and not allow Jackson Township to become a red dot on their map. Page 80 read. Conservation development vs scattered development. This community cares about the community. How is 5 miles outside of Cicero is considered walkability.

Gary Novitski 1030 Bear Cub, Cicero. Don't feel this is only just about 720 homes but thousands. Want to know what the long-term vision is from the Board. Waited for comment from Board.

President Strong stated not at this time.

Blair Frye 27810 N. Anthony Road where do we get comments on questions like just posed. President Strong stated the Board can address the questions if so desired, or do not have to as part of public comment. Mr. Frye asked if could come to the office to get questions answered. President Strong stated sure. Mr. Frye stated as a part-time business owner, the hoops that had to jump thru to get a Christmas Tree farm started is amazing. Thank you for taking time to listen to all the comments here. Regional utility district when it was proposed, is that something from you folks, you asked for that, did you approach Hamilton County? Was it so developers like Lennar could come in as well? Do have questions and would love the answers to be in public forum.

President Strong stated last of the sheet filled out, if there are others that have comments raise hands.

Tom Stonecipher 22415 Flippins Road, agree with most comments said, not to repeat but have question. The developer has question for Board and to seek approval have the right to do that. Question is what is the Board going to ask of them? What are they going to give? Concerning 10 years down the road, what happens if defunct 2-3 years down the road. What is to protect us?

Drew Berry (?) 3665 E. 246<sup>th</sup> St. Last meeting and this meeting all the reasons for this not to pass have been expressed. Story shared of variance for hog barn on Main Street. Just like a hog barn isn't right in town of Cicero, I don't want a 720 hometown on two sides of my farm. We should have same rights as the town citizens.

Scott Griffin 27890 Anthony Road, Cicero, like small town, if Lennar comes in won't be a small town anymore. Overkill project, with traffic on Anthony will be terrible. Do not want to have the houses or traffic, 31 is already making it worse with backups.

Phil Kendrick 24990 Cal Carson, Mythical millennial, drove through Cicero six years ago, Cicero is the destination not 700+ homes on Anthony Road. When building home had to get special permission to subdivide below 10 acres. Asking for board to be thoughtful, want space, nice things, not going to move to subdivision without a grocery store.

Jeremy Blume 3314 E. 246<sup>th</sup> also 20 House Joy in Auburn Estates. Moved from Scottsdale, no snow, moved from Fishers no stars, built home and see stars, don't take them away. It was said earlier that there is no housing in Hamilton County, as of five minutes ago there are 1450 homes for sale in County. 50-foot lots are not Indianapolis, referenced pool and pool house in Auburn Estates, 14 months still haven't found the pool. Why do we need \$5M in amenities in cornfield, unless enticing people to move here? Looking at Fishers, Noblesville and growth that has gone on, and ask what is going next. Intersection will need to be improved, is it 10 West, Betsy's, Pizza King that is lost at next meeting? If 200 homes are on 200 acres, there is less resistance.

Tony Strickler 27440 Crooked Creek Road in Atlanta, moved from Lafayette, if you want development, you want it to be planned, and what everyone wants. Traffic is horrendous and what about the farmers when farming in the fall? Concern for schools and infrastructure. Heard a lot of opposition tonight, too big and too close. Progression has to be done where acceptable and makes sense.

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Sarah Kunes (?) 36 Lively in Auburn Estates, Lennar Homes community. Decided to buy simply because we kept getting out bid by \$50-60000 to live in the country. Love my home but did not come without a lot of work, countless hours with the warranty department, know me on first name basis at Lennar. Quality of home and costs to keep up will take place. Stance is we have one Lennar community and should keep it that way. There is a second part of Auburn Estates that is supposed to be done that is delayed due to water issue, what happens if this one is built. Promised amenities aren't even in works anymore, playground, pool. Playground has nothing to do with water. Costs compared to what you get and have to fight for. Traffic and sidewalks area don't make sense. Personal opinion is that school is busting at the seams and not noticed by administration. Against another Lennar project.

Dan Davis 2181 E. 266<sup>th</sup> St. Right out of school bought a home in Pendleton area very similar to this, 800+ homes in rural area off HWY 69. Numerous accidents, fatalities and to this day nothing has been done to improve the rural roads. Don't want to see that happen to new neighbors here in Cicero. Smaller might be ok, this is too large. Old neighborhood too large when starting to have children. Micro farm and will no longer be forever home if new development comes in.

Phyllis Berry 3665 E. 246<sup>th</sup> Do not want the project, want the country life. The lights, noise, traffic will prevent walking or bike riding, all will change life as it is today taken away privacy.

William Scoffield 24001 Scoffield Road, came from an area that had a lot of growth, coastal town. Congestion and traffic without the infrastructure was among reasons for moving. If 200 homes on 200 acres, wouldn't be here, wouldn't be as concerned. But cannot turn back clock once built.

Cecilia Blazier 24173 N. St. Rd 19 Cicero, Property owner for 40 years but lived here for 4 years. Saw this type of change in Hendricks County, Brownsburg was a small town but once the zoning changed, changed everything. Dynamics changed of the town, not a small town anymore. Can't review any chatters and not see the theft, robbery every day. Look at larger picture and the dynamics of the town.

Deb Sauder 7002 E. 266<sup>th</sup> Street. Just went through this with Arbor Homes and failed. Has to be better system, this guy comes in and gets all the money and leaves mediocre homes behind. Developers in areas that do beautiful work and need to find way to get the farmers to sell to those to build homes on two acre lots that locals can purchase. Need to find a better way.

Shelly Gerhart 6850 Sweetgrass Lane, Cicero, told story of stamps being given after delay in delivery. With 700 homes do you think that is going to happen?

Doug Hubler 31 Point Lane Arcadia, Last year went to meetings on Arbor Homes, set through hours of meetings, opposition commentary and Commission went right from commentary with no discussion. Procedural question: how do you guys go? Will you vote tonight? President Strong stated potentially if the Board chose, could need more time to digest, petitioner could ask for it to be tabled, can't answer. Mr. Hubler stated didn't feel that Board heard a word, hope that doesn't happen here.

Denise Johnson 23203 Anthony Road, Work in healthcare and very important to keep our roads safe. On Anthony Road, see the cyclist and walkers and in last few years seen people killed. This is without additional traffic. Safety is major concern.

Ann Mayer 629 Shore Lane, if the Hamilton County Commissioners and County didn't do the Utility District we wouldn't be here.

Mark Heirbrandt Commissioner of Hamilton County, applaud everyone being here, understand the passion. Important to understand how and why the Utility District was created and glad to have this platform to share that information. We received \$65 million from American Rescue Plan dollars in Hamilton County. Had specific uses that it could be used for, such as: drainage, broadband, clean water, wastewater. Could not use on bricks and mortar, could not use on any other types of infrastructure, roads or anything.

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As it was looked at, with the interchanges being done and approached with the request for considering water to Indiana National Guard at 276<sup>th</sup>. Able to get \$30 million from the state, to assist with water to 276<sup>th</sup>. With the water and sewer, it is inevitable to have growth. When looked at this project, when took oath to protect the people of the area. Need to understand what is happening in Lebanon, and growth from Westfield coming up. We knew Westfield was coming up to annex, it does concern me for the people I represent. Sheridan, and Cicero and Township. Westfield was planning on annexing to 236<sup>th</sup> and they had Citizens Energy Group. One thing that concerned is what is going on in Lebanon, there is water being pumped from Hamilton County to Lebanon, don't like it. We have done a 2.5-year study on the Aquifers in Hamilton County. Everyone knows the shortage on the west side of Cicero, we have open conversations on how to protect the citizens regarding water. We also heard about one of the utilities companies wanting to come on our parks. They have the legal right to come on our parks and have a well and pump it and they have plans to take it to the LEAP District. That is not going to help Cicero at all. We want to protect the water and sewer and have controlled growth, which is what has been said by many here. The other subject is that we TIF the whole area, to make sure anybody that wanted to annex, would discourage annexation. Give out my cell phone, will talk to anyone about the facts and truth. Feel the Town knows how genuine the county is and are trying to help. We do not have a vote in this. Rumors that County owns part of Lennar are not true. It is not my job to tell these guys how to do their job, as they don't call me to do my job. They know the area better than I do. Will stay around to answer questions, Councilman Hall is here also. I would have been here last meeting if not for a Board meeting that I had to attend. Heard it was said councilmen don't care what is happening. Want on the record that we do care, and we are here to listen and help this community grow in a controlled manner. We don't have a say in this matter but do care. Lennar for the record, did reach out to Cicero for water and sewer first but you guys are at capacity and can't provide it. They only reached out to us to get a price. Will stay up until midnight if you want to ask questions.

President Strong prefer not to have everyone come back up. Person in back stated Commissioner had 10 minutes only fair for 2 minutes to ask questions.

Steve Chance/Kimberly Chance Our group started is because attended all the meetings for drainage. The changes on the boundaries/ expansion of the utility district after it had to be shrunk down to get state approval needs to be addressed. Can not get straight answers out of elected officials. Have been at all the meetings, asked questions, read the reports and at no time was it indicated that the utility district would now be 42 square miles. Now incorporates most everyone in the room and Lennar comes in and hard to believe that they were not part of the process as 1100 homes were listed as needed to fund the utility district. Cicero and Community does not want to be the funder of the utility district. At no time was it brought up that the utility district was created as a security against the "leeks" district. If this is new, and not part of any information. District was shrunk to pass it, then made 42 square miles.

Commissioner Heirbrandt responded that they were petitioned by residents to expand the district. The LEAP District was not activity seeking water until about a year ago, that is why they were not mentioned.

Ruckus broke out addressing Commissioner Heirbrandt and comments.

President Strong explained that not for here utility district but for the Lennar project. Commissioner Heirbrandt stated he was not an attorney to address all the comments but would be here later and attorney is here if questions to be asked.

Mrs. Willis stated regarding Lennar, you (Commissioner) stated for controlled growth, is 720 homes controlled? I want to know what he feels is controlled growth.

**Mr. Hayden made motion to close the public hearing. Mr. Lutz second. All present in favor.**

President Strong stated the public hearing is now closed; is there any comments the petitioner wants to address.

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Mr. Bagato stated comment on biased surveys, we use outside consultants that are licensed and certified and used not only by developers but by municipalities. They are factual studies that are done, and their name is on the line. We aren't targeting millennials, but the townhomes is how to get the affordability for them to be able to grow into the others. Costs related to any project; townhomes are now the way entry price point in the Midwest. We use the term community not subdivision at Lennar. Creating walkability within the subdivision. If we would go down to 200 homes, on same acres, it would still require the same amount of infrastructure and improvements. Same paths, same road improvements, drainage, etc., decreasing the density only increases the costs. If we go down to any density significantly lower that would only decrease the opportunity for millennials. Regarding the utility district, annexation, the tax revenue does not change it goes to the county. Stated did not refer to Dr. Arrowwood in our rebuttal, did meet with him, he did say he would not come out against or for the development but would say factually we can accommodate future growth, today or whether an increase or decrease. Indicated 2300 currently with 400 students from outside the district. This is a 10-year build out. Mr. Bagato continued by stating the school revenue is assessed value and is an annual amount, doesn't change with annexation or TIF, school bypasses TIF. TIF is more for the county to maintain the tax revenue in case of annexation. Making it less desirable for a town to annex because less revenue available. Regarding the open space, cluster building was done to be respectful to the land, costs of infrastructure and number of townhomes to create open space in the community. Regarding restricting renters or investment buyers would result in potential litigation for Lennar as well as the Town with the Fair Housing Act, potential of mortgage lenders also being limited if restrictions are imposed. We are a local builder. The phrase "lock and go" is very popular in this area, minimal yards to deal with, lot sizes are larger than what is allowed in the R4 so in the spirit of R4. Have heard public, what does the Board want to see, we have this proposed and looked and would like to hear what the Board wants and act accordingly.

Mr. Scherer disrupted saying the letters have not been read into the minutes, accusing the commissioner of steamrolling the meeting. Mr. Lutz stated let us do our job. President Strong stated he was correct, the letters were not read, and we would reopen the public hearing long enough to read them into the minutes.

**Mr. Lutz made motion to reopen the public hearing to read the letters. Mr. Massonne second. All present in favor.**

Mr. Zawadzki stated several letters to read. *(Recorder summarized the letters, they will be added as part of docket file).*

Maggie & Chris ? -important to slow down and take time to evaluate before changed forever. Opportunity to watch other communities explode and learn what was done. Concern for lack of infrastructure to support the growth. Concern for water pressure, traffic concerns, school impact.

Dwayne Wolfe 28555 E. 236<sup>th</sup> Street. Growth is inevitable. What studies have been done on the impact to the schools? New high school would cost upwards of \$27M (2019 numbers). Fire and police as well as traffic/road increases. Closing of roads along US31. Costs of studies should be incurred by the developers not taxpayers.

Roman Doyle (?) concern for influx of homes. Opposed to more homes, small towns.

Questionnaire sent from Preservation of Northern Hamilton County. Encouraged members to write letters from our 750 Facebook members. For ease we have added these questions and request answers to be part of official record. 1) Annexation from Westfield trying to annex, can you confirm. 2) Cicero cannot annex within 2 miles of Westfield, can you confirm. 3) Tax Revenue-if cicero can't annex west to 31, can you confirm that Cicero would get enough of the tax revenue as outlined by Lennar. 4) can you confirm that in order to get tax revenue Cicero will need to annex. 5) Will Cicero get enough of the tax revenue to be in the red? 6) have this Board ran an analysis of the project where they get no tax revenue from the project. 7) Why was the meeting for widening of 236<sup>th</sup> from Anthony to 31 held in Sheridan, which is in Jackson Township, preventing constituents from attending 8) Who is responsible for the widening of the road including the bridge into Cicero to accommodate increased traffic. 9) School would like someone to go on

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record regarding the increased costs to the school, if in support would like for them to go on the record. 10) Independent studies have there been any to verify the estimates being made by Lennar.

Katie Knuth 3181 E. 246<sup>th</sup>-High Density and low to no green space. Opposed to project. Will negatively impact town of Cicero. After visiting another community, concern for how this even larger project will set a precedence for future development in the area. Claiming that this fits the green field part of the Comprehensive Plan is grossly misleading. Other concerns: 1) backyards are bare and no natural landscape preserved 2) small windbreak where property lines meet 3) Concern for aesthetics along Anthony Road. Believe this should not be approved prior to the update to the Comprehensive Plan with input from our community. Conversations around building quality and density to be had prior. In contrast to Auburn Estates, the Timbers in Noblesville seems to be a more aesthetically pleasing development, with more trees between roads.

Christie Blume 3414 E. 246<sup>th</sup>-Flood concerns along Anthony Road and if studies were done to ensure flooding would be elevated. This project is on the flood plain range. Letter included definitions of flood plain range and examples as well as a map. Do not see this addressed in Lennar project. INDOT did not conduct an environmental study, is anyone adhering to environmental ramifications.

Rachel Scherer 137 Ardglass- Concern for traffic increases and public safety. Understand they are doing some improvements to 236<sup>th</sup> and Anthony, however no stoplight and how are 720 homes/drivers going to access 236<sup>th</sup>. Concern for public safety as well as the ambiance of the area. (Pictures shared of areas of concern). Ask if Cicero and Jackson Township can answer the following questions: 1) Since 236<sup>th</sup> has been designated as a major artery road, are Cicero and Jackson Township working to allocate funds from the county to widen the road. 2) how is Cicero planning on accommodating the businesses should the bridge and road be closed for widening 3) These and other infrastructure improvements will likely be needed and want to know if Cicero Plan Commission have considered these impacts 4) who will need to pay for the widening and road improvements adding 720 homes will greatly impact traffic flow. In conclusion, recommending without consideration of the above is a mistake, a traffic study during peak season should be a requirement.

Mr. Zawadzki continued with email form:

Nicole Cutler -moved to area for small town views. Moved from Maryland, growth brought crime to the east. There is a farmland forever program, saving the farmland in western county of Maryland. Increasing property values.

Corey Marion-moved in 2009, enjoy area off Cal Carson, stayed informed of the expansion Master Plan and felt in line with the 2015 Comprehensive Plan until the proposed Lennar project. Call for the council to review and adjust the master plan prior to changing any one-off zoning.

Mike Bole -email sent to council members.

President Strong thanked Mr. Zawadzki and also Mr. Scherer for pointing out the omission.

**Mr. Lutz made motion to close the public hearing. Mr. Hayden second. All present in favor.**

President Strong stated the petitioner gave their comments, we will take a 10-minute break and come back for Board member comments and discussion.

Meeting resumes.

President Strong referred to petitioner for comments they wanted to make regarding emails/letters.





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Mr. Bagato stated regarding the floodway, this project is not in a floodway but there is a drain that has to have improvements. Also regarding the TIF district, our project as a single family development is not TIF'd, our project's tax revenue is not impacted by TIF.

President Strong asked if any comments or questions by the Board members.

Mr. Lutz thanked everyone for coming out, glad to know the Comprehensive Plan that was worked on over eight years ago is being used. And would like to remind everyone that we are in process of new comprehensive plan and encourage you to participate at the same level as tonight. That being said, like to base decisions on the Comprehensive Plan, do expect it will be modified to accommodate additional growth. It's coming and do need to be prepared for that, need to understand what we are looking at. Would like to vote on this tonight, all due respect, dragging out causing more angst doesn't serve. Regardless of how it is voted, do not want the participation to go down when we go to work on the revised Comprehensive Plan. Appreciate your attendance now. Balancing the size of this neighborhood and the fact our Comprehensive Plan is not been updated since the Utility District, I am not comfortable writing a favorable recommendation to the Town Council at this time. As far as being modified, not at this number, 700 homes, 200 or much smaller might be a consideration. At 700 homes in the Township this is not something that could be erased tomorrow if we decided in the Comprehensive Plan that it was a bad decision. Defer to the other board members if they have comments.

Mr. Massonne make sure there is transparency within the board, took notes of the comments last meeting and tonight. People often spoke of farmland, traffic, schools, distance from town, density and infrastructure, are the key ones that make it a no vote from me. Acknowledge all the comments that were made and appreciate it.

Mr. Schruppf have heard all the concerns from all that spoke, size and location, almost creating another town in the county with this one subdivision. Concerns for the increase in traffic, roads when built aren't meant to handle the traffic to come. Also, I have concerns and have to market, can't be selective to who they sell to, but have also seen rental companies come in and done a build out and snatched up the homes. Also, concern not mentioned, the stress on our emergency services, police/fire/Ems that is provided by Jackson Township and Cicero and the response time to get to this location. Usually in that location, Cicero will roll but to get there is a challenge with traffic. Many concerns and many have been mentioned. Thank you and appreciate participation.

Mrs. Gillespie think the turnout has been great. The comments in referring to walkability is typically about walkability to restaurants and stores and not walkability within a neighborhood. Being so far removed from those things, don't feel can call it walkability friendly. Another concern is in the plan build-out, the amenities touted are great, but mainly in Part C. So, you are building part A and the market is softening, so have concern of the time from start to finish if a shift to the market, and this is not completed, the benefit to this neighborhood won't be complete, this is a concern. Lastly the Comprehensive Plan timing should be waited and not be building a plan around this subdivision.

Mr. Hayden after listening to everyone speak, density major issue and the Comprehensive Plan and what people would like to see. What they would like to see is a Bear Slide type of community or Carrigan Creek type, more land, less homes is really what this community would like to see. This is why it is so critical to participate in the upcoming Comprehensive Plan. Also, even though it talks about it in the zoning ordinance book, the spirit of rezoning to a PUD, we as a board need to talk about it. Lennar is following the rules, but we should look at it to review. Concern for fire services and the financial impact. And mentioned several times the developer needs to share in that aspect, unclear how that looks but developer needs to share that burden. Again, thank you for participation.

Mrs. Major thank you for participation and research has been outstanding. Also, Lennar's presentation has been very impressive, thorough with all the information provided. Safety is a big issue; it is over half the size of Cicero but only contains three exits out of the whole development. Comparing three exits to the many that are in Cicero with traffic concerns, so in a remote area without

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access to main roads is a major concern. Invite everyone to continue engagement with Board, Plan, so we can grow in a responsible way.

Mr. Diller stated thank everyone for coming out, good feedback from everyone including Lennar. Love our community and know that everyone up here has lived in Cicero for a long time and love it like you do. Growth is coming it is inevitable. Concerned for the traffic, and the emergency responses.

President Strong addressing a few comments, heard that we have already started the Comprehensive Plan, we have not. We are still working with a firm to get the process started, not working behind the scenes. Everyone has done a great job, researching, doing homework, sharing facts. Certainly, knowing we are going to do the Comprehensive Plan we will take to heart what has been said. Not opposed to growth in the township, but controlled way. If this is an indication of what we would hear in public meetings, I think we would hear the same of what we heard tonight. We have heard they do not want an R-4 development in that area, the board would possibly consider a less dense/fewer homes as a possibility have heard that from residents as well. One thing addressed is the land use maps, indicated in presentation as residential, were used as illustrations, and if you go to what came out of that Comprehensive Plan steering committee, it was based on the future land use as residential. It did indicate commercial along 31 and believed to be one of the reasons the county TIF'd the area as the Plan indicated future commercial. Good points brought up regarding doing the traffic study with the new closed points along 31 as well as commercial along 31. What impact will that have on Anthony Road, it may become the access point for the commercial as well. The other concern is the 20% open space, which is in the PUD, knowing the requirement is 30%, trying to reduce that in an agricultural district would want more open space not less. Consider if you choose to move forward with a different plan. Talking about the square footage of the homes, after doing some research, think the minimum floor area is substantially reduced beyond what is required in an R-4. Believe it is 900 sq. feet and you are proposing 650 square feet, on the first floor. This would meet overall square footage but not the standards for an R-4. The reduced lot size and the big thing would be the R-4 base zoning. Those are the comments and considerations with what heard from the residents this evening.

President Strong asked petitioner if gave information and feedback. Mr. Bagato stated heard two conversations, Comprehensive Plan update will be a year away, so not sure of the comfortability of coming back with a reduced plan. We would put together a plan with reduced density but some of these concerns are not going to be addressed right away. The traffic study is a couple months. Thirty-thousand-foot level is this even appropriate for the Town to consider before we get into the weeds. The Commission considers if 700 is too much, 200 is too low, so is there a comfort level for coming in. Hearing there is more than just coming in with less homes. Candid conversation needs to happen.

President Strong asked if any comment from the Board members. Mr. Lutz to clarify for the Comprehensive Plan, where the size of this is where I am having trouble. If a 100-home neighborhood, might be willing to catch up the Plan on, and if the Plan says not appropriate not to move on. But at this point we are so far apart, feel time to vote and move on, not a lot of value with me giving additional feedback. Willing but don't see moving forward.

Mr. Massonne said the location is five miles from town and walkability is not an option.

President Strong appears that without more feedback through the Comprehensive Plan, not hearing that the Board would commit to 300 homes if you came back with that. Not going to get that feedback this evening.

Mr. Hayden stated he threw out several neighborhoods that I feel fit the area. Can talk to you about those if want.

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Mr. Bagato stated if another meeting can take a look at those neighborhoods and look at modifications, but some vote on this plan will need to be done. Comp plan a year away and this isn't going to change, or the traffic study changes. No answers tonight and if would consider another meeting for changes, not necessary for another public hearing but for the Board to hash out.

President Strong questioned Mr. Culp if they revised their plan would it require another public hearing. Mr. Culp stated it has been practice in the past, if a developer changes the plan, we have allowed the public to see and comment. President Strong asked the question of the Board, do we want to move forward with a recommendation to the Town Council, or allow them to come back to us. Mr. Hayden stated he felt it was up to them if they wanted to move forward. Mr. Bagato answered depends upon the recommendation. If it is favorable we would want to move forward, if unfavorable we would want time. Don't want to go through a bunch of changes then hear about Comp Plan or other things being discussed. Trying to gauge the Board.

Mr. Culp stated our procedure states if we give a negative recommendation they have the right to make adjustments and come back next month. So, if the Board would vote tonight and give a negative recommendation, they still have the right to make changes and come back next month. The other thing to consider is if based on the parameters if the Board is not comfortable with approving, with absence of updated Comp Plan, then Lennar would want to know so they don't waste resources making updates.

President Strong gave rules to the Board. After all the information and going through two public hearings, our role is to consider all the information presented to us, all the comments from the public, and any information presented to us during the meeting. The Board will have considered our zoning ordinances and the Comprehensive Plan. The Plan Commission will only vote to send a favorable or unfavorable recommendation on to the Town Council on the two rezone requests. This will be a recommendation only to the Town Council, Town Council does not have to follow the recommendation but will consider the recommendation. Did not want anyone here to think this is final say.

Mr. Culp added if the Town Council did vote opposite of the recommendation it would then come back to the Planning Commission. And Commission would have to review what the Town Council decided and comment on. Adding another possibility, the event of an unfavorable recommendation, the petitioner would have the right to withdraw before it went to the Town Council, which would terminate the proceedings.

**Mr. Lutz made a motion to move forward with an unfavorable recommendation to Town Council for Docket #PC-1023-10-AG rezone AG-R-4 as well as Docket # PC-1023-11-AG-R-4 to PUD R-4. Mr. Massonne second.**

**Mr. Hayden-approve unfavorable recommendation, Mrs. Gillespie-approve unfavorable recommendation, Mr. Massonne-approve unfavorable recommendation, Mr. Lutz-approve unfavorable recommendation, Mr. Diller-approve unfavorable recommendation, Mr. Schrupf-approve unfavorable recommendation, Mrs. Majors-approve unfavorable recommendation, Mr. Strong-approve unfavorable recommendation.**

President Strong stated that will move on to the Town Council at the December 19<sup>th</sup> meeting. Discussion on procedures for petitioner.

Time given for people to leave if so desired. Many people stopped to tell Board members thank you for listening.

**6. Plan Director's Report:** Mr. Zawadzki permit revenue for November 2023 was \$6614 with YTD of \$92079, November 2022 was \$7826 with YTD of \$170050. Decrease for month of \$4212 and decrease for year \$77971. Permits issued for month 28, 11 in Cicero 0 new homes and 17 in township with 2 new homes. Estimated value \$3.757 million. No questions from members.

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7. **Board Member Comments**-None from Members. Thank you from President Strong for sitting through two long meetings, your composure during the meetings, and decision-making process. And it is a pleasure serving with all of you as you do a great job and thank you for that. Mr. Lutz thanked President Strong for his leadership. Mrs. Majors asked for in writing a list of all the meetings for next year. President Strong stated think it is done for all the meetings and will make sure all members get a copy.

8. **Next Planned Plan Commission Meeting:** January 10<sup>th</sup>, 2024

9. **Adjournment:** Mr. Schrupf made motion to adjourn. Mrs. Majors second. All present in favor.

President:

A handwritten signature in black ink, appearing to read 'Dan Strong', written over a horizontal line.

Secretary:

A handwritten signature in black ink, appearing to read 'Eric C. Hayden', written over a horizontal line.

Date:

1/10/24

Location:

Red Bridge Community Center  
697 W Jackson Street  
Cicero, IN 46034