



CICERO/JACKSON TOWNSHIP PLAN COMMISSION

PETITIONERS:

Casey Construction (Cliff Carley)
Scott and Leslie Thompson
Chaudion Full Service Auctions (Charlie Chaudion)
Sugarbean Cupcakes
Fred and Ann Day

CICERO/JACKSON TOWNSHIP PLAN COMMISSION MINUTES 11/14/12

President Dan Strong called the October Session of the Cicero/Jackson Township Plan Commission meeting to order at 7:05 pm.

The members of the C/JT Plan Commission were present or absent as follows:

PRESENT: Dan Strong-President
Stephen Zell- Vice President
Mark Thomas
Chris Lutz
Paul Vondersaar
Tim Fonderoli
David Martin
John Culp- Legal Counsel
Kelly Gunn-Recording Secretary
Paul Munoz-Plan Director

ABSENT: Brett Foster
Dennis Schrupf

1. DECLARATION OF QUORUM:

President Dan Strong declared a quorum with 7 of 9 members present at 7:05 pm.

2. APPROVAL OF MINUTES:

President Dan Strong entertained a motion to approve the meeting minutes from 10/10/12. Stephen Zell made a motion to approve the meeting minutes as submitted and Tim Fonderoli seconded the motion. All members present were in favor.



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3. OLD BUSINESS

- **Docket #: PC-0312-003-DC**
Petitioner: Casey Construction Co. LLC (Cliff Carley)
Property Owner: Casey Construction Co. LLC (Cliff Carley)
Proposed Address: 30 W. Jackson St.
Cicero, IN 46034

Aesthetic Review Overlay District: Aesthetic Review of proposed sign package.

Mr. Carley came back before the board to discuss his proposed permanent wall sign. President Dan Strong stated that after doing some research, the sign that Mr. Carley is proposing would be considered a billboard and that he would need a variance through the BZA to allow this type of sign in a Downtown Commercial zoning district. Mr. Carley discussed similar signage in the area and his opinion that his sign would be comparable. Mark Thomas asked how high the other signs are and Mr. Carley stated that he believed they were approximately 10-12 feet high and the sign he is proposing is 17 feet high. President Strong discussed the fact that the similar signs have been grandfathered in, or else they would not be permitted without a variance under the current ordinances. Paul Vondersaar asked about the height restrictions on billboards and permanent wall signs. Plan Director Paul Munoz discussed this topic. President Strong discussed the criteria for decisions on an Aesthetic Review, the main criteria being, "does it fit in the Downtown Commercial District?" Paul Vondersaar asked if allowing a decision like this opens the door for other 2 story businesses to come in and ask for the same thing. Legal Counsel John Culp discussed how each petition that comes before the board is looked at on a case by case basis and that each one is unique. There were no other comments by the board members. Tim Fonderoli made a motion to approve the signage as proposed and Stephen Zell seconded the motion. The vote was taken and the petition was voted down 6-1.

Mr. Carley asked Legal Counsel John Culp what his next step would be. Legal Counsel John Culp stated that Mr. Carley could go before the BZA but he would be doing so with a negative recommendation from the Planning Commission. Mr. Carley asked about the money that he paid previously and if that would be refunded to him since his petition was not approved. Legal Counsel John Culp discussed this topic and stated that the filing fees are not refunded if a petition is not approved. Mr. Carley discussed his issues with communication between himself and the Plan Director, Paul Munoz. Mr. Carley stated that he spoke with Plan Commission member, Brett Foster and he guided him through this process and advised him on what steps to take. Mr. Carley briefly discussed the drainage issues behind his building as well as the civil dispute that is ongoing with the neighbors to his building. President Strong discussed the drainage issues and the results and findings of the Town Council and Legal Counsel in reference to this issue. President Strong stated that in relation to Mr. Carley's proposed signage that the board decided that this is not what they would like to see in the Downtown Commercial district where signage is concerned. Mr. Carley asked about a mural, and whether that would need approval from the Plan Commission. President Strong stated that murals do not need approval unless you are within an Aesthetic Review Overlay District, which the petitioner's building is.



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4. NEW BUSINESS:

Docket #: PC-1012-014-AG

Petitioner: Scott and Leslie Thompson

Property Owner: Scott and Leslie Thompson

Proposed Address: 5390 E. 231st St.

Cicero, IN 46034

Minor Subdivision Application: To subdivide five (5) acres from the existing parcel of forty-five (45) acres for the purpose of building a single family dwelling.

Nathan Althouse from Miller Surveying (Noblesville, IN) came forward to discuss the proposal and to represent the homeowners. Mr. Althouse discussed the location of the property and the background information and history. Mr. Althouse stated that the TAC meeting for this petition has already occurred and he discussed the minor changes to the utility easement that were suggested at that meeting. Mr. Althouse stated that those changes have been made. In addition, Mr. Althouse stated that the Hamilton Co. Health Department has taken a look at the proposal and they had no issues with it. Mr. Althouse stated that the proposal meets proper road frontage requirements. Board member Paul Vondersaar stated that he is currently working on this project and he recuses himself from the voting on the petition. Plan Director Paul Munoz discussed the 30 ft. drainage utility easement proposed by the Hamilton Co. Highway Department and briefly discussed the TAC meeting findings. There were no other questions or comments from the board or the Plan Director.

Stephen Zell made a motion to open the Public Hearing and Chris Lutz seconded the motion. All members present were in favor, and the Public Hearing was opened. There were no public comments. Stephen Zell made a motion to close the Public Hearing, and Mark Thomas seconded the motion. All members present were in favor.

Mark Thomas asked about the acreage between the property and Cammack Rd. Nathan Althouse stated that there are approximately 6 to 7 acres between the two. Paul Vondersaar stated that the family is into horses, and may come back in front of the Plan Commission in the future for related issues in the future. There were no other board member comments or questions.

Stephen Zell made a motion to approve the docket and Tim Fonderoli seconded the motion. 5 members were in favor and Paul Vondersaar abstained from voting.



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Docket #: PC-1012-015-AG

Petitioner: Don Jordan

Property Owner: Don Jordan

**Proposed Address: 4130 E. 231st St.
Cicero, IN 46034**

Replat Application: Combine three (3) parcels into one (1) platted parcel so that the parcel meets the requirements of the Cicero/Jackson Township Development Standards and the Subdivision Control Ordinance for the purpose of building a single family dwelling.

Nathan Althouse discussed the replat plans and the reason for the petition request. Mr. Althouse stated that there are three existing tracts that are ten acres a piece, and that they are requesting that the three be combined into one. Plan Director Paul Munoz and Mr. Althouse discussed the TAC findings for this petition and stated that no issues came up from the parties present at the TAC meeting. There were no other questions or comments from the board members.

Tim Fonderoli made a motion to open the Public Hearing and Stephen Zell seconded the motion. All members present were in favor and the Public Hearing was opened. There were no comments from the public. Tim Fonderoli made a motion to close the Public Hearing and Stephen Zell seconded the motion. All members present were in favor.

Paul Vondersaar made a motion to approve and Mark Thomas seconded the motion. All members present were in favor. The docket was approved.

Docket #: PC-1012-016-C3

Petitioner: Chaudion Full Service Auctions

Property Owner: Charles W. Chaudion

**Proposed Address: 22690 State Rd 19
Cicero, IN 46034**

Aesthetic Review Overlay District: Aesthetic Review of proposed Accessory Structure.

Mr. Chaudion came in front of the board to discuss his proposal for a new Accessory Structure. Mr. Chaudion discussed the history of his business and his property. Mr. Chaudion stated that he would like to build an on-site auction building on his property. Stephen Zell asked for clarification on the building's location on the property. Mr. Chaudion discussed the exact location. Paul Munoz asked Mr. Chaudion how many buildings were on the property currently and Mr. Chaudion said currently they only have their home and a Pole Barn. Paul Vondersaar asked about the driveway, and the petitioner stated that it will remain gravel. Paul Vondersaar asked about the current ordinance for Outdoor Storage and Paul Munoz discussed the fact that it is not currently permitted. Paul Munoz stated that most likely, all of the equipment and items for sale in front of the Chaudion's property would need to be removed. Continued discussion of the Outdoor Storage



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ordinance took place amongst the members of the board and the petitioner. President Strong asked what types of materials would be used to construct the building. Mr. Chaudion said that the building would be metal. President Strong asked if the petitioner would need any additional signage and Mr. Chaudion stated no. President Strong asked if the petitioner would be using any additional lighting. Mr. Chaudion stated that he would be placing a Dusk to Dawn light on the building. Tim Fonderoli asked about fencing on the property and where it would be located. Mr. Chaudion discussed that he already has a fence in place. President Strong discussed the items for sale in front area of property and he discussed that this inventory needs to be fenced or screened in. Tim Fonderoli discussed the nature of this business and the fact that having some inventory out for public view is a “draw” for the business. Paul Vondersaar shared his concerns that he is afraid that the front yard will end up cluttered and will not be aesthetically pleasing, as this property is located along the “entrance to Cicero,” State Road 19. Mr. Chaudion stated that once the building is erected, that the inventory will be moved to an open storage field which would clean up the appearance of the front yard. There were no other questions or comments from the members of the board.

Tim Fonderoli made a motion to approve the docket and Stephen Zell seconded. All members present were in favor.

Docket #: PC-1012-017-NC
Petitioner: Sugarbean Cupcakes
Property Owner: Booker Realty
Proposed Address: 129 S. Peru St.
Cicero, IN 46034

Aesthetic Review Overlay District: Review and approval of sign package and exterior paint color.

Cheryl Muir (PO Box 15, Arcadia, IN 46030) came forward to discuss her proposed sign package. Mrs. Muir passed out an updated picture of the proposed signage. Mrs. Muir discussed her business and the fact that they bake everything fresh daily and that their closing time depends on how much merchandise is left and how quickly they sell out. A discussion occurred on potential ways to let customers know that the store is sold out. Mrs. Muir stated that she would like to put a happy/sad face magnetic style sign out to let customers know that they are sold out. Mrs. Muir also discussed putting a “sold out” sign out. President Strong asked for clarification on what is proposed for the existing signage. President Strong asked Plan Director Paul Munoz if using and replacing the existing sign is permitted, and Paul Munoz stated yes. President Strong asked the petitioner if she had any other signage that she would like for the future. Paul Munoz discussed Mrs. Muir’s cooperation throughout this process and the fact that he gave her permission to put up a temporary sign in the interim prior to tonight’s meeting. Paul Vondersaar stated that he loved the happy/sad face magnet concept. Paul Vondersaar discussed permanent temporary display space and he explained what the term and concept meant to the petitioner. Mrs. Muir stated that she would like to ask for that usage as well. Mrs. Muir discussed her current signage and the location of her window sticker sign. Mrs. Muir asked about having an open/closed sign on the window of her new door, facing north. Mrs. Muir said she has questions about outdoor seating. Mrs. Muir said that she would like to place a couple of 2 top bistro style tables on the

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wraparound porch. Paul Munoz recommended that the petitioner come back and talk to him about this in the spring as he is currently working on the Outdoor Seating ordinance. President Dan Strong asked the petitioner where she would like to have her permanent temporary display space, and if she has a size in mind. Mrs. Muir stated that she would want no more than 12x12. Paul Vondersaar explained that she may want to go bigger so that traffic on State Rd. 19 can see the signage. A discussion of permanent temporary display space continued amongst the members of the board and the petitioner. President Strong suggested a space approximately 2 feet by 3 feet in the front window area where she can place advertisements for specials, etc. President Strong asked about lighting on her sign and Mrs. Muir discussed the existing lighting for the sign. Mrs. Muir stated that she would like to use the existing lighting. President Strong asked the board members if they would be willing to give Plan Director Paul Munoz discretion on this and the board agreed. Paul Munoz asked the petitioner about landscaping around the sign. Mrs. Muir stated that she will be doing so, but in the spring. Paul Munoz discussed the ordinance for landscaping and general discussion took place on this topic.

President Strong asked Mrs. Muir to discuss the exterior building color that she chose. Mrs. Muir stated that she has already painted the building and that she was not aware that she needed to come before the board for approval on that. Mrs. Muir stated that purple is her signature color for her business, so that is what she used. Paul Munoz discussed the fact that there are other parts of the building that are rental homes, and that Mrs. Muir only painted the front of her part of the building. There were no other questions or comments from the board members.

Paul Vondersaar made a motion to approve the sign package and exterior paint color that were discussed. Mark Thomas seconded the motion. All members present were in favor.

Docket #: PC-1012-018-NC

Petitioner: Fred and Ann Day (Cicero Insurance Agency)

Property Owner: Fred and Ann Day

**Proposed Address: 7810 E. 236th St.
Cicero, IN 46034**

Aesthetic Review Overlay District: Review and approval of sign package, landscaping package, and asphalt/paving of driveway.

Mrs. Day came forward and discussed her proposal of paving the existing driveway, putting electrical underground and into the house and also placing a swell in for drainage. Mrs. Day also discussed her proposed signage. Mrs. Day said she would like to put up a mailbox sign up to draw people to the business. Discussion of the design and size of the sign took place amongst the members of the board and the petitioner. Mrs. Day stated that she would like to put up a 4ft x 8ft monument style sign made of corrugated aluminum. Mrs. Day discussed the proposed location of the sign. Paul Vondersaar suggested that she have a North/South facing sign and that she move it closer to the driveway. Tim Fonderoli asked the petitioner about lighting for her sign. Mrs. Day discussed having minor up lighting in the landscaping bed around the sign. Paul Munoz stated that 20 feet is the setback off of the right of way. Discussion of the setbacks occurred between the Plan Director and the petitioner.

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President Strong asked the petitioner for a timeline in reference to landscaping. Mrs. Day stated that she would like to keep the landscaping clean and simple, and stated that she would do about 50% of what was on the diagram. Mrs. Day stated that the designer of the project got a little overzealous with the planning. Stephen Zell asked for a sequence of events for Mrs. Day's proposal. Mrs. Day stated that they would put the mailbox sign in immediately, and then move the electrical and pave the drive. Mrs. Day stated that the monument sign would most likely be last. President Strong discussed the previous timeframe for paving and whether it would be in phases. Mrs. Day discussed the financial aspects of completing these parts of her project. Discussion of the location of the parking took place amongst the board members and the petitioner. President Strong stated that the parking would be located in the front of the property. Mrs. Day stated that she will have the paving completed within the timeframe, which is by the end of 2013.

Permanent temporary display space was discussed and Mrs. Day inquired about banner style signs and the potential to place one on the building facing east. President Strong asked about the size of the banner and discussion of this topic took place. Legal Counsel John Culp asked for the record who the gentleman was who was providing information and participating in discussions. The man identified himself as Fred Day, co-owner of the business and Ann Day's husband. President Strong asked if there would be any parking lot lighting and Mrs. Day said possibly some low voltage landscaping lights, but there were no plans for pole lights. Paul Vondersaar asked about the Permanent Temporary display space and stated that they needed to narrow down what exactly they were asking for. Discussion of this topic continued.

Tim Fonderoli made a motion to approve the petition as discussed with a permanent temporary display space not to exceed 2ft x 8ft. Paul Munoz clarified that the motion needed to include a single, two sided monument sign, and the mailbox sign. Stephen Zell seconded the motion. All members present were in favor.

5. PLAN DIRECTORS REPORT:

Paul Munoz stated that for the interest of time, he would postpone his discussion of the Main Street Conference until the December meeting. Paul Munoz discussed the Comp Plan public meeting/Open House. Paul discussed the turnout as well as the format of the meeting and the information that was collected.

6. PRESIDENTS REPORT:

Dan Strong discussed the upcoming Election of Officers and asked the members to be thinking about their nominees. Dan Strong also discussed how the Comp Plan update may cause a need to change and tweak some of the already existing ordinances.

7. LEGAL COUNSEL REPORT:

John Culp discussed the fact that issues on zoning can bring out the passion and sometimes anger in some people. John Culp stated that he does not condone the personal attacks by Mr. Carley on the Planning Dept. staff.



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8. COMMENTS FROM COMMISSION MEMBERS:

Stephen Zell inquired about the addition that was being added to Mr. Widows property on E. Jackson St. Paul Munoz stated that he recently obtained a permit for the roof and addition project.

9. PUBLIC COMMENT

NONE

10. NEXT PLAN COMMISSION MEETING

December 12th, 2012 @ 7:00 p.m.

11. ADJOURNMENT:

President Dan Strong asked for a motion to adjourn. Tim Fonderoli made the motion to adjourn the meeting and Mark Thomas seconded the motion. All members present were in favor and the meeting was adjourned at 8:35 p.m.

Signature on Official Documents!

Dan Strong, 2012 C/JT Plan Commission-President

Stephen Zell, 2012 C/JT Plan Commission-Vice President

Mark Thomas, 2012 C/JT Plan Commission Secretary

Kelly Gunn, 2012 C/JT Recorder

Date: _____