



CICERO / JACKSON TOWNSHIP BOARD OF ZONING APPEALS

PETITIONERS:

Greg Klopstad (Dairy Queen)

BZA MEETING MINUTES

09/19/13

7:00 p.m.

Chairman Art Hall called the Cicero/Jackson Township BZA meeting to order at 7:00pm and the members were present or absent as follows:

ROLL CALL

Present: Art Hall- Chairman
Brad Baker- Vice Chairman
Bruce Freeman-Secretary
Stephen Zell (Filling in for Dan Strong from Plan Commission)
Mark Thomas
Paul Munoz-Plan Director
John Culp- Legal Counsel

Absent: Dan Strong
Kelly Gunn- Recording Secretary

1. DECLARATION OF QUORUM:

Chairman Art Hall declared a quorum with 5 members present.

2. APPROVAL OF MINUTES:

Stephen Zell made a motion to approve the August 27th, 2013 meeting minutes. Bruce Freeman seconded the motion. All members present were in favor.

Stephen Zell made a motion to approve the August 14th, 2013 meeting minutes. Bruce Freeman seconded the motion. All members present were in favor.

3. OLD BUSINESS:

NONE

4. NEW BUSINESS:

Docket #: BZA-0813-021-NC

Petitioner: Greg Klopstad (Dairy Queen)

Property Address: 90 S. Peru St.

Cicero, IN 46034



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Development Standards Variance: To allow for a for a reduction in the number of parking spots required for a food service by four (4) spaces whereas the ordinance requires one (1) per employee and one (1) per every three (3) seats.

Bill Bolander, architect and contractor for this project came forward and discussed the proposal for parking and the need to move people in and out of the drive through quickly. Mr. Bolander discussed other alternate proposals to accomplish their goal, including moving the menu board to another location. Mr. Bolander discussed the request to add a patio to the restaurant which will add an additional four (4) seats to the restaurants and the effect it would have on parking. Stephen Zell asked Paul Munoz about the curb cut area that he thought would be affected by this variance. Paul Munoz discussed this topic. Brad Baker asked what the total number of parking spots are that are currently available. Mr. Bolander stated 27 spots. Brad Baker asked for clarification on the number of spots that would be taken away. Mr. Bolander stated 4 spots. Bruce Freeman asked about the layout of the spots and discussion of this continued amongst the members of the board.

Bruce Freeman made a motion to open the Public Hearing. Mark Thomas seconded the motion. All members present were in favor. There was no comment from the public. Bruce Freeman made a motion to close the Public Hearing. Mark Thomas seconded the motion. All members present were in favor and the Public Hearing was closed.

Stephen Zell made a motion to approve the variance request to reduce the number of parking spots by four (4) spots.

Docket #: BZA-0813-022-NC

Petitioner: Greg Klopstad (Dairy Queen)

Property Address: 90 S. Peru St.

Cicero, IN 46034

Development Standards Variance: To allow for a for a reduction in the front yard setback along a primary arterial road for the purpose of constructing a patio for outdoor seating to be reduced to (5) feet whereas the ordinances states that the front yard setback shall be twenty (20) feet in a Neighborhood Commercial District.

Mr. Bolander discussed the plans for a patio area on the premises. Mr. Bolander stated that they are trying to make the curb appeal nicer and to draw more customers in. Mr. Bolander stated that this would be a stamped concrete patio with a railing on three sides. Mr. Bolander stated that there would be approximately three tables in the patio area. Discussion of the patio plans continued. Mr. Bolander discussed the updates and remodeling plans that Dairy Queen is requiring them to do. Stephen Zell asked about the sidewalk and curb cut and how they would be affected by these plans. Mr. Bolander discussed the plans for building this up to an 8" curb. Stephen Zell asked if the sidewalk would remain sloped or would they be changing it. Mr. Bolander stated that the existing sidewalk would remain



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intact. Stephen Zell discussed the safety concerns with no curb being along that edge closest to State Road 19 which would be the proposed patio area. Discussion of potential safety concerns took place. Chairman Hall asked Paul Munoz if the Cicero Police Department and the Cicero Fire Department has reviewed these plans. Paul Munoz stated that they had completed an interdepartmental review and they had no comments. Paul Munoz stated that they felt comfortable with the railings on three sides. Discussion of safety concerns and the plans for the buildup of the curb continued. Bruce Freeman discussed his safety concerns. Mr. Bolander discussed potential solutions to the issues that were discussed. The board members and the Plan Director discussed the sidewalk and existing curb. Discussion took place in reference to pedestrian traffic and the use of the sidewalk in front of the business in relation to the proposed location of the requested patio. Bruce Freeman discussed potential solutions in order to protect pedestrian traffic from the patrons in the drive through. Mr. Bolander discussed the Carmel Dairy Queen location and the improvements they have made and the location of the building in relation to the main road that runs in front. Bruce Freeman asked if they could build an alternate exterior wall that would protect the pedestrian traffic, would the board agree to that. Chairman Hall discussed his position on this topic. Paul Munoz discussed placing a concrete barrier with decorative flower pots as opposed to just a fence on the property. Discussion of solutions to the board's safety concerns continued. Mr. Bolander suggested a concrete block wall with brick on the outside façade to match the building. Chairman Hall stated that as long as it met the State's architectural standard and was approved by an engineer, he would feel comfortable. Paul Munoz stated that this item can be tabled in order for the board to receive more information if they feel so strongly about the safety concerns. Mr. Bolander discussed the potential to move the patio area to appease the board's safety concerns. Discussion continued on this topic. Chairman Hall asked Legal Counsel John Culp about clarification on making a motion to table this item. Legal Counsel John Culp stated that Chairman Hall would need to entertain a motion to table and this would include the Public Hearing portion of the meeting being tabled until the next meeting as well. Mark Thomas asked Paul Munoz how difficult it is to obtain a sidewalk permit from the State of Indiana. Discussion of the current condition of the sidewalk took place. Stephen Zell made a motion to table this item until the October meeting in order to obtain more information and plans from the petitioner. Mark Thomas seconded the motion. Paul Munoz asked the board members if there were any comments or feedback for the petitioner prior to them coming back before the board in October. Chairman Hall stated that he wants to see plans that are safe and meet the standard. Paul Munoz stated that if the side yard is where the patio location is moved to, the board would need to have new drawings reflecting the same. All members present were in favor of tabling this agenda item.

Election of new Vice Chairman-

Paul Munoz stated that a new Vice Chairman must be elected since Stephen Zell has stepped down from the BZA. Chairman Hall nominated Brad Baker and Bruce Freeman seconded the motion. Bruce Freeman made a motion to close the nominations and Mark Thomas seconded the motion. All members present were in favor. Chairman Hall asked for the vote for Brad Baker for Vice Chairman. All members present were in favor.



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5. PLAN DIRECTOR'S REPORT

Paul Munoz discussed the Comprehensive Plan project. Paul stated that he hopes to have a draft to BZA and Plan Commission in the next month or so. Paul discussed the reasons for a delay in having the first draft completed.

Paul Munoz discussed the Ball State University planning class that is studying the Town of Cicero. Paul Munoz discussed the tour that he gave the students earlier this week. Paul further discussed the class and their potential projects that they are working narrowing down.

Paul Munoz discussed the RFP that was sent out for the ordinance update. Paul stated that the RFP was sent to two firms and the proposals were received from both and they fit the criteria and fall within the amount that he was looking for. Paul stated that he and Plan Commission President Dan Strong plan on sitting down and reviewing the RFP's next week. Paul stated that he hopes to have an update and some sort of direction as to who the Town will hire by the October BZA meeting.

Chairman Art Hall asked about the status of the Causeway project. Paul Munoz discussed the latest timeframe for this project.

6. CHAIRMAN'S REPORT:

NONE

7. LEGAL COUNSEL REPORT:

NONE

8. PUBLIC COMMENT:

NONE

9. BOARD MEMBERS COMMENTS:

Bruce Freeman discussed the safety concerns he had with the Dairy Queen Patio location and asked about the Waterfront project and the previously approved Portico and it's relation to the sidewalk and road. Discussion of these two topics continued amongst the members of the board. Paul Munoz discussed the proposed Rain garden that is looking to be placed on the Waterfront property. Discussion of this continued as well as discussion of the importance of maintaining public safety.

Chairman Art Hall welcomed the new members of the BZA, Brad Baker and Mark Thomas. Discussion of how BZA motions are made as well as discussion of the types of stipulations and conditions that can be added to motions took place.



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11. NEXT MEETING:

October 17th, 2013 at 7:00 p.m.

12. ADJOURNMENT:

Bruce Freeman made a motion to adjourn and Brad Baker seconded the motion. All members present were in favor.

Signatures:

Art Hall-2013 Chairman

Brad Baker-2013 Vice-Chairman

Bruce Freeman-2013 Secretary

Kelly E. Gunn- Recording Secretary

Date