



CICERO/JACKSON TOWNSHIP PLAN COMMISSION

PETITIONERS:

Plummer Subdivision
Cicero Capital LLC
IN Martial Arts Center
10 West Restaurant

CICERO/JACKSON TOWNSHIP PLAN COMMISSION MINUTES 09/11/13

President Dan Strong called the September Session of the Cicero/Jackson Township Plan Commission meeting to order at 7:01 pm.

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

PRESENT: President Dan Strong
Vice President Stephen Zell
Secretary Mark Thomas
Eric Hayden
David Martin
Dennis Schrumph
Tim Fonderoli
John Culp-Legal Counsel
Paul Munoz-Plan Director
Kelly Gunn- Recording Secretary

ABSENT: Paul Vondersaar
Christopher Lutz

1. DECLARATION OF QUORUM:

President Dan Strong declared a quorum with 7 of 9 members.

2. APPROVAL OF MINUTES:

July 10th, 2013 meeting minutes: Stephen Zell made a motion to approve the meeting minutes. Tim Fonderoli seconded the motion. All members present were in favor.

August 14th, 2013 meeting minutes; Tim Fonderoli made a motion to approve the minutes and Stephen Zell seconded. All members present were in favor.



CICERO/JACKSON TOWNSHIP PLAN COMMISSION

3. OLD BUSINESS

Docket #: PC-0713-015-AG

Petitioner: Plummer Subdivision

**Proposed Address: 2853 E. 236th St.
Cicero, IN 46034**

Minor Subdivision Application- To allow for a split of 4.74 acres from the parent tract of 11.75 acres for the purpose of sale.

Wyatt Johnson of 40th Parallel Surveying, Tipton, IN came forward on behalf of Nancy Plummer to discuss the proposed parcel split. Mr. Johnson stated that Ms. Plummer has given him permission to speak on her behalf and she was present in the audience. Mr. Johnson discussed the horseshoe shape of the property currently and the proposed area that Ms. Plummer would like to sell off. Mr. Johnson discussed the reason for this being a two lot split as opposed to just one. Mr. Johnson stated that the original plan was for only one lot but they did not meet the minimum requirements, therefore changing the plans to a two lot split with an easement. Mr. Johnson discussed the issues that came up during the TAC meeting. Plan Director Paul Munoz stated that Mr. Johnson addressed the concerns that were voiced by members of the TAC Committee and that he had no further questions, comments or concerns about this parcel split. There were no questions from the members of the Plan Commission.

Stephen Zell made a motion to open the Public Hearing. Eric Hayden seconded the motion. All members present were in favor. There was no public comment. Stephen Zell made a motion to close the Public Hearing and Eric Hayden seconded. All members present were in favor and the Public Hearing was closed.

There were no further questions or comments from the board members. Stephen Zell made a motion to approve and Mark Thomas seconded the motion. All members present were in favor.

Docket #: PC-0110-002-DC

Petitioner: Cicero Capital LLC

**Property Address: 409 W. Jackson St.
Cicero, IN 46034**

Aesthetic Review Overlay District- Review of improvements and changes to existing project, including but not limited to: Façade improvement, Landscape plans, building elevations and remodel plans.

Gregg Boyd, a principle partner in Cicero Capital LLC came forward to discuss the restaurant project. Mr. Boyd introduced his business partner, Gary Kizer-Sheely who was also in attendance to discuss the project. Mr. Boyd stated that he was present this evening to discuss aesthetic details that needed to be tied up since the



CICERO/JACKSON TOWNSHIP PLAN COMMISSION

January and March 2010 Plan Commission meetings. President Strong discussed the history of this project and the previously approval that took place in 2010, as well as what Mr. Boyd is asking to be approved this evening. Mr. Boyd discussed the color renderings of the approved restaurant project. Mr. Boyd discussed the fact that the artists' rendering and the architectural plans have not really changed since the first Plan Commission meeting where they were initially approved. Mr. Boyd stated that the only things that have changed are the portico and fence design. Mr. Boyd discussed the location and size/dimensions of the portico and fence which were approved by the BZA in July of this year. Mr. Boyd stated that the BZA asked him to make the fence gutter height and that it will taper off from there. Mr. Boyd said he believes it will be approximately 8-9' tall. Mr. Boyd discussed the purpose of the fence as a visual block for persons walking down the path along 236th St. Mr. Boyd discussed the color, the materials of the fence, etc. Mr. Boyd stated that that it will be a white vinyl PVC solid fence. Mr. Boyd stated that two feet off of what the town owns and their property. Mr. Boyd stated that the portico will be 24x24. Discussion continued about the fence design and location. President Strong discussed the fence height, size, etc. that was approved at the July BZA meeting. President Strong stated that the Plan Commission would only be looking at the color of the portico, building and aesthetics of the fence. Mr. Boyd brought in a diagram of the style of fence they will be using and he showed this to the board members.

Mr. Boyd discussed the colors of the Portico and the fact that it will be for patrons ages 21 and older only. Mr. Boyd stated that the roof of the Portico would be a galvanized steel, commercial style roof but will be very true to the theme that they want to create which is a Key West or Martha's Vineyard style aesthetically. Mr. Boyd discussed the posts and stated that they will be white and that the bottom of the Portico will be concrete board which will be painted to match the building colors. Mr. Boyd stated that the material used for the bar top/eating area of the portico is still to be determined. Mr. Boyd stated that it will be a granite or tile, easy to clean style surface. Mr. Boyd discussed the style of seating that will be used at the portico and stated that they will use bar stools. Mr. Boyd discussed the demolition that has already occurred on site per Plan Director Paul Munoz's permission. Mr. Boyd discussed the proposed landscaping plan as well as the dumpster enclosure location. Discussion of sidewalks occurred amongst the members of the board and Mr. Boyd. President Strong asked if the landscaping plans will be what were approved back in 2010. Mr. Boyd stated yes. Mr. Boyd stated that he will extend the front area on the lakeside to make it more useful and beneficial to the business. Mr. Boyd stated that he will utilize clear panels as a wind and inclement weather block which will allow patrons to still see the lake but will protect from the weather. Discussion of these panels continued. Mr. Boyd discussed his plans for lighting and showed samples of the café style lighting that he plans on utilizing. Stephen Zell asked if this style of decorative lighting meets code and Paul Munoz stated yes, there would be nothing prohibiting it. Mr. Boyd discussed his desire to see as well as the importance of connectivity with the Town and their cement on the lake. Mr. Boyd stated that he will be asking the Town of Cicero to finish the area where the grass stops so that they can connect or he will finish the area and pay for it. Liability issues involving connectivity or the lack thereof were discussed by Mr. Boyd and the board members. Mr. Boyd stated that he is willing to pay for it so that the patrons will not have an issue accessing the property and so that it is convenient for patrons. The current boat docks and their condition were discussed by the members of the board and Mr. Boyd. Mr. Boyd stated that he will be requesting that the Town of Cicero move their docks from a perpendicular angle to a parallel angle for safety reasons. Mr. Boyd also stated that he will be asking Marina Unlimited for permission to extend their docks. President Strong discussed the boat docks and



CICERO/JACKSON TOWNSHIP PLAN COMMISSION

the Town's portion of the property. President Strong stated that the Plan Commission has no opinion or say in this particular matter, but Mr. Boyd wanted to update the board and let him know his entire proposal. Stephen Zell asked Mr. Boyd for a timeframe in which they look to open the restaurant. Mr. Boyd discussed this and stated that it will take approximately six to eight months to finish the project. Discussion of this continued. Mr. Boyd discussed the upcoming meetings that he has with the Cicero Town Council, the Cicero Redevelopment Committee as well as meetings with the Fire Marshal and the State Design review for public safety. Stephen Zell asked for clarification on Mr. Boyd's intentions for the sidewalks on the property. Mr. Boyd stated that he will be requesting that the Town of Cicero repair or redo the sidewalks on the outside of the property with the tax dollars that they are contributing and that this will be discussed at the Redevelopment Committee meeting. Mr. Boyd stated that he will redo any sidewalks on the property. Eric Hayden asked for clarification as to what the board was actually approving this evening. President Strong stated that the board will be looking to approve the colors of the portico, the fence and landscaping plans and that they will leave the lighting up to the discretion of Plan Director Paul Munoz. President Strong reminded the board members that all signage was approved previously. Mr. Boyd stated that his sign size will not change, but the name of the establishment might. Discussion of this took place. Mark Thomas asked for clarification about the dimensions of the fence. Mr. Boyd stated that the fence was approved at the July BZA meeting and that it will match the length of the portico and will have a tapering effect when it goes West, South and East. Mr. Boyd stated that it will only be straight along the portico itself. Eric Hayden asked if the property line issue with the Town was ever resolved. Paul Munoz stated that it was. There were no further questions or comments from the board members.

Stephen Zell made a motion to approve the improvements that were discussed and reviewed including the colors of the portico and roof colors, and also to give Paul Munoz discretion on the lighting and landscaping plans. Also added to the motion for approval was the ability to allow latitude to the business owners for a possible name change of the project with no change in size of signage that was previously approved. David Martin seconded the motion. All members present were in favor.

4. NEW BUSINESS

Docket #: PC-0813-016-DC

Petitioner: James Crays (Property Owner), Indiana Martial Arts Center/Jerry Isenhower (Tenant)

Property Address: 50 N. Peru St.

Cicero, IN 46034

Aesthetic Review Overlay District: Approval of proposed sign package as well as changes to the exterior paint color.

Mr. Isenhower, owner of the business came forward to discuss his sign package and exterior paint changes. President Strong asked Plan Director Paul Munoz if there is a Power of Attorney on record for the petitioner to speak on behalf of the property owner. Paul Munoz stated yes. Mr. Isenhower passed out a new artist drawing of his proposed sign graphics. Mr. Isenhower discussed the need for the changes to his logo. Tim Fonderoli

**150 W. JACKSON ST. P.O. Box 650 CICERO, IN 46034
PHONE: 317-984-5845 FAX: 317-984-5938 WWW.CICEROIN.ORG**



CICERO/JACKSON TOWNSHIP PLAN COMMISSION

asked how big the proposed sign is. Mr. Isenhower stated that the sign fixture itself was previously approved for a prior business and that he was merely changing the sign graphic. Mr. Isenhower discussed the fee for the Aesthetic Review process. Mr. Isenhower stated that he will eventually change the color of the frame of the sign fixture to navy blue from purple. Mr. Isenhower stated that the lighting for the sign was also previously approved. President Strong said that Mr. Isenhower may also have an Hours of Operation sign and would still be well under the allotted 60 square feet of total signage allowed in a Downtown Commercial zoning district. President Strong stated that the board may place a timeframe on the painting of the exterior trim if they deem it necessary. There were no further questions or comments from the board members.

Tim Fonderoli made a motion to approve the sign package and exterior color changes as submitted. Eric Hayden seconded the motion. All members present were in favor.

Docket #: PC-0913-017-DC

Petitioner: Brett Morrow (Property Owner), 10 West Restaurant (Tenant)

Property Address: 10 W. Jackson St.

Cicero, IN 46034

Aesthetic Review Overlay District: Approval of proposed sign package as well as changes to the exterior façade.

Brett Morrow came forward and discussed his proposal. Mr. Morrow discussed his misunderstanding of the total allowed square footage in a Downtown Commercial Zoning district. Mr. Morrow discussed his proposed sign that he will apply with the BZA for in order to have it approved for future use. Discussion of this topic continued. Mr. Morrow discussed the sign diagrams and the fact that the simple logo will be used on the awnings as well as the windows of the establishment. Mr. Morrow discussed the proposed changes to the outside façade, including painting the brick. Mr. Morrow discussed the necessity to update and repair the exterior brick including painting it. Stephen Zell asked about the proposed colors and where they would be placed. Mr. Morrow discussed the proposed paint colors and the location for each color. Mark Thomas asked if the brick on the building is currently painted and Mr. Morrow stated yes, that it is comparable to the colors that he is proposing. President Strong stated that the BZA will have to approve the additional square footage that is being requested for signage. There were no other questions or comments from the members of the board.

Tim Fonderoli made a motion to approve the proposed color scheme, as well as the sign package contingent upon the BZA's approval of the additional 17 feet of square footage for signage. Stephen Zell seconded the motion. All members present were in favor.

5. PLAN DIRECTORS REPORT:

Paul Munoz discussed the Comprehensive Plan and where it is on the timeline of being completed. Paul Munoz stated that he is hoping to have a rough draft to present to the board within the next month. Paul Munoz stated that they ran into a hurdle in obtaining and drafting the future land use maps.



CICERO/JACKSON TOWNSHIP PLAN COMMISSION

Paul Munoz stated that he has met with the Graduate level Ball State University planning class last week and that they are excited about the opportunity to use the Town of Cicero as a case study for their project. Paul stated that the class will be in town to take a tour next Tuesday September 17th, 2013.

Paul Munoz discussed the need for a new appointment to the BZA from the Plan Commission that represents Jackson Township. President Strong discussed the fact that it must be Mark Thomas, Paul Vondersaar or David Martin. President Strong stated that he would like to have a volunteer for this appointment. Discussion of this continued in reference to protocol if no one willingly volunteers for the appointment.

Paul discussed the RFP that was sent out and the bids that have been received from Ratio and American Structurepoint in reference to updating the ordinances and formatting it into usable software that his office can update and change. Paul stated that the bids will be reviewed by President Strong and himself for completeness, etc. President Strong asked about the qualifications for choosing a winning firm. Legal Counsel John Culp stated that it is based on the lowest bid and most responsive and responsible party. Discussion of this continued amongst members of the board. Paul Munoz opened the first bid from Ratio and read the summary and scope of services into the record. Ratio's proposed project fee is \$21,600. Paul Munoz then opened the bid from American Structurepoint and read their summary and scope of services into the record. American Structurepoint's proposed fee was \$19,500. Eric Hayden made a motion to take the bids under advisement. Tim Fonderoli seconded the motion. All members present were in favor.

Paul Munoz discussed the situation with Mr. McGill and his storage business on 236th St. Paul Munoz gave the board a brief history on the subject as well as the response he received from Chuck Kiphart in reference to whether he approved this previously. Paul Munoz stated that after conducting some research on this topic. He felt that he needed to bring it to the attention of the Plan Commission for guidance on how to proceed.

David McGill, (7800 E. 236th St. Cicero, IN 46034) came forward and discussed his business and the background information in reference to the previously approval from Chuck Kiphart. Mr. McGill stated that the storage structures are portable structures and that Paul Munoz, the Planning Director disagrees. Mr. McGill stated that when he initially approached Mr. Kiphart about his business, that Mr. Kiphart stated that the structures were not covered under any of the ordinances. Mr. McGill stated that he moved trailers off of the property and moved these structures onto the property because they were more aesthetically pleasing. Mr. McGill discussed the fact that the structures can be moved around on or off site by a 5,000 lb fork truck. Mr. McGill stated that these structures give him flexibility on what he needs to do on site and that they are nice looking buildings. Discussion continued on this topic. Tim Fonderoli asked about the definition of an accessory structure. The board discussed the definition in the ordinances of an accessory structure. Paul Munoz read the definition aloud for the board members and into the record. Mark Thomas asked what the structures are set upon. Mr. McGill stated that they are set on metal legs. Mr. McGill discussed his interpretation of what the ordinance states. Discussion of the zoning of that particular property was discussed by the board and the Plan Director. Eric Hayden asked about the previous approval from former Plan Director, Chuck Kiphart. Discussion of this topic continued. President Strong asked if Legal Counsel John Culp had legal clarification on this topic. John Culp stated that to his knowledge, this was approved with the understanding that the pod style structures would be taken off site for storage and placed on someone else's property. Mr. Culp stated that now the property has



CICERO/JACKSON TOWNSHIP PLAN COMMISSION

been converted into a storage facility. John Culp asked Mr. McGill if the use of the property has changed since the initial approval. Mr. McGill stated that he did not propose the structures to Mr. Kiphart as portable pod structures nor were they proposed to always be moved off site. John Culp asked if there were any restrictions placed on Mr. McGill by former Plan Director, Chuck Kiphart and Mr. McGill stated no and that Mr. Kiphart told him that the structures were not covered by any of the ordinances and he left it at that. Discussion continued in reference to the history of this prior approval and the facility's use.

President Strong discussed his concern that this would set a precedent for anyone else who would want to start a storage facility on their property. President Dan Strong discussed that currently under a NC zoning district, a storage facility is not permitted. Discussion of this continued. Mr. McGill stated that back when they purchased the property, they were legal non-conforming. President Strong inquired about which part is legal non-conforming and Mr. McGill stated the storage business. The board and Mr. McGill discussed this further. President Strong asked the Plan Director if Chuck Kiphart responded to his request for information. Paul Munoz stated that he did but he did not have a copy of the response with him. President Strong stated that this issue does not need to be resolved this evening and that it can be tabled. Discussion continued amongst the board members as to how they thought they should proceed on this topic. Dennis Schrupf asked how many more structures Mr. McGill would like to place on the property in the future, if any. Mr. McGill stated that he has no set plans for more structures now, but he doesn't want his hands tied for future expansion. Dennis Schrupf asked Mr. McGill if he envisions his business encompassing more of the same style structures or if it would be a good mix of those structures, boat, boat trailer and travel trailer storage. Mr. McGill stated that it would be a mix of all of those things. Discussion continued about future expansion and what the board would like to see.

Legal Counsel John Culp made a recommendation to the board that this item be tabled until next month's meeting so that Legal Counsel as well as the board members can do some more research on this topic. Eric Hayden made a motion to table and Tim Fonderoli seconded the motion. All members present were in favor.

6. PRESIDENTS REPORT:

President Dan Strong discussed the need for a new appointment to the BZA from the Plan Commission. Mark Thomas asked if the three members of the Plan Commission that represent Jackson Township could share the appointment. Legal Counsel John Culp stated that it must be one primary appointment but the other two gentlemen could certainly serve as an alternate if necessary.

President Dan Strong stated that on future Plan Commission agenda's there will be an area that addresses previously asked board member questions. President Strong explained that he feels this is necessary so that everyone is aware when resolution has occurred in reference to a particular item or question. Discussion of this topic continued.

President Strong discussed the protocol for allowing a petitioner onto the agenda and the timeframe involved for receiving all of their applications, supplemental documents, etc. President Strong stated that here lately there has been some leniency granted to petitioners' and he would like board input on how they feel



CICERO/JACKSON TOWNSHIP PLAN COMMISSION

about the current timeline and procedures. Discussion of this topic continued on this topic. The board agreed that they believe that the timeline for petitions that is outlined in the ordinances be followed.

Plan Director Paul Munoz discussed the issue the Town of Atlanta has in reference to not having a Plan Director or someone to oversee their permitting, inspections, etc. Paul Munoz discussed the potential for his office to oversee these types of things for the Town of Atlanta for a fee. Paul Munoz stated that he will be sitting down with town officials to discuss this and that fact finding will take place after that. Paul Munoz stated that he hopes to propose this to the Cicero Town Council by the end of this year.

7. LEGAL COUNSEL REPORT:

NONE

8. PUBLIC COMMENT

NONE

9. COMMENTS FROM COMMISSION MEMBERS:

Eric Hayden inquired about the commitments that were placed on the Chaudion's property. Discussion of this item as well as discussion of consistency in enforcing commitments placed on petitioners took place.

10. NEXT PLAN COMMISSION MEETING

October 9th, 2013 @ 7:00 p.m.

11. ADJOURNMENT:

Stephen Zell made a motion to adjourn and Eric Hayden seconded the motion. All members present were in favor and the meeting was adjourned at 9:30 pm.

Signature on Official Documents!

Dan Strong, 2013 C/JT Plan Commission-President

Stephen Zell, 2013 C/JT Plan Commission-Vice President

Mark Thomas, 2013 C/JT Plan Commission Secretary

Kelly Gunn, 2013 C/JT Recorder



CICERO/JACKSON TOWNSHIP PLAN COMMISSION

Date: _____