



# CICERO/JACKSON TOWNSHIP PLAN COMMISSION

**PETITIONERS:** Lazy Frogg  
First Merchants Bank

## CICERO/JACKSON TOWNSHIP PLAN COMMISSION MINUTES 4/8/15

President Dan Strong called the April Session of the Cicero/Jackson Township Plan Commission meeting to order at 7:06 pm.

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

**PRESENT:** Dan Strong - President  
Chad Amos  
Tim Fonderoli  
Dennis Schrumpf  
Glen Schwartz  
Steve Shields  
Aaron Culp - Legal Counsel  
Sally Mangas - Recorder

**ABSENT:** Christopher Lutz - Vice President  
Paul Vondersaar - Secretary  
Stephen Zell  
Paul Munoz - C/JT Plan Director

### 1. DECLARATION OF QUORUM:

President Dan Strong declared a quorum with 6 members present. Further stating that any motions made this evening would require 5 favorable or 5 nay votes to conduct business; if there were not 5 favorable there would be the opportunity to move forward again at the next meeting.

### 2. APPROVAL OF MINUTES:

Tim Fonderoli made a motion to approve the 3/11/15 minutes as submitted and Chad Amos seconded the motion. All members present were in favor.



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### 3. NEW BUSINESS:

**Docket#: PC-0315-002-C1**

**Petitioner: First Merchants Bank**

**Property Address: 1100 S Peru Street  
Cicero, IN 46034**

**Aesthetic Review Overlay District Application: Review of sign replacement from Community Bank to First Merchants Bank. Sign locations to stay the same, with new sign facades.**

President Strong stated that they were going to be making a change in tonight's business and that he had spoken with the Lazy Frogg petitioners and because they may take a little longer First Merchants petition is being moved to the top of the agenda.

Kristen Kohl introduced herself stating that she works for Sign Craft Industries and she is representing First Merchants Bank; she is located at 8816 Corporation Drive Indianapolis, Indiana. Ms. Kohl stated that she was presenting the new re-brand of Community Bank that was just purchased by First Merchants Bank; further stating that they are looking to install new signage in the same places as all of the Community Bank signage except for 1, the Community Bank sign that is under the drive-thru canopy will just be removed and not replaced with any new First Merchants signage. She stated that they are also proposing a brand new pole sign to replace the dated pole sign that is currently on the property; it will be in the same location just about 3' max taller than where it currently is. Ms. Kohl stated that the other changes are the sign that faces State Road 19 is currently non illuminated and First Merchants Bank is proposing an illuminated sign on that elevation, the logo that is above the door entrance is currently non illuminated and it will remain non illuminated, and then they will be replacing the topper to the ATM that is currently illuminated with a First Merchants topper that will be illuminated.

President Strong stated for the board that this is an Aesthetic Review and does not require a public hearing and they will be making a decision based on the facts. President Strong stated that pole signs are not allowed in any of the districts so typically when ownership changes a determination is made. President Strong asked Mr. Culp as far as the pole sign in this particular case since it is staying a bank are there any issues with the existing pole sign to which Mr. Culp stated that there are not; further stating that it currently is legal nonconforming. Mr. Culp continued stating that by simply changing the name does not make it more nonconforming that it already is; essentially there is a distinction but really there is no difference. Mr. Culp stated that if they were enlarging the nonconforming then yes there would be an issue. President Strong asked if the pole sign was staying exactly the same as it currently is to which Ms. Kohl stated that they are proposing something that is just a little bit larger. Ms. Kohl remarked that it sounds like they currently have a sign that is legal nonconforming...Mr. Culp agreed. Ms. Kohl asked if they wanted to just change the face of the existing sign instead of replacing if that is what the board would like to see to which Mr. Culp stated that they could change whatever is on the face rather than making it larger. Mr. Fonderoli stated that they are wanting to raise the sign up to 168" where the one that is currently there is probably at 5'. Mr. Fonderoli continued stating that when you pull out of there it is kind of difficult because the sign sits down to low and



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it's in the view of the traffic; they are wanting to raise the sign up to 168" or 95" off of the ground so it would be 8' up to the bottom of the sign. Mr. Culp stated that in order to do that they would have to get a variance. Mr. Fonderoli asked if the other option would be to make it a monument to which President Strong agreed. Ms. Kohl asked if for right now, since their change over date is April 27th, would they be safe to just put new faces in there and then if they decide to move forward with a variance for a taller sign or want to change it to a monument sign they can come back at a later date for that to which President Strong acknowledged. President Strong continued stating that the issue that Mr. Culp was trying to clarify is that if you change the face basically it is still the same sign which makes it legal nonconforming but if you do anything to alter that sign then it is no longer legal nonconforming and it must comply with the ordinances or you have to get a variance to which Ms. Kohl acknowledged.

President Strong asked if there were any other questions or comments. President Strong asked which sign was the lighted to sign to which Ms. Kohl stated that it is the sign that is facing State Road 19. Mr. Fonderoli stated that it would be sign# 31. Mr. Schrupf stated that currently it is just a board to which Ms. Kohl stated that essentially it's just a panel that is not illuminated. Mr. Schrupf asked if they would be taking down the panel and putting up the letters and then illuminating them...Mr. Fonderoli stated that there is a light above that shining down to which Ms. Kohl stated that actually these would be face lit letters; the actual letters would shine. Mr. Schrupf stated that it is semi lit now from the spotlight above it. President Strong asked if there were any questions or comments from the board. Mr. Amos asked what the height requirements are for signs; how high can you go on a sign in town. President Strong asked if he was speaking about monument or pole signs to which Mr. Amos asked if we allowed pole signs, President Strong stated that we do not. Mr. Amos asked if they would have to get a monument sign if they got rid of the current sign and changed the sizing of it to which President Strong stated that they would have the opportunity to pursue a variance through the BZA to keep that sign but that would be determined by the BZA based on findings and fact or they could put up a monument sign. Ms. Kohl asked what the sizing is for the monuments signs to which President Strong stated that they are 30 sq ft, usually 5' X 6'. President Strong continued stating that as long as they are within 18"; it does not count both sides of the sign.

President Strong stated that if everyone is comfortable he would only ask that they include with the motion that the pole sign stays as it is today from a square footage and just allow them to change out the face at this particular time so there is no misunderstanding down the road that they thought they got something that they didn't.

Tim Fonderoli made a motion to approve PC-0315-002-C1 as presented except for the pole sign to only change the facade that is existing. If any changes are made to the existing sign other than that they have to come back before the board. Chad Amos seconded the motion. All members present were in favor.

President Strong informed Ms. Kohl to go ahead and move forward however if they want to do anything different with the pole sign/monument sign they will need to apply for a permit and get on the BZA docket.



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## 4. OLD BUSINESS:

**Docket#:** PC-0110-003-DC

**Petitioner:** Lazy Frogg

**Property Address:** 409 W Jackson Street  
Cicero, IN 46034

**Aesthetic Review Overlay District Application:** Amendment of original AROD application for changes to exterior facade and features.

President Strong introduced this docket for the Lazy Frogg stating that it was for an aesthetic review only and that they were looking to make some alterations to their building that they had presented previously and been approved for.

Gregg Boyd introduced himself stating that he is representing the Lazy Frogg. Mr. Boyd continued stating that he currently lives in Carmel but he will be moving to Cicero this summer. Mr. Boyd stated that he was here to request changes to what they had requested for approval before. He continued stating that now after going through the process they had learned some things about the building, particularly about the wind on that building, and they would now like to make 3 deletions and 1 addition.

Mr. Boyd printed off a 2 page copy of his plan/layout and passed it out to the board; he stated that "it might be easier than a typed/written that I had presented for a description to possibly have our graphics person do something for me today".

Mr. Boyd began discussing page 1 and the addition of an awning that was not on the original awning review (he pointed to an awning on the layout). Mr. Boyd stated that it is a black awning with a white logo on it above the staff only door, it is not a public door, it's on the north side and faces the new patio (this is being depicted as the "Lily Pad"). Mr. Boyd commented that it really will not be in too much view for the public it's mainly for their, the employees, benefit. Mr. Boyd stated that they will be deleting from their original plan "there used to be 3 awnings across here and this was a little bit longer" they now have 2 awnings because they were able to span it with 1 pole instead of 2. So where they had 5 awnings before they are only putting 4, so they are eliminating 1 of the awnings which eliminates 1 of the logos but they are wanting to replace that with a much smaller awning which would have the same logo but move it over to here and it would be above that door. Mr. Boyd stated that the door is a 42" door so that awning is roughly 4' wide and roughly 3.5' tall; it will be a shed awning with the purpose being to divert water because they are finding out that as this particular door opens and it rains the porcelain tile floor is becoming extremely slippery so they feel that they need some coverage. Mr. Boyd continued stating that that is why these awnings are here to protect people walking in and out so it doesn't get so wet. Mr. Boyd commented that this was an oversight on his part when he put the 5 awnings here he should have thought about it when he presented that awning over a door but he did not. Mr. Boyd stated again that they are asking to eliminate 1 of these awnings and move it over here and make it smaller with the same information on it.

Mr. Boyd stated that the other 3 items he is asking for are deletions; he continued stating that the board had been kind enough to approve them as additions to the building. Mr. Boyd remarked that 1 of the



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things was "up here" on the original plan they had a side board and the information about it is at the top of the page and he has X'd it out, that was to be a 20' long by 3' tall vinyl lattice fence that was going to hold a sign that said Lazy Frogg on it, this was going to be on the North and South sides of the building. Mr. Boyd stated that they had come to a meeting last month with a committee and asked to delete that sign at the top on both sides. He continued stating that they had wanted it originally because it is a very high sign but the signage people said it probably would not be that visible going up and down 236th Street that high up that far away. Mr. Boyd commented that what is behind this on the north side of the building is the existing exhaust fan for the kitchen. He stated that it has been there forever and they did find some problems with it as they got into the building but that fence would have done a little skirting around it like the bottom 2.5' because the roof goes at this angle. Mr. Boyd commented that they did replace that with new so it is no longer an eye sore. Mr. Boyd reiterated that they are just asking to delete the sign board that was right there on both sides of the building. He stated that they just erased it from the handout so everyone could get a visual of what it would look like without it there.

Mr. Boyd stated that #3 is above the new entry canopy there is a similar fence as to what was going to be "up here" where it says white vinyl lattice, originally it was white vinyl but it was not lattice it was solid. The heating and air conditioners go behind it and the contractor said that it needs to breathe and they cannot put something solid there. Mr. Boyd also stated that the wind coming across the lake is much worse than they ever anticipated and it could catch it and rip it right out of the roof. He stated that the roof is not a steel roof it is 1/2" plywood sheeting. Mr. Boyd continued stating that they did not want to have roof holes on the roof during a storm being a restaurant and then "down here" a lot of the roof is going to protect a lot of the wind but they do feel that instead of it being solid and it will match the existing fencing and be more complimentary in look; it will look just like this just the interior will have 1' X 1' holes like the fence does.

Mr. Boyd remarked that #4 is on the lake side. He stated that they had placed an X (on the handout) through the new retractable canvas awning, they have since deleted retractable from it; what they would like to do is delay this. There are several reasons why they would like to delay this such as cost, they also found out that the canvas that they were anticipating on ordering was not going to be a strong enough canvas for those winds and that was going to increase the cost of having to go with a heavier grade of canvas which brought up another question of whether or not the aluminum framing was going to be solid enough. Mr. Boyd stated that they need some more time to think through this but it is a cost issue, a time issue, and right now with the way these have turned out they think it looks extremely nice so they are just asking if they can delay this discussion and when they do decide to do it they will come back to the board before they do it to let the board know they are ready to proceed and put a black canvas awning up. Mr. Boyd continued stating that there would be no logo on the black canvas it is only for weather.

President Strong asked the board if they understood exactly what Mr. Boyd was proposing to which everyone did. President Strong asked about the roof element and how they had changed the sign but part of the screening was there to hide the air conditioning and heating unit on the roof or the exhaust unit as well to which Mr. Boyd remarked that that would have been an additional benefit but that was not why they had put it up there; it stated that it said it was for a sign on the paperwork. President Strong remarked that that was a true statement however part of it was also to be used as a screening for that unit as well so even though they



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changed out the unit it was still screening for the unit so that is something that they need to consider as well as to if they want that screening there for the exhaust unit. Mr. Fonderoli asked if it was for a cover to which President Strong stated that it was some type of screening for the unit. Mr. Boyd stated that the reason why they wish to delete it is because the exhaust fan has been there and they did not change or alter it they just replaced it with a new stainless steel unit that cost \$7500; they spent a lot to make it look nice and it's going to be beneficial to the restaurant. Mr. Boyd continued stating that it is of no less value now then it was and it has not changed the look for Cicero plus with everything they've done around that they have improved it immensely for the look of the building and the drive by so they would like to gain the support of the board and not have to do any more up there since they are no longer hanging a sign up there and eliminate that from the criteria. Mr. Boyd stated that other people in town who have had restaurants or buildings if they had something already up there and they weren't going to redo it up there...if they have to go in and put in a new roof and substructure where they could have something to really bolt it down to and not have the fear that the wind was going to just rip it off, which is a fear they now have with the way that roof structure was built which is on a truss system 24" on center it's 1/2" ...it's not the way he would build it today. Mr. Boyd continued stating that for them to put something up there that would act as a sail in hindsight would not be smart for them. President Strong stated that he was just clarifying for the board that one of the other reasons why they were going to put that there and that was the interpretation that was presented to the BZA as well as the Plan Commission...Mr. Boyd stated that it was an additional benefit. President Strong stated that he just wanted to put that on the table so that the board understood that because it is aesthetic and it's a very valuable piece of property, there is no doubt that they have done 190% improvement if not more but they still have to consider why that piece was there. Mr. Boyd asked if they would still have approved it without the sign up there before...he does not think it would have been a deal breaker with everything else they were doing with the building if they were going to put a skirting around that at that time. President Strong stated that it could have been because from an aesthetic view because as Mr. Boyd has said many times that is the gateway to the community and they were doing a first class project and as was discussed and they wanted to make sure it was nice so it could have been an issue but it wasn't an issue originally because you were putting your signs up there. President Strong continued stating that it may not be an issue today but for clarification everyone needs to understand why that piece was there; it was more than those 4 signs that were going to be on it. Mr. Boyd stated that it would be an engineering nightmare at this point. President Strong stated that the board can decide what they want to do with it but all of the facts have to be on the table as to why things were there. President Strong asked for any comments or questions from the board. Mr. Amos stated that the new unit does look 100% better and he appreciates that improvement. Mr. Amos continued commenting on the door that they are going to be putting the awning over, verifying that it is a staff door only to which Mr. Boyd stated it was. Mr. Amos asked if the staff door would only be used during working hours to serve the deck to which Mr. Boyd stated it would. Mr. Boyd continued stating that people do use it now going out but as they open up the patio they are going to have signage that says staff only because they need a private area where the staff can get out and serve people. Mr. Amos verified that it will say "staff only" to which Mr. Boyd acknowledged. Mr. Goldfarb stated that the staff will be coming back with trays of food and drink and they do not want to have a collision. President Strong asked for any other comments or questions. President Strong then stated that as far as the back awning he feels that they should allow them the flexibility if they want to do that in the future; that should not be an issue and they should not need to have them come back to the board if they want to do that in the future. President Strong continued stating that if the board is comfortable





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with it they can just allow them to put the awning up in the future if they want to; that was just his suggestion. The board members began acknowledging that they were good with that. President Strong asked about the lattice work and if it was still going here (pointing to the handout) to which Mr. Boyd acknowledged stating that it was just solid white vinyl and they are now going to put lattice with the holes in it otherwise it will be the same. President Strong asked if they were going to be doing the cupola to which Mr. Boyd stated they were and that the base is already on the building and the cupola is underneath the building; they are just waiting on the weather to be safe to put it up. Mr. Boyd continued stating that they should have the cupola up in the next week with the weather permitting. President Strong stated that he knows that have some other things to get done but they need some descent weather. Mr. Boyd stated that they are doing everything else that he and President Strong had discussed. Mr. Schrupf remarked that it does look very nice. President Strong asked if there were any other comments or concerns with what Mr. Boyd had presented to which there was no response. Mr. Boyd stated that they are hoping to be serving their 4000 dinner this weekend.

Chad Amos made a motion to approve the deletions of PC-0110-003-DC and also allowing them to at a later date if they wish to add the awning on the west side of the building and to add the new awning above the employee door with the logo and deleting the 5th awning. Tim Fonderoli seconded the motion. All members present were in favor.

## 5. PLAN DIRECTORS REPORT:

Ms. Mangas did not have anything to report on behalf of Mr. Munoz. President Strong asked Mr. Schrupf and Mr. Amos about the Comprehensive Plan in reference to the Town Council meeting. Mr. Schrupf stated that the Comprehensive Plan, Zoning Ordinances, and the Fee Schedule had all passed. Mr. Schwartz stated that Jackson Township had approved them as well.

## 6. PRESIDENTS REPORT:

President Strong did not have anything.

## 7. LEGAL COUNSEL REPORT:

Mr. Culp stated that we now have new planning and zoning ordinances. He further stated that we will want to make sure to get the new ordinances online along with new code books for everyone; we want to make sure that everyone is speaking about the current ordinances.

## 8. PUBLIC COMMENT:

There was no public comment.

## 9. COMMENTS FROM COMMISSION MEMBERS:

Mr. Amos asked how long we had to get the new ordinances published to which Mr. Culp stated that it would be best to do it as soon as possible. Mr. Culp stated that he did not have the ordinances with him but he believed that as soon as they were passed by Jackson Township and the Town Council then they became effective. Mr. Amos asked who would be responsible for taking care of the publishing to which Mr. Culp stated it would be Mr. Munoz and Ms. Mangas. Mr. Culp continued stating that as far as the website he



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believes it is just an electronic file, the binders will be the time consuming part. President Strong asked Ms. Mangas if she had discussed this with Mr. Munoz to which she stated that they had not discussed it. Mr. Amos stated that he would like to see the electronic copy online as soon as possible. President Strong stated that he thought it would be fairly easy because he thought it was part of the process that they were going to make it available so that we could do that. Ms. Mangas stated that she had not seen it yet but would check with Mr. Munoz upon his return.

**10. NEXT PLAN COMMISSION MEETING:**

**May 13th, 2015 @ 7:00 p.m.**

**11. ADJOURNMENT:**

Chad Amos made a motion to adjourn and Dennis Schrupf seconded the motion. All members present were in favor and the meeting was adjourned at 7:42 pm.

***Signature on Official Documents!***

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Dan Strong, 2015 C/JT Plan Commission - President

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Paul Vondersaar, 2015 C/JT Plan Commission - Secretary

\_\_\_\_\_  
Sally Mangas, C/JT Plan Commission - Recorder

Date: \_\_\_\_\_

Location:  
Cicero Town Hall  
70 N Byron Street  
Cicero, IN 46034