



**CICERO/JACKSON  
TOWNSHIP  
PLAN COMMISSION**

PC-# 0522-07-R5 Heuer Minor Subdivision  
PC-# 0522-08-DC Dark Side Roasters Sidewalk  
PC-# 0522-09-NC Susan Wilson rezone Credit Union

**Plan Commission Meeting Minutes**

**May 11, 2022**

**7:00 p.m.**

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

**Roll Call of Members**

Present:

- ☐ Dan Strong
- ☐ Chris Lutz
- ☐ Greg Gary
- ☐ Liz Foley-Nelson
- ☐ Corey Burkhardt
- ☐ Mark Diller
- ☐ Dennis Schrumpf
- ☐ Glen Schwartz
- ☐ Aaron Culp-Legal Counsel
- ☐ Frank Zawadzki- Plan Director
- ☐ Terri Strong - Recorder

Absent:

Harrison Massonne

1. **Declaration of Quorum:** President Strong declared a quorum with 8/9 members present.
2. **Approval of Minutes:**  
Mr. Schwartz made motion to approve Minutes from PC Meeting: April 13, 2022, as presented. Mr. Lutz second. All present in favor.
3. **Public Comment:** President Strong asked if comments for any item not on the agenda. No one came forward.
4. **Old Business:** No old business.

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### **5. New Business:**

**Docket# PC-0522-07-R5**

**Petitioner: James Heuer**

**Property Address: 170 South Bryon Street, Cicero, IN 46034**

A Minor Subdivision Application has been submitted concerning Article 4 of the Cicero/Jackson Township Control Ordinance in order to divide one (1) 17424 sq ft parcel into two (2) parcels. Also seeking Waivers.

**Waiver A:** Petitioner is seeking relief from Article 4.2 that requires the maximum number of road cuts in a minor subdivision shall be two where three or more lots are adjacent to one another, the first two adjacent lots must share a common driveway and shall be entitled to one road cut and the remaining lot(s) shall be entitled to one road cut and shall, if there are two remaining lots, share a common driveway.

**Waiver B:** Petitioner is seeking relief from Article 4.2 that requires a minimum drive separation of four hundred fifty (450) feet.

President Strong asked for petitioner to approach.

Mr. James Heuer 25565 Scherer Ave Cicero. Lot is large city lot brother is title holder. Wanting to divide into two lots. Provided supplemental sheet with example of similar neighboring lots, most are 60 feet or less. Wanting to maintain this width, conform to old town Cicero looks. Handout with renderings passed out and Board given time to review.

**Mr. Lutz made motion to open public hearing for this docket. Mr. Schwartz second. All present in favor.**

President Strong asked if anyone present to speak in favor or against this minor subdivision. No public came forward.

**Mr. Schrupf made motion to close the public hearing on this matter. Mrs. Foley-Nelson second. All present in favor.**

Mrs. Foley-Nelson asked if rendering of the complete project itself. Mr. Heuer stated has not taken on expense of drawings, there is an existing house, and second home would be similar.

President Strong stated it does fit in the intent of the district of small homes, small lots in an R5 district.

**Mrs. Foley-Nelson made motion to approve PC-0522-07-R5 as presented including waivers. Mr. Lutz second.**

**Mr. Lutz-yes, Mr. Gary-yes, Mr. Diller-yes, Mrs. Burkhardt-yes, Mr. Schrupf-yes, Mr. Schwartz-yes, Mrs. Foley-Nelson-yes, Mr. Strong-yes Motion passed 8-0.**





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President Strong stated minor subdivision approved, please continue to work with Mr. Zawadzki for permits.

**Docket: #PC-0522-08-DC**

**Petitioner: Dark Side Roasters**

**Property Address: 110 West Jackson Street, Cicero, IN 46034**

**An Aesthetic Overlay District application has been submitted to allow outdoor seating on the sidewalk adjacent to the east side of the building.**

President Strong informed that this did come out of Town Council approved utilization of sidewalks with the conditions that it had to be approved by Plan Commission and Board of Zoning Appeals. Mr. Culp added had to have license agreement with the Town about the sidewalks.

Matt and Vanessa Embry and 110 West Jackson Street. Mrs. Embry stated want to put outdoor seating, four tables on Byron Street side. Example photos handed out. Shipping and costs have prohibited a final choice, but style is what looking at. Stairs difficult for handicap to access want to be accessible for all the community and for them to enjoy the downtown area.

President Strong reminded the Board they are looking at the aesthetics of the tables and chairs. They will have to go to the BZA for the actual approval of use. Mr. Schrumpf asked if approved, couple things would like to see is tables to be perpendicular to the building, and portable fencing of some kind, so foot traffic doesn't wander into area and not exceed more than 6 ft from the building, also adequate trash/waste receptacles. Use of the flowerpots is common. Not opposed to the idea. Mr. Embry stated certainly sees placement as possible. Mr. Schrumpf stated came up with six feet as an easy measurement. Mr. Embry asked once thru would someone need to approve final. President Strong stated that would be up to the Board but have the option to allow Mr. Zawadzki to approve. Mr. Lutz stated he likes the idea, but wants to make sure have adequate space for foot traffic, chairs not in area with light pole, etc. People get up and leave the chairs then are an issue for traffic, but also know that the licensing agreement is being worked on which would cover which would come back thru the Town Council.

President Strong questioned tables shown have holes, so are you planning umbrellas. Mrs. Embry questioned what are your thoughts? Have had questions from guests, can't have sunshades, umbrellas may be tricky with the awnings. Mr. Embry would like for it to be an option, especially mornings. President Strong reminded that if do umbrellas any wording on them is considered signage. Mr. Embry. Stated understood, would want plain. President Strong asked about lighting, music, heaters for fall. Mrs. Embry answered no. President Strong verified limit of 16 chairs. That is correct. Mrs. Foley-Nelson stated awning is 3ft overhang correct. Mr. Embry stated approximately, but they are fairly tall, original thought was to not have umbrellas, however as people have asked, would like to leave open as an option.

Mrs. Foley-Nelson shared thoughts on feasibility with 48-inch table, awning, 6 ft umbrella, what happens to the walkway.



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President Strong asked Board for further comments, heard possibly three commitments from Mr. Schrumpf, specifically area chained off. Mr. Schrumpf whether up daily to be removed but so there is adequate space for the foot traffic. President Strong stated trash receptacles as well. Umbrellas discussed again briefly. President Strong stated looking for a motion to include as well as working with Mr. Zawadzki in sectioning that area off.

**Mr. Schwartz made motion to approve PC-0522-08-DC with conditions of chaining off abilities and addition of trash receptacles. Mrs. Burkhardt second with conditions.**

**Mrs. Foley-Nelson asked to amend to include presenting tables for approval and if umbrellas added by Mr. Zawadzki. All present in favor.**

**Original motion -All present in favor.**

President Strong stated approved, continue to work with Mr. Zawadzki on the process.

**Docket: #PC-0522-09-NC**

**Petitioner: Susan Wilson**

**Property Address: Southeast corner of Tollgate and East 236<sup>th</sup> Street, Cicero, IN 46034**

**A Rezone application has been submitted concerning 2.44 acres at the southeast corner of 236<sup>th</sup> Street and Tollgate Road, Cicero, IN 46034.**

**A petition has been filed before the Cicero/Jackson Township Plan Commission requesting a Rezone from an "NC" (neighborhood commercial) to an "OC" (office commercial), to allow a Credit Union with a drive thru.**

President Strong reminded the Board members that in the duties tonight, the Board is an advisory committee to the Town Council. Looking to send a favorable recommendation to the Council, an unfavorable recommendation, no recommendation, or a favorable recommendation with conditions. Consider this as we move forward tonight.

Andy Wert, Church, Church, Hittle, 2 N. 9<sup>th</sup> Street, Noblesville, representing the Vik Credit Union. Mr. Wert explained the intent is to zone for a credit union. An "OC" rating is actually stricter than a "NC" rating. Mr. Wert explained there were some delays due to confusion if property is actually a part of the Tamarack subdivision. It is not a part of the subdivision, and still part of the neighborhood commercial district. Final plan of the landscaping with the drainage plan would be presented later and meet the Town criteria not seeking any variance of those requirements. This will be the seventh location for the Vert Credit Union.

President Strong asked if questions from Board. Mr. Lutz stated he has received informational letter from Jonathon Issacs regarding the change. President Strong stated it would be part of the public comment. Mrs. Foley-Nelson asked if the entire 2.44 acres will be used. Mr. Wert stated that is the example now.





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**Mr. Schrumpf made motion to open the public hearing on PC-0522-09-NC. Mr. Schwartz second. All present in favor.**

Bob Jorgenser 40 Mandon Court Backing directly to this property, speaking for several of neighbors. First comment regarding the lighting, request it be focused down to the parking lot to not shine to resident's backyards. This for our privacy and security and shields so can enjoy the stars. Next the buffer, understand the buffer is to be four foot high with shrubs and grasses and fence to be six foot high. Would like that to look good and be continuous. Some fences are installed with spacing between. Would like the mound, shrubbery, and fence to be built before the construction starts. Would like grass and sod, this to help with drainage for this area. Building site option to ingress and egress to be off Tollgate versus 236<sup>th</sup>. Would like to see layout of building where it is going to land on property. Want contact person to be able to talk with and communicate.

Diana Dale 121 Tamarack Larch Blvd. Property looks over to this corner. Pleased with option of Bank feel it is a good option. Would like city of Cicero to consider infrastructure on the corner of Jackson and Tollgate. Traffic flies thru this area. With additions of storage units and other homes, feel the speed limit is too high. Like to see lower speed limit and or a roundabout to help with traffic. Façade on the front being taller than some of the houses might look out of place. The barrier wall in place to ensure drainage is not an issue for both sides.

President Strong stated the maximum height in an OC district is 30 feet and the subdivision is 35 feet, no variance is has been sought for this. A variance request would require a public hearing.

Frank Zawadzki Plan Director received two emails. Letters read to the attending public and added to the file, summarized by the recorder as follows: Jonathon Issacs, Director of Land Acquisition MI Homes. *Mr. Issacs addressed the expectations of the homeowners when the parcel was rezoned as part of the Tamarack PUD, having slightly different buffer standards for the commercial lot. The legal determination of the commercial lot anticipates modifications of the buffer zone. While review of plan by the proposed rezone for the bank, allows for similar number of trees, it is lacking 4 ft mound and intermittent fencing to create the visual barrier. Placement of mounding within the proposed buffer area of approximately 30 feet along with fencing would meet the intent of the original Tamarack PUD plan. Copy of requirements included with email.*

President Strong stated Board members should have a copy of the email as well as other information provided by Mr. Issacs.

Mr. Zawadzki second email is also included. *Summarized by the recorder as follows: From Joe Cox 1040 Morse Landing Drive. Opposed to variance to allow drive thru to Credit Union. Existing PUD has allowable/preferred businesses. Recreational trail makes parcel prime for walkable retail, service, or food industry. Access to convenient store, coffee shop, bistro would be by the path. Concern for corner representing and maximizing the culture of the community. Question how a drive thru and traffic would co-exist with likely roundabout at this corner. Concern for future of the building if vacated, when*





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*specifically designed for a bank or credit union. How does it fit with the vision of Cicero and strategic community layout? Has potential to tarnish the legacy of the current leaders.*

President Strong asked if any further comments.

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

President Strong allowed Mr. Wertz to address any comments if so desired.

Mr. Wert regarding the buffer, if in Tamarack it would follow under other guidelines. Open to suggestions over the plan, on east could do a three-foot mound perhaps some evergreen shrubs along the parking lot.

Mr. Schwartz question if coming from west would there be a turn. Discussion of boundaries. Mr. Wert stated would meet the Towns Standards regarding lanes. Property has not been totally designed so would meet requirements. President Strong stated ED-01 would be reviewed by Town Engineer and this Board would defer to Town Council and Town Engineer for the requirements. Mr. Schwartz questioned and agreed with the described lighting issues. Mr. Lutz questioned the lighting standards that was described by Mr. Strong. In book 7.2. Mrs. Foley-Nelson questioned the request for all ingress egress to be on Tollgate, would that be possible.

Mark Thorpe 10505 N. College Ave, Indianapolis. Currently there is an entrance on 236<sup>th</sup> on the east side of the lot. With an entrance on 236<sup>th</sup> would allow for traffic to turn towards town if Tollgate is an issue. Also, standards would prevent two entrances on Tollgate due to the rules of distance. Regarding buffering, when PUD was done didn't know what use would be. Now have an opportunity for a good fit business, all the requirements may not be necessary to protect the community. The acceleration lanes may not be needed with a roundabout affecting the flow of traffic. President Strong stated the issue with the roundabout currently is who would fund, how would it be funded and whether to be done or not. Could be a next year, or 20 years, do not want to bank on a roundabout being a solution. Mrs. Foley-Nelson the access on 236<sup>th</sup> would it be right in right out. Mr. Thorpe answer is full entrance, it is existing would work with engineer.

Mr. Lutz stated he would look for same buffers that was original part of the plan. Mrs. Foley-Nelson also expressed buffers necessary. President Strong commented that the concern in 2-3 years while hoping the business is there for 20+, is what would go in next and want to have proper buffering to protect the residents that are currently there. Mr. Wert stated why have minimums in place and understand that Tamarack would have had stricter standards.

President Strong did not see anything in the plans for sidewalks or trails, assuming they would be part of the final plans. Mr. Thorpe yes would connect to the existing trails. President Strong added not existing on that corner Tollgate side. Mr. Thorpe would connect. President Strong questioned if any plans for additional work on Tollgate to address more wear and tear if required. Mr. Thorpe stated would defer to Town Engineer for what is best. President Strong stated requirement of 65% of plants must be in the front yards. Front yards on this property are both Tollgate and 236<sup>th</sup> as it is a corner. May need to add plants. Mr. Thorpe questioned the buffering being counted. Discussion ensued.





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President Strong ended with a development standards variance may need to be sought if buffering plants are to be included. Trees on plans should meet standard of one tree per 10 parking spaces. Mr. Wert stated this is not a final landscaping plan.

President Strong stated has heard from couple of Board members regarding buffering, any other comments. Mrs. Burkhardt asked where is the OC district currently. President Strong stated on St. Road 19 to the North. Mrs. Burkhardt commented questioned what trying to accomplish with all the trails and not keeping it a NC district. President Strong replied permitted uses for both districts is before you, have had feedback from a couple residents the convenience store is not a preferred use. Mr. Culp added part of reason here is that in a NC we did not feel a drive thru was permitted. While the drive thru brought this to us, if you look at the NC permitted uses, a drug store, variety store would generate more use. Mr. Culp clarified that MI put together the PUD and legal descriptions, because all notices included the incorrect legal description did not include this parcel. We did not feel we could say it was properly rezoned. Because it was an oversight in the original notifications.

President Strong asked the Board what recommendation and what if any commitments to be included. Mr. Lutz asked if can be consistent with the MI PUD. President Strong stated if that is what the Board so desires. President Strong added that would recommend have the Town Engineer to review the blister/ingress/egress as part of any recommendation, not having this board determine what is needed.

Mr. Lutz made a motion to move forward with favorable recommendation to the Town Council with the following noted items: The screen barrier be consistent with the original plan highlighted in Jonathon Issacs email from MI Homes, with the Town Engineer provide detail guidance on the acceleration and deceleration blisters. Mr. Schwartz second.

Mr. Schwartz-approve, Mr. Gary-approve, Mrs. Foley-Nelson-approve, Mrs. Burkhardt-no, Mr. Diller-approve, Mr. Lutz-approve, Mr. Schruppf-approve, Mr. Strong-approve.

President Strong advised that approved to move forward, ultimate approval for rezone is up to the Town Council. When would you like to be on the Town Council agenda? Mr. Wert answered as soon as possible. Determined that they would be on the meeting agenda for the first Tuesday in June. Mr. Culp addressed the public, this is only the first step in a long process, Town Council has to approve the rezone, plans have to be submitted, county will have to review and approve drainage. So, this is still a process.

Mr. Jorgenser asked if he could respond to Mr. Culp, expressed his desire for the mound to be part of the build. Expressed his frustration with assurances when he purchased his property. President Strong stated this is a recommendation to the Town Council and part of the motion is to include the original buffering that was planned by MI Homes.



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6. **Plan Director's:** Mr. Zawadzki-permit revenue for April 2022. \$31690, YTD \$88702 April 2021 \$14489, YTD 2021, \$58100. Issued 54 building permits. Estimated costs over \$9 million. Report sent electronically.
7. **President's Report:** President Strong thanked everyone for their support and doing due diligence.
8. **Legal Counsel's Report:** Mr. Culp updated the Plan Commission on the overlay district on the west side of 31 being done by the County. Creating a regional water/sewer utility in Bakers Corner. County has reached out to Cicero in case similar overlay district would want to be done, expected to vote June/July. The solar ordinance is expected to be heard in June as well.
9. **Board Member Comments:** Mr. Lutz encouraged everyone to be thinking on how we want to position the Cicero/Jackson Township portion of 236<sup>th</sup> and 31 planning what we want it to look like will be here soon. Encourage everyone when traveling to look at what you like or don't like about other communities. President Strong stated have had many conversations with Mr. Zawadzki on how to handle, committee etc. Mrs. Foley-Nelson asked if waiting on county. President Strong stated don't want to reinvent but want to see what the county wording looks like first. Discussion ensued on how far determined to the county line. Mr. Zawadzki stated next few weeks get started. Discussion on preliminary work. Mrs. Foley-Nelson invited everyone to the Chamber fish fry on Friday in Sheridan at park.
10. **Next Planned Plan Commission Meeting:** June 8, 2022, at Red Bridge Community Building.
11. **Adjournment:** Mr. Schwartz made motion to adjourn. Mr. Schrupf second. All present in favor.

President: \_\_\_\_\_

Secretary: \_\_\_\_\_

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

Location:

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