



**CICERO/JACKSON  
TOWNSHIP  
PLAN COMMISSION**

PC-# 0322-01-Parks  
Temporary Permit Moratorium  
Annual Elections/Appointments

**Plan Commission Meeting Minutes**

**July 13, 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
- ☐ Harrison Massonne
- ☐ Liz Foley-Nelson
- ☐ Marc Diller
- ☐ Dennis Schrumpf
- ☐ Greg Gary
- ☐ Glen Schwartz
- ☐ Aaron Culp-Legal Counsel
- ☐ Frank Zawadzki- Plan Director
- ☐ Terri Strong - Recorder

Absent:

Corey Burkhardt

1. **Declaration of Quorum:** President Strong declared a quorum with 8/9 members present.
2. **Approval of Minutes:**  
Mr. Schrumpf made motion to approve Minutes from PC Meeting: May 11, 2022, as presented. Mr. Schwartz second. All present in favor.
3. **Public Comment:** President Strong explained that this is the time for public comment for items not on the agenda tonight. No public comments.
4. **Old Business:** No Old Business



## CICERO/JACKSON TOWNSHIP PLAN COMMISSION

PC-# 0322-01-Parks  
Temporary Permit Moratorium  
Annual Elections/Appointments

### 5. New Business:

**Docket#** PC-0722-21- DC

**Petitioner:** Paradise Shaved Ice, Ryan Scott

**Property Address:** 150 West Jackson Street, Cicero, IN 46034

**Aesthetic Review Overlay District approval has been requested for an Itinerant Merchant for Paradise Shaved Ice.**

President Strong asked if petition was present and asked to step forward, state name and address, and explain to the Board the request.

Ryan Scott 3706 Sheffield Parkway, Westfield, IN. Currently operate 4 going on 5 ice cream and shaved ice shops. This will be a seasonal stand operating for summer only, with the plan to test the market in Cicero. Have a seasonal stand in hometown of Carrollton IL, which is approximately four hours away. Demographics similar to Cicero, including historic district. Will mirror that set up. When moved to Hamilton County added the ice cream portion to the stands. Plan would be for the summer and next year to test market for a brick-and-mortar store. Pictures shown of example truck. Cross trained with the Noblesville store; truck is not finished as it sits today. Waiting for this meeting to finish the truck.

Mr. Schrupf questioned the address in the packet, 150 would have been the old utility offices building. President Strong questioned agreement with Mr. Turner since it is his property. The lot is the paved lot to the east of Cicero Pool and Spa building. Discussion on proper address commenced. Example offered of 165 East Jackson.

Hours of operations discussed. Mr. Scott responded with can only use Illinois operation as the others are year-round. Matching that open at end of May and usually close as weather changes, end of September.

President Strong informed that pictures of the current truck were included in the packets.

Mr. Culp questioned the deeded property owner NS Cicero, LLC. Stated the property does not have an address, however, has a parcel number that could be used. Parcel #05-06-01-02-04-002.000

Mrs. Nelson questioned placement when closed. Mr. Scott stated have to discuss with Mr. Turner, not a huge issue to remove taking to Noblesville shop. Only issue is that it is hard wired to this building. Mrs. Nelson asked hard wired meaning what? Mr. Scott replied with electricity and plumbing to the Cicero Pool and Spa. This way not running down any alleyways and the reason for the placement. Mrs. Nelson questioned trash handling. Mr. Scott responded with outside trash can-in picture. Trash at night will be taken to dumpster. Hours of operation was asked. Mr. Scott responded that like to be open seven days a week, 4-9 p.m. possibly longer on weekends. Mr. Diller asked how long Winchester, IL location has been open. Mr. Scott answered Carrollton was his first location in 2017, Winchester

331 E. 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

PC-# 0322-01-Parks  
Temporary Permit Moratorium  
Annual Elections/Appointments

second, has since sold the Winchester location, not affiliated with him. Mr. Schwartz asked if trailer will be inspected by the Board of Health. Mr. Scott answered it has been and passed, can show the permits from them. This is final to approval. Mrs. Nelson asked if approved when would expect to open. Mr. Scott stated would get with Frank to see what other steps, if none, this Friday. Would work manager and myself hard to get items finished, missing peak of summer and most is ready, want to get open as soon as can. President Strong asked if other questions, seeing none, appears looking to have outdoor seating. Mr. Scott stated yes, from picture, 2-3 picnic tables with umbrellas would want something similar. Would get with Frank on what is permissible, if not it is not a deal breaker, have a lot of foot traffic. And golf cart traffic. If allowed would want 2 that are stained. Mr. Zawadzki stated have reviewed and discussed with others, if outdoor seating needed, based on prior businesses would need to go thru the variance process for outdoor seating. Restaurant with outdoor seating is not a permitted use and would need to go thru the variance process. President Strong questioned are you classifying as a restaurant or itinerant merchant. Mr. Zawadzki stated is convoluted a first for us. Discussion on options. Mr. Culp explained two different things, municipal code, and then zoning of usage of land. Determination is Itinerant Merchant. If desires outdoor seating would need to go thru the variance process.

President Strong asked about signage details. Mr. Scott stated same as in the picture, exception being adding Cicero to bottom. President Strong asked about lighting. Mr. Scott stated no more needed. Mr. Lutz questioned where locations are in area. Mr. Scott answered, Noblesville, Fishers, Lebanon, Carmel, and Plainfield opens Monday. All brick-and-mortar locations, like the smaller markets but start with seasonal to test for future.

President Strong verified asking tonight for aesthetic review approval for this season and next. Mr. Scott stated not much he expects to change from an aesthetic review from one season to the next. Would hope if approved, it would continue unless changes are made.

Mr. Lutz stated to Mr. Culp several questions, feels these calls into question several of our ordinances in town and need to deal with them separate from this. An itinerant merchant versus a food truck, as far as permit, do we have ability to limit to fixed duration. Mr. Culp answered itinerant merchant vehicles is limited to specific duration. Can't recall timeframe. Key difference with food truck and this is that a food truck is self-contained, this is receiving plumbing and electric from another building. Mr. Lutz stated he understands and feels review of current ordinance is needed to further define. Resting ground is an itinerant merchant in overlay district. While support the shaved ice still have concerns, perhaps the Board can help enlighten me on the concerns. We put all this effort into the downtown area and the aesthetics, is a trailer what we want, another business went thru extensive process for outdoor seating. If approved, what does it mean for the future requests. Mr. Culp stated when reviewing and making decisions, you are looking at that piece of real estate what may be good for one address might not be good for another. And you can put a duration on this. Mr. Lutz clarified that in packet sales tax does not come back to us. Discussion on Food & Beverage tax (the additional 1%). Mr. Lutz expressed concern for the standards that have been set and then allowing a trailer to compete across the street. Would want to revisit after one season. Mr. Scott stated he understands the concerns, and considered placement to respect the sidewalks and etc. As an established business,





## CICERO/JACKSON TOWNSHIP PLAN COMMISSION

PC-# 0322-01-Parks  
Temporary Permit Moratorium  
Annual Elections/Appointments

hope it holds weight that his other established businesses show his standards. President Strong stated he had similar concerns as Mr. Lutz and would not want it sitting over the winter. Mr. Scott stated he is here to address the concerns, did asked if fee of \$200 is every time he came before the board, or if no changes then could be waived. President Strong stated Mr. Culp answered, however, Board could if so, desired could have you come back for review after this season. Mr. Culp stated similar to other zoning situations, could have a review next season which would not make it a new permit. Mr. Scott implied he could operate knowing he had the rest of this season and no further fees next season. President Strong clarified that Mr. Scott could not determine if viable for brick and mortar after one season. Mr. Scott answered, if a full season, but not comfortable making that decision with only mid-July. School timelines impact sales dramatically. Mr. Schrumpf questioned the Board if unreasonable to grant the rest of the season and next season. President Strong asked if proposal is to allow the vehicle to stay there until end of next September. Mr. Schrumpf understood that it was intent to move over the winter. Mr. Scott stated it would be moved at end to the Noblesville location and brought back to place. Mr. Gary asked clarification on start time, April or May opening? Mr. Scott stated very dependent upon weather, May 1<sup>st</sup> would be set date with two-week variance. School schedules impact as well, although current employees in Noblesville want to work this location. Mr. Massonne asked about timing for painting/opening. Mr. Scott stated it has one coat, would then add signage, blue with the brown trim. Mr. Lutz asked where landed with tables, no tables or with approval. Mr. Culp stated would have to apply with BZA for adding outdoor seating. Mr. Scott stated then no tables. Mr. Lutz would want to see removed end of the season, April/May to Sept/Oct, no seating, painting when could commit. Mr. Scott stated would not be open without painting. Mr. Lutz questioned color of trash cans. Mr. Scott explained black with lid.

Mrs. Nelson asked for the record what is the current use of that lot. Mr. Scott answered free parking. Mr. Turner stated open lot, had fence since taken down, used for community events, American Legion uses for parking. Mrs. Nelson asked if parking would still be available. Mr. Turner stated yes. President Strong stated all motions are in affirmative, looking for motion. Mr. Lutz asked if any concerns. Mr. Massonne discussed the length of time. Mr. Turner added that Mr. Scott has spent half of the season spending time getting approval, no retail space available, meaning house or building would have to be renovated which would not be done before next season. Felt these points should be considered. Mrs. Nelson stated she would be in agreement with Mr. Schrumpf to grant the rest of this season and next with a review by Mr. Zawadzki at the end of this season with any concerns. Mr. Scott expressed his openness to address any concerns after this meeting, wanting to do well in the future. Mr. Diller made comment that Cicero is different animal and will tell you by September if you will make it or not, would like to see brick and mortar next season.

Christian Travis-reached out to every property owner to find a site starting in February. Continuing the process but no property available.

President Strong asked Mr. Scott what he really wanted to do, as he is hearing from the board, both options of only this season, and this and next season. Mr. Lutz asked if one motion would fail, can another one be entertained. Mr. Scott stated he understands the concerns, would like to go this season and next season, addressing any concerns brought forth in the future.

331 E. 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

PC-# 0322-01-Parks  
Temporary Permit Moratorium  
Annual Elections/Appointments

President Strong stated he captured as a part of a motion, so everyone is on the same page. The shaved ice vehicle would go away at the end of this season, looking at May-September. Mr. Scott stated if on the record, would like a 2-3-week window based on weather. President Strong said that this approval would be thru potentially second week of October 2023. Mr. Zawadzki asked about the hours-seven days a week, 4-9 but toyed with all day on weekends, should this be under conditions. President Strong stated at this time have not narrowed down hours, so should we leave open ended. Mrs. Nelson asked if hours is part of this review. Mr. Culp said for aesthetic review setting hours is not usually done. Mr. Culp added review of condition after returning in spring should be part of the motion if allowing thru October 2023.

Mrs. Nelson made motion to approve Docket #PC-0722-21-DC commencing with the final completion of the trailer thru the end of this season not to exceed October 15, 2022. Trailer to be removed at end of season, and brought back on or before April 15, 2023, running thru October 15, 2023, with additional stipulation that Plan Director reviews prior to opening next year for any concerns expressed and either approves resolution of concerns or determine review by BZA required. This approval terminates at end of 2023 season with removal on or before October 15, 2023, of the trailer. Mr. Lutz second.

Mrs. Nelson-approve, Mr. Diller-do not approve, Mr. Schruppf-approve, Mr. Schwartz-approve, Mr. Lutz- do not approve, Mr. Massonne-approve, Mr. Gary-approve, Mr. Strong-do not approve. Motion carries 5-3.

President Strong stated you are approved continue with Mr. Zawadzki for next steps and see the Clerk Treasurer for the Itinerant Merchant permit.

6. **Plan Director's:** Mr. Zawadzki-permit revenue For June 2022 was \$21230, YTD 2022- \$126879, bringing a difference from 2021 for month of +\$14601 and ytd +\$56,010. 32 building permits for June 2022, 19 new homes. Estimated cost of projects \$5,356,448. Mr. Schruppf asked if majority of homes were in Tamarack. Mr. Zawadzki replied with most being in Auburn Estates.
7. **President's Report:** President Strong thanked everyone for their attendance, the review took longer than anticipated. Good discussion and points made that we should look at the itinerant merchant and mobile food permits in the future but those would be Town ordinances. Mr. Culp stated might want to look at areas or zones where they are permitted uses, currently we don't have it anywhere. President Strong that would help to match the ordinances. Also, we have the 31-corridor information and new zoning for County and will be forming committee to review and address with input from Jackson Township also. First public hearing is next Wednesday for Hamilton County. Will continue to follow. Solar ordinance moratorium should be part of that, and we will be able to utilize the information from the consulting firms.





## CICERO/JACKSON TOWNSHIP PLAN COMMISSION

PC-# 0322-01-Parks

Temporary Permit Moratorium

Annual Elections/Appointments

8. **Legal Counsel's Report:** Mr. Culp the only update was the above mentioned. Solar information also updated, standards set and such, with more steps to come including zoning. President Strong clarified that it would require Town Council approval yet start with Plan commission recommendation.
9. **Board Member Comments:** Mr. Massonne questioned the limited retail space from earlier. President Strong stated is somewhat true, we have neighborhood commercial properties that could be picked up along 19 and Jackson Street. If you look at what is empty, no but could purchase that is zoned. Changed in 2018 and have looked at extending the Downtown Commercial district to Cass and Buckeye in the future.

Mr. Lutz asked about update for the Tollgate project did the Plan Commission get the update. President Strong stated no, glad brought up. President Strong explained that Via Credit Union came to Town Council meeting after favorable recommendation. The Town Council listened to presentation and expressed concern for potential of roundabout at Tollgate and 236<sup>th</sup> St in the future. Not knowing when/or what that may entail, the Town Council opted to table for feedback from county highway department. Unfortunately, after that meeting Via Credit Union decided to withdraw their petition and no longer looking at that property. Mr. Lutz added that the Council was also looking at a couple other things, such as the need for turn lane, guess would be rather expensive. While not discussed at meeting it was a west bound turn lane. Mr. Culp, they knew we had certain standards to be met and would not give a commitment. President Strong stated glad brought up in case any of you were contacted, Mr. Zawadzki has since been questioned that withdrew because Town Council was requiring Via to pay for roundabout. Which is not the case at all so feel free to dispel that rumor. Mr. Massonne with my position with Duke, just a FYI, build subdivisions and apartments all over, trend we are seeing is tremendous amount of apartment complexes. Also, in towns like Cicero, large companies buying up large swathes of new subdivisions to simply rent out these homes. Bringing up as a concern and fear for the future. Mrs. Nelson stated she has seen it happening for a while (*extremely hard to hear details of what was said*) huge concern, HOA's have started adding clauses. Not sure what can be done but market is so tight. Mr. Massonne working on 115 projects 40% are apartment complexes. Mr. Lutz encourage everyone to contact legislators. Some work being done but as Mr. Culp added a lot of money behind this, and the fair housing act limits some restrictions that would help to prevent. Further discussion ensued on current cold call situations for buying homes.

10. **Next Planned Plan Commission Meeting:** August 10, 2022, at Red Bridge Community Building.

11. **Adjournment:** Mr. Schwartz made motion to adjourn. Mr. Lutz second. All present in favor.

President:

Secretary:

Date:

8-10-2022



**CICERO/JACKSON  
TOWNSHIP  
PLAN COMMISSION**

PC-# 0322-01-Parks  
Temporary Permit Moratorium  
Annual Elections/Appointments

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