



# CICERO/JACKSON TOWNSHIP PLAN COMMISSION

## Plan Commission Meeting Minutes

February 8th, 2023

Cicero Town Hall

70 N Byron Street

Cicero, IN 46034

### Roll Call of Members

Present:

- ☐ Dan Strong
- ☐ Eric Hayden
- ☐ Harrison Massonne
- ☐ Corey Burkhardt
- ☐ Chris Lutz
- ☐ Marc Diller
- ☐ Dennis Schrumpf
- ☐ Jenna Majors
- ☐ Aaron Culp - Legal Counsel
- ☐ Frank Zawadzki - Plan Director
- ☐ Terri Strong - Recorder

Absent:

Mark Thomas

1. **Declaration of Quorum:** President Strong declared a quorum with 8/9 members present.

2. **Approval of Minutes:**

Mr. Hayden made motion to accept minutes from PC Meeting: January 11<sup>th</sup>, 2023 as presented. Mr. Schrumpf second. All present in favor.

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3. **Public Comment:** President Strong stated this is time for any comments from public concerning items not on the agenda. No public comments.

4. **Old Business:** No old business.

5. **New Business:**

**Docket# PC-0223-03-NC**

**Petitioner: Gina McGill – Comprehensive Financial**

**Property address: 7800 E 236<sup>th</sup> Street, Cicero, IN 46034**

**An Aesthetic Review application has been submitted concerning Article 5 Aesthetic Review Overlay District for the property located at 7800 E 236<sup>th</sup> Street, Cicero, IN.**

Dave McGill 7800 E 236<sup>th</sup> Street, Cicero. Project has exterior feature on building where not expanding footprint on building. At some point change signage and remodel the inside of the building.

President Strong stated here tonight for Aesthetic Review of exterior, interior changes will work with Mr. Zawadzki on what would be needed for that. For this evening, reviewing plans for the Aesthetic Review so there was no public hearing. Mr. Hayden questioned signage. Mr. McGill stated no did not know what it would look like, ask for the maximum allowable. Mr. McGill questioned here for the Aesthetic and sign approval would come later. Mr. Culp answered, trying to save Mr. McGill time if possible. President Strong asked if determination of location of signs had been made. Mr. McGill stated only other sign is to be a monument sign at the same location. President Strong asked if sign on the building and monument would be interiorly lit. Mr. McGill stated yes, they both would be. Mrs. Majors questioned if packet included a lighting package. Mr. McGill stated it was on one of the pages, there will be a can feature under overhang. No parking lot lights are planned. Mr. Zawadzki answered maximum square footage is 100 sq. ft. for signage. Mr. Hayden asked if the fence would be changed. Mr. McGill stated different fence. President Strong stated currently the front is a screening fence and to the back is what. Mr. McGill stated currently chain-link to the back, plan is for wrought iron with block between. President Strong questioned if screen and if height is known. Mr. McGill stated 6-8 ft. President Strong stated to the east side the storage building an 8 ft would look better. Board member questioned if all should be 8 ft. President Strong answered the east side is the visible side, the rest is set back enough. President Strong asked if all of the parking lot is currently paved. Mr. McGill stated there is a small portion that was never paved when we purchased the building. On the west edge of the lot, gravel presently could pave to improve the parking lot. President Strong asked if any landscaping questions. Mr. McGill stated no changes needed; the plan is the current landscaping depicted.

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Mr. Hayden made motion to approve PC-0223-03-NC based on drawings provided and maximum signage of 100 sq. feet. Mr. Schrumpf second. All present in favor.

President Strong stated approved all set and continue to work with Mr. Zawadzki, the lighting to match ordinance and fence discussion.

6. **Plan Director's Report:** Mr. Zawadzki copy of report is enclosed in your packets.

Summary January 2023 revenue of \$4018, January 2022 revenue \$11285.YTD down \$7267. Issued 14 building permits for month, 13 in corporate limits, 1 in township, projects estimated at \$770,000. Auburn Estates section one, which has 62 lots, is all permitted with different levels of completion. Tamarack section four has 69 lots only 14 remaining for permitting.

7. **President's Report:** President Strong thanked everyone for donating their time and being here.

8. **Legal Counsel's Report:** Mr. Culp stated as discussed using this time for training. Summarized below by recorder.

PowerPoint presentation included overview of Town government, including Town Council, staff, appointments. The role of the Plan Director was outlined, ordinance interpretation. Role of the Plan Commission summarized, emphasis on Comprehensive Plan, ordinances, and subdivision of land. Subdivision of land does not go on to the Town Council. Developing and making recommendations to the Town Council is large part of the role, plan, ordinances, for example. Differences between Comprehensive Plan and Zoning Ordinances discussed. The Zoning Ordinances are law and legally binding while the Comp Plan is aspirational principles based on what we think the development of the community and best use of the land is for the future.

Planning comes first, then development of ordinances to ensure fits the plan for development. Designed to ensure use of public funds is reviewed. Examples of how the Plan affects all departments as well as Town Council were given.

Other aspects of Comprehensive Plan discussed, overlay districts and impact. Community health such as trails, parks, community centers, as well as basic amenities like sanitation, water, sewer, are also a newer part of the Comprehensive Plan.

Three bare bones parts required are statement of objective of future development, statement of policy for land use, public policy for development of right of ways. In addition there are many other aspects that can be added to the Plan.

Next slide showed how the process of creating a Comp Plan is done, process can take 6-8 months. Part is evaluating current situation, current plan as well as items needing changed. Input is received by community leaders as well as community in general. Plan Commission is also a part of the public hearing presentation.

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## **CICERO/JACKSON TOWNSHIP PLAN COMMISSION**

Cicero/Jackson Township Plan Commission duties include assigning street addresses, administrative duties also required by law. Overview of how Cicero and Jackson Township came to be covered by one Commission shared.

Slides shared of due process that must be followed by the Board. For fairness the process must be followed each time, notices for public, time for comments, for example. Avoiding conflicts of interest, making decisions in timely manner, preparing findings (especially BZA), rules clear, acting in the best interests of community, were all listed as items to make sure fairness is part of the process.

Public hearing requirements were explained, aesthetic review is exception. This includes legal notice to public, and in some cases certified notice. Public hearing comments should be addressed to the president, it is not intended as a discussion, questions can be asked if president so desires. Discussion on decorum and situations where it may be necessary to eject someone.

Open door law, two different notices requirements. Public notice does not mean public hearing. Executive sessions are rare with Plan Commission, and can only include permitted topics, no vote can be done at an executive session.

Additional requirements that are necessary, notice to adjoining properties. Notice has to be 10 days in paper. Copies are maintained at Plan Dept office. Sign must be in yard of property for 10 days. These are all for communication to the public.

Discussion on sharing of information prior to the actual hearing of information in a public hearing/meeting. BZA is prohibited from discussion. Plan Commission is policy making. In general, avoid communications prior to ensure fairness. If there is a question, contact Mr. Culp.

Conflict of interest is prohibited. Indiana law means recuse yourself. Not able to participate in hearing or decision-making. Examples were given, such as ownership in project, neighbor of project, family conflict.

Voting can only take place at a public meeting. Must be a majority of total Board members, not majority of members present at meeting. Can conduct business with five members but if vote is 4-1 must continue to next meeting. This is why we try to have nine members present.

Discussed what comes before the Plan Commission. In the case of subdivision, it is subdividing land, if what is being proposed meets the conditions of our ordinance we have to approve. If does not, waiver can be requested, then we have discretion to approve conditions or not.

Aesthetic review does not require public hearing, as it is designed to maintain the look of a particular area.

Rezoning also comes before this board. Changing an area from one area to another, for example AG to R1.

Rezoning could come from TC to allow a particular use that previously would not have been allowed.

Recommendations are sent to Town Council, can include considerations. Petition is done, public hearing, recommendation to TC is done. Town Council then can take recommendation from Plan Commission or reject and would go back to the Plan Commission.

PUD is a type of rezone. Planned Unit Development is most often used for a large subdivision or commercial project. Usually used when doesn't match the overall ordinances of the zoned area.

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Board of Zoning Appeals exists to apply the ordinances as it pertains to a specific piece of property. Several variances are seen, Land Use variance is hardest to achieve, hardship has to be shown by the property owner. Hardships given for example. Standards Variance is the other one that is seen often, usually setbacks, or height, etc. Special Use Variance is the next, ok in this area to do this type of use but want to know and ask questions. Questions are asked by BZA similar to a judge, findings of fact have to be met. There are five, and all five must be met to achieve. They do not make policy they are enforcing the policies that are set. Discussions with BZA prior to meetings are prohibited by law.

Questions: Mr. Lutz shared that this is valuable information as we go into the Comprehensive Plan process. Encourage everyone to review the current plan. President Strong encourages forwarding thinking as we get into the planning added that the plan is done for a 5 year period.

9. **Board Member Comments:** Mrs. Majors asked when are we taking bids for the company that assists with the plan. President Strong stated probably April. Mr. Culp stated notice is given. If there is a firm that anyone would want to receive the information, please let us know.

10. **Next Plan Commission Meeting:** March 8, 2023.

11. **Adjournment:** Mr. Schruppf made motion to adjourn. Mr. Massonne second. All present in favor.

**Chairman:**

A handwritten signature in black ink, appearing to be 'Don St.', written over a horizontal line.

**Secretary:**

A handwritten signature in black ink, appearing to be 'Eric C. Hay', written over a horizontal line.

**Date:** 3-08-2023

Location:

Cicero Town Hall  
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