



**CICERO/JACKSON  
TOWNSHIP  
PLAN COMMISSION**

**Plan Commission Meeting Minutes**

**May 10, 2023**

**Cicero Town Hall**

**70 N Byron Street**

**Cicero, IN 46034**

**Roll Call of Members**

**Present:**

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

**Absent:**

Corey Burkhardt

Jenna Majors

- 1. Declaration of Quorum:** President Strong declared a quorum with 7/9 members present.
- 2. Approval of Minutes:**  
Mr. Schrumpf made a motion to approve Minutes from PC Meeting: April 12, 2023, as presented. Mr. Thomas second. All present in favor.
- 3. Public Comment:** President Strong stated this is opportunity for anyone in attendance to address any item not on tonight's agenda. No public comment.
- 4. Old Business:** No old business.

**331E. 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**

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

**Docket# PC-0523-05-NC**

**Petitioner: Greg and Nicki Hurley, Pizza House**

**Property Address: 370 W. Jackson St. Cicero**

**Aesthetic Review application has been received for patio lighting and seating concerning property at 370 W. Jackson.**

Greg Hurley 3283 East 3<sup>rd</sup> Street Arcadia. As mentioned, own Pizza House and building, corner of Jackson and Main. Here with proposal of what want to do with patio area, to further enhance and develop the space. Verified everyone received recent revision, includes one additional item that was not in the pictures. Mr. Zawadzki indicated it was part of his slides, shown.

President Strong asked if any questions from Board members. Mr. Massonne questioned as the lighting on the sign, is it downlighting. Mr. Hurley stated it would be more on the sign. Mr. Massonne asked if the string lights were on a timer or would be on at all times. Mr. Hurley responded that they do not need to be on at all times, there would be a switch to turn off, similar to other lights. Mr. Massonne asked during hours of operation. Mr. Hurley stated correct. Mr. Massonne commented that the house at the end, appreciated the efforts to block noise and such with the pallets, concern for deterioration expressed. Will there be staining or sealing? Mr. Hurley stated stained with sealant. Mr. Massonne expressed concern for the canopies as they can hold water, appears to have a support. Mr. Hurley thanked for that concern. Mr. Lutz had concern for the beam not there before, comfortable for the support aspect. Mr. Hurley stated is doing the work but has reviewed with others to get the proper sizing of anchor. Mr. Lutz asked where the solar spa. Mr. Hurley stated it is in the planter, it is a solar light, minimal lighting to accent. Mr. Thomas questioned the twinkle lights mentioned in the packet are they similar to one's others have. Mr. Hurley stated they are called twinkle lights but don't blink, have inside the restaurant and adding to continue aesthetics, they are yellow hues. Mr. Lutz questioned with new lights if wattage could be determined, do not want too bright. Mr. Hurley stated they would not be any brighter than the other corners, and perhaps not even as bright. Mr. Lutz asked about the light on the sign. Mr. Hurley stated it is not intended to be out, would be to light the sign not the parking lot. Mr. Hayden asked if there is an outdoor speaker. Mr. Hurley stated there are two, 5 feet of each end of the patio. Mr. Hayden verified that they were staying. Mr. Hurley asked if there is a threshold for volume. President Strong answered, believe it is 90 decibels. Mr. Culp stated that is from the property line.

President Strong asked if any other questions. His questions were asked by others and appreciate the lighting due to the neighbor. President Strong asked Mr. Massonne if intent was to be part of motion. Mr. Massonne stated yes isn't that what was done with Boathouse. Mr. Hurley questioned if within 30 minutes of close was acceptable. Answer was yes.

**Mr. Hayden made motion to approve PC-0523-05-NC as presented with condition that lighting is not left on overnight. Mr. Massonne second.**

**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**

**Mr. Massonne-approve, Mr. Lutz-approve, Mr. Hayden-approve, Mr. Schrumpf-approve, Mr. Thomas-approve, Mr. Diller-approve, Mr. Strong-approve. Motion passed.**

President Strong thanked petitioner for packet thoroughness and much success if further questions work with Mr. Zawadzki for permitting.

President Strong stated moving on to other new business, this is pertaining to ordinance discussion. Based on last meeting comments.

Mr. Hayden stated felt needed to start with structuring ordinances for driveway or access to a home from a frontage standpoint. Instead of an alley from the back. Mr. Schrumpf added that driveway is back enough that access doesn't block sidewalks. Mr. Hayden struggled with expectations of a parcel in town that has had residence, being able to subdivide without more oversight. Not sure about the legalities of this, however, like to see the board have option to review and have more oversight than current options. President Strong stated do have a list and Mr. Zawadzki has a couple as well. President Strong stated without going in and doing spot zoning, there may be options, Mr. Culp suggested an Old Town Zoning District. This district would have strict ordinances for what we would like to see in the district. First thought rezoning some areas would fix, however, valid point that nothing to say if a house was torn down, a minor subdivision couldn't go back. Carmel has 5-6 such districts as an example. Mr. Culp stated he felt this was the best way, under state law have to allow subdividing if requirements are met. Provide a way if they don't to ask for a waiver. Can structure lot size in Old Town, R4 as example, to the smallest we are comfortable with and not allow to be subdivided. Mr. Culp added good idea to look at adding standards, not just in the R4 but in any area. Can look at adding to any area. Town should look at determining lot size then proceed with rules for that, then have to identify the area. Of course, public hearings would be part of it. Mr. Hayden stated he is in favor of moving forward with that process. President Strong stated we can start looking at that, what you would all like to see. Mr. Lutz clarified that it doesn't prevent subdividing but limits size. Mr. Culp agreed, by statute if they meet the ordinance they can subdivide if they do not meet then we have the structure for requesting a waiver for approval. President Strong stated this sounds like the simplest avenue to achieve. Mr. Zawadzki questioned discussing R4 or R5. Discussion ensued on the previous project and issues of R4/R5. Clarification of what an Old Town District would mean. Mr. Lutz questioned other option. Mr. Culp stated to identify each lot that we aren't comfortable with potential of subdividing and rezoning it. Risk is spot zoning. Discussion ensued. Mr. Culp stated another option is to take R5 and change the minimum lot requirements. Then any lot would have to become R5 if a concern. Discussion ensued on what this means. President Strong suggested Mr. Culp to think about it a bit more and the Board to think about direction, to have ready for next meeting. Mr. Hayden stated would still like to have something to address the driveways as well. Mr. Culp stated could have a screen option that would prevent headlights. Discussion on how far from lot line commenced. Mr. Hayden suggested no back entrance, or variance. Determined that further discussion needed to take place, Mr. Culp suggested President Strong and Mr. Zawadzki review aerials, see what options would make sense. Mr. Schrumpf stated this last project would only have room for three if front drives were required. President Strong stated the item Mr. Schrumpf mentioned earlier of the length of drive, can be addressed here as well. Warehams Pond has the shortest of setbacks and has been something over the years that has been reviewed. Mr. Zawadzki shared an example of a new neighborhood. Discussion ensued on challenges with the drives.

**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

6. **Plan Director's Report:** Permit revenue, enclosed in the packet. For April 2023 permit revenue was \$9078, YTD \$32742 compared to 2022 April monthly revenue was \$31609 with YTD \$84935, down \$21851 for month and down \$52193 for YTD 2022. In April we issued 47 permits, 37 inside the town limits, 3 new homes, 10 in the township, one new home. Estimate of projects is \$3.2 million. Updates on subdivision, Tamarack 4 left of the 69 in section four. Also, further education was one course. Mr. Hayden questioned if other education in electrical and plumbing would want to attend. Mr. Zawadzki stated he is comfortable there but would like to be certified in inspections. Watching that closely. Set up this month for VRBO and Air B&B. Mr. Schrupf questioned if the estimate on projects included the wastewater plant. Mr. Zawadzki stated yes, big permit month but not a lot of revenue, a lot of fences, electrical. Mr. Thomas questioned approval, where the plant location is. Mr. Hayden stated current plant but bigger and more efficient. Mr. Thomas questioned growth then. Mr. Hayden stated yes on wastewater side, separate from water. President Strong stated fixing issues at the wastewater plant, 30-year-old plant. Questioned water. Mr. Culp stated looking for water. Reservoir doesn't count! Discussion on water pressure causes.
7. **President's Report:** President Strong thanked everyone for attending. The RFP final version is in the packet. If everyone is ok, would like to start sending out.

**Mr. Hayden made the motion to send out the Request for Proposals for Cicero/Jackson Township Comprehensive Plan. Mr. Lutz second. All present in favor.**

President Strong stated handed out a steering committee list at the last meeting. Need to clarify. Basically, this was an example does not have to be the same, also the company chosen may have a recommendation. This is not finalized.

8. **Legal Counsel's Report:** Mr. Culp stated this week participated online for some of the new laws going into effect. A couple to highlight. One is regarding signage that has to be moved due to right away, if cannot find an option, they would have to be compensated. The residential tiff law was expanded eliminated 1% test, and school board approval. Four-year test. Big push to create a "designated outdoor refreshment place," a place where you could allow alcohol to be served, rules set by the town. If this is something of interest would need a new ordinance. They have changed the rules for all the food and beverage taxes, they would sunset in 22 years or when the bond that is issued to expire. Passed a law to start in 2025 all public meetings to be live streamed. All Town Council meetings or meetings in the town council setting. So BZA and Plan Commission. Have to archive recording for 90 days and then

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**

Parking restrictions discussed for Buckeye Street. Mr. Culp stated can restrict but need to evaluate what consequences. Discussion on different neighborhoods and impact on public safety and guest parking. President Strong stated have limits with covenants and restrictions regarding PUD's but continue to improve and learn each subdivision that has come to town.

Generator Permit Discussion: Mr. Zawadzki stated should have copy of a generator permit. This has been before the Town Council, and it was suggested to bring to the PC. The Plan Commission can then send a favorable or unfavorable recommendation to the Town Council. Mr. Culp stated may need to amend an ordinance, to record an ordinance for the procedure. Mr. Zawadzki stated currently we don't have a procedure for a generator, ordinance does state generator can be an accessory structure. Current procedure is to do two permits-an electrical permit and an accessory structure permit. The cost usually winds up being \$350 or so, getting push back from petitioner's concern about costs and overreach. Intent is to streamline the process and knock out every question possible. Instruction sheet and checklist discussed. Concern for safety, noise, boundaries from Director standpoint. Residential fee of \$175, which was based upon two inspections plus \$55 for electrical permit. Commercial of additional \$120 which follows pattern of other permits for commercial. Mr. Hayden questioned the first page which has "installed by licensed electrician" and is not required by law. Mr. Zawadzki stated is not required by state law. Discussion ensued on options and other inspections. Determined to remove the licensed electrician requirement. Mr. Lutz asked what is accepted as a sight plan. Mr. Zawadzki stated if someone takes a screenshot of GIS and marks up will take it, as long as understood what is doing. Trying to make it easier for everyone. Mr. Massonne questioned, if this falls under the accessory structure, that doesn't typically require screening or fencing. Mr. Zawadzki stated it can fall under and depends upon the district. Mr. Massonne stated most of Hamilton County requires it to be screened. President Strong stated in the past only had one per year but seems to be a trend of getting more. Mr. Culp stated can add requirement of screening. President Strong stated commercial states screening for rooftop units, HVAC would be easy to tweak. Mr. Culp stated to add the word generator to that ordinance. Mr. Zawadzki agreed only applies to commercial districts. President Strong questioned if would continue to do a certificate of occupancy and would there be a fee. Mr. Zawadzki stated he didn't think so, wouldn't be part of the electrical permit, but things they go inside. Mr. Thomas questioned the comment of setback that would be followed. Mr. Zawadzki stated he understood, so reword to reflect setback requirements of district for an accessory structure. Mr. Culp stated next steps would be to take to staff meeting and if agree, put together ordinance and have to amend the ordinance. Fee structure would also have to be amended. Agreement to proceed. Items that would be inspected would be included to make things easier in the end.

President Strong discussed potential of expanding the Downtown Commercial districts as the community grows and businesses want to come to town. Map used to demonstrate areas for Downtown Commercial and Neighborhood Commercial. Areas discussed were Peru Street to Flanagan and Buckeye to Main, and even talked about a portion of Cass Street. Timing seems to be good with other changes that are planned with ordinance changes. Mr. Hayden asked what the negative impact is when going to sell. Mr. Culp stated if currently used as a residence if they sell to be a residence no issue. But could become commercial property if sold to be one. So long as the property doesn't cease to be a residence for 6 months, it would be considered legal non-conforming. Mr. Lutz shared property value aspect. President Strong asked everyone to take information and review.

**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

transmit to state archive. Cost to town besides the video is storage. Changes to flood plain administration and adding train requirements. Changed Legal Non-Conforming statue on destroyed property, amended in 2022, now have rewritten. Changes in regulation with septic tanks will affect township. More to come on changes to procedures.

Mr. Lutz questioned the residential tiff, is it a long statue, who can set it up. Mr. Culp stated he didn't have details but explained the current process. Discussion on impacts and authority in the area between county and towns.

Mr. Lutz questioned Mr. Culp going back to voting and options. Didn't feel we had option on previous petition, if it had been denied, what would be the recourse from petitioner and possible court. Mr. Culp explained the process and paperwork as it relates to each case. Petitioner disagrees, could go to Circuit Court and we would have to defend our decision. One of the things they would look at is the information filled out, rationale, anything in the minutes. Their argument would be that they met the required items in ordinance, and they denied us without cause. Mr. Lutz asked if there were fines that could be imposed. Mr. Culp stated legal fees, but personal liability, if you are not in conflict of interest and voting in good faith, is unlikely. Mr. Culp stated would need to research if more needed. Mr. Lutz stated his question was answered and that is not necessary.

9. **Board Member Comments:** No comments. President Strong expressed his appreciation for all the participation in tonight's conversations.

10. **Next Planned Plan Commission Meeting:** Next meeting is June 14th, 2023, at Town Hall.

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

Chairman: 

Secretary: 

Date: 6/14/23

Location:

Cicero Town Hall  
70 N Byron Street  
Cicero, IN 46034

331 E. JACKSON ST. P.O. Box 650 CICERO, IN 46034

PHONE: 317-984-5845 FAX: 317-984-5938 WWW.CICEROIN.ORG