



**CICERO/JACKSON
TOWNSHIP
PLAN COMMISSION**

Plan Commission Meeting Agenda

September 11th, 2024

Cicero Town Hall

70 N Byron Street

Cicero, IN 46034

Roll Call of Members

Present:

Dan Strong

Wendy Gillespie

Harrison Massone

Chris Lutz

Marc Diller

Dennis Schrumpf

Mark Thomas

Jenna Majors

Eric Hayden

Aaron Culp - Legal Counsel

Frank Zawadzki - Plan Director

Terri Strong - Recorder

Declaration of Quorum:

Approval of Minutes:

August 14th, 2024

Old Business:

1. Overlay District discussion
2. Rules of Procedure update

New Business:

Plan Director's Report: Enclosed in your packets.

President's Report:

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Legal Counsel's Report:

Board Member Comments

Next Planned Plan Commission Meeting:

October 9th, 2024

Adjournment:

Location:

Cicero Town Hall
70 N Byron Street
Cicero, IN 46034



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Plan Commission Meeting Minutes

August 14th, 2024

Cicero Town Hall

70 N Byron Street

Cicero, IN 46034

Roll Call of Members

Present:

Dan Strong

Wendy Gillespie

Harrison Massone

Chris Lutz

Dennis Schrumpf

Mark Thomas

Jenna Majors

Eric Hayden

Aaron Culp - Legal Counsel

Frank Zawadzki - Plan Director

Terri Strong - Recorder

Absent:

Marc Diller

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

Approval of Minutes:

Mr. Schrumpf made motion to approve minutes from May 15th, 2024, meeting. Mr. Massonne second. All present in favor.

Public Comment: No public comment.

Old Business: No old business to report.

New Business:

Docket# PC-0824-04-NC

Petitioner: Entrust Group/Paul Vondersaar

Property address: 740 S Peru Street, Cicero, IN 46034

An Aesthetic Review application has been submitted concerning Article 5 Aesthetic Review Overlay District for the property located at 740 S Peru Street, Cicero, IN.

Paul Vondersaar Bear Cub Drive, Cicero. Office building to be built for Edward Jones business here for Aesthetic Review. This is additional business not moving out of the downtown area. Papers with landscaping plan passed out for review. Committed to at the BZA is a large tree at the front and another one in the back that will be kept or replaced if have to be removed. They are not on

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this landscaping plan. Everything on the back and side of trailer will be removed and replaced with this plan. President Strong asked for questions from the board members. Mr. Thomas questioned if there is a short sidewalk to the back. Mr. Vondersaar stated yes there is one. Mature trees are on the plans, the site plan. Brick/stone with some block, and metal, with colors listed in materials. Stone would be lighter than the black/dark gray.

Mrs. Majors questioned the design and not fitting with the neighborhood. Stands out quite a bit. Mr. Vondersaar replied it does stand out now, but it is a look that is moving forward. President Strong stated the BZA did allow for the variance to not have a gable roof, so it is a good question. Mr. Thomas stated it is a good question as we are setting the plan for the future. Mr. Vondersaar states it does look like a flat roof but does slope to the back. President Strong stated regarding signage we have two different renditions. One has the investments piece, the other doesn't. Answer given the one without the investments piece on the sign. President Strong questioned if a lit sign. Female voice answered backlit.

Amanda Sylvester 19450 Blue Oak Ct. Noblesville. President Strong questioned if intent is to have on 24 hours. Female responded yes it is our intent. Mr. Hayden stated parking is to the west side of the building, so you aren't expecting the sidewalk to get used, are you expecting they will park on 19. Mr. Vondersaar stated he felt that would be what would happen, they would go to the sign, park, and go to the front. Mrs. Sylvester stated have elderly clients that would utilize the parking lot, and sidewalk. And could access the back door. President Strong questioned hours of operations. Mrs. Sylvester stated typically only do one night a week, evening hours. President Strong questioned parking lot lighting. Mrs. Sylvester stated required lights on the back of the building, Mr. Vondersaar stated security lighting. President Strong questioned in addition to the one sign, would you have any others on the building, like hours of operations. Mrs. Sylvester stated not physical sign, but letters on the door that have hours of operations. One the back door a sign that says Edward Jones. President Strong stated he felt there was plenty of square footage to work with. Additional question would be potential landscaping along the parking area. There is one maple tree existing, more concerned that compared to the front, more could be done to the back. The neighboring property is neighborhood commercial but currently a residence and requesting emphasis be placed with small amount of landscaping. Mrs. Sylvester stated she was fine with that. Conversation ensued on one tree and four bushes to soften the area. Mr. Massonne questioned access to roof. Question positioning of the air conditioner. To the back, no additional screening is needed. Mr. Hayden questioned if the back alley was paved or gravel. Mr. Vondersaar stated ground asphalt product. Mr. Hayden questioned whether the drive is concrete or asphalt, to the parking lot. Mr. Vondersaar stated he would do concrete due to the size. Determined petitioners' choice, either is an option. President Strong stated no public hearing required, further questions from Board. Mr. Thomas stated signage on the back, feels this is important for identification purposes. Mr. Vondersaar questioned if should be asking for specifics. President Strong explained as long as do not exceed the ordinance and you have identified where signs are.

Mr. Hayden made the motion to approve PC-0824-04-NC as presented. Mr. Thomas second.

Mrs. Gillispie-approve, Mr. Massonne-approve, Mr. Lutz-approve, Mr. Schrupf-approve, Mr. Thomas-approve, Mrs. Majors-approve, Mr. Hayden-approve, Mr. Strong-approve 8-0

Docket# PC-0824-05-NC

Petitioner: Morse Haven LLC/Sally Bowden

Property address: 289 S Peru Street, Cicero, IN 46034

An Aesthetic Review application has been submitted concerning Article 5 Aesthetic Review Overlay District for the property located at 289 S Peru Street, Cicero, IN.

Sally Bowden 289 S Peru Street, Cicero. Seeking a fence around the property. Around the property are brick columns around the property and proposing to connect the columns to the garage. Monitor used to explain the fencing, placement between the different homes on the property. President Strong asked for clarification on what was being done with the first building. Mrs. Bowden stated that is the front house, has been gutted, been here before. Mrs. Bowden stated sold her home and her kids and herself are now living in the front house. So needed to fence it in. President Strong questioned Mr. Culp if that impacts the Use since they were here for a Use Variance for the property. Mrs. Bowden stated we proposed the property for vacation rentals, we

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will still be utilizing the back house for a vacation rental and living in the front house. Mr. Culp stated still considered a short-term rental which under Indiana law are considered residence. President Strong stated it did not go to a commercial property. Mr. Hayden questioned going to BZA for VRBO. President Strong answered yes. Mr. Massonne recalled this going before the BZA and wasn't there a pool involved. Mrs. Bowden answered yes, we are evaluating the feasibility of the pool right now but do have the variance approval. Not sure we will be putting the pool in and why we are here for the fence. Mr. Thomas questioned you have a proposed garage here, that fence squares off to the proposed garage. Mrs. Bowden stated the garage is already there. Mr. Hayden clarified that a green home to the south has a fence in the front. Mrs. Majors stated it does and goes to the sidewalk which this one is not proposed to the sidewalk. Discussion on homes in the area with fencing, and rules regarding two feet off the right-of-way. Mr. Hayden stated didn't think fence could be in front, has this been before the BZA. President Strong stated falls under FN02, the open fence qualifies. Mr. Culp stated this is zoned Neighborhood Commercial but has been a residence non-stop, so it is legal non-conforming.

Mr. Hayden made motion to approve PC-0824-05-NC as presented. Mr. Schrumpf second.

Mr. Massonne-approve, Mr. Lutz-approve, Mr. Schrumpf-approve, Mr. Thomas-approve, Mrs. Majors-approve, Mr. Hayden-approve, Mrs. Gillispie-approve, Mr. Strong-approve 8-0

Plan Director's Report: Mr. Zawadzki summarized information enclosed in packets. Permit revenue for July 2024 was \$7331, \$32388 YTD. Compared to July 2023 of \$8965/\$61765 which equals a loss of \$1634 for month and minus \$29377 for year. Issued 27 permits for month, 17 in town-0 new homes, 10 in township-1 new home. Estimated costs of projects \$1790211.

Continuing education-attended the Storm Water Drain Conference last month. Comp Plan survey is still continuing and QR codes are placed around town. Talking about a traffic study and interviewed a second company for that.

Mrs. Majors asked for elaboration on traffic study-where. Mr. Zawadzki stated everywhere. Concerns expressed by TC for downtown, left hand turns. Part of traffic study is parking study. Also discussed other properties and perhaps options for future for bypass. Includes areas to be studied for township. Would review how often parking is used. Mr. Thomas questioned turn lanes. Mr. Zawadzki stated would look at options and costs and what would be most important. Mr. Hayden stated have reached out to INDOT about the light and options. Mr. Thomas brought up the Main and Jackson intersection. Mr. Lutz stated part of the Comp Plan and how to move around the area and need is to look deeper than the Comp Plan is designed to do. Mr. Schrumpf discussed traffic law compliance and impact. Discussion on traffic patterns and comprehensive plan impact, and state influence on 19.

President's Report: President Strong since short meeting have a few items to discuss. First there is an open slot on the Board of Zoning Appeals that has to be filled by the Plan Commission. Plan Commission must appoint a member of the PC to the BZA.

Mr. Hayden made the motion to nominate Mark Thomas to the BZA. Mr. Schrumpf seconded the motion.

President Strong asked if other nominations. No other nominations. Mr. Thomas stated he would accept the nomination.

President Strong stated we have a nomination to appoint Mark Thomas to the Board of Zoning Appeals and a second to the motion. All present in favor.

Second on the list President Strong stated there has been some conversation on an Overlay district along US31 and having some further input or oversight of the development in the area. Using McClure's as example, they sought a Land Use Variance which meant they only went to the BZA for everything they needed, and PC didn't have any say or any review the project. The option of an overlay district would mean they would have to come to the board for aesthetics and some similar items. Examples of starting points were passed out by President Strong. The County did a TIF district, and we could apply an Overlay District over their TIF district. This would simplify the process somewhat. 296th to 216th would then be covered. Next steps would be to identify the standards of development we would want to see. Mr. Hayden questioned why we wouldn't do for all of unincorporated Jackson Township. Mr. Culp answered that the corridor along 31 will get developed and likely be different than what we will see in the rest of the township. Mr. Culp stated the county is working to establish that area, our initial thought was to work on aesthetics and as we get the Comp Plan updated we would have a longer-term direction. Mrs. Majors asked how the current owners would feel about coming to the Board more often for something they are doing currently. Would think this would become irksome. Mr. Hayden

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agreed and stated the challenge can you set it up if there is a Land Use change? Discussion ensued on what areas are zoned commercial and impact of changing the zoning from AG. Mr. Thomas would expect or wouldn't be surprised if they had to go before the Board if they sold.

Mr. Massonne referred to the other options. Mr. Thomas asked if there was an option for insuring we could see before we have further details worked out. Discussion ensued on BZA versus Plan Commission review. Mr. Lutz summarized how we get the opportunity to review for aesthetics outside of a request for rezoning. This area would be likely the most probable to see development, let's put it in an overlay district, with development standards to come, then later can add other overlay districts. President Strong stated to create an Overlay District we have to have a public hearing; concern would be, what do we have a good chance to get approved. To do the whole township, concerned we would not get passed and then have no district. Could use Anthony Road expanding the TIF district. Mr. Thomas stated he agreed with Mr. Strong's thinking. President Strong stated setting up meetings to work through the process on development standards. Mr. Lutz questioned timeline and next steps. Mr. Culp explained the process once boundaries are defined. Mr. Culp stated he would like the PC to see criteria before going forward. Discussion on notification process can take several months. President Strong stated he is looking for consensus from the Board on moving forward. Mr. Culp added he sees more than one overlay district in the future within the Township. Group agreed that communication to public was important, so purpose of protecting the Township is utmost as development continues to approach. Mr. Thomas stated water is moving fast on 31 and time is of essence. President Strong added that the Comp Plan upcoming meetings will give a lot of input that can be used. Mr. Culp stated we can come back next month with outline to see if you all like it, discuss tweaks and move to next steps. Discussion ensued on details of plan and process to get those details. Mr. Culp referenced the Solar ordinance as a very detailed/restrictive ordinance compared to current aesthetic review ordinance, finding the right balance is important.

President Strong summarized that he has heard consensus of moving ahead with an Overlay District, knowing it will be a work in progress. Will be early stages of getting a complete overlay district with standards outlined. Discussion on boundaries ensued. Several members felt the added layer of review would be embraced by community. Mr. Schrumpf stated the new McClure station will not look like the present one, a much better facility. President Strong stated any comments or thoughts from the members of the Board to please send to Mr. Zawadzki or himself and we will get together for next meeting. President Strong stated he felt starting with the TIF district was where everyone wanted to go. Mr. Lutz stated he would reserve right to think about it and not be locked in until next meeting. President Strong stated that is why it will be a work in progress. Mr. Thomas stated possibly review landowners outside of TIF to see how many more there would be.

President Strong went to next topic, heard loud and clear that public wanted to be more informed. Town Council taxed MR. Culp, Mr. Zawadzki and I for improving communication to the public. President Strong stated Mr. Culp, Mr. Zawadzki and Jalena have all been instrumental in piecing this together. Currently you can go to the Plan Commission website and the agendas are posted. Taking a step further, when you go to look at those agendas there will be a link to all the information that would be going to the Plan Commission before a meeting, and the same for the BZA meeting information. All documents and photos pertaining to the agenda would be in the link. Looking to start with September meetings. This is a starting point, and adjustments will have to be made. Also looking to use FB and the town website and create an email listserv that the community can register to become a part of to receive information. They would be able to join the listserv and get an email that agendas and then materials are available. Mr. Lutz thanked President Strong for working on this project. Mr. Thomas added Hamilton County does the same thing. Others commented that it was a good thing for the public.

Mr. Lutz asked if the survey was posted on Facebook. Discussion on the status of a Facebook account for the town and potential options for managing. Intent is one clearing house stop for items pertaining to Cicero. Mr. Culp discussed legalities of managing the Facebook accounts. Mr. Smith added recommendations of a common message because of reposting, and more than one administrator. President Strong would look to see if the Town currently had an active Facebook page. Mr. Smith offered his assistance as needed.

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President Strong stated he had one more thing. Handed out information pertaining to Rules and Procedures. President Strong stated we have had Rules and Procedures for quite a while, when Mrs. Majors came on board we provided them to her. Adding that we needed to work on them, updating out of date information. Mr. Culp, Frank, and Jalena have all been working on the updates. President Strong asked everyone to review, provide feedback at or before next meeting with intent to approve changes at next meeting. Mr. Thomas asked about BZA. President Strong stated he thought the BZA document was finalized as well and would go to them the next meeting. Mr. Lutz asked for the documents to be emailed.

Mr. Thomas added one last comment to the Facebook, Sierra or whoever, to review Cicero Chatter/uncensored administrators' guidelines. Mr. Culp discussed regulations and Free Speech, making the page just information. Brief discussion commenced.

Legal Counsel's Report: Mr. Culp shared the home next to the Pocket Park would be demolished, nothing determined to go in that area but decision to demo was made. There was a lot of information stated during the waste transfer station meeting. Mr. Culp stated he wanted to clarify a couple things to set the record straight. One individual claimed that Indiana law would allow a Town Council to overrule a BZA, and that process in place using Westfield or Noblesville as example. Mr. Culp stated that is not true, called both communities to verify that they do not do that. People do not understand the function of the BZA. The BZA exists to be a check on the Town Council and Plan Commission. The TC and PC have broad authority to pass ordinance, as long as it is not illegal. Hard to overturn something that goes through the process. The BZA exists to allow a property owner that has an adverse impact to zoning to abdicate to get a variance. Property owners have property rights by US constitution. Mr. Culp continued explaining that they do not look at 150 opposed, they look at the policy and if the five criteria are met. Our BZA is very disciplined and works very hard. The BZA made it clear prior to tabling the waste transfer station they had issues. Mr. Massonne told them if he had to vote it would be no and why, they would have to prove their case further. It was puzzling why some of the comments were made. The BZA has been doing their job for decades and do not feel the process is broke. Any rule we put in the zoning book can be petitioned for relief. Only a court can overturn the decision made by the BZA. The BZA members can only discuss what is put before them at the BZA hearing. And can not talk about items with each other or public, only Frank or Mr. Culp because they are staff. Mr. Culp stated he felt the members do a very good job and they did a good job with the transfer station. President Strong thanked for the update and explaining the BZA role further to the PC members.

Board Member Comments: Mr. Massonne stated he will not be at the next meeting. Will share ordinance thoughts via email to share with group. Mr. Thomas asked a questioned, do we have to give a reason if we secluded ourselves. Mr. Culp answered their certain things that are disqualifications, financial interest as example. The rest is if you have something that would prevent you from having unbiased opinion or the perception of unbiased opinion by the public. The last is the most common. Example: friend, neighbor etc. You are not required to explain yourself.

Next Planned Plan Commission Meeting:

September 11th, 2024

11. Adjournment: Mr. Schrupf made a motion to adjourn the meeting. Mr. Massonne seconded the motion. All present in favor.

President: _____

Secretary: _____

Date: _____

Location:
Cicero Town Hall

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Director's Report

August 2024

Permit Revenue: August 2024 = \$8,394, YTD: \$40,782

August 2023 = \$5,135 YTD: \$66,900

Difference: Month = +\$3,259 YTD: -\$26,118

We have issued a total of 22 building permits for August of 2024.

16 have been within the corporate limits (of which 4 have been new homes).

We have issued 6 in Jackson Township (of which, 0 has been for a new home).

Estimated Cost of projects permitted \$2,152,535.

Please feel free to email, call or stop by the office anytime.

At your service!

Frank Zawadzki