



**CICERO/JACKSON  
TOWNSHIP  
PLAN COMMISSION**

**Plan Commission Meeting Minutes**

October 9<sup>th</sup>, 2024

Cicero Town Hall

70 N Byron Street

Cicero, IN 46034

**Roll Call of Members**

**Present:**

- Dan Strong
- Wendy Gillespie
- Harrison Massone
- Mark Thomas-late
- Jenna Majors
- Eric Hayden
- Dennis Schrumpf
- Aaron Culp - Legal Counsel
- Frank Zawadzki - Plan Director
- Terri Strong - Recorder

**Absent:**

Chris Lutz-late  
Marc Diller

**1. Declaration of Quorum:**

President Strong declared a quorum for tonight's meeting. Also shared message from Mr. Diller apologizing for missing meeting. In North Carolina for his role with Duke Energy, expressed that he hasn't seen this level of devastation in all the years he has been on the job.

**2. Approval of Minutes:**

Mr. Schrumpf made motion to approve minutes from September 11<sup>th</sup>, 2024, meeting. Mrs. Majors seconded. All present in favor.

**3. Public Comment:**

President Strong announced that this is the time for anyone wanting to address the Board on any topic not on the agenda. No public comment.

President Strong proposed to amend the agenda to address New Business prior to Old business. Mr. Hayden reminded that the Boathouse fencing is part of Old Business. President Strong stated we will do that first before the admin discussions planned on the agenda switching the order.

Mr. Hayden made motion to adjust agenda as proposed. Mr. Massonne seconded. All present in favor.

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## CICERO/JACKSON TOWNSHIP PLAN COMMISSION

#### 4. New Business:

**Petitioner:** Boathouse

**Property Address:** 409 W Jackson Street, Cicero, IN 46034

**Docket#:** PC-1024-06-DC

An Aesthetic Overlay District application has been submitted concerning winter lakeside dining on the property.

Darryl Norris Carmel, IN Attorney for Boathouse Willy -Director of Operations for Boathouse will answer questions. Proposal submitted, William Neiburger Fishers, IN Director of Operations for Boathouse. Proposal is to remove tables in winter and add starting on October 27, igloos, 12 foot diameter igloos. They would be heated with two heaters; one is for back up. The igloos are 7 ½ feet high. We have ordered 9 of them, to supplement winter income. We rely so much on summertime and try to offset labor costs for winter with this option. Past experience with Ocean Prime, this will recreate buzz and have big draw. Mr. Hayden questioned if it was located in existing space. Mr. Neiburger stated that they would be in current spaces for dining. All along the waterfront side, none in the parking lot. Mr. Thomas questioned the proposed months of use. Mr. Neiburger stated weather pending, first weekend of November, which is earlier than he wanted to remove tables, but Taylor Swift weekend provides opportunity. Through the end of March. Typically, April is start of outdoor season. Mrs. Gillispie questioned the igloos go out the tables go in, and when tables go back out igloos will be removed with no overlapping use. Mr. Neiburger stated that it was correct. Mrs. Majors questioned past experience using does the weight of them stay in place with wind gusts etc. Mr. Neiburger stated yes, they would be tacked to the deck, until we get them in place we will adjust. Screwing them to deck is option, sandbags used in the past, they are wrapped being inside. Mrs. Majors expressed concern for safety. Mr. Neiburger explained they are pvc frame and maintenance team is looking at options for securing. Mr. Massonne asked about what type of heat source. Mr. Neiburger stated we have talked about two electric per unit but are concerned about sourcing power, so we have looked at gas generating heaters. Have tested and they work but are loud, so electric is what we want to do. Hopefully a long-time option so stringing electricity will be goal we look to do but for now gas supplement would be our option. Mr. Massonne stated can not speak to what they needs, but electric heaters and flame risk are a concern especially if considering extension cords. Mr. Neiburger stated the fire department was there today to inspect. President Strong stated since you mentioned the fire department, Deputy Chief Smith is here, and we will give him an opportunity to speak. Mrs. Gillispie questioned if stored off site out of season. Mr. Neiburger stated there is another option in use in the area, that has plexiglass and steel frame. Potential is to upgrade in the future, there is lighting inside as well as music. Idea is to theme. President Strong questioned the lighting, what kind and will be using extension cords. Mr. Neiburger stated LED lighting that would match the aesthetics of what we have. Would go through the electric box, solar wasn't powerful enough. Mr. Thomas questioned the music; would it be inside not blasting outside. Mr. Neiburger stated idea is to have customized for each one using speaker inside igloo. If wanted to use their own music they could. Mrs. Gillispie questioned with all the decorations and lights inside, whether the lights are turned off at night. Mr. Neiburger answered yes they are, with the rest of the lighting at the end of day. President Strong questioned if any candles or open flame would be used. Mr. Neiburger stated we currently have no candles and would not anticipate changing that. Mr. Thomas confirmed that it would be in confined to the existing space of seating. Mr. Neiburger stated along the deck area and the outdoor bar area. Mrs. Gillispie questioned not on the hill where there are tables. Mr. Neiburger stated not on the hill, only wood or concrete areas as pictured. President Strong stated in pictures show seven, but presentation stated nine igloos. Mr. Neiburger stated he want to keep on the water side, did get two extras for the swamp area if there is room (where the heater is in the pictures). President Strong explained if intent is for the hill area or parking lot, they then become accessory structures and would have other questions. Mr. Neiburger stated serving the igloos in the parking lot or grass pose other issues where the deck areas do not.

President Strong asked for further questions and welcomed Deputy Chief Smith to the podium.

Deputy Chief Smith gave a handout to the board with questions, stated not aware of the project until today. I did research on fire codes.

Spoke to other jurisdictions for any concerns or problems they may have had. Found them much more common than had been aware of.

Drafted a document with public safety concerns. Biggest concern from other jurisdictions is non-compliance with heaters in the structures. Using extension cords etc., code is very clear that they should only be plugged in directly, not using an extension cord or junction box. This is also how they are tested for safety in the lab. Regarding the temporary lighting, you can use an extension cord, one continuous cord unaltered.

Document reviewed in detailed. General guidelines, igloos must be 10 feet away from open flame or heat producing device with exception of within the fire safety listed. Capacity based on sample: 8 people. Information on fire spread but not fire retardant. No open flame. Only approved electric heaters plugged directly into outlets to be used, no open flame, no propane, no candles. Recommended to the Board to review fire code requirements on open flame for these smaller structures. Ventilation strike comment as people would be going in and out, is there a time restriction. Mr. Neiburger stated that it is the plan, with renting being two hours. Does not see an issue and ventilation

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comment could be stricken from the document. No smoking inside or around the igloo. Cords should be protected from tripping, damage, etc.

Education of staff of evaluation plan. Mr. Hayden questioned the extension cord issue. Deputy Chief Smith restated the information previously stated. Small businesses have seen this to be a concern. Mr. Neiburger questioned whether having two heaters is an issue in case one went down or had issues. Deputy Chief Smith stated no issue, one plugged in and if issue second one was plugged directly in. Mrs. Gillespie with the two hour limit, is this limited not being used for a period after that. Deputy Chief Smith clarified that his concern was that ventilation would be an issue if it was closed up, however with servers coming and going will have enough ventilation. Mr. Neiburger stated even if four hours, there would be servers coming and going with gusts of wind while serving.

President Strong questioned if there was any additional signing planned on being used. Mr. Neiburger stated website or online, there is a lawn sign but do not think anything more would be done on signage. President Strong shared the sign process, a temp sign is allowed for a brief period of time but in going back to previous meetings minutes permanent signage was requested and the stipulations of the motion was "no additional signage would be allowed", petition to the BZA would be needed if more signage was planned. Mr. Norris indicated that meeting signs were considered internal that were private property on the fence. President Strong stated correct but advertising signs for the igloos there would be an approval process for the BZA. Mrs. Gillespie questioned if the one on the parking lot would be removed. Answer was yes. President Strong stated those minutes if needed for review are August 20, 2020. President Strong stated the Plan Director could assist with any sign questions directly, just want to bring it to the attention. Unfortunately, we deal with a lot of things after the fact and want to make sure it is shared in advance.

President Strong asked if any further questions or comments from the Board. This does not require a public hearing.

Mr. Massonne questioned dates that are going to be here, security. Mrs. Majors verified 7 not 9. Mr. Neiburger stated if super busy they would want to come back to add more igloos. Mr. Massonne stated heat would be the other consideration. Discussion on conditions ensued, including either tables or igloos but not both, limit of 9, commit to work with Deputy Chief Smith on conditions for safety, location of deck or outdoor enclosed area.

**Mr. Hayden made the motion to approve PC-1024-06-DC with the following conditions: tables or igloos but not both, limit of 9 igloos in use, location of igloos to be on deck or outdoor enclosed seating area not any grass or parking areas, and commitment to work with Deputy Chief Smith on safety conditions from list provided. Mr. Massonne second.**

**Mrs. Gillespie-approve, Mr. Hayden-approve, Mrs. Majors-approve, Mr. Massonne-approve, Mr. Schruppf-approve, Mr. Strong-approve, Mr. Thomas-approve**

President Strong stated this is approved and work with Deputy Chief Smith on those items discussed and Mr. Zawadzki will have the list of commitments for you.

Record showing that Chris Lutz arrived.

### 5. Old Business:

Boathouse-409 W. Jackson Street- Review of fence from 2023-Aesthetic Review

President Strong asked for petitioner to address this topic.

Darryl Norris Carmel, IN Attorney for Boathouse was here with 2022 when asked for fencing approval. Asking for extension of permit for fencing. Helps for 4<sup>th</sup> of July immensely. A lot of traffic that comes through that is just fishing etc. Wanting approval for another year as we don't know what is going to happen in the area, speculation on bed and breakfast to come along, and with the expense not knowing what is coming for the next year. And if possible to get two years, and if we change to a different structure we would come before the Board. Within two years we would know what would be planned for the hill etc. Don't have knowledge of anything just hear things.

President Strong asked if questions from Board, reminding that they were before the Board in July 2023. Approved for current fence for a year. I appreciate putting a time frame on it. Mrs. Majors questioned the discussion previously was for the area from their docks and the town docks. Noticing in high traffic times this fence was propped up not attached to anything and tape as a temporary measure. Mr. Norris stated he thought that was only a one- or two-day situation. Mrs. Majors expressed concern on whether it is not intended to make a permanent fence in this already approved area. Mr. Zawadzki clarified upon request of President Strong, inspection was done, a permanent fence or even a locked gate would interfere with the fire safety exit plan, so we requested that that gate not be locked. Mrs. Majors is it ok for a temporary gate be propped up by chairs? Deputy Chief Smith stated last discussion was to be a gate but additional signage would be

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needed to indicate not an exit. Mr. Norris stated talking about a permanent fixture and signage. D.C. Smith stated only involved in a gate conversation, if there was one would require more signage. Mr. Norris questioned it seems it would be a logical exit.

D.C. Smith stated it is logical. Discussion ensued that it was only one time and definitely not locked. Mr. Norris agreed that they would not use this type of barrier using a temporary structure in the future.

Mr. Thomas asked if plan is to work on the existing fence to improve the tautness of the fence, as it is, it doesn't look professional. Mr. Norris stated people back into it. Mr. Norris stated he would recommend that it get shored up, give us 30 days or so. President Strong recommended curb stops are in the parking lot and not the grass.

President Strong asked if questions from Board. Discussion on timeline ensued. President Strong stated in response, as mentioned the fence doesn't look to be in good condition currently and what condition would it be in two years from now. Discussion on timeline ensued. Mr. Massonne stated last year it was because of what is coming. Mr. Thomas expressed concern for aesthetics for the area. President Strong stated another option was that the fence be seasonal. Mr. Norris expressed the reason was for the crowds on the fourth. Mr. Massonne expressed his understanding on the initial permit was to have alcohol in the area required a secure area. That is beneficial to you and not just for one day. Mr. Neiburger stated if there is a requirement of a permanent fence for \$40K would need a discussion with Matt. That area doesn't generate revenue to spend that. Discussion ensued on whether area is profitability. Mr. Lutz expressed fixing and giving a year permit would be his thought. Mrs. Majors added the curb stops to be moved.

President Strong stated Mr. Zawadzki would continue to monitor for condition and return in October 2025 for review.

**Mr. Lutz made motion to approve extension of Boathouse fence permit for one year, condition to be monitored by Plan Director and reviewed in October 2025. Mr. Thomas second.**

**Mr. Schrupf-approve, Mr. Hayden-approve, Mr. Thomas-approve, Mr. Lutz-approve, Mrs. Majors-approve, Mr. Massonne-approve, Mrs. Gillespie-approve, Mr. Strong-approve.**

President Strong stated Mr. Zawadzki will have document with commitments for you to sign and 30 days to repair fence as discussed.

**Rules of Procedures-** this document was addressed by President Strong. Mr. Culp stated the biggest change from last month was that when you reclude yourself you do not have to give a reason. Mrs. Majors stated all items discussed were addressed and good job updating.

**Mrs. Majors made motion to approve the Rules of Procedures and allow President to sign. Mrs. Gillispie second. All present in favor.**

### **Overlay District**

President Strong stated from last month moved forward with the Overlay District for Cicero/Jackson Township would be the boundaries of the Hamilton County TIF district. Included is a smaller map of the four TIF districts. There is not a TIF district from past 276<sup>th</sup> to 296<sup>th</sup>. This area if we matched their boundaries, would not be a part of our district. Also discussed was Hamilton County Unified Ordinance, this would give starting points if we wanted to include in our initial standards of the Overlay District. Another option is to do the Overlay District and utilize the current Aesthetics Review for more detail. President Strong asked for thoughts and feedback from members of the Board.

Mrs. Gillispie questioned if including the blue areas on the map would cause issues. President Strong explained no, involves some work to include parcel numbers in the area but not extensive. Mr. Lutz stated it made sense to include. Mr. Thomas agreed. President Strong stated would move forward with current HC TIF districts and add the 276<sup>th</sup> to 296<sup>th</sup> street area. Mr. Culp shared sample document with language that covered the concerns expressed previously concerning zoning. The document stated no changes to current zoning and gave clear intent for the future should development be considered. Nothing in the proposed Overlay District Ordinance indicates a change or willingness to change current zoning. Discussion ensued on public understanding the District is protecting current zoning. President Strong stated it sounds like consensus on boundaries, do we want to include current Hamilton county UDO as part of our standards. Mr. Hayden questioned page 117, but stated it is a good starting point. Mrs. Majors stated she asked for assistance in understanding the construction/building

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style and shared discussion she had with the individual in understanding the UDO. Discussion ensued on some of the examples and setting the standards. President Strong stated comments are for great conversations and discussion as moving forward in setting the standards. Discussion continued with examples of standards that could be set for both sides of buildings. Definition sheet discussed regarding standards/materials. Mrs. Majors shared several items from her discussion, President Strong asked that the list be sent to Mr. Zawadzki. Mrs. Majors agreed to do so. Mr. Hayden expressed concern for agreement of items visible from US 31. Mr. Lutz expressed concern for the look that the “nice” side only be on US 31, with no frontage road requirement makes the neighbors only see a warehouse type view if something were to be approved in the future. Mr. Lutz does not want to delay in getting something in place to protect, even though some details need to be worked out. Mr. Culp added that this document could be used as a placeholder to continue to review before ordinance would be completed, possibly 12 months from now. President Strong added the Comprehensive Plan and detail expected may make many changes necessary. Mrs. Gillispie questioned if someone came in with proposal and didn’t agree, could it be changed. Mr. Culp added whatever rules and standards are in place the day a petitioner comes in, has to be applied. President Strong stated unfortunately if someone came today, we have no oversight. With this we can have discussion. Mr. Culp added that needed to remember there are only a few parcels that are currently zoned Commercial. Otherwise, they would have to come before this Board and the Town Council for a Rezone or Land Use Variance. Based on previous experience that would be a no to a rezone. Mr. Hayden questioned next steps. President Strong stated hearing discussion, modify the template and bring to the December meeting a document with more detail for approval at that time. Brief discussion ensued to ensure everyone was comfortable with the document and understanding it. Mr. Massonne discussed Westfield and 191<sup>st</sup> overlay district. Mr. Thomas questioned if there is a road that is unknown in the plan for the county. President Strong stated could plan for a road even though there is no known plan road. Mr. Thomas suggested planning for both sides. Mr. Hayden expressed area at 116<sup>th</sup> and 69 to be looked at as potential look that is different than Westfield. President Strong asked for everyone to send thoughts and ideas for talking points via email to continue. Mr. Culp expressed timeframe of next week so time to adjust and get into packets for next meeting.

### **(NC) Neighborhood Commercial signs**

President Strong we had discussion last month regarding some inconsistencies on signage along the NC district. Document discussed that was shared tonight regarding signage. Non-conforming signage language discussed relating to any changes that would be made for the future. Not going to be able to go back and change any inconsistencies from the past because they would become Legal Non-Conforming. It would also happen if a petitioner didn’t like a standard they have the right to petition to the BZA to seek a variance. Some signs have been allowed by the BZA to vary from the standard. President Strong is looking for direction where to go from here, especially as relates to pole signs. Mr. Hayden asked what the definition of a pole sign was. Mr. Lutz expressed that we are discussing this because Mr. Hayden was brought up last month as a concern that the current ordinance prohibits us from having nicer signs. President Strong stated we have a lot of materials that can be used for the discussion, however not sure of the direction. Mr. Hayden used Dr. Lewis’s sign as an example of a pole sign, expressing that if the ordinance was worded differently the signs could be dressed up to be nicer. Mr. Schrumpf commented yes there are poles in the ground but only slightly above ground, considers a pole sign as one where the sign is up in the air. President Strong stated in reviewing everything, the bigger issue comes in, his opinion the piece of concern is how it is attached to the ground. In the wording is the whole part of the sign that has to touch the ground or is it the pole height? Discussion ensued on examples. Definitions discussed. President Strong asked the question is do we want to allow pole signs or not allow any pole signs in any area as it is today. Discussion ensued on options and requests. Mr. Hayden stated we (as a town) should guide the people better with options we have. Further discussion on options/examples. Mr. Massonne expressed that the other issue is no landscaping standards with a pole sign. Mr. Schrumpf stated a single pole 15 feet in the air does not belong in town. However, on 31 a monument sign would not be able to be seen. Perhaps we allow but spell out where they are allowed. President Strong stated the packet of information he provided has many options. Mr. Culp questioned while we are updating ordinances, if we explain, short term, further options/looks would that fit what Mr. Hayden is looking for today. Mr. Hayden feel that was part of the breakdown. Mr. Culp stated sometimes we think we understand what they are trying to accomplish. No one is wanting current signs changed. Mr. Lutz stated he thought it was a conscientious effort to prevent pole signs in the past. President Strong stated in 1999, ordinances were amended in 2015, pole and monument signs were added in our ordinances. Prior to 2015 we used the terminology of ground signs. President Strong stated if everyone agrees he felt Mr. Culp’s suggestion had merit. Mr. Lutz stated he knew there was a lot of discussion at that time. Mr. Culp stated there have been many conversations around signage, clutter, number of signs, etc. in the past. Examples used and given of current signs. There is no standard of a pole sign height, the only standard we have is four inches off the ground. This gave an area for green space or landscaping. Mrs. Gillispie asked if requirement of four bushes as example is possible. Mr.

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Culp stated yes could require. President Strong stated a modification of the definitions could be an easy solution. But if everyone is ok with waiting and using Mr. Culp's solution of more user-friendly with clarification of definitions. Mr. Lutz stated he could understand how mixed messages could be relayed. Mr. Thomas questioned the difference between two pages. President Strong stated he used "exhibit" to indicate possible change if everyone wanted to go through the details, trying to be prepared.

6. **Plan Director's Report: Enclosed in your packets.** Mr. Zawadzki highlighted the report for September 2024 as follows: Monthly permit revenue \$5612n with YTD of \$46394 compared to September 2023 of \$5310 and YTD 2023 of \$72210. Difference of +302 for month and decrease of \$25816 for year to date. Issued 20 building permits, 15/0 in town limits and 5/0 in Jackson Township. Estimated cost of projects is \$802555. Mr. Hayden questioned what the 20 permits would include. Mr. Zawadzki stated fences, decks, additions, signs.
7. **President's Report:** President Strong thanked everyone for attending and coming prepared. I appreciate the discussions.
8. **Legal Counsel's Report:** Mr. Culp added the town for the last two weeks the test well drilling has been going on as reported last month. To the east of town and process is ongoing and we haven't seen the results yet. President Strong just finished up one set, waiting on results. Mr. Hayden asked so building may start. Mr. Culp answered that is why the Council put everything on hold, but if water was found today we would be two years out from actually deploy that. Treatment facility would have to be built. Mr. Thomas asked where. Mr. Culp answered parcel east of town, TNT Farms. We are just drilling at this point. President Strong gave an overview of what would happen if water was found and the process. Brief discussion of location for growth.
9. **Board Member Comments:** No comments.
10. **Next Planned Plan Commission Meeting:**  
November 13<sup>th</sup>, 2024
11. **Adjournment:** Mr. Schrupf made motion to adjourn. Mr. Thomas seconded. All present in favor.

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

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

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

Location:

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