



CICERO/JACKSON TOWNSHIP PLAN COMMISSION

Plan Commission Meeting Minutes

December 11th, 2024

Cicero Town Hall

70 N Byron Street

Cicero, IN 46034

President Strong called meeting to order and read letter from Mrs. Majors prior to roll call. Mrs. Majors submitted resignation from C/JT Plan Commission to Robyn Cook and President Strong effective two weeks from December 5, 2024. Letter became part of meeting file.

Ford Hebner announced as replacement representative for Jackson Township as appointed by Mrs. Cook. President Strong thanked Jenna for her contributions and welcomed Mr. Hebner.

Roll Call of Members

Present:

- Dan Strong
- Wendy Gillespie
- Harrison Massonne
- Chris Lutz
- Marc Diller
- Mark Thomas
- Ford Hebner
- Eric Hayden
- Aaron Culp - Legal Counsel available by phone
- Frank Zawadzki - Plan Director
- Terri Strong - Recorder

Absent:

Dennis Schrumpf

Resigned:

Jenna Majors

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

President Strong asked for a motion to adjust agenda to conduct new business prior to old business, as it is discussion of the overlay district.

Mr. Massonne made motion to amend agenda for new business to be conducted before old business. Mrs. Gillispie second. All present in favor.



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Approval of Minutes:

Mr. Lutz made a motion to approve minutes from November 13th, 2024. Mr. Massonne second. All present in favor.

Public Comment:

Ian Heuer 120 N. Peru St. Mr. Heuer addressed board with recent experience regarding changes to R-5 zoning. Property on Bryon St sold after assurances by Mr. Zawadzki, that building a single-family home would not be an issue. Lot is just under .12 acres and now is unbuildable due to recent changes. Buyer informed Mr. Heuer after contacting Mr. Zawadzki that it also did not comply with legal non-conforming. Sale stalled, went to BZA for variance for minimum lot size, approved, but buyers are not sure they would build the house in the required two-year period. Basically, here tonight to ensure you are aware of the situation. There are approximately 30 vacant lot owners that are in same classification as us, if they were to build today they would also have to go through the variance process due to no longer being buildable under new requirements. They were not notified that their lots are not buildable due to the change in R-5 requirements.

President Strong asked if any discussion by board members. Mr. Hayden thanked Mr. Heuer for bringing attention, stated he had driven the changes and would like to see if we can do anything to fix the unintended consequences of the changes. Mr. Lutz agreed and asked Mr. Culp for assistance in how legally we can make sure the people that had lots in place the day of could be grandfathered or exempt.

President Strong asked that this be added to the January meeting agenda. Mr. Culp did not see any issue other than the Overlay District public hearing.

New Business:

Docket# PC-1224-07-DC

Petitioner: Stellhorn Cicero

Property address: 109 W Jackson Street, Cicero, IN 46034

An Aesthetic Overlay District application has been submitted concerning outdoor seating, landscaping, signage & lighting for this property.

President Strong asked for petitioner to approach and explained to Board that this is for Aesthetic Review, the parking and seating had been to the BZA. They did approve outdoor seating and parking modifications. Mr. Zawadzki added landscape lighting, outdoor bar and signage.

JR Fryberger 109 W. Jackson and home address 4020 E. 226th Cicero. Mr. Fryberger summarized the BZA items and here to discuss lighting and signage tonight. Not wanting a lot, three signs, one on front, one on side, moving the entry door to the Byron side for a ramp. Existing plaque place an overlay with logo. Lighting would be can lights and egress lighting over doors, string lights over patio. Those would be shut out at close of business hours. Existing landscaping is being left. Space on side with potential of outdoor bar, seasonally for service. Ideas for the future shared, shipping container bar painted. To be able to be used to serve out of.

President Strong stated prior to opening for discussion, there are numerous renderings in the packet, which most one depicts the one you are proposing. Mr. Fryberger stated the hospital one was indicated, good



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example of the look aiming for. President Strong questioned the raised platform picture. Mr. Fryberger stated that is to show what would like minimum would like approval for. Mr. Hayden mentioned this went to BZA for signage. Mr. Massonne stated he looked, there was no variance for signage at BZA. President Strong stated will look at signage from an aesthetic standpoint. They will need to go back to the BZA if they chose to do the projecting sign that is pictured. Mr. Zawadzki stated correct. Mr. Massonne questioned, projecting not hanging. Mr. Hayden questioned past discussions. Brief discussion on other signs, blade signs. President Strong stated it is one of the things during the Comprehensive Plan, and ordinances we will want to do modifications. This evening, if the board would like, we can approve the look of the sign with contingency of BZA approval on size. Discussion on the distance from the wall is the concern for a variance per definitions of hanging or projecting sign. Exceeding the 18 inches from the façade or side of a building would require a variance. Mr. Massonne expressed concern for the look of this type of sign even though there are others in town. Discussion ensued on this type of sign. Mrs. Gillispie added she liked as a pedestrian being able to look ahead when walking. Mr. Zawadzki added signs were modified to meet ordinance requirements in size. Mr. Hayden asked if awning was considered part of building, 18 in from brick or awning. President Strong stated a projecting sign requires it cannot project beyond 18 inches from the wall it is attached to. Mr. Hayden questioned the square feet requested. Answered 3-3x3 signs. Mr. Zawadzki stated allowed 50 square feet per tenant. Mr. Hayden added signs for store hours, anything on the fence, umbrellas all included in that signage. President Strong added the Board could allow up to 50 square feet to allow for the hours, etc. Brief discussion on consensus of signage.

Mr. Hayden made motion to approve the sign plan with additional amount of signage up to 50 square feet to be reviewed and approved by plan director. Mr. Hebner second.

Mr. Massonne -do not approve, Mr. Lutz-approve, Mr. Diller-approve, Mr. Hayden-approve, Mr. Thomas-approve, Mr. Hebner-approve, Mrs. Gillispie-approve, Mr. Strong-approve 7-1

President Strong stated moving to the outdoor seating area, the current proposal this evening is for permission to do the outdoor bar area sometime in the future and allow you to design without the Board reviewing the design tonight. Is that correct? Mr. Fryberger stated yes, showing tentative design tonight. President Strong questioned the Board if willing to review. Mrs. Gillispie questioned doing both the patio and bar. President Strong explained further asking for review of, but the Board has discretion of not doing both since we would not know what it would look like. Mr. Hebner questioned if the patio was approved by the BZA. President Strong stated yes. Questioned if the bar was part of the variance. Mr. Zawadzki stated a bar with outdoor seating. Questioned Mr. Culp. President Strong relayed to Mr. Culp. Mr. Fryberger withdrew the bar portion.

President Strong recapped what we are reviewing are the items on the drawing including the bar area. Mr. Massonne stated he thinks it looks great with the exception of the container bar. While Austin's look great, do not feel goes with the building and the area, compared to trailer on the Pool parking lot. Mr. Massonne would like to see something that matches your building more, do not feel a container would look good for Cicero. Mr. Lutz stated he had similar thoughts on the container, which picture you are looking at, they are very different. Discussion on which photo. Mrs. Gillispie discussed being painted or not, prefers the painted look and suggested it be a condition to part of a motion. President Strong reminded the Board that in the Overlay



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district any façade facing the street has to be brick, stone, or natural cut materials. On Aesthetic Review, item #G. Other materials could be considered stucco. Was this discussed as it faces Jackson St. Mr. Fryberger stated had not, this part would be very seasonal, looking at simple and behind the trees. President Strong questioned Mr. Zawadzki if it could be classified as an accessory structure. Mr. Zawadzki stated yes; however, an accessory structure should match primary structure in style and design. Should have some of the same aspects. President Strong stated his interpretation then the side facing Jackson St should be brick. Mr. Zawadzki stated per ordinance yes. Mr. Lutz added per Overlay also. Mr. Zawadzki stated the Overlay ordinance as there is not architectural standards for downtown. Mr. Massonne questioned classification of accessory structure. Discussion ensued. President Strong questioned if Mr. Culp is hearing any of the discussion for clarification. President Strong questioned if the bar is a primary structure, or accessory structure. Discussion recapped for Mr. Culp. Described as located west of the patio area towards the alley, yellow on the sheet. Mr. Culp answered it is an accessory structure, standalone structure, not intended to be temporary even if planned to be removed. President Strong questioned since there is no DC standard, is this a latitude the board can have in approval. Mr. Culp answered it is a latitude the Board can impose. AS-03-04 are the standards that apply in this situation. This is a correction from earlier comment of no standard. Mr. Hayden and Mr. Lutz expressed concern for big red box. Mr. Fryberger stated he is open, reference to Red Bridge, not trying to get crazy with it but want to be creative. Mr. Hayden questioned if possible to approve lights, landscape and concept has to come back once a more formal rendering has been determined. President Strong stated that is possible if the board wants. Mr. Fryberger stated not trying to be difficult but trying to make it real easy but doesn't know what more to show. 8x20 box with shelves. Mr. Hayden expressed concern for what the petitioner really wants the project to look like. Mr. Fryberger explained that he is not wanting to get to a permanent structure, strictly to be able to use seasonally for the wait staff. Mr. Hebner stated he didn't get the red connection until Red Bridge was mentioned. President Strong addressed the Board with what is before us. Mr. Thomas questioned single story or adding second story. Mrs. Gillispie stated it is confusing because of pictures with second story. Mr. Fryberger stated have enough patio space, more liability to add second story. President Strong emphasized that this is why trying to narrow down, so we are all on the same page when walking out. Mr. Lutz stated he would recommend palette to be run in front of Frank. Mr. Fryberger stated matched to the red in the mural. Mr. Thomas liked the second floor, could we make this an option? Mr. Lutz stated he would not due to the structure component, keep simple. Mr. Hayden questioned lights and landscaping. Explanation of pictures discussed. Mr. Hebner questioned parking to the west of alley. Mr. Fryberger explained parking options approved by BZA. President Strong questioned the outdoor bar area; would it only be open to the patrons to the east. Mr. Fryberger stated perhaps on the ends as well but not the back side.

Tom Paris 109 Jackson St. 15865 Fire Drive, Westfield home address. Spoke regarding the bar. Mr. Hayden addressed landscaping around the bar. Mr. Fryberger stated a mural or plants around it. President Strong utilized monitor to point out options for adding shrubs to soften the look. Mr. Lutz questioned the fencing. Mr. Fryberger stated it would be tight to the edge of the patio and along Jackson. Discussion of positioning fence with shrubs to soften the look without blocking. President Strong questioned waste receptacle outside. Mr. Paris stated waste would be taken back into the building, other than the bar would have one in it. President Strong reminded that umbrellas with advertising/writing would require variance if exceed ordinance for sign allowance. Mr. Massonne address the winter months and mural or landscaping. Mr. Hayden stated



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he felt it would need both. Mr. Hebner questioned access to the patio. Mr. Fryberger stated the new front is on Byron, door positioning pointed out, with gate positioning as well. President Strong questioned the type of outdoor seating being planned, would assume plastic would not be used. Mr. Fryberger explained aluminum mesh that would stand up to cleaning and wind. Mrs. Gillispie indicated a solid instead of mural would be her preference. Mr. Fryberger expressed that mural with landscaping would get hidden, so solid and landscaping would be what would be done.

Mr. Hayden made motion to approve the plan PC-1224-07-DC for the red container bar with landscaping used to soften the west wall, additional landscaping in the area and lighting as discussed. Mr. Diller second. Mr. Lutz-approve, Mr. Diller-approve, Mr. Thomas-approve, Mr. Hayden-approve, Mr. Hebner-approve, Mrs. Gillispie-approve, Mr. Massonne-approve, Mr. Strong-approve. 8-0

Docket# PC-1224-08-NC

Petitioner: Margaritas Grill

Property address: 150 S Peru Street, Cicero, IN 46034

An Aesthetic Overlay District application has been submitted concerning signage for this property.

Edia Mejia 1400 East Drive Anderson, IN here for new sign. President Strong stated you are going into the former Bien Mexicana restaurant. Mr. Hayden questioned if operating both sides of that section of building. Answer was yes. Mr. Hayden stated there is a true pole sign on the front of that parking lot, does that count towards signage. President Strong and Mr. Zawadzki explained that it has not counted in the past, similar to the retail center where the smaller sign is allowed to be changed out as needed when businesses come and go without coming for Aesthetic Review. Mr. Hayden questioned maximum square footage. Mr. Zawadzki answered 50 square feet, consider this a single tenant in a multi-tenant building. President Strong stated this is an internally lit sign, similar to the others in the strip.

Mr. Hayden made motion to approve PC-1224-08-NC as presented with the understanding the community sign does not count in the square footage and can use total of 50 square foot with approval by Plan Director if smaller signs for hours are needed. Mrs. Gillispie second.

Mr. Hayden-approve, Mr. Hebner-approve, Mr. Diller-approve, Mr. Lutz-approve, Mr. Thomas-approve, Mr. Massonne-approve, Mrs. Gillispie-approve, Mr. Strong-approve

Mr. Thomas questioned if there is a time limit on signage when businesses leave, example Cicero Coffee Company is still on the community sign. Mr. Zawadzki stated yes there is, it should have been down. Spoke to Mr. Steve Holt building owner about removing. To be removed or replaced with durable material. Mr. Hayden questioned could be left blank. President Strong stated this is something we are working on to get cleaned up with abandoned signs per ordinance. Mr. Thomas questioned if he wanted to change, would still be grandfathered. President Strong indicated correct unless wanting to change their sign, then would need to meet current standards.

Old Business:



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Overlay District discussion. President Strong indicated he wanted to go through so next meeting public hearing could be done. Page 1-changes to second paragraph were incorporated. Parcels from 276th and 296th will be added as an addendum before next meeting. Starting with properties used for single family residents-this section was addressed by Mr. Culp with changes to language. Page 118-developmental standards-added the east facing language. Took out minimum 50 feet and went to 100 feet. Suggested taking out the maximum. Side building setback for the undeveloped areas, the bigger buffer was added. Setbacks changed to higher numbers per discussions and other overlay districts. Mr. Lutz questioned how are we defining rear for the setback, thought we determined there were two fronts. President Strong stated there is no frontage road. Mr. Hebner stated it was half-built, groundwork. Mr. Thomas stated that it is the Hamilton Water district project with a 35 feet setback. President Strong explained the goal is to have the front and rear to be the same, since we anticipate having a frontage road at some point. Building height tried to come with a compromise. President Strong indicated stuck with the two-story minimum except with 236th and 31 and 276th and 31 intersections would allow for one story for restaurants or convenience stores. Maximum height of five stories. The maximum height for health care facility is the only other question. Driving US 31 the maximum currently is five stories. Mr. Massonne stated Westfield is 4-6 story limited. President Strong stated can put a limit, shared that the county meetings and soliciting information the fire departments would prefer no more than five stories. Brief discussion ensued. Determined to eliminate the health care exception. President Strong also stated already have a story definition in our book. It is 14 feet. Definition read from the book. Mr. Zawadzki questioned if occupancy was discussed. Mr. Culp added this was a concern from the fire departments. Discussion that this is something that can be added later. Mr. Zawadzki was asked to make a note of it for future. Mr. Hebner questioned what Sheridan and Adams is planning. President Strong stated until the first of the year it was County, and nothing has been shared otherwise. Mr. Lutz added that ours started from the county documents. President Strong explained further that utilizing the County's UDO we are modifying to reflect our minimum standards. Whether Sheridan and Adams Township will utilize or develop their own.

President Strong continued the list regarding the parking garage, adding parking garage can not deviate from the standards. Outdoor storage would be covered under Miscellaneous section J. The Plan Review section was tweaked a bit, come before the Board, prior to issuance of permit would go thru the Overlay Board. Public Work-questioned if roundabouts would be permitted or required. President Strong stated he put as permitted. Mr. Lutz stated he would not hold up the process but would like required. President Strong shared that this requires a public hearing, so we may hear things that we want to change. That would also be an opportunity as you think through the details, to have changes prior to final draft. Orientation was determined that US31 and East elevation would both be determined to be primary facades. This also covered corner lots. Mrs. Gillispie questioned wording. President Strong stated he felt it was a failsafe to list a couple times. Building materials section, number D3-added no one building side would be less than 50% of total 60%. EIFS shall be used only as decorative, accenting, and trim only to enhance appearance. EFIS should not be used as a primary façade material. Exterior Installation Finish System explained as Styrofoam with stucco on top of it. Commonly used in restaurant building fronts. Awnings section added no fabric or retractable awnings shall be allowed on US 31 frontage or primary building façade. Discussion ensued on examples and variance requirements. Item F-accessory structures not to exceed 18 feet in height. Mrs. Gillispie questioned where accessory structures could be allowed. Discussion ensued. Mrs. Gillispie added concern is for people living



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here more than people driving by on 31 side. Reviewing of 31, east, primary side language consistency discussed. Fencing-added walls and fencing should not be in established front yards to US31 and to the east. Rubbish containers-gates and doors can only face north or south.

President Strong added landscaping wording was to capture the discussion on adding landscaping on US 31 side. Adding replacement clause. Also facing east could have softer landscaping with details listed including materials.

President Strong asked if there are any comments or questions.

Mr. Hayden and Mr. Lutz thanked Mr. Strong for spearheading, thanking Mr. Culp and Mr. Zawadzki also.

Mr. Thomas asked if the US 31 overlay committee, it looks like we are definitely going to have one, should we add when needed. Mr. Thomas read the item, and suggested clarification on the timeline. As needed to be added. Mr. Culp stated just replace "shall" with "may" in the wording.

President Strong stated will do another modification, review by Mr. Culp and advertise for public hearing.

President Strong thanked everyone for their participation in creating this first step. Anticipate the public hearing to be at the January 8th meeting.

Plan Director's Report: Mr. Zawadzki summarized the information enclosed in packets as follows: Permit revenue for November 2024 was \$5491, YTD \$58861, November 2023 month revenue \$6614, YTD \$92079 this is a difference for the month of -\$1123 and -\$33218 YTD. I issued 26 permits, 14 in town limits, 0 new homes, additional 12 in township with 0 new homes. Estimated cost of projects associated with the permits was \$960,013. BZA meeting will be the 19th and at Red Bridge. Other news certification as a Trained Individual for Storm Water.

President's Report: President Strong thanked everyone for their participation and attendance. Will need to add to the January agenda the elections of officers, President, Vice-President and Secretary. Do not hesitate to throw your hat into the ring if you have any interest in any of the positions.

Legal Counsel's Report: No report.

Board Member Comments: Mr. Hayden announced he has been council representative for two years and will be resigning to allow another council member to sit on Plan Commission. Clarified not resigning from Town Council just the seat on the PC. Appreciation for the role each play in shaping the town was shared. President Strong thanked Mr. Hayden for his participation and everyone brings a different perspective to the Board, Mr. Hayden will be missed. Mr. Hayden has been a part of the Board for approximately 10 years during his terms. President Strong added he would expect Mr. Hayden would continue to add input as he sees opportunity for the Board.

Next Planned Plan Commission Meeting:

January 8th, 2025

Adjournment: Mr. Massonne made motion to adjourn the meeting. Mr. Thomas second. All present in favor.



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President _____

Secretary _____

Date _____

Location:

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