

# **Cedar Lake Plan Commission**

## **Minutes**

### **March 16, 2011**

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The Cedar Lake Plan Commission held their regular public meeting on March 16, 2011. It was called to order at approximately 7:05 p.m. at the Cedar Lake Town Hall. Those members present were: Diane Cusack, Stacy Brooks, Robert H. Carnahan, John Foreman, Vice President, and Tim Kubiak, President. Also, present were Tim Kuiper of Austgen, Kuiper and Associates; Sandra Bucklew P.E. of Christopher B. Burke Engineering LTD; Ian Nicolini, Town Administrator; and Laurie Wyrick, Recording Secretary. Greg Parker and James Hunley, Members, were not present at tonight's meeting.

- 1. Minutes:** Stacy Brooks moved to approve the Minutes from the February 16, 2011 Plan Commission Public Meeting. Diane Cusack seconded. After a voice vote, the motion carried unanimously.

Diane Cusack moved to approve the minutes from the March 2, 2011 Special Public Meeting. Stacy Brooks seconded. After a voice vote, the motion carried unanimously.

#### **New Business:**

#### **2. Centennial Phase 3 – Final Plat**

Owner/Petitioner: Olthof Homes LLC, 8051 Wicker Avenue, St. John, Indiana

Vicinity: Centennial Subdivision 141<sup>st</sup> Avenue and Parrish Avenue

Request: Final Plat approval for Phase 3

- (1) Town Attorney's Comments: Tim Kuiper stated that this item is in order for tonight's meeting.
- (2) Petitioner's Response: Joe Lenehan was representing Olthof Homes at tonight's meeting. Mr. Lenehan requested final plat approval for Phase 3 of the Centennial subdivision. A Performance Bond has been submitted to the Town and the mylars are ready for signature to be recorded at Lake County and that the Engineering items have been completed. The fence along the railroad, streetlights, and surface course need to be completed; contracts are in place to complete the fence and streetlights are waiting for the appropriate weather to complete. The improvements along 141<sup>st</sup> Avenue will be completed prior to the October 30, 2011 date. The improvements may continue an additional three hundred (300) feet as a way to meet future planning needs.
- (3) Town Engineer's Comments: Sandra Bucklew stated that the Final Plat meets the ordinance requirements and recommends approval. Letter dated March 4, 2011, from CBBEL concerning Centennial Subdivision – Phase 3, recommending an amount of not less than fifty-six thousand five hundred sixty-nine dollars and thirty-five cents (\$56,569.35) for the Performance Bond.
- (4) Building Department's Comments: Ian Nicolini requested a time frame that the five (5) lots would be constructed. Mr. Lenehan responded that the units are three (3) 9-unit buildings and two (2) 12-unit buildings for a total of fifty-one (51) units that will be completed as other units become sold.
- (5) Commission's Discussion: None.
- (6) Commission's Decision: John Foreman moved to approve the Final Plat for Centennial Subdivision Phase 3, as presented with a Performance Bond amount of fifty-six thousand five hundred sixty-nine dollars and thirty-five cents (\$56,569.35). Diane Cusack seconded. After a roll call vote, the motion carried by a vote of 5 to 0.

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**New Business:**

**3. Lighthouse – Site Plan**

Owner/Petitioner: DJ Cedar Lake, 1000 E. 80<sup>th</sup> Avenue, Suite. 700N, Merrillville, Indiana  
Vicinity: 7501 Constitution Avenue  
Request: Site Plan approval

- (1) Town Attorney's Comments: Tim Kuiper stated that the Site Plan can be contingent upon Board of Zoning Appeals and Town Council approvals of the variances for the property.
- (2) Petitioner's Response: Les Dewes was representing DJ Cedar Lake at tonight's meeting. Mr. Dewes stated that the restaurant is planning an addition on the south portion of the building for additional restroom, storage, beverage line space on the first floor and dance floor space on the second floor. Mr. Dewes explained that the variances will be before the Board of Zoning Appeals for approval. The accessory structure can be placed off site if required. The area to the immediate south, owned by Paradise Cove LLC, has a drainage area delineated that can be an assurance of ample area for emergency access.
- (3) Town Engineer's Comments: Letter dated March 16, 2011 from Nies Engineering, concerning Plan Commission Review for Lighthouse at Paradise, Agenda Item 3. Tim Kubiak read the letter verbatim, stating that the Site Plan is in compliance for Plan Commission approval.
- (4) Building Department's Comments: Ian Nicolini stated that a restriction to the PUD Amendment, Item #4 on tonight's agenda, can be added to keep an area of open space to allow for emergency access.
- (5) Commission's Discussion: Tim Kubiak stated that the accessory structure is portable.
- (6) Commission's Decision: John Foreman moved to approve the Site Plan contingent upon Board of Zoning Appeals and Town Council approvals of the variances for the property. Diane Cusack seconded. After a roll call vote, the motion carried by a vote of 5 to 0.

**Public Hearing**

**4. Paradise Cove – Planned Unit Development Amendment**

Owner/Petitioner: Paradise Cove LLC, 1000 E. 80<sup>th</sup> Avenue, Suite 700N, Merrillville, Indiana  
Vicinity: 13800 Lake Shore Drive  
Request: an amendment to the Planned Unit Development

- (1) Town Attorney's Review of Legals: Tim Kuiper stated that the publications and notifications are in order for tonight's public hearing.
- (2) Petitioner's Response: Les Dewes was representing Paradise Cove LLC at tonight's meeting. Les Dewes stated that Paradise Cove LLC was planning to work with DJ Cedar Lake for an area to hold weddings and other outdoor events for the Lighthouse restaurant located on the adjacent property. The site will have live entertainment, dancing, alcohol and dining. The site will originally be completed in sand with a gazebo and change to brick and/or pavers.

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- (3) Town Engineer's Comments: Letter dated March 16, 2011 from Nies Engineering, Inc., concerning Paradise Cove PUD Phase 1 – Amendment to PUD, Agenda Item 4. Tim Kubiak read the letter to the Plan Commission Members. In summation: compliance with the Town's Development Standards is not required for this item.
- (4) Remonstrators: None
- (5) Building Department's Comments: Ian Nicolini stated that Building Department concerns were addressed in the previous agenda item.
- (6) Commission's Discussion: Tim Kubiak questioned fencing of the site planned for events and access. Mr. Dewes responded that the site will be fenced according to state regulations for outdoor alcohol sales and for security and that the access will be from the restaurant as this property will be an extension of the restaurant. Stacy Brooks stated concerns about attaining a liquor license from the State. Tim Kuiper responded that the Petitioner needs to attain local approvals to apply for State approval(s). The Members discussed the need for open space to allow for emergency access to the restaurant on the adjacent property and concerns about the ramifications in the event the property is sold.
- (7) Commission's Recommendation to the Town Council: John Foreman moved to send a Favorable Recommendation to the Town to amend the Planned Unit Development to allow an accessory structure as a primary structure with alcohol sales, alcohol consumption, live entertainment, dining and dancing requesting that a minimum twenty-four (24) foot open space be maintained from the restaurant that is located on the property to the immediate north of this parcel. Diane Cusack seconded. After a roll call vote, the motion carried by a vote of 5 to 0.

**Old Business:**

**5. Union Station - Plat**

Owner/Petitioner: Captiva LLC, 1313 White Hawk Drive, Crown Point, Indiana  
Vicinity: 141<sup>st</sup> Avenue and Parrish Avenue  
Request: Preliminary Plat renewal (expires April 18, 2011)

**Deferred from the February 16, 2011 Public Meeting**

- (1) Town Attorney's Comments: Tim Kuiper stated that this item is before the Plan Commission for review. The property is zoned and the approved plat is desirable for the zoning that has been approved for the site. The Plan Commission can renew the plat for up to twelve (12) months according to Town's Subdivision Ordinance.
- (2) Petitioner's Response: Not present

- (3) Town Engineer's Comments: Sandra Bucklew recommended that the contingencies remain with any approvals that may be granted by the Plan Commission.
- (4) Building Department's Comments: None additional.
- (5) Commission's Discussion: John Foreman inquired to the lack of attendance by the Petitioner. Diane Cusack suggested letting the plat expire. Tim Kubiak stated that the property has several zoning districts and the plat approved for the site is the preferred layout for the existing zoning.
- (6) Commission's Decision: Stacy Brooks moved to approve a six (6) month extension to the preliminary plat retaining all previous contingencies. Robert H. Carnahan seconded. After a roll call vote, the motion carried by a vote of 4 to 1 with John Foreman voting against.

**6. Horvath Communications – Site Plan**

Owner: Town of Cedar Lake, P.O. Box 707, Cedar Lake, Indiana  
Petitioner: Horvath Communications, 123 4<sup>th</sup> Street, Chesterton, Indiana  
Vicinity: 7408 Constitution Avenue  
Request: Site Plan approval

**Deferred from the February 16<sup>th</sup> Public Meeting**  
**Deferred from the March 2<sup>nd</sup> Special Public Meeting**

- (1) Town Attorney's Comments: None
- (2) Petitioner's Response: Richard Riley was representing Horvath Communications at tonight's meeting. Mr. Riley stated that the location was moved towards the center of the site stating a preference for the original site. Mr. Riley stated that the site is approximately forty (40) feet by sixty (60) feet in size and that the tower will be located approximately ten (10) feet outside of the forty (40) feet by forty-five (45) feet fenced in area. The fencing will be board-on-board for security and aesthetic purposes due to the equipment that will be on site. The access will be from the west to reduce any impact to the trees. Pavement will be extended where necessary on site. Robert H. Carnahan questioned the diameter of the pole and locations of the cables. Mr. Riley responded that the ground diameter is approximately fifty-two (52) inches and tapers to thirty-eight (38) inches at the top; all the cables and antennae are inside the pole giving a clean line to the appearance of the tower. Stacy Brooks requested the size of the flag. Mr. Riley stated that the flag size is often in relation to the pole height and can be part of the negotiation with the Town. Diane Cusack questioned the reasoning behind board-on-board fencing as opposed to open vinyl fencing. Mr. Riley responded that the benefits of security and aesthetics for the site require board-on-board screening and the often the carriers are more comfortable with the board-on-board screening. Tim Kubiak requested white vinyl for the board-on-board fencing. Mr. Riley requested that the fencing be wood as to be more of a natural fit to the aesthetics. Tim Kubiak stated concerns about the larger trees in close proximity to the site. Mr. Riley stated that the plans are to maintain as many trees as possible and that the utilities would be researched to reduce the impact.

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- (3) Town Engineer's Comments: Sandra Bucklew stated that the engineer details and grading will need to be consistent with the Town's Subdivision Ordinance requirement and recommends that any approvals be contingent upon final engineering approvals.
- (4) Building Department's Comments: Ian Nicolini stated that Building Department Comments were addressed in the Petitioner's Response.
- (5) Commission's Discussion: Tim Kubiak stated a preference for the original site as less of an impact to the view of the lake. John Foreman stated that the alternate site is a good faith gesture to the residents that live in the neighborhood to the north of the Town property. Tim Kubiak stated that the Plan Commission would be putting the needs of a few residents over the needs of the remaining residents of the Town which could be considered poor planning. Diane Cusack suggested that the site be moved slightly to reduce the impact to the trees. Tim Kuiper stated that the approval could allow a twenty (20) foot leeway to the location to reduce impact to the trees.
- (6) Commission's Decision: John Foreman moved to continue this item to a Special Public Meeting to be held immediately following the Work Session on April 6, 2011. Diane Cusack seconded. After a roll call vote, the motion carried by a vote of 5 to 0.

**Update Items:**

- A. T&J Landscaping Site Plan – update.
- B. Krystal Oaks Bond – update.
- C. Lynnsway Subdivision – information.
- D. Turnquist Site Plan – update.
- E. Woods of Cedar Creek Bond – update.

**Correspondence:** None

**Public Comment:**

- A. Yvonne Taves, Dewey Street, stated a preference for the original site and that the amount of persons not in attendance against the proposed wireless towers says more about the item than the few residents in attendance; and that the original site does not interfere with the view as much as the secondary site.
- B. Gordon Dickson, W. 132<sup>nd</sup> Place, stated concerns about health related issues and that the Summerfest Committee has changed their approval to a veto against the proposed wireless communication tower.
- C. Sharon Zunica, W. 135<sup>th</sup> Place, stated an agreement with Tim Kubiak to keep the wireless tower at the originally proposed site as smart planning on the part of the Plan Commission.

**Adjournment:** 8:20 p.m.  
Tim Kubiak adjourned the meeting.

**Press Session:** None

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James Hunley

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Greg Parker

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Diane Cusack

John Foreman, Vice President

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Robert H. Carnahan

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Tim Kubiak, President

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Stacy Brooks

Attest: \_\_\_\_\_  
Laurie Wyrick, Recording Secretary