

Cedar Lake Plan Commission
Public Meeting – Minutes
October 19, 2011

The Cedar Lake Plan Commission held their Public Meeting on October 19, 2011. It was called to order at approximately 7:04 p.m. at the Cedar Lake Town Hall. Those Members present were: Diane Cusack, Greg Parker, Robert H. Carnahan, Stacy Brooks, James Hunley, John Foreman, Vice President, and Tim Kubiak, President. Don Oliphant of Christopher B. Burke Engineering LTD, Ian Nicolini, Town Administrator; Attorney Tim Kuiper of Austgen, Kuiper & Associates, and Jenn Montgomery, Recording Secretary were also present.

1. **Minutes:** Greg Parker moved to accept the Minutes from the September 21, 2011 Public Meeting. Diane Cusack seconded. Motion carried.

New Business:

1. Union Station – Rezone

Owner: Philip C. Rietvelt Trust
Vicinity: 141st Avenue and Parrish Avenue
Request: by Town to return zoning to A-1

- (1) Attorney's Comments: Attorney Tim Kuiper stated the publications for this item are in order. However, the notices to the property owner and adjacent property owners were not sent out in time, as they were sent out nine (9) days before the hearing, and ten (10) days are required. Attorney Kuiper requested that this item be deferred to the November 16, 2011 Public Meeting so that notices could be properly sent out.
- (2) Owner's Comments: None.
- (3) Remonstrators: None.
- (4) Town Engineer's Comments: None.
- (5) Building Department's Comments: None.
- (6) Commission's Discussion: None.
- (7) Commission's Decision: Bob Carnahan moved to defer this item to November 16, 2011. Greg Parker seconded. After a voice vote, the motion carried unanimously.

2. Strack & Van Til – Site Plan Approval

Owner: SVT, LLC, 2244 45th Street, Highland, Indiana
Vicinity: 9704 Lincoln Plaza, Cedar Lake, Indiana
Request: Site Plan Approval

- (1) Owner's Comments: Attorney Glenn Patterson was present at tonight's meeting to request changes to the Strack & Van Til site plan. Minor differences have been made, which include the addition of a concrete slab on the west wall of the hardware store and the NIPSCO pole by the hardware store being moved. A traffic barrier will also be installed between Strack & Van Til and South Shore Pizza. Attorney Patterson stated that the parking area has been redesigned at the Hanover Township Trustee's office to prevent backing out onto the access drive. This has been done at the request of the Trustee. There were also changes to the lighting plan, and a photometric plan was submitted to the Plan Commission. Attorney Patterson stated there were some slight dimension changes and a landscape plan was also submitted.
- (2) Town Engineer's Comments: Don Oliphant stated the changes are minor from the July approval.
- (3) Building Department's Comments: Ian Nicolini stated the changes are straightforward. Mr. Nicolini asked the property owners of the hardware store if the changes are okay with them. The owners stated they are satisfied with the site plan.
- (4) Commission's Discussion: Bob Carnahan inquired if any yield or stop signs will be put in near Broadway and the access road to avoid potential accidents. Discussion occurred regarding whether or not a stop sign should be installed and who should put it in. It was indicated that Cedar Lake Police would not have any enforcement power for traffic in the area unless a stop or yield sign is installed. Glenn Patterson stated that this is more of a plat issue, not a site plan issue and that they are more than willing to work on it for the preliminary plat next month. John Foreman asked about the concrete barrier along the hardware store. Glenn Patterson stated that it is not a barrier, but a slab that is intended to be an outdoor sales area for the hardware store.

- (5) Commission's Decision: John Foreman moved to approve the site plan, landscaping and lighting plan, and to authorize the issuance of a demolition permit for the site. Greg Parker confirmed that the owners of True Value are also ok with the demolition permit, to which they said yes. Greg Parker seconded. After a roll call vote, the motion carried 7-0.

2a. Strack & Van Til – Preliminary Plat Approval

Owner: SVT, LLC, 2244 45th Street, Highland, Indiana
Vicinity: 9704 Lincoln Plaza, Cedar Lake, Indiana
Request: Preliminary Plat Approval

To be heard at the November 16, 2011 Public Meeting.

3. Franciscan Friary – Site Plan

Owner: Franciscan Friars ABVM Province, Inc., 9230 Highland Park Ave, Franklin, Wisconsin
Vicinity: 12915 Parrish Avenue, Cedar Lake, Indiana
Request: Site Plan Approval

- (1) Owner's Comments: See Building Department's Comments.
- (2) Remonstrators: Michael Licina of 12716 Marsh Landing Parkway inquired if those are the only changes to the property and what did the Commission mean by subdivision. Ian Nicolini explained that it would be a one (1) lot subdivision to combine the three (3) existing parcels that the Friary owns. Tim Kuiper stated that the Friary is only going through this process to become compliant with the current Zoning Ordinance.
- (3) Town Engineer's Comments: None.
- (4) Building Department's Comments: Ian Nicolini stated the plans are fairly straightforward, as was discussed at the work session two (2) weeks ago. The upper house and one (1) garage will be demolished and one (1) garage will be relocated to the lower house. The northern entrance will be taken out and gravel and grass will be put in its place. The existing southern driveway will be widened to accommodate emergency traffic. It's a non-compliant use for the residential (R-1) zoning district, and given the fact that the buildings are being altered, we just want to clean everything up to make it compliant with the current ordinance. Mr. Nicolini stated that the Friary will be going in front of the Board of Zoning Appeals on October 20, 2011 for their variance of use to operate a friary in the zoning district. Mr. Nicolini recommended the Plan Commission take favorable action tonight and that demolition work be authorized once requisite permits are received, waive technical requirements of the subdivision ordinance so that they can submit a combined preliminary and final plat and waive technical requirements for the plat.
- (5) Commission's Discussion:
- (6) Commission's Decision: John Foreman moved to approve the site plan and to waive the technical requirements of the subdivision control ordinance and also to direct staff to issue necessary permits for demolition. After a roll call vote, the motion carried 7-0.

4. Centennial Phase 1 – Performance Bond

Owner/Petitioner: Olthof Homes, 8501 Wicker Avenue, St. John, Indiana
Vicinity: Centennial Subdivision
Request: Phase 1 – Performance Bond Renewal (expires November 18, 2011)

- (1) Petitioner's Comments: Not present.
- (2) Town Engineer's Comments:
- (3) Building Department's Comments: Ian Nicolini stated that he has spoken with Joe Lenehan and that they have contracted with Rieth-Riley to do the paving work on 141st Avenue and the work is underway. Mr. Nicolini stated that he believes that the bond is auto-renewing. Because the meeting is before the bond expires, the Commission can defer this item to next month's meeting.
- (4) Commission's Discussion: None.
- (5) Commission's Decision: Bob Carnahan moved to defer this item to the November 16, 2011 Public Meeting. Jim Hunley seconded. After a voice vote, the motion carried unanimously.

5. Lighthouse – Performance Bond

Owner/Petitioner: Paradise Cove LLC, 1000 E. 80th Avenue, Suite 700N, Merrillville, Indiana
Vicinity: 7501 Constitution Avenue, Cedar Lake, Indiana
Request: Performance Bond Renewal (expires November 4, 2011)

- (1) Petitioner's Comments: Not present.
- (2) Town Engineer's Comments: Don Oliphant stated that he is not aware of any improvements that they are planning on doing.
- (3) Building Department's Comments: Ian Nicolini stated that he believes this bond is also auto-renewing.
- (4) Commission's Discussion: Discussion occurred regarding installing a second access to the parking lot. Attorney Tim Kuiper stated the Plan Commission should hold a Special Public Meeting on November 2, 2011 if the bond needs to be renewed.
- (5) Commission's Decision: Bob Carnahan moved to hold a Special Public Meeting on November 2, 2011 if needed and if the bond is auto-renewing, moved to accept the bond renewal. Diane Cusack seconded. After a voice vote, the motion carried unanimously.

Other Business

- A. United Emergency Medical Services – Special Use Application. Ian stated that this item was discussed at the work session as well. According to the zoning ordinance, all special use variance requests must have a recommendation from the Plan Commission. Tim Kubiak stated he only wants to see the property used as an ambulance service and that there are some kind of guidelines to follow, as the property is so large and has the potential for something to go wrong. Attorney Tim Kuiper stated that Mr. Kubiak may voice these concerns at the Board of Zoning Appeals on behalf of the Plan Commission. Discussion occurred regarding businesses opening up without going through the proper process and the fact that United EMS has done this twice where they began running their business without proper consent. The Commission sent a favorable recommendation to the Board of Zoning Appeals contingent upon only one (1) use and information regarding what buildings are being occupied.
- B. Tastee Top Grill – Storage Shed Request. No information. Remove from agenda.
- C. Ordinance Items – Discussion occurred regarding fences on corner lots and regarding designating one side of a corner lot as a front yard in order to allow fencing. Tim Kubiak stated that he was opposed to allowing fences on corner lots in subdivisions that are serviced by sidewalks. Discussion occurred about fences on corner lots and the vision triangle. After much discussion, Bob Carnahan moved to defer this item to the November meeting and to make it an agenda item.
- D. T&J Landscaping – Site Plan Status.
- E. Krystal Oaks Bond – Update.
- F. Turnquist – Site Plan Update. John Foreman stated that Don Oliphant agreed with the previous town engineer about having the east drainage easement being brought back to normal. Without proper calculations and prior to the new tenant taking occupancy, John Foreman stated he would like to move forward with letting Mr. McAllister putting an elbow in the pipe going to the new grotto on the south side of the building and then getting an engineering study done. Discussion occurred whether or not to move forward or waiting until the landowner remedies the existing engineering issues. Mr. Turnquist stated that the old Town Engineer's comments were about the fact that it was a blind connection. Don Oliphant stated that the pipe was moved. The bigger issue was restoring the drainage easement. If they don't want to restore it fully and just put in a pipe, calculations would need to be. A final recommendation was made to make the necessary calculations and decide whether or not to put in a new pipe.

Correspondence: None.

Public Comment: Patsy King Cassasa of 14227 King Drive stated she appreciated the information regarding fences on corner lots, as she does live on a corner lot, but is not serviced by sidewalks.

Adjournment: The Work Session adjourned at approximately 8:17 p.m.

Press Session: None.

James Hunley




Diane Cusack

Stacy Brooks




Robert H. Carnahan

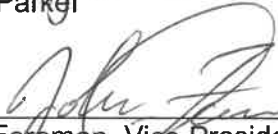
Attest:



Jenn Montgomery, Recording Secretary



Greg Parker



John Foreman, Vice President

Tim Kubiak, President