

Cedar Lake Plan Commission Public Meeting – Draft Minutes January 18, 2012

The Cedar Lake Plan Commission held their regular Public Meeting on January 18, 2012. It was called to order at approximately 7:02 p.m. at the Cedar Lake Town Hall. Those members present were Diane Cusack, Dennis Wilkening, Greg Parker, Robert H. Carnahan and John Foreman, Vice 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. Member Stacy Brooks and Tim Kubiak, President, were not present at tonight's meeting.

Election of Officers:

- A. President:** Greg Parker moved to elect Tim Kubiak as Plan Commission President. Dennis Wilkening seconded. After a voice vote, the motion carried unanimously.
- B. Vice President:** Greg Parker moved to elect John Foreman as Plan Commission Vice President. Diane Cusack seconded. After a voice vote, the motion carried unanimously.

Retention of Services:

- A. Legal Services:** Greg Parker moved to retain Austgen, Kuiper & Associates as the Plan Commission's legal services. Diane Cusack seconded. After a voice vote, the motion carried unanimously.
- B. Engineering Services:** Greg Parker moved to retain Christopher B Burke Engineering, Ltd. as the Plan Commission's engineering services. Diane Cusack seconded. After a voice vote, the motion carried unanimously.

Appointments:

- A. Board of Zoning Appeals:** Greg Parker moved to appoint Diane Cusack to the Board of Zoning Appeals. Dennis Wilkening seconded. After a voice vote, the motion carried unanimously.

- 1. Minutes:** Greg Parker moved to approve the minutes from the December 21, 2011 Public Meeting. Diane Cusack seconded. After a voice vote, the motion carried unanimously.

New Business:

1. CVS – Final Plat Approval

Owner: Wornhoff Family Trust, 11113 W 133rd Avenue, Cedar Lake, Indiana; and
John Schutz, 11009 W 133rd Avenue, Cedar Lake, Indiana; and
Heidi Mees-Duncan, PO Box 587, Cedar Lake, Indiana

Petitioner: GB Indiana 2, LLC, 600 E 96th Street, Suite 150, Indianapolis, Indiana

Vicinity: 11113 W 133rd Avenue, Cedar Lake, Indiana; and
11105 W 133rd Avenue, Cedar Lake, Indiana; and
11109 W 133rd Avenue, Cedar Lake, Indiana; and
13311 Wicker Avenue, Cedar Lake, Indiana
(Southeast corner of 133rd Avenue/US 41)

Request: Final Plat Approval

- (1) Petitioner's Comments:** Jeff Ban was present at tonight's meeting to represent CVS and to request Final Plat approval. Mr. Ban stated that they have addressed multiple items that were brought up at the last meeting, including fire safety. A well will be installed until such time that the water main will be extended to 133rd Avenue and US 41.

- (2) Town Engineer's Comments: Don Oliphant stated that a letter went out this afternoon regarding water quality for the proposed well and an addition to the O&M plan. Both documents were received this afternoon and will be reviewed. Don Oliphant stated that these do not affect the site plan.
- (3) Building Department's Comments: Ian Nicolini asked Jeff Ban if the address will be included on the Mylar. Mr. Ban responded yes.
- (4) Commission's Discussion: Bob Carnahan inquired if INDOT permit has been approved for the entrance on US 41. Jeff Ban stated that it has not, so any approval should be contingent upon that. Dennis Wilkening asked if the exit to 133rd Avenue is eastbound only. Jeff Ban responded that it will be a full service entrance/exit.
- (5) Commission's Decision: Greg Parker moved to approve the Final Plat, contingent on INDOT and engineering approvals given before a building permit is obtained. Dennis Wilkening seconded. After a roll call vote, the motion carried 5-0.

2. Midwest PGM – Preliminary Plat Approval

Owner: Industrial Drive Properties, LLC, 11363 W 135th Place, Cedar Lake, Indiana
Petitioner: Richard Thiel & Jorge Rangel, 11363 W 135th Place, Cedar Lake, Indiana
Vicinity: 10501-9 W 133rd Avenue
Request: Preliminary Plat Approval

- (1) Town Attorney's Comments: Attorney Tim Kuiper stated the notices and publications are in order for tonight's hearing.
- (2) Petitioner's Comments: Jeff Ban was present for tonight's hearing on behalf of Midwest PGM to request Preliminary Plat approval. Mr. Ban stated that all items have been addressed. Mr. Ban stated that he has spoken with the Lake County Recorder and Auditor, and that it is easier for the Resubdivision to be labeled as Lot 1, rather than keep the lots as they are. Mr. Ban stated that after speaking with County, this is the way it has always been done, and they requested to rename the lot to Lot 1. It was also noted that the easement vacations will be recorded on the plat, and will not have to go through the Town Council, as they are just easements, not public ways.
- (3) Town Engineer's Comments: Don Oliphant stated there is just one (1) outstanding comment regarding the O&M Plan.
- (4) Remonstrators: None.
- (5) Building Department's Comments: Ian Nicolini stated that by resubdividing and renaming Lot 1, it will help establish an individual address for this location, which helps with mailing and also with emergency response.
- (6) Commission's Discussion: John Foreman clarified that the resubdivision will consist of just one (1) lot. Bob Carnahan indicated that Midwest PGM was on the cover of Indiana Business magazine.
- (7) Commission's Decision: Greg Parker moved to approve the preliminary plat, contingent on engineering approval. Diane Cusack seconded. After a roll call vote, the motion carried 5-0.

3. Lighthouse – Site Plan Approval

Owner/Petitioner: DJ Cedar Lake, 1000 E 80th Place, Ste 700N, Merrillville, Indiana

Vicinity: 7501 Constitution Avenue

Request: Site Plan Approval

- (1) Petitioner's Comments: Les Dewes was present at tonight's meeting requesting site plan approval for a proposed outdoor kitchen area by the patio on the north side of the building. Mr. Dewes explained that the kitchen will be moved from the original seven (7) feet to approximately four (4) feet off the north property line.
- (2) Town Engineer's Comments: None.
- (3) Building Department's Comments: Ian Nicolini stated that DJ Cedar Lake will be applying for a variance to present to the Board of Zoning Appeals in February for the setbacks, so the Plan Commission should make any approval contingent upon BZA approval. It was also recommended that they could make a recommendation to the Board. Ian also inquired about previous talks about a barrier at the end of Constitution Avenue and what the status of that is. Les Dewes stated that they can install additional, larger boulders or may install lighted bollards.
- (4) Commission's Discussion: John Foreman asked if it would be possible to move the kitchen even closer to the property line in order to provide a better view to the lake and gazebo. After discussion, it doesn't seem possible to move it more north, as the roof overhangs would cross the property line. Les Dewes stated he would address this issue and possibly make some changes to the north side of the building. Greg Parker inquired about the gate on the north side of Paradise Cove. Currently, the gate is locked, so no residents can use this entrance. However, when there is heavy participation, it may be easier for residents to use this way to enter and exit their neighborhood. Mr. Parker asked if Mr. Dewes has heard anything back about obtaining access to this gate. Les Dewes stated he relayed the message to Paradise Cove, but has yet to hear anything back from them. Mr. Dewes made note that this site plan approval is a request of DJ Cedar Lake, not Paradise Cove.
- (5) Commission's Decision: Greg Parker moved to defer this item to a Special Public Meeting on February 1, 2012. Dennis Wilkening seconded. After a voice vote, the motion carried unanimously.

4. Centennial Phase 3 – Performance Bond Renewal

Owner/Petitioner: Olthof Homes, 8501 Wicker Avenue, St. John, Indiana

Vicinity: Centennial Subdivision

Request: Phase 3 – Performance Bond Renewal (expires March 16, 2012)

- (1) Petitioner's Comments: Joe Lenehan provided a letter dated January 12, 2012 requesting release of Phases 1 & 3 Bond and Phase 2 letter of credit.
- (2) Town Engineer's Comments: Don Oliphant stated that based on inspections, all the public infrastructure punch-list items have been completed. A letter is being drafted for

the maintenance bond, and if everything is addressed by March 16, 2012, then this bond should not have to be renewed, just transferred to a maintenance bond.

- (3) Building Department's Comments: Ian Nicolini confirmed that all the improvements have been done.
- (4) Commission's Discussion: Attorney Tim Kuiper stated that a motion tonight can release Phases 1-3 once a maintenance letter has been received to equal ten percent (10%) of the three phases. By doing this, the Commission will not have to address this issue again.
- (5) Commission's Decision: Greg Parker moved to release Phases 1-3, contingent upon all inspections are passed and comments are addressed, and a maintenance letter is received. Diane Cusack seconded. After a roll call vote, the motion carried 5-0.

Other 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

Continued from December 21, 2011 Public Meeting.

- (1) Town Attorney's Comments: Attorney Tim Kuiper stated that this item was properly continued from last month's hearing. A packet was given to the Commission by the Owner's attorney for review. Due to the Owner's attorney's schedule, a request was submitted asking to continue this item to next month.
- (2) Commission's Decision: Greg Parker moved to continue this hearing to the February 15, 2012 Public Meeting. Dennis Wilkening seconded. After a voice vote, the motion carried unanimously.

Update Items

- A. Ordinance Items – Fence Regulations. No new information.
- B. T&J Landscaping – Site Plan Status. Ian Nicolini stated that T&J Landscaping is looking to acquire additional property for the site and the project is moving forward, just slower than they expected.
- C. Turnquist – Site Plan Update. Greg Parker indicated that Mr. Turnquist is still working with the engineer. Greg Parker moved to grant another ninety (90) day extension for the site plan. Diane Cusack seconded. After a voice vote, the motion carried unanimously.

Correspondence: None.

Public Comment: Bob Carnahan stated that Project Love Food Pantry at Cedar Lake United Methodist Church is in the worst shape it's been in due to so many families coming for help. Any donations would be greatly appreciated.

Adjournment: The meeting was adjourned approximately 7:43 p.m.

Press Session: None.

Dennis Wilkening

Greg Parker

Diane Cusack

John Foreman, Vice President

Stacy Brooks

Tim Kubiak, President

Robert H. Carnahan

Attest: _____
Jenn Montgomery, Recording Secretary