

# **Cedar Lake Plan Commission**

## **Public Meeting**

### **March 21, 2012**

The Cedar Lake Plan Commission held their regular Public Meeting on March 21, 2012. It was called to order at approximately 7:04 p.m. at the Cedar Lake Town Hall. Those members present were Diane Cusack, Dennis Wilkening, Stacy Brooks, Greg Parker, Robert H. Carnahan, John Foreman, Vice President, and Tim Kubiak, President. Attorney David Austgen of Austgen, Kuiper & Associates, Don Oliphant of Christopher B. Burke Engineering, Ltd, Ian Nicolini, Town Administrator, and Jenn Montgomery, Recording Secretary, were also present.

- 1. Minutes:** Dennis Wilkening moved to approve the minutes of the February 15, 2012 Public Meeting. Stacy Brooks seconded. After a voice vote, the motion carried 7-0. Greg Parker moved to approve the minutes of the March 7, 2012 Special Public Meeting. After a voice vote, the motion carried 7-0.

#### **New Business**

##### **1. Prater – Preliminary Plat Approval**

Owner/Petitioner: Edgar & Penelope Prater, 9710 W 125<sup>th</sup> Avenue, Cedar Lake, Indiana  
Vicinity: 9710 W 125<sup>th</sup> Avenue  
Request: Preliminary Plat Approval

*Continued from February 15, 2012 Public Meeting.*

*Continued from March 7, 2012 Special Public Meeting.*

- (1) Attorney's Comments: Attorney David Austgen stated that this is being platted as a subdivision and needs to follow the rules of a subdivision, even if there will only be two (2) homes within the subdivision. Attorney Austgen also stated that any interested parties, be it the engineer or neighbors, have the right to fundamental fairness, meaning that they have a right to review these plans before a decision is made. This is not possible because the plans were just submitted before the end of day today.
- (2) Petitioner's Comments: Ed Prater and his son, Dan Prater, were present at tonight's meeting to request preliminary plat approval. Mr. Prater stated that the surveyor submitted a new plat with the recommended revisions to the Town and to the Town Engineer today. Mr. Prater stated that all comments have been addressed.
- (3) Town Engineer's Comments: Don Oliphant stated he received the revised plat at 4:15 p.m. today and that his office has not had a chance to review the plans. Mr. Oliphant stated that there have been several remonstrators who have stated concerns about drainage, so they have been taking a close look at those concerns. Discussion occurred regarding grade and possible changes to the grade. That information needs to be stated on the plat.
- (4) Remonstrators: Larry Dotson of 12516 Parrish Avenue was present at tonight's meeting stating concerns of drainage. Mr. Dotson also stated concerns of the risk of accidents due to the curve in the road, which he stated is several per year in the area. Don Oliphant stated that what Mr. Dotson is concerned about is exactly what they are trying to avoid and why they are putting so much time into this review.
- (5) Building Department's Comments: Ian Nicolini stated that several residents attended the Board of Zoning Appeals meeting last week and stated concerns about the placement of the driveway and the safety of traffic around the curve on Parrish Avenue. Mr. Nicolini

also stated that the building department has the same concerns as the Town Engineer, but that no one has had time to review the plans, as they were submitted at the end of day today.

- (6) Commission's Discussion: Tim Kubiak stated that there are several concerns about drainage. This discussion included drainage concerns from installing a driveway in the proposed location. Discussion occurred regarding the possibility of moving the entrance to the property to the north off 125<sup>th</sup> Avenue. Discussion occurred regarding the risk of accidents in the area of 125<sup>th</sup> and Parrish Avenues. Discussion occurred about the safety of the driveway on a curve. Although there are many accidents in that area of Parrish Avenue, the location of the driveway is not in a blind spot, and the vision from the driveway is safe from both ends of the curve.
- (7) Commission's Decision: Greg Parker moved to defer the item to a Special Public Meeting on April 4, 2012. Diane Cusack seconded. After a voice vote, the motion carried 7-0.

## **2. Cedar Lake Ministries – PUD Amendments**

Owner/Petitioner: Cedar Lake Ministries, PO Box 665, Cedar Lake, Indiana

Vicinity: 13701 Lauerman

Request: PUD Amendments – road change and subdivision of Lot 75

- (1) Petitioner's Comments: Sanusi Mutuwa was present at tonight's meeting to discuss a proposed road change and lot subdivision in Cedar Lake Ministries. Rick Thompson, owner of Lot 75, was also present. Mr. Mutuwa stated that they would like to straighten the road by about four (4) feet, as it would be better for parking in the area and the road may not deteriorate as much without a curve in it. Cedar Lake Ministries also proposed the subdivision of Lot 75, to make it into two (2) buildable lots, one of which already has a home on it.
- (2) Town Engineer's Comments:
- (3) Building Department's Comments: Town Administrator Ian Nicolini stated that because these changes are being made to a Planned Unit Development (PUD), the Plan Commission may decide whether or not these changes are substantial. If they are deemed substantial, then Cedar Lake Ministries would need to take the requisite steps to proceed with a Public Hearing. If they are not considered substantial, then the Plan Commission may take action on these changes tonight.
- (4) Commission's Discussion: Discussion occurred regarding the process that would need to be taken if these changes are considered substantial. Tim Kubiak stated concerns about the drainage and road conditions in the area where the subdivision will take place. Discussion occurred indicating that these changes don't seem substantial, but that if they want to continue to subdivide the larger lots in the PUD, then they would have to take the steps to go through a public hearing. Discussion occurred regarding the cul-de-sac that would be put in by Lot 75. Larry Spender of Cedar Lake Ministries stated that a square cul-de-sac will be installed in order to allow a fire truck to get back to the homes in that area and still be able to turn around. This was done on the request of the Cedar Lake Fire Department. Discussion occurred regarding obtaining a new mylar, as there will be changes to the lots, legal description, etc.

- (5) Commission's Decision: John Foreman moved to approve the amendments, contingent upon engineering approval with the building permit. Greg Parker seconded. After a roll call vote, the motion carried 7-0. Greg Parker moved to authorize signatures by the proper officers to the amended Mylar. Stacy Brooks seconded. After a voice vote, the motion carried 7-0.

### **3. CVS – Final Plat of Correction**

Owner: Wornhoff Family Trust, 11113 W 133<sup>rd</sup> Avenue, Cedar Lake, Indiana; and  
John Schutz, 11009 W 133<sup>rd</sup> Avenue, Cedar Lake, Indiana; and  
Heidi Mees-Duncan, PO Box 587, Cedar Lake, Indiana  
Petitioner: GB Indiana 2, LLC, 600 E 96<sup>th</sup> Street, Suite 150, Indianapolis, Indiana  
Vicinity: 11113 W 133<sup>rd</sup> Avenue, Cedar Lake, Indiana; and  
11105 W 133<sup>rd</sup> Avenue, Cedar Lake, Indiana; and  
11109 W 133<sup>rd</sup> Avenue, Cedar Lake, Indiana; and  
13311 Wicker Avenue, Cedar Lake, Indiana  
(Southeast corner of 133<sup>rd</sup> Ave/US 41)  
Request: Final Plat of Correction Approval

- (1) Petitioner's Comments: Not Present.
- (2) Town Engineer's Comments: None.
- (3) Building Department's Comments: Ian Nicolini stated that there was a gap in the legal description on the eastern side of the property line. This correction addresses the missing/lost legal description. This change will allow the Petitioner to close the property and move forward with the development.
- (4) Commission's Discussion: Discussion occurred regarding the lost legal description. The corrected plat incorporates the missing area into the legal description.
- (5) Commission's Decision: Greg Parker moved to approve the final plat of correction. Dennis Wilkening seconded. After a roll call vote, the motion carried 7-0.

### **4. Centennial – Phase 4 Final Plat**

Owner/Petitioner: Olthof Homes, 8051 Wicker Avenue, Suite A, St. John, Indiana  
Vicinity: Centennial Subdivision  
Request: Phase 4 Final Plat Approval

- (1) Petitioner's Comments: Joe Lenehan was present at tonight's meeting on behalf of Olthof Homes. Mr. Lenehan explained that Phase 4 will consist of thirteen (13) single-family lots. Mr. Lenehan stated all the punch list items have been completed and Public Works has inspected these items. A maintenance bond is being requested for Phases 1-3, and a separate bond will be requested for Phase 4. Mr. Lenehan stated that he has also prepared a maintenance bond for all Phases 1-4. The bond amount is off by \$2,549.21 because an amount was accidentally omitted. Mr. Lenehan stated that he can have this fixed by the bonding company if the Plan Commission would allow this.

- (2) Town Engineer's Comments: No comments for final plat. Don Oliphant stated that a letter was issued on February 1, 2012 regarding the maintenance bond. The preferred method would be to combine all four (4) phases into one (1) maintenance bond in the amount of \$240,825.42, with a five (5) year term, rather than the normal three (3) year requirement because there are so many lots that are undeveloped at this time.
- (3) Building Department's Comments: None.
- (4) Commission's Discussion: Stacy Brooks moved to approve Phase 4 Final Plat. Diane Cusack seconded. After a roll call vote, the motion carried 7-0.

## **5. Centennial – Maintenance Bond**

Owner/Petitioner: Olthof Homes, 8051 Wicker Avenue, Suite A, St. John, Indiana  
Vicinity: Centennial Subdivision  
Request: Maintenance Bond

- (1) Petitioner's Comments: See Item #2.
- (2) Town Engineer's Comments: See Item #2.
- (3) Building Department's Comments: None.
- (4) Commission's Discussion: Dennis Wilkening moved to approve a five (5) year maintenance bond for Phases 1-4, in the amount of \$240,825.42. Stacy Brooks seconded. After a roll call vote, the motion carried 7-0.

## **Other Business**

### **1. Union Station – Zone Change Remand from Town Council**

Owner: Philip C Rietvelt Trust  
Petitioner: Town of Cedar Lake  
Vicinity: 141<sup>st</sup> Avenue and Parrish Avenue  
Request: by Town to return zoning to A-1

*Continued from December 21, 2011 Public Meeting  
Continued from January 18, 2012 Public Meeting  
Continued from February 15, 2012 Public Meeting*

- (1) Owner's Comments: None.
- (2) Commission's Discussion: Discussion occurred regarding why the owner was absent. Attorney David Austgen stated he spoke with the owner's attorney, who indicated he would be unable to attend tonight's meeting.
- (3) Commission's Decision: Greg Parker moved to continue this item to next month's Public Meeting. Stacy Brooks seconded. After a voice vote, the motion carried 7-0.

## **Update Items**

- A. Ordinance Items – Fence Regulations. No new information.
- B. T&J Landscaping – Site Plan Status. No new information.

C. Turnquist – Site Plan Update. Don Oliphant stated that Turnquist hired Plumb, Tuckett & Associates to look at the issues at the site. Mr. Oliphant met with Jeff Grant and provided some information regarding the swale. Don stated that he hopes to have an update at the next work session.

**Commission Comment:** Greg Parker stated, at the urge of the Town Council, that the Commission discuss updating the Master Plan. Ian Nicolini stated that this is currently being reviewed at staff level. Discussion occurred regarding what needs to be updated and the process in which that entails.

**Correspondence:** None.

**Public Comment:** None.

**Adjournment:** The Public Meeting ended at approximately 8:09 p.m.

**Press Session:**

\_\_\_\_\_  
Dennis Wilkening

\_\_\_\_\_  
Greg Parker

\_\_\_\_\_  
Diane Cusack

\_\_\_\_\_  
John Foreman, Vice President

\_\_\_\_\_  
Stacy Brooks

\_\_\_\_\_  
Tim Kubiak, President

\_\_\_\_\_  
Robert H. Carnahan

Attest: \_\_\_\_\_  
Jenn Montgomery, Recording Secretary