

Cedar Lake Plan Commission

Work Session

August 1, 2012

The Cedar Lake Plan Commission held their regular Public Meeting on August 1, 2012. It was called to order at approximately 7:05 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. Don Oliphant of Christopher B. Burke Engineering, Ltd, Attorney Adam Sworden of Austgen, Kuiper & Associates, Ian Nicolini, Town Administrator, and Jenn Montgomery, Recording Secretary, were also present.

1. **Minutes:** Minutes from the July 18, 2012 Public Meeting will be voted on at the next Public Meeting.

New Business

1. Alta Mira – Preliminary Plat Extension

Owner/Petitioner: TRAM Development Group, PO Box 10144, Merrillville, Indiana

Vicinity: Alta Mira Subdivision east of Robin's Nest on W 133rd Avenue

Request: Preliminary Plat Extension (expires September 18, 2012)

Approval granted March 18, 2009

Twelve (12) month extensions granted 2010 & 2011

Six (6) month extension granted February 15, 2012

- (1) Petitioner's Comments: Not present. A fax was received on August 1, 2012 from Attorney Jim Wieser, attorney for the Petitioner, stating that he was unable to attend tonight's meeting, but that he will be present to request an extension at the public meeting in two (2) weeks.
- (2) Town Engineer's Comments: No comments.
- (3) Building Department's Comments: No comments.
- (4) Commission's Discussion: Greg Parker stated that this development was approved prior to when the Town instituted rear yard drainage requirements. Mr. Parker asked if the Commission has to continue to extend the plat when it seems there are no plans of development in the near future and other developers are required to follow these requirements. Mr. Parker stated the drainage in that area is getting out of hand and inquired if the Commission could refuse to extend the plat and require the developer to follow the current subdivision requirements. Attorney Adam Sworden stated that it would be up to the Commission at this point whether or not they want to extend it. Tim Kubiak stated that the Commission should explain these concerns to the Petitioner and that if another six (6) month extension is granted and it would be three (3) years since approval was originally granted. The Commission agreed that this is fair, as a lot of money has been invested by the developer already.

Old Business

1. Boersma – Site Plan Approval

Owner/Petitioner: John & Darlene Boersma, 2941 E Brunswick Road, Beecher, Illinois

Vicinity: 12828 Wicker Avenue, Cedar Lake, Indiana

Request: Site Plan Approval

- (1) Petitioner's Comments: John Boersma indicated by phone today that he is unable to attend tonight's meeting. Mr. Boersma stated that the engineer is still working on the plans, but should be ready for the public meeting in two (2) weeks.
- (2) Town Engineer's Comments: Don Oliphant stated he is still waiting for a response from his original review letter dated April 12, 2012.
- (3) Building Department's Comments: Jack Slager stated that the area around Mr. Boersma's property, including Illiana Storage and Henn's Addition, has been discussed by the Stormwater Board regarding drainage concerns. Mr. Slager stated the Commission and the engineer should keep these concerns in mind while reviewing this site. Don Oliphant responded that he is aware of the drainage concerns in the area, but that this site should not affect those problem areas, as the development is in the front of the property, while the concerns are occurring in the rear.
- (4) Commission's Discussion: None.

Update Items

- A. **Master Plan Update.** Ian Nicolini stated that the Town of Cedar Lake Comprehensive Plan was adopted in 2007 by the Town Council, on the recommendation of the Plan Commission. To date, there are several components that have been successful in the plan. There are also some components that, due to changes in the economy and patterns of development in Cedar Lake, are no longer applicable. The Commission was provided with a draft copy of the 2012 Comprehensive Plan Update. Ian Nicolini stated that this update will be up for a Public Hearing in two (2) weeks and that the Commission is under a tight deadline to expedite this process by the Town Council. Ian Nicolini stated that Chapters 1 and 6 will remain the same and Chapter 2 has been updated demographically. Mr. Nicolini stated that this update is different from a whole new Plan, as only certain components have changed. Information from the 2010 Census will be included. Since 2007, the Town acquired a water utility, so information regarding how the Town will plan for these areas and what its potential is has been added in the Update. Existing and planned developments has been incorporated, but not much has changed regarding the future goals of land use. Form-based codes are introduced in the Update and provide a means to developing policies. Reference is made to the 2040 Regional Comprehensive Plan for the Northwest Indiana Metropolitan Region, which crosses over well with the Town's Plan with the idea of creating a livable center that attract mixed uses and support active lifestyles. Figures and maps have also been updated. Trail maps and plans for the Town's open space have been updated, as well as preparation for the Illiana Expressway Corridor and how the Town could plan and incorporate the development into its Master Plan. Ian Nicolini asked that the Commission review the draft Plan and provide comments to him within one (1) week.
- B. **Ordinance Items – Fence Regulations.** Ian Nicolini provided the Commission with a draft ordinance concerning fence regulations and corner lots. Within the ordinance, certain zoning district requirements have changed as well. In R-1 and R-2 Zoning Districts, an additional ten (10) feet in width will be required for corner lots in order to allow for more usable rear yards. The ordinance also states that a front yard can be designated by a zoning administrator, which would typically be the yard in which the house faces. The right-of-way requirement shall be twenty (20) feet, rather than thirty (30) feet to allow more flexibility in subdivisions served by sidewalks. On corner lots, there will also be a driveway requirement in order to address safety concerns regarding fences. Driveways on adjoining corner lots, the driveway must be parallel for fences to be allowed at the twenty (20) foot right-of-way. For six (6) foot fencing, visibility must be a minimum of fifty percent (50%) to allow for visibility of traffic and pedestrians. Otherwise, four (4) feet is the maximum height. This requirement does not include chain link fencing. Nothing will be allowed within the vision triangle. The requirements for subdivisions that are not served by sidewalks have essentially remained the same, but will now have the same visibility requirements in the front yard, similar to those subdivisions that are served by sidewalks. Greg Parker stated that the ordinance makes sense and allows for some flexibility and creates solutions to those residents that are required to go through the variance process. Discussion occurred regarding the increase in corner lot sizes. Tim Kubiak stated that the lot size should be increased by twenty (20) feet and keep the setback requirement at thirty (30) feet. By increasing the lot size by twenty (20) feet rather than ten (10), there will still be eighty (80) feet of usable yard. Greg Parker stated that a bigger issue remains in that there are no requirements for where utilities are placed, which causes problems when homeowners want to add anything to their properties. Ian Nicolini stated that the Town Code could be updated to require developers to submit as-built surveys. Discussion occurred regarding the visibility requirements. It was noted that many residents want fences that provide privacy, which is non-existent with this requirement. Tim Kubiak stated he would like the ordinance to state that no fences may be built on a berm in order to prevent fences becoming taller than what is allowed. Attorney Adam Sworden stated that a section can be added to the ordinance that lists general requirements that will address what you can or cannot do. Denny Wilkening stated that even with a four (4) foot privacy fence in the front yard, someone in a car still may not be able to see over the fence because they are too low to the ground. Tim Kubiak agreed that the fifty percent (50%) visibility rule should be required, no matter what the height is in the front yard. The Commission agreed that the ordinance should state that, in new developments, the corner lot size shall be required to be one hundred ten by eighty square feet (110'x80') in R-2 Zoning Districts. Ian Nicolini confirmed to the Commission that revisions to the proposed fence ordinance are as follows: lot widths of corner lots are to be changed to one hundred twenty feet (120') and one hundred ten feet (110') for R-1 and R-2 Zoning Districts, respectively; there shall be grade restrictions applied to prevent erecting fences that become taller than what is allowed; provisions shall be added to restrict or eliminate perpendicular alignment of houses and streets; and no chain link shall be allowed in the required side yard setback on corner lots.

- C. **Ordinance Items – Other.** Ian Nicolini stated that these fence requirements will change the zoning ordinance and that this would be a good forum to discuss any other zoning requirements that the Commission might want changed. Greg Parker stated that he wants to do something regarding setbacks. Mr. Parker stated he is tired of seeing homes built, especially in pre-platted subdivisions, where it becomes difficult to meet the requirements, so the homes are being built in such a way that the side of the home is facing the street. Mr. Parker stated he would like to try to figure out a way to allow homes to be built on these smaller lots without having to go through so much red tape. Discussion occurred regarding lot size and that many lots are deep enough, but don't meet width requirements. Ian Nicolini stated that a requirement could be added to the ordinance that discusses physical alignment of the home on a lot. Diagrams could be included to show how this could be done. Ian Nicolini discussed core-cottage concept, where a separate zoning ordinance would apply to those pre-platted subdivisions that have trouble meeting the current zoning ordinance requirements. Tim Kubiak stated that these areas are the areas that need to be addressed on an individual basis because of all the issues that already exist, like homes that were built on the property line, etc. John Foreman suggested adding architectural requirements for these smaller lots, such as what it must look like in the front, etc. Adam Sworden stated that one way of doing this is by adding form-based codes, where certain requirements must be met for certain areas, such as what the home must look like, height requirements, etc. Creating an overlay district is also a good way to address issues. Ian Nicolini stated there are at least three (3) instances where form-based codes could work in Cedar Lake: multi-family developments, cottage residential areas, and commercial districts. By doing this, you could include sign requirements, landscaping and placement of streetlights, etc. John Foreman asked if form-based code would still require creating a cottage overlay district. Ian Nicolini stated that houses in a cottage overlay district would still be considered residential, but in addition to those zoning requirements, they would also have additional requirements in form-based code.
- D. T&J Landscaping – Site Plan Status. No Update.
- E. Turnquist – Site Plan Update. No update.

Public Comment: None.

Adjournment: The meeting was adjourned approximately 8:07 p.m.

Press Session: None.

Attest: _____
Jenn Montgomery, Recording Secretary