

**Town of Cedar Lake – Plan Commission
Public Meeting Minutes
January 16, 2013**

Call to Order: 7:00 p.m.

Roll Call:

Present	Diane Cusack Member	Present	Donald Oliphant Town Engineer – CBBEL
Present	Jim Hunley Member	Present	Tim Kuiper Town Attorney
Present	Julie Rivera Member	Present	Jack Slager Building Commission
Present	Greg Parker Member	Present	Jenn Montgomery Recording Secretary
Present	John Foreman Member	Present	Ian Nicolini Town Manager
Present	Robert H. Carnahan Vice President		
Present	Tim Kubiak President		

1. Nomination and Appointment of Officers:

President: Motion Greg Parker and seconded by Diane Cusack to nominate Tim Kubiak for President. No further nominations were made. After a roll call vote, the motion carried 7-0. Jack Slager, Building Commissioner.

Vice President: Motion by Jim Hunley and seconded by Greg Parker to nominate Bob Carnahan for Vice President. No further nominations were made. After a roll call vote, the motion carried 7-0.

2. Retention of Services:

Legal: Motion by Greg Parker and seconded by Jim Hunley to retain Austgen, Kuiper & Associates for legal services. After a roll call vote, the motion carried 7-0.

Engineering: Motion by John Foreman and seconded by Bob Carnahan to retain Christopher B Burke Engineering for engineering services. After a roll call vote, the motion carried 7-0.

3. Appointments:

Appointment to the Board of Zoning Appeals: Motion by Jim Hunley and seconded by Diane Cusack to appoint Julie Rivera to the Board of Zoning Appeals. After a roll call vote, the motion carried 7-0.

Minutes

1. Motion by Greg Parker and seconded by Diane Cusack to approve the minutes of the December 19, 2012 Public Meeting. After a voice vote, the motion carried 7-0.

New Business

1. Harry O's Restaurant – Site Plan Approval

Owner/Petitioner: James Xerogiannis, 8965 Randall Drive, St. John, Indiana
Vicinity: 13226 Wicker Avenue, Cedar Lake, Indiana
Request: Site Plan Approval

- (1) Petitioner's Comments: Doug Homeier of S & H Engineering stated the intention of adding an exit from Harry O's to 133rd Avenue is because traffic becomes so heavy on US 41 that exiting becomes dangerous during peak hours. Mr. Homeier stated the drive will be approximately twenty-four (24) feet wide and will have two (2) foot shoulders. Mr. Homeier explained that the property Mr. Xerogiannis owns is made up of several parcels. After initial review, it was recommended by the Town that an easement be granted to allow a private drive to be put in on multiple parcels. Discussion occurred regarding whether or not granting an easement would be the best solution for the drive. Mr. Homeier inquired about the curbing being maintained to the west side of the drive and along the radius and whether or not this amount of curbing is necessary.
- (2) Town Engineer's Comments: Don Oliphant clarified that the Town requested a deed restriction to ensure access to the restaurant would still be maintained from 133rd Avenue in the event that any of the surrounding lots were to be sold. Attorney Tim Kuiper agreed that a deed restriction would be appropriate, if that is what the Commission wants to do. Don Oliphant stated that curbing along the right-of-way is a subdivision requirement and that it was recommended that the tapered curve be wrapped around where Walgreen's property ends along the east radius to the right-of-way and that a gutter continue along to the west radius point. No curbing was recommended along the west side because there

is an existing gravel drive along that side. The recommendation of the gutter is due to the poor condition of 133rd Avenue and to create a separation between the road and the new drive. Mr. Oliphant stated no concerns of drainage, but his comments were more structurally based. Don stated that curbing/gutter should be maintained along the right-of-way, but would be ok with not having curbing along the radius of the drive. It was recommended that a sign be installed pertaining to the entrance into the drive and that a stop sign and stop bar be installed. The petitioner is requesting a waiver of letter of credit requirements and stormwater requirements.

- (3) Building Department's Comments: Town Manager Ian Nicolini and Don Oliphant recommended that the letter of credit requirements be waived for the work in the right-of-way, as well as stormwater detention requirements, as there will be a very low disturbance to the area.
- (4) Commission's Discussion: Discussion occurred regarding requiring a deed restriction for the second driveway. This Deed Restriction would be prepared by the property owner's attorney and then reviewed by the Town attorney. Greg Parker stated that if access is going to be provided now, then that access needs to be maintained in the future, regardless of the ownership of the multiple lots. The deed restriction would provide language that would require that access be maintained, but that the proposed drive does not necessarily need to remain in the same location. Discussion occurred regarding the necessity of a second drive, as there are safety concerns with the current entrance/exit during peak hours. Greg Parker stated that a gutter is necessary due to the flooding issues in the area. Discussion occurred regarding the necessity for the curbing, as the access has the potential to change in the future. Attorney Kuiper stated that a compromise could consist of the barrier between the drive and right-of-way be maintained, but that curbing along the drive within the lot could be eliminated.
- (5) Commission's Decision: Motion by Greg Parker and seconded by Diane Cusack to approve the site plan with concrete curbing between the driveway and right-of-way, subject to review and approval by the Town Engineer and legal review by the Town Attorney of the deed restriction for the drive. After a roll call vote, the motion carried 7-0.

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: Not Present.
- (1) Town Engineer's Comments: Don Oliphant stated that some communication has occurred between him and the engineer, but that no new information has been submitted.
- (2) Commission's Discussion: None.
- (3) Commission's Decision: Motion by Bob Carnahan and seconded by Diane Cusack to defer this item to the next meeting. After a voice vote, the motion carried 7-0.

2. 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 December 18, 2012)

*Approval granted March 18, 2009
Twelve (12) month extensions granted 2010 & 2011
Six (6) month extension granted February 15, 2012
Three (3) month extension granted August 15, 2012, with contingency
One (1) month extension granted December 5, 2012*

- (1) Petitioner's Comments: Randy Wyllie of Wieser & Wyllie was present on behalf of Alta Mira, LLC and new owners Andrew Birkett and Steve Huizenga. Attorney Wyllie explained that the property has been purchased from TRAM Development in the last forty-five (45) days, and that an investor has been in contact with the new owners for potential development. Attorney Wyllie stated a twelve (12) month extension is being requested and that they are willing to comply by the current stormwater drainage requirements, specifically the update rear yard drainage requirements.
- (2) Town Engineer's Comments: None.

(3) Building Department's Comments: None.

(4) Commission's Discussion: Bob Carnahan asked how many acres and lots will be in the development. Attorney Kuiper stated that there will be 201 lots, and acreage is around eighty (80) or so acres. An exact number was not available, as plan sets were not immediately available at the meeting. Bob Carnahan inquired about the strip of land between the proposed development and Robin's Nest. Attorney Kuiper stated that the former owner of Robin's Nest owned that strip of land, but that it is not an issue that needs to be addressed by the new owners of Alta Mira.

(5) Commission's Decision: Motion by Bob Carnahan and seconded by Jim Hunley to approve a preliminary plat extension of twelve (12) months, contingent that current rear yard drainage requirements be complied with.

Public Comment: None.

Adjournment: The meeting was adjourned approximately 7:55 p.m.

Press Session: None.

Jim Hunley

Greg Parker

Diane Cusack

Robert H. Carnahan, Vice President

Julie Rivera

Tim Kubiak, President

John Foreman

Attest: _____
Jenn Montgomery, Recording Secretary