

**Town of Cedar Lake – Plan Commission  
Public Meeting Minutes  
August 28, 2013**

**Call to Order:** 7:10 p.m.

**Roll Call:**

Present	Jim Hunley Member	Present	Donald Oliphant Town Engineer
Absent	Julie Rivera Member	Present	Jack Slager Building Commissioner
Present	Greg Parker Member	Present	Tim Kuiper Town Attorney
Present	Robert Carnahan Member	Present	Jessica Chick Recording Secretary
Present	Tim Kubiak Member	Absent	Diane Cusack Member
Absent	John Foremen Member		

**Minutes:**

- 1. Approval of August 7, 2013 Public Meeting  
Motion to approve minutes made by Greg Parker and seconded by Robert Carnahan, vote 4-0.

**Public Hearing:**

**1. Ordinance No.1176- Amendment to Zoning Ordinance- Expiration of Variances**

- (1) Town Attorney's Comments: This public hearing was properly advertised for tonight's meeting. The ordinance located in this packet extends the current expiration of ninety (90) days on all variances to one (1) year. There have been several variances that have been done twice on the BZA level where the ninety (90) days have expired, where the petitioners don't realize they expire after the allotted ninety (90) days. They were made aware of the expiration but it is a waste at the BZA level and also unfair to the petitioners' to have to go before the board again. Staff has recommended that we extend the ninety (90) day allotment time to one (1) year to conduct their plans within the full construction year.
- (2) Remonstrators: none.
- (3) Commission's Discussion: This will be for all developmental variances, special exceptions, variances use and use variances. They will all go from ninety (90) days to one (1) year. This will be a good thing to clear up the schedule for the BZA.
- (4) Commission's Recommendation to the Town Council:  
Motion made by Greg Parker and seconded by Robert Carnahan to send a favorable recommendation to the Town Council.

Diane Cusack	Jim Hunley	Julie Rivera	Robert Carnahan	Greg Parker	John Foreman	Tim Kubiak	Vote
ABSENT	YES	ABSENT	YES	YES	ABSENT	YES	4-0

**Old Business**

**1. Thomas Kooi- Final Plat Approval (Janet's Lakewood Subdivision)**

Owner/Petitioner: Thomas & Candace Kooi, 16336 Morton Place, Lowell, IN 46356  
Vicinity: 9436 W. 125<sup>th</sup> Court, Cedar Lake, IN 46303  
Request: Petitioner is requesting Final Plat Approval to establish a three (3) lot subdivision.

- (1) Town Attorney's Comments: Legals and notices are in order for this item per Town Attorney, Tim Kuiper.
- (2) Petitioner's Comments:
- (3) Building Commissioner's Comments: We have been in contact with all parties and adjustments have been made to the plat. There are notes that all utilities will be underground. Lot three (3) will contain some issues when they come in for a building permit but those will be addressed based on the specific site plan.

- (4) Town Engineer's Comments: A letter had been issued for recommendation; there is drainage in lot one (1), right of way dedication along lots one (1) and two (2). We currently recommend approval.
- (5) Commission's Discussion: Do you think that the rear yard setback should be changed from twenty-five percent (25%) to something more realistic? Town engineer states that he doesn't think it is necessary considering there is a huge hill at the center of the property and construction will most likely take place to the west of the hill. A variance will be needed if they ever wanted to build a garage or something elsewhere. The lot also contains some deep woods.
- (6) Commission's Decision:  
Motion made by Jim Hunley and seconded by Greg Parker for final plat approval.

Appreciation has been made to the Town Engineer, Don Oliphant and Building Commissioner, Jack Slager as to how they have works with the petitioner and all included. He had stated that it was an odd project and he appreciates them working so well with them on this.

Diane Cusack	Jim Hunley	Julie Rivera	Robert Carnahan	Greg Parker	John Foreman	Tim Kubiak	Vote
ABSENT	YES	ABSENT	YES	YES	ABSENT	YES	4-0

**2. BP- Plat & Site Plan Approval**

Owner: Herman Fisher, 7404 E. Plank Trail, Frankfort, IL 60423 and Wayne Baringman  
 Petitioner: Cleon Stutler, 2155 Willowcreek, Road, Portage, IN 46368  
 Vicinity: 13302 Wicker Ave., Cedar Lake, IN 46303  
 Request: Petitioner is requesting a preliminary Plat review to establish a one (1) lot subdivision and site plan review for a gas station/convenience store and car wash.

- (1) Town Attorney's Comments: Legals and notices are in order for this item per Town Attorney Tim Kuiper.
- (2) Petitioner's Comments: Cleon Stutler with Stutler Architects is present for representation. A lot of work has been completed over the past month but we are not quite there yet. We realize that there are still some questions and we wanted to show up tonight to answer them and to show you all the drawings with how far we have come along. We are still waiting on a title search to make sure that everything is just right. There are a couple of questions regarding drainage and utilities connections that we need to clear up with the city engineer. We are here tonight to ask that we be continued for one (1) more month and to answer any questions. We have yet to receive clearance from the Chicago title, I had hoped to have it in hand weeks ago and it did not happen. With the four (4) parcels that the search was done on it had put us another week behind.
- (3) Building Commissioner's Comments: There are still a number of outline issues on this and a lot has to do with obtaining the title work. We have requested that they verify the easements that run through the property, the two (2) sanitary sewer easements, and the ingress egress easement between them and McDonalds. We would like to see where those are on the plat. That could ultimately affect the layout and the buildings. We want to make sure the sewers are actually within the easements and then if in fact you are moving the entrance there will need to be in fact new documentation with McDonalds that they are releasing the old access easement and granting a new one. Since the last meeting some of the recommendations have been changed. There was quite a bit of discussion regarding the entrance between BP and McDonalds, they have shown that as narrowed with a Do Not Enter or Exit Only and a speed bump there which was our recommendation. This is the first time we have seen the detention area behind the carwash. Down on the bottom it says "parking required eighteen (18) spaces plus one (1) ADA" "parking provided sixteen (16) spaces plus two (2) ADA". Cleon Stutler: If this is the case, there is no reason that we cannot add two (2) more parking spaces. Another issue is the access across the underground tanks, there was parking shown in the area. This parking had been eliminated which helps to clean up that area a little. There was previous concern for the semi-trucks loading and unloading fuel for enough room for cars to get through there. Cleon Stutler: We also have a pad that shows an area for a dumpster, does that need to be enclosed with concrete block or

fence? Commission: The more that can be done to hide it the better. There are no requirements as to what you need to surround it.

- (4) Town Engineer's Comments: The storm water report has some holes in it, as well as some other issues that need to be worked out. Jack had already mentioned many things on the plan set.
- (5) Commission's Discussion: For the next meeting it needs to be re-advertised upon the entire legal description or parcels that encompasses. Cleon Stutler: There had been some issues as to who owned what so that is why that had happened. We are sending out certified mailings for the variances that are coming up next month. Jack Slager: I had noticed on the GIS that the seventeen and a half (17.5) parcel now shows Herman Fisher as the owner.
- (6) Commission's Decision:  
Motion made by Robert Carnahan and seconded by Jim Hunley to continue this item to the September 18, 2013 meeting.

**Correspondence:** none.

**Public Comment:** none.

**Adjournment:** The meeting was adjourned approximately 7:30 p.m.

**Press Session:** Plan Commission Work Session Meeting September 4, 2013 at 7:00 p.m.  
Plan Commission Public Meeting- September 18, 2013 at 7:00 p.m.

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Jim Hunley

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Greg Parker

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Diane Cusack

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Robert H. Carnahan

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Julie Rivera

\_\_\_\_\_  
Tim Kubiak

\_\_\_\_\_  
John Foreman

Attest: \_\_\_\_\_  
Jessica Chick, Recording Secretary