

**Town of Cedar Lake – Plan Commission  
Work Session Minutes  
December 4, 2013**

**Call to Order:** 7:00 p.m.

**Roll Call:**

Absent	Jim Hunley Member	Present	Donald Oliphant Town Engineer
Present	Julie Rivera Member	Absent	Tim Kuiper Town Attorney
Present	Greg Parker Member	Present	Jessica Chick Recording Secretary
Present	Robert Carnahan Member	Present	Diane Cusack Member
Present	Tim Kubiak Member	Present	Ian Nicolini Town Manager
Present	John Foremen Member		

**Old Business**

**1. Eugene Goc/Terri Cox- Zone Change**

Owner/Petitioner: Eugene Goc/Terri Cox, 8505 W. 139<sup>th</sup> St., Cedar Lake, IN 46303

Vicinity: 8600 W. 139<sup>th</sup> Ct., Cedar Lake, IN 46303

Request: Petitioner is requesting to rezone from R-2 to B-1 (Neighborhood Business)

- (1) Petitioner's Comments: Terri Cox is present; because the building is a commercial building she would like to use it as a commercial use. Previously it was an auto repair shop, which is something that I had in mind to open there. Terri Cox stated that she would like to put something there that will fit into the neighborhood because of the neighborhood outreach. She would like to see if we can change it from the R-2 zoning to the B-1 zoning and would like to pursue a muffler brake shop if acceptable to everyone. If not, I am open to suggestions. Terri Cox stated that she has not met with any of the residents in the neighborhood for their input. The building sits on a corner, so it isn't necessarily in the neighborhood. Terri Cox stated that she was also thinking about doing outdoor movies that can be viewed from the lake.
- (2) Town Engineer's Comments: no comment.
- (3) Building Department's Comments: no comment.
- (4) Commission's Discussion: The Commission discussed that they had thought that Terri Cox would meet with the residents before this meeting for their opinions. If it is turned down at the next Public Meeting, you can go for a special use variance with the residential zoning at the Board of Zoning Appeals meeting. The Commission recommended that Terri Cox decide what business she would want in there for sure and then go before with the special use request. Once that business is done, the parcel will go back to residential zoning. This would allow for more control by the Town as to what type of business would go there. A special use variance can be granted in any zoning district. A low key type of business would more likely be approved for a special use variance because of the remonstrators who have stepped forward. R-2 zoning is single family residential. If a presentation were to be proposed in front of the BZA with all the details of what you want to do that would be beneficial. The Commission stated that Terri Cox is welcome to come back to the Public meeting for your request for the rezone. There were fierce remonstrators against this request as well as a petition. The best option would be to bring in your different ideas to the BZA for a special use variance instead of rezoning the property.

**1. Teresita Barajas- La Gaviota- One Lot Subdivision**

Owner/Petitioner: Teresita Barajas, 12548 Parrish Ave., Cedar Lake, IN 46303

Vicinity: 10728 W. 133<sup>rd</sup> Ave., Cedar Lake, IN 46303

Legal Description: VANCOS ADDITION LOT 3 ALL LOT 4

Request: Petitioner is requesting a Preliminary Plat approval to establish a one (1) lot subdivision and site plan.

- (1) Petitioner's Comments: The proposal is to use the building to move our store into as well as a small restaurant, probably about seven (7) tables. We plan to possibly open at a minimum of 6-8 weeks.
- (2) Town Engineer's Comments: no comment.
- (3) Building Department's Comments: no comment.
- (4) Commission's Discussion: The BZA is currently considering allowing a secondary use for the restaurant within the grocery store at their meeting next week. The Barajas are now owners of several lots that encompass this store. In reviewing the existing layouts of the lots, there are portions where it is not an ideal layout. We had requested that while they are going through the site plan process, to go ahead and subdivide all of the parcels. The building and improvements would be on its own lot as well as the other businesses. It is already zoned to have a grocery store, and will most likely receive a favorable recommendation for the restaurant; therefore, we have already issued them a building permit for them to start making the improvements. A subdivision however still needs to be established that encompasses this lot. The Commission stated that they are still in need of the preliminary plat submittal. Since it is an existing site that is being redeveloped, and 6-8 weeks is not enough time for preliminary and final plat consideration, it is advisable that we have a preliminary plat approval in place before occupancy and not necessarily final plat. If this were a new site it would not even be considered. Parking will be added and the improvements to 133<sup>rd</sup> will also add more parking places.

## 2. Centennial Phase 7- Final Plat review & Bond Request

Owner/Petitioner: Olthof Homes, 8051 Wicker Ave., St. John, IN 46373

Vicinity: Centennial Phase 7, Cedar Lake, IN 46303

Request: Petitioner is requesting a final plat approval. Petitioner is requesting approval to post two separate bonds in conjunction with Phase 7 final plat approval. (One maintenance bond for the completed public improvements and one performance bond to cover the surface course of asphalt.)

- (1) Petitioner's Comments: Joe Lenaham is present representing Olthof Homes. The request is for the approval of the second phase of Centennial, it includes 10 single family lots. All of the public improvements have been completed with the exception of the surface course of asphalt, the public walks that run across out lots in public areas, and the public streetlights and sidewalks. Hopefully Olthof Homes will be completing the signs and lights within the next couple of weeks. The sidewalks will most likely be completed in the spring. The surface coarse of asphalt will be installed after eighty (80%) of the units in the phase are occupied. Joe Lenaham requested that Olthof Homes post two bonds; I like to install the surface course of asphalt in a subdivision for the benefits of having the full strength of the road in place and also so water does not collet at the inlets or catch basins. There are also benefits of leaving the surface course off during construction so things look clean. The current ordinance states to wait until eighty percent (80%) of the units are done. Joe Lenaham stated that he would like to do two bonds because the performance bond is made so the work is performed, and he would like to begin the maintenance bond since the work has already been completed. He requested a maintenance bond on what has been installed; he would post a performance bond for only the improvements that are not currently installed. The amount of the bond would probably be greater than the value of those improvements because the performance bond can be no less than twenty-five percent (25%) of the total cost. He is not asking for a waiver from that, he will post the bond for the twenty-five percent (25%) of the total cost. It would cover the four items that were previously discussed then the maintenance bond would be established three years on the other entire infrastructure that is installed. When I release the performance bond after the surface course is done, I will then post the maintenance bond for that work specifically. Joe Lenaham is proposing to move the playground to the area where the clubhouse will be built at the end of 2014.
- (2) Town Engineer's Comments: Don Oliphant stated that CBBEL sent out a letter earlier today, which included a performance and maintenance. The inspection fee would be based off of the total build out, we wanted to wait to issue a letter based on the bonds after this discussion for direction. Right now we have a recommendation to issue a performance bond and a maintenance bond. The performance bond would cover the final asphalt surface, basically anything that is not constructed; lighting, sidewalks, signage, as well as twenty-five percent (25%) of the binder that is down now to also be included. This recommendation mimics the Town's current ordinance. Since binders have been constructed, inspected and approved us lower that binder amount in the performance bond down to twenty-five

percent (25%) but keep everything else at one hundred and ten percent (110%). We have a maintenance bond established for utilities that have been in since 2007-2008. Some of those utilities were included in the phase 1 bonding; we tried to separate them out as best as we could. We would have a maintenance bond for the utilities that have been constructed and the base aggregate course that has already been laid down. We can move curbs and gutters back over to the performance bond or even twenty-five percent (25%).

- (3) Building Department's Comments: no comment.
- (4) Commission's Discussion: A voice vote from the Plan Commission would suffice if the Commission does not view the changing of the playground location to the area where the clubhouse will be built as a major change. If it is viewed as a major change, an amendment to the PUD will need to be drafted. Moving the playground to the clubhouse makes sense. The improvements in phase seven, although they are installed prior to the platting, are still subject to a performance bond because eighty percent (80%) of the lots have not been occupied. Since most of the improvements are in, that performance bond can be in an amount of twenty-five percent (25%) of the value of the improvements. When eighty percent (80%) of those lots included in the subdivision were developed, final course can go down, and a maintenance bond can be posted. That is what our ordinance currently states. Basically, because the sewer and the water utilities are installed Mr. Lenaham is proposing to begin the maintenance bond on those two. Then the performance bond will be for the unfinished items. Every subdivision has had installed improvements and they were not allowed to finish them and put a maintenance bond until eighty percent (80%) was developed with the exception of the Town having to draw from the bonds. By doing this proposed system, you are cutting out several years of warranty on the work completed. The proposed maintenance bond would only be for the underground utilities, and the performance bond would be for the road.

**Correspondence:** none.

**Public Comment:** none.

**Adjournment:** The meeting was adjourned approximately 8:00 p.m.

**Press Session:** Plan Commission Public Meeting- December 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

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Tim Kubiak

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

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