



**TOWN OF CEDAR LAKE – PLAN COMMISSION  
WORK SESSION MINUTES  
February 3, 2016 7:00 P.M.**

Call To Order (Time): 7:00 p.m.

Pledge to Flag:

Roll Call:

Absent Diane Cusack

Present Chuck Becker

Present John Kiepora

Present John Foreman

Present Richard Sharpe

Present Jerry Wilkening

Present Greg Parker

Present Donald Oliphant, Town Engineer – CBBEL

Absent Tim Kuiper, Town Attorney

Present Tim Kubiak, Building Commissioner

Present Brooke Faber, Recording Secretary

**Old Business:**

**1. Schilling Development- Lakeside Subdivision-Preliminary Plat/Site Plan Approval**

Owner: Cedar Lake 133, LLC, PO Box 677, St. John, IN 46373

Petitioner: Schilling Development, PO Box 677, St. John, IN 46373

Vicinity: 5711 W. 133rd. Ave., Cedar Lake, IN, 46303

Legal Description: THE EAST HALF (E ½) OF THE NORTHWEST QUARTER (NW ¼) OF SECTION TWENTY-FIVE (25), TOWNSHIP THIRTY-FOUR (34) NORTH, RANGE NINE (9) WEST OF THE SECOND PRINCIPAL MERIDIAN, CONTAINING EITHY (80) ACRES, MORE ORO LESS, IN LAKE COUNTY, INDIANA. (E2. NW. S.25 T.34 R.9 80A.)

Tax Key Number(s): 45-15-25-100-001.000-043

Request: Petitioner is requesting Preliminary Plat approval, as required by Subdivision Control Ordinance No. 498. This is required to establish a two hundred (200) lot single-family subdivision that is currently zoned R2- Residential single family.

*Deferred 30 days to August 19, 2015 Public Meeting.*

*Deferred to September 16, 2015 Public Meeting.*

*Deferred to December 16, 2015 Public Meeting.*

***Deferred to March 16, 2016 Public Meeting.***

1. Petitioner's Comments:
2. Town Engineer's Comments:
3. Building Department Comments:
4. Commission's Discussion:

**New Business:**

**1. Eugene Goc & Terri Cox-Rezone**

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

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

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

Legal Description: LAKE SHORE ADD. L.7 BL.3 S'LY 90.65FT'W. LINE M.L.8 BL.3 S'LY 13 FT. L.9 BL.3

Tax Key Number(s): 45-15-27-456-012.000-014

Request: Petitioner is requesting a change of zoning classification from R-2 to B-1

1. Petitioner's Comments: Attorney Jim Wiser from Schererville, he had several discussions with Tim Kuiper about this property. Structure has been used for a long time in a nonconforming fashion as a business. Want to make the property viable for a profitable business. There are actually several businesses in that area zoned B-1 on 138<sup>th</sup>. After looking at the zoning ordinance they chose the zone that would be the most compatible with the area. At this time they do not have a specific use in mind for this property. Unable to make any commitments to future business owners because of the zoning. Would like to zone B-1 for the uses this community will allow and would fit in with a residential area.

2. Town Engineer's Comments: Don Oliphant stated it is really more of a policy issue at this point, no engineering at this time.
3. Building Department Comments: Tim Kubiak stated he would like to see the Special Use process used on this, so we could see what business would be in there and the hours. Not a lot of disruptive things could happen in a B-1 Zoning. It would be a policy call, most business prospects would not want to wait 45 days to move in. It is not really an office building, but has a lot of garage space.
4. Commission's Discussion: John Foreman does see this as an excellent place for a professional building to be close to the lake and utilize recreation. He did look through all the uses, there are thirty-four (34) items that this could be. If they did not fit in the guidelines, would need approval. Greg Parker stated he and John Foreman have talked about what needs to be done and changing zoning maps. Tim Kubiak stated this is spot zoning. John Foreman stated it has been a business for many years, would like to hear from neighbors. He thinks B-1 would be good. A business would pay taxes and aid the local economy. Richard Sharpe agreed with John. Chuck Becker was concerned with hours and it disrupting the neighborhood. Jerry Wilkening asked if we made it contingent on right now, how long would it take to get a special use. Tim Kubiak stated it would take about thirty (30) to forty-five (45) days, but it would say exactly what is going in there, hours of operation. John Kiepora stated he is not in favor of bringing business into residential, would be more favorable to a special use. If you changed the zoning any business could go on this property in the future that meets B-1 Zoning, but with a Special Use Variance it only pertains to current business on the property.

## 2. Richard and Robert Henn, Henns Transporation & Warehousing, LLC - Rezone

Owner: Richard and Robert Henn, Henns Transporation & Warehousing, LLC, 13733 Wicker Ave., Cedar Lake, IN 46303

Petitioner: Richard Henn, 13733 Wicker Ave., Cedar Lake, IN 46303

Vicinity: 13109 Wicker Ave., Cedar Lake, IN 46303

Legal Description: W.280FT & S.100FT LYG E OF W 280 FT OF PAR 531.9X495.3X534X495.3FT NW SW S.21 T. 34 R.9 EX TRI PAR 3.619A & TRI PAR 100X162.55X 127.25FT. .146A. **and** E. 7A. OF N. 30RDS. OF S. 130RDS. OF W. 80RDS. OF SW. S.21 T.34 R.9 7A. **and** PT. N. 25A. OF NE. SW. LY'G W. OF I.H. RR. & S. OF LINE 495FT. S. OF N. LINE N. 25A. S.21 T.34 R.9 1.766A. **and** PT. N1/2 SW ADJ. W. LINE CI & S.R.R 667.38X299.72X237X160.45X403.62X 139.25FT. S .21 T.34 R.9 3.024A. **and** EAST 424.50 OF THE W 923.90 OF THE NORTH 525.90 OF THE SOUTH 1659.25FT EX. S145. 40 OF THE E 212.20FT. SW1/4 S.21 T.34 R.9 4.417 AC. SUBJ. TO ROAD EASMT **and** E.249.7ft of W.499.49ft. of N.204ft of S.1329.01ft of SW.1/4 S.21 T.34 R.9 1.153 Ac **and** S. 50FT. OF N. 330FT. OF S. 1650 FT. OF W. 499.4FT. OF W1/2 SW. 50X499.4FT. E. 1 6FT. PUBLIC HWY S.21 T.34 R.9 .564A.

Tax Key Number(s): 45-15-21-301-006.000-014 **and** 45-15-21-301-016.000-014 **and** 45-15-21-326-002.000-014 **and** 45-15-21-326-003.000-014 **and** 45-15-21-301-015.000-014 **and** 45-15-21-351-002.000-014 **and** 45-15-21-301-014.000-014

Request: Petitioner is requesting a change of zoning classification from R-2 and B-2 To B3

1. Petitioner's Comments: Richard and Robert Henn, have owned the property for about ten (10) years. It is known as the old drive in theater property. Currently there are seven (7) parcels, trying to narrow it down to possibly four (4). The zoning of these properties are mixed and would like to get them all changed to B-3. Would like to do a couple of phases, with first phase is some proposed storage buildings, u-lock buildings. They have Econo Self Storage on 133<sup>rd</sup>, have 450 units there and they are full. The community will support more u-lock. This property lends itself well to that, it is hidden. Would not create a lot of traffic, would be quiet for the neighbors.
2. Town Engineer's Comments: Don Oliphant stated at this point it is only a rezone and would be a policy decision, if it does get rezoned will take a look at the site plan.
3. Building Department Comments: Tim Kubiak stated it would be a good idea for this property. Would like to see a rezone, site plan and a four (4) lot subdivision go through as a one shot deal. At the next meeting, bring concept for number of lots and zoning. No problem giving zoning contingent on site plan. Would like the property to be zoned B-1 with a special use.
4. Commission's Discussion: Greg Parker stated he would want to know what business is going in to the property before hand, if they were to change it to B-3. Willing to work with them. Attend next meeting with intentions on how to split property up.

### **3. Eric Lindemulder – Site Plan Approval**

Owner: Eric Lindemulder, PO Box 2009, Cedar Lake, IN 46303  
Petitioner: Lindemulder Properties, LLC, PO Box 2009, Cedar Lake, IN 46303  
Vicinity: 12634 Wicker Ave., Cedar Lake, IN 46303  
Legal Description: Cedar Gardens BL.2 E.160ft of lots 5,6&7 Ex. S.30ft of lot 7  
Tax Key Number(s): 45-15-20-229-021.000-014

Request: Petitioner is requesting a site plan approval

1. Petitioner's Comments: Eric Lindemulder stated it is going to be a three (3) unit office building that is being built. Would like to keep old building for a year or so, to get things moved to new building.
2. Town Engineer's Comments: No report at this time.
3. Building Department Comments: Tim Kubiak stated he will need some variances. He is putting a lot on this property and try to get some detention area and three unit building. Will also develop a site plan. He currently has B-3 zoning on this property.
4. Commission's Discussion: The Commission discussed issues with detention pond and parking. Needs to come to next meeting with a plan.

### **4. HB Property Management, LLC – Site Plan Approval**

Owner: Todd Taylor and John Taylor and Lynn Clements, 6730 W. 133<sup>rd</sup> Ave., Cedar Lake, IN 46303  
Petitioner: HB Property Management LLC, 701 E. 137<sup>th</sup> Ave., Crown Point, IN 46307  
Vicinity: W 133RD AVE, CEDAR LAKE  
Legal Description: W.25AC. OF SE1/4 SE1/4 EX. E.180FT. OF S.215FT. & Ex. PT. S.400.12ft of W.400.12 ft & Ex. Pt. in R/W S.23 T.34 R.9 19.95 Ac  
Tax Key Number(s): 45-15-23-476-007.000-043

Request: Petitioner is requesting a site plan approval

1. Petitioner's Comments: Glen Crock, Glen Crock Associates, representing HB Properties. They have been building in Cedar Lake for decades. Have put together a conceptual plan about the possibilities for this property. Right now the property is zoned R-1 and would eventually want to rezone to R-2 which is consistent with other neighborhoods in that area. Believes there is sewer available on Fairbanks and water along there, but are aware of the water situation with the new Schilling Development and how that would affect them. Basically the whole site flows from east to west, have enough room to work on retention area. Because of the woods, along Fairbanks, will keep as larger lots. Would be similar to Krystal Oaks. Any concerns with entrances off of Fairbanks and 133<sup>rd</sup>.
2. Town Engineer's Comments: Prefers double access on entrances, and thinks retention is in proper spot. Concern with lots meeting R-2 widths. Should be listed as conceptual preliminary plat, not site plan approval.
3. Building Department Comments: Tim Kubiak asked if they had plans to make Lots 23 & 24 B-1 Commercial property. Instead of house on the corner with the entrance would prefer B-1 lots.
4. Commission's Discussion: John Foreman stated it is a great property, would hate to see this changed to R-2 and kill all those trees and start over, and thinks this area is right to stay R-1. Commission had favorable comments on the project. Come back when final plan is ready.

### **5. Monastery Woods South – Reduce Letter of Credit**

Owner: MWD Development LLC, 2300 Ramblewood Drive, Highland, IN  
Petitioner: MWD Development LLC, 2300 Ramblewood Drive, Highland, IN  
Vicinity: Monastery Woods subdivision south of 129<sup>th</sup> Avenue

Request: Petitioner is requesting to Reduce Letter of Credit

1. Petitioner's Comments: Not present
2. Town Engineer's Comments: Don Oliphant stated that this is a reduction in their existing performance bond. Right now the subdivision has all the public improvements in, except the final surface coat. Missing some regulatory signs, such as no parking signs, stop signs, and snow route. Everything else is in, so recommendation to reduce the performance bond down to the maximum reducible amount which is twenty-five (25) percent of the original bond. The original bond was one million three hundred and one thousand seven hundred and twenty-nine dollars and seventy-four cents

(\$1,301,729.74). Twenty five (25) percent of that would be three hundred twenty- five thousand four hundred and thirty-two and forty-four cents (\$325,432.44). Talking to Jack, they think they will be at eighty (80) percent build out sometime his summer, to give them clearance to final coat that last portion. Once they get to eighty (80) percent and do final paving, they will probably want to rotate into a maintenance bond by the end of the year. This is a brief reduction but it gives them a reprieve from their current bond amount for six (6) months, their current bond is four hundred sixty-nine three hundred nineteen thousand (\$469,329.00) so it reduces it by \$140,000 for six months. Some issues with binder code and curbs cracking. Will address that when they come in for final.

3. Building Department Comments: Tim Kubiak stated that they were trying to accept part of the subdivision now and change it to maintenance, but cant because it was all platted in one phase. It would be an engineering nightmare to separate. This is what we came up with to try to work with them.
4. Commission’s Discussion: No discussion.

**Update Item:**

1. **Zoning & Lighting Ordinance Update**-Don Oliphant stated we are waiting for legal.
2. **Cedar Lake/Town-Floodplain Management Regulations Amendatory Ordinance, and Related**-Don Oliphant stated they changed the definitions added some, stuff that relates to FEMA, stuff that the State has updated their own ordinance. Does not know the legal reason the town’s needs to be updated, it is really only a template ordinance where the local ordinance is stricter than the states recommendations. Will need to ask Tim Kuiper why it needs to be updated.

**Public Comment:** Sue Linz, 13104 Osborn Street, her house butts up against Mr. Henn’s property. Concerned it will be an eye sore, hours of business, lightening. Concerned it will devalue her property and noise of business. If given B-3 would he be allowed to move storage behind her.

Greg Parker stated he has concerns about B-3 also, he wants to know what it will be before any B-3 is granted.

Tim Kubiak stated that is why they are recommending B-1 with a special use; we will see his intent for the layout of this property as the process goes. Nothing is going to happen in the near future.

John Foreman stated that their property is very high, so they will be looking down at these places. Could the first unit to the south be 20 feet, 10 x 10 and 10 x 20, which makes up to 30 feet, make first building 20 feet, saves money for asphalt on south side of building, the building back is facing the residential area and it is only accessible from the North.

Jerry Wilkening stated he liked that idea, was surprised there was a seventy (70) foot buffer between the property lines and that fence.

Don Oliphant stated they could not get that close anyways it would take a lot of excavation to get that dirt out of there to get the grade. It would benefit the residential homes, because it would leave some type of buffer, because there is some type of foliage in that area. It would be a good idea and a policy decision that we recommend to keep that as an easement, to keep the foliage in there.

Loretta Dibiase, 11011 W. 129<sup>th</sup> Avenue, same concern as Sue. Giving them B-3 zoning and letting them do whatever they want there. All of this property is behind her property. Concern with possible road on 129<sup>th</sup> that will come down the side of her property. There is a terrible hill that comes down off of 41, would be a disaster. Does not want to sit on her back deck and look at those u-lock buildings. Already has the health club in her back yard on that side of her property, feels like she would be boxed in and isolating her from the residential area she is living in.

Tim Kubiak stated that the storage use is a good use for that property, if he puts in a R-2 subdivision with that road, your traffic would be a lot worse.

**Adjournment:** Meeting adjourned at 8:35 p.m.

**Press Session:** Plan Commission Public Meeting – February 17, 2016 at 7:00pm

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**Jerry Wilkening**

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**John Foreman**

Town of Cedar Lake – Plan Commission  
Work Session  
February 3, 2016

**Jim Hunley**

**Greg Parker**

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**Diane Cusack**

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**Patsy Casassa**

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**John Kiepora**

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**Attest: Brooke Faber, Recording Secretary**