



**TOWN OF CEDAR LAKE – PLAN COMMISSION
PUBLIC MEETING
February 17, 2016 7:00 P.M.**

Call To Order (Time): 7:03 p.m.

Pledge to Flag:

Roll Call:

Absent	Diane Cusack	Present	Donald Oliphant, Town Engineer – CBEL
Absent	Chuck Becker	Present	Tim Kuiper, Town Attorney
Present	John Kiepura	Present	Tim Kubiak, Director of Operations
Absent	John Foreman	Present	Brooke Faber, Recording Secretary
Present	Richard Sharpe		
Present	Jerry Wilkening		
Present	Greg Parker		

Minutes:

A motion was made by John Kiepura and seconded by Jerry Wilkening to approve the December 16, 2015 Public Meeting minutes, January 6, 2016 Special Public Meeting & Work Session minutes, February 3, 2016 Work Session minutes as presented. Vote 4-0

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. Town Attorney’s Review:
2. Petitioner’s Comments:
3. Remonstrators:
4. Town Engineer’s Comments:
5. Building Department Comments:
6. Commission’s Discussion:
7. Commission’s Decision:

Motion: _____ 1st _____ 2nd

Diane Cusack	Chuck Becker	John Kiepura	Richard Sharpe	John Foreman	Jerry Wilkening	Greg Parker	Vote

New Business:

1. Eugene Goc & Terri Cox-Rezone

Owner:	Eugene Goc & Terri Cox, 8505 W. 139 th Street, Cedar Lake, IN 46303
Petitioner:	Eugene Goc & Terri Cox, 8505 W. 139 th Street, Cedar Lake, IN 46303
Vicinity:	8600 W. 139 th 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. Town Attorney’s Review: Tim Kuiper stated the notices and publications for the public hearing on this rezoning are in order for this matter.
- 2. Petitioner’s Comments: Attorney Jim Weiser, 429 West Lincoln Highway, Schererville, represents the petitioners. Although they are ready to proceed tonight, after discussion with his clients,the nature of request and after the study session, from a legal perspective are reluctant to proceed with only four plan commission members here. Because all four would have to vote in favor or against for any official action to be taken. The law says it takes a majority of all the members to take an act. Would like to proceed with as many plan commission members as possible and would like to continue to next month.
- 3. Remonstrators: None
- 4. Town Engineer’s Comments: None
- 5. Building Department Comments: None
- 6. Commission’s Discussion: None
- 7. Board’s Recommendation to Town Council:

A motion was made by Jerry Wilkening and seconded by Richard Sharpe to defer to the March 16, 2016 Public Meeting.

Diane Cusack	Chuck Becker	John Kiepura	Richard Sharpe	John Foreman	Jerry Wilkening	Greg Parker	Vote
Absent	Absent	Yes	Yes	Absent	Yes	Yes	4-0

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 EASM'T **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. Town Attorney’s Review: Tim Kuiper stated the notices and publications are in order for this public hearing.
- 2. Petitioner’s Comments: Robert Henn, is seeking zoning change of 13109 Wicker Ave., the old theater property, twenty plus acres. Would like to clear up some confusion, been comments made that this property is owned by Henns Transportation & Warehousing, so everyone gets scared and thinks it is a large company coming with trucks and large buildings, and that is not the case. It is a company that moves train cars for US Steel and just owns this property. It has no bearing on this property at all, the property will probably be transferred to Econo Storage once construction starts. Since the work session we talked about it currently being seven parcels and pairing it down to four parcels. Would like to get the zoning changed, some is zoned R and some B, would like to clear this up, to put storage buildings on lot 2 and would like to have the other lot zoned similar, which is why requesting B-3 zoning.
- 3. Remonstrators: Tim Kuiper read a letter from Richard Zarr, 10905 W. 129th Ave., Cedar Lake, IN 46303, concerns with drainage if property developed. Thad Nymeyer, 8545 139th Ct., Cedar Lake, IN 46303. Ruth Linz-Wietecha, 10820 W. 131st Ave., Cedar Lake, IN 46303, concerns for water quality and rezone. Susan D. Linz, 13104 Osborne

St., Cedar Lake, IN 46303, concern for zoning, lighting, hours of business, noise level. Patrick J. Willy, 10801 W. 129th Ave., Cedar Lake, IN 46303, concerned with drainage and with noise from highway if take out the woods. Loretta DiBiase, 11011 W. 129th Ave., Cedar Lake, IN 46303, concerns with drainage and water, with outside storage being an eyesore and zoning. Steve Goff, 10910 W. 129th Ave., Cedar Lake, IN 46303, concern with selling it off and it changing businesses.

- 4. Town Engineer’s Comments: Don Oliphant stated at this stage for zoning, has no comments, once they come in for site plan and submit engineering, will look at it closer.
- 5. Building Department Comments: Tim Kubiak stated he has a couple of concerns with how the lots are split. According to our rules and regulations and ordinances, every lot needs to front on a dedicated improved roadway. Mr. Henn stated that the existing road that extends back to After Four Club is private and it will remain private. Tim Kubiak stated looking at it, seems like it should be a PUD or a developed site plan along with zoning. Put in a public road and dedicate it to the town, what other options are there? Tim Kubiak stated he would like to see how this is going to function conforming with our ordinance, thinks it is a great use for the property. Would recommend all seven (7) parcels are put into one (1) and it zoned for U-locks. Mr. Henn stated they would have no problem combining parcel 3 & 4 into one lot. Intention was to start small, a few buildings at a time. Tim Kuiper stated it could be done as two bigger parcels, one that fronts on 129th and one that fronts on 41, that could meet the frontage requirements. He also stated if they wanted to subdivide into one lot, that would be fine with adequate frontage on 129th, but trying to cut it up into four (4), it will not meet several subdivision requirements.
- 6. Commission’s Discussion: Greg Parker stated any entrance should be off of 41, coming off of 129th is a bad idea. Tim Kubiak stated he would have liked to see a B-1 zoning with a special use for the U-locks, that would go with the plan, looking out for the surrounding property owners. Greg Parker stated issues with land locking other lots, and with B-3 we need to be very cautious. Mr. Henn stated if it makes it easier, they would make one (1), two (2) & three (3) all one (1) lot. Greg Parker asked if they would have outside storage and if they had restrictions on it. Mr. Henn stated yes, at their other facility licensed vehicles, has to be able to drive in and out, and will be fenced in.

A motion was made by John Kiepura and seconded by Richard Sharpe to defer this to the next Public meeting on March 16, 2016 and recommend the petitioner to seek a variance of use for outdoor storage facility at the BZA.

Diane Cusack	Chuck Becker	John Kiepura	Richard Sharpe	John Foreman	Jerry Wilkening	Greg Parker	Vote
Absent	Absent	Yes	Yes	Absent	Yes	Yes	4-0

3. Eric Lindemulder – Site Plan

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. Town Attorney’s Review: The BZA approved the request by the petitioner for three uses on his property and the Town Council also approved.
- 2. Petitioner’s Comments: Eric Lindemulder was present
- 3. Town Engineer’s Comments: None
- 4. Building Department Comments: Tim Kubiak stated since we don’t have an official site plan, has concerns about keeping the B-3 zoning. Would like to see it B-1, for the use of building. We are making everything for limited parking, in the things he comes across everyday with these properties is a nightmare and for us to approve a three (3) use building with only twenty (20) parking spots for a professional use, we have narrowed it down to what it can be used for. When he sells the property in the future it will still have a B-3 zoning, it gives a false hope and will never be able to be used as a B-3, with the amount of parking. The zoning should fit the use. Approved for a five (5) feet rear yard setback, with a building like this with exits in the rear and air conditioner units, stairway going down to the basement. Has some concerns with access for fire trucks, but until we get a site plan with the drainage it is hard to determine.
- 5. Commission’s Discussion: Greg Parker stated that the five (5) feet rear yard setback would need to be addressed. Eric Lindemulder stated that is what it is approved for but on the existing site plan it is ten (10) feet, there is a sidewalk and a five (5) feet buffer, T & J’s parking lot is back there. John Kiepura was concerned with enclosed trash bin, that

sits on the property line. Greg Parker said when a site plan is approved, everything has to work on your property, not rely on access from neighbors. Tim Kuiper stated he could get a cross access easement agreement from T&J. Greg Parker stated we need a site plan and will be able to determine what works.

A motion was made by Richard Sharpe and seconded by Jerry Wilkening to defer this to the next work session and public meeting.

Diane Cusack	Chuck Becker	John Kieपुरa	Richard Sharpe	John Foreman	Jerry Wilkening	Greg Parker	Vote
Absent	Absent	Yes	Yes	Absent	Yes	Yes	4-0

4. 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 129th Avenue

Request: Petitioner is requesting to Reduce Letter of Credit

- 1. Town Attorney’s Review: None
- 2. Petitioner’s Comments: Not present.
- 3. Town Engineer’s Comments: Don Oliphant stated that they are reducing a reduction in the letter of credit to the minimal allowable reduction. Based on installed public improvements. So the maximum reduction in a performance bond is \$325,432.44. Which is twenty-five (25) percent of \$1,301,729.74. This bond has been in existence since around 2007. They pretty much have all the public improvements in the subdivision except some sidewalks which go with individual lots, which actually are not included in it. And also final coat, which they are planning by the end of the year. A couple street signs, all lighting is in. Could need some curb and gutter repair because of damage from individual lot construction. Slight reduction, current bond is at \$460 something so will get a small reduction for about six (6) months and saves a little money on his premium. Once they come in and pay this, once at eighty (80) percent build out which will be toward end of summer, we will inspect it, fix anything, final coat it, then it will become maintenance.
- 4. Building Department Comments: Tim Kubiak stated this is the one we tried to split in half and actually formally accept half the streets and it turned into a fiasco that we aborted.
- 5. Commission’s Discussion: None

A motion was made by Richard Sharpe and seconded by Jerry Wilkening to reduce the bond into a letter of credit.

Diane Cusack	Chuck Becker	John Kieपुरa	Richard Sharpe	John Foreman	Jerry Wilkening	Greg Parker	Vote
Absent	Absent	Yes	Yes	Absent	Yes	Yes	4-0

5. Centennial Subdivision Phase 7 – Performance Letter of Credit Reduction

Owner: Olthof Homes, 8051 Wicker Ave, St. John, IN 46373
Petitioner: Olthof Homes, 8051 Wicker Ave, St. John, IN 46373
Vicinity: Centennial Phase 7, Cedar Lake, IN 46303

Request: Petitioner is requesting to Reduce Letter of Credit to Maintenance Letter of Credit

- 1. Town Attorney’s Review: None
- 2. Petitioner’s Comments: Not present
- 3. Town Engineer’s Comments: Don Oliphant stated this is unique, Phase 7 is roughly Liberty Street come up Parrish and south onto Richmond, it is a small phase. Inspected all public improvements, with public works help and they have passed. Recommend rolling the Performance Bond into a Maintenance Letter of Credit for a three (3) year period in the amount of \$15,935.74, which is ten (10) percent of the initial estimated cost of construction. To go along with that we have had substantial discussions with Olthof about Liberty Street, and how long that will be a default construction entrance until they are done building that subdivision out. Right now they have about one hundred ninety (190) units left in the northern and northwest part of that subdivision, so in reality they will be using that entrance with heavy equipment for a while. As of July

we are not allowed to do extended maintenance letter of credits do to a change in the state statute. We have other maintenance bonds in this subdivision that are five (5) years, we recommended that again until we found out about that state statute, so we had to go in different directions. Our compromise with Olthof was to have them put up a Performance Letter of Credit for a reduced amount for Liberty Street, within this phase. Will do an equivalent thing for future phases. Phase nine (9) starts going north, that will have a similar requirement. Twenty-five (25) percent of curb and gutter costs on Liberty and fifty (50) percent for surface or an unnecessary milling. We have also agreed that we would revisit this on an annual basis to see how far along they are with the subdivision, so they are not carrying it indefinitely.

4. Building Department Comments: Tim Kubiak stated that we have them understanding that as Richmond continues around to the south, the same kind of deal will happen. We will accept the roads we will accept the cul-de-sac streets that the construction traffic is done on, but the main construction route will still be under a performance until the time comes we feel comfortable that the three (3) year maintenance will kick in and we get roads that aren't tore up at the end of the deal.
5. Commission's Discussion: None

A motion was made by John Kiepura and seconded by Richard Sharpe to accept the public improvements and establish the maintenance letter of credit for a three (3) year period of time in the amount of \$15,935.74 and establish a performance letter of credit in the amount of \$7,555.75 for those public improvements which are still going to be used for construction traffic.

Diane Cusack	Chuck Becker	John Kiepura	Richard Sharpe	John Foreman	Jerry Wilkening	Greg Parker	Vote
Absent	Absent	Yes	Yes	Absent	Yes	Yes	4-0

6. Cedar Lake/Town-Floodplain Management Regulations Amendatory Ordinance, and Related

1. Town Attorney's Review: Tim Kuiper stated this was properly advertised in the newspaper for the public hearing tonight on this Amendatory Ordinance. He explained they redid the maps, and changed the laws slightly and added some new words, so we had to change our ordinance to comply.
2. Petitioner's Comments: None
3. Remonstrators: None
4. Town Engineer's Comments: Don Oliphant stated that they had to take some information out and add some in. We looked at this back in 2012 when the maps changed in January of that year. Some of the state requirements in the template ordinance are not as strict, so we had to go back again, they got taken out in the Amendatory and put back in in this one.
5. Building Department Comments: None
6. Commission's Discussion: None

A motion was made by Jerry Wilkening and seconded by John Kiepura to send a favorable recommendation to the Town Council to accept the Cedar Lake/Town-Floodplain Management Regulations Amendatory Ordinance.

Diane Cusack	Chuck Becker	John Kiepura	Richard Sharpe	John Foreman	Jerry Wilkening	Greg Parker	Vote
Absent	Absent	Yes	Yes	Absent	Yes	Yes	4-0

Update Item:

1. **Zoning & Lighting Ordinance Update** - Being reviewed

Public Comment: None

Adjournment: 8:58 p.m.

Press Session: Plan Commission Work Session – March 2, 2016 at 7:00pm

Chuck Becker

Diane Cusack

John Foreman

Greg Parker

John Kiepura

Richard Sharpe

Jerry Wilkening

Attest: Brooke Faber, Recording Secretary