



**TOWN OF CEDAR LAKE – PLAN COMMISSION
PUBLIC MEETING MINUTES
March 16, 2016 7:00 P.M.**

Call To Order (Time): 7:01 p.m.

Pledge to Flag:

Roll Call:

Present Diane Cusack

Present Chuck Becker

Present Jerry Wilkening

Present John Kiepura

Present Richard Sharpe

Absent John Foreman

Present Greg Parker

Absent Donald Oliphant, Town Engineer – CBBEL

Present Adam Sworden, Town Attorney

Present Tim Kubiak, Director of Operations

Present Brooke Faber, Recording Secretary

Old Business:

1. Eugene Goc & Terri Cox-Rezone

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

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

Vicinity: 8600 W. 139th 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

Deferred to March 16, 2016 Public Meeting.

1. Town Attorney's Review: Adam Sworden stated notices are properly in order.
2. Petitioner's Comments: Jim Weiser, 429 W. Lincoln Hwy, Schererville, attorney representing the petitioner. Terri Cox was also present. This is a parcel of property on the west side of Cedar Lake and over the years has been used for various businesses. The reason for the rezone request, the last few times the property has been used, the owners have to wait until they determine who the tenant is and go before the Board every time that occurs for a variance of use. Difficult to attract a tenant when it does not have the proper zoning. Would like the most compatible business zoning for a residential area. Stated the ordinance for neighborhood zoning district is designed to meet the day to day convenience, shopping and service needs of a persons residing in adjacent residential areas. The zoning district is set up to be compatible with surrounding property. Believe it to be an appropriate request.
3. Remonstrators: None
4. Town Engineer's Comments: None
5. Building Department Comments: Tim Kubiak stated looked at piece of property and can appreciate what they are going through. B-1 is neighborhood business. Would like to see building, signage and parking brought up to a business use. Designated parking area, upgrade to B-1 building use.
6. Commission's Discussion: Greg Parker asked if they were willing to participate in they are doing the right thing for the petitioner as well as the neighborhood. Make sure we have the best use for what the zoning is. Adam Sworden stated can require written commitments on items of concern given the uncertainty of future tenants and proximity to residences as part of the rezone. So that in the future if you get a tenant under a B-1 and the business is going to be operating into the evening, then their concerns are going to be lighting, traffic. Things that are reasonable based on what the tenant might be. A sight plan, to formalize the building, signage, lighting and things like that as subject to the approval tonight. The Board discussed different contingencies for the property. Greg Parker said the building needs to fit the zoning, should be made to look like an office building if that is what it is going to be. John Kiepura expressed concerns with it becoming a furniture store or grocery store, as big trucks would be coming through the residential area and with making the building fit the B-1 zoning. There is a lot of pressure on the Board to make sure traffic flow. Greg Parker stated if you rented it for an insurance office, realtor, would not have a lot of traffic. Adam Sworden stated that as part of the written commitment, use the criteria you are concerned with, like traffic, lighting, and delivery time. By putting those in a commitment you are addressing some

of those uses that are typically allowed in a B-1 district, would not be feasible for this site. It would state that this is B-1, but you cannot run a business here if deliveries at 3:00 a.m. or no semi trucks, no increased traffic from current conditions. The Board continued discussion on restrictions for the business. Tim Kubiak stated go through the list and write down what you don't want it to be, and propose some type of parking plan and what going to do to make the building compatible to the use. Do you want to make a list of what you want it to be or have them come back in two (2) weeks and show what they are going to do with parking lot and building. Terri Cox stated she can bring in a site plan to tell what she is thinking, but until she gets a tenant can't tell what it is going to be. That is why were going for B-1 zoning, easiest to fit into neighborhood. Greg Parker stated if going to do B-1 want to see it as an office space, so many parking spaces. Sign restriction and reverts back to Residential zoning if empty for one (1) year. Also, overhead doors be removed, building needs some sort of face lift, sign restriction, parking lot. Adam Sworden stated no over head doors, sign restrictions, no more than two (2) signs for a combined total of sixty (60) square feet, parking lot layout, no grocery store and reversion back to R-2 if vacant for one (1) year.

A motion was made by Jerry Wilkening and seconded by Chuck Becker to send a favorable recommendation to the Town Council to change zoning from R-2 to B-1 with the following contingencies, no overhead doors, sign restrictions of no more than two (2) signs for a combined total of sixty (60) square feet, parking lot layout, no grocery store and reversion back to R-2 if vacant for one (1) year.

Diane Cusack	Chuck Becker	John Kiepura	Richard Sharpe	John Foreman	Jerry Wilkening	Greg Parker	Vote
Yes	Yes	Yes	Yes	Absent	Yes	Yes	6-0

2. 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: Adam Sworden stated that based on the deferred nature for public hearing, the notices are in order.
2. Petitioner's Comments: Jack Slager with Schilling Development stated the water situation was the main reason have not been back for approval. Over the last two (2) weeks have drilled a test well and the results came back very favorable. An abundance of water, tested for a six hundred (600) gallon per minute well. When put into production will be one of the largest wells in town. The well can be expanded beyond this development to service more property. The engineers have been working with Don Oliphant on the storm sewer and retention pond. The input from Police and Fire on naming of the main east/west streets, between 133rd Avenue and 134th Avenue, would be 133rd Place, 133rd Lane. Will be coming back with a final plat of the twenty-three lots using the existing water system. While these are built will continue to construct the well. Could not do the wetland delineation during the winter, are in the process of doing that now. No driveways onto Lakeside Blvd. in the first phase, no parking on both sides of this at the entrance. The detention basin based on the ordinance, requires fence, will request a waiver want it to be a decorative lake, will post signs around it. Also waiver for one access point to the subdivision, during the construction of phase one (1).
3. Remonstrators: None

- 4. Town Engineer’s Comments: Tim Kubiak stated Don Oliphant left a letter with some concerns. A lot of them have been addressed, one thing is the sanitary lift station in Robin’s Nest, were waiting on a review from Neil. Jack Slager stated he received a brief email from Neil stating he would have enough to satisfy the plan commission and would continue to review the final design. Still waiting on water.
- 5. Building Department Comments: Tim Kubiak stated it is important to control the water issues.
- 6. Commission’s Discussion: The Board discussed the water situation. Also discussion on the street names and numbers.

A motion was made by Richard Sharpe and seconded by Diane Cusack to approve the preliminary plat approval contingent on Don Oliphant’s March 15, 2015 engineering comments.

Diane Cusack	Chuck Becker	John Kiepura	Richard Sharpe	John Foreman	Jerry Wilkening	Greg Parker	Vote
Yes	Yes	Yes	Yes	Absent	Yes	Yes	6-0

3. Richard and Robert Henn, Henns Transportation & 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 B-3

Deferred to March 16, 2016 Public Meeting

- 1. Town Attorney’s Review:
- 2. Petitioner’s Comments:
- 3. Town Engineer’s Comments:
- 4. Building Department Comments: Tim Kubiak stated they did get approval at the Town Council and officially withdrew their petition.
- 5. Commission’s Discussion:
- 6. Commission’s Recommendation to Town Council:

Motion: _____ 1st _____ 2nd

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

4. 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:
- 2. Petitioner’s Comments:
- 3. Town Engineer’s Comments: Tim Kubiak stated that Eric Lindemulder asked to be deferred to the April 6, 2016 work session.
- 4. Building Department Comments:
- 5. Commission’s Discussion:

A motion was made by Chuck Becker and seconded by Jerry Wilkening to defer the site plan to the April 6, 2016 Work Session.

Diane Cusack	Chuck Becker	John Kiepura	Richard Sharpe	John Foreman	Jerry Wilkening	Greg Parker	Vote
Yes	Yes	Yes	Yes	Absent	Yes	Yes	6-0

5. Thomas Taylor & Kathryn Devine Taylor-Preliminary Plat/Site Plan Approval

Owner: Thomas Taylor & Kathryn Taylor, 14801 Clark Rd., Crown Point, IN 46303
Petitioner: Thomas Taylor & Kathryn Taylor, 14801 Clark Rd., Crown Point, IN 46303
Vicinity: 13221 Colfax St., Cedar Lake, IN 46303
Legal Description: E.110FT OF S.60RDS. EX. S.350FT. OF SE SE S.23 T.34 R.9 1.386A.
Tax Key Number(s): 45-15-23-478-001.000-043

Request: **Petitioner is requesting to create a four (4) lot subdivision to separate existing house and garage and create three (3) scenic lots.**

Deferred to April 6, 2016 Work Session.

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

Motion: _____ 1 st _____				_____ 2 nd _____			
Diane Cusack	Chuck Becker	John Kiepura	Richard Sharpe	John Foreman	Jerry Wilkening	Greg Parker	Vote

6. Cedar Lake MHC, LLC-Subdivision/PUD

Owner: Cedar Lake MHC, LLC, 11609 Woodmar Place, Cedar Lake, IN 46303
Petitioner: Paul Kats, 10241 Idlewild Lane, Highland, IN 46322
William Jansma, 11609 Woodmar Pl., Cedar Lake, IN 46303
Vicinity: 9001 W. 133rd Place, Cedar Lake, IN 46303
Legal Description: PT. N1/2 NW. S.27 T.34 R.9 6.504A. --X634.30X654.90X186X851.80X351X --X--FT. **and** TRI. PAR. 724.1X22X724.43FT. E. OF CI & L RR NW NW S.27 T.34 R.9 .18A. PAR. 5 EX . N.120.3FT. **and** IRREG. PAR. VAC. R/W IN NE NW BET E. & W. CENT. LINE & N. LINE AVE. A. EXTENDED S.27 T.34 R.9
Tax Key Number(s): 45-15-27-127-005.000-014
45-15-27-102-001.000-014
45-15-27-127-013.000-014

Request: **Petitioner is requesting a one (1) lot subdivision and zone change to PUD**

- 1. Town Attorney’s Review:
- 2. Petitioner’s Comments:
- 3. Remonstrators:
- 4. Town Engineer’s Comments:
- 5. Building Department Comments: Tim Kubiak stated that they are still working on getting some updated materials.

6. Commission’s Discussion:

7. Commission’s Recommendation to Town Council on PUD Zone Change:

A motion was made by Jerry Wilkening and Richard Sharpe to defer to the April 6, 2016 meeting.

Diane Cusack	Chuck Becker	John Kiepura	Richard Sharpe	John Foreman	Jerry Wilkening	Greg Parker	Vote
Yes	Yes	Yes	Yes	Absent	Yes	Yes	6-0

7. Commission’s Decision on Preliminary Subdivision Approval:

Motion: _____ 1 st				_____ 2 nd			
Diane Cusack	Chuck Becker	John Kiepura	Richard Sharpe	John Foreman	Jerry Wilkening	Greg Parker	Vote

Update Item:

1. **Zoning & Lighting Ordinance Update** – Continuing to review.

Public Comment:

Adjournment: 8:32 p.m.

Press Session:

Plan Commission Work Session – April 6, 2016 at 7:00 p.m.

Jerry Wilkening

John Foreman

Chuck Becker

Greg Parker

Diane Cusack

Richard Sharpe

John Kiepura

Attest: Brooke Faber, Recording Secretary