



**TOWN OF CEDAR LAKE – PLAN COMMISSION
PUBLIC MEETING MINUTES
April 20, 2016 7:00 P.M.**

Call To Order (Time): 7:00 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

Present Donald Oliphant, Town Engineer – CBBEL

Present David Austgen, Town Attorney

Present Tim Kubiak, Director of Operations

Present Brooke Faber, Recording Secretary

Minutes:

A motion was made by John Kiepura and seconded by Jerry Wilkening to approve the February 17, 2016 Public Meeting, March 2, 2016 Work Session, March 16, 2016 Public Meeting and April 6, 2016 Work Session as presented.

Vote 6-0

Old Business:

1. 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

Deferred from March 16, 2016 Public Meeting.

1. Petitioner’s Comments: Eric Lindemulder was present. He is looking for approval or a contingent on a few of the items. Todd Wilkening wanted something signed, an agreement by the two property owners, that the area in question would never be blocked. Discussion about fire access. Asked what lightening is required, and discussed handicap parking spots.
2. Town Engineer’s Comments: Don Oliphant stated he would need a retaining wall to get the tie in grades and the fence would have to be thirty (30) inches. The INDOT permits were granted and revision to their entrance/driveway permit. Have not submitted a photometric plan or architectural plan. The biggest site change is they used to have an above ground retention basin, now they are going with permeable pavers, similar to T&J, identical system, same engineers designed it. Has helped the site work a little better, still relatively high to the adjacent properties, but it works. He recommends two handicap parking spots.
3. Building Department Comments: Tim Kubiak stated his concern was the rear yard set back. He understands it is fine now with T&J having parking spaces there now, but concern for the future, since it is two different properties with two different owners. Just need to make sure there is accessibility and no permanent structures in that area.
4. Commission’s Discussion: Concerns were raised about this agreement between property owners and access for fire. Would need to make sure agreement would stay intact with property, if one is sold. Greg Parker stated to make sure everything is cleaned up with the plans, we can have a Special Public Meeting on May 4, 2016 to approve it. Discussion about lighting and requirements. Don Oliphant stated a commercial parking lot would need some lighting.

A motion was made by Jerry Wilkening and seconded by Diane Cusack to defer this to the May 4, 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

2. Thomas Taylor & Kathryn Devine Taylor-Preliminary Plat 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 from March 16, 2016 Public Meeting.

1. Town Attorney's Review: None
2. Petitioner's Comments: Tom Taylor was present. He stated they are creating three (3) new lots on the east side of Colfax on the north side of 133rd. Working on getting the ten (10) foot dedicated road right of way through the entire property.
3. Town Engineer's Comments: Don Oliphant stated they would need to use our current town specs to build this road. Base requirements would need to be the same. It would still be a publicly owned and maintained road. For an actual preliminary plat approval we would need more engineering even though there would be some waivers. To meet subdivision requirements we would need to see an engineering plan to show where water is coming from, utilities, and geometry. Six (6) or seven (7) pages of a plan set. Will need to provide a road, sewer, utilities and storm water plans.
4. Building Department Comments: Tim Kubiak stated we have talked about waiving the curb, gutter and sidewalk and a twenty (20) foot right of way and the width of road to match up to existing Colfax. But it was never discussed the actual design of that road and what we were going to require. We have requested that extra ten (10) foot of right of way for utilities. We also suggested they need a variance for the twenty (20) foot front yard setback because of the depth of the lots and a rear yard setbacks.
5. Commission's Discussion: Discussion on road standards. David Austgen stated the Plan Commission could act on this with a waiver of the street design specs of the subdivision ordinance.

A motion was made by Chuck Becker and seconded by Richard Sharpe to continue this to the May 18, 2016 Public Meeting.

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

3. 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**

Deferred from March 16, 2016 Public Meeting.

1. Town Attorney's Review: None. David Austgen stated he is responsible for creating the additional step of going to the BZA, and for the time delay. So we can meet all legal steps correctly and in sequence. We don't have many mobile home parks here, we have one ordinance that is old, a lot of things came into the mix.
2. Petitioner's Comments: Bill Jansma stated they were hoping for approval contingent what happens at the BZA meeting in May. Discussed changes on the revised plans and community rules and regulations. They have designated lot 1 as a sales office.
3. Town Engineer's Comments: None
4. Remonstrators: None

- 5. Building Department Comments: Tim Kubiak stated this property is 7.5 acres, which isn't the 10 acres for a PUD. We have a couple different strategies for it and they have filed for the variance for next month, for the requirement. So whatever happens here would be contingent with what happens with the variance. The big question was the easements and that was taken care of, sheds, parking are clear now with some guidelines. Easier to manage, to see what is wrong. The seventy (70) foot trailers are what brought this all into play. Encouraging they want to put in a sales facility, step in the right direction. Also need to get the trailers in without encroaching on other peoples property.
- 6. Commission's Discussion: David Austgen suggested consideration for inclusion of some language in each of the community rules and regulations in the PUD guidelines that the town has the right to enforce these incase the management does not. Also, recommended that these rules are in addition to the zoning and ordinance requirements of the Town of Cedar Lake. The PUD Ordinance will go to the Town Council.

A motion was made by Diane Cusack and seconded by Jerry Wilkening to approve the site plan as presented and based upon the comments of the staff.

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

A motion was made by Chuck Becker and seconded by Richard Shape to approve the one (1) lot subdivision final plat based upon the site plan presented and the comments and recommendations of staff.

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

A motion was made by John Kiepura and seconded by Jerry Wilkening to certify a favorable recommendation to the Town Council for approval of a PUD Zoning District classification amendment based upon the presentation, the site plan, the one (1) lot subdivision, comments of staff and approval by the BZA of a Developmental Variance for reduced size area of the PUD from ten (10) acres to seven and a half (7.5) acres.

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

New Business:

1. BP- Herman Fisher – Performance Letter of Credit Acceptance/Establish Maintenance Letter of Credit

Owner: Herman Fisher, 7404 E. Plank Trail, Frankfort, IL 60423
Petitioner: Cleon Stutler, 2155 Willowcreek Rd, Portage, IN 46368
Vicinity: 13302 Wicker Ave, Cedar Lake, IN 46303

Request: Petitioner is requesting Performance Letter of Credit and to establish a Maintenance Letter of Credit

- 1. Town Attorney's review: None
- 2. Petitioner's Comments: Not present
- 3. Town Engineer's Comments: Don Oliphant stated they inspected public improvements within the 133rd right of way, west of U.S. 41. They installed curb throughout that stretch tying into our project. Sidewalk and two (2) storm water inlets that tie into their system to help the road drain. They requested an inspection to have the town accept them and the roll it into a maintenance bond. So we inspected, there is still some minor stuff out there, striping to finish, raise a casting, repair a curb crack and then seed the parkway. If the commission does seem so inclined to accept it based on those small contingencies they have to fix, the ten percent (10%) of the initial cost of construction would be five thousand ninety-eight dollars and forty cents (\$5,098.40), which would be established for three (3) years into a maintenance letter of credit. Don's recommendation is to roll it over. After speaking to Mr. Fisher, he needs the money in a

performance letter of credit to stabilize the site. The remaining thing to do is grass detention basin, put up some screening on the southern property line and grass the parkway.

4. Building Department Comments: Tim Kubiak stated Mr. Fisher currently has a signed contract for thirty-eight thousand dollars (\$38,000) with T& J Landscaping to do all of it. He also stated there are a couple things that need to be finished, the canopy and an epoxy coating on the canopy, it has to be fifty (50) degrees before they can apply this.
5. Commission's Discussion: Jerry Wilkening expressed concern with a timeline when he should have this done.

A motion was made by Richard Sharpe and seconded by John Kiepura to release the performance letter of credit and establish a maintenance letter of credit and accept the public improvements, contingent the letter by Don Oliphant from April 20, 2016.

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

Update Item:

1. Zoning & Lighting Ordinance Update-pending legal review

Public Comment: None

Adjournment: 8:06 p.m.

Press Session: Plan Commission Work Session – May 4, 2016 at 7:00pm

The Town of Cedar Lake is subject to the requirements of the Americans with Disabilities Act of 1990. Individuals with disabilities who plan to attend this meeting and who require certain accommodations in order to allow them to observe and/or participate in this meeting, or who have questions regarding accessibility of the meeting or the facilities, please contact the Town Hall at (219) 374-7400.