



**TOWN OF CEDAR LAKE – PLAN COMMISSION
SPECIAL PUBLIC MEETING & WORK SESSION
MINUTES
May 4, 2016 7:00 P.M.**

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

Pledge to Flag:

Roll Call:

Absent Diane Cusack

Present Chuck Becker

Absent John Kiepura

Present John Foreman

Present Richard Sharpe

Present Jerry Wilkening

Present Greg Parker

Present Donald Oliphant, Town Engineer – CBEL

Present David Austgen, Town Attorney

Present Tim Kubiak, Director of Operations

Present Brooke Faber, Recording Secretary

Special Meeting:

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

Deferred from April 20, 2016 Public Meeting

1. Petitioner's Comments: Eric Lindemulder was present. He had the lighting information and letter from T&J for fire access. Will have letter from other neighbor. INDOT did come to his office, but he has not heard anything. On the signature page it does have the fire department wording and the grading.
2. Town Engineer's Comments: Don Oliphant stated their engineering is good, but INDOT is outstanding, lighting is outstanding, letters for adjacent parcels are outstanding, letter for T&J for fire access is outstanding. He stated he would need three (3) permits, driveway culvert permit, cut permit and a drain permit.
3. Building Department Comments: Tim Kubiak stated as long as they have the access for the fire.
4. Commission's Discussion: David Austgen stated the document needs to be in recordable form, or tacked onto the plat, so if it is recorded it runs with the land, specifically with the fire department use. Greg Parker asked if it would follow the deed. David Austgen stated it is not on the deed, it is also not a recordable instrument, that would require notarization. The reason it needs to run with the land is because of the fire department access. Needs to be in a recordable form, and it needs to break out these items, the legal descriptions are on here, they should be ok. It needs to be like a deed, that would have the right type of language and signatures blocks on it, that will permit it to be recorded. It is important because of the substance. It runs with the land, if you are not there, the successor owners are bound and obligated by this and a successor purchaser will know about it because they will run title when they purchase. Discussion ensued on outstanding items.

A motion was made by John Foreman and seconded by Jerry Wilkening to approve the site plan, contingent upon the INDOT driveway permit, driveway culvert permit, and drainage permit, being approved for the items discussed, as well as the letters for adjacent parcels, for landscaping excavation on to them, and lastly for the fire department, T&J legal binding letter attached to the site plan and remaining engineering comments.

Diane Cusack	Chuck Becker	John Kiepura	Richard Sharpe	John Foreman	Jerry Wilkening	Greg Parker	Vote
Absent	Yes	Absent	Yes	Yes	Yes	Yes	5-0

Old Business:

1. 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 from March 16, 2016 Public Meeting

Deferred to May 18, 2016 Public Meeting

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

2. Cedar Lake MHC, LLC-Final Plat Approval

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

Deferred to May 18, 2016 Public Meeting

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

New Business:

1. Henn's Transporation & Warehousing-Preliminary Plat-2 Lot Subdivision

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 2-lot subdivision

1. Petitioner's Comments: Don Torrenga, Richard Henn and Rob Henn. They are attempting to construct a storage facility, the entrance is a private drive off of Route 41. Richard Henn, 12732 Wicker, we have owned the property for thirteen (13) years. Has never seen water lay on the area that Mr. Oliphant is talking about. However, since the development on Route 41, there might have been some more recently in the last four (4) or five (5) years. That was a natural swale that ran through there to the wetlands on 129th. Every time the town or one (1) of the neighbors wanted to do something, we went along with everything they wanted to do. When they wanted to get the water out of the Vanco subdivision, we gave them an easement through the property at no cost. When they wanted to bring water north off 129th, we gave the easement at no cost. When Bobb's wanted a retention pond, we didn't come and complain. When Jim wanted a retention pond and dumping the water on us, we didn't complain and when Banter built his building and built a pond, we didn't come and complain. Just wanted that too be known and taken into consideration. Don Torrenga stated he would like to see the report that says the detention pond is useless. The only possibility to develop this property is to take some of the high land and use for storage facilities or something else and create what is in effect another detention pond. Providing the water main with the proper clearances with fire hydrants every five hundred (500) feet. It doesn't make sense in an open field. Were hoping to put the water main in up to the storage facility and then put the fire hydrants in where they could be used. Will be asking for a waiver on this. Mr. Henn also stated the town would receive income from their storage units with taxes. Lighting on the side of the building, no pole lights. Definitely wants outside storage.
2. Town Engineer's Comments: Don Oliphant stated the placement of the detention basin is in that low lying area from Bobb's, which is a problem. We made Bobb's do a wetland delineation for that same low lying area. Relocation of that detention basin to the west of the storage lockers is not great. They did propose a twenty (20) foot green space around the north and east perimeter, we recommended it be extending along the south perimeter to maintain a buffer to the subdivision. Some comments about the plat regarding the address. Right now they have an address off of 129th Avenue, but there is no access proposed off of 129th. He and the building department thought that could be a potential problem and recommend it be addressed off of Wicker, which is where the current entrance is.
3. Building Department Comments: Tim Kubiak asked if there was an access agreement with Great Oaks. Concerns with Lot 2, being half B-2 and half R-2.
4. Commission's Discussion: Discussion ensued on the detention area and the wetlands. David Austgen stated they would need the cross access agreement recorded and it should be a condition of approval. Jerry Wilkening had concerns about outdoor storage and how to control it.

2. North Centennial Development, LLC-PUD Amendment

Owner: Indiana Land Trust Company Trust#120096
Petitioner: North Centennial Development, LLC, 8051 Wicker Ave., Suite A, St. John, IN 46373
Vicinity: 141st Avenue, Cedar Lake, IN 46303
Legal Description: S.1/2 SE.1/4 & S.1/2 NW.1/4 SE.1/4 S.28 T.34 R.9 & S.1/2 NE.1/4 SW.1/4 & Pt. E.1 /2 SE.1/4 SW.1/4 all Ly'ng E. of RR S.28 T.34 R.9 36.67Ac **and** Pt. SW.1/4 SE.1/4 S.28 T.34 R.9 2.69Ac
Tax Key Number(s): 45-15-28-451-002.000-014
45-15-28-459-001.000-014

Request: Petitioner is requesting PUD Amendment to reduce density and increase single family home lots

1. Petitioner's Comments: Ed Recktenwall, 8501 Wicker Avenue, St. John, IN, stated they are looking to take the north half of the current subdivision and reduce the density, switching over some town home units to duplex and switch some duplex units over to single family. The overall density would drop, currently we are approved for six

hundred ten (610) units and that would drop to five hundred seventy-one (571) units. The majority would be the conversion of duplex to single family. The biggest question they have is PUD Amendment, would it be legally considered a minor change. None of the right of ways are changing, just a lot line change. Some minor engineering revisions.

2. Town Engineer's Comments: Don Oliphant stated at this stage since it is becoming less dense, there is no problem with the storm water and will work on the engineering when it gets to that point.
3. Building Department Comments: Tim Kubiak stated comparing this to things in the past, this would be a minor change.
4. Commission's Discussion: David Austgen asked what the total amount of reduction is? Ed Recktenwall stated 39 units.

3. North Centennial Development, LLC-Letter of Credit/Bonds

Owner: Indiana Land Trust Company Trust#120096
Petitioner: North Centennial Development, LLC, 8051 Wicker Ave., Suite A, St. John, IN 46373
Vicinity: Centennial Subdivision

Request: Petitioner is requesting Letter of Credit vs. Bond

1. Petitioner's Comments: Ed Recktenwall stated that in the ordinance it requests specifically letter of credit, we have developed Centennial, we have been through nine (9) phases, and every time have submitted a bond instead of a letter of credit. What we are asking for is to continue this process and have the board accept bonds instead of letter of credits. Want to point out a couple things, never had a bond pulled on them before. Feels like we have a good relationship with the Town. Could they request a waiver of the current ordinance to allow acceptance of a bond instead of letter of credit and continue on in that process. It will slow their development down if they had to switch from a letter of credit instead of a bond.
2. Town Engineer's Comments: Don Oliphant stated this is more of a policy decision or legal, not engineering.
3. Building Department Comments: None
4. Commission's Discussion: David Austgen stated should follow the letter of credit path consistently. There is a reason a letter of credit is a form of surety. It has been a form of surety for a long time, it is a form of cash essentially. Discussion ensued about letter of credits and bonds. John Foreman asked how many phases did they anticipate needing a bond instead of letter of credit. Ed Recktenwall stated approximately four (4). Don Oliphant stated once you start rolling over to maintenance then you need a maintenance letter of credit. Greg Parker stated that if counsel is telling us we should not be accepting bonds, then we should stop.

4. Monastery Woods Development, LLC-Preliminary Plat Approval

Owner: Monastery Woods Development, LLC, c/o Richard E. Anderson, 9211 Broadway, Merrillville, IN 46410
Petitioner: Monastery Woods Development, LLC, c/o Richard E. Anderson, 9211 Broadway, Merrillville, IN 46410
Vicinity: 10035A W. 130th Ln., Cedar Lake, IN 46303
10035B W. 130th Ln., Cedar Lake, IN 46303
10035C W. 130th Ln., Cedar Lake, IN 46303
10035D W. 130th Ln., Cedar Lake, IN 46303
13040C Grasselli St., Cedar Lake, IN 46303
13044 Grasselli St., Cedar Lake, IN 46303
13040 Grasselli St., Cedar Lake, IN 46303
Legal Description: Monastery Woods Phase 2 Pt of Lot 293 (10035-A) W. 130th Ln) Ex. W'lly 10ft and
Monastery Woods, Phase 2 Pt of Lot 293 (10035-B) W. 130th Ln) and
Monastery Woods, Phase 2 Pt of Lot 293 (10035-C) W. 130th Ln) and
Monastery Woods, Phase 2 Pt of Lot 293 (10035-D) W. 130th Ln) and
Monastery Woods Phase 2 S.30.0ft of Lot 294 and
Monastery Woods Cottage Homes Lot 1 and
Monastery Woods Cottage Homes Lot 2 and
Tax Key Number(s): 45-15-21-401-041.000-014

45-15-21-401-042.000-014
45-15-21-401-043.000-014
45-15-21-401-044.000-014
45-15-21-401-040.000-014
45-15-21-406-018.000-014
45-15-21-406-017.000-014

Request: **Petitioner is requesting plat amendment to change one (1) 4-unit townhome lot to accommodate three (3) cottage homes and to adjust lot line on two (2) existing cottage home lots**

1. Petitioner’s Comments: Richard Anderson, 9211 Broadway, Merrillville, IN 46410. Want to downsize, going from four (4) units to basically three (3) and adjust the lot lines on Lot one (1) and two (2). Five (5) cottage homes instead of six (6) units, which would have been one building of four (4) town homes and two (2) cottage homes. This is all premised on the fact that in March of 2015, the plan commission had a discussion at their meeting, they gave the town property for a walk way between the school and subdivision. The school came back and said they don’t want anyone back there.
2. Town Engineer’s Comments: Don Oliphant stated he was still looking at it.
3. Building Department Comments: Tim Kubiak stated the best place for a sidewalk would be that ten (10) foot strip on the southern most edge of the subdivision, but then you end up on the Hanover practice field out there in the back of the school. They have no desire to put a sidewalk through their property.
4. Commission’s Discussion: John Foreman stated initially the paved path went from 5:00 o’clock to 7:00 o’clock off to the right and meandered down and around and came off some of the cottage homes on the southeast corner. In 2013 we moved it, because the old superintendant wanted the path closer to the school, so the kids could walk to school. The new superintendant and school board do not want any kids walking by the new athletic fields. In lieu of that, dollars going toward us putting in sidewalks somewhere someday, to keep people off of Parrish Avenue. David Austgen stated they do not need to make a decision to construct the sidewalk today, look at the amount of time it took to purchase the property we needed for sidewalks to schools. So if you didn’t improve the property, but retained it in ownership, so one day you had the option. Will see them in two (2) weeks.

5. Monastery Woods Development, LLC-Rezone

Owner: Monastery Woods Development, LLC, c/o Richard E. Anderson, 9211 Broadway, Merrillville, IN 46410

Petitioner: Monastery Woods Development, LLC, c/o Richard E. Anderson, 9211 Broadway, Merrillville, IN 46410

Vicinity: 10035A W. 130th Ln., Cedar Lake, IN 46303
10035B W. 130th Ln., Cedar Lake, IN 46303
10035C W. 130th Ln., Cedar Lake, IN 46303
10035D W. 130th Ln., Cedar Lake, IN 46303
13040C Grasselli St., Cedar Lake, IN 46303

Legal Description: Monastery Woods Phase 2 Pt of Lot 293 (10035-A) W. 130th Ln) Ex. W’ly 10ft and
Monastery Woods, Phase 2 Pt of Lot 293 (10035-B) W. 130th Ln) and
Monastery Woods, Phase 2 Pt of Lot 293 (10035-C) W. 130th Ln) and
Monastery Woods, Phase 2 Pt of Lot 293 (10035-D) W. 130th Ln) and
Monastery Woods Phase 2 S.30.0ft of Lot 294

Tax Key Number(s): 45-15-21-401-041.000-014
45-15-21-401-042.000-014
45-15-21-401-043.000-014
45-15-21-401-044.000-014
45-15-21-401-040.000-014

Request: **Petitioner is requesting to change zoning classification from R-M and R-2**

1. Petitioner’s Comments: Richard Anderson same as above.
2. Town Engineer’s Comments: None
3. Building Department Comments: None
4. Commission’s Discussion: None

Update Item:

1. **Zoning & Lighting Ordinance - Update**
2. **John Foreman - B-1 Zoning Presentation**-John Foreman stated right now we have B-1 Zoning throughout most of the TIF District. A lot of people don't realize the house they are renting or own is zoned B-1. So Randy, Julie, and some folks from the RDC are trying to look into this economic development corp and have created an economic development committee. Trying to change some of these houses that are zoned R-2 to B-1 and say you want to open a business, here you go. Want to do guitar lessons, hair salon. Want it to be known to the world that you are free to change your zoning and open a business and try to grow our TIF District. Would add some municipality parking lots at the Public Works building. And some public parking at the parks we have taken over. At the top of the Town Grounds, have a one hundred twenty-five (125) foot parcel of property, where the old Woody's barbershop sat, perhaps make that a public parking lot. Then if someone from here to U.S. 41, could open a business, start creating some revenue and maybe some waivers on parking. Jerry Wilkening asked if there was a number of these properties in mind. Are we talking twenty (20) or two hundred (200). John Foreman said realistically hoping for ten (10) percent. It is all B-1 now, nobody realizing it is B-1. The purpose is to grow the TIF District. Discussion about different properties and lay outs. Greg Parker asked David Austgen if he had any pros or cons for what he is proposing. David Austgen stated it is a business incent, it isn't going to increase the TIF, unless the assessed value has changed. So if the commercial improvements to make the property suitable for the commercial use proposed occurs then you will have some increment. They are redoing the Town of Griffith with that incentive. They have been working at it for years. Another way to go about it, is to create an overlay district. Maybe leave the underlying zoning so you can retain the control. Cons, as long as you enforce your zoning code uniformly, there aren't any cons. Tim Kubiak stated the main cons with your concept is the lack of sidewalks and the lack of connectivity to these parking lots. Discussion ensued about sidewalks.

Public Comment: Ruth Linz, 10820 W. 131st Ave., Cedar Lake, IN 46303. Talking about the Henn property, storm sewer that was built from Vanco subdivision that ran all the way to the back of the property he purchased. She gets lost in the meetings, the two parcels of land that are going to be two (2) lots. Are those going to stay R-2 with a variance. Tim Kubiak stated parcel one (1) is B-2 he is asking to make it larger and make it B-2. Parcel two (2) is the smaller piece of property. She also asked questions about why he is going to the BZA. Tim Kubiak stated he is asking for fifty (50) feet of frontage for this lot. He is working on getting a site plan. Ms. Linz wants to make sure she will not be looking at heavy duty equipment coming in. Jerry Wilkening stated anything goes for outdoor storage. David Austgen stated that one of the things the BZA can do is require for a listing of or delineation of specific things that can be stored. You can make and impose reasonable conditions. It is an important function that the BZA and Plan Commission can address these concerns. Ms. Linz asked if he was granted additional frontage on Route 41 for this road and then if the storage units changed into something larger, is that going to be an issue. David Austgen stated he would have a site plan that would be approved with the size, location and access to the buildings, the fencing and screening around the buildings. Tim Kubiak stated it is a R-2 zone with a Variance of Use for storage. Don Oliphant stated if he wanted a bigger building, he would have to come back to the Plan Commission.

Loretta Dibiasse, 11011 W. 129th Ave., Cedar Lake, IN 46303. It is hard to follow discussion and has questions on the wetlands. That is where he wanted the auto drainage into? Don Oliphant stated that is where he is outleting to, he is allowed to do that. Discussion ensued about the wetlands. She is happy that there would not be outside storage on the south side be Vanco, but that means it will go by her side. John Foreman stated that for the folks on 129th, they will see obstruction quicker and easier than the Vanco subdivision. Should have some type of screening. Would like to see outside storage near 133rd by other business. Chuck Becker stated the possibility of no outside storage until second building is in.

Sue Linz, 13034 Osborn St., Cedar Lake, IN 46303. She is concerned with the outside storage, does not want to look at an eye sore. Once he has everything done where is all the run off going to go? Greg Parker stated Don Oliphant would take a look at it and will make sure these sites will drain.

Patrick Willy, 10801 W. 129th Ave., Cedar Lake, IN 46303. Would like to thank them for the variance of the easement of fifty (50) foot and saving the trees on tracks, will cut down on noise. Also has video tape of the water that comes down the tracks and through backyard, which is the highest spot of that property. Talked about concerns for water issues. Concern for what is in the storage lockers. Does not understand why they are allowing a business in an R zoning. Concerns with needing a turn lane off of Route 41. Commercial building without any sewers.

Adjournment: 9:05 p.m.

Town of Cedar Lake – Plan Commission
Special Public Meeting & Work Session
Minutes
May 4, 2016

Press Session: Plan Commission Public Meeting – May 18, 2016 at 7:00pm

Chuck Becker

Diane Cusack

John Foreman

Greg Parker

John Kiepora

Richard Sharpe

Jerry Wilkening

Attest: Brooke Faber, Recording Secretary