



**TOWN OF CEDAR LAKE – PLAN COMMISSION
WORK SESSION MINUTES
July 7, 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 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

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 from April 20, 2016 Public Meeting
Deferred from May 18, 2016 Public Meeting
Deferred from June 15, 2016 Public Meeting

1. Petitioner's Comments: Tom Taylor and Paul Banter addressed all the items requested. Ready to move forward.
2. Town Engineer's Comments: Don Oliphant stated they just received the resubmittal, we are still waiting for some engineering to come in. Half of a response letter and a resubmitted plat. Once get engineering can get into deeper.
3. Building Department Comments: None
4. Commission's Discussion: Greg Parker asked the petitioner if they can get everything together in two weeks. Don Oliphant asked about the waivers needed to move forward, road widths, sidewalks, curbs all typical stuff. Greg Parker stated he thought that was all waived because it was pre-platted and existing. If they can get all of this to them, can they start on the first house that the city road is already there. The petitioner asked if they can start building on that, do have all the paperwork on the variances for the house. David Austgen stated that is not normal procedure. The lot he is talking about is part of the four-lot subdivision and it is not platted. Would be willing to accept the building permit, with the condition of occupancy be issued after the road is completed. John Foreman stated basically what he is asking is once he gets approval for the plat and site plan approval can you pull a permit for the house before you finish the road. Don Oliphant stated that is a gray area in the ordinance, need ninety (90) feet on a fronting road and technically it's an unimproved public right of way with a nonconforming existing road. David Austgen stated the commission has the authority to waive the requirement. Tom Taylor stated his intention is to put three (3) houses back there, it would be nice to get the first one going and sold, so would have the funds to complete the road and start the last two (2) houses. Greg Parker asked if it would be covered with an agreement upon getting a permit that he agrees will continue the road to whatever length it needs to be. David Austgen stated, what if he doesn't. They would need a letter of credit to do the road. John Kiepura stated he couldn't start building on three (3) and four (4) till he put the road in.

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

Owner: Richard and Robert Henn, Henn's Transportation & 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 site plan approval

Deferred from May 18, 2016 Public Meeting
Deferred from June 15, 2016 Public Meeting

1. Petitioner's Comments: Robert Henn stated they originally deferred from last month to gain some time for the engineer to answer some questions from Don's review. Mr. Torrenga couldn't be here this evening, but he does have most of the responses from Don's review. There are two (2) items I need to address and one is the signage on 41, decided to utilize the bottom of the monument sign. This does not really need a lot of signage for this property. The office will still be located at 133rd. The other item on the review is the photometric plan, it is being developed and we should have it by the next meeting.
2. Town Engineer's Comments: Don Oliphant stated he received the resubmittal on Friday. Got a letter out this afternoon. A lot of the remaining comments are relatively minor. They made a lot of changes to the retention pond, which should add some water quality features for everything around and that will benefit the wetlands surrounding the property.
3. Building Department Comments: None
4. Commission's Discussion: Greg Parker asked what the remaining hang ups are with this project. Don Oliphant stated there are a couple storm water comments, still waiting on revised photometrics, signage details, which doesn't appear to be an issue. Still no as-builts of the water main that was put in as part of the Bobb Auto Group. Not sure the location of their water main for their hydrants will work. Tim has been talking to Ziese and they said we would have it to him this week and we have not gotten it yet. That is a hang up on the utilities and some soil erosion control comments. Overall pretty minor. Jerry Wilkening asked if the outdoor storage would be all gravel. Don Oliphant stated they recommended that be asphalt. That was not shown on their last plan set, we caught it in some of their calcs and we had them put it in asphalt, with all the residential lots out there we didn't want a lot of dust plume, so required it asphalt. Jerry Wilkening asked about mowing crews coming in and out. Rob Henn stated in town here you have covenants that you can't park commercial vehicles or trailers in your driveway. Can only speak to what they have at the other facility. Have ten (10) outdoor spots only, what was there last week was three (3) boat trailers and one (1) landscape trailer, and one car. Jerry Wilkening stated there will be businesses running out of a business. John Foreman said indirectly yeah, if I owned a mowing business, I'm gonna start off as a small time guy, I'm gonna be able to store some stuff in my yard, but if I live in a subdivision, I'm gonna go rent a place from somebody with one of the U-Locks. He can't control who he rents too. Jerry Wilkening stated this is not a B-2 Industrial Park. Rob Henn stated a lot of contractors rent units, the Chamber of Commerce and organizations in town rent units. They are storing stuff, not building anything at the U-Lock. The outdoor storage will be the same as the other business. John Foreman stated two (2) or three (3) counsels ago we gave all this carte blanche R-M and R-T housing and people need a place to store their stuff. Would prefer these be built in a hidden spot, instead of a commercial property. Jerry Wilkening stated this will affect residential property. Mowing crews and snow plows going out. Rob Henn stated the

gates lock after 10:00 p.m., the gate locks out completely after a certain time. Do not have any problems at the other facility, nobody sleeping there, it is a very clean and quiet facility. Will be even quieter because no office at this location. John Foreman stated any U-Lock establishment in our town or any town will have problems from time to time. Jerry Wilkening stated he does not have an issue with the storage unit, but with the way it will be used. This does not have zoning for running a business out of this. Rob Henn stated this is just for storing, they are not running a business out of there. Are only building four (4) buildings to start. Jerry Wilkening stated this is the best use for this property. John Foreman stated if he rents outside storage to park my Kubota on a trailer, I want to be able to go park it. Because I only need it once a month. Jerry Wilkening asked where is the start finish line with that. It is construction equipment. John Foreman stated you don't want the road damaged. If I am a business guy starting off and I had to rent a place to put it until I can buy my own building, that is the way I look at outside storage. Greg Parker stated with a special use, if you want to see something restricted on this particular site, they have other facilities where they can store these things. Jerry Wilkening stated maybe these buildings should be built so the outside storage cannot get any bigger than already on paper. So the plan doesn't change in the future. A discussion on lighting and screening ensued. Don Oliphant stated they have a forty (40') foot conservation easement around the entire perimeter of the property. On the north side of their current outside storage is a six (6) foot privacy fence. Chain link around other perimeters. Michelle Bakker asked Mr. Henn if they were going to have a designated space for all the outdoor storage, all along the fence on the north side. Mr. Henn stated yes. Greg Parker stated it needs to be restricted by a percentage of outdoor storage or a percentage of business storage. He also asked what they will be doing with the empty lot at this time, will it be used for outdoor storage? Mr. Henn stated no, at this point it will not be touched. Only using designated areas. Don Oliphant asked if they could put down the number of storage spaces on the plat. If you ever want to do something on that north parcel, would have to come back for a site plan approval. John Foreman stated twelve (12), phase one (1) is the first four (4).

Request: Petitioner is requesting a 2-lot subdivision

1. Petitioner's Comments: None
2. Town Engineer's Comments: Don Oliphant stated it is the same thing, the conservation easement on the actual plat was removed and we asked them to put it back.
3. Building Department Comments: None
4. Commission's Discussion: Greg Parker stated there will be some discussion on the remaining engineering comments and whatever pops up between now and the public meeting.

3. 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

Deferred from June 15, 2016 Public Meeting

1. Petitioner's Comments: None
2. Town Engineer's Comments: Don Oliphant stated we issued a letter on the 5th, we are good with their revised plat and engineering.
3. Building Department Comments: None
4. Commission's Discussion: None

4. Centennial Phase 10 – Final Plat Approval

Owner: Olthof Homes, 8051 Wicker Ave., St. John, IN 46373
Petitioner: Olthof Homes, 8051 Wicker Ave., St. John, IN 46373
Vicinity: Centennial Phase 10, Cedar Lake, IN 46303

Request: Petitioner is requesting final plat approval for Phase 10

Deferred from June 15, 2016 Public Meeting

1. Petitioner's Comments: None
2. Town Engineer's Comments: Don Oliphant stated they are proceeding with some of their Phase 10 improvements. They have passed their stone ag proof roll, they put in curbs last week, suppose to pave. Once that is in we will reduce their Letter of Credit accordingly and have a number for that as well as inspection fees. The plat itself is pretty minor and in good order. Will have something more in two weeks.
3. Building Department Comments: Michelle Bakker stated she will review their address and we did receive both of their Letters of Credit for Phase 7.
4. Commission's Discussion: None

New Business:

1. Watt Holdings, LLC – 3-Lot Subdivision

Owner: Monte Watt, 11411 135th Pl., Cedar Lake, IN 46303
Petitioner: Watt Holdings, LLC, 11411 W. 135th Pl., Cedar Lake, IN 46303
Vicinity: 11255 to 11500 W. 136th Pl., Cedar Lake, IN 46303
Legal Description: Muir Woods Outlot A and Muir Woods Outlot B and Muir Woods Outlot C and
PT SE1/4 NE1/4 S.29 T.34 R.9 0.209 Ac
Tax Key Number(s): 45-15-29-278-011.000-014 and 45-15-29-278-012.000-014 and 45-15-29-278-
013.000-014 and 45-15-29-278-014.000-014

Request: Petitioner is requesting 3-Lot Subdivision

1. Petitioner's Comments: Monte Watt, coming to get some ideas for development of three more lots to fill out Muir Woods. Substantially all the construction has already been done with the first phase. The streets are in, the street lights are in. Consolidate all the existing property left over from the first subdivision.
2. Town Engineer's Comments: Don Oliphant stated we just started looking at it. Some caveats with this that we have noticed is that parcel four (4) is not actually owned by you, but the church. This cannot happen until you get it deeded over. Platted in 2005, reviewed by the prior engineering consultant, had some old comment letters and discussion about park property for the subdivision. This is the only green space in the entire subdivision. This is the original intent for these outlots. The minimum park requirement is 1.75 acres, outlot A, B, and C adds up to 2.4 or 2.6. Don asked David Austgen if they are required to have that and if not do they need to pay a fee in lieu. David Austgen stated that if the ordinance requires some dedication then there will be a dedication required. John Foreman asked can the commission waive it. David Austgen stated yes. Don Oliphant stated that even though it was not necessarily dedicated as part of the initial plat, can he build on these lots?
3. Building Department Comments: Michelle Bakker stated it is already a part of Muir Woods, that is how it was accepted with these outlots. Would like to see on Lot 1, some type of easement, where lot A runs up to the road, so there are no fences to block that in the future. Monte Watt stated part of the covenant would state no fences.
4. Commission's Discussion: David Austgen stated that the decisions made in 2005 or 2004, there was a substantial discussion about this and park planned in this particular area of town. The park department at the time did not want or require that to occur, so the development happened without it. This land is not particularly suited for park use, it is the reminent pieces. Monte Watt stated that fortunately this one you can make lots out of it. Michelle Bakker asked if they would need to look at the actual Muir Woods final plat and change that one to take all of this out of Muir Woods to create a new subdivision. David Austgen stated no this is a resubdivision. John Foreman asked for clarification on where Lot 2 is. Monte Watt stated Lot 2 belongs to Bethel Church. Don Oliphant stated Lot 1 is heavily restricted, for buildable area due to ingress and egress easements, due to drainage easements. The western third of that lot is unbuildable. Would need to look at minimum first floor based on the area they can build on and see if it could fit. David Austgen asked if there were any issues with soils that would preclude any development. Don Oliphant stated he did not have that information. Would need to look at some things from a zoning prespective, certain restrictions for these lots. Think sidewalks were waived with the initial plotting of this subdivision. Should have Torrenga survey a little more about that lift station, the pad, exterior portions of the pad, to make sure it is all in the right of way. Monte Watt stated right now it is just a tank and does not have a concrete pad. Mr. Watt also stated concerns for drainage between lots 5 and 6. Have a problem with the way it was designed, there is

erosion going back between those two lots. Would like to address it as a maintenance item or run it by the town for review. You can decide to review the structure and some tile, but if you decide not to do it, we will engineer it and put it in at our expense. Don Oliphant stated he has been out there and it is deep and bad right now. Would like to see what they come up with. It is beyond maintenance at this point.

5. Kathy Csikos 11500 W. 135th Place, concerns with the drainage issues on lot 5.

2. David McDaniel – 1-Lot Subdivision

Owner: David McDaniel, PO Box 711, Cedar Lake, IN 46303
Petitioner: David McDaniel, PO Box 711, Cedar Lake, IN 46303
Vicinity: 7129 Vermillion, Cedar Lake, IN 46303
Legal Description: Pt. NE.1/4 NW.1/4 S.23 T.34 R.9 (88x232ft) 0.468Ac
Tax Key Number(s): 45-15-23-132-005.000-043

Request: Petitioner is requesting 1-Lot Subdivision

1. Petitioner's Comments: None
2. Town Engineer's Comments: None
3. Building Department Comments: Michelle Bakker stated he did not get the plans completed. Will try to be at the Public Meeting.
4. Commission's Discussion: None

Update Item:

1. Zoning & Lighting Ordinance – Update – Still working on it.

Public Comment: Susan Linz, 13104 Osborne St., Cedar Lake, IN.- Concerns with outdoor storage at the Henn Storage. Concerns with dump trucks dumping gravel on the property. Greg Parker stated he is open to setting restrictions on the Henn Property. Jerry Wilkening asked what the Board thinks is reasonable. John Foreman stated the thing that would be the most annoying if I was a neighbor, is opening of the gate. No buzzer on the gate. Jerry Wilkening stated he does not want people in there to put their snow plows on at 9:50 p.m. Not telling him what he can't do, is like telling him he can do it. He wants to use that special use as a B-2 facility. The application says U-Lock, not construction equipment. Not putting restrictions on this is like a run a way train. He has no concern for what anyone says here, because when the meeting is over he leaves. John Foreman stated it would be impossible to monitor. Greg Parker stated it is not impossible to monitor if there is a reasonable restriction put on it. Tonage so it doesn't destroy the road. Is it recreational storage only. No outdoor storage till all the buildings are built. Michelle Bakker stated he is only allowed to use it with the first four buildings. He will do it in phases. Jerry Wilkening stated if something good comes along, they will put it back there. Michelle Bakker stated he is only allowed to put outdoor storage on the north side with the privacy fence in those certain amount of spots, that we designate what they are. Greg Parker stated that whatever restrictions are approved with it, you are gonna see it, but if something happens that is restricted, if it is approved with that restriction it can be and will be enforced. David Austgen stated you will need to have clear and defined guidelines. It is not enforceable if you don't and they need to be reasonable, objective and understanding. Possibly RVs, boats and trailers. Jerry Wilkening asked if we need to have something on paper by the next meeting. Michelle Bakker stated we can do what we did with the trailer park, he has a list of restrictions on what he can do, how big they can be. Can do whatever they want. David Austgen stated they should be giving to us what he proposes it is and we should not be guessing against what we think it will be. The law permits you to engage in a dialogue and essentially contractually zone, contractually condition, contractually control the use. If you sent us to make a list, we would be negotiating against ourselves. He has the business plan, a model in his head, he has the terms and provisions he thinks he wants you to approve and you need to be able to review, assess and respond. And right now it is a u-lock with a little space on the north end with a half dozen or a dozen 10 x 20 that will be the outdoor storage until the next bank of four go in. Greg Parker asked Michelle Bakker to bring a list of items to be stored outdoors. David Austgen stated all of the terms, all the parameters, the 7:00 to 7:00, lighting, everything needs to be on that list of conditions. Don Oliphant stated after hour lighting. David Austgen as stated there is another difficulty, neither of the Henns will be at the next meeting. Michelle Bakker stated they could send it to her before and present it. Don Oliphant stated cannot negotiate at that point. Discussion ensued on restrictions and if they can approve it at next meeting without petitioner there. Need a list of rules for storage. David Austgen stated the Jansma mobile home park is a really good example, they were thorough, didn't cut corners on their verbage. Greg Parker stated we want a quality development, not a junk yard. Sometimes they turn into a legal junk yard. Loretta DiBiase, 11011 W. 129th Ave., I am on the north side. It is hard to comment because we don't get to see the whole plan. On the north side he is going to have a six (6) foot fence and all the outdoor storage will be parked along that fence? Michelle Bakker stated, yes on the south side of the fence, it will be you, the fence and the storage. The Board explained the layout to Ms. DiBiase. Greg Parker stated whatever gets approved has to be very specific. List of hours, lights,

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conservation easement, building size and height, fence type and height. Jerry Wilkening stated there has not been a survey done back there forever, so without having a stake survey, what happens when things don't fit? There goes the conservation easement. Don Oliphant stated his boundaries are set. He needed to set monuments at his corners, he fought us on that, but it is a State requirement. David Austgen stated we should get a copy of his permit application to the state.

John Foreman stated he has been talking to Michelle to look into what other communities have in terms of apartments. Types, heights, units. It is important for us to have a handle on this subject matter. Whether it is good or bad, a smart move on our part. Don't believe we have anything in our subdivision control ordinance. Maybe revisit it to make sure everyone is good with it.

Adjournment: 8:25 p.m.

Press Session: Plan Commission Public Meeting – July 20, 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.

Chuck Becker

Diane Cusack

John Foreman

Greg Parker

John Kiepura

Richard Sharpe

Jerry Wilkening

Attest: Brooke Faber, Recording Secretary