



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

Call To Order (Time): 7:05 p.m.

Pledge to Flag:

Roll Call:

Absent Diane Cusack

Present Chuck Becker

Present John Kiepura

Absent 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

Minutes:

A motion was made by John Kiepura and seconded by Chuck Becker to approve the October 5, 2016 Work Session and October 19, 2016 Public Meeting Minutes as presented.

Roll Call Vote: 5-0

Old Business:

1. David McDaniel – Preliminary Plat/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 Preliminary Plat/1-Lot Subdivision

Deferred from July 20, 2016 Public Meeting

Deferred from August 17, 2016 Public Meeting

Deferred from September 21, 2016 Public Meeting

Deferred from October 19, 2016 Public Meeting

1. Town Attorney's Review: None
2. Petitioner's Comments: David McDaniel was present.
3. Town Engineer's Comments: Don Oliphant we issued a letter November 15, actually worked out all the comments since then. Have no further comment. Everything is good.
4. Building Department Comments: None
5. Commission's Discussion: None

A motion was made by Richard Sharpe and seconded by John Kiepura to approve the preliminary plat/1-Lot Subdivision.

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

2. Watt Holdings, LLC – Preliminary Plat/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 Preliminary Plat/3-Lot Subdivision

Deferred from August 17, 2016 Public Meeting

Deferred from September 21, 2016 Public Meeting
Deferred from October 19, 2016 Public Meeting

1. Town Attorney’s Review: David Austgen stated if these parcels are next to each other and share a common water shed, storm drainage issue, they should be dealt with together.
2. Petitioner’s Comments: Monte Watt, stated they are two different things, that is why they are separated. For the drainage, waiting for the town to figure out the issue with the flooding driveway. Mr. Watt asked if it would be possible to put another catch basin in and run it directly into the retention pond? It would take all the water from the south side of 136th Place and could that alleviate the problem.
3. Remonstrators: None
4. Town Engineer’s Comments: Don Oliphant stated it was broken down into two and half (2 ½) alternatives. Proposed Alternative #1 is to effectively increase the inlet sizes on Muir Street. Will provide enough inlet capacity to prevent it from over topping into the cul-de-sac. The problem is it is only designed for a 10 year event. Will take on frequent events but not the larger events. 2A effectively replaces the inlets that will fit the existing manholes. 2B reconfigures the area around the lot 5 driveway and the existing area where it overtops now, to try to force water down to the utility drainage easement between lots 5 & 6. Recommendation right now is to do 2A, cheapest alternative and see how it works. This may solve some of the issues and if it doesn’t move on to 2B. Don Oliphant also stated they have not received comments from their engineer from a letter in July.
5. Building Department Comments: Tim Kubiak stated he has trouble putting in three (3) more lots in a subdivision that is having these kinds of problems until the problems are solved. We need to make sure that what is there is functioning properly before we add to it. Something needs to be resolved, need to make sure the problems are being address.
6. Commission’s Discussion: Discussion on the different options and costs ensued. David Austgen asked what impact Monte’s subdivision proposal has on the storm drainage consequences that result in the need for the town to be spending money on fixing something. Will need to be an analysis of what the participatory roles are. After we have some counseling from Don. Don Oliphant stated this is still on the Storm Water Board. He also stated there will be an increase in volume to a system that is not functioning properly. Jerry Wilkening stated these need to move together at the same time, not one get ahead of the other.

A motion was made by Chuck Becker and seconded by Jerry Wilkening to defer to the December Public Meeting.

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

3. Muir Woods Drainage Plan – Site Plan Approval

Owner: Monte Watt, 11411 135th Pl., Cedar Lake, IN 46303
Petitioner: Watt Holdings, LLC, 11411 W. 135th Pl., Cedar Lake, IN 46303
Vicinity: 13660 Muir Ln. **and** 13650 Muir St., Cedar Lake, IN 46303
Legal Description: Muir Woods Lot 5 **and** Muir Woods Lot 6
Tax Key Number(s): 45-15-29-278-009.000-01 **and** 45-15-29-278-010.000-014

Request: Petitioner is requesting Site Plan Approval

Deferred from October 19, 2016 Public Meeting

1. Town Attorney’s Review: None
2. Petitioner’s Comments: Monte Watt stated anything they have for Loretta, we need to get back to her.
3. Remonstrators: None
4. Town Engineer’s Comments: Don Oliphant stated he needs to respond back to Loretta, put it off to the side, has her letter and have not gotten back to her.
5. Building Department Comments: Tim Kubiak asked back a few years ago when he did the original subdivision, wasn’t outlot A and outlot B your open space to meet the park requirements? Mr. Watt stated no, the park there is gone, they didn’t want to pay for a park. Wasn’t it a stipulation to be green space. David Austgen stated he would take a look at it.
6. Commission’s Discussion: Discussion on the different outlots ensued. Don Oliphant asked who will have the authority to move forward with any type of improvements.

Who would make that recommendation, Storm Board or Plan? Greg Parker stated we should get a recommendation from Storm Board.

A motion was made Jerry Wilkening and seconded by Richard Sharpe to defer to the December Public Meeting.

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

4. Telamon/GES – Site Plan

Owner: Hanover Community School Corp., 9520 W. 133rd Ave., Cedar Lake, IN 46303
Petitioner: Telamon/GES, 1000 E. 116th St., Carmel, IN 46032
Vicinity: 10120 W. 133rd Ave., Cedar Lake, IN 46303
Legal Description: Hanover Central Campus Sub Lot 1Ex. Fieldhouse & Spec. gym parcel
Tax Key Number(s): 45-15-21-451-005.000-014

Request: Petitioner is requesting a Site Plan

Deferred from September 21, 2016 Public Meeting
Deferred from October 19, 2016 Public Meeting

- 1. Town Attorney’s Review: None
- 2. Petitioner’s Comments: None
- 3. Remonstrators: None
- 4. Town Engineer’s Comments: None
- 5. Building Department Comments: Michelle Bakker stated Mr. Breeden is still waiting on NIPSCO on the easement and the site plan.
- 6. Commission’s Discussion: None

A motion was made by Chuck Becker and seconded by Richard Sharpe to defer this to the December Public Meeting.

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

New Business:

1. Henn’s Transportation & Warehousing-Final 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 Final Plat/2-lot subdivision

- 1. Town Attorney’s Review: David Austgen stated this was left with you after making the primary plat approval for the 2-lot subdivision with some specimen proposed findings of fact. Have prepared them so they will be recorded and run with the land/parcel. Apparently the Henn’s are confused and think these are covenants. Received a couple

phone calls and referred him to Michelle. They are not covenants, did prepare a proposed findings of fact and determination instrument that contained the items that you want to run with the land and with the approval in recordable form. He could incorporate these findings once your approve them, have them notarized and appended to the plat, so they run with the approval. Provide this to the Henn's and they request Torrenga Engineering to reference these findings of fact as recorded onto their plat. David Austgen stated one of the reasons prepared the document this way, there have been recent law changes in the planning code that would require a petitioner or property owner to amend or remove these conditions and provisions by the same method they were approved. Would have to come back and go through a public meeting and approval process.

- 2. Petitioner's Comments: None
- 3. Remonstrators: None
- 4. Town Engineer's Comments: Don Oliphant stated the plat is in order. Had them put a place holder on there referencing these findings of fact with the document number when recorded.
- 5. Building Department Comments: Tim Kubiak stated if everyone is happy with the two (2) changes.
- 6. Commission's Discussion: Discussion on changes to be made to document.

A motion was made by Jerry Wilkening and seconded by Richard Sharpe to approve the findings of fact and determination regarding final plat 2-lot subdivision for Henn Transportation & Warehousing at 13109 Wicker Avenue, Cedar Lake, IN, pending changes noted in prior discussion.

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

2. Donald Kors – Preliminary Plat/1-Lot Subdivision & Public Vacation

Owner: Donald E. Kors, Jr. 14507 Morse St., Cedar Lake, IN 46303
Petitioner: Donald E. Kors, Jr. 14507 Morse St., Cedar Lake, IN 46303
Vicinity: 14507 Morse Street, Cedar Lake, IN 46303
Legal Description: Shades Add. Cedar Lake Plat D BL.2 lots 1,2&14 and S. 56.5 FT. OF N.214.5 FT. OF W. 485FT. OF NW SE S.35 T.34 R.9 .63 AC. * and Shades Add. Cedar Lake Plat D BL.2 lots 1,2 & 25 to 28
Tax Key Number(s): 45-15-35-403-001.000-043 and 45-15-35-401-005.000-043 and 45-15-35-404-013.000-043

Request: Petitioner is requesting a Preliminary Plat/1-Lot Subdivision & Public Vacation

- 1. Town Attorney's Review: David Austgen stated the certified list of adjacent property owners is present. The publication of notice of public hearing is in evidence. Mailings are in order.
- 2. Petitioner's Comments: Donald Kors was present.
- 3. Remonstrators: None
- 4. Town Engineer's Comments: Don Oliphant had no comments.
- 5. Building Department Comments: Tim Kubiak stated he recommends a preliminary plat approval.
- 6. Commission's Discussion: None

A motion was made by Chuck Becker and seconded by Jerry Wilkening to approve the Preliminary Plat/1-Lot Subdivision and Public Vacation.

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

3. Monastery Woods South – Performance 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 Public Improvement Acceptance

- 1. Petitioner's Comments: None

2. Town Engineer’s Comments: Don Oliphant stated they have installed the majority of the public improvements. The asphalt has been put in, curbs repaired, striping done on 129th as well as paving. The only two (2) outstanding items left are signage, which is on order and they have a malfunctioning street light, talking to NIPSCO to get it repaired. If you see fit, the maintenance bond should be provided for a three (3) year period, which is ten (10) percent of initial cost of construction, which would be \$130,172.97.
3. Building Department Comments: Tim Kubiak stated the items to be corrected are very minute.
4. Commission’s Discussion: None

A motion was made by Jerry Wilkening and seconded by Richard Sharpe to approve the petitioners request for Public Improvement Acceptance, contingent on the remaining signage and malfunction street light issue and acceptance of letter of credit for a maintenance period of 3 years per the ordinance

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

4. WPPI CL 133rd, LLC-Fairbanks Water Line-LOC-\$26,675.00 expires December 1, 2016

Owner: WPPI CL 133rd LLC
Petitioner: WPPI CL 133rd, LLC
Vicinity: Fairbanks Water Line

Request: Petitioner is requesting Water Main Acceptance

1. Petitioner’s Comments: None
2. Town Engineer’s Comments: None
3. Building Department Comments: Tim Kubiak stated this water main has been accepted, the maintenance period is ending on December 1, 2016. The maintenance bond is expiring, had the water department do an inspection of the fire hydrants and whatever they could do. Also had Neil from Neiss Engineering do an inspection and issue a letter that says all of the items have been completed and the developer has submitted the As-Builts and it is ok to let this expire. Do not need to take action on this.
4. Commission’s Discussion: Greg Parker stated for the record we have received a package from Neil explaining maintenance bond expires December 1, 2016.
5. Commission’s Decision: None

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

Update Item:

1. Zoning & Lighting Ordinance – Update

Public Comment: Larry Goff, 11500 W. 135th Pl., an issue with a new house being put next to him. They have pitched everything toward his lot. Tim Kubiak is aware of it and will look at it.

Adjournment: 7:59 p.m.

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

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.