



**TOWN OF CEDAR LAKE – PLAN COMMISSION  
PUBLIC MEETING MINUTES  
DECEMBER 21, 2016 7:00 P.M.**

Call To Order (Time): 7:10 p.m.

Pledge to Flag:

Roll Call:

Present Diane Cusack

Present Chuck Becker

Present Jerry Wilkening

Present John Kiepura

Present Greg Parker

Present Richard Sharpe

Absent John Foreman

Present David Austgen, Town Attorney

Present Donald Oliphant, Town Engineer – CBBEL

Present Tim Kubiak, Director of Operations

Present Jessica Chick, Recording Secretary

Others Present: Michelle Bakker, Building Administrator.

**Minutes:**

A motion was made by John Kiepura and seconded by Richard Sharpe to approve the November 2, 2016 Work Session and November 16, 2016 Public Meeting Minutes as presented.

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

**Old Business:**

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

Owner: Monte Watt, 11411 135<sup>th</sup> Pl., Cedar Lake, IN 46303

Petitioner: Watt Holdings, LLC, 11411 W. 135<sup>th</sup> Pl., Cedar Lake, IN 46303

Vicinity: 11255 to 11500 W. 136<sup>th</sup> 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**

**Deferred from November 16, 2016 Public Meeting**

1. Town Attorney's Review: David Austgen stated the staff and I have talked about this project, this plat and asked Don to make a report for the commission this evening to identify whether the plat was in compliance as presented with the town subdivision control ordinance objective standards and requirements and all related accompanying requirements and he has done that. Recommend that a record be made of Don's findings based upon Monte's plat as presented.
2. Petitioner's Comments: Monte Watt stated there was a misunderstanding to begin with, got sidetracked on the drainage issue. At that time, I told them not to worry about the subdivision now, going to try to get the drainage portion done. It was resubmitted to the engineer today and should have something by the next meeting. Hope to address everything by next week.
3. Remonstrators: None
4. Town Engineer's Comments: Don Oliphant stated as said in previous meetings, issued a letter in July, as to date everything has not be responded too. About fourteen (14) comments that are still outstanding. Various deficiencies in regards to the subdivision ordinance and deficiencies in regard to the storm water ordinance as well. Nothing has been submitted by Monte or his engineers to address any of those yet.

- There is a scale discrepancy between his title block scale and his scale of our plot, which is a violation of Title 6 of Ordinance 498 the Subdivision Ordinance, Section 3b 11 and Section 3c 6.
  - No benchmark information provided on the plat, which is also the Subdivision Ordinance, Title 4; Section 3d 1 and Section 3d 7.
  - No zoning on the proposed subdivision or adjacent parcels, which is a deficiency of Ordinance 498, Title 4; Section 302.
  - Names and address of the owner and subdivider were not included on the plat, which is Ordinance 498, Title 4; Section 3c 2.
  - No building footprints top foundation elevations to correlate distant curb elevations, Title 4; Section 3c 4 and Section 3d 8.
  - No addresses were provided for review by myself or Michelle the Building Administrator, Title 4; Section 3c 4.
  - No sidewalks are included on the plan; which would correspond eventually to a performance letter of credit for impacts of the public way, which is Section 3d 4 also Title 6; Section 11.
  - No storm water information was provided; Ordinance 498, Title 4 Sections 3d 5 & 3d 6, Title 6, Section 4 and general compliance of Ordinance 1218 – Storm Water Ordinance.
  - Asked for additional information regarding the existing sanitary lift station, which is adjacent to this subdivision, originally suppose to be platted and constructed within outlot C, going out there and looking at aerial photography’s and some of the surveys submitted, it’s outside of that, may be partially within some of the lots that they are proposing now. Title 4, Section 3b, 5 & 6 and Section 3d, 3.
  - There was no well information or well locations provided. Title 4, Section 3d 7, 3d 2, Title 6, Section 5b & 5bc.
  - Did not address existing open space requirements and potential park space requirements of a new subdivision, Title 5, Sections 8 & 9.
  - Tree coverage for new lots in subdivisions was not addressed, Title 6, Section 13.
  - One of the parcels on the proposed plat, parcel 4 is still shown to be owned by somebody other than the applicant.
  - Noting any monuments set for the proposed boundary of the subdivision, which is not noted on the plat, Title 6, Section 2 and also part of State Statute IAC 11218.
  - Various surveyor deficiencies on the plat itself, which revolved around outlots, easements and those generally fall under Title 4, Section 3a 1, 3d 5, 3d 10 and 3c 7.
5. Building Department Comments: Tim Kubiak needs to see what the plans are. Started looking into this property as it refers to green space and park space, unfortunately when started doing this the first time was 2001 and got approved in 2005 so there are a lot of meeting minutes to figure out. Mr. Watt stated at that time nobody wanted a park. Tim Kubiak stated we did have some green space left in the subdivision, but now want to develop it. It was not dedicated to the town, just by memory we did talk about having some green space.
6. Commission’s Discussion: Greg Parker stated he has no issued with the green space, main concern is the drainage.

A motion was made by Chuck Becker and seconded by John Kiepura to defer items 1 & 2 to the January 18, 2017 Public Meeting.

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

2. Muir Woods Drainage Plan – Site Plan Approval

Owner: Monte Watt, 11411 135<sup>th</sup> Pl., Cedar Lake, IN 46303  
Petitioner: Watt Holdings, LLC, 11411 W. 135<sup>th</sup> 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**  
**Deferred from November 16, 2106 Public Meeting**

1. Town Attorney’s Review: None
2. Petitioner’s Comments: Monte Watt stated willing to work with the town anyway he can. Mr. Watt is willing to correct the situation on his property. Will do whatever necessary to correct the erosion issue. Not willing to do anything with the drains that the town approved, installed and accepted.
3. Town Engineer’s Comments: Don Oliphant stated the Storm Board recommended we move forward with Plan A, keep an eye on it and then move onto Plan B if it doesn’t work.

Would switch out four (4) drains for one high capacity inlet, so we don’t have to do any type of work in the pavement and most cost effective. Water right now is bypassing the grates and seeking the lowest spot, which is Mr. Csikos property. Too much water for the amount of inlets there, too much water based on the slope of the road.

4. Building Department Comments: None
5. Commission’s Discussion: Greg Parker asked Mr. Watt if he was willing to do Don’s recommendation on the Option. Mr. Watt stated he is not willing to pay for what is owned by the Town. Greg Parker stated this subdivision isn’t old enough to have these types of problems and the tax payers should not have to pay for these corrections for you to have three more lots in your subdivision. Jerry Wilkening asked if 2A is done and we need to do 2B what kind of time line do you wait to see if Mother Nature can defeat us. Don Oliphant stated the drawback to 2A is that storm sewer systems are only designed for ten (10) year events. Regardless of what you put in you are going to have over topping events. It is whether you are ok with one (1) a year or however many it turns out to be with the seasonal rain. It is hard to redesign something that is already in place. Discussion on two inlets on 135<sup>th</sup>. Discussion on covering costs ensued. Greg Parker stated this subdivision was approved with the engineering for the current houses presented at the time and now you want to put three (3) more in there. David Austgen stated sometimes development isn’t meant to happen until events and improvements are made to permit it to happen safely. Learned lessons with Wicker Meadows, repaired with tax payers costs, still working on it, with engineering that was checked off. Mr. Austgen asked Mr. Watt if after all the dialogue, does he think the subdivision is premature? Would you consider starting over withdrawing and pulling it off the table and let us work on storm drainage till it is time. Mr. Watt stated, let’s work on storm water first. Wants to check with counsel before withdrawing the petition. Is willing to bring an engineer to the meeting.

David Austgen asked that Mr. Watt be given a copy of the memo from CBBEL on the last two items that was read into the record.

Motion: <span style="float: right;">1<sup>st</sup> <span style="margin-left: 100px;">2<sup>nd</sup></span></span>							
Diane Cusack	Chuck Becker	Jerry Wilkening	John Kieपुरa	Richard Sharpe	John Foreman	Greg Parker	Vote

**3. Telamon/GES – Site Plan**

Owner: Hanover Community School Corp., 9520 W. 133rd Ave., Cedar Lake, IN 46303  
 Petitioner: Telamon/GES, 1000 E. 116<sup>th</sup> St., Carmel, IN 46032  
 Vicinity: 10120 W. 133<sup>rd</sup> 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**  
**Deferred from November 16, 2016 Public Meeting**

1. Town Attorney’s Review: None
2. Petitioner’s Comments: None
3. Town Engineer’s Comments: Don Oliphant stated received a resubmittal yesterday; to be honest they have not done a lot more. They have actually changed their hook up to the NIPSCO main line, instead of it going to the transformer near the softball field. It now goes down in between the tennis court and the library. The problem is the lead coming out of their solar panel farm isn’t on their property that is on the library property. The high school should know, not sure how much Telamon is communicating with them. Water mains, sanitary, storm there. Provided 125 pages of electrical specifications, but no site plan.
4. Building Department Comments: Michelle Bakker stated we received an email from them stating they were not ready. Tim Kubiak stated the tennis court is where the water main for the high school goes.
5. Commission’s Discussion: Jerry Wilkening asked that based on what we have here can we approve or not approve. David Austgen stated can approve, deny or defer. Jerry Wilkening stated the plan has changed; this is not the original proposal. Greg Parker stated we need them back in for a work session to make sure everything is on the property it is suppose to be on. David Austgen stated we can deny with instructions to get it right and bring it back when ready. Discussion on changes from original plan ensued.

A motion was made by Jerry Wilkening and seconded by John Kiepura to deny as submitted.

Diane Cusack	Chuck Becker	Jerry Wilkening	John Kiepura	Richard Sharpe	John Foreman	Greg Parker	Vote
Yes	No	Yes	Yes	No	Absent	Yes	4-2

4. 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 they gave proposed findings and conditions of approval for the final approval on this. That was provided to Dick and Rob.
- 2. Petitioner’s Comments: Robert Henn is in receipt of the summary, in agreement with it and will get it signed and recorded.
- 3. Town Engineer’s Comments: Don Oliphant no further comments, just number added to the Mylar’s.
- 4. Building Department Comments: None
- 5. Commission’s Discussion: None

A motion was made by Jerry Wilkening and seconded by Chuck Becker approve the proposed findings and conclusions with conditions there in and authorize execution of same for recordation and inclusion on the final plat.

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

A motion was made by Jerry Wilkening and seconded by Richard Sharpe to approve final plat based upon the completion of execution of the findings and recordation of the same.

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

New Business:

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

- 1. Town Attorney’s Review: None
- 2. Petitioner’s Comments: None

3. Town Engineer’s Comments: None
4. Building Department Comments: Michelle Bakker stated he is good; he will come in and pay his developer billing.
5. Commission’s Discussion: None

A motion was made by Richard Sharpe and seconded by Chuck Becker to approve contingent upon payment of outstanding fees and costs.

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

## 2. Thomas Taylor & Kathryn Devine Taylor-Final Plat/4-Lot Subdivision

Owner: Thomas Taylor & Kathryn Taylor, 14801 Clark Rd., Crown Point, IN 46307  
 Petitioner: Thomas Taylor & Kathryn Taylor, 14801 Clark Rd., Crown Point, IN 46307  
 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 Final Plat/4-Lot Subdivision**

1. Town Attorney’s Review: None
2. Petitioner’s Comments: None
3. Town Engineer’s Comments: Don Oliphant stated issued a letter on the 9<sup>th</sup>, never heard back. Sent email on Monday to surveyor and engineer reminding them of meeting and did not hear back. Still outstanding engineering comments from the contingent preliminary plat approval they haven’t addressed yet.
4. Building Department Comments: Michelle Bakker stated she spoke with Tom Taylor and he was disappointed with no progress.
5. Commission’s Discussion: None

A motion was made by Chuck Becker and seconded by Jerry Wilkening to defer to the January 18, 2017 Public Meeting.

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

## 3. Donald Kors – Final 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 Final Plat/1-Lot Subdivision**

1. Town Attorney’s Review: David Austgen stated the Public Way Vacation is completed, Ordinance has been recorded. Should be reflected on the plat.
2. Petitioner’s Comments: None
3. Town Engineer’s Comments: None
4. Building Department Comments: Tim Kubiak stated there were still some fees to be paid.
5. Commission’s Discussion: None

A motion was made by Diane Cusack and seconded by Chuck Becker to approve the final plat for the 1-lot subdivision.

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

**Update Item:**

1. **Zoning & Lighting Ordinance – Update** – Staff is working on this.
2. **Industrial Drive** – David Austgen stated this is regarding the design criteria and standards for the roads in Industrial Park. What the appropriate road standards ought to be, conversion of standards in the subdivision ordinance, zoning ordinance for them to be asphalt and change it to concrete. Looking at the ordinance to get a recommendation for the board to look at.
3. Has an idea about the drafting that will be simplified, that leaves a bit of discretion within parameters. So we don't have to have all the standard regulations, but at building permit level, there can be some flexibility for the building commissioner on permits. For example, if you have a building lot and it is comprised 2 or 3 lots wide 25 feet x 50 feet or 100 feet, we have 5,000 to 6,000 feet and we know what the setbacks are as established by the zoning districts, if we granted some flexibility to the building commissioner in the review that would allow flex. Would give the authority within the ordinance to understand that assessment for each individual lot. Hardly do we ever get two lots that are the same. This would give some flexibility to the analysis without the BZA being called in on every developmental variance. Just creates a cushion, and when you sit at BZA meetings will see 8 or 10 petitions you will see a setback of 3 additional feet. A yard area is out of the percent just a small amount. This would give some flexibility on those historic or replatted lots. Michelle Bakker stated it is for reconstruction of existing homes only. A developer cannot come in and buy ten (10) lots and then have 3 foot side yards. Greg Parker stated this would be for the rare occasion you have a lot that is 4,000 sq. feet and there is a house on it already. Michelle Bakker said she thinks there needs to be a minimum. David Austgen stated if there is a formula or basis for a portion 10%, some ability to say you are within a parameter. We have had one foot setbacks come in, things you could easily deal with on a building permit.

**Public Comment:** None

**Adjournment:** 8:07 p.m.

**Press Session:** Plan Commission Work Session – January 4, 2017 at 7:00pm

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**Chuck Becker**

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**John Foreman**

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**John Kiepora**

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**Jerry Wilkening**

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**Attest: Jessica Chick, Recording Secretary**

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**Greg Parker**

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**Richard Sharpe**

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