



**TOWN OF CEDAR LAKE – PLAN COMMISSION
PUBLIC MEETING MINUTES
December 20, 2017 7:00 PM**

Call To Order (Time): 7:00 pm

Pledge to Flag:

Roll Call:

Present Heather Dessauer

Present Chuck Becker

Present John Kiepura

Present Jerry Wilkening

Present Richard Sharpe

Present John Foreman

Present Greg Parker

Present Donald Oliphant, Town Engineer – CBBEL

Present David Austgen, Town Attorney

Present Tim Kubiak, Director of Operations

Present Michelle Bakker, Building Administrator

Present Jessica Chick, Recording Secretary

Minutes:

November 15, 2017 Public Meeting

Motion made by Heather Dessauer and seconded by Chuck Becker to approve the November 15, 2017 Public Meeting minutes.

Heather Dessauer	Chuck Becker	Jerry Wilkening	John Kiepura	Richard Sharpe	John Foreman	Greg Parker	Vote
Yes	Yes	Yes	Yes	Yes	Yes	Yes	7-0

Old Business:

1. Great Oaks Acres – Site Plan-Lot 2

Owner: Robert Henn, 15212 Oakdale, Cedar Lake, IN 46303

Petitioner: Henn & Sons Construction, 13733 Wicker Ave., Cedar Lake, IN 46303

Vicinity: 13109 Wicker Ave., Lot 2, Cedar Lake, IN 46303

Legal Description: Great Oaks Acres Storage Lot 2

Tax Key Number(s): 45-15-21-301-022.000-014

Request: Petitioner is requesting a Site Plan

Deferred from October 18, 2017 Public Meeting

Deferred from November 15, 2017 Public Meeting

1. Petitioner’s Comments: Robert Henn stated, we made some of the suggested revisions and we just received an updated plat. I am hoping to get the approval tonight contingent upon Don’s comments. Our biggest concern is getting the water main onto lot two (2), our goal was to continue the water main through lot one (1) which cannot be done till the plan is approved. If we are able to do it all in one shot, it is a one contiguous process and no additional water testings’ are required.
2. Town Engineer’s Comments: Don Oliphant stated, we just received the updated plat yesterday I have not had time to review it. I am not sure if NEIS engineering has been in contact with Torrenga Engineering regarding the water. Michelle Bakker stated, there is a letter in the packet from NIES regarding the water. I am almost positive the water main needs to extend to a road. Robert Henn asked, what would be the process to ask to for a waiver from that part of the ordinance? We will have to dig up curbs and road and we are trying not to do that. Don stated, my counterpoint is that it would have to happen at some point. Robert Henn stated, we have a tremendous expense in bringing the line all the way from the back of Bobb’s Auto across the road over by the After Four Club and up to behind the strip mall. We granted the easement to the Town free of charge, no problem to go from 129th to the back of Bobb’s Auto and would like some consideration for this.
3. Building Department Comments: Tim Kubiak stated, I think somehow Neil (NEIS Engineering) didn’t review some of that water plan, we still need his comments. Lot 2 which goes out to 41 is where we are seeing some troubles regarding the Town’s ordinance which states you must bring the water line out to the property line. Rob Henn stated, we have some opposition to that because we would have to dig up some of the curbs and drive to the strip center. We did dedicate an easement from lot 2 which we were hoping would suffice.

- 4. Commission’s Discussion: John Foreman stated, I am bringing up the point that if we could make something contingent upon Don and Neil’s letter. Maybe we can hold a special public meeting so they can accomplish their goals. If I recall that easement that was dedicated, if it wasn’t done it would have stopped Bobb Auto in its tracks. Further discussion continued regarding the water line and possibly a recapture agreement for the project.
- 5. Town Attorney Comments: David Austgen stated, it is clear that there is more review needed from an engineering perspective before the board can make a decision. This is a dangerous precedent to create to continue with development activities without the review. You all have the authority to make any decision but this is the reasoning for the review and ordinance.
- 6. Commission’s Decision:

Motion to defer this agenda item to the January 3, 2018 meeting made by John Foreman and seconded by Jerry Wilkening.

Heather Dessauer	Chuck Becker	Jerry Wilkening	John Kiepura	Richard Sharpe	John Foreman	Greg Parker	Vote
Yes	Yes	Yes	Yes	Yes	Yes	Yes	7-0

New Business:

1. Beacon Pointe – Final Plat Unit 1A

Owner:/Petitioner: Beacon Pointe of Cedar Lake LLC, PO Box 677, St. John, IN 46373
Vicinity: 9505 W. 137th Avenue/13900 Parrish Avenue
Legal Description: Part of W1/2 SW1/4 S.27 T.34 R.9 55.96 Ac
Tax Key Number(s): 45-15-27-351-004.000-014

Request: Petitioner is requesting Final Plat Approval for Unit 1A

- 1. Petitioner’s Comments: Scott Zajac stated, I am here seeking approval for final plat Unit 1A. All infrastructure is in, water, sanitary, storm, curbs and pavement. We have everything in place on our end and are ready to move forward.
- 2. Town Engineer’s Comments: Don Oliphant stated, the final plat is in order. The letter of credit and 3% inspection fee, came to seven thousand five hundred sixty two dollars and seventy-five cents (\$7,562.75). The overall engineer’s estimate corresponding infrastructure at (\$252,091.70). The infrastructure has been installed, inspected and accepted that reduces down to (\$210,324.70). 110% of that number and corresponding letter of credit that will be posted will be (\$231,357.17). Another MS4 inspection fee is required since it is less than 5 acres and that is \$1,500.00. We should anticipate a request for a reduction in a month when all the tests have come back.
- 3. Building Department Comments: no comments.
- 4. Commission’s Discussion: no comments.
- 5. Commission’s Decision:

Motion made by John Foreman and seconded Jerry Wilkening to approve the request for final plat unit 1A

Heather Dessauer	Chuck Becker	Jerry Wilkening	John Kiepura	Richard Sharpe	John Foreman	Greg Parker	Vote
Yes	Yes	Yes	Yes	Yes	Yes	Yes	7-0

2. Waterford Place, LLC – Preliminary Plat for Summer Winds

Owner/Petitioner: Waterford Place, LLC, 40 E. Joliet St., Ste 1B, Schererville, IN 46375
Vicinity: 133rd Ave. & King St, Cedar Lake, IN 46303
Legal Description: NW NE EXCEPT N.330FT. 29.915AC S.28 T.34 R.9
Tax Key Number(s): 45-15-28-203-001.000-014

Request: Petitioner is requesting a Preliminary Plat for a 73 lot Subdivision

- 1. Town Attorney’s Comments: David Austgen stated, all legals are in order for a Public Meeting.
- 2. Petitioner’s Comments: Jack Huls stated, we are here tonight to request a deferral as we had just delivered the covenants and we have some engineering comments we still need to address. We have some off-site stormwater comments we need to address, we do have a plan for this already in our plat just needs some further details. We would like to have some feedback on a few items, the first being the detention pond. We are asking

- for a developmental waiver in regard to the pond (inaudible recording for specifics). We would also like some guidance for the park and ideas as to what you would like to see. One option we have is to use the area, which are wetlands, as a walking path or a separate type of amenity to that neighborhood. We propose to use that area as a private park to enhance with walking trails and wetland enhancement. The Army Corp. of Engineers would like to see that area enhanced.
3. Town Engineer’s Comments: Don Oliphant stated, the engineering waivers mentioned are minor. The pond itself has safety ledges at the water line. The bigger discussion will be about the parks. They need roughly 2.2 acres, open space was mentioned and I would suggest some sort of enhancement to that area. Jack Huls stated, the property owners will be maintaining the parks. The wetlands are all invasive, we would make it a higher quality wetland with landscaping and walking trails to be an amenity to the area. That area is 2.4 acres. We also are considering a gazebo or a fee in lieu of or even a combination.
 4. Remonstrators: None.
 5. Building Department Comments:
 6. Commission’s Discussion: John Foreman asked what is on the opposite side of the dead end road? Jack Huls stated, it would need to be annexed but I can foresee development in the future. We would install rails to avoid anyone going past that area. Jerry Wilkening asked, what are the elevations of the wetlands? Jack Huls stated, seven hundred thirty-two (732) and seven hundred thirty-three and a half (733 ½) the pond goes down to seven hundred twenty-nine (729) with top of bank seven hundred thirty-five (735). Heather Dessauer stated, I am in favor of a walking path as long as it can be usable space. John Foreman stated, this has always been zoned RT, therefore they did not have to go for a zone change. I personally feel we have many duplexes in town and unfortunately it was already zoned. Discussion continued regarding the park and what the ordinance states.
 7. Building Department: Tim Kubiak stated, I like the idea of the walking path. It is a step in the right direction.
 8. Commission’s Decision:

Motion made by Jerry Wilkening and seconded by John Kiepura to defer this item to the January 17th meeting.

Heather Dessauer	Chuck Becker	Jerry Wilkening	John Kiepura	Richard Sharpe	John Foreman	Greg Parker	Vote
Yes	Yes	Yes	Yes	Yes	Yes	Yes	7-0

3. Armani Development – Concept Plan

Owner: Cedar Lake Ventures One, LLC, 1001 E. Summit St., Crown Point, IN 46307
Petitioner: Armani Development, 40 E. Joliet St., Ste 1B, Schererville, IN 46375
Vicinity: 9730 Lincoln Plaza Way, Cedar Lake, IN 46303
Legal Description: Lincoln Plaza West Lot 4 and Lincoln Plaza West Lot 5 and Lincoln Plaza West Lot 6 Ex. S.123.43ft. and Lincoln Plaza West Lot 7 Ex. Pt. of S.243.43ft.
Tax Key Number(s): 45-15-28-227-006.000-014; 45-15-28-227-007.000-014; 45-15-28-226-005.000-014; 45-15-28-226-004.000-014

Request: Petitioner is requesting a Concept Plan

1. Petitioner’s Comments: Jack Huls representing the petitioner stated, it was recommended that we come back tonight. We are looking for input from the board regarding this concept plan. We are proposing a 24,000 square foot retail commercial space in between the vacant land between Strack and Van Til and Elmwood Chapel just off of 133rd. Also, another commercial retail building in that space. With this there would either be an extension of the existing detention pond or we are proposing to create our own. We would do an evaluation of the pond and what would need to be done on our end. David Austgen stated, this pond was developed with Federal funding roughly a six hundred thousand dollar (\$600,000.00) project. It will need to be looked at further as to what would need to be done to extend and utilize it. There is threshold research that needs to be done before either way can be decided. Jack Huls stated, we are willing to create our own detention pond if there will be too many complications and hurdles. If we were to utilize the existing pond, we would dedicate that as town ownership. We are trying to gage if this would be favorable to the Commission. We are looking at a typical sixty to eighty (60-80) foot building; we would like to see a nice restaurant in this area.
2. Town Engineer’s Comments: Don Oliphant stated, the extension of the existing or creating a new pond could work either way.

- 3. Building Department Comments: Tim Kubiak stated, I like the idea of extending the current pond, it would make the maintenance easier.
- 4. Commission’s Discussion: Heather Dessauer, what would be the benefit of the town taking that over besides more cost and liability? David Austgen stated, it would help with maintenance by keeping all the detention together. Further discussion continued as to the current detention pond. Greg Parker stated, taxpayers money went into the development of this pond and property and there needs to be further discussion and consideration for Cedar Lake Ventures to utilize this pond for the development. There is a lot of history with Cedar Lake Ventures with legalities with the Town and this piece of property. John Foreman stated, we should do what is best for that land and look at the here and now.

4. Jeffrey Bianchi- Amended Final Plat/1-Lot Subdivision

Owner/Petitioner: Jeff Bianchi, 8209 Lake Shore Drive, Cedar Lake, IN 46303
Vicinity: 8209 Lake Shore Drive, Cedar Lake, IN 46303
Legal Description: Pt. SE.1/4 NE.1/4 S.22 T.34 R.9 L'ng N. of Lake 0.521Ac
Tax Key Number(s): 45-15-22-286-003.000-014

Request: Petitioner is requesting an Amended Final Plat

- 1. Petitioner’s Comments: Jack Huls stated, we were able to reach out to one of the former owners and they were able to sign the deed. The property is now all owned by Mr. Bianchi we can now dedicate the right of way that was earlier discussed.
- 2. Town Engineer’s Comments: No comments.
- 3. Building Department Comments: No comments.
- 4. Commission’s Discussion: none.
- 5. Commission’s Decision:

Motion to approve the amended final plat made by Jerry Wilkening seconded by Heather Dessauer.

Heather Dessauer	Chuck Becker	Jerry Wilkening	John Kiepora	Richard Sharpe	John Foreman	Greg Parker	Vote
Yes	Yes	Yes	Yes	Yes	Yes	Yes	7-0

5. Branch Towers, LLC-Site Plan

Owner: KaLee Veldkamp, 7000 139th Pl., Cedar Lake, IN 46303
Petitioner: Branch Towers III, LLC, 1516 South Boston Ave., Ste. 215, Tulsa, OK 74119
Vicinity: 7000 139th Pl., Cedar Lake, IN 46303
Legal Description: PT. N1/2 N1/2 SW.SE. S.26 T.34 R.9 8.1052 Ac
Tax Key Number(s): 45-15-26-451-009.000-043

Request: Petitioner is requesting a Site Plan for a telecommunications facility

- 1. Petitioner’s Comments: Bryan Donley, representing the Petitioner stated, I was here a few weeks ago and I am back tonight after doing some research of the ownership of 139th Place. We did clarify and determine that is not a public road, our landlord owns the majority of 139th Place. There are two (2) other property owners that have rights to that road and there is no easement agreement found for anyone along 139th Place. We are asking for a conditional approval here tonight. The Petitioner acknowledges the need for an access easement along a portion of 139th Place, we are requesting a conditional approval of the site plan before you. The current site plan shows an access easement that would be signed and notarized by all the affected property owners as well recorded at Lake County. This would be required prior to the issuance of a building permit being issued. There are two (2) other property owners, one of which was in favor at the BZA meeting. We are requesting to present this at the BZA before we go through additional costly work and come back to this board if necessary for final site plan approval. This is common in other communities and the process that they also need to go through pertaining to this type of request. They go to the BZA meeting to request approval followed by the site plan approval.
- 2. Town Attorney’s Comments: David Austgen stated, there could be no development here without this access. From my view, you will need this Board’s approval by showing access to this property. The Petitioner always bears the burden to meet the conditions.
- 3. Town Engineer’s Comments: Don Oliphant stated, this is not a legal lot of record. A site plan approval is necessary but also possibly a subdivision.

- 4. Building Department Comments: Tim Kubiak stated, there are four (4) other properties down this road which are all nonconforming lots. This will need to be a five (5) lot subdivision or a PUD with an access agreement, or a one (1) lot subdivision with an ingress egress easement. Bryan Donley stated, I appreciate the recommendations from the Board. My Petitioner is willing to bare some of the burden to correct this but we are wanting the opportunity to turn this into a telecommunications facility. We are asking the BZA to hear our case and place a recommendation to the Town Council. After the fact we would be back at this Board asking for approval for the site plan.
- 5. Commission’s Discussion: John Foreman stated, we were approached about a cell tower being installed about ten (10) years ago. When I drive around communities, these are usually on the top of water towers. We do not currently have a water tower on the east side and if our taxpayers have to look at these they should be reaping the benefits. We are exploring options for a water tower on the east side, we aren’t quite there yet but that is an option in the future. Jerry Wilkening stated, I suggest making this a legal lot of record prior to the BZA recommendation. Greg Parker stated, I am not wanting to set precedent without getting it cleaned up first. There are other things that we have turned down because of these same issues. Brian Donley stated, I am okay with a deferral until we meet with the Board of Zoning Appeals. I will then come back and do what we have to do to get the approval of this board. For us to clean up a mess for something that gets denied does not make sense for my Petitioner. Tim Kubiak stated, the biggest issue that I see are the other houses that are trapped on 139th Place. We are going around those four (4) pieces of property. Further discussion continued on different options for this piece of property and requests.
- 6. Commission’s Decision:

Motion made by Jerry Wilkening and seconded John Kiepura by to defer this item to the next meeting.

Heather Dessauer	Chuck Becker	Jerry Wilkening	John Kiepura	Richard Sharpe	John Foreman	Greg Parker	Vote
Yes	Yes	Yes	Yes	Yes	Yes	Yes	7-0

6. Hanover Farms, Inc. - Concept Plan

Owner: Hanover Farms, Inc., 8501 Wicker Ave., Ste. A, St. John, IN 46373
Petitioner: Joe Lenahan, Olthof Homes, 8051 Wicker Ave., Ste. A, St. John, IN 46373
Vicinity: 12412 Wicker Avenue, Cedar Lake, IN 46303
Legal Description: N.159.88ft of S.824.13ft of W.2226.79ft of S.1/2 of SE.1/4 S.17 T.34 R.9 Ex E.416 of S.65.81ft 9.061 Ac; S.664.88FT OF SE1/4 S.17 T.34 R.9 EX. S.215FT OF E.416FT & EX. N.351.89FT OF E.416.0FT 34.91AC; N.505ft of S1/2 SE1/4 S.17 T.34 R.9 Ex E.548.75ft 24.273 Ac
Tax Key Number(s): 45-15-17-476-008.000-013; 45-15-17-451-002.000-013; 45-15-17-476-007.000-013

Request: **Petitioner is requesting a Subdivision Concept Plan-Birchwood Farms**

- 1. Petitioner’s Comments: No Petitioner present.
- 2. Town Engineer’s Comments:
- 3. Building Department Comments:
- 4. Commission’s Discussion:

Update Item:

1. Zoning Ordinance- David Austgen stated, draft version is available for review. There are other things to be added since this version has become available including Midway Gardens and the concept for the Town Hall area. You may want to consider adding something regarding Telecommunications centers. I am ready to discuss this when you all are.

Public Comment:

Muir Woods – Mr. Csikos stated, there is a lot that is being cleared looking like they are going to start building. Tim Kubiak stated, the only lot that is not able to be built on is the lot next to the resident here today. The other lots are legal lots of record and not owned by Monte Watt. Heather Dessauer stated, we were under the impression that they were not able to be built on until the drainage issues were taken care of in that subdivision. Jerry Wilkening stated, it wasn’t the point they were owned by Monte Watt. If those properties were built on it would add to the current drainage issues as stated at a previous meeting by Don. David Austgen stated, if a permit application were sent to the Planning and Building Department, based upon the entire record of this storm drainage issue, they are not advised to issue a permit. If the person seeking the permit can come to the Board of Zoning Appeals and appeal it or the Board of Stormwater Management. Constructively it is moratorium until this can be solved. If more formal action

is required on this item I suggest the Planning Commission and Town Council to moratorium the area to include no permit issuance moving forward pending resolution. Jack Huls stated, they are legal lots of record and the board has already given approval for those lots. There is stormwater that was approved by this body, there have been as-builts done, public sewer, and allocated for water via well. They are all legal lots of record and buildable. The owner will probably protest a moratorium legally. David Austgen stated, if the improvable will impact adjacent property owners the town will not be advised to issue those permits. Greg Parker stated, I recommend that we get a moratorium underway.

Adjournment:

Press Session: Plan Commission Work Session – January 3, 2018 at 7:00 pm

Chuck Becker

Heather Dessauer

John Foreman

Greg Parker

John Kiepura

Richard Sharpe

Jerry Wilkening

Attest: Jessica Chick, Recording Secretary

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.