



**TOWN OF CEDAR LAKE – PLAN COMMISSION
SPECIAL PUBLIC MEETING & WORK SESSION MINUTES
JANUARY 3, 2018 7:00 P.M.**

Call To Order (Time): 7:00 pm

Pledge to Flag:

Roll Call:

Present Heather Dessauer
Present Chuck Becker
Present John Kiepura
Present John Foreman
Present Richard Sharpe
Present Jerry Wilkening
Present Greg Parker

Present Donald Oliphant, Town Engineer – CBBEL
Present David Austgen, Town Attorney
Absent Tim Kubiak, Director of Operations
Present Michelle Bakker, Building Administrator
Present Jessica Chick, Recording Secretary

Special Public Meeting:

1. Nomination and Appointment of Officers:

President: Greg Parker

Motion made by Richard Sharpe 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

Vice President: John Kiepura

Motion 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

2. Retention of Services:

Legal Services: Austgen Kuiper & Jasaitis

Motion made by John Foreman and seconded by John Kiepura.

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

Engineering Services: Christopher Burke Engineering

Motion made by Chuck Becker 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

3. Appointments:

Appointment to the Board of Zoning Appeals: John Kiepura

Motion 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

Public Hearing:

1. Comprehensive Plan Amendment

1. Town Attorney's Comments: David Austgen stated, the Indiana code requires a Public Hearing to amend the Comprehensive Plan. This was published and noticed in the newspapers, in addition, the Council Committee many years ago spent time in Lake Geneva. They looked into the different methodologies to approaching a downtown area. The Ecosystem Restoration Project is underway which shows a jump point for the town. All of these projects are linked, when one project happens others are likely to follow.

- There are no decisions on the exact land use, this is a plan. This is solely an amendment to the 2012 Comprehensive Plan Amendment.
2. Remonstrators: None.
 3. Commission’s Discussion: John Foreman discussed the Economic Development Livable Town Center, Midway Gardens, through the video and PowerPoint presentation. He stated the different amenities and details of the center. This would help boost downtown friendliness and development. We feel that both Constitution and 137th would benefit from a new band shell on the lake front and the east side. We are depicting soccer and ball fields but that can be changed. The proposed Town Center is on property that is already owned by the town. This sort of development would help commercial and residential concerning development that is the overall goal. The Comprehensive Plan is a roadmap or a vision of what can be. Chuck Becker stated, this is the first time I am seeing this. I am not exactly sure what we are voting on. John Foreman stated, we are voting on the concept. If you look at the current Comprehensive Plan it has some different concepts that maybe aren’t necessarily foreseeable but a foreshadowing of what can be. David Austgen stated, the downtown master plan says this, as the town has continued to grow and developed it has come apparent that it lacks a defined Town Center. The 2018 amendment is hereby adding an update to incorporate the conceptual planning for the downtown areas; the Midway Gardens and Downtown Area. Those are the important point. John Kiepura stated, if and when this goes through would the project start in the Town Complex area instead of the Midway Gardens? John Foreman stated, we presently have the south side of 137th so if there is someone interested this might be the first bite. There is no definitive idea or plan. John Kiepura stated, my concern is for the homeowners in the area where the Midway Gardens may go. Is that the only land that can be utilized in the Town for something like this? John Foreman stated, there is no definitive plan that this is where it may go. This is just a road map. Jerry Wilkening asked, how many different pieces of property would the town have to acquire to do the Midway Gardens? John Foreman stated, I am not sure on the exact number, more than twenty (20) less than fifty (50). We are not aware of the number of owners. Jerry Wilkening asked Don, regarding stormwater from a first look does it look like it will be under control? Don stated, the permeable landscaping will help. That area around True Value is more to the south edge, retention or detention would need to be built underground.
 4. Recommendation to Town Council:

Motion made by Heather Dessauer and seconded by Richard Sharpe to send a Favorable recommendation to the Town Council for the Comprehensive Plan Amendment.

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
Deferred from December 20, 2017 Public Meeting

1. Petitioner’s Comments: Rob Henn stated, since the last meeting we were unable to act on the comments from the Town Engineer, Don. One of the major comments were in reference to the retaining wall. I am asking for those changes to be on the building plan instead of the site plan. Don stated, it is more of a location issue and they have enough space to shift it to the east. It is appropriate for them to include this on the building plan.
2. Town Engineer’s Comments: See other comments.
3. Building Department Comments: Michelle Bakker stated, the only concern is from Neil regarding the water line.
4. Commission’s Discussion: John Foreman stated, having them bring the pipe from 129th nearly almost to US 41 is a step in the right direction. If we insist on bringing it all the way, I think they should be able to have a recapture agreement if they bring it all the way to US 41 to finish the loop. Can we ask Henn and Sons to give permission to future

developers for easement in order to ensure hook up to the stub? Don replied, it is required for any development to stub the water line in at the end of the lot, which is US 41. John Foreman stated, whether it is stubbed at US 41 or a couple hundred feet to the east, it doesn't make much of a difference. If a developer were to come to the town and want to hook into our water we can tell them where they need to stub in. David Austgen stated, that is not typically what communities require developers to do. Jerry Wilkening stated, in order for a recapture agreement to take place, doesn't the developer need to go over and above the requirement? The minimum requirement according to the ordinance states to the property line. Rob Henn stated, it all comes down to economics, we would need to cut curbs, dig up the two (2) roads, landscaping. It all comes down to economics as to if it would be worth the investment. Heather Dessauer asked, what kind of issue are we creating if we make an exception? Greg Parker stated, it would be a mistake for us to do this, it goes against everything that this board and council stand for. It would be creating a hole for the next development. Rob Henn stated, us taking it to 41, it does not benefit any of my properties. If they develop across the street that extra two hundred (200) feet is minuscule to that project. Greg Parker stated, nobody wants to do it now, why would they want to do it later? I am not in favor, I think this water line needs to go in while we are doing it. I think the recapture agreement needs to be looked into further before anyone makes any decisions. Rob Henn, I am asking for an exception. There is a great cost that does not increase or help the two (2) parcels we are wanting to build on. John Kieपुरa stated, the current ordinance states to bring the water to the property line. You have an issue doing what the ordinance states and I am not in favor of your request. Jerry Wilkening stated, because this is a requirement I am not sure there can be a recapture agreement. Heather Dessauer stated, I have a problem going against what we have always done. This opens us up with other developers. Rob Henn stated, can I be allowed to run the water main to the strip mall, level off, grade and seed the property. That way I can get rid of the old well and be that much closer when I have a customer. Can I get permission to extend the water main to the strip mall? David Austgen stated, this has never been asked before. John Foreman stated, can we make going all the way to 41 contingent upon the building permit being issued? All contingent upon our water engineer's comments.

5. Commission's Decision:

Motion made by Jerry Wilkening and seconded by Chuck Becker to defer this to the February 7th work session meeting.

Heather Dessauer	Chuck Becker	Jerry Wilkening	John Kieपुरa	Richard Sharpe	John Foreman	Greg Parker	Vote
Yes	Yes	Yes	Yes	Yes	No	Yes	6-1

Closing of the Public Meeting

Work Session:

Old Business:

1. 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**
Deferred from December 20, 2017 Public Meeting

1. Petitioner's Comments: Jack Huls stated, we are working with Don regarding the comments and will be ready for approval in two (2) weeks. We are currently working with a landscaping architect regarding the park that was discussed at the last meeting. We are currently working on the offsite water that is coming from the west. The covenants will be turned in shortly for review, they are standard. No sheds or fences. In the covenants it will state that they are enforced by the HOA with the Town of Cedar Lake being a secondary allowed to enforce them.
2. Town Engineer's Comments: Don Oliphant stated, we are working through the comments and should be ready in two (2) weeks. The biggest thing is the offsite storm water coming from Macalister's. We are working through the numbers.
3. Building Department Comments: No comments.
4. Commission's Discussion: Greg Parker stated, the Town does not have the time to dedicate to enforcing the rules of the covenants.

2. 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

Deferred from December 20, 2017 Public Meeting

1. Petitioner's Comments: Not present.
2. Town Engineer's Comments: No comments.
3. Building Department Comments: Michelle Bakker stated, they are deferred until they go to the Board of Zoning Appeals meeting and then to the Town Council. The Board of Zoning Appeals is on the 11th.
4. Commission's Discussion: John Foreman stated, I feel looking at an ugly tower, the tax payers should reap the benefits. We acted swiftly that doesn't allow residents to put towers in the easement which was passed by the State of Indiana and I feel this should be encumbered in that. Heather Dessauer stated, I am not in favor of this. John Foreman stated, ideally we can install a water tower and have it on that. Greg Parker stated, in regard to the water tower, would that require the same fall zone similar to this proposed tower? John Kiepora stated, it was previously discussed that we do not want to do spot zoning. This is in a residential area and changing the zoning is not what we are aiming to do. David Austgen stated, this is a constructive zone change. Greg Parker stated, unfortunately, cell towers go to where the need is not where we want them to go.

New Business:

1. Brannon-Preliminary Plat

Owner/Petitioner: Robert Brannon, 13819 Morse St., Cedar Lake, IN 46303
Vicinity: 13819 Morse St., Cedar Lake, IN 46303
Legal Description: S.1/2 S.1/2 NW.1/4 SE.1/4 SE.1/4 S.26 T.34 R.9 10.14Ac
Tax Key Number(s): 45-15-26-405-008.000-043

Request: Petitioner is requesting a Preliminary Plat for a 2-Lot Subdivision

1. Petitioner's Comments: Robert Brannon stated, I originally proposed a plan about four (4) years ago which was asking for four (4) lots. The procedure has changed since the last time I was here. The roadblocks we hit before were in regard 138th Lane being private. I now have enough frontage on Morse Street to adhere to the current standards so I am not needing those variances I once needed. If I create two (2) lots we will not need the flag lot that was once needed with my previous submittal. There are no easements for the current sewer lines, which is where I would like to tap into.
2. Town Engineer's Comments: Don Oliphant stated, lot four (4) was the issue before because 138th Lane is not a publicly dedicated road. The ordinance does not say that the driveway has to be off the frontage road.
3. Building Department Comments: Michelle Bakker stated, it doesn't state in the ordinance where the driveway needs to be.
4. Commission's Discussion: John Foreman stated, come back to work session in February with the corrected plat. Greg parker stated, it is suggested to get the ingress egress easement for the road for access to your proposed driveway.

Update Item:

Zoning Ordinance: Under review by the Commission.

Public Comment:

David Austgen stated, there was a lot of discussion regarding finances and financial impediments here tonight regarding projects of the like. I just want to remind you all, money and finances are not justification or cause for any platting, zoning and/or subdivision approvals or denials. It is not a proper factor. Everyone gets treated the same, that is the reason for the regulations and ordinances. Heather Dessauer stated, Henn

stated he was aware of the standards and that finances were the issue. Jerry Wilkening stated, the bigger picture is that everything that has happened on this property has cost the developer more than anticipated.

Adjournment: 8:45 pm
Press Session: Plan Commission Public Meeting – January 17, 2018 at 7:00pm

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.