



**TOWN OF CEDAR LAKE – PLAN COMMISSION
PUBLIC MEETING MINUTES
JANUARY 17, 2018 7:00 P.M.**

Call To Order (Time): 7:10 pm

Pledge to Flag:

Roll Call:

Absent Heather Dessauer

Present Chuck Becker

Present John Kiepura

Absent John Foreman

Present Richard Sharpe

Present Jerry Wilkening

Present Greg Parker

Present Donald Oliphant, Town Engineer – CBBEL

Absent David Austgen, Town Attorney

Present Tim Kubiak, Director of Operations

Present Michelle Bakker, Building Administrator

Present Jessica Chick, Recording Secretary

Present Ryan Deutmeyer, Attorney

Minutes:

December 6, 2017 Work Session and December 20, 2017 Public Meeting

Motion made by Chuck Becker and seconded by Jerry Wilkening to approve the minutes from the December 6, 2017 Work Session and December 20, 2017 Public Meeting.

| Heather Dessauer | Chuck Becker | Jerry Wilkening | John Kiepura | Richard Sharpe | John Foreman | Greg Parker | Vote |
|------------------|--------------|-----------------|--------------|----------------|--------------|-------------|------|
| N/A | Yes | Yes | Yes | Yes | N/A | Yes | 5-0 |

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

Deferred to February 7, 2018 Work Session

1. Petitioner’s Comments: Robert Henn stated, I was under the impression that we were to be here today. Is the water line main extension the only remaining issue to this approval? Greg Parker stated, it sounds like that is all that is pending as well as some minor engineering issues. Robert Henn stated, I would like to get this figured out today. Tim Kubiak stated, the property line goes out to 41 not to the strip mall. Robert Henn stated, we are looking for some exceptions on this, only because the road was added to this lot last year and now the property technically goes to the road. We would like to put a hydrant there and hook the strip mall up to the water. We are willing to add in an easement for access to the hydrant, is that what you are looking for? Tim Kubiak stated, Neil’s recommendation is to being the main to 41. We have the ordinance for that reason. Lakeside had to bring the line all the way to the eastside. All developments have gone above and beyond to meet the current standards. If the developer is building one thing or more it is still at the cost of the developer. I think that is what the deferral till February was, to have some of the different options figured out. Greg Parker stated, we are to be forward thinking for the future and we don’t want to set a negative precedence. Robert Henn stated, can we bring the water line to the strip mall in order to get rid of the well on the property? Tim Kubiak stated, you will have the job still of disinfecting the line again when the line is brought to 41. John Kiepura stated, what if someone wants to develop the property across from 41? Robert Henn stated, then they would have to come and hook up to the water by Great Oaks. Tim Kubiak stated, I am okay with approving the site plan and not releasing a building permit for this property till the water line is out to 41. That way he would have the water line to the strip mall in the least. We do plans all the time, we have a subdivision to Beacon Pointe that the

water may not be installed for years. It is the same concept. He is just trying to get the site ready for a building for a client, which he doesn't have yet. They are not building a building yet, and they wouldn't until the water main requirement is met. In the meantime they would get the water to the strip mall. Robert Henn stated, if we came in here and just said we wanted to bring the water to the strip mall, you would let us. Further discussion continued regarding the water line.

2. Town Engineer's Comments: Don Oliphant stated, we have some minor engineering contingencies that relate more so to the buildings themselves. Sounds like the biggest issue would be a timing issue. If you have a client that is wanting to tap into the line by Great Oaks they will need an easement because it is on private property. Tim Kubiak stated, the easement has to be on the site plan to approve it as well as the water main going out to 41. Without the easement I don't recommend approving it. Chuck Becker stated, is this setting precedence for other developers? Tim Kubiak stated, this is basically the same thing that other subdivisions go through as the lots get built on. Don Oliphant stated, the water main is on private property, so if a developer wants to hook up to the line they will need to go on private property. We have no language for an easement.
3. Building Department Comments: Tim Kubiak stated, I spoke with Neil regarding the water line and he stated that "Section E of the ordinance states the water line needs to extend to the property line". Neil's standing is that water out to 41 is an essential part of future expansion of the water system. Neil stated that a recapture agreement is not available if the line is going in as spec. He also said that having the water line to 41 is the future of the water line. I think the line needs to go out to 41. If it is just meeting Section E of the Developmental Standards it needs to go through to the end of the property line. The water main and the easements need to be drawn on the site plan all the way out to 41 and it sounds like we have an agreement for the Public Meeting.
4. Commission's Discussion: See comments above.

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

Deferred from December 20, 2017 Public Meeting

1. Town Attorney's Comments: Ryan Deutmeyer stated, Dave and I spoke briefly about the covenants issue and noted there are a significant amount of engineering comments from Don. That is all that I am aware of.
2. Petitioner's Comments: Jack Huls stated, we are here today seeking Preliminary Plat for this seventy-three (73) lot subdivision. We submitted a review to Don, we addressed many of the comments and there are a couple remaining. We have a park plan, which is something I would like to discuss with you all.
3. Town Engineer's Comments: Don Oliphant stated, we issued a letter which contains a decent amount of comments. The landscape plan is a big one, which there is a conceptual plan in the packet. There are different options. They will need to go through the Army Corp of Engineers and IDEM for the proposed wetland project. Jack Huls stated, the Army Corps of Engineers are in favor of this plan. Don stated, this would be the alternative to the park dedication. The acreage lines up with the requirements, the walking path, gazebo and the tot lot. There is currently a large area we are rerouting the water around. They designed a bypass channel. Jack Huls stated, there is no disagreement, it is a matter of how wide the channel is. There is a thirty (30) foot easement back there, it is all a matter of the size needed. We want it to be clear for the residents that it is for that use. We have roughly fifteen (15) feet back there, if you would like to see that as an out lot at final plat. This is based off a one hundred (100) year rain at the peak. Don stated, utility cleanup is another thing that we are working on. The commercial properties also drain into the detention area, we are making sure everything is good for those lots as well. The lot six (6) development which is separate from this will need an easement along the west side of the property. The sidewalk will be within an easement and not the right of way. A lot of these comments will not modify the plat, we are moving forward.
4. Building Department Comments: See comments above and below.
5. Commission's Discussion: Greg Parker asked, were the covenants figured out? Jack Huls stated the covenants are recorded with the final plat so we have some time to make some minor tweaks. Jerry Wilkening stated, the park plan is a great idea. Jack Huls stated, I am excited for the enhancement of this area. It will also have bird houses for

different species. It will all be a part of the HOA. Tim Kubiak asked, this will all be open to the public? Jack Huls stated, they have the ability to say that but it's not very enforceable. Michelle Bakker asked, will there be a fence installed along the west side? Jack Huls stated, yes we are wanting to install an eight (8) foot privacy fence along the west side. Further discussion continued regarding fencing and requirements. Don Oliphant stated, we have time to work through the engineering comments, I am comfortable with the plat. I don't see anything that will change dramatically. Ryan Deutmeyer, we have the covenants to work through but that shouldn't be an issue. All of the Commission is in favor of the park plan as presented.

6. Commission's Decision:

Motion made by Jerry Wilkening and seconded by Chuck Becker to approve the preliminary plat contingent upon engineering comments and attorney's covenant comments.

| Heather Dessauer | Chuck Becker | Jerry Wilkening | John Kiepura | Richard Sharpe | John Foreman | Greg Parker | Vote |
|------------------|--------------|-----------------|--------------|----------------|--------------|-------------|------|
| N/A | Yes | Yes | Yes | Yes | N/A | Yes | 5-0 |

3. 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

- Petitioner's Comments:
- Town Engineer's Comments:
- Building Department Comments:
- Commission's Discussion: Michelle Bakker stated, this item is deferred at tonight's meeting. It was deferred at the Town Council meeting last night. Tim Kubiak stated, the Council has ninety (90) days to make a decision.
- Commission's Decision:

Motion made by Jerry Wilkening and seconded by Richard Sharpe to defer this item till a decision is made from the Town Council.

| Heather Dessauer | Chuck Becker | Jerry Wilkening | John Kiepura | Richard Sharpe | John Foreman | Greg Parker | Vote |
|------------------|--------------|-----------------|--------------|----------------|--------------|-------------|------|
| N/A | Yes | Yes | Yes | Yes | N/A | Yes | 5-0 |

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

Deferred to February 7, 2018 Work Session

Update Item:

Zoning Ordinance: No update.

Public Comment:

Andrew James, 14509 Clark St. Crown Point, IN 46307. I saw in the newspaper about the proposed Telecommunications center. I own a five hundred (500) foot tower that is within short distance from where the proposed tower that is on the agenda. At this time the tower has one tenant on it, I can imagine it would serve the same area that this proposed tower would. I am aware that T-Mobile is the company

that would service this tower, I have tried reaching out to them and cannot get ahold of anyone. Greg Parker stated, he has someone reach out to him against another cell phone tower being installed in the town. Don Oliphant stated, your tower is approximately one (1) mile from the proposed tower. Further discussion was had regarding this tower.

Jerry Wilkening stated, I think the matter we talked about waving the water line, developers make investments. Although the water line will end up there one day, we need to not allow the developer to roll the dice. The ordinance is there for the future and if he were to sell the B2 property, then where goes the water line especially with no easement. Ryan stated, there is no guarantee he will build there. Tim Kubiak stated, this is a unique situation. He cannot build on that property until the water line is brought to 41. He cannot do anything on that site until the water line is there. Jerry Wilkening asked Ryan Deutmeyer if he is confident in the agreement for the approval that Tim speaks of. Ryan Deutmeyer stated, I am less confident in this agreement and I can see many ways for it to go wrong. We need to focus on the ordinance requirements and what they are. Don Oliphant stated, because this is a water extension project there should be a Letter of Credit required for this. That is another way to hold the developer accountable. Discussion continued between the Commission, Attorney and Town Engineer.

Tim Kubiak stated, we have a house built in Lakeside four (4) feet into a drainage utility easement, house number 7. Glenn Kracht did the survey, he did not put the drainage and utility easement on the plat, which was twelve (12) feet. They built a house with an eight (8) foot setback, four (4) feet into the drainage easement. They will be here trying to rectify it. Further discussion continued regarding different options on how to solve the problem.

Adjournment: 8:47 pm

Press Session:

Plan Commission Work Session – February 7, 2018 at 7:00 pm
Plan Commission Public Meeting – February 21, 2018 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.

Chuck Becker

Heather Dessauer

John Foreman

Greg Parker

John Kiepora

Richard Sharpe

Jerry Wilkening

Attest: Jessica Chick, Recording Secretary