



**TOWN OF CEDAR LAKE – PLAN COMMISSION  
PUBLIC MEETING MINUTES  
FEBRUARY 21, 2018 7:00 PM**

Call To Order (Time): 7:15 pm

Pledge to Flag:

Roll Call:

Present Heather Dessauer

Present Chuck Becker

Absent John Kiepura

Present 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 Michelle Bakker, Building Administrator

Present Jessica Chick, Recording Secretary

**Public Hearing:**

**Subdivision Control Ordinance Amendment –**

**Eaves and Overhang Details, and Regulatory and Street Name Signs**

1. Town Attorney’s Comments/Review of Legals: David Austgen stated, this is to certify a recommendation to the Town Council as an amendment to the existing Subdivision Control Ordinance. This resulted from a report and request by this Commission to update and modernize the requirements of new subdivisions and homes in our community. A modernization in some parts and an aesthetic in others. This is a public hearing and timely notification occurred.
2. Resolution No. 2018 – 01: Town Plan Commission Resolution No. 2018 – 01 is a resolution recommendation amending text amendment to Town Subdivision Control Ordinance No.: 498, and all amendments, in the Town of Cedar Lake, Lake County, Indiana, and all matters related thereto.
3. Remonstrators: None.
4. Building Department Comments: Tim Kubiak stated, the signs that are in Beacon Pointe and Lakeside, this amendment changing the standards. This is a post standard and a certain size, it is all laid out in the ordinance. The overhangs and the eaves requires the builders to build a better product. Tim Kubiak stated the changes regarding the eaves and overhang and the different standards.
5. Commission’s Discussion: Heather Dessauer asked, what is the time frame for the signs? Tim Kubiak stated, we are changing them out on the main corridors with our budget and we are requiring the new developers to install the new signs and posts.
6. Recommendation to Town Council:

Motion made by Chuck Becker and seconded by Jerry Wilkening to send a favorable recommendation to the Town Council.

Heather Dessauer	Chuck Becker	Jerry Wilkening	John Kiepura	Richard Sharpe	John Foreman	Greg Parker	Vote
Yes	Yes	Yes	N/A	Yes	Yes	Yes	6-0

**Minutes:**

January 3, 2018 Work Session, February 7, 2018 Executive Session Memorandum Meeting & Work Session Minutes and January 17, 2018 Public Meeting

Motion made by John Foreman and seconded by Richard Sharpe to approve the above listed meeting minutes.

Heather Dessauer	Chuck Becker	Jerry Wilkening	John Kiepura	Richard Sharpe	John Foreman	Greg Parker	Vote
Yes	Yes	Yes	N/A	Yes	Yes	Yes	6-0

**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 from January 17, 2018 Public Meeting*

- 1. Petitioner’s Comments:
- 2. Town Engineer’s Comments:
- 3. Building Department Comments: Tim Kubiak stated, they sent in a letter requesting a withdrawal for the request.
- 4. Commission’s Discussion:
- 5. Commission’s Decision:

Motion made by Heather Dessauer and seconded by Chuck Becker to remove this item from the agenda per their request.

Heather Dessauer	Chuck Becker	Jerry Wilkening	John Kieपुरa	Richard Sharpe	John Foreman	Greg Parker	Vote
Yes	Yes	Yes	N/A	Yes	Yes	Yes	6-0

**2.    Branch Towers, LLC-Site Plan**

Owner:                    KaLee Veldkamp, 7000 139<sup>th</sup> Pl., Cedar Lake, IN 46303  
Petitioner:              Branch Towers III, LLC, 1516 South Boston Ave., Ste. 215, Tulsa, OK  
                                 74119  
Vicinity:                7000 139<sup>th</sup> 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*  
*Deferred from January 17, 2018 Public Meeting*

- 1. Petitioner’s Comments:
- 2. Town Engineer’s Comments:
- 3. Building Department Comments:
- 4. Commission’s Discussion: David Austgen stated, this item needs to be deferred again, at this level pending the Town Councils action. It will be dealt with at the March 6, 2018 Town Council meeting.
- 5. Commission’s Decision:

Motion made by John Foreman and seconded by Richard Sharpe to defer this item till the Town Council makes a motion on this item.

Heather Dessauer	Chuck Becker	Jerry Wilkening	John Kieपुरa	Richard Sharpe	John Foreman	Greg Parker	Vote
Yes	Yes	Yes	N/A	Yes	Yes	Yes	6-0

**3.    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 from January 17, 2018 Public Meeting*

- 1. Town Attorney’s Comments:
- 2. Petitioner’s Comments: Robert Brannon stated, there are some things on the CBEL review I would like to address. This address a two (2) lot being resub divided into four (4), I am looking to resub divide one (1) lot into two (2). What did you find regarding the waterway from the Lake County Surveyor’s office? Phase one (1) was adopted in 2007 and phase 2 there was uncertainty. Don stated, Lake County is still looking into it. David Austgen stated, it was my understanding that Founder’s Creek was subject to a regulated drain petition that connected to the waterway just south of the town’s complex. Have they looked into their files for regulated drain petitions or corridors?

- Don Oliphant stated, they know that phase one (1) has been turned into a regulated drain they didn't know if phase two (2) was dependent on Paradise Cove to move forward. I was under the impression that it all went as one.
3. Town Engineer's Comments: Don Oliphant stated, a lot of the comments are minor. This clarification regarding the waterway is withstanding, the easement will need to be added to the plat pending our conclusion. Engineering waivers are listed in the letter and the other comments are minor.
  4. Building Department Comments: Tim Kubiak stated, we need clarification on 138<sup>th</sup> Lane, it is showing to have several different owners. The question that comes into play is whether 138<sup>th</sup> Lane is a road or a right of way. I have no problem with dividing the property as requested but I do see an issue with the driveway off of 138<sup>th</sup> Lane. John Foreman stated, isn't there a way to use eminent domain to take these as public easements? David Austgen stated, yes you may use eminent domain to acquire this land. That would not be my first suggestion, I would first suggest to find out who owns the land. John Foreman stated, it seems to me that it is not safe for fire trucks to access people's home if it's not a public road. Tim Kubiak stated, I am fine with him dividing his property the way he wants. I need to know, if he is accessing his property off of the private road, how I am to deal with it as the Building Commissioner. David Austgen stated, conveyance to the town with a good survey makes a lot of sense and mutual benefit would lead to care and maintenance of the road way. This would help provide some assurance to the neighbors for drive access as well as the access for Mr. Brannon's new home. Heather Dessauer stated, couldn't it be possible that over the years something with title work slipped through the cracks? David suggested for Mr. Brannon to find the exception, possible easements on the neighbor's property. Robert Brannon stated, this issue has been building for years now so I have decided to stay off my neighbor's property. I will use access off of Morse Street. Further discussion continued regarding the possible easements around Founder's Creek and 138<sup>th</sup> Lane. Robert Brannon stated, there is an existing culvert off of 138<sup>th</sup> Lane. The engineers requested that I measure it, which is not my culvert. Don Oliphant stated, I am sure we already have all of that. The easement I am granting for that is twenty (20) feet, you stated you want forty (40) feet. Don Oliphant stated, that is for access to the utilities. Robert Brannon stated, if I give you a forty (40) foot easement, my concern is to not get a secondary structure like a garage or something.
  5. Commission's Discussion: Jerry Wilkening stated, is it safe to assume that the first phase of Founder's Creek is northeast of his property? Don Oliphant stated, it is west of Morse and Phase 2 is east.
  6. Commission's Decision:

Motion made by Jerry Wilkening and seconded by Heather Dessauer to defer this agenda item.

Heather Dessauer	Chuck Becker	Jerry Wilkening	John Kiepora	Richard Sharpe	John Foreman	Greg Parker	Vote
Yes	Yes	Yes	N/A	Yes	Yes	Yes	6-0

**New Business:**

**1. Dutko-Public Way Vacation**

Owner/Petitioner: Thomas Dutko, 5842 Tahoe Pl., Cedar Lake, IN 46303  
Vicinity: 5842 Tahoe Pl., Cedar Lake, IN 46303  
Legal Description: Lakeside Unit 1 Block 1 Lot 15  
Tax Key Number(s): 45-15-25-127-006.000-043

**Request:                   Petitioner is requesting a Public Way Vacation to reduce the side yard easement due to an encroachment**

1. Petitioner's Comments: Glenn Kracht, the land surveyor for this property, I didn't see the easement on the plat and the home was constructed four (4) feet onto the easement. NIPSCO, Comcast and AT&T have been contacted and we have correspondence that they have no intention of installing equipment into this easement. Normally inside the easements NIPSCO requires a seven and a half (7.5) foot easement on each side and in this case we are giving eight (8) feet, so they are happy with that. We contacted DVG because there was an issue with drainage with overland flow for the emergency. They said the 8 foot side yard is plenty of room. We are asking for a recommendation to reduce the side yard easement from twelve (12) foot to eight (8).
2. Town Engineer's Comments: Don Oliphant stated, I agree with his statements. If we can change the grading we can make it work. If you do grant them we will formalize the email into a letter.
3. Building Department Comments: No comment.

- 4. Commission’s Discussion: See above.
- 5. Recommendation to Town Council: See below.

Motion made by Jerry Wilkening and seconded by Richard Sharpe to approve the amendment of the plat to reduce the side yard easement from twelve (12) feet to eight (8) feet, which plat amendment being subject to the approval by the Town Council of the Public Way Vacation Ordinance that is forthcoming on March 6, 2018 scheduled for approval.

Heather Dessauer	Chuck Becker	Jerry Wilkening	John Kiepora	Richard Sharpe	John Foreman	Greg Parker	Vote
Yes	Yes	Yes	N/A	Yes	Yes	Yes	6-0

2. Exner-Public Way Vacation

Owner/Petitioner: Charles Exner, 15022 Carey St., Cedar Lake, IN 46303  
Vicinity: 15022 Carey St., Cedar Lake, IN 46303  
Legal Description: Lynnsway Cottage Homes Lot 36  
Tax Key Number(s): 45-19-04-226-029-000.057

**Request: Petitioner is requesting a Public Way Vacation to reduce the rear yard easement due to an encroachment**

- 1. Petitioner’s Comments: Jack Huls stated, reduce the rear yard easement from thirty (30) feet to twenty-two (22) feet. We are also seeking a variance from the BZA for a setback line.
- 2. Town Engineer’s Comments: Don Oliphant stated, there is storm sewer in this back that is within the twenty-two (22) feet. Jack Huls stated, there is an AT&T line that is five (5) feet from the property line, we do have correspondence with them.
- 3. Building Department Comments: Tim Kubiak asked, are they pursuing the same rear yard easement for the other lots down the road? Jack Huls stated, we have filed all four for the BZA for four (4) additional lots. We can seek the vacation for lots 33-35 at this time with lot 36. David Austgen stated, it will all be separate vacations because of the notices.
- 4. Commission’s Discussion: Heather Dessauer stated, we have a lot of developments coming in, how do we prevent this from happening? Jack Huls stated, the timeline of this does not show there was a patio on the property when we did the as-builts. The builders are learning the process of having to fix issues like this. I will suggest to Diamond Peak for them to be at the BZA meeting. Tim Kubiak stated, I asked to keep the consistent lot lines. Further discussion continued regarding the consistent lot lines and the request at hand. Charles Exner stated, this house was framed in September of 2016 showing that the overhang of the roof was down, we signed the end of September and closed in October. We appreciate you all, although this is Diamond Peak’s issue, they are not paying for our Attorney fees or relieving our stress since October.
- 5. Recommendation to Town Council:

Motion made by John Foreman and seconded by Jerry Wilkening to approve an amendment of the plat for lot 36 to reduce the rear yard from thirty (30) feet to twenty-two (22) feet subject to the easement vacation approval and BZA developmental variance approval.

Heather Dessauer	Chuck Becker	Jerry Wilkening	John Kiepora	Richard Sharpe	John Foreman	Greg Parker	Vote
Yes	Yes	Yes	N/A	Yes	Yes	Yes	6-0

3. Armani Development – Preliminary Development 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 Preliminary Development Plan**

- 1. Town Attorney: David Austgen stated, this is sort of a duplicate as to what was heard at the Work Session. Because this development is a PUD, it requires a Preliminary Development Plan approval. This is the concept portion of the project which is the first

step under the PUD zoning district classification. A Public Hearing will be conducted and the zoning district and development plan will be addressed.

- 2. Petitioner’s Comments: Jack Huls stated, your ordinance requires three (3) elements to be shown to you all. The proposed site plan; including building locations, traffic circulation, parking areas and a proposed construction sequence for public improvements. At the work session we presented a proposed plan showing the layout, traffic circulation, the one thing that was not presented was the proposed construction sequence which you all have in front of you today. We are following the process and are working with an Attorney to ensure we have a development document to identify all the zoning agreements because it is a PUD. This document will include setbacks, building usage and anything related to this project for zoning. We will also prepare the engineering plans that go along with that. We will be submitting the engineering plans for Don’s review and applying for a one (1) lot subdivision which the PUD zoning will apply to.
- 3. Town Engineer’s Comments: No comment.
- 4. Building Department Comments: No Comment.
- 5. Commission’s Discussion: Jerry Wilkening asked what the discussion was regarding the detention pond. Jack Huls replied, we decided to use our own detention pond. There is a HOA that is established as a part of the PUD, which will be responsible for maintaining the pond. Jerry Wilkening asked about the garbage cans. Jack Huls stated, we will be working the sanitary district for grease traps and we will place the cans behind the building. We have plenty of room to maintain them in the back.
- 6. Commission’s Decision:

Motion made by Jerry Wilkening and seconded by John Foreman to approve the preliminary development plan referencing the document dated January 31, 2018.

Heather Dessauer	Chuck Becker	Jerry Wilkening	John Kiepura	Richard Sharpe	John Foreman	Greg Parker	Vote
Yes	Yes	Yes	N/A	Yes	Yes	Yes	6-0

4. Lakeside Subdivision-Unit 1, Block 2-Letter of Credit Reduction

Owner/Petitioner: Cedar Lake 133, LLC, 8900 Wicker Ave., St. John, IN 46373  
Vicinity: 5711 W. 133rd. Ave., Cedar Lake, IN, 46303  
Legal Description: THE EAST HALF (E ½) OF THE NORTHWEST QUARTER (NW ¼) OF SECTION TWENTY-FIVE (25), TOWNSHIP THIRTY-FOUR (34) NORTH, RANGE NINE (9) WEST OF THE SECOND PRINCIPAL MERIDIAN, CONTAINING EITHY (80) ACRES, MORE ORO LESS, IN LAKE COUNTY, INDIANA. (E2. NW. S.25 T.34 R.9 80A.)  
Tax Key Number(s): 45-15-25-100-001.000-043

Request: Petitioner is requesting a letter of credit reduction for Unit 1, Block 2

- 1. Petitioner’s Comments: Jack Huls stated, we have a letter of credit performance bond that is one hundred and ten percent (110%) of the infrastructure costs. The infrastructure is in and the as-builts have been approved so we are seeking a letter of credit reduction to the twenty-five (25%) which is one thousand sixty-five, five hundred forty six dollars and twenty-one cents (\$165,546.21).
- 2. Town Engineer’s Comments: Don Oliphant stated, everything has been inspected and approved. The only thing remaining is lighting, signage and surface coat of asphalt which drops the letter of credit to the maximum allowed reduction of one hundred sixty-five thousand five hundred forty-six dollars and twenty-one cents (\$165,546.21).
- 3. Building Department Comments: No comment.
- 4. Commission’s Discussion: No comments.
- 5. Commission’s Decision:

Motion made by Jerry Wilkening and seconded by Chuck Becker to approve the Petitioner’s request to the letter of credit reduction for Unit 1, Block 2 to the total of one hundred sixty-five thousand, five hundred forty-six dollars and twenty-one cents (\$165,546.21)

Heather Dessauer	Chuck Becker	Jerry Wilkening	John Kiepura	Richard Sharpe	John Foreman	Greg Parker	Vote
Yes	Yes	Yes	N/A	Yes	Yes	Yes	6-0

5. Beacon Pointe-Unit 1A-Letter of Credit Reduction

Owner/Petitioner: Beacon Pointe of Cedar Lake LLC, PO Box 677, St. John, IN 46373  
Vicinity: 9505 W. 137<sup>th</sup> 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 a letter of credit reduction for Unit 1A**

- 1. Petitioner’s Comments: Jack Huls stated, we are here today seeking a letter of credit reduction.
- 2. Town Engineer’s Comments: Don Oliphant stated, we are currently figuring out some water issues, so that has been left in the letter of credit amount. This letter of credit has been reduced to ninety-two thousand, seven hundred thirty-eight dollars and eighty cents (\$92,738.80).
- 3. Building Department Comments: No comment.
- 4. Commission’s Discussion: No comments.
- 5. Commission’s Decision:

Motion made by John Foreman and seconded by Jerry Wilkening to approve the letter of credit reduction for Unit 1A to ninety-two thousand, seven hundred thirty-eight dollars and eighty cents (\$92,738.80).

Heather Dessauer	Chuck Becker	Jerry Wilkening	John Kiepura	Richard Sharpe	John Foreman	Greg Parker	Vote
Yes	Yes	Yes	N/A	Yes	Yes	Yes	6-0

**Update Item:**

**Public Comment:** No comments.

**Adjournment:** 8:46 pm

**Press Session:**

Plan Commission Work Session – March 7, 2018 at 7:00 p.m.  
Plan Commission Public Meeting – March 21, 2018 at 7:00 p.m.

*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.*

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**Chuck Becker**

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**Heather Dessauer**

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**John Foreman**

\_\_\_\_\_  
**Greg Parker**

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**John Kiepura**

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**Richard Sharpe**

\_\_\_\_\_  
**Jerry Wilkening**

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**Attest: Jessica Chick, Recording Secretary**