



**TOWN OF CEDAR LAKE – PLAN COMMISSION
WORK SESSION MINUTES
MARCH 7, 2018 7:00 PM**

Call To Order (Time): 7:00 PM

Pledge to Flag:

Roll Call:

Present Heather Dessauer

Absent Chuck Becker

Present John Kiepora

Absent 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

Old Business:

1. 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

Deferred from January 17, 2018 Public Meeting

Deferred from February 21, 2018 Public Meeting

1. Petitioner's Comments: David Austgen stated, the Town Council last evening, concluded the variance of use application process by denying the application. The representative was present and the motion was made based upon the lack of infrastructure and incompatibility of the business use in a residentially zoned neighborhood. The vote was 6-1.
2. Town Engineer's Comments: No comments.
3. Building Department Comments: No comments.
4. Commission's Discussion: No comments.

2. 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

Deferred from February 21, 2018 Public Meeting

1. Petitioner's Comments: No petitioner present. Greg Parker stated, the petitioner is waiting for new documents to present to the board. David Austgen stated, Town Engineer, Don Oliphant, has been working with Lake County. There is a record that shows that the regulation of Hogs Pen Ditch renamed to Founders Creek, constituted with two (2) phases. Those two (2) phases, Morse Street was the line that ended phase one (1) that was coincidental with the proposed project. North and East to the Lemon Lake area was to be the second phase. The phase two (2) component seems to have some ambiguity on the back side. It doesn't seem at the County level it was ever finished. There were conditions as responsibility of the developer, we are still looking at the information as to whether phase two (2) is regulated. It may not make a difference because of the floodway located on the property.
2. Town Engineer's Comments: Don Oliphant stated, the floodplains and floodways are called a Zone A Floodplain. It is not based off of any elevations but are based off approximate studies from years ago, that have never been updated. The caveat of the regulated drain is that it is measured by top of bank. This is such a deep valley, that the top of bank is actually quite wide. Having a seventy-five (75) foot easement from the

top bank would extend into a significant part of his plat and impact where he is to put his house. It is important to figure out if Phase two (2) actually passed. We have not had any response from our last comment letter from the petitioner. We have been dealing with this with the 2-19 project as well. There are also other issues with this that the petitioner is needing to address.

3. Building Department Comments: Tim Kubiak asked, that seventy-five (75) feet from top of bank, is that something that would stop the petitioner from having the walk out basement? Don Oliphant stated, the easement is used for maintenance on the ditch. It has been reduced at some points along the bank in the past.
4. Commission's Discussion: Jerry Wilkening clarified, the County needs to put on paper the information so we can make decisions regarding this plat.

New Business:

1. Fancher-Concept Plan

Owner: William Green, 14345 Lake Shore Dr., Cedar Lake, IN 46303
Petitioner: Mike Fancher, 3164 Austgen Pl., Dyer, IN 46311
Vicinity: 14345 Lake Shore Dr., Cedar Lake, IN 46303
Legal Description: PT. GOV. L.2 SW NW S.OF SURPRISE PARK 10.56X25X231.40X167.50X
254.71X217.28FT. S.35 T.34.R.9 1A SUBJ. TO BEACH RIGHTS.
Tax Key Number(s): 45-15-35-185-001.000-043

Request: Petitioner is requesting a Concept Plan

1. Petitioner's Comments: Mike Fancher, 3164 Austgen Place, Dyer stated, we want to divide this property into three (3) parcels. I know I will need a variance for the width of the lots as well as the setbacks off of the road. I am willing to build to suit for whatever may be approved. The current lot is at roughly two-hundred fifty-seven feet (257) by one hundred ninety feet (190). There will be a shared driveway off of 143rd.
2. Town Engineer's Comments: Don Oliphant stated, conceptually this will need several variances. It is above the floodplain there may be issues with a basement and it needing to be elevated properly.
3. Building Department Comments: Tim Kubiak stated, 143rd he will need a variance for the road frontage. As for the shared driveway, splitting the driveway up into two (2) access ways they will need cross access. There will need to be some language in the plat showing this.
4. Commission's Discussion: Greg Parker stated, this seems like a lot for this piece of property. I would rather see two (2) houses on this property rather than three (3). That would alleviate some of the challenges for the variances and a three (3) lot subdivision. Tim Kubiak stated, all of the current cottage homes are fifty (50) foot lots. A lot of the property around the lake are smaller lots like this. Jerry Wilkening stated, I would rather see two (2) homes on this lot. Tim Kubiak stated, is it possible to add homes to the Surprise Park HOA? Mike Fancher stated, we would be adding one lot to the HOA because there is one (1) existing home on this property. Tim Kubiak asked, are you thinking two (2) lots of equal size? That way you would just be looking for a variance for a thirty (30) foot setback off of 143rd.

2. Cedar Lake Ministries-Planned Unit Development (PUD) Amendment/1-lot Subdivision

Owner/Petitioner: Cedar Lake Ministries, 13701 Lauerma Rd., Cedar Lake, IN 46303
Vicinity: 13701 Lauerma Rd., Cedar Lake, IN 46303
Legal Description: Cedar Lake Ministries 2nd Resub. Outlot 1, 2, 3, 4 & 5 Lot 10, 31 & Right of Ways & Walkways
Tax Key Number(s): 45-15-27-408-007.000-014

Request: Petitioner is requesting a Planned Unit Development (PUD) amendment/1-lot Subdivision

1. Petitioner's Comments: Jack Huls stated, we are mixing the architecture between two (2) existing lodges at the Ministries for the new lodge. We have a proposed site plan sixty-five by twenty (65X20) we want to add parking around that building. We want to begin to widen the roads at the Ministries, we will also be doing some general improvements of the property. On the second amendment, there is a lot line that runs right through where we are wanting to build this lodge. We need to do a plat amendment and redo the PUD Ordinance so the document will be updated. We would like to do a Public Hearing for the PUD Amendment. May 1st is the deadline. We would have the Public Hearing next month with the amendment ordinance at the April Town Council meeting.

2. Town Engineer's Comments: Don Oliphant stated, we just got this today but it looks like he is on the right path.
3. Building Department Comments: No comment.
4. Commission's Discussion: Jerry Wilkening asked for clarification on where exactly the lodge would be built.

3. Braatz-Concept Plan

Owner: 524 LLC, Wintering LLC, DJ3 Land and LLC, 1201 North Main Street, Ste. A., Crown Point, IN 46307
Petitioner: David Braatz, 1201 North Main Street, Ste. A, Crown Point, IN 46307
Vicinity: 13621 Morse St.
Legal Description: PT. SW. NE. S.26 T.34 R.9 CONT'G 31.797 AC.; **and** PT E1/2 OF N.49 RDS OF NW. SE S.26 T.34 R.9 4.264 AC; **and** NE. SE. S.26 T.34 R.9 40 A.; **and** W.2A. OF NW. SW. S.25 T.34 R.9
Tax Key Number(s): 45-15-26-253-001.000-043 **and** 45-15-26-402-025.000-043 **and** 45-15-26-426-001.000-043**and** 45-15-25-300-001.000-041

Request: Petitioner is requesting a possible rezoning and a concept plan

1. Petitioner's Comments: John Lotton stated, I was at the work session last month, the new drawing shows the cottage home lots as well as duplexes. We changed the layout to include for a future exit out the back of the development. The total would be ninety-four (94) units. The second entrance would be to the east on the other side, as a future exit.
2. Town Engineer's Comments: Don Oliphant stated, it is nice to have the planned future entrance as a stub.
3. Building Department Comments: Tim Kubiak stated, what are the sizes of the lots? John stated, they are currently fifty foot (50) and eighty-five foot (85) lots.
4. Commission's Discussion: David Austgen stated, there is a probable policy for this to be made here between the Midway Gardens and this development. John Kiepura asked, these are going to be fifty (50) foot lots? John Lotton stated, yes although this is a concept that is what we are looking in to. Greg Parker stated, we need to take a policy approach here and consider some different things with all of the development coming in. Heather Dessauer stated, a positive for this development is that you won't see much from the corridor. John Lotton stated, this will be an all brick material, it will be a nice product. Heather Dessauer asked, are none of these lots along the corridor commercial? John stated, it is a zoned agriculture right now. David Austgen stated, there have been visioning sessions regarding the vision for the masterplan. This is an area that needs to be focused on. John stated, the problem with doing the development on the front is the big swamp, it is not buildable around that. Jerry Wilkening asked, hasn't there been a lot of discussion for the multi-family builds? Greg Parker stated, this is something we need to talk about.

Update Item:

1. Lakeside Unit 1 Block 1 Letter of Credit is going to expire on May 22, 2018

Jack Huls stated, I was asked to request consideration for this. The ordinance states that we cannot put final coat of pavement down until there is eighty percent (80%) build out. Are we able to put down the final coat of asphalt just before the expiration of this Letter of Credit and transfer it over to a Maintenance Bond? If not, we will have to re-up the Performance Bond. We are requesting for the final coat of asphalt and we are currently at about fifty percent (50%) build out. David Austgen stated, there has been discussion at the Council level regarding truck traffic. Don Oliphant stated, the eighty percent (80%) has already been waived for almost half of the subdivision for the grand opening meaning that final coat is already down. Tim Kubiak stated, we have been tossing around the idea of allowing the developers and builders to lay the final coat of asphalt for the drainage to work properly and increasing the integrity of the road. There are pros and cons of both ways. Don Oliphant stated, even if final coat of asphalt is down, it is still suggested to not have maintenance come in till after the eighty percent (80%) buildout. Further discussion continued regarding different options.

Zoning Ordinance: No updates.

Public Comment: No comments.

Adjournment: 8:10 pm

Press Session: Plan Commission Public Meeting – March 21, 2018 at 7:00 p.m.
 Plan Commission Work Session – April 4, 2018 at 7:00 p.m.

Chuck Becker

Heather Dessauer

John Foreman

Greg Parker

John Kieपुरa

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.