



**TOWN OF CEDAR LAKE – PLAN COMMISSION
PUBLIC MEETING MINUTES
APRIL 18, 2018 7:00 PM**

Call To Order (Time): 7:00 pm

Pledge to Flag:

Roll Call:

Present Heather Dessauer

Present Chuck Becker

Present John Kieपुरa

Absent John Foreman

Present Richard Sharpe

Present Jerry Wilkening

Absent 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

Minutes:

March 7, 2018 Work Session Minutes

Motion made by Jerry Wilkening and seconded by Chuck Becker to approve the March 7, 2018 Work Session Minutes.

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

Old 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 from January 17, 2018 Public Meeting

Deferred from February 21, 2018 Public Meeting

Deferred from March 21, 2018 Public Meeting

1. Petitioner’s Comments: Robert Brannon stated, I understand about the sidewalk placement, but ultimately we want the sidewalk to look right. To avoid any unsightly placement, does the Town have any contiguous plan for sidewalks or walkways? Don Oliphant stated, I am not aware of any plan to install any sidewalks other than through the ADA Compliance Plan. We do have standards and details for sidewalk placement. In cases like this, following the existing grade is our best bet. We can work around the existing utilities or poles. Robert Brannon stated, there are some other items that we are looking to get waived. In regard to the thirty (30) foot sewer line, I was hopeful that it wouldn’t be necessary because of the slope of the grade and the force station on it. The only twenty (20) feet that can be used is the footage that I am looking to dedicate. Don Oliphant stated, the dedication is essentially right in the middle of the lot line and water course. If you look at comment number five on our letter, although it is not considered a regulated drain, however it is still a legal drain which requires its own easement. That is a twenty (25) foot instead of a seventy (75) foot. There will still be an easement around there, unless it is waived. Robert Brannon asked, so you will need a twenty-five (25) foot easement? Don Oliphant stated, yes it is a subdivision requirement. Don Oliphant stated, there are other comments listed in the letter if he would like to discuss any of them. Robert Brannon stated, I am planning to install a land bridge for my driveway. Don Oliphant stated, the feasibility of crossing that water course on this property is significant. Tim Kubiak stated, this is similar to the Henn and Son’s storage facility. He has frontage on Morse Street which makes this a legal lot of record. We are not granting Mr. Brannon permission to use that private property to access his property, but he does meet the requirements of frontage along Morse Street. Robert Brannon stated, the culvert extends under 138th through my property so I am planning to have an easement through there. I am exploring different options. The quickest way would be to grant myself an easement on lot one (1) and work something out later down the road. We have discussed this quite a bit and it was understood that I can address this later, that the requirements to get a building permit were to have access and not necessarily a

subdivision. David Austgen stated, in order to have a legal lot of record for the second lot. Robert Brannon stated, and as per the Subdivision Ordinance I have met all of the requirements based off the frontage. Tim Kubiak stated, based off the site plan and if you can't get to your house it will not suffice. Discussion continued regarding access.

- 2. Town Engineer's Comments: See comments above.
- 3. Building Department Comments: See comments above.
- 4. Commission's Discussion: See comments above.
- 5. Commission's Decision:

Motion made by Jerry Wilkening and seconded by Chuck Becker to defer this item to the next Plan Commission Meeting.

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

New Business:

1. Kuiper-Preliminary Plat

Owner/Petitioner: Jeremy & Michelle Kuiper, 13970 Orchard Dr., Cedar Lake, IN 46303
Vicinity: 8919 W. 141st Avenue, Cedar Lake, IN 46303
Legal Description: PT. NW. S.34 T.34 R.9 4 A.
Tax Key Number(s): 45-15-34-126-010.000-014

Request: Petitioner is requesting a Preliminary Plat for a 1-Lot Subdivision

- 1. Town Attorney's Comments: David Austgen stated, the publishing in the newspapers indicating timely publications and this was a simultaneous noticing to the adjacent property owners, certified list of property owners is in evidence. The Public Hearing can be properly conducted.
- 2. Petitioner's Comments: Jack Huls, DVG, we were at the work session regarding this item. We would like to create a legal lot of record so a building permit can be obtained. We also received approval for a rear yard setback variance. We are requesting three (3) waivers, the sidewalk, 141st improvements and storm water detention.
- 3. Town Engineer's Comments: Not present.
- 4. Building Department Comments: See other comments.
- 5. Commission's Discussion: Heather Dessauer asked, where are we at with the sidewalk? Tim Kubiak stated, we have other one (1) lot subdivisions in Town that we have made put in sidewalks. We have seen a lot of planning regarding future grant money and these small sidewalks help to expand grant opportunities. I agree that the sidewalk may be to nowhere but it is a section that the taxpayers will not need to pay for. We need to be consistent. I understand the waiver for the road improvement and the storm water waiver, but the sidewalk is an important aspect of the Town. John Kieपुरa asked the cost of sidewalk per foot. Tim Kubiak stated, roughly twenty-five dollars (\$25.00). This is a main road that someday we would hope to see sidewalks and curbs along this corridor. Heather Dessauer stated, I agree that we need to stay consistent with the requiring of sidewalks. Jack Huls asked, can we do a fee in lieu of? Tim Kubiak answered, no. Jerry Wilkening raised concern for the driveway and the water flow. Jack Huls stated, the storm water ordinance is related to volume and we would need to clear a lot of land for a detention pond. That is typically based off of more product and road. The impervious area is much less than what would be in a larger development. Jerry Wilkening stated, I am concerned for the water, you may need another culvert under the driveway.
- 6. Remonstrators: None.
- 7. Commission's Decision:

Motion made by Heather Dessauer and seconded by Chuck Becker to approve the waiver for storm water detention and the improvements for 141st Avenue and to deny the sidewalk waiver request.

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

Motion made by Heather Dessauer and seconded by Jerry Wilkening to approve the Preliminary Plat contingent on the April 16, 2018 letter report being approved by the Town Engineer.

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

2. Prough-Public Way Vacation

Owner/Petitioner: Michael Prough, 15004 Carey St., Cedar Lake, IN 46303
Vicinity: 15004 Carey St., Cedar Lake, IN 46303
Legal Description: Lynnsway Cottage Homes Lot 33
Tax Key Number(s): 45-19-04-226-026.000-057

Request: Petitioner is requesting a Public Way Vacation to reduce the rear yard easement

- 1. Petitioner’s Comments: Jack Huls, DVG Engineering stated, we had feedback from this commission that you all wanted to see that easement line the same. This petition and the following are the same presentation.
- 2. Town Engineer’s Comments:
- 3. Building Department Comments: Tim Kubiak stated, this was a request and we are happy to see it.
- 4. Commission’s Discussion: David Austgen stated, as you recall in the Lynnsway subdivision there were four (4) lots. The first lot was already acted on, Mr. and Mrs. Exner whom were the catalysts for this today. They had a rear covered porch that intruded on the easement. The next three properties north, with 2 different owners, the objective is to line up the setbacks for propriety purposes. It is a cleanup of the plat requirements. This was approved at the Town Council meeting last night.
- 5. Recommendation to Town Council:

Motion made by Jerry Wilkening and seconded by Richard Sharpe to acknowledge and ratify the Public Way Vacation as presented for this item and the next.

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

3. Diamond Peak-Public Way Vacation

Owner/Petitioner: Diamond Peak Homes, 1313 White Hawk Dr., Crown Point, IN 46307
Vicinity: 15010 Carey St., Cedar Lake, IN 46303
15016 Carey St., Cedar Lake, IN 46303
Legal Description: Lynnsway Cottage Homes Lot 34
Lynnsway Cottage Homes Lot 35
Tax Key Number(s): 45-19-04-226-027.000-057
45-19-04-226-028.000-057

Request: Petitioner is requesting a Public Way Vacation to reduce the rear yard easement

- 1. Petitioner’s Comments: See above comments.
- 2. Town Engineer’s Comments:
- 3. Building Department Comments:
- 4. Commission’s Discussion:
- 5. Recommendation to Town Council:

Update Item:

- 1. **Lakeside Unit 1 Block 1 Letter of Credit is going to expire on May 22, 2018**
Michelle Bakker stated, it has been submitted and will expire on May 22, 2019.
- 2. **Beacon Pointe Unit 1 Letter of Credit is going to expire on June 1, 2018**
Jack Huls stated, we are renewing on unit 1. This will be to you in the next month.

Zoning Ordinance: John Kiepura stated, I have some comments regarding the Zoning Ordinance, do we have a set way of measuring the height of a house? Tim Kubiak stated, we usually measure the house from the finished grade at the front of a house, not lakeside. John Kiepura stated, I think we need verbiage so we are consistent with what we do. Jerry Wilkening stated, another thing that we need to look further

into is the fee in lieu of. The fee in lieu of park, there are 2 separate fees regarding parks. The one fee is too low and the other is too high.

Public Comment: Tim Kubiak asked, is there anything we can do to about 138th and 139th to start the process to make those actual roads. David Austgen stated, there is a process. We will need a copy of the deed instrument and have it deeded over to the Town, have an appraisal and make an offer. Tim Kubiak asked, we have a few of them with a couple situations where there are established homes. We are maintaining them yet we do not own them. There are stretches of properties that go out in to the middle of the road. Anyone who wants to do improvements on those roads, it leaves us in a bad position. David Austgen stated, Branch Towers is still looking for ways to fix the issue with the road they are wanting to develop on. Knocking on some doors or sending out letters is not a bad idea. The Town engaging in a small take of eminent domain is not a bad idea.

Adjournment: 8:16 pm

Press Session: Plan Commission Work Session – May 2, 2018 at 7:00 p.m.
Plan Commission Public Meeting – May 16, 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.

Chuck Becker

Heather Dessauer

John Foreman

Greg Parker

John Kieपुरa

Richard Sharpe

Jerry Wilkening

Attest: Jessica Chick, Recording Secretary