



**TOWN OF CEDAR LAKE – PLAN COMMISSION
PUBLIC MEETING MINUTES
September 19, 2018 7:00 P.M.**

Call To Order (Time): 7:00 pm

Pledge to Flag:

Roll Call:

Present Heather Dessauer

Present Chuck Becker

Absent John Kiepura

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

Minutes:

August 1, 2018 Special Public Meeting & Work Session and August 15, 2018 Public Meeting, September 5, 2018 Special Public Meeting & Work Session

Motion made by Chuck Becker and seconded by Richard Sharpe to approve the August 1, August 15, and September 5, 2018 meeting minutes.

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

Old Business:

1. Great Oaks Acres – Letter of Credit

Owner: Robert Henn, 15212 Oakdale, Cedar Lake, IN 46303

Petitioner: Henn & Sons Construction, 13733 Wicker Ave., Cedar Lake, IN 46303

Vicinity: 13077 Wicker Ave., Lot 1, Cedar Lake, IN 46303

Legal Description: Great Oaks Acres Storage Lot 1

Tax Key Number(s): 45-15-21-301-021.000-014

Request: Petitioner is requesting a Maintenance Letter of Credit

Deferred from July 18, 2018 Public Meeting

Deferred from August 15, 2018 Public Meeting

1. Petitioner’s Comments: Not present.
2. Town Engineer’s Comments: Not present.
3. Building Department Comments: Tim Kubiak stated, the detention area needs to be cleaned out and they are unable to get it done because it is too wet. After they complete that they will be turning in the as-built survey. I explained to Mr. Henn that the maintenance period doesn’t start till this is accepted.
4. Commission’s Discussion: David Austgen asked, does this need to be an agenda item? When he is ready he can notify the staff and add it to the agenda at that time. Michelle Bakker stated, I can move it to an update item.
5. Commission’s Decision:

Motion made by Jerry Wilkening and seconded by Chuck Becker to move this agenda item to an update item.

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

2. Midwest PGM-Site Plan

Owner: Richard C. Thiel, Jr., 11363 W. 135th Pl., Cedar Lake, IN 46303

Petitioner: Midwest PGM, 13513 Industrial Dr., Cedar Lake, IN 46303

Vicinity: 13513 Industrial Dr., Cedar Lake, IN 46303

Legal Description: Cedar Lake Industrial Park Phase 2 Resub of Lots 9 to 12 Lot 1

Tax Key Number(s): 45-15-28-178-005.000-014

Request: Petitioner is requesting a Site Plan Approval

Deferred from July 18, 2018 Public Meeting

Deferred from August 15, 2018 Public Meeting

1. Petitioner’s Comments: Carmen Arvia, DVG Engineering stated, we have been before you before and have fixed the remaining engineering comments. The main concern was for screening, which we will be installing a fence along the perimeter of the working area as well as arborvitae plantings along the west side. We have two minor outstanding issues, Rich is bringing the pond up to previously approved design standards and we will be providing an as-built once that is completed. Because doing the earth work, the water quality standards are not up to par for the Rule Six approval, we will be submitting all of that once approved.
2. Town Engineer’s Comments: Tim Kubiak speaking on behalf of Don Oliphant stated, there were four (4) remaining comments on the September 11, 2018, we recommend approval contingent on those remaining comments being fulfilled. They reviewed the lighting plan and it checked out. The four (4) remaining comments were based on the Rule 6 plan being forwarded to CBEL, screening as listed, an as-built survey submitted for the detention basins to plan, and an electrical plan submitted to plan.
3. Building Department Comments: Tim stated, I had a discussion with Jerry and he brought up a good point, do we really want this area lit up like the other areas in town when we are requiring all the screening we are. He has no evening hours, just some lighting for security would be fine. The submitted photometric plan would like the whole area up like Stracks parking lot. The lighting ordinance requires a lighting site plan that is what they submitted. Carmen stated because it is paved area they were reviewing it as if it was a parking lot. Jerry stated, I just received the proposed lighting plan a couple days ago. Heather stated, we probably need to change that in our new lighting ordinance that was just approved. Tim stated, it is a unique situation that it is a paved area where scrap is kept. Heather stated, how do we decide what he needs if it isn’t according to the ordinance? Rich stated, I only want two (2) poles on the east side and I already have one by my scale. Jerry asked, what lights would you be installing on those poles? Carmen stated, we will submit the plan before the work is done. David Austgen stated, we would need something submitted regarding the lighting revision. Tim stated, I would like to see a new plan of what exactly you plan to do, I will not be the guy to approve it or not. I will have others look it over for approval. Jerry stated, we do not have in the ordinance what fixtures are compliant. David stated, we will need something for the file that can be referenced in the record. Once the review is done I would suggest an update item before this board of what have been cleared.
4. Commission’s Discussion:
5. Commission’s Decision:

Motion made by Heather Dessauer and seconded by Richard Sharpe to approve the site plan contingent on the remaining engineering comments and that the lighting plan being reviewed by Tim Kubiak.

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

3. Birchwood Farms-Rezone

Owner: Hanover Farms, Inc., 8501 Wicker Ave., Ste. A, St. John, IN 46373
Petitioner: Jeff Yatsko, Olthof Homes, 8051 Wicker Ave., Ste. A, St. John, IN 46373
Vicinity: 12412 Wicker Avenue, Cedar Lake, IN 46303
Legal Description: N.159.88ft of S.824.13ft of W.2226.79ft of S.1/2 of SE.1/4 S.17 T.34 R.9 Ex E.416 of S.65.81ft 9.061 Ac; S.664.88FT OF SE1/4 S.17 T.34 R.9 EX. S.215FT OF E.416FT & EX. N.351.89FT OF E.416.0FT 34.91AC; N.505ft of S1/2 SE1/4 S.17 T.34 R.9 Ex E.548.75ft 24.273 Ac
Tax Key Number(s): 45-15-17-476-008.000-013; 45-15-17-451-002.000-013; 45-15-17-476-007.000-013

Request: Petitioner is requesting a Rezone from Agriculture (A) Zoning District to Residential Planned Unit Development (PUD) Zoning District

Deferred from July 18, 2018 Public Hearing
Deferred from August 15, 2018 Public Meeting

1. Petitioner’s Comments: Jeff Yatsko stated, I have been here for a few months prior next week we anticipate to have all the plans needed for review. We are aware we will need to work through comments.
2. Town Engineer’s Comments: No comments.
3. Building Department Comments: No comments.
4. Commission’s Discussion: David Austgen asked, do you or your Attorney’s have a format of the development plan that we will be looking for? Jeff replied, yes. David stated we just did another one with certain content and format.
5. Commission’s Recommendation to Town Council:

Motion made by Jerry Wilkening and seconded by Chuck Becker to defer this agenda item to the next meeting on October 17th, 2018.

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

4. Centennial Phase 13-Final Plat

Owner/Petitioner: North Centennial Development LLC, 8051 Wicker Avenue, Ste. A, St. John, IN 46373
Vicinity: 141st Avenue, Cedar Lake, IN 46303
Legal Description: S.1/2 SE.1/4 & S.1/2 NW.1/4 SE.1/4 S.28 T.34 R.9 & S.1/2 NE.1/4 SW.1/4 & Pt. E.1/2 SE.1/4 SW.1/4 all Ly'ng E. of RR S.28 T.34 R.9 18.6 Ac **and** Pt. SE.1/4 S.28 T.34 R.9 2Ac
Tax Key Number(s): 45-15-28-451-002.000-014 **and** 45-15-28-451-035.000-014

Request: Petitioner is requesting a Final Plat for Phase 13

Deferred from August 15, 2018 Public Meeting

1. Petitioner’s Comments: Jeff Yatsko stated, we are seeking approval for Centennial Phase 13. We received a letter from Don this morning with his numbers regarding our letter of credit of four hundred ten thousand, six hundred fifteen dollars and thirty-four cents (\$410,615.34). We have a few punch list items that we will take care of.
2. Town Engineer’s Comments: Tim Kubiak read from the engineer’s letter, the plat is good, the Letter of credit amount has been reduced based on the outstanding issues with the record drawings and storm water inspections. The letter of credit amount of four hundred ten thousand, six hundred fifteen dollars and thirty-four cents (\$410,615.34), a three percent (3%) inspection fee of thirty-six thousand, five hundred nine dollars and eighty-eight cents (\$36,509.88) and the MS4 fee of two thousand dollars (\$2,000).
3. Building Department Comments: Tim Kubiak stated, Public Works has inspected the manholes and everything looks good besides a couple little issues.
4. Commission’s Discussion: No comments.
5. Commission’s Decision:

Motion made by Jerry Wilkening and seconded by Chuck Becker contingent on the remaining engineering comments.

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

New Business:

1. Cedar Lake United Methodist Church-1-Lot Subdivision/Rezone

Owner: Cedar Lake United Methodist Church, 7124 W. 137th Place, Cedar Lake, IN 46303
Petitioner: Ken Puent, Cedar Lake United Methodist Church, 7124 W. 137th Place, Cedar Lake, IN 46303
Vicinity: 7124 W. 137th Place, Cedar Lake, IN 46303
Legal Description: H M W ALLS CEDAR LAKE SUB LOTS 1 TO 4 & 40X250FT STRIP & 20X237.5FT STRIP & VAC PINE ST 1.359AC
Tax Key Number(s): 45-15-26-401-001.000-043

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

1. Petitioner’s Comments: Ken Puent stated, we are seeking to combine what are five (5) parcels into a single lot subdivision for a rezone and building a food pantry on the east side of our property.
2. Town Engineer’s Comments: Tim Kubiak read from Don’s engineering letter there was no response to the September 4th letter. Any site plan approval will be handled at the building department level, waiver from storm water detention requirements since there isn’t a large increase from the proposed site. Waiver from street widening and sidewalk requirements any lighting of the new signage along Morse Street should be submitted for approval and any signage the dimensions should be submitted to the building department. There are four items on the letter that have been addressed on the submitted plat.
3. Building Department Comments: Tim Kubiak stated, the zoning will all be zoned to B1, I am good with everything.

- 4. Commission’s Discussion: David Austgen stated, we did not address the zone change at last night’s Town Council meeting. Ken Puent stated, I was told to report to the next Town Council meeting.
- 5. Commission’s Decision: No comments.

Motion made by Heather Dessauer and seconded by Richard Sharpe to approve the preliminary plat for a 1 lot subdivision contingent on all land use approvals.

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

Request: Petitioner is requesting a Rezone from R-2 & B-1 to B-1

- 1. Petitioner’s Comments: Ken Puent stated, once we are one subdivision we are requesting a rezone to all the lots to be zoned B1.
- 2. Town Engineer’s Comments: No comments.
- 3. Building Department Comments: No comments.
- 4. Commission’s Discussion: No comments.
- 5. Commission’s Recommendation to Town Council:

Motion made by Jerry Wilkening and seconded by Heather Dessauer to send a favorable recommendation for the rezone to all B1.

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

Update Item:

- Muir Woods Improvements - Tim Kubiak stated, locates are done and we are trying to find someone to replace the curbs, it will be done before fall is over.
- 139th Place/Morse Street – Tim Kubiak stated from Don’s letter, the boundary survey field work was completed and a drafting of a preliminary plat is being created. The entirety of the road is within one property owner Kailee Veldekamp, crews will be out to complete the missed areas including some corners.
- Hanover Central Lighting – Tim stated on behalf of Don, we are still obtaining information we know there is a glare issue and regarding what is installed there may be additional shielding needed.

*Motion made by Chuck Becker and seconded by Heather Dessauer to cancel the meeting for October 3rd. Motion passed 5-0.

Public Comment:

Adjournment: 7:58 pm

Press Session:

Plan Commission Public Meeting – October 17, 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 Kiepura

Richard Sharpe

Jerry Wilkening

Attest: Jessica Chick, Recording Secretary