



**TOWN OF CEDAR LAKE – PLAN COMMISSION
WORK SESSION MINUTES
December 4, 2019 - 7:00 P.M.**

Call to Order (Time): 7:00 p.m.

Pledge to Flag

Roll Call:

Present Heather Dessauer
Present Chuck Becker
Present John Kiepora
Present John Foreman
Present Richard Sharpe
Present Jerry Wilkening

Present Greg Parker
Present Donald Oliphant, Town Engineer – CBEL
Present David Austgen, Town Attorney
Absent Tim Kubiak, Director of Operations
Present Michelle Bakker, Building Administrator
Present Sarah Rutschmann, Recording Secretary

NEW BUSINESS:

1. Cedar Lake Ministries – Concept Plan

Owner/Petitioner: Brent Knoll, Executive Director, Cedar Lake Ministries, PO Box 665, 13701 Laueran St., Cedar Lake, IN 46303
Vicinity: 8816 W 137th Ave., Cedar Lake, IN 46303
Legal Description: Pt. of NW.1/4 S.27 T.34 R.9 Ly'ng E. of RR 32.588Ac
Tax Key Number(s): 45-15-27-176-001.000-014

Request: Petitioner is requesting a Concept Plan to build an outdoor climbing wall with high ropes and other youth adventure elements

1. Petitioner's Comments: Present tonight on behalf of Cedar Lake Ministries are Executive Director Brent Knoll and Operations Director Sanusi Matuwa. Matuwa presented the concept for a 12'x12' outdoor climbing wall and adventure elements including bridges and walkways to be located north of the soccer field. Matuwa stated the largest component is 172'x122', the structure would be in a secure area, participants would have leadership guidance with education experience components and their proposed timeframe to build would be in spring 2020.
2. Town Engineer's Comments: No concerns at this point with the elements.
3. Building Department Comments: No concerns at this point.
4. Commission's Discussion: Multiple discussions took place regarding the area proposed for the outdoor element would be in a meets and bounds property. It was decided that since the structure would be permanently attached to the ground, it was recommended that Cedar Lake Ministries obtain a surveyor to create a 1-lot subdivision with a site plan to obtain a legal lot of record for building permitting purposes. Multiple discussions took place regarding parking &/or extra parking designated. Matuwa clarified there would not be additional parking to what presently exists and this outdoor structure would be for guests of Cedar Lake Ministries and not open to the general public. Multiple discussions took place regarding whether or not the Ministries would need to apply for a Use Variance through BZA. It was decided that because of the multiple uses the Ministries maintains now, it would be recommended that Cedar Lake Ministries go before the BZA for a Special Use Variance to include the outdoor element proposed in this concept plan tonight and also retroactively include all other current use variances. Multiple discussions took place regarding the zoning of the Ministries property, noting its current zoning as residential. It

was suggested that as the Ministries consider future planning, they might consider rezoning the location to PUD. All board members felt the concept was fantastic.

2. Henn – Concept Plan

Owner/Petitioner: Richard Henn, 13733 Wicker Ave., Cedar Lake, IN 46303
Vicinity: 13301 Lincoln Plaza, Cedar Lake, IN 46303
Legal Description: PT. E2 N2 NE NE S.28 T.34 R.9 '114.47X185X152.58X185FT. Ex. W.50ft
SUBJECT TO STS. & ALLEYS. 0.35Ac
Tax Key Number(s): 45-15-28-228-006.000-014

Request: Petitioner is requesting Access to alley for employee parking and remove island in front parking lot

1. Petitioner's Comments: Present tonight on behalf of Henn & Sons are Richard Henn and John Henn. Richard stated Torrenga was working on a site plan and this site would be a second educational learning center site with a capacity of 70 kids. Richard sought guidance from the board on their thoughts of removing the concrete islands to allow for more parking spots, requesting access to the alley for employee parking and direction on paving/curbing. He noted the play area included AstroTurf and mulch. He also explained the one island use to create a buffer to the driveway but collects water. By removing the islands, there would be potential for 5-6 more parking spots. He stated parents would park, walk their children into the building then walk back out to their vehicles, clarifying that children would never be walking into the building alone and not entering/exiting at the same time. He noted at the other location, the prime times for drop off/pick up were 6:15-9:00am and 4:30-7pm.
2. Town Engineer's Comments: Oliphant suggested 1-way drive with right turn only along with getting him, the trustee, pizza place and dentist to vacate the alley, creating a 1-lot subdivision possibly with 5-foot dedication. He also discussed the crosswalk, revision of striping, sidewalk and ADA compliant sidewalk and parking.
3. Building Department Comments: None
4. Commission's Discussion: Members discussed the public parking in the area, all agreed removing the islands would allow for more parking and discussed improvements to the alleyway to make it safer for employees and others. Parker and Austgen asked Henn to have Torrenga add on the plan including the alley up to the Trustee's office. Multiple discussions took place regarding traffic flow, the issues with the alley and communicating with the Trustee about vacating the alley. Many discussions took place regarding alley improvements, stone and asphalt, concern with utility lines and fiber optic cables, utility pole(s), drainage and performance/escrow costs. It was agreed by members that Oliphant would do a cost estimate and prepare a letter of credit for the project. Wilkening recommended vinyl fencing and blocking for safety along the perimeter of the playground.

UPDATE ITEM:

1. **Zoning Ordinance Amendment:** Parker recommended holding off on this item until after the first of the year due to board member changes. Bakker indicated she is ok with making name changes but based on her qualifications, cannot re-write the zoning ordinance. She addressed her concerns and frustration regarding spending time and effort on the project and needing feedback. Bakker and Austgen spoke about district overlays. Kiepura noted Bakker had once provided a breakdown list to individuals and requested she resend it to members to review. Multiple discussions took place suggesting the possibility of involving BZA with the zoning ordinance amendment. Members agreed to hold off on the zoning ordinance amendment until the beginning of the year.

2. **As-Built Ordinance:** Austgen stated Murr and Bakker have this. Bakker indicated she has reviewed and did not like the name. Austgen stated there were two components including the yard bond and the as-built. Bakker requested the name be “as-built.”
3. **Hanover High School Lighting:** Wilkening noted there were red tag items regarding the lighting. He inquired about the status of the temporary classrooms due to the red tags. Bakker stated it has been addressed. When Wilkening inquired, Oliphant stated he has not received an update on the lighting.

While speaking of lighting, Foreman and Wilkening spoke about Smith Ready Mix and the Sportsman’s Den lighting concerns. Wilkening suggested sending letters recommending the individual/company attend Plan Commission meeting that do not comply with the lighting ordinance to address the issues and develop a plan instead of sending Kubiak out.

4. **Beacon Pointe Unit 1A – Performance LOC - \$63,022.93 to Maintenance LOC:** Oliphant stated that update item #4 & 5 essentially had no change. He is waiting on DVG to update the as-builts but noted the LOCs do not expire until mid-2020. He recommended that these 2 items be removed until they receive something from DVG.
5. **Beacon Pointe Unit 2 – Performance LOC - \$421,567.05 to Maintenance LOC:** See Oliphant’s comment noted in #4 above.
6. **Summer Winds Commercial LLC – Developmental Update:** Austgen reminded the board that this item was being discussed with RDC regarding TIF funding and Town Council regarding tax abatement. Austgen suggested this item could come off the agenda until an update is available.

FEBRUARY MEETING:

1. **Papiese: 1-Lot Subdivision:** Members discussed Papiese’s possibly acquiring additional land and they would need to submit a new application and re-advertise. Members recommended removing this item from the agenda until they heard back from Papiese.

Public Comment: Kiepura asked if a parking lot layout had been received for Frank’s BBQ. Bakker stated a site plan had been received, clarifying BZA requested site plan be supplied, not that they return before BZA. Oliphant confirmed receiving the site plan for review. Austgen stated the site plan was a condition of the action of BZA. Austgen stated Franks should return to the BZA for its site plan review and consideration of the approval. Austgen clarified for Bakker that since it is the same application that went through the public hearing process, notice sent to neighbors, public hearing was held and the site plan was a condition of approval, they return to BZA for review process, noting to Bakker that re-advertising does not need to take place. Bakker indicated she has received four site plans and that part of her job is to ensure whatever the guidelines the BZA issues are followed. Bakker clarified for Kiepura’s inquiry regarding permitting that the only permit granted was for parking and cleanup of interior. After multiple discussions, members agreed the BZA approved the Use Variance. Bakker stated she does not recall an approved site plan being included in part of the motion. Members agreed that each BZA item would be unique. Oliphant stated it would be beneficial for boards not to approve items until all items are in hand. Bakker stated the site plan BZA requested has been received and includes the items BZA wanted included but stated it does not go above and beyond to include items Oliphant would like to have included. Oliphant stated site plans would be case by case based on use, redevelopment, engineering, infrastructure, etc.

Multiple discussions took place regarding businesses in town being in good standing and operating with good practice before permits being pulled and no current ordinance or rule stating this with many discussions taking place noting examples. Members inquired about the name of the applicant and owner; multiple discussion ensued. Austgen spoke about if an application is fraudulently completed under penalties for perjury, that it permits revocation of by BZA of all actions. Multiple discussions took place regarding accountability, compliance and if items are non-conforming that they return to BZA for variances. Members had multiple discussions about various businesses bringing things up to current standards/codes and working with individual owners to help them and work with costs. Multiple discussion took place regarding denying permits and steering them to BZA to give them the authority to approve. Austgen read an excerpt of Code 918.4, “A board of zoning appeals shall approve or deny variances of use from the terms of the zoning ordinance. The board may impose reasonable conditions as a part of its approval. A variance may be approved under this section only upon a determination in writing that: (1) the approval will not be injurious to the public health, safety, morals, and general welfare of the community; (2) the use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner; (3) the need for the variance arises from some condition peculiar to the property involved; (4) the strict application of the terms of the zoning ordinance will constitute an unnecessary hardship if applied to the property for which the variance is sought; and (5) the approval does not interfere substantially with the comprehensive plan adopted under the 500 series.” Wilkening asked Oliphant if the current site plan included survey items; Oliphant stated it did not. Oliphant clarified for Bakker that for this project minimum elevations, utilities and details to the site with geometry and traffic flow would be beneficial based on use. Bakker wants to help the renter and will call Torrenga tomorrow to let them know what needs added. Wilkening and Parker suggested a special public meeting. Multiple discussions took place on the petitioner, applicant, misrepresentation and accountability, setting precedents and trying to help the tenants with their business. Upon agreement from legal and engineering comment, the site plan does not look like the concept plan, suggested denying the permit and bringing back to BZA to appeal the denial.

Adjournment: Meeting was adjourned at 9:33 p.m.

Press Session:

Next Meetings: Plan Commission Public Meeting – December 18, 2019 at 7:00 p.m.
Plan Commission Work Session – No January Meeting

Town of Cedar Lake – Plan Commission
December 4, 2019
Work Session Meeting Minutes

Chuck Becker

Heather Dessauer

John Foreman

Greg Parker

John Kieपुरa

Richard Sharpe

Jerry Wilkening

Attest: Sarah Rutschmann, 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.