



**TOWN OF CEDAR LAKE – PLAN COMMISSION  
WORK SESSION MEETING MINUTES  
March 4, 2020 - 7:00 P.M.**

Call to Order (Time): 7:01 p.m.

Pledge to Flag

Roll Call:

Present Heather Dessauer

Present Chuck Becker

Present John Kiepura

Present John Foreman

Present Richard Sharpe

Present Jerry Wilkening

Present Robert Carnahan

Present Donald Oliphant, Town Engineer – CBBEL

Present David Austgen, Town Attorney

Present Tim Kubiak, Director of Operations

Present Michelle Bakker, Building Administrator

Absent Sarah Rutschmann, Recording Secretary

**OLD BUSINESS:**

**1. Henn – Commercial Subdivision**

Owner/Petitioner: Richard Henn, PO Box 502, 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 Preliminary Plat for 1-Lot Subdivision**

1. Petitioner's Comments: Robert Henn is present tonight on behalf of Henn & Sons. Henn indicated the last time they came to Plan Commission their request was based on the approval of the site changes due to the Early Learning Childcare interest in the location. He stated that entity is off the table. They have received interest from other entities and feel it being an office would be a better fit for the location. He stated they would not need to remove the islands now and would remove that from the request. They would still like the alley improvement completed and make the parking lot on the south side a bit larger. Torrenga is redoing the plan and resubmitting prior to the next public meeting.
2. Town Engineer's Comments: Oliphant stated he and Henn have discussed some of the items and things should be okay as long as the documents are received. Wilkening stressed that the documents need to be turned into the engineer in a timely manner in order to allow enough time for him and the Commission to review prior to the meeting.
3. Building Department Comments: Kubiak asked if the discussion was about the site plan or the plat or both; Henn indicated both.
4. Commission's Discussion: Wilkening asked if a sign would be placed on the building; Henn stated that would be later. Carnahan asked for clarification on the water grading issue. Oliphant stated that could be addressed when they have more information.

**NEW BUSINESS:**

**1. Henn – Residential Subdivision**

Owner/Petitioner: Richard Henn, PO Box 502, Cedar Lake, IN 46303  
Vicinity: 9903 W 133<sup>rd</sup>, Cedar Lake, IN 46303  
Legal Description: Pt, NW.1/4 NW.1/4 S.27 T.34 R.9 Ex. N.30ft in R/W & Ex. S.32.44ft of W.30ft in R/W  
8.451 Ac and PT.N1/2 NW.S.27 T.34 R.9 1.546A.  
Tax Key Number(s): 45-15-27-101-008.000-014 and 45-15-27-101-010.000-014

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

1. Petitioner's Comments: Robert Henn is present tonight on behalf of Henn & Sons.
2. Town Engineer's Comments: Oliphant stated the surveyor has looked at this. He said a letter has not been sent but everything has been addressed. He stated it is typical of the one-lot subdivision regarding the park dedication requirement, tree placement, water detention, etc. and felt it was nothing out of the ordinary. Wilkening asked Oliphant for clarification regarding the utility easement comment. Oliphant stated the one-lot subdivision east of this parcel was platted with assumption that something be placed back there, but to his knowledge, nothing is back there.
3. Building Department Comments: Kubiak stated he had no comment at the time.
4. Commission's Discussion: Wilkening asked for clarification regarding removal of the well and connecting to municipal water. Henn stated they would like to keep the well, but connect to the municipal water for the home. Henn confirmed for Carnahan there were 10 acres.

**2. Cedar Lake Ministries – Subdivision/PUD Amendment/Rezone**

Owner/Petitioner: Cedar Lake Ministries, Inc., 13701 Lauerman St., PO Box 665, Cedar Lake, IN 46303  
Vicinity: 8816 W 137<sup>th</sup> 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 1-Lot PUD Subdivision/PUD Amendment/Rezone**

1. Petitioner's Comments: John Terpstra, attorney with Lewis Brisbois Bisgaard and Smith LLP, is present tonight representing Cedar Lake Ministries along with Operations Director Sanusi Matuwa and Jack Huls from DVG. Terpstra stated they were seeking a Planned Unit Development because there was question on if the parcel was annexed into an original Planned Unit Development. While it is believed to be in the Town's archives, they are unable to identify a recorded Planned Unit Development with the County that indicates the case. He stated instead of having to return numerous times, as they have done in the past, seeing amendments, they would like to correct the issue. He stated the question does arise if it was an extension to the original PUD, noting the PUD now allows for recreational use. He stated as Special Use Exception would be brought before the BZA to address concerns that may be out there unless the board feels a special variance is not needed. Terpstra stated the zipline would run north and south along the area of unit 2 in the Ministries adjacent to the railroad tracks, noting it would be for private, not public, use. The zipline would be used by the youth involved in the summer program, supervised and they would be walking on the grounds, thus not requiring any additional parking.
2. Town Engineer's Comments: Oliphant had no concern at this time including storm water issues and would provide more comments when he received the PUD packet.

3. Building Department Comments: Kubiak indicated he had nothing at this time.
4. Commission's Discussion: Wilkening asked for clarification on the timeline. Terpstra indicated they would be asking for a temporary special use variance that would run through January 2021. He stated he was recently retained as a result of a conflict of interest with an attorney typically associates with and explained that the Ministries need to schedule a meeting to explain their plan with the residents and it would require some time. He indicated that would be approximately June or July. Terpstra clarified for Wilkening that it is not the intent of Cedar Lake Ministries for the zipline to be used by the public at large. Terpstra confirmed Carnahan's inquiry that they were unsuccessful in locating a recorded PUD. Bakker stated the Town had two ordinance numbers created in 1991 and 1993. Matuwa spoke of the safety and security issues regarding the zipline including a barrier to not allow open public access. Carnahan inquired who's responsibility it would be to record the PUD; Austgen stated he would. Wilkening asked for clarification on the petitioner request regarding the Amendment. Austgen stated they spoke about a Planned Unit Development zoning district parcel that would require a 1-lot subdivision for lot of record purposes in the site plan and like that would be appended to the ordinance for Town Council and consideration and the PUD contract that would be recordable and identification of everything to be approved in detail regarding the parcel. He stated the original ordinance in 1991 pertained to tying into the Town's sanitary sewers. Another amendment was done in 1993. Austgen stated if in fact this is in the PUD, the Amendment request is related to the PUD uses and possibly the splitting of this parcel into a subdivision for its own recreational/zipline use as separated from the residential components of the ministries grounds. Austgen suggested that this would be contemplated to be the use on the subject project, not meant to be other things, denoting it was meant to be a campground. Terpstra clarified for Kiepura that a PUD does exist but the question is if unit 2 is included within the PUD. Bakker stated when the ordinance was rerecorded a few years ago, it had been taken out. Huls stated all of the subsequent amendments denote the omission. Austgen clarified for Wilkening that the new PUD would tie to the prior, include the 1-lot subdivision, site plan, platting, etc. respect the other existing piece in the drafting. Terpstra told Dessauer dates to meet with the residents and adjacent property owners have been proposed to explain the PUD and the history of the parcels. Huls indicated the adjacent property owners have expressed they were not opposed. Terpstra explained there were seven criteria BZA would be reviewing for the Special Use.

**UPDATE ITEM MAY:**

1. **Summer Winds Commercial LLC – 90 Day Update:** Huls stated he had been informed by the developer late last week that they are filing with the State for design release and moving forward. They intend to be back in two weeks with a final plat and issues needing addressed with Oliphant along with items in the PUD ordinance needing addressed and proposed construction start in 60-90 days.

**Public Comment:** none

**Adjournment:** Meeting adjourned at 7:54 pm.

**Press Session:** none

**Next Meetings:** Plan Commission Public Meeting – March 18, 2020 at 7:00 p.m.  
Plan Commission Work Session – April 1, 2020 at 7:00 p.m.

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**Chuck Becker**

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**Robert Carnahan**

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**Heather Dessauer**

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**John Foreman**

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**John Kiepura**

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**Richard Sharpe**

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**Jerry Wilkening**

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**Attest: Sarah Rutschmann, Recording Secretary**

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