



TOWN OF CEDAR LAKE – PLAN COMMISSION
PUBLIC MEETING MINUTES
March 18, 2020 - 7:00 P.M.

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

Pledge to Flag

Roll Call:

Present Heather Dessauer	Absent Robert Carnahan
Present Chuck Becker	Absent Donald Oliphant, Town Engineer – CBBEL
Present John Kiepura	Present David Austgen, Town Attorney
Absent John Foreman	Absent Tim Kubiak, Director of Operations
Present Richard Sharpe	Present Michelle Bakker, Building Administrator
Present Jerry Wilkening	Present Sarah Rutschmann, Recording Secretary

MINUTES:

Motion by John Kiepura and seconded by Chuck Becker to approve the February 19, 2020 Public Meeting and March 4, 2020 Work Session minutes.

Motion: John Kiepura --1st Chuck Becker --2nd

Heather Dessauer	Chuck Becker	John Foreman	Robert Carnahan	Richard Sharpe	John Kiepura	Jerry Wilkening	Vote
YES	YES	Absent	Absent	YES	YES	YES	5-0

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**
Deferred from February 19, 2020

1. Attorney's Review: None.
2. Petitioner's Comments: Richard and John Henn were present tonight on behalf of Henn & Sons. Richard Henn reported the original project with the day care is now off the table. He stated Torrenga is working on new drawings and they are requesting tonight a deferral.
3. Town Engineer's Comments: None.
4. Remonstrators: None.
5. Building Department Comments:
6. Commission's Discussion: Henn clarified to Austgen that the plat would remain and Torrenga was working on providing a site plan. Henn confirmed to Kiepura the building would be a professional office building.

7. Commission's Decision: Chuck Becker made a motion, seconded by Heather Dessauer, to defer this item per the petitioner's request.

Motion: Chuck Becker --1st Heather Dessauer--2nd

Heather Dessauer	Chuck Becker	John Foreman	Robert Carnahan	Richard Sharpe	John Kiepura	Jerry Wilkening	Vote
YES	YES	Absent	Absent	YES	YES	YES	5-0

NEW BUSINESS:

1. Henn – Residential Subdivision

Owner/Petitioner: Richard Henn, PO Box 502, Cedar Lake, IN 46303
 Vicinity: 9903 W 133rd, 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. Attorney's Review: Austgen reported legals are in order for the public hearing.
2. Petitioner's Comments: Richard Henn was present tonight. Henn provided answers to members' inquiries noted below. Henn stated equipment was on the property to harden the driveway with stone, aggregate and concrete. Henn stated he was not opposed to tying into the municipal water and would keep the existing well for irrigation. Austgen clarified for Henn that what was on the agenda for tonight was preliminary plat, Henn would return in 30 days for final plat then Mylar recorded before a permit can be obtained.
3. Town Engineer's Comments: Wilkening stated that according to Oliphant's letter/recommendation, everything looks to be in order. Regarding Oliphant's written inquiry as to where the building was proposed to be located, Henn stated it would be 250 feet off of 133rd.
4. Remonstrators: Wilkening called for remonstrators at 7:19 pm. After hearing none, he called for the public hearing to be closed at 7:20 pm.
5. Building Department Comments: Bakker recommended the waivers Oliphant noted to be inclusive in any motion.
6. Commission's Discussion: Wilkening questioned an easement behind the property to the east. Bakker stated it was not on Henn's property. Henn confirmed to Becker that the project is residential in nature.
7. Commission's Decision: John Kiepura made a motion, seconded by Richard Sharpe, to grant the request for preliminary plat for 1-lot subdivision to include items included in the March 10,2020 Oliphant letter, waivers and the petitioner to tap into municipal water.

Motion #1: John Kiepura --1st Chuck Becker--2nd

Heather Dessauer	Chuck Becker	John Foreman	Robert Carnahan	Richard Sharpe	John Kiepura	Jerry Wilkening	Vote
YES	YES	Absent	Absent	YES	YES	YES	5-0

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 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 1-Lot PUD Subdivision/PUD Amendment/Rezone

1. Attorney Review: Austgen stated the request was questionable and through verification of records obtained, the 30+ acres is not included in the PUD for the entirety of the ground and stands alone. He felt the PUD was a good plan but legally was confusing. Austgen, prior to calling for remonstrators, was not certain of a public hearing advertisement and advised the commission that any action be subject to legal review.
2. Petitioner's Comments: Petitioner was not present but sent request for deferral.
3. Town Engineer's Comments: None.
4. Remonstrators: Wilkening called for remonstrators at 7:50 pm. After hearing none, he called for the public hearing to be closed at 7:51 pm.
5. Building Department Comments: Bakker stated when the PUD was redone in 2018, that section was not included. Austgen stated zoning needs to be done correctly, they need a 1-lot subdivision or addendum subdivision to what exists and suggested since they were separate items to make the agenda show separate voting boxes. Bakker stated based on what is happening, Cedar Lake Ministries did not feel comfortable coming tonight and based on their decision, there was no need for Huls to be here either. She said some processes take longer and that is why the Ministries is going to BZA to ask for the waivers to obtain beforehand because of the length of the process.
6. Commission's Discussion: Multiple discussions took place regarding the different requests. Multiple conversations occurred inclusive of BZA items. Austgen clarified the sequence regarding Kiepora's inquiry to include preliminary development plan, a development plan, a PUD contract, show on the site plan what the proposed uses are and parameters under the PUD. Then the 1-lot subdivision plat inclusive of site plan criteria and depictions with proposed use; and then they be married as a bundle to the Town Council for approval.
7. Commission's Decision: A motion was made by John Kiepora, seconded by Chuck Becker, to grant the petitioner's request for deferral subject to legal review.

Motion #1: John Kiepora --1st Chuck Becker --2nd

Heather Dessauer	Chuck Becker	John Foreman	Robert Carnahan	Richard Sharpe	John Kiepora	Jerry Wilkening	Vote
YES	YES	Absent	Absent	YES	YES	YES	5-0

UPDATE ITEM MAY:

1. **Summer Winds Commercial LLC – 90 Day Update:** Bakker reported she spoke with Huls today and plans are moving forward and this item is on the agenda for next month. Austgen stated he too spoke with Huls and that Lambert's attorney sent him a marked copy of a PUD agreement indicating the changes was his newest proposal. Austgen reminded Lambert to follow the PUD ordinance. Bakker reminded the group that when the PUD for Summer Winds Commercial was approved for the one year extension, the commission requested 90-day updates. She stated the reason it is still on the agenda is because of that. They have since decided they are going to go for final plat. Since this goes back to 2018, they are gathering

information and finishing the plat so they can all be completed at the same time. Bakker recommended they attend the works session so they could discuss and review everything.

Public Comment: None.

Wilkening thanked everyone for coming out to the meeting despite the virus outbreak.

Adjournment: 7:53 pm.

Press Session:

Next Meetings: Plan Commission Work Session – April 1, 2020 at 7:00 p.m.
Plan Commission Public Meeting – April 15, 2020 at 7:00 p.m.

Chuck Becker

Robert Carnahan

Heather Dessauer

John Foreman

John Kiepora

Richard Sharpe

Jerry Wilkening

Attest: Sarah Rutschmann, Recording Secretary

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