



**TOWN OF CEDAR LAKE – PLAN COMMISSION  
SPECIAL PUBLIC MEETING & WORK SESSION MINUTES  
May 6, 2020 - 7:00 P.M.**

Call to Order (Time): 6:59 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

Present Sarah Rutschmann, Recording Secretary\*

\*Indicates member present via Zoom conference link

**SPECIAL PUBLIC MEETING:**

**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: Richard Henn was present tonight on behalf of Henn & Sons.
2. Town Engineer's Comments: Oliphant stated he received the final plat letter on March 26, he has not seen a lighting plan and his only concern was regarding the pole barn.
3. Building Department Comments:
4. Commission's Discussion: Members discussed the property being on municipal water and simultaneous permitting for the home and pole barn.
5. Commission's Decision: John Foreman made a motion, seconded by Richard Sharpe, to grant approval for final plat contingent upon BZA approval, simultaneous permitting, and all other requirements.

Motion: John Foreman--1<sup>st</sup>    Richard Sharpe--2<sup>nd</sup>

Heather Dessauer	Chuck Becker	John Foreman	Robert Carnahan	Richard Sharpe	John Kiepura	Jerry Wilkening	Vote
YES	YES	Yes	Yes	YES	YES	YES	7-0

After the vote was taken, Wilkening called the Special Public Meeting portion of tonight's Plan Commission Meeting closed.

**WORK SESSION:**

**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 March 18, 2020**

1. Petitioner's Comments: Richard Henn, present tonight on behalf of Henn & Sons, requested to defer this item to June 3, 2020. Henn stated he and Dr. McDermott have been talking about the repaving and stormwater issue regarding the low area. He stated he tried calling Ryan Kuiper at Public Works but has not received a response regarding water. He stated he cannot pave the alley without water. Henn stated he would need to 2 yokes.
2. Town Engineer's Comments: Oliphant stated he has not received anything from Torrenga or Henn since March 26. He confirmed to Carnahan no site plan had been received. Oliphant told Henn that the survey Torrenga provided showed a B-Box in the southeast corner of the lot. He indicated a Letter of Credit should be on file or a deviation noted. He confirmed to Henn the estimate includes the intermediate and surface, strip it down to the stone and do aggregate.
3. Building Department Comments: Kubiak stated the B-Box was there but not hooked up. He stated the main was by the Assessor's Office. Kubiak indicated it took them 4 hours to dig through 18 inches of stone in the alley. Henn stated there was a Buffalo box south of the driveway and said at the last meeting it was indicated they wanted him to pave to the end of the property. He said if he did that, they would be digging into the asphalt.
4. Commission's Discussion: Multiple discussions took place regarding the Buffalo Box, paving the alley and water. Members noted the aggregate was compacted. Henn confirmed to Foreman the property did not have municipal water and had a well. Kubiak explained to Wilkening that the location was difficult and ultrasonic location would not show a black poly water pipe, but would show steel. Oliphant clarified to Foreman current paving standards were 1-1/2 inches and 3 inches.

**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 One (1)-Lot PUD Subdivision/PUD Amendment/Rezone**  
**Deferred from March 18, 2020**

1. Petitioner's Comments: The petitioner has requested for this item to be deferred in both the Plan and BZA meetings. Jack Huls, who was present tonight, stated the request for the petition had been deferred for this and the zipline. He stated the zipline would not be needed for this

year, but they wanted to proceed with the PUD and anticipated returning with more information later this summer. Huls stated that in regards to the Public Hearing, they have already advertised and due to the significant expense, requested being able to stay on the agenda so they did not need to advertise again. He indicated they would let individuals know when the Public Meeting occurs. He requested the item be deferred and not withdrawn.

2. Town Engineer's Comments:
3. Building Department Comments: After Commission discussion with Huls, Bakker confirmed the item would be deferred to the June 3, 2020 meeting.
4. Commission's Discussion: Austgen recommended the Commission seek clarity on their request. Multiple discussions ensued on how this item could appear on the agenda in the future and directing the Building Department to request presence from the Ministries moving forward. Huls clarified for Wilkening that the zipline had always been a part of the PUD document, so the Special Exception would have been only be for this summer. Now that the zipline is off the table, they are focusing on the PUD, what to include to avoid multiple variances in the future and the uses that would be allowed. Kiepora requested presence from the Ministries or he would motion to have it removed from the agenda. Wilkening spoke about stormwater and parking concerns. Huls stated the PUD was a zoning agreement that would work out with the Commission and Town Council what uses would be allowed on that property and as part of that agreement and that any use would require a site plan approval by Plan Commission and in turn would have the ability to address any concerns during the site plan approval process. Huls stated the Ministries is working on what uses to include, creating a Master Plan and wants to work with the Commission on clearing up any confusion moving forward.

#### **NEW BUSINESS:**

##### **1. Summer Winds Commercial LLC – Final Plat**

Owner/Petitioner: Summer Winds Commercial LLC, 11125 Delaware Parkway, Crown Point, IN 46307  
Vicinity: 9730 Lincoln Plaza, Cedar Lake, IN 46303  
Legal Description: Lincoln Plaza West Lot 4 and Lincoln Plaza West Lot 5 and Lincoln Plaza West Lot 6 Ex. S.123.43ft. and Lincoln Plaza West Lot 7 Ex. Pt. of S.243.43ft  
Tax Key Number(s): 45-15-28-227-006.000-014 and 45-15-28-227-007.000-014 and 45-15-28-227-005.000-014 and 45-15-28-227-004.000-014

#### **Request:                      Petitioner is requesting Final Plat**

1. Petitioner's Comments: Jack Huls and Brad Lambert were present tonight on behalf of Summer Winds Commercial. Huls indicated documents have been turned into Bakker and they are interested in starting the project.
2. Town Engineer's Comments: Oliphant stated utilities have been clarified. Updated Final Plat was received last week. Huls confirmed to Oliphant the large amount of changes were made due to the water main on that revision. Oliphant request Huls resend a full set including the changes.
3. Building Department Comments: Kubiak stated the water main was changed, upgraded and relocated. He stated easements and right of ways were included. Kuiper, Simstad and Kubiak all are good with the improvements. Bakker requested a full set of updated plans from Huls and stated she and Austgen had received updated PUD documents from Lambert noting the updated and corrected information.
4. Commission's Discussion: Oliphant confirmed to Carnahan the reason for the \$1000 MS4 inspection fee was because the property was less than 5 acres, confirming it contained 4 acres.

Bakker stated the MS4 fee was paid and documents signed. Huls added all of the matters on Oliphant's letter have been addressed and the only item they were working on was the actual Letter of Credit value. Carnahan asked for clarification on the name changing from Summer Winds Commercial to Summer Winds Plaza and the owner is now Lambert Concrete. Huls clarified that the name is still Summer Winds Commercial and that Brad Lambert, who does own Lambert Concrete, is a partial owner of Summer Winds, but Lambert Concrete and Summer Winds are separate entities. Austgen indicated he will have comments at the next meeting for this item and requested that he receive PUD documents that have comments indicating the old and new items noted separately stating there were two separate contracts. Bakker confirmed for Carnahan that the developer prepared the Developer Agreement.

## **2. Papiese – 1-Lot Subdivision**

Owner/Petitioner: Richard & Karen Papiese, 9710 Geneieve Dr., St. John, IN 46373  
Vicinity: 8029 Lake Shore Drive, Cedar Lake, IN 46303  
Legal Description: PT. E2. NE. S.22 T.34 R.9 .58 A  
Tax Key Number(s): 45-15-22-228-004.000-014

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

1. Petitioner's Comments: Petitioners are not present.
2. Town Engineer's Comments:
3. Building Department Comments: Bakker clarified for members that this petitioner had previously applied, it was removed, they reapplied and this is the first time they are on the agenda since reapplying. Bakker has discussed with Austgen regarding the 1911 Easement documents. She indicated she has not heard anything from the petitioner. She stated the property is currently zoned RM and approval received to rezone to R-2.
4. Commission's Discussion: Austgen stated this property has an interesting history, access to the property dates back to 1910, subject to several sales and the petitioner is trying to make it a legal lot of record. Wilkening directed staff to contact the petitioner.

**Public Comment:** Austgen spoke about the evolving process of petitions, guided by staff and due process with adjacent property owners having the right to know changes. With the continued rapid growth of the Town, Austgen encouraged people to do their homework ahead of time before using staff resources and Public Hearing processes implemented so that staff are more efficient and productive. Kubiak recommended the Commission create a comprehensive checklist of what they require from the petitioner. Commission members agreed more petitioners needed to be better prepared prior to attending the meeting. Multiple discussions ensued regarding suggested processes and processes and checklists of various surrounding communities.

**Adjournment:** 8:18 pm.

**Press Session:**

**Next Meetings:** Plan Commission Public Meeting – May 20, 2020 at 7:00 p.m.  
Plan Commission Work Session – June 3, 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**

*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.*