



**TOWN OF CEDAR LAKE – PLAN COMMISSION  
PUBLIC MEETING  
December 16, 2020 7:00 P.M.**

Call To Order (Time): 7:02 PM

Pledge to Flag:

Roll Call:

PRES Heather Dessauer*	PRES Donald Oliphant, Town Engineer – CBBEL*
PRES Chuck Becker	PRES David Austgen, Town Attorney
PRES John Kiepura	PRES Tim Kubiak, Director of Operations
PRES John Foreman	PRES Jill Murr, Planning Director
PRES Richard Sharpe	PRES Michelle Bakker, Building Administrator*
PRES Jerry Wilkening	PRES Malia Comia, Recording Secretary
PRES Robert Carnahan	

\* Indicates individual was present electronically.

**Minutes:**

November 18, 2020 Public Meeting. The December 2, 2020 Work Session minutes were not circulated in time and will be voted on at the January Public Meeting.

Motion: Richard Sharpe 1<sup>st</sup> John Kiepura 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

**Old Business:**

**1. Ravens-Site Plan**

Owner: C.L. Leasing LLC/Rory Ravens, 12528 Wicker Ave., Cedar Lake, IN 46303  
 Petitioner: Rory Ravens, 12528 Wicker Ave., PO Box 339, Cedar Lake, IN 46303  
 Vicinity: 12528 Wicker Avenue, Cedar Lake, IN 46303  
 Legal Description: COFHEN BUSINESS PARK  
 Tax Key Number(s): 45-15-20-227-001.000-014

**Request: Petitioner is requesting a Site Plan Approval**

- 1 Petitioner’s Comments: Rory Ravens was present, and Jeff Yatsko from Olthof was present via Zoom.
- 2 Town Engineer’s Comments: Oliphant stated they received a link around the time of the last meeting which has been reviewed. Oliphant expressed that there are still some engineering comments that need to be cleaned up, the two biggest being the outlet into Olthof’s property and the light fixture issues. He said that the light fixtures at the property right now do not comply with town ordinance and from what they can tell from the manufacturer is there is not anything that they can do to make the existing fixtures comply from what they make. Oliphant stated that all the other comments made on the letter are minor in nature.
- 3 Building Department Comments: None

- 4 Commission’s Discussion: Wilkening asked if they are going to be able to come up with an end plan that Oliphant is comfortable with if hypothetically a motion was made to have some kind of agreement with phase 3 of Birchwood Farms. Oliphant said Yatsko and him have discussed what the ultimate connection would be and Yatsko let him know that there is an 8-inch existing pipe between the two properties that is likely the current outfall of the pond on Ravens property. Olthof has requested that if that existing pipe can be used in the interim, that it should be used, but until they get a survey on it to figure out the invert of it and how that matches to the composed pond, they aren’t sure if that’s possible or not. Oliphant reported that the ultimate end goal is that when the Birchwood storm structures are constructed, which may not be until next year or the following year, is to provide an actual hard connection into their system so there is not an outfall shooting at people’s backyards on that south-east corner. Wilkening asked, legally, if there was some type of agreement they needed between Ravens and Olthof regarding an end completion date. Austgen said there needed to be a “cross access easement” so that crossing of the property lines with the storm system could be done lawfully. Austgen said the details of the design should probably be incorporated into the agreement. Wilkening stated that regarding the lights issue, since this isn’t a retail parking lot, he doesn’t have to have the required lighting throughout the parking lot itself, but he isn’t sure how everyone feels about a total wavering with the lighting that exists. Kubiak said that there was a previous conversation where a shield was supposed to be put in place to direct the lights down. Wilkening stated that the manufacturer doesn’t make those kinds of shields for that particular fixture according to the information that was given to him by Oliphant from the petitioner. Ravens said they brought over a shield that goes to a similar light, but Ravens didn’t want to do it if it wouldn’t meet the boards requirements to save himself from unnecessary construction. Foreman asked what the problem was with the lights that didn’t fit the new code. Wilkening said that they provide a glare, and are not a down light. Foreman asked if the fix could be as simple as dimming the lights. Ravens said the brightness is already turned all the way down. Kubiak said that the point is that this is a new site and it doesn’t meet our current regulations for lighting. Eberly stated the idea is that the lights have to be directed directly at the ground. Eberly asked if the 8-inch pipe that was previously discussed extends from Ravens property onto the Birchwood property if that is where we need an easement agreement that Austgen discussed, or if the pipe were cut off at the property line if there would still be a need for the easement. Austgen said it’s more complicated than that if they are going to intermix the storm water systems. Wilkening said they still need an end date for that, which Austgen suggested should be put in the agreement or made a condition. Wilkening asked Oliphant what kind of timeline for this storm water completion he thinks would be acceptable. Oliphant said there has to be two things, an interim solution and a final connection plan. Foreman stated the final connection would be the cross-easement agreement path. Oliphant said the grade of the pipe hasn’t been checked yet. Oliphant said the timing of the project is on hold at the moment, due to asphalt plants being shut down, so the earliest date for the parking lot expansion would be March or when the weather turns. Foreman stated that as long as everything were to be checked off by building department, town manager, and legal between now and the day asphalt gets put in, he believes it will all be fine. Kubiak asked if Yatsko planned to just tie the existing pipe into the storm system, or if he planned to give Ravens access to the property to do it himself. Yatsko said as long as they were familiar with what Ravens plan was, that once they put the storm system in, he would anticipate just picking it up and tying it right into their storm system.
- 5 Commission’s Decision: Foreman made a motion to approve Ravens site plan contingent on utilizing the 8-inch pipe as an interim outlet into the Olthof property, as well as a cross easement agreement for the storm water by the property owner responsible checked off at a later date by the town and the pointing of the lights facing down and/or different fixtures that meet the towns photo metric plan.

Motion: John Foreman 1<sup>st</sup> Robert Carnahan 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

**New Business:**

**1. Hanover Community School-1-Lot Subdivision, Rezone, PUD Amendment**

Owner/Petitioner: Hanover Community School Corp, 9520 W. 133<sup>rd</sup> Ave., Cedar Lake, IN 46303  
 Vicinity: 10631 W. 141<sup>st</sup> Ave., Cedar Lake, IN 46303  
 Legal Description: Hanover Central Middle School Sub. Lot 1 and Pt. W.1/2 SW.1/4 S.33 T.34 R.9 (1330.02x696.5x1329.36x696.51ft) 21.25Ac  
 Tax Key Number(s): 45-15-33-151-012.000-014 and 45-15-33-300-011.000-013

**Request: Petitioner is requesting a Rezone from Agriculture (A) Zoning District to a Community Business (B-2) Planned Unit Development (PUD) Zoning District and a Planned Unit Development (PUD) Amendment**

- 1 Petitioner’s Comments: Don Torrenga and Dion Katsorous were present. Don Torrenga expressed that one of the items on Oliphants letter is a preliminary plat. The original site was 83 acres, they are attempting to add on an extra 20 acres. They plan to bring the five existing storm water detention ponds up to Cedar Lake standards, add some additions to the middle school itself and its parking lot, and add a new roadway that wraps behind the existing middle school. They will be putting in a new elementary school that the new road way will also extend to. In addition to that, the main roadway that currently dead ends at the middle school, will be extended out to US Rt 41. There will be modifications made to Rt 41 in accordance to what INDOT requires. They will be adding a new administration building, a new mechanical building, a maintenance building, and a bus barn. The BZA has also approved their proposed parking modifications, which include reduction in the number of parking spaces and reduction in the size of the parking spaces. In regards to what was discussed at the previous meeting, Torrenga has since made changes in accordance to the modification of parking, and submitted the revised plans to the building department.
- 2 Town Engineer’s Comments: Oliphant stated that due to the significant addition of land, he is unsure if a replat is in order, he believes the petitioner would have to go through the preliminaries and final plat procedures. In response to Oliphant, Austgen said that the entirety of the property is too big to amend, it would have to be a replat.
- 3 Building Department Comments: NONE
- 4 Commission’s Discussion: Austgen suggests that any action be contingent on legal review. Austgen stated that when the school corporation brought the first school facility in and annexed the first piece of the farm, they were granted a PUD classification. Now, they are attempting to add on 20 more acres into the plan, and want to unify the existing land with the proposed addition to have a one lot subdivision. Wilkening stated that where the administration building is supposed to go, seems suspect for storm water south of the school property, so he asked if that was going to be able to be dealt with. Oliphant said that the offsite flow wasn’t incorporated, so they’re going to have to come up with a land plan to make that work. Kubiak said that this a large project to try to get through in one month, so that since he submitted that PUD documents, that we’re on a good track, but a lot of the comments still need to be worked through. Foreman asked if Oliphant felt comfortable moving forward, or if it would be irresponsible to move forward with all of the work that needs to be done and if they should defer. Oliphant stated there were a lot

of comments to give a contingent approval. Kubiak suggested deferring to next month to give them more time to address the engineer’s comments. Austgen explained that since both items are public hearing matters, a continuance is more appropriate than a deferral.

- Commission’s Recommendation to Town Council: Foreman made a motion for a continuance on the public hearing for the Hanover Community Schools property to be rezoned from Agricultural to PUD, which also includes the existing Hanover Middle School property.

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

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

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

- Petitioner’s Comments: Katsouros asked what the timeline would look like if they addressed all of the necessary requirements, because they are trying to stay on track. They are looking to go to the school board mid-January to request getting the advertising for bids, and then secure bids around February 9<sup>th</sup>, and begin the project in March. Katsouros understands that there is work that needs to be done with Kubiak and the rest of the building department to secure permits, so as soon as the documents hit the street, the architect sends them down state, and is asking for clarification that the building department will not release permits until they have the state design release. Kubiak stated that they can work on getting approval of the permits once they get the plans, but that Katsouros is correct, and they will not release the permit without the states release.
- Town Engineer’s Comments: None
- Building Department Comments: None
- Commission’s Discussion: They expressed to the petitioner that they have a month to get what they need to get in order and we will continue the public hearing at the January public meeting.
- Commission’s Decision: Foreman made a motion for continuance of the public hearing for the preliminary plat for the one lot subdivision.

Motion: John Foreman 1<sup>st</sup> Chuck Becker 2<sup>nd</sup>

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

**Update Items:**

- Park Impact Fee – Wilkening asked if anyone knew what the new formula was going to be. Austgen said the formula isn’t available yet. Wilkening then asked if anyone knew who would be recommending the new formula. Murr stated the impact fee committee is meeting December 22 at 5:30PM. Eberly expects a recommendation will be coming out of that meeting. The current price is \$1,215. Murr stated that this would be the request for the third renewal of that fee. There will be a special meeting January 6 to vote on that.

**Public Comment: None**

**Adjournment: 8:27 PM**

**Press Session:** Plan Commission Work Session – January 2021  
 Plan Commission Public Meeting – January 2021

Town of Cedar Lake – Plan Commission  
December 16, 2020  
Public Meeting

*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.*