



**TOWN OF CEDAR LAKE – PLAN COMMISSION  
SPECIAL PUBLIC MEETING & WORK SESSION  
MINUTES  
FEBRUARY 1, 2017    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 Kiepura  
Present John Foreman  
Present Richard Sharpe  
Present Jerry Wilkening  
Present Greg Parker

Present Donald Oliphant, Town Engineer – CBEL  
Present David Austgen, Town Attorney  
Present Tim Kubiak, Director of Operations  
Present Michelle Bakker, Building Administrator  
Present Brooke Faber, Recording Secretary

**Special Public Meeting:**

**1. Beacon Pointe- PUD**

Owner: Philip Rietveld, 1664 Reitveld Dr., Crete, IL 60417  
Petitioner: Beacon Pointe of Cedar Lake LLC, PO Box 677, St. John, IN 46373  
Vicinity: 9505 W. 137<sup>th</sup> Avenue/13900 Parrish Avenue  
Legal Description: Part of W1/2 SW1/4 S.27 T.34 R.9 55.96 Ac  
Tax Key Number(s): 45-15-27-351-004.000-014

**Request:                      Petitioner is requesting a Rezone from RT, RM, B-2, & B-3 to PUD**

1. Town Attorney's Review: David Austgen stated has not seen all of the items until tonight, he will compare these items to what the code requires to be present. So can assure you or not assure you that compliance with the PUD is met.
2. Petitioner's Comments: Last month it was approved with no recommendation to the Town Council, and the special meeting is to add some language to the approval to recommend the approval to the Town Council.
3. Town Engineer's Comments: Don Oliphant stated still working on engineering comments. The motion made at the last meeting still stands.
4. Remonstrators: None
5. Building Department Comments: Tim Kubiak stated once we went back and looked at the meeting minutes it was just an approval of the preliminary plat and plan, but there was no recommendation to the Town Council. That should have been a separate item on the agenda. This is just for clarity on that. All the requirements were met. We did have the review of the attorney as a contingency.
6. Commission's Discussion: Discussion on PUD guidelines ensued and if they were met. David Austgen explained that Planned Unit Development is a zoning district, it is contract zoned. That means the developer makes a presentation proposal for the use of the land in a way they deem appropriate for the project they envision. The reason most developers go to a PUD, is to negotiate flexibility in the terms and conditions, the development standards, size and number of units, the clustering of units, the yards, setbacks and street sizes. Perfect example of a PUD is Havenwood. That is the reason the requirements in the zoning ordinance for a PUD are so important to be reviewed. If you deem it appropriate to give some consideration, then it has to be clear on the records. We couldn't enforce building permits, couldn't have uniformity and compliance with the plan unless we have the plan that you approved appended to the ordinance that grants this. It is accompanied by the subdivision plat. Greg Parker asked if there was a meeting with the sewer and water department on the lift station. John Foreman stated that last month we had the petitioner requesting preliminary plat/PUD for 218 units/Rezone, so we did two things at the same time, so this month shows the same thing as last month. Michelle Bakker stated the board approved it, the only thing they didn't do in the motion was to recommend the PUD to the Town Council. Greg Parker stated there still has not been any legal review. David Austgen stated he does not have a contract, and according to our ordinance, section 11 says a contract is to be provided. If this is certified to the Council with no recommendation, I will say the same things and suggest it is not ready and be remanded to the plan commission. John Kiepura had questions regarding Kiwanis Park and has concerns with the amount of

Town of Cedar Lake – Plan Commission  
Special Public Meeting & Work Session  
Minutes  
February 1, 2017

money getting for the four (4) acres of park. Thinks the cost for the installation of sidewalk or bridge should be the developer's responsibility. Discussion ensued on the costs of parks.

7. Recommendation to Town Council: None

A motion was made by Jerry Wilkening and seconded by Chuck Becker to defer to the next meeting.

John Foreman	Richard Sharpe	John Kiepora	Jerry Wilkening	Chuck Becker	Heather Dessauer	Greg Parker	Vote
No	Yes	Yes	Yes	Yes	Yes	Yes	6-1

**Adjourned Public Meeting at 7:31 p.m.**

**Old Business:**

**1. Watt Holdings, LLC – Preliminary Plat/3-Lot Subdivision**

Owner: Monte Watt, 11411 135<sup>th</sup> Pl., Cedar Lake, IN 46303  
Petitioner: Watt Holdings, LLC, 11411 W. 135<sup>th</sup> Pl., Cedar Lake, IN 46303  
Vicinity: 11255 to 11500 W. 136<sup>th</sup> Pl., Cedar Lake, IN 46303  
Legal Description: Muir Woods Outlot A *and* Muir Woods Outlot B *and* Muir Woods Outlot C *and* PT SE1/4 NE1/4 S.29 T.34 R.9 0.209 Ac  
Tax Key Number(s): 45-15-29-278-011.000-014 *and* 45-15-29-278-012.000-014 *and* 45-15-29-278-013.000-014 *and* 45-15-29-278-014.000-014

**Request: Petitioner is requesting Preliminary Plat/3-Lot Subdivision**

*Deferred from August 17, 2016 Public Meeting*  
*Deferred from September 21, 2016 Public Meeting*  
*Deferred from October 19, 2016 Public Meeting*  
*Deferred from November 16, 2016 Public Meeting*  
*Deferred from December 21, 2016 Public Meeting*  
*Deferred to May 3, 2017 Public Meeting*

1. Petitioner's Comments:
2. Town Engineer's Comments:
3. Building Department Comments:
4. Commission's Discussion:

**2. Thomas Taylor & Kathryn Devine Taylor-Final Plat/4-Lot Subdivision**

Owner/Petitioner: Thomas Taylor & Kathryn Taylor, 14801 Clark Rd., Crown Point, IN 46307  
Vicinity: 13221 Colfax St., Cedar Lake, IN 46303  
Legal Description: E.110FT OF S.60RDS. EX. S.350FT. OF SE SE S.23 T.34 R.9 1.386A.  
Tax Key Number(s): 45-15-23-478-001.000-043

**Request: Petitioner is requesting Final Plat/4-Lot Subdivision**

*Deferred from December 21, 2016 Public Meeting*  
*Deferred from January 18, 2017 Public Meeting*

1. Petitioner's Comments: Tom Taylor was present.
2. Town Engineer's Comments: Don Oliphant stated they have addressed a lot of the engineering comments, the big thing they are missing is the engineer estimate so we can get the letter of credit.
3. Building Department Comments: None
4. Commission's Discussion: None

**New Business:**

**1. Jeffrey T. Schilling-Preliminary Plat/1-Lot Subdivision**

Owner/Petitioner: Jeffrey T. Schilling, 13246 Lakeshore Dr, Unit A302, Cedar Lake, IN 46303  
Vicinity: 8328 West 147<sup>th</sup> Avenue, Cedar Lake, IN 46303

Legal Description: S.120FT. OF N. 220FT. OF S. 673.50FT. OF W.41FT. OF E.131.70 FT. OF NW. SE. S.34 T.34 R.9 .113A. **and** PT. N2 SE S.34 T.34 R.9 .90 AC. '100X389X100X395.80 FT.' & 100 FT. STRIP BET. R. R. & S. SHORE OF CEDAR LAKE &TR. VAC. R. OF W.  
Tax Key Number(s): 45-15-34-404-007.000-014  
45-15-34-404-008.000-014

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

1. Petitioner's Comments: Jeff Ban, with DVG a project engineer with Jeff Schilling. He owns the property and wants to create a one (1) lot subdivision. There are two (2) parcels and need to combine these legal descriptions into one (1). In talking with Don some of the challenges in putting together a site plan for the house proposed are some retaining walls that are as high as eight (8) feet tall. Three story, lower level walk out, lower level basement area, first and second floor. Working on drainage details. Don asked me to present the site plan to you with the retaining walls. The retaining wall sits about nine (9) to ten (10) feet off the property line west side and goes from the front of the house to where you start seeing the curve of the driveway. On the east side of the house will have a six (6) to eight (8) feet wall. The house to the east is up high as well. Retaining wall will blend into the house.
2. Town Engineer's Comments: Don Oliphant stated he met with them to go over the site plan. Do have the one lot sub preliminary plat. Typical of cleaning up the legal description parcels and making them a lot of record. The engineering and site plan might be the more difficult part of this project. Typically would not require a site plan of a single lot, it is handled on the building department level. This house and structure with the narrowness of the lot is kind of unique. It is my recommendation that we require site plan on this property as well. There is flood plain on the property, this also receives right of way drainage from 147<sup>th</sup> that kind of tails the west edge of the property and makes it way to Cedar Lake, as well as that drainage easement/ditch that accepts drainage from 146<sup>th</sup> Pl. and other properties to the west. Some of the elevations of the site plan are fairly dramatic. If remonstrators show up they should be made aware of how this will look next to them. Engineering wise it can work, may be more of a policy decision about how it works with the existing subdivision and proximity to neighbors. Also planning to put a dock into the lake, will need a permit from DNR to do that. There are a lot of different variables that aren't typical of the normal single lot development. They are slightly filling in certain areas, will need to meet FEMA requirements about elevations. They will need to have the lowest floor two (2) feet above flood plain of Cedar Lake. The issue with this parcel is the grades are sloping east to west. Bringing it up significantly.
3. Building Department Comments: None
4. Commission's Discussion: Discussion on the retaining wall and drainage ensued.

## **2. Centennial Phase 11 – Final Plat Approval**

Owner/Petitioner: North Centennial Development, LLC, 8051 Wicker Ave., Ste. A, St. John, IN 46373  
Vicinity: Centennial Phase 11, Cedar Lake, IN 46303  
Tax Key Number(s): 45-15-28-451-002.000-014

**Request: Petitioner is requesting final plat approval for Phase 11 - 3-lots**

1. Petitioner's Comments: Ed Recktenwall, Olthof Homes, three (3) lot subdivision, just east of previous approved Phase 10. These are fully developed. Looking at six (6) more units before Phase 12 this spring.
2. Town Engineer's Comments: Don Oliphant stated this should be pretty easy, already on a platted roadway and all the town services and utilities have been installed and included in other surety bonds. No letter of credit is required for this, just engineering review of the plat.
3. Building Department Comments: None
4. Commission's Discussion: None

## **Update Item:**

1. **Zoning & Lighting Ordinance Update** – Tim Kubiak stated trying to get a recommendation to move this forward so we can adopt this as our lighting ordinance. Need everyone to review.

2. **Industrial Drive** – David Austgen stated he needs concrete standards from Don Oliphant. They are in the Developmental Standards now, we need to review to make sure they are still ok.
3. **Centennial Phase 1-4–Maintenance Letter of Credit** – Don Oliphant stated the water department inspected the valves and hydrants in phases 2 and 4, oddly those are the only two phases that have water elements in them. They may have to extend the Letter of Credit. Looking at the conditions of the roads and some of them may have to be milled and replaced, simply because they have been out there so long and are deteriorating. The issue is the bond expires on March 23 meaning the asphalt plants may not be open. This may appear on next month’s agenda to request the developer extend the Letter of Credit.

**Public Comment:** None

**Adjournment:** 7:53 p.m.

**Press Session:** Plan Commission Public Meeting – February 15, 2017 at 7:00pm

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**Chuck Becker**

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**Heather Dessauer**

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**John Foreman**

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**Greg Parker**

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**John Kiepora**

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**Richard Sharpe**

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**Jerry Wilkening**

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**Attest: Brooke Faber, 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.*