



**TOWN OF CEDAR LAKE – PLAN COMMISSION
PUBLIC MEETING MINUTES
APRIL 19, 2017 7:00 P.M.**

Call To Order (Time): 7:02 p.m.

Pledge to Flag:

Roll Call:

Present Heather Dessauer

Present Chuck Becker

Absent John Kiepura

Present Jerry Wilkening

Present Richard Sharpe

Present John Foreman

Present Greg Parker

Present Donald Oliphant, Town Engineer – CBBEL

Present David Austgen, Town Attorney

Present Tim Kubiak, Director of Operations

Present Michelle Bakker, Building Administrator

Present Brooke Faber, Recording Secretary

Minutes:

A motion was made by Richard Sharpe and seconded by Chuck Becker to approve the Minutes for March 1, 2017 Work Session and March 15, 2017 Public Meeting.

Heather Dessauer	Chuck Becker	Jerry Wilkening	John Kiepura	Richard Sharpe	John Foreman	Greg Parker	Vote
Yes	Yes	Yes	Absent	Yes	Yes	Yes	6-0

New Business:

1. Town Zoning Ordinance No. 496 & Subdivision Ordinance No. 498-Amendment

Request: Amend Zoning and Subdivision Ordinance to include lighting regulations

1. Town Attorney’s Review: David Austgen stated this is the set of regulations that you promulgated working with the engineer and staff for update modernization of lighting regulations for the town. Drafted the ordinance to amend each of the two ordinances so there was no questions of overlap, so won’t have to wonder if they are applicable to new plat or project coming before you. Two actions to take tonight. The important thing is to note these were publicly noticed, notice of public hearing newspaper. Final item ask Don to provide an explanation. Separate certifications to the Town Council.
2. Petitioner’s Comments: None
3. Town Engineer’s Comments: Don Oliphant stated there are small additions based on comments from people on the commission and David’s office, and various smaller updates.
4. Building Department Comments: None
5. Commission’s Discussion: None

There was no public comment on either item.

A motion was made by John Foreman and seconded by Jerry Wilkening to approve and send a Favorable Recommendation to the Town Council for Town Zoning Ordinance 496.

Heather Dessauer	Chuck Becker	Jerry Wilkening	John Kiepura	Richard Sharpe	John Foreman	Greg Parker	Vote
Yes	Yes	Yes	Absent	Yes	Yes	Yes	6-0

A motion was made by John Foreman and seconded by Jerry Wilkening to approve and send a Favorable Recommendation to the Town Council for Subdivision Ordinance 498.

Heather Dessauer	Chuck Becker	Jerry Wilkening	John Kiepura	Richard Sharpe	John Foreman	Greg Parker	Vote
Yes	Yes	Yes	Absent	Yes	Yes	Yes	6-0

2. Centennial Subdivision Phase 8– Performance Letter of Credit

Owner: Olthof Homes, 8051 Wicker Ave, St. John, IN 46373

Petitioner: Olthof Homes, 8051 Wicker Ave, St. John, IN 46373

Vicinity: Centennial Phase 8, Cedar Lake, IN 46303

Request: Owner would like to transfer the current Performance Letter of Credit in the amount of \$272,464.50 to Maintenance Letter of Credit

1. Town Attorney’s Review: None
2. Petitioner’s Comments: None
3. Town Engineer’s Comments: Don Oliphant stated he issued a letter on March 21, basically rotating the Performance Letter of Credit into a Maintenance Letter of Credit. All public infrastructure has passed inspection and they have made the necessary repairs. The actual improvements were only \$194,960.90. This also included Parrish Avenue improvements that the Town did themselves. Ten (10) percent is based off the improvements for that. The actual Maintenance Letter of Credit for a three (3) year period would be \$19,496.09.
4. Building Department Comments: None
5. Commission’s Discussion: None

A motion was made by Jerry Wilkening and seconded by Richard Sharpe to transfer the current Performance Letter of Credit in the amount of \$272,464.50 to a Maintenance Letter of Credit in the amount of \$19,496.09.

Heather Dessauer	Chuck Becker	Jerry Wilkening	John Kiepura	Richard Sharpe	John Foreman	Greg Parker	Vote
Yes	Yes	Yes	Absent	Yes	Yes	Yes	6-0

3. Centennial Subdivision Phase 9 – Performance Letter of Credit

Owner: Olthof Homes, 8051 Wicker Ave, St. John, IN 46373
Petitioner: Olthof Homes, 8051 Wicker Ave, St. John, IN 46373
Vicinity: Centennial Phase 9, Cedar Lake, IN 46303

Request: Owner would like to transfer the current Performance Letter of Credit in the amount of \$114,344.70 to Maintenance Letter of Credit

1. Town Attorney’s Review: None
2. Petitioner’s Comments: None
3. Town Engineer’s Comments: Don Oliphant stated the current Performance Letter of Credit is based off the improvements done at the time. The ten (10) percent is based on the original Performance Letter of Credit, in the amount of \$415,798.90.
4. Building Department Comments: None
5. Commission’s Discussion: None

A motion was made by Chuck Becker and seconded by Jerry Wilkening to transfer the current Performance Letter of Credit in the amount of \$114,344.70 to a Maintenance Letter of Credit in the amount of \$41,579.89 for a three (3) year period.

Heather Dessauer	Chuck Becker	Jerry Wilkening	John Kiepura	Richard Sharpe	John Foreman	Greg Parker	Vote
Yes	Yes	Yes	Absent	Yes	Yes	Yes	6-0

4. Rossman Partners, LLC-Site Plan

Owner: Cedar Lake Ventures One, LLC, 20001 51st St. W, Bradenton, FL 34209
Petitioner: Rossman Partners, LLC, 11061 Broadway, Crown Point, IN 46307
Vicinity: 9708 Lincoln Plaza, Cedar Lake, IN 46303
Legal Description: PT N.904.77FT OF NE1/4 NE1/4 S.28 T.34 R.9 0.828Ac
Tax Key Number(s): 45-15-28-228-023.000-014

Request: Petitioner is requesting site plan approval

1. Town Attorney’s Review: David Austgen stated he has requested something he is not ready for. Just finished some review that needed to get to Don.
2. Petitioner’s Comments: Jack Huls, Discussion on utilities and easements. Might be a private service that will be relocated. Will get rid of current easements and dedicate new ones. Bringing site plan to next meeting. Discussion of possible variances needed to apply for.
3. Town Engineer’s Comments: Don Oliphant stated have only seen the conceptual site plan. Waiting on that to finish review. Have recommended that the rear twenty (20) feet be dedicated, that will line up the alley way.

- 4. Building Department Comments: None
- 5. Commission’s Discussion: Discussion on cleaning up all easements for future development.

A motion was made by Chuck Becker and seconded by John Foreman to defer to the May 17, 2017 Public Meeting.

Heather Dessauer	Chuck Becker	Jerry Wilkening	John Kiepura	Richard Sharpe	John Foreman	Greg Parker	Vote
Yes	Yes	Yes	Absent	Yes	Yes	Yes	6-0

5. Rossman Partners, LLC- Preliminary Plat & 1-Lot Subdivision

Owner: Cedar Lake Ventures One, LLC, 20001 51st St. W, Bradenton, FL 34209
Petitioner: Rossman Partners, LLC, 11061 Broadway, Crown Point, IN 46307
Vicinity: 9708 Lincoln Plaza, Cedar Lake, IN 46303
Legal Description: PT N.904.77FT OF NE1/4 NE1/4 S.28 T.34 R.9 0.828Ac
Tax Key Number(s): 45-15-28-228-023.000-014

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

- 1. Town Attorney’s Review:
- 2. Petitioner’s Comments:
- 3. Town Engineer’s Comments:
- 4. Remonstrators:
- 5. Building Department Comments:
- 6. Commission’s Discussion:

A motion was made by John Foreman and seconded by Heather Dessauer to defer to the May 17, 2017 Public Meeting.

Heather Dessauer	Chuck Becker	Jerry Wilkening	John Kiepura	Richard Sharpe	John Foreman	Greg Parker	Vote
Yes	Yes	Yes	Absent	Yes	Yes	Yes	6-0

6. Schilling Development- Lakeside Subdivision-Final Plat

Owner: Cedar Lake 133, LLC, PO Box 677, St. John, IN 46373
Petitioner: Schilling Development, PO Box 677, St. John, IN 46373
Vicinity: 5711 W. 133rd. Ave., Cedar Lake, IN, 46303
Legal Description: THE EAST HALF (E ½) OF THE NORTHWEST QUARTER (NW ¼) OF SECTION TWENTY-FIVE (25), TOWNSHIP THIRTY-FOUR (34) NORTH, RANGE NINE (9) WEST OF THE SECOND PRINCIPAL MERIDIAN, CONTAINING EITHY (80) ACRES, MORE ORO LESS, IN LAKE COUNTY, INDIANA. (E2. NW. S.25 T.34 R.9 80A.)
Tax Key Number(s): 45-15-25-100-001.000-043

Request: Petitioner is requesting Final Plat Unit 1, Block 1

- 1. Town Attorney’s Review: None
- 2. Petitioner’s Comments: Jack Slager, here requesting final plat approval for Lakeside, Unit 1, Block 1. The first twenty-three (23) lots, including the entrance off of 133rd, the retention area and the park. Were given primary plat approval last year, came back a few months ago to request an extension. Hope to start streets in the next few weeks. Was not a huge need for a park on this site, will combine well site with a park. Intention to give Outlot B to the Town at some point for whatever purpose, hoping that would satisfy the park requirement.
- 3. Town Engineer’s Comments: Don Oliphant stated issued letters today, notified water passed and sanitary has passed. Second letter sets the Letter of Credit for Unit 1, Block 1. Last letter noted a fee for Unit 1 as a whole, based on no park property, things have changed since that letter, with the platting of outlots that will have the future water wells. Thought outlot would serve as their park land for this phase and the next phase. Have to set Letter of Credit, over estimate of construction was \$1,269,658.48 so that number has come down because the water main and sanitary sewer has gone in and been inspected by Public Works. Those two items will still require record drawings submitted. With that reduction 110% of the remaining items sets the Performance Letter of Credit at \$1,048,873.90. The inspection fees are 3% of the overall \$38,089.75. MS4 inspection fee in the amount of \$2,000.00 since the project is over five (5) acres. Then the noted contingencies related to landscape plans and covenants.

4. Building Department Comments: Tim Kubiak stated he remembers there being a discussion in the past for that property to be a well and open space.
5. Commission’s Discussion: Discussion on amount of open space on property with well and on amount of park land usually designated for this size subdivision.

A motion was made by John Foreman and seconded by Richard Sharpe to approve the Final Plat for Lakeside Subdivision, Unit 1, Block 1, contingent on the recorded drawings, the Letter of Credit in the amount of \$1,048,873.90, inspection fee of \$38,089.75, MS4 fees \$2,000.00, landscape plan provided for approval, revised contents required two trees on each lot additionally revised covenants should be submitted to address the following previous comments, recommend language be added at the reference placement fences within plotted easements, O & M plan should be referenced once ownership has been deeded to the HOA and waiving the park fee in lieu of \$10,350.00.

Heather Dessauer	Chuck Becker	Jerry Wilkening	John Kiepura	Richard Sharpe	John Foreman	Greg Parker	Vote
Yes	Yes	Yes	Absent	Yes	Yes	Yes	6-0

7. Lynnsway Unit 1 – Rezone

Owner: Lynnsway Development, LLC, 1313 White Hawk Dr., Crown Point, IN 46307
Petitioner: Diamond Peak Group, 1313 White Hawk Dr., Crown Point, IN 46307
Vicinity: Lynnsway Unit 1-Lots 1-4, 7-10, & 13-23

Request: Petitioner is requesting a Rezone from RM to R2

1. Town Attorney’s Review: David Austgen stated the legals are in order.
2. Petitioner’s Comments: Jack Huls, DVG, engineer on this project. This is a rezone request. Would like to take 96 units from RM to single family R2 zone. Went to BZA on April 13, 2017, seeking variances that would be contingent on action to make a favorable recommendation to the Town Council about zoning. Discussion on twenty-five (25) ft. front yard setbacks, five (5) ft. side yard setbacks, twenty-five (25) ft. rear yard setbacks, and frontage width and lot size. Keeping existing lot lines and easements, planning on using approved engineering, road profiles and grading. Sanitary sewer and water main already installed. Looking for favorable recommendation and will be back in the future to replat this area into single family homes.
3. Town Engineer’s Comments: Don Oliphant stated will have more when he sees the replatting documents.
4. Remonstrators: Ed O’Donoghue, 14637-A Drummond, concerns with Home Owner Association fees and if they would have to pay. Also discussion with roads.
5. Building Department Comments: Tim Kubiak stated it is a good idea to reduce the density.
6. Commission’s Discussion: Greg Parker likes the idea of single family homes. Discussion on less density and lot sizes. Discussion on product being built and concerns about garage size. Discussion on Parrish Avenue ensued.

A motion was made by Chuck Becker and seconded by Jerry Wilkening to send a favorable recommendation to the Town Council to Rezone Lynnsway Unit 1, Lots 1-4, 7-10 & 13-23 from RM to R2 Zoning.

Heather Dessauer	Chuck Becker	Jerry Wilkening	John Kiepura	Richard Sharpe	John Foreman	Greg Parker	Vote
Yes	Yes	Yes	Absent	Yes	Yes	Yes	6-0

Update Item:

1. **Zoning Ordinance**-David Austgen stated making progress on this.
2. **Watt Holdings, LLC – Preliminary Plat/3-Lot Subdivision-Deferred to May 3, 2017**-Tim Kubiak stated Mr. Watt came in and wants to move forward with the drainage project that was approved.
3. **Centennial Liberty Street – Performance Letter of Credit-Expires June 15, 2017**-Don Oliphant will need to get together with Olthof to probably extend it. They will be using it as a primary entrance for Phase 12. Have a site meeting on Monday.

Public Comment: None

Adjournment: 8:07 p.m.

Press Session: Plan Commission Work Session – May 3, 2017 at 7:00pm

Chuck Becker

Heather Dessauer

John Foreman

Greg Parker

John Kiepura

Richard Sharpe

Jerry Wilkening

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.