



**TOWN OF CEDAR LAKE – PLAN COMMISSION  
WORK SESSION- MINUTES  
JUNE 7, 2017 7:00 P.M.**

Call To Order (Time): 7:00 pm

Pledge to Flag:

Roll Call:

Absent Heather Dessauer  
Present Chuck Becker  
Present John Kiepora  
Present Jerry Wilkening  
Present Richard Sharpe  
Present John Foreman  
Present Greg Parker

Present Donald Oliphant, Town Engineer – CBBEL  
Absent David Austgen, Town Attorney  
Present Tim Kubiak, Director of Operations  
Present Michelle Bakker, Building Administrator  
Present Jessica Chick, Recording Secretary

**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 from February 15, 2017 Public Meeting**  
**Deferred from May 17, 2017 Public Meeting**

1. Petitioner's Comments: Monte Watt stated, Loretta and Don have been in contact with each other and she will be submitting something to him shortly. I will be requesting a waiver for the sidewalk and detention pond. There is a small piece of land that is still in Community Bible Church's name, I will be looking into that and have it straightened out by next meeting.
2. Town Engineer's Comments: Don Oliphant stated, it looks like you have applied for two engineering waivers. We have no issues with your sidewalk waiver but, there is an issue regarding the retention waiver, based off of the subdivision as a whole.

3. Building Department Comments: Tim Kubiak stated, the storm water drainage regarding the whole subdivision needs to be addressed. We have been under the impression that until we rectify the problems with the first part of the subdivision, we won't proceed with approval of the second part. My concern is continuing to proceed on with this till we have the solution for the first part of the subdivision. The Town has other issues with storm water drainage that are ahead of this one, with that said, this item has been deferred for 7 months. Don, Monte, Mr. Siekos, and I (Tim Kubiak) are meeting next week to discuss installing a drop catch basin and to discuss the issue between lots 5 and 6.
4. Commission's Discussion: Jerry Wilkening stated, approving more homes where there is already a storm water issue is only adding to the problems of the Town. Tim Kubiak stated, water is not getting to the current detention pond, it is of adequate size but the problem lies in elevation and grades. To add more lots to a subdivision that isn't functioning properly at this point in time doesn't make sense. John Kiepura stated, that it has been my understanding after all these months that we will not approve any subdivisions until the after problem was resolved. Monte said he would put a pipe in and install the catch basin, or whatever is needed to resolve the issue. Until those are done, this Board will not approve any subdivision, John Kiepura stated. Monte Watt stated, I would like to get all of the engineering completed so when those problems are taken care of they will be ready for approval.

## **2. Rossman Partners, LLC-Site Plan**

Owner: Cedar Lake Ventures One, LLC, 20001 51<sup>st</sup> 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**

**Deferred from April 19, 2017 Public Meeting**  
**Deferred from May 17, 2017 Public Meeting**

1. Petitioner's Comments: Jack Huls with DVG representing Rossman Partners, we have been working on getting the plat in order the past few months. The project is Anytime Fitness as has been discussed being on the grass area by Lincoln Plaza. I have spoken with Attorney Schuster, he has returned to Attorney Austgen all of the comments so that should have resolved all of the issues with the Town's easements. They still require signature which won't happen until final plat. There are two (2) other easements that need to be addressed; one is an ingress egress easement, the other is a parking agreement. The agreement with Strack and Van Til is for parking, and it impounds a lot of the site. Their attorney will be reviewing that and have it ready for the next meeting. There is also an agreement with the building just north of this one, they have access north/south across our parcel and we are relocating that to go east/west along the north side of this building. The owner of that building, Doug Vandernoort, has agreed to that. He had previously sold two (2) units in that building and the easement needs to also be signed by them. We are expecting that in our possession within the next few weeks. So that pretty much wraps up all of the easement and plat issues.
2. Town Engineer's Comments: Don Oliphant stated, we issued a letter today. The plat as far as we are concerned is in order, pending anything between Attorney Schuster and

Attorney Austgen. We have some contingencies; we haven't seen a lighting plan, a signage plan, or any dumpster enclosure details. From an engineering standpoint we are pretty much good to go.

3. Building Department Comments: Tim Kubiak stated, good to go.
4. Commission's Discussion: Tim Kubiak stated, correspondence has occurred referring to this project with Attorney Austgen, he stated that there are a couple small things yet to be satisfied but they seem to be on the right path. That was the last email that I recall seeing.

**New Business:**

**1. Rossman Partners, LLC-Final Plat**

Owner: Cedar Lake Ventures One, LLC, 20001 51<sup>st</sup> 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 Final Plat approval**

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

**2. Daniel Allen-Preliminary Plat/1-Lot Subdivision**

Owner/Petitioner: Daniel Allen, 4524 Juniper Dr., Palm Harbor, FL 34685  
Vicinity: 7508 W. 134<sup>th</sup> Pl. & 7512 W.134<sup>th</sup> Pl., Cedar Lake, IN 46303  
Legal Description: RESUB. LTS 1 & 2, 69 & 70 89, 90 & 91,160 & 161 255 TO 377 & 382 TO 403 OF CEDAR PT. PK. ALL L.3 BL.3 and RESUB. LOTS 1 & 2, 69 & 70, 89, 90 & 91, 160, 161, 255 TO 377 & 382 TO 403 OF CEDAR POINT PARK ALL LOT 4 BLOCK 3  
Tax Key Number(s): 45-15-26-127-005.000-043 and 45-15-26-127-004.000-043

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

1. Petitioner's Comments: Daniel Allen stated, there is a pipe that runs right through the center of my property. There is a piece of property that has been platted that doesn't exist which is what all of the surveys from the past show. There is one theory that the two houses to the east of mine should have been shifted four (4) feet east to where the street is. The easiest solution is to try and make a one (1) lot subdivision. The pipe is an overflow that used to come from a swale across the street that was tied into the sewer system. It has a flapper gate that is underwater in the lake, if you open the flapper gate the water runs backwards into the street. As you can see from the most recent survey, the invert at the lake and the street are identical; there is no pitch. If I put it in pitch it will put it further underwater, I don't see how this is working in any aspect. My preference would be to vacate it, if I have to put it back in I will at a high expense. I

would like to build my new home so it is centered on both lots, which would require removing the pipe. I am open to moving the pipe to the east of the lot if it is easier to connect to the seawall instead of the west side.

2. Town Engineer's Comments: Don Oliphant stated, to follow up with a little history on the pipe; the existing pipe that was at Cedar Pointe Park before the improvements were done roughly five (5) years ago, it did drain a swale line. Daniel Allen stated, during the street renovation, they installed a flapper gate on the pipe, which did help. Fish used to swim through the pipe and end up on the street. Don stated, the flapper gate was installed so we are not recycling water through the lift station. From my perspective it is an emergency overflow, as long as that lift station is working it should never be opened. It is back pitched but if there is enough water in that system then it will work. I did not partake in the design for this, it could have been left because there was no easement to remove it. I will need to see the elevations of the waves upstream and invert downstream. If there is enough gradient change then it will pop up out of that flap gate before the manhole.
3. Building Department Comments: Tim Kubiak stated, the main objective is that Daniel doesn't want to spend money on reinstalling a pipe that isn't doing anything. Whereas our Town Engineer doesn't want to take out a pipe that essentially could be an emergency overflow. If we relocate the pipe to the four (4) feet on the side of the property line and leave a 4 (four) foot easement for that pipe that is a good compromise.
4. Commission's Discussion: John Foreman questioned, if the pipe is moved to the side of the house, can it be pitched at a different fashion so that it would work better? Don Oliphant answered, no it is not meant to be a gravity outfall. The pitch essentially doesn't matter. We should be able to reuse the flapper gate from the existing pipe for the new pipe. I will go back to the office and discuss this with our older designers and get some more history of the property.

### **3. Lynnsway Unit 1 – Replat/Final Plat**

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 Replat/Final Plat from Lynnsway Unit 1, 96 R-M Multi-Family Units to 48 R-2 Residential Single Family Home Lots**

1. Petitioner's Comments: Jack Huls, representing the Petitioner, this is a re-plat of an existing subdivision known as Lynnsway Unit 1; we are proposing that we rename it to Ledgestone. There are 96 (ninety-six) units, which were multi-family buildings that were approved. Now we are doing single family lots we have obtained a variance for that, we are basically dividing the existing lots in halves or into thirds. We are seeking a re-plat that we have submitted to Don for review, we are proposing that we bond or have a letter of credit for all of the improvements would be proposed for the subdivision as if it was a brand new subdivision. We will then seek a reduction based off the infrastructure that has already been installed which is the sanitary sewer and the water main. Based on our as-built information, there are a certain amount of adjustments that need to be done. We are using the existing engineering for the subdivision.
2. Town Engineer's Comments: Don Oliphant stated, the letter of credit amount as stated will be set on as if it was a new subdivision. We will reduce that as we get inspections done. Water and sewer are entirely in, there are some issues with the hydrants

regarding grade and age. I would say half of the storm sewers are currently in and ponds will have to be as-built. We are getting though the engineers estimate review to set all of the details. We have figured out the lot numbering, we are planning on sticking with what they already had. Since it is an already platted subdivision it makes sense just to stick with the current plan. The other thing is regarding the improvements on Parrish, the widening. We are going to do something similar as we did with Centennial, that they will agree on the estimate of the improvements through their platted area and cut a check to the Town to be used as a part of the Parrish Avenue improvements. We are working on it, engineering is basically the same as before just some smaller updating based on the lot revisions.

3. Building Department Comments: Tim Kubiak stated, he spoke with Public Works regarding the inspections and they have a concern regarding the number of sewer taps that are there. There is currently a sewer tap for every townhouse unit and there were no water taps actually installed. There are 96 (ninety-six) taps, my concern is for future locates and with all of these extra taps that will be in there it can present a problem at some time with boring in gas and electric lines. The as-builds show where all of those are located, which is great for future reference. I am not sure what the alternative may be for this issue. Dialogue continued regarding the sewer taps and how to resolve this issue. Our initial thought was to ask them to remove the sewer lines but unfortunately some of them cross underneath the road, it needs to be thought about.
4. Commission's Discussion: Jerry Wilkening asked, can the extra taps be terminated at the structure? Tim Kubiak answered, most of the lines cross the street. Don Oliphant added, the road has not been dug yet, if you want them to dig some of them up now would be the time to do it. Dialogue continued regarding the sewer taps and lines.

**Request:**                                **Petitioner is requesting a Replat/Final Plat to change the name of Lynnsway Unit 1 Lots 1-4, 7-10, & 13-23 to Ledgestone**

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

**4. Centennial Phase1-4– Maintenance Letter of Credit-Expires June 30, 2017**

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:**                                **Maintenance Letter of Credit in the amount of \$238,276.21 will expire on June 30, 2017**

1. Petitioner's Comments: No Petitioner present.
2. Town Engineer's Comments: Don Oliphant stated, he spoke with someone on Monday regarding this Letter of Credit, the curbs are cut and repaired; still pending the pavement repairs. They are moving along, looks like it will be cut close.
3. Building Department Comments: Tim Kubiak stated, they are planning on being done with this by the time it expires. The roads in Phase 10 are completely disintegrating, there is some sort of problem. I have heard there may have been some dirt inside of the stone that as put in there, regardless it is on them. We will not be issuing anymore building permits to them until this problem is resolved.
4. Commission's Discussion: No comment.

**Update Item:**

1. **Zoning Ordinance-** Tim Kubiak stated, David Austgen’s office is working on this.

**Public Comment:**

Don Frey, owner of Bugaboos Bar and Grill; stated he has been approached by a company, Lazy Dog Rentals, out of Key West, Florida who do kayak, paddleboards, etc. rentals. He is interested in setting up a “shop” to rent out these paddleboards and kayaks at the property in front of his business. The company is interested in holding these national events here on Cedar Lake. I am seeing if it is possible to build something on that side of my property and use it for this purpose. They ideally would need a six (6) by ten (10) building with electricity, nothing too large. Further discussion continued regarding this being a secondary business, building setbacks, variances, selling of drinks, and more dialogue. It was suggested to present this idea with the Board of Zoning Appeals. Don Frey also stated concern for the curve around his business and possibly adding in a stop sign.

Jill Murr, Town Administrator presented the new proposed building and zoning fees. These were originally presented at the May work session meeting, with no changes made since. Jill Murr stated, in November 2016, Town Council approved London Witte Group, the Town’s Financial Advisor to review the building and zoning department fees. The fees have not been changed since 2009 nor has the multiplier been changed since 2006. The suggested changes were determined through percentages, new versus current residences, combination of fees, inspections, different rate structures for sizes, etc. These rates were first determined by the financial group, they have been modified from what they had suggested, lowered substantially. Also compared our fees to surrounding Towns with the given parameters. We are wanting to work with the community and are wanting to encourage the residents to continue to work with us. The dwelling multiplier, the price per square foot, has not been changed from \$85 (eighty-five dollars) to \$100 (one hundred dollars) which has not been changed since 2006. This number is used when assessing the cost of the permit which is based off the cost of the structure being built. This is an increase in building permits by 44.5% (forty-four and a half percent), 30% (thirty percent) zoning permits, 26% (twenty-six percent) electric permits; based off of last year’s numbers and permits given in 2016. Dialogue continued regarding the fees as well as different zoning of properties and restrictions. A Public Hearing will need to be held, followed by a recommendation to the Town Council regarding the proposed change in building and zoning fees.

**Adjournment: 7:40 pm**

**Press Session: None.**

Plan Commission Public Meeting – June 21, 2017 at 7:00 pm

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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 Kiepura**

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**Richard Sharpe**

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**Jerry Wilkening**

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**Attest: Jessica Chick, 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.*