



**TOWN OF CEDAR LAKE – PLAN COMMISSION
PUBLIC MEETING MINUTES
JUNE 21, 2017 7:00 P.M.**

Call To Order (Time): 7:45 pm

Pledge to Flag:

Roll Call:

Present Heather Dessauer

Present Chuck Becker

Present John Kiepura

Present Jerry Wilkening

Present Richard Sharpe

Absent John Foreman

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 Jessica Chick, Recording Secretary

Minutes:

Minutes for May 3, 2017 Work Session and May 17, 2017 Public Meeting

Motion made by Jerry Wilkening and seconded by Check Becker to approve the minutes from the May 3rd and May 17th, 2017 meetings.

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

Old Business:

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

Owner: Monte Watt, 11411 135th Pl., Cedar Lake, IN 46303

Petitioner: Watt Holdings, LLC, 11411 W. 135th Pl., Cedar Lake, IN 46303

Vicinity: 11255 to 11500 W. 136th 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. Town Attorney’s Review: David Austgen stated, it would be my professional opinion after sitting and listening to all of the deferrals on this item that Monte Watt is not ready with this project. David Austgen then proceeded to ask Don Oliphant, Town Engineer, “Are the Town requirements in the subdivision control ordinance where the platting of the parcels proposed for platting by Mr. Watt complied with or not?” Don Oliphant replied, “No”. David Austgen continued, I recommend that there is a motion to deny and that he must reapply with his plat, design, details, plans, engineering, calculations, and have presented before you a plan that is prepared. I recommend that it be removed from the agenda.
2. Petitioner’s Comments: No Petitioner present.
3. Town Engineer’s Comments: See others.
4. Building Department Comments: Tim Kubiak stated, Don and himself had met with the Petitioner last week. This is the same predicament and process that we have been in for quite some time now regarding this item. My suggestion to the Board is to take this item off of the agenda until something happens. A piece of the property that is involved

in this item is not even currently owned by Monte at this time. It is hard to move forward on this item when a piece of the property isn't owned by the petitioner.

5. Commission's Discussion: Greg Parker stated, one problem with removing this item from the agenda being the people who are waiting for the water to be delineated from their property that runs into their garage, and the other drainage issues being resolved if this is removed. David Austgen replied, with that problem at hand, the Town has decided to take that matter into their own hands. Jerry Wilkening asked, the property that Mr. Watt wants to bury the culvert in, that exists and is platted, has that already been approved? Tim Kubiak stated, yes it is and he is moving forward. Don Oliphant stated, on Monday different options were discussed and he is going back to Torrenga to draw something up. Jerry Wilkening asked, the approval of the property to the southwest of the Csikos' property, will that help this current issue? Don Oliphant, replied with no it will help the ravine from caving in. John Kiepura stated, it has been his understanding that the culvert that Mr. Watt is installing has nothing to do with the Plan Commission. The first step is installing that culvert before we can even reconsider the petitioner's request.

6. Commission's Decision:

Motion made by John Kiepura and seconded by Jerry Wilkening to deny the original request for the preliminary plat for noncompliance with the Town's subdivision control ordinance.

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

2. 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

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

1. Town Attorney's Review: David Austgen stated, this is the final step and everything is in order pertaining to the legals.
2. Petitioner's Comments: Jack Huls, with DVG, is present on behalf of the Petitioner. Jack Huls stated, he had presented at the BZA and had received approval for the requested setbacks with a condition regarding access to the alley. The adjacent business owners were concerned with deliveries and garbage vehicles entering and exiting the alley way. We were able to take care of their concerns, we agreed to make some connectivity to the alley.
3. Town Engineer's Comments: See below agenda item comments.
4. Building Department Comments: See below agenda item comments.
5. Commission's Discussion: See below agenda item comments.
6. Commission's Decision:

Motion made by John Kiepura and seconded by Chuck Becker to approve the request contingent upon engineering stipulations stated in the June 7th, 2017 letter from CBBEL.

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

New Business:

1. Rossman Partners, LLC-Final Plat

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 Final Plat approval

1. Town Attorney's Review: David Austgen stated, approval may be made upon this due to compliance with the subdivision ordinance as reviewed by Don and based upon the

provisions of the exchange easement conveyances. I will make the approval subject to those being perfected, recorded in the correct order, and verification with the plat instrument post recording, that reflects the evidence of the recording so that we have a good plat.

- 2. Petitioner’s Comments: Jack Huls, with DVG, present on behalf of the petitioner. Jack Huls stated he is here to request final plat for the 135 x 165 foot lot. There were many different legal easements as well as two (2) Town utility easements. The documents are prepared and ready for signature, the Petitioner’s Attorney has been in correspondence with Attorney Austgen’s office regarding these documents. There are easements that need to be vacated at the Town Council level, which can be handled at the Monday night meeting. We have received the signed parking agreement releasing their rights of that easement over the property from Strack and Van Til. Our surveyor will take all of the documents to the County at one time and have the documents recorded in the correct order. They will then be able to continue with the purchase of the property and pull a permit to begin construction.
- 3. Town Engineer’s Comments: June 7th letter is still standing, and as long as David Austgen’s office is good we are good for final plat.
- 4. Building Department Comments: Michelle Bakker stated, the address had recently been changed for the property and has been corrected on all the records.
- 5. Commission’s Discussion: See above comments.
- 6. Commission’s Decision:

Motion made by Jerry Wilkening and seconded by Richard Sharpe to approve the request based on the contingencies previously stated by Attorney David Austgen.

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

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

Owner/Petitioner: Daniel Allen, 4524 Juniper Dr., Palm Harbor, FL 34685
Vicinity: 7508 W. 134th Pl. & 7512 W.134th 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. Town Attorney’s Review: No comment audible.
- 2. Petitioner’s Comments: Glenn Kracht is present on behalf of the Petitioner, he stated that the owner is willing to move the pipe. We understand that engineer feels because the pipe has been there for so long, it is a just in case factor at this point. The only issue that we may need some assistance on is to vacate the 4 (four) foot walkway. As far as I am concerned the subdivision ordinance requires a 12 (twelve) foot easement. We will need some sort of subdivision waiver, because we are moving the 4 (four) foot walkway easement west. The corrected plat can reflect the corrections on the property. Once the plat is recorded we will have a dedicated 4 (four) foot easement dedicated to the Town with the pipe in it.
- 3. Town Engineer’s Comments: Don Oliphant stated, a resubmittal letter was issued today, June 21, 2017, the initial letter had 16 (sixteen) comments and we are down to 7 (seven) comments. The owner has agreed to move the pipe
- 4. Building Department Comments: Tim Kubiak stated, the four feet doesn’t even exist. They are asking to vacate an imaginary 4 (four) feet. We have met out there a few times and this is the best solution to the problem.
- 5. Commission’s Discussion: Jerry Wilkening stated, the maintenance and repairs of the pipe are the Town’s responsibilities.
- 6. Commission’s Decision:

Motion made by Jerry Wilkening and seconded by Chuck Becker to approve the request based on the contingencies listed from the June 21st, 2017 letter from CBBEL.

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

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. Town Attorney's Review: No comment.
2. Petitioner's Comments: Jack Huls, representing the Petitioner, stated we are requesting a replat/final plat from the previous Lynnsway Unit 1, 96 R-M Multi-Family Units to 48 R-2 Residential Single Family Home Lots. We were at the work session where we talked about the lot numbering as well as the addresses. Don's letter discusses posting the bond which was discussed. All sanitary sewers are in, the additional taps which will be removed or abandoned and capped at the line. Water lines are in, in the reduction we would be seeking for the existing infrastructure the sanitary sewers need to be adjusted to grade the inspectors have noticed the fire hydrants aren't to the Town's standards. We are in the process of getting this bid, I can foresee construction starting this year. We will need to also get a SWIP plan in before construction begins.
3. Town Engineer's Comments: Don Oliphant stated, we had issued a letter today setting all the numbers for this. We are okay with the plat with some outstanding engineering issues. There are some variances pertaining to the setbacks and covenants that pertain to this subdivision. This is a previously platted subdivision so they are basically using most of the approved engineering for it. The SWIP is the biggest thing that is currently outstanding. The estimated cost of construction for this phase for cost of improvements that aren't constructed already, even though some of the things are installed we included it anyways, \$1,926,757.50 (one million, nine hundred twenty-six thousand, seven hundred fifty-seven dollars and fifty cents). The performance letter of credit which is posted at 110% of that amount is \$2,119,433.25 (two million, one hundred nineteen thousand, four hundred thirty-three dollars and twenty-five cents). The \$2,000 (two thousand dollar) MS4 inspection fees, since the development is larger than 5 (five) acres, that can be paid prior to building permits being issued. We removed the Parrish Avenue improvements from the letter of credit and that will be a fee in lieu that will be put towards the Town's project widening Parrish Avenue, \$68,534.00, cash. This is to be paid with the Letter of Credit.
4. Building Department Comments: No comments.
5. Commission's Discussion: No comments.
6. Commission's Decision:

Motion made by Jerry Wilkening and seconded by Richard Sharpe to approve the request contingent upon all engineering comments by CBBEL.

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

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. Town Attorney's Review: No action needed on this item.
2. Petitioner's Comments:
3. Town Engineer's Comments:
4. Building Department Comments:
5. Commission's Discussion:
6. Commission's Decision:

Motion: _____ 1st _____ 2nd

Heather Dessauer	Chuck Becker	Jerry Wilkening	John Kiepura	Richard Sharpe	John Foreman	Greg Parker	Vote

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. Town Attorney’s Review: No comment at this time.
- 2. Petitioner’s Comments: No Petitioner present.
- 3. Town Engineer’s Comments: Don Oliphant stated, they are finalizing everything; water is good, storm is good, sanitary has two castings that need to be raised, curbs have been repaired, crack seal, pave patching has begun today I believe.
- 4. Building Department Comments: Tim Kubiak stated, the bond is due to expire before the next meeting action needs to be taken tonight.
- 5. Commission’s Discussion: Greg Parker stated, we cannot leave the taxpayers open to more expenses. John Kiepura asked, how many days are needed to draw on this letter of credit. David Austgen stated, he is not the type of attorney who walks in on the deadline, so at least a day or two before the expiration date.
- 6. Commission’s Decision: Motion was made by John Kiepura and seconded by Chuck Becker that if the requirements which have been set forth regarding this letter of credit are not completed by the 28th of June, then we draw on it.

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

Update Item:

- 1. **Zoning Ordinance-** David Austgen stated, it is a work in progress.

Public Comment: No comments.

Adjournment: 8:40 pm

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

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.

Chuck Becker

Heather Dessauer

John Foreman

Greg Parker

John Kiepura

Richard Sharpe

Jerry Wilkening

Attest: Jessica Chick, Recording Secretary

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