



**TOWN OF CEDAR LAKE – PLAN COMMISSION
SPECIAL PUBLIC MEETING & WORK SESSION MINUTES
AUGUST 2, 2017 7:00 PM**

Call To Order (Time): 7:00 pm

Pledge to Flag:

Roll Call:

Present Heather Dessauer

Present Chuck Becker

Present 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

Absent Michelle Bakker, Building Administrator

Present Jessica Chick, Recording Secretary

Special Public Meeting:

1. Daniel Allen-Final 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 Final Plat for 1-Lot Subdivision

1. Town Attorney's Review: No comment.
2. Petitioner's Comments: Glenn Kracht is present representing the petitioner, we are requesting a waiver which is a part of the plat.
3. Town Engineer's Comments: Don Oliphant stated, everything has been addressed, there is a request for a developmental waiver for the 4 (four) foot easement. All the other comments have been addressed.
4. Building Department Comments: Tim Kubiak stated, the developmental variance will be included in the motion.
5. Commission's Discussion: No comments.
6. Commission's Decision:

Motion to approve the final plat one lot subdivision with the 4 (four) foot developmental waiver made by John Foreman and seconded by Chuck Becker.

Heather Dessauer	Chuck Becker	Jerry Wilkening	John Kiepura	Richard Sharpe	John Foreman	Greg Parker	Vote
Yes	Yes	Yes	Yes	Yes	Yes	Yes	7-0

New Business:

1. Don Frey-Site Plan

Owner: Don Frey, 14527 Lake Shore Drive, Cedar Lake, IN 46303

Petitioner: Don Frey, 332 E. 125th Pl., Crown Point, IN 46307

Vicinity: 14527 Lake Shore Drive, Cedar Lake, IN 46303

Legal Description: SOUTH SHORE SUB. L.1 & 2SOUTH SHORE SUBDIV W100FT OF LOT "A" E1/2 VAC ST

Tax Key Number(s): 45-15-35-304-001.000-043

45-15-35-301-001.000-043

Request: Petitioner is requesting a Site Plan

1. Petitioner's Comments: Don Frey stated, I would like to place the accessory structure lake front side roughly 10 (ten) feet from the lake, but we also have quite a bit of

property to work with whatever the commission decides. Also, with roughly a 10 (ten) foot side yard setback.

2. Town Engineer's Comments: Don Oliphant stated, we the received the plan on Monday and have not yet fully reviewed it. What level of detail would the Commission like to see for the site plan? Greg Parker stated, it is a shed with just electricity so I don't think we need much.
3. Building Department Comments: Tim Kubiak stated, this is a resort type of use and it is something that we are making into a bigger deal than needs to be. I think there are guidelines that need to be put into place and followed.
4. Commission's Discussion: Chuck Becker asked, where will the customers park? Greg Parker asked, what will the hours of operation be. Don Frey stated, morning and early afternoon will be the business hours and they will utilize the parking at Bugaboos. John Kiepura asked, so this will be a second business so he will need a second business license/ occupancy. Don Frey stated, we will be selling beer, wine coolers, and soda. We already have a to-go license and I would like to be able to avoid the boaters from crossing the street to purchase to-go drinks. Monday-Thursday I most likely wouldn't use the facility. John Foreman asked Tim Kubiak, are there any requirements for this size building from a building department level? Tim stated, I don't see any further requirements for this size of a shed. John Kiepura asked, if there is an occupancy permit do you need running water and a bathroom? Tim Kubiak stated, it can be categorized in so many different ways and that is why he is here. This is on an out lot, there are so many different variables here. More discussion occurred regarding this being a special agenda item. Greg Parker stated, I know that people are walking across the street to purchase drinks. In my opinion this has always been considered a resort community but yet we don't allow resort like characteristics. Heather Dessauer stated, I think this is a great idea and it is something that this Town is missing. He already has a great business within the Town and wants to offer the residents something more to do. Don Frey stated, we only want to sell beverages. John Kiepura stated, he is mostly concerned with the proposed structure. I would like to see something more permanent, with a foundation. Don Frey stated, I am open and willing to do whatever I need to in order to make things right. Greg Parker asked, do we need him to go for a one lot subdivision? It was replied, it has the same tax key number therefore no. John Kiepura asked, are there variances needed for this? Tim Kubiak stated, it all depends how you look at it. David Austgen stated, he will need to apply for a variance. For him to pull a building permit he will need to have one. It is an accessory structure without a primary structure, because of it being on an out lot. Discussion continued between the Commission on the requirements they would like to see for this agenda item.

2. Jeff Bianchi-Preliminary Plat 1-Lot Subdivision

Owner/Petitioner: Jeff Bianchi, 8209 Lake Shore Drive, Cedar Lake, IN 46303
Vicinity: 8209 Lake Shore Drive, Cedar Lake, IN 46303
Legal Description: Pt. SE.1/4 NE.1/4 S.22 T.34 R.9 L'ng N. of Lake 0.521Ac

Tax Key Number(s): 45-15-22-286-003.000-014

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

1. Petitioner's Comments: Jack Huls with DVG representing the petitioner. This parcel is on the north side of the lake, we would like to make some improvements to the parcel. We are requesting a one lot subdivision combining these 2 (two) parcels to one lot. All the existing structures are conforming to the 30 (thirty) foot setback. The petitioner is wanting to build a garage, his current garage driveway slope is 16% (sixteen percent). He intends to build an accessory structure and also improve the driveway to a 7% (seven percent) slope. There will be no living quarters in this structure. The structure building line will be even with the house, we will not be in front of the home.
2. Town Engineer's Comments: Don Oliphant stated, we received the plat on Monday so we are still reviewing the plans.
3. Building Department Comments: Tim Kubiak asked, are you dedicating that front right of way? Jack Huls stated, we have been doing a lot of work on this. There is a 30 foot piece that is owned by a previous land owner. We believe these to be in error from the title company. The original parcel went to the center of the road, technically Lorraine (previous owner) owns this piece of the parcel. A previous survey that was given to the Town did not show this piece being owned by a different person. The petitioner would like to proceed with this one lot subdivision so we can get this project started. We are in the works of getting this figured out and cleaned up. We do not know how long this may take. This piece of property does not have a separate tax id number. David Austgen stated, if this was done in error then the title company can re-record the deed. That is a simple fix that can be done by an attorney. Jack Huls, we looked at the deeds

at Lake County and there was a deed transfer of a mortgage. The title company accepted the 30 (thirty) feet probably unbeknown to her. We are assuming because they didn't want to insure the road. The last deed of record is the deed that Bianchi owns which states all but the 30 (thirty) feet. We are willing to dedicate the other 30 (thirty) feet to the Town, so the lines are matched up so when we get this taken care of it will be all in line. We ask that till we get this matched up if we can keep the fence up, also till the Town is wanting to do something with that area.

4. Commission's Discussion: John Kieपुरa asked, if that piece of the property isn't the petitioners are we still able to move on with this request? Also, you will most likely need to come back in once that piece of property is figured out to add it to the subdivision. John Foreman asked, do you think we should request 5-10 (five-ten) feet of this piece so maybe one say if we wanted to put in a bike path or sidewalks that is one less piece we would need to acquire? Discussion on these items occurred between members. Greg Parker stated, it looks like to only potential issue this piece of parcel that is owned by someone else. Greg Parker stated we will most likely need a signed agreement in hand for the 30 (thirty) feet of property to ensure that it gets cleaned up. Jack Huls stated, in the event that we don't acquire this property, the Town is able to go forth to acquire for this right of way property. Discussion continued in regard to the lot and the issues raised. There was also discussion regarding the curb and a possible stop sign being installed to reduce the speeding around the curb.

3. Centennial Phase 12-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 a Final Plat approval for Phase 12

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

4. Beacon Pointe-Letter of Credit

Owner:/Petitioner: Beacon Pointe of Cedar Lake LLC, PO Box 677, St. John, IN 46373
Vicinity: 9505 W. 137th 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 Letter of Credit Reduction

1. Petitioner's Comments: Jack Huls with DVG representing the petitioner stated, we have posted the bond for the improvements. Sanitary sewers, water, stormwater lines, streets and curbs are installed, therefore we are requesting the reduction based on that. The sewers and water has been tested by Public Works. We are working with Don regarding a couple adjustments based on the as-builds.
2. Town Engineer's Comments: Don Oliphant stated, we issued a letter last week based of the as-builds. They are in the process of responding to the comments from the letter issued.
3. Building Department Comments: no comment.
4. Commission's Discussion: no comments.

5. Schilling Development-Lakeside-Letter of Credit

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 a Letter of Credit Reduction

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1. Petitioner’s Comments: Jack Huls with DVG representing the petitioner stated, we have all the infrastructure in. Sewer and water have been tested and accepted. Depending on where we sit at the Public Meeting will determine the reduction amount.
2. Town Engineer’s Comments: Don Oliphant stated, sewer and water passed. Storm was behind a little bit with some minor issues with the as-builds. We will see where we are at in 2 (two) weeks.
3. Building Department Comments: no comment.
4. Commission’s Discussion: no comment.

Update Item:

1. Zoning Ordinance- no discussion.

*Tim Kubiak, Building Commissioner stated in regard to the Liberty Street performance bond. After further discussion, the maintenance bond is good for almost 2 (two) more years. This extra bond is in a way a double form of insurance. My opinion is to let this go until the Maintenance Bond is to expire. David Austgen stated, we currently have the money in a separate account for the surety. If Don were to issue a letter report stating this bond is in excess or not needed then it can be released. Don Oliphant stated, my concern is that although this Maintenance Bond is still good for another 2 (two) years, if they are still building for another 5 (five) years that Bond and surety is long gone while they are still using that roadway for heavy equipment traffic. Heather Dessauer asked, why are is this still in discussion? There are many phases left in this development. Tim Kubiak stated, I think the construction traffic will extend way past Liberty Street. David Austgen stated, the money is currently in an interest bearing escrow account. Don Oliphant stated, we requested and discussed this performance bond because of the way the phases are planned out and the maintenance bond is only good for a total of 3 (three) years unlike before when they were for 5 (five). Tim Kubiak stated, I think we need to reevaluate the maintenance bond when that is up. Further discussion occurred regarding the Liberty Street performance bond.

Public Comment: none.

Adjournment: 8:40 pm

Press Session: Plan Commission Public Meeting – August 16, 2017 at 7:00 pm

Chuck Becker

Heather Dessauer

John Foreman

Greg Parker

John Kiepora

Richard Sharpe

Jerry Wilkening

Attest: Jessica Chick, Recording Secretary

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