



**TOWN OF CEDAR LAKE – PLAN COMMISSION
PUBLIC MEETING MINUTES
AUGUST 16, 2017 7:00 P.M.**

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

Absent 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 Jessica Chick, Recording Secretary

Minutes:

July 19, 2017 Public Meeting

Motion made by Richard Sharpe and seconded by Chuck Becker to approve the July 19, 2017 Public Meeting minutes.

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. 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. Town Attorney's Review: None
2. Petitioner's Comments: Don Frey stated he went to the BZA and it was deferred to the next meeting. No other changes in the plan.
3. Town Engineer's Comments: Don Oliphant stated you would not require a site plan for a shed. Depends on the value of the structure.
4. Building Department Comments: Tim Kubiak stated as far as an engineered site plan goes, it is a shed. There are two ways of looking at this. It is a policy call, is this a casual use or a full blown business where you need a bathroom and electric.
5. Commission's Discussion: Greg Parker asked if there was a drawn out site plan from an engineer. Mr. Frey stated no. John Kiepura stated at the BZA the president from the association that represented 97 people and about 7 or 8 remonstrators in the audience against. Looking at 100 plus people that are against this going into that location. Thinks the structure that is being proposed is not suitable for a business. Does not want to set a precedence for businesses in a shed. Not concerned with type of business, just location. Concerns with pedestrian traffic crossing the street to get to parking and with safety of residents. Discussion on concerns from South Shore residents. Jerry Wilkening stated concerns with the lake space and riparian rights. Discussion with can he put up a temporary tent every weekend. Would be in favor of a good foundation under this shed. Mr. Frey stated he would use less space for boat rentals if this was approved. Heather Dessauer asked if he would have offered to put the shed in his parking lot and done this exact business would we be having these conversations? Greg Parker stated probably not. Heather Dessauer stated he is trying to do the right thing by coming here, pull the traffic away from the street, have a nice building on a foundation and bring another business into our town, she doesn't get the problem. If he has thirty (30) customers a day that want to rent a kayak, has a feeling that is a lot less then that is coming off the lake and across the street to buy beer. Mr. Frey stated he is trying to cut down on the foot traffic for selling beer. His main clientele are people that live in South Shore. He does not know of any issues with trespassing. Greg Parker stated there is no trespassing in the water. South Shore owns the park not the water. Greg Parker does not get the

problem. Heather Dessauer stated we need to make the town business friendly to small business owners. Chuck Becker stated he does own a business across the street that they can go to use the bathroom. Mr. Frey stated he has spent a lot of time and effort on creating a nice business. Discussion on crosswalks and stop signs being put in the area. Tim Kubiak stated the site plan is very sparse for this commission, the use is a pretty casual accessory structure to his building. There is no building code for a structure under two hundred (200) sq ft. Since it will be used for a business, want to make sure it is a decent building. Greg Parker stated if he asked to put this in his back lot, would need a special use and this would be similar to the golf course and people crossing the street. Discussion on type of building and motion with contingencies.

Motion made by Heather Dessauer and seconded by Chuck Becker to approve the site plan contingent a favorable recommendation from the BZA.

Heather Dessauer	Chuck Becker	Jerry Wilkening	John Kieपुरa	Richard Sharpe	John Foreman	Greg Parker	Vote
Yes	Yes	Yes	No	Yes	Absent	Yes	5-1

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. Town Attorney's Review: David Austgen stated the proofs for notification in the newspaper are in order. Need to confirm green card mailings.
2. Petitioner's Comments: Jack Huls, stated this was at the BZA and received an approval. Parcel 1 has an exception here and Parcel 2 is the adjacent parcel he purchased. Would like to put an accessory structure on the parcel and in order to do that need a 1-lot subdivision according to the ordinances. On Parcel 2, which is the fifty (50) ft. strip that ownership goes to the center of the road, would like to dedicate twenty (20) foot road dedication, which is consistent on Lake Shore Drive. Does not own that strip but does not need to own it to do the subdivision. Currently three driveway cuts, going to abandon two driveways and only have one.
3. Town Engineer's Comments: Don Oliphant stated he had one contingent comment, the Plan Commission needs to decide if they want a twenty (20) foot or thirty (30) foot dedication. Lake Shore Drive has a sixty (60) right of way, so it should be a thirty (30) foot, but that does not match up. Discussion ensued on how big the right of way should be.
4. Building Department Comments: Tim Kubiak stated with the depth of those lots, if there ever was a future sidewalk it would make sense for it to be on the north side. A lot of narrow properties along there.
5. Commission's Discussion: Greg Parker stated concerns with the strip of land that was left off. Need to make sure this is taken care of. Mr. Huls stated Mr. Bianchi has hired an attorney to try to straighten this out. Believes this is a title company error. Discussion of the process ensued. David Austgen stated the title company can correct the deed description and rerecord it. He also stated this plat is ready to be primary approved, would recommend consider doing that subject to Mr. Huls coming back next month and reporting on the status of the solution. Mr. Austgen also stated there were no remonstrators present.

Motion made by Jerry Wilkening and seconded by Richard Sharpe to approve the Preliminary Plat contingent Mr. Huls returns next month with a status update.

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. Centennial Phase 12-Final Plat Approval

Owner/Petitioner: North Centennial Development, LLC, 8051 Wicker Ave., Ste. A, St. John, IN 46373

Vicinity: Centennial Phase 12, Cedar Lake, IN 46303

Request: Petitioner is requesting a Final Plat approval for Phase 12

***Deferred to September 6, 2017 Work Session**

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

4. Beacon Pointe Phase 1-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: Beacon Pointe Phase 1

Request: Petitioner is requesting a Letter of Credit Reduction]

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

A motion was made by Jerry Wilkening and seconded by Chuck Becker to defer Beacon Pointe Letter of Credit and Schilling Development-Lakeside Phase 1 Letter of Credit to the September 6, 2017 Work Session.

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

5. Schilling Development-Lakeside Phase 1-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: Lakeside Phase 1

Request: Petitioner is requesting a Letter of Credit Reduction

1. Town Attorney’s Review:
2. Petitioner’s Comments: Jack Huls are asking for a deferral.
3. Town Engineer’s Comments: Don Oliphant stated they are waiting on information.
4. Building Department Comments:
5. Commission’s Discussion:
6. Commission’s Decision:

A motion was made by Jerry Wilkening and seconded by Chuck Becker to defer Beacon Pointe Letter of Credit and Schilling Development-Lakeside Phase 1 Letter of Credit to the September 6, 2017 Work Session.

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

6. Centennial Liberty Street-Letter of Credit

Owner/Petitioner: North Centennial Development, LLC, 8051 Wicker Ave., Ste. A, St. John, IN 46373

Request: Petitioner is requesting discussion on Letter of Credit

1. Town Attorney’s Review: see comments below.
2. Petitioner’s Comments: see comments below.
3. Town Engineer’s Comments: see comments below.
4. Building Department Comments: Tim Kubiak stated this is just a clarification on this \$7,500. Essentially our concerns with Liberty Street having the additional performance bond reviewed on a yearly basis was a double requirement because the road is still covered under the maintenance bond for another two (2) years. When the two (2) year passes we have to do a full inspection and when we accept or not accept it, this additional bond that we made them put as a yearly review was for the construction traffic, which in my opinion was premature, the road is covered under the current maintenance bond. In two (2) years when this maintenance bond expires, this commission, Don and myself will have a lot more concerns dependent how much this subdivision needs to be finished. This essentially will be ¼ of what we will need to

protect the construction remainder of the road at that time is going to be assured that it maintains good condition through the rest of the construction. The whole subdivision could get done and will not need to be talked about, or twenty (20) more houses could be built and we will need to put in some kind of construction entrance put in from the industrial park. Some consideration taken, think we got ahead of ourselves.

5. Commission's Discussion: Jerry Wilkening stated it was brought up and discussed and agreed upon based on Liberty Street not being on an approved street, there were no homes there. Don Oliphant stated they did not plat the adjacent homes on it. It is different than some of the other phases. There is a larger picture issue Phase 9, 10 & 12 those letter of credits will eventually expire and they are still working. Jerry Wilkening asked if it was possible to put a second entrance in before the next phase and Don Oliphant stated no. Tim Kubiak stated there is no way to get a second construction entrance in that is why we need this. Heather Dessauer stated we have said no to this twice. Tim Kubiak stated if he was Olthof and right now you have \$7,500.000 of my dollars for construction problems, and you come back to me at the end of this maintenance bond and now you want a \$25,000 bond to make sure this road is good all the way clear to where this construction is happening where will we be then. Don Oliphant stated, we said we would release it to them, it is being held in an interest bearing account right now. Tim Kubiak just wanted the clarification so everyone understood the whole situation. There is a maintenance bond and performance bond. David Austgen stated we need to get it right going forward. They did not want to give us the money and it is deposited and in an account. Now I'm hearing this is the wrong decision. Why are we still visiting this if we are wrong, if we are right then we need to move on. Tim Kubiak just wanted to clarify that it has a double insurance policy for the next two (2) years. It is officially their road and they are responsible for this road. This is a unique situation. John Kiepura stated that is our money to do any repairs needed after the bond is done and if any money left then we will return it. Had to collect on it or money was gone. Discussion continued on special circumstance and clarification.
6. Commission's Decision: see comments above.

Update Item:

1. **Zoning Ordinance** – David Austgen stated the first draft is complete and will be reviewing it over the next couple of weeks.

Public Comment: Jack Huls asked when they will adopt the new ordinance. Discussion on time frame and if can get a rough draft. David Austgen stated there will be a public hearing and work session.

Adjournment: 8:17 pm

Press Session: Plan Commission Work Session – September 6, 2017 at 7:00 pm

Chuck Becker

Heather Dessauer

John Foreman

Greg Parker

John Kiepura

Richard Sharpe

Jerry Wilkening

Attest: Jessica Chick, Recording Secretary