



**TOWN OF CEDAR LAKE – PLAN COMMISSION
PUBLIC MEETING MINUTES
May 16, 2018 7:00 PM**

Call To Order (Time): 7:20 pm

Pledge to Flag:

Roll Call:

Present Heather Dessauer	Present Greg Parker
Present Chuck Becker	Present Donald Oliphant, Town Engineer – CBBEL
Present John Kiepura	Present David Austgen, Town Attorney
Absent John Foreman	Present Tim Kubiak, Director of Operations
Present Richard Sharpe	Present Michelle Bakker, Building Administrator
Present Jerry Wilkening	Present Jessica Chick, Recording Secretary

Minutes:

March 21, 2018 Public Meeting, April 4, 2018 Work Session, April 18, 2018 Public Meeting and May 2, 2018 Work Session.

Motion made by John Kiepura and seconded by Jerry Wilkening to approve the above listed minutes.

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

Old Business:

1. Brannon-Preliminary Plat

Owner/Petitioner: Robert Brannon, 13819 Morse St., Cedar Lake, IN 46303
Vicinity: 13819 Morse St., Cedar Lake, IN 46303
Legal Description: S.1/2 S.1/2 NW.1/4 SE.1/4 SE.1/4 S.26 T.34 R.9 10.14Ac
Tax Key Number(s): 45-15-26-405-008.000-043

Request: Petitioner is requesting a Preliminary Plat for a 2-Lot Subdivision

Deferred from January 17, 2018 Public Meeting
Deferred from February 21, 2018 Public Meeting
Deferred from March 21, 2018 Public Meeting
Deferred from April 18, 2018 Public Meeting

1. Petitioner’s Comments: No Petitioner present.
2. Town Engineer’s Comments: No comment.
3. Building Department Comments: No comments.
4. Commission’s Discussion: No comments.
5. Commission’s Decision:

Motion made by Jerry Wilkening and seconded by Heather Dessauer to defer this item to the next meeting.

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

New Business:

1. Kuiper-Final Plat

Owner/Petitioner: Jeremy & Michelle Kuiper, 13970 Orchard Dr., Cedar Lake, IN 46303
Vicinity: 8919 W. 141st Avenue, Cedar Lake, IN 46303
Legal Description: PT. NW. S.34 T.34 R.9 4 A.
Tax Key Number(s): 45-15-34-126-010.000-014

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

1. Petitioner’s Comments: Jack Huls, DVG Engineering stated, we are here requesting Final Plat for the property located at 8919 W. 141st Avenue. This action will make this a legal lot of record. Everything should be in order for this item, the sidewalk will be a part of

the permit. Greg Parker asked, is the site plan all done for this? Jack Huls stated, this is a one lot subdivision for a residential neighborhood, a site plan is not required to come before the Plan Commission, just like any other residential lot. We are only administratively creating a legal lot of record. Greg Parker stated, I went and looked and there are no other sidewalks in that area. Tim Kubiak stated, this is the same situation as Shark Point, there are none over there either. All of the seminars for Town Planning show that these public improvements including sidewalks help for grant purposes. David Austgen asked Don Oliphant what the ordinance states for the public improvement bond. Jack Huls stated, it is a one lot subdivision and the sidewalk will be a part of the construction with the house as is with other subdivisions. Don Oliphant stated, it is a gray area. The ordinance is not specific as to what public improvements it refers to. In an overall subdivision we do not make them do a letter of credit for individual lots for section of sidewalk. We do however make them include the sidewalk in the letter of credit if it is in an out lot or common section of sidewalk. David Austgen asked, isn't this sidewalk in public right of way? Tim Kubiak replied, yes as is every sidewalk in every subdivision. Don Oliphant stated, it has been policy that we don't enforce. Richard Sharpe stated, we didn't require that for the lot on 133rd. Don Oliphant stated, we did not. David Austgen stated, I am aware of what the ordinance says and I just wanted it to be made clear for the record. Jack Huls stated, well if you are going to do this for this lot than you will have to impose that on every residential lot that is improved. David Austgen replied, no we would impose it on the developer who brings us a final plat on a section of a subdivision for public improvements. I just want to make sure all bases are covered. Jack Huls stated, it is usually covered with the certificate of occupancy. Because that is a public improvement, that does not make sense for the developer to install because of the construction traffic that needs to go over the sidewalk in order to bring in materials. Every community that I am aware of, when you have an individual lot, the sidewalk is excluded from the public bond and it is the responsibility of the lot owner when they construct the home. If it is not installed they do not get the occupancy or bond for it at that time. Don Oliphant stated, perhaps some clarity needs to be added to the ordinance. David Austgen stated, I am crystal clear with the ordinance and I disagree with the waiver rights and that's how what he is asking to make happen. Jerry Wilkening asked, who asked about what? David Austgen stated, I asked about a bond for a sidewalk. Greg Parker stated, these sidewalks frustrate me, especially where there are no sidewalks and Tim is right. John Kiepora stated, he was in front of the Board of Zoning and we denied his waiver to emit the sidewalk. Heather Dessauer, we did as well. Jack Huls stated, I am surprised that this came up again. My petitioner understands that this is something he needs to do and he intends to install it at the same time as the construction of his home.

- 2. Town Engineer's Comments: See above comments.
- 3. Building Department Comments: See above comments.
- 4. Commission's Discussion: See above comments.
- 5. Commission's Decision:

Motion made by Heather Dessauer and seconded by Richard Sharpe to approve the request for final plat.

Heather Dessauer	Chuck Becker	Jerry Wilkening	John Kiepora	Richard Sharpe	John Foreman	Greg Parker	Vote
Yes	Yes	Yes	Yes	Yes	N/A	Yes	6-0

2. Beacon Pointe-Final Plat

Owner/Petitioner: Beacon Pointe of Cedar Lake LLC, PO Box 677, St. John, IN 46373
Vicinity: 9505 W. 137th Avenue, Unit 2
Legal Description: Part of W1/2 SW1/4 S.27 T.34 R.9 40.65 Ac
Tax Key Number(s): 45-15-27-351-004.000-014

Request: Petitioner is requesting a Final Plat for Unit 2

- 1. Petitioner's Comments: Scott Zajac, Schilling Development stated, we are requesting final plat approval for Unit 2. At the work session we were discussing where we were at with the project, grading is complete, the pond is complete, sewers and water infrastructure are in and we have discussed numbers with the Engineer. The MS4 and three percent (3%) inspections fee checks have been delivered to Michelle.
- 2. Town Engineer's Comments: Don Oliphant stated, we are okay with the final plat and we have discussed numbers. The MS4 fee two thousand dollars (\$2,000.00), the inspection fee which is three percent (3%) of the overall estimated cost of construction which is set at forty-five thousand four hundred and thirty-five dollars and seventy cents (\$45,435.70), the overall estimate of construction is one million, five hundred fourteen thousand, five hundred twenty-three dollars and twenty cents (\$1,514,523.20), the performance letter of credit is one hundred ten percent (110%) of that which is one

million, six hundred sixty-five thousand, nine hundred seventy-five dollars and fifty-two cents (\$1,665,975.52).

- 3. Building Department Comments: No comments.
- 4. Commission’s Discussion: No comments.
- 5. Commission’s Decision:

Motion made by Jerry Wilkening and seconded by Heather Dessauer to approve the request for Final Plat of Unit 2.

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

3. Lakeside-Preliminary Plat

Owner/Petitioner: Cedar Lake 133 LLC, 8900 Wicker Ave., St. John, IN 46373
Vicinity: 5711 W. 133rd Ave., Cedar Lake, IN 46303
Legal Description: Pt. E.1/2 NW.1/4 S.25 T.34 R.9 52.57A.
Tax Key Number(s): 45-15-25-100-001.000-043

Request: Petitioner is requesting Preliminary Plat for a 146 lot Subdivision - Unit 2

- 1. Attorney to Review Legals: David Austgen stated, legals are in order for this proceeding.
- 2. Petitioner’s Comments: Jack Huls, DVG Engineering stated, this is the eighty (80) acre parcel across from Lemon Lake Park. As we discussed at the Work Session, lot configuration is almost identical to the original presented. We are looking to get primary plat approval it will be subdivided into 3 or 4 units for construction purposes. Jerry Wilkening asked, will this Unit 2 complete the whole development? Jack Huls replied, yes it will. Originally the detention pond was sized for the whole subdivision and broke out a phase 1 detention facility. There is water and sewer infrastructure that needs to be done. We are providing connectivity into Robin’s Nest through the street stub at 135th Place as well as connectivity to the parcel to the south. We are aware that we are needing water for this Unit. We are requesting the Public Hearing to be heard although we are alright with a deferral.
- 3. Town Engineer’s Comments: Don Oliphant stated, we are still working through the review. We do not think the road or the storm water will be a problem.
- 4. Remonstrators: Sherri Summa, 13625 Cardinal Lane, stated, I am hear for some more information on this development. I want to know that since we got this notice how this will affect the people in Robin’s Nest. Jack Huls stated, there is no proposed further connection into Robin’s Nest for this Unit. There will be rear yard drains hat will be put on the adjacent property and the water sheet flow will flow into the detention pond in Lakeside. There is a need for some water improvement projects for this improvement.
- 5. Building Department Comments: Tim Kubiak stated, we have had some meetings with Sheehy well and we have picked out a few places for a tentative test well drilling site. We are trying to get those locations over to you guys to see what kind of success we may have for easements. One of the spots is on the property on Morse Street, the owner was in favor of something there if necessary. We are also doing a water test to see what type of water is over here at the Lighthouse. Jack Huls stated, the detention pond is a big excavation and we would like to do that in the summer months. We would like the opportunity to dig the pond. We anticipate beginning construction Spring 2019 on the first unit. The lift station will need to be constructed, so there will probably be twenty-thirty (20-30) units that will be developed as a part of Unit 1.
- 6. Commission’s Discussion: Jerry Wilkening asked, does an approval or denial of this plan put any liability on the Town for getting water to this development? Greg Parker answered, we cannot issue any building permits until there is a water upgrade. David Austgen stated, it is even more global than that, the primary plat is the absolute step in a subdivision approval process, this is everything. The final plat as we saw earlier is ministerial. The approval does expose the Town to both time pressures and potentially financially risk for public utility response. Staff is working on this at top priority. Heather Dessauer asked, since they are wanting to begin work on the pond, is there a way to approve just that section of the request? David Austgen stated, you can but on a permit application for excavation, we can as a Town consider approving that permit including the design requirements that will make this thing work for the entirety. Jack Huls stated, we are still awaiting Don’s review and we have received Neil’s review. There is a recommendation to get together with staff regarding the lift station design, fire hydrants, we are in a position where a deferral is okay with us. If there are any action items we need to engage with anyone, we are open. Heather Dessauer asked, will be far enough in 30 days to approve this or should we thing about Plan B? Greg Parker stated, we are already thinking about plan B. John Kiepura asked, is the Town responsible for getting water to this subdivision? Originally, I thought that Lakeside was drilling their own wells

and eventually the Town would take it over. Now I am hearing that the Town is going to provide water for the subdivision. Jack Huls stated, there is an area in the designated park that according to the studies was going to be the ideal water source point, the developer spent a lot of money on the drilling in that area and the water was not good. That well was going to be a part of the Town’s system with a pump house. Joh Kiepura stated, are we being a town responsible for providing water to that subdivision? We are spending money to benefit you. Jack Huls stated, I am sure that the conversations had are something that the developer wants to be a part of. Greg Parker stated, we are not only finding water for this development, we are finding water for the entire water utility and service this subdivision. Tim it would be a partnership between the town and the developer. John Kiepura stated, I feel they are being let loose of some responsibility that they agreed to take care of. Jack Huls stated, there is not a well on this property for a water point and the water utility issue is more than this subdivision. The town is taking leadership to figure it out and will come back to us with the findings. David Austgen stated, this developer has had an extensive dialogue, engagement and discourse with Town Council leadership for three to four (3-4) years and the development of this property was requested by town leadership of the developer to seek the reinitiating of development that started with Robin’s Nest and ended over time. There is a delicacy to this plat approval process that begs for careful review. John Kiepura stated, we are at a disadvantage because we are not privy to all the information that you are. We need to know this information before approvals occur. This should have been presented at the beginning and not us having to ask pulling teeth out. Jack Huls stated, sounds like we have a good action plan in place and I just want to make sure that we are all working towards the same goal. Greg Parker stated, we have to go off that site to find water. David Austgen stated, if it isn’t found it then they can’t subdivide. Jack Huls stated, we are providing a regional lift station on this site which will greatly benefit the Town, sized to the service area. It has 3 phases of construction, it would be able to be upgrades which would ultimately service more than one thousand (1,000) homes.

7. Commission’s Decision:

Motion made by John Kiepura and seconded by Jerry Wilkening to defer this item to the next Public Meeting.

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

4. Summer Winds-Lighting Waiver

Vicinity: 133rd Ave. & King St, Cedar Lake, IN 46303

Request: Armani Development would like a waiver to reduce the number of street lights from twenty (20) to fifteen (15)

1. Petitioner’s Comments: Jack Huls, DVG Engineering stated, the new Light Ordinance states that mid-block lights, no matter the block length are required. We have back to back lots so we have a light on the corner, a light 150 feet away and another light on the corner. In a stretch of 600 feet we have 5 lights. We are requesting the lights on the short blocks be eliminated through an engineering waiver. The lighting spec, compared to Lakeside, is significantly different.
2. Town Engineer’s Comments: Don Oliphant stated, we do not have a big opposition to this. The ordinance does not state specifics but it does state that it requires mid-block lighting. For these mini blocks, I wish there was something in the ordinance which targets the mini blocks.
3. Building Department Comments: Tim Kubiak stated, our whole lighting ordinance is based off of the less is more concept, to have this many lights is against our whole lighting ordinance. Don Oliphant stated, these lights are not bright.
4. Commission’s Discussion: Heather Dessauer stated, we just did the Lighting Ordinance and here we are already deterring away from it. We need to amend the ordinance so there is no gray area. Jerry Wilkening stated, we need to see a photometric layout if you are requesting a waiver for this. It is about the coverage on the ground. Further discussion continued regarding the lights. Jack Huls stated, this is the first subdivision under the new ordinance and we may have the initial costs of putting these in and the town is responsible for the legacy cost. These are not cheap and if one of these get hit the town would need to replace them. Heather Dessauer stated, if it is up to me I suggest reviewing the ordinance and possibly amending it. I am not comfortable with the first subdivision coming in under this new ordinance asking for a waiver.
5. Commission’s Decision:

Motion made by Heather Dessauer and seconded by Jerry Wilkening to defer this item to the next meeting.

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

Update Item:

Zoning Ordinance: Not ready for review.

Public Comment: None.

Adjournment: 8:30 pm

Press Session:

Plan Commission Work Session – June 6, 2018 at 7:00 pm
Plan Commission Public Meeting – June 20, 2018 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 Kieपुरa

Richard Sharpe

Jerry Wilkening

Attest: Jessica Chick, Recording Secretary