



**TOWN OF CEDAR LAKE – PLAN COMMISSION
WORK SESSION MINUTES
JUNE 6, 2018 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
Absent John Foreman
Present Richard Sharpe
Present Jerry Wilkening

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

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
Deferred from May 16, 2018 Public Meeting

1. Petitioner's Comments: Petitioner not present.
2. Town Engineer's Comments:
3. Building Department Comments:
4. Commission's Discussion:

2. 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

Deferred from May 16, 2018 Public Hearing

1. Petitioner's Comments: Jack Huls stated, there are some outstanding engineering items to address. The water is obviously an issue, we have made some progress as there is still a ways to go. We are anticipating a deferral unless there is something significant to happen between now and the next meeting.
2. Town Engineer's Comments: No comments.
3. Building Department Comments: No comments.
4. Commission's Discussion: No discussion.

3. 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)

Deferred from May 16, 2018 Public Meeting

1. Petitioner's Comments: Jack Huls, last time we were here we were under the understanding that an amendment to the ordinance would be under review. It would be our desire that there not be a waiver but that there be some consideration of the ordinance. Greg Parker stated, we had a meeting the other night and there it was stated there would

be some discussion tonight. I am not opposed to doing some partnership, I am not going to say what or how much but some sort of exchange for some infrastructure needs. I would like some of the other commissioners to weigh in on this. Jack Huls stated, there is some room in the ordinance for some clarification regarding a back to back row of blocks. It is when we have houses back to back the ordinance still requires a light fixture on that block, which places them about one hundred fifty feet (150') from each other. There would effectively be about three (3) lights on that short block. We think it is overkill for this small block but will follow whatever you'd like.

2. Town Engineer's Comments:
3. Building Department Comments: Greg Parker asked, is this something that is needed right now? Jack Huls stated, no it is not.
4. Commission's Discussion: Jerry Wilkening stated, Don and I went to look at Lakeside Subdivision, the lights in that Subdivision have defined cut offs. I think a review of the ordinance is not a bad idea. I spoke with residents for their opinions. A detailed review of the ordinance wouldn't be a bad idea, with exact numbers. Don the mid-block definition in the ordinance is a grey area, my recommendation is to include more detail regarding mid-block lighting. Jerry Wilkening stated, we need to give it a number that will work all the time. Tim Kubiak stated, it sounds like the number should be two hundred seventy-five (275') based on the lighting. The Commission agreed for an amendment to the ordinance regarding the mid-block lighting.

New Business:

1. Cedar Lake Residential LLC-Concept Plan

Owner/Petitioner: Cedar Lake Residential LLC, 8900 Wicker Ave., St. John, IN 46373
Vicinity: 10918 W. 129th Ave., Cedar Lake, IN 46303
Legal Description: Pt. of NW.1/4 S.21 T.34 R.9 Ly'ng W. of RR & E. of Highway 41.9Ac
Tax Key Number(s): 45-15-21-151-025.000-014

Request: Petitioner is requesting a 93-Lot Subdivision Concept Plan-Oakwood

1. Petitioner's Comments: Scott Zajac, Schilling development stated this is a semi new concept plan. Around 2007, there was a plan presented similar to this one, right before the recession. We came back again with something similar and there was an issue about only having a single entrance. There is a natural buffer between commercial and residential, we didn't want to install an entrance and disturb that. We have a concept for a gated emergency exit or entrance if needed. There are two (2) rows of duplexes and single family homes for this proposed plan. The single family lots are sixty to eighty (60-80) feet wide. The entrance is at the bottom of the hill with the sewer being located in the commercial.
2. Town Engineer's Comments: Don Oliphant stated, Jack and I have been in touch regarding the ravine. They are wanting to do some inline detention
3. Building Department Comments: Tim Kubiak stated, I understand the point along the tracks for multifamily, but I also think it needs to be discussed. Jack Huls stated, this product is unavailable in Town and is selling very well, is this something that you want to discourage? Tim Kubiak stated, the HOA and maintenance free community is a big difference to have that all taken care of.
4. Commission's Discussion: Jerry Wilkening asked, is there no market for just strictly single family homes? Scott stated, the idea behind it is because of the railroad tracks, it is a harder product to sell. Jerry Wilkening asked, is this going to be an HOA? Scott Zajac stated, yes that is the idea. Jack Huls asked, would you recommend us going for a PUD? Don Oliphant asked, if all these lots were single family, what does that do to your density? Jack Huls stated, there are thirty-four (34) duplex lots that would be similar to the fifty-five (55) foot lots that Beacon Pointe has. We prefer a mix, it gives a better variety of product for market flexibility. Jerry Wilkening stated, I spoke with a realtor and she said there isn't enough variety in Cedar Lake. Joh Kiepura asked, why can't the emergency exit just be a normal entrance and exit? Greg Parker stated, because it's probably only a single lane width. Jerry Wilkening asked, how many lots are available in Monastery North? Tim Kubiak stated, probably about ten (10). Greg Parker stated, I know the multifamily is an easy market but it is getting less and less popular with the Board. Greg Parker had asked them to come to the next meeting and present this to the full board for feedback.

2. Hanover Farms, Inc. - Concept Plan

Owner: Hanover Farms, Inc., 8501 Wicker Ave., Ste. A, St. John, IN 46373
Petitioner: Joe Lenehan, Olthof Homes, 8051 Wicker Ave., Ste. A, St. John, IN 46373
Vicinity: 12412 Wicker Avenue, Cedar Lake, IN 46303

Legal Description: N.159.88ft of S.824.13ft of W.2226.79ft of S.1/2 of SE.1/4 S.17 T.34 R.9 Ex E.416 of S.65.81ft 9.061 Ac; S.664.88FT OF SE1/4 S.17 T.34 R.9 EX. S.215FT OF E.416FT & EX. N.351.89FT OF E.416.0FT 34.91AC; N.505ft of S1/2 SE1/4 S.17 T.34 R.9 Ex E.548.75ft 24.273 Ac

Tax Key Number(s): 45-15-17-476-008.000-013; 45-15-17-451-002.000-013; 45-15-17-476-007.000-013

Request: Petitioner is requesting a Subdivision Concept Plan-Birchwood Farms

1. Petitioner's Comments: Joe Lenehan, Olthof Homes stated, I had represented this to the Plan late last year. We petitioned for annexation and that process will be completed June 25, 2018. We decided to come here at this meeting, this is the same plan brought to you before. We had previously discussed access as well as changing the presented duplexes to cottage homes which we call villas. All single family and villas on this concept plan. We had requested a PUD, I have submitted that plan to you all. I am here to answer any questions. Villas are in the same price range of cottage homes. The previous access concerns were to the west, there is basically no way to do it unless building a really expensive bridge.
2. Town Engineer's Comments: Don Oliphant stated, the topography of the west end of this doesn't make it an easy point for access. Joe Lenehan stated, I will dedicate right of way anywhere needed with no problem for access. Don asked, do you want two entrances four hundred (400) feet apart? There is an unimproved right of way through 126th and there is a thought to eliminating one of the US 41 entrances. There has been issues on 41 for access. Joe Lenehan stated, I am not opposed to that although it is another access through an area with existing homes. The north entrance would be right in right out. We have no say about that, the State will tell us what we need to do. The south entrance is a full entrance in and out.
3. Building Department Comments: Tim Kubiak asked, are the villas going to be a part of an HOA? Joe Lenehan answered, yes they will be. We will be asking for a rezone to a PUD. Michelle Bakker stated, there needs to be some sort strip of land along unimproved North Street so the owners will not need to go for variances for fences, shed, etc. Joe Lenehan stated, that will be addressed in the PUD development plan.
4. Commission's Discussion: Discussion continued regarding lot coverage and lot size that was presented in the PUD development plan. Joe Lenehan stated, he would make the necessary changes that were discussed. Jerry Wilkening asked, will the HOA maintain the Parks? Joe Lenehan stated, yes they will. We will most likely start the development next year.

3. Sumara-Rezone

Owner: Bayshore Landing, LLC, 13318 Morse St., Cedar Lake, IN 46303

Petitioner: Natalie Sumara, 13318 Morse St., Cedar Lake, IN 46303

Vicinity: 7914 Lake Shore Drive, Cedar Lake, IN 46303
7727 Lake Shore Drive, Cedar Lake, IN 46303

Legal Description: PT. W 1/2 S.23 T.34 R.9 EXCEPT PARCEL 100 X 95 7 Ex. Pt. in R/W 8.897AC. **And** PT. GOV'T LOT 1 (W. PT NW. SW.) S.23 T.34 R.9 (49.62 FT FRONTAGE)

Tax Key Number(s): 45-15-23-156-006.000-043 **and** 45-15-23-303-003.000-043

Request: Petitioner is requesting a Rezone from a Residential (R-2) Zoning District to a Planned Resort (R-S) Zoning District

1. Petitioner's Comments: Natalie Sumara stated, I am a long time resident of the town. I am familiar with running a campground and a resort as my parents had owned one. The Zimmerman's owned this property, it was originally zoned resort. At one time on this property there were up to seven (7) mobile homes. Mrs. Zimmerman told me that the sewer laterals were hooked up. The Zimmerman's sold this to a developer and was never developed because of the wetlands. I am asking to revert this back to resort zoning except not for a mobile home park but a campground. There are 2 single family residences and one duplex currently there. I would like to have roughly 7 at this time, because we do have the electricity and sewer lateral, it just needs to be updated. In the back of the property I would like tent camping and possibly tiny homes for recreational use. Jerry Wilkening stated, there are currently only four (4) sewer taps on this property at this time. I would not like to see everybody around the manhole with their discharge.
2. Town Engineer's Comments: Don Oliphant stated, if this proceeded to where Mrs. Sumara is wanting to go we would need a site plan approval. I have no comments on the rezone.
3. Building Department Comments: Tim Kubiak stated, you biggest hurdle would be. There needs to be infrastructure and planning for a campground. Rehabilitating those existing

can be quite complex. I think the campsite theory I don't see why that can't be approved by a special use variance and a site plan. You need to think about access and many other issues.

4. Commission's Discussion: Jerry Wilkening stated, the previously submitted drawing was more detailed before. Are you aware of the cost to bring all the infrastructure up to today's standards? Natalie Sumara stated, first I want to worry about the rezoning of the property. I am used to running a resort and rentals. Tim Kubiak stated, in order for us to consider a rezone you need a plan. We need to see what you are wanting to do in detail or just a special use for R-2 zoning. Greg Parker stated, you don't necessarily need a rezone. Natalie Sumara stated, I need to figure out how the current infrastructure is. Jerry Wilkening stated, you will want to get approval for a special use variance for a campground. Tim Kubiak stated, I do not think a campground is allowed in a resort zoning. Jerry Wilkening stated, you need your infrastructure evaluated and an accurate survey done of your property. Natalie Sumara stated, my vision is rather small. I just want the areas that were used for trailers redone and connected. Jerry Wilkening stated, we need to know that those are working before anything would be approved. Natalie Sumara stated, your suggestion to me is to evaluate the infrastructure, and have a site plan for my vision. Tim Kubiak stated, having a gas hookup for each trailer would only be inviting a trailer park on this location. We would not want natural gas ran to this location for that reason. Don Oliphant stated, there are wetlands on this property. Jerry Wilkening suggested, you need to talk to a land developer or engineer on what needs to be done to go into this. Natalie Sumara stated, just to reiterate what I need. I do not need to go for a rezone I can apply for a special use variance with an approved engineered site plan. Michelle Bakker stated, yes. You would need to have the site plan approved first and then apply for the special use variance. Natalie Sumara asked, if someone came to me that had a boat and a trailer to park on this property, is it legal for them to do that? Tim Kubiak stated, no you would need approval for that through a site plan and the like. You are residential zoning.

Update Item:

Zoning Ordinance: No update.

Public Comment: There have been some topics wanting to be addressed from the Town Council meeting last night. We had discussed impact fees for roads, redevelopment fees for water, and building permit increases, accident reports. Michelle Bakker stated, I think there needs to be and increase on special use variances and vacations but not necessarily permit fees. Tim Kubiak stated, we just increased the permit fees. Greg Parker stated, the financial issues stem from that it is not far to continue to pass the cost of growth onto current residents. Michelle Bakker stated, when we increased permit fees we changed it so we didn't greatly impact current residents. Tim Kubiak stated, everyone might think that we are St. John but we are not. We are in line with building permit fees if you exclude St. John from the mix. We put a 30% fee on building permit fees. Greg Parker asked, what is a new home permit for a \$200,000 permit? Michelle Bakker stated around \$10,000. Tim Kubiak stated, our numbers were very close to those suggested by the financial advisors. Greg Parker stated, the only things that I want to discuss are the things that impact the cost on current residents. Tim Kubiak stated, we need to look into some sort of recapture agreement when it comes to infrastructure. I think we have been doing a pretty good job as new developments have come in. We have been having upgrades completed and there is some short fall on the water on the east side. We have some sort of system development fee for the west side water but not for the east side. Greg Parker stated, we have already been looking into a recapture agreement for water. Tim Kubiak stated, there are fifteen (15) houses in Lakeside that we could have charged a system development fee. If we followed through with that we would have money set aside in an account but that ball has been dropped. Krystal Oaks has also built quite a few houses. Greg Parker asked, does anyone support the increase on new permit homes? Chuck Becker, no. Jerry Wilkening, no. John Kiepora, no not if it will be priced so high that it curtails development but yes if it will take the cost off of current residents. We need to stop approving all of these developments if we can't offer utilities. Jerry Wilkening stated, we haven't figured out the park impact or park in lieu fees, we need something that fits better. I think it is bad business to increase permit fees again. Greg Parker stated, what is everyone's opinion on road impact fees? When we redo a road the current residents get the bill for that. There is a statute that states we can place a charge for road impact fees. Jerry Wilkening stated, we need to do something regarding this. We need long term improvements. Don Oliphant stated, what about a wheel tax? Tim Kubiaks stated, we have a lot of fees on new developments. Greg Parker stated, all the new people that come in trying to change things. This is not Illinois and the residents who have been here for forever should not be paying for the costs of all this new development. We don't want to turn anyone who wants to live here away but we need to get it under control. Jerry Wilkening stated, we need to make this town sustainable for the current and new development. Bob Carnahan stated, we need to do something

to accommodate public safety. Jerry Wilkening stated, I think the road impact fee is a great idea but we can’t get crazy with it. Don Oliphant sated, I think we all know that we are far behind on roads. My question is how long will it take for those road impact fees to grow till we can use it. Tim Kubiaks stated, where are the taxes going? Greg Parker stated, most of the money goes to the School Corporation. Don Oliphant stated, my suggestion would be a wheel tax. Greg Parker stated, I disagree. That is just putting the bill back on the residents who have been here for forever. Don Oliphant stated, but we have roads and subdivisions that have been here for forever that don’t have storm water drainage. Discussion continued regarding being able to sustain the town with new development.

Adjournment: 9:07 pm

Press Session:

Plan Commission Public Meeting – June 20, 2018 at 7:00 p.m.
Plan Commission Work Session – July 5, 2018 at 7:00 p.m.

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