



**TOWN OF CEDAR LAKE – PLAN COMMISSION  
PUBLIC MEETING MINUTES  
JUNE 20, 2018    7:00 P.M.**

Call To Order (Time): 7:15 pm

Pledge to Flag:

Roll Call:

Present Heather Dessauer

Present Chuck Becker

Present John Kiepura

Present John Foreman

Present Richard Sharpe

Present Jerry Wilkening

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:**

May 16, 2018 Public Meeting and June 6, 2018 Work Session.

Motion made by Jerry Wilkening and seconded by Chuck Becker to approve the May 16, 2018 and June 6, 2018 meeting minutes.

Heather Dessauer	Chuck Becker	Jerry Wilkening	John Kiepura	Richard Sharpe	John Foreman	Greg Parker	Vote
Yes	Yes	Yes	Yes	Yes	No	Yes	6-1

**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: No petitioner present.
2. Town Engineer's Comments: No comment.
3. Building Department Comments: No comment.
4. Commission's Discussion: Heather Dessauer stated, has there been any progress? Michelle Bakker stated, I have not heard anything. Heather Dessauer stated, can we just remove this item from the agenda? John Foreman stated, can we inform him that we are voting to remove this item? Heather Dessauer stated, he hasn't informed us with any updates. John Kiepura stated, he hasn't given us the common courtesy to tell us that he won't be here.
5. Commission's Decision:

Motion made by Heather Dessauer and seconded by Jerry Wilkening to remove this item from the agenda.

Heather Dessauer	Chuck Becker	Jerry Wilkening	John Kiepura	Richard Sharpe	John Foreman	Greg Parker	Vote
Yes	Yes	Yes	Yes	Yes	No	Yes	6-1

**2. Lakeside-Preliminary Plat**

Owner/Petitioner: Cedar Lake 133 LLC, 8900 Wicker Ave., St. John, IN 46373

Vicinity: 5711 W. 133<sup>rd</sup> 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 Slager stated, representing Cedar Lake 133 LLC, this has been before you before with discussion regarding the final phases. We want to keep this in front of you showing that we aren’t going away. We had a meeting with Mr. Kubiak and Mr. Simstad to discuss water and sewers. We are waiting for the review on the storm sewer from the Engineer. We are interested in continuing on with this development and want to continue to work with the Town to find water for the east side. From our meeting with Neil we discovered there is capacity for maybe twenty (20) homes as it was tested prior to this development. We platted for fifty-four (54) with the possibility of twenty (20) currently. A test can be determined to see the exacts of what we are working with. We need to gauge our velocity now that we are gaining momentum. We may come back and ask for the amount the capacity can withhold. Our layout has not changed much and we don’t plan for it to. We are requesting a deferral but would like plat approval subject to many contingencies at a future meeting.
2. Town Engineer’s Comments: Don Oliphant stated, is it prudent to think this plat approval to those lots that we have water supply for? David Austgen stated, that is exactly what we would do.
3. Building Department Comments: Tim Kubiak stated, you are basically calling dibs on the capacity the water can currently withhold. We discussed those water taps and suggested they come and ask for them.
4. Commission’s Discussion: John Kiepura asked, where is the water coming from? Jack Slager stated, from Robin’s Nest wells.
5. Commission’s Decision:

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

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

**3. Summer Winds-Lighting Waiver**

Vicinity: 133<sup>rd</sup> 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 stated, we received primary plat approval for this project just before the new lighting ordinance was adopted. We have been discussing one area of the ordinance that is unclear. Minimum length of a block that would no longer need a light. We would have spacing about every one hundred thirty-five (135) feet in five (5) different locations because of the configuration. There as discussion about an amendment to the ordinance and at this time we would still like to request the waiver. NIPSCO is now requesting lighting placement and we need to get that over to them.
2. Town Engineer’s Comments: Don Oliphant stated, we have done a small revision to the ordinance based on what we discussed. Giving a minimum for mid-block lighting the current ordinance is ambiguous, this amendment makes it more certain. We increased the wattage of residential lighting and requiring mid-block lighting for anything greater than two hundred seventy-five (275) feet to the proposed amendment. This gives leeway in the fixtures and for future site plans.
3. Building Department Comments: Tim Kubiak stated, I have no problem with the request as long as it meets the new ordinance. This request makes sense for the block layout of this subdivision. If everyone is in favor of the amendment, I am in favor of the waiver request.
4. Commission’s Discussion: Jerry Wilkening stated, we came up with the two hundred seventy-five (275) number based on a group discussion and I think it works well. Where does the amendment process start? David Austgen stated, the waiver request is currently in front of you. \*You can take action to make an amendment to the lighting ordinance. You can direct traffic by motion or direction, there will be a Public Hearing before this commission that will send the ordinance to the Town Council. Heather Dessauer asked, with these changes to the ordinance will they need a waiver? Don stated, no.
5. Commission’s Decision:

Motion made by Jerry Wilkening and seconded by Richard Sharpe to approve the request as written.

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. Cedar Lake Residential LLC-Concept Plan**

Owner/Petitioner: Cedar Lake Residential LLC, 8900 Wicker Ave., St. John, IN 46373  
Vicinity: 10918 W. 129<sup>th</sup> 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: Jack Slager stated, this piece of property was presented at the last work session. There are a few homes along 129<sup>th</sup> that we do not own but do have some frontage along 129<sup>th</sup>. The property is currently zoned B2 and R1 in the rear. The new zoning would follow the creek. We are good with B2 for the frontage along 41. We are proposing duplexes, 60 foot single family lots, and 80 foot single family lots. Similar to Beacon Pointe, we are requesting PUD zoning to avoid variances. If you are favorable to this layout then we will proceed with the PUD zoning process. This was brought before you and the concern was only one entrance. In addition to the large split entrance off of 129<sup>th</sup>, we have an emergency access point down a ways on 129<sup>th</sup>.
2. Town Engineer’s Comments: No comment.
3. Building Department Comments: No comment.
4. Commission’s Discussion: John Foreman stated, you have 40, 60 foot single family lots, 12, 80 foot. There are some nice sized lots and some multifamily walkouts, I would prefer to see larger lots than 60 feet. I understand having duplexes along the tracks but I would like to see a better mix. Jack Slager stated, it is a challenging site because we are wedged between business and railroad tracks. We don’t see getting super high end housing in there, a single family home on a 60 foot lot would be looking at a starting price of \$300,000 and up. John Foreman asked, what is the depth of those lots? Jack Slager stated, 145 feet. We are keeping the wooded area in the middle as well as 8.9 acres of undeveloped land. John Kiepura asked, why do you have single family homes along the north end of the railroad tracks and duplexes along the southern end? Jack Slager stated, we are trying to create smaller communities or neighborhoods of like houses. John Kiepura stated, all these subdivisions are supposed to have two (2) entrances and exits. The developers try to get away with having larger split entrances and it doesn’t work. If the chief says we need two if we block one off, and it doesn’t work. Jack Slager stated, we have a private drive for emergency vehicles. John Kiepura stated, that needs to be a second entrance and exit, not a private drive. Havenwood as an example, there is a split entrance, an emergency gate that has never been used, the fire department comes in off of cline. It is a lousy solution for the two (2) entrances, I would like to see the emergency route as a full entrance and exit. Jerry Wilkening stated, with the 129<sup>th</sup> project moving forward will the hill be changed? Don stated, no. Greg Parker stated, the multi family is another topic that is raising concern and unpopular to many. Jack Slager stated, if there were not a set of railroad tracks we would be looking at other product. We are trying not to use all the wooded areas on this development. This is the similar plan that was proposed to you before. Jerry Wilkening stated, I live in the subdivision to the south and those houses along the tracks sell just as good as the others. Jack Slager stated, we would like to see two (2) different products in this development. Chuck Becker stated, I would like to see larger lots. Jack Slager stated, I will take this back and see if we can make the numbers work. All eighty (80) foot lots do not work from a financial standpoint.

**2. 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 (RS) Zoning District**

1. Attorney to Review Legals: David Austgen stated, the legals appear in order for the public hearing subject to verification.

2. Petitioner's Comments: Natalie Sumara stated, I wanted to let you all know I grew up in Cedar Lake. In 1954 my parents purchased a resort on the lake, we grew up with vacationers all the time mostly from Chicago. We never had any issues with any vacationers coming to our resort. I purchased this property and this property at one point was zoned resort. The property across the street shows there were 19 mobile home spots and the zoning at that time was resort and business. When the Zimmerman's owned the property there were seven (7) mobile homes on this property. I do fee bad for the people who bought on Lee Court for them not knowing the background. Anytime there is change there will be opposition there even was for the Lighthouse Restaurant. Perhaps some sort of wall can be built. A developer came along and proposed an idea to build forty-five (45) condominium units, which was approved by the Town. The Army Corp of Engineers did not approve this request because some of this land is wetlands. They gave up the idea and sold the property after spending a lot of money on different testings'. Once I purchased it I cleaned up the property and assessed the best use for the area. The best use is for businesses and keeping the idea of vacationers in town, we do need places for people to come. They spend money for our local businesses which brings money back to the town. If we are not interested in having vacationers and that resort type of atmosphere and shut off the lake to those who don't have lake access then I need to think differently. I would like to hear from our council members for their vision of Cedar Lake in the future. The boat launch fills up before noon and I think we need to think of where these people will go. There are about nine (9) acres on this property with room for RVs, tent camping and other things. The cedar Lake Ministries is very nice and clean. I went and spoke to them about what they think and I began getting phone calls from people interested in renting my spaces out. My engineer's son passed away so he could no longer work on this project which is why I don't have a professional drawing at this time.
3. Town Engineer's Comments: Don Oliphant stated, we don't really have anything at this point until we see a detailed site plan. There are some challenges to this site and need more information to evaluate it.
4. Town Attorney's Comments: David Austgen stated, you have two courses of action here, you can certify a recommendation to the Town Council based upon the application made, favorable unfavorable or none. Town Council would then act on the recommendation. The second is that Mrs. Sumara withdrawals the submission until she has what is needed for this to be considered. With the withdrawal a new petition would be made and everyone would then be notified.
5. Remonstrators: Greg Parker read three (3) letters into the record remonstrating against this petition from James Miller; 12810 Lee Court, Shauna Toth; 12820 Lee Court , and Chris and Janice Jadrych; 12817 Lee Court. (Letters attached)  
**Brian Toth, 12820 Lee Court**, stated, I brought some pictures showing how close the proposed RV site is to my yard, it is about thirty (30) feet away. I am against this, my property value would shoot down. She is keeps on bringing up the trailer park that used to be there, it is zoned residential now for a reason. Our kid's bedroom is 50 feet away from the proposed RV site. I have never camped that close to a residential area.  
**Shauna Toth, 12820 Lee Court**, stated, my biggest concern is this is so close to our home there would be no privacy especially with winter long access. They could be able to see in all of our homes. There would be people coming in that we don't know, there are too many questions. Our neighbor contacted the Army Corp of Engineers and they brought up how far a residence needs to be from a resort as well as the wetlands and disrupting it. You must recontribute to the disruption. A few months ago there was a large trench being dug with a line to the pump house. I contacted to town and no permits were given. When we first moved in there as an above ground propane tank that was leaking and the town told her that when it was a campground it was the gas line. They are illegal and need to be underground. It is a danger although it is not leaking anymore. How can you ensure that what you set forward for her to do is done accordingly?  
**Chris Vallo, 12807 Lee Court**, stated, we are against this. I had not received notice of this I am a police officer and I work all sorts of shifts. You have heard all of the argument over the safety of the children. We live next to the retention pond and get children walking through all the time. I cannot stop kids from coming through all the time and they can see into our homes. Having a campground there would allow anyone to walk right through our neighborhood. Who will enforce the rules? The police department has not grown enough as the town has. You also need to look at the ecosystem, it all revolves round those wetlands. I encourage development in town, this is however the wrong location. The old school that is off Cline Street is an ideal location, it even has a pond. We don't know if this will even be beneficial to the town.  
**Keith Grady, 12806 Lee Court**, stated, this is a scary thing. It is dangerous to the residents in the area and I am against this.  
**Cindy Grady, 12806 Lee Court**, stated, I feel bad that she is trying to develop this. I grew up on the conference grounds and the size comparison is no comparison. No alcohol is allowed on the Conference Grounds.

**Janice Jadrych, 12817 Lee Court**, presented pictures showing how close the pump house is to her property and deck. She recently sided and reroofed the shed but not the eye sore that we need to look at.

**Chris Jadrych, 12817 Lee Court**, stated, I have been reading many rules and regulations regarding this stuff. She is stating nine (9) acres but you cannot building on wetlands. If she were proposing something closer to Lake Shore Drive she would be expanding as far back as she would like closer to our property. Doesn't she need a letter from DNR before she could even get to this point? Greg Parker stated, no not for a zone change. She has been told she needs an engineered site plan. I am against this and one of my biggest attractions to this property were the wetlands in my backyard.

6. Building Department Comments: Tim Kubiak stated, to the remonstrators, Mrs. Sumara has come to the BZA for a variance request which was deferred pending on a site plan and plan. You can all rest assure that till there is a plan to approve nothing will be moving forward with this request. We all are aware of the unknowns that you all are concerned with. At this point and time there is nothing here to vote on.
7. Commission's Discussion: John Foreman stated, you are presently asking for a rezone from R2 to RS. I think it is an interesting concept and idea, I believe you like the conference ground would need up with some nice folks. I think what is hurting you are the unknowns. The trailer park created a list of rules and the new owners came and worked with us to make it professional. I am not saying that if you do all of this that the board will weigh in one way or the other but presenting this with the drawings you have today is quite a challenge. It is premature to ask for the zone change. Those are my comments, it looks like you are wanting to do five (5) RV sites? Natalie stated, actually I drew this up myself because the engineer backed out. I know I needed to present something and this would just be the first phase. There are currently seven (7) spots for mobile homes. The gas and water is already there to set up and this would make it simpler. John Foreman stated, after sitting on this board for a while asking for a zone change is monumental. Once a person gets a zone change it is for forever. All zone changes were given pre 2008. Having going into a zone change without knowing all the details is not good. I suggest finding a new engineering firm to clearly define everything. If you want to keep this hope alive that is my suggestion. I appreciate you wanting to invest in the town. Heather Dessauer stated, my only question was capacity and it sounds like you don't have that answer. Natalie stated, the sketch was just to start it up right away. My intention is to have between 25-30 RV spots and about 30 tent camping spots. Heather Dessauer asked, are these temporary or permanent? Natalie stated, they are temporary but winter friendly. John Foreman stated, so that becomes more of a trailer park than a campground. We would need all of that clearly defined. A campground becomes a permanent location for full time. I am not in favor of a mobile home park. We need to protect the residents and community. It would be great for people to have a spot but you will need to define it as a campground with set rules. John Kiepora stated, the last time she was here we had asked to her bring an engineered site plan which she has not done. My question is you have nine (9) acres, how much of that is wetlands? Natalie stated, about half. John stated, my concern runs with John, eventually this will turn into a big mobile park. Natalie stated, I think the way to prevent that is to not offer the gas. Winter friendly is for people who come for ice fishing. I didn't mean they would stay all year but for it to be open during the winter. John Kiepora stated, we need a detailed plan with covenants. Natalie stated, I don't want to make the same mistake as the developer with the condominiums. How would I go around not to spend all sorts of money without the Army Corp of Engineers. David Austgen stated, that is where the engineer will come into play. They will be able to know everything that needs to be done in regard to the wetlands. Natalie Sumara stated, I would like to talk to an engineer prior to making a decision. If I were to withdrawal until I hire an engineer and propose a plan, would it be the same process that I have been through? I am requesting a deferral until the work session. David Austgen stated, Tim Kubiak stated, you need to remember she is requesting a rezone request. John Foreman stated, I think a rezone is a steep request. It is a challenging request with residential all around you.
8. Commission's Decision:  
Heather Dessauer made a motion to take this request off the table to ensure that once presented again all the adjacent property owners will be notified. Natalie stated she wishes to withdrawal her request at this time. Heather Dessauer stated, we do not have the adequate information to make a decision at this time. Natalie stated, I am withdrawing at this time as I am hearing a lot of opposition to my request at the current time.

**Update Item:**

**Zoning Ordinance: No comments.**

**Public Comment:**

Greg Parker stated, the next Work Session is scheduled for July 5, 2018 which is the night of the Summerfest Fireworks. How do you all feel about combining the Work Session and the Public Meeting? Commission agreed to combine both meetings on July 18, 2018 at 7:00 pm.

Motion made by Jerry Wilkening and seconded by Richard Sharpe to move the July 5, 2018 Work Session to the July 18, 2018 Public Meeting where both meetings will be held.

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

\*Motion made by John Foreman and seconded by Jerry Wilkening to make an amendment to the Lighting Ordinance regarding Section C. paragraph 3 as earlier discussed and presented.

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

**Adjournment:** 8:50 pm

**Press Session:**

Plan Commission Work Session & Public Meeting – July 18, 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.*

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**Chuck Becker**

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**Heather Dessauer**

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**John Foreman**

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**Greg Parker**

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**John Kiepura**

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**Richard Sharpe**

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**Jerry Wilkening**

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**Attest: Jessica Chick, Recording Secretary**