



**TOWN OF CEDAR LAKE – PLAN COMMISSION
WORK SESSION & PUBLIC MEETING MINUTES
JULY 18, 2018 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 John Foreman
Present Richard Sharpe
Present Jerry Wilkening

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:

June 6, 2018 Work Session Minutes and June 20, 2018 Public Meeting

Motion made by John Kiepura and seconded by John Foreman to approve the June 6 and June 20, 2018 meeting minutes.

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

Old Business:

1. 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
Deferred from June 20, 2018 Public Meeting

1. Petitioner’s Comments: Jack Slager, Schilling Development stated we are looking to get the primary plat approval for Unit 2 of Lakeside. We have presented this a few times in the last few months. The small lake in the middle and the remaining lots along the outside is what is before you. We held the Public Hearing and had deferrals afterwards to work on some engineering issues. We are requesting primary plat approval for what is remaining. One major issue is the water supply issue and there are approximately 25 (twenty-five) taps available for homes on the existing water system as it currently stands. We are requesting primary plat approval with the contingencies that no more than 25 (twenty-five) lots be final platted until there is a supply of water. We will be back in stages for final plats.
2. Town Engineer’s Comments: Don Oliphant stated, water is one of the bigger issues here, we issued a letter on the 10th. Jack has responded back we just haven’t had a chance to look at it. Regarding the plat itself, it is okay. I think that this is a good middle ground for time to figure out what we are doing with water. Do you know how long the 25 (twenty-five) available water taps will last you? Jack Slager replied, we have momentum going with the development and we feel these lots will get us through the end of next year. At some point next year, I will be looking for more lots, I stay 6 (six) months ahead of the builders. Don Oliphant stated, there are 3 (three) things for consideration. The Commission needs to decide if they will require the two (2) way access points to be constructed as a part of those 25 (twenty-five) homes. It is not included as a part of it right now. That connection would be 135th into Robin’s Nest. The other would be Park dedication. Jack Slager stated, your Park Ordinance is about 5 (five) pages long. We have dedicated a platted park with Unit 1, it was 1.2 (one point two) acres. This was intended to be a park and well site and now it is just the park. Jack Huls reviewed the entire eighty (80) acre development, trying to find a balance between land and dollars. We can either do a combination of land and dollars or one or the other. We have been through this on the other developments. Your ordinance provides some credit for open space area, based on Jack’s calculations, with the existing park, we would like to propose in addition to the land that has been dedicated, a contribution of forty-five thousand five hundred and

eighteen dollars (\$45,518.00) throughout the course of this development. David Austgen asked, are you proposing cash or the value of that amount? Jack Slager stated, I would prefer spending it on our park and development. Don stated, the ordinance is gray on what is considered a private open space, I don't know if the lake detention basin qualifies for that. You estimated your fair market value at thirty thousand dollars per (\$30,000) an acre of land? Jack Slager stated, yes that is what we have used recently for another development. Don stated, that is up for debate. The Plan Commission needs to decide between land dedicated as park land and open space and a fee of lieu of the land. John Kiepura stated, regarding Beacon Pointe there were 2 (two) formulas which they receive the lower of the two. I think we need to get top dollar. Jack Slager stated, one of the easiest ways to go about this would to be give \$450 (four hundred and fifty) dollars per lot and give no land. Don stated, that is geared for development without adequate acreage. Jack Slager stated, we debated whether we wanted a park or not. There are 2 (two) parks close to this development. Jerry Wilkening asked, how can the pond be considered recreation area if there are no boats allowed? Jack Slager stated, there is public access and it is fishable. Jack Huls stated, we are not taking credit of the full pond but only 35% (thirty-five) percent of it. Thirty-five is a number we thought was reasonable to include that area as an accommodation. Jack Slager stated, regarding the two access points. The access road going into Robin's Nest, we haven't had many issues with the one access point this far. We would like that access point to be created in Block 2. John Foreman stated, I would prefer to wait. That way the concrete in the road that the Town will someday own will be in the ground less time.

3. Town Attorney's Comments: David Austgen stated, there has been a lot of a productivity in regard to water since the last time we have met. There has been authorization at the Town Council level of the design proposal for the 250,000 (two hundred fifty thousand) gallon standpipe in the Lemon Lake/ Krystal Oaks area. There is a one hundred (100) day time frame for that contract to be completed and design to be presented. The financial advisors have been engaged for the system development charge rate review, rate analysis necessary to identify what the proper costs should be for the system development charges, non-reoccurring charges and the like so we can begin that process. In addition the offsite review continues for the offsite water supply that can be available.
4. Building Department Comments: Tim Kubiak stated, he is accurate we have 25-26 (twenty-five to twenty-six) available taps. That is our absolute cap.
5. Commission's Discussion: John Kiepura asked, where do we stand with the water? Are we still searching? Greg Parker stated, once we have the standpipe there should be more. Tim Kubiak stated, we have enough taps for twenty-five (25) more homes. John Kiepura stated, I am worried about the rest of the development. Don Oliphant stated, any approval would be contingent on any approvals now. John Foreman stated, we are looking for clean, better quality water then what we have found. Tim Kubiak stated, it will all be on one east side system. John stated, I just don't want to go ahead when we don't have water to supply. Jack Slager stated, even for us to move forward with twenty-five (25) more homes we need to have a comfort level that it will be here within a year. Jack stated, we want primary approval on the entire plat with final plat for the twenty-five (25) lots that we currently have taps for. Chuck Becker asked if this accounts for the vacant lots in Krystal Oaks. Tim Kubiak replied, yes. John Kiepura stated, I am not okay with moving forward without having a discussion for the parks.
6. Commission's Decision:

Motion to defer this made by Jerry Wilkening and seconded by Chuck Becker to defer this to the next meeting.

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. Great Oaks Acres – Letter of Credit

Owner: Robert Henn, 15212 Oakdale, Cedar Lake, IN 46303
Petitioner: Henn & Sons Construction, 13733 Wicker Ave., Cedar Lake, IN 46303
Vicinity: 13077 Wicker Ave., Lot 1, Cedar Lake, IN 46303
Legal Description: Great Oaks Acres Storage Lot 1
Tax Key Number(s): 45-15-21-301-021.000-014
Request: Petitioner is requesting a Maintenance Letter of Credit

1. Petitioner's Comments: John Henn stated, we do not have the as-built for this meeting. We are asking to be deferred to the next meeting.
2. Town Engineer's Comments: No comment.
3. Building Department Comments: No comment.
4. Commission's Discussion: No comment.

5. Commission’s Decision:

Motion made by Jerry Wilkening and seconded by John Kiepura 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	Yes	Yes	7-0

2. Beacon Pointe-Unit 2-Letter of Credit Reduction

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 for Unit 2

- 1. Petitioner’s Comments: Jack Slager stated, they have not completed all the inspections required to issue the reduction. We would like to defer this item to the next meeting on August 1, 2018.
- 2. Town Engineer’s Comments: No comment.
- 3. Building Department Comments: No comments.
- 4. Commission’s Discussion: Jerry Wilkening asked how many acres is this development? Jack Slager stated, fifty-five point seven (55.7) acres.
- 5. Commission’s Decision:

Motion to defer this item by John Kiepura and seconded by John Foreman to defer this item to the August 1, 2018 meeting.

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. Carey-Preliminary Plat/Rezone

Owner/Petitioner: David & Debra Carey, Ryan Dykema, 7205 W. 145th Ave., Cedar Lake, IN 46303
Vicinity: 13430 Morse St., Cedar Lake, IN 46303
Legal Description: NW. S.26 T.34 R.9 3.304 Ac PT. LOT 2 and PT GOV. LOT 2 S.26 T.34 R.9 315.81X170X310X199.86 FT 1.328 AC M/L and Pt. Gov. Lot 2 NW.1/4 S.26 T.34 R.9 1.01Ac and WOODLAND SHORES ADD BLOCK 1 LOT 12 & PT OUTLOT A ADJ and WOODLAND SHORES ADD BLOCK 1 LOT 11 & PT OUTLOT A ADJ and WOODLAND SHORE ADD TO CEDAR LAKE L.10 BL.1 & THAT PT. OUTLOT 'A' ADJ. and WOODLAND SHORES ADD BLK 1 LOT 9 & PT OF OUTLOT "A" ADJ and WOODLAND SHORES ADD BLK 1 LOT 8 & PT OF OUTLOT "A" ADJ and WOODLAND SHORES ADD BLK 1 LOT 7 & PT OF OUTLOT "A" ADJ and WOODLAND SHORES ADD BLK 1 LOT 6 & PT OF OUTLOT "A" ADJ and WOODLAND SHORES ADD BLK 1 LOT 5 & PT OF OUTLOT "A" ADJ and CEDAR POINT PARK ALL OF LOTS 158 & 159
Tax Key Number(s): 45-15-26-179-032.000-043 and 45-15-26-179-033.000-043 and 45-15-26-179-034.000-043 and 45-15-26-179-039.000-043 and 45-15-26-179-040.000-043 and 45-15-26-179-041.000-043 and 45-15-26-179-042.000-043 and 45-15-26-179-043.000-043 and 45-15-26-179-044.000-043 and 45-15-26-179-045.000-043 and 45-15-26-179-046.000-043 and 45-15-26-179-004.000-043

Request: Petitioner is requesting a Rezone from R1, R2, B1 to R2 and B1

- 1. Attorney to Review Legals: David Austgen stated, the legal notices in the newspapers are in order and timely published for this Public Hearing. The green cards will need to be reviewed and any decision made tonight should be subject to verification. These notices were sent out simultaneously with another petition by the Petitioner.
- 2. Petitioner’s Comments: Jack Huls, DVG Engineering representing the petitioner stated, would you like to handle the zoning and preliminary plat together or separately? Separately. Jack presented a copy of the zoning map pointing out the current zonings of these parcels. A large percentage of the current land is zoned B2 but there were some seasonal cottages here and where those were located are currently zoned R1. We are requesting that that little piece of R1 be converted to R2 to match all the surrounding zoning. We also have a commercial lot with the front portion zoned B1, we are requesting

that the rest of lot 10 would also be zoned B1. We know there is a site plan required for any commercial development that would be before the Plan Commission. We are probably about two (2) years out from that but we would like to make it a legal lot of record. We will do some mass grading to make it build ready and providing the detention for that property as a part of this subdivision. We are providing storm sewer taps, and all the other utilities are there. We are just cleaning up the zoning and that is our petition tonight. The legal descriptions submitted are all of lot 10 we are taking the entire parcel and asking for the zoned changes. David Austgen asked, will these follow the lot line in the subdivision? Jack Huls replied, yes. David asked, so when the subdivision is approved, it will call out this lot. Jack Huls stated, we can do it that way or we have provided actual metes and bounds descriptions for these parcels so that the zoning can go ahead of the plat, which is what we would like to do. David asked, why would you want metes and bounds descriptions of a platted subdivision? Jack replied, a part of the plat would be contingent upon the zoning being approved. Zoning would then go as an ordinance to Town Council, but the subdivision wouldn't exist until we have final plat approval so we can't call these lot 9 and 10 until final plat. David stated, the Town Council doesn't need to act on that ordinance until the subdivision is platted. Jack stated, we can work out the details if you would rather have it be that way. David stated, my recommendation is that there be no metes and bounds. One of the reasons for platting is to create lots of record out of a parcel that has been subdivided for many different reasons. Jack Huls stated, we are fine with either direction that you would like to go with this. Heather Dessauer asked, what is the purpose of the B1 stretching over to 136th? Jack stated, one of the access points for the B1 would be used for deliveries or something like that. We wanted to provide it for a driveway, we aren't sure what exactly he is wanting to do there yet. Don Oliphant stated, if that lot ten (10) is given the zoning change, there is no site plan for that right now. They would still need to come in again and get site plan approval so any kind of ingress egress off of there we don't know at this point. I would prefer they don't come down 136th for deliveries but that is a discussion for another day. Jack Huls stated, the Town's Master Plan shows the corridor along Morse Street being zoned all business. If the zoning along 136th is an issue, which can stay R2 there will not be a business on that lot. John Foreman stated, UPS trucks will want to go around to the back of the building. David Austgen asked, are you and Mr. Carey able to commit to say that there will not be any buildings constructed on lot 5 and that it will only be used for ingress egress? You have the ability to enter into a zoning amendment contract addendum that would assure no building would occur and taking part of the neighborhoods concern. David Carey spoke regarding changing the development. Jack Huls stated, as it relates to lot 5, if the Plan Commission would prefer not to include that in the zone change request, he is okay with that. The reason that it is included with the zone change request is because that lot 10, pertaining to your original conversation about metes and bounds descriptions versus lot descriptions, lot 10 will be platted all the way out to 136th, which can be subject to the primary plat. And at the primary plat stage you decide you don't want that we can talk about that then.

3. Town Engineer's Comments: Don stated, I don't have any other comments regarding the zoning.
4. Remonstrators: David Austgen stated, the zone change applied for only applies for the properties described in the metes and bounds descriptions in the record. Anything else is not subject to a zone change.

Yvonne Taves, 13518 Dewey Street, my concern with the zoning change is regarding the second access point. Would that allow semi's on 136th? I am not concerned with the zone change but with the development mildly. We have worked very hard to have our roads done and we are concerned with how this development will affect our roads and storm water. I would prefer to see the entrance to the residential development off of Morse Street so there isn't so much wear and tear on 136th.

Bob Relinski, 7209 W. 136th Avenue, I live across the street from the B1. I didn't move here to live across the street from a B1 development. We have issues with 136th Street and in the winter everyone uses it. Although this development is only 9 more, that is still more than I think our area can handle. There was talk about only building 9 lots with room enough for 10, we are developing and cramming as much as we can. Variances were asked for because the lots aren't big enough in today's standards. Were there soil borings done? Don stated, no. There will be a lot of earth moving on that side by the development. They will need to pass foundation inspections and many tests to ensure that everything is okay. I don't want the lot off of 136th to be zoned B1 because it's right across the street from me.

5. Building Department Comments: Tim Kubiak stated, I think the B1 is consistent with Morse and R2 is also consistent. I think that little portion of 10 being off of a residential road is not a good idea. I don't know that that area would need to be zoned B1 in order for access. I understand the concerns for the adjacent residents and changing the zoning of that lot is permanent. David Carey stated, I think it would be great to have another access point. If something were to happen at the front of that building where traffic couldn't get out, we would have another access out of that property, I can use it as a part of the residential but I thought access would be better use. Greg Parker stated, that is

something we can handle with the site plan. I see no issues with the way you would like to zone this I do see an issue with the metes and bounds. Jack stated, we are comfortable as a part of the zoning if the Town Council would rather use the recorded lots. I just want to know how that works logistically. David Austgen stated, the final platting needs to come before the zoning. When I read the legal description it is about a page full, can you break it out so the legal description of each lot is determined by a metes and bounds description which would then become a lot of record, lot 1, 5, 10, etc. Jack Huls stated, we have submitted three legal descriptions which was used for the advertisement. We then submitted a second legal description which was changing area X, which was half of the original legal description. We can change those using them after the subdivision has been recorded instead.

- 6. Commission’s Discussion: Jerry Wilkening asked, will the overland flood route off of Knight Street, will that remain R2? Those will not be lots anymore? Jack Huls stated, there is no zone change request for those lots. Greg Parker stated, there is correspondence from the Cedar Pointe Park HOA regarding this petition and opposition for this development to join the HOA. Letter was read into the record.
- 7. Commission’s Recommendation to the Town Council:

A Favorable Recommendation to the Town Council was made by John Foreman and seconded by John Kiepura for the zone change contingent on Lot 5 being only for ingress and egress B1 and never allowing a building to be built on current Lot 5.

Heather Dessauer	Chuck Becker	Jerry Wilkening	John Kiepura	Richard Sharpe	John Foreman	Greg Parker	Vote
Yes	No	No	Yes	Yes	Yes	Yes	5-2

Request: Petitioner is requesting Preliminary Plat for a 9-lot Residential Subdivision/1-lot Commercial Subdivision

- 1. Attorney to Review Legals: David Austgen stated, legals are in order and the publications were made timely. Any motion should be contingent on ensuring the green cards were all issued.
- 2. Petitioner’s Comments: Jack Huls stated, there is a significant grade change from the one end to the other, storm water is something that we will need to address. We are installing individual domestic wells. These lots are conforming to the R2 zoning, we did ask for a variance for the lot width. I would like to discuss the dedication of 136th, the current dedication is twenty-five (25) feet. We would like to know if you would like us to conform to the rest of the subdivision regarding the easement dedication, if so we wouldn’t need the variance for the lot width. We are still willing to install the sidewalk along 136th as a public improvement. We feel that creating a residential subdivision would be beneficial to the area, the grade changes add such character for lookout basements. This will have a dramatic impact on the adjacent property owners. There are already legal non-conforming lots along 136th, Dave has the ability to build a house on lot 5 through 8 with no public infrastructure costs for him, but he is preferring to add value to the community and make these improvements.
- 3. Town Engineer’s Comments: Don Oliphant stated, we are through our second letter for the site. There are still some engineering comments including right of way dedication along 136th. They have already dedicated right of way along Morse, which is more so cleaning up the plat. The current right of way for 136th is twenty-five (25) feet, typically we require full dedication which is sixty (60) feet wide which would be an additional seventeen point five (17.5) feet. Another waiver will be the one ingress egress point. The residential detention basin exceeds the maximum depth so that will require a waiver. If a developer comes in we require them to improve that front right of way from center line to the property line to current Town standards. There are several issues with that, we don’t have the right of way to do that and we would only be requiring him to do that for three hundred (300) feet. In my opinion it doesn’t make any sense. They do show improvements to curb the frontage and install sidewalks, drainage and possibly improvements to the pavement. With the construction of this development they need to meet the standards of storm water management and construct a potential basin which will lower the flow that is present now. The lift station is the only outlet for this water which was constructed seven (7) years ago. The sewer tap will come off of Knight Street, so when that is done the road will be fixed to Town specs. Jerry Wilkening asked, at what point will those two overland flood route lots not be designated lots anymore? Jack Huls stated, those two lots in Cedar Point Park do have lake rights, the letter that was read from the HOA which indicated a different message than the one that was portrayed to Dave at the meeting. The lots at final plat will likely be omitted and we would leave them as recorded lots of Cedar Point Park. They are not buildable because of Town Code per the width of the lots. We can create an overland flood route as easements, they are however

legal lots of record with lake rights. We do not yet have those shown on the plat as we intend.

- 4. Remonstrators: Bruce Crossett, 13517 Cedar St., Board Member of Cedar Point Park HOA stated, under our by-laws, just owning a vacant lot in our subdivision doesn't automatically give you lake rights. In order to have lake rights you have to have a home in Cedar Point Park and the home must lie within the boundaries of Cedar Point Park. You must pay dues and your initiation fee, at that time you will be given Lake Rights. We do not want anyone misled.
Cedar Point Park HOA letter which was read into the record.
- 5. Building Department Comments: Tim Kubiak stated, our rough draft of our new zoning ordinance does change the R2 lots to eighty (80) feet, I think the eighty-four (84) foot wide lots are consistent. As well as the request for the rear yard set back is also consistent.
- 6. Commission's Discussion: Chuck Becker raised concern for the waiver to not improve 136th to Morse. Jack Huls stated, they will be installing curbs which will help direct the water to the storm sewers. Don Oliphant stated, they just provided a name of the road with this last plat we would advise them to change the name since we already have a Lakeview Point Blvd. The waivers requested include "partial" improvements of the north lane of 136th Avenue, Exceeding the maximum residential detention basin depth from four (4) ft. to five (5) ft., full right-of-way dedication of thirty (30) ft. to twenty-five (25) ft. for 136th Avenue, and this subdivision will only have one ingress/egress point. This property will also account for the park fee in lieu of the park dedication. I would say this would qualify for the two hundred fifty dollars (\$250) per lot. David Carey stated, there has been discussion for the red cedar trees along Morse Street. Those trees are rotted and close to the road, we will need to take them down. I will plant more red cedar trees in another location. John Kieपुरa asked, will the entrance be divided? Jack Huls stated, no since it is only nine (9) lots on a cul-de-sac. John Foreman stated, once we address the new zoning ordinance we should address that subject.
- 7. Commission's Decision:

Motion made by John Foreman and seconded Heather Dessauer by for the approval of the requested waivers as listed above.

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

Motion made by John Foreman and seconded by to approve the requested preliminary plat contingent on engineering comments being addressed and legal approvals and BZA approvals for lot widths being approved.

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

4. Midwest PGM-Site Plan

Owner: Richard C. Thiel, Jr., 11363 W. 135th Pl., Cedar Lake, IN 46303
Petitioner: Midwest PGM, 13513 Industrial Dr., Cedar Lake, IN 46303
Vicinity: 13513 Industrial Dr., Cedar Lake, IN 46303
Legal Description: Cedar Lake Industrial Park Phase 2 Resub of Lots 9 to 12 Lot 1
Tax Key Number(s): 45-15-28-178-005.000-014

Request: Petitioner is requesting a Site Plan

- 1. Petitioner's Comments: Carmen Arvia, DVG Engineering stated, we put together a new site plan for Midwest PGM. In 2012, the area was designed with detention facilities, Don and I have been in discussion regarding this. We are revising the original site plan with additional concrete paving and additional post metal building for onsite operations. Currently Midwest PGM is operating with a valid Rule 6 requirement.
- 2. Town Engineer's Comments: Don Oliphant stated, there is a letter issued on July 6th. Don asked if the owner is up to date with annual reports and discharge monitoring. My issue with further expansion of this site is that with the site plan approval in 2012, the site is not built to that. The detention basin is not built to the approved plan as well as other portions of the site. That original site plan approval was from 6 (six) years ago and it isn't built to what we approved. Jerry Wilkening asked, what he is asking now will that bring it to standard? Carmen Arvia stated, the detention area was not built to what was required, the January 12th plans that were approved. Don Oliphant stated, there are 2 (two) detention areas that function in sequence. We just discovered that it was not built to the 2012 plan. Our recommendation is that they bring this to code and you then consider this application. Carmen asked, can we get approval contingent on getting the

- approvals for the pond first and then the as-builts. Richard Theil stated, I recently paid off these acres in March and I have been gradually moving south with the improvements. When we originally bought the land the detention wasn't designed correctly.
3. Building Department Comments: Tim Kubiak asked, is there some sort of plan showing where you plan to store your materials? Carmen stated, those are included in the Rule 6 which we can provide.
 4. Commission's Discussion: Greg Parker stated, I have no issues as long as it gets fixed. John Foreman asked how much land is in between his property and Centennial. Richard stated roughly seventeen (17) acres. Don Oliphant stated, there are some additional requirements that weren't in place in 2012. Including the Light Ordinance, additional screening, a landscaping plan those are the bigger caveats. Discussion was brought up by Tim Kubiak regarding adequate screening between industrial and residential. It was stated that it is in the zoning ordinance as to what adequate screening is. Richard Thiel stated, from my understanding there is to be (one hundred twenty) 120 feet between residential and industrial zoning. I have forty (40) feet, which is what I purchased so I think that whoever owns the land east of me needs to take into consideration what my business is. When will the town take this into consideration so I'm not always getting complained about? David Austgen stated, I think you need to worry about being compliant with your business right now. You are the person expanding your business which I read in the zoning ordinance that you need to be the one to take the precautions. Tim Kubiak stated, there is a proposed landscape plan but we haven't seen it.
 5. Commission's Decision:

Motion made by Jerry Wilkening and seconded by John Foreman to defer this agenda 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	Yes	Yes	7-0

5. Hanover Farms, Inc.-Rezone

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 Rezone from Agriculture (A) Zoning District to Residential Planned Unit Development (PUD) Zoning District

1. Attorney to Review Legals: David Austgen stated, the legals are in order for the Public Hearing to be conducted. The PUD Plan will need to be reviewed formally.
2. Petitioner's Comments: Jeff Yatsko with Olthof Homes stated, I am here tonight for a favorable recommendation for the zone change from Agriculture to Planned Unit Development. The property is on the west side of 41 and is about sixty-eight (68) acres. The property was recently annexed by the Town of Cedar Lake, there are several ravines and a lot of wooded area. We have two development driveways that access 41, which will require State approval. We originally had duplexes which were eliminated. We now have single family and single family villas. We reduced our density to two (2) units per acre. We will be preserving a lot of the west side of this development for open space. Discussion continued regarding the Planned Unit Development Plan.
3. Town Engineer's Comments: Don Oliphant stated, this is the first I have seen this. I don't really have a lot to comment on. David Austgen stated, this is a Planned Unit Development Plan so your staff and consultants should have this.
4. Remonstrators:
Rory Ravens, CL Vending stated, I do not have any problems with the development but I do have some concern for the noise that my business puts out. We start running our trucks as early at 3:00 am; forklifts, semis, air brakes. Why would a development go so close to the business district?
Kevin Bachar, 12500 Tall Oaks Drive stated, I just have a few questions as an adjacent property owner. How many single family estates? 78. Are there any plans to develop or alter the ravine? No. Is that something to be reserved for the people of that development or a park? Don Oliphant stated, he will not be allowed to build back there. The detention will mitigate any run off as well as other assessments done on the ravine. Kevin asked, what about the lighting? Don stated, he will have to meet the new lighting ordinance.

Rick Stone, 12404 Wicker Avenue stated, I am close to CL Vending and I rarely ever hear anything. Also, isn't that already all zoned residential? Why would they need to provide additional screening? Greg Parker stated, because of the zone change from commercial to residential.

Letter read into the record from, **Mark and Carol Machnic**: located at the end of the minutes for reference.

- 5. Building Department Comments: Tim Kubiak stated, essentially the petitioner should be providing some sort of screening along the property line because he is creating that and creating a residential development abutting a commercial property. Don suggested using the ability of the out lot for screening in between the two property lines. Greg Parker stated, this needs to be addressed. Don Oliphant stated, at this point in the zoning it's not appropriate to discuss this. Tim stated, I don't think we have the correct information for the Planned Unit Development Plan.
- 6. Commission's Discussion: John Foreman asked, what do you plan on putting on the lots S33-S34? Jeff stated, we do have that open space that we will provide adequate screening. We have been through this before with other developments. There is not one physical lot that touches his property, we can definitely provide screening.
- 7. Commission's Recommendation to the Town Council:

Motion made by John Foreman and seconded Jerry Wilkening by to defer this item to the next work session.

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

6. Tech Credit Union-Site Plan

Owner: Tech Credit Union, 10951 Broadway, Crown Point, IN 46307
Petitioner: Steve DeBold, Chester, Inc., 555 Eastport Centre Dr., Valparaiso, IN 46383
Vicinity: 9707 West 133rd Ave., Cedar Lake, IN 46303
Legal Description: UTOPIA-BUSINESS UNIT NO.1 LOT 1
Tax Key Number(s): 45-15-28-227-004.000-014

Request: Petitioner is requesting a Site Plan

- 1. Petitioner's Comments: Laura Small, Chester Inc. stated, I am an architect on this property as well as Tony Hart with Chester Inc. we are here tonight to discuss a site plan for a new Tech Credit Union. The lot is point seven five (.75) acres we would like to remove the existing asphalt. We have a fifty (50) ft. building setback line the building would be two thousand four hundred (2,400) square feet. The site would include an ATM as well as drive thru in addition to the building. Tony stated, we provided the documents for the storm water drainage. We have firm numbers that for the underground storm drainage vault and it is not feasible for the developer. We have a meeting with DVG Engineering regarding the Summer Winds project in hopes they will be able to take on our storm water detention into their pond.
- 2. Town Engineer's Comments: Don Oliphant stated, the biggest issue with the site is the drainage. The Summer Winds commercial development will be on the Plan Commission agenda at the next meeting. It is their responsibility to improve the alley way east of the property. Many of the comments are minor but it is a matter of linking the two developments together (Summer Winds Commercial).
- 3. Building Department Comments: Tim Kubiak stated, we met and gave them our recommendations for the site plan. There are not many options for placement of the building.
- 4. Commission's Discussion: Jerry Wilkening asked, the storm drainage will move south? How will that work running through a public improvement? Don stated, it will be up to the Summer Winds development on how it will all work.
- 5. Commission's Decision:

Motion made by Jerry Wilkening and seconded by John Kiepura to defer to the next meeting on the 1st of August.

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

7. Surf Air Wireless-Concept Plan

Owner: Smith Ready Mix, Inc., 251 Lincolnway, Valparaiso, IN 46383
Petitioner: Surf Air Wireless, 1305 Pine Lake Rd., LaPorte, IN 46350

Vicinity: 9018 W. 133rd Ave., Cedar Lake, IN 46303
Legal Description: Pt. SE.1/4 SW.1/4 S.22 T.34 R.9 Ly'ng E. of RR 8.281Ac
Tax Key Number(s): 45-15-22-376-005.000-014

Request: Petitioner is requesting a Concept Plan

- 1. Petitioner’s Comments: Pat McCully, 68446 Millersberg, Surf Air Wireless stated, we want to build a communication tower on Smith Ready Mix’s property. We are in the middle of a large project for them, we provide broadband fix internet service. It is just for wireless internet, it is one thousand nine hundred-eighty (1,980) feet tall five point five (5.5) feet wide at the base. We would like to put it right next to their larger bins but are open to any location. This area is a gap in our network.
- 2. Town Engineer’s Comments: No comment.
- 3. Building Department Comments: No comment.
- 4. Commission’s Discussion: John Foreman asked if a water tower is high enough? Pat stated I am not sure. John Foreman stated, I am not a fan of manmade towers and we are trying to get away from them. That area is residential and we have a water tower about a half a mile from this proposed location. John Kiepura stated, don’t you need a 180 foot drop zone? Pat stated, I am sure we have that on this property. Don Oliphant stated, we will need a site plan and security around the proposed tower if this moves forward with Smith Ready Mix.

8. Zoning Control Ordinance Amendments

Request: Outdoor Lighting Regulations

- 1. Attorney to Review Legals: David Austgen stated, this is before you all tonight regarding the Lighting Ordinance. This is a Public Hearing with notices published timely in the newspapers. This set criteria goes both in the Zoning Ordinance as well as in the Zoning and Subdivision Control Ordinance which will need to be voted on in two separate items.
- 2. Town Engineer’s Comments: Don Oliphant stated, the Lighting Ordinance has been revised to clarify mid-block lighting as discussed in the last couple of months. Any blocks greater than two hundred seventy-five (275) feet will require mid-block lighting, the only other change to the ordinance is to residential lighting and the input power, it was extended to two hundred (200) watts to match commercial lighting. One hundred seventy to two hundred (170-200) watts is the required wattage.
- 3. Remonstrators: None.
- 4. Building Department Comments: No comments.
- 5. Commission’s Discussion: No comments.
- 6. Commission’s Recommendation to Town Council:

A Favorable Recommendation to the Town Council was made by John Foreman and seconded by Jerry Wilkening for the Zoning Control Ordinance Amendments regarding Outdoor Lighting Regulations and approving the Town’s Plan Commission’s certification.

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

9. Subdivision Control Ordinance Amendments

Request: Outdoor Lighting Regulations

- 1. Attorney to Review Legals: see above,
- 2. Town Engineer’s Comments: see above.
- 3. Remonstrators: None.
- 4. Building Department Comments: see above.
- 5. Commission’s Discussion: No comments.
- 6. Commission’s Recommendation to Town Council:

A Favorable Recommendation to the Town Council was made by John Foreman and seconded by John Kiepura for the Town Subdivision Control Ordinance Amendments regarding Outdoor Lighting Regulations and approving the Town’s Plan Commission certification.

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

Update Item:

M. Watt - Muir Woods Storm Drainage
Don Oliphant stated, we were given direction to put together a plan to modify the cul-de-sac at the end of 136th Place and Muir Street. We came up with a plan to re-profile the entire cul-de-sac. By re-profiling the area it will shift any drainage past his property to the ditch. It is currently a concept plan with the intent to redirect the water from the Csikos property. A part of Mr. Csikos driveway will need to be taken out. We have the go ahead from the Storm Board, and it should be done before the end of the year.

Tim Kubiak stated, there has been some discussion about a couple of our Subdivision Control Ordinance for thickness of sidewalk and driveways. I would like David and Don to put four (4) inches in all the ordinances repealing all the old ones.

Jerry Wilkening asked, how many fees in lieu of did we receive from Beacon Pointe? Don Oliphant stated, roughly sixty thousand (\$60,000) dollars.

Public Comment: None.

Adjournment: 10:40 pm

Press Session:

Plan Commission Work Session – August 1, 2018 at 7:00 p.m.
Plan Commission Public Meeting – August 15, 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