



**TOWN OF CEDAR LAKE – PLAN COMMISSION
SPECIAL PUBLIC MEETING & WORK SESSION MINUTES
August 1, 2018 7:00 PM**

Call To Order (Time): 7:00 PM

Pledge to Flag:

Roll Call:

Present Heather Dessauer
Present Chuck Becker
Present John Kiepura
Absent 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

Special Public Meeting

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 S2.57A.
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
Deferred from July 18, 2018 Public Meeting

1. Petitioner's Comments: Jack Slager, Schilling Development stated, this will be the remaining one hundred forty-six (146) lots for the development. We are requesting preliminary plat. We already dedicated one point twenty-two (1.22) acres with the Unit 1 plat for a future park, it has not yet been deeded to the Town. We went through the calculations based off the ordinance, we no longer are asking for credit for the lake. We went through the calculations based off of 3 and 4 bedroom homes. We came to a calculation of seventy-six thousand four hundred dollars (\$76,400.00). We would like to spend that money on our parks in the development. We would like to start working on Unit 2 in spring 2019. Lemon Lake County Park is across the street and the access isn't that great, we would like to continue the sidewalk over to Robin's Nest with a T pointing to Lemon Lake as well as signage. David Austgen stated, Jill Murr has had dialogue with Park officials at Lake County and has been in discussion with them and they are open to this subject to the details. We would like to keep at least half of the park open, the south side for open recreational space. We are open to either the park being an HOA or public. The seventy-six thousand four hundred dollars (\$76,400) comes down to about five hundred dollars (\$500) per lot and in addition there is a one thousand two hundred fifteen dollar (\$1,215.00) Park Impact Fee that is on every new home permit pulled.
2. Town Engineer's Comments: Don Oliphant stated, we are good with the acreage numbers, it comes down to a policy decision regarding the parks. We are down to minor engineering comments.
3. Building Department Comments: Tim Kubiak stated, we met with them a few times regarding the Lemon Lake crosswalk and park dedication. There is a piece of land that is owned by the Town that they are installing sidewalk in order to tie in Lakeside and Robin's Nest, we were planning to do this but are happy they are willing.
4. Commission's Discussion: John Kiepura stated, the seventy-six thousand four hundred dollars (\$76,400.00) is above and beyond as a developer? Jack Slager stated, that is the formula in the ordinance and our obligation per the ordinance. As a large subdivision we need to figure the 3 bedroom or 4 bedroom and base the park dedication off of that number. John Kiepura stated, fifteen thousand dollars (\$15,000) seems like a small amount for park equipment. Jack Slager stated, this is the same equipment we installed in Beacon Pointe. John Kiepura stated, with Beacon Pointe we were told there were two (2) formulas and now this isn't the case for this development. David Austgen stated, there are different calculations based off of different scenarios regarding park dedication and fees in lieu of parks. Don Oliphant stated, the calculation is based off of the population and size of the development which determines the amount you would pay as a fee in lieu of and there is a multiplication factor after that which says of the fair market value. Heather Dessauer asked, who determines fair market value? Don Oliphant stated, the ordinance says it is fair market value of the developed condition. Greg Parker stated,

that statement is gray. Jack Slager stated, it is not clear. I used fair market value as what we paid for the land. Don Oliphant stated, it all comes down to the fair market value of an acre. Greg Parker asked, does this proposal meet the requirements of the ordinance? David Austgen stated, yes I believe it does, the fair market value is defined as the cash contributions in lieu of land and should be based on the fair market value of the acres of land in the areas improved that otherwise would have been dedicated as park dedication sites. The appraiser should send an appraisal of the fair market value. Jack Slager stated, the biggest variable is the fair market value portion of the ordinance. Further discussion continued regarding fair market value and park and recreation sites. Heather Dessauer asked, do we really need another park? Tim Kubiak stated, it would be nice to have a park dedicated to the Town that the HOA can maintain. Jack Slager stated, we realize that the parks enhance the entire development for the people who want to live there. I offered that if the town can't maintain it that the HOA would. David Austgen stated, we have studies this and the park impact fee was increased based off parks versus population and need. This was projected for a five (5) year period going forward, it was at nine hundred sixty-three dollars (\$963.00) and increased to one thousand two hundred and fifteen (\$1,215.00). John Kiepura stated, Havenwood which is a private park gets used a lot. It gets used because it has great equipment. Jack Slager stated, we anticipate this park getting used. John Kiepura stated, when the equipment gets worn out who replaces it? David Austgen stated, the Town. Tim Kubiak stated, if we keep having developments come in and no parks are coming in, the next time this rate is studied it will only increase. We need to keep that balance. Chuck Becker asked, does the park budget increase with the more land the Town has to take care of? Tim Kubiak stated, we have mainly part time guys mowing which is our only park program. I think it is a negative if we don't acquire more park space with the population growth. Chuck Becker asked, what happens when the HOA dissolves? Michelle Bakker stated, we own the land so we would tend to it.

5. Commission's Decision:

Motion made by Jerry Wilkening and seconded by Richard Sharpe to approve the cash in lieu (\$76,400.00) of dedication for parks based off the schedule dated August 1, 2018 contingent that the HOA maintains the park property which will be dedicated to the Town.

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

Motion made by Jerry Wilkening and seconded by Richard Sharpe to approve the Preliminary Plat Unit 2 approval with the condition that no more than twenty-five (25) lots will come in for a Final Plat approval and remaining engineering comments addressed.

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

2. 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**
Deferred from July 18, 2018 Public Meeting

- 1. Petitioner's Comments:
- 2. Town Engineer's Comments:
- 3. Building Department Comments: Michelle Bakker stated, the Letter of Credit has been approved by David Austgen we are just waiting for the as-built with the water lines to be submitted to Don Oliphant. We do have the Letter of Credit in hand.
- 4. Commission's Discussion: Heather Dessauer stated, I don't want to approve anything if he isn't present.
- 5. Commission's Decision:

Motion made by Jerry Wilkening and seconded by Heather Dessauer 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	N/A	Yes	6-0

3. 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

Deferred from July 18, 2018 Public Meeting

1. Petitioner’s Comments: Jack Slager, Schilling Development stated, Unit 2 is complete we are looking to have the Letter of Credit reduced.
2. Town Engineer’s Comments: Don Oliphant stated, everything has been tested and approved. We are addressing some remaining comments, the Letter of Credit would be reduced to four hundred thousand twenty-one five hundred sixty-seven dollars and five cents (\$421,567.05).
3. Building Department Comments:
4. Commission’s Discussion:
5. Commission’s Decision:

Motion made by Jerry Wilkening to reduce the letter of credit amount to four hundred thousand twenty-one five hundred sixty-seven dollars and five cents (\$421,567.05) contingent that all engineering comments are addressed.

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. 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

Deferred from July 18, 2018 Public Meeting

1. Petitioner’s Comments:
2. Town Engineer’s Comments:
3. Building Department Comments: Michelle Bakker stated, they had asked to be deferred to the next meeting.
4. Commission’s Discussion:
5. Commission’s Decision:

Motion made by John Kiepura and seconded by Richard Sharpe 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

5. 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

Deferred from July 18, 2018 Public Meeting

1. Petitioner’s Comments: Steve DeBold, Chester Inc. stated, we had a meeting on the 26th with Summer Winds Development regarding the storm water. We were under the impression that we wouldn’t need additional detention for this lot, or that we would have to update the alley which we are. We are researching different options for making this a viable way to move forward. We have considered working with Summer Winds Development but we are concerned that if we tie in with an off-sit we would lose control

if something were to happen. We are proposing a reduction for detention because this will be an improved site and minimize the cost of the storm water. We would like feedback for a plan we have regarding detention, we would like use an underground orifice hole located at the corner of the lot. There is a situation with the neighboring property with the location of their asphalt compared to ours. It would be an awkward layout next to each other. There was concern regarding maintaining the traffic between the two properties. Don Oliphant suggested a six (6) inch barrier curb. Steve stated, we also did a photometric plan and Don has suggested a light fixture at the corner of the alley. I can incorporate the required light fixture in the plan to see if this is needed. Don stated, I will look further into this to see if it is needed.

- 2. Town Engineer’s Comments: Don Oliphant stated, he is referring to a part of the ordinance that was created for improved development which would allow for more developmental barrier to encourage growth. This site is forty percent (40%) impervious, which wouldn’t typically quality, but I agree that providing underground storage for this site is expensive and would deter development of the site.
- 3. Building Department Comments: David Austgen stated, we have spent millions of dollars on this area, do we want to risk regarding this alternate storm water disposal? Don Oliphant stated, reducing the run off from this property is going to happen it’s just a matter of how much you want to see. The latest scenario presented is similar to what Demotte State Bank did. Further discussion continued regarding the detention and storm water for this property. Don Oliphant stated, the other engineering comments are minor, I suggest a deferral until the next meeting. Tim Kubiak stated, I think that there needs to be some leniency due to them redeveloping this property.
- 4. Commission’s Discussion: David Austgen suggested to defer this item to the next Public Meeting for the full review to be completed. Tim Kubiak stated, worst case scenario it can be deferred again.
- 5. Commission’s Decision:

Motion made by Jerry Wilkening and seconded by Heather Dessauer to defer this item to the August 15, 2018 meeting.

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

Work Session:

Old Business:

1. Birchwood Farms-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

Deferred from July 18, 2018 Public Hearing

- 1. Petitioner’s Comments: Jeff Yatsko, Olthof Homes stated, we were asked for the staff to review our PUD document submitted. I am here to answer any questions you all may have. We would like to have this approved at the next Public Meeting.
- 2. Town Engineer’s Comments: Don Oliphant stated, I submitted a letter today. My understanding of a PUD zoning request would need to require much more information for it to be approved. The PUD zoning requires a full engineering review for approval which with what was submitted wouldn’t suffice. David Austgen stated, this has recently been annexed into the Town which requires land use approval which is very detailed and specific. My suggestion is the land developer to meet with the Town staff and engineer to go through the ordinance requirements to be considered for approval. Don stated, I think the items the commission has seen are a part of what is required, moving to the next phase the ordinance is clear of what is required.
- 3. Building Department Comments:
- 4. Commission’s Discussion: Jerry Wilkening asked, did we ever get to a screening plan regarding the neighboring properties. Jeff stated, it is currently in the PUD plan.

New Business:

1. Centennial Phase 13-Final Plat

Owner/Petitioner: North Centennial Development LLC, 8051 Wicker Avenue, Ste. A, St. John, IN 46373
Vicinity: 141st Avenue, Cedar Lake, IN 46303
Legal Description: S.1/2 SE.1/4 & S.1/2 NW.1/4 SE.1/4 S.28 T.34 R.9 & S.1/2 NE.1/4 SW.1/4 & Pt. E.1/2 SE.1/4 SW.1/4 all Ly'ng E. of RR S.28 T.34 R.9 18.6 Ac **and** Pt. SE.1/4 S.28 T.34 R.9 2Ac
Tax Key Number(s): 45-15-28-451-002.000-014 **and** 45-15-28-451-035.000-014

Request: Petitioner is requesting a Final Plat for Phase 13

1. Petitioner's Comments: Jaff Yahtso stated, we will be at the Public meeting looking to final plat 13 of Centennial. I sent a letter to staff today with our costs of improvements. We will be working with staff to get the Letter of Credit numbers prior to the next meeting.
2. Town Engineer's Comments: Don Oliphant stated, we are waiting for the estimates to establish the fees and should be ready for the next meeting.
3. Building Department Comments: No comment.
4. Commission's Discussion: No comments.

2. Centennial Phase 14-Final Plat

Owner/Petitioner: North Centennial Development LLC, 8051 Wicker Avenue, Ste. A, St. John, IN 46373
Vicinity: 141st Avenue, Cedar Lake, IN 46303
Legal Description: Pt. E.1/2 SE.1/4 SE.1/4 S.28 T.34 R.9 2.71Ac
Tax Key Number(s): 45-15-28-451-028.000-014

Request: Petitioner is requesting a Final Plat for Phase 14

1. Petitioner's Comments: Jeff Yahtso stated, we have eight (8) lots off of Parrish. All of the improvements have been in for some time, they are single family homes.
2. Town Engineer's Comments: Don Oliphant stated, this is a unique phase. Why were they left off originally? Jeff stated, sometimes they reserve the front lots for unknown reasons.
3. Building Department Comments: Tim Kubiak stated, the front property lines raise concern.
4. Commission's Discussion: No comments.

3. Summer Winds Commercial LLC-Preliminary Plat

Owner/Petitioner: Summer Winds Commercial LLC, 11125 Delaware Parkway, Crown Point, IN 46307
Vicinity: 9730 Lincoln Plaza Way, Cedar Lake, IN 46303
Legal Description: Lincoln Plaza West Lot 4 **and** Lincoln Plaza West Lot 5 **and** Lincoln Plaza West Lot 6 Ex. S.123.43ft. **and** Lincoln Plaza West Lot 7 Ex. Pt. of S.243.43ft.
Tax Key Number(s): 45-15-28-227-006.000-014 **and** 45-15-28-227-007.000-014 **and** 45-15-28-226-005.000-014 **and** 45-15-28-226-004.000-014

Request: Petitioner is requesting a Preliminary Plat

1. Petitioner's Comments: Jim Weiser, Attorney 429 W. Lincoln Hwy, Schererville stated, as was pointed out our request is two-fold. We have a request for a commercial Planned Unit Development as well as Preliminary Plat for residential. I spoke with David earlier today, to comply with the PUD requirements we submitted a development proposal. We have an excellent commercial opportunity to update that 133rd corridor. The development agreement includes a maximum of twelve (12) business units within the project, the businesses will be permitted under the B1 zoning and include a maximum number of restaurants of four (4), and a maximum number of three (3) drive in service facilities. This is in order to take place of the market place we would also permit for some of the B2 zoning. That is why we are going for a PUD, we have excluded some uses that are currently included in the B2 zoning district. We are restricting the maximum size to one thousand five hundred (1,500) square feet for a unit. We will provide the maximum number of parking spaces required for this development. Jack Huls stated, we are proposing two structures to be built on this lot. We are handling our storm water on-site. There is existing sanitary sewer and water, we would be providing the typical extensions into the property.
2. Town Engineer's Comments: Don Oliphant stated, we are working through the review and will submit a letter.
3. Building Department Comments: No comment.

- 4. Commission’s Discussion: Jerry Wilkening asked, the 3 drive-thru restaurants mentioned does that account for fast food? I am concerned for the logistics of traffic. Jack Huls stated, it is highly unlikely for 3 fast food restaurants at the same time. We just wanted the flexibility within the agreement. Jack Huls stated, we will continue work on the development plan.

4. Summer Winds Residential LLC-Final Plat
Owner: Waterford Place, LLC (Tim Dinga) 40 E. Joliet St., Suite 18, Schererville, IN 46375
Petitioner: Waterford Place, LLC (Tim Dinga) 40 E. Joliet St., Suite 18, Schererville, IN 46375
Vicinity: 133rd & King St., Cedar Lake, IN 46303
Legal Description: NW NE EXCEPT N.330FT. 29.915AC S.28 T.34 R.9
Tax Key Number(s): 45-15-28-203-001.000-014

Request: Petitioner is requesting a Final Plat for Residential Subdivision

- 1. Petitioner’s Comments: Jack Huls stated, we are requesting final plat approval, we would like to start pulling permits for the models.
- 2. Town Engineer’s Comments: Don Oliphant stated, we are waiting on the engineer’s estimate.
- 3. Building Department Comments: No comments.
- 4. Commission’s Discussion: John Kiepura stated, I thought all the duplexes were along the west border. Jack Huls stated were all the duplexes are to go. Jack Huls stated, we are installing an eight (8) foot privacy fence along the industrial business.

Update Item:

Jerry Wilkening asked Don how the fixtures that are ideal for shopping centers get installed at the high school. Don stated, we received the photometric and if it was different from what they installed that will need to be looked into. Jerry stated, the lights installed do not seem to fit with our intent of the ordinance. Don stated, what we reviewed met the ordinance requirements. The intent of the ordinance was met by these lights. The light spillage is not a violation of our ordinance unless it is onto a residential neighborhood. I will look into what was submitted to see if the shields were a part of the submittal. Tim Kubiak stated, with the lights that we are approving. Who will be doing the final inspection to make sure what is submitted is installed? Don stated, we can but we do not have a bucket truck. Further discussion continued regarding lighting.

Public Comment:

Adjournment: 9:23 pm

Press Session:

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

Richard Sharpe

Jerry Wilkening

Town of Cedar Lake – Plan Commission
August 1, 2018
Special Public Meeting & Work Session Minutes

Attest: Jessica Chick, Recording Secretary