



**TOWN OF CEDAR LAKE – PLAN COMMISSION
PUBLIC MEETING MINUTES
August 15, 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 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

Minutes:

July 18, 2018 Work Session & Public Meeting

Motion made by John Kiepura and seconded by Richard Sharpe to approve the July 18, 2018 meeting minutes.

Heather Dessauer	Chuck Becker	Jerry Wilkening	John Kiepura	Richard Sharpe	John Foreman	Greg Parker	Vote
N/A	Yes	Yes	Yes	Yes	N/A	Yes	5-0

Old 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

Deferred from July 18, 2018 Public Meeting

1. Petitioner’s Comments: No Petitioner present.
2. Town Engineer’s Comments: Don Oliphant stated, no updates on this item. Michelle Bakker stated, he is aware of what we are needing in order to approve this. David Austgen stated, what is needed for this to continue? Don stated, an updated as-built.
3. Building Department Comments: No comments.
4. Commission’s Discussion: No comments.
5. Commission’s Decision:

Motion made by Chuck Becker and seconded by Richard Sharpe to defer this item to the next Public Meeting.

Heather Dessauer	Chuck Becker	Jerry Wilkening	John Kiepura	Richard Sharpe	John Foreman	Greg Parker	Vote
N/A	Yes	Yes	Yes	Yes	N/A	Yes	5-0

2. 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: Petitioner not present.
2. Town Engineer’s Comments: No comment.
3. Building Department Comments: Tim Kubiak stated, this was deferred until September at the last meeting.

- 4. Commission’s Discussion: No comments.
- 5. Commission’s Decision:

Motion made by John Kiepura and seconded by Chuck Becker to defer this item to the next work session

Heather Dessauer	Chuck Becker	Jerry Wilkening	John Kiepura	Richard Sharpe	John Foreman	Greg Parker	Vote
N/A	Yes	Yes	Yes	Yes	N/A	Yes	5-0

3. 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 have submitted our plans to the engineer. We are confident in our plans for approval tonight. We are removing all the existing asphalt and proposing a twenty four hundred (2,400) square foot Tech Credit Union including an ATM and drive thru window. We are placing a barrier curb along the side so there is no access from the post office and vice versa. We have a light placed at the end of the alley for proper lighting as well as some fixtures on the side of the building, underneath the canopy. The drainage there are two (2) catch basins one which the front part drains into and the back area into the other. It will drain out into an outlet structure which is tied into the existing storm sewer, any overflow will flow back into the structure. The sanitary and water tie into the previous existing structures.
- 2. Town Engineer’s Comments: Don stated, we are working on the review. It is primarily done we are just waiting on the lighting review to be completed. You will need a variance for the LED signage submitted. If there is a motion for approval it will need to be contingent on remaining engineer comments and a reduced detention waiver for what they are providing now. Also, if the commission would like a LOC for the improved alley way. We do not yet have those numbers together. Steve stated, Chester is not handling the signage but if a variance is needed we can address that at a different time. We can provide the construction costs for the alley as needed. We would like to start construction as soon as possible.
- 3. Building Department Comments: Tim Kubiak stated, this sounds like a happy medium for the redevelopment happening on this lot.
- 4. Commission’s Discussion: Chuck Becker asked, how many parking spaces? Steve stated, fifteen (15) and twelve (12) are required with six (6) employees. Jerry Wilkening asked, are the light fixtures on this page the exact fixtures that will be at the site? Steve stated, yes. Don stated, I am comfortable with a motion with the said contingencies. The biggest outstanding is not knowing the letter of credit amount.
- 5. Commission’s Decision:

Motion made by Jerry Wilkening and seconded by Chuck Becker to approve the site plan request contingent on remaining engineering comments, a reduced detention waiver and submittal of a letter of credit for public improvements along the alley way before a building permit will be released.

Heather Dessauer	Chuck Becker	Jerry Wilkening	John Kiepura	Richard Sharpe	John Foreman	Greg Parker	Vote
N/A	Yes	Yes	Yes	Yes	N/A	Yes	5-0

4. 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 had a staff meeting last week and went over the Development Plan. We are not ready tonight, we have an understanding for the PUD rezone. David Austgen stated, the annexation of this parcel was made with the contingency on land use approvals to be completed within one hundred twenty (120) or ninety (90) days. The extension of the time in amendment to the ordinance should be considered. Tim Kubiak stated, technically the land use plan has been agreed upon by the Plan Commission. It is spelled out in the ordinance of the land use, I am under the impression he has given us our land use plan. David stated, that is what the Planned Unit Development plan is. Jeff stated, our concept plan is very general.
- 2. Town Engineer’s Comments: No comment.
- 3. Building Department Comments: See above comment.
- 4. Commission’s Discussion: No comments.
- 5. Commission’s Recommendation to the Town Council:

Motion made by Richard Sharpe 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
N/A	Yes	Yes	Yes	Yes	N/A	Yes	5-0

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: Jeff Yatsko, Olthof Homes stated, we are asking for a deferral. We are very close with our infrastructure so by next month our letter of credit will be much less.
- 2. Town Engineer’s Comments: Don stated, I agree.
- 3. Building Department Comments: Tim Kubiak stated, Trade Winds Place the anticipation of that area is probably sooner rather than later. They are proposing to pour that curb straight with a temporary turn around area, I think it will be a better project in the future. Greg Parker stated, it makes sense.
- 4. Commission’s Discussion: No comments.
- 5. Commission’s Decision:

Motion made by John Kiepura and seconded by Chuck Becker to defer this item to the September 19th meeting.

Heather Dessauer	Chuck Becker	Jerry Wilkening	John Kiepura	Richard Sharpe	John Foreman	Greg Parker	Vote
N/A	Yes	Yes	Yes	Yes	N/A	Yes	5-0

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 Yatsko, Olthof Homes stated, we are requesting final plat approval. This is eight (8) lots, all the development has been done in previous phases. We made the revisions as suggested.
- 2. Town Engineer’s Comments: Don Oliphant stated, we had four (4) comments. This does not have a Letter of Credit.

- 3. Building Department Comments: No comments.
- 4. Commission’s Discussion: Jerry Wilkening asked, how many lots? Jeff stated eight (8).
- 5. Commission’s Decision:

Motion made by Jerry Wilkening and seconded by Richard Sharpe for approval of Final Plat Phase 14 that all engineering comments are addressed.

Heather Dessauer	Chuck Becker	Jerry Wilkening	John Kiepura	Richard Sharpe	John Foreman	Greg Parker	Vote
N/A	Yes	Yes	Yes	Yes	N/A	Yes	5-0

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. Attorney Review: David Austgen stated, certified list is in order and the notices to adjacent property owners listed has been made. The proof of publications of the notice of the Public Hearing has been timely made. The publication in the newspaper includes the Preliminary Plat for the subdivision and the PUD. The application is for the development of a Planned Unit Development, although the primary plat is checked but not the PUD. All is inclusive so it is my recommendation to continue with the Public Hearing.
- 2. Petitioner’s Comments: Jack Huls stated, Primary Plat and PUD documents were submitted. Attorney Jim Wieser stated, we are here to discuss a Planned Unit Development to develop a retail product. We have prepared several versions of a development agreement with many attachments. We have been in communication regarding this document and in that regard we received a review from the engineer which had an impact on the Plan Unit Development Plan. One thing not included is the construction sequence, everything else is in this plan that we can think of. Jack Huls stated, we have received the engineer’s review. We have addressed many of those on the Primary Plat. We revised our light plan so there is no light spill.
- 3. Town Engineer’s Comments: Don Oliphant stated, we have been in contact working out some issues. The lighting plan will be reviewed tomorrow. Most of the outlying comments are minor. There is a parcel owned by the Town that is dead center extends fifteen (15) feet onto this property. Jack stated, this area used to be an old well site. It is in an island, we can discuss vacating that property.
- 4. Remonstrators: None.
- 5. Building Department Comments: No comment.
- 6. Commission’s Discussion: David Austgen stated, I did not review the latest revisions to the PUD plan. Are all the documents contained within the latest submittal of the Development Plan in place? Don stated, yes. David Austgen stated, the one lot subdivision will be a boundary survey of the one lot parcel platted, the design will be in the development agreement which will append to that. Jim stated, we will make sure that gets added to that. The preliminary plat is contingent upon the PUD plan being approved, they go hand in hand.
- 7. Commission’s Decision:

Motion made by Jerry Wilkening and seconded by Chuck Becker to defer this item to a special public meeting on September 5th, 2018.

Heather Dessauer	Chuck Becker	Jerry Wilkening	John Kiepura	Richard Sharpe	John Foreman	Greg Parker	Vote
N/A	Yes	Yes	Yes	Yes	N/A	Yes	5-0

4. Summer Winds LLC, Residential-Final Plat-Unit 1

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 Unit 1-Residential Subdivision

- 1. Petitioner’s Comments: Jack Huls stated, this is a residential development across from the high school. Unit 1 will be thirty-eight (38) units, twenty-six (26) lots. It is inclusive of the detention pond, we are seeking the final plat approval so we can begin construction of models.
- 2. Town Engineer’s Comments: Don Oliphant stated, the plat is in order. The following numbers are for the performance letter of credit one million, seventy-four thousand, four hundred twenty-six dollars and fifty-two cents (\$1,074,426.52), the three percent (3%) inspection fee of twenty nine thousand, three hundred and two dollars and fifty-four cents (\$29,302.54), and the MS4 fee of two thousand dollars (\$2,000.00). We also reminded the applicant of some outstanding items that need to be addressed. Michelle Bakker stated, she has received the Letter of Credit.
- 3. Building Department Comments: No comments.
- 4. Commission’s Discussion: No Comments.
- 5. Commission’s Decision:

Motion made by Jerry Wilkening and seconded by Chuck Becker to approve the requested final plat for Unit-1.

Heather Dessauer	Chuck Becker	Jerry Wilkening	John Kiepura	Richard Sharpe	John Foreman	Greg Parker	Vote
N/A	Yes	Yes	Yes	Yes	N/A	Yes	5-0

Tim Kubiak stated, I have received a request for 139th Place where people own property who tore down a home and want to rebuild. We do not own the road, they want to build two houses on the property but they cannot do a two (2) lot subdivision because there is no street. David Austgen asked, will the council members present be in favor of discussing getting a legal description, an estimate and purchasing this road? Town Council members replied yes. Tim Kubiak asked, can we have them donate this property instead? David stated, yes we first need a legal description. Greg Parker asked, is this opening a can of worms for other roads we don’t own? David Austgen stated, no because we are dealing with it.

Update Item:

Public Comment: No comments.

Adjournment:

Press Session:

Plan Commission Work Session – September 5, 2018 at 7:00 p.m.

Plan Commission Public Meeting – September 19, 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

Attest: Jessica Chick, Recording Secretary