



**TOWN OF CEDAR LAKE – PLAN COMMISSION  
SPECIAL PUBLIC MEETING & WORK SESSION MINUTES  
September 5, 2018 7:00 PM**

Call To Order (Time): 7:00 pm

Pledge to Flag:

Roll Call:

Present Heather Dessauer  
Present Chuck Becker  
Present John Kieपुरa  
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

**Special Public Meeting:**

**Old Business:**

**1. Summer Winds Commercial LLC-Preliminary Plat/PUD/Site Plan**

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

**Deferred from August 15, 2018 Public Meeting**

**Request: Petitioner is requesting a Preliminary Plat**

1. Petitioner's Comments: Jim Wieser, Petitioner's Attorney, also present Jack Huls, Engineer, Tim Dinga and Brad Lambert Petitioner's. Jim Wieser stated, we had been in correspondence with Don Oliphant, the Town's Engineer and have an updated letter from him dated August 31, 2018. Jack Huls had assured to me that all engineering comments have been satisfied. We have updated the Development Agreement to include all of the documents which are referenced in the body of the agreement. We also provided our anticipated construction schedule that is included. I have been in correspondence with David Austgen regarding this plan. We have an updated lighting plan, parking plan, site plan, etc.
2. Town Engineer's Comments: Don Oliphant stated, we issued a letter on August 31, 2018, summarizing some of the up to date comments. I haven't had much time to review what was last submitted. Based on the August 31<sup>st</sup>, 2018 engineering review, the engineering comments are minor and the lighting is getting there. The applicant has requested a waiver of the Performance Letter of Credit requirement for the public improvements which are limited to the alleyway entrance way off 133<sup>rd</sup> and minor utility items for fire hydrants and the like.
3. Town Attorney's Comments: David Austgen stated, Jim Wieser's comments are spot on. I reviewed Don's comments, we have the latest draft and proposal of the Development Plan (dispersed to the commission). We have two separate requests in front of us today regarding this vicinity. The first is a primary plat, the public hearing has been held and this is a continuance of the final plat. The plat itself is required to meet the requirements of the Subdivision Control Ordinance and in this instance because we have a PUD development it will be premised and foundational upon the development plan. In consideration there will be two (2) things which are dependent upon each other and the ordinance, which will be considered by the Town Council reliant upon and foundational upon what you do tonight regarding the preliminary development plan and the primary plat. The changes made in this document (PUD Plan) are made in this document which state everything that has been presented. One thing noted is we don't have a specific exhibit in reference to the plat. I would suggest having a site plan in place of the concept plan. It will require an addendum of the primary plat or proposed final plat and the concept plan to be switched out with the site plan itself for clarity purposes. The balance of this is just fine tuning the last read of this before the Town Council. With recommendation to the Town Council will be a certification favorable, unfavorable, or none for the council to consider the PUD zoning amendatory ordinance. I would presume that would be premised upon the primary plat that has been approved, the development plan that has been submitted as finalized by the Attorney's and staff and that should take

- care with the substitution and amendments to the development plan and the requirements under the Town’s Ordinance.
4. Building Department Comments: No comments.
  5. Commission’s Discussion: Jerry Wilkening asked for clarification on the waiver. Don Oliphant stated, they are requesting a waiver for the Performance Letter of Credit regarding the public improvements. Tech Credit Union was required to have one for the alley improvements. Summer Winds is requesting a waiver from those similar improvements. Jack Huls stated, there is a small amount alley and 2 (two) fire hydrants. We understand that Tech Credit Union needed to provide that, but our cost for those improvements in relation to the cost of the development will be more significant. Tim Kubiak stated, if there isn’t a performance bond required for this, what happens when the Town formally accepts this road? Wouldn’t that be a plat requirement? Don stated, the road is already right of way. Tim stated, I understand this is a small piece of road but other developments do ensure that three (3) year maintenance requirements. Tech Credit Union will need to maintain that alleyway for those three (3) years. David Austgen stated, this isn’t a decision that needs to be made tonight and we can have further discussion regarding this waiver. John Foreman stated, that stretch of alleyway is so small in comparison to the scope of the development. David Austgen stated, if a motion is made tonight on the Primary Plat, the action will be contingent upon the completion and finalization of the development plan under the PUD portion of the Town’s zoning ordinance and approval of the site plan under the Town’s ordinances minimally and outstanding engineering comments minimally.
  6. Commission’s Decision:

Motion made by John Foreman and seconded by John Kiepura to approve the PUD site plan contingent on engineering comments, PUD zoning within the town’s ordinance, and the development plan to be finalized.

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

**Request:                   Petitioner is requesting a PUD**

1. Petitioner’s Comments: See above comments.
2. Town Engineer’s Comments:
3. Building Department Comments:
4. Commission’s Discussion:
5. Commission’s Recommendation to Town Council:

Motion made by Jerry Wilkening and seconded by John Kiepura to send a favorable recommendation to the Town Council per the petitioner’s request for the approval of the PUD with the same contingencies as the primary plat and any and all engineering comments and the development plan.

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

**Request:                   Petitioner is requesting a Site Plan**

1. Petitioner’s Comments: See above comments.
2. Town Engineer’s Comments:
3. Building Department Comments:
4. Commission’s Discussion:
5. Commission’s Decision:

Motion made by John Foreman and seconded by Jerry Wilkening to approve the site plan contingent on all engineering comments, the development plan to be finalized, and the PUD zoning within the Town’s ordinance.

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

**Work Session:**

**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**  
**Deferred from August 15, 2018 Public Meeting**

1. Petitioner's Comments: No petitioner present.
2. Town Engineer's Comments: No updates.
3. Building Department Comments:
4. Commission's Discussion:

## **2. Midwest PGM-Site Plan**

Owner: Richard C. Thiel, Jr., 11363 W. 135<sup>th</sup> 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**  
**Deferred from August 15, 2018 Public Meeting**

1. Petitioner's Comments: Carmen Arvia, DVG Engineer stated, we addressed some engineering comments regarding the lighting plan as well as bringing the pond up to the specifications required for volume. We will provide an as-built to the town once the pond is complete. We would like to discuss the screening regarding with the property to the east becoming residential. Along the working area, we are proposing an eight (8) foot privacy fence and one gallon arborvitae trees along the back side of the pond with maturity being twenty to twenty-five (20-25) feet. We are going above the required screening necessary with both the fence and the trees.
2. Town Engineer's Comments: Don Oliphant stated, a letter was issued on August 20<sup>th</sup> with a response but we have not gotten a chance to review the corrections. We will be better prepared for the Public Meeting.
3. Building Department Comments: Tim asked about the eight (8) foot fence. Carmen stated, it will completely surround the working site.
4. Commission's Discussion: Jerry Wilkening asked for a copy of the lighting plan and inquired about the hours of operations. Petitioner stated, hours of operation are Monday-Friday, 7 am – 5 pm and Saturdays, 8 am – 3 pm. Tim Kubiak required, a site plan approval showing where different materials will be placed on the property.

## **3. Birchwood Farms-Rezone**

Owner: Hanover Farms, Inc., 8501 Wicker Ave., Ste. A, St. John, IN 46373  
Petitioner: Jeff Yatsko, 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**  
**Deferred from August 15, 2018 Public Meeting**

1. Petitioner's Comments: No Petitioner present.
2. Town Engineer's Comments:
3. Building Department Comments: Michelle Bakker stated, they are still working on all the PUD guidelines.
4. Commission's Discussion:

## **4. Centennial Phase 13-Final Plat**

Owner/Petitioner: North Centennial Development LLC, 8051 Wicker Avenue, Ste. A, St. John, IN 46373

Vicinity: 141<sup>st</sup> 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**

**Deferred from August 15, 2018 Public Meeting**

1. Petitioner's Comments: No Petitioner present.
2. Town Engineer's Comments: Don Oliphant stated, we have the numbers put together but at the last meeting they said they would have a lot of the infrastructure done.
3. Building Department Comments:
4. Commission's Discussion:

**New Business:**

**1. Cedar Lake United Methodist Church-1-Lot Subdivision/Rezone**

Owner: Cedar Lake United Methodist Church, 7124 W. 137<sup>th</sup> Place, Cedar Lake, IN 46303  
Petitioner: Ken Puent, Cedar Lake United Methodist Church, 7124 W. 137<sup>th</sup> Place, Cedar Lake, IN 46303  
Vicinity: 7124 W. 137<sup>th</sup> Place, Cedar Lake, IN 46303  
Legal Description: H M W ALLS CEDAR LAKE SUB LOTS 1 TO 4 & 40X250FT STRIP & 20X237.5FT STRIP & VAC PINE ST 1.359AC  
Tax Key Number(s): 45-15-26-401-001.000-043

**Request: Petitioner is requesting a 1-Lot Subdivision**

1. Petitioner's Comments: Ken Puent present, also present Bill Kuhn's, the Board of Trustees President of the Church. Ken Puent stated, we uncovered some issues that we would like to clean up tonight. The 2 bedroom house we were using for the Food Pantry, we are requesting a rezone to further conduct business in a new Food Pantry. We would like to combine all the lots into one (1) subdivision and rezone subdivision as a whole. All of the surrounding parcels on the southeast and north side are all zoned residential and the Lakeside Maintenance is zoned business. We do not intend to cap any wells and we will submit for signage requests when we are ready with the Town.
2. Town Engineer's Comments: Don Oliphant stated, we have minor comments. We are confirming that site plan approval is required.
3. Town Attorney's Comments: David Austgen stated, this seems to be a metes and bounds, a boundary survey and treating like a primary plat and most other requirements will be waived. Don stated, no pavement grades and building placed in the same position the other one was in. David stated, a list of the waivers will be needed for this to be code compliant.
4. Building Department Comments: Tim Kubiak stated, this was uncovered when they applied for the permit. This was a metes and bounds parcels and we just want them to get it cleaned up before moving forward. They are before the BZA next week for some variances.
5. Commission's Discussion:

**Request: Petitioner is requesting a Rezone**

1. Petitioner's Comments: Ken Puent stated, the request would be for the entire parcel to be rezoned to B1. Michelle Bakker stated, the front lots are already zoned B1.
2. Town Engineer's Comments: No further comments.
3. Building Department Comments: No further comments.
4. Commission's Discussion: Jerry Wilkening asked what will be in the building? Ken stated, mostly storage for food, a meeting room, we will add a kitchenette for food demonstrations but not an actual kitchen.

**2. Bobb Auto Group-Maintenance Letter of Credit \$18,496.70**

Owner: PSB, LLC, 13007 Wicker Ave., Cedar Lake, IN 46303  
Petitioner: Bobb Auto Group, 13007 Wicker Ave., Cedar Lake, IN 46303  
Vicinity: 13007 Wicker Ave., Cedar Lake, IN 46303

**Request: Petitioner is requesting a Maintenance Letter of Credit**

1. Petitioner's Comments: No Petitioner present.
2. Town Engineer's Comments:
3. Building Department Comments:
4. Commission's Discussion:

### 3. Fritz Farm-Concept Plan

Owner: Duane and Corinne Fritz, 621 Hilbrich Ct., Dyer, IN 46311  
Petitioner: Bill Robinson, Lennar Homes, 1141 East Main Street, East Dundee, IL 60118  
Vicinity: 14325 Wicker Ave., Cedar Lake, IN 46303  
Legal Description: NW NE & N.330FT. OF SW NE & N. 330FT. OF SE NW E. OF NYC. RR S.33  
T.34 R.9 51.50 91038509  
Tax Key Number(s): 45-15-33-200-001.000-013

**Request: Petitioner is requesting a Concept Plan**

1. Petitioner's Comments: Bill Robinson stated, we are the contract purchaser for the Fritz farm. We are currently in the process of annexing the property into Cedar Lake. We previously introduced our plan and have revised it slightly by adding a cottage home which is a ranch villa. We have also added a park, pool and a clubhouse to the plan. Gage Berger, Landscaping Architect stated, we took a look at the existing conditions and planning factors of the site. The site is currently vacant and flat with some lower parts in the middle directing our storm water detention should go. The railroad runs along the western boundary with residential to the north, and to the east vacant farm land. We built the plan around a central corridor of open space. The layout provides a separation between the few products. We are proposing for 84 (eighty-four) single family lots, one hundred twenty-seven (127) age targeted patio homes, seventy-four (74) attached villas, and 72 (seventy-two) front loaded town homes totaling three hundred fifty-seven (357) lots. There will be four (4) residences in each town home. We are proposing two (2) entrances off of 141<sup>st</sup> avenue both boulevard entrances. We are proposing a clubhouse with a pool amenity and a play lot aspect ranging from ages two to twelve (2-12) with so open space in the center. The playground equipment will be ADA accessible. Bill Robinson, Petitioner, stated, we have nine (9) single family plans to choose from ranging from one thousand six hundred to two thousand two hundred and twelve (1,600-2,212) square feet. Average sales price of three hundred thousand dollars (\$300,000.00). Age targeted patio homes we will offer six (6) different plans to choose from with three (3) different elevations ranging from one thousand three hundred to one thousand eight hundred and eighty (1,300-1,880) square feet. The anticipated average sale price expected to be around two hundred thousand seventy-seven dollars (\$277,000.00). The attached villas, a new product in this area, has one side loaded and one front loaded garage. We are expecting the average square footage to be around one thousand five hundred and seventy-two (1,572) square feet with the average sales price of two hundred twenty thousand dollars (\$220,000.00). The town homes are anticipating an average sales price of one hundred eighty nine thousand dollars (\$189,000.00). The four (4) unit town homes, they are front loaded with a two (2) car garage for every unit, all two story buildings. There will be screening between all of the railroads and the product. The average square footage of the town homes around one thousand six hundred (1,600) square feet with different elevations dependent on six (6) different models. The lot sizes are seventy feet by one hundred twenty-five feet (70' X 125') for single family, the patio home lots are sixty feet by one hundred eighteen feet (60' X 118'), paired villas are eighty feet by one hundred thirty feet (80' X 130'), town home buildings are typically twenty-five (25) feet wide. We went from three (3) products to four (4) and we wanted to show you all that.
2. Town Engineer's Comments: Don Oliphant stated, once this is annexed they will be going for a PUD zoning. This is one stage in the approval for that zoning. There are some issues with storm water with the site so there is still a lot to work on.
3. Building Department Comments: Tim Kubiak stated, I agree with Heather, I am not a fan of the town home product that is something we were looking at as a commission. The last few petitioners that presented townhomes we were negative towards that idea. The 112 feet deep lot, the outdoor living seems to be the biggest part of these developments and that doesn't leave much room for more. Gage stated, that includes a sun room. Tim Kubiak stated, does that include an approved setback and approved lot coverage? John Foreman stated, we have a lot of smaller lots and if they want a pool or a deck they are going for a variance. Bill Robinson stated, that is the reason that this development will be in an HOA as well as the clubhouse and pool in the development. We will include architectural control in the development plan.
4. Commission's Discussion: John Kiepora asked, who does that calculations that our water supply and waste facilities will handle the additional residents that would come from this development? Bill stated, our engineer is working on this for upgrades in the systems. John Kiepora asked what consideration is taken when it comes to police and fire patrol.

The police should be two (2) police officers per every thousand (1,000) residents. Have we took that into consideration when approving these developments to come into our town? The fire department should be two point five (2.5) per thousand (1,000) residents? Greg Parker stated, there are recommendations from agencies but I don't recall anyone ever mentioning these concerns. John Kiepora stated, if we are bringing in five thousand (5,000) residents where are we getting the funds to increase the fire and police protection. We only have one police station and one fire station and we need to be able to provide adequate safety for our residents. David Austgen stated, either we incur these costs from growth from these developers pulling a building permit in addition to what is budgeted from the property tax. That can be used for the things that you just discussed. John Kiepora stated, that's good and fine but that is only a one time income and not sustainable. David Austgen stated, it is and it isn't. Once in the community they are spending money and paying taxes here. Greg Parker stated, the town does not benefit as much as other communities do but that is another argument. Jerry Wilkening stated, that is another seven hundred (700) cars that are also on our roads. Don Oliphant stated, they are required to update their section. Greg Parker stated, this is our issue from a planning situation. Jerry Wilkening stated, I do like the presentation and what was shown here tonight. Bill Robinson stated, we are looking at a five (5) year build out so it won't be an immediate impact with all of the cars. John Kiepora stated, I like the premise especially the park and playground. I am not a big fan of townhomes but we can't like everything. Bill Robinson stated, we added a clubhouse and a pool. Heather Dessauer stated, I dislike townhomes and I thought we were trying to steer away from that as a town. Can you create more villas or patio homes? I would give a hard no with the townhome concept. Bill Robinson stated, we wanted to offer four (4) options. And being so close to the railroad and the road we didn't know how that would all work. Heather Dessauer stated, I appreciate a budget but as a commission member I am against townhomes. Jerry Wilkening asked, is there anyone up here that disagrees with Heather? John Foreman stated, I agree with her but they are only proposing for seventy-four (74) units. Bill Robinson stated, we have seen great results from having the four (4) different products in one (1) community. We have this in another community and it has done amazing that is at a much larger scale, one thousand nine hundred (1,900) units. John Foreman, we have a lot of multi-family on the west side of town and I understand the reasoning. We as a commission need to think of the big picture, there are pros and cons of this plan. It is a percentage game at this point. Greg Parker stated, with Lennar's research it is telling us that the outdoor living is minimal.

#### **Update Item:**

Don Oliphant: Muir Woods, details will be ready at the next meeting. We have been doing some research on 139<sup>th</sup> Lane regarding the right of way discussion, we pulled some plats and found some discrepancies, and we are still working on it but seeing some movement. We have found some issues with the lights installed at Hanover High School, ignoring glare. We are looking further into it.

#### **Public Comment:**

Ray Linz, 13110 Osbourne Street, stated I was here in February and I had some issues with 139<sup>th</sup>/ Morse. I purchased a house and was told I cannot build on the lot. It has sewer, mailbox, and garbage service. Greg stated, we are in the process of coming up with a solution for situations like yours. We understand your frustration. Ray stated, I am paying taxes and the sewer bill on this property. I talked to the other owner of the road, Kaylee Veldkamp and between the two (2) of us we are the ones who own the road. She would be willing to give that area to the Town, otherwise I would want to make it a private drive and I would maintain it. Tim stated, first step is obtaining a legal description and without that no documents can be created regarding that road. Don stated, we have pulled a bunch of deeds and plat to try and figure it out. We can likely get that work done in the office. John Foreman stated, I own to the center of Parrish so what is the difference in our scenarios? Michelle Bakker stated, he will need to go for a one lot subdivision. Ray Linz stated, I was also told that I will need to pay for the improvement of the road. Greg Parker stated, that has been the case in some instances. The former town council president has always stressed that we are supposed to uphold the law. Ray Linz stated, it just happened over with the storage lockers by Great Oaks. Tim stated, Mr. Henn's road is private and he has an improved road access on 129<sup>th</sup> Avenue and he uses to access his lot one (1). Don stated, the first step is obtaining or creating the legal description and from there a quit claim deed will be filed. He will in the meantime need to apply for a one (1) lot subdivision process where he can dedicate the frontage as right-of-way. Further discussion continued regarding the process of obtaining the road into the Town's jurisdiction for Ray Linz to obtain a building permit.

Jack Huls, DVG Engineering stated, we discussed Offshore Estates, Mr. Carey's property. Since the discussion he acquired a couple more lots, would you all like us to come in for a revised primary of Offshore Estates or do a one lot subdivision? David Austgen stated, you should make that a part of Offshore Estates Subdivision.

**Adjournment:** 9:15 pm

**Press Session:**

Plan Commission Public Meeting – September 19, 2018 at 7:00 p.m.  
Plan Commission Work Session – October 3, 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**