



**TOWN OF CEDAR LAKE – PLAN COMMISSION
PUBLIC MEETING
MINUTES
October 17, 2018 7:00 P.M.**

Call To Order (Time): 7:00 p.m.

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 Tammy Bilgri, Recording Secretary

Minutes:

A motion was made by John Kiepura and seconded by Heather Dessauer to approve the September 19, 2018 Public Meeting Minutes as presented.

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

Old Business:

1. 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

Deferred from September 19, 2018 Public Meeting

1. Petitioner's Comments:
2. Town Engineer's Comments:
3. Building Department Comments: Michelle Bakker stated she spoke with Jeff Yatsko and he would like to be deferred to December 5, 2018 Work Session.
4. Commission's Discussion:
5. Commission's Recommendation to Town Council:

A motion was made by Chuck Becker and seconded by Richard Sharpe to defer to the December 5, 2018 Work Session per petitioner's request.

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. Lakeside Subdivision Unit 1 Block 1 – Performance Letter of Credit

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

Vicinity: 5711 W. 133rd. Ave., Cedar Lake, IN, 46303

Legal Description: THE EAST HALF (E ½) OF THE NORTHWEST QUARTER (NW ¼) OF SECTION TWENTY-FIVE (25), TOWNSHIP THIRTY-FOUR (34) NORTH, RANGE NINE (9) WEST OF THE SECOND PRINCIPAL MERIDIAN,

CONTAINING EITHY (80) ACRES, MORE ORO LESS, IN LAKE COUNTY,
INDIANA. (E2. NW. S.25 T.34 R.9 80A.)

Tax Key Number(s): 45-15-25-100-001.000-043

Request: **Petitioner is requesting Performance Letter of Credit to Maintenance Letter of Credit**

1. Petitioner’s Comments: Jack Slager, Schilling Development representing Cedar Lake 133 for Lakeside. Have finished all the improvements in Lakeside for Unit 1 Block 1, which was the first portion put in and are requesting the Performance Letter be changed over to a Maintenance Letter.
2. Town Engineer’s Comments: Don Oliphant stated issued a letter today, all the improvements, all the drawings have been inspected and are in good order and recommend it be rolled over into a Maintenance Letter of Credit for three (3) years in the amount of \$126,965.85.
3. Building Department Comments: No comment
4. Commission’s Discussion: No comment

A motion was made by Jerry Wilkening and seconded by John Kiepura to approve the petitioner’s request to move from a Performance Letter of Credit to a Maintenance Letter of Credit in the amount of \$126,965.85.

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 1 – Performance Letter of Credit

Owner/Petitioner: Beacon Pointe of Cedar Lake LLC, PO Box 677, St. John, IN 46373
Vicinity: 9505 W. 137th Avenue/13900 Parrish Avenue
Tax Key Number(s): 45-15-27-351-004.000-014

Request: **Petitioner is requesting Performance Letter of Credit to Maintenance Letter of Credit**

1. Petitioner’s Comments: Jack Slager, Schilling Development. Representing Beacon Ponte. This is the first phase of Beacon Pointe that is now complete with the final coat of asphalt and we are requesting the conversion of the Performance Letter of Credit to Maintenance.
2. Town Engineer’s Comments: Don Oliphant stated this has three (3) small outstanding items, that correlate to striping on Parrish in front of the northern entrance of Beacon Pointe Lane, small stuff on Parrish and cold joint sealing. The remaining items are minimal, so if the commission sees fit would recommend approval of the rollover of the Maintenance Letter of Credit be contingent on those three (3) items be satisfactorily addressed. The amount would be \$87,563.77 for a three (3) year time period.
3. Building Department Comments: No Comments
4. Commission’s Discussion: Jerry Wilkening asked what the time line would be for completing the items. Mr. Slager stated approximately two (2) weeks.

A motion was made by Jerry Wilkening and seconded by Chuck Becker to approve the petitioner’s request to change the Performance Letter of Credit to a Maintenance Letter for a term of three (3) years in the amount of \$87,563.77 contingent the three (3) items concerning striping and cold joint sealing be taken care of.

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. Faith Church – Maintenance Letter of Credit

Owner: Faith Reformed Church Inc
Vicinity: 6729 W 133rd AVE CEDAR LAKE IN 46303
Legal Description: Faith Church Cedar Lake Sub Lot 1

Request: **Maintenance Letter of Credit \$7,696.40 - Expires December 15, 2018**

1. Petitioner’s Comments: Jack Huls, DVG representing the petitioner Faith Church. This was a one (1) lot subdivision we did a few years ago. A Performance Bond was required and changed to a Maintenance Bond and now a new letter from Don regarding that.

- 2. Town Engineer’s Comments: Don Oliphant stated this is a Maintenance Letter of Credit that is expiring after the three (3) year period. Completed inspection yesterday some small items, some cracks need to be sealed. One caveat contingent for approval three (3) years ago was the installation of approximately forty-five ft. (45’) of sidewalk east of the drive entrance. It essentially goes to no where. It is still not ready to be put in. Recommendation of the Town staff is a fee be submitted in lieu of that installation. The Town would install when site conditions allow it. Jack Huls stated he concurs with the amounts, but instead of the fee in lieu of that they will pay at the time construction is done. David Austgen stated the preference of the Town is that sidewalk be extended. Tim Kubiak stated right now to go straight off of the curb it would go straight into the detention pond, terrain is impractical to install it. David Austgen stated he does not hear a solution, he knows Bob Carnahan wants every side walk in Town to connect. Mr. Huls stated at this time it would be a liability for the Town to have the sidewalk going into a detention pond.
- 3. Building Department Comments: Tim Kubiak stated the water main is extended through the end of the property so if we ever extend the water main it is right under that sidewalk also.
- 4. Commission’s Discussion: Discussion ensued on different solutions, Jack Huls suggested one solution be paying the Town \$1,000.00 right now and the second options would be for Faith Church to put the side walk in or pay when the Town eventually puts it in. John Foreman stated waiting for something to be done going east and having them state in a letter they will pay for improvements when completed makes the most sense. Don Oliphant stated we got the recommendations from staff setting the number based on the length of the storm sewer, PDA ramp right off their estimate, becomes a policy decision at this point. Whether do a fee in lieu of or have an agreement letter with them for future. Heather Dessauer stated she is not comfortable with a fee in lieu of, if this happens five (5) years from now who pays the bill. Don Oliphant stated this was waived to move through performance to maintenance because technically all the public improvements have not been installed should not have been moved to maintenance. John Kieपुरa suggested put the sidewalk in with a barricade at the end and a barricade before the wire. Greg Parker asked if a sidewalk has to be a traditional concrete sidewalk or can it be a board walk. The Board continued discussion.

A motion was made by Jerry Wilkening and seconded by Richard Sharpe to approve the fee in lieu of for \$1,137.50 for the sidewalk of Faith Church and release the Maintenance Letter of Credit and the two (2) issues in the letter from Christopher Burke be addressed.

Heather Dessauer	Chuck Becker	Jerry Wilkening	John Kieपुरa	Richard Sharpe	John Foreman	Greg Parker	Vote
No	No	Yes	Yes	Yes	No	Yes	4-3

4. Bobb Auto Group - Maintenance Letter of Credit

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: Maintenance Letter of Credit \$ 18,496.70 – Expires – October 29, 2018

- 1. Petitioner’s Comments:
- 2. Town Engineer’s Comments:
- 3. Building Department Comments: Tim Kubiak stated this is on here for information. This has all been inspected and checked, everything is good. No action needs to be taken.
- 4. Commission’s Discussion:
- 5. Commission’s Decision:

Motion:		1 st		2 nd			
Heather Dessauer	Chuck Becker	Jerry Wilkening	John Kieपुरa	Richard Sharpe	John Foreman	Greg Parker	Vote

Update Item:

- 1. Muir Woods Improvements-Tim Kubiak stated this is almost done. Curbs ripped out and replaced, driveways fixed, waiting on asphalt. Should be complete in the next week.
- 2. 139th Place/Morse Street-David Austgen stated he received the drawings from Don tonight. Looking at private drives and legal descriptions. Will be reviewing with Don

and staff for identification of the parcels that need to be acquired so they become public ways.

3. **Great Oaks Acres – Letter of Credit**-Tim Kubiak stated he did get a call from Mr. Henn and hopefully this will be done on Saturday.
4. **Lakeside Subdivision Unit 1 Block 2 – Performance Letter of Credit \$165,546.21 - Expires December 7, 2018**-Michelle Bakker stated they are going to do a one (1) year extension.
5. **Ledgestone – Performance Letter of Credit \$896,843.45 – Expires November 15, 2018**-Michelle Bakker stated we did receive the one (1) year extension today. Waiting on attorney approval.

Don Oliphant stated the Hanover High School lighting retro fit, actually have the manufacturer spec on the light they installed. It is the correct fixture, but does not have any cutoffs or shields; it actually has refractors on it, which spreads it everywhere. Have been in contact with the manufacturer to figure out what happened.

Public Comment:

Jack Slager from Schilling Development stated they would like to present a power point on three (3) possible subdivisions. Mr. Slager gave a brief history of Schilling Developments involvement in Cedar Lake and a brief explanation of their mission statement. Some of these developments have been in the works for years, some for months. Know there is some concern with multi-family. Greg Parker asked John Foreman for a brief explanation of that. John Foreman stated he contacted some Town Managers and no community has a magic number of multi-family. We are an old town that happened and we have cottages on these twenty-five ft. (25') lots. So today's day and age, society is leaning very nicely to RT and RM, that being said ran the numbers with people in the office and got sewer numbers and we are at about twenty-five percent (25%) RT, RM or rentals. From all of that do realize that them owning Beacon Pointe East saved us two hundred twenty-two (222) per planned RT and RM units. Perhaps a sprinkling of RT might work to block railroad tracks or other unpleasant sites. Out of that raise the bar for RM after these two hundred twenty-two (222) are used. Want to be assured it won't turn into long term housing. Mr. Slager stated he agrees and stated St. John did a study and the number changes as the community ages. Mr. Slager gave an overview of concept plans for these three (3) developments. Discussion also ensued on different zoning. Beacon Pointe East would have one hundred thirty-five units (135). Wanted to bring them up so the Town could think about utility and water services on the west side of town. Beacon Pointe West would fill in all vacant farm land from Parrish Avenue, south of Utopia, west of Utopia, north of Centennial, south of Summer Winds and east of the Industrial Park. Forty (40) acres of this site is in the Town of Cedar Lake and fifty-five (55) acres is not. We are working on the annexation of the missing piece. Looking at primarily single family with a street of duplexes buffing the industrial and also the hope to expand the industrial park further south. Have worked with the owners of Centennial and a portion of our site will be called Centennial. The last site is Oakwood, behind the old Circle Olds off of 129th. Reworked this from previous plans, dropped ten (10) units. Would like duplexes along the railroad tracks, cottage homes along the creek and a section of single family back in the woods. Would like to open these single family homes up to multiple builders. Custom single family lots eighty ft. (80') wide, over all projects combined would be thirty-five percent (35%) of the acreage; next cottage single family, sixty to seventy ft. (60'-70') wide lots would be nineteen point two percent (19.2%). The two (2) would equal about fifty-five percent (55%) of the acreage. The next item would be pair villas about twenty-five percent (25%) and last would be parks, natural areas and storm water about twenty percent (20%). Would like feedback on these proposals. Discussion ensued on pricing of homes. John Kiepora was concerned with only one entrance in Oakwood. Discussion ensued by the Commission on different options for these developments. Greg Parker stated as far as forethought, this is one of the best Plan Commissions I have seen assembled here since I have been involved in politics and that goes back about fifteen (15) years. Have seen some silly things happen and we are now paying for them. Nobody wants to continue down a road where you have regrets about the future of this Town. Greg Parker asked for some clarification for the sewer capacity. David Austgen gave a brief explanation. Discussion on possible building of a west side interceptor.

Adjournment: 8:40 p.m.

Press Session:

Chuck Becker

Heather Dessauer

John Foreman

Greg Parker

John Kiepora

Richard Sharpe

Jerry Wilkening

Attest: Tammy Bilgri, Recording Secretary

Plan Commission Work Session – November 7, 2018 at 7:00 p.m.
Plan Commission Public Meeting – November 21, 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.