



**TOWN OF CEDAR LAKE – PLAN COMMISSION  
PUBLIC MEETING MINUTES  
November 21, 2018 7:00 P.M.**

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

Pledge to Flag:

Roll Call:

Absent 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 – CBEL  
Present David Austgen, Town Attorney  
Present Tim Kubiak, Director of Operations  
Present Michelle Bakker, Building  
Administrator/Recording Secretary

**Minutes:**

A motion was made by John Kiepura and seconded by Richard Sharpe to approve the October 17, 2018 Public Meeting Minutes as presented.

Heather Dessauer	Chuck Becker	Jerry Wilkening	John Kiepura	Richard Sharpe	John Foreman	Greg Parker	Vote
Absent	Yes	Yes	Yes	Yes	Yes	Yes	6-0

**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**  
**Deferred to December 5, 2018 Work Session**

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

Motion:		1 <sup>st</sup>		2 <sup>nd</sup>			
Heather Dessauer	Chuck Becker	Jerry Wilkening	John Kiepura	Richard Sharpe	John Foreman	Greg Parker	Vote

**New Business:**

**1. Summer Winds Commercial LLC-Final 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 Final Plat for a 1-lot PUD Sudvision**

- 1. Petitioner’s Comments: Jack Huls stated would like to request a deferral.
- 2. Town Engineer’s Comments:
- 3. Building Department Comments:
- 4. Commission’s Discussion:
- 5. Commission’s Decision:

A motion was made by Richard Sharpe and seconded by John Foreman to defer to December 5, 2018.

Heather Dessauer	Chuck Becker	Jerry Wilkening	John Kiepura	Richard Sharpe	John Foreman	Greg Parker	Vote
Absent	Yes	Yes	Yes	Yes	Yes	Yes	6-0

**2.     Summer Winds LLC, Residential-Final Plat-Unit 2**

Owner/Petitioner:       Summer Winds Development, LLC (Tim Dinga) 40 E. Joliet St., Suite 18, Schererville, IN 46375  
Vicinity:                 133<sup>rd</sup> & 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 2-Residential Subdivision**

- 1. Petitioner’s Comments: Jack Huls, DVG representing Summer Winds LLC. Seeking Final Plat for Unit 2. Infrastructure is mostly in, has been submitted to Don Oliphant for review. The developer has three or four lots ready to pull permits on.
- 2. Town Engineer’s Comments: Don Oliphant stated the first unit was thirty-eight (38) units, the second unit is sixty (60) residential units. There will be seven (7) that will be part of a future plat. The plat is in order, a lot of infrastructure has been completed, a lot of inspections completed and accepted and record drawing submitted and accepted. They will have a reduced performance letter of credit based on those completions. The three percent (3%) inspection fee will total \$33,578.06, the performance letter of credit will total \$376,950.23and the MS4 inspection fee of \$2,000.00 will be required.
- 3. Building Department Comments: Tim Kubiak asked why they left out the seven (7) lots. Jack Huls stated there is a large overland swale that runs the south line and have not got the as built complete on that. Michelle Bakker stated lots 10-13 we will change the address and do a new final plat. Will bring mylars next week.
- 4. Commission’s Discussion: None

A motion was made by John Kiepura and seconded by Jerry Wilkening to accept the Final Plat for Unit 2 based on the recommendation of the Town Engineer.

Heather Dessauer	Chuck Becker	Jerry Wilkening	John Kiepura	Richard Sharpe	John Foreman	Greg Parker	Vote
Absent	Yes	Yes	Yes	Yes	Yes	Yes	6-0

**3.     Summer Winds LLC, Residential- Unit 1-Performance Letter of Credit Reduction**

Owner/Petitioner:       Summer Winds Development, LLC (Tim Dinga) 40 E. Joliet St., Suite 18, Schererville, IN 46375  
Vicinity:                 133<sup>rd</sup> & 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 Performance Letter of Credit Reduction for Unit 1**

- 1. Petitioner’s Comments: Jack Huls, DVG representing the petitioner Summer Winds LLC. Unit 1, the bond is posted for the letter of credit. \$976,751.38, all infrastructure is in retention pond is constructed, sanitary sewer, storm sewer, water main, curbs and road are in. As builds have been sent to Don. Requesting reduction to the limit of twenty-five percent (25%) per the ordinance.
- 2. Town Engineer’s Comments: Don Oliphant stated this is a reduction down to the full maximum allowable to \$244,187.85. They have remaining items lighting and final coat of asphalt and some inspections.
- 3. Building Department Comments: None
- 4. Commission’s Discussion: John Foreman asked why they put a final coat of asphalt near 133<sup>rd</sup>? Jack Huls stated this is a similar situation as Lakeside, to create an aesthetic for the subdivision.

A motion was made by Jerry Wilkening and seconded by John Foreman to approve the request to reduce the Performance Letter of Credit to \$244,187.85.

Heather Dessauer	Chuck Becker	Jerry Wilkening	John Kiepura	Richard Sharpe	John Foreman	Greg Parker	Vote
Absent	Yes	Yes	Yes	Yes	Yes	Yes	6-0

**4. Lakeside Subdivision Unit 1 Block 2 – Performance Letter of Credit**

Owner: Cedar Lake 133, LLC, PO Box 677, St. John, IN 46373  
Petitioner: Schilling Development, PO Box 677, St. John, IN 46373

**Request: Petitioner is requesting a 1 Year Extension for the Performance Letter of Credit in the amount of \$165,546.21 expiring December 7, 2018**

- 1. Petitioner’s Comments: Jack Huls, DVG representing the petitioner. Seeking a one (1) year extension on a Performance Letter of Credit.
- 2. Town Engineer’s Comments: Don Oliphant stated have no comments.
- 3. Building Department Comments: Michelle Bakker stated she did send the original document to David Austgen for review, concerned with the amount on the agenda.
- 4. Commission’s Discussion: None

A motion was made by Jerry Wilkening and seconded by Chuck Becker to approve the one (1) year extension for the Performance Letter of Credit that expires December 7, 2018

Heather Dessauer	Chuck Becker	Jerry Wilkening	John Kiepura	Richard Sharpe	John Foreman	Greg Parker	Vote
Absent	Yes	Yes	Yes	Yes	Yes	Yes	6-0

**Update Item:**

- 1. **Muir Woods Improvements**-Tim Kubiak stated the road is repaired, lowered, drainage is complete. Still are drainage issues to the south of where we did project. Other issue should be taken care of it lot 5 is built on. Discussion ensued on lot 5 and the easement. The Board expressed concern with protecting potential buyer and the flood issues.
- 2. **139<sup>th</sup> Place/Morse Street**-David Austgen stated we are working on this. Going to order title work, good legal for the entire length of 139<sup>th</sup>/Morse, did a good job on the survey, just not enough and we talked about it and they extended it. Will have a better report next month. Once the title work comes back, we will know who owns the property and can contact the owners and see if they are willing to sign over the rights to the Town, before we move forward. Discussion ensued on dedicated and improved streets.
- 3. **Great Oaks Acres – Letter of Credit**-Michelle Bakker stated she talked to Mr. Henn today and he is really working hard to get it done by next Friday. He would really like his drainage bill to go down.
- 4. **Hanover High School Lighting**-Don Oliphant stated nothing new, still in talks with the schools lighting manufacturer and the architect working as well. Want to reignite the Hanover practice fields.

**Public Comment:**

John Foreman discussed the TIF district around the lake. The TIF district is for businesses, that money is put aside and thus have a RDC that can do special projects, such as purchasing Walhberg/Bartlett Park, tearing down some buildings and improving lake access. Don’t have a lot of dollars in the TIF district because what is designated as a TIF is residential. Would like to propose that we make the TIF from the Cedar Lake Fire Department to the Midway Ballroom/Midway Gardens area. Allow for the zoning to be changed to B1. This would allow someone to open up a business thus the assessed value goes from one percent (1%) to three percent (3%) once the zoning is changed. In the State of Indiana we are one percent (1%) for residential, two percent (2%) for rentals and three percent (3%) for business. Felt this would be a way to spur some economic development and growth along Lake Shore Drive. This would allow for a use change without taking six (6) months. We have a needed for more commercial. Tim Kubiak stated it would be better to streamline the rezone process. David Austgen stated what we are talking about is super imposing a business district over the top of what exists out here allowing what still exists to remain, legal non-conforming. While still have some permissive ability for a business type use to occur, doesn’t take away the platting responsibilities, doesn’t take away compliance with the strict parameters of the zoning district classification of B1. Would want to fine tune the B1 zoning district. Discussion ensued about a possible walking path.

**Adjournment:** 7:04 p.m.

**Press Session:**

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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 Kiepora**

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**Richard Sharpe**

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**Jerry Wilkening**

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**Attest: Michelle Bakker, Recording Secretary**

Plan Commission Work Session – December 5, 2018 at 7:00 p.m.  
Plan Commission Public Meeting – December 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.*