



**TOWN OF CEDAR LAKE – PLAN COMMISSION  
WORK SESSION MINUTES  
January 16, 2019 - 7:00 P.M.**

Call To Order (Time): 7:06 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 – CBBEL

Present David Austgen, Town Attorney\*\*

Present Tim Kubiak, Director of Operations

Present Michelle Bakker, Building Administrator

Present Ryan Deutmeyer, Town Attorney

Present Sarah Rutschmann, Recording Secretary

*Minutes and Old Business read first then went back to Nominations and Appointments due to members running late. \*John Foreman arrived during the reading of Old Business. \*\*David Austgen arrived during Lennar presentation.*

**1. Nomination and Appointment of Officers:**

**President: Greg Parker**

Motion: Jerry Wilkening 1<sup>st</sup> Richard Sharpe 2<sup>nd</sup>

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

**Vice President: John Kiepura**

Motion: John Foreman 1<sup>st</sup> Jerry Wilkening 2<sup>nd</sup>

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. Retention of Services:**

**Legal Services: Austgen, Kuiper, Jasaitis P.C.**

Motion: Jerry Wilkening 1<sup>st</sup> John Kiepura 2<sup>nd</sup>

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

**Engineering Services: Christopher B. Burke Engineering, Ltd.**

Motion: Jerry Wilkening 1<sup>st</sup> John Kiepura 2<sup>nd</sup>

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. Appointments:**

**Board of Zoning Appeals: John Kiepura**

**Unsafe Building Department: Richard Sharpe**

Motion: John Foreman 1<sup>st</sup> Jerry Wilkening 2<sup>nd</sup>

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

**Minutes:**

Motion to approve the November 21, 2018 Public Meeting and December 5, 2018 Work Session as presented: John Kiepura 1<sup>st</sup> Richard Sharpe 2<sup>nd</sup>.

Heather Dessauer	Chuck Becker	Jerry Wilkening	John Kiepura	Richard Sharpe	John Foreman	Greg Parker	Vote
Absent	Yes	Yes	Yes	Yes	Not present	Yes	5-0

**Old 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.243.43 ft.  
Tax Key Number(s): 45-15-28-227-006.000-014; 45-15-28-227-007.000-014; 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 Subdivision**

1. Attorney/Petitioner's Comments: Attorney Mr. James Wieser noted he was present tonight with Mr. Jack Huls. Mr. Wieser stated this item was delayed due to Summer Winds filed for TIF funds at the December 10, 2018 Redevelopment Commission Meeting and this was deferred to January 21, 2019 meeting. Mr. Wieser confirmed to Ryan Deutmeyer that documents have been sent to David Austgen.
2. Town Engineer's Comments: None
3. Building Department Comments: None
4. Commission's Discussion: None
5. Commission's Recommendation to Town Council: None

Motion to defer this item to February 20, 2019: John Kiepura 1<sup>st</sup> Jerry Wilkening 2<sup>nd</sup>.

Heather Dessauer	Chuck Becker	Jerry Wilkening	John Kiepura	Richard Sharpe	John Foreman	Greg Parker	Vote
Absent	Yes	Yes	Yes	Yes	Not present	Yes	5-0

**New Business:**

**1. Lennar Homes – Rezone/Subdivision-Preliminary Plat**

Owner: Duane and Corinne Fritz, 621 Hilbrich Ct., Dyer, IN 46311  
Petitioner: Lennar Homes, Bill Robinson, 1141 East Main St., Ste. 108, East Dundee, IL 60118  
Vicinity: 14325 Wicker Ave., Cedar Lake, IN, 46303  
Legal Description: PT S1/2 NW & PT SW NE. S.33 T.34 R.9 E. OF RR. EX N. 995.2FT. 10AC and N1/2 NW. SE. S.33 T.34 R.9 20AC and 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 and PT SW NE & PT SE NW E OF RR S.33 T.34 R.9 EX N 330FT 22.95AC. EX. N. 330FT. 22.95A.  
Tax Key Number(s): 45-15-33-200-003.000-013; 45-15-33-400-001.000-013; 45-15-33-200-001.000-013; and 45-15-33-200-002.000-013.

Presenting tonight: Bill Robinson from Lennar Homes, 1141 East Main St., Ste. 108, East Dundee, IL 60118; Scott Guerard, Vice President of Land Acquisition from CalAtlantic/Lennar Homes, 1141 East Main St., Ste. 108, East Dundee, IL 60118; Ryan Martin, Senior Project Engineer from Mackie Consultants LLC, 9575 W. Higgins Road, Ste. 500, Rosemont, IL 60018; Richard “Rich” Olson from Gary R Weber Associates, Inc., 402 W. Liberty Dr., Wheaton, IL 60187. Also present was their corporate attorney James Wieser from Wieser & Wylle, LLP, 429 West Lincoln Hwy, Schererville, IN 46375.

**Request:                   Petitioner is requesting a Rezone to a Planned Unit Development (PUD) AND Preliminary Plat for a 352-unit Residential Subdivision**

1. Petitioner’s Comments: Mr. Wieser gave introductions to the team and provided a broad overview. Wieser noted some unexpected circumstances and the holidays causing some delays. A markup copy of the legal agreement had been provided. Rich Olson provided handouts and presented the proposed development plan and overview, similar to what was presented at the December 5, 2018 meeting for the 352 unit residential subdivision, along with the progress since their concept meeting and details on the various product types. Scott Guerard provided additional background on Lennar, their locations in the Northwest Indiana area, the “EI” (Everything Included) platform concept, Smart Houses, and things that make themselves unique to other builders.
2. Attorney’s Review: Attorney Ryan Deutmeyer inquired Attorney James Wieser regarding time constraint brought up. Wieser announced drop dead date from sellers of February 26, 2019. Wieser spoke with Mr. Austgen about possibility of a special meeting of Plan Commission on January 30, 2019. Guerard clarified feasibility issues and the date is due to the sellers. Jerry Stiener from Wille & Stiener Law Office, 707 North Main Street, Crown Point, IN 46307, representing the Fritz family, was present, confirmed the contract would expire on February 26, 2019, and noting the sellers would walk away and are firm in that date. Austgen noted that he has reviewed the plan and recommended to Greg Parker that the commission hold a special meeting as the commission has not had enough time to review the plan and a great deal of information needs to be in the documents.
3. Town Engineer’s Comments: Tim Kubiak and Greg Parker discussed sewer and water capacity concerns with Don Oliphant and Neil Simstad from Nies Engineering (present in audience). Mr. Wieser noted that the design criteria was noted as an exhibit within the development agreement. Oliphant noted full submittal was received on Monday, so they have not had much of an opportunity to review. Kubiak and Oliphant spoke about preliminary plat based on the information provided with the unanswered questions within the timeframe would be difficult. Guerard noted there were other stop gaps the town could create for them and are ready to go. Guerard clarified to Oliphant that the contract requires plat approval. Simstad is waiting on an interceptor report and clarified water was not the issue, but rather the sewer. Guerard stated

Lennar was a large company with large resources, would be putting in units over the course of a few years, and is willing to work with the town on redevelopment recapturing reimbursement as Lennar does not want to miss the opportunity to build in this community. Simstad addressed Oliphant's inquiry regarding if he felt comfortable putting any units in at this time; Simstad stated no, but commented that Kubiak and Guerard's comments that units would not be going in today but contingencies moving forward needed to be made.

4. Building Department Comments: John Foreman, Scott Guerard, Don Oliphant, Rich Olsen and Tim Kubiak discussed yard sizes and setbacks.
5. Commission's Discussion: Multiple conversations and discussions took place regarding to the future development of the town, sewer and water concerns and specifically to Lennar the issue with the time constraint. Multiple discussions transpired regarding fee structures, HOA documentation, and technicalities. Multiple members and conversations took place about the timeline of Town Council and Plan Commission meetings in regards to the PUD agreement and preliminary plat agreement before the drop dead date. John Kiepura requested documentation review prior to the meeting; Greg Parker agreed. Mr. Austgen recommended that the February 6 meeting be advertised as a Public Meeting.
6. Commission's Recommendation to Town Council:

There were no remonstrators for or against the request for Rezone to a Planned Unit Development (PUD) AND Preliminary Plat for a 352-unit Residential Subdivision.

Motion to defer both requests together to February 6, 2019, making a portion of the Work Session into a Public Meeting: Jerry Wilkening 1<sup>st</sup> John Kiepura 2<sup>nd</sup>

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. Birchwood Farms-Rezone/Subdivision-Preliminary Plat

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 AND Petitioner is requesting Preliminary Plat for a one hundred thirty-seven (137) lot Single Family Subdivision**

1. Attorney Review: Mr. Austgen addressed Mr. Parker asking that the record reflect that this is a Public Hearing. Austgen stated the reviews and corrections need to take place.
2. Petitioner's Comments: Presenting tonight is Jeff Yatsko with Olthof Homes. Several presentations have been made with several plans. A handout was provided with the 137 lot layout on 68 acres that was recently annexed into the Town of Cedar Lake. Mr. Yatsko notes dialogue has been received back and forth on updates to the markup plan. Mr. Yatsko updated that a meeting with INDOT had occurred since he last met with this Plan Commission about the entrances. He noted INDOT reviewed the vertical sight differences and they agreed to the change in driveway back to the south. He also highlighted INDOT's plan to have a 5-lane road with a

suicide lane for turning. Mr. Yatsko spoke about the 13 acres on the back of the property remaining and having trails available.

3. Town Engineer's Comments: Don Oliphant noted documents were received on Friday and they are still reviewing.
4. Building Department Comments: Tim Kubiak stated concerns with lift station. Yatsko stated pumping would be into station #8. Water connection is on 129<sup>th</sup> and would be taken through Schilling Commercial Development, and they are working together with them on this. Multiple discussions from multiple members asked for clarification on 40% lot coverage, 35ft height, decks 10ft from property line, and went over specifications of the different setbacks, footage for yard proposal and proposed landscaping, berm and wetlands issue. Yatsko will check into this. Jerry Wilkening requested Michelle Bakker to email a list of the concerns to the members. Multiple members spoke about the entrances, roadway, right of way discrepancies, and easement.
5. Commission's Discussion: John Kiepora asked for clarification from Austgen on if 60 foot roadway clarification and if decided 30 foot would have to be given thus moving the whole subdivision; Austgen noted yes. John Foreman inquired about bigger back yard versus the front yard. Tim Kubiak noted the yard sizes and they were generous; Jerry Wilkening noted the larger area in the front yard better accommodated cars parking in the driveway.
6. Commission's Recommendation to Town Council:

Remonstrators for or against the request for Petitioner is requesting a Rezone from Agriculture (A) Zoning District to Residential Planned Unit Development (PUD) Zoning District AND Petitioner is requesting Preliminary Plat for a one hundred thirty-seven (137) lot Single Family Subdivision:

- 1) Robert Henn 13733 Wicker Ave notes he owns a parcel in the 126<sup>th</sup> & 41 area, zoned B2 in the county and wants to know what it will back up to and would his zoning change with residential behind him. Jerry Wilkening provided him with a map. Mr. Austgen stated the zoning would not change presently but the character of the area is changing.
- 2) Mark Machnic notes he lives at the north end of the woods and can see into CL Vending. Wants to know how close the subdivision would be. Mr. Yatsko noted perimeter landscaping. Carol Machnic 11425 W 121<sup>st</sup> Pl states she and her husband Mark recently purchased the home and 10 acres that but up to the property. They just moved there in June because they loved the privacy and wooded area. She has concerns about the amount of people involved, trespassing on her property, people especially children cutting through their land as established cut thus took place when the land was vacant, and respectfully requesting a berm or fence along the property line. Yatsko noted in cases where commercial property but up to residential, commonly they put up a fence; where residential meets residential, landscaping it put into place. Yatsko addressed John Foreman's concern about uniformity with fences that they are in the covenants. Don Oliphant noted 670 feet length on the property line discussed. John Foreman suggested to the Machnic's the possibility of giving Olthof access to put dirt on the land/property line creating a berm.
- 3) Todd Jenkins 12606 Magoun Street has a question wondering if 125<sup>th</sup> will still be 30 foot in the Cedar Gardens area. He owns 3 platted lots that are buildable in this area concerned about if they could become land locked. Discussion occurred with multiple members that it may be possible if they used private drives to build the lots, the possibility of obtaining a waiver, INDOT tying 125<sup>th</sup> back into 126<sup>th</sup> (not direct access to 41), or possible one way road.

At 9:10 pm, Greg Parker announced the Public Hearing was closed.

Motion to defer both requests together to February 6, 2019: Jerry Wilkening 1<sup>st</sup> John Kiepora 2<sup>nd</sup>

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

### 3. Centennial Phase 10-Performance Letter of Credit

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

**Request: Petitioner is requesting Performance Letter of Credit in the amount of \$263,045.52 to Maintenance Letter of Credit in the amount of \$79,429.41**

1. Petitioner's Comments: Presenting tonight is Jeff Yatsko. Yatsko stated that figures were approved and the bank was approved and drafting the form.
2. Town Engineer's Comments: Don Oliphant stated the reviews happened after the November 27, 2018 Public Meeting then there was not a public meeting in December. Everything has been inspected and approved.
3. Building Department Comments: Tim Kubiak agreed that everything was inspected and approved.
4. Commission's Discussion: Yatsko confirmed to John Foreman that the builder does own the land. David Austgen stated that annexation was based on land use approval.
5. Commission's Decision: Approve Performance Letter of Credit in the amount of \$263,045.52 to Maintenance Letter of Credit in the amount of \$79,429.41 for 3 years.

Motion to approve Performance Letter of Credit in the amount of \$263,045.52 to Maintenance Letter of Credit in the amount of \$79,429.41 for 3 years: John Kiepura 1<sup>st</sup> John Foreman 2<sup>nd</sup>

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:** Don Oliphant noted the roads are completed. Erosion in the channel is a still issue. Tim Kubiak updated the status with correction to Csikos property flooding. Until Mr. Watts agrees to fix the problem, the lot is considered unbuildable. It was recommended and agreed that this item be removed from the agenda.
2. **139<sup>th</sup> Place/Morse Street:** Title work, plat, and legal description are completed. David Austgen asked for direction on the right of way. Kalee Veldkamp, who is present, states she is the owner of 8 acres including the road and has been paying taxes on this for 20 years. Ray Linz, also present, owns property in the area and has concerns of the location being land locked. Clarification was made that the road is paved and has sewer access. Multiple discussions occurred with various members about the road, county tax, private property, and possibility of the owners signing a deed to give the road to the town. Austgen clarified for Veldkamp that the area near Strack Van Til was part private property and part not. In order for unified improvement and make it safe, the town acquired the property. Some deed conveyance was completed without consideration. Greg Parker stated to Veldkamp that she would not be paid for that easement because it is not necessary or a benefit for the town to function or obtain public safety, but it would benefit her. Veldkamp asked how she would get the road off of her taxes. Tim Kubiak noted that she could have the property replatted. Linz is concerned about the future of the road access and land lock, which Parker noted that there is currently road access to the home. John Foreman asked David Austgen to draw up the documentation to give the right of way for 139<sup>th</sup> and Morse Street and have Town Administrator Jill Murr send it for Mr. Linz and Ms. Veldkamp to review. Austgen confirmed to Foreman that if Veldkamp signs a Quit Claim Deed to the Town, the Town would handle the paperwork.
3. **Great Oaks Acres – Letter of Credit:** This has not been cleared up yet.
4. **Hanover High School Lighting:** Don Oliphant stated a retrofit was done and a shield was ordered. He will update this item at the next meeting.

5. **Beacon Pointe Unit 1A-Letter of Credit:** Michelle Bakker stated they would extend the letter of credit. Don Oliphant noted it is due to expire March 14, 2019.
6. **Midwest PGM:** Tim Kubiak stated the permit was approved. Some additional site work needs completed before occupancy. Kubiak, Jerry Wilkening and John Kiepura discussed lights and security issues on the plan. It was concluded no lights.

**Public Comment:** Greg Parker stated a meeting was proposed regarding three schools in Hanover School Corporation being at capacity and the middle school, only 10 years old, being at capacity. He stated there was a proposal to build a new elementary school. The date and time of the meeting was not confirmed yet.

Multiple discussions occurred with committee members about obtaining funds to assist and development fees with Lennar. Multiple discussions also included impacts on water, sewer, roads/traffic, schools, and public safety, where the proposed funding would come from, and more planning needing to take place. Review of the Comprehensive Master plan was also mentioned.

**Adjournment:** Meeting was adjourned at 10:11 p.m.

**Press Session:**

---

**Chuck Becker**

---

**Heather Dessauer**

---

**John Foreman**

---

**Greg Parker**

---

**John Kiepura**

---

**Richard Sharpe**

---

**Jerry Wilkening**

---

**Attest: Sarah Rutschmann, Recording Secretary**

Next Plan Commission Special Public/Work Session – February 6, 2018 at 7:00 p.m.  
Next Plan Commission Public Meeting – February 20, 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.*