



**TOWN OF CEDAR LAKE – PLAN COMMISSION
WORK SESSION MINUTES
March 6, 2019 - 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 Kiepora

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 Sarah Rutschmann, Recording Secretary

New Business:

1. Lifehouse Development – Concept Plan

Owner/Petitioner: Lifehouse Development, LLC, PO Box 352, Lowell, IN 46356

Vicinity: 14908 Morse Street, Cedar Lake, IN 46303

Legal Description: PT. NE NW (331.55X1313.80FT. S.2 T.33 R.9 9.383AC.

Tax Key Number(s): 45-19-02-100-003.000-058

1. Petitioner's Comments: Todd Harbrecht presented from Lifehouse Development, along with his engineer Kevin Sayers from Turning Point Surveying. Harbrecht stated they are currently under contract to purchase this parcel adjacent to the south end of South Shore Country Club on Morse St and contract is contingent upon Town approval for residential subdivision of single family homes. Harbrecht stated the proposed subdivision name be Armours Edge. The concept plan includes 30 lots; all cottage homes; currently zoned R2; lot size 65x135; parcel size 330x1270; approximately 10 acres. Parker asked what was proposed for water; Harbrecht stated each parcel would have an individual well.
2. Town Engineer's Comments: Don Oliphant commented that the subdivision would require a variance. He suggested a park dedication. Oliphant noted the location is in a good spot due to no development to the west or south due to marsh property owned by Lake County Parks. Oliphant and Jerry Wilkening discussed road addition in that location and the approximate costs of \$700-800,000. Oliphant asked Harbrecht what his proposed schedule looked like. Harbrecht state he was hoping to move dirt by summer and have foundations in by late fall/early winter.
3. Building Department Comments: Tim Kubiak suggested a possibility of a community well that could later be tied into the municipal line. Wilkening mentioned the possibility of 2 each 8" wells and approximate costs of \$10,000 versus the cost of \$100,000 for individual wells. Kubiak asked if the HOA included maintenance for landscaping/lawn and snow. Harbrecht stated not currently, however if a community well was in place, that was a possibility. Harbrecht asked when the sewer report would be available. Kubiak noted a meeting taking place soon with the Town of Lowell and the report should be available in the next couple weeks.
4. Commission's Discussion: Several discussions took place regarding the sewer capacity concerns of the town. Oliphant, Parker and Kubiak noted this proposed development is not close to a source. David Austgen suggested that the developer could install a distribution line that one day would have water. Parker stated the South Shore area could one day be developed. Oliphant noted the source that Town Hall is on could be tied into for this proposed development. Multiple

discussions took place of different locations the water could be tied into and future possibilities. Kubiak stated work was just finished with the interceptor camera last week in the location of 137th to lift station #1. Greg Parker asked Michelle Bakker to have the Building Department add up the lots allocated to give the commission an idea of where they're at and a ratio for future development. Kubiak stated that Lowell's tank was at 80%; 90% is alarm rate. Members discussed their multiple concerns about the water and sewer concerns. Oliphant and Parker discussed the 40 foot right of way off of Morse. Lot 30 would be smaller home due to the jog in the road. Wilkening asked Harbrecht if the town determined they could only give him for example 20 taps, would he be out of the deal. Harbrecht stated that he did not believe that would work. Wilkening confirmed concrete driveways. Chuck Becker reminded the group that Robin's Nest started out as a community well. Harbrecht answered Wilkening that there were 4 ranch model types, 1500-2000 sq ft size, starting at \$250,000. John Kiepura did not like the idea of only one entrance and asked what the setbacks would be. Harbrecht noted 8 foot. Members decided they would wait until the report came back from the Building Department and sewer report from Nies Engineering before they proceed and update Lifehouse when available.

2. Beacon Pointe – PUD Amendment

Owner/Petitioner: Beacon Pointe of Cedar Lake LLC, PO Box 677, St. John, IN 46373
Vicinity: 9505 W. 137th Avenue/13900 Parrish Avenue
Legal Description: Part of W1/2 SW1/4 S.27 T.34 R.9 55.96 Ac
Tax Key Number(s): 45-15-27-351-004.000-014

Request: Petitioner is requesting to modify PUD Ordinance No. 1256

1. Petitioner's Comments: Jack Slager presented on behalf of Beacon Pointe with lawyer Richard Anderson. Richard Anderson confirmed that Beacon Pointe LLC was the same developer that started the project. The original plan from February 21, 2017 contained cottage homes, paired villas and quad homes. The project is under construction and based on sales and marketing, the owner, developer and builder would like to make modifications to the south end, which is not currently platted. This would be stage 4; stage 3 & 4 not currently platted. 18 quad units would be eliminated reducing the total number of units from 72 to 38. No changes would be made to the roadways on Liberty or Breakwater. Anderson noted units #47 & 48 would be affected.
2. Town Engineer's Comments: Oliphant noted changes would need to be made to the utility easements. It was noted there would not be access back out onto 141st.
3. Building Department Comments:
4. Commission's Discussion: Parker confirmed that quad homes would be eliminated and replace with paired villas and cottage homes. No one felt there were significant downsides to the change in plan. John Kiepura asked about units #47 & 48 being purchased. Anderson noted he would be notifying them and anyone effected on 141st. Anderson will prepare and supply Austgen with a draft. Discussions took place regarding the ordinance needing amending and a Public Hearing and/or Public Meeting. Members felt they needed at least a Public Meeting; Austgen recommended a Public Hearing.

Other discussion took place regarding expiration dates/time limits: Greg Parker talked about older subdivisions, utilities in place with developments, keeping conditions modern, and the possibility of setting expiration dates for developers. He noted he has talked with Town Council members about the idea of an expiration date as well. Commission members had multiple discussions on setting parameters or expiration dates for developments. Oliphant and Austgen discussed PUD, annexation agreements and the time constraint of 3 years in which the Town was to provide utilities for annexation. Oliphant stated this could be on a case by case basis. Kubiak and Austgen talked about reasonable conditions for zoning. Kiepura liked the idea of the time limit. Austgen stated an amendment to the zoning ordinance could include a "sunset clause" or a statement regarding forfeiture or withdraw

being included. Oliphant noted this is already included in the preliminary plat agreements. Parker stated this would affect the developer that is stagnant or slower to develop. Kiepora asked if someone should forfeit their zoning; Austgen confirmed. Oliphant and Austgen talked about if all developments became PUD, staff would have more control. Austgen, Kiepora and Parker discussed the possibility of making every subdivision into PUD and needing more information from the developer and timeframe commitments. Wilkening suggested the possibility of zoning be changed so it stayed with the owner; if property sold, it could go back to original zoning. Kubiak noted more developers should have commitment in phases and timeframe, referencing example of Olthof/Birchwood commitment to the 5 phases at the last meeting. Austgen confirmed to members that if commitments weren't met, then the developer would start over. Jack Slager added that PUDs in St. John had a 5 year task renewal. Multiple discussions continued about time parameters, examples, zoning/development, and opportunities to follow progress and do things over if not compliant with time constraints. Members agreed that Town Council needed to be involved in the decision in moving forward with expiration dates.

Update Item:

1. **139th Place/Morse Street:** Austgen stated deeds were prepared for Kalee Veldcamp and Raymond Linz. The Town Administrator would need to secure signatures.
2. **Hanover High School Lighting:** Oliphant stated permanent fixtures have arrived and installed Monday on a timer. They are located at the southeast corner entrance by the library. Oliphant noted he has not seen the cut sheets on them. Oliphant stated this was the last recommended change. If it does not meet the requirements, a letter of non-compliance would then be issued.

Other Lighting Items Discussed: Parker mentioned the lighting ordinance is like any other ordinance and all departments within the Town need to abide by it. Parker stated that the Cedar Lake Fire Department has installed new lighting. Kubiak stated many companies are promoting rebates to save on lighting. He added that NIPSCO provided rebates to the Town for the street lights. Multiple discussions took place from members regarding the lighting ordinance, various businesses in town that have nuisance or unsafe lighting concerns especially at night, letters being sent if not in compliance, and how to go about enforcement. Several members felt that the Director of Operations should not be the person going out to enforce issues and felt Police Department or Code Enforcement should be more involved. Kubiak he has approached people before about the ordinance and violations, but it is a constant battle. Parker was troubled by the department head made a decision for a public building and the Building Inspector had not inspected it. Kubiak noted the only reason he knew about it was because when he drove by the lights shined in his eyes. Wilkening noted examples like the elementary where lighting was changed without approval and in the case of the high school, the town engineer has spent many hours informing them. He felt that the entity should be given notification and they need to figure it out and make it right. Kubiak noted the high school did develop a photometric plan, but the elementary school did not. Wilkening noted some lighting is spec and does not have an alternative replacement. Kubiak and Wilkening discussed the lighting at Ready Mix. Becker asked Kubiak if the contractors were registered with the Town, should they not already know about the lighting ordinance. Kubiak stated that in a perfect world, that would be the case and they are trying to get the word out, but not everyone has been informed or is compliant. Wilkening stated that painting over lenses was only a temporary fix to a permanent problem. Oliphant suggested a write up being put in the Town newsletter about lighting. Multiple members talked about retro items possibly being on a case by case basis. Wilkening stated the lighting on 133rd meet regulations, did not have glare and were decorative. Oliphant stated the larger scale retrofit lights tend to have brighter lighting and more glare issues.

3. **Summer Winds Commercial – Final Plat deferred to 3/20/19:** Oliphant stated there was nothing new to report.
4. **Lennar Homes – Preliminary Plat deferred to 5/15/19:** No review at this time.

Public Comment:

Jack Slager stated that based on the comments he heard regarding the zoning discussion tonight, he inquired about what the commission preferred for the Beacon Pointe West and Oakwood subdivisions – traditional zoning with R2/RT or PUD. Multiple discussions took place and it was concluded that Oakwood could be PUD and Beacon Pointe West would have traditional zoning. Rick Sharpe liked the concept ideas presented. Chuck Becker liked the bigger lot and bigger houses. Slager confirmed for Wilkening that Oakwood would have a HOA. Kiepura inquired about the paired villas along the railroad tracks. Slager replied to Kiepura inquiring about the paired villa versus single family homes along the tracks. Slager stated the advantage of the more affordable cost by having that style along the tracks and the villas attract the “empty nester” or starter home owner. Wilkening asked about the west side of the property having screening. Slager stated all units would have walk out basements on the west side and a buffer of trees. Slager also noted the wetland area making options to be more of a natural buffer. Becker asked if the south side had screening; Slager stated a solid buffer could possibly be installed if necessary. Wilkening asked if a solid fence could be placed along the tracks; Slager stated he was not opposed to the idea but did not want to clear trees for a fence.

Adjournment: Meeting was adjourned at 8:33 p.m.

Press Session:

Next Meetings: Plan Commission Public Meeting – March 20, 2019 at 7:00 p.m.
Plan Commission Work Session – April 3, 2019 at 7:00 p.m.

Chuck Becker

Heather Dessauer

John Foreman

Greg Parker

John Kiepura

Richard Sharpe

Jerry Wilkening

Attest: Sarah Rutschmann, Recording Secretary

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.