



**TOWN OF CEDAR LAKE – PLAN COMMISSION
PUBLIC MEETING MINUTES
May 15, 2019 - 7:00 P.M.**

Call To Order (Time): 7:06 p.m.

Pledge to Flag

Moment of Silence in Observation of Peace Officers Week.

Roll Call:

Present Heather Dessauer

Absent Chuck Becker

Present John Kiepura

Absent John Foreman

Present Richard Sharpe

Absent 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

MINUTES:

Motion by Richard Sharpe and seconded by Jerry Wilkening to approve the April 17, 2019 Public Meeting and May 1, 2019 Work Session minutes.

Motion: Richard Sharpe--1st Jerry Wilkening --2nd

Heather Dessauer	Chuck Becker	Jerry Wilkening	John Kiepura	Richard Sharpe	John Foreman	Greg Parker	Vote
YES	Absent	Absent	YES	YES	Absent	YES	4-0

OLD BUSINESS:

1. Oakwood – Rezone

Owner/Petitioner: Cedar Lake Residential LLC, PO Box 677, St. John, IN 46373

Vicinity: 10918 W. 129th Avenue

Legal Description: Pt of NW.1/4 S.21 T.34 R.9 Ly'ng W. of RR & E of Highway 41.9Ac

Tax Key Number(s): 45-15-27-151-025.000-014

Request: Petitioner is requesting a Rezone to Planned Unit Development (PUD)

Deferred from April 15, 2019 Public Meeting

1. Attorney Review: None
2. Petitioner's Comments: Jack Slager presented on behalf of Schilling Development representing Cedar Lake Residential LLC. Slager stated he was requesting a favorable recommendation to the Town Council for a PUD rezone. He gave a recap from the Public Hearing held at the last meeting. Slager made changes to include: widened and shifted the entrance over ten feet and removed the sidewalk along the east side of that main entrance, which helped with the proximity of the driveway and the deceleration lane; installation of six foot privacy fence along the entire north bound area of the three parcels; elimination of the emergency/secondary access road; and eliminated the duplex unit on the emergency access road. The PUD have been revised to reflect the changes.

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3. Town Engineer's Comments: Oliphant stated a letter was issued in response to the PUD documents; no major comments noted.
- 4.
5. Building Department Comments: Kubiak liked the entrance enlargement and it being moved over. He indicated he did not like the multi-family home on lot 30 and would rather see it as a single family home for aesthetic purposes.
6. Commission's Discussion: Multiple discussions took place regarding the multi-family home on lot 30 and the commissions overall desire to have that a single family residence. Multiple discussions took place on time restrictions noting start time within 3-5 years and completion timeline and phases. Slager indicated start within three years and anticipating four phases with two years completion time of each phase. Multiple discussions about zoning reverting back if ownership changed &/or if project not started in a period of time. Multiple discussions took place regarding the town acquiring the land for the 129th St and Hwy 41 turn lane and Slager noting a \$20,000 donation towards the work or them completing the work once the Town acquires the land.
7. Recommendation to Town Council: John Kiepura made a motion, seconded by Richard Sharpe, to provide favorable recommendation to the Town Council to rezone to a PUD with the contingencies:
 - a. Donation of \$20,000 or work to be done by the developer for the turn lane installation on 129th and Hwy 41 within one year of acquisition of right of way
 - b. Legal and engineering review
 - c. Contingent on Primary Plat approval
 - d. Construction to start within three years or zoning reverts back
 - e. Zoning to revert back if property changes ownership/sold before development starts
 - f. Include PUD guidelines and declaration of covenants
 - g. Lot D-30 bordering 129th St to be single family residence

Motion: John Kiepura--1st Richard Sharpe--2nd

Heather Dessauer	Chuck Becker	Jerry Wilkening	John Kiepura	Richard Sharpe	John Foreman	Greg Parker	Vote
YES	Absent	Absent	YES	YES	Absent	YES	4-0

2. 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
 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 **and** 45-15-33-400-001.000-013 **and** 45-15-33-200-001.000-013 **and** 45-15-33-200-002.000-013

Request: Petitioner is requesting a Rezone to a Planned Unit Development (PUD)

This PUD rezone item can be removed; approved at the 02/06/19 Plan Commission meeting.

Request: Petitioner is requesting a Preliminary Plat for a 352-lot Residential Subdivision

Deferred to the May 15, 2019 Public Meeting

1. Attorney Review:
2. Petitioner's Comments:
3. Town Engineer's Comments:
4. Building Department Comments: Bakker stated Lennar would like to be deferred to the next meeting.
5. Commission's Discussion:
6. Commission's Decision: Richard Sharpe made a motion, seconded by Heather Dessauer, to defer this item to the June 5 Work Session and June 19 Public Meetings.

Motion: Richard Sharpe--1st Heather Dessauer--2nd

Heather Dessauer	Chuck Becker	Jerry Wilkening	John Kiepura	Richard Sharpe	John Foreman	Greg Parker	Vote
YES	Absent	Absent	YES	YES	Absent	YES	4-0

NEW BUSINESS:

1. Beacon Pointe-Final Plat Unit 3

Owner/Petitioner: Beacon Pointe of Cedar Lake LLC, PO Box 677, St. John, IN 46373
 Vicinity: 9505 W. 137th Ave
 Legal Description: Part of W1/2 SW1/4 S.27 T.34 R.9 22.37 Ac
 Tax Key Number(s): 45-15-27-351-004.000-014

Request: Petitioner is requesting a Final Plat for Unit 3

1. Attorney Review: None
2. Petitioner's Comments: Jack Slager presented on behalf of Schilling Development representing Beacon Pointe of Cedar Lake LLC. Slager stated he here tonight requesting Final Plat for Unit 3. He indicated both entrances have been installed. Unit 3 is a combination of duplex and cottage home lots. Improvements are nearly complete, but delays due to weather. Curbs will be installed next week, weather permitting.
3. Town Engineer's Comments: Oliphant stated the Final Plat is in order. The 3% inspection fee comes out to \$15,333.27; Performance Letter of Credit \$516,742.99; and MS4 inspection fee of \$2000.
4. Building Department Comments: Kubiak indicated all was good.
5. Commission's Discussion: Commission had indicated they had nothing to note.
6. Commission's Decision: Heather Dessauer made a motion, seconded by Richard Sharpe, to approve the Beacon Pointe Final Plat Unit 3 contingent on engineering comments and bond amounts.

Motion: Heather Dessauer--1st Richard Sharpe--2nd

Heather Dessauer	Chuck Becker	Jerry Wilkening	John Kiepura	Richard Sharpe	John Foreman	Greg Parker	Vote

YES	Absent	Absent	YES	YES	Absent	YES	4-0
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2. Centennial Phase 7 – Maintenance Letter of Credit

Owner/Petitioner: North Centennial Development LLC, 8051 Wicker Ave, Ste. A., St. John, IN 46373
 Vicinity: 141st Avenue, Cedar Lake, IN 46303

Request: Letter of Credit in the amount of \$15,935.74 – Expires 06/15/19

1. Attorney Review: None
2. Petitioner's Comments: Jeff Yatsko presented on behalf of Olthof representing North Centennial Development LLC. Yatsko noted the Maintenance Letter of Credit is to expire on June 15, 2019 for Phase 7, so they requested inspection report from staff. They will correct any deficient items before the Letter of Credit expires.
3. Town Engineer's Comments: Oliphant indicated this was a unique phase and constructed early on in the subdivision with Phase 1. Oliphant stated they have curb and sidewalk cracks to repair and pavement needing sealed but indicated weather/rain has been an issue.
4. Building Department Comments: Nothing noted.
5. Commission's Discussion: Nothing noted.
6. Commission's Decision: John Kiepura made a motion, seconded by Richard Sharpe, that if the work is not completed in this phase by June 11, the board authorizes to pull the bond.

Motion: John Kiepura--1st Richard Sharpe--2nd

Heather Dessauer	Chuck Becker	Jerry Wilkening	John Kiepura	Richard Sharpe	John Foreman	Greg Parker	Vote
YES	Absent	Absent	YES	YES	Absent	YES	4-0

UPDATE ITEM:

1. **Lifehouse Development-Concept Plan:** Bakker indicated Todd Harbrecht could not be present tonight. Neil Simstad from NIES Engineering stated they reviewed the sketch and the concerns for the sanitary sewer that would discharge directly into the Morse Street interceptor, which had a rate capacity of over 9 million gallons a day. The rate capacity of that interceptor with regards to that area is nonexistent. In terms of water, they either need to have individual wells or some type of community well, which at a minimum would require for each well of 100 feet plus 100 foot of separation, so looking at 300x200 minimum and possibly up to 400x500. They would end up losing between 9-12 lots, unless if moved offsite for a community well. If they did individual lots, there would not be an issue. Parker stated that if we allowed individual wells, we are going backwards to what the protocol has been. Simstad indicated there was quite a distance from this area to available Town water source today, with Parker adding a year from now, it might not be that way. Multiple discussions took place regarding the community well, proximity logistics, limitations of that site and vacant land around it, future planning to tie into Town water sources, and individual wells. Fire Chief Todd Wilkening indicated he would like to see a fire hydrant in that development. Parker, Kiepura, and Sharpe agreed that Utility Board should review this item.
2. **139th Place/Morse Street:** Multiple discussions took place regarding correspondence with the two involved parties and the one party's resistance. Kubiak spoke with the surveyor Glenn Kracht about the 4-lot subdivision. Kubiak indicated he had conveyed to Linz the commission's feelings on the issue and noted Kracht had planned to speak with Linz as well. Oliphant sent a letter to Kracht stating they were

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willing to share information with them but not until it is signed off on and recorded. Parker felt only one more opportunity to appear at a Public Meeting be given or the item be removed.

3. **Hanover High School Lighting:** Oliphant stated there was nothing new to report and asked if the Commission would like him to send a letter. Members stated a citation or letter of noncompliance could be sent.
4. **Summer Winds Commercial LLC–Final Plat:** deferred to 07/19/19.
5. **Great Oaks Acres Storage:** Oliphant stated he had not heard back from his correspondence a month ago. Multiple discussions took place on different ways the item could be addressed, water main extension issues, the cost involvement, and ultimately noting the issue needs fixed. Kubiak stated that at this time, it is only servicing the fire hydrants. It was recommended this item go to legal to review.

Public Comment: None.

Adjournment: Meeting was adjourned at 8:15 p.m.

Press Session:

Next Meetings: Plan Commission Work Session– June 5, 2019 at 7:00 p.m.
Plan Commission Public Meeting – June 19, 2019 at 7:00 p.m.

Chuck Becker

Heather Dessauer

John Foreman

Greg Parker

John Kiepora

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.