



**TOWN OF CEDAR LAKE – PLAN COMMISSION  
PUBLIC MEETING  
June 19, 2019 - 7:00 P.M.**

Call To Order (Time): 7:11 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 Sarah Rutschmann, Recording Secretary

**MINUTES:**

Motion by Jerry Wilkening and seconded by Chuck Becker to approve the May 15, 2019 minutes.

Motion: Jerry Wilkening--1<sup>st</sup> Chuck Becker--2<sup>nd</sup>

Heather Dessauer	Chuck Becker	Jerry Wilkening	John Kiepura	Richard Sharpe	John Foreman	Greg Parker	Vote
Absent	YES	YES	YES	YES	NO	YES	5-1

**OLD BUSINESS:**

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

Owner: Lennar Homes of Indiana, 1141 East Main St, Ste. 108, East Dundee, IL 60118  
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; 45-15-33-400-001.000-013; 45-15-33-200-001.000-013; and 45-15-33-200-002.000-013.

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

**Deferred to the May 15, 2019 Public Meeting**

**Deferred to June 19, 2019 Public Meeting**

1. Petitioner's Comments: It is noted petitioner is not present tonight and asked for a deferral.
2. Town Engineer's Comments: Oliphant passed out a handout one of the sheets that focuses on the east property line showing elevation changes. He stated their transitional grading along the eastern boundary is significant (7-8 feet in areas), which makes a lot of the rear yards of their premium product single family home almost unusable and it also brings up planning issue on how the eastern property joiner will eventually develop in the future. The recommendation in the letter was for them to build a retaining wall if they are going to keep the elevations.

3. Building Department Comments: Kubiak and Oliphant spoke about the stub road not being able to be built because of the elevation issue.
4. Commission's Discussion: It was noted that the Commission was copied on Oliphant's report dated 06/13/19 within the packet.
5. Commission's Decision: Deferred per petitioner request.

**NEW BUSINESS:**

**1. Carey-Offshore Estates – Preliminary Plat Extension – Expires 7/18/19**

Owner/Petitioner: David & Debra Carey, Ryan Dykema, 7205 W 145<sup>th</sup> Ave, Cedar Lake, IN 46303  
Vicinity: 13430 Morse St, Cedar Lake, IN 46303  
Tax Key Number(s): 45-15-26-179-032.000-043 and 45-15-26-179-033.000-043 and 45-15-26-179-034.000-043 and 45-15-26-179-039.000-043 and 45-15-26-179-040.000-043 and 45-15-26-179-041.000-043 and 45-15-26-179-042.000-043 and 45-15-26-179-043.000-043 and 45-15-26-179-044.000-043 and 45-15-26-179-045.000-043 and 45-15-26-179-046.000-043 and 45-15-26-179-004.000-043

**Request: Petitioner is requesting a Preliminary Plat Extension for Offshore Estates-9-Lot Residential Subdivision and 1 Commercial Lot Subdivision – Expires 7/18/19**

1. Petitioner's Comments: Jack Huls and David Carey present tonight. Huls indicated Carey's plan was approved 10-11 months ago and they anticipated completion of the project by now, but due to the weather/rain and change in construction companies, they have had delays and are requesting an extension for at least six months but prefer a year. Huls anticipated returning for final plat in August. Huls stated B&D has put the underground storm sewers in.
2. Town Engineer's Comments: Oliphant indicated it was a policy call.
3. Building Department Comments: Kubiak stated he did not have anything currently and everything has been delayed lately due to the weather.
4. Commission's Discussion: Kiepora asked Carey if he had changed construction companies and if PGX was not performing. Carey stated he did change companies and stated he felt this company (Dyer) can complete the task more quickly. Huls indicated they were awarded the contract in fall of last year. Because it was packed, that moved them to spring and with all the rain, it's pushed them even further back. Huls confirmed to Wilkening that the civil design has been done and approved. Dyer will do the mass excavation all in accordance with the plans. Once completed, Walsh & Kelly will do stone on the road, curbs, and asphalt. Then they will return back to the Commission for a final plat. Wilkening asked Carey if that was the only location W&K would be putting asphalt as there was another property Carey owned that needed a parking lot completed. Carey stated that was the only location at this time.
5. Commission's Decision: John Foreman made a motion to grant Mr. Carey's Offshore Estates preliminary plat extension for one year from 07/18/19; seconded by Richard Sharpe.

Motion: John Foreman--1<sup>st</sup> Richard Sharpe--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

## 2. Papiese – 1-Lot Subdivision

Owner/Petitioner: Richard & Karen Papiese, 9710 Genevieve Dr., St. John, IN 46373  
Vicinity: 8029 Lake Shore Dr., Cedar Lake, IN 46303  
Legal Description: PT. E2. NE. S.22 T.34 R.9 .58 A  
Tax Key Number(s): 45-15-22-288-004.000-014

**Request:** Petitioner is requesting a Preliminary Plat for 1-Lot Subdivision

1. Attorney Review: Austgen stated originally legal was in order but later indicated there was nothing in the file.
2. Petitioner's Comments: Karen Papiese presented tonight. She stated they hired Torrena Surveying and certified letters have been sent out.
3. Town Engineer's Comments: Oliphant stated he has not received anything yet.
4. Building Department Comments: Kubiak stated he has not received anything yet and until the preliminary plat was received, they couldn't do anything. Bakker stated she would look into items and contact Papiese.
5. Commission's Discussion: Papiese confirmed to Wilkening that the existing house and garage will be gone a new home built.
6. Commission's Decision: John Foreman made a motion to defer this item to the next meeting; seconded by John Kiepura.

Motion: John Foreman--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

### UPDATE ITEM:

1. **139<sup>th</sup> Place/Morse Street:** Kubiak updated on the two parties involved that could not come to an agreement. Parker stated quite a few entities, time, and dollars have been spent working on this project. John Kiepura made a motion to remove this item from the agenda; seconded by Jerry Wilkening. Parker stated someone can inform the parties involved.

Motion: 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	NO	YES	5-1

2. **Hanover High School Lighting:** Oliphant stated one of the two alternative fixtures was delivered and awaiting the arrival of the second by the end of the month. Once they get second fixture up, they'll take a look at them.
3. **Summer Winds Commercial LLC – Final Plat deferred to 07/19**
4. **Great Oaks Acres Storage:** Oliphant stated he received a revised as built survey that was center line to center line and should have been out to out. A letter was sent today indicating they are not to code. Multiple discussions took place regarding the line, possible fixes, and supplying water to the hydrant. Currently, it is a water main that provides water to the hydrant and U Locks.
5. **Beacon Pointe Unit 1A – Performance Letter of Credit \$63,022.93 – Expires 08/04/19**
6. **Summer Winds Unit 1 – Performance Letter of Credit \$1,074,426.52 (reduced to \$244,187.85 11/18) – Expires 08/15/19**



7. **Lotton – Concept Plan – Bay Bridge – deferred to 07/10/19:** Wilkening and Sharpe indicated they had driven by there and aren't sure how a bridge would work in that area. Austgen stated the Town's position in the filing that was made to the DNR for construction in a floodway has been withdrawn. He withdrew it Monday on deadline. He stated he preserved for the record that the Town is the jurisdictional body over planning and approvals related to the subject property. He said he identified other jurisdictional bodies as: Army Corps of Engineers, IDEM, Lake County Surveyor, Lake County Drainage Board, Lake County Highway Department, and Lake Co Government in general.
8. **Lotton – Concept Plan – Walnut Creek – deferred to 07/10/19**

**Public Comment:** Brenda Roberts stated she had a purchase agreement with Todd Harbrecht from Lifehouse Homes from November and he had canceled the agreement with the reason that he could not establish a connection with the Plan Commission at Cedar Lake and they were against his development. Roberts stated she was to be granted 72 sewer taps according to the Annexation Ordinance 1031 from June 3, 2008. Parker stated the report from NIES Engineering had capacity for 30. Multiple discussions took place regarding the Annexation and Fiscal Plans associated with Roberts, the changes made since 2008 with Roberts property and changes in the Town, addition of municipal water and the developer responsible for providing water, and the 72 taps being based on the entire originally annexed property. From 2008 to present, Austgen stated many changes have been made and noted the sophistication of the verbiage. He stated the Fiscal Plan was consideration and foundation for the Annexation Ordinance clarifying that without the Fiscal Plan, there is no Annexation Ordinance. Roberts expressed her concerns about lack of water on the south side and concerns for potential developers in the future. Several members reassured it was not the intent to block development of her property and they were trying to work with the developer. Foreman stated that water was not the only issue with Lifehouse, noting smaller cottage home lots. Multiple members stated the Commission was trying to work with him on what would be most economical for him and could be tied into the Town at a later time. Roberts confirmed her interest in Foreman asking her about possibility of private partnership to put holes 1 & 18 on her land for the golf course. Members discussed with Roberts the discussion ideas they presented with Harbrecht about the community well, wells at each lot, the well at the golf course, tying lines to a hydrant, asking Harbrecht to bring back documents for following up, and concerns for the future development.

Town Administrator Jill Murr stated minutes are posted once they are approved at the meeting on the website. If an individual would like records prior, they can submit a public records request for draft copies.


Commission members discussed scheduling a Joint Executive Session with Town Council for the reason to discuss with legal potential litigation. Members decided on August 7, 2019 at 6 pm.

**Adjournment:** Meeting was adjourned at 8:36 p.m.

**Press Session:**


**Next Meetings:** Plan Commission Work Session – July 10, 2019 at 7:00 p.m.  
Plan Commission Public Meeting – July 17, 2019 at 7:00 p.m.

Town of Cedar Lake – Plan Commission  
June 19, 2019  
Public Meeting Minutes

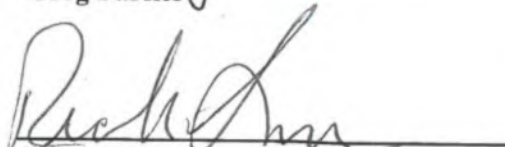
  
Chuck Becker

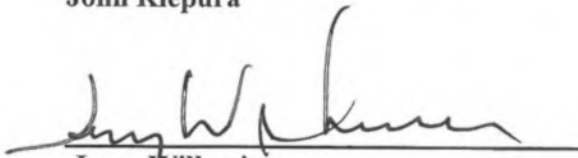
  
Heather Dessauer

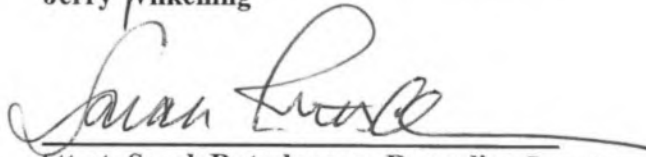
  
John Foreman

  
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.*