



**TOWN OF CEDAR LAKE – PLAN COMMISSION  
WORK SESSION MINUTES  
July 10, 2019 - 7:00 P.M.**

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

Pledge to Flag

Roll Call:

Present	Heather Dessauer	Present	Greg Parker
Present	Chuck Becker	Present	Donald Oliphant, Town Engineer – CBEL
Absent	John Kiepora	Absent	David Austgen, Town Attorney*
Present	John Foreman	Absent	Tim Kubiak, Director of Operations**
Present	Richard Sharpe	Absent	Michelle Bakker, Building Administrator
Present	Jerry Wilkening	Present	Sarah Rutschmann, Recording Secretary
* Late arrival (8:30 pm)			
** Late arrival (7:03 pm)			

**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: Present tonight are Scott Guerard and Bill Robinson of Lennar Homes, Steve Kaminski and Ryan Martin of Mackie Consultants, Rich Olson from Gary R Weber Associates and Jim Wieser from the law office of Wieser & Wylle LLP. Rich Olson distributed a handout showing two highlighted locations they were proposing to increase the size of the paired villa lots to accommodate a covered patio option. Olson and Guerard indicated the covered patio with concrete slab and ceiling fan were popular options with this home style. Handout distributed showing a sample of the patio. Oliphant stated if the patio was covered, it is considered to be part of the structure. Olson stated easements, landscaping with berm along tracks, and yard maintenance would remain the same. Olson confirmed to Wilkening's inquiry that 44 feet was the original, and they would be reducing the size by 7 feet.
2. Town Engineer's Comments: Oliphant stated they received a resubmittal on July 3. He said they have addressed a lot of the comments and are still working on the central basin and grading issues. Members spoke about the requested retaining wall along eastern lots 7-23, the concern for "usable" backyard, future development east of those lots having topography difference and drainage issues. It was noted that 4:1 was the maximum grade slope. Guerard also inquired

about obtaining an early grading permit due to it already being July and them wanting to get dirt moved to have slabs in. Oliphant stated that the next step is the preliminary plat, which they were almost at that point. Guerard said he would agree to the 5 foot wall along that area for retention issues. Kaminski stated there could be language added to the plat regarding drainage and grading along the easement. Martin and Oliphant stated they will be working through the remaining engineering comments in the next week.

3. Building Department Comments: Guerard, Martin and Kubiak discussed Lots 7-19 possibly being sold at a discount and the “usability” being disclosed to the buyer. Kubiak spoke about his concerns with the 10 foot drop off in the back yard and the person developing to the back of those properties having difficulty.
4. Commission’s Discussion: All members were ok with the 7 foot regarding the patio option mentioned in item 1 noted above.

Multiple discussions took place after Old Business item #5 completed when Town Attorney arrived. Guerard updated Austgen with the inquiry for early grading permits to get slabs in the ground before winter. Oliphant stated preliminary plat is in order and will be working to complete the remaining 20 engineering items by next week’s meeting. Guerard stated Lennar has hired a construction manager and NWI sales manager. Austgen stated the primary plat approval is scheduled along with the public hearing for next week. Multiple discussions occurred regarding the topography/grading issues previously noted.

## **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. Petitioner’s Comments: Petitioner was not present.
2. Town Engineer’s Comments: Oliphant stated he has not received anything.
3. Building Department Comments: Kubiak indicated Papiese hired Torrensa, but has not seen anything yet.
4. Commission’s Discussion:

## **3. Lotton – Concept Plan – Bay Bridge**

Owner: JAVD LLC (Jeff VanDrunen), 464 Brighton Ln., Dyer, IN 46311  
Petitioner: Jonathan Lotton, 8310 W 147<sup>th</sup> Ave, Cedar Lake, IN 46303  
Vicinity: 5708 W 153<sup>rd</sup> Ave, Cedar Lake, IN 46303  
Legal Description: N 1/2 NW1/4 & NW1/4 NE1/4 & Part of S1/2 NW1/4 S.1 T.33 R.9 EX W 60.63 FT 162.6 Ac  
Tax Key Number(s): 45-19-01-101-001.000-058

**Request: Petitioner is requesting a Concept Plan to relocate the bridge for Bay Bridge Estates**

1. Petitioner’s Comments: John and Jonathan Lotton are present tonight. Jonathan Lotton reviewed the concept plan noting original permitting through the wetlands and the new updated drawing showing the bridge over the bay. He stated there was an entrance through the subdivision on the north side but the streets were narrow. The farmer is currently accessing the farm through this subdivision with a small tractor.

2. Town Engineer's Comments: Oliphant asked Jonathan Lotton about the drawing presented. Jonathan Lotton indicated the drawing members were viewing was from the 2014 permit they submitted. John Lotton noted the layout was the 2005 layout, revised in 2014 and 2015, which they were showing tonight for presentation purposes. Oliphant asked if Lotton looked into the engineering of the lift station. Jonathan Lotton stated it was not fully engineered at the time, noting it was just a proposed location. Oliphant asked if Lotton had a formal application at this point; Jonathan Lotton indicated it was a request for a concept plan, but stated he would like to get onto a Plan Commission Meeting. Parker asked for clarification from Lotton on the concept plan for the bridge being for a residential subdivision. John Lotton stated the purpose for the bridge is because the property owner wants the bridge and they agreed to help him permit it when the time came and John sold it to him. John Lotton stated the owner is currently wanting it to get tractors in/out and if he were to sell it, that the bridge be of structural design to accommodate residential traffic and trucks. Multiple discussion took place regarding comp storage with the possibility of a variance. Oliphant indicated if it was waived, it would be down to 1 to 1. Oliphant stated concept plans were really for discussion only and recommended if they wanted to move forward to submit the application for the next step. John Lotton asked Oliphant if storage could be done above the level of the lake. Oliphant stated no, that it had to be below the level of the flood plain. John Lotton asked about moving storage inland, not into the wetland. Oliphant discussed a bowl effect but was not sure if it would work on this site as it would require a low elevation to work. Oliphant and the Lottons had multiple discussions regarding the detention and retention; Oliphant indicated they could have further discussion later as it moved along.
3. Building Department Comments: Kubiak indicated he had nothing else at this time.
4. Commission's Discussion: Multiple discussions took place regarding Army Corps and IDEM involvement, proposed location of the bridge, residential or agricultural use of the property, and acceleration/deceleration lane. Wilkening inquired on the wood structure of the bridge. John Lotton stated the Fish & Game did not like the idea of the wood in the water. Jonathan stated they would conform to the steel pilings and paint them brown. Oliphant stated they would have to follow proper engineering, piling, etc. guidelines when doing the bridge. Parker noted there wasn't much for them to build onto with the integrity of the current bridge. Jonathan Lotton stated the bridge would be replaced in the next year. John Lotton indicated anything over 36 feet, the county takes over.

#### **4. Lotton – Concept Plan – Walnut Creek**

Owner: LBL Development LLC & DJ3 Lane LLC, 8310 W 147<sup>th</sup> Ave, Cedar Lake, IN 46303  
Petitioner: Jonathan Lotton, 8310 W 147<sup>th</sup> Ave, Cedar Lake, IN 46303  
Vicinity: 13621 Morse St, Cedar Lake, IN 46303  
Legal Description: PT. SW. NE. S.26 T.34 R.9 CONT'G 31.797 AC. and PT E1/2 OF N.49 RDS OF NW. SE S.26 T.34 R.9 4.264 AC and NE. SE. S.26 T.34 R.9 40 A. and NW.2A. OF NW. SW. S.25 T.34 R.9  
Tax Key Number(s): 45-15-26-253-001.000-043 and 45-15-26-402-025.000-043 and 45-15-26-426-001.000-043 and 45-15-25-300-001.000-041

**Request:                      Petitioner is requesting a Concept Plan for Walnut Creek**

1. Petitioner's Comments: John and Jonathan Lotton are present tonight. Jonathan Lotton reviewed items from the last meeting and noted they would be leaving the business zoning as is in the front. He is requesting a rezone in the back from R1 to RT. He confirmed to Parker the only thing that has been approved was zoning (B2, RT, RM, and R1), stating it was a failed PUD.
2. Town Engineer's Comments:
3. Building Department Comments: Kubiak stated the new proposal really did not give an accurate update of the changes they wanted to make the group could view. John Lotton stated the general

layout presented will not change. The one area of question would remain a conservation easement. John Lotton stated they would sell the B2 location to someone to develop.

4. Commission's Discussion: Multiple discussions occurred regarding the different zonings contained within the development. Jonathan Lotton confirmed 16.8 acres of RM. Jonathan Lotton noted to Dessauer and Wilkening's inquiry that there would be proposed 70 duplexes and 70 cottage homes. Foreman agreed with Kubiak's comment above denoting a drawing that is updating showing what they want and are proposing.

#### **5. 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. Petitioner's Comments: Brad Lambert is present tonight, stating they have intention of filing an extension for the preliminary plat at the August meeting. He is present to night to be available for any questions.
2. Town Engineer's Comments: Oliphant stated he was aware Lambert had met with RDC and were working to coordinate with the Town before things could move forward.
3. Building Department Comments:
4. Commission's Discussion: Foreman stated Lambert came to Town Council last week and due to 3 council members being absent, the item is being tabled to look into the statutes for assistance. Members thanked Lambert for coming and being available for questions.

#### **NEW BUSINESS:**

##### **1. Starcevic-Preliminary Plat**

Owner/Petitioner: Tom Starcevic, 7615 W 142<sup>nd</sup> Ave, Cedar Lake, IN 46303  
Vicinity: 7615 W 142<sup>nd</sup> Ave, Cedar Lake, IN 46303  
Legal Description: PT. LOT 1 NW. S.35 T.34 R.9 0.62 Ac  
Tax Key Number(s): 45-15-35-104-001.000-043

**Request: Petitioner is requesting a Preliminary Plat for 2-Lot Subdivision**

Petitioners were not present when the Commission got to New Business Item #1. Commission returned to Old Business Item #1 for further discussion then returned to New Business Item #1 when petitioners arrived.

1. Petitioner's Comments: Tom Starcevic was present with Mr. & Mrs. Sigmund Kil. Starcevic stated he was requesting a preliminary plat for 2-lot subdivision to build a garage with house above. Starcevic confirmed to Parker's inquiry that he would be taking a 1 lot and making it 2. Starcevic stated Kil just sold the parcel to him and they are awaiting the survey. Kil told Parker the lot is 70x400 (a little over a half acre) and they kept the 2 lots together for one for tax purposes.
2. Town Engineer's Comments: Oliphant said he is waiting on the platted document noting it needs to be a subdivision plat.
3. Building Department Comments: Kubiak and Parker stated the property is considered a meets & bounds property and needs to be 2 lot subdivision with 2 legals and contingencies due to it

being on the corner. Kubiak stated there was road frontage on both lots and a variance would need to be done for living on the first floor.

4. Commission's Discussion: Starcevic confirmed for Dessauer that the structure was 30x42. He also stated drawings were submitted. Mrs. Kil stated the survey was to be sent to Michelle Bakker on Monday. Multiple discussions occurred regarding the letters being sent out for Public Hearing, legal lot of record, and the subdivision survey.

**UPDATE ITEM:**

1. **Hanover High School Lighting:** Oliphant stated there was nothing new to report.
2. **Great Oaks Acres Storage:** Kubiak said Henn will be digging up the 2 pipes in question to see what is exactly there.
3. **Beacon Pointe Unit 1A – Performance Letter of Credit \$63,022.93 – Expires 8/4/19:** Oliphant stated Beacon Point was noting going to pave until the end of the year with unit two, which means they will be submitting an extension next week through the end of the year. Members stated they felt this should be extended through spring instead of the end of the year.
4. **Summer Winds Unit 1 – Performance Letter of Credit \$1,074,426.52 (reduced to \$244,187.85 11/18) – Expires 8/15/19:** Oliphant stated the bank has been in contact with Michelle Bakker and expiration date changed.

**Public Comment:** Kubiak asked the Commission to consider an ordinance that all new houses need to discharge sump pump into storm sewer or an appropriate area. Multiple discussions ensued. Austgen and Oliphant will work on writing something to be added into the rear yard drainage section of the Town Code.

Kubiak asked the Commission what category they felt CBD oil should be zoned. Kubiak suggested classifying it with tobacco and healthcare retail sales (B2). Parker asked if information was available on how other Towns have zoned. Town Administrator Jill Murr stated she has been doing some research and other towns have considered as small retail (B1).

Neil Simstad from NIES Engineering stated all of the water and sanitary review for Lennar has been completed.

**Adjournment:** Meeting was adjourned at 9:02 p.m.

**Press Session:**

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

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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: 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.*