



**TOWN OF CEDAR LAKE – PLAN COMMISSION  
PUBLIC MEETING MINUTES  
July 17, 2019 - 7:00 P.M.**

Call To Order (Time): 7:03 p.m.

Pledge to Flag

Roll Call:

Present Heather Dessauer

Present Chuck Becker

Absent John Kiepura

Absent John Foreman\*

Present Richard Sharpe

Present Jerry Wilkening

\* Late arrival (7:04 pm)

Present Greg Parker

Absent 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 Chuck Becker and seconded Heather Dessauer by to approve the June 5, 2019 Work Session and June 19, 2019 Public Meeting minutes.

Motion: Chuck Becker --1<sup>st</sup> Heather Dessauer --2<sup>nd</sup>

Heather Dessauer	Chuck Becker	Jerry Wilkening	John Kiepura	Richard Sharpe	John Foreman	Greg Parker	Vote
YES	YES	YES	Absent	YES	Absent	YES	5-0

**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, Ryan Martin of Mackie Consultants, Rich Olson from Gary R Weber Associates and Jim Wieser from the law office of Wieser & Wylle LLP. Wieser introduced the team present tonight and noted they were present tonight to seek primary subdivision approval. Wieser gave a brief overview of the request and process leading up to tonight then asked for questions.

Parker asked Austgen if this was to be a Public Hearing; Austgen stated yes, but did not see the publication in the file. Austgen stated anything done tonight should be subject to the publications being in order and he will review with Bakker.

2. Town Engineer's Comments: In Oliphant's absence, Foreman read the highlights of the letter left by Oliphant noting the engineering items reviewed with Mackie Consultants. Martin noted he has worked very closely with Oliphant in the last week, stating the remaining 10 items are coordination items. Multiple discussions took place regarding the 10 items including the retaining wall on the east, storm water issues, large grade on the west side, basin issues, stub road. Foreman read Oliphant's letter, general item #1 stating section 7 of the Prairie build would be removed; updated PUD documents have not been provided for review. Austgen stated he had the PUD documents and they are not completed because this platting process is not complete. He stated that primary plat approval tonight should be contingent upon everything that is still open on the Oliphant July 17 inclusive of the PUD documents being completed.
3. Building Department Comments: Kubiak inquired about the stub road; Guerard agreed to post a bond for this item. Kubiak inquired about the grade transitions on lots #1-3; Guerard stated they will do whatever Oliphant wants. Martin and Kubiak agreed needing variance regarding the basin release.
4. Remonstrators: Parker called for any remonstrators for or against. None noted. Parker called for the Public Hearing to be closed at 7:16 pm.
5. Commission's Discussion: Wilkening inquired about size of the pool house. Olson indicated it they have not determined exact square footage but estimate the pool house at approximately 1500 square feet. Olson stated it would include restrooms and utility storage. The proximity around it would contain a zero depth splash pad, pool, tot lot, tables, parking, and playground. Olson reminded the Commission that they would have to be returning to get final approval on the details of the pool house area. Wilkening stated since the Commission did not have standards, he was seeking additional clarification so it could become a standard. Wilkening asked for clarification on page 4 item #3 regarding NIPSCO cut sheet. Martin stated he would follow whatever the ordinance is with Oliphant's approval. Multiple discussions transpired regarding the 10 items on Oliphant's list. Olson requested approval subject to the 10 items being worked out. Austgen recommended the Commission's decision be contingent on the July 17, 2019 letter of Don Oliphant and perhaps given the nature of this also require the technical consultants for the developer on a monthly basis to report update of the work down of those items. Parker expressed his appreciation for their flexibility and lack of resistance. Dessauer asked Austgen if they could make contingencies upon the pool; Austgen stated it could be included. Wieser agreed with Austgen in that the contract is unique and incredibly sophisticated in nature including many exhibits with specification orientation. Wieser suggested that in addition to making it contingent on Don Oliphant's letter, that it be contingent upon all of the exhibits to be attached to the contract document; Austgen added the PUD document being updated and proofed. Guerard stated he felt that Oliphant is as good as it gets, has been tough but fair. Kubiak and Dessauer talked about making the contingency inclusive of Oliphant's comments in July 17<sup>th</sup> letter and items from July 10 meeting/letter. Martin stated he and Oliphant split items and went over them thoroughly, stated his name was on them and he wants it to be correct. Bakker stated streets were normally not included in the primary plat, but they were included in this one. She stated they would need to work on some of the street names, including the Police & Fire Chief and Postmaster's comments.
6. Commission's Decision: Heather Dessauer made a motion with second by Jerry Wilkening to approve the preliminary plat subject to the publications being in order, contingent on the Don Oliphant Letter from July 10, 2019 including those items, also including the July 17 including resubmittals, also including exhibits from Lennar, PUD documents, and Mackie Consultants being here for monthly updates including the pool/splash pad updates.

Motion: Heather Dessauer --1<sup>st</sup> Jerry Wilkening --2<sup>nd</sup>

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

## 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**

### Deferred from June 19, 2019 Public Meeting

1. Petitioner's Comments: Petitioner is not present.
2. Town Engineer's Comments:
3. Building Department Comments: Bakker stated she received an email today and is working with a site plan and would like to have this deferred.
4. Commission's Discussion:
5. Commission's Decision: Jerry Wilkening made a motion with second by Heather Dessauer to defer the item.

Motion: Jerry Wilkening --1<sup>st</sup> Heather Dessauer --2<sup>nd</sup>

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

## 3. 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: Jack Huls from DVG present tonight representing Summer Winds Commercial. Huls indicated the petitioner/owner was present at the July 10, 2019 meeting and was now asking for the item to be withdrawn from the agenda for final plat with the intent of returning for extension for the primary for 12 months which would allow them to work through some of the other entitlement issues with the property. Discussions took place regarding TIF funds and tax abatement.
2. Town Engineer's Comments:
3. Building Department Comments: Bakker indicated the item could be removed then next month the extension would be on the agenda.
4. Commission's Discussion:

5. Commission's Decision: John Foreman made a motion with second by Chuck Becker to approve the request for Summer Winds to be withdrawn from the agenda.

Motion: John Foreman --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
YES	YES	YES	Absent	YES	YES	YES	6-0

## **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**

1. Attorney Review: Austgen stated the legals are in order and stated the HOA should be included in the notification process and recommended title work be obtained and reviewed. Austgen suggested Starcevic bring title work for Oliphant to review and a survey.
2. Petitioner's Comments: Tom Starcevic introduced himself and stated he was present tonight requesting a preliminary plat for a 2-lot subdivision.
3. Remonstrators: Parker asked for remonstrators for or against the request. None noted. Parker closed the Public Hearing at 7:59 pm.
4. Town Engineer's Comments: Kubiak indicated Oliphant just received and has not had a chance to review this item.
5. Building Department Comments: Kubiak stated Starcevic was at the last meeting, they received their plat the next day and reminded the group Starcevic would need to return for another Work Session to go over items for review.
6. Commission's Discussion: Wilkening asked if any of the lots had structures. Starcevic stated the one lot closest to the lake has a structure that was built in the 1930s. Starcevic confirmed to Dessauer that no one is living in the home currently. Multiple discussions took place regarding the small walkway to the lake, its containing an easement and its belonging to the HOA. Starcevic confirmed to multiple inquiries that he would return with plans that include a variance to build a new home with a 49x36 garage and home above. He would be tearing down the other home prior to the first house being built and working out plans for the 2<sup>nd</sup> house after the other home is built. Bakker stated normally the house is not on a survey for a 2-lot subdivision. Dessauer stated there was a survey dated June 19, 2017 on the back of the document.
7. Commission's Decision: Jerry Wilkening made a motion seconded by Chuck Becker to defer.

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
YES	YES	YES	Absent	YES	YES	YES	6-0

**UPDATE ITEM:**

- 1. Hanover High School Lighting:** Wilkening and Kubiak will check out the two new retrofitted lighting fixtures per Oliphant.
- 2. Great Oaks Acres Storage:** Kubiak stated there was nothing new from the last report of digging up the 2 lines to be viewed.

**Public Comment:** None.

**Adjournment:** Meeting was adjourned at 8:01 p.m.

**Press Session:**

**Next Meetings:** Plan Commission Work Session – August 7, 2019 at 7:00 p.m.  
Plan Commission Public Meeting – August 21, 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 Kiepura**

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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.*