



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

Call To Order (Time): 7:15 p.m.

Pledge to Flag

Roll Call:

Present 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 – CBEL
Present David Austgen, Town Attorney
Absent Tim Kubiak, Director of Operations
Present Michelle Bakker, Building Administrator
Present Sarah Rutschmann, Recording Secretary

OLD BUSINESS:

1. 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
Deferred from July 17, 2019 Public Meeting

1. Petitioner's Comments: Petitioner is not present.
2. Town Engineer's Comments: Oliphant stated he has nothing to review.
3. Building Department Comments: Bakker stated they have had no dialogue with the petitioner. She will reach out to them for a follow up.
4. Commission's Discussion: Members discussed logistics of petitioner not having survey and items ready for meeting.

2. Starcevic-Preliminary Plat

Owner/Petitioner: Tom Starcevic, 7615 W 142nd Ave, Cedar Lake, IN 46303
Vicinity: 7615 W 142nd 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. Petitioner's Comments: Petitioner is not present.
2. Town Engineer's Comments: Oliphant read highlights from the engineers review and requirements letter dated July 22, 2019 including Stormwater detention system, widening of 142nd pavement, sidewalks, side lighting, and tree placement. He noted the request for additional 3.7 feet of right of way on 142nd. He stated no resubmittal had been received since letter.

3. Building Department Comments: Bakker reminded the Commission they requested title work and a deed at the last meeting and that has not been received.
4. Commission's Discussion: Dessauer commented the Commission had a survey but it was not a current one. Wilkening clarified from Austgen the request for title work was to determine who owned the walkway.

Members discussed how much time was a reasonable amount of time for the engineer to review documents. Oliphant indicated for smaller projects like the two above a smaller amount of time would be required but larger subdivision projects would need more time for reviews. Multiple discussions took place and 10 business days was agreed as adequate time for Oliphant to review small projects.

NEW BUSINESS:

1. Summer Winds Commercial LLC-Preliminary Plat Extension

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 Preliminary Plat Extension

1. Petitioner's Comments: Jack Huls from DVG present tonight representing Summer Winds Commercial. Huls stated last month this it was on the agenda as a final plat and had been on the agenda for a couple of months. He reminded members that the petitioner was at the work session and was in the process items and requested withdrawing the Final and requesting the extension of the preliminary plat.
2. Town Engineer's Comments: Oliphant said it was a policy discussion.
3. Building Department Comments: Bakker stated she had nothing at this time.
4. Commission's Discussion: Austgen stated when this is brought before the commission in 2 weeks, they have the digression to grant an extension and can choose the amount of time. Multiple conversations took place regarding the proposed 12 month request, periodic reports with 90 day updates and Huls confirmed for Wilkening Brad Lambert as the property owner. Kiepora inquired why the petitioner was looking for an extension. Huls stated there were ongoing issues between the petitioner and Redevelopment Commission that have caused this circumstance.

2. Beacon Pointe West-Preliminary Plat

Owner: Region Holdings, Inc. 425 Joliet St., Ste. 425, Dyer, IN 46311 and
Beacon Pointe of Cedar Lake LLC, PO Box 677, St. John, IN 46373
Petitioner: Schilling Development, PO Box 677, St. John, IN 46373
Vicinity: 13800 Parrish Ave., Cedar Lake, IN 46303
Legal Description: Pt. NE.1/4 SE.1/4 S.29 T.34 R.9 18.31 Ac and Pt. NE.1/4 SE.1/4 S.29 T.34 R.9 16.69Ac
Tax Key Number(s): 45-15-28-426-006.000-014 and 45-15-28-426-009.000-014

Request: Petitioner is requesting a Preliminary Plat on 35 acres

1. Petitioner's Comments: Jack Huls from DVG, Jack Slager from Schilling Development and Ed Recktenwall from Olthof were present tonight representing Beacon Pointe West. Slager reviewed Beacon West as 95 acres lying west of Parrish Ave and west of Beacon Pointe. Slager

stated they were joint developing with Olthof Homes. Schilling will be developing single family homes; Olthof developing single family homes and duplex products as an extension of the Centennial Development. Slager stated the project was annexed the end of last year, received zoning the beginning of the year, and now narrowing it down to the first 35-acre parcel which is again adjacent to Parrish Avenue and north of Centennial and south of Utopia. The goal is to master engineer this with the first road in with lots 1-27 this fall. Slager stated Olthof would like to develop the southerly half next year as an extension of Centennial. Slager stated a few variances would be needed. Huls reminded the group that the request was to do straight zoning with variances. Huls showed the group the bright green area and stated what was proposed was single family lots that were 70' wide with 25' front setback, 8' side yard and 20' rear setback for a total of 60 units and for a light green area were single family lots that were 80' wide with 30' front setback (not a variance), 8' side yard (not a variance) and 20' rear setback instead of 25%. Huls stated those proposed variances would be presented that the BZA meeting tomorrow night. Huls confirmed depth of lot to Wilkening as 125' on the bright green one and on the light green 130-135'. Parker asked for confirmation if part of Beacon Point would be an extension of Centennial. Slager stated no, it would be called Centennial, and they were co-designing because it is one parcel. Slager stated Olthof purchased half and Schillings purchased the other half. Slager clarified Olthof will develop their half as Centennial and Schillings will develop their half as Beacon Pointe, noting they join at one section. Austgen asked why developmental variances were being sought on an open farm parcel. Huls said it was consistent with what was done in the past to seek a blanket variance for a subdivision, such as Lakeside, that covers all of the lots to avoid multiple variance requests. Dessauer asked for a percentage conversion for lot coverage. Huls indicated he did not have the BZA petition in front of him to confirm the exact figure but said it estimated 38-40% on one and 35% on the other. Wilkening indicated he thought the single family homes would not need a variance. Huls indicated the variance requests were discussed previously and specifically asked if the board would rather have a PUD or straight zoning with variance requests. Huls stated the board specifically told them they did not want this unit to be a PUD. Wilkening stated he felt this plan was different than previously presented. Huls stated the picture was the exact plan they have always presented. Oliphant asked if the minimum lot size was part of the variance. Huls stated in R2 zone, the minimum lot size was 90' wide and 10,000 square feet. Slager stated there was talk about the ordinance being changed from 90 to 80; Foreman confirmed that has not happened yet. Oliphant stated most of the lots in Centennial are under 10,000. Kiepora stated he had been absent for a couple of meetings and inquired when this brought before the commission as Centennial owning part of this, indicating this was the first he heard this. Huls stated the description on the plan has always indicated Centennial single family lots. Dessauer also state she did not recall hearing this. Kiepora asked why Olthof would not be taken off the diagram since they own a different part. Slager stated it could be, but felt it needed to be engineered together so all of the sewer and storm water all flows together. Kiepora feels it should be two separate entities. Huls stated the way the petition has been filed is they are the petitioner and there are two separate owners on a parcel of land doing development of the property, stating Schilling is taking the lead as the developer, hiring DVG to obtain the plats with two different owners on the parcel. Slager stated when they go for final plat, they will be different but with the primary plat, they wanted to include the combined engineering. Recktenwall stated they could do theirs as Centennial or called whatever they want. It was noted when Oliphant asked how the BZA applications were presented, they were presented separately. Huls stated they were separated because the requests were different, but it was requested of him to file them separately. Parker asked for a show of hands from Plan Commission how many thought this was going to be an extension of Centennial – all members indicated no. Slager said they could go back to minutes because there were questions brought up if they were the same products that were built in Centennial now, with same size lots and same size product and he stated he indicated yes it would be. Wilkening asked Huls to hold up the drawing and show him where Centennial Subdivision Phase 13 connects; Huls indicated the location. Wilkening asked when the property

was annexed, who it was annexed to. Slager stated Schilling had Power of Attorney from the farmer that they were purchasing it from. Annexation took place through the trust. Huls wanted to make sure that there was no attempt to deceive and the matter should not be who purchased the lot or who the petitioner is, but more so that the request was made from the commission to do the straight zoning with the variance and not PUD. Huls confirmed to Kiepora that an individual could petition as long as the owners of the parcels are signatures on the petition. Wilkening stated everyone is a bit confused. Huls stated Recktenwall indicated it could be called something other than Centennial. Slager and Recktenwall stated they would discuss in their planning moving forward and will clarify matters. Slager stated to Parker's inquiry what type of product that would be built in their area would be custom single family homes on 80' lots with multiple builders, probably similar to those homes found in Lakeside. Recktenwall stated their homes would be consistent to the traditional single family homes found in Centennial.

Foreman asked if things would be developed for Beacon Pointe East. Slager stated there is a concept for Beacon Pointe East and the hope is to bring that in over the winter. Slager stated Schilling owns Beacon Pointe East and the current intention is to continue to work with McFarland Homes on the product and success he is having. Slager stated there would possibly need rezoning and variances to that area.

Foreman stated the product meets the subdivision control ordinances and our inspectors. Regardless of the builder preference, it meets the Towns spectrum standards. Bakker and Oliphant inquired about square footage of several lots being under 8500. Oliphant stated those lots included: 260, 261, 291, 295, 303, and 307. Huls stated if the variance request is approved, they will conform plat to the request. Huls confirmed to Austgen notification for public hearing had been sent. Slager stated there was not a plan for a joint swale.

2. Town Engineer's Comments: Oliphant had no additional comments at this time.
3. Building Department Comments: Bakker stated she had nothing additional at this time.
4. Commission's Discussion: Foreman stated he felt the Centennial homes seemed to have larger lots than in Monastery Woods North. He stated the builder didn't matter to him, but the bigger back yard seemed better. Slager reminded the group that when he was presenting the concepts, he brought them in together and presented as Beacon East, Beacon West and Oakwood. Multiple conversations took place regarding Centennial extension not being included in prior meetings and members and petitioner requested a review of the prior minutes. Parker indicated he did not like the product at Centennial and does not feel that this is what the board wants Cedar Lake to be like long term. Slager apologized for any misunderstanding stating that because his face was in front of it, he felt possibly there was an assumption that they would be the developer. Slager hopes that minutes show the intentions were clear from the start. Foreman asked for clarification on who annexed the property. Slager stated the annexation was through the farmer and closing on the property was done together. Oliphant read to Foreman off the GIS as Region Holdings and Beacon Pointe.

UPDATE ITEM:

1. **Hanover High School Lighting:** Wilkening stated he has looked at the product on numerous occasions and has an opinion but has not had an opportunity to discuss it with the person who enforces the code. He feels they are on the right track and there is a solution.
2. **Great Oaks Acres Storage:** Oliphant indicated the line had been exposed and it is within the 10' minimum and they will need to do something. Kubiak has been coordinating with them. Oliphant stated they had been given a few options: move the main or encapsulate the Town storm sewer, which was not recommended due to encasing the area with concrete.

3. **Monastery Woods Maintenance – Expires 10/29/19:** Oliphant stated they had initiated Public Works inspections on the underground infrastructure and roadway inspections will be done soon.
4. **Lennar Homes:** Oliphant stated they had begun mass grading. Lennar has been asked to have their fully loaded trucks to use 41 not Parrish or they will be ticketed.

Public Comment: Richard Thiel, 13513 Industrial Drive, on behalf of Industrial Drive Properties, wanted to talk about Beacon Pointe West. He stated he was surprised to hear it was Centennial as well. He stated when he was present at the April 17 meeting, the title was Beacon Pointe West and he believed it to be Beacon Pointe West not Centennial. He is inquiring because he wants to know who he needs to dialogue with regarding his property adjacent to the property discussed. Austgen stated they were entitled to do what they did, but knowing about it would have made the board more comfortable. Austgen stated there was nothing illegal about co-owners/co-petitioners. Wilkening asked Oliphant when the screening for the Schilling portion get approved and looked at. Oliphant stated they are residential against commercial/industrial. Thiel stated he was last told he would not have to do the screening. Austgen stated the screening could be a reasonable request. Wilkening stated Huls indicated in the past there would be some significance in order to sell the product.

John Kiepura gave his thanks and appreciation to everyone in the Town and board for the well wishes. Members stated he had been missed and glad to have him back.

Adjournment: Meeting was adjourned at 8:13 p.m.

Press Session:

Next Meetings: Plan Commission Public Meeting – August 21, 2019 at 7:00 p.m.
Plan Commission Work Session – September 4, 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

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