



**TOWN OF CEDAR LAKE – PLAN COMMISSION
WORK SESSION MINUTES
September 4, 2019 - 7:00 P.M.**

Call To Order (Time): 6:58 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
*late arrival (7:02 pm)

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
Deferred from August 21, 2019 Public Meeting

1. Petitioner's Comments: Petitioner is not present.
2. Town Engineer's Comments:
3. Building Department Comments: Bakker stated there was nothing new.
4. Commission's Discussion:

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

Deferred from August 21, 2019 Public Meeting

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 from two weeks ago, noting the Public Hearing was held and their request for deferral. They have returned tonight with slight changes that will be presented to the BZA next Thursday. Slager handed out a document noting the changes including the original petitioner request and compromise since the last meeting. This will be given to BZA as well. *(Please note that document is attached within these minutes and noted as Exhibit A).* Slager summarized the variances of Exhibit A. Slager stated if BZA approves, they will be returning in two weeks requesting primary plat.
2. Town Engineer's Comments: Oliphant stated he had received the resubmittal yesterday. Slager stated the engineering changed slightly with the change of the lots from 70 to 80 foot lots.
3. Building Department Comments: Kubiak indicated he had nothing new at this time.
4. Commission's Discussion: Slager replied to Foreman it cost them 4 lots with the 70 to 80 lot change. Kiepora asked if the figures would remain the same; Slager stated yes. Wilkening liked the 10% idea and asked if there will be a utility easement at the south end of Centennial. Slager stated there is currently a 10-15 foot utility easement across the back of their lots and they will have the same since the property lots are back to back. Wilkening inquired about a HOA fence along that section; Slager indicated there were trees they were looking to salvage along the line, but they can look into it. Slager stated there would be 70 foot lots backed up to 70 foot lots that are the same products back to back and did not feel there was a reason to separate them.

Noted document scanned and included below was presented by Jack Slager (as noted above in Petitioner Comments) and referred to as Exhibit A.

Beacon Pointe Unit 5 – Variance Summary

<u>Petition Request</u>	<u>Suggested Compromise</u>
Lot Width 90' to 80'	80' but maintain 10,000sf min. area
Rear Yard Setback 25% to 20'	Rear Yard Setback to 25' (Bldg. Dpt. Request)
Lot Coverage from 25% to 35%	Lot coverage for the principle structure is 25%
	Lot coverage for decks, accessory structures, etc would be an additional 10%.

Centennial Estates Units 1 & 2 – Variance Summary

<u>Petition Request</u>	<u>Suggested Compromise</u>
Lot Width 90' to 70'	80' lots (10,000 sf min)(41 lots) except on lots touching south property line, these would be 70' (8,500 sf min)(15 lots)
Rear Yard Setbacks 25% to 20'	Rear Yard Setback to 25' (Bldg. Dpt. Request)
Front Yard Setbacks from 30' to 25'	70' lots – Front setback 25'
	80' lots – Front setback 25' (30' would be ok)
Side Yard Setbacks from 8' to 5'	70' lots – Side yards 5'
	80' lots – Side yards 8' (no variance needed)
Lot Coverage from 25% to 38%	70' lots - Lot coverage for structure is 28%
	Lot coverage for decks, accessory structures, etc would be an additional 10%.
	80' lots - Lot coverage for structure is 25%
	Lot coverage for decks, accessory structures, etc would be an additional 10%.

NEW BUSINESS:

1. Carey-Offshore Estates – Final Plat

Owner/Petitioner: David & Debra Carey, Ryan Dykema, 7205 W 145th 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 Final Plat Extension

1. Petitioner's Comments: Jack Huls and David Carey present tonight. Carey indicated as a small developer trying to redevelop in Town is more difficult than that of the larger developer. Carey indicated his project has become quite costly, noting to date he has \$1 million in the ground, stating that included 9 lots, at \$111,000 per lot of which he will most likely not recognize off that property. He stated the Town is requiring him to place a bond at 25% of his infrastructure in the amount of \$83,000. He stated the Town has checked and approved his infrastructure as it was being placed; pressure tested his soiling; and compaction tested his road. He feels the \$83,000 bond is a bit excessive. He is requesting 10% for the bond instead of the 25%.
2. Town Engineer's Comments: Oliphant stated \$83,000 is the maximum reduction according to the ordinance right now. Based on his estimate, the remaining improvements within the subdivision are around \$32,000. 10% off the improvement cost would be around \$33,000 or \$34,000. Oliphant stated the Town would have enough money to cover what they believe is left at today's cost. Austgen stated the Plan Commission could consider a waiver of the strict amount required by the ordinance, which could be done with inclusion of the opinion of cost from the Town engineer with a minimum amount for the protection of both the Town and the development and if the decision was to do that, there should be careful findings of cost.
3. Building Department Comments: Kubiak stated he felt the 10% request was fair considering the amount of work Carey has already put into the project. Kubiak stated Carey had not request any variances other than a couple lots; has built everything to code; and has met every aspect of the ordinance. He mentioned Carey developed 11 larger lots and could have put in smaller homes. Bakker had concerns regarding the name of Lake Pointe Road, stating there was a Lake View Pointe Road on the other side. She suggested a different name like Elm or Oak. Members suggested Beech, Beach, or Elm. Kubiak stated the as-builts are done, the pond is at the right volume, and Carey had seeded most of the area himself.
4. Commission's Discussion: Multiple discussions took place regarding no differentiation in the past, the commission having control over the decisions and smaller pre-platted subdivisions. Carey stated he lives and works in Cedar Lake, spends his money in Cedar Lake, wants to continue to see this Town prosper. Carey stated he understood there are things the board cannot control but stated he has followed all of the Ordinances asked of him in this development. He said he did what was right for the community, including buying properties he did not need to make the area better. Multiple conversations occurred regarding members noting Carey's efforts and cleaning up the area. Carey stated when he began the project it was not about money and he just wanted to better the area. He stated the process has been difficult though and it would deter others from doing what he is. Parker indicated the value of the pre-platted subdivisions that are in dire need of repair &/or falling down will affect the value of other homes and subdivisions in the area including the larger subdivisions of the larger developer. Foreman asked Austgen if there are a set of different rules for pre-platted and if there was an amount for cut off; Austgen indicated the number as five. Oliphant clarified it being mainly private infrastructure, stating the

Town did not own the roads in this case. He stated the only thing included in his letter is totally infrastructure. He stated if the Board wanted to keep the utilities private, there was no need to do the bond. Multiple conversations occurred regarding different subdivisions in the past with unique situations. Carey encouraged others to do what he is doing. Kiepura asked how long the bond would last; Oliphant stated it would be for as long as it takes for the job to be completed. Kiepura asked Carey if he would be building his own homes. Carey stated his plan was to hire a general contractor and intends to have the homes done within a year. Oliphant clarified for Kiepura that the performance bond was for anything within the public right of way including storm sewers, sewers and roads. Kubiak stated once it is 80% complete, Carey could have the Performance Bond changed to a Maintenance Bond for 3 years. Oliphant stated that would include asphalt/top coat, lights and signage. Austgen addressed President Parker indicating for procedural purposed, Carey should come into Town with the written request for the waiver being discussed, the information be provided to Oliphant, Oliphant generate a report on adequacy and sufficiency, and added to the agenda. Dessauer asked how this could become part of a regular process to avoid future instances; Oliphant and Austgen stated items would need a custom review on a case by case basis. Oliphant clarified to Wilkening construction improvements would include storm water, which had been installed and inspected by Public Works in the past. Wilkening asked Oliphant if he was confident in the design. Oliphant stated yes and there was no reason not to be. Foreman thanked Carey for doing things right and trying to make it a better place.

2. Lakeside-Preliminary Plat Unit 2

Owner/Petitioner: Cedar Lake 133 LLC, 8900 Wicker Ave., St. John, IN 46373
Vicinity: 5711 W. 133rd Ave., Cedar Lake, IN 46303
Legal Description: Pt. E.1/2 NW.1/4 S.25 T.34 R.9 52.57A.
Tax Key Number(s): 45-15-25-100-001.000-043

Request: Petitioner is requesting a Preliminary Plat Unit 2

1. Petitioner's Comments: Jack Huls and Jack Slager present tonight. Slager stated they had the public hearing and received Primary Plat approval last year. He indicated there had been some miscommunication. He had been waiting on answers for sewer and water development. They had planned to return in July to ask for an extension and they missed their date, so they have now re-advertised and re-notified. Slager stated there has been no change to the plat. Slager stated they would be returning in two weeks asking for the plat approval and that legal notices were sent out today.
2. Town Engineer's Comments: Oliphant clarified the contingency previously was for 25 lots, of which Slager confirmed the contingency would remain the same.
3. Building Department Comments: Bakker said Slager missed the date by seven days.
4. Commission's Discussion: Kiepura asked how they could approve a primary plat if there was no water. Austgen stated it could be a conditional approval. Becker discussed concerns for water pressure if fire. Multiple discussions took place regarding the water pressure, water tower in Krystal Oaks and Robin's Nest, and fire department.

UPDATE ITEM:

1. **Hanover High School Lighting:** Oliphant informed them of the best fixture and they are supposed to be converting others over.
2. **Great Oaks Acres Storage:** Oliphant stated as built was submitted. Bakker indicated all the fees have been paid.

3. **Zoning Ordinance Amendment – As-Built:** Austgen stated he had a draft he is working on and should be available within the next week.
4. **Monastery Woods Maintenance – Expires 10/29/19:** Oliphant stated inspections have been finished and letters will go out by the end of the week. Oliphant clarified for Foreman that this was Monastery Woods South.
5. **Ledgestone Performance – Expires 11/15/19:** Oliphant indicated this will likely be extended.
6. **Lennar Homes:** Oliphant noted they are completing mass grading and likely will return in October for final plat of 1st Phase.
7. **Summer Winds Commercial LLC – Preliminary Plat Extension – November meeting update:** Bakker reminded the board they asked for 90 day updates.

Public Comment:

Adjournment: Meeting was adjourned at 7:49 p.m.

Press Session:

Next Meetings: Plan Commission Public Meeting – September 18, 2019 at 7:00 p.m.
Plan Commission Work Session – October 2, 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.