



**TOWN OF CEDAR LAKE – PLAN COMMISSION
WORK SESSION MINUTES
October 2, 2019 - 7:00 P.M.**

Call to Order (Time): John Kiepura called meeting to order at 7:02 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

Absent Greg Parker
Present Donald Oliphant, Town Engineer – CBEL
Present David Austgen, Town Attorney
Present 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 monthly from June 19, 2019 Public Meeting to October 16, 2019

1. Petitioner's Comments: Petitioner is not present.
2. Town Engineer's Comments: Oliphant indicated he has not received anything.
3. Building Department Comments: Kubiak and Bakker indicated they had nothing new.
4. Commission's Discussion: Multiple discussions took place. Commission asked the Building Department to reach out to Papiese to obtain status update and request presence at next meeting. It was decided if the petitioner is not present at the next meeting, this item will be removed from the agenda and the petitioner would need to start over if they choose.

NEW BUSINESS:

1. Monastery Woods South Maintenance LOC – Expires 10/29/19 - \$130,172.97

1. Petitioner's Comments: Jack Huls from DVG is present tonight representing Schilling Development. Huls indicated they are requesting consideration for the subdivision that had been previously in foreclosure at the time Schilling purchased. Original infrastructure had not been completed by Schillings. Since 2016, significant amounts of repairs have been completed and repaired roads for a second time in 13 years.
2. Town Engineer's Comments: Oliphant stated this may be more of a policy/legal request. Oliphant stated over half of the work above ground has been completed, but unsure what needs completed underground. Oliphant stated the original owner filed bankruptcy in 2006/7. McFarland in conjunction with Schillings purchased the remaining lots. At the time of purchase, many of the streets were not in. He stated quite a bit of repairs had been done and indicated some

of the area was old pavement sections with surface coat. Oliphant asked Austgen his thoughts on what Schilling's liability was based on the letter submitted to them, which was just sent today. Austgen stated he had not seen the letter yet but that Schilling would still have liability through the purchase of the property. Dessauer asked what was included on the punch list. Oliphant stated the letter submitted September 9 included noted inspections and major deficiencies with areas on a map. Some of the items of note included sidewalk and curb cracking which were cheap and easy to fix, stating he had 41 call outs covering full curb replacements, sidewalk replacements, and large asphalt repair sections. Oliphant told the members that some of the sections were built back in 2007 with the old standards. Oliphant indicated to Austgen's inquiry that items were normal and customary as far as standard followed.

3. Building Department Comments: Kubiak explained to members the 10% maintenance bond is held for a 3 year period and inspected for repairs before that period is expired.
4. Commission's Discussion: Dessauer asked Huls if Schilling does not do the repairs, who would do them. Huls, Oliphant and Austgen stated the LOC (\$130,000) would be pulled to complete the remaining repairs and anything beyond that, the Town would pay. Huls stated Schilling did not say they would not do the work but that there are significant areas of failing asphalt that they did not originally put in and that the ordinance does not allow for final surface coat to be put on until 80% of the homes are constructed. Wilkening asked Oliphant what items needed completed underground. Oliphant stated items of sanitary measure needed completed including casting, mudding, box buried, and an infiltration issue. He stated the cost of the punch list would encompass the amount in the letter of credit. Oliphant stated curb cracks were common but the asphalt issues were not as common. Multiple conversations took place regarding the items on the punch list Oliphant mentioned.

2. Ledgestone Performance LOC – Expires 11/15/19 - \$896,843.45

1. Petitioner's Comments: Jack Huls from DVG is present tonight. He stated in August of 2017, Oliphant did a letter of credit reduction on this project, at which time the project was still under construction. Huls indicated the only work left on the site is surface coat of asphalt and a stock pile of dirt needing relocated. The request being made was to be reduced to the 25% which would be \$530,000 approximately. Huls stated greater than 50% of the homes have been built in the subdivision and with winter coming, they wanted to request to put the final coat of surface down in the next month to month and a half to protect the binder coat which would make it a better product in the long run. If they can get the final coat down, this could be turned over to a Maintenance LOC.
2. Town Engineer's Comments: Oliphant stated a lot of the infrastructure had been put in by Hawk Development, noting a lot of the sanitary and basins are in. Oliphant stated the above request would require an engineering waiver from the subdivision ordinance standards of the 80%.
3. Building Department Comments: Kubiak stated there were 48 homes and 18 lots left.
4. Commission's Discussion: Multiple discussions ensued regarding the asphalt, dirt stockpile, and location from 117th north back out to Parrish for coat. Huls stated there were three options possible: renew at the current number, request the 25% reduction at the approximate \$530,000, or 10-15% for maintenance then they put the surface down. Wilkening asked Austgen if there are any legal negativities regarding doing this. Austgen stated no, but the commission can waive or adjust the engineering requirements.

3. Lennar Homes – Final Plat for Rose Garden Estates

Owner/Petitioner: Lennar Homes, 1141 East Main St, Ste. 108, East Dundee, IL 60118
Vicinity: 14325 Wicker Ave, Cedar Lake, IN 46303
Legal Description: 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

Tax Key Number(s): 45-15-33-200-001.000-014

Request: Petitioner is requesting a Final Plat Phase 1 for Rose Garden Estates

1. Petitioner's Comments: Present tonight are Scott Guerard, Vice President of Land Acquisition from CalAtlantic/Lennar Homes, Ryan Martin, Senior Project Engineer from Mackie Consultants LLC, and Richard "Rich" Olson from Gary R Weber Associates, Inc. Guerard stated they were available tonight for any questions before they return in 2 weeks for the Final Plat.
2. Town Engineer's Comments: Oliphant indicated a report was issued today, they are trying to establish the letter of credit and the comments on the final plat are minor. Currently, the LOC is estimated at \$5.7 million.
3. Building Department Comments: Bakker has been working with Martin on addresses. Bakker asked Guerard for all of the documents (documents, PUDs, Covenants, and Exhibits) with updated name to be consistent throughout and updated. She stated some indicated Lennar and where others indicated CalAtlantic. Guerard stated that because of the nearly 8 inches of rain, they've had little movement. He asked the commission for consideration as we are getting closer to winter to have permits submitted and hold them, they at least be reviewed, so that when ready they can get started. Bakker stated Kubiak can review them in a few days but they cannot start the process until there is a tax key #/parcel # from the county. Kubiak stated they could turn in whatever they want when they have it, but agreed with waiting for the tax #. He advised them to make sure their contractors are registered, as that is generally the biggest holdup.
4. Commission's Discussion: Becker asked for clarification on item #9. Oliphant stated there was a 5 unit building on the plat, noting it was the understanding that units would be limited to 4 units for the multi-family. Guerard clarified that originally the road was not connecting out to that particular property. Martin stated that in order to make it work, there is one unit facing north that is a 3 unit and the other unit is a 5 unit. He stated the suggestion was to provide an ingress/egress for it which they do not have a problem doing. Wilkening asked if the deviation was front loaded; they indicated yes. Austgen stated they were working on the LOC but not completed. He has legal concerns of this needing completed.

4. Gluth – 1-lot Subdivision

Owner: Brian & Mary Gluth, 1536 Muirfield Dr., Dyer, IN 46311
Petitioner: Brian Gluth, 1536 Muirfield Dr., Dyer, IN 46311
Vicinity: 9505 W 126th Pl, Cedar Lake, IN 46303
Legal Description: Pt. W.1/2 NW.1/4 S.22 T.34 R.9 & Pon & Co's Schubert Lake Acres Lots 23, 24, & 25
 4.849 Tot. Ac. (1.121 Land 3.728 Lake)
Tax Key Number(s): 45-15-22-152-001.000-014

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

1. Petitioner's Comments: Glen Boren from DVG is present tonight representing the Gluths. Boren stated his petitioner is requesting a preliminary plat for a 1-lot subdivision. Last week, he was before the Town Council asking for a portion of the road to be vacated, which both readings were approved at the meeting. There had been a house there. The property they purchased was comprised of 3 platted lots and meets and bounds property and a portion of 126th going through it. The old house has been removed and they would be drawing a permit to have a new one constructed there. Boren stated if granted preliminary plat approval, they would ask to come in with a site plan to draw the permit. Austgen suggested they ask for primary and secondary on the same night since it was a 1-lot.

2. Town Engineer's Comments: Oliphant and Austgen indicated requesting the Preliminary Plat and Final Plat together was ok to do, but the petitioner would have to wait 30 days for it to be recorded. Oliphant stated they just received 2 days ago and are generally administrative.
3. Building Department Comments: Huls asked for clarification if Preliminary and Final Plat approved together, would they have to wait 30 days for the permit. Austgen stated they would have to wait for the lot of record. Bakker stated they could have everything filled out and it could be held on file until it is legal. Kubiak stated he was all in favor of making the process as painless as possible.
4. Commission's Discussion: Wilkening asked for clarification on what the vacation included. Austgen and Boren noted 126th to the lake.

5. Summer Winds Residential – Preliminary Plat Extension

Owner/Petitioner: Waterford Place, LLC – Tim Dinga, 40 E. Joliet St, Ste. 1B, Schererville, IN 46375
Vicinity: King St., south of 133rd Ave
Tax Key Number(s): 45-15-28-203-001.000-014

Request: Petitioner is requesting a Preliminary Plat Extension for Summer Winds

1. Petitioner's Comments: Jack Huls from DVG is present tonight. Huls stated Summer Winds is all built but there is a minor technicality. They had received Preliminary Plat approval a couple years ago and the ordinance states that the primary is automatically renewed after a final plat recorded on subdivision for an additional 12 months. He stated there have been 2 plats recorded on the subdivision and have filed for unit 3 which will likely be before the Commission in November. That will be prior to the expiration of the primary plat, but it has been known to have hang ups with LOCs and other matters. They would like to request a 90-day extension of our Primary Plat so they do not get hung up on a technicality to have their bases covered.
2. Town Engineer's Comments: Oliphant stated there are no issues and only 8 lots remaining.
3. Building Department Comments: Kubiak stated he did not have a problem and it was a good idea to be safe when it comes down to deadline time instead of scrambling.
4. Commission's Discussion: Nothing noted at this time.

6. Summer Winds Commercial (Airport Heights Lot 6) – Rezone

Owner/Petitioner: Summer Winds Commercial, LLC, 11125 Delaware Parkway, Crown Point, IN 46307
Vicinity: 10201 W. 133rd Ave., Cedar Lake, IN 46303
Legal Description: AIRPORT HEIGHTS ALL L.6
Tax Key Number(s): 45-15-28-201-005.000-014

Request: Petitioner is requesting a Rezone from R-T (Residential Two Family) to B-1 (Neighborhood Business)

1. Petitioner's Comments: Jack Huls from DVG is present tonight. Huls stated in reviewing previous documents, the previous owners had a plan of realignment of King Street, so this lot originally zoned as B1, was rezoned to RM, rezoned again to RT then sold to Summer Winds. In planning for business use, which was consistent on 133rd, they found it was RT, and therefore the reason they are now requesting that it be rezoned back to B1. Huls indicated they hoped for a favorable recommendation to the Town Council meeting at their November 19 meeting. Austgen asked Huls what the dimension of the lot was; Huls stated 115x250, which was about 0.6 acre.
2. Town Engineer's Comments: Nothing noted.
3. Building Department Comments: Nothing noted.

4. **Commission's Discussion:** Foreman stated Redevelopment Commission has been working on a project on the southwest corner of 133rd & King Street asking for the school to participate. Foreman indicated the RDC President, Town Administrator Murr and himself met with the school corporation. He asked if Huls knew if Summer Winds knew anything about this or had an opinion on it. Foreman asked Huls to relay back to the petitioner about the developer about assisting with the project as well since they would be benefitting from the improvements. Huls stated he would relay the information. Multiple discussions continued regarding the RDC project, federal grant, business zoning, and the light.

UPDATE ITEM:

1. **Zoning Ordinance Amendment:** Bakker stated she would be working on this next week and should have an update for the next meeting.
2. **As-Built Ordinance:** Austgen stated he was working on it. Huls asked what this ordinance entailed. Oliphant stated it was more entailed. Huls inquired as he works a lot with the as-builts. Huls stated as a point of reference, he has seen where projects are no longer using Indiana state plain coordinates, they are using Lake County system.
3. **Hanover High School Lighting:** Oliphant stated the new lighting fixtures were still on order and he had no other update.

NOVEMBER MEETING:

1. **Summer Winds Commercial LLC – Developmental Update**
2. **Lakeside Unit 1, Block 2 Performance LOC – Expires 12/7/19 = \$165,546.21**
3. **Summer Winds Residential Unit 2 Performance LOC – Expires 12/20/19 - \$376,950.23**

Public Comment: Huls inquired about agenda item #2 under November meeting (Lakeside Unit 1) in relation to previous discussion. He stated there were 31 lots in that subdivision, 18 are built, and 25 lots would be considered 80% build out, which they will likely hit before spring. He stated they would like to pave that subdivision with surface coat before winter. He would like to hear the commission's inclination or consideration. He said he could not wait until the November meeting because of scheduling for paving before the winter weather. Wilkening asked for clarification of the area. Huls stated the west half is finished and under maintenance. The east half has binder but surface coat cannot be added because they are not at 80% of the homes built. Multiple conversations ensued comparing the benefits to that of Ledgestone previously discussed tonight. Austgen stated this could be added to the agenda for the October 16 meeting.

Wilkening inquired if Kubiak received permits for the new lighting at Jane Ball Elementary School; Kubiak stated no. Wilkening asked if the property had been red-tagged; Kubiak stated yes. Wilkening asked for this to be added to the agenda moving forward.

Kubiak asked the Commission to review a drawing for Henn regarding removing the two grass islands. Austgen stated it was jurisdiction of the Town Council and 100 feet of public road. Henn's plan would be to remove the islands and add diagonal parking. He would add a playground for the day care and parking for employees in the back. Multiple conversations transpired regarding the island, drop off/pick up, parking, and playground. The Commission advised Henn return to Plan Commission when he has a site plan available that could be discussed then they would recommend to the Town Council.

Adjournment: Meeting was adjourned at 8:29 p.m.

Town of Cedar Lake – Plan Commission
October 2, 2019
Work Session Meeting Minutes

Press Session:

Next Meetings: Plan Commission Public Meeting – October 16, 2019 at 7:00 p.m.
Plan Commission Work Session – November 6, 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

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.