



**TOWN OF CEDAR LAKE – PLAN COMMISSION**  
**PUBLIC MEETING MINUTES**  
**January 15, 2020 - 7:00 P.M.**

Call to Order (Time): John Kiepura called the meeting to order at 7:12 p.m.

Pledge to Flag

Roll Call:

Present Heather Dessauer	Present Robert Carnahan
Present Chuck Becker	Present Donald Oliphant, Town Engineer – CBBEL
Present John Kiepura	Absent *David Austgen, Town Attorney
Absent John Foreman	Present Tim Kubiak, Director of Operations
Present Richard Sharpe	Present Michelle Bakker, Building Administrator
Present Jerry Wilkening	Present Sarah Rutschmann, Recording Secretary

\*Ryan Deutmeyer was present in David Austgen's absence

**NOMINATION AND APPOINTMENT OF OFFICERS:**

**President:** Motion by Richard Sharpe and seconded by Robert Carnahan to elect John Kiepura as President. A second motion was made by Chuck Becker and seconded by Heather Dessauer to elect Jerry Wilkening as President.

The roll call vote was done first for electing John Kiepura as President:

Motion: Richard Sharpe --1<sup>st</sup> Robert Carnahan --2<sup>nd</sup>

Heather Dessauer	Chuck Becker	Jerry Wilkening	Robert Carnahan	Richard Sharpe	John Foreman	John Kiepura	Vote
NO	NO	NO	YES	YES	Absent	NO	2-4

This motion failed due to lack of majority.

The roll call vote was done for electing Jerry Wilkening as President:

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

Heather Dessauer	Chuck Becker	Jerry Wilkening	Robert Carnahan	Richard Sharpe	John Foreman	John Kiepura	Vote
YES	YES	YES	YES	YES	Absent	YES	6-0

**Vice-President:** Motion by Chuck Becker seconded by Heather Dessauer to elect John Kiepura as Vice-President.

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

Heather Dessauer	Chuck Becker	Jerry Wilkening	Robert Carnahan	Richard Sharpe	John Foreman	John Kiepura	Vote
YES	YES	YES	YES	YES	Absent	YES	6-0

**RETENTION OF SERVICES:**

**Legal Services:** Motion by Richard Sharpe and seconded by Chuck Becker to retain Austgen, Kuiper, Jasaitis Law Office for Legal Services.

Motion: Richard Sharpe --1<sup>st</sup> Chuck Becker --2<sup>nd</sup>

Heather Dessauer	Chuck Becker	Jerry Wilkening	Robert Carnahan	Richard Sharpe	John Foreman	John Kiepura	Vote
YES	YES	YES	YES	YES	Absent	YES	6-0

**Engineering Services:** Motion by Robert Carnahan and seconded by Chuck Becker to retain Christopher B. Burke for Engineering Services.

Motion: Robert Carnahan --1<sup>st</sup> Chuck Becker --2<sup>nd</sup>

Heather Dessauer	Chuck Becker	Jerry Wilkening	Robert Carnahan	Richard Sharpe	John Foreman	John Kiepura	Vote
YES	YES	YES	YES	YES	Absent	YES	6-0

**APPOINTMENTS TO BOARDS/COMMISSIONS:**

**Board of Zoning Appeals:** It was noted that John Kiepura was the current appointment to the Board of Zoning Appeals. Motion by Chuck Becker and seconded by Richard Sharpe to reappoint John Kiepura to the Board of Zoning Appeals.

Motion: Chuck Becker --1<sup>st</sup> Richard Sharpe --2<sup>nd</sup>

Heather Dessauer	Chuck Becker	Jerry Wilkening	Robert Carnahan	Richard Sharpe	John Foreman	John Kiepura	Vote
YES	YES	YES	YES	YES	Absent	YES	6-0

**Unsafe Building Department:** It was noted that Richard Sharpe was the current appointment to Unsafe Building Department. Motion by Robert Carnahan and seconded by John Kiepura to reappoint Richard Sharpe to the Unsafe Building Department.

Motion: Chuck Becker --1<sup>st</sup> Richard Sharpe --2<sup>nd</sup>

Heather Dessauer	Chuck Becker	Jerry Wilkening	Robert Carnahan	Richard Sharpe	John Foreman	John Kiepura	Vote
YES	YES	YES	YES	YES	Absent	YES	6-0

**MINUTES:**

Motion by Chuck Becker and seconded by Heather Dessauer to approve the November 20, 2019 Public Meeting and December 4, 2019 Work Session minutes.

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

Heather Dessauer	Chuck Becker	Jerry Wilkening	Robert Carnahan	Richard Sharpe	John Foreman	John Kiepura	Vote
YES	YES	YES	YES	YES	Absent	YES	6-0

**NEW BUSINESS:**

**1. Centennial Villas - Subdivision**

Owner: Region Holdings, Inc., 425 Joliet St., Ste. 425, Dyer, IN 46311  
Petitioner: Olthof Homes, 8051 Wicker Avenue, St. John, IN 46373  
Vicinity: 13800 Parrish Ave., Cedar Lake, IN 46303  
Legal Description: Pt. SW.1/4 NE.1/4 & W.1/2 N.1/2 NW.1/4 SE.1/4 S.28 T.34 R.9 23.5 Ac  
Tax Key Number(s): 45-15-28-251-002.000-014

**Request: Petitioner is requesting Preliminary Plat for a 48 lot subdivision**

1. Petitioner's Comments: Jack Huls from DVG and Ed Recktenwall from Olthof were present tonight representing Centennial Villas. Recktenwall stated the area is zoned RT and is located between Summer Winds and Centennial subdivisions. The plat before the board tonight is 48 lots containing 96 units. He stated the designed is based off of the RT ordinance, meets or exceeds it and there are no waivers being requested. Minimum lots are 10,000 square feet. All of the setbacks have been retained. Side lot setbacks are 10 feet. Recktenwall stated engineering had been submitted in December and has received the first round of comments from Oliphant. Project is serviced with water from Centennial and Summer Winds. Sanitary runs down the middle of the project with an 18" existing line that is being tied into. Storm sewer system is being connected to through Centennial and Beacon Pointe that was recently approved last spring. He anticipates this to be a two phase project where they will start in the southern portion and work their way north. Their anticipated start date would be early spring 2020. The HOA will be designated separately from Centennial. Park dedication is noted in Lot D with a contribution for the balance. Recktenwall stated during zoning approval discussions regarding the boundary with the Industrial Park it is the intention to install a six foot tall vinyl fence to screen. He indicated there is a two foot rear yard slop that would create a total of an eight foot screening.
2. Attorney's Comments: Deutmeyer noted everything was in order.
3. Town Engineer's Comments: Oliphant stated the submittal was received in mid-December and because of the holidays and vacations, it was not reviewed until the Friday before the meeting. Oliphant indicated that the items were typical of first review and they would be working through them. He stated one of the big ticket engineering items was the shared detention with Centennial and Beacon Pointe 5. He stated this would complete the connection between Summer Winds and Centennial, but still having a gap between Centennial Estates and Beacon 5 until they plat that part. He confirmed 48 lots with 96 units and it appears to be in compliance with their conceptual plan that Schilling Development submitted approximately two years ago. Carnahan asked about the park. Oliphant indicated the park is an item indicated on their first letter. He indicated it was noted as Outlet D that will satisfy some of the park requirement but would also require a contribution. He stated typically they would see engineering for the entirety of the project, noting inclusion of Centennial Estates and Beacon 5, however he is seeing engineering in parts currently. He stated that there was no park dedication noted in Centennial Estates and Beacon 5. Carnahan asked Oliphant how the seven pages of comments would be addressed and expressed his concern about approving something tonight. Oliphant stated they were early on in the process and would work through them. Wilkening asked Oliphant how certain he was that comments and issued would be addressed by the time of the next meeting. Oliphant indicated they would work through the items and there would need to be some coordination between the developments because they will be sharing retention along with access to the sites for construction, noting Summer Winds had new roads and is under

development with a letter of credit. Recktenwall suggested access through Beacon Pointe 5. Oliphant stated Nies has not turned over their utility review yet.

4. Building Department Comments: Kubiak reminded the members that they were on the December work session, but the December and January work sessions had been cancelled, so this is their first opportunity to present it. Kubiak felt the arborvitae trees should be provided along the buffer with the eight foot fence through lot 20.
5. Remonstrators: Wilkening called for remonstrators at 7:41 pm.
  - a. Rich Thiel, Industrial Park Properties at 13513 Industrial Drive, addressed his concerns for screening. He was in agreement with the same height fence but request secondary buffer of arborvitae trees like he was installing both for visual appearance but also noise control. He noted he has not installed the arborvitae trees on the east side of the berm as he was waiting to see about clearing and placement of the fence. He addressed his concern for the swale on the west side as his point source discharge ties into their system. Oliphant confirmed there was a direct hard connect into their system. Recktenwall confirmed for Thiel the homes were ranch, 1-story homes on a slab.

Wilkening called for any other remonstrators. After hearing none, he the public hearing closed at 7:44 pm.

6. Commission's Discussion: Wilkening asked about the elevation challenges in regards to the screening. Huls stated the rear yard is about the same grade as the front yard for storm drainage. They put a rear yard swale in the back of the rear yard. Freedom Way would be lower by three to four feet. Huls stated the grade along the west line needs to come down. The existing grade is 38, 37, 36 ½ and the rear yard swales are 34 or 33. They are about four feet down from the rear yard swale. When coming up to the grade of the house, the finish grade of a house in that area is about 37. Kubiak indicated the Summer Winds fence was eight foot. Recktenwall stated six foot is in the ordinance, however if two foot more is necessary, they would comply. Kubiak stated that as much as a buffer is possible from each side, it will make is successful. Dessauer noted that eight foot would make it more uniform. Becker wanted it noted that the Industrial Park was there first before the subdivision.

Huls requested that the board still hold the public hearing that was advertised for this meeting since individuals were notified. Dessauer asked how far they would be through the seven pages in two weeks. Huls stated they should be through a lot of them by the next meeting. Huls asked if the remonstrators could be addressed so that anyone who came out would be given an opportunity to speak.

After the remonstrators, the commission finished asking questions. Wilkening told Recktenwall that Thiels concerns about the screening and trees was a good idea. Kiepura asked Oliphant how much the square footage should be for the park and how much he has designated. Oliphant stated it has not been calculated yet, further explaining it was noted as a comment on how it would be provided. He estimated approximately two acres, confirming to Kiepura that it would comply with the ordinance and if they put in less there would be a fee in lieu of acreage. Huls asked that the members consider that Outlot C, which is approximately 3.5 acres of unused area of farmed wetland or meadow area similar to Summer Winds, as a trail that would be maintained by the HOA. Huls noted that it would need to be decided if the park would need to be private (maintained by the HOA) or public. Kiepura stated it was his opinion that it did not matter if private or public other than the benefit of not having to maintain it as a Town if it were privately owned. Kubiak asked if the HOA included plowing and maintenance. Recktenwall stated the subdivision would be considered maintenance free and the HOA would maintain.

This will be submitted with the engineering comments. Multiple discussions took place regarding a formula for the value of undeveloped farm land.

7. Commission's Decision: Robert Carnahan made a motion, seconded by Heather Dessauer, to defer the item, continue the Public Hearing until February 19, 2020 and have Olthof return for the Work Session on February 5, 2020.

Motion: Robert Carnahan--1<sup>st</sup> Heather Dessauer--2<sup>nd</sup>

Heather Dessauer	Chuck Becker	Jerry Wilkening	Robert Carnahan	Richard Sharpe	John Foreman	John Kiepura	Vote
YES	YES	YES	YES	YES	Absent	YES	6-0

## 2. Birchwood Farms – Preliminary Plat Extension

Owner: Hanover Farms/Hanover Development LLC, 8051 Wicker Ave., Suite A, St. John, IN 46373  
Petitioner: Olthof Homes, 8051 Wicker Avenue, St. John, IN 46373  
Vicinity: 12412 Wicker Avenue, Cedar Lake, IN 46303  
Legal Description: Pt. SE.1/4 S.17 T.34 R.9 22.858Ac and Pt. SE.1/4 S.17 T.34 R.9 45.386Ac  
Tax Key Number(s): 45-15-17-476-009.000-014 and 45-15-17-476-007.000-014

**Request: Petitioner is requesting Preliminary Plat Extension (Expires February 5, 2020)**

1. Petitioner's Comments: Jeff Yatsko from Olthof Homes was present tonight representing Centennial Villas representing Birchwood Farms. Yatsko said he was seeking a preliminary plat extension for one year. He stated they were not able to things completed due to a lot of weather complications. He indicated the plan was to complete the first phase by the end of the year and possibly the second.
2. Town Engineer's Comments: None
3. Building Department Comments: None
4. Commission's Discussion: None
5. Commission's Decision: Chuck Becker made a motion, seconded by Richard Sharpe, to approve the request for extension of preliminary plat for one year (February 5, 2021).

Motion: Chuck Becker--1<sup>st</sup> Richard Sharpe--2<sup>nd</sup>

Heather Dessauer	Chuck Becker	Jerry Wilkening	Robert Carnahan	Richard Sharpe	John Foreman	John Kiepura	Vote
YES	YES	YES	YES	YES	Absent	YES	6-0

### **UPDATE ITEM:**

1. **Zoning Ordinance Amendment:** Bakker stated Austgen asked that this be deferred to February 5, 2020. Deutmeyer indicated Austgen would like to be present for this.
2. **As-Built Ordinance:** Bakker stated she and Austgen have been working on this to update everything to standards. She reminded members this is a bond that is required when a builder supplies a final survey and something is not completed or finished.
3. **Hanover High School Lighting:** Oliphant reported fixtures were in and replaced. He stated they will replace entrance fixtures. Kubiak stated all remaining light fixtures had been approved by the engineer. He stated the ones by the road were the ones deemed to be giving off more glare. Wilkening asked

who changed the scope. Kubiak stated the scope had not been changed and they were the lights that were from the original plan, approved by the engineer and installed. He said what was reviewed was on the case that they were retrofitting light pole areas, not necessarily starting from scratch. He indicated the newer fixtures have a bit brighter lighting and the poles are all in the same locations. Oliphant stated they would have been made to install more poles to get coverage or give them a stronger bulb to get coverage. He said they were granted leeway to retrofit the pole location, not to install a large amount of new poles that would not configure with the parking layout in order to meet photometric requirements. Wilkening stated the lights are not the lights that were put up. Kubiak stated the lights that were installed were the ones specified and felt the only thing he felt was up for debate was the optional shields. Oliphant stated Kubiak had been in a bucket truck to inspect. Kubiak stated he inspected two different fixtures and verified both were numbers on the plan. He added that in regards to the ones being changed out by the road, they were lights that had been approved originally but due to the elevation on 133<sup>rd</sup> and the height of the poles, they glare more. Oliphant stated with this being a school lot, he would rather have a well-lit lot for safety concerns; Wilkening agreed. Multiple conversations ensued regarding retrofits, several locations in town that have lighting concerns and updates needing addressed and enforced.

4. **Summer Winds Commercial LLC – 90 Day Update:** Bakker stated the board had requested 90 day updates when the one year extension had been approved. Huls stated the developer is still working on building plans. Due to winter, there is no construction. He did not have an update on the tax abatement.

Bakker stated Huls dropped off the mylars for Unit 3 and will need to be signed by the President.

Carnahan noted the Census logo on the agenda and encouraged others to spread the word that everyone be counted for the 2020 Census. He said individuals will be notified in mid-March and surveys can be completed online, mail or via phone. He stated that we could lose \$27,100 for every one person that is not counted and does not want Cedar Lake to miss out on that money. Wilkening asked if information could be placed in the newsletter. Carnahan stated Rutschmann has been including something monthly in the newsletters that are mailed and posted to the Town's website along with posting information on Facebook.

#### **Public Comment:**

Jack Huls from DVG representing Cedar Lake Ministries, along with Sanusi Matuwa, Operations Director at Cedar Lake Ministries, reminded the commission they had presented a plan on December 4, 2019. Huls stated they had applied for a PUD Amendment, however due to the attorney having a conflict of interest with the Town, it has caused a delay in timing. Huls stated the attorney would be in touch with Bakker. In order for construction plans to be completed by the summer camp in 2020, Huls stated Cedar Lake Ministries would be seeking a BZA special exception for the zipline use only. Dessauer asked for the timeline. Huls indicated that for the zipline, they would file for BZA to be in the February meeting, prepare a site plan and go through the Building Department for a permit for the zipline with anticipated installation in April. Huls stated, in regards to the PUD Amendment, many of the residents in the Ministries subdivision are snowbirds and would need to have a meeting with the homeowners association about the PUD Amendment. He anticipates meeting with them then bringing this item back in summer, making the PUD more comprehensive including other possible uses to avoid coming back frequently. Multiple discussions took place regarding part of the property being a meets and bounds property, possible uses, a survey and site plans with parking plan. Members did not feel there was an issue with the zipline installation. Huls said they are working with the attorney on the field currently not being included in the PUD and making it inclusive. It was discussed not having to seek special exceptions for everything and just have engineering reviews. Multiple discussions took place regarding possibilities regarding the PUD and uses.

**Adjournment:** Motion made by Richard Sharpe, seconded by John Kiepura, to adjourn the meeting at 8:29 pm.

**Press Session:**

**Next Meetings:** Plan Commission Work Session – February 5, 2020 at 7:00 p.m.  
Plan Commission Public Meeting – February 19, 2020 at 7:00 p.m.

---

**Chuck Becker**

---

**Robert Carnahan**

---

**Heather Dessauer**

---

**John Foreman**

---

**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.*