



**TOWN OF CEDAR LAKE – PLAN COMMISSION
WORK SESSION MEETING MINUTES
February 5, 2020 - 7:00 P.M.**

Call to Order (Time): 7:01 p.m.

Pledge to Flag

Roll Call:

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

OLD 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 they were present two weeks ago for a Public Hearing. He said engineering comments and revised plans were sent to Christopher Burke yesterday. He indicated they have met with Rich Thiel from Midwest PGM regarding the buffer since the last meeting. They have not developed a full plan, but distributed a handout for members to view showing the fence and the property lines. Olthof has committed to an 8 foot fence. The grading of the property line is lower than that of the Industrial Park, so it will appear to be taller than 8 feet. He feels the buffer there is sufficient and does not feel additional landscaping will be needed. Recktenwall stated disclosure statements would denote to buyers the noise possibility due to the Industrial Park. This verbiage would be inclusive in the contract and covenants. Austgen recommended it be in the recorded record.
2. Town Engineer's Comments: Oliphant felt they would be able to get items completed in the two weeks. Recktenwall discussed Outlot C containing 3 acres for the park dedication. He responded to Wilkening's inquiry that it would be similar to Summer Winds in that it would contain a walking path, trees, garden area and benches. Oliphant mentioned Outlot D is noted as partly usable. Austgen asked Oliphant if he felt Outlot C was in compliance with the park ordinance. Oliphant spoke of "useable space" being a matter of interpretation. Austgen stated in the past he has seen where things have been given back to the Town because they were not usable, flooded, unkempt or unmaintained and did not pay the property tax or a combination thereof. Huls responded to Oliphant that Outlot D would extend east and part would be in Centennial Estates and part in Beacon Pointe 5, noting that park would be dryer than that of

Summer Winds. Oliphant reminded the commission to keep in mind the development as a whole subdivision. Oliphant confirmed for Carnahan that the park does not have to be set up until the final plat.

3. Building Department Comments: Kubiak asked was the elevation was regarding the wetland area. Huls stated there were two 12" field tiles that come through from the railroad tracks and are broke out forming the wetland. He replied to Kiepora's inquiry that if the field tile was not broken, there would not be any wetland. He stated the area was considered farmed wetland, but noted the repair of the tile was in the plans to be completed. Multiple conversations took place regarding Outlot C and D, Summer Winds comparisons and the delineated wetlands. Huls stated they have not received the determination from IDEM yet. Kubiak asked what the walking path would be constructed from. Recktenwall stated they would be Ag lime. Kubiak asked if the proposed area would be privately maintained; Recktenwall stated the HOA would maintain. Huls indicated they were making significant improvements to the water table by taking water from Utopia, bringing it into the pond, managing it through controlled release, cleaning the compensatory storage area so that some of the flooding seen in the field will be addressed through the stormwater detention system with this project. Huls confirmed for Carnahan that the final destination of the water goes into Sleepy Hallow under Parrish. Kubiak mentioned Summer Winds had an agreement to do improvements to the park with features, such as the gazebo, to compensate for the wetland. Kubiak wanted to discuss the fence at more length. Foreman agreed the fence was needed. Oliphant confirmed from Recktenwall the homes would be ranch, one-story homes.

Kubiak felt that the fence would not be enough buffer for noise. He felt the disclosure statement that is signed off on would be important. Foreman noted when revising the master plan, we should clearly spell out that the intent is to develop the industrial park out to Centennial. Carnahan added the people who currently live there would have legitimate complaint. Oliphant told members to keep in mind that if it will be zoned as industrial, they would have responsibility to do their own screening. Becker noted the industrial park was there first prior to the residential subdivisions. Wilkening asked Rich Thiel to come forward and for his input. Thiel expressed his desire for a second row of trees noting it was zone agricultural before. Recktenwall asked Thiel what type of tree was asked of him to plant. Thiel noted the trees were giant arborvitae that would grow to 25 feet tall in the course of a nine year period. Thiel indicated his material handler is 20 foot tall. Kubiak felt that putting the trees in and the fence would be proactive. Multiple discussions took place regarding the spacing, type, amount and placement of the trees. Austgen stated they would review the ordinance to ensure adequate protection of the residents. Recktenwall indicated he would work with Thiel for trees on his side of the fence. Members were in agreement that the trees would be what was included in the original plan plus the extras mentioned.

4. Commission's Discussion: Becker expressed his concern if Outlot C is going to be too wet to mow. Wilkening asked the commission if they had thoughts on fees in lieu of park dedication. Huls confirmed to Oliphant's inquiry that they are not asking for fee in lieu of. He stated the ordinance was specific in regards to the requirements. Based on the requirements, the figures were submitted to Oliphant for review and they agreed 2.04 acres required for park dedication and they have 3 acres that would qualify. Huls stated there would be a walking path along the high area. Oliphant said there were approximately 4 acres between lot C and D. Wilkening and Oliphant spoke about the field tile studies completed. Kiepora expressed his concerns about the usability of the wetland. Huls stated he would work with Oliphant on the figures. Recktenwall stated the marketability of the subdivision was older adults and not families. He stated there would be trails and seating area but they would consider a shelter to make up for

acreage. Austgen indicated that there needs to be language in the covenant or on the plat that prohibits the area for any other use than this. Huls, Recktenwall and Austgen discussed an easement dedication statement that could be provided for the next meeting. Dessauer asked Oliphant for an update on the engineering comments. Oliphant indicated he felt they would be addressed; Huls added he has responded to Oliphant regarding each item.

NEW BUSINESS:

1. Henn - Subdivision

Owner/Petitioner: Richard Henn, PO Box 502, Cedar Lake, IN 46303
Vicinity: 13301 Lincoln Plaza, Cedar Lake, IN 46303
Legal Description: PT. E2 N2 NE NE S.28 T.34 R.9 '114.47X185X152.58X185FT. Ex. W.50ft
SUBJECT TO STS. & ALLEYS. 0.35Ac
Tax Key Number(s): 45-15-28-228-006.000-014

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

1. Petitioner's Comments: Richard and Robert Henn from Henn & Sons were present tonight. Robert noted they were present to night to request preliminary plat for 1-lot subdivision. He noted that Torrenga redid the survey to show the along the alley.
2. Town Engineer's Comments: Oliphant stated they just received Monday night. He asked Robert if they had a site plan. Robert thought Torrenga had provided it and will follow up with them. Oliphant spoke about the traffic direction on Broadway. Richard spoke about the removal of the 2 islands in the front to allow for possibly six more parking spots and increased parking in rear. Oliphant asked for a parking layout to be supplied, noting he would get numbers together and he would work with them on developing a letter of credit. Robert said he will coordinate so it shows the extra five feet, include the parking plan, improvement to alley and islands removed.
3. Building Department Comments: Kubiak stated if they remove the drive and islands, they should put it back as if they had never been there.
4. Commission's Discussion: Members talked about the traffic flow; Oliphant suggesting the route be southbound. Multiple discussion took place regarding the alley, paving to the building, and water runoff. Members agreed to allow Henns to remove the island. Wilkening spoke about the money for the islands and alley with Oliphant adding figures for replacement of pavement and sidewalks. Richard felt six spots could be located in the front and eight in the back. Members talked about the apron and the area would not meet ADA for a parking spot as it was too steep. Henn would like to remove the apron. Dessauer discussed her concerns for the crosswalk and concern for safety. Oliphant stated the crosswalk will stay. Kubiak suggested installing a sign in the road to alert drivers of the crosswalk. Austgen stated this was a complicated piece of property. Oliphant and Henn will coordinate a bullet list of items to work on.

Dr. Terry McDermott, DDS stated he owns dental office next to Henn's project. He noted he is not present tonight to contest the project but rather discuss the alley. One concern he had regarding the project was a significantly low area of grass where the water stands. Oliphant asked Henns to add elevation and stormwater to the survey plan. McDermott said as the community has grown, the area has become busier in that location. He had always thought there was an ingress/egress in the alley and recently found out he does not how his part of the street or alley. The property was owned by Mager and now owned by Vandernort. McDermott noted that the entities in the area all use the alley. He spoke with Henn and Toth about the alley and are in agreement that they would like

the Town to take it over. He feels that parking will become more of an issue when the restaurant reopens and his concern for access to his property. Wilkening stated McDermott's request would have to be at a Town Council level. Foreman indicated it would be a topic they would soon be approaching at the Council level. Carnahan suggested discussion at the next Executive Session when speaking about land acquisition. McDermott was requesting the alley be 20 feet so he has access to his property. Austgen reviewed McDermott's Corporate Deed but it was noted as unclear. Austgen requested that McDermott drop off documents and a letter requesting a Town Council formal review for purposes of access to his property.

2. Beacon Pointe – Concept Plan

Owner/Petitioner: Beacon Pointe of Cedar Lake LLC, 8900 Wicker Ave., St. John, IN 46373
Vicinity: 9000 W. 141st Ave., Cedar Lake, IN 46303

Request: Petitioner is requesting a Concept PUD Plan

1. Petitioner's Comments: Jack Slager from Schilling and Jack Huls from DVG were present tonight representing Beacon Pointe. Slager distributed a Union Station hand out. He presented a flash drive with a PowerPoint presentation to be projected, however there was an equipment malfunction that prevented it from being viewed. Slager explained the zoning from approximately ten years ago, noting the west side of the railroad tracks was RT, B1 and B2 zoning. It was rezoned to PUD and contained duplexes and cottages. He stated the existing zoning on the east side of the railroad tracks was RT on the north and RM on the south end. They would like to rezone the area to PUD, similar to what they did for Beacon Pointe across the tracks. They plan to continue with the same product and same builder, noted as McFarland Homes. Slager stated they just completed the last phase of Beacon Pointe and plan to complete the build out the end of next year. They would like to transition to Beacon Pointe East by late summer/early fall. He indicated Sleepy Hollow Ditch runs along the property line and they are hoping to preserve the tree line. There is a berm on 141st, double split entry at the front entrance with a fountain and lighting, additional open space to be used for park dedication and they would continue with the nautical theme homes with all white trim and decorative landscaping and lighting. Slager stated in the PowerPoint, it focused on the original density with approximately 279 units and the proposed change would be 159 units that would be an anticipated 4-5 year project.
2. Town Engineer's Comments: None.
3. Building Department Comments: See comment noted below.
4. Commission's Discussion: Slager confirmed Carnahan's inquiry that the location would be rezoned to PUD and it would go before Town Council. Foreman liked idea of removing RM and reduction in units. Wilkening asked for clarification on the entrances. Slager stated they would have 2 entrances, however the double entry would be denoted as the main entrance. Slager noted the homes would contain no two alike next to each other. He stated homeowners would have a lot of options, noting 8-10 color options, stone or siding, porch or no porch and he could bring samples of those options in later. He stated the model homes would be completed first with the main entrance and a small hill to shield headlights from cars shining into the homes. Slager confirmed for Wilkening the west property line is a row of trees along the railroad tracks that they would keep. Austgen mentioned a history of drainage problems in the Birch area on the east side. Slager stated there are detention ponds located in the front and rear. He discussed broken drained tiles that were discovered in the farm field and the discovery of an old field tile possibly that came from Centennial under Parrish through Beacon Pointe under the railroad tracks through the site and all the way to the creek. Wilkening asked if the three acres

was adequate for the park dedication. Slager stated there is the three acres plus seven acres of open space (not including detention pond) in the tree area. Slager stated this location was not conducive to families and would not suggest playground equipment but thought about gazebo or walking path or trails. Members had multiple discussions about the PUD and liking the concept proposed. Kiepura inquired about Council and the PUD. Austgen stated it would depend on how the petitioner would file application. He stated what Plan Commission decides would then be sent as a recommendation to the Town Council, confirming for Kiepura that the Plan Commission would not decide the zone change. Austgen confirmed Kiepura's inquiry regarding being able to recommend lot size. Dessauer reminded the group they had proposed 56 feet of frontage. Kubiak stated the big reason it was brought before the Commission was because of the RM zoning and they could build multiple story buildings. Austgen reminded the group there were three PUDs approved by Town Council sent from Plan Commission last year that were all sent as favorable recommendations.

UPDATE ITEM:

1. **Zoning Ordinance Amendment:** Austgen stated they have received direction from the Town Council on working on these with a committee internally to start immediately. He said they will be getting regular reports on drafts.
2. **As-Built Ordinance:** same as stated in above Update Item #1.

UPDATE ITEM MAY:

1. **Summer Winds Commercial LLC – 90 Day Update**

Oliphant stated he had an update on Birchwood 2nd phase regarding wetland permitting and since a PUD wanted to confirm the next step. Austgen indicated if minor changes, it would not need to go through the group and would just be part of the process. If a major, then it needs to come back through the process and the survey and plat would need to be changed. It was recommended that this item be added to the agenda in two weeks.

Dessauer asked where they were at with the Hanover Lighting. Wilkening pointed out it was removed from the update items and wanted it noted for the record that he would like to consider this item concluded but not resolved. Wilkening felt what was done and was heard to be done seems to be two different things. Dessauer asked why it was not on the list. Kubiak stated what is there is what was proposed to be put there originally and that is what is there, minus the ones by the road. Wilkening stated that what was on paperwork he received is not is what is there and felt that it has been a waste of everyone's time.

Carnahan reminded the group of the 2020 Census quickly approaching and commended Rutschmann for her work promoting the times on the Facebook page created, newsletter and working with the committee. He asked everyone to spread the word about the Census, how \$27,100 is lost over the course of 10 years per every person not counted.

Public Comment:

Richard Henn inquired about an application for a 1-lot subdivision application for 10 acres he believed was to be on the agenda for tonight. He stated he gave information to the Building Department. It was directed that the Building Department would follow up with Henn regarding this.

Adjournment: Wilkening adjourned the meeting at 9:07 pm.

Press Session: none

Next Meetings: Plan Commission Public Meeting – February 19, 2020 at 7:00 p.m.
Plan Commission Work Session – March 4, 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

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