



**TOWN OF CEDAR LAKE – PLAN COMMISSION
PUBLIC MEETING MINUTES
February 19, 2020 - 7:00 P.M.**

Call to Order (Time): 7:07 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	Present Michelle Bakker, Building Administrator
Present Jerry Wilkening	Present Sarah Rutschmann, Recording Secretary

MINUTES:

Motion by Heather Dessauer and seconded by Chuck Becker to approve the January 15, 2020 Public Meeting and February 5, 2020 Work Session minutes.

Motion: Chuck Becker --1st Heather Dessauer --2nd

Heather Dessauer	Chuck Becker	Jerry Wilkening	Robert Carnahan	Richard Sharpe	John Foreman	John Kiepura	Vote
YES	YES	YES	YES	YES	YES	YES	7-0

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. Attorney's Comments: Austgen noted for the record that tonight was a continuation of the Public Hearing from January 15, 2020.
2. Petitioner's Comments: Jack Huls from DVG and Ed Recktenwall from Olthof were present tonight representing Centennial Villas. Recktenwall stated items were resubmitted to Oliphant. He noted the park contribution as 1.9 acres and Outlot C contained 2.9 acres. They would plan to have trails, benches and seed the wetland. The cost to improve the area would be \$60,000. The park would be privately maintained through the HOA. He stated the tile survey revealed the 12" tile is a functioning tile that runs into the stormwater location.
3. Town Engineer's Comments: Oliphant stated there were still minor items to get through and he received their letter yesterday. The summary matches with his comments on the park. Multiple discussions took place regarding concern for the HOA maintaining the park and noted example of August Oaks. Recktenwall clarified for members' inquiries that the HOA was not-for-profit, would receive a waiver on the taxes and rarely saw defaults. He stated the

subdivision would contain 48 lots with 96 units. There would be a partial turnover to the HOA at 80% buildout, then transitional period at 95% then final turn over after the last house and that the phases the homes were built in would not apply to the HOA, meaning it would be entirely inclusive. He stated the park would be installed in Phase One. Austgen stated this should be noted as a condition. Oliphant mentioned the covenant being added to the plat and no fence on their details. Huls stated those items would be included in the final plat.

4. Building Department Comments: Bakker stated the addresses have not been addressed. Kubiak shared photos he had taken while in Thiel's machine at the Industrial Park to show the view and angle into the homes. Recktenwall stated he had been talking with Thiel and taller deciduous trees along with the arborvitae would be installed on the upper level and maintained by the HOA. Kubiak spoke about his concern on noise and privacy factors. Recktenwall stated they would install the buffer immediately so it would be existing by the time the homeowners moved in. Austgen asked if drainage would affect 137th & Parrish storm drainage; Kubiak replied it had been repaired.
5. Commission's Discussion: Wilkening asked about a gazebo if short on the acreage of park. Multiple discussion took place regarding the proposed park plan, the \$60,000 worth of improvements and the trails/benches. Recktenwall confirmed to Kiepura they were 0.2 acres short on the park dedication. Foreman liked the park idea. Becker expressed his concerns regarding the wetland. Oliphant stated they would have a 40" culvert draining down and funnel into a detention basin. He also reminded the commission that they had 80 acres to the west. Recktenwall confirmed to Austgen that landscaping language would be in the agreement and covenants. Dessauer and Becker stated they were ok with the park but concerned with the list. Foreman stated the preliminary plat could be contingent upon landscaping and engineering comments and felt ok about moving forward. Austgen recommended first act on waiver with strict compliance with the park dedication regarding the difference between the ordinance and what was provided and consideration of the primarily plat approval with conditions next. Foreman stated the developer was long-standing in the community and local and felt they would live up to what they promise and the contingencies. Kiepura does not like the contingencies but likes the park. Sharpe stated he understands the other members concerns and noted he liked the butterfly and bird features. Carnahan inquired if they should wait a few more weeks to get the contingencies taken care of. Oliphant confirmed to Wilkening and Carnahan that he would be the one following up on making sure the contingencies were followed and permits would not be released until they were completed. Recktenwall replied to Wilkening regarding soil that it would remain on site, as far as he knows, and did not feel there would be an excess.
6. Remonstrators: Wilkening called for remonstrators at 7:40 pm.
 - a. Rich Thiel, Industrial Park Properties at 13513 Industrial Drive, stated he met with Recktenwall and Thiel's business partner George. Documentation present to Thiel was provided to his attorney today to review. He is awaiting legal review before proceeding. Wilkening called for any other remonstrators. After hearing none, he called the public hearing closed at 7:44 pm.
7. Commission's Decision: John Foreman made a motion, seconded by Richard Sharpe, to approve the preliminary plat for a 48-lot subdivision contingent upon items in Oliphant's letter, landscaping agreement being worked out with the industrial park, accepting improvements in lieu of park acreage shortage, conveyance of said park land to be protected from going to tax sale, the language to be included in the covenants and/or plat and building department reviewing the addresses.

Motion: John Foreman--1st Richard Sharpe--2nd

Heather Dessauer	Chuck Becker	Jerry Wilkening	Robert Carnahan	Richard Sharpe	John Foreman	John Kiepura	Vote
YES	YES	YES	YES	YES	YES	NO	6-1

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. Attorney Review: Austgen stated Town Council has discussed the alley.
2. Petitioner's Comments: Petitioner was not present. Bakker stated Henn has requested to defer to next month.
3. Town Engineer's Comments: Oliphant stated the estimate for improving Broadway and the alley would be \$22,000 and received the preliminary plat today.
4. Building Department Comments: Multiple discussions took place regarding whether or not re-advertising is needed to take place for the Public Meeting and no remonstrators present tonight. Kubiak said he recommended Henn not come tonight since Oliphant just received the plat today. Bakker reminded the Commission that the request was for preliminary plat for 1-lot subdivision and Henn was asking to defer the same petition request one month.
5. Remonstrators: noted none present
6. Commission's Discussion: Dessauer spoke about her concerns regarding the crosswalk in the middle of Broadway. Foreman and Kiepura both stated the notification was given to individuals to be present tonight and no one showed up. Foreman will reach out to Dr. McDermott to attend the next meeting in the event of any changes. Austgen recommended notifying Henn to be present at the next work session.
7. Commission's Decision: First motion - John Foreman made a motion, seconded by Chuck Becker, to defer this item to next month. Second motion - John Foreman made a motion, seconded by John Kiepura, to not re-notify.

Motion #1: John Foreman--1st Chuck Becker--2nd

Heather Dessauer	Chuck Becker	Jerry Wilkening	Robert Carnahan	Richard Sharpe	John Foreman	John Kiepura	Vote
YES	YES	YES	YES	YES	YES	YES	7-0

Motion #2: John Foreman--1st John Kiepura--2nd

Heather Dessauer	Chuck Becker	Jerry Wilkening	Robert Carnahan	Richard Sharpe	John Foreman	John Kiepura	Vote
NO	YES	YES	NO	YES	YES	YES	5-2

2. Birchwood Farms – PUD Amendment

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 a PUD Amendment

1. Petitioner's Comments: Jeff Yatsko from Olthof Homes was present tonight representing Birchwood Farms. He stated they are requesting a PUD Amendment that resulted from correspondence with the United States Army Corps of Engineers regarding identification of Lot 137 as a wetland. They would remove the original location of Lot 137 and place it north of Lot 77. He indicated this would not change the number of original lots, but would change the amount of open space, noting Outlot C (noted mostly as pond and wetland) would be larger and B3 smaller. He stated there would still be benches, landscaping and walking trails on the west side of the property.
2. Town Engineer's Comments: Oliphant stated it was the first time he was seeing it, the issue goes back to "usable" space and they would be losing open space in the middle. He stated the PUD was approved as an open space component. Yatsko stated Birchwood Farms was over 25% open space with 13 acres under conservation easement and playground. He stated the gathering space would still be there, it would just be smaller and the walking trails were not originally in the Outlot. Yatsko indicated to Oliphant that a structure would be added to bend north regarding storm sewer.
3. Building Department Comments: Kubiak stated it would be a minor change, with all members noting agreement. Bakker pulled the PUD ordinance for Oliphant to review and confirmed B3 was noted as a gathering space.
4. Commission's Discussion: Yatsko confirmed to Dessauer that Outlot C became bigger and to Foreman that Outlot B3 became 57 square feet smaller. Yatsko confirmed to Carnahan that they would still have 137 lots and relocation of Lot 137 from Lot 136 to Lot 77, Outlot C would become larger and B3 reduced from what it was.
5. Commission's Decision: Heather Dessauer made a motion, seconded by John Kiepura, to approve the request for a PUD Amendment as a minor amendment to the PUD contingent on engineering review.

Motion #1: Heather Dessauer--1st John Kiepura--2nd

Heather Dessauer	Chuck Becker	Jerry Wilkening	Robert Carnahan	Richard Sharpe	John Foreman	John Kiepura	Vote
YES	YES	YES	YES	YES	YES	YES	7-0

UPDATE ITEM:

1. **Zoning Ordinance Amendment:** Austgen stated the Zoning Ordinance Amendment and the As-Built Ordinance were being worked on and reviewed in conjunction with the Strategic Objectives of the Town Council. Multiple discussions took place regarding the zoning ordinance amendment. Austgen stated there are items to be working on, Town Council is reviewing and modifying it and stated the draft would

be brought back to the Plan Commission. Foreman confirmed to Dessauer that the Plan Commission had not been informed that Town Council was making changes. Austgen confirmed to Kiepura that both items 1 & 2 would be removed from the agenda at this point. Members were in agreement to remove the items from the agenda.

2. As-Built Ordinance: See comments noted above.

UPDATE ITEM MAY: Summer Winds Commercial LLC

Public Comment:

Carnahan noted April 1 as Census Day and reminded everyone to spread the word.

Adjournment: 8:36 pm.

Press Session:

Next Meetings: Plan Commission Work Session – March 4, 2020 at 7:00 p.m.
Plan Commission Public Meeting – March 18, 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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