



TOWN OF CEDAR LAKE – PLAN COMMISSION
PUBLIC MEETING MINUTES
May 20, 2020 - 7:00 P.M.

Wilkening read the following information off of the agenda, "In accordance with the Governor's Executive order relating to COVID-19, in-person attendance of tonight's Plan Commission meeting will be limited. The meeting is slated to start at 7 pm. You can view the meeting via our website at <https://cedarlakein.org/view-town-meetings/>, then click on "View Broadcast" under the Live Broadcast. You must join the meeting through the link to participate. Due to the unique nature of this meeting, the Town of Cedar Lake will only accept public comment submitted electronically. If you have a question or comment about an item on the agenda, please email that question or comment to michelle.bakker@cedarlakein.org. Ms. Bakker will ensure that all submissions are shared with board members and that the submission will also be entered into the minutes of the meeting. Please keep your comments civil and constructive to the policy issues on the agenda."

Call to Order (Time): 7:05 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 Robert Carnahan*

Present Donald Oliphant, Town Engineer – CBBEL *

Present David Austgen, Town Attorney

Present Tim Kubiak, Director of Operations

Present Michelle Bakker, Building Administrator

Present Sarah Rutschmann, Recording Secretary

**Indicates member present electronically*

MINUTES:

Motion by John Kiepura and seconded by John Foreman to approve the March 18, 2020 Public Meeting Minutes and the May 6, 2020 Special Public Meeting & Work Session Minutes.

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

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

OLD BUSINESS:

1. Henn – Commercial 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**
Deferred from March 18, 2020

1. Attorney Review: None
2. Petitioner's Comments: None
3. Town Engineer's Comments: None
4. Building Department Comments: None
5. Commission's Discussion: Wilkening stated Henn requested a deferral to the June 3 meeting.
6. Commission's Decision: Robert Carnahan made a motion, seconded by John Kiepura, to grant the petitioner's request to defer this to the June 3, 2020 Work Session.

Motion: Robert Carnahan --1st John Kiepura --2nd

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

2. Cedar Lake Ministries – Subdivision/PUD Amendment/Rezone

Owner/Petitioner: Cedar Lake Ministries, Inc., 13701 Lauerman St., PO Box 665, Cedar Lake, IN 46303
Vicinity: 8816 W 137th Ave., Cedar Lake, IN 46303
Legal Description: Pt. of NW.1/4 S.27 T.34 R.9 Ly'ng E. of RR 32.588Ac
Tax Key Number(s): 45-15-27-176-001.000-014

Request: **Petitioner is requesting a One (1)-Lot PUD Subdivision/PUD Amendment/Rezone Deferred from March 18, 2020**

1. Attorney Review: Austgen stated there was a good length of time between the March meeting and October, a good deal of change that has occurred in that timeframe and required planned notice for fundamental due process was recommended.
2. Petitioner's Comments: Operations Director of Cedar Lake Ministries Sanusi Matuwa was present tonight on behalf of Cedar Lake Ministries. Matuwa requested a deferral to October.
3. Town Engineer's Comments: None
4. Building Department Comments: Kubiak indicated the reason the request was written the way they did was premature and due to the BZA condition of the variance.
5. Commission's Discussion: Matuwa clarified for Wilkening the BZA and Plan intentions were to run concurrently, postpone the zipline construction until next year and they are working on the PUD documentation now but would withdraw if needed. Foreman felt it would be best for the public to be re-noticed and withdraw their application at this time, giving them more time to get documentation together. Sharpe, Kiepura, Carnahan, Becker and Dessauer all agreed. Matuwa stated he would withdraw the request.
6. Commission's Decision: Robert Carnahan made a motion, seconded by Heather Dessauer, to accept the petitioner's request to withdraw their application.

Motion: Robert Carnahan --1st Heather Dessauer --2nd

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

NEW BUSINESS:

1. Summer Winds Commercial LLC – Final Plat

Owner/Petitioner: Summer Winds Commercial LLC, 11125 Delaware Parkway, Crown Point, IN 46307
Vicinity: 9730 Lincoln Plaza, Cedar Lake, IN 46303
Legal Description: Lincoln Plaza West Lot 4 and Lincoln Plaza West Lot 5 and Lincoln Plaza West Lot 6 Ex. S.123.43ft. and Lincoln Plaza West Lot 7 Ex. Pt. of S.243.43ft
Tax Key Number(s): 45-15-28-227-006.000-014 and 45-15-28-227-007.000-014 and 45-15-28-227-005.000-014 and 45-15-28-227-004.000-014

Request: Petitioner is requesting Final Plat

1. Attorney Review: Austgen stated the final plat is consistent with the approvals along with the representation that has been made and is consistent with the requirements of the Town's PUD ordinance for submission. He stated it is one of a number of exhibits that append to and become part of the PUD ordinance that goes with the plat upon approval among others. He stated he has reviewed it and it does meet the requirements and commitments.
2. Petitioner's Comments: Jack Huls and Brad Lambert were present tonight on behalf of Summer Winds Commercial. Huls stated the Preliminary Plat had been extended last year, they are here tonight requesting a Final Plat with their intent to start building this summer and all items have been submitted.
3. Town Engineer's Comments: Oliphant stated a letter was issued on the 15th and issued a revision late today. He said overall the Final Plat, engineering items, PUD ordinance and Development Agreement are all in order. He stated the MS4 fee changed due to acreage. Oliphant clarified for Wilkening that Summer Winds is improving the remainder of the alley from where Tech Federal left off. Oliphant stated the Performance Letter of Credit amount was \$283,278.60, 3% Inspection fee was \$7,725.78 and the MS4 inspection fee was \$1000.
4. Building Department Comments: Bakker stated she sent the packet of information with a summary and indicated the change in the PUD document was wording for roadway that Tech Credit Union completed. She stated she and Austgen created a packet that was emailed today that included past information from the beginning to today. She said the PUD document is what has been presented since 2018 and the only difference was the updates based on discussion with work that was already completed. She clarified the packet created today was a legal document that starts from the beginning in 2018 through today so that when this is recorded in its entirety and signed by the Town Council, every item included in the packet including votes and minutes can be included. Austgen added the members' concerns for timely review were warranted, but he assured them they looked at documents for 20 months and compared them to validate items. He said the items were put together for the members and this now is the package that comprises the plan they are ready to build. Kubiak stated the Preliminary Plat is the same, there was a time delay, professional consultant services have agreed and signed off and they cannot make a change.
5. Commission's Discussion: Wilkening stated that where he trusts the views of attorney Austgen and engineer Oliphant, documentation had not been sent in a timely enough manner for members to have adequate time review. Dessauer and Becker agreed they did not have time to review. Foreman read a brief overview of the packet's content including zoning and legals. Sharpe indicated he had read through the PUD and trusts Austgen and Oliphant. Austgen clarified for members that he did not say "nothing has changed" but rather items have been fine-tuned based on time elapsed with items completed such as road paved as part of a condition that is no longer a condition by virtue of it being constructed; there is activity on site

as it occurs which mandated Oliphant to complete a review and update it; and in 20 months, a lot has happened, been reviewed and in turn, updated from where it was to where it is. Huls stated a building permit has been submitted, they are waiting for this to be approved, and it is a good time to do construction. Kiepura indicated he did not see anything significantly different. Huls clarified for Kiepura that the developer would maintain the road. Huls stated since the plan in 2018, a substantial water improvement project that is being done by the Town on the north and east side would likely not be done if it were not for this project. He clarified no changes were made to the proposed uses, number of types of uses and no changes have been made other than to update the construction completed. Wilkening wanted to ensure the timeline of information.

6. Commission's Decision: John Foreman made a motion, seconded by Heather Dessauer, to give favorable recommendation to the Town Council to accept the petitioner's request for a Final Plat and to include the Letter of Credit and inspection fees, the PUD agreement and include the fee values of Performance Letter of Credit of \$283,278.60, 3% Inspection fee of \$7,725.78 and the MS4 inspection fee of \$1000.

Motion: John Foreman --1st Heather Dessauer --2nd

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

Lambert introduced himself, expressing his thanks and appreciation to the Commission, Bakker, Kubiak, Austgen and Oliphant. He stated it has been a major project, felt it is something Cedar Lake needs right now and is looking forward to working with the Town in the future.

2. Papiese – 1-Lot Subdivision

Owner/Petitioner: Richard & Karen Papiese, 9710 Geneieve Dr., St. John, IN 46373
 Vicinity: 8029 Lake Shore Drive, Cedar Lake, IN 46303
 Legal Description: PT. E2. NE. S.22 T.34 R.9 .58 A
 Tax Key Number(s): 45-15-22-228-004.000-014

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

1. Attorney Review: Austgen reminded the Commission this is a Public Hearing, the legals were in order and the Public Hearing may be conducted (time noted as 7:40 pm).
2. Petitioner's Comments: Karen Papiese, present tonight, stated Torrenga had sent over the Preliminary Plat for the Commission's review.
3. Town Engineer's Comments: Wilkening asked Oliphant for his thoughts on if the enhanced access was sufficient (noted in item 5 below). Oliphant felt it was sufficient. He had initial concerns regarding the 10 foot wide ingress/egress easement where 5 feet was on the Town parcel and 5 feet on the other parcel. He said providing the new 24 foot easement would provide enough access and a driveway and would like to see this on an overlay. Oliphant provided a summary from his letter indicating items including storm water retention, trees, park dedication, Town flood plain ordinance, flood proofing requirements, lighting, and waiver for frontage on legal right of way.
4. Remonstrators: Wilkening called for remonstrators. Bakker indicated no electronic response had been provided. After hearing no remonstrators, the public meeting was closed at 7:48 pm.
5. Building Department Comments: See comment in item 6 below.

6. Commission's Discussion: Wilkening stated the subdivision was titled North Cove. Wilkening inquired about an easement issue which Austgen indicated he and Bakker met with Stuart Allen to review this. He stated there had been a request for consideration by the Town of some conveyance of Town-owned land for more safe and efficient access to the property. Austgen stated the documents prepared by Allen were reviewed at the Town Council meeting last night but is not certain what is being sought yet by way of enhanced access. He stated he would need that information so appropriate documents could be prepared. Foreman confirmed the item had been presented at the Town Council meeting and everyone seemed fine with it. Austgen clarified for Wilkening that an additional right of use by the Town to the property owner should be included in the motion. Members discussed legal right of way as currently being 90 feet, but spoke of the possibility of that changing back to 80 feet, indicated as item #4 in Oliphant's letter. After the call for remonstrators, Wilkening asked Oliphant to provide the list of items again. Oliphant stated the following engineering waivers were stormwater detention, park dedication, tree placement requirements, site plan will have to adhere to the Town's flood plain ordinance and FEMA requirements, lighting requirements, and the waiver for frontage on a public right of way.
7. Commission's Decision: John Foreman made a motion, seconded by John Kiepura, to grant the petitioner's request for a Preliminary Plat for a 1-Lot Subdivision and to include the engineering waiver items (as indicated above), the Stuart Allen drawing containing the perpetual easement and the items contained in the Oliphant letter from May 19, 2020.

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

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

Public Comment:

Carnahan thanked Bakker for providing the Summary Report for the members to review.

Diane Jostes from the Cedar Lake Chamber of Commerce thanked the Commission for their approval and moving forward with Summer Winds Commercial development. She is eager to see this development happen and feels it will be a great asset to the community.

Jack Slager, from Schilling Development, was present tonight representing Beacon Pointe East. Slager thanked the Commission for finding creative ways with technology and holding the meeting tonight. He stated the last time they were here for Beacon Pointe East was in February, indicating this would be the third time the Commission has seen this proposal. He said their intention is to return in 2 weeks for the June 3rd Work Session then again for the June 17th Public Meeting. He wanted to present it again so the Commission had plenty of opportunity to see it and ask any potential questions. He stated there had not been any changes to the plan since the last time it had been brought in. He reminded members this location was formerly Union Station on the east side of the railroad tracks on the north side of 141st. Their request is for rezoning from RM multi-family and RT duplex to a PUD development, which will mimic the current Beacon Pointe development. Their intent is to produce PUD documents that are identical to PUD documents of the original Beacon Pointe with the same product and builder of duplexes and cottage homes that has been successful. He stated a couple of things have transpired since the February presentation. He spoke with Town Administrator Murr and the Utility Board signed the railroad crossing application for the water main. He stated one of the big utility issues for this property is to get the water main from the west side to the east side of the railroad tracks by boring under the tracks to provide a 12" water line and provide a possible future extension further east when the project is finished that could provide for the

Cedar Lake Ministries or Noble Oaks sites. Slager stated at the next meeting, they will have a presentation to include park dedication information that would contain land, nice walking paths, a fountain and conserve as much of the woods as possible along the creek to not only provide a buffer for the development but also enhance the view around the development. Slager clarified for Bakker that the original layout included 279 units and they are currently proposing 159 units with intention for the first phase to begin this fall, starting with construction of 10 cottage home and 10 duplex lots along with the fountain. Kubiak liked the same theme but asked if a slight variation could be made to make it a little different from the other development to reinforce anti-monotony. Foreman, Wilkening and Kiepura liked Kubiak's recommendation. Slager stated he would bring more information on this to the next meeting. Slager confirmed for Wilkening the water line would end east of the lake. Wilkening inquired about adequate space for park dedication. Oliphant stated he would have acreage requirement figures for the next meeting. Slager stated the calculation would be about 3 acres, which would be inclusive of the front entrance, fountain, walking paths and land improvements. Slager confirmed for Wilkening the public areas would be maintained by the HOA. Wilkening inquired about fencing. Slager stated there was not a plan for fencing, but a berm was intended along 141st from the railroad track to the entrance. Oliphant inquired if a buffer would be placed along the railroad track. Slager stated several lots were deeper and the intention was to leave as much of the tree line along the railroad tracks to use as the buffer. Foreman stated he has asked Murr to obtain crossings from CSX at 137th and 141st. Slager stated the intention is to have sidewalks up to the railroad right of way and sidewalk on the other side of the right of way, so if the Town could complete the missing piece, it would be beneficial. Oliphant spoke about INDOT's railroad safety grant and Foreman asked Oliphant to follow up on that, stating there had been a couple deaths on those tracks in the past several years. Kubiak stated the original Beacon Pointe was very nice, clean and good design, he just would like to see a little variation in the product. Slager indicated attorney Richard Anderson was working on the PUD document and would be identical to the other Beacon Pointe development. Slager confirmed for Kiepura that the park and green space would be equal to or greater than what was required, including green space, usable green space and improvements. He reminded the Commission that this development with this type of user was not conducive to a playground. Oliphant indicated to Wilkening that there were currently no known concerns regarding stormwater issues. Wilkening asked if the Town specifically needed to do anything for erosion before the development occurred. Oliphant stated he was not aware of anything.

Adjournment: 8:12 pm.

Press Session:

Next Meetings: Plan Commission Work Session – June 3, 2020 at 7:00 p.m.
Plan Commission Public Meeting – June 17, 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.