



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

Call to Order (Time): 7:01 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. We have arranged a live stream of the meeting so those interested can view it from home. 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 during public comment. Due to the unique nature of this meeting, the Town of Cedar Lake will 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 the 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."

Pledge to Flag

Roll Call:

Absent Heather Dessauer*#
Present Chuck Becker
Present John Kiepura, Vice President
Absent John Foreman#
Present Richard Sharpe
Present Jerry Wilkening, President

Absent 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*

Indicates late arrival (Carnahan and Foreman arrival 7:10 pm; Dessauer arrival 7:36 pm)

MINUTES:

Motion by John Kiepura and seconded by Chuck Becker to approve the June 3, 2020 Work Session and June 17, 2020 Public Meeting minutes.

Motion: John Kiepura --1st Chuck Becker --2nd

Heather Dessauer	Chuck Becker	John Foreman	Robert Carnahan	Richard Sharpe	John Kiepura	Jerry Wilkening	Vote
Absent	YES	Absent	Absent	YES	YES	YES	4-0

OLD BUSINESS:

1. Beacon Pointe East – Subdivision & Rezone

Owner/Petitioner: Beacon Pointe of Cedar Lake LLC, 8900 Wicker Ave, St. John, IN 46373
Vicinity: 9000 W 141st Ave, Cedar Lake, IN 46303
Legal Description: Pt of SW1/4 S.27 T.34 R.9 Ly'g South of ditch & East of RR 50.34 Ac
Tax Key Number(s): 45-15-27-376-002.000-014

Request: Petitioner is requesting a Preliminary Plat for a 159 lot Subdivision

1. Attorney Review: Austgen stated he has received documentation from the petitioner's lawyer Richard Anderson including a Zone Map Amendatory Ordinance and a clean copy of the Declaration of Covenants, Rights and Restrictions. The only change asked to be made from a legal perspective was made. He stated the documentation is clean and ready to go. Austgen stated the PUD Contract will be appended ultimately upon approval to the Ordinance and will be part of the process of approval or non-approval and subject to the details in the document being verified by staff and engineering on the various items that are then reflected in the PUD.
2. Petitioner's Comments: Jack Huls of DVG was present tonight on behalf of Beacon Pointe East. He stated they had been present at the meeting last month and tonight was a continuance. He stated an agreement had been made in regards to 141st and those details are shown in the plan. He noted the request of widening between the two entrances had taken place. Many of the items have been addressed in the engineering review and only a couple minor items left.
3. Town Engineer's Comments: Oliphant stated a letter was issued on the 14th. He said a majority of the items have been addressed with only minimal items left.
4. Remonstrators: Wilkening called for remonstrators at 7:17 pm; none present.
5. Building Department Comments: Kubiak asked for clarification on what material would be used for the construction of the driveway and noted the specs stated "concrete or a similar material." Huls indicated that "similar material" could be struck from the wording. Huls clarified for Kubiak the outlots: A – berm in the front; B – one of the detention ponds in the front area; C – the triangle berm in the front; D – is all of the other items on the north end of the property including the trees and pond. Oliphant confirmed acreage for Kubiak stating that on the Plat it indicated outlot D was 7.5 acres, outlot A was .8, outlot B was roughly 3 and outlot C was just over a tenth with all total give or take 10 acres. Huls confirmed for Kubiak that the walking trail next to the Wynkoop property was removed but the others remained. Bakker stated they will address the roads and names at the Final Plat.
6. Commission's Discussion: Wilkening asked Huls what had been decided with the Wynkoop property. Huls addressed Doug Wynkoop, 9010 W 141st Ave, as the parcel owner and showed the Commission on a rendering the location with proposed pavement and water main improvements to be added and extended down the road. Huls clarified for Wilkening that the water line will run across the front of Wynkoop's property to the end of the next entrance of publicly dedicated right of way when all things are in place. Sharpe asked Wynkoop if he was in agreement with the plan; Wynkoop stated he was in agreement.

Wilkening noted for the record that Robert Carnahan and John Foreman arrived at 7:10 pm.

Oliphant addressed Carnahan's concern regarding comments A-J in the Preliminary Plat, stating his comments from his July 1 letter were not forwarded on to the attorneys and not seen until recently. He felt they were all minor and would need to be added to the PUD ordinance and guidelines. Huls clarified for Wilkening the comp storage area be included in the permitted space uses. He also indicated that as part of this project, they will be installing a water main across the CSX railroad tracks and connecting it to Beacon Pointe. Multiple discussions took place regarding a sidewalk and railroad crossing indicators with involvement from CSX. Oliphant stated the Town was working on a grant and Huls agreed that the developer take part in the communications with CSX. Austgen recommended that it be added to the PUD contract that it be an agreement of the developer to participate with the Town for the public health and safety of the citizens. Huls stated they would not be able to apply for it, but would be willing to participate in it. Foreman asked Huls, whether they were able to obtain a grant or not, would

they be willing to help pay for the sidewalk, especially if they are digging in that location already. Huls stated the water main permit was already well over \$10,000. Oliphant clarified for Wilkening that the grant funding was \$2500. Huls stated they would agree to share contacts and be involved in the communication, but ultimately the Town would be the entity that obtains the permitting. Multiple discussions transpired on in-kind donation, escrow, or other avenues of funding.

7. Commission's Decision: Robert Carnahan made the motion, seconded by Richard Sharpe, to approve the petitioner's request for a Preliminary Plat for a 159-lot subdivision contingent upon items in Oliphant's letter dated July 14, 2020.

Motion: Robert Carnahan --1st Richard Sharpe --2nd

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

Request: Petitioner is requesting a Rezone to PUD

1. Attorney Review: Austgen stated legals are in order.
2. Petitioner's Comments: *See comments noted above.*
3. Town Engineer's Comments: *See comments noted above.*
4. Remonstrators: Wilkening called for remonstrators at 7:33 pm; none present.
5. Building Department Comments: *See comments noted above.*
6. Commission's Discussion: *See comments noted above.*
7. Recommendation to Town Council: John Kiepura made the motion, seconded by Chuck Becker, for a Favorable Recommendation to Town Council for the Rezone to PUD with the following contingencies: 1) strike the wording "similar material" from the concrete driveway, 2) include minor items being cleared up in Oliphant's letter dated July 14, 2020, 3) include cost to be determined for installation and material of the sidewalk over the railroad tracks at or before the Final Plat and 4) the developer will provide any help with contacts or what have you in order to obtain the permit with CSX.

Wilkening noted for the record that Heather Dessauer arrived at 7:36 pm.

Motion: John Kiepura --1st Chuck Becker --2nd

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

Austgen requested that the documentation that is submitted for Town Council consideration of the zone change, now favorably recommended, have clean, complete documents so that staff has everything they need. Huls stated they would have the attorney send documents to Bakker.

New Business:

1. Centennial Phase 15 – Final Plat

Owner/Petitioner: North Centennial Development LLC, 8051 Wicker Avenue, Suite A, St. John, IN 46373
Vicinity: Approx. 1000 Richmond Avenue
Legal Description: NW.1/4 SE.1/4 S.28 T.34 R.9 S.28 T.34 R.9 2.197 Ac and Pt. SW.1/4 SE.1/4 S.28 T.34 R.9 2.69Ac
Tax Key Number(s): 45-15-28-451-002.000-014 and 45-15-28-459-001.000-014

Request: Petitioner is requesting Final Plat for 20 Single Family Lots in Phase 15 of Centennial

1. Petitioner's Comments: Jeff Yatsko of Olthof Homes was present tonight on behalf of Centennial. Yatsko requested this item be deferred to August 19 because they were close to getting the Letter of Credit items down to 25%. He indicated paving and curbs were in and the single-family area to be finished was in the cul-de-sac around the pond.
2. Town Engineer's Comments: Oliphant stated the plat is in order but were waiting on the Letter of Credit items.
3. Remonstrators: Wilkening called for remonstrators at 7:42 pm; none were noted.
4. Building Department Comments: None noted.
5. Commission's Discussion: None noted.
6. Commission's Decision: Robert Carnahan made the motion, seconded by John Kiepura, to defer this item to the August 19, 2020 meeting.

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

Yatsko requested that they be able to final pave Phase 15. He indicated the spoke with Oliphant about this request and would carry the bond through the 80% occupancy, but they were looking to pave since they are also paving other areas within Centennial at the same time. Oliphant stated it would allow the developer to be able to put the surface coat down and go into a Maintenance Bond until 80% build out. He said that that point, they would be inspecting it. He indicated it would be the last Phase being paved and it would just need to be a motion for an engineering waiver. Kubiak agreed the request was a good way to go with the storm drains. Oliphant recommended the dumpster not being parked on the surface coat.

John Foreman made the motion, seconded by Chuck Becker, to grant the engineering waiver to pave Phase 15.

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

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

2. Yonke-Subdivision

Owner/Petitioner: Michael J. Yonke, 13024 Dodge St., Cedar Lake, IN 46303
Vicinity: 13310 W. 133rd Dr., Cedar Lake, IN 46303
Legal Description: NW. COR. NE. NW. S.27 T.34 R.9 .74 A.
Tax Key Number(s): 45-15-27-127-001.000-014

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

1. Attorney Review: Austgen stated legals are in order.
2. Petitioner's Comments: Glen Boren of DVG was present tonight on behalf of Yonke. Boren stated there was once a house on the property that had been removed. The property is currently a metes and bounds parcel that they would like to make into a legal lot of record and build a log cabin home on the property. Boren stated they have gone before BZA and were approved for two developmental variances as far set back of 20-foot-deep with two front yards and the garage in the front lot. He stated an additional 5 foot right of way had been dedicated on the north side, they made accommodation to the corner and identified an overhead utility line that they are granting a 12-foot utility easement across the front and side. The house would be placed on the hill as close to the tracks as possible. Boren stated that after speaking with Oliphant, that they request the following waivers: 1) storm water detention, 2) sidewalks, 3) lighting of the public road, 4) park dedication, and 5) tree requirements. He stated as far as sidewalks, there are none on the northwest side of the lake. He noted the widening of the public right of way was 50 feet. The park dedication was one lot on a half-acre with a lot of existing trees. Boren noted it was a double front road on 133rd Drive & 133rd Ave with the house facing east.
3. Town Engineer's Comments: Oliphant stated he did not have any comments on the Plat, just the recommendations of contingencies regarding the 1-Lot subdivision and the engineering waivers Boren previously indicated and the site plan for review. Austgen and Oliphant clarified that waivers would go with the Preliminary Plat.
4. Remonstrators: Wilkening called for remonstrators at 7:58 pm; none present.
5. Building Department Comments: Kubiak stated variances had been obtained and he and Oliphant would be reviewing the site plan. Bakker stated they worked with him to ensure the address was accurate and indicated the waiver was not needed for the trees.
6. Commission's Discussion: Carnahan thanked Bakker for her review comments. Dessauer expressed her appreciation for demo and rebuilding. Oliphant clarified for Becker that no other sidewalks were installed in that neighborhood, the closest one was 400 feet away and was not warranted. Multiple discussions took place regarding sidewalks, parameters in different locations and requirements or variance waivers.
7. Commission's Decision: John Foreman made the motion, seconded by Richard Sharpe, to approve the Preliminary Plat for a 1-Lot subdivision to include the engineering waivers included in the July 15, 2020 Oliphant letter including no sidewalk required.

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

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

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

1. Petitioner's Comments: *See comments noted above.*
2. Town Engineer's Comments: Oliphant stated there were no comments on the Final Plat.
3. Building Department Comments: *See comments noted above.*
4. Commission's Discussion: Austgen indicated the Commission take into consideration the BZA approval variances. Boren stated they were incorporated into the plat. Austgen stated a 30-day grace period law, where the mylars would be held, in order for those to have legal right for remonstrance. All commission members were good. Foreman was glad to see building taking place.
5. Commission's Decision: John Foreman made the motion, seconded by Chuck Becker, to approve the Final Plat for a 1-Lot subdivision to include the contingencies from the BZA developmental variance and the 30-day delay for the Building Department to hold mylars for remonstrance.

Motion: John Foreman --1st Chuck Becker --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

3. Beacon Pointe Unit 1A-Performance Letter of Credit-Expires August 5, 2020

Owner/Petitioner: Beacon Pointe of Cedar Lake LLC, 8900 Wicker Ave., St. John, IN 46373

Request: Performance Letter of Credit in the amount of \$63,022.93 to be converted to a Maintenance Letter of Credit

1. Petitioner's Comments: Jack Huls of DVG was present tonight on behalf of Beacon Pointe. Huls stated this is a small lot on the east side of the project containing 8 lots and they would like to convert from a Performance to Maintenance bond and will be available before expiration.
2. Town Engineer's Comments: Oliphant stated everything is in order and the Maintenance Letter of Credit would be for a 3-year period in the amount of \$25,209.17.
3. Building Department Comments: Bakker clarified the timeframe of July 30 be as such due to voting at this meeting (noted below).
4. Commission's Discussion: Austgen confirmed for Wilkening that everything was good with this item. Wilkening commented that the board consider if needing to pull on the letter of credit that it be no later than July 30.
5. Commission's Decision: John Foreman made the motion, seconded by John Kiepura, to approve the Performance Letter of Credit being converted to a Maintenance Letter of Credit in the amount of \$25,209.17.

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

John Foreman amended the motion, seconded by John Kiepura, to approve the Performance Letter of Credit being converted to a Maintenance Letter of Credit in the amount of \$25,209.17 to include if not completed by July 30, 2020, then pull on the letter of credit.

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

4. Beacon Pointe Unit 2-Performance Letter of Credit-Expires August 6, 2020

Owner/Petitioner: Beacon Pointe of Cedar Lake LLC, 8900 Wicker Ave., St. John, IN 46373

Request: Performance LOC in the amount of \$421,567.05 to be converted to a Maintenance LOC

1. Petitioner's Comments: Jack Huls of DVG was present tonight on behalf of Beacon Pointe. Huls stated Unit 2 is Liberty lying north and they have been able to do final paving and would like to request converting from performance to maintenance bond.
2. Town Engineer's Comments: Oliphant stated the Maintenance Letter of Credit would be for a 3-year period in the amount of \$151,452.32.
3. Building Department Comments: Bakker suggested that if a date is issued it be August 3, but it most likely would be done and turned in before then.
4. Commission's Discussion: Austgen confirmed for Wilkening that everything was good with this item.
5. Commission's Decision: John Kiepura made the motion, seconded by Chuck Becker, to approve the Performance Letter of Credit being converted to a Maintenance Letter of Credit in the amount of \$151,452.32 and if not complete by August 3, 2020, pull on the letter of credit.

Motion: John Kiepura --1st Chuck Becker --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

5. Beacon Pointe Unit 3-Performance Letter of Credit-Expires May 13, 2021

Owner/Petitioner: Beacon Pointe of Cedar Lake LLC, 8900 Wicker Ave., St. John, IN 46373

Request: Letter of Credit in the amount of \$516,742.99 to be renewed

1. Petitioner's Comments: Jack Huls of DVG was present tonight on behalf of Beacon Pointe. Huls indicated they were requesting a deferral to the August 19 meeting and item #6 noted below as well for Beacon Pointe Units 3 & 4 in order to address items.
2. Town Engineer's Comments: None.
3. Building Department Comments: None.
4. Commission's Discussion: Oliphant confirmed for Carnahan that both Unit 3 and Unit 4 Letters of Credit expire next year.
5. Commission's Decision: John Foreman made the motion, seconded by John Kiepura, to defer both items #5 Beacon Pointe Unit 3 & #6 Beacon Pointe Unit 4 to August 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

6. Beacon Pointe Unit 4-Performance Letter of Credit-Expires October 1, 2021

Owner/Petitioner: Beacon Pointe of Cedar Lake LLC, 8900 Wicker Ave., St. John, IN 46373

Request: Letter of Credit in the amount of \$1,073,876.87 to be reduced

1. Petitioner's Comments: *See comments noted in agenda item #5 above.*
2. Town Engineer's Comments: *See comments noted in agenda item #5 above.*
3. Building Department Comments: *See comments noted in agenda item #5 above.*
4. Commission's Discussion: *See comments noted in agenda item #5 above.*
5. Commission's Decision: *See comments noted in agenda item #5 above.*

7. Centennial Phase 8-Maintenance Letter of Credit-Expires August 8, 2020

Owner/Petitioner: North Centennial Development LLC, 8051 Wicker Ave., Ste. A, St. John, IN 46373

Request: Letter of Credit in the amount of \$41,579.89

1. Petitioner's Comments: Jeff Yatsko of Olthof was present tonight on behalf of Centennial. He stated he received Oliphant's inspection letter and notice from Public Works and they are working on the repairs. He anticipated reinspection next week and everything should be in place for both this item #7 Centennial Phase 8 and item #8 Centennial Phase 9.
2. Town Engineer's Comments: Oliphant stated items should be completed and they will expire on their own.
3. Building Department Comments: Bakker suggested pull date of August 4.
4. Commission's Discussion: None.
5. Commission's Decision: Chuck Becker made the motion, seconded by Richard Sharpe, to approve Centennial Phase 8 and Centennial Phase 9 Maintenance Letters of Credit, noting if the items not completed by August 4, 2020, the Letter of Credit be pulled.

Motion: Chuck Becker --1st Richard Sharpe --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

8. Centennial Phase 9-Maintenance Letter of Credit-Expires August 8, 2020

Owner/Petitioner: North Centennial Development LLC, 8051 Wicker Ave., Ste. A, St. John, IN 46373

Request: Letter of Credit in the amount of \$19,496.09

1. Petitioner's Comments: *See comments noted in agenda item #7 above.*
2. Town Engineer's Comments: *See comments noted in agenda item #7 above.*
3. Building Department Comments: *See comments noted in agenda item #7 above.*
4. Commission's Discussion: *See comments noted in agenda item #7 above.*
5. Commission's Decision: *See comments noted in agenda item #7 above.*

9. Summer Winds Unit 1-Performance Letter of Credit-Expires August 15, 2020

Owner/Petitioner: Summer Winds Development, 40 E. Joliet, Ste. 1B, Schererville, IN 46375

Request: Letter of Credit in the amount of \$244,187.85 to be renewed

1. Petitioner's Comments: Jack Huls of DVG was present tonight on behalf of Summer Winds.
2. Town Engineer's Comments: None.
3. Building Department Comments: Bakker confirmed for Huls that the renewal had been sent to the Town for renewal. She indicated a date needing added to the motion to pull the Letter of Credit by August 11.
4. Commission's Discussion: Bakker confirmed to Kiepura that the renewal would be for one year.
6. Commission's Decision: John Kiepura made the motion, seconded by Chuck Becker, to approve Letter of Credit in the amount of \$244,187.85 be extended for 1 year, with expiration date of August 15, 2021 and if not complete, the letter of credit be pulled on August 11, 2020.

Motion: John Kiepura --1st Chuck Becker --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

10. Patera-Concept Plan

Owner: Phillip Novak, 4 Cherry Hills Drive, Pekin, IL 61554
Petitioner: Nick Patera, 627 Grove St., Evanston, IL 60201
Vicinity: 13020 Wicker Ave., Cedar Lake, IN 46303
Legal Description: N. 30AC. OF E2 SE S.20 T.34 R.9 SUBJ. TO EASEMENT and PT. S2 NE SE S.20 T.34 R.9 1070 X 330.99FT. 8.13AC. SUBJ. TO EASEMENT
Tax Key Number(s): 45-15-20-426-001.000-014 and 45-15-20-426-002.000-014

Request: Petitioner is requesting a Concept Plan

1. Petitioner's Comments: Nick Patera and Phillip Novak were both present tonight. Novak introduced himself stating his family, the McIntire's, have owned this property for many years. He stated his father Sam had a vision for a mix use property and had worked with the Redevelopment Commission. Due to the market falling apart in 2008, his vision didn't come to light. They have talked with residents and the Army Corps of Engineers regarding the wetlands, where he received confirmation that no action was required. His intent is to preserve and keep the beauty of the wetlands and natural vegetation with development of a community trail in the center of the property. Patera introduced himself as a land planner with Teska Associates in Evanston, Illinois. He stated the property is 38 acres, previously a Christmas tree farm, that has a 20-foot grade change and contains about 1000 feet of frontage on Wicker and about 1400

feet of frontage on 129th. He stated the property's middle is high and the edges are low which works well for stormwater drainage. He noted there is 311 feet of sewer main that runs north and south. There is anticipation for widening and road improvements in the future on the west side of Wicker. Their land plan contains a Planned Unit Development, set aside stormwater and frame property with setbacks with layering or transitioning from East to West along Wicker with commercial developments containing curb cuts in 3 locations with DOT approval. Along 129th, he noted 300-400 feet back from Wicker, transition of land use from commercial of moderate to lower density with the primary entrance segregated from the residential entrance but also the accessibility for convenience. There would be a planned residential loop of 5 homes off of 129th and the farthest west entrance off 129th would be the residential loop containing 5 of the rental apartment-like buildings containing 6 units each, then duplexes with open spaces that are 250 feet wide, then a buffer between the commercial and residential about 50 feet wide. The natural low spots in the northwest and southwest would retain stormwater runoff. The predominate element he focused on was open space with interest in walkways offering residents and visitors a park-like experience that would be maintained by the homeowners' association. They would like to occupy the corner of 129th & Wicker and keep as an open feature with the gateway sign remaining.

2. Town Engineer's Comments: Oliphant confirmed for Wilkening that the commercial property is 7 feet difference. Oliphant noted to Kiepura that a right in/right out could be evaluated on 41 and potentially require a signal at 129th.
3. Building Department Comments: Bakker confirmed for Foreman that the property is all zoned B-2. Bakker indicated based on the discussion noted in item #4 below with dimensions that they would need variances for everything residential.
4. Commission's Discussion: Wilkening thanked Patera and Novak for the professional presentation of their comprehensive plan. Carnahan expressed his concern for the property flooding across 129th Ave and Wicker Meadows complaints and noted the 78 rental apartments. Dessauer and Becker expressed their concerns for the apartments. Kiepura did not like the apartments and noted his concern for the increased traffic with little traffic control in the area. He also noted his concern for increased commercial traffic pulling out onto 41 with little traffic control. Sharpe agreed with the professional presentation and requested the duplexes replace the apartments. Foreman explained zoning and history of the Town and liked the commercial aspect and feels the area is a hot and beautiful area. Kiepura would like to see more of the other residential subdivision projects built out before they approve more homes due to concerns with schools and infrastructure but had no problem with the commercial development. Oliphant confirmed for Wilkening that the stormwater that travels north in that area is of significance. Patera noted a potential second entrance access with some good traffic engineering. Carnahan noted INDOT installing a center turn lane in 2022. Patera reassured the Commission that they did not want to look at the lot piece-meal, but rather holistically and with diversity in the property. Novak spoke about creating a multi-family location with wow factor and a good, solid homeowners association. Patera thanked everyone for their advice and feedback and noted they are looking for something unique that would involve some risk and ingenuity. Foreman expressed his concerns and suggested considering more commercial development. Patera explained for Wilkening that there may not be more money if all of it was commercial due to being careful with retail space being special and something unique to 41 and what can be supported. Patera clarified for Kiepura dimensions of the lot being small at 5000 square feet, walk ways with accessibility and 2-3-bedroom homes at 2,000 square feet with primary living on main with bedrooms upstairs. Wilkening stated this is a great opportunity for commercial development.

Commission review: Carnahan noted we get 3% for commercial tax, 2% for agriculture and rentals, but if we get more commercial, it reduces the residential rate to 1% and encouraged more commercial development in the Town. Dessauer and Bakker agreed with Foreman and Carnahan. Kubiak stated he wasn't as impressed with the concept and would like to see the parking areas and the areas being proposed. Oliphant felt stormwater is going to be more of a challenge than they think. Kiepura indicated he would like to see bigger lots and lose the apartments. Becker expressed his concern for the multifamily and duplexes in the future for repairs and who hold the HOA responsible.

UPDATE ITEMS:

1. Lakeside Unit 2 – Preliminary Plat extension – Expires September 18, 2020: Bakker stated they would be on the agenda for August.

Public Comment: Austgen indicated the deed is recorded for the alleyway on the east side of Lincoln Plaza. Discussion occurred on the Trustee ownership.

Chuck Becker inquired about the Carey subdivision off 136th Ave in regards to flooding stating the burlap/orange items are in the drainage. Oliphant stated they are related to the final coat of asphalt. There is an 1-1/2" lip up to where the drains are. He stated those are inlet protect. Another MS4 inspection was completed on Tuesday, where he was informed that he needs to maintain the site a little better. Wilkening asked about erosion into the pond being addressed. Oliphant stated all of the issues need to be addressed, noting an inspection in April and another on Tuesday, which the report will be written up. Kubiak stated the lift station had been inspected. They found some brown milkiness in the water but no residue and the station was clean.

Adjournment: Wilkening adjourned the meeting at 9:11 pm.

Press Session:

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

Chuck Becker

Robert Carnahan

Heather Dessauer

John Foreman

John Kiepura, Vice President

Richard Sharpe

Jerry Wilkening, President

Attest: Sarah Rutschmann, Recording Secretary

Town of Cedar Lake – Plan Commission

July 15, 2020

Public Meeting Minutes

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.