



**TOWN OF CEDAR LAKE – PLAN COMMISSION  
WORK SESSION MINUTES  
September 2, 2020 - 7:00 P.M.**

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

Wilkening read, "In accordance with the Governor's Executive order relating to COVID-19, we have arranged a live stream of tonight's meeting at <https://cedarlakein.org/view-town-meetings/>. You must join the meeting through the link to participate during public comment. If you have a question or comment about an item on the agenda, please email [michelle.bakker@cedarlakein.org](mailto:michelle.bakker@cedarlakein.org) by 4 pm. 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:

|                           |   |
|---------------------------|---|
| Present Heather Dessauer* | Present Robert Carnahan*                        |
| Present Chuck Becker      | Present Donald Oliphant, Town Engineer – CBBEL  |
| Present John Kiepura      | Present 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   |

\* Indicates member present electronically; # late arrival 7:15 pm

**NEW BUSINESS:**

**1. Beacon Pointe Unit 5 – Preliminary Plat Extension**

Owner: Beacon Pointe of Cedar Lake, PO Box 677, St. John, IN 46373  
Petitioner: Cedar Lake 133, LLC, PO Box 677, St. John, IN 46373  
Vicinity: 13800 Parrish Ave., Cedar Lake, IN 46303  
Tax Key Number(s): 45-15-25-100-001.000-043

**Request: Petitioner is requesting Preliminary Plat Extension-Expires 9-18-20**

1. Petitioner's Comments: Michael Tiller with Schilling Development, present tonight on behalf of Beacon Pointe, stated he would be returning in two weeks to request a one-year extension. He indicated the work has been started but will not be complete.
2. Town Engineer's Comments: Oliphant stated all was good.
3. Building Department Comments: Kubiak stated all was good.
4. Commission's Discussion: None noted.

**2. Centennial Estates – Preliminary Plat Extension**

Owner: Region Holdings, Inc., 425 Joliet St., Ste. 425, Dyer, IN 46311  
Petitioner: Olthof Homes, 8051 Wicker Ave., Ste. A, St. John, IN 46373  
Vicinity: 13830 Parrish Ave., Cedar Lake, IN 46303

Tax Key Number(s): 45-15-28-426-006.000-014

**Request: Petitioner is requesting Preliminary Plat Extension-Expires 9-18-20**

1. Petitioner's Comments: Jeff Yatsko with Olthof Homes, present tonight on behalf of Centennial Estates, stated he would be returning in two weeks to request a plat extension. He indicated the work will be starting and confirmed to Austgen this was the project in conjunction with Schillings.
2. Town Engineer's Comments: Oliphant stated all was good.
3. Building Department Comments: Kubiak stated all was good.
4. Commission's Discussion: None noted.

### **3. Fagan – Preliminary Plat & Final Plat 1-lot Subdivision**

Owner/Petitioner: David Fagan & Genevieve Fagan, 7021 W. 126<sup>th</sup> Ave., Crown Point, IN 46307  
Vicinity: 7021 W. 126<sup>th</sup> Ave., Cedar Lake, IN 46303  
Legal Description: PT.E. 5 AC. OF W. 10 AC. OF W2 NW NE S.23 T.34 R.9 EX. N. 30FT. 3.05 AC.  
Tax Key Number(s): 45-15-23-202-002.000-043

**Request: Petitioner is requesting Preliminary Plat & Final Plat 1-lot Subdivision**

1. Petitioner's Comments: David Fagan is present with his daughter Christine Swisher tonight. Swisher stated the home has been in existence for over for over 40 years and they were requesting special circumstance to grant the subdivision so they could move forward. Wilkening reminded Swisher it was a Work Session and a decision would not be made until the meeting in two weeks.
2. Town Engineer's Comments: Oliphant stated a letter had been issued on September 1 with typical waivers for similar subdivisions including stormwater detention, widening roadway, park dedication, tree placement, and fronting sidewalks noting it was on a hill therefore not likely ADA compliant. He indicated they would review the Site Plan and confirmed to Wilkening he anticipated everything would be resolved in two weeks for the Preliminary, but had not seen the Final Plat yet. Oliphant told Swisher his comments were minor, but State law indicates the holding that cannot be negotiated.
3. Building Department Comments: Bakker stated there was previously a home at the location and the petitioner would like to demo the home and build a new home. Because it was a metes and bounds lot, they are present tonight to obtain the 1-lot subdivision to make it legal.
4. Commission's Discussion: Austgen clarified for Wilkening that it was not ready for a Primary and Final and the conditions to approve both together are extraordinary. Austgen clarified for Swisher that after the decision in 2 weeks, and if final plat was approved in conjunction with the preliminary plat approval, they would still have to wait an additional 30 days before a building permit can be issued due to the mylars being held. Swisher indicated their modular home was ready to be shipped and extra expenses would be incurred as they were not aware of the process involved regarding the subdivision ordinance.

### **4. Cedar Lake Early Learning Academy – Site Plan**

Owner: Rich & Carole Yancey, 11622 Burr St., Crown Point, IN 46307  
Petitioner: Cedar Lake Early Learning Academy, 13115 Wicker Ave., Cedar Lake, IN 46303  
Vicinity: 13410 Wicker Ave., Cedar Lake, IN 46303  
Legal Description: YANCEY'S SUBDIVISION LOT 2

Tax Key Number(s): 45-15-29-229-034.000-014

**Request: Petitioner is requesting a Site Plan Approval**

1. Petitioner's Comments: Clarissa Regula, present tonight on behalf of the Cedar Lake Early Learning Academy, stated she had met with the Fire Chief and Assistant to do a walk through and set up a fire plan. All licensing has been submitted to the State.
2. Town Engineer's Comments: Oliphant indicated the changes to the outside were minimal.
3. Building Department Comments: Bakker stated Site Plan with playground and parking has been submitted. Kubiak stated he had nothing to add.
4. Commission's Discussion: Carnahan indicated the interior layout looked good. Wilkening indicated he would see Regula in two weeks.

## **5. Davids - Rezone**

Owner/Petitioner: Lance & Jill Davids, 730 Quinlan Ct., Crown Point, IN 46307  
Vicinity: 12828 Wicker Ave., Cedar Lake, IN 46303  
Legal Description: PT. E. END S2. NE. S.20 T.34 R.9 2 AC. (653.4 X 133.333 FT.)  
Tax Key Number(s): 45-15-20-278-024.000-014

**Request: Petitioner is requesting a Rezone from Residential (R2) Zoning District to Neighborhood Business (B-1) Zoning District**

1. Petitioner's Comments: Petitioner is not present.
2. Town Engineer's Comments: None noted.
3. Building Department Comments: She stated surrounding zoning had been provided to members in the Summary.
4. Commission's Discussion: In absence of petitioner, Wilkening moved this item to the end of the meeting per advisement of Austgen. At the end of the meeting, Wilkening called for a petitioner. Neither time was the petitioner present in person or electronically. Wilkening requested from Bakker if there was correspondence with the petitioner that it be shared with the Commission members.

## **6. Hanover Community School Corp. – Concept Plan**

Owner/Petitioner: Hanover Community School Corp., 9520 W. 133<sup>rd</sup> Ave., Cedar Lake, IN 46303  
Vicinity: 10631 W. 141<sup>st</sup> Street, Cedar Lake, IN 46303  
Legal Description: Hanover Central Middle School Sub Lot 1  
Tax Key Number(s): 45-15-33-151-012.000-014

**Request: Petitioner is presenting a Concept Plan**

1. Petitioner's Comments: Scott Cherry, Construction Engineer of Skillman Corp, and Don Torrenge, Civil Engineer of Torrenge Surveyors, were present tonight on behalf of Hanover Community School Corporation. Cherry stated he had met with Town staff on July 22 and were here tonight to present their Concept Plan. The site is the existing middle school. The plan is on the east side of the southern portion to construct a new upper elementary school at 110,000 square feet including amenities. To the west of the southern portion is a bus barn, resource center and administrative center at 16,000 square feet and the bus maintenance and mechanics building and bus barn are 30,000 square feet, housing 40 buses. Cherry went over the parking

plan for the locations and a 6,000 square foot addition to the existing middle school along with roadwork to tie into US 41 as they work in conjunction with INDOT. He indicated the hope of approval from the Plan Commission by November with the ultimate goal of sending the bid out and construction in January and the upper elementary school anticipated opening by 2022 school year. Austgen clarified the timeline and laws related to the annexation and his concept plan, stressing if all items were approved, and the 30-day hold period, pending a valid, legal and proper application and public hearing process. Austgen clarified for Cherry that the workup of a plan can occur, however, filing of an application to develop and seek land use approval that is currently not within the Town of Cedar Lake cannot happen until the Annexation is completed, which is anticipated to take place in November. Austgen stated Lake County was not in agreement with a permissive approach, but would consider site work if a special exception application was applied for and approved. Austgen indicated all parties involved have been working diligently on this important project in the community and our position is to be the gatekeeper to ensure the process and correctness. Cherry asked if they could submit for what is within the Town. Austgen stated there would be two school buildings on one lot and they would need to subdivide due to filing two applications, hence a subdivision for major structural improvements. Torrenga and Austgen discussed the idea of possibility of zoning as a PUD. Cherry also stated future project would include about \$20-30 million worth of work and looking ahead on submittals for targeted dates, but noted this project would be separate.

2. Town Engineer's Comments: Wilkening requested documentation be provided to Oliphant at least 5 days ahead to allow him time to review.
3. Building Department Comments: Kubiak asked if their annexation had been approved in early November, if Plan Commission could approve it in November. Austgen replied yes but it depends on if legal requirements are met and advertising completed. Kubiak suggested they get their plans submitted in advance to be reviewed ahead of time to allot for better timeliness.
4. Commission's Discussion: Cherry clarified for Wilkening that construction would not start until spring. Wilkening inquired about access option A and B to 41. Cherry clarified that they and INDOT prefer option A. Torrenga interjected it would require an accel/deceleration lane and also a turn lane for people traveling south in and out, without a signal.

Bakker noted for the record that Foreman had been present since 7:15 pm. Foreman confirmed and noted his presence and the Commission could not hear him until 7:40 pm.

#### **UPDATE ITEMS:**

1. Beacon Pointe Unit 3 – Performance Letter of Credit – Expires May 13, 2021: Oliphant stated this does not expire until next year.
2. Beacon Pointe Unit 4 – Performance Letter of Credit – Expires October 1, 2021: Oliphant stated this does not expire until next year.
3. Centennial Phase 12 – Performance Letter of Credit – Expires October 13, 2020: Oliphant stated a repair letter was sent today and everything should be finished in a month and they requested it be lowered to maintenance.
4. Rose Garden Phase 1 – Performance Letter of Credit – Expires October 16, 2020: Oliphant stated a letter was sent yesterday with over 500 comments and they requested a reduction from \$6.1 million to the minimum 25% reduction. Public Works is still completing underground inspections, noting it was substantial on numerous levels.
5. Off Shore Estates – Performance Letter of Credit – Expires October 30, 2020: Oliphant stated this would be a renewal, as they are already at their minimum due to the waiver being granted on the size of their subdivision.

**Public Comment:** Wilkening called for comment in person or electronically. Oliphant and Bakker confirmed none electronically.

**Adjournment:** 7:46 pm.

**Press Session:**

**Next Meetings:** Plan Commission Public Meeting – September 16, 2020 at 7:00 p.m.  
Plan Commission Work Session – October 7, 2020 at 7:00 p.m.

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**Chuck Becker**

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**Robert Carnahan**

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**Heather Dessauer**

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**John Foreman**

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**John Kiepura**

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**Richard Sharpe**

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**Jerry Wilkening**

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**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.*