



TOWN OF CEDAR LAKE – PLAN COMMISSION
PUBLIC MINUTES
October 21, 2020 - 7:00 P.M.

Call to Order (Time): 7:04 p.m.

Wilkening read the following off the agenda, “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 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 Chuck Becker
Present John Kiepura, Vice President
Present John Foreman*
Present Richard Sharpe
Present Jerry Wilkening, President

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 Moore, Recording Secretary

**Indicates member present electronically*

MINUTES:

Motion by John Kiepura, seconded by Heather Dessauer, to approve the September 16, 2020 Public Meeting minutes.

Motion: John Kiepura --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. Ravens-Site Plan

Owner: C.L. Leasing LLC/Rory Ravens, 12528 Wicker Ave., Cedar Lake, IN 46303
Petitioner: Rory Ravens, 12528 Wicker Ave., PO Box 339, Cedar Lake, IN 46303
Vicinity: 12528 Wicker Avenue, Cedar Lake, IN 46303
Legal Description: COFHEN BUSINESS PARK
Tax Key Number(s): 45-15-20-227-001.000-014

Request: Petitioner is requesting a Site Plan Approval

1. Petitioner’s Comments: Rory Ravens, present tonight on behalf of CL Leasing, stated was working with individuals on what the Plan Commission had previously requested of him. He indicated it will take every inch of space to allow for the trucks to turnaround. He stated the estimate on the lighting was \$18,000 to \$24,000 and made some adjustments to the light

intensity on the existing lights. He indicated the previous lights had been up for 24 years and if needed, he could replace the new ones with the old ones. Ravens openly shared his frustration in the process and restrictions, noting the consideration of relocating his business to another community that did not have the restrictions in place.

2. Town Engineer's Comments: Oliphant clarified for Wilkening that he had not looked at the document stating it was his understanding they would not review it until he met with Bakker and Kubiak and resubmitted that was agreed upon. Bakker confirmed for Wilkening they had a new Site Plan with parking, buffer removed and turn around. Oliphant confirmed for Ravens that a minimum foot candle is required.
3. Building Department Comments: Ravens clarified for Bakker that he had reached out to someone about shields on the lighting but was awaiting a response. Kubiak agreed on the 30-foot of asphalt being added to the parking and felt the lighting should not be shining into neighbors in the north but noted a photometric plan would be something the Commission would have to determine. Ravens agreed with Kubiak that paving would not occur until spring.
4. Commission's Discussion: Ravens confirmed for Wilkening spring as the anticipated timeline of completion on the parking lot and was comfortable with a 12-month window. Foreman expressed wanting to work with Ravens and keep him in our community noting his business had been there a long period of time, he vacated the property and he's followed subdivision and ordinance guidelines from the engineer. Wilkening expressed the improvements are part of the ordinances and are not unreasonable expectations to be followed. Kiepura noted they agreed during the Work Session on extension of the parking lot, modification needed to lighting and the change was to remove the 15-foot barrier of plantings for buffer. Multiple discussions took place regarding the lighting relating to the ordinance, shields or deflection, being good neighbors and code enforcement.
5. Commission's Decision: see two motions noted below.

First motion: John Foreman made a motion, seconded by Richard Sharpe, to approve the Site Plan contingent upon engineering review and minimum foot candle requirement. Motion failed.

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

Heather Dessauer	Chuck Becker	John Foreman	Robert Carnahan	Richard Sharpe	John Kiepura	Jerry Wilkening	Vote
NO	NO	YES	YES	NO	YES	NO	3-4

Second motion: Chuck Becker made a motion, seconded by Heather Dessauer, to reschedule in two weeks on November 4, 2020 for a special public meeting.

Motion: John Foreman --1st Robert Carnahan --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. Price Point Builders-Rezone

Owner: Wintering, LLC, 1201 N. Main St., Crown Point, IN 46307
 Petitioner: Price Point Builders, LLC, PO Box 1343, Crown Point, IN 46307
 Vicinity: 14530 Wheeler St., Cedar Lake, IN 46303
 Legal Description: Lots 22,27,28,29,30,31 & South half of Lot 32, in Shades Addition to Cedar Lake Plat I, Block 4 as per plat thereof, recorded in Plat Book 11 Page 30, in the Office of the Recorder of Lake County, Indiana

Tax Key Number(s): 45-15-35-429-014.000-043

Request: Petitioner is requesting a Rezone from Residential Multiple-Family (RM) Zoning District to Residential (R-2) Zoning District

1. Attorney Review: Austgen indicated legals are in order.
2. Petitioner's Comments: Camille Schoop and Bruce Young, co-owner of Price Point Builders, were present tonight.
3. Town Engineer's Comments: Oliphant indicated he had no comment at this time.
4. Building Department Comments: Kubiak stated he was in favor of changing from RM to R2.
5. Commission's Discussion: Members indicated they were all in favor and agreement with the change.
6. Remonstrators: Wilkening called for remonstrators at 7:41 pm; none heard.
7. Recommendation to Town Council: Heather Dessauer made a motion, seconded by Chuck Becker, to send Favorable Recommendation to the Town Council to rezone RM to R2.

Motion: Heather Dessauer --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. Viking Build Homes LLC-Subdivision

Owner: Viking Build Homes LLC, 7611 W. 140th Ave., Cedar Lake, IN 46303
Petitioner: Michael Tiller, 9204 Bryan Lane, Crown Point, IN 46307
Vicinity: 7611 W 140th Ave., Cedar Lake, IN 46303
Legal Description: PART OF THE GOVERNMENT LOT 4 IN THE SOUTHWEST 1/4 OF SECTION 26, TOWNSHIP 34 NORTH, RANGE 9 WEST OF THE 2ND PRINCIPAL MERIDIAN, IN THE TOWN OF CEDAR LAKE, LAKE COUNTY, INDIANA, DESCRIBED AS FOLLOWS: LYING NORTH OF AND ADJACENT TO LOTS 32 AND 33 IN BLOCK 1 IN C.N. STRAIGHT'S SUBDIVISION IN PLAT BOOK 8 PAGE 20, IN THE OFFICE OF THE RECORDER OF LAKE COUNTY, INDIANA, AND SOUTH OF THE SOUTH LINE OF THE ROAD WHICH IS 95 FEET NORTH OF AND PARALLEL TO THE NORTH LINE OF SAID C.N. STRAIGHT'S SUBDIVISION, BEING THE PREMISES WHICH LIE BETWEEN THE EAST LINE OF LOT 32 AND THE WEST LINE OF LOT 33, AS SAID LINES ARE EXTENDED NORTHERLY TO THE SOUTH LINE OF THE ROAD.
Tax Key Number(s): 45-15-26-355-019.000-043

Request: Petitioner is requesting Preliminary Plat for a One (1) Lot Subdivision

1. Attorney Review: Austgen indicated legals are in order.
2. Petitioner's Comments: Michael Tiller, present tonight, stated he was requesting a preliminary and final plat for the 1-lot subdivision tonight.
3. Town Engineer's Comments: Oliphant indicated they would need a waiver for: storm water detention, widening the public frontage, full right of way dedication, park dedication, tree placement tree, fronting sidewalk and drilling well.
4. Remonstrators: Wilkening called for remonstrators at 7:44 pm; none.
5. Building Department Comments: Tiller confirmed to Bakker the plan to plant 2 trees.
6. Commission's Discussion: Tiller clarified for Dessauer that the only thing that was there now was grass/land and 100'-wide by 95'-deep. Oliphant clarified for Kiepura that the sidewalk

waiver was noted due to it being by itself and no anticipation of a sidewalk in the near future. Kiepura felt the sidewalk should be installed. Kubiak told Kiepura that looking at the plat, the chance of the Town acquiring right of way along Binyon to install sidewalks in the vicinity, the chance was extremely minimal.

Multiple discussions ensued regarding previous metes and bounds properties, examples and potential fee in lieu of program. Oliphant and Austgen noted legal review, public hearing with an ordinance amendment and start date no sooner than 2021 would be required.

7. Commission's Decision: Heather Dessauer made the motion, seconded by Richard Sharpe, to approve the Preliminary Plat including the engineering waivers.

Motion: Heather Dessauer --1st Richard Sharpe --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

Request: Petitioner is requesting Final Plat for a One (1) Lot Subdivision

1. Attorney Review: See above.
2. Petitioner's Comments: See above.
3. Town Engineer's Comments: See above.
4. Building Department Comments: See above.
5. Commission's Discussion: See above.
6. Remonstrators: See above.
7. Commission's Decision: Heather Dessauer made the motion, seconded by Chuck Becker, to approve the Final Plat including the engineering waivers.

Motion: Heather Dessauer --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

4. Hanover Development LLC-Final Plat

Owner: Hanover Development LLC & Hanover Farms LLC, 8051 Wicker Avenue, Suite A, St. John, IN 46373
 Petitioner: Hanover Development LLC., 8051 Wicker Avenue, Suite A, St. John, IN 46373
 Vicinity: Approx. 12400 Wicker Avenue, Cedar Lake, IN 46303
 Legal Description: Pt. SE.1/4 S.17 T.34 R.9 8.719Ac and Pt. SE.1/4 S.17 T.34 R.9 11.313Ac and Pt. SE.1/4 S.17 T.34 R.9 25.354Ac
 Tax Key Number(s): 45-15-17-476-011.000-014 and 45-15-17-476-010.000-014 and 45-15-17-476-007.000-014

Request: Petitioner is requesting a Final Plat for Birchwood Farms Phase 2 – 25 Lots and 2 Outlots

1. Petitioner's Comments: Jeff Yatsko, present tonight on behalf of Olthof Homes, stated he was looking to Final Plat 25 lots and 2 out lots.

2. Town Engineer's Comments: Oliphant stated the inspection was completed including 25 lots and had no comment on the Plat. The Letter of Credit amount included: a 25% minimum amount of \$140,908.50, 3% inspection fee of \$16,909.02 and MS4 fee of \$2000.00.
3. Building Department Comments: Bakker indicated the letter from Oliphant was in a paper copy provided to Commissioners.
4. Commission's Discussion: Yatsko clarified 137 lot total to Carnahan. Dessauer complemented Yatsko on the looks of the sign; Wilkening and Kubiak agreed.
5. Commission's Decision: Robert Carnahan made the motion, seconded by Chuck Becker, to approve the Final Plat, then amended the motion to include the engineering letter including the Performance Letter of Credit fees.

Motion: Robert Carnahan --1st Chuck Becker --2nd

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

5. Beacon Pointe of Cedar Lake LLC (Beacon East Phase 1)-Final Plat

Owner/Petitioner: Beacon Pointe of Cedar Lake LLC, 8900 Wicker Avenue, St. John, IN 46373
 Vicinity: 9000 W. 141st Avenue, 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): 45-15-37-376-002.000-014

Request: Petitioner is requesting Final Plat for Phase 1

1. Petitioner's Comments: Michael Tiller, present tonight on behalf of Schilling developers of Beacon Point East, indicated the lights were in and the road would be in next week.
2. Town Engineer's Comments: Oliphant stated it contained 24 lots with 38 units and the Letter of Credit fees included: 3% inspection fee of \$1,008.42, Performance Letter of Credit of \$997,691.01 and MS4 fee of \$2000.00.
3. Building Department Comments: Oliphant confirmed for Kubiak there were no comments.
4. Commission's Discussion: Jack Huls indicated to Wilkening he had conversation with someone from the railroad regarding the sidewalk, however no direction was available at the time.
5. Commission's Decision: Robert Carnahan made the motion, seconded by Heather Dessauer, to approve the Final Plat, including the engineering letter including the Letter of Credit fees.

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

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

Jack Huls indicated he would like consideration for Letter of Credit reduction, if the improvements that qualified are approved at the Special Public Meeting on November 4, 2020.

6. LedgeStone – Performance Letter of Credit-Expires November 15, 2021

Owner/Petitioner: Diamond Peak, 1313 White Hawk, Crown Point, IN 46307

Request: Convert Performance Letter of Credit to Maintenance Letter of Credit

1. Petitioner's Comments: Michael Tiller, present tonight on behalf of Schilling developers of LedgeStone, requested converting Performance to Maintenance Letter of Credit.
2. Comments/Engineer: Oliphant stated they were still having Public Works look at adjustments for sanitary and water. He noted an outstanding inspection report from 2017 that was sent to Todd Kleven that was not remedied and they were reviewing. He indicated final surface coat was put down 2 weeks ago.
3. Commission's Decision: Bakker clarified that the Letter of Credit does not expire soon, they were just asking for a reduction. Kubiak stated they still had some work needing completed. Bakker confirmed for Austgen that if they were ready, they would be on the agenda and if they were not ready, they would not be on the Work Session Agenda.

UPDATE ITEMS:

1. Summer Winds Unit 2 - Performance Letter of Credit - Expires December 20, 2020
2. Summer Winds Unit 3 - Performance Letter of Credit - Expires December 23, 2020

Oliphant addressed items #1 & #2 together, indicating the developer will likely request a reduction to both. He stated information was sent last weekend including outstanding items.

3. Beacon Pointe Unit 3 – Performance Letter of Credit – Expires May 13, 2021
4. Beacon Pointe Unit 4 – Performance Letter of Credit – Expires October 1, 2021

Oliphant addressed items #3 & #4 together, indicating they were tying up loose ends but they do not expire until 2021.

Public Comment:

Austgen noted the Lennar Letter of Credit had been received and to anticipate reduction request upon completion of work. Kubiak confirmed for Wilkening the list of inspections was over 100 items.

Carnahan asked Austgen to discuss the alley way near the King parcel. Austgen stated Glen Boren had provided him with the survey and legals on the east side of Lincoln Plaza including the King parcel to the Strack & VanTil property. Austgen confirmed to Kubiak they were ok to put the water main in the alley.

Adjournment: 8:18 pm.

Press Session:

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