



**TOWN OF CEDAR LAKE – PLAN COMMISSION
SPECIAL PUBLIC MEETING & WORK SESSION MINUTES
November 4, 2020 - 7:00 P.M.**

Call to Order (Time): 7:02 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.”

Pledge to Flag

Roll Call:

Present Heather Dessauer*	Present Robert Carnahan
Present Chuck Becker*	Present Donald Oliphant, Town Engineer – CBBEL
Present John Kiepura, Vice President	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, President	Present Sarah Moore, Recording Secretary

**Indicates individual participated electronically*

Also noted for the record, guests: Town Manager Rick Eberly and Planning Director Jill Murr.

SPECIAL PUBLIC MEETING:

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 of CL Leasing and Don Torrenge of Torrenge Engineering were present tonight. Torrenge noted they received the second review but have not had enough time to respond prior to this meeting. Ravens noted drainage out to the wetlands.
2. Town Engineer’s Comments: Oliphant clarified for Wilkening in regards to a lot of engineering comments that the plan had a slight change based on prior comments with reprofiling to the north directly over the west retention basin. He indicated the 10” system was in poor condition and would need to be replaced, if used. After speaking with Ravens, the previous plan may have been more difficult.

3. Building Department Comments: Kubiak stated the pond needs an outlet. Oliphant clarified for Kubiak the corresponding grade comes out on the Olthof property, noting the restrictor manhole at the berm but the gravity outfall at Olthof property and still the need for access.
4. Commission's Discussion: Oliphant clarified for Carnahan regarding the waivers discussed, lighting, retention basin, gravity issue and access agreement for right of entry for cross access. Austgen asked Oliphant if prior to this review if he was aware of this. Oliphant indicated there was a possibility due to the existing topography. Austgen asked if the Plan Commission could act if this item is not addressed by the property owner and adjacent property owner. Oliphant stated if Olthof said no, there is potentially a problem. No representative of Olthof was present at the meeting. Wilkening noted the good neighbor arrangement but recommended it being on paper. Austgen recommended a cross access easement agreement to Torrena to preserve the structure or deposit onto the Olthof facility. Wilkening asked for a timeline; Ravens agreed with a 12-month period. Ravens noted they received a deflector but the light was broken and it could not be installed at this time. Carnahan felt the continuous deferrals were not fair to the petitioners obtaining what they need and recommended them meeting with staff prior to the next meeting.
5. Commission's Decision: John Kiepura made a motion, seconded by Richard Sharpe, to defer this item for 2 weeks.

Motion: John Kiepura --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

OLD BUSINESS:

1. 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. Comments/Engineer: Oliphant indicated they were on track and recommended the conversion from Performance to Maintenance. He indicated the 3-year Maintenance Letter of Credit amount of \$211,943.33. Inspection was completed and approved and the final coat went in 3 weeks ago. Michael Tiller, from Schilling present tonight on behalf of Ledgestone, stated he was working with the bank on the bond.
2. Commission's Decision: Robert Carnahan made a motion, seconded by John Kiepura, to convert to Maintenance Letter of Credit for the \$211,943.33 for 3 years.

Motion: John Kiepura --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

Wilkening called the Special Public Meeting ended at 7:26 pm.

WORK SESSION:

NEW BUSINESS:

1. Lynnsway Development-Rezone

Owner/Petitioner: Lynnsway Development, LLC, PO Box 677, St. John, IN 46373
Vicinity: 14627 Parrish Ave., Cedar Lake, IN 46303
Legal Description: Lynnsway Unit 1 Lot 27
Tax Key Number(s): 45-15-33-428-015.000-014

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

1. Petitioner's Comments: Michael Tiller with Schilling, present tonight on behalf of Lynnsway, stated he would be requesting Favorable Recommendation from RM to R2.
2. Town Engineer's Comments: Oliphant indicated the stockpile had been removed.
3. Building Department Comments: Bakker confirmed for Austgen notice was published.
4. Commission's Discussion: Wilkening and Kiepura indicated they were good with the change.

2. Schilling-Subdivision

Owner: Bernard Chojnowski, 13913 Laque Dr., Cedar Lake, IN 46303
Petitioner: Greg Schilling, 10133 Wellington Ct., Dyer, IN 46311
Vicinity: 13913 Laque Dr., Cedar Lake, IN 46303
Legal Description: PT. SW. S.26 T.34 R.9 .68A.
Tax Key Number(s): 45-15-26-352-009.000-043

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

1. Petitioner's Comments: Ken Hunt, present on behalf of Greg Schilling, stated they would be returning for request of Preliminary and Final Plat on the 1-lot subdivision and noted their engineer did not have any comments at this time.
2. Town Engineer's Comments: Oliphant stated a letter was sent on November 2 and was consistent with the typical 1-lot subdivisions, also noting flood plain delineation. Oliphant clarified for Wilkening that the property sits on a hill with direct access to the lake.
3. Building Department Comments: None.
4. Commission's Discussion: Members indicated Laque Drive is private. Austgen asked Oliphant that he be able to review the Conveyance and Dedication on the Plat. Multiple discussions ensued regarding dedication or vacation of the property and Austgen recommended that Boren review the plat for clarity.

3. Lennar-Final Plat

Owner/Petitioner: Lennar Corp., 1141 East Main Street, Suite 108, East Dundee, IL 60118
Vicinity: W. 142nd Place and Heritage Way, Cedar Lake, IN 46303
Legal Description: Pt. NE.1/4 S.33 T.34 R.9 Ly'ng E. of RR 35.32Ac and Rose Garden Estates P.U.D. Phase 1 Outlot 8
Tax Key Number(s): 45-15-33-200-003.000-014, and 45-15-33-400-001.000-014, and 45-15-33-200-001.000-014, and 45-15-33-200-002.000-014

Request: **Petitioner is requesting a Final Plat for Rose Garden Estates Phase 2 – 108 Lots and 1 Outlot**

1. Petitioner's Comments: Todd Kleven, Title and Planning Manager of Lennar, was present tonight indicating to the Commission he was newly hired by Lennar and a local resident. He introduced his team present with him including: Kevin Matray of Mackie, Al Erickson – Lennar Vice President of Land Development and Tom McSherry – Lennar Land Development Manager. Kleven noted that a condition of the Town was to have Phase 2 be looped into the Ledgestone Subdivision. He indicated agreement to access was granted. He noted they would bore under the road to make the connection. Kleven stated there would be 108 units, 32 cottage homes, 46 single family homes, and 30 villas. Total acreage, after clarification with Oliphant, was 24 acres. He indicated nothing has changed from the Primary Plat approval.
2. Town Engineer's Comments: Oliphant indicated no letter was issued because of this issue (noted in item #1 above) with the Town's requirement, so they were waiting on an alignment and determining what to put into the Letter of Credit for this phase.
3. Building Department Comments: Kubiak addressed his concerns with Phase 1 and the developer going an alternate route with the wall and fill dirt in the county. Oliphant noted property was acquired from Hawkinson in unincorporated Lake County. Kleven noted they were diligently looking at resolutions for the fill and addressing the issues. Kubiak noted the Town has the bond but they are not the developer and don't want to be. Oliphant and Kubiak clarified there were 85 items to be addressed on the Phase 1 list.
4. Commission's Discussion: Multiple discussions ensued with Lennar and Commission members regarding previous miscommunications &/or difficulties in the past and wanting to work together moving forward. Austgen expressed his concern regarding the 10-foot strip between the communities and a resolution for allowed easement for access denoting his concern regarding legalities of removal and future expansion or looping of utility needs. Kleven and McSherry apologized for any miscommunication regarding response of review items. It was their understanding to be more efficient, they would be addressing items all at once. Wilkening and Kubiak noted items in Phase 1 needed addressed before moving forward with Phase 2. McSherry noted that there were most likely more than 85 items and unfortunately due to some direct impacts of COVID on contractor crews, they have had some problems. McSherry affirmed all of the items on the punch list would be addressed and done by November 27. Austgen recommended more staff level meetings prior to Plan Commission nights; McSherry agreed to meet on staff levels whenever necessary. Kleven asked that the items in Phase 1 not have direct bearing on Phase 2, reiterating the Town holds the Letter of Credit for Phase 1 and Lennar is not going anywhere. Erickson apologized for prior problems and the intent of reducing the list and moving forward with their responsibilities. Multiple discussions ensued regarding staff level meetings, keeping on task and moving forward in regards to the Phase 1 list and development of Phase 2.

4. Great Oaks Center, Lot 2 – Site Plan

Owner: The Lawrence Property Group, 13097 Wicker Avenue, Cedar Lake, IN 46303
Petitioner: Sean Perfetti, The Lawrence Property Group, 13097 Wicker Avenue, Cedar Lake, IN 46303
Vicinity: 13097 Wicker Avenue, Cedar Lake, IN 46303
Legal Description: Great Oaks Acres Storage Lot 2
Tax Key Number(s): 45-15-21-301-022.000-014

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

1. Petitioner's Comments: Sean Perfetti was present tonight along with Don Torrenga and Ted Rohn. Torrenga confirmed for Austgen that Henn sold the property to Lawrence Property Group. Rohn indicated there was a potential of 4 tenants, wood frame, complimenting the other building with stone/siding/roof, patron parking in the front and rear parking for employees.
2. Town Engineer's Comments: Oliphant stated a letter was sent on November 3, 2020. Perfetti confirmed for Oliphant the building use would be medical offices. Oliphant stated he was awaiting easement language and noted tie in may be challenging due to property elevation changes.
3. Building Department Comments: Bakker stated a Special Use Variance would be required for the number of businesses in the building; Kubiak later confirmed this to Perfetti.
4. Commission's Discussion: Torrenga clarified to Wilkening that a new pond would be created. Torrenga confirmed to Carnahan that it would not connect to Schneider Street. Perfetti and Torrenga confirmed to Becker that the wheelhouse serviced the strip mall, with Torrenga adding the well would be destroyed as it would be under the new building. Rohn confirmed for Sharpe the size of the building as 11,200 square feet.

5. Summer Winds Unit 2 - Performance Letter of Credit - Expires December 20, 2020

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

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

1. Comments/Engineer: Oliphant indicated Unit 2 & 3 would be seeking a 25% reduction and was waiting to hear back.
2. Commission's Decision: Bakker stated they would need to vote at the next meeting due to the upcoming holidays.

6. Summer Winds Unit 3 - Performance Letter of Credit - Expires December 23, 2020

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

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

1. Comments/Engineer: Same comments from #5 noted above
2. Commission's Decision: Same comments from #5 noted above

UPDATE ITEMS:

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

Oliphant indicated they were working through items and reminded the expiration was in 2021.

PUBLIC COMMENT: None.

ADJOURNMENT: 8:39 pm.

Press Session:

Next Meetings: Plan Commission Public Meeting – November 18, 2020 at 7:00 p.m.
Plan Commission Work Session – December 2, 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.