



**CEDAR LAKE PLAN COMMISSION PUBLIC MEETING
CEDAR LAKE TOWN HALL, 7408 CONSTITUTION AVENUE, CEDAR LAKE, INDIANA
May 19, 2021, at 7:00 pm**

CALL TO ORDER:

Mr. Jerry Wilkening called the Plan Commission Public Meeting to order at 7:05 pm., on Wednesday, May 19, 2021, with its Members attending on-site and electronically. The Pledge of Allegiance was recited by all.

ROLL CALL:

Members Present: Robert Carnahan; John Foreman; Richard Sharpe; Heather Dessauer; Chuck Becker (present electronically via Zoom); John Kiepura, Vice-President; Jerry Wilkening, President. A quorum was attained. **Also present:** Don Oliphant, Town Engineer; David Austgen, Town Attorney; Jill Murr, Planning Director; and Margaret Abernathy, Recording Secretary, Pro Tem. **Absent:** None

MINUTES:

Mr. Wilkening advised that the next item on the agenda is the approval of minutes for the April 21, 2021, Public Meeting; May 5, 2021, Special Work Session; and May 5, 2021, Work Session. Ms. Murr requested that the minutes be deferred as they are not ready yet.

Mr. Sharpe made a motion to defer; Mr. Becker seconded the motion. Motion carried unanimously by roll-call vote:

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|------------------|-----|
| Robert Carnahan | Aye |
| John Foreman | Aye |
| Richard Sharpe | Aye |
| Heather Dessauer | Aye |
| Chuck Becker | Aye |
| John Kiepura | Aye |
| Jerry Wilkening | Aye |

PUBLIC MEETING:

**1. Beacon Pointe of Cedar Lake, LLC, Unit 5 – Final Plat
Vicinity of 13800 Parrish Avenue – Petitioner: Schilling Development / Kevin Hunt**

Mr. Wilkening advised that the next item on the agenda is Beacon Pointe of Cedar Lake, LLC, Unit 5, located in the vicinity of 13800 Parrish Avenue. The petitioner is seeking Final Plat approval.

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Mr. Kevin Hunt of Schilling Development, 8900 Wicker Avenue, St. John, Indiana, representing Beacon Pointe of Cedar Lake, LLC, presented to the Commission. He stated that they are requesting Final Plat approval on Unit 5, which is comprised of single-family residences located west of Parrish Avenue.

Mr. Oliphant advised that the plat is in order, the 3% inspection fee is \$25,540.29, the reduced Performance Letter of Credit is \$259,330.23, and the MS4 inspection fee is \$2000.00.

Ms. Murr advised that a draft Letter of Credit is included in the meeting packet and that the developer is ready to present the check for the inspection and MS4 fees.

Mr. Wilkening entertained any questions or comments from the Commission; hearing none, he entertained a motion.

Mr. Kiepura made a motion to approve the Final Plat for Beacon Pointe of Cedar Lake, Unit 5, to include the \$25,540.29 inspection fee, the \$259,330.23 Letter of Credit, and the \$2000.00 MS4 inspection fee as referenced in Mr. Oliphant's review letter dated May 17, 2021; Mr. Becker seconded the motion. Motion carried unanimously by roll-call vote:

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|------------------|-----|
| Robert Carnahan | Aye |
| John Foreman | Aye |
| Richard Sharpe | Aye |
| Heather Dessauer | Aye |
| Chuck Becker | Aye |
| John Kiepura | Aye |
| Jerry Wilkening | Aye |

2. Centennial Estates, Phase 1 – Final Plat
Vicinity of 13830 Parrish Avenue – Petitioner: Olthof Homes / Jeff Yatsko

Mr. Wilkening advised that the next item on the agenda is Centennial Estates, Phase 1, located in the vicinity of 13830 Parrish Avenue. The petitioner is requesting Final Plat approval of the development, which contains 28 lots and 2 outlots.

Mr. Jeff Yatsko of Olthof Homes, 8051 Wicker Avenue, St. John, Indiana, representing Centennial Estates, Phase 1, confirmed the same.

Mr. Oliphant advised that the plat is in order, the 3% inspection fee is \$32,170.53, the reduced Performance Letter of Credit is \$284,711.71, and the MS4 inspection fee is \$2000.00.

Mr. Wilkening entertained any questions or comments from the Commission; hearing none, he entertained a motion.

Mr. Kiepura made a motion to approve the Final Plat for Centennial Estates, Phase 1, to include the \$32,170.53 inspection fee, the \$284,711.71 Letter of Credit, and the \$2000.00 MS4 inspection fee as referenced in Mr. Oliphant's review letter dated May 17, 2021; Mr. Sharpe seconded the motion. Motion carried unanimously by roll-call vote:

| | |
|------------------|-----|
| Robert Carnahan | Aye |
| John Foreman | Aye |
| Richard Sharpe | Aye |
| Heather Dessauer | Aye |
| Chuck Becker | Aye |
| John Kiepora | Aye |
| Jerry Wilkening | Aye |

**3. Dust's Addition – Preliminary Plat, a One-Lot (1-lot) Subdivision, and Waivers
Vicinity of 13225 Colfax Street – Petitioners: Daryl and Denise Dust**

Mr. Wilkening advised that the next item on the agenda is Dust's Addition to request approval of a Primary Plat along with waivers and a Final Plat for a one-lot (1-lot) subdivision in the vicinity of 13225 Colfax Street. The Petitioners are Daryl and Denise Dust. Attorney Austgen advised that the all items are in order for this Public Hearing to commence.

Daryl Dust, 13225 Colfax Street, stated that Mr. Oliphant submitted a change to Mr. Dust's surveyor that day and that he has a problem with the change to the front property line. Mr. Carnahan informed Mr. Dust that he had contacted Mr. Oliphant, and that Mr. Oliphant then contacted the surveyor and had a conversation with him.

Mr. Oliphant advised that they had requested a 20-foot right-of-way dedication to match up with the Taylor Addition to the north; it then increases to 25 feet as it runs to the south. They had presented a 10-foot right-of-way dedication that angled down to 20 feet at 133rd Avenue, which would have given approximately 18-inches of concrete to the right-of-way dedication line. They compromised at 20 feet south of the house, which keeps the existing well outside of the right-of-way and allows more room to work if the street is improved.

Mr. Dust noted that the rocks in the vicinity of the wellhead are 600 pounds each, and if they are moved to the proposed line, he would not be able to mow that side of the yard. Mr. Oliphant responded that they are not asking for them to be moved; he added that if they need to be moved for improvements in the future, the Town would move them in conjunction with the construction.

Mr. Wilkening advised that the lot is an existing, non-conforming property with the well out by the road. He asked Mr. Oliphant if the goal is to have enough space there for future improvements while staying away from the well. Mr. Oliphant confirmed the same.

Mr. Wilkening asked if there are any issues with the east property line. Mr. Oliphant advised that the east property line issue has been corrected by the surveyor.

When asked if he was all right with what was described in the event anything needs moved in the future, Mr. Dust responded that he is "not too confident in the Town's construction right now". Mr. Dust commented that when the road was repaved, no one surveyed it or checked it beforehand and commented that they cleaned the machinery in his yard.

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Mr. Dust stated that he would be amenable to a 20-foot right-of-way dedication on the south side of the driveway.

Mr. Oliphant responded that he is agreeable to the same. Mr. Dust further stated that he would prefer a 12-foot right-of-way over the 15-foot right-of-way that is proposed. Discussion ensued wherein it was agreed upon that the right-of-way would be 15 feet to a specific point south of the driveway, and from that set point, it would angle to a 20-foot right-of-way.

Ms. Murr advised that this property will come before the Board of Zoning Appeals in June for the size of the accessory structures and the setback of the existing house.

Mr. Wilkening opened the floor for public comment at 7:24 p.m. Having no one wishing to speak, he closed the Public Hearing and brought the matter back to the Commission for questions or comments. Hearing none, he entertained a motion.

Mr. Foreman made a motion to approve the recommended engineering waivers for stormwater detention, widening and improvements to the public roadway frontages, park dedication, tree placement requirements, and fronting sidewalk requirements as listed in the engineering review letter dated May 19, 2021; Mr. Becker seconded the motion. Motion carried unanimously by roll-call vote:

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|------------------|-----|
| Robert Carnahan | Aye |
| John Foreman | Aye |
| Richard Sharpe | Aye |
| Heather Dessauer | Aye |
| Chuck Becker | Aye |
| John Kiepura | Aye |
| Jerry Wilkening | Aye |

Ms. Dessauer made a motion to approve the Primary Plat for Dust's Addition contingent upon the inclusion of the agreed-upon changes to the front yard right-of-way dedication starting at 15 feet and then begin angling south of the driveway to 20 feet and upon the Board of Zoning Appeals' approval of the requested variances for the property in question; Mr. Kiepura seconded the motion. Motion carried unanimously by roll-call vote:

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|------------------|-----|
| Robert Carnahan | Aye |
| John Foreman | Aye |
| Richard Sharpe | Aye |
| Heather Dessauer | Aye |
| Chuck Becker | Aye |
| John Kiepura | Aye |
| Jerry Wilkening | Aye |

Mr. Foreman made a motion to approve the Final Plat contingent upon the thirty-day (30-day) waiting period, approval of the requested variances from the Board of Zoning Appeals, and the agreed-upon changes to the front yard right-of-way dedication; Mr. Kiepura seconded the motion. Motion carried unanimously by roll-call vote:

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|------------------|-----|
| Robert Carnahan | Aye |
| John Foreman | Aye |
| Richard Sharpe | Aye |
| Heather Dessauer | Aye |
| Chuck Becker | Aye |
| John Kiepura | Aye |
| Jerry Wilkening | Aye |

**4. Thorn's Addition – Primary Plat, One-Lot (1-lot) Subdivision, and Waivers
Vicinity of 12608 Alexander Street – Petitioners: James and Pamela Thorn**

Mr. Wilkening advised that the next item on the agenda is Thorn's Addition for Primary Plat on a one-lot (1-lot) subdivision along with waivers located in the vicinity of 12608 Alexander Street. The petitioners James and Pamela Thorn are requesting Primary Plat approval for a one-lot (1-lot) subdivision along with the waivers and Final Plat. Attorney Austgen advised that the all items are in order for this Public Hearing to commence.

Mr. James Thorn, 16320 Fulton Street, Lowell, stated that he has preliminary approval to jack out some walls and seal it up to keep it from flooding the basement.

Mr. Oliphant advised that this has the same waivers as the previous petition. He further advised that there are two (2) small changes to the Primary Plat and that they have never received the Final Plat from Glen Kracht, the surveyor. Mr. Thorn stated that he has a copy of it on his phone. Discussion ensued while Mr. Thorn attempted to find the same. Attorney Austgen advised that it is appropriate to act upon the Primary Plat at this meeting and act upon the Final Plat at the next Public Meeting.

Mr. Wilkening opened the floor for public comment at 7:34 p.m. Having no one come wishing to speak, he closed the Public Hearing and brought the matter back to the Commission for questions or comments.

Ms. Murr reported that the property is in an unrecorded subdivision and the improvements Mr. Thorn desires require the property to become a one-lot (1-lot) subdivision. She recommended the Plan Commission approve the waivers in Mr. Oliphant's engineering letter.

Mr. Foreman made a motion to approve the recommended engineering waivers for stormwater detention, widening and improvements to the public roadway frontages, park dedication, tree placement requirements, and fronting sidewalk requirements as listed in Mr. Oliphant's engineering review letter dated May 17, 2021; Ms. Dessauer seconded the motion. Motion carried unanimously by roll-call vote:

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|------------------|-----|
| Robert Carnahan | Aye |
| John Foreman | Aye |
| Richard Sharpe | Aye |
| Heather Dessauer | Aye |
| Chuck Becker | Aye |
| John Kiepura | Aye |
| Jerry Wilkening | Aye |

Mr. Foreman made a motion to approve the Primary Plat for Thorn's Addition referencing Mr. Oliphant's review letters; Mr. Sharpe seconded the motion. Motion carried unanimously by roll-call vote:

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|------------------|-----|
| Robert Carnahan | Aye |
| John Foreman | Aye |
| Richard Sharpe | Aye |
| Heather Dessauer | Aye |
| Chuck Becker | Aye |
| John Kiepura | Aye |
| Jerry Wilkening | Aye |

Mr. Wilkening advised that Final Plat will be acted upon at the June 16, 2021, meeting.

A discussion ensued about the confusion with unrecorded subdivisions previously located in unincorporated Lake County, and Attorney Austgen explained that a metes and bounds legal description is still a good legal description; however, for improvements to be made, those properties should follow the Town's rules and requirements.

5. Resolution – Plan Commission Rules and Regulations

Attorney Austgen advised that this item is not ready yet. Mr. Wilkening requested that this be placed on the next meeting's agenda. Ms. Murr agreed to the same.

UPDATE ITEMS:

1. Cedar Lake Ministries

Mr. Wilkening stated that they have received a packet containing much information and encouraged all to review the same. He advised that it has been reviewed by Attorney Austgen.

Ms. Murr advised that on May 10, 2021, she provided them the unmarked copy in the packet and Nate Peterson was provided marked-up copies. She further advised that Attorney Dave Austgen provided his marked up copy today, which is marked up in red.

Attorney Austgen advised that his marked-up copy was a first read and that a foundational meeting will be needed soon to address legal descriptions, parcels, and clarity.

Mr. Nate Peterson was present via Zoom and commented that he has Ms. Murr's and Attorney Austgen's marked up copies. He will be meeting with Don Oliphant on Friday to walk the property and discuss drainage items. Mr. Peterson requested that the Plan Commission Members funnel all their questions to him through Ms. Murr so that they may address all the feedback at one time.

Mr. Oliphant advised that they will review the PUD documents further and provide more feedback.

2. CLBD South LLC – Rezone, Primary Plat. and Site Plan

Mr. Wilkening asked if this item is moving along. Ms. Murr responded that she had received development plan from Attorney Bower late that afternoon and that she anticipates that Attorney Austgen had not had a chance to review the same yet. She advised that the list of uses is being refined.

Mr. Wilkening asked Mr. Oliphant if the way the water will be added in for future buildings is satisfactory. Mr. Oliphant stated that as far as he knows, it is. Mr. Oliphant advised that a 12-inch water main, which is built for expansion, is being installed off of 141st Avenue. He further advised that the west side water is fine to the best of his knowledge.

3. Henn – 13424 Wicker Avenue – Concept Plan

Mr. Wilkening advised that this item will be in front of the Plan Commission in two weeks to discuss the All Tire business.

Ms. Murr advised that the Board of Zoning Appeals approved the lot width. She further advised that the petitioner will be at the June 2, 2021, Plan Commission Work Session to discuss the Site Plan and will have their Public Hearing on June 16, 2021. Mr. Wilkening asked that the requested waivers for this property be sent to them for review. Ms. Murr agreed to the same.

4. Zoning Ordinance Amendment

Ms. Murr advised that this item will continue at the next Plan Commission meeting and reminded everyone that the Commission will meet at 6 p.m. to discuss that item.

5. Comprehensive Plan Amendment

Ms. Murr advised that the Town Council and Plan Commission are updating the Comprehensive Plan. Veridus, who are working on the updates, anticipates that the special joint meeting will be on June 30, 2021, at 6 p.m. for the Public Hearing by the Plan Commission with the adoption of said Comprehensive Plan updates by the Town Council at that same meeting. Ms. Murr further advised that the updates are in relation to the U.S. 41 corridor.

Mr. Wilkening asked if anyone has reviewed the documentation from Lauren Wahl of Veridus as yet. Mr. Austgen responded that they had a conference earlier that day to review the same, and there will be updates in one week.

DEFERRED ITEMS:

- 1. Birchwood Farms, Phase 3 – Final Plat**
- 2. Centennial Villas, Phase 1 – Final Plat**

Mr. Wilkening requested an update on Birchwood Farms, Phase 3 and Centennial Villas, Phase 1. Ms. Murr responded that the petitioner requested for those items to be deferred to the June meetings. Mr. Oliphant

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advised that they are still installing infrastructure and that once that is completed, he will produce the Letter of Credit amounts.

Ms. Murr requested that the Plan Commissioners confirm with Ms. Abernathy if they will be able to attend the special joint meeting for the Comprehensive Plan.

PUBLIC COMMENT: None was had.

ADJOURNMENT: _Mr. Wilkening adjourned the meeting at 7:53 p.m.

TOWN OF CEDAR LAKE PLAN COMMISSION

Jerry Wilkening, President

John Kiepura, Vice-President

Robert Carnahan, Member

John Foreman, Member

Richard Sharpe, Member

Heather Dessauer, Member

Chuck Becker, Member

ATTEST:

Margaret R. Abernathy, Recording Secretary

The Minutes of the Cedar Lake Plan Commission Public Meeting are transcribed pursuant to IC 5-14-1 5-4(b), which states:

(b) As the meeting progresses, the following memoranda shall be kept:

- (1) The date, time, and place of the meeting.*
- (2) The members of the governing body are recorded as either present or absent.*
- (3) The general substance of all matters proposed, discussed, or decided.*
- (4) A record of all votes taken, by individual members if there is a roll call.*
- (5) Any additional information required under IC 5-1.5-2-2.5.*

Cedar Lake Plan Commission: Minutes of May 19, 2021

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.