



CEDAR LAKE PLAN COMMISSION SPECIAL WORK SESSION
CEDAR LAKE TOWN HALL, 7408 CONSTITUTION AVENUE, CEDAR LAKE, INDIANA
June 2, 2021, at 6:00 pm

CALL TO ORDER:

Mr. Jerry Wilkening called the Plan Commission Special Work Session to order at 6:06 pm., on Wednesday, June 2, 2021, with all Members attending on-site. The Pledge of Allegiance was recited by all.

ROLL CALL:

Members Present: Robert Carnahan; John Foreman; Richard Sharpe; Heather Dessauer; Chuck Becker; John Kiepora, Vice-President; Jerry Wilkening, President. A quorum was attained. **Also present:** Don Oliphant, Town Engineer; Jill Murr, Planning Director; Rick Eberly, Town Manager; and Margaret Abernathy, Recording Secretary, Pro Tem. **Absent:** David Austgen, Town Attorney.

SPECIAL WORK SESSION – Zoning Ordinance Amendment:

The Plan Commissioners and Staff discussed specific pages of the Zoning Ordinance for updates, starting with Chapter 5.1, page 12.

§ D, Accessory Uses and Buildings – This item was removed because it conflicts with another section of the Zoning Ordinance.

§ E9, Height – The height limitation of “two-stories” was removed and replaced with a height limit of “thirty-five feet (35’).”

§ E11, Front Yard – The words “improved street” were changed to read “improved public or private street” for clarity.

§ E12, Side Yard – The aggregate width statement was removed.

§ E13 Rear Yard – The terminology of “not less than twenty-five percent (25%)” was changed to “not less than thirty (30) feet”.

§ E15, Corner Lots – The corner lots were changed to read the same as the front-yard setback by reference, “refer to item 11. Front Yard.”

§ E17, Attached Garages – The maximum size for an attached garage was changed from 960 square feet to 1100 square feet.

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§ E18 Metal and Post Buildings – This was slightly modified from “Metal and post building types” to “Metal and/or post building types”.

The Plan Commission discussed the topic of RV, boat, and trailer parking and whether or not it should be more restrictive in the Zoning Ordinance or let the POAs and HOAs govern it. Mr. Eberly advised that it is addressed later in the Zoning Ordinance.

§ H, Lighting – This item references the provisions of Chapter 14. Mr. Eberly stated that the entire lighting ordinance should be in Chapter 14 of the Zoning Ordinance.

§ I, Design Requirements – This item was deleted from Chapter 5.2. The note for more information needed was also removed by virtue of the aforementioned deletion. Discussion ensued wherein it was noted that accessory building square footage is based on the lot size of the property, as found in Chapter 11 (currently page 74).

Chapter 5.2, R-2 Zoning District, currently on page 15 of the working document

§ B6 of Permitted Uses – The following terminology was added, “All uses permitted in the Wetlands and Watercourse District.”

Mr. Wilkening asked Mr. Eberly to explain the meaning of the added terminology. Mr. Eberly explained that the Zoning Ordinance is cumulative, so the least restrictive zoning district uses are allowed in the next zoning district and so forth. Since it is being kept in the Zoning Ordinance as a zoning district, that language specifies that all uses permitted in the “Wetlands and Watercourse Zoning District” are allowed in R-1, R-2, and the other zoning districts. For instance, ball parks and playgrounds are allowable uses in the “Wetlands and Watercourse Zoning District” making them allowed in the other zoning districts.

§ C, Special Exceptions – The title and brief paragraph following were deleted as it created confusion.

§ D, Accessory Uses and Buildings – This item was removed because it conflicts with another section of the Zoning Ordinance.

§ E, Bulk Requirements:

§ E1 Height – The height was changed from “thirty-three (33) feet” to “thirty-five (35) feet” for continuity in the Zoning Ordinance. Discussion ensued regarding the base point of measurement.

§ E4, Side Yard – The aggregate-width language was removed.

Discussion regarding RV, boat, and trailer parking ensued again, and the Members felt that it is something that needs to be addressed.

§ I, Design Requirements – This item was deleted from Chapter 5.2. The note for more information needed was also removed by virtue of the aforementioned deletion.

Chapter 5.3, RT Zoning District, currently on page 17 of the working document

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§ A, Purpose – The verbiage “more intense areas” was changed to “more intense land use areas” for clarity.

§ C, Special Exceptions – The title and brief paragraph following were deleted as it created confusion.

The Commission discussed the possibility of adding a brick façade requirement. Mr. Eberly advised that there was an action before legislation this year by the Home-Builders Association fighting that requirement because communities are trying to enforce that requirement. He added that requiring that type of a façade has been successful for commercial areas; however, forcing it in residential areas is difficult. The best method to enforce that type of restriction is a PUD rezoning where the Plan Commission has more influence on that type of design requirement.

Discussion ensued about multifamily homes, the safety issues when block and brick construction are not required between the units, and what happens after an HOA or POA no longer enforces covenants, conditions, and restrictions.

§ D Accessory Uses and Buildings – This item was removed as it conflicted with other sections of the Zoning Ordinance.

§ E Bulk Requirements

§ E1. Height – The maximum height was changed from thirty-three feet to thirty-five (35) feet for continuity.

§ E4, Side Yard – The aggregate-width language was removed.

§ E5, Rear Yard – The language changed from “There shall be a rear yard of not less than twenty-five percent (25%) of the depth of the lot or thirty feet (30’) whichever is less,” to “There shall be a rear yard of not less than the depth of thirty feet (30’).”

§ E6, Lot Coverage – The lot coverage percentage changed from “thirty-eight percent (38%)” to “forty percent (40%)”.

§ E9, Attached Garages – The language “if the structure is a single family detached dwelling and six hundred (600) square feet per dwelling unit if the structure is a duplex” was added for specificity.

§ I, Design Requirements – This item was deleted from Chapter 5.3. The note for more information needed was also removed by virtue of the aforementioned deletion.

Chapter 5.4, RM Zoning District, currently on page 20 of the working document

§ C, Special Exceptions – The title and brief paragraph following were deleted as it created confusion.

§ D Accessory Uses and Buildings – This item was removed as it conflicted with other sections of the Zoning Ordinance.

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§ E 1, Height – The maximum height language changed from “The maximum height of any building shall be three (3) stories, not to exceed forty-five feet (45’),” to “The maximum height of any building shall not exceed forty-five feet (45’).”

§ E10, Attached Garages – The maximum garage size was changed from “one thousand one hundred (1,100’) square feet” to “six hundred (600) square feet.”

§ I, Design Requirements – This item was deleted from Chapter 5.4. The note for more information needed was also removed by virtue of the aforementioned deletion.

Chapter 5.5, MH Manufactured Homes Zoning District, currently on page 23 of the working document

The Commission asked to revisit this zoning district and asked Mr. Eberly to research what other communities have for guidelines. Mr. Eberly advised that if there is a provision in the Zoning Ordinance for a zoning district, it should be listed on the zoning map or at least have the ability to be rezoned to that zoning district.

Mr. Foreman referenced IC 36-7-4-1106, et seq, and stated that the code will dictate what can or cannot be done. Mr. Wilkening commented that nailing down the proper definitions may be the most beneficial element for this zoning district.

Mr. Eberly advised that the law changed in 1981 regarding manufactured homes and mobile homes. Mr. Wilkening added that HUD Standards also became applicable to those types of homes.

Discussion ensued.

Mr. Eberly advised that Attorney Austgen should be asked whether or not I.C. 36-7-4-1106 would prevent the Town from zoning manufactured homes out of the community. Mr. Eberly agreed to speak with Attorney Austgen about the aforementioned at the Commission’s request.

ADJOURNMENT: Mr. Wilkening adjourned the Special Work Session at 6:55 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 June 2, 2021, Special Work Session

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.



CEDAR LAKE PLAN COMMISSION WORK SESSION
CEDAR LAKE TOWN HALL, 7408 CONSTITUTION AVENUE, CEDAR LAKE, INDIANA
June 2, 2021, at 7:00 pm

CALL TO ORDER:

Mr. Jerry Wilkening called the Plan Commission Work Session to order at 7:04 pm., on Wednesday, June 1, 2021, with its Members attending on-site. The Pledge of Allegiance was recited by all.

ROLL CALL:

Members Present: Robert Carnahan; John Foreman; Richard Sharpe; Heather Dessauer; Chuck Becker; John Kiepora, Vice-President; Jerry Wilkening, President. A quorum was attained. **Also present:** Don Oliphant, Town Engineer; Jill Murr, Planning Director; Rick Eberly, Town Manager; and Margaret Abernathy, Recording Secretary, Pro Tem. **Absent:** David Austgen, Town Attorney.

1. Resolution No. 2021-01 – Plan Commission Rules & Regulations

Mr. Wilkening advised that the next item on the agenda is Resolution No. 2021-01, the Plan Commission Rules & Regulations. Mr. Eberly advised that there are still some tweaks that need to be made and that it will be ready next month.

Mr. Carnahan stated that he would like public comment to take place at the beginning of the meeting and again at the end of the meeting. Discussion ensued.

2. Centennial Villas, Phase 1 – Final Plat
Vicinity of 13800 Freedom Way – Petitioner: Olthof Homes / Jeff Yatsko

Mr. Wilkening advised that the next item on the agenda is Centennial Villas, 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 Villas, Phase 1, noted that the project is completely paved and all the utilities are installed. Mr. Oliphant advised that that this item will be ready for the meeting in two (2) weeks.

3. Thorn's Addition – Final Plat – One (1) Lot Subdivision
Vicinity: 12608 Alexander Street – Petitioners: James and Pamela Thorn

Mr. Wilkening advised that the next item on the agenda is Thorn's Addition for Final Plat on a one (1) lot subdivision located in the vicinity of 12608 Alexander Street. The petitioners James and Pamela Thorn are requesting approval for a Final Plat.

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Mr. James Thorn, 16320 Fulton Street, Lowell, affirmed that they are seeking Final Plat on their one (1) lot subdivision. Mr. Oliphant advised that this item will be ready for the public meeting in two (2) weeks.

4. Henn – Final Plat – One (1) Lot Subdivision
Vicinity: 13301 Lincoln Plaza – Petitioner: Richard Henn

Mr. Wilkening advised that the next item on the agenda is Richard Henn for Final Plat on a one (1) lot subdivision in the vicinity of 13301 Lincoln Plaza.

Mr. Richard Henn, 13733 Wicker Avenue, stated that this is a Final Plat for the “King” building.

Mr. Oliphant advised that he had just received the plat for review, which is not an issue; however, there is an outstanding comment letter from July 17, 2020, regarding the southern drainage between this parcel and Dr. McDermott’s dental office that has not been addressed.

Mr. Wilkening asked if this is a time-sensitive item. Mr. Eberly responded that if the item cannot be resolved fairly quickly, the petitioner will have to seek an extension of the Primary Plat.

Mr. Wilkening asked if two weeks is too late. Ms. Murr responded that one of the final plat approvals could be contingent upon extending the storm up the alley and tie their drainage into a structure that the Town will be installing in the alleyway to capture that area before we pave said alleyway. Mr. Oliphant stated that it is the only way that side yard will drain.

Mr. Henn advised that the area in question was regraded when the additional parking lot was installed. He further advised that there is no standing water there anymore; it runs to the street now. There was about five (5”) inches of fall. Mr. Henn added that Dr. McDermott does not have an issue. The water was standing on his property, not Dr. McDermott’s.

Mr. Oliphant stated that Dr. McDermott called him three (3) weeks prior to ask if it was changed. Mr. Henn said, “Well, you can look at it, but there is no water there.” Mr. Oliphant advised that this is review seven (7) of the plans and is in the July 2020 review letter.

Mr. Oliphant commented that Torrenga tried to address it two (2) or three (3) times, and the grades did not work without grading onto Dr. McDermott’s property and said “It was physically impossible to get it up gravity without putting in a structure.” Mr. Henn commented that it would have to go all the way to the alley. Mr. Oliphant responded that there is a low spot on the line and noted that it is lower in the sidewalk and in the alley. Mr. Henn reiterated that no water sits there. Mr. Oliphant said, “That’s what Torrenga’s survey said then.”

Mr. Wilkening asked if there is anything that is outstanding other than the stormwater. Mr. Oliphant responded that the alley fee that was agreed upon in the Preliminary Plat was \$3,762.21 and still needs to be paid. Mr. Henn stated that they would pay that the next day.

Mr. Foreman asked if the only way to get water out of the area is to take it to the alley. Mr. Oliphant responded in the affirmative. Mr. Eberly asked if the Town is installing that system. Mr. Oliphant responded in the affirmative and explained that a line would be extended from the catch basin near 133rd Avenue.

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Mr. Foreman asked what type of structure would fix that low spot. Mr. Oliphant responded that it would be a 2-by-2-yard drain. Mr. Oliphant added that with the grades that are shown, there cannot be any gravity flowing without grading on the McDermott property or installing a catch basin.

Mr. Henn stated that they own the property right up to McDermott's building, adding that the overhang of the building extends past the property line. Mr. Henn requested that Mr. Oliphant come and look at the property, noting again that there is never any water sitting there.

Mr. Wilkening noted that standing water and water running through the area are two different things. Originally, the water was to run across the sidewalk into the curb drain; however, cutting up a sidewalk was concerning to Mr. Oliphant.

Mr. Oliphant stated that he could run a laser level and verify what is on Torrenga's survey, but he believes the survey is correct.

Mr. Eberly asked for clarification about the situation. Mr. Foreman stated that on the north and slightly to the west of the McDermott building, there would be a standing puddle when there was a lot of rain. Mr. Henn stated that all the roof water went to that area, but Mr. Kubiak allowed them to hook a downspout to the sewer system, so no water runs over there anymore. Mr. Henn stated the 4,000 square-foot roof was graded into that spot, but it does not drain there anymore.

Mr. Wilkening asked who needs to go out there and verify what is there now, adding that it shouldn't be Christopher B. Burke Engineering doing it. Mr. Oliphant stated that he would shoot it himself if it is the Plan Commission's pleasure. Mr. Wilkening responded that if we have to check Torrenga's work, then it has to be done.

Mr. Eberly asked where the storm sewer is. Mr. Oliphant stated that it is in the concrete apron; the intent is to run it all the way to the southeast corner and tie into it. Mr. Kiepura asked if the problem would be eliminated if the storm drain were to be installed. Mr. Oliphant responded in the affirmative.

Mr. Wilkening asked if the only items holding up the property are the drain issue and the fee in the amount of \$3,762.21. Mr. Oliphant responded in the affirmative.

Mr. Wilkening asked Ms. Murr when the plat completion requirement expires. Ms. Murr responded that it is set to expire on June 17, 2021.

Mr. Foreman asked if they can put in the traditional yard drain to get it to the alley. Mr. Henn said, "We'll do whatever; we just want to get it over with. If this was to come up today, it would be no issue. Mr. McDermott complained about water sitting on our property that was caused by the roof over – downspouts draining over there. They don't drain there anymore. It's insignificant."

Mr. Wilkening asked if the Plan Commissioners were amenable to Mr. Oliphant going out to the property to verify what is there; the Members expressed that they would be in favor of the same. Mr. Oliphant was told to let the Building Department know his findings so that they can let Mr. Henn know.

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Mr. Henn stated that the only other issue is that the drain that is in the alley now is very shallow, and he is unsure if they can get fall all the way from the front to that alley. Mr. Oliphant stated that he would verify that at the same time. Mr. Wilkening requested that Mr. Oliphant verify everything and send an email to everybody with his findings.

Mr. Eberly advised that this would be on the next meeting's agenda for Final Plat approval; if it is not resolved, then Mr. Henn will need to request an extension. He further advised that an extension is six (6) months per ordinance.

Mr. Wilkening asked when Mr. Oliphant will complete his inspection. Mr. Oliphant responded that he will try to have it done this week.

5. Peoples Bank – Site Plan

Vicinity: 10205 133rd Avenue – Petitioner: People's Bank by Robin Witte, Larson-Danielson Construction

Mr. Wilkening advised that the next item on the agenda is People's Bank for a Site Plan in the vicinity of 10205 133rd Avenue.

Robin Witte, Larson-Danielson Construction, 302 Tyler Street, La Porte, Indiana, stated that this is a small bank branch building at the proposed location of 10205 133rd Avenue.

Mr. Carnahan reported that he saw someone putting up a sign that read "Future site of People's Bank"; he informed the gentleman that he is a councilman and that he hadn't heard anything about it. He then came to Town Hall and spoke with Mr. Eberly about it, and within five (5) minutes, they called Ms. Murr.

Mr. Eberly reported that Ms. Murr and he had met with Ms. Witte a couple of weeks prior for their preliminary staff meeting.

Mr. Wilkening asked if the site will have a right-in/right-out only access on 133rd Avenue. Ms. Witte responded that they have a full-access entrance/exit on both 133rd Avenue and King Street. Mr. Oliphant advised that it is the Town's recommendation that the access point on 133rd Avenue be a right-in/right-out access point only due to its proximity to a soon-to-be lighted intersection.

Mr. Eberly confirmed with Ms. Witte that this petition will be before the Plan Commission at the next Work Session and have its Site Plan ready for the July 21, 2021, meeting.

Mr. Oliphant advised that there is a sidewalk easement on the east part of the property which will impact the drive aisle and site layout that was recorded by Summer Winds in 2018, which may not have shown up on the title work. The sidewalk to be installed by Summer Winds will shift the drive aisle west by approximately five (5) to seven (7) feet. He further advised that he received the final engineering the day before and will be reviewing the same over the next week.

6. Hardig – Concept Plan – One Lot Subdivision
Vicinity: 8025 W 126th Place – Petitioner: Bernadette Hardig

Mr. Wilkening advised that the next item on the agenda is Hardig's concept plan for a one (1) lot subdivision in the vicinity of 8025 West 126th Place. The Petitioner is Bernadette Hardig, 934 Jordan Circle, Schererville, Indiana.

The Petitioner was not present for the meeting, and Ms. Murr advised that Ms. Hardig wishes to sell the property. The vacant lot is not a lot of record and requires a one (1) lot subdivision. She is still working through the platting.

Mr. Wilkening asked if the property is just south of the entrance to Havenwood. Ms. Murr responded in the affirmative. Mr. Wilkening requested Mr. Oliphant to review the property. Mr. Oliphant agreed to the same.

7. Lakeview Business Park (CLBD South LLC) – Rezone, Primary Plat, and Site Plan
Vicinity: 13735 – 13923 Wicker Avenue – Petitioner: CLBD South, LLC

Mr. Wilkening advised that the next item on the agenda is Lakeview Business Park (CLBD South LLC) for a Rezone from AG to PUD, Primary Plat approval, and Site Plan approval for the property in the vicinity of 13735-13923 Wicker Avenue.

Attorney Greg Bouwer of Koransky Bouwer & Poracky, P.C., 425 Joliet Street, Suite 5, Dyer, Indiana, stated that he is present on behalf of CLBD South, LLC. DVG has been working with Mr. Oliphant on his comments of the engineering plans. They have recently submitted revised plans to address those comments and have received no further comment yet. If they do, they will respond to those comments.

Mr. Bouwer advised that they have tendered a Development Agreement to the Town for the PUD Zoning Ordinance as well as a Development Plan to attach to the agreement. The agreement and plan have gone through a round of comments, and they are looking for more comments from the Town to finalize the agreement and plan to make it great for the Town and CLBD South. In conjunction with those documents is a water line development agreement.

Mr. Bouwer stated that the Town was receptive to CLBD South recovering some of the significant costs of extending the public water main to get water to the subdivision. The agreement includes an amortization chart; however, the numbers need to be finalized. Everything has been sent to the Town for final comments.

Mr. Bouwer confirmed that they have submitted a substantially revised and pared-down list of uses. Based on the interest in the development and the lots, they have been able to pare the list down and eliminated most of the industrial uses. It will be a commercial and light industrial park.

Mr. Wilkening asked if there would be many 24-hour businesses. Mr. Bouwer stated that at this time they do not anticipate too many 24-hour businesses, but they would not necessarily impose a restriction. Most of the businesses showing interest toward the front will have normal business hours.

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Mr. Oliphant advised that he has submitted comments and notes and DVG submitted changes, which are still being reviewed. He hopes to be ready in two (2) weeks, but it is a large development.

Mr. Eberly advised that this project is scheduled for a Public Hearing at the June 16, 2021 meeting. Mr. Bouwer realizes that it is a tight timeline and may require a deferral if it is not ready. When Mr. Bouwer submitted all the documents for review, he submitted it to the Town and to Attorney David Austgen.

Mr. Wilkening asked if any of the lots are intended to be used for open storage without a building. Mr. Bouwer responded in the negative; however, some of the businesses may have equipment associated with their business.

Mr. Carnahan asked if the four (4) lots that have frontage on U.S. 41 would be light industrial. Mr. Bouwer responded that the interest for those parcels has been more for retail exposure. One is heavy into the retail exposure that U.S. 41 brings to the entire county. The other businesses in back don't need as much exposure; however, the proposed signage is such that it will make finding those businesses in the rear of the property easier and safer.

Mr. Wilkening asked where the water line would be coming into the property. Mr. Oliphant responded that it is coming in off of 141st Avenue by way of the ten-foot (10') utility easement between Lots thirteen (13) and fourteen (14) and will be looped.

Mr. Carnahan asked Mr. Eberly about the recapture agreement. Mr. Eberly responded that it is a fifteen-year (15-year) agreement that needs to be approved by either the Utility Board or Town Council. The petitioner is asking for the recapture upfront. Typically, they are paid through a building permit for each lot as it is built in the benefitted area. The petitioner's engineer has determined the benefit area of the water main installation, and if approved by the Town Council, they have the right to seek a recapture of those expenses, which includes soft costs. They will recapture those expenses plus eight percent (8%) per year simple interest. Mr. Carnahan asked who will pay the recapture fee. Mr. Eberly responded that it would be anyone who develops along the way and taps into their main.

Mr. Wilkening asked if the sanitary-sewer for this project is good. Mr. Oliphant responded in the affirmative. Mr. Wilkening asked if this will be ready in two weeks. Mr. Oliphant stated that he would do his best to try to have it ready.

**8. Cedar Lake Conference Association (Cedar Lake Ministries) – PUD Amendment
Vicinity: 13701 Lauerma / 8861 West 141st Avenue – Petitioner: Cedar Lake Conference
Association (Cedar Lake Ministries)**

Mr. Wilkening advised that the next item on the agenda is Cedar Lake Conference Association (Cedar Lake Ministries) for a PUD Amendment for the property located in the vicinity of 13701 Lauerma and 8861 West 141st Avenue. The Petitioner is Cedar Lake Conference Association (Cedar Lake Ministries). Mr. Wilkening further advised that Attorney Dave Austgen has reviewed the PUD Amendment and red-lined it.

Ms. Murr stated that Nate and she have regular conversations about the project. The legal comments by Attorney Austgen have been made to their document by Attorney Terpstra. They are waiting on the rest of the content update from their attorney. Ms. Murr reported that Mr. Oliphant and Mr. Eberly met Nate

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at the site and discussed the storm water and various items that needed to be addressed. Mr. Oliphant stated that he will provide a report, which will also be included in their update.

Ms. Murr advised that this item will be on the June 16th agenda as an update item and possibly have the Public Hearing in July. She noted that Nate contacted her and let her know he would be unable to attend tonight's meeting.

Mr. Oliphant stated that they agreed to not develop the lots to the north. In reference to the drainage, lots 76, 77, 86, 89, 90, 91, and outlot 6 are undeveloped lots in the north woods that will not be allowed to be built upon until they complete a comprehensive drainage study for that area, and they must have paved roadways for access to them. The recommendation is to get rid of all the gravel.

Mr. Wilkening asked if they needed to do anything for the ravines and sediment from clearing the north woods. Mr. Oliphant stated that it would be part of the study. Dumping in those ravines is prohibited. Mr. Wilkening asked about 137th Avenue water. Mr. Oliphant responded that they will be extending the ditch line that was dug last year all the way to the mailbox area. It will then wrap north and jog under the new pipe that goes under Forrest Drive that goes out to the lake. They also installed a pipe at the southeast corner of Lauerman and 137th Avenue, and that corner should be able to be drained as a temporary until a larger system can be installed at some point in the future.

Mr. Wilkening asked about the area at 139th Avenue. Mr. Oliphant advised that they asked the Cedar Lake Ministries to provide a twelve-foot (12') drainage easement on the rear line. They will be responsible for constructing stormwater infrastructure. Right now, there is no good way to drain those rear yards.

Mr. Wilkening asked how a house can be built on property that there is no way to drain anything other than into the neighbor's yard or next neighborhood. Mr. Oliphant responded that it is a policy call. The alternative would be to have them install a system now and drain it all the way to the lake.

Mr. Wilkening asked how correct is it to allow new homes to be built and send the water to the neighbor. Mr. Oliphant stated that they will likely push back on that. Mr. Oliphant stated that the most of the lots are currently leased, and we don't know if we can legally record an easement on a leased parcel. Discussion ensued.

Mr. Foreman stated that if the Town is going to do a drainage project on the Lake Shore addition, we could ask them to get the easements for us in a certain timeframe. Mr. Oliphant stated that it is how the comment is phrased now.

Mr. Foreman asked if they are paying individual fees. Mr. Oliphant responded that he believes they are paying one fee for the entire development. Discussion continued.

Mr. Oliphant stated that a shallow system could be done. A twelve-foot (12') easement is their minimum. Mr. Eberly stated that he thought there was room for a ten-foot (10') easement. It could be made just like the lots in the north woods conditions where building permits would not be released until something is done.

9. Henn – Preliminary Plat and Final Plat of a One (1) Lot Subdivision and Site Plan
Vicinity: 13324 Wicker Avenue – Petitioners: Rob Henn and Henn & Sons Construction

Mr. Wilkening advised that the next item on the agenda is Henn for a Primary Plat and Final Plat of a one (1) lot subdivision with waivers and Site Plan for the property at 13324 Wicker Avenue.

Rob Henn, 13733 Wicker Avenue, stated that they have hired DVG to assist with this project. Ryan Marovich, DVG Team, 1155 Troutwine Road, Crown Point, noted that the project is moving right along. They received comments from Mr. Oliphant earlier in the week. The surveyors addressed some of the platting comments. He should have the engineering comments tomorrow.

Mr. Oliphant stated that he does not see any major issues. They have some BZA variances. Mr. Marovich asked if there will be a storm water waiver. Mr. Oliphant responded in the affirmative and noted that the property shows no net increase in impervious area and shows the restoration of impervious area to grass.

Mr. Oliphant asked if the wall packs would be compliant. Mr. Marovich confirmed the same. Mr. Oliphant noted that this is not a nighttime business that needs coverage. Mr. Wilkening added that the new lot to the north does not need any additional light to it.

Waivers being sought include the sidewalk, lighting for an additional wall pack, and storm water. Discussion ensued about a fee in lieu of a sidewalk. Mr. Foreman advised that there is no formalized program at this time to ask for a fee in lieu of a sidewalk.

Mr. Wilkening brought the attention back to the matter at hand and stated that the south half of the property will be for All Tire. The cars that are on the east side of the building will remain there and the fence will be gone. Mr. Marovich confirmed that the fence would be gone as that area would be the parking lot.

Mr. Wilkening stated that the area he is referencing was to have been where the building was going to be. Mr. Marovich advised that the addition is on the front. Mr. Wilkening asked if all the cars will move east. Mr. Marovich responded that they would and commented that the car lot is a separate lot, a separate legal, a separate address, and that nothing would change there.

Mr. Marovich stated that they are not installing a sidewalk because it would have no where to go, and INDOT is working on the road widening project and would tear it right back if it were to be built.

Mr. Oliphant advised that INDOT is not normally in favor of installing sidewalks and added that there was never any plan to put a sidewalk on this property. He further advised that this property is not required to have screening as all the adjacent zoning is business.

Ms. Murr stated that the Public Hearing for this petition is set for June 16, 2021.

10. Cedar Lake Storage, LLC – Preliminary Plat and Final Plat of a One (1) Lot Subdivision and Site Plan – Vicinity: 9011-9019 West 133rd Avenue – Petitioner: Tim Porter

Mr. Wilkening advised that the next item on the agenda is Cedar Lake Storage, LLC for Preliminary Plat, Final Plat of a one (1) lot subdivision, and Site Plan. The petitioner is Tim Porter.

Tim Porter, 9019 West 133rd Avenue, stated that Ryan Marovich of DVG is assisting with this project.

Mr. Wilkening stated that they have some work being done currently there to fix up the building. Mr. Porter responded in the affirmative.

Mr. Porter informed that they are working at getting the definitive property lines established, and they are working on the retention pond and the one (1) lot subdivision.

Ms. Murr advised that they had a meeting to discuss everything that is needed for the property. She further advised that this petitioner will be in front of the BZA for the non-conforming buildings, the lot lines, and setbacks for the existing buildings. The special use for the indoor/outdoor storage has been approved.

Mr. Wilkening asked Mr. Oliphant for his input. Mr. Oliphant advised that they are about ninety-five percent (95%) done, that he is waiting on the surveyor to finish the plat for review, and that the report should be going out this week. Ms. Murr stated that the Public Hearing for this petition would be in July.

Mr. Carnahan commented that he had previously mentioned the children who catch the school bus there use the bench. He asked if they will still be able to use that bench. Mr. Marovich responded that there would be no reason to remove it with the Site Plan they have. Mr. Oliphant noted that it is shown as being removed on the demolition plan. Mr. Marovich stated that he didn't know what it was, but he believes it can stay as they are not extending the pavement out that way. Mr. Porter stated that the bench can stay.

Mr. Oliphant recommended that the right-of-way should twenty feet (20') from the edge of the frontage road pavement. He noted that this property has some quirky utilities running through the parcel.

Mr. Oliphant asked what the operating hours would be. Mr. Eberly advised that the BZA restricted the hours of operation to be 7 a.m. to 7 p.m. Mr. Foreman stated that they should be able to be open later in the summer in order to let people in and out due to staying out on the lake later. Mr. Wilkening advised that the same consideration was given to Econo Storage and Great Oaks. Mr. Carnahan stated that if they find they have a problem with that timeframe, they can go back to the BZA to see if they will let them extend it. Ms. Murr stated that they had discussed that with them.

UPDATE ITEMS:

1. Birchwood Farms, Phase 3 – Final Plat – July Meeting

Mr. Wilkening asked if this project is on track. Ms. Murr responded that it appears to be on track. Mr. Wilkening asked if they finally got caught up with the weather and the work they need to do back there. Mr. Oliphant stated that they are getting there, but they have not had a proof roll yet.

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Mr. Wilkening strongly recommended no more night before items. If what is needed in time is not received in a timely fashion, there is not enough time to properly review it.

2. Comprehensive Plan Amendment

Mr. Eberly reminded all that the special Plan Commission Public Hearing will be on June 30, 2021, at 6 p.m. for a recommendation to the Town Council for the anticipated adoption of said Comprehensive Plan updates by the Town Council at a meeting immediately following. Mr. Eberly further advised that the Steering Committee Meeting is on June 3, 2021, at 6 p.m.

Ms. Dessauer asked when they will receive the documentation to review. Mr. Eberly responded that the document should go out the following week. Mr. Eberly noted that it is just the U.S. 41 Corridor that they are concentrating on for the amendment to the Comprehensive Plan.

3. Beacon Pointe, Unit 3 – Performance Letter of Credit – Expiration on July 12, 2021

Ms. Murr stated that this will be on the next agenda for discussion if the developer is not ready to switch it over to a Maintenance Letter of Credit. It has a very short time limit on it and could cross into not having another public meeting before the Performance Letter of Credit would expire.

Ms. Murr stated that Domino's and Dunkin' Donuts is moving forward with the plan by the roundabout. She will be meeting with them to discuss any variances that may be needed. Mr. Oliphant noted that it is down to two (2) units from the original proposed three (3) units.

Mr. Carnahan provided drawings to Mr. Wilkening, who had not seen them and noted that Mr. Eberly had advised not having a drive-thru window and having folks pull up and park so that traffic on Lake Shore Drive is not blocked.

Mr. Wilkening asked that they not have repeat of what they have with Taste Top, noting that he is very regretful about that one.

Mr. Foreman asked Brenda (Roberts - in the audience) if she had something she wanted to say. She spoke from her chair and stated that her attorney with Wieser & Wyllie advised her not to say anything.

Mr. Kiepora asked if there were any updates on the east-side water source. Mr. Eberly advised that Attorney Dave Austgen reported that the Town settled with the owner of the well that the Town has been seeking and stated that we are moving ahead with that project. Ms. Dessauer asked if that will resolve the issue for the gentleman that came wanting to build those houses. Mr. Eberly responded that it will not go that far south; it will connect to well source in the southwest corner of Robin's Nest.

Mr. Forman stated that it will help Robin's Nest, which is connected to Krystal Oaks water tower, which is Phase A. They are working on getting the water tower filled and getting the water to Lakeside. Phase B is to go down Morse Street to get to the property that the gentleman wanted to build. He added that if someone wants to come in and build something and cannot tie into a municipal water supply because we don't have one, individual wells are fine.

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Mr. Carnahan advised that the Town Council agreed to purchase the well, but there is not a plan on how it will be moved over there as yet. The well will benefit Lakeside because they can only build fifty-four (54) houses now, but once they get the water, they can complete the other one-hundred forty-six (146) homes.

Mr. Wilkening asked Mr. Eberly if the golf course has been sold. Mr. Eberly responded in the affirmative. Mr. Kiepura asked if it will be a subdivision also. Mr. Eberly responded that they haven't brought any plans for before the Town yet, but he does expect it to be a subdivision. It is a residential caliber. Discussion ensued about the well on the golf course property. Mr. Eberly advised that the well is a twelve-inch (12") well.

Mr. Wilkening stated that if developers and petitioners do not get documents in on time, they don't get on the agenda. Mr. Eberly stated that we do need to give the Plan Commission Members and staff enough time to properly review petition documentation before a meeting. Mr. Eberly added that an internal process is being worked on to streamline everything.

Mr. Wilkening asked Mr. Oliphant to look at the King building and to email his comments to the Members.

Mr. Becker asked about Mr. Henn's residential water. Mr. Eberly responded that he is tapping into the main and will bore the service line under the road to get to the south side. The water main is approximately four feet (4') off of the north curb line. Mr. Becker asked if the direction could be east off of the tracks. Mr. Eberly stated that it is more problematic. The Town is responsible for the line from the main to the B-box. We would have two-hundred feet (200') of the service line that would be our responsibility. Discussion ensued.

PUBLIC COMMENT: None was had.

ADJOURNMENT: Mr. Kiepura made a motion to adjourn the meeting; Mr. Foreman seconded the motion. Mr. Wilkening adjourned the meeting at 8:36 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 Work Session 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 the Regular Work Session June 2, 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.