



CEDAR LAKE PLAN COMMISSION WORK SESSION MINUTES
CEDAR LAKE TOWN HALL, 7408 CONSTITUTION AVENUE, CEDAR LAKE, INDIANA
OCTOBER 6, 2021 at 7:00 pm

CALL TO ORDER:

Mr. Jerry Wilkening called the Plan Commission Work Session to order at 7:03 PM, on Wednesday, October 6, 2021, with its members attending on-site and electronically. The Pledge of Allegiance was recited by all.

ROLL CALL:

Members Present: Robert Carnahan; Heather Dessauer; Chuck Becker; John Kiepora, Vice-President; and Jerry Wilkening, President. A quorum was attained.

Also present: Don Oliphant, Town Engineer; Jill Murr, Planning Director; Bill Fisher, Chief of Police; and Ashley Abernathy, Recording Secretary.

Absent: Richard Sharpe; John Foreman (arrived at 7:07 PM); and Ryan Deutmeyer; Town Attorney (arrived at 7:08 PM via Zoom).

New Business

1. Centennial Phase 15 – Letter of Credit

Mr. Wilkening stated that the first order of business was for the Centennial Phase 15 Letter of Credit. The Petitioner is requesting that the Plan Commission accept the improvements and convert the Performance Letter of Credit to a Maintenance Letter of Credit. Mr. Jeff Yatsko, Olthof Homes, LLC, stated they have completed all the necessary improvements for Centennial Phase 15. They did the mill and surface, as requested. They are asking to convert the Performance Letter of Credit to a Maintenance Letter of Credit.

Mr. Wilkening asked Mr. Oliphant if he was okay with the numbers provided. Mr. Oliphant responded in the affirmative. Mr. Wilkening asked if there were any comments from the Commissioners. Mr. Carnahan asked if the number is \$32,811.68. Mr. Oliphant stated this was correct and for a duration of 3 years.

Mr. Wilkening asked Mr. Yatsko if he had any questions. Mr. Yatsko responded in the negative. Mr. Wilkening stated they would see him October 20, 2021, for the Plan Commission Public Session.

2. Sedor – Final Plat – One (1) Lot Subdivision

Owner: Edward A Sedor as Personal Representative of the Estate of Joseph Sedor

Petitioner: Joseph C. Svetanoff

Vicinity: 13615 Cedar Street, Cedar Lake, IN 46303

Mr. Wilkening stated the next order of business was for the Final Plat in the vicinity of 13615 Cedar Street. The Petitioner, Joseph Svetanoff, is requesting a Final Plat for a One (1) Lot Subdivision. Mr. Svetanoff stated he is present on behalf of the owner. At this time, they are requesting Final Plat for a One (1) Lot Subdivision.

Mr. Wilkening asked Mr. Oliphant if this is ready. Mr. Oliphant responded in the affirmative. The letter provided on September 14, 2021, still stands with the three contingencies for approval of Final Plat. Mr. Wilkening asked if the Commissioners had any questions on this item. None were had. Mr. Wilkening discussed the second contingency included in the letter would help with the previous concerns presented by neighbors.

Mr. Wilkening asked Mr. Svetanoff if he had anything else at this time. Mr. Svetanoff responded in the negative. Mr. Wilkening stated they would see him October 20, 2021, for the Plan Commission Public Session.

3. Centennial Estates – Phase 2 – Final Plat
Petitioner: Cedar Lake Development LLC
Vicinity: 13830 Parrish Avenue, Cedar Lake, IN 46303

Mr. Wilkening stated the next order of business was for a Final Plat for Centennial Estates, in the vicinity of 13830 Parrish Avenue. The Petitioner, Cedar Lake Development LLC, is requesting a Final Plat for Centennial Estates, Phase 2 of 26 lots.

Mr. Foreman arrived at the meeting at 7:07 PM.

Mr. Yatsko, Olthof Homes, stated they are seeking Final Plat for Centennial Estates, Phase 2. This will complete Centennial Estates. The roads are paved throughout, everything is pretty much done. Mr. Wilkening asked if there were any questions about this item. None were had.

Mr. Wilkening asked Mr. Oliphant if he had any comments. Mr. Oliphant stated they are getting through the reviews and inspections to get the Letter of Credit down to where it needs to be. Mr. Wilkening asked if they anticipated to have it complete the Friday prior to the Public Meeting. Mr. Oliphant responded in the affirmative.

Mr. Wilkening asked if Mr. Deutmeyer was on the Zoom meeting yet. Mr. Oliphant responded in the affirmative. Mr. Deutmeyer joined the meeting at 7:08 PM via Zoom. Mr. Wilkening asked Mr. Deutmeyer if he had any questions or concerns regarding this item. Mr. Deutmeyer responded in the negative.

4. Centennial Villas – Phase 2 – Final Plat
Petitioner: Cedar Lake Development LLC
Vicinity: approximately 13800 Freedom Way, Cedar Lake, IN 46303

Mr. Wilkening stated the next order of business was for a Final Plat for Centennial Villas in the vicinity of approximately 13800 Freedom Way. The Petitioner, Cedar Lake Development LLC, is requesting Final Plat for Centennial Villas, Phase 2 of 14 Lots.

Mr. Yatsko stated this is Phase 2 of the Villas, of the paired units. They are seeking Final Plat for 14 lots, but this will not complete this subdivision. There will be one more phase presented in the spring. This is the same as Centennial Estates, the roads are paved and as-builts have been turned over.

Mr. Wilkening asked Mr. Oliphant for his comment. Mr. Oliphant stated it was on the same timeline as Centennial Estates. Mr. Wilkening asked if there were any questions from the Commissioners. None were had. Mr. Wilkening asked if Mr. Deutmeyer had any questions. Mr. Deutmeyer responded in the negative.

5. Starcevic – Preliminary Plat – One (1) Lot Subdivision

Petitioner: Tom Starcevic

Vicinity: 7615 West 142nd Avenue, Cedar Lake, IN 46303

Mr. Wilkening stated the next order of business was for a Preliminary Plat in the vicinity of 7615 West 142nd Avenue. The Petitioner, Mr. Tom Starcevic, is requesting a Preliminary Plat for a One (1) Lot Subdivision.

Mr. Wilkening asked Mr. Oliphant if he had any comments. Mr. Oliphant stated one of the remaining items left from his August 24, 2021, letter is locating the existing sanitary line through the western part of the parcel, to ensure the easements are in the proper locations. Another thing would be a Right of Way request along Greenleaf to properly encompass the existing edge of pavements. It is recommended 12 feet, it does not have to be that much, but it should be adequate to encompass the edge of pavement and then an area beyond in the event work needs to be done.

Mr. Wilkening asked Mr. Starcevic if he was aware of all of this. Mr. Starcevic responded in the affirmative and stated that they have already succeeded 3 and a half feet off of 142nd Avenue in order to make the street proper according to the Town. When they received the request for 12-foot easement off of Greenleaf Avenue, they felt that was excessive, since 142nd is a 17-foot-wide street, and Greenleaf is a 20-foot-wide street. Mr. Starcevic explained why he felt it was an unreasonable request for the town ask for an additional 12 feet of their property.

Mr. Oliphant stated that those two items are not mutually exclusive. The survey shows portions of the pavement from Greenleaf on their parcel. The reason for the request was to encompass a public road in a public Right of Way.

Mr. Foreman asked how much more of Greenleaf was being asked for. Mr. Oliphant states that it varies. Ms. Dessauer asked about the road for both Greenleaf and 142nd Avenue. Mr. Oliphant stated for 142nd, the Petitioner has already dedicated 3 and a half feet. Mr. Starcevic responded in the affirmative, and that part of that was so they did not have to dedicate an additional 12 feet of property off of Greenleaf.

Mr. Oliphant stated that they are not mutually exclusive. They are entirely different cases. It is based on the alignment of the road; the Right of Way is skewed. The Petitioner has more buffer from the edge of pavement on the east of the property due to the road being skewed to the west.

Mr. Starcevic stated they are willing to work with the Town but they felt that the 12-foot easement is excessive. Mr. Oliphant discussed the standard easement for a Right of Way on a road, and the amount could be less if needed. Discussion ensued about when Mr. Oliphant could have an answer for the Petitioner on the amount of easement needed.

Mr. Wilkening asked if there were any more questions. Mr. Oliphant stated the rest of what he has is minor. Discussion ensued about what was occurring with this property with the BZA.

Ms. Murr asked with this item being in front of the BZA next week and having a 12 PM deadline the Friday before the October 20 meeting, would the Commissioners consider allowing this submission to come in

late for consideration for the October meeting. Providing nothing changes or it does not get deferred at the BZA. Mr. Wilkening responded in the affirmative.

6. Cedar View – Preliminary Plat – Two (2) Lot Subdivision and Site Plan

Owner: James & Samantha Booker

Petitioner: Cedar Lake Property LLC

Vicinity: 7936 Lake Shore Drive, Cedar Lake, IN 46303

Mr. Wilkening stated the next order of business was for a Preliminary Plat and Site Plan in the vicinity of 7936 Lake Shore Drive by Cedar Lake Property LLC. Mr. James Booker stated he was present to request for the Preliminary Plat for the Two (2) Lot Subdivision and the Site Plan.

Mr. Wilkening commented that there had been an extensive question and answers letter and asked Mr. Oliphant about it. Mr. Oliphant stated that they had received a resubmittal last Monday and they were about halfway through it. They will have a response letter out this week.

Mr. Wilkening asked about a conceptual drawing from the street regarding signage and lighting. That he was not sure of how many light poles that they intended to have in the back. Mr. Booker stated that they provided photometrics. Mr. Oliphant commented on the same. Mr. Booker stated at the last meeting he was at he shared a conceptual drawing of what the building was going to look like. The building is shown on the site plan.

Mr. Oliphant advised Mr. Wilkening that the photometrics is in the packet. Mr. Wilkening discussed the residential area next to the property and the potential effect of the light poles on the neighbors. Mr. Oliphant stated they have their required 8-foot opaque fence along their southeast property line. The Petitioner's lighting goes near the northern property line to where Lee Cove would be.

Mr. Wilkening discussed the outdoor dining and asked what the plan was to protect the pedestrians that are eating outdoors. Mr. Booker responded there would be pipe bollards out front. Mr. Wilkening asked how far apart the bollards would be. Mr. Booker stated they would be put on the drawings submitted to the Building Department for the building permit for approval. Currently, they are at the preliminary stages and have not hired an architect to put the drawings together. Discussion ensued about the lighting for the property and if they would need bollards outside for this property. This discussion included various examples from properties around the town with bollards. Mr. Wilkening requested Mr. Booker to consider 4-foot on center for the pipes to be put in the ground.

Mr. Wilkening asked the Petitioner when the business is closed, what lighting will be on. Mr. Booker discussed various projects done with Domino's and their requirements for the business. Most of the businesses that he has worked on full self-control time clock. If there are Town Ordinances that discuss lighting requirements or it is recommended by the Plan Commission that the lights be out at a set time, he is willing to work with the town.

Mr. Wilkening asked the Commissioners if they had any comments. Mr. Carnahan stated he thinks that lighting is good for safety and discussed an example from in the Town. Discussion ensued about the amount of lighting after hours or dimming the lights after they are closed.

Mr. Booker stated he understood what they were discussing and he understood that bright lights were not what the Commission was wanting late at night. He does not see this being a problem to work with the Town on lighting.

Mr. Wilkening asked Mr. Deutmeyer if he had any comments. Mr. Deutmeyer stated if they want to discuss safety lighting that isn't an unreasonable ask, but to try to come to a resolution. That he did not hear a great resolution other than the Petitioner being willing to work with the Town. A lengthy discussion ensued further about the lighting of the business at night, including a discussion of potential reasonable condition that is made specific on the record.

Mr. Carnahan asked if Mr. Booker had heard anything from Dunkin' Donuts. Mr. Booker responded in the negative. Mr. Kiepora stated that his only concern was for the traffic flow in front of the business. There are the yellow markers in the road, and if someone takes a left turn into the building, they would turn into those markers. Mr. Oliphant stated they had revised the recommendation to make it a right-in, right-out due to the traffic delineators. Mr. Wilkening asked if someone turned left out of there they would be driving across the striping. Mr. Oliphant responded in the affirmative. Discussion ensued about the markers in the road.

Mr. Booker discussed that at previous meetings that it was discussed being both a right turn and left turn. Mr. Oliphant stated going out and seeing how the entrance linked up with the striping and delineators currently existing, it does not make it a safe movement. Lengthy discussion ensued about being able to make a left hand turn out of the property and potential ways to try to get a left-hand turn.

Police Chief Fisher asked if he could make a statement. Mr. Wilkening responded in the affirmative. Chief Fisher stated the problem from a law enforcement concern, is if a vehicle is coming west-bound and the amount of traffic going east-bound to the roundabout on a consistent basis is frequent. If someone is trying to turn in left to the business, it would back the traffic for the roundabout up and that problem currently exists. This would cause a greater amount of traffic accidents. Further discussion ensued regarding the traffic portion and left hand turns into the property and potential ways to try to get a left hand turn into the property, including creating an entrance to the north of the Petitioner's property.

Mr. Wilkening asked Mr. Deutmeyer for his legal advice. Mr. Deutmeyer stated that traffic safety concerns have to be a top consideration given to the Commissioners. Their duty is to ensure the safety of the public and discussed the different scenarios that were discussed. Strong consideration needs to be given to the public safety component, and it needs to be resolved prior to any approval.

Mr. Wilkening asked Mr. Oliphant if he had any more thoughts. Mr. Oliphant discussed the difficulties of creating an entrance to the north. Mr. Wilkening asked the Commissioners if they had any more comments to add. The Commissioners responded in the negative.

Mr. Booker stated he has spent a lot of time in front of the Plan Commission, and this topic was discussed months ago. It could have been stopped then and he could have sold the property and discussed his thoughts on everything that has been discussed about. Mr. Foreman stated he believed the solution was to go north of the house and creating an entrance there for people to get to the business. Mr. Oliphant discussed having a turn lane by the roundabout, but it would not have a long cue and the road would need to be widened. Discussion ensued about how long to make the cue and if the apron could be changed and further traffic considerations.

Mr. Booker asked if the traffic considerations would stop the process for approval and construction of the building. Mr. Wilkening stated the traffic does not change any of this, unless it really changes it for the Petitioner. Mr. Booker stated that he did not want this to hold the process up. Mr. Wilkening responded that he did not foresee this holding this up.

Mr. Kiepora stated his only concern was for the traffic, other than that he was for the project. He just did not see how a left-hand turn could be safely made in there, and that's why he brought it up. Discussion ensued about the main traffic for the building would be delivery personnel.

Mr. Wilkening stated this was a discussion due to the Petitioner's surprise and that none of the Commissioners had a problem with the project. If everything is in order by the October 20th meeting, everything should be moving along. Mr. Booker explained his surprise and he thought that some items had already been approved. There was commentary from the Commissioners that they had not voted on anything. Mr. Oliphant stated it was regrettable that the guidance has changed. However, upon further review and going to the property and seeing it, it is not safe. Discussion ensued about the delineators and not knowing where they were by looking on the Site Plan or Lake County GIS.

Mr. Wilkening asked the Petitioner if he understood that there was nothing as an issue for the Commissioners. The Petitioner's request for a left-hand turn was the reason for the lengthy discussion and it was not to slow the process down.

Mr. Booker stated that Mr. Deutmeyer was the one who said there had to be a resolve before the next meeting. Ms. Dessauer stated that was about the lighting. Mr. Deutmeyer commented in the same and he cannot speak to the engineering response. Mr. Wilkening commented that Mr. Oliphant was going to talk to lighting individuals for the property and that if everything is ready it will be voted on October 20.

Mr. Wilkening asked Ms. Murr if she had any comments. Ms. Murr asked about the right-in, right-out is Mr. Oliphant referring to pavement marking on the entrance and not to be a porkchop entrance. Mr. Oliphant responded in the affirmative.

7. Beacon Pointe – Units 6, 7, & 8 – Preliminary Plat
Petitioner: Beacon Pointe of Cedar Lake LLC
Vicinity: 13800 Parrish Avenue, Cedar Lake, IN 46303

Mr. Wilkening stated the next order of business was for Units 6, 7, and 8 of Beacon Pointe in the vicinity of 13880 Parrish Avenue. The Petitioner, Beacon Pointe of Cedar Lake LLC, is requesting a Preliminary Plat for Beacon Pointe Units 6, 7, and 8.

Mr. Jack Slager, Schilling Development, representing Beacon Pointe LLC, stated they talked about this in the September Work Session. This will be final phases of Beacon Pointe West; this will connect all of the surrounding areas. There will be 89 single family lots and they will do them in 20 to 30 lot phases. Mr. Slager described the phases and what all will be connected with this phase. Mr. Slager stated that Mr. Jack Huls was present as well and had been working with Mr. Oliphant on the engineering issues. Most of these issues should be resolved.

Mr. Slager discussed that last time there had been discussion about connectivity from Utopia into the development. They are proposing a sidewalk off of 136th Place and described how the sidewalk would connect the two areas.

Mr. Wilkening asked if they had to cross the ditch in any fashion. Mr. Slager responded in the negative and by doing it the way they are proposing they will cross at a pipe rather than the ditch. They are also proposing through the park land to connect two streets, as well.

Mr. Wilkening asked Mr. Oliphant for his comments. Mr. Oliphant stated they are getting through it and Mr. Huls had sent something prior to his vacation. He is hoping to get a response out this week. Mr. Oliphant asked the Petitioner how Unit 7 and Villa 3 going to sync up for the final gap of King Street to be connected. Mr. Slager stated Phase 6 will go in the spring, Phase 7 potentially summer or fall of next year, and the final piece of Villas will be the connector. The developers should be connecting around the same time.

Mr. Slager asked if they would be able to advertise for the October 20 Public Meeting. Ms. Murr responded in the affirmative.

Mr. Oliphant stated this is preliminary, not the final. Mr. Wilkening asked if the Commissioners had any question. None were had. Mr. Wilkening asked Mr. Deutmeyer if he had any questions or concerns. Mr. Deutmeyer responded in the negative.

8. Wahlberg – 7315 Lake Shore Drive – Rezone

Owner: S&N LLC

Petitioner: Fred Wahlberg

Vicinity: 7309-7319 Lake Shore Drive, Cedar Lake, IN 46303

Mr. Wilkening stated that the next order of business was for the rezoning in the vicinity of 7309 to 7319 Lake Shore Drive. The Petitioner, Mr. Fred Wahlberg, is requesting a rezone from B-2 to R-2. Mr. Andrew Wahlberg and Mr. Jeff Wahlberg were present.

Mr. Foreman asked if the property was currently a house. Mr. Wilkening stated there was a lending arrangement that a rezoning would make easier. Mr. Andrew Wahlberg stated it had been Wahlberg Photography started by his father when they moved there. The business has since moved on and Mr. Jeff Wahlberg is currently living there and would like to purchase the property. To get a loan through the bank, they want to do a home loan.

Mr. Foreman discussed the potential of having 133rd from the Fire House to the Ice Cream shop be a blanket B2 Zone and how that would hurt the residents. It would be better to make it a residential area with rezoning sought for a Neighborhood Business zoning. Mr. Wilkening advised Mr. Foreman there was a bit of discussion on this item at the last meeting, partially due to the Town potentially wanting to purchase it. Discussion ensued about the location of the property near the park and the zoning of properties around the property.

Mr. Wilkening asked Mr. Jeff Wahlberg if he was just wanting to fix the property up and if he had any design plans. Mr. Jeff Wahlberg stated down the road. The parts that were originally the studio, they planned on tearing down and turning it into an extended patio. They were talking about taking the old store section and turning that into a garage. Taking down the old sign. They want to get it fixed up.

Mr. Carnahan stated he thought the main purpose for the Petitioners being there was the Petitioner could not get a loan with its current zoning. Mr. Jeff Wahlberg stated that he cannot fix the property up, unless

he owns it. Mr. Wilkening stated he was just wondering if they had a picture plan. Mr. Jeff Wahlberg stated nothing short-term.

Mr. Wilkening asked the elected officials present if there had been any discussion at the Council level about acquiring this property. Mr. Carnahan stated he did not think so. Mr. Foreman commented in the same. They had the park which had been the main goal.

Mr. Wilkening asked if there were any other comments. Mr. Kiepura asked if it was just 1 building. Mr. Andrew Wahlberg responded in the affirmative. It is just one big building that is all connected together. Further discussion ensued regarding potential future plans and the zoning of the surrounding properties.

Ms. Murr stated the property is 6 individual lots, they are not combined and rezoning it they would need to meet the current R2 Zoning Ordinances, if the rezone is approved. Mr. Wilkening stated they would see them back October 20.

9. Brown – 14917 Morse Street – Preliminary Plat – One (1) Lot Subdivision

Petitioner: Ryan Brown

Vicinity: 14719 Morse Street, Cedar Lake, IN 46303

Mr. Wilkening stated the next order of business was for a Preliminary Plat in the vicinity of 14719 Morse Street. The Petitioner, Mr. Ryan Brown, is requesting a Preliminary Plat for a One (1) Lot Subdivision. Mr. Wilkening asked how many total acres were there. Mr. Brown stated the subdivision would be close to 5 acres. The lot is 15.5 acre lot that he is subdividing. The front would be the subdivision and the back would be a wildlife habitat. Mr. Wilkening asked if that was something they had to approve, if the Petitioner changes that to a wildlife habitat. Ms. Murr stated his request was only for a portion of the property. There are two lots there.

Mr. Wilkening asked Mr. Oliphant if there were a couple of waivers for this property. Mr. Oliphant stated they had just received the plat on Monday, so they are still reviewing it. Mr. Wilkening asked Mr. Oliphant if he was dealing with Mr. Brown directly. Mr. Oliphant responded in the negative. Mr. Brown stated he should be copied on the e-mails, so Mr. Oliphant can reach out if he needs anything.

Mr. Wilkening stated they wanted to keep this on a schedule. Mr. Brown thanked Mr. Wilkening for that. Mr. Kiepura asked if it was an R2 zoning. Ms. Murr responded in the affirmative. That the Petitioner has been in contact with the Utility Department and Public Works.

Mr. Foreman asked if it was in town. Ms. Murr responded in the affirmative and it is a meets-and-bounds parcel, and asked if she should anticipate this item for the October 20 meeting, provided that Mr. Oliphant does not find anything major. Mr. Oliphant stated he did not anticipate any. Mr. Wilkening responded in the affirmative.

10. Rybenski – 13651 Wicker Avenue – Concept Plan

Owner: Jill & Terrence Koehler

Petitioner: Concrete Restoration Services, IN – Steve Rybenski

Vicinity: 13651 Wicker Avenue, Cedar Lake, IN 46303

Mr. Wilkening stated the next order of business was to introduce a Concept Plan in the vicinity of 13651 Wicker Avenue. The Petitioner, Concrete Restoration Services, IN – Steve Rybenski, is introducing a Concept Plan for a Hot Dog Fast Food, Drive Thru Restaurant. Present for this item was Mr. Steve Rybenski,

Mr. Corey Rybenski, and Mr. Rob Rybenski and they were wanting to get permission and feedback from the Plan Commission.

Mr. Russel Pozen, DVG Team, agreed with Mr. Steve Rybenski that they were wanting to get feedback on the development on this project and stated they were very early on in the project. They have not any survey or engineering. The first task for this is going for variances that the site would require. They would need to talk to the U-Lock owners. Mr. Pozen discussed the conceptual site plan that they presented to the Plan Commission, including having two drive thrus, 14 parking spaces, and an outdoor dining patio. Mr. Pozen also discussed the various variances that would need to be applied for.

Mr. Wilkening asked if the pick-up window would be on the north side of the building. The petitioners stated that was correct. Mr. Wilkening stated the line to the east would need to be straightened. Mr. Pozen stated it can be. They met with Mr. Oliphant and Ms. Murr previously, and this needs a subdivision and straightening that line was recommended. It was recommended to work with the ULock owners.

Mr. Wilkening stated he like that the building would not be closer to US 41 than the house. This picture makes the lot look bigger than it is and asked Mr. Oliphant if it was proportional for turns and cars to navigating this lot. Mr. Oliphant stated they would need engineering and the radiuses done to tell. Mr. Pozen discussed they drew everything to ordinance. They are used to doing the radii inside the site.

Ms. Dessauer asked how big is the building and how many seats would be in there. Mr. Steve Rybenski stated they are going to do window seats, like a bar style and the building would be 20 by 40. Mr. Kiepura asked about the 20 parking spots per ordinance. Mr. Pozen stated with having an outdoor patio requires 20 parking spots. Discussion ensued about the parking spaces and how to try to have the full amount of parking or solution to it. Discussion was also included about the drive thru.

Mr. Wilkening asked Mr. Oliphant for his thoughts on this item. Mr. Oliphant stated he does not see huge issues with the layout. It had been discussed during their meeting. The ingress and egress will need to be verified.

Mr. Wilkening asked if the ULock owner is in agreement with this project thus far. Mr. Wilkening asked the Mr. Andrew Bultema if they had seen this. Mr. Bultema stated that they had a concern that they had no easement for them to access the property. The Petitioners would have to access the restaurant property from his property.

Mr. Wilkening stated he thinks that the concept is good, but there are some big hurdles. Mr. Pozen stated they understood the hurdles. Mr. Bultema talked about how he had to work to get the water main up to US 41 and any business going in should be required to extend the water main as well. Mr. Pozen responded they had had preliminary conversations with Mr. Oliphant and Ms. Murr and this was mentioned about extending the water main to the property.

Mr. Wilkening asked Mr. Oliphant if he had any other comments. Mr. Oliphant responded in the negative. Mr. Wilkening asked the Commissioners if they had any comments. Mr. Carnahan stated the only thing he sees is when someone is exiting the facility, it looks like there's an entrance to the house on the next property. Mr. Pozen stated as long as the language for that ingress and egress was only for that development, the driveway will not pose a problem for the property.

Ms. Murr distributed a letter from Attorney Greg Bouwer, representing Cedar Lake ULock LLC. Mr. Wilkening read the letter into the record, a copy of which is incorporated at the end of the minutes. Mr. Wilkening urged them to keep in contact with Mr. Oliphant and Ms. Murr throughout the process.

Mr. Carnahan asked Mr. Oliphant about who would need to be contacted for a curb cut off of US 41. Mr. Oliphant responded it would be INDOT and they would not do a southbound cross over at that location. The property would be a right-in, right-out.

11. Stenger – 13418 Wicker Avenue – Concept Plan
Petitioner: Gerald Stenger
Vicinity: 13418 Wicker Avenue, Cedar Lake, IN 46303

Mr. Wilkening stated that the next order of business was to introduce a Concept Plan in the vicinity of 13418 Wicker Avenue. The Petitioner, Mr. Gerald Stenger, is introducing a Concept Plan to the Plan Commission. Mr. Jack Huls, DVG Team, representing the Petitioner. This parcel is located on Wicker Avenue. It is 3 different parcels and highlights as a single parcel due to the previous owner did a Tax ID combination. Mr. Huls described the 3 different parcels for this property.

Mr. Huls stated the question that they have is they are currently held by single ownership, with a desire to sell. Lot 2 is currently zoned as R1. Mr. Wilkening asked if this was part of Muir Woods. Mr. Huls responded in the affirmative, so it is part of a recorded subdivision. Someone could pull a permit to build on this lot.

Mr. Huls stated Lot 1 is the same as Lot 2 but it is more difficult. Lot 3 is a meets-and-bound parcel that is zone B3. They are considering is Lot 2 would remain as a residential lot and combine Lot 1 with the meets-and-bound parcel and make a one (1) lot subdivision zoned for business. This would be consistent with the US 41 Master Plan.

Mr. Wilkening discussed the dotted line on the property and asked if it would move west. Discussion ensued about the different lots and where the lines are. Mr. Foreman discussed to take a portion of Lot 2 and square it off and make 2 residential lots. Mr. Huls stated he did not think the remainder of Lot 1 would be buildable.

Mr. Oliphant stated the Petitioner is discussing bringing the east-west line into Lot 2. Mr. Huls responded in the affirmative. Discussion ensued about the lots and how to potentially divide them, including why the Petitioner did view Lot 1 as desirable to build on. Mr. Huls described the plan they had for combining the Lot 1 and the meets-and-bounds and if the corner lot sells it would be a nice corner on US 41 for a business.

Mr. Wilkening stated he agrees with getting the area cleaned up. However, the road the lot is on is a residential lot and he did not see any residents being agreeable to the road getting used for a business. Mr. Huls stated they were just there to hear what the Commissioners had to say.

Ms. Dessauer asked for clarification on what is being asked for. Mr. Huls responded the first part is what would the Commissioners be willing to consider for a rezone. Mr. Wilkening discussed having something that would show a before and after. Mr. Huls stated the request they have right now is the Lot 1 in Muir Woods to be rezoned to B3 to match the meets-and-bounds parcel.

Ms. Dessauer asked that they are not wanting to use Lot 1 as residential. Discussion ensued about which lot is Lot 1 and Lot 2. Mr. Huls described the plan for combining the L shaped Lot 1 and the meets-and-bounds to be B3.

Mr. Becker asked about screens. Mr. Huls responded they would do the screening that is required by ordinance. What would happen due to this being B3, it would require a site plan to come in front of the Plan Commission for review. Mr. Huls further discussed these parcels and the future plan of the town for the US 41 Corridor. Further discussion ensued on each lot, the current zoning for Lot 1, and the separation and combination of the lots. Discussion also ensued about what would incur in the future for any potential buyers and the future of the US 41 Corridor.

Mr. Wilkening clarified that the current request is that Lot 1 becomes B3. Mr. Huls commented in the same and a condition on that would be they would also file a one (1) lot subdivision for Lot 1 and the meets-and-bounds and Lot 2 would drop off the petition. They are not wanting to do anything with Lot 2. Mr. Wilkening asked if this all becomes B3 who has to do the screening for the property. Mr. Oliphant responded whoever buys it. Mr. Foreman stated he's in favor for it. Ms. Dessauer commented in the same.

Mr. Wilkening asked Ms. Murr if she had any concerns. Ms. Murr states she agrees with the platting of it, and Site Plan would come to the Plan Commission and would get it cleaned up. Mr. Wilkening agreed that getting it cleaned up is good due to the location of the lot. Mr. Foreman discussed the restrictions of the Zoning Ordinances and that they wouldn't affect the neighbors a lot. Discussion ensued about family residential lots in the area. Mr. Wilkening stated they were all on the same page for this item. Mr. Huls stated he would be getting the survey done and would be back potentially by the December meetings.

12. Resolution No. 2021-02 – Plan Commission Rules & Regulations

Mr. Wilkening stated that the next order of business was for the Resolution No. 2021-02 for the Plan Commission Rules & Regulations. There was no discussion on this item at this time.

13. Fee in Lieu of Sidewalk Ordinance

Mr. Wilkening stated the next order of business was for the Fee in Lieu of Sidewalk Ordinance. Mr. Wilkening asked the Commissioners if they had any comment on this item. There was none.

Update Items:

1. Subdivision Control Ordinance

There was no discussion had for this item.

2. Letters of Credit:

- a. Beacon Pointe – Unit 1 – Maintenance LOC expires November 2, 2021
- b. Lakeside – Unit 1, Block 1 – Maintenance LOC expires November 14, 2021
- c. Beacon Pointe – Unit 4 – Performance LOC expires December 11, 2021
- d. Summer Winds – Unit 2 – Performance LOC expires December 20, 2021
- e. Summer Winds – Unit 3 – Performance LOC expires December 23, 2021

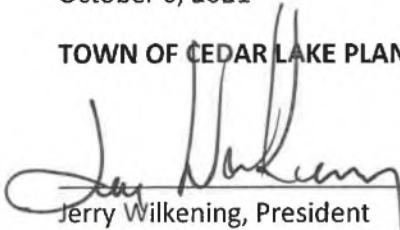
Plan Commission Regular Work Session
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Mr. Wilkening asked Ms. Murr or Mr. Oliphant if they had any comment for any of the Letters of Credit. Ms. Murr stated the Beacon Pointe Unit 1 and Lakeside Letters of Credit will be on the next agenda as an update or an action item. The other 3 will be on the November agenda due to their expiration.

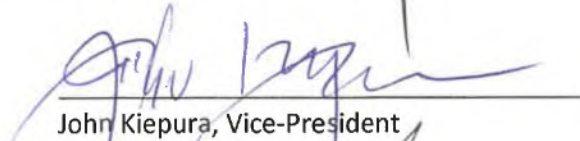
PUBLIC COMMENT: None was had.

ADJOURNMENT: Mr. Wilkening adjourned the meeting at 9:05 PM.

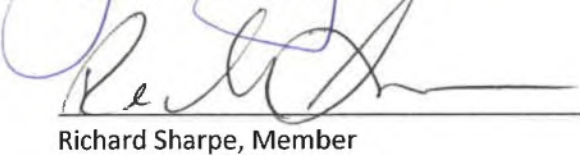
TOWN OF CEDAR LAKE PLAN COMMISSION



Jerry Wilkening, President




John Kiepura, Vice-President



Richard Sharpe, Member




John Foreman, Member



Robert Carnahan, Member



Heather Dessauer, Member



Chuck Becker, Member

ATTEST:



Ashley Abernathy, Recording Secretary

The Minutes of the Cedar Lake Plan Commission Meeting are transcribed pursuant to IC 5-14-15-4(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 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 section 3.5 or 3.6 of this chapter or any other statute that authorizes a governing body to conduct a meeting using an electronic means of communication.*

Cedar Lake Plan Commission: Minutes of the Regular Work Session October 6, 2021



KORANSKY, BOUWER & PORACKY, P.C.

Attorneys and Counselors at Law

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Dyer, Indiana 46311

Telephone: 219.865.6700
Facsimile: 219.865.5839

October 6, 2021

VIA EMAIL

Town of Cedar Lake Plan Commission
c/o Ms. Jill Murr
7408 Constitution Avenue
Cedar Lake, IN 46303

RE: Concept Plan Review for 13651 Wicker Avenue, Cedar Lake, Indiana
Cedar Lake ULock LLC - 13649 Wicker Avenue, Cedar Lake, Indiana
Our File: 1903.005939

Dear Plan Commission:

I represent Cedar Lake ULock LLC. It has a curb cut and a 50' strip of land that provides access to its storage facility. We understand that a petitioner has asked for concept plan review at the October 6, 2021 work session of your commission. The petition by Concrete Restoration Service, Inc. is for 13651 Wicker Avenue, property that is currently owned by Jill and Terrence Kochler, immediately north of my client's land. We have seen the concept plan, and the concept plan indicates it will utilize Cedar Lake ULock LLC land as a means of access to and from Wicker Avenue.

When Cedar Lake ULock LLC acquired its parcel, it reviewed the title commitments that do not reveal any evidence of a recorded easement to utilize any portion of that for access for any other parcel. We have recently followed up with Fidelity National Title Insurance Company and it has confirmed to us in writing there is no recorded access easement over that 50' strip of land owned by Cedar Lake ULock LLC for any other parcels.

Although a drive may currently exist, that drive does not have prescriptive rights to utilize Cedar Lake ULock LLC's land, and further, that drive could not be expanded for utilization by a drive through facility that will increase the traffic significantly.

The petitioner should apply for an appropriate curb cut on Wicker Avenue from the appropriate authorities without utilizing Cedar Lake ULock LLC's land to access the parcel it is proposing to acquire, as Cedar Lake ULock LLC will not permit such use.

If you have any questions or comments, please contact the undersigned.

Sincerely,
KORANSKY, BOUWER & PORACKY, P.C.

A handwritten signature in black ink, appearing to read 'Greg A. Bouwer', is written over a horizontal line.

By: GREG A. BOUWER
GAB/kjh