



**CEDAR LAKE PLAN COMMISSION WORK SESSION MINUTES  
CEDAR LAKE TOWN HALL, 7408 CONSTITUTION AVENUE, CEDAR LAKE, INDIANA  
DECEMBER 1, 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, December 1, 2021, with its members attending on-site and electronically. The Pledge of Allegiance was recited by all.

**ROLL CALL:**

**Members Present:** John Foreman; Richard Sharpe; Chuck Becker; Heather Dessauer (via Zoom); 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 Ashley Abernathy, Recording Secretary. **Absent:** Robert Carnahan; and David Austgen, Town Attorney.

**Work Session:**

**1. Birchwood Phase 4 – Final Plat**

**Petitioner: Hanover Development LLC**

**Vicinity: approximately 12400 Wicker Avenue, Cedar Lake IN, 46303**

Mr. Wilkening stated the first order of Business was for the Work Session was for the Final Plat for Birchwood Phase 4 by Petitioner Hanover Development LLC in the vicinity of 12400 Wicker Avenue.

Mr. Jeff Yatsko, Olthof Homes, stated they were seeking Final Plat approval for Birchwood Phase 4 which includes 32 Residential Lots and 2 Outlots.

Mr. Wilkening asked Mr. Oliphant if he had any comments. Mr. Oliphant stated the plat is in order, they received the as-builts on the 19<sup>th</sup> of November. They are still reviewing those, but those reviews would just drive the cost.

Mr. Wilkening asked if there were any other engineering caveats needed to be reviewed. Mr. Oliphant stated they have all their pavement down and he believes it is the last phase.

Mr. Oliphant asked the Petitioner if this was the last phase of Birchwood Farms. Mr. Yatsko stated there is one more phase that will be comprised of 6 lots.

Mr. Wilkening asked if there were any questions from the Commissioners. None were had.

**2. Beacon Pointe East – Phase 3 – Final Plat**  
**Petitioner: Beacon Pointe of Cedar Lake LLC**  
**Vicinity: 9000 West 141<sup>st</sup> Avenue, Cedar Lake, IN 46303**

Mr. Wilkening stated the next order of business was for the Final Plat for Beacon Pointe East Phase 3 in the vicinity of 9000 West 141<sup>st</sup> Avenue by Petitioner Beacon Pointe of Cedar Lake LLC.

Mr. Jack Slager, Schilling Development, representing Beacon Pointe of Cedar Lake LLC, stated they will be requesting Final Plat for Beacon Pointe East Phase 3. This is the newest section of 24 cottage home lots that provides the second entrance onto 141<sup>st</sup> Avenue east of the original entrance to Beacon Pointe East. Curbs are in, pavement and binders are down, and all the sewers are complete. All the as-builts should have been turned in to Mr. Oliphant.

Mr. Oliphant stated he got the as-builts the Wednesday prior to Thanksgiving. Mr. Wilkening asked Mr. Oliphant if he thinks everything should be good in 2 weeks. Mr. Oliphant responded in the affirmative.

Mr. Oliphant asked if the Commissioners had any further comments. None were had.

**3. Cedar View – Preliminary Plat – Two (2) Lot Subdivision & Site Plan**  
**Owner: James & Samantha Brooker**  
**Petitioner: Cedar Lake Property LLC**  
**Vicinity: 7936 Lake Shore Drive, Cedar Lake, IN 46303**

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

Mr. James Brooker stated he was present for the request of a Preliminary Plat for a Two (2) Lot Subdivision and Site Plan.

Mr. Wilkening advised the Commissioners there was some information located on the iPads provided by the Petitioner. Mr. Wilkening asked the Petitioner if the picture of the front of the building going to be what the building will look like. Mr. Brooker stated that it is close. He included in an e-mail to Ms. Murr that the outside seating will have pylons and outdoor pergolas.

Mr. Wilkening commented he was seeing the indirect lighting on the outside, that would be nice for security and not be too intrusive and asked the Petitioner if the outdoor seating area would not be as large as what was pictured. Mr. Brooker responded it would be smaller. The outdoor seating area has been prepared in the civil drawings they have, and has been looked over.

Mr. Wilkening stated it appeared the bollards have a little different spacing, with it being tighter on the corners and asked if he would also fence it in. Mr. Brooker responded in the affirmative and commented they would be put in and he had a couple of ideas on how to make it look nice.

Mr. Wilkening commented the pictures look nice and stated having that lit up not too long after business would not be a bad idea.

Mr. Wilkening asked Mr. Oliphant if this would be feasible in 2 weeks. Mr. Oliphant stated nothing has changed from their November 12 letter.

Mr. Wilkening asked Mr. Oliphant what was the list of items that would need to be completed in 2 weeks. Mr. Oliphant stated ten of the items on the November 12 letter are still outstanding, some would be contingencies that could not be addressed and would be made part of any motion. The rest are primarily related to lighting.

Mr. Brooker stated he thinks one of the items is the conduit size that is needed for the Site Plan and asked if that would need to be known now. Mr. Oliphant responded that is up to the Plan Commission because it is an outstanding item. Whether they approve it as a contingency or work through it later is up to them. Mr. Wilkening advised the Petitioner that they try not to approve any items unless they are complete.

Mr. Oliphant commented that at the last meeting Mr. Brooker commented that the striping for the round-a-bout was not on the plans approved by INDOT and stated that the striping was. The striping may have been shifted from the original plan.

Mr. Wilkening asked if the left-hand turn is still a topic. Mr. Brooker responded in the affirmative.

Mr. Oliphant stated for clarification they are not allowing a left-in, left-out. Mr. Brooker commented a couple of meetings ago there was commentary about the delineators being the issues. Mr. Oliphant stated the double yellow is also an issue, as well as concerns voiced by both the Police Chief and the Fire Chief.

Mr. Brooker stated he believes it was commented in Mr. Oliphant's notes he addressed that if there is a passing lane it is possible to create a left-hand turn. Mr. Oliphant stated it could be possible, but he would have to run the analysis and the traffic study to see if a passing lane would work. Mr. Brooker asked if a traffic study was needed to do a passing lane. Mr. Oliphant commented it was likely. Discussion ensued regarding a traffic study being needed and the Petitioner wanting to have a left-hand turn. Discussion also ensued about how to put a passing lane in by the round-a-bout.

Mr. Brooker stated even though the left-hand turn is a huge part of the project, he would like to see if there is a way to try to move forward. He would like to be able to do stuff with the house and the property. Mr. Wilkening asked the Petitioner if he was suggesting moving forward with the petition as-is. Mr. Brooker responded in the affirmative with the intention with the idea and intention to try to pursue a left-hand turn.

Mr. Wilkening asked Mr. Oliphant if he had any further information he could provide. Mr. Oliphant stated the triangle-shaped property is owned by the Town, but the prescribed Right of Way only goes a little beyond the edge of the pavement. The sidewalk is outside of the Right of Way.

Mr. Wilkening asked Mr. Oliphant what it would be a realistic cost to put in a right passing lane. Mr. Oliphant stated he was unsure, there were other variables to consider.

Mr. Wilkening asked Mr. Foreman and Mr. Sharpe what would the likelihood of the Town selling part of that property. Mr. Foreman stated he did not know if that would or would not be a possibility and he did not know a traffic study would be required for a turn lane. However, he understands the point Mr. Oliphant is making with coming off of the round-a-bout.

Mr. Eberly stated it would not be a matter of selling the property, it would be dedicated as Right of Way and the Town would maintain ownership. That area of land is the Sue Landske Memorial Park that is there that would be encroached on.

Mr. Wilkening stated an as is request could be ready in two weeks. Mr. Eberly advised the Plat can be ready in 2 weeks and the Site Plan is the cause for concern. If the Site Plan is approved with one entrance that is the current issue. Mr. Oliphant agreed with Mr. Eberly. Discussion ensued about what the Preliminary Plat approval does for the Petitioner.

Mr. Brooker asked if they go forward as is, there is a problem with the Site Plan. Mr. Eberly responded in the affirmative and stated the issue of access is still there. There needs to be a resolve of the entrance into the commercial property. The Town is okay with the property being a right-in, right-out; however, Mr. Brooker is not.

Mr. Brooker states he understand that and that he would like to move the project forward if possible. If it gets to where a passing lane is entertained and that can be worked on together.

Mr. Eberly advised the Plan Commission if they want to move ahead with the Preliminary Plat and the Site Plan with the restriction of no left turn-in or out, that can occur. Discussion ensued at length regarding the property having right-in, right-out and the potential for someone to attempt to turn left onto the property.

Mr. Wilkening asked the Petitioner if he wanted to conduct a traffic study for the area, because what they are discussing would make the area less safe. Mr. Brooker stated it seems that every time he comes in front of the Plan Commission something new comes up. Mr. Foreman advised this came up a few meetings ago. Mr. Brooker expressed originally there had been discussion of approving it, then changing the property to no left turn-in, and what he is currently hearing is that it is almost a no way.

Mr. Foreman stated in his opinion that a business on that corner from a safety standpoint should have an entrance from the west.

Mr. Wilkening stated this particular portion of the Petitioner's request has been concerning at every meeting. Mr. Brooker asked for clarification of which request. Mr. Wilkening stated the left-turn.

Mr. Foreman commented if the Site Plan is voted on and not approved the project cannot move forward and asked if the Site Plan does not have to be presented. Mr. Eberly stated the Site Plan is not a Public Hearing matter, only a Public Meeting matter. Mr. Eberly discussed his opinion that there is always an opportunity to change Site Plan prior to approval and it should not get to a denial. If the Site Plan is not to the approval of the Plan Commission, advising the Petitioner they are not happy with the Site Plan and go to the next meeting Public Meeting.

Mr. Foreman asked if they approve the Preliminary Plat for the Two (2) Lot Subdivision then he can start moving forward and use it as is. Mr. Eberly stated he cannot start building anything until he gets Final Plat, but he can start putting in site improvements. Discussion ensued about separating the Preliminary Plat and the Site Plan.

Mr. Wilkening asked Mr. Becker if he had any thoughts on the matter. Mr. Becker commented he agreed with moving forward on the Preliminary Plat and waiting on the Site Plan.

Mr. Wilkening asked if Ms. Dessauer had any thoughts. Ms. Dessauer appeared at 7:32 pm and stated she had no additional comments on the matter.



Mr. Wilkening asked Ms. Murr if she had any further comments. Ms. Murr stated she had concerns with passing lanes. If it is a right-in, right-out a way to mitigate the potential of turning in left is putting up more delineators.

Mr. Brooker asked the Commissioners if the business that had been there was open when the round-about was put in, how would they have seen it designed. Mr. Eberly stated it would be allowed to continue its business, but there would still be the limitation on no left hand turn on that area. Discussion ensued about if the business was still operating it would exist with the same parameters of a right-in, right-out.

Mr. Wilkening advised the Petitioner that any new information would be need to be turned in Friday, November 10, 2021, before 12:00 pm.

Mr. Wilkening asked if the Commissioners had any further comments. None were had.

**4.Wiers – Electric Power Solutions LLC – Preliminary Plat – One (1) Lot Subdivision & Site Plan**  
**Owner: John & Darlene Boersma**  
**Petitioner: Electric Power Solutions LLC**  
**Vicinity: 12828 Wicker Avenue, Cedar Lake, IN 46303**

Mr. Wilkening stated the next order of business was for the Preliminary Plat of a One (1) Lot Subdivision and Site Plan in the vicinity of 12828 Wicker Avenue by Petitioner Electric Power Solutions LLC. Mr. Jeff Wiers, Electric Power Solutions LLC and Mr. Ryan Marovich, DVG Team, were present to speak on this petition.

Mr. Wilkening asked Mr. Oliphant for his comments on this item. Mr. Oliphant stated himself, Mr. Marovich, Ms. Murr, and Mr. Eberly met the day prior to discuss some revisions to the plan for the rear part of the site to try to avoid the waterway. This could shrink one or both of the buildings. They will have a better idea of the Site Plan once they figure out where the proposed pond is going to go.

Mr. Wilkening asked if this petition will be ready for review in 2 weeks at the Public Meeting. Mr. Oliphant stated the plat itself was relatively okay and Mr. Marovich submitted a new plat to him the day prior and he had not had a chance to review it. The original Preliminary Plat and Site Plan only had only 3 comments and the Site Plan is the hold up.

Mr. Wilkening commented about the water that runs on the back side of the property and why it needs to be taken care of. Mr. Eberly stated he believed there are five 36-inch tile to take the water off of the north side of the property. Mr. Oliphant stated it was five 24-inch. Mr. Wiers discussed the current owner did the water tile based off of older engineering and that he had not had a problem the whole time he was on the property.

Mr. Wilkening discussed the use of the natural screening as a buffer and his thoughts on that. Mr. Wiers stated they were going to look to defer for a month while they work with Mr. Oliphant and figure out what the Site Plan is going to look like. Most likely with the change they wouldn't come near the residential area so there would not be a need for the screening. Mr. Oliphant commented on the same and discussed where the residential lots were located in conjunction with the property.

Mr. Wilkening asked if this was going to be an update item in 2 weeks. Mr. Oliphant stated that would likely be the case.

Mr. Wilkening asked if there were any further comments from the Petitioner. None was had.

**5. Black River Bells, LLC – Preliminary Plat for a One (1) Lot Subdivision and Site Plan**  
**Owner: ARDT III, LLC**  
**Petitioner: Black River Bells, LLC**  
**Vicinity: 11109 West 133<sup>rd</sup> Avenue, Cedar Lake, IN 46303**

Mr. Wilkening stated the next order of business was for the Preliminary Plat of a One (1) Lot Subdivision and Site Plan in the vicinity of 11109 West 133<sup>rd</sup> Avenue by Petitioner Black River Bells, LLC.

Mr. Tim Krause stated he was present to represent Black River Bells, LLC, he is one of the owners and Mr. Jeremy Wagner from their engineering firm on Zoom if he needs to answer any questions.

Mr. Wilkening asked Mr. Oliphant if he had any comments about this item. Mr. Oliphant stated their provisional letter is still outstanding and the Petitioner resubmitted documents on the November 18, and they had not received the resubmittal. They just received it earlier in the day and will try to speed the processes up for this item.

Mr. Wilkening asked if the entrance was a right-in, right-out on U.S. 41. Mr. Oliphant stated INDOT is requiring the entrance to be a right-in, right-out.

Mr. Foreman asked if there was going to be connection into the CVS. Mr. Krause stated they are talking to them, but they have not responded.

Mr. Wilkening stated the only thing that concerns him is if people were to use the entrance off of 133<sup>rd</sup> Avenue by Tom and Ed's and if a gate needs to be put up to prevent that. Mr. Krause stated if they would need to do that they would, but that is not part of their property.

Mr. Oliphant asked Mr. Wilkening what his major concern regarding that entrance was. Mr. Wilkening stated his major concern is there is already an exit going from CVS onto 133<sup>rd</sup> Avenue very close to the light that causes traffic issues. Mr. Oliphant asked if he was worried about left-hand turns going north. Mr. Wilkening responded in the affirmative. Discussion ensued about the potential of individuals turning left out of the entrance by Tom and Ed's Body Shop and traffic on 133<sup>rd</sup> Avenue.

Mr. Wilkening asked Mr. Oliphant if he had any comments on their stormwater arrangement. Mr. Oliphant stated they have a combination of above- and under-ground detention. There had been some discussion regarding sanitary force main in the southern drive aisle.

Mr. Wagner stated he has the sanitary force main shown approximately on the plan given to the Plan Commission. Mr. Oliphant stated their retention basin is close to where the force main is, but he believes they will be able to work around it.

Mr. Wilkening asked where they would need screening. Mr. Oliphant stated they would need screening to the east and he believes they are putting up a 6-foot vinyl opaque fence. This would be the only screening they would need.

Mr. Wilkening asked the Commissioners if they had any further thoughts or comments. None were had.

**6. Stenger – 13418 Wicker Avenue – Rezone & One (1) Lot Subdivision**  
**Petitioner: Gerald Stenger**  
**Vicinity: 13418 Wicker Avenue, Cedar Lake, IN 46303**

Mr. Wilkening stated the next order of business was for a Rezone and a One (1) Lot Subdivision in the vicinity of 13418 Wicker Avenue by Petitioner Mr. Gerald Stenger.

Mr. Jack Huls, DVG Team, representing the Petitioner which is the Stenger Family Trust, stated he was present at the last Work Session discussing this project with the Plan Commission. There are three parcels owned by the Trust and as such, they have two petitions with this request. The first is a zoning request and the second is a Preliminary Plat. Lot 1 is in Watts Ilamont Addition, which is residential and is irregular in shape. The other parcel is a metes and bounds that is zoned business on U.S. 41. It was discussed combining Lot 1 and the metes and bounds parcel into one lot and rezone the residential lot to the same business zoning as the metes and bounds parcel. There had been discussion about limiting access off of 135<sup>th</sup> Place so the residential area would not be disturbed by commercial traffic.

Mr. Wilkening asked Mr. Oliphant if he had any comments. Mr. Oliphant stated they issued a letter earlier in the day. The biggest issue would be the restricted access off of 135<sup>th</sup> Place. Ms. Murr advised the Plan Commission the letter from Mr. Oliphant was on the iPads as a separate document.

Mr. Oliphant asked Mr. Huls if they were vacating the 10-foot easement on the property. Mr. Huls stated the easement is actually a NIPSCO easement to serve the residential lot next to the property. Currently, there is no desire to change any easements. There is no Site Plan for this property. Discussion ensued about the easement and its location on the property.

Mr. Wilkening asked Mr. Oliphant if this property would need screening. Mr. Oliphant responded in the negative and clarified that would come with Site Plan.

Mr. Kiepura asked Mr. Huls about the third lot. Mr. Huls stated the third lot is Lot 2, which is adjoining to Lot 1. Mr. Kiepura asked if they were doing anything with Lot 2. Mr. Huls responded in the negative and stated that lot was going to be sold as a residential lot. They would just like to combine Lot 1 and the metes and bounds parcel and market it as a commercial property on U.S. 41.

Mr. Wilkening asked if there were any further questions or comments from the Commissioners. None were had.

**7. Oakwood Crossing – Preliminary Plat – 81 Lot Subdivision**  
**Owner: Cedar Lake Residential LLC**  
**Petitioner: Schilling Development**  
**Vicinity: US 41 & 10918 West 129<sup>th</sup> Avenue, Cedar Lake, IN 46303**

Mr. Wilkening stated the next order of business was for the Preliminary Plat of 81 Lot Subdivision in the vicinity of US 41 and 10918 West 129<sup>th</sup> Avenue by Petitioner Schilling Development LLC.

Mr. Slager, Schilling Development, present on behalf of the Petitioner, stated this project was discussing in 2019 and went through the process to obtain the PUD Zoning. The PUD Zoning was granted at a May 15, 2019, meeting with 7 contingencies. The contingencies were: a. donation of \$20,000 or work to be done by the developer for turning installation on 129<sup>th</sup> and U.S. 41 within 1 year of acquisition of the Right of Way, b. legal and engineering review, c. contingent on Primary Plat approval, d. construction to start

within three years or zoning reverts back, e. zoning to revert back if property changes ownership/sold before development starts, f. include PUD guidelines and declaration of covenants, and g. Lot D-30 bordering on 129<sup>th</sup> Street to be single-family residence.

Mr. Slager stated they are in the third contingency for the Primary Plat, which is what they are requesting. The three-year time period for the zoning is up in May of 2022 and they are ready to move forward with this project in spring of next year. The final contingency dealt with the lot alongside the railroad tracks on 129<sup>th</sup>, was originally going to be a duplex lot. It has been determined that would be a single-family lot. Otherwise, the layout has stated the same. They have submitted the engineering for the Preliminary Plat to Mr. Oliphant and that is under review. The Plat follows what was approved at the PUD Zoning approval.

Mr. Wilkening asked if the turn lane off of 129<sup>th</sup> was completed within the year. Mr. Foreman clarified it was to be completed in a year of obtaining the Right of Way. Discussion ensued about the obtaining of the Right of Way and the turning lane.

Mr. Wilkening asked if the Commissioners had any further comments. None were had.

Mr. Wilkening asked Mr. Oliphant if he had any further comments. Mr. Oliphant responded in the negative and stated everything is pretty much the same with the exception of the one lot becoming a single-family lot. They are reviewing the plan and hope to have a response out within the week.

Mr. Wilkening stated if it had been determined that the extra lane getting in was not going to be getting done. Mr. Foreman stated they split the entrance if he remembers correctly and asked the Petitioner if it was split. Mr. Slager agreed with Mr. Foreman and stated the entrance had been split and widened and they have their double access there.

Mr. Oliphant commented the entrance is partially installed when the widening of 129<sup>th</sup> occurred. Mr. Slager commented on the same and stated they had had some asphalt added for the turn off portion, so they would not have to cut into the new road.

Mr. Wilkening asked if the two homes by the railroad tracks would be sharing a driveway. Mr. Slager stated it was going to be one single-family home versus a duplex.

Mr. Slager asked if this was going to be advertised for the Public Hearing. Ms. Murr responded in the affirmative and stated the advertisement was prepared.

Mr. Slager advised the Plan Commission they installed a 6-foot solid fence along the back of the homes in question and was in the PUD agreement.

Mr. Wilkening asked the Petitioner if Mr. Oliphant does not have enough time to review the item are they okay with going into January. Mr. Slager responded in the affirmative. He would like to do the Public Hearing in December and if they would need more time for engineering review they could go into January.

Mr. Wilkening asked if there was any further discussion from the Commissioners. None was had.

**8. Schilling Distribution Center – Concept Plan**  
**Petitioner: Lake County LBM LLC**  
**Vicinity: 10501 West 133<sup>rd</sup> Street, Cedar Lake, IN 46303**



Mr. Wilkening stated the next order of business for a Concept Plan by Petitioner Lake County LBM LLC in the vicinity of 10501 West 133<sup>rd</sup> Street. The Petitioner is presenting a plan for the expansion of the distribution center.

Mr. Slager, Schilling Development, on behalf of the Petitioner, stated they are in need of more storage and to stock more materials. They are in the process of expanding the distribution to the north. The current building is 200 by 300. They are proposing a 125-foot expansion to the north, adding approximately 2,500 square feet. The problem with the site is it is a metes and bounds parcel. They are going to plat the property as Schilling Cedar Lake Addition as a One (1) Lot subdivision.

Mr. Foreman asked if it would encompass the Schreiber Oil lot as well. Mr. Slager responded in the negative and commented that parcel was under a different ownership.

Mr. Wilkening asked how far is the building going to be before the ditch on the property. Mr. Slager commented it will be approximately 60 feet from the north property line.

Mr. Wilkening asked if they were only going north. Mr. Slager stated for the time being and they are leaving themselves for further expansion.

Mr. Kiepura asked if this would increase employment. Mr. Slager responded in the affirmative and commented currently they have approximately 14 to 15 employees. The expansion will allow them to go to approximately 20 employees.

Mr. Kiepura asked if they would need to increase parking spots. Mr. Slager stated they currently have 21 regular parking spots with 2 handicap parking spots, so they are compliant. Mr. Kiepura asked even with the addition. Ms. Murr responded in the affirmative.

Mr. Wilkening asked if the lighting, sign, and everything else will remain as is. Mr. Slager responded in the affirmative and stated they are just moving it forward.

Mr. Wilkening asked if there was parking on the south end of the parking lot. Mr. Slager responded in the negative.

Mr. Wilkening asked Ms. Murr if she had any further comments. Ms. Murr stated they have had a staff meeting with Mr. Kubiak, Chief of Police, Fire Chief, Mr. Oliphant and Mr. Eberly and talked about everything with their proposal.

Mr. Slager commented they were going for the One (1) Lot subdivision and asked when this would go for Public Hearing. Ms. Murr commented it would be going for January. Mr. Slager stated they may request to have both the Preliminary Plat and Final Plat occur at the same time. Mr. Eberly advised him they could get approval for both in the same meeting, but the plat cannot be signed for 30 days.

Mr. Wilkening asked if there was any further comment from the Commissioners. None were had.

#### **9. Diamond Peak – Concept Plan**

**Petitioner: Diamond Peak**

**Vicinity: 155<sup>th</sup> Avenue & Parrish Avenue, Cedar Lake, IN 46303**

Mr. Wilkening stated the next order of business was for a Concept Plan by Petitioner Diamond Peak in the vicinity of 155<sup>th</sup> Avenue and Parrish Avenue.

Mr. Rick Hemphill, Diamond Peak, stated they are presenting a Concept Plan 155<sup>th</sup> and Parrish Avenue for a 104 Lot Subdivision. Mr. Michael Herber is on his way as well to present the Concept Plan.

Mr. Foreman advised the Commissioners this was the old Warnhoff parcel that they are working on a trade with for the Lake Ecosystem DUR Facility. This is presently the Town's land and they are in the works of doing a trade. Mr. Oliphant added the trade was for the immediate north parcel and they are both approximately 40 acres. Mr. Eberly commented on the same.

Mr. Eberly stated the advantage to the Town is being able to build the water facility and the advantage to Diamond Peak is they receive 40 acres already in Town.

Mr. Wilkening asked if the 104 units would be single-family homes. Mr. Hemphill responded in the affirmative. Mr. Wilkening asked how big the lot sizes are. Mr. Hemphill stated they would be 70 by 135 on average. Some of the corner lots could be larger.

Mr. Foreman asked if they were wanting it to be a straight subdivision or a PUD. Mr. Hemphill stated it will need to be a PUD due to being under the R-2 Zoning requirements.

Mr. Eberly stated it would be 2.5 units per acre in terms of density.

Mr. Wilkening stated they are showing a 30-foot buffer along 155<sup>th</sup> Avenue and asked if they would be doing the same type of buffer along Parrish Avenue. Mr. Hemphill responded in the affirmative. Mr. Wilkening asked if the buffer would have a berm to it. Mr. Hemphill stated he is not sure and Mr. Herber would be the better person to answer the question.

Mr. Wilkening asked if the detention is okay for this project. Mr. Oliphant stated the detention looks to be about right, depending on how deep it goes, the area, and the volume.

Mr. Wilkening asked if the park would be a public park or a HOA park. Mr. Hemphill stated he is not sure.

Mr. Foreman asked Ms. Murr if that was discussed in the staff meeting. Ms. Murr stated it was and it was discussed having the park be a HOA park.

Ms. Murr advised the Commissioners this project will expand the Water Utility further south.

Mr. Foreman stated he appreciated the fact the lots were deep to prevent a lot of variances coming to the BZA. Mr. Wilkening commented about wanting to know about the storm water easements in the backyard, because the backyards could get small.

Mr. Foreman asked Mr. Oliphant what the size of a minimum easement is. Mr. Oliphant responded 12 feet minimum. Discussion ensued about the potential size of the easement in the backyard.

Mr. Kiepura asked the Petitioner if it was going to be the same type of homes over in Lynnsway. Mr. Hemphill commented it would be the same style of home in Ledgestone. They will be identical with exterior elevation. They don't have a product that is less than what they do there for a single-family home. The only exception was for the Lynnsway Cottage homes. The homes they will be constructing in this subdivision will be identical to Ledgestone and in Beacon Pointe West. They are a bit higher end on the external facia.

Mr. Wilkening asked the Petitioner how many different products would they be developing in this subdivision. Mr. Hemphill stated with this lot size they can almost do their line-up of 12. They would have 1 to 2 ranch plans and the rest would be a 2 story or story and a half plan.

Mr. Herber stated they are looking around 9 to 11 home plans. They are in the process of re-tooling their elevation. Technically they will have similar layouts, however from the front they would look different from what they currently offer.

Mr. Foreman asked Mr. Herber if the park would be an HOA park or a Town Park. Mr. Herber responded it would be an HOA owned park.

Mr. Wilkening commented he thinks having it deeded to the Town and maintained by the HOA could have advantages. Mr. Foreman agreed and asked the Petitioners if they would be willing to do that. Mr. Herber responded in the affirmative.

Mr. Wilkening asked Mr. Oliphant with the size of the lots if homeowners would be able to get decks and pools in their backyard. Mr. Oliphant stated the lots are deep for a residential lot. Discussion ensued about the lot sizes and what would be able to fit within the backyard.

Mr. Wilkening asked if they were certain of the spacing, so there would not be a private drive. Mr. Oliphant stated it looked like all the roads are public roads.

Mr. Wilkening asked Ms. Murr if she had any further comments. Ms. Murr stated during the staff meeting, they had discussed making sure that all the houses along Parrish and 155<sup>th</sup> Avenue would be included in their PUD document if they would be allowed to have fences, pools, etc. so they would not need to come into the BZA for variances due to being on a through lot.

Mr. Wilkening asked the Commissioners if they had any further comments. None were had.

**10. Storage Cedar Lake LLC & Heartland Storage Cedar Lake LLC – Amendment**  
**Petitioner: Storage Cedar Lake LLC & Heartland Storage Cedar Lake LLC**  
**Vicinity: 13077 Wicker Avenue, Cedar Lake, IN 46303**

Mr. Wilkening stated the next order of business was for an Amendment by Petitioner Storage Cedar Lake LLC and Heartland Storage Cedar Lake LLC in the vicinity of 13077 Wicker Avenue. Mr. Wilkening stated the Petitioner is requesting a modification of the Plan Commission determination dated October 19, 2016, and recorded as document 2016-087347.

Mr. Jon Schmaltz, Burke Costanza & Carberry, representing the Petitioner, stated they are just seeking a modification to the Finding of Facts and determination that was entered in 2016 by the Plan Commission. The original petition had been for a Subdivision Plat and a Site Plan and was approved subject to conditions in the document. There was a variance that was granted at the time. They are not looking to make any modification to the Plat, site, or the Site Plan with one exception. Mr. Schmaltz discussed the conditions attached to the building design and the buildings that have been constructed since the initial approval.

Mr. Schmaltz stated they are requesting to change the 4-12 pitch gable roof to a flat roof design. This design would only be visible on the site due to the construction of the other buildings on the property.

Mr. Wilkening asked if they were wanting to have a flat salt box style of roof. Mr. Schmaltz responded in the affirmative and asked Mr. Jeff Oltmanns, if he had any pictures of the design.

Mr. Wilkening asked if they were talking about the same number of buildings. Mr. Schmaltz stated it was going to be the same number of buildings and units, the same footprint.

Mr. Foreman asked if the roofs were shingled. It was commented the buildings were all metal constructions and metal roofs.

Mr. Wilkening asked how many of the small door units exists. Mr. Oltmanns stated he believes the unit sizes are set to 10 feet wide by either 10 feet or 20 feet long. Mr. Wilkening asked if they all have full overhead size doors. Mr. Oltmanns responded in the affirmative. Mr. Wilkening asked if the buildings with the flat roof are going to have the same arrangement. Mr. Oltmanns responded in the affirmative and stated the only unit sizes allowed in the original Finding of Facts were the 10 by 10 and 10 by 20 sized units. Mr. Schmaltz commented on the and stated they did not want to make any more modifications than the roof. Discussion ensued about the design of the buildings and that the garage doors on the new buildings would follow the existing pattern.

Mr. Wilkening asked what the plan was for when they reached the east end of the lot, what are they intending to do. Mr. Oltmanns stated the east end would follow the Master Plan that was set in 2016 and the entire property will be enclosed with a fence and have an end road go around the complex.

Mr. Wilkening discussed that the only outdoor storage that had been allowed by the original approval had been along the northern border, and that is not how it is being used currently. Mr. Oltmanns asked for clarification on what Mr. Wilkening was discussing. Mr. Wilkening discussed that the outdoor storage is occurring on the east end of the property which had not been approved of in the original approval. Discussion ensued about the east end of the property and when the road would be created on that part of the property.

Mr. Wilkening asked Mr. Oliphant if he had any comments. Mr. Oliphant responded in the negative.

Mr. Kiepura asked what the slope was going to be for the roof. Mr. Oltmanns stated it has a slight pitch to the north and south of the building.

Mr. Foreman asked Mr. Eberly if cities and towns have architectural standards for U-lock style of buildings and if the Town wanted to be careful about setting precedent over the style of the building. Mr. Eberly responded the control had been the conditions attached to the approval of the Site Plan when this plan came through. They are asking to change it, and that is within the Plan Commissions control. The Town does not have standards for such buildings. Mr. Eberly discussed it is harder to enforce an architectural standard and the best way to obtain them is through a PUD approval.

Mr. Kiepura asked the Petitioners why they want to change to a flat roof from a 4-12 pitch. Mr. Schmaltz responded the ownership of the storage center changed since the initial approval and the owner has other sites where Global has done the architectural designs and established a prototype design that includes the flat roof design. Discussion ensued about the potential cause for the change in the roof style and having the 4-12 pitch roof look versus a flat roof. Discussion also ensued on when the Plan Commission could control architectural designs through the rezoning and the recordation of the plat.

Mr. Wilkening asked if the approval is granted for this request, the mylar would need to be re-recorded. Mr. Eberly responded in the affirmative and stated if the original agreement was recorded on the mylar it would need to be changed on the mylar and re-recorded.



Mr. Schmaltz stated he discussed the issue with Mr. Austgen and the conditions exist on a standalone document that was recorded that runs with the land. They had discussed hypotheticals on how any modifications made would not replace the existing document, instead a separate form would be created to refer back to the original plan.

Mr. Eberly stated in his opinion this would not require a Public Hearing, just a Public Meeting in front of the Plan Commission and asked the Petitioner if that had been discussed with Mr. Austgen. Mr. Schmaltz responded it had been discussed but they had not addressed if it would need a Public Hearing. He would agree it does not need a Public Hearing because they are addressing conditions to the Site Plan.

Mr. Eberly advised the Plan Commission this could come to them at their next Public Meeting as a Public Meeting item not as a Public Hearing item.

Mr. Wilkening asked the Commissioners if they had any further comments. None were had.

**11. Franciscan – Cedar Lake Health Center – Site Plan**  
**Owner: R. M. Teibel & Associates, Inc.**  
**Petitioner: Tonn & Blank Construction**  
**Vicinity: 6831 West 133<sup>rd</sup> Avenue, Cedar Lake, IN 46303**

Mr. Wilkening stated the next order of business was for the Site Plan for Cedar Lake Health Center by Petitioner Tonn & Blank Construction in the vicinity of 6831 West 133<sup>rd</sup> Avenue. The Petitioner is requesting a Site Plan approval for a 1,500 square foot addition.

Mr. Larry Bala, representing Tonn & Blank, stated there is an existing building Franciscan building on 133<sup>rd</sup> and they would like to add 2 more doctors to the clinic. They need to add 5 exam rooms, shared office for the doctors, and a nurse station, in addition to all supporting mechanicals. In calculating for parking, they came up with 34 spots for parking, a minimum of 6 for employees, and the Site Plan has 43 spaces of parking on there. The addition is 1,500 square feet and goes to the east of the existing building and will share the same exterior.

Mr. Wilkening stated asked the Petitioner if they were clearing trees to the east also. Mr. Bala stated there are not too many trees on the property and there are more on the lot to the east of the property. They might have to remove some trees if the addition encroaches on the root area and would kill the tree.

Mr. Wilkening asked the Petitioner if the plan was to include 4 parking spots in the front to the east, 2 parking spots along the side, and five at the top of the property. Mr. Bala responded in the affirmative. Mr. Wilkening asked if this would make the property compliant on parking. Mr. Eberly stated they would need to go to the BZA.

Mr. Bala asked if the original building was approved, if the original variance was for parking to allowed in front of the building or a specific amount of parking to be allowed in front of the building. Ms. Murr commented it could have been both, but the original approval referenced a specific site plan.

Mr. Wilkening asked that the BZA request would not be for quantity of parking spots. Ms. Murr stated that was correct. Mr. Bala stated they would be getting a BZA variance based off the new Site Plan. Ms. Murr stated that was correct.

Mr. Wilkening asked if there was going to be any additional mechanical added outside. Mr. Bala stated there would be a small condenser added in the back of the building between the two additions.

Mr. Wilkening asked if there were any comments from the Commissioners. None were had.

Mr. Bala discussed with COVID-19 there was a change in how patients are scheduled and asked if the number of chairs in the waiting room, how many can fit in the waiting area or the actual number of chairs in the waiting area. Mr. Eberly stated it would be how many would fit in the waiting room. Discussion ensued at length about the amount of parking outside.

Mr. Wilkening asked the Petitioner if he had any more questions. None were had.

**12. Perez – Concept Plan**

**Petitioner: Ricardo Perez**

**Vicinity: 13901 Laque Drive, Cedar Lake, IN 46303**

Mr. Wilkening stated the next order of business was for the Concept Plan by Petitioner Mr. Ricardo Perez in the vicinity of 13901 Laque Drive. Mr. Perez and Mr. David Harkabus, Berkshire Hathaway, were present to speak on the petition.

Mr. Harkabus advised the Plan Commission that Ms. Murr had told him they would need a subdivision survey. They just had a recent survey done with DVG Team. They have had preliminary conversations with Mr. Oliphant, Mr. Eberly, and Ms. Murr. Mr. Harkabus described the lot that Mr. and Mrs. Perez own and stated Mr. and Mrs. Perez would like to split the lot they currently own and sell one of the lots.

Mr. Foreman asked if there was a house on the property. Mr. Harkabus responded in the affirmative and stated they want to split the lots into two, sell one of the lots, and build a new house on the lot they keep. Mr. Harkabus described the drawing given to the Plan Commission including discussions he had with Mr. Perez on where to divide the lots at.

Mr. Harkabus asked the Plan Commission if a subdivision could be approved with a contingency to tear the house down after a new house was built and almost approved so the Perez's could live in the existing house until the work is done, then tear the existing house down. Mr. Wilkening stated that would be a contingency before anything else got started with excavating.

Mr. Harkabus asked if there is a product available to allow the Perez's to live in their house and start building a new house. Mr. Wilkening stated that would create two primary structures on a single lot.

Mr. Harkabus asked if the Perez's could continue living in the house until the subdivision is approved. Mr. Wilkening responded in the affirmative.

Mr. Harkabus commented the lot sizes of each lot will be approximately 125-foot lots, with one slightly larger. The driveway that services the current house, will be the driveway they want to use to service one of the lots with. Mr. Harkabus asked the Plan Commission for any questions or thoughts they have.

Mr. Wilkening asked if both of the properties have a Laque Drive address. Mr. Harkabus responded in the negative and stated they had talked about that topic a little bit with Mr. Oliphant, Mr. Eberly, and Ms. Murr. He believes Laque Drive is a private drive and the lots would need access from a public road. It was discussed that the public road would be Binyon Avenue.

Mr. Wilkening asked if due to the elevations of the area it was being suggested sharing the access through the existing driveway. Mr. Harkabus responded in the negative and stated the south lot would have entrance through the existing drive and the north lot would be able to build a drive off of Binyon.

Mr. Kiepura asked Mr. Oliphant if Laque is a private road. Mr. Oliphant stated he believes both roads are a private road. Discussion ensued at length on who uses Laque Drive and having an ingress, egress and sewer easement on the properties.

Mr. Oliphant expressed he was concerned with the west lot being a flag lot and not having the necessary public frontage.

Mr. Wilkening asked Mr. Harkabus if he was referring to the west lot as the south lot for clarification. Mr. Harkabus responded in the affirmative.

Mr. Eberly advised the Plan Commission with the amendment to the Zoning Ordinance, the need to be on a public road is being removed, so the lot only needs to be on an improved road. Mr. Eberly also advised the Petitioner the changes to the Zoning Ordinance have to be adopted, but it would remove the need to be fronting on a public road. Discussion continued about the entrances to the lots and where each lot would get an entrance from the road at, with both entrances coming off of Binyon.

Mr. Foreman asked why they would not come off of Laque Drive for entrance. Mr. Harkabus discussed there had been talks with the individuals who own Laque about vacating the road and it makes sense to front off the public road. Mr. Oliphant and Mr. Wilkening both advised there is some rough topography with Laque Drive.

Mr. Oliphant asked Mr. Eberly if there would be a problem with the flag lot. Mr. Eberly stated he did not think there would be. Mr. Oliphant asked what the definition of improved road and if Laque fit that description. Mr. Eberly stated he has not been on Laque and asked if it is paved. Mr. Oliphant stated it is sort of paved. Mr. Huls stated Laque is paved and it is used to serve the subdivision. Discussion ensued at length about Laque Drive including its paving and there being no turn-around point.

Mr. Wilkening stated he did not think allowing the Perez's to remain there until there was ground breaking was doable and he thinks it is a good idea to not utilize Laque.

Mr. Sharpe asked if the Perez's were keeping one of the lots. Mr. Harkabus responded in the affirmative. Mr. Sharpe asked which of the two lots the Perez's were going to keep. Mr. Harkabus indicated the north lot.

Mr. Wilkening asked Mr. Eberly if there was any problem with the house facing Laque Drive but being addressed on Binyon. Mr. Eberly indicated it would not be a problem. Mr. Oliphant commented a house can be addressed off of a private road.

Mr. Wilkening asked if the vacant lot would be sold. Mr. Harkabus responded in the affirmative and stated they already have a buyer lined up for it.

Mr. Wilkening asked Ms. Murr if she had any comment. Ms. Murr stated once they are closer to having the subdivision platted, Police and Fire would be checked with to ensure there are no issues.

Mr. Kiepura stated he would like to find out for sure if the road is private. Mr. Foreman stated he thinks both Binyon and Laque are private. Multiple individuals advised Binyon is a public road. Mr. Eberly advised Mr. Kiepura that Laque Drive is a private road.

Mr. Harkabus asked Ms. Murr if they had an application filled out by Friday, could they potentially get on the Public Meeting agenda. Ms. Murr advised them they were discussing concept at this meeting and would need to be back in January.

Mr. Kiepura advised the Petitioner they would need to come back to a Work Session so the Plan Commission can review the drawings because there could be something that would not be approved and they would need to know that.

Mr. Wilkening asked if there were any further comments from the Commissioners. There were none.

### **13. Resolution No. 2021-02 – Plan Commission Rules & Regulations**

Mr. Wilkening stated the next order of business was for Resolution No. 2021-02 the Plan Commission Rules & Regulations. Ms. Murr advised the Commissioners one of the items updated was the Finding of Facts format and distributed the form to the Commissioners for review. They plan on having the Rules and Regulations for an action item on their next meeting.

### **14. Fee in Lieu of Sidewalk Ordinance**

Mr. Wilkening stated the next order of business was for the Fee in Lieu of Sidewalk Ordinance and indicated it would be discussed at the next Work Session.

### **15. Building Regulations and Fee amendment**

Mr. Wilkening stated the next order of business was for the Building Regulations and Fee amendment and indicated it would be discussed later.

### **Update Items:**

#### **1. Subdivision Control Ordinance**

Mr. Wilkening stated the first order of business for Update Items was for the Subdivision Control Ordinance.

#### **2. Wahlberg – 7315 Lake Shore Drive – Rezone**

Mr. Wilkening stated the next order of business was for the Wahlberg rezoning. Ms. Murr advised the Plan Commission this item was appearing at the next BZA meeting to request a Use Variance and should drop off of the agenda following that.

#### **3. Letters of Credit:**

- a. Beacon Pointe – Unit 4 – Performance LOC expires December 11, 2021**
- b. Summer Winds – Unit 2 – Performance LOC expires December 20, 2021**
- c. Summer Winds – Unit 3 – Performance LOC expires December 23, 2021**
- d. Centennial – Phase 10 – Maintenance LOC expires January 15, 2022**



Plan Commission Work Session  
December 1, 2021

Mr. Wilkening stated the next order of business was for the Letters of Credit and asked Mr. Oliphant about Beacon Pointe Unit 4 Performance Letter of Credit. Mr. Oliphant stated they submitted documents to him and he would provide a letter.

Ms. Murr stated she was going to have the Summer Winds Unit 2 and 3 Letter of Credit documents in time for review, otherwise the pull process would be started.

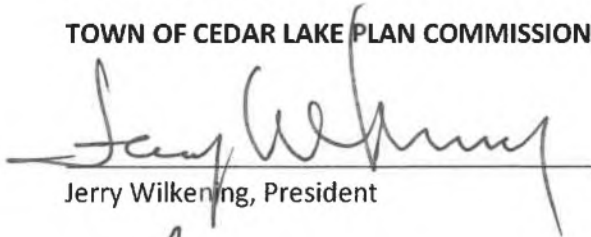
Mr. Wilkening asked about the Letter of Credit for Centennial Phase 10. Mr. Oliphant stated a checklist was sent out on October 29, and pending if it was all completed, the Letter of Credit should be good to rotate out of Maintenance.

Mr. Oliphant provided an update for the Starcevic property. They attempted to look for the manholes and could not find them. Mr. Tony Perez went to look for them the day prior and was not able to find them, and he would try again the next day.

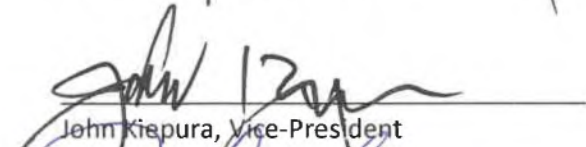
**PUBLIC COMMENT:** None was had.

**ADJOURNMENT:** Mr. Wilkening adjourned the meeting at 9:18 PM.

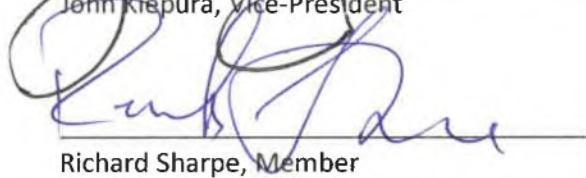
**TOWN OF CEDAR LAKE PLAN COMMISSION**



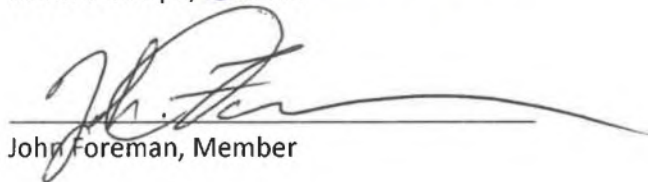
Jerry Wilkening, President



John Kiepora, 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 Special Public 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 December 1, 2021*