



**CEDAR LAKE PLAN COMMISSION MINUTES**  
**CEDAR LAKE TOWN HALL, 7408 CONSTITUTION AVENUE, CEDAR LAKE, INDIANA**  
**December 15, 2021 at 7:00 PM**

**CALL TO ORDER:**

Mr. Wilkening called the Plan Commission meeting to order at 7:03 PM, on Wednesday, December 15, 2021, with its members attending on-site and remotely. The Pledge of Allegiance was recited by all.

**ROLL CALL:**

**Members Present:** Robert Carnahan (via Zoom; arrived at 7:29 pm); Richard Sharpe; John Foreman (arrived at 7:04 pm); Heather Dessauer; Chuck Becker (via Zoom); John Kiepura, Vice-President; and Jerry Wilkening, President. A quorum was attained. **Also present:** Don Oliphant, Town Engineer; David Austgen, Town Attorney; Jill Murr, Planning Director; and Ashley Abernathy, Recording Secretary. **Absent:** None.

**MINUTES:**

Mr. Wilkening stated the first item on the agenda tonight was for the approval of the minutes for the November 17, 2021, Public Meeting, and the December 1, 2021, Work Session. A motion was made by Mr. Sharpe and seconded by Ms. Dessauer to approve the minutes for the November 17, 2021, Public Meeting, and the December 1, 2021, Work Session. The motion passed unanimously by roll-call vote.

Mr. Foreman     Aye  
Mr. Sharpe     Aye  
Ms. Dessauer   Aye  
Mr. Becker     Aye  
Mr. Kiepura    Aye  
Mr. Wilkening Aye

**Public Meeting:**

**1. Birchwood Phase 4 – Final Plat**

**Petitioner: Hanover Development LLC**

**Vicinity: approx. 12400 Wicker Avenue, Cedar Lake, IN 46303**

Mr. Wilkening stated the first order of business was for the Final Plat of Birchwood Phase 4 including 32 Lots and 2 Outlots by Petitioner Hanover Development LLC in the vicinity of approximately 12400 Wicker

Avenue. Mr. Wilkening asked Mr. Austgen if the legals were in order. Mr. Austgen responded in the affirmative.

Mr. Wilkening asked Mr. Oliphant if he had any comments. Mr. Oliphant stated they had a letter dated December 10, 2021, with all the fees and the Final Plat is in order.

Mr. Jeff Yatsko, Olthof Homes, present on behalf of the Petitioner, stated they are seeking approval of the Final Plat for Phase 4 of Birchwood, of 32 Lots and 2 Outlots. He has received Mr. Oliphant's letter with the fees and the Letter of Credit. They will get the fees paid and the Letter of Credit issued as soon as they have it.

Mr. Wilkening asked Mr. Oliphant if he was good with the numbers. Mr. Oliphant responded in the affirmative and stated the 3% Fee was for \$22,181.55, Performance Letter of Credit of \$217,722.79, and MS4 Fee of \$2,000.

Mr. Wilkening asked if there were any questions for this item. None were had.

Mr. Wilkening entertained a motion for this item. A motion was made by Mr. Sharpe and seconded by Mr. Kiepura to approve the Final Plat for Birchwood Phase 4 with a 3% Fee of \$22,181.55, Performance Letter of Credit of \$217,722.79, and MS4 Fee of \$2,000 and the Christopher Burke Engineering letter dated December 10, 2021. The motion passed unanimously by roll-call vote.

Mr. Foreman   Aye  
Mr. Sharpe     Aye  
Ms. Dessauer   Aye  
Mr. Becker     Aye  
Mr. Kiepura    Aye  
Mr. Wilkening  Aye

**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 of Beacon Pointe East, Phase 3 by Petitioner Beacon Pointe of Cedar Lake in the vicinity of 9000 West 141<sup>st</sup> Avenue.

Mr. Jack Slager, Schilling Development, present on behalf of the Petitioner, stated they are requesting Final Plat approval Beacon Pointe East, Phase 3. This is a smaller phase located on 141<sup>st</sup> Avenue, east of the railroad track and provide the second entrance into Beacon Pointe East. The infrastructure is complete and the fee from Mr. Oliphant's letter was paid this afternoon. He has the signed and notarized mylars and the bank will be sending the Letter of Credit to the Town in the next couple of days. There are 24 cottage homes in this phase.

Mr. Wilkening asked Mr. Oliphant if there were any outstanding issues. Mr. Oliphant responded in the negative and stated the fees for this one would be the 3% fee of \$12,668.01, a Performance Letter of Credit of \$126,922.65, and a MS4 fee of \$2,000.

Mr. Wilkening asked Mr. Austgen if legals were in order for this item. Mr. Austgen stated the legals are in order.

Mr. Wilkening asked Ms. Murr if she had any comments from the Building Department. Ms. Murr stated, as indicated by Mr. Slager, the 3% inspection fee and MS4 fee were paid today.

Mr. Wilkening asked if there were any comments from the Commissioners. Mr. Foreman discussed prior to 2007 there had been discussion of a train station with a lot of multi-family living areas and this puts a close to that era.

Mr. Wilkening entertained a motion for this item. A motion was made by Mr. Foreman and seconded by Mr. Becker to approve the Final Plat of Beacon Pointe East, Phase 3, for 24 cottage homes with a Performance Letter of Credit of \$126,922.65, a 3% fee of \$12,668.01, and a MS4 fee of \$2,000 with the Christopher Burke Engineering letter dated December 10, 2021. The motion passed unanimously by roll-call vote.

Mr. Foreman     Aye  
Mr. Sharpe       Aye  
Ms. Dessauer    Aye  
Mr. Becker       Aye  
Mr. Kiepura      Aye  
Mr. Wilkening   Aye

**3. Summer Winds Commercial – Accept Improvements and Convert Performance Letter of Credit to Maintenance Letter of Credit**  
**Petitioner: Summer Winds Commercial**  
**Vicinity: Summer Winds Commercial Plaza**

Mr. Wilkening stated the next order of business was for the petition to accept improvements and convert a Performance Letter of Credit to a Maintenance Letter of Credit by Petitioner Summer Winds commercial.

Mr. Brad Lambert, present on behalf of the Petitioner, stated they are coming to request the Performance Letter of Credit be converted to a Maintenance Letter of Credit. They have worked through the items Mr. Oliphant provided to the Plaza that needed completed. They have addressed those items and there remains some minor asphalt things to be addressed. Due to the time of the year, it would be difficult to do sealing of the asphalt. They will be seal coating the parking lot within the first year, as recommended by their asphalt company. They will address the cold joints when they seal coat.

Mr. Oliphant stated the few outstanding items cannot be done until the weather changes. There is a small area to be corrected on the alley and then cold joints. This will occur when the Petitioner does the sealing of the parking lot, which he is doing on his own.

Mr. Wilkening asked if the Maintenance Letter of Credit amount is enough to cover the few remaining items. Mr. Oliphant responded in the affirmative.

Mr. Wilkening asked Mr. Austgen if everything was good for this. Mr. Austgen responded in the affirmative.

Mr. Wilkening asked Ms. Murr if she had anything from the Building Department. Ms. Murr responded in the negative.

Mr. Oliphant stated the value of the Maintenance Letter of Credit is \$25,752.60 for a 3-year period.

Mr. Wilkening entertained a motion for this item. A motion was made by Ms. Dessauer and seconded by Mr. Becker to convert the Performance Letter of Credit to a Maintenance Letter of Credit for the amount of \$25,752.60 for 3 years and with the December 10, 2021 Christopher Burke Engineering Letter. The motion passed unanimously by roll call vote.

Mr. Foreman     Aye  
Mr. Sharpe       Aye  
Ms. Dessauer    Aye  
Mr. Becker       Aye  
Mr. Kiepura      Aye  
Mr. Wilkening   Aye

**4. 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. The Petitioner is requesting a modification of a Plan Commission determination dated October 19, 2016, and recorded as document 2016-087347.

Mr. John Schmaltz, Burke Costanza & Carberry, present on behalf of the Petitioner, stated he was present with Mr. Jeff Oltmanns, Global Engineering and Land Surveying. The Petitioner has submitted a request to amend the 2016 Findings and a determination entered by the Plan Commission to establish conditions on the Site Plan. This is a storage facility that is partially developed and allows for a maximum of 12 buildings. One of the conditions required the roofs be a 4-12 pitched gabled roof. The modification the Petitioner is seeking is for that condition. They have modified their prototype to allow for a roof that is not a gabled roof. The primary reason is for that is having difficulty in sourcing materials for the gabled roof design.

Mr. Schmaltz stated the storage unit is related to an area that is bounded on 2 sides by structures with the gabled roof. The south side of the property is a buffer of trees and to the east are railroad tracks. The area is fairly well concealed. Since the December 1, 2021 Work Session, they submitted proposed Finding of Facts along with an exhibit that would show location on the Site Plan where the future buildings will exist.

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

Mr. Wilkening asked Mr. Austgen if he had any comments for this item. Mr. Austgen asked Mr. Schmaltz if he was the attorney for the Owner of Record. Mr. Schmaltz responded in the affirmative. Mr. Austgen asked if there has been a change in ownership then. Mr. Schmaltz stated there had been a change in ownership since the 2016 approvals had been made.

Mr. Wilkening asked Ms. Murr if she had any comments from the Building Department. Ms. Murr responded in the negative.

Mr. Wilkening asked if the buildings were going to have a salt-box style roof with the same blueprint as the other buildings, with the same amount of everything else that was in the original agreement. Mr. Schmaltz responded in the affirmative.

Mr. Wilkening stated at the Work Session he had discussed issues currently occurring on the property, that has not been rectified. Today, there was work occurring on the property without a permit, including trenching and conduit, while a permit has only been submitted to the Building Department. The other issue that he had previously discussed had been storage had only been allowed on the north side of the property and that has not been rectified.

Mr. Austgen asked if the improvements occurring are consistent with the petition in front of the Plan Commission for approval. Mr. Wilkening stated it appears to be that way. Mr. Austgen advised there would be a connection of issues and consequences would need to be discussed. Mr. Wilkening discussed the outdoor storage was directly connected to the property and asked Mr. Schmaltz his thoughts on what is being discussed.

Mr. Schmaltz thanked Mr. Wilkening for bringing these items to his attention and asked if there had been staff of the Building Department that visited the area to discover the work being done with no permit. Mr. Wilkening stated he was not aware, but knew there was a submission of an application and there has not been a permit issued.

Mr. Wilkening discussed the outdoor storage had only been approved along the north property line and is being moved into the east and south property line, as discussed 2 weeks ago. If they are trying to make everything right and correct, now is the time to do that.

Mr. Schmaltz stated he had discussed being compliant with his client and going with the conditions in place. Regarding the construction on the property, he does not know about it and would like to observe it.

Mr. Austgen advised the Commissioners to have Building Department staff do an inspection of the property and assess the violation and assess remedial measures to be taken and how this fits with the petition application currently being presented to the Plan Commission.

Mr. Foreman asked if the Petitioner is asking for a modification to the previously approved determination, is there not a permit for the original plan and a modification is being sought. Ms. Murr advised there had not been a permit issued to allow the work being done.

Mr. Foreman stated he does not want to be setting a precedence with flat roofs for storage buildings and having two styles of storage units on the same property.

Mr. Kiepura asked if there would be any more buildings built after the last proposed 6 buildings are built. Mr. Wilkening stated after all the buildings were complete, the project was done. Discussion ensued regarding with the exception of the style of roof the buildings will look exactly the same.

Ms. Murr advised the Plan Commission if they were to consider approving the request, she recommends not allowing any issuance of permits until they are in compliance with their current agreement.

Mr. Carnahan arrived via Zoom at 7:29 PM.

Mr. Wilkening entertained a motion for this item. A motion was made by Mr. Foreman and seconded by Ms. Dessauer to deny the modification of a Plan Commission determination dated October 19, 2016, and recorded as document 2016-087347. The motion passed 5 Ayes to 2 Nays by roll-call vote.

Mr. Carnahan	Aye
Mr. Foreman	Aye
Mr. Sharpe	Aye
Ms. Dessauer	Aye
Mr. Becker	Aye
Mr. Kiepura	Nay
Mr. Wilkening	Nay

**5. Franciscan – Cedar Lake Health Center – Site Plan**  
**Owner: R.M. Teibel & Associates, Inc.**  
**Petitioner: Tonn & Blank Construction**  
**Vicinity: 6381 West 133<sup>rd</sup> Avenue, Cedar Lake, IN 46303**

Mr. Wilkening stated the next order of business was for a Site Plan by Petitioner Tonn & Blank Construction in the vicinity of 6381 West 133<sup>rd</sup> Avenue. The Petitioner is requesting Site Plan approval for a 1,500 square foot addition. Mr. Wilkening advised that the Petitioner is requesting a deferral at this time. Ms. Murr stated that was correct.

Mr. Austgen asked Ms. Murr if she anticipates additional documents and supporting material from the Petitioner for this item. Ms. Murr responded in the affirmative. Mr. Austgen advised taking that into consideration for their time table with their agenda.

Mr. Wilkening asked if the deferral would lead them to appearing at the next Work Session. Ms. Murr responded in the affirmative and the following Public Meeting in January.

Mr. Wilkening entertained a motion for the deferral for this item. A motion was made by Mr. Foreman and seconded by Ms. Dessauer to defer this item. The motion passed unanimously by roll-call vote.

Mr. Carnahan	Aye
Mr. Foreman	Aye
Mr. Sharpe	Aye
Ms. Dessauer	Aye
Mr. Becker	Aye

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Mr. Kiepura Aye

Mr. Wilkening Aye

**6. Wiers – Electric Power Solutions LLC – Preliminary Plat – One (1) Lot subdivision & Site Plan**

**Owner: John & Darlene Boersma**

**Petitioner: Jeff Wiers – Electric Power Solutions LLC**

**Vicinity: 12828 Wicker Avenue, Cedar Lake, IN 46303**

Mr. Wilkening stated the next order of business was for a Preliminary Plat of a One (1) Lot subdivision and a Site Plan by Petitioner Mr. Jeff Wiers in the vicinity of 12828 Wicker Avenue. Mr. Jeff Wiers, Electric Power Solutions LLC, and Mr. Ryan Marovich, DVG Team, were present on behalf of this petition. Mr. Wilkening asked Mr. Austgen if the legals were in order for this item. Mr. Austgen responded in the affirmative.

Mr. Marovich stated they were looking for the Preliminary Plat and Site Plan for their petition and are requesting a deferral of Site Plan. They are requesting approval of Preliminary Plat. The Site Plan is being worked on with Mr. Oliphant to determine base flood elevation and other relevant items that would affect the Site Plan. They are hoping to be back in January with the Site Plan.

Mr. Wilkening asked if there had been any new information. Mr. Oliphant stated they had received a revised plat with a revised conceptual drawing. Mr. Wilkening asked if Mr. Oliphant requested a forensic evaluation of the water issues in the area. Mr. Oliphant responded in the affirmative.

Mr. Wilkening discussed due to the Site Plan and Preliminary Plat being dependent on each other, he is not sure about separating the items, and asked the Commissioners for their thoughts. Mr. Foreman stated he did not see any issues on splitting the items up. Mr. Wilkening commented the potential caveats with the property, waivers might be needed in the future.

Mr. Austgen advised the Plan Commission against separating the Preliminary Plat and the Site Plan due to the Preliminary Plat and the Site Plan being tied together and rendered his legal advice.

Mr. Wilkening asked if there was any public comment for or against this request. None was had. Mr. Wilkening closed the public portion for this item.

Mr. Marovich requested a deferral for both items. Mr. Wiers commented on the same.

Mr. Wilkening entertained a motion for the deferral for this item. A motion was made by Mr. Kiepura and seconded by Ms. Dessauer to defer this item. The motion passed unanimously by roll-call vote.

Mr. Carnahan Aye

Mr. Foreman Aye

Mr. Sharpe Aye

Ms. Dessauer Aye

Mr. Becker Aye

Mr. Kiepura Aye

Mr. Wilkening Aye

**7. 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 a Site Plan by Petitioner Cedar Lake Property LLC in the vicinity of 7936 Lake Shore Drive. Mr. Wilkening asked Mr. Austgen if the legals were in order for this item. Mr. Austgen responded in the affirmative.

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

Mr. Wilkening asked Mr. Oliphant if he had any further comments with this item. Mr. Oliphant stated their letter from November 12, 2021, still stands. There are 10 comments on the letter and they are minor in nature. Mr. Oliphant discussed the comments that were listed on the November 12, 2021, letter.

Mr. Wilkening asked Ms. Murr if there was any new information for this item. Ms. Murr responded in the negative.

Mr. Wilkening asked Mr. Brooker if he had anything further, he would like to comment on. Mr. Brooker responded in the negative.

Mr. Foreman asked Mr. Austgen if this would be the same as the previous petition, regarding the Preliminary Plat and Site Plan. Mr. Austgen responded in the affirmative.

Mr. Foreman asked Mr. Oliphant if he had received any new information from the Petitioner's engineer. Mr. Oliphant responded in the negative.

Mr. Wilkening asked Mr. Brooker if he had any new information, such as a traffic study for a left-hand turn. Mr. Brooker responded in the negative.

Mr. Wilkening asked Mr. Brooker if he understood that the letter from the Town Engineer was requiring a right-in, right-out of the property. Mr. Brooker responded in the affirmative.

Mr. Wilkening asked the Commissioners if they had any questions or comments. Mr. Becker asked if they could do the Preliminary Plat for the Two (2) Lot Subdivision and not do the Site Plan. Mr. Wilkening advised Mr. Becker it was discussed with Mr. Austgen and it was recommended to keep the Preliminary Plat and Site Plan together.

Mr. Foreman stated he would like to see a west entrance for the property, but otherwise has no issues with the petition.

Mr. Wilkening asked Mr. Brooker if he would like to request a deferral. Mr. Brooker asked the Commissioners if he requested a deferral, what it is they would like to see. Mr. Wilkening stated there are some outstanding comments from the Town Engineer that need to be completed.



Mr. Brooker discussed what he has been requesting in the past for his petition and asked the Commissioners again if he is deferring it, why would he be deferring it. Mr. Foreman stated his opinion is that the property needs to have a west entrance for the Site Plan. He would be okay with the Preliminary Plat, but to give approval for the Site Plan without a west entrance is not a good idea.

Mr. Wilkening asked the Commissioners if they had any questions for Mr. Brooker at this time. None were had.

Mr. Wilkening entertained a motion for this item. Ms. Dessauer asked before entertaining a motion, if they were to do a deferral, what are they wanting to work out. Mr. Brooker commented on the same. Mr. Oliphant stated the only engineering comment that he can make would be for items 6 through 10, and they would be minor lighting items. Mr. Sharpe asked Mr. Oliphant if that was for the Site Plan. Mr. Oliphant responded in the affirmative. Mr. Brooker stated if what is holding up the process is the lighting then he would defer.

Mr. Wilkening asked Ms. Dessauer if her question was answered. Ms. Dessauer stated partially, the engineering is only part of it and asked if the entrance is a part of it. Mr. Wilkening commented per the Town Engineer and Public Safety officials, it needs to be a right-in, right-out.

Ms. Dessauer asked Mr. Brooker if he was still wanting to have a left into the property. Mr. Brooker stated he has not discussed wanting a left turn-in tonight and that Mr. Foreman keeps discussing he has bad engineering and would need a west entrance. Discussion ensued regarding the entrance for the property and the Site Plan addresses the property being a right-in, right-out.

Ms. Dessauer asked Mr. Brooker if his plan was for a right-in, right-out. Mr. Brooker stated that is his plan at this point and he recognizes that he would not be able to have a left turn-in. Ms. Dessauer stated she thought the left turn-in was still on the table and being discussed. Mr. Sharpe commented on the same.

Ms. Dessauer asked if all they are discussing now are the engineering comments. Mr. Brooker responded in the affirmative.

Mr. Kiepora asked what is the biggest item in the engineering note that needs to be taken care of. Mr. Oliphant stated none of them are major. They are addressing lighting electrical plan, changing one pole to a different location, getting a catalog cut of a fixture.

Mr. Foreman asked if there was a porkchop included in Mr. Oliphant's letter. Mr. Oliphant stated a porkchop is not part of the current design. It is currently stripped and signage for being a right-in, right-out. Discussion ensued regarding the lighting with the engineering.

Mr. Austgen advised the Petitioner a reason for the deferral would be to go to the Work Session to discuss what he wants to do and clearing up the petition.

Ms. Murr asked if a pork chop is put in, would the turn radius still remain for delivery trucks to get in and out of the property. Mr. Oliphant responded in the affirmative. Discussion ensued regarding the potential for a pork chop to be put in and when it was discussed.

Mr. Foreman asked Mr. Brooker if a motion was made with contingencies for a pork chop and a west entrance onto the property. Mr. Brooker stated there is not a way to put in a west entrance on the property.

Mr. Foreman asked Mr. Brooker if the potential for a turn lane was still on the table. Mr. Brooker stated he was advised that it was not possible due to the Sue Landske Park. As well as needing a traffic study and when the best time to conduct the traffic study would be or for how long. He asked the Plan Commission if he defers, what would be next.

Mr. Wilkening stated the property is a sensitive piece of property on the lake front and discussed the after-hours lighting. The lighting information is not in writing in front of them, which is what the Plan Commission needs to review, and what a deferral would allow for him to do. Mr. Brooker stated they are putting the lighting in per the Town Ordinance Code, and the conduit will be dictated by the National Electric Code. Discussion ensued at length regarding the lighting of the signage and property and the after-hours lighting. Discussion also ensued regarding what would be needed for a deferral and having everything ready to go if there is a deferral.

Mr. Wilkening entertained a motion for this item. A motion was made by Mr. Foreman and seconded by Mr. Carnahan to approve the Preliminary Plat and Site Plan for a Two (2) Lot Subdivision with the contingencies that a porkchop is included on the entrance on Lake Shore Drive and an entrance from the west is created. The motion failed 2 Ayes to 5 Nays by roll-call vote.

Mr. Carnahan	Aye
Mr. Foreman	Aye
Mr. Sharpe	Nay
Ms. Dessauer	Nay
Mr. Becker	Nay
Mr. Kiepura	Nay
Mr. Wilkening	Nay

Ms. Dessauer asked if the Petitioner defers and wraps up items 5 through 10 on Mr. Oliphant's letter and come back at the next Work Session with the intent to vote at the end of January, would that be doable. Mr. Brooker stated he would be able to do that, if it would please the Plan Commission.

Mr. Foreman stated even though it is not included in Mr. Oliphant's letter, a pork chop would be an important part of the Site Plan. Mr. Sharpe asked Mr. Brooker if he was okay with putting a pork chop in. Mr. Brooker stated it was not something that he had considered yet. Further discussion ensued regarding putting in a pork chop.

Mr. Brooker requested a deferral for this item. Ms. Murr advised Mr. Brooker that documentation would need to be in by December 23, 2021, at noon.

Mr. Wilkening asked the Commissioners if there were any further questions regarding this item. None were had.

Mr. Wilkening entertained a motion for a deferral for this petition. A motion was made by Mr. Kiepura and seconded by Ms. Dessauer to defer this item. The motion passed by 6 Ayes to 1 Nay by roll-call vote.

Mr. Carnahan Aye  
Mr. Foreman Nay  
Mr. Sharpe Aye  
Ms. Dessauer Aye  
Mr. Becker Aye  
Mr. Kiepura Aye  
Mr. Wilkening Aye

**8. Black River Bells, LLC – Preliminary Plat for a One (1) Lot subdivision & 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 a Preliminary Plat for a One (1) Lot subdivision and Site Plan by Petitioner Black River Bells, LLC in the vicinity of 11109 West 133<sup>rd</sup> Avenue. Mr. Wilkening asked Mr. Austgen if the legals were in order for this item. Mr. Austgen responded in the affirmative.

Mr. Tim Krause, Black River Bells, LLC, representing the Petitioner, and Mr. Jeremy Wagner, Excel Engineering, on Zoom, were present for this petition. Mr. Krause stated they are requesting Preliminary Plat and Site Plan.

Mr. Wilkening asked Ms. Murr if she had any comments regarding this item. Ms. Murr responded in the negative.

Mr. Wilkening asked Mr. Oliphant if he had any comments for this petition. Mr. Oliphant stated there are some minor outstanding comments. The biggest one is how the development will flow. A stacking exhibit was provided with stacking shown backed to U.S. 41. Their main entrance is designed as a two-way entrance. There is a potential to block in parked cars or prevent cars from leaving.

Mr. Wilkening asked the Petitioner if he had any thoughts on Mr. Oliphant's comments. Mr. Krause responded they have a few laid out this style. Over the past 3 years they have seen a shift from 70% drive-through and 30% dine-in, to 90% drive-through. They have the employees park where they could be blocked in with the queue.

Mr. Foreman asked if the entrance could be made wider. Mr. Wagner stated the entrance cannot be made larger due to the width of the lot being used. Mr. Foreman stated there was the ability to widen the exit to the property line, and by widening the exit it eliminates the exit problem. Mr. Wagner asked Mr. Foreman if he was talking about making the exit of the drive-through wider. Mr. Foreman responded in the affirmative. Discussion ensued regarding the staking exhibit and the problems the existing proposed stacking could have.

Mr. Wilkening commented in reviewing Mr. Oliphant's letter there are 15 items that are not addressed or only partially addressed. Mr. Oliphant stated most of them are small, the only other major item would be the water service line. For the mains on the west side of U.S. 41, Public Works prefers to be a ductile through U.S. 41. This requires approval from INDOT. Otherwise, the B-Box for the property would have to be located on the west side of the road. Discussion ensued about water mains in the area of U.S. 41.

Mr. Wilkening discussed the rear of the property has been discussed at previous meetings. Mr. Oliphant stated they are working ingress-egress Ed's Auto. Mr. Krause commented on the same and stated they were also working for an ingress-egress easement with CVS. Mr. Wilkening discussed if there had been shared access it could eliminate Mr. Oliphant's concerns. Discussion ensued regarding the rear access part of the property.

Mr. Krause requested a deferral for this item.

Mr. Wilkening asked if there was any public comment for or against this item. None were had. Mr. Wilkening closed the public portion for this item.

Mr. Wilkening entertained a motion for a deferral for this petition. A motion was made by Mr. Sharpe and seconded by Mr. Foreman to defer this item. The motion passed unanimously by roll-call vote.

Mr. Carnahan   Aye  
Mr. Foreman    Aye  
Mr. Sharpe     Aye  
Ms. Dessauer   Aye  
Mr. Becker     Aye  
Mr. Kiepura    Aye  
Mr. Wilkening  Aye

**9. Stenger – Rezone & Preliminary Plat for a 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 the Rezone and a Preliminary Plat for a One (1) Lot Subdivision by Petitioner Mr. Gerald Stenger in the vicinity of 13418 Wicker Avenue. Mr. Wilkening asked Mr. Austgen if the legals were in order for this item. Mr. Austgen responded in the affirmative

Mr. Jack Huls, representing the Petitioner, stated this parcel is located at 135<sup>th</sup> Avenue and Wicker Avenue. Currently there are three parcels combined under one Tax ID number, there is a metes and bounds parcel, and Lot 1 and Lot 2 which are both zoned R-1. Lot 2 would remain as a residential lot and is not included in their petition. The metes and bounds parcel is currently zoned B-3 and Lot 1 is an "L" shaped lot that is not suitable for construction of a single-family home. They are requesting to rezone Lot 1 to B-3 to match the zoning of the metes and bounds parcel. They would seek a favorable recommendation to the Town Council for the zone change.

Mr. Huls stated the second request is for a Preliminary Plat. The Town's Master Plan for this area is to be zoned B-3. It was discussed combining Lot 1 with the metes and bounds parcel to create one property. It was also asked for access to be restricted from 135<sup>th</sup> Avenue. They have provided a no-access strip along the entire area of Lot 1. So, the only access onto this property would be from Wicker Avenue. They have completed both requests in combining the two parcels and providing the no access strip on the Preliminary Plat.

Mr. Wilkening asked if the language is in the Plat for no access off of 135<sup>th</sup> Avenue. Mr. Huls responded there is a no access strip along 135<sup>th</sup> Avenue as requested.

Mr. Austgen asked if this was indicated on the Plat. Mr. Huls responded in the affirmative.

Mr. Wilkening asked if the residential lot will remain. Mr. Huls stated the residential lot called Lot 2 is a typical residential lot. It is currently undeveloped. Mr. Oliphant commented the lot is approximately 130 by 215. Mr. Huls stated it is a recorded residential lot and the intent is to sell the property to someone who would want to build a residential house. They will have knowledge that they will build adjacent to a commercial property.

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

Mr. Wilkening asked Mr. Oliphant if he had any further comments. Mr. Oliphant responded they have 3 contingencies including Site Plan review upon an actual Site Plan for a commercial development, removal and some easement revisions, and set all boundaries to be shown. His review is a Preliminary Plat and a Final Plat review.

Mr. Wilkening asked if there was any public comment for or against this petition.

Mr. Charlie Watt stated he lives across from the Lot 1 parcel and stated they would want to know what type of businesses can go into the B-3. He would be against a machinery, welding shop, or a business of the like. There are homes on any side of the property. He is glad to see Lot 2 is remaining as a residential lot. He is concerned if the R-1 becomes a B-3, their subdivision would not look like a subdivision any more. He suggests making Lot 1 to become a park.

Mr. Wilkening advised there is a list of B-3 businesses and whatever business would go in there would have to provide screening. Regarding a park, this is private property and they cannot do that with private property.

Mr. Austgen advised that Site Plan approval has a process and has to be reviewed.

Mr. Watt asked if they knew if there were any potential buyers for the property. Mr. Wilkening stated he was not aware and assured Mr. Watt the screening has to be put up and he should be notified when any business applies to go in. Mr. Huls discussed the parcel being rezoned to B-3 and advised there would be no entrance given off of 135<sup>th</sup>.

Mr. Wilkening asked Mr. Oliphant how far would the screening be off of the curve of 135<sup>th</sup> Avenue. Mr. Oliphant stated it would need to be out of the Right of Way, and from the edge of the Right of Way to the curve is approximately 20 feet.

Mr. Rich Thiel stated he lives across the street from the R-1 that is going to remain residential and after he saw the Plat of Survey with no entrance or exit off of 135<sup>th</sup> Avenue, he was satisfied.

Mr. Wilkening asked if there was any more public comment for or against this item. No more comment was had. Mr. Wilkening closed the public portion for this item.

Mr. Wilkening asked Ms. Murr if she had any further comments from the Building Department. Ms. Murr responded in the negative.

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

Mr. Wilkening entertained a motion for a recommendation to the Town Council for the Rezone from R-1 and B-3 to B-3. A motion was made by Mr. Kiepura and seconded by Ms. Dessauer to send a favorable recommendation to the Town Council for the Rezone of R-1 and B-3 to B-3 contingent upon plat approval. The motion passed unanimously by roll-call vote.

Mr. Carnahan Aye  
Mr. Foreman Aye  
Mr. Sharpe Aye  
Ms. Dessauer Aye  
Mr. Becker Aye  
Mr. Kiepura Aye  
Mr. Wilkening Aye

Mr. Wilkening entertained a motion for the Preliminary Plat for a One (1) Lot Subdivision. A motion was made by Mr. Kiepura and seconded by Mr. Becker to approve the Preliminary Plat for a One (1) Lot Subdivision to be contingent upon the December 10, 2021, Christopher Burke Engineering Letter. The motion passed unanimously by roll-call vote.

Mr. Carnahan Aye  
Mr. Foreman Aye  
Mr. Sharpe Aye  
Ms. Dessauer Aye  
Mr. Becker Aye  
Mr. Kiepura Aye  
Mr. Wilkening Aye

**10. 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 an 81 Lot Subdivision by Petitioner Schilling Development in the vicinity of US 41 and 10918 West 129<sup>th</sup> Avenue. Mr. Wilkening asked Mr. Austgen if the legals were in order for this item. Mr. Austgen responded in the affirmative.

Mr. Jack Slager, Schilling Development, present on behalf of the Petitioner, stated the Oakwood Project received a PUD Zoning in May 2019, that was related to the layout being presented. Part of the condition of the approval, was a 3-year time limit on the Zoning Approval. They are ready to start the project, so are requesting Preliminary Plat following the layout that was approved 3 years ago for the PUD Zoning. They are working on engineering. Mr. Huls has been working with Mr. Oliphant on the engineering, and they are working through the last of the items. They would like to conduct the public hearing and see if there is any public comment for this item.

Mr. Wilkening asked Mr. Slager if everything is unchanged. Mr. Slager responded in the affirmative.

Mr. Foreman asked Mr. Slager if he could advise the audience of what they are going to be doing next to the tracks. Mr. Slager stated there is a small parcel that is fronting on 129<sup>th</sup> Avenue, adjacent to the tracks. Originally, they had proposed 2 duplexes on the parcel. The final agreement was that parcel becomes one single-family lot that fronts onto 129<sup>th</sup> Avenue. In addition, they agree to install a 6-foot-high solid fence along the west boundary of that parcel and the south boundary of their parcel. This would be the north side of the 3 parcels they surround on 129<sup>th</sup>. The members of the audience were shown the drawing of the design.

Mr. Wilkening asked Mr. Oliphant if he had any comments at this time. Mr. Oliphant responded it was like Mr. Slager stated, he and Mr. Huls are working through the engineering. There is a December 8, 2021, letter and some work left to do. They just received water and sewer comments on December 15, 2021, and he has not reviewed those yet.

Mr. Wilkening asked Ms. Murr if she had any comments from the Building Department. Ms. Murr responded in the negative.

Mr. Wilkening asked if the Commissioners had any comments at this time. None were had.

Mr. Wilkening asked how they were going to tie into the turn lane at U.S. 41. Ms. Murr advised the Commissioners, that per the agreement, the developer is to install the turn lane once the Town acquires the Right of Way or contribute \$20,000 towards the turn lane. One of the things that has come up is the widening of U.S. 41, there is going to be some Right of Way acquisition during that period and INDOT representative stated they were going to design that intersection with the turn lane in mind.

Mr. Oliphant commented there has been tacit agreement from INDOT that they will build the turn lane. There could be some cross over due to INDOT needing to require Right of Way on their end, but the Town would potentially still need to obtain the Right of Way on 129<sup>th</sup> Avenue. There is still discussion occurring about where the connection would occur.

Mr. Wilkening asked if the Town obtains the Right of Way now, how would a return on investment occur, if someone else modifies or expands upon the frontage of U.S. 41. Mr. Slager advised they were likely going to donate the \$20,000 and allow the Town to put it in as part of the U.S. 41 expansion. Mr. Oliphant stated originally, they had the turn lane included in the 129<sup>th</sup> Avenue Project, it was removed after discussions with INDOT. Discussion ensued about the U.S. 41 INDOT expansion project and when it was anticipated to start.

Mr. Wilkening asked if there any public comment for or against this item.

Mr. Greg Nevers stated he moved to Cedar Lake in 2000 from North Hammond and loved the idea of not having to live extremely close to his neighbors. Since he moved to the area, the area has started being built up, including additional businesses and a newer subdivision causing for increased traffic, garbage, and noise in the area. They knew this subdivision project was coming but did not know the scale. When it was first proposed in 2019, he was shocked at what was being proposed. He understands the subdivision is coming, but is asking that as the project moves forward that the individuals still living in the area are given some consideration as to their way of life and privacy. There are going to be 81 houses in the development and he is requesting that the 4 house along the south border, Lots 77 to 80, not happen or be moved elsewhere in the property.

Mr. Nevers stated he knows that it is a huge ask to have those 4 houses not be built, he is just requesting that it be considered. Mr. Wilkening commented it is a huge ask and stated he remembered there had been a huge discussion. The developers are including a privacy fence and eliminated the second entrance and emergency fire exit.

Mr. Nevers stated he was asking the Commissioners to consider the people that have lived in Cedar Lake versus people that don't even leave in Cedar Lake yet. The area is getting more and more developed and he thinks that 4 houses in the grand scheme of things are not that huge.

Mr. Wilkening asked Mr. Slager if the homes along the south border were going to be 2 story homes or ranches. Mr. Slager responded the houses along the south border will be ranch-style houses. Mr. Nevers discussed knowing that the Commissioners are doing what they think is best for the Town and asked for consideration to be given for the people already living in the Town with all the subdivision development. Mr. Nevers reiterated his request for the 4 houses to be moved or not be built taken into consideration.

Ms. Amy Haak stated she does not understand when they are talking about donating the \$20,000, where the money would go and asked if it could be reworded to something else, like impact fee. Mr. Foreman asked if she meant for the right turn lane. Ms. Haak responded in the affirmative. Mr. Foreman advised it would go into a non-reverting fund and be utilized to potentially acquire Right of Way for the turn lane or build the turn lane. The funds would go to the Town of Cedar Lake and be used for those purposes.

Ms. Haak reiterated considering calling it an impact fee versus donation due to the impact it would have on the individuals in the area. Mr. Foreman stated it could be the wrong terminology, but it is for a turn lane on U.S. 41 so that if someone is turning, there is not traffic backing up. Ms. Haak stated if they don't want to do that, then they need to be hit with an impact fee. Mr. Foreman stated if they are not building the turn lane, the Town would collect the \$20,000 in lieu of the turn lane and if the Town acquires the land, the developers would pay for the construction of the turn lane.

Mr. Carnahan advised each house pays a system development fee of \$3,500, which is different than the \$20,000 fee.

Mr. Wilkening asked Ms. Haak if she understands the impact fee Mr. Carnahan is discussing is different than the funds that Mr. Foreman is discussing. Ms. Haak stated she had not heard the term impact fee; all she has heard is donation. Mr. Wilkening stated that is the difference. They are working with the developer to reduce foreseeable issues on U.S. 41 and 129<sup>th</sup> Avenue, and has been a continuous discussion.

Ms. Haak discussed there could be unease in hearing the word donation, as though the developer has the option of not giving the money versus an impact fee. Mr. Wilkening stated it is a requirement of the PUD from 2019.

Mr. Stephen Goff stated he wants some clarification on some items. The first is regarding the fence around the property and if it is still being included. Mr. Slager stated that was committed. Mr. Wilkening advised the big display shows where the fence would be better. Mr. Slager stated the heavy black line on the display is going to be where the 6-foot privacy fence will be.



Mr. Goff asked from the back of his building is 25 feet from the property line and asked if the fence could go on the north side of the easement, where he believes there is a 20 feet easement. Mr. Slager stated there is a 20 feet easement that is for drainage and other easement. The fence would be built on the property line.

Mr. Goff asked about his property tree line. Mr. Slager responded Mr. Oliphant and Mr. Huls have had discussion and eliminated the sidewalk on the east side of the entrance. They will only have a sidewalk entrance on the west side of the entrance, none on the east to preserve the tree line.

Mr. Goff asked if there was going to be a fence installed on that side. Mr. Slager responded in the negative.

Mr. Goff asked regarding leaf pick up, would he be able to use the leaf pick up. Mr. Slager stated he did not see why not; it is a public street and he would be adjacent to the public street.

Mr. Wilkening asked if there was any more public comment for this item. Hearing none, Mr. Wilkening closed the public portion for this item.

Mr. Austgen asked Mr. Slager if this was a PUD or going to be a Zone change. Mr. Slager stated they were looking for a Preliminary Plat approval based on the PUD Zone change that already occurred. Mr. Austgen clarified this was the plat within the PUD agreement. Mr. Slager responded in the affirmative.

Mr. Wilkening asked Ms. Murr if she had any further comments. Ms. Murr responded in the negative.

Mr. Wilkening asked if there were any further comments from the Commissioners for this item. Ms. Dessauer asked Mr. Slager what the original Zoning on this property. Mr. Slager stated it had been a combination of Commercial and Residential Zoning. Discussion ensued about what could have occurred in the area with commercial development.

Mr. Wilkening asked if the houses along the east edge of the property were going to have walk-out basements. Mr. Slager responded in the affirmative. Mr. Wilkening asked if there was going to be any screening along the east side before the commercial get develops out front. Mr. Slager stated there was approximately 50 to 100 feet along the east side of the creek, with the approximate same amount on the other side so there will buffer on both side of the creek.

Mr. Wilkening asked Mr. Slager if he wanted to comment on the request from one of the remonstrators on removing the 4 homes on the south border. Mr. Slager stated he believes these were the same conversations that occurred 3 years ago. Ultimately, the eliminated the 2 duplexes by the tracks to make it a single-family lot and added the fence as a response to the concerns. This is the best of what they can do.

Mr. Slager requested a deferral to the January Public Meeting.

Mr. Wilkening entertained a motion for a deferral for this petition. A motion was made by Mr. Sharpe and seconded by Ms. Dessauer to defer this item to the January 19, 2021, Public Meeting. The motion passed unanimously by roll-call vote.

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Mr. Carnahan Aye  
Mr. Foreman Aye  
Mr. Sharpe Aye  
Ms. Dessauer Aye  
Mr. Becker Aye  
Mr. Kiepura Aye  
Mr. Wilkening Aye

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

Mr. Wilkening stated the next order of business was for Resolution No. 2021-02 for the Plan Commission Rules & Regulations.

Mr. Wilkening stated these have been being discussed with the Commissioners for the better part of the past year and asked if the Commissioners had any questions on the Plan Commission Rules & Regulations. Mr. Wilkening asked Mr. Austgen if this needed any further review. Mr. Austgen responded in the negative. Approval of this will be incorporated into the Zoning Ordinance replacement.

Mr. Wilkening asked if the Plan Commission Rules & Regulations be reviewed sooner than the Zoning Ordinance. Mr. Austgen stated the Plan Commission Rules & Regulations have been gone over extensively and is purely ministerial at this point. Ms. Murr advised the resolution provided in the Plan Commission packet was provided from Mr. Austgen's office to accompany the Rules & Regulations provided to the Plan Commission. Forms have been created to accompany the Rules & Regulations have been included.

Mr. Austgen advised the Plan Commission to act on both the Plan Commission Rules & Regulations and Zoning Ordinance at one time to enact on both items at one time. Mr. Wilkening asked if there had been a specific time period, they had wanted this to be enacted by. Mr. Austgen stated if it was the desire of the Plan Commission, they could pass this Resolution if they wanted.

Mr. Wilkening asked the Commissioners if they had any questions on the Plan Commission Rules & Regulations. None were had.

Mr. Wilkening entertained a motion for Resolution No. 2021-02 Plan Commission Rules & Regulations. A motion was made by Mr. Foreman and seconded by Ms. Dessauer to approve Resolution No. 2021-02 Plan Commission Rules & Regulations. The motion passed unanimously by roll-call vote.

Mr. Carnahan Aye  
Mr. Foreman Aye  
Mr. Sharpe Aye  
Ms. Dessauer Aye  
Mr. Becker Aye  
Mr. Kiepura Aye  
Mr. Wilkening Aye

#### **12. Resolution No. 2021-04 – Zoning Ordinance & Zoning Map**

Mr. Wilkening stated the next order of business was for Resolution No. 2021-04 for the adoption of the updated Zoning Ordinance and Zoning Map. Mr. Wilkening asked Mr. Austgen if the legals were in order for this item. Mr. Austgen responded in the affirmative.

Mr. Wilkening asked Ms. Murr if she had any comments from the Building Department. Ms. Murr stated this has been worked on for quite some time and a final draft was given to everyone.

Mr. Wilkening asked if there was any public comment for or against this item. Mr. Wilkening advised the Commissioners he had received a letter and signed petition of individuals against the 35-foot height change in the Residential Zoning District. Mr. Wilkening read the letter into the record. The letter and signed petition are included at the end of the Meeting Minutes for the record.

Ms. Haak stated she does not agree with the increasing the maximum height of a primary structure from 30 feet to 35 feet. She does not think huge buildings need to be built due to being a resort town. Mr. Wilkening stated they have had a few properties come to the BZA on occasion requesting height variance, and it has been a contentious subject.

Ms. Haak stated she has no issues with taller homes outside of the lake property area, but is the proposal to change the R-2 Zoning is being changed from 30 to 35 feet. Mr. Wilkening stated that is correct they are changing it from 30 to 35 feet. Ms. Haak commented that it would eliminate views for properties around the lake. Mr. Wilkening stated they try to take that into consideration at the BZA and advised Ms. Haak he would continue on for any other remonstrance for this item.

Ms. Yvonne Taves stated the 30-foot height is already blocking people's views in her subdivision, with a number of individuals who have already lost their view of the lake. Basically, they are giving a blanket invitation to block the lake view from individuals who build on the lake to anyone behind them. They pay property taxes for lake views and the assessor does not care how much of the lake view the individual has. The rate is still the same. She thought the Comprehensive Plan discussed preserving the lake view for people not closing it off from people. The change to 35 feet sounds like a run-around to avoid the Board of Zoning Appeals. Ms. Taves stated it feels like a backroom deal, like there is a developer ready to donate something big to Cedar Lake and wanted this height.

Mr. Wilkening stated he was sorry that was her assumption of what was going on, but that was not what the change in the height was. Ms. Taves stated the Town shows more interest in what looks like on the main roads than how it works for the people living in Town. She thinks the idea of allowing a building height of 35 feet is deplorable.

Mr. Wilkening stated in all the discussions the Commissioners over the height of the buildings had to do with architectural aesthetics. Ms. Taves asked what about the aesthetics of the views of the individuals behind them who's views are going to be blocked. Mr. Wilkening stated he understood, which is why that is taken into consideration at the BZA. Ms. Taves stated they should still be so that those being affected by it can still come speak against it. Mr. Wilkening stated that is a fair point and the lake view she is talking about there is that dynamic that has been discussed in the past that if someone wants the best lake view, you have to get the best lake property.

Mr. Foreman stated there is nothing that is preventing the height from being changed back to 30 feet, and if someone wants to go to the 35 feet they would need to apply for a variance. They have talked about

it and vetted it based off of ceiling height, pitch height and such. This has been discussed extensively over the past few years and it was not done intentionally. Mr. Wilkening discussed that there had been talks of working out Ordinances for the Legacy Lots and the Non-Conforming properties. Discussion ensued at length regarding why there had been discussion of changing the building height of the R-2 Zoning to 35 feet and changing the height back to 30 feet.

Mr. Nick Recupito stated that while is on the Board of Zoning Appeals, he is present as a member of the community and a home owner. A lot of the people on the list against the change of height he has talked to, and many more who wanted to sign. He did not think streamlining the building height was worth the risk and hardship that it would bring onto individuals in the Town. Mr. Wilkening stated they would have to weigh out the benefits and the few properties appearing in front of the BZA does not seem to be a benefit.

Mr. Foreman commented that the height for Zoning R-1, R-2, and R-T are all the same, and to possible review that.

Mr. Wilkening asked if there were any further comments regarding the 35-foot height or anything else in the Zoning Ordinance.

Mr. Recupito asked if there had been modifications made to the Legacy Lots, as had been discussed the November 29, 2021 Meeting. Ms. Murr responded in the affirmative and stated the Legacy Lots is only for occupied lots.

Mr. Wilkening asked Ms. Murr for the Occupied Legacy Lots, what is the lot coverage. Ms. Murr responded the minimum lot size 2,400 square feet with a maximum lot coverage of 50% for a residential lot. Mr. Wilkening clarified that number was for occupied legacy lots. Ms. Murr responded in the affirmative and stated a Residential Legacy Lot is less than 5,000 square feet and have to pre-date the town's incorporation. For Commercial Legacy Lot, the minimum lot size is 5,000 square feet and maximum lot coverage is 50%.

Mr. Wilkening asked what Vacant Legacy Lots were being considered. Mr. Foreman commented they were removed from the Ordinance. Ms. Murr commented on the same. Discussion ensued about why they removed the Vacant Legacy Lots and ensuring individuals wanting to build on a Vacant Legacy Lot would need to go to the BZA.

Mr. Recupito asked about a form of time frame put into place from pulling a demolishing permit for a lot to still be classified as a legacy lot. Mr. Kiepora stated there had been discussion on reducing the amount of time for the demolition permit so that it is not a long permit. Mr. Foreman commented that it had been agreed upon doing 30 or 90 days for a demolition permit to prevent a project taking 2 years to redevelop the property.

Mr. Recupito asked if the lot is not built in a timely fashion it reverts to whichever zoning it was classified as. Mr. Wilkening responded in the affirmative. Ms. Murr stated the demolition permit and the building permit were to be pulled at the same time.

Ms. Haak asked the Plan Commission if they would defer the vote for the Zoning Ordinance. Mr. Wilkening stated they were intending to defer the item, due to needing another administrative and legal review.

Mr. Wilkening asked if there was any further public comment for the Zoning Ordinance at this time. No further comment was had. Mr. Wilkening ended the public portion for this item at the December Public Meeting, and left the public comment open for the next meeting.

Mr. Wilkening entertained a motion for this item. A motion was made by Mr. Kiepura and seconded by Mr. Sharpe to defer this item to the January 19, 2021, Public Meeting. The motion passed unanimously by roll-call vote.

Mr. Carnahan   Aye  
Mr. Foreman    Aye  
Mr. Sharpe      Aye  
Ms. Dessauer   Aye  
Mr. Becker      Aye  
Mr. Kiepura     Aye  
Mr. Wilkening  Aye

### **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 comments or thoughts regarding this item.

Mr. Kiepura stated he thinks there needs to be something in the language to explain to the Petitioner what the reasons for them to ask for a fee in place of sidewalk.

Mr. Wilkening commented there needs to be some criteria created or a checklist created for this item. Ms. Murr commented it had been discussed having a reduced amount for a fee. Mr. Wilkening commented on the same and stated it had been discussed doing the fee at 80% of the cost.

Mr. Foreman asked Mr. Oliphant about the current cost of putting in a sidewalk. Mr. Oliphant responded it is currently \$35 per linear foot and it is reviewed annually.

Mr. Wilkening stated if this is put in place there should be the incorporation of a maximum length of sidewalk. Ms. Murr commented the amount of sidewalk would vary based on the size of the plat. Mr. Oliphant commented on the same and stated it would vary based on the frontage.

Mr. Wilkening stated that he agrees with Mr. Kiepura that there needs to be some criteria put into place for why the Petitioner would request that a fee in lieu of sidewalk is put in. Discussion ensued about draft ordinances that have been circulated and the addition of the criteria needed for a sidewalk.

Mr. Austgen advised the Plan Commission when they begin reviewing the Subdivision Control Ordinance they will see a waiver section, including requirements reviewed by Mr. Oliphant and his team. This will begin in 2022.

Mr. Wilkening asked the Commissioner's thoughts on starting this Ordinance in a basic area, such as existing Non-Conforming. Mr. Foreman discussed why they started the process of creating the Fee in Lieu of Sidewalk Ordinance and working on creating interconnectivity for the town. Mr. Foreman suggested deferring this item to February.

Mr. Wilkening entertained a motion for this item. A motion was made by Mr. Sharpe and Mr. Kiepura to defer this item to the February 2022 Work Session. The motion passed 6 Ayes to 1 Nay by roll-call vote.

Mr. Carnahan Aye  
Mr. Foreman Aye  
Mr. Sharpe Aye  
Ms. Dessauer Nay  
Mr. Becker Aye  
Mr. Kiepura Aye  
Mr. Wilkening Aye

**Update Items:**

**1. Building Regulations and Fee amendment**

Mr. Wilkening stated the first item for update items is for the Building Regulations and Fee amendment. Ms. Murr advised the Commissioners were provided this information at their last Work Session. Mr. Eberly created a draft Ordinance and sent it to Mr. Austgen for review.

**2. Subdivision Control Ordinance**

Mr. Wilkening stated the next item was for the Subdivision Control Ordinance. Ms. Murr advised this is an item they are anticipating beginning work on in the new year.

**3. Letters of Credit:**

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

Mr. Wilkening discussed the Letter of Credit and their expiration dates. Ms. Murr advised she has received drafts from Peoples Bank on both Summer Winds Unit 2 and Unit 3. Mr. Austgen reviewed them and requested an update from the bank. Ms. Murr anticipates having those within the next few days. Mr. Wilkening asked if she was comfortable with the timeline. Ms. Murr advised they would not need to pull on them.

Ms. Murr stated Mr. Oliphant has been in the process of scheduling the inspection for Centennial, Phase 10, and they anticipate it rolling off. Mr. Oliphant stated they completed their checklist and they just need to re-inspect the work.

**Public Comment:** Mr. Wilkening opened the floor for Public Comment.

Mr. Bill Frederick stated he is a Board Member of Cedar Lake Ministries and is present to requesting an extension of the due date of one of the two drainage items required to be performed as part of the CLM PUD Agreement. The site location for the extension request is on the west side at approximately 137<sup>th</sup> Street and Lauerman Street, at the mailboxes to the existing drainage ditch. He is requesting to perform this work in conjunction with the drainage ditch work along the southeast property line. The current date for this work to be performed is by December 31, 2021, and the southeast property line is to be complete

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by June 29, 2022. He is proposing that both of these projects are completed at the same time of June 29, 2022, to avoid mobilizing the required equipment twice, due to weather, and other items. Currently, they have two separate contractors who can meet the June 29, 2022, deadline for both items.

Mr. Wilkening stated that this is not a public item, this would be an agenda request. Mr. Foreman asked if one of the items expired. Ms. Murr clarified that one of the items will expire on December 31<sup>st</sup>. Mr. Wilkening commented on the same and stated that Cedar Lake Ministries has been advised numerous times they needed to complete the work. There is an excavator on the property frequently and now they are requesting an extension on their PUD requirement.

Mr. Sharpe asked what happens if they do not fulfill their agreement. Multiple conversations occurred simultaneously. Mr. Wilkening stated there is not currently a frost or a weather problem, it is a "the work did not get done" problem.

Mr. Oliphant advised the Plan Commission he asked Mr. Austgen what the ramifications would be if they do not meet the deadline, and it would be the PUD Zoning goes away. Mr. Austgen advised the Commissioners there are material terms of the development.

Mr. Huls asked Mr. Austgen if this would still need to go to the Town Council or if it something that the Plan Commission could consider. Mr. Austgen stated it is a development agreement as part of the approval process as part of the development activities on the Ministries' property. It is enforced at the Plan Commission.

A motion was made by Mr. Foreman and seconded by Mr. Carnahan to amend the agenda to allow this item to be able to be voted upon. The motion failed 3 Ayes to 4 Nays by roll-call vote.

Mr. Carnahan   Aye

Mr. Foreman    Aye  
Mr. Sharpe      Aye  
Ms. Dessauer   Nay  
Mr. Becker      Nay  
Mr. Kiepura     Nay  
Mr. Wilkening   Nay

Mr. Wilkening asked Mr. Austgen what the resolution would be. Mr. Austgen responded a notice would be sent to the property owners to complete their responsibilities by December 31<sup>st</sup>.

Mr. Frederick stated there was a delay in getting the proper PUD agreement until October. Originally there had been talks of doing the work in June and the company who signed up to do it stated they could do it by the end of the year, as long as he could start after harvest season. That has passed and the work has not been done. Discussion ensued about when the approval for the PUD agreement was given and the reasoning for the dates chosen to correct the drainage issues.

Mr. Austgen asked Ms. Murr if there were permits outstanding for the Ministries. Ms. Murr responded she was not sure at the moment, and she would have to check the following day.

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Mr. Wilkening asked what they were asking for the new date for Phase 1 to be. Mr. Frederick stated by his proposal, it was to complete all the work by June 29, 2022. Mr. Wilkening asked with the southern border was going to be completed no matter what was going to be built. Mr. Huls responded in the affirmative and stated that was the timeline per the agreement.

Mr. Foreman discussed it being different if these were people who did not pay taxes or have not been here for a long time. They know the property is a mess, and it is not a new property. Mr. Wilkening stated he did not like this type of surprise. Mr. Foreman stated they had not been able to meet the Friday before noon deadline to appear on the agenda and had been directed to appear at the Public Comment portion of the meeting. Mr. Austgen advised revisiting this in January and holding any outstanding permits.

Mr. Frederick discussed they are setting new guidelines, so that they are doing work properly through the Town.

Mr. Austgen stated what is being discussed is a breach of their Zoning Contract.

Mr. Huls asked if they were able to produce a contract between them and an excavator with a completion date would this satisfy their Zoning Contract. Ms. Dessauer stated it would be a no. If they had appeared sooner, it would have been different. There was a lot of time spent on the PUD agreement.

Ms. Dessauer clarified that the Ministries picked the completion date of December 31, 2021. Mr. Wilkening responded in the affirmative. Discussion ensued on if the matter was brought forth sooner it would be a different matter and the due date for Phase 2.

Mr. Austgen stated the Plan Commission could ask for some form of surety. A surety had not been asked for originally. Mr. Wilkening asked Mr. Oliphant what the value of the first phase is. Mr. Oliphant respond any construction would have a value. Mr. Wilkening clarified with the original letter, there was no value assigned for the drainage. Mr. Oliphant stated it was because it was private property.

Ms. Dessauer stated she thinks everything should be put on a hold and the Ministry comes back at their next work session with a proposal for the Plan Commission. The Plan Commission can then consider what to do.

Mr. Sharpe asked Mr. Austgen if they could do Ms. Dessauer's suggestion and what would happen between December 31, 2021, and January 5, 2022. Mr. Austgen advised they would still be in violation. Mr. Sharpe asked if the PUD would need to be redone. Mr. Austgen responded with it would potentially need to be redone. It would depend on what the Plan Commission to the degree of breach of contract the work not being done is. It could be a PUD where a substantial change occurs, or not, based on the Plan Commissions decision. Discussion ensued regarding the time between the due date and the next Plan Commission meeting and the PUD Contract.

Ms. Murr advised the Plan Commission they are having a Special Public Meeting on January 5, 2022, for nomination of officers. Mr. Wilkening asked if the assurity is a contract like Mr. Huls is discussing. Mr. Austgen advised needing a form of surety. Mr. Huls stated a form of surety is something they could ask or have the Ministries find a contractor and obtain a value.



Plan Commission Public Meeting

December 15, 2021

Mr. Frederick stated he has two contractors lined up, and both are going to do it as a donation to the Ministries. He has Letters of Intent from two contractors to get the work done by June 2022. He does not have anyone to do the work before the end of the month.

Mr. Kiepura asked if they put a monetary value on the Letters of Intent. Mr. Frederick responded in the negative and stated he could ask them to put a value on them. Mr. Kiepura stated if they have the contractor put a value on it, and have a Performance Letter of Credit created at the 110%. Mr. Austgen stated something else to consider is the other performance items on the PUD Contract. They have evidence of a breach of contract, and look at getting a surety for the whole thing. Discussion ensued regarding the potential of putting a Performance Letter of Credit on the whole project and discussing the matter on January 5, 2022.

**ADJOURNMENT:** Mr. Wilkening adjourned the meeting at 10:40 PM.

**TOWN OF CEDAR LAKE PLAN COMMISSION**

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Jerry Wilkening, President

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John Kiepura, Vice-President

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Richard Sharpe, Member

---

John Foreman, Member

---

Robert Carnahan, Member

---

Heather Dessauer, Member

---

Chuck Becker, Member

ATTEST:

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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: December 15, 2021 Minutes of the Public Meeting*

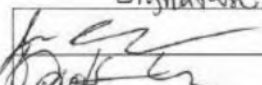

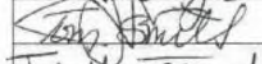
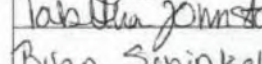
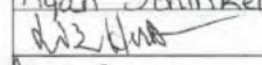
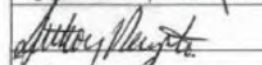

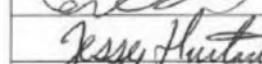
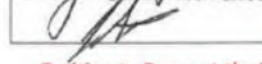
**Petition to Request the Town of Cedar Lake Remove Zoning Ordinance  
Revision Allowing 35ft Maximum Height for Structures in R-2 Zoning  
District.**

The people of Cedar Lake, Indiana listed below ask that the proposed revision to allow 35 foot tall buildings with no maximum story cap in R-2 zoning district be removed from the revised zoning ordinance. We would ask that you please consider leaving this particular ordinance alone. We feel there is no real benefit to the town in allowing these heights to be reached. It is our understanding that the Board of Zoning Appeals has been fairly consistent in not allowing these heights in this zoning district in the very few instances when these variances are requested. We feel that the considered adoption of this ordinance revision would conflict with the Town's Master Plan and we have attached documentation to support. Thank you for your consideration.

We, the undersigned, are concerned citizens who urge our leaders to act now to stop the adoption of this revision.

Signature	Address	Comment	Date
<i>Quante Ayala</i>	13431 Dewey St. Cedar Lake		12/8/21
<i>Thomas J. Jones</i>	13518 Dewey St CL		12/8/21
<i>[Signature]</i>	13433 Lee St		12/8/21
<i>Joe Espinoza</i>	13433 Lee St		12/8/21
<i>Ron Bontad</i>	13440 Dewey		12/11/21
<i>Phil M. A.</i>	14110 Cottage Grove St.		12/11/21
<i>Kathryn Recupito</i>	14110 Cottage Grove St.		12/11/21
<i>Theresa J. Kurl</i>	13435 Dewey St.		12/12/21
<i>Heather M. Melland</i>	13435 Dewey St		12/12/21
<i>Cesar Lopez</i>	13517 Cedar St		12/12/21
<i>Ker [Signature]</i>	13518 Dewey		12/12/21
<i>Anthony S. [Signature]</i>	7612 W 134th		12/12/21
<i>W. H. [Signature]</i>	13426 Blaine St		12/12/21
<i>Angela Harris</i>	//		12/12/21
<i>Robert [Signature]</i>	13514 Dewey St		12/12/21
<i>Jane [Signature]</i>	//		12/12/21
<i>T. O'Connor</i>	7504 W. 135th Place		12-12-21
<i>[Signature]</i>	13528 Ivy St		12-12-21

Plan Commission Public Meeting  
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Name Signature	Address		Date
	12722 OAK ST.	Cedar Lake	12-11-21
	9114 W 142 <sup>nd</sup> Pl	Cedar Lake	12-11-21
	7520 W 134 <sup>th</sup> Pl	Cedar Lake	12-11-21
	14005 W 135 <sup>th</sup> St	Cedar Lake	12/11/21
Talitha Johnston	1405 Berkeley St.	Cedar Lake	12/11/21
Ryan Schinkel	14015 Berkeley	Cedar Lake	12/11/21
	13324 Lemore	Cedar Lake	12/11/21
Mark Swaffar	13324 Lemore	Cedar Lake	12-11-21
Michael Russell	6636 W 130 <sup>th</sup> Ave	Cedar Lake	12-11-21
Crystal Crisman	13409 Sherran St	Cedar Lake	12-11-21
Scott Crisman	13409 Sherran St	Cedar Lake	12-11-21
Barb Mazur	1435 W 144 <sup>th</sup> Ave	Cedar Lake	12/11/21
Marshall Williams	1435 W 144 <sup>th</sup> Ave	Cedar Lake	12/11/21
Debra McAllen	13518 Ivy St.	Cedar Lake	12/12/21
Gabor Keller Jr	9415 W 141 Ave	Cedar Lake	12/13/21
Michelle Fitzpatrick	9415 W 141 Ave	Cedar Lake	12/13/21
Al Recupito	10812 W. 134 <sup>th</sup> Pl	Cedar Lake	12/13/21
Tina Recupito	10812 W. 134 <sup>th</sup> Pl	Cedar Lake	12/13/21
Jessica Lundberg	14121 Cottage Grove	Cedar Lake	12/13/21
Josh Lundberg	14121 Cottage Grove	Cedar Lake	12/13/21
Kusnig Singh	9305 W 141 <sup>st</sup> Pl	Cedar Lake	12/13/21
Linda Recupito	13438 Dewey	Cedar Lake	12/14/21
	13438 Dewey	Cedar Lake	12-14-21
	7601 W 135 <sup>th</sup> Place	Cedar Lake	12/14/21
	7601 W 135 <sup>th</sup> place	Cedar Lake	12/14/21
Jessy Hunt	13436 Bryan St	Cedar Lake	12/14/21
	13504 Bryan St	Cedar Lake	12/14/21

Petition to Request the Town of Cedar Lake Remove Zoning Ordinance Revision Allowing 35ft Maximum Height for Structures in R-2 Zoning District.

Plan Commission Public Meeting  
December 15, 2021

[illegible]

**Petition to Request the Town of Cedar Lake Remove Zoning Ordinance Revision Allowing 35ft Maximum Height for Structures in R-2 Zoning District.**



Townhomes and  
condominiums on  
the lake's western  
shore



However, both large homes and condominiums are a departure from the traditional development in this area. The Plan will need to guide development regarding the style and density of dwelling units on the lakeshore. Near the southwest corner of the lake, the Pinecrest Club and Marina anchors the area, with an RV park and some marginal multi-family buildings spreading northward along the lakeshore. While the marina appears to be a reasonable use of waterfront property, the other uses do not add to the neighborhood and the area would benefit from redevelopment. Uses would need to provide a transition

between the marina development and the established neighborhoods on the west side of the lake. Provision of additional public access to the lake should be a priority.

### **Western Neighborhoods**

Housing on the west side of the lake is a mix of older, cottage style neighborhoods, newer multi-family lakefront development, and new, suburban style housing developments. A few commercial uses are sprinkled around this area, usually surrounded by established residential neighborhoods. This area includes the Cedar Lake Bible Conference Grounds, an area institution since 1923.

New lakefront development has taken the form of large single family homes or townhouse and condominium developments. A large condominium building is located just south of a townhome development with several units in a single building. The massing of buildings creates a significant barrier to lake views and neighborhood connections to the lake.

### **COMPATIBILITY AND CONCENTRATION OF LAND USES**

Residential and commercial/industrial land uses are not compatible for a variety of reasons. Noise, smells and activity associated with commercial and industrial uses conflict with the desires of most homeowners for quiet living. While some accommodations can be made to allow commercial uses near residential sites, industrial uses should not be in such locations unless very substantial land separations and buffers can be used.

Zoning can be used to concentrate commercial uses to appropriate locations, called commercial nodes, where businesses can locate without worrying about nuisance complaints from adjacent homeowners. Adequate buffers between the commercial and residential uses can insure that nearby homes are not impacted by commercial activity. Access management can mitigate traffic conflicts and provide a safe means of ingress and egress.



## CHAPTER 3: ISSUES

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Improvements to 133rd Avenue

Redevelopment has generally occurred along the lakefront on the south side of the road, and has mostly consisted of tearing down homes on several adjacent lots and replacing them with a multiple-family building. This has the effect of further blocking views to the lake by the massing of buildings that wall off views of the lake and creates a sense of excess density along the waterfront.

### North Lakeshore Drive

West 133rd Avenue becomes North Lakeshore Drive after it passes under the CSX Rail viaduct. North Lakeshore continues around the north end of the lake, providing spectacular views of the lake from some of the highest elevations in the Town. The corridor dips south along the lakefront and ends just north of East 133rd Street, blending into Morse Road.

North Lakeshore Drive is a hodgepodge of businesses, restaurants and bars, service clubs, multiple family developments and single family homes. There is no order to this development; businesses are adjacent to single family homes, which are adjacent to apartment buildings, etc. Businesses along the corridor also suffer from a relative lack of lot depth, resulting in parking lots that are not separated from the road way. This results in haphazard parking lot arrangements and unsafe vehicle access along with a visual eyesore to area residents. Some homes and businesses are so close to the road that the only space available for parking is directly in front of the building, causing vehicles to back directly into the busy roadway.



A recently finished Restaurant along Lakeshore Drive.



Many new businesses are moving in and around the Sunset Harbor Residential Development at 133rd Avenue and Lakeshore Drive





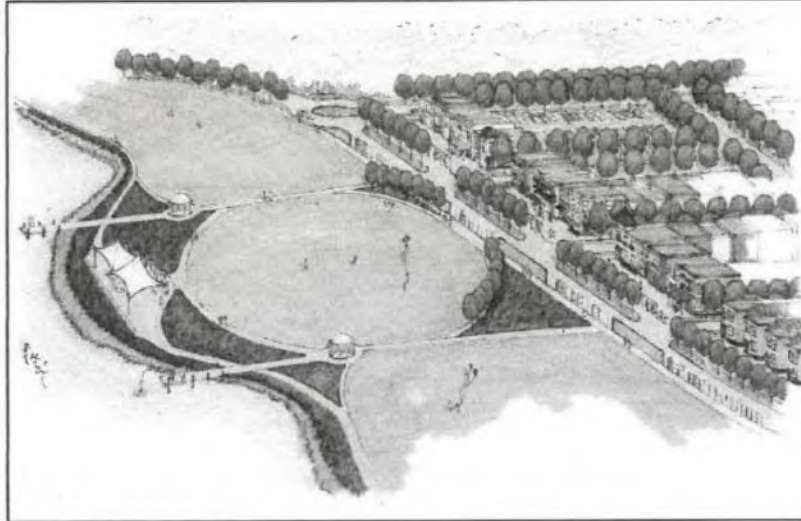


Figure 12  
Livable Center  
Concept  
Perspective

As noted in the 2040 Plan and the 2007 Comprehensive Plan, two (2) areas have been identified as ideal locations for Livable Centers. The first location to consider is the area extending from the historic Midway Gardens area on the east side of the lake, south to incorporate Town Hall, The Lighthouse Restaurant and several lakeside cottage neighborhoods. This Livable Center Location takes advantage of the lake and celebrates it as a distinctive centerpiece of the community.

The second location is situated in the West 133rd Avenue Corridor and includes Lincoln Plaza, Hanover Community Schools, the Lake County Public Library, the Cedar Lake Community Center and several neighborhoods within walking distance to the Livable Center area. This Livable Center utilizes the proximity to new and redeveloped commercial and retail space, as well as a variety of housing options and several civic facilities as well.



The current site for the soon to be constructed Strack & Van Til Grocery Store in Lincoln Plaza. The second proposed Livable Center location.



## CHAPTER 5: FUTURE LAND USE

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- New development on the north side of the corridor should be limited to commercial uses and higher density residential uses. Multiple family dwellings and small lodging uses (such as inns or bed and breakfasts) may be appropriate on hilltop locations, provided that buildings are of a smaller scale and do not exceed two stories in height. Such buildings must be carefully sited to avoid blocking lake views and creating a building "wall."

- Commercial development is permitted and encouraged on the north side of the corridor, provided that adequate parking is provided that can be exited without backing into North Lakeshore Drive. Commercial uses should be buffered (with landscaping, decorative fencing/walls, etc.) from adjacent residential uses. Buildings should have an orientation to the street, with shallow front setbacks (no more than one row of parking in front, with any remaining parking to the side and/or rear) and employ high architectural standards. Signs should be monument style, indirectly lit, and low to the ground.

### Implementation

1. Provide a means of funding to acquire land between North Lakeshore Drive and the lakefront to provide opportunities for permanent open space, lake access and preservation of views.
2. Do not permit the expansion of any nonconforming uses along the lakefront.
3. Where necessary, acquire right-of-way to allow for creating sidewalks and pathways. New development should be required to provide sidewalks as part of the development. Redevelopment or infill along the corridor should also be required to install sidewalks. A plan for funding and completing sidewalk networks should be adopted.
4. Fund and construct a unified streetscape along the corridor providing connectivity between this area, the east and west sides of the lake and the commercial areas.

### INFILL DEVELOPMENT

- Infill development is intended to encourage new construction within existing developed areas. This can be an effective means of providing new housing or businesses in established areas. To accomplish this, design guidelines and zoning requirements must be adopted for new building construction and renovation of existing structures. These requirements can address issues such as scale, proportion, window openings, exterior materials, etc. that respect the architecture of surrounding buildings. Infill can reduce negative impacts to property values by reducing the probability that negative or sharply contrasting impressions of neighboring properties will affect property sales. In residential areas, the most important benefit of infill regulations is the maintenance of the neighborhood character so new residences will blend in with the remaining homes on the block.

Large multi-family units blocking lakefront views should be strongly discouraged



Example of cottage style homes that should be promoted along Cedar Lake



New lakefront housing at the south end of Cedar Lake



Example of a lakefront cottage-style home that should be encouraged around Cedar Lake



### **Lakefront Residential**

The Plan lists as a goal the provision and preservation of views to Cedar Lake from adjoining streets and other vantage points. The recent trend towards large multiple family buildings that block lake views is in opposition to this goal. The Lakefront Residential element allows for redevelopment of the lakefront while preserving visual access to the Town's most prized asset. Multiple family development is not permitted.

#### **Concept**

The escalating value of lakefront land has encouraged prior lakefront redevelopment to take the form of either income-producing property such as apartments or condominiums, or estate-style single family homes. To preserve lake views and prevent too much density at the lake front, this element proposes that lakefront development be limited to single family dwellings. This includes minimum separation between buildings, maximum lot coverage requirements, and maximum heights.

To help protect the lake, alternative stormwater management techniques are encouraged. This includes rain gardens, "green" roofs, vegetated swales, porous paving, etc. to prevent runoff of chemicals and decrease flooding.

#### **Design Guidelines/Form-Based Code**

- Single-family dwellings are permitted. In most locations, detached dwellings with attached garages are required.
- Attached single family dwellings may be permitted in appropriate locations, pro-





CHAPTER 5: FUTURE LAND USE

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vided that there are no more than three (3) units in a building and that architectural variation is required to distinguish one single-family attached building from another.

- Minimum lot sizes and lot widths should allow for larger homes. These minimums should be increased for lots with attached single family units.
- Lot coverage (all structures, drives and other impervious surfaces) shall not exceed thirty-five percent (35%). Increases to this minimum could be considered if the property employs approved alternative stormwater maintenance techniques.
- Buildings on adjacent lots should maintain generous separations to allow for lake views. Minimum side yard setback requirements should allow for different distances on each side, so that there is some variation in building separation.
- Buildings should not exceed 2.5 stories in height. Variations in roof line, pitch, etc., should be required to provide variety and prevent a sense of a building "wall" along the lakefront.
- Buildings should be oriented so that lake views are maximized and the houses complement the surrounding area. "Snout" houses, with garage-dominated facades, are discouraged.

**Implementation**

1. Create a Lakefront Residential zoning district. Provide use restrictions and site development requirements as outlined above.



Cottage residential examples that should be promoted along Cedar Lake



2. Discourage or prohibit further multiple family development on the lakefront. Provide opportunities to meet market needs for this type of housing in other land use designations, such as Cottage Residential and High Density Residential.

New homes should be on a smaller scale, with the majority being one- or one-and-a-half-story single family homes. Home designs should reflect the cottage resort style, with bungalows and similar types as the dominant style.

3. Require administrative design review for new construction within the Lakefront Residential designation to ensure that development meets ordinance standards.

Two-family homes may be considered, but should be incorporated into the single family fabric of the neighborhoods. Higher density development may be allowed farther inland. Streets that have Lakefront Development dwellings on the opposite side are not appropriate for multiple family development. Multiple family buildings should be distributed through the neighborhood, rather than concentrated in groups of buildings, to avoid an "apartment complex" effect.

#### **Cottage Residential**

The historic, cottage resort character of Cedar Lake is an important part of the community's heritage. Unfortunately, the general condition of most of the existing neighborhoods provides few examples of quality remnants of this heritage.

#### **Design Guidelines/Form-Based Code**

The Cottage Residential element preserves this traditional pattern of development while encouraging quality redevelopment. Single family and two-family homes are the dominant land use, with attached single family townhouses and apartment buildings, with no more than four (4) units per building, allowed in appropriate locations. The established neighborhoods near, but not on, Cedar Lake are the locations proposed for this concept.

- New neighborhoods should follow the established street grid. Cul-de-sacs are prohibited, except in very limited circumstances where this prohibition would encourage inappropriate development or where the prohibition would have the effect of denying reasonable use of the land.

#### **Concept**

The Cottage Residential element encourages maintenance of the existing street grid in the established neighborhoods. Vacating streets or redesigning blocks to achieve a suburban, non-grid street pattern is prohibited.

- Smaller, cottage style homes should be limited to no more than one-and-a-half (1.5) stories in height. Homes should include elements that extend the private realm into the public realm, such as front porches. Detached garages, where necessary, should be located in side or rear yards.

- The 1.5 story height limitation also applies to two-family dwellings. There should not be more than two (2) duplex buildings on a block, and should not be













