



CEDAR LAKE PLAN COMMISSION WORK SESSION MINUTES
CEDAR LAKE TOWN HALL, 7408 CONSTITUTION AVENUE, CEDAR LAKE, INDIANA
February 7, 2022 at 7:00 pm

CALL TO ORDER:

Mr. Wilkening called the Plan Commission Work Session to order on Wednesday, February 7, 2022, at 7:16 pm, directly following the Special Public Meeting, with its members attending on-site and remotely.

ROLL CALL:

Members Present: Robert Carnahan (via Zoom); John Foreman (via Zoom); Richard Sharpe; Chuck Becker; John Kiepura, Vice-President; Jerry Wilkening, President. A quorum was attained. **Also present:** Don Oliphant, Town Engineer; David Austgen, Town Attorney; Chris Salatas, Town Manager; and Ashley Abernathy, Recording Secretary. **Absent:** Heather Dessauer; and Jill Murr, Planning Director.

1. Cedar View – Final 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 first order of business was for the Final Plat of a Two (2) Lot subdivision in the vicinity of 7936 Lake Shore Drive by Petitioner Cedar Lake Property LLC. Mr. Wilkening asked if there was a Petitioner present for this item. No one was present.

Mr. Oliphant stated they had the Final Plat and his letter will likely be going out the next day. Mr. Wilkening asked if everything was done for this item. Mr. Oliphant stated they received the Final Plat and have reviewed it. There are some very minor comments regarding clean ups on the plat and it should be ready and explained what the comments are. They will need a Performance Letter of Credit.

Mr. Austgen asked if there was an estimate on the Performance Letter of Credit. Mr. Oliphant stated it would be about \$14,000 for the entrance improvement in the Right of Way. The 3% Inspection Fee is around \$300.

Mr. Wilkening asked if Mr. Oliphant could get the letter to the Petitioner by the next day and stress the importance of the Friday at noon deadline. Mr. Oliphant responded in the affirmative.

2. Silver Meadows – Rezone

Owner: Town of Cedar Lake

Petitioner: Diamond Peak Group LLC

Vicinity: 155th & Parrish Avenue, Cedar Lake, IN 46303

Mr. Wilkening stated the next order of business was for a Rezone by Petitioner Diamond Peak Group LLC in the vicinity of 155th and Parrish Avenue. The Petitioner is requesting a rezone from Agriculture to Planned Unit Development.

Mr. Mark Anderson, Anderson and Anderson, representing the Petitioner, stated they are requesting a rezone from Agricultural to PUD. This property is subject to a real estate exchange agreement in which the Town is the owner listed on the platting application. The property is planned to be a 104-lot subdivision at the northeast corner of Parrish and 155th Avenue. It is approximately a 40-acre parcel. There are some issues with detention, which is why they have the detention pond shown in the southeast corner. He is present for the Work Session to get some comments regarding the planning application and PUD guidelines and Declaration of Covenants from the Plan Commission.

Mr. Wilkening asked if he was presenting the PUD guidelines or the PUD rules. Mr. Anderson stated they were the same thing.

Mr. Wilkening asked Mr. Oliphant if he would like more detail with what is being presented thus far. Mr. Oliphant responded in the affirmative and stated he thinks the only Site Plan that has been provided is the one Mr. Anderson handed to the Commissioners. Mr. Anderson stated that was correct and that was the only thing it was at this point and time.

Mr. Oliphant asked if they were anticipating providing more details from a preliminary engineering standpoint. Mr. Anderson responded in the affirmative. However, he did not think it would be during the period that they are looking for the rezone. What was presented is going to be the essential plan on which they are planning on doing detailed engineering.

Mr. Jack Huls, DVG Team, stated they are going to be involved in the project. It is his understanding they will be preparing the engineering documents.

Mr. Austgen stated the zone change is interwoven with the engineering.

Mr. Oliphant stated there needed to be at least preliminary engineering and more than just an architectural rendering. It does not have to be full-scale engineering. It just needs to be enough to give them an idea on if the concept is viable.

Mr. Anderson stated the PUD Guidelines go into details with respect to lot sizes and the like to what they would be looking for. Of course, they would go into extreme detail when it comes to platting the subdivision and would be done according to requirements.

Mr. Wilkening commented the architectural rendering is great for a Concept Plan and asked how many products are they anticipating having in the subdivision. How many different styles of products are they going to have. Mr. Anderson stated Diamond Peak typically offers between five and 10 different options, but there could be more with respect to that. There are other developments in the area to see what Diamond Peak has built, for example Lynnsway. Mr. Wilkening expressed he would like to have a couple of examples on submitted on paper.

Mr. Wilkening stated what is being presented is good for a concept. However, he believes what Mr. Oliphant is after is something with a bit more detail. Mr. Anderson asked if it would be something more detailed for the purposes of the zone change. Mr. Oliphant responded in the affirmative and stated Mr. Huls should have an idea of what is typically required by the Town.

Mr. Foreman commented the PUD Guidelines are more detailed than what they usually receive. Mr. Wilkening agreed with Mr. Foreman. Discussion ensued about the language included in the PUD Guidelines and needing more than an architectural rendering for the rezone.

Mr. Salatas asked if the HOA is going to maintain the park in that area, especially with the Town considering putting a similar park in that area. Mr. Wilkening stated he believes what was discussed was that the HOA would be maintaining the park and the park would be dedicated to the Town.

Mr. Austgen asked Mr. Anderson if this has been advertised. Mr. Anderson responded they would work with Mr. Austgen regarding that.

Mr. Oliphant asked the Plan Commission for clarity purposes if they are okay with the concept Site Plan. Mr. Wilkening responded in the affirmative.

Mr. Sharpe asked if they were all going to be single-family lots. Mr. Anderson responded in the affirmative.

Mr. Wilkening asked what the size of the lots were going to be. Mr. Oliphant responded the standard size lots are going to be 70 by 135. Mr. Kiepura stated the average size lot will be approximately 9,450 square feet.

Mr. Kiepura asked what size footprint of houses were they anticipating. Mr. Anderson stated they listed that in the Covenants in particular that a two-story residential would be at least 2,000 square feet, a one and a half-story would be approximately 1,950 square feet, and a one-story would be at least 1,800 square feet. Mr. Wilkening indicated they would like to see those blueprints on paper. Mr. Kiepura commented on the same and they would need to know lot coverage percentage.

Mr. Wilkening asked if the Covenants mention anything regarding properties with two front yards for items such as fences, or would fences not be allowed. Mr. Anderson responded they put in the Covenants that any fences must be approved by their review committee and only aluminum picket fences painted black will be allowed. Fences must be located in the rear yard of a lot and approved and permitted by the Town of Cedar Lake.

Mr. Wilkening asked if there were any further comments at this time. Mr. Oliphant stated he thinks some of the bulk standards will need to be vetted out.

Mr. Wilkening asked Mr. Huls if this was going to be like any of the Beacon Point projects. Mr. Huls responded it would probably be more like the Latitude project than anything in Town. It would be most similar to Lakeside.

Mr. Foreman asked if Lakeside was a PUD or if it was a straight zoning. Mr. Wilkening responded it was straight zoning.

Mr. Foreman stated he liked the amount of detail in the PUD Guidelines and Covenants. However, he agrees they need to see at least one of each house layout on a plat to know lot coverage, setbacks, and side yard.

Mr. Anderson asked if he needed to come back for another Work Session. The Plan Commission responded he would need to come back for another Work Session. Mr. Wilkening stated it would be a good idea to figure out what they would do for fences on corner lots.

Mr. Oliphant advised the Petitioner he would issue a letter just for the PUD document provided.

3. MacArthur Elementary – Concept Plan

Request: Petitioner is requesting a Concept Plan for a One (1) Lot Subdivision & Site Plan

Mr. Wilkening stated the next order of business was for the presentation of a Concept Plan for MacArthur Elementary and the Petitioner is presenting a Concept Plan for a One (1) Lot Subdivision and Site Plan.

Mr. Don Torrenge, Torrenge Engineering, stated he is representing the Crown Point School Corporation. Mr. Torrenge distributed the proposed Site Plan to the Commissioners. They are proposing modifications to the existing school. The middle portion on the Site Plan is the existing school. Everything along the current east side of the school as far as the parking will be demolished; there is a small parking lot located on the west side of the school. They are proposing all new sidewalks, new building addition on the east side, which will be a new gymnasium. There will be an addition added on to the southwest corner of the building which will be all classrooms. In addition, the area behind the building, in the “Y” shape area, that will be torn up with new sidewalks put in and new stairs. They are going to add a 1,600 square foot soft play area and a 1,400 square foot asphalt hard play area. There will be new sidewalks included along Fairbanks Street, where there are currently no sidewalks. They are going to be remodeling the interior of the building, such as the kitchen and classrooms.

Mr. Torrenge stated there is an issue with the property because it currently sits on six separate parcels of property. So, they are going to be combining the six lots into a subdivision and creating a One (1) Lot Subdivision. They will be providing two stormwater detention areas and a baseball field being built. He has submitted the plans to Mr. Oliphant and he is sure there will be modifications. They will make any modifications required when they come in.

Mr. Austgen asked if this was going to be a PUD One (1) Lot Subdivision proposal. Mr. Torrena responded in the negative.

Mr. Austgen asked how many buildings are going to be located on the property. Mr. Torrena stated there would only be one building. Mr. Austgen asked if all the buildings will be connected. Mr. Torrena responded in the affirmative and discussed how the two proposed building additions will be connected to the existing building.

Mr. Wilkening asked the Commissioners if they had any current thoughts or questions about what is being proposed with the Concept Plan.

Mr. Kiepura asked if they were going to be demolishing the existing school. Mr. Torrena responded in the negative and stated they were going to be remodeling interior portions of the building.

Mr. Kiepura asked if the parking lot off of Fairbanks is being removed. Mr. Torrena stated the Fairbanks parking lot that is currently existing is being torn out with new parking being put in. There will be handicap, non-handicap, and bus parking spaces that will be including in that parking lot that are currently not existing.

Mr. Wilkening asked if there was going to be a bus barn or garage on the property. Mr. Torrena responded in the negative.

Mr. Oliphant asked Mr. Torrena if he knew how many existing parking spots there are. Mr. Torrena stated he does not know because he does not have the current Site Plan with him, just the proposed Site Plan, but he does not it is a considerably less parking that what is being proposed.

Mr. Oliphant asked what the intent was for the rear parking lot on the west side of the building. Mr. Torrena stated that is a turn-a-round. The staff will park in the parking lot in the front, there will be no parking spaces in that turn-a-round. It will be a pick-up and drop-off area for the children. The idea is to have it 30 feet wide so they can have a nice area to drive around for a drop off. Mr. Wilkening asked if that was just going to be a car drop off. Mr. Torrena responded in the affirmative. Discussion ensued regarding the proposed turn-a-round and existing parking for the school.

Mr. Wilkening asked Mr. Oliphant if there are any stormwater concerns with this project. Mr. Oliphant stated they would know more when they review the stormwater and engineering. They have discussed the layout of the property, and there are two breaks on the property. One break goes to the west and the other goes to the south. There is currently no detention on site and they are providing detention for both areas. The stormwater should be remarkably better from a rate perspective when it is completed.

Mr. Wilkening commented the parking spaces are showing they are going to be 10 feet wide and 20 feet deep. Mr. Torrena stated the company they work with attempted to give him 9-foot by 20-foot spaces and he gave it back to them and had them create 10-foot by 20-foot parking spaces.

Mr. Wilkening asked if there were any further questions from the Plan Commission. None were had.

4. Fee in Lieu of Sidewalk

Mr. Wilkening stated the next order of business was for the Fee in Lieu of Sidewalk. Mr. Austgen advised this could occur during the discussions with the Subdivision Control Ordinance.

5. Building Regulations & Fee Amendment

Mr. Wilkening stated the next order of business was for the Building Regulation and Fee Amendment and asked if there was anything needing to be discussed on this tonight. Mr. Austgen stated he is currently working on amendments for this item.

Zoning Ordinance & Zoning Map

Chapter 17 – Non-Conforming Uses, Structures and Lots

Mr. Wilkening stated they were going to resume around page 108 where they had concluded the Special Work Session and Ms. Abernathy was going to review previous minutes and see what they had discussed regarding Non-Conforming lots area and width. Chapter 17, Section J Redevelopment of Existing Non-Conforming Structures was the bulk standards Mr. Foreman had discussed.

Mr. Wilkening commented the language in this section was for redevelopment of existing non-conforming structures. Mr. Foreman stated that is what they changed with Mr. Eberly at the last discussion they had.

Mr. Oliphant commented he thought they removed all non-conforming vacant lots, not just for those under 5,000 square feet. Mr. Wilkening stated he thought those numbers were for vacant lots that are non-conforming, for the area and width. Mr. Oliphant asked if they needed Section H, Item 4 because it does not meet any of their current Ordinances. Mr. Wilkening asked Mr. Oliphant if he thought Item 4 could be removed. Mr. Foreman stated he thought that was what they had already done. Discussion ensued regarding vacant non-conforming lots and the potential removal of Item 4 from Section H.

Chapter 18 – Administration and Enforcement

Mr. Austgen stated most of Chapter 18 comes out of Indiana Code and Statutes.

Chapter 20 – Definitions

Mr. Wilkening commented Mr. Austgen noted there are 30 pages of definitions. Mr. Austgen stated there are on average 20 definitions per page and 605 definitions all together in the Ordinance.

Mr. Oliphant asked if the update for what an improved road made it into the definitions. Ms. Abernathy advised the Plan Commission that on page 153 of the Meeting iPad contained the definitions. Mr. Oliphant stated it would be page 144 of the Zoning Ordinance document.

Mr. Austgen asked the Commissioners if they wanted the amount of definitions currently in the Ordinance to remain. Mr. Wilkening responded in the affirmative so there would not be any form of interpretation.

Mr. Oliphant stated there had been no definition for an improved roadway and he was okay with the addition to the definitions for Street, Private and Street, Public.

Mr. Kiepura advised looking at the Havenwood Covenants for a definition for truck. Mr. Wilkening commented he thinks Monastery Woods has similar language in their Covenants. Discussion ensued regarding finding a definition of a truck and looking at what the Town has for a definition.

Wetlands and Watercourse

Mr. Oliphant stated Wetlands and Waters is referenced in Chapter 3, page 4. This was an old district he thought they were leaving in there and had to leave this in because there are technically parcels that are zoned Wetlands and Watercourse. It is being included as a Zoning District, but there is no section included in the Zoning Ordinance for it.

Mr. Wilkening asked where they would need to add that district at. Mr. Oliphant stated it should go behind the CD-B, Condition Development-B Zoning District. Ms. Abernathy advised the Commissioners she believed they had discussed removing it from the Zoning Ordinance and referencing it by its Ordinance number. She would review the minutes and send that to the Plan Commission for their review, as well. Discussion ensued at length regarding the Wetlands and Watercourse Zoning and if it would need to be re-inserted into the Zoning Ordinance.

Mr. Oliphant asked Mr. Austgen if they remove the Wetlands and Watercourse zoning, could they rezone those parcels. Mr. Austgen responded in the affirmative. Mr. Oliphant stated he would be fine on removing the zoning, they would just need to change the zoning of the parcels currently zoned Wetlands and Watercourse.

Mr. Austgen advised they are continuing the public hearing; they could remove the Wetlands and Watercourse Zoning.

Mr. Sharpe asked if removing the Wetlands and Watercourse Zoning is something they would want to do. Mr. Oliphant stated he is fine with removing that zoning districts. He would just need to update the map and remove all mention of it from the Zoning Ordinance.

Mr. Austgen advised the Commissioners, everyone within the Town's boundaries got noticed for the Zoning Ordinance update.

Mr. Oliphant stated he would change the Wetlands and Watercourse to Agriculture and advised just removing any mention of the Wetlands and Watercourse Zoning from the proposed Zoning Ordinance.

4. Fee in Lieu of Sidewalk – Continued

Mr. Wilkening stated for the Fee in Lieu of Sidewalk there had been a document provided of what other communities are doing and asked if anyone has any thoughts or questions on this item.

Mr. Kiepura stated there are not that many per se and discussed eliminating this item from the agenda. Mr. Wilkening commented on the same and stated the Petitioner could ask from the waiving of the sidewalk.

Mr. Wilkening asked if there were any objections on removing the Fee in Lieu of Sidewalks. Mr. Foreman stated what started the discussion of the Fee in Lieu of Sidewalk process was the Hanover Central Junior High Project and they did not want the sidewalks. He feels this has merit because they have individuals developing in areas that would make no logical sense to have a sidewalk and if they are able to collect approximately 80% of what the fee of the sidewalk would be and put it into a non-revertible fund to provide connection with the Town, it would benefit the citizens. If it is legal to collect the 80% of the value of the amount of the sidewalk and have them sign a form to do so, when the Building Department deems the area would not benefit from a sidewalk and discussed creating a priority sidewalk map in for different parts of the community.

Mr. Oliphant stated if there is a mechanism for it, it is a good thing to do from a planning perspective to not have isolated sidewalks. There are corridors in Town that there are gaps that are identifiable that would need to be closed.

Mr. Salatas advised the Plan Commission he was on the town council and plan commission for Lowell when they implemented the Fee in Lieu of Sidewalk, they set their ordinance up so they would only pull 80% of the fee. They exercised the use of that fee very sparingly. When subdivisions were coming and their subdivision control ordinance called for sidewalks when sidewalks would not necessarily be desired, that would be an identified area that they would exercise the waiver. They did create a non-reverting fund where they put the funds and identified priority areas around the community that made more sense for a sidewalk to exist.

Mr. Wilkening asked Mr. Salatas if he could provide the Commissioners the ordinance Lowell adopted.

Mr. Wilkening asked if this should be included in the Zoning Ordinance or the Subdivision Control Ordinance. Mr. Austgen advised it would belong in the Subdivision Control Ordinance. Mr. Oliphant stated it would either be in the Subdivision Control Ordinance or be a separate Ordinance.

Mr. Wilkening asked if this would have adverse effects in the future. Mr. Salatas stated the only adverse effect would be, if they exercised the Fee in Lieu of Sidewalk, the Petitioner would not have any form of responsibility of putting in a sidewalk in the future. It would be on the Town to put in the sidewalk in the future if they did that, and to be cognizant of that fact. Discussion ensued regarding the Fee in Lieu of Sidewalk and having new subdivisions putting in sidewalks.

Mr. Becker asked if there could be language included in that would allow for walking paths to be constructed instead of sidewalks. Mr. Oliphant stated the draft as it is currently written has language to include pedestrian trails to sidewalks.

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Mr. Wilkening asked who would determine where to continue sidewalks and where not to put in sidewalks. Mr. Salatas responded it would be determined by the Town Council.

Mr. Foreman commented they should put into the Ordinance only a new home would trigger needing sidewalk. Mr. Salatas stated he believed Mr. Oliphant was going to speak on that, but it would be the platting process that would trigger needing to include a sidewalk. Mr. Wilkening clarified the Fee in Lieu of Sidewalk would just be at platting. Mr. Salatas responded in the affirmative.

PUBLIC COMMENT: Mr. Wilkening opened the floor for public comment. None was had.

ADJOURNMENT: Mr. Wilkening adjourned the meeting at 8:29 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 Work Session are transcribed pursuant to IC 5-14-1.5-4(b) which states:

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

(1) The date, time, and place of the meeting.

(2) The members of the governing body 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 February 7, 2022.