



CEDAR LAKE PLAN COMMISSION SPECIAL WORK SESSION MINUTES
CEDAR LAKE TOWN HALL, 7408 CONSTITUTION AVENUE, CEDAR LAKE, INDIANA
February 7, 2022 at 6:00 pm

CALL TO ORDER:

Mr. Jerry Wilkening called the Plan Commission Special Work Session to order at 6:03 pm, on Wednesday, February 7, 2022, with its members attending on-site and remotely. The Pledge of Allegiance was recited by all.

ROLL CALL:

Members Present: Robert Carnahan (via Zoom); John Foreman (via Zoom); Richard Sharpe; Chuck Becker; John Kiepura, Vice-President; and 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.

Zoning Ordinance Work Session:

Mr. Wilkening commented he wanted to go through the draft of the Zoning Ordinance with markings from the Town Attorney. He has a letter from Mr. Eberly to the Commissioners from January 6, 2022, and asked if everyone had a copy of the letter. The Commissioners responded in the affirmative. Mr. Wilkening stated the letter from Mr. Eberly stated there had been the change back to 30-feet height in the R-2 Zoning District. Mr. Wilkening asked if there were any questions regarding the letter from Mr. Eberly. The Commissioners responded in the negative.

Mr. Wilkening stated a fair amount of the information is clerical with language and punctuation changes needing to be made.

Mr. Wilkening asked Mr. Oliphant if he saw any issues with the bulk standards. Mr. Oliphant responded in the negative and stated the standards were pretty much agreed upon, other than the change from the 35-foot height to the 30-foot height. There was an issue with that and the height in Industrial Zoning.

Mr. Wilkening asked Mr. Austgen what the height restriction was going to be for the Industrial Zoning District and if there had been discussion on moving the height from 45 feet to 30 feet. Mr. Austgen responded in the affirmative.

Mr. Wilkening asked how that would affect the Schilling project, with the proposed addition being over 30 feet. Mr. Austgen advised that due to the project being filed under the current Zoning Ordinance, which allows for 40 feet height in Industrial Zoning, they will not be affected by the Proposed Zoning Ordinance.

Mr. Sharpe asked with section C is the height of 35 feet okay. Mr. Oliphant commented that height is part of the Agricultural Zoning bulk standards. It was determined that the 35-foot building height in Agricultural Zoning District was to remain the same.

Chapter 5.4 RM Zoning District, Page 17

Mr. Wilkening asked if everyone was okay with the 45-foot height for the Residential Multi-Family Zoning District. Mr. Foreman asked if that was the number that they previously had. Mr. Sharpe stated that was what is in the Zoning Ordinance. Mr. Wilkening commented that 45-foot height would allow for a 4-story building. Discussion ensued about the height of the condominiums in Town and reducing the height to 35 feet. It was the determination of the Plan Commission to 35 feet height for Residential Multi-Family Zoning District.

Chapter 6.4 RS Planned Resort Zoning District, Page 38

Mr. Wilkening commented that the minimum building area in the RS Zoning District would be 8,000. Mr. Kiepora stated the number was to be 10,000. Mr. Wilkening asked if the minimum building area was 8,000 or 10,000. Discussion ensued regarding the building area in an RS Zoning District. It was the determination of the Plan Commission to have the building area be 10,000.

Chapter 6.7 Legacy Lots

Mr. Wilkening commented on the setbacks created for Commercial Legacy Lots. Mr. Austgen asked the Plan Commission if they want to legislate Commercial Legacy Lots or would they prefer to require Commercial Legacy Lots to come in front of them. Mr. Foreman stated he thought they had removed Legacy Lots for the commercial lots. It was the determination of the Plan Commission to remove Commercial Legacy Lots from the Zoning Ordinance.

Chapter 8 Planned Unit Development

Mr. Wilkening discussed the requirements listed in the proposed Zoning Ordinance for a PUD Zoning District. Mr. Austgen asked the Plan Commission if they are comfortable with the development agreement component and the elements that are required to be provided. Mr. Wilkening asked if Mr. Austgen is talking about the contract required. Mr. Austgen responded in the affirmative.

Mr. Wilkening stated he thinks what the Plan Commission has been doing has been working. Mr. Austgen commented he did not like how the documentation has been coming together for PUD Developments and stated he would like the Commissioner's thoughts on process and preparation in the PUD Zoning District.

Mr. Austgen described all the components that go into a PUD and their correlating Indiana Code requirements. Mr. Wilkening asked Mr. Austgen if there are some procedural changes that need to be changed.

Mr. Oliphant stated he has some similar concerns to Mr. Austgen, and that there is a vagueness to the requirements, specifically the development plan. Mr. Oliphant discussed recent PUD Developments having varying levels of engineering prior to being enacted upon, with there being less and less engineering coming through. Discussion ensued at length regarding what could be required to help ensure the proper documentation is presented to the Plan Commission.

Mr. Wilkening asked Mr. Oliphant or Mr. Austgen what they had for a suggestion on ensuring the proper documentations are brought to the Plan Commission meetings. Mr. Austgen stated for the purposes of the Zoning Ordinance of changing the wording. Instead, have a training workshop for the staff and planning team and discuss and set parameters for the documentation required. Further discussion ensued about what the developers would need to submit for a PUD and having enough information in there for remonstrators to be able to speak on the item.

Mr. Kiepura suggested the Plan Commission being given some guidelines so they could have that with them when a PUD is in front of them and advising the developers what they need. Mr. Austgen discussed giving examples of PUDs he has done in another town and discussing them with the Plan Commission and Town staff. Mr. Oliphant commented it could be better to inform staff what it is they are looking for in a PUD document. Discussion ensued at length regarding PUD documents.

Mr. Austgen advised the PUD section can continue to be reviewed, especially with starting the Subdivision Control Ordinance soon.

It was the determination of the Plan Commission to keep the PUD Zoning District as it is presented due to the advice of both Mr. Austgen and Mr. Oliphant.

Mr. Austgen stated he make an addition on Page 55 to include "All other information and documentation requested by the Plan Commission".

Chapter 9.2 Environmental Concerns

Mr. Oliphant stated he believed the correct Ordinance for Stormwater Drainage was Ordinance No. 1218 for page 62.

Mr. Becker asked for carports listed on page 61, if it needs to be open on three sides and does it only have to be open on two. Mr. Oliphant stated it could be open on three, especially if it is an overhang off of a building. Mr. Wilkening stated the implication for the carport is that it would be attached to a structure, due to the freestanding carports only being open on two sides. It was the determination of the Plan Commission to include the wording of "An attached carport" for carport.

Chapter 11 Parking and Loading Requirements, Page 76

Mr. Wilkening stated under Parking Restrictions for truck parking Mr. Austgen made a note of "is there more" and asked if Mr. Austgen is talking about the Overnight Truck Parking Ordinance. Mr. Austgen responded in the affirmative. Mr. Wilkening asked if they would need a definition of what a truck is. Mr. Oliphant commented the Ordinance should have a definition of what a truck is.

Chapter 13 Lighting

Mr. Wilkening stated at the top of page 81, there was a notation to have Mr. Oliphant confirm the accuracy of this chapter. Mr. Oliphant stated it looks like the Lighting Ordinance was inserted into the Zoning Ordinance.

Mr. Oliphant asked if they had to bring in the Lighting Ordinance, or could it just be referenced by the Ordinance number. Mr. Austgen stated they could reference it by Ordinance Number, just ensure that it is married to the Ordinance by stating "as amended from time to time". Discussion was had about having

Intent and Purposes and Applicability, and for the rest of the Lighting Requirements referencing the Lighting Ordinance. It was the determination of the Plan Commission to reference the Lighting Ordinance.

Chapter 16 Site Plan, Page 104

Mr. Wilkening asked with the appointment of a “duly designated Town Official” for a Site Plan, if the Plan Commission does not like what is provided in the Site Plan, it does not appear to be cohesive, in general. Mr. Oliphant asked if he was referencing the procedure. Mr. Wilkening clarified he was talking about Section C. Mr. Oliphant stated this has been part of the revised system they have been doing for the past few months. Which is where the Petitioner has to schedule an appointment with the Planning Director, or appointed staff in the Town, and then comes before the Plan Commission for discussion. He believes that is what this section is trying to establish for the Plan Commission. It was the determination of the Plan Commission to make the suggested changes by Mr. Austgen and leave that portion of the Zoning Ordinance as is.

Chapter 17 Non-Conforming Uses, Structures, and Lots, Page 108

Mr. Wilkening read the comment asking about the Legacy Lot regulations. Mr. Austgen commented Legacy Lots are non-conforming lots, which is why he made the comment. Mr. Wilkening asked Mr. Austgen what regulation he was referring to. Mr. Austgen commented there had been consistent discussion regarding making more useable Legacy Lots as an overlay to the Zoning District. Discussion ensued about what the Plan Commission was wanting to do with Occupied Legacy Lots to allow the owners to improve their parcel.

Mr. Wilkening asked the Commissioners if for a vacant piece of property if everyone was good with leaving the requirements at 50 feet and 5,000 square feet. Mr. Kiepura stated that is what had been discussed by the Plan Commission. Mr. Foreman stated he thought they had removed that section with lots and that they would need to abide by the R-2 Zoning District. Discussion was had on what the Plan Commission had determined for Non-Conforming Uses for Legacy Lots.

Mr. Wilkening requested for Ms. Abernathy to review the minutes and send a copy to the Plan Commission. Ms. Abernathy responded in the affirmative.

Mr. Austgen asked the Plan Commission if they would like to finish going through the Zoning Ordinance after they complete the Work Session Agenda. The Commissioners responded in the affirmative.

ADJOURNMENT:

Mr. Wilkening adjourned the meeting at 7:03 pm.

TOWN OF CEDAR LAKE PLAN COMMISSION

Jerry Wilkening, President

John Kiepora, Vice-President

Richard Sharpe, Member

John Foreman, Member

Robert Carnahan, Member

Heather Dessauer, Member

Chuck Becker, Member

ATTEST:

Ashley Abernathy, Recording Secretary

The Minutes of the Cedar Lake Plan Commission Special Work Session 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: February 7, 2022 Minutes of the Special Work Session