



CEDAR LAKE PLAN COMMISSION WORK SESSION MINUTES
CEDAR LAKE TOWN HALL, 7408 CONSTITUTION AVENUE, CEDAR LAKE, INDIANA
March 2, 2022 at 7:00 pm

CALL TO ORDER:

Mr. Wilkening called the Plan Commission Work Session to order on Wednesday, March 2, 2022, at 7:03 pm with its members attending on-site. The Pledge of Allegiance was recited by all.

ROLL CALL:

Members Present: Robert Carnahan; John Foreman; Heather Dessauer; Richard Sharpe, Secretary; Chuck Becker; John Kiepora, Vice-President; Jerry Wilkening, President. A quorum was attained. **Also present:** Don Oliphant, Town Engineer; David Austgen, Town Attorney; Chris Salatas, Town Manager; Jill Murr, Planning Director; and Ashley Abernathy, Recording Secretary. **Absent:** None.

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. Jim Brooker stated he was requesting Final Plat for a Two (2) Lot Subdivision.

Mr. Wilkening asked Mr. Oliphant if everything is in order for this item. Mr. Oliphant responded in the affirmative. This will be good to go in two weeks.

Mr. Wilkening asked Ms. Murr if she had anything from the Building Department. Ms. Murr stated they will be good in two weeks, and the Plan Commission has received the final engineer review letter from Mr. Oliphant.

Mr. Wilkening asked if there were any questions or comments from the Commissioners. The Commissioners responded in the negative.

Mr. Wilkening asked Mr. Austgen if he had any questions or comments regarding this item. Mr. Austgen asked what was the date from the most recent letter received from Mr. Oliphant. Mr. Oliphant responded he sent a letter on February 24.

Mr. Wilkening advised the Petitioner they will see him in two weeks for the Public Meeting.

2. Perez – 13901 Laque Drive – Final Plat – Two (2) Lot Subdivision
Petitioner: Ricardo Perez
Vicinity: 13901 Laque Drive, Cedar Lake, IN 46303

Mr. Wilkening stated the next order of business was for the Final Plat for a Two (2) Lot Subdivision in the vicinity of 13901 Laque Drive by Petitioner Ricardo Perez.

Mr. Jack Huls, DVG Team, representing the Petitioner, stated they are seeking Final Plat for the Two (2) Lot Subdivision and everything should be in order.

Mr. Wilkening asked Mr. Oliphant if he had any comments for this item. Mr. Oliphant stated everything should be okay. He received the Final Plat on Friday, so it is still being reviewed. It should be ministerial.

Mr. Wilkening asked if there were any caveats still needing to be taken care of. Mr. Oliphant responded in the negative.

Mr. Wilkening asked Ms. Murr if she had any further comment from the Building Department. Ms. Murr responded in the negative and stated everything should be good in two weeks. With this item, the signatures on the Mylar for the Final Plat will be withheld pending the demolition of the existing home.

Mr. Huls asked if this would be done through the permitting process in the Building Department. Ms. Murr responded in the affirmative.

Mr. Wilkening asked Mr. Austgen if he had any additional information for this item. Mr. Austgen stated he needed a typed copy and interpreted 1892 Easement Document and asked if one was provided. Ms. Murr stated she had not received a copy of that, and it was provided to his office. Mr. Huls advised Mr. Austgen he would send a copy of the typed 1892 Easement Document.

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

3. Schilling Distribution Center – Final Plat – One (1) Lot Subdivision
Petitioner: Lake County LBM LLC
Vicinity: 10501 West 133rd Avenue, Cedar Lake, IN 46303

Mr. Wilkening stated the next order of business was for the Final Plat of a One (1) Lot Subdivision in the vicinity of 10501 West 133rd Avenue by Petitioner Lake County LBM LLC.

Mr. Jack Slager, Schilling Development, representing the Petitioner, stated they are planning to expand the distribution center and have planned 25,000 square foot addition for the north end of the building. They had come before the Plan Commission in January for the Preliminary Plat. They will be going in front of the BZA at their next meeting to request a Variance to allow for the 60-foot frontage off of 133rd Avenue. There had been discussion at previous meetings regarding if the frontage would be off of Industrial Drive or 133rd Avenue. They have decided to go with having the frontage off of 133rd Avenue and have applied for a Variance with the BZA, because the Old Ordinance, in which they fall under, required an 80-foot frontage in the Industrial Zoning District. As such, they will be in front of the BZA at their next meeting, and hopefully receive a Favorable Recommendation to allow for the 60-foot frontage off of 133rd Avenue. Everything else should be straight forward for the One (1) Lot Subdivision in two weeks.

Mr. Wilkening asked Mr. Oliphant if he had any comments regarding this item. Mr. Oliphant stated other than waiting on the variance, everything else should be straight forward.

Mr. Slager stated he believed that their contractor's have applied for the Building Permit. Ms. Murr stated she would check to see if the permit had been submitted.

Mr. Wilkening asked Ms. Murr if she had any comments for this item. Ms. Murr responded it was as Mr. Slager stated, they had been between two Zoning Ordinances. In order to keep things moving with this item, it was determined to apply for a Variance for the frontage off of 133rd Avenue.

Mr. Wilkening asked if there was any questions or concerns from the Commissioners. Mr. Carnahan discussed the history of the building residing on the property, and when Schilling Development first came to Cedar Lake.

Mr. Wilkening asked if there had been any discussion on having a path from 133rd Avenue to the north face of the building. Ms. Murr advised there had been discussion at a staff level. Not necessarily about a path from 133rd Avenue, but having the ability to provide fire protection around the north end of the building. Discussion ensued regarding how fire engines would get to the north side of the building and if there could be access created off of 133rd Avenue.

4. Black River Bells, LLC – Final Plat for a One (1) Lot Subdivision

Owner: ARDT III, LLC

Petitioner: Black River Bells, LLC

Vicinity: 11109 West 133rd Avenue, Cedar Lake, IN 46303

Mr. Wilkening stated the next order of business for the Final Plat for a One (1) Lot Subdivision in the vicinity of 11109 West 133rd Avenue by Petitioner Black River Bells, LLC.

Mr. Jeremy Wagner, Excel Engineering, representing the Petitioner, stated he was present to answer any questions the Plan Commission may have regarding the Final Plat.

Mr. Wilkening asked Mr. Oliphant if he had any comments regarding this item. Mr. Oliphant stated the biggest change from the previous meeting was the elimination of access from the auto body shop. There

was an expansion to the stormwater basin in that general vicinity and the access from the auto body shop is now completely cut off.

Mr. Wilkening asked if the access could be restored. Mr. Oliphant responded there would need to be a future agreement. Mr. Wilkening asked if the stormwater was blocking off the access. Mr. Oliphant responded in the negative and advised the stormwater has been expanded into where the access was, and eliminated one of the underground storage basins. There are some minor items with the Final Plat, but it should be ready in two weeks.

Mr. Wilkening asked Mr. Oliphant if there would be an island of sorts in the median of US 41 in the future. Mr. Oliphant responded within the next two to three years with the improvement of the road, there would be a cement medium put in that area.

5. MacArthur Elementary – Preliminary Plat for a One (1) Lot Subdivision and Site Plan
Petitioner: Crown Point Community School Corporation
Vicinity: MacArthur Elementary, 12900 Fairbanks, Cedar Lake, IN 46303

Mr. Wilkening stated the next order of business was for the Preliminary Plat for a One (1) Lot Subdivision and a Site Plan for MacArthur Elementary School in the vicinity of 12900 Fairbanks by Petitioner Crown Point Community School Corporation.

Mr. Don Torrensa, Torrensa Engineering, representing the Petitioner, stated they were wanting to put on some additions and make some changes to MacArthur Elementary. He was distributing further information to the Plan Commission regarding what they are proposing.

Mr. Torrensa stated the first page in the packet he gave to the Plan Commission was for the overview of the property. The proposed addition for the east side of the building is a gymnasium, with some details later in the packet on what is being proposed to be put into the school. The proposed addition on the west side of the building will be additional classrooms. There will be the inclusion of a turn-around and parking on the west side of the building. The turn-around will be for pick-up and drop-off, and the parking will potentially be for staff. The parking that is being proposed for the east side of the building will be redone. It will stay similar to as it is now, with the exception of the parking lot being completely removed and redeveloped. There will be two soft-play areas developed, one being outside the kindergarten area and another south of the building. They are also proposed creating a hard-play area next to the second soft-play area.

Mr. Torrensa advised they would be removing and replacing all of the sidewalk. The next few pages in the packet show different views of the structure with the proposed additions. The fifth page shows what all changes are being proposed in the building, and the final page contains the architectural drawings of the plan.

Mr. Wilkening asked Mr. Oliphant if he had any other comments that was not included in his letter in the packet. Mr. Oliphant advised there have been two reviews since the last Work Session. There was a letter sent out in the afternoon. The biggest comment he has would be related to zoning. Currently the property

is zoned as R-2 Residential, and that could cause issues with use and the need for several variances and setbacks. It has been being discussed internally by staff if it might be better to have this rezoned as a PUD.

Mr. Wilkening asked Mr. Austgen if he had any comments regarding this item at this time. Mr. Austgen responded his comments were similar to Mr. Oliphant's.

Mr. Wilkening asked Ms. Murr if she had any comments from the Building Department. Ms. Murr responded this item has been discussed with the Town Attorney, and after discussions, rezoning to a PUD would be the route to go for this item.

Mr. Foreman asked if it would not be easier to rezone the school to the proper zoning classification. Mr. Austgen asked what the proper zoning for a school is. Discussion ensued regarding what the zoning was for other schools in Cedar Lake, and Hanover being a PUD.

Discussion ensued regarding the number of students currently enrolled versus the anticipated amount of student upon completion of the project, which is estimated to be approximately 750 students. Mr. Carnahan stated he was informed that currently there is approximately 400 to 500 students enrolled.

Mr. Wilkening expressed concern regarding the increase of students and traffic in the area, and noted that a PUD appears to be the best way to handle the expansion of the school.

Mr. Oliphant commented the other topic needing to be discussed would be if the Plan Commission wanted to see public way improvements and discussed improvements done on 129th Avenue. Currently, the building off of 129th Avenue is within the 30-foot setback, and would need a variance. Fairbanks had been repaved, but curb and gutter were not included and could be requested. The school is putting in the addition of sidewalk along the school, which is not currently existing.

Mr. Austgen advised the Plan Commission to consider future planned growth in the area and to take that into consideration in requesting for a PUD for the school.

Mr. Carnahan expressed concern about the expansion project being cancelled and the school leaving Cedar Lake. Discussion ensued regarding the potential future traffic and the area that MacArthur Elementary school services.

Mr. Wilkening asked if there were any thoughts about not doing a PUD for the school. It was agreed upon by the Commissioners that a PUD appeared to be what would be best for this item.

Mr. Austgen advised the Plan Commission he had been contacted by the school corporation's attorney regarding this item. The conversation had concluded with the concept of a PUD proposal and no legal objection for a PUD.

Mr. Dion Katsouros, Skillman Corporation, stated regarding the capacity, it is being designed for the capacity of 700 students, which is the vision for the Crown Point School Corporation, and there are talks of potential re-districting. There is currently no scenario where the number of enrolled students would

exceed capacity. Discussion ensued regarding what neighborhoods attend MacArthur Elementary and future development in that area, including potential expansion after the east side water main is completed.

Ms. Murr advised by having this rezoned as a PUD, it would limit this item from having to go in front of the BZA as well. Mr. Austgen commented on the same and stated it could be negotiated and dealt with inside the PUD Agreement and Site Plan.

Mr. Torrena asked if they would not need to go in front of the BZA if this project becomes a PUD. Mr. Oliphant advised the PUD gives the ability to include items such as setbacks to be included in the PUD Zoning. If the PUD Agreement is written correctly, there should not be a reason to go in front of the BZA.

Ms. Dessauer asked the Petitioner about the anticipated building timeline. Mr. Katsouros stated they anticipated starting construction in the summer and completing the project within two years.

Mr. Sharpe asked if students would start going in two years. Mr. Katsouros responded in the negative and stated construction would be occurring while the building is occupied.

Mr. Oliphant asked if there was a way to relocate the north entrance off of Fairbanks to align with 129th Avenue to provide connection and so there would not be a staggered intersection. Mr. Torrena stated he had talked to the school corporation about it, and they had wanted to leave it as is. He will discuss moving the entrance with the school corporation again.

Mr. Torrena stated he is not opposed to the PUD and asked the Plan Commission how he needs to proceed and if he would need to go to the BZA. Mr. Wilkening stated it would depend on what variances would need to be required.

Mr. Foreman asked the Petitioner if instead of doing a cul-de-sac for the drop off, is there a way to make the road go south and back onto 129th Avenue. Discussion ensued regarding the potential traffic with the cul-de-sac and Mr. Foreman's concerns with traffic.

Mr. Wilkening commented on having Mr. Oliphant identify what variances would be required and how they would be handled. Mr. Oliphant stated if the Plan Commission has a PUD Zoning done for this item, any potential variance could be handled in the language for the PUD and Site Plan. Mr. Austgen stated it would not be likely that the petition would need to go in front of the BZA. However, a review would be beneficial in determining if they would need to.

Mr. Torrena discussed some of the potential variances listed in Mr. Oliphant's review, such as the building line on 129th Avenue is for the existing building and would need a variance and the parking. He is not sure of any other variances that would need to be necessary. Mr. Oliphant discussed other potential variances, such as the location of the monument sign and amount of parking.

Mr. Wilkening asked if there could be a meeting with Mr. Austgen, Mr. Oliphant, Ms. Murr, and Mr. Torrenga. Mr. Austgen responded in the affirmative and advised they had done so during the Hanover project.

Ms. Murr asked Mr. Wilkening with wanting an update for this item in two weeks, was he wanting to continue the Work Session for this item. Mr. Wilkening responded in the negative and stated just having an update for this item.

6. 141 Partners LLC – Concept Plan

Owner: Mike Neubauer

Petitioner: 10702 West 141st Avenue, Cedar Lake, IN 46303

Mr. Wilkening stated the next order of business was for a Concept Plan in the vicinity of 10702 West 141st Avenue.

Mr. Mike Neubauer stated he was present with Mr. Russ Pozen from DVG Team and Mr. Pozen would present the plan to the Plan Commission.

Mr. Pozen stated they were presenting a Concept Plan for approximately a 9-acre parcel that was recently annexed into the Town. This property is located to the west of the Rose Garden Estate. The plan is for approximately 11 buildings, with the two front buildings will contain the office with limited staff with a small bathroom in each building. There will be minor parking along 141st Avenue. The rest of the property will have access to the storage units on the property.

Mr. Pozen discussed that the property is situated between Rose Garden and the railroad tracks. They are proposing on main drive along 141st Avenue, and are aware of needing to dedicate more to the Right of Way, include sidewalks and widen the road to the proper width. They are proposing a detention basin on the east side of the property. There is a drainage easement and existing storm structure next to Rose Garden that they intend to utilize as well.

Mr. Pozen stated with the facility having one to maybe two employees, they are proposing to connect to the existing sanitary in the area. They are proposing to connect to the water mains in the area. They intend to have spaces between the buildings to allow for public safety vehicles to pass through. The intent is to have nice looking buildings, that will be white on the exterior with black roofs.

Mr. Neubauer discussed the intent of the property was to have the storage facility fit in with the neighborhood, and to have a nicer, office looking building in the front. Mr. Pozen discussed the architectural design that they were wanting to achieve.

Mr. Wilkening asked Mr. Oliphant if he had any comments or concerns. Mr. Oliphant discussed having met with both Mr. Pozen and Mr. Neubauer a couple of weeks ago at a staff meeting and they discussed the property. It was annexed in as agriculture and asked what they intended to rezone the property to. Mr. Pozen stated they are proposing to rezone the property to B-2 with a Special Use Variance.

Ms. Murr commented the road and sidewalk improvements are beneficial and advised the railroad is planning on upgrades in the area, so having sidewalks to the railroad Right of Way will help move that process along.

Mr. Wilkening asked the Petitioner if the buildings in the front would have basements. Mr. Neubauer responded in the negative. Mr. Wilkening asked if they were going to have any other form of businesses. Mr. Neubauer responded in the negative and explained the buildings in the front will be more high-end storage and the whole property will be storage. Mr. Wilkening asked if all the storage was going to be inside. Mr. Neubauer responded in the affirmative.

Mr. Wilkening asked what they intended to do for the screening next to the residential neighborhood. Mr. Pozen stated it will be a six-foot opaque fence, with the material is up for discussion. On the side next to the rail road, they are proposing a six-foot chain link fence. Discussion ensued on the proposed fence along the property and if the chain link fence would be allowed.

Ms. Dessauer asked if there would be 24-hour access to the property, and how the storage unit renter would access the property. Mr. Neubauer stated the property will have a key pad control entry, and it will follow the noise ordinance for the Town to determine the access, and there will only be access from 7 AM to 10 PM. After the hours of operation, the key pad will not work and there will be no entry gained.

Mr. Pozen stated when he submitted the paperwork for the rezone for this property, he submitted an application for the variance for the multiple buildings, and asked if that was no longer needed with the new Zoning Ordinance. Ms. Murr advised they did because it was part of the Special Use.

7. Building Regulations & Fee Amendment

Mr. Wilkening stated the next order of business was for the Building Regulation and Fee Amendment.

Ms. Murr advised this was an item that had been reviewed last year to do some amendments outside of the Zoning Ordinance amendment. Mr. Eberly put together a summary of the proposed changes in addition to the Building Permit Fee Ordinance. This is what requires an as-built survey, and language covering Building Permit requirements, such as extension and duration. The proposed changes were done in the style Mr. Eberly utilized. There had been discussions about the proposed changes.

Ms. Murr commented there had been some confusion that there was going to be changes to all of the fees for the Building Permits, but what is being recommended is some changes that needed to be added in or modernized.

Mr. Oliphant asked Mr. Austgen if this would be the document to include the requirement for submitting an as-built for individual lots. Mr. Austgen responded in the affirmative. Ms. Murr advised as-builts have been included in this document and discussed what the update is intending to do.

Mr. Oliphant discussed having created a document outlining the requirements needed on the survey. He would recommend this document be an appendix or added into this document. Mr. Austgen advised

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Mr. Oliphant to send him the document. Discussion ensued on as-builts surveys and what requires an as-built survey to be turned in.

Mr. Wilkening asked Mr. Oliphant if he could send the document, he referenced, to the Plan Commission. Mr. Oliphant responded in the affirmative.

Ms. Murr advised the Commissioners this document has fees associated with it and allows for the collection of the fees and revenues for improvements to be made for the community. Discussion ensued on how to review and update the document and discussing it at their next Work Session after the Plan Commission reviewed the document.

PUBLIC COMMENT: None was had.

Mr. Wilkening asked Ms. Murr if there was any further information on the Marina. Ms. Murr responded she has received correspondence from the owner and a representative. They are working on a timeline and a plan for what they want to develop.

Mr. Wilkening asked Ms. Murr if she would provide Mr. Salatas everything she has for the Marina. Ms. Murr responded in the affirmative.

Ms. Murr advised the Plan Commission she had one item she anticipated to come before the Commissioners. It was discovered Cedar Lake United Methodist Church never went for their final plat. Discussing this with Mr. Austgen it could be a ministerial. Mr. Austgen stated the Church needs to provide a letter to the Plan Commission requesting an extension of their Preliminary Plat that expired inadvertently. A motion will be solicited to extend the Preliminary Plat for one year, so the Final Plat could come in front of the Commissioners.

Mr. Austgen advised the Plan Commission he is glad the Building Regulations and Fee Amendment is being circulated. It was on his plate, but the priority went to the Zoning Ordinance and Lake Eco-Restoration project. All of which is on task.

ADJOURNMENT: Mr. Wilkening adjourned the meeting at 8:16 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 March 2, 2022.