



CEDAR LAKE PLAN COMMISSION PUBLIC MEETING MINUTES
CEDAR LAKE TOWN HALL, 7408 CONSTITUTION AVENUE, CEDAR LAKE, INDIANA
April 20, 2022 at 7:00 pm

Call To Order:

Mr. Wilkening called the Plan Commission Public Meeting to order on Wednesday, April 20, 2022, at 7:02 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 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:** none.

1. Minutes

Mr. Wilkening entertained a motion for the minutes.

A motion was made by Mr. Sharpe and seconded by Mr. Kiepura to approve the Minutes from the March 16, 2022, 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

2. Starcevic – Final Plat – One (1) Lot Subdivision

Owner/Petitioner: Tom Starcevic

Vicinity: 7615 West 142nd Avenue, Cedar Lake, IN 46303

Mr. Wilkening stated the first order of business was for the Final Plat for a One (1) Lot Subdivision by Petitioner Mr. Tom Starcevic in the vicinity of 7615 West 142nd Avenue.

Mr. Oliphant advised everything is good with the Final Plat and the March 17, 2022, letter includes the engineering waivers.

Mr. Wilkening asked if the lighting referred to is adequate lighting for a neighborhood. Mr. Oliphant responded the lighting referred to would be roadway lighting, which is typically seen in a larger subdivision.

A motion was made by Ms. Dessauer and seconded by Mr. Becker to approve the Final Plat with the waivers listed in the March 17, 2022, Christopher B. 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

3. 141 Partners LLC – Rezone

Owner: Mike Neubauer

Petitioner: 141 Partners LLC

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

Mr. Wilkening stated the next order of business was for the Rezone from Agricultural to B-2 by Petitioner 141 Partners LLC in the vicinity 10702 West 141st Avenue. Mr. Austgen advised the legals are in order.

Mr. Russ Pozen, DVG Team, representing the Petitioner, advised they are wanting to obtain a Rezone from Agricultural to B-2. They presented the plan a few times and they have not changed their plan. The B-2 Zoning will be the appropriate zoning for the project.

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

Mr. Wilkening asked Mr. Austgen if they should consider the Site Plan and the exhibits or just the rezone. Mr. Austgen responded just the rezone because this allows for the appropriate zoning for the development to come before the Town.

Mr. Wilkening discussed the potential of utilizing the Concept Plans presented to the Plan Commission as an exhibit to the Petitioner's plan to help prevent excessive changes in the plan from concept to final approval. Mr. Austgen advised this Petitioner has been consistent with their plan throughout their entire proceedings.

Ms. Dessauer asked how many phases they were wanting to construct the entirety of the facility. Mr. Pozen responded it would be two phases, and they would include this in the Site Plan.

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Mr. Wilkening opened the floor for any public comment for or against this item. None was had. Mr. Wilkening closed the public hearing for this petition.

A motion was made by Ms. Dessauer and seconded by Mr. Becker to send a Favorable Recommendation to the Town Council for the Rezone from Agricultural to B-2. 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

4. Cedar Lake United Methodist Church – Final Plat – One (1) Lot Subdivision

Owner: Cedar Lake United Methodist Church

Petitioner: Richard Henry

Vicinity: 7124 West 137th Place, Cedar Lake, IN 46303

Mr. Wilkening stated the next order of business was for the Final Plat for a One (1) Lot Subdivision for Cedar Lake United Methodist Church.

Mr. Salatas advised Pastor Ken Puent is unable to attend tonight's meeting. Mr. Wilkening asked if they were requesting a deferral. Mr. Carnahan responded in the negative and stated he advised if there are any questions for him, he can be reached via phone. Discussion ensued regarding if Pastor Puent was needed for the passing of the Final Plat and determining he was not needed as Final Plat is a ministerial act.

Mr. Oliphant advised they received the submittal of the Final Plat the week prior. While there does not appear to be major issues, there are some zoning items left from the 2018 Preliminary Plat approval. The Plat is marked for B-1 Zoning and there had been a variance request for a 21-foot front yard setback when the variance approved was for a 23-foot setback. All that is needed for the plat is some clarification. Discussion ensued if the plat should be deferred and the remaining items needing clarification.

Mr. Austgen asked if Mr. Oliphant could be directed to contact the surveyor for this petition to correct the plat. Mr. Oliphant advised the plat could be fixed at a staff level.

Mr. Foreman asked if they could do a motion for an approval contingent upon the corrections. Mr. Carnahan commented this appeared to be Mr. Austgen's recommendation. Mr. Austgen clarified he discussed having the engineers work together to complete the project. Discussion ensued regarding having the Town Engineer and the petitioner's engineer work through the comments on the Final Plat.

A motion was made by Mr. Becker and seconded by Ms. Dessauer to defer this item. The motion passed 4-Ayes to 3-Nays by roll-call vote:

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

Mr. Oliphant asked if there is going to be Special Public Meeting on May 4, 2022, would the Plan Commission like for this item appear on the agenda, if it is ready. Mr. Wilkening responded in the affirmative.

5. Community State Bank – Performance Surety

Request: Acceptance of Performance Surety of \$14,047.00 for Cedar View

Mr. Wilkening stated the next order of business was for a request of acceptance for the Performance Surety of \$14,047.00 for Cedar View.

Mr. Austgen advised he has reviewed this item and provided a note for this Performance Letter of Credit that is on file.

A motion was made by Mr. Foreman and seconded by Mr. Sharpe to accept the Performance Surety in the amount of \$14,047.00 to include the February 24, 2022, Christopher B. 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

Update Items:

1. Henn – 13212 Wicker Avenue – Performance Letter of Credit Expires May 21, 2022

Mr. Wilkening asked Mr. Austgen if he had an update on this item. Mr. Austgen advised they have not seen a replacement Performance Letter of Credit. Mr. Oliphant stated they are currently reviewing as-builts. Some of the items are missing from the as-built.

Mr. Wilkening asked for the dates of the May meetings. Ms. Abernathy responded May 4, 2022, is the Work Session and May 18, 2022, is the Public Meeting. Mr. Wilkening directed for this item to be on the May 4, 2022, Special Public Meeting.

Mr. Austgen asked Mr. Oliphant if they have the final numbers for this item. Mr. Oliphant responded in the affirmative and stated they have done two inspections and there are a couple of items remaining.

Mr. Oliphant advised the property has been sold. Mr. Wilkening asked if the new owners were responsible for the remaining items and if the new owner can obtain occupancy. Mr. Oliphant responded it was probable, due to how minor the problems are. They are coordinating with the former owner not the current owner regarding the items. Discussion ensued regarding the remaining items for the Performance Letter of Credit.

2. Hanover Community School Corp – Performance Letter of Credit Expires May 24, 2022

Mr. Wilkening asked if there was an update for the Performance Letter of Credit for Hanover Community School Corp. Mr. Oliphant advised this letter would need to be extended because they have not finished their site improvements and they have not received any as-builts.

Mr. Foreman asked Mr. Salatas if he would be sending Hanover Community School a letter regarding their Performance Letter of Credit. Mr. Salatas responded in the affirmative and advised they have been notified already.

Mr. Wilkening asked Mr. Salatas if he anticipated this being ready a week before May 24, 2022. Mr. Salatas responded they would coordinate with Public Works and Mr. Oliphant and send another letter to the school requesting the extension. Mr. Oliphant stated there is a possibility they could reduce the Performance Letter of Credit.

3. MacArthur Elementary – May 4, 2022 Special Meeting/Timing of Secondary Plat

Mr. Wilkening stated the next order of business was the discussion for MacArthur Elementary School, including the Special Public Meeting for May 4, 2022 and the timing of the secondary plat. Mr. Salatas stated regarding the timing of the secondary plat, the school was requesting that the Final Plat be accepted at the same time of the Preliminary Plat.

Mr. Jim Thompson, Gibraltar Design, stated having a Special Public Meeting on May 4, 2022, would allow for them to meet their deadline of meeting the May 17, 2022, Town Council meeting. They had received comments from Mr. Oliphant on Friday, April 15, 2022, and they provided an update to Mr. Oliphant the day prior.

Mr. Wilkening asked Mr. Oliphant if this project is on track. Mr. Oliphant responded they are progressing. They issued a letter on April 15, 2022, and there are two bigger outstanding issues. The first is related to water, and they would like for the water main to be extended down 129th Avenue. As well, they are still waiting on reviews from the Fire Department and Utility Engineers to receive their feedback on fire protection and internal sprinkling. The other item is the widening of Fairbanks, and the school has asked for a waiver from these requirements. The rest of the comments are related to the Site Plan aspects and a few minor comments regarding the PUD Documents from an engineering aspect.

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Mr. Wilkening asked Mr. Oliphant if having a Special Public Meeting on May 4 would be feasible for this item. Mr. Oliphant responded they will try to have everything completed. The water is up to staff, Utility Engineer, and Fire Department. The decision of waivers would be up to the Plan Commission.

Mr. Wilkening advised that all material must be turned in by Friday, April 29, 2022, by noon.

Mr. Wilkening asked the Plan Commission if they had any thoughts regarding the waiver of widening of Fairbanks. Mr. Foreman asked Mr. Oliphant if the widening was for a deceleration lane. Mr. Oliphant responded there is not a deceleration lane included on the plans for the school. Mr. Wilkening asked Mr. Oliphant what was requiring the widening of Fairbanks. Mr. Oliphant advised that in general roads have to be widened to Town standards, including curb and gutter and stormwater improvements. Discussion ensued regarding the widening of Fairbanks.

Mr. Foreman asked Mr. Oliphant if he was talking about both 129th Avenue and Fairbanks being widened and improved. Mr. Oliphant responded in the negative and advised 129th Avenue was improved approximately three years ago.

Mr. Thompson commented that Fairbanks has already been improved with new paving recently and there have been discussions on utilities near the roadway that would provide a challenge in widening the roadway. They request the Plan Commission consider the road would be partially widened due to moving the entrance on Fairbanks to align with 129th Avenue. As well, they had been advised by their traffic engineer who evaluated their plan, by having the parking lot be a one-way entrance in-and-out of the main parking lot, it mitigates the need to have a deceleration lane. Mr. Oliphant advised a deceleration lane or a turn lane would not be feasible due to the distances between the intersections.

Mr. Thompson stated the waterline discussion was for a fire hydrant. However, the school has a sprinkler system throughout. They will submit the approval from the State as soon as it is made available.

Mr. Wilkening asked Mr. Oliphant about his comment regarding adequate volumes of water. Mr. Oliphant stated it is their understanding there is currently a two- or four-inch surface line into the existing building. There had been discussion at the staff meeting about having external hook-ups for the Fire Department, and it would be up to the Fire Department if they were okay with external hook-ups in lieu of a fire hydrant. Discussion ensued regarding the sprinkler system and existing utilities. Discussion also ensued regarding the widening of Fairbanks, installation of curb and gutter, and if the Plan Commission was going to entertain waivers for the improvements.

Mr. Wilkening asked if they were requesting a waiver for curb and gutter. Mr. Oliphant responded in the affirmative and listed the waivers the Petitioner were requesting: the extension of the water main and all improvements along Fairbanks. Further discussion ensued regarding if utilities would need to be moved to install curb and gutter.

Mr. Thompson discussed how they evaluated the area to determine the waivers they would need, such as cost, topography of the area, and if there is already existing infrastructure such as curb and gutter.

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Mr. Wilkening asked the Plan Commission if they had any further comments or questions regarding the discussion of curb and gutter. Mr. Carnahan advised that he would be in favor of allowing the waivers. Mr. Wilkening commented on the capability of curb and gutters allowing the road to last longer. Mr. Foreman commented on the same and discussed the bonding projects currently occurring in Town. Further discussion ensued regarding the installation of curb and gutter along Fairbanks and learning the depth of the gas line.

Mr. Foreman discussed the extension of the water main and having water mains extended to help provide connectivity due to how the Town was built pre-incorporation, and expressed he would like for the extension of the water main to be evaluated or have an easement dedicated in lieu of the water main.

Mr. Salatas asked the Commissioners if they were okay with the timing of the secondary plat. Mr. Wilkening asked if there would be any legal issues in the approval timing discussed earlier. Mr. Austgen responded if there are items that are open on the plat, it can be approved with a contingency. Discussion ensued regarding the Preliminary Plat being the biggest portion of the plan and the Site Plan could wait for approval if there are items missing.

Public Comment: None was had.

Adjournment: Mr. Wilkening adjourned the meeting at 7:51 pm.

TOWN OF CEDAR LAKE PLAN COMMISSION

Jerry Wilkening, President

John Kiepora, Vice President

Richard Sharpe, Secretary

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 Public Meeting are transcribed pursuant to IC 5-14-15-4(b) which states:

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

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

(2) The members of the governing body recorded as either present or absent.

(3) The general substance of all matters proposed, discussed, or decided.

(4) A record of all votes taken by individual members if there is a roll call.

(5) Any additional information required under section 3.5 or 3.6 of this chapter or any other statute that authorizes a governing body to conduct a meeting using an electronic means of communication.

Cedar Lake Plan Commission: April 20, 2022, Minutes of the Public Meeting