



CEDAR LAKE PLAN COMMISSION WORK SESSION MINUTES
CEDAR LAKE TOWN HALL, 7408 CONSTITUTION AVENUE, CEDAR LAKE, INDIANA
May 4, 2022 at 7:00 pm

Call To Order:

Mr. Wilkening called the Plan Commission Work Session to order on Wednesday, May 4, 2022, at 8:36 pm with its members attending on-site and electronically. The Pledge of Allegiance was recited by all.

Roll Call:

Members Present via Zoom: John Foreman. **Members Present On-Site:** Robert Carnahan; 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; Ryan Deutmeyer, Town Attorney; Chris Salatas, Town Manager; and Ashley Abernathy, Recording Secretary. **Absent:** None.

1. Dykstra's 1st Addition – Concept Plan

Owner: R&R Properties/Rich Dykstra

Petitioner: Rich Dykstra

Vicinity: Located approximately 200 feet west of Morse Street, on the north side of 136th Place
- Woodland Shores Add Pt. of Outlots I & J

Mr. Wilkening stated the first order of business for the Work Session was for a Concept Plan for a One (1) Lot Subdivision by Petitioner Mr. Rich Dykstra for a property located approximately 200 feet west of Morse Street, on the north side of 136th Place.

Mr. Ken Peach, Coldwell Banker Commercial, consultant for the Owner, advised the lot had been an individual lot until approximately 10 years ago, when it was combined into one Tax ID Number by the Owner. The Owner has a buyer interested in purchasing the property to build a house on the lot, and they would like to separate out the lot. The lot should still be zoned properly as an R-1 lot. He has obtained a separate Tax ID for the parcel from the Lake County Auditor's Office.

Mr. Becker stated he was familiar with this area, and this would be a re-subdivision of an old plat and discussed the re-subdivision that has been occurring in the area.

Mr. Oliphant advised this is similar to the property in the corner which had come for a one lot subdivision and discussed the history of the Outlots in this subdivision.

Ms. Dessauer asked if this was a corner lot. Mr. Peach responded in the negative and explained there is a front lot which is zoned Commercial. Discussion ensued regarding the size of the property and the Concept Plan being presented to the Plan Commission makes the plan feasible.

Mr. Wilkening asked Mr. Oliphant if he saw any issues regarding this one lot subdivision. Mr. Oliphant responded there will be the question of sidewalks. However, a major issue he sees is that with the passing of the new Zoning Map the entirety of the property was rezoned as commercial due to the lots being combined. Discussion ensued regarding the rezone of the property and needing to obtain a rezone for the property to residential. Discussion also ensued regarding the Petitioner filing an application for Preliminary Plat and Rezone for the Plan Commission.

Ms. Dessauer asked for the Petitioner to be provided a deadline for when he had to have all of his information submitted to appear on the June Plan Commission. Ms. Abernathy advised the filing deadline for the June Plan Commission was Friday, May 6, 2022. Discussion ensued regarding the reason for the filing deadlines for advertisements and other deadlines required for a public meeting.

2. Building Regulations & Fee Amendment

Mr. Wilkening stated the next order of business was for the Building Regulations and Fee Amendment. Mr. Austgen advised there is no update for this item, and he is currently reviewing the document.

Update Items:

1. Henn – 13212 Wicker Avenue – Performance Letter of Credit Expires May 21, 2022
2. Hanover Community School Corp – Performance Letter of Credit Expires May 24, 2022
3. Beacon Pointe Unit 4 – Performance Letter of Credit Expires June 11, 2022

Mr. Wilkening commented they have already discussed the first Update Item.

Mr. Wilkening asked Mr. Oliphant for information regarding the Hanover Community School Corp Performance Letter of Credit. Mr. Oliphant advised they have submitted an Extension Letter of Credit, which is a full roll-over. Mr. Salatas commented on the same.

Mr. Oliphant advised he has not heard any information regarding Beacon Pointe Unit 4 Performance Letter of Credit.

Public Comment: Mr. Wilkening opened the floor for public comment.

Mr. Austgen commented that there was an example provided tonight why an application from Petitioners regarding their requested waivers is important. When an application is submitted, having the waivers requested listed makes the process simpler for the petition. It is his recommendation moving forward that the waivers be included in the application process.

Mr. Wilkening asked Mr. Austgen if his suggestion was for the waivers to be listed separately. Mr. Austgen responded in the affirmative. Mr. Wilkening asked if the Petitioner was to be provided the information up

front regarding waivers. Mr. Austgen responded in the affirmative and advised this would be provided to the Petitioner with information and guidance on what waivers mean.

Mr. Wilkening asked if there was an inclusion of waivers on the application for the Plan Commission. Mr. Salatas responded in the negative. Mr. Oliphant discussed waivers are a case-by-case basis, based off of the request of the Petitioner. Mr. Austgen commented they could have the inclusion of waiver requests on the application for the Petitioner to select when turning in their application. Discussion ensued regarding who meets with the Petitioners when an application is turned in and improving the application process and information provided to the Petitioner.

Mr. Foreman advised he had received some communication from Mr. Wynkoop commenting there had been garbage blown against the house from the subdivision and the difficulty in mowing the embankment between the subdivision and their property. He would like to know if there is any involvement from the Town or Plan Commission with the pitch along west side of the property; he did not believe so due to it being a private transaction between the Wynkoops and the developer. Mr. Oliphant advised there was no involvement from the Town or the Plan Commission due to that embankment being conducted in a private transaction.

Mr. Foreman asked if Mr. Wynkoop would need to obtain a one lot subdivision when he decides he would like to build a new garage. Mr. Wilkening responded in the affirmative. Mr. Oliphant commented it would be needed in order to pull a Building Permit. Discussion ensued regarding if it was needed due to the new Zoning Ordinance and what the purpose for the new Zoning Ordinance was in regards to remodeling and repairing old, existing homes in Town.

Ms. Dessauer asked if the Plan Commission would see the PUD Agreement Document for MacArthur School again before the next Plan Commission meeting. Mr. Austgen responded in the affirmative and advised he would circulate his review comments to the Plan Commission.

Ms. Dessauer asked if there was a reason the Special Public Meeting cannot or should not be at the end of the Work Session. They have the Special Public Meeting before the Work Session and discussed those attending the Work Session having to wait for the Special Public Meeting. Mr. Austgen commented on having a discussion regarding what it means and the requirements to have a Special Meeting and discussed examples from other communities in Lake County and the potential of a fee for Special meetings.

Mr. Wilkening asked if any members of the Commission or Town staff had any issues with having the Special Public Meetings after the Work Session. Mr. Salatas responded if that was the pleasure of the Commission, any future Special Public Meeting would be advertised for after the Work Session.

Mr. Wilkening discussed the use of a fee for holding a Special meeting and asked for further clarification. Mr. Austgen asked the Commissioners if they are paid per meeting or per month. Mr. Wilkening answered it was per meeting. Mr. Austgen discussed the Commissioners having to be present for an extra meeting if a Special meeting is held. Discussion ensued regarding costs for having Special Public Meetings and the potential of having a fee for a Special Public Meeting. Discussion also ensued regarding current filing fees for a Plan Commission application.

Adjournment: Mr. Wilkening adjourned the meeting at 9:15 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 Work Session May 4, 2022.