



**TOWN OF CEDAR LAKE – PLAN COMMISSION
PUBLIC MEETING
November 18, 2020 7:00 P.M.**

Call To Order (Time): 7:04 PM

Pledge to Flag:

Roll Call:

Present Heather Dessauer
Present Chuck Becker
Present John Kiepura

Present Robert Carnahan
Present Donald Oliphant, Town Engineer – CBEL
Absent David Austgen, Town Attorney**
Ryan Deutmeyer–present in Austgen’s place
Present Tim Kubiak, Director of Operations*
Present Michelle Bakker, Building Administrator*
Present Sarah Moore, Recording Secretary

Present John Foreman*
Present Richard Sharpe
Present Jerry Wilkening

* Indicates individual participated electronically

**Indicates late arrival – 8:12 pm

Also noted for the record, guests: Town Manager Rick Eberly and Planning Director Jill Murr.

MINUTES:

Motion was made by Robert Carnahan, seconded by Heather Dessauer, to approve the October 7, 2020 Work Session, October 21, Public Meeting & November 4, 2020 Works Session & Special Public Meeting Minutes.

Motion: Robert Carnahan--1st Heather Dessauer--2nd

Heather Dessauer	Chuck Becker	John Foreman	Robert Carnahan	Richard Sharpe	John Kiepura	Jerry Wilkening	Vote
Yes	Yes	Yes	Yes	Yes	Yes	Yes	7-0

OLD BUSINESS:

1. Ravens-Site Plan

Owner: C.L. Leasing LLC/Rory Ravens, 12528 Wicker Ave., Cedar Lake, IN 46303
 Petitioner: Rory Ravens, 12528 Wicker Ave., PO Box 339, Cedar Lake, IN 46303
 Vicinity: 12528 Wicker Avenue, Cedar Lake, IN 46303
 Legal Description: COFHEN BUSINESS PARK
 Tax Key Number(s): 45-15-20-227-001.000-014

Request: Petitioner is requesting a Site Plan Approval

1. Petitioner’s Comments: Not present – requested deferral.
2. Town Engineer’s Comments: Oliphant stated they had the comment letter for over two weeks.
3. Building Department Comments: Murr confirmed to Wilkening the official request for deferral.
4. Commission’s Discussion: Torrenga stated that they have not been able to acquire an easement from Olthof which is why there has been no progress. It is unsure when they will be able to receive the easement.
5. Commission’s Decision: Robert Carnahan made the motion, seconded by John Kiepura, to approve the deferral as requested by the petitioner.

Motion: Robert Carnahan--1st John Kiepura--2nd

Heather Dessauer	Chuck Becker	John Foreman	Robert Carnahan	Richard Sharpe	John Kiepura	Jerry Wilkening	Vote
Yes	Yes	Yes	Yes	Yes	Yes	Yes	7-0

NEW BUSINESS:

1. Lynnsway Development-Rezone

Owner/Petitioner: Lynnsway Development, LLC, PO Box 677, St. John, IN 46373
 Vicinity: 14627 Parrish Ave., Cedar Lake, IN 46303
 Legal Description: Lynnsway Unit 1 Lot 27
 Tax Key Number(s): 45-15-33-428-015.000-014

Request: Petitioner is requesting a Rezone from Residential Multiple-Family (RM) Zoning District to Residential (R-2) Zoning District

1. Petitioner’s Comments: Michael Tiller, from Schilling present tonight on behalf of Ledgestone, stated they were requesting rezone from RM to R2.
2. Town Engineer’s Comments: none
3. Building Department Comments: none
4. Commission’s Discussion: none
5. Recommendation to Town Council: Richard Sharpe made the motion, seconded by Chuck Becker, to send Favorable Recommendation to the Town Council to Rezone from RM to R2.

Motion: Richard Sharpe--1st Chuck Becker--2nd

Heather Dessauer	Chuck Becker	John Foreman	Robert Carnahan	Richard Sharpe	John Kiepura	Jerry Wilkening	Vote
Yes	Yes	Yes	Yes	Yes	Yes	Yes	7-0

2. Schilling-Subdivision

Owner: Bernard Chojnowski, 13913 Laque Dr., Cedar Lake, IN 46303
 Petitioner: Greg Schilling, 10133 Wellington Ct., Dyer, IN 46311
 Vicinity: 13913 Laque Dr., Cedar Lake, IN 46303
 Legal Description: PT. SW. S.26 T.34 R.9 .68A.
 Tax Key Number(s): 45-15-26-352-009.000-043

Request: Petitioner is requesting Preliminary Plat for a One (1) Lot Subdivision

1. Petitioner’s Comments: Not present
2. Town Engineer’s Comments: Oliphant stated the current owner went back on purchase agreement with Shilling.
3. Building Department Comments: Murr stated the petitioner has requested withdrawal from the Preliminary Plat and Final Plat.
4. Commission’s Discussion: None
5. Commission’s Decision: Robert Carnahan made the motion, seconded by Heather Dessauer, to withdraw from the Preliminary Plat and Final Plat, as requested by the petitioner.

Motion: Robert Carnahan--1st Heather Dessauer--2nd

Heather Dessauer	Chuck Becker	John Foreman	Robert Carnahan	Richard Sharpe	John Kieपुरa	Jerry Wilkening	Vote
Yes	Yes	Yes	Yes	Yes	Yes	Yes	7-0

Request: Petitioner is requesting Final Plat for a One (1) Lot Subdivision

1. Petitioner’s Comments: Same as noted above.
2. Town Engineer’s Comments: Same as noted above.
3. Building Department Comments: Same as noted above.
4. Commission’s Discussion: Same as noted above.
5. Commission’s Decision: Same as noted above.

3. Lennar-Final Plat

Owner/Petitioner: Lennar Corp., 1141 East Main Street, Suite 108, East Dundee, IL 60118
 Vicinity: W. 142nd Place and Heritage Way, Cedar Lake, IN 46303
 Legal Description: Pt. NE.1/4 S.33 T.34 R.9 Ly'ng E. of RR 35.32Ac **and** Rose Garden Estates P.U.D. Phase 1 Outlot 8
 Tax Key Number(s): 45-15-33-200-003.000-014, **and** 45-15-33-400-001.000-014, **and** 45-15-33-200-001.000-014, **and** 45-15-33-200-002.000-014

Request: Petitioner is requesting a Final Plat for Rose Garden Estates Phase 2 – 108 Lots and 1 Outlot

1. Petitioner’s Comments: Todd Kleven and Tom McSherry, present in person, and Al Erickson, present electronically, on behalf of Lennar. Kleven stated they were requesting Final Plat for Rose Garden Estates Phase 2 containing 108 lots and 1 outlot.
2. Town Engineer’s Comments: Oliphant confirmed for Wilkening progress was being made on the Phase 1 of the 100+ item punch list and a draft submittal has been received. Oliphant stated the 3% Inspection fee of \$68,021.96, the Letter of Credit amount of \$1,685,193.13 and MS4 fee of \$2,000.
3. Building Department Comments: Kubiak agreed with Eberly (noted below) and stated they have made progress and agreed if there was no agreement, then the wall should be constructed. Kubiak asked if the \$20,000 was needed to acquire the right of way for the water main included the off-site water main list on the proposed price; Oliphant stated it was not currently included in the Letter of Credit. Oliphant was not aware of the dollar amount tied to it and felt the 110% Letter of Credit amount would cover it.
4. Commission’s Discussion: Kleven updated Wilkening regarding inquiry on the status of the retaining wall, noting prior staff worked an agreement with the land owner Hawkinson and filled in the slope, eliminating the retaining wall, stating it had not been presented to Plan Commission or the Town. Kleven stated Town staff notified Lennar it was out of the Town limits and in the jurisdiction of Lake County, who recommended Lennar annex the location into the Town of Cedar Lake. Kleven indicated the property has since changed hands and now is owned by Olthof. Oliphant stated as long as Olthof is aware and there is not a problem with their future development and the County will sign off on this, but if someone is not ok with this, then the wall needs to go up. Deutmeyer clarified for Wilkening that without something in writing, there is potential for something going wrong. He noted allowing discharge a fairly decent amount of water onto property and substantial liability to the Town. Deutmeyer recommended an Easement or Agreement in writing. Oliphant confirmed there was an Easement agreement made with Hawkinson, but it was not the approved plan by this board. Foreman agreed with Wilkening that a new document noting the new owner’s agreement

needed to be provided. Kleven indicated that document could be provided. Multiple members expressed their frustration in the fill issue not being what they approved and Lennar not following procedures. Kleven asked for forgiveness and acceptance of the warning, ensuring it would not happen again. Deutmeyer confirmed for Wilkening that approval needed to come from Olthof and Lake County. Kleven indicated 25 houses have been reserved in Phase 2 and asked if there was a hold, if it could be placed on Phase 3 instead. Erickson had McSherry go over the engineering, field tiles, grading and fill being placed due to contour of topography, noting they did this with thought for future building even though it was not part of the Town of Cedar Lake. McSherry explained the water is being taken from Hawkinson and run off goes into the field tile and went over several of the engineering items from Oliphant’s letter. Eberly stated the request for secondary plat approval and the issues were in Phase 1, noting they are not connected to this plat, and it was a ministerial function to approve the plat and it cannot be tied to the problems in Phase 1. Oliphant clarified for Wilkening that Phase 1 is not adjacent to Phase 2, noting it was north. Deutmeyer asked Oliphant if there was no impact on Phase 2 regarding the wall; Oliphant stated it was unlikely. Erickson stated there are always solutions to building the wall, noting it was not a function of cost but rather best design. He stated that in the worse-case scenario, they would petition to the County for that west area to annex it into the Town of Cedar Lake, noting it is a lengthy process. He noted if Olthof does delay, they would be in the position to pursue that avenue rather than constructing the wall.

5. Commission’s Decision: Richard Sharpe made the motion, seconded by Robert Carnahan, to approve the final plat of 108 lots and 1 outlot to include engineering comments, MS4 fee, Inspection fee, and Letter of Credit fee items.

It was noted that John Foreman left the meeting at 7:30 pm.

Motion: Richard Sharpe--1st Robert Carnahan--2nd

Heather Dessauer	Chuck Becker	John Foreman	Robert Carnahan	Richard Sharpe	John Kieपुरa	Jerry Wilkening	Vote
Yes	No	Absent	Yes	Yes	Yes	Yes	5-1

Carnahan asked that the letter from Christopher Burke be included in the minutes; Sharpe was in agreement with the addition.

4. Great Oaks Center, Lot 2 – Site Plan

Owner: The Lawrence Property Group, 13097 Wicker Avenue, Cedar Lake, IN 46303
 Petitioner: Sean Perfetti, The Lawrence Property Group, 13097 Wicker Avenue, Cedar Lake, IN 46303
 Vicinity: 13097 Wicker Avenue, Cedar Lake, IN 46303
 Legal Description: Great Oaks Acres Storage Lot 2
 Tax Key Number(s): 45-15-21-301-022.000-014

Request: Petitioner is requesting a Site Plan

1. Petitioner’s Comments: Sean Perfetti, Don Torrenge and Ted Rohn were present tonight asking for Site Plan approval. Petitioners stated they are attempting to make the changes named in the original letter.
2. Town Engineer’s Comments: Oliphant stated that the agreement is recorded because he requested the recorded plat earlier in the day to verify. Oliphant stated that the biggest issue of the property is they do not have a dollar amount to recommend for a letter of

credit. He also reassured the board that Public Works and the town utility engineer have reviewed it and have no issue with the alignment of the water line.

3. Building Department Comments: Kubiak reassured everyone that the discussed lot is a lot of record that has already been put through the subdivision process.
4. Commission’s Discussion: Wilkening stated that the address had a 41 address, so the 131st St sign does not need to be there. Wilkening reminded the petitioner that they asked for the use agreement for that road. Wilkening stated that his concern is when there are multiple people, that there are no snags and everyone is on the same page to make sure everything is covered. Carnahan asked the Petitioner if they had completed the checklist from the last meeting. Oliphant stated the issues at hand were ministerial in nature, the only issue of value is the letter of credit value because it is typically included the site plan approval motion and potentially needs to be posted before allowing a building permit. Oliphants stated that the water main needs to be constructed before deconstructing the existing well, but other than that nothing on the checklist will change the site plan. Carnahan expressed that number 12 on the list is a big key item and it needs to be addressed as soon as possible in order to move forward. Oliphant suggested that they work out the numbers and make sure that the letter of credit is posted prior to any building or occupancy permits being issued; Wilkening agreed.
5. Commission’s Decision: John Kiepura made the motion, seconded by Richard Sharpe, to approve the Site Plan contingent upon recommendations by Oliphant.

Motion: John Kiepura--1st Richard Sharpe--2nd

Heather Dessauer	Chuck Becker	John Foreman	Robert Carnahan	Richard Sharpe	John Kiepura	Jerry Wilkening	Vote
Yes	Yes	Absent	Yes	Yes	Yes	Yes	6-0

5. Summer Winds Unit 2 - Performance Letter of Credit - Expires December 20, 2020

Owner/Petitioner: Summer Winds Development, 40 E. Joliet, Ste. 1B, Schererville, IN 46375

Request: Convert Performance Letter of Credit to Maintenance Letter of Credit

1. Comments/Engineer: Oliphant indicated agenda items #5 and item #6 should read a reduction not conversion. Carnahan asked for clarification that Oliphant’s letter dated November 18 was noting that the performance letter of credit be reduced to \$279,817.13, and Oliphant clarified. Bakker stated that in order to make a motion of reduction, there needed to be a pull date incorporated in it. Deutmeyer suggested the pull date of December 14.
2. Commission’s Decision: Robert Carnahan made the motion, seconded by John Kiepura, to approve the reduction of the Performance Letter of Credit amount based on Oliphant’s recommendation with the pull date of December 14, 2020.

Motion: Robert Carnahan--1st John Kiepura--2nd

Heather Dessauer	Chuck Becker	John Foreman	Robert Carnahan	Richard Sharpe	John Kiepura	Jerry Wilkening	Vote
Yes	Yes	Absent	Yes	Yes	Yes	Yes	6-0

6. Summer Winds Unit 3 - Performance Letter of Credit - Expires December 23, 2020

Owner/Petitioner: Summer Winds Development, 40 E. Joliet, Ste. 1B, Schererville, IN 46375

Request: Convert Performance Letter of Credit to Maintenance Letter of Credit

1. Comments/Engineer: Oliphant indicated agenda items #5 and item #6 should read a reduction not conversion. Carnahan noted the letter be reduced to \$14,575.48.
2. Commission’s Decision: Robert Carnahan made the motion, seconded by John Kiepura, to approve the reduction of the Performance Letter of Credit to \$14,575.48 with the pull date of December 14, 2020.

Motion: Robert Carnahan--1st John Kiepura--2nd

Heather Dessauer	Chuck Becker	John Foreman	Robert Carnahan	Richard Sharpe	John Kiepura	Jerry Wilkening	Vote
Yes	Yes	Absent	Yes	Yes	Yes	Yes	6-0

7. Beacon East, Phase 1 – Performance Letter of Credit

Owner/Petitioner: Beacon Pointe of Cedar Lake, 8900 Wicker Ave., St. John, IN 46373

Request: Letter of Credit Reduction

1. Comments/Engineer: Oliphant stated that this is a reduction from their original set amount down to the minimum of 25% to \$341,736.80.
2. Commission’s Decision: John Kiepura made the motion, seconded by Chuck Becker to reduce the Letter of Credit to \$341,736.80 for Phase 1 of Beacon Point East.

Motion: John Kiepura--1st Chuck Becker--2nd

Heather Dessauer	Chuck Becker	John Foreman	Robert Carnahan	Richard Sharpe	John Kiepura	Jerry Wilkening	Vote
Yes	Yes	Absent	Yes	Yes	Yes	Yes	6-0

Update Items:

1. Beacon Pointe Unit 3 – Performance Letter of Credit – Expires May 13, 2021
2. Beacon Pointe Unit 4 – Performance Letter of Credit – Expires October 1, 2021
 Oliphant addressed items #1 & #2 together, stating Schilling requested they be rolled into maintenance. He stated they are working on inspections and potentially could be ready for next month.

It was noted that David Austgen arrived at 8:12 pm.

3. Henn/King Medical Building, 13301 Lincoln Plaza: Bakker stated that David wanted it to be known that he is making progress on these items and included the site plan along with the GIS in the packets. Oliphant stated this item was approved with contingencies made, one of which being the correction of drainage along McDermont’s shared boundary, and an adequate response has still not been received on that. Wilkening stated final site plat has not been approved; Austgen clarified there was no Final Plat. Austgen stated Glenn Boren from DVG completed the survey to clarify the alley. Wilkening advised it be known that this is not about the alley, but about the building itself.

Public Comment:

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Public Meeting

1. Members spoke about the fee in lieu of sidewalks. Oliphant stated he was working on this and would have something by the new year.
2. Eberly told Wilkening staff were working on the Zoning Ordinance and the Subdivision Ordinance. Those items will be brought back to the Commission to review.
3. Carnahan indicated the Building Department reported a record year, surpassing 219 permits in 2006, with 226 as of October.
4. Eberly noted Oliphants work on the Zoning Map and would be bringing it back for adoption after some fine tuning.

Adjournment: 8:28 PM

Next Meetings: Plan Commission Work Session – December 2, 2020 at 7:00 p.m.
Plan Commission Public Meeting – December 16, 2020 at 7:00 p.m.

Chuck Becker

Robert Carnahan

Heather Dessauer

John Foreman

John Kiepura, Vice President

Richard Sharpe

Jerry Wilkening, President

Attest: Sarah Moore, Recording Secretary

The Town of Cedar Lake is subject to the requirements of the Americans with Disabilities Act of 1990. Individuals with disabilities who plan to attend this meeting and who require certain accommodations in order to allow them to observe and/or participate in this meeting, or who have questions regarding accessibility of the meeting or the facilities, please contact the Town Hall at (219) 374-7400.