



**TOWN OF CEDAR LAKE – PLAN COMMISSION
SPECIAL PUBLIC MEETING & WORK SESSION
JANUARY 6, 2021 7:00 P.M.**

Call To Order (Time): 7:02 PM

Pledge to Flag:

Roll Call:

PRESENT Heather Dessauer
PRESENT Chuck Becker
PRESENT John Kiepura
PRESENT John Foreman
PRESENT Richard Sharpe
PRESENT Jerry Wilkening
PRESENT Robert Carnahan

PRESENT Donald Oliphant, Town Engineer – CBEL
PRESENT David Austgen, Town Attorney
PRESENT Tim Kubiak, Director of Operations
PRESENT Jill Murr, Planning Director
PRESENT Malia Comia, Recording Secretary

Special Public Meeting:

1 Nomination and Appointment of Officers:

President: Jerry Wilkening

Motion: Richard Sharpe 1st John Kiepura 2nd

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

Vice President: John Kiepura

Motion: Chuck Becker 1st Heather Dessauer 2nd

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

2 Appointments:

Board of Zoning Appeals: John Kiepura

Unsafe Building Department: Richard Sharpe

Motion for Board of Zoning Appeals: Robert Carnahan 1st Heather Dessauer 2nd

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

Motion for Unsafe Building Department: Robert Carnahan 1st John Kiepura 2nd

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

Public Hearing

1 Park & Recreation Impact Fee Amendment

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- 1 Town Attorney’s Review: Austgen stated that the reason for the special meeting was to conduct a public hearing for the Park & Recreation Impact fee. The statutory process for that is a public hearing is required by the plan commission following the reviewed recommendation by the park impact fee advisory committee.
- 2 Building Department Comments: Eberly explained this is a renewal of the park impact fee, which would be the second renewal. The fee was originally adopted in 2011, renewed in 2016, and is up for another renewal this year, 2021. The fee started at a little above \$900.00 in 2011, and went to \$1215.00 in 2016. Eberly further explained that the Plan Commission was free to do what they wanted with the recommendation from the park impact fee advisory committee, they could either make their own recommendation to the town council or go along with the amount suggested by the advisory committee. Eberly stated that the park impact fee is collected to be used for improvements to the towns parks and the fee is generated by the growth in the community. Taghi Arshami of the Arshami Group explained that the park impact fee was the town’s required contribution from newcomers building new residential homes to pay for the park services that the town provides for all residents. The fee is a little complicated, they go through several processes as well as calculations to determine two things, the total number of service units that the town is providing services to and the number of new homes. The advisory committee has decided to recommend a new number, an 87% rate, \$1762 per new house, which would be an increase of \$547. Wilkening asked Eberly if there was a scheduled time that the money had to be used, or if it didn’t have a restriction on time that it could be held. Eberly said that there is no specific time frame. There are \$14 million worth of projects that may qualify to use the money accumulated for the park impact fee. There are no projects that are ready to begin construction right now. Austgen stated the following: “The town of Cedar Lake, Lake County Plan Commission Resolution #2021-01, is a resolution recommending the reestablishment ordinance for a town park impact fee, improving a modified park impact fee for the town of Cedar Lake, Lake County, Indiana, recommending adoption and enactment of such reestablishment ordinance by the Cedar Lake Town Council in conformance of applicable law and all matters provided there too.”
- 3 Remonstrators: None
- 4 Commission’s Discussion: None
- 5 Commission’s Decision: Recommend resolution of reestablishment and modification of rate for Park Impact Fee.
- 6 Recommendation to Town Council

Motion: Robert Carnahan 1st John Kieपुरa 2nd

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

Adjournment of Public Meeting 7:26 PM

Work Session

Old Business:

1. Hanover Community School-1-Lot Subdivision, Rezone, PUD Amendment

Owner/Petitioner: Hanover Community School Corp, 9520 W. 133rd Ave., Cedar Lake, IN 46303
 Vicinity: 10631 W. 141st Ave., Cedar Lake, IN 46303
 Legal Description: Hanover Central Middle School Sub. Lot 1 and Pt. W.1/2 SW.1/4 S.33 T.34 R.9 (1330.02x696.5x1329.36x696.51ft) 21.25Ac
 Tax Key Number(s): 45-15-33-151-012.000-014 and 45-15-33-300-011.000-013

Request: Petitioner is requesting a Rezone from Agriculture (A) Zoning District to a Community Business (B-2) Planned Unit Development (PUD) Zoning District and a Planned Unit Development (PUD) Amendment

- 1 Petitioner’s Comments: Don Torrenga and Dion Katsorous were present on behalf of the Hanover School Corp. Torrenga stated that after the December meeting they attended, they worked very hard to answer the letter that was put together by the town engineer. They responded to all of the comments, whether or not they had been approved or not, he is unsure. They are now in a position where they are asking for approval for the PUD and approval of the site plan so that they can abide by the schedule that has been put together by the Skillman Group.
- 2 Town Engineer’s Comments: They received the information and response to the letter on December 29, and it is still currently under review. Oliphant has been able to go through about 75% of the response, and stated that most of the issues have been addressed as far as he has gotten.
- 3 Building Department Comments: Eberly stated that he had no concerns on the matter. The building department had a staff meeting with Katsorous a few weeks prior and asked him to talk with Torrenga about identifying any of the plan or ordinance the ways in which the project deviates from the town’s typical standards. The building department was concerned that on one set of drawings they did not see the peaks of the roof, and if in the PUD they are going to exceed the maximum height allowed of a building in that district, you have to identify that, if you fail to do so, and you later return for a building permit, you have to then go before the BZA for a height variance. Torrenga provided a new set of drawings that showed all the building sizes and heights, which were all well within the requirements of the underlying zoning districts. The building department feels the plan is compliant and responsive to the list of items that is required to be submitted for a PUD. Pending the engineer’s decision, the staff is satisfied.
- 4 Commission’s Discussion: Austgen stated that there were a couple of legal items that needed to be addressed. They do not have a PUD contract yet, so they have been unable to draft the ordinances as a consequence to not having that. Austgen said it shouldn’t be hard to obtain that information in the 2 weeks before the public hearing.

Petitioner is requesting a Preliminary Plat for a 1-Lot Subdivision

- 1 Petitioner’s Comments: None
- 2 Town Engineer’s Comments: None
- 3 Building Department Comments: None
- 4 Commission’s Discussion: None

New Business:

1. Hanover Community High School-Site Plan

Owner/Petitioner: Hanover Community School Corp, 10120 133rd Ave., Cedar Lake, IN 46303
Vicinity: 10120 133rd, Cedar Lake, IN 46303
Legal Description: Hanover Central Campus Sub Lot 1Ex. Fieldhouse & Spec. gym parcel
Tax Key Number(s): 45-15-21-451-005.000-014

Request: Petitioner is requesting a Site Plan

- 1 Petitioner’s Comments: Torrenga stated they previously approached the town in 2014 with a request to extend the parking lot for the baseball and soccer fields. They also requested approval of a sidewalk that runs all the way across the campus across the back of the high school which would be 10 feet wide and will have a fence positioned in the

middle of it. There is also an athletic building that is being proposed next to the soccer field, and some sidewalks from the football field to a new parking lot that is going to be on the far west side of the school. They are also proposing new practice fields. They will be adding two storm water detention ponds and making modifications to the existing storm water detention ponds. Other than a few modifications, it's pretty much the same plan that was presented in 2014.

- 2 Town Engineer's Comments: Oliphant just received the information today for this request and will review it.
- 3 Building Department Comments: Eberly believes there's no need for a 1-Lot Subdivision because on the west side of the property, there's only ball fields, bleachers, and no buildings, which is all allowable in the current zoning. The only thing they have to do is go to the BZA and get a variance for the fence, unless it is a 3-foot decorative fence. Oliphant added that he thinks there may be a benefit to doing a replat, because it is a combining of 3 or 4 parcels, 2 of which still extend to the center line so it would be beneficial to clean them up. Austgen asked the underlying zoning district as it stands right now. Eberly explained that it is B1 and R1 spread over one lot of record. Eberly explained the uses allowed in those districts coincide with what the plan is proposing. Eberly does agree that it would be beneficial to do a 1-Lot Subdivision to clean it up, but it is not necessary if the petitioner chooses not to. Kubiak asked when this plan was presented before, if they had plans to become 1-Lot Subdivision. Oliphant didn't believe so, but was going to check the previous application to be sure. Oliphant believes a replat still makes the most sense. Kubiak said that the shrinking of the parking lot doesn't make sense with all the extra amenities, because parking is already limited. Eberly stated they have proposed 176 parking spaces, the requirement would be 1 parking spot for every 3 seats, they have 4 sets of bleachers, so the 176 parking spaces would accommodate 538 seats, and there are not 538 seats. Kubiak remembers the purpose of the expansion of the parking lot being for football games, so he understands that the amount of parking spaces is plenty adequate for the practice fields, but he believes the parking area was originally for the football games.
- 4 Commission's Discussion: None

2. Crossroads YMCA-Rezone

Owner: John Hays, South Shore Country Club, 14400 Lake Shore Dr., Cedar Lake, IN 46303

Petitioner: Crossroads Young Men's Christian Association, Inc., 100 W. Burrell Drive, Crown Point, IN 46307

Vicinity: 14400 Lake Shore Drive, Cedar Lake, IN 46303

Legal Description: N. 161/2FT. NE. NW. S.2 T.33 R.9 .50A. **and** S1/2 SW.SW. & S. PT.N1/2 SW.SW. S.35 T.34 R.9 31.213AC. **and** PT. GOV. LOT 2 S1/2 NW. S.35 T.34 R.9 & Vac. Lake Shore Dr. 29.0 AC. **and** PT. E2. S2. SW. NW. S.35 T.34 R.9 .032AC. **and** S.104.15FT. OF E. 389.21FT. OF N. 781.70FT. OF GOV. L.2 NW. S.35 T.34 R.9 .932A. **and** E2. SW. (EX. NE. COR. 145 X 155 FT.) S.35 T.34 R.9 79.49A.

Tax Key Number(s): 45-19-02-100-002.000-058 **and** 45-15-35-351-001.000-043 **and** 45-15-35-185-006.000-043 **and** 45-15-35-185-007.000-043 **and** 45-15-35-185-008.000-043 **and** 45-15-35-326-003.000-043

Request: Petitioner is requesting a Rezone from Residential (R-1) Zoning District to a Planned Unit Development (P.U.D.) Zoning District

- 1 Petitioner's Comments: Jay Buckmaster, CEO of the Crossroads YMCA, was present. Attorney Jim Weiser, Civil Engineer Jeff Ban and Architect John Rambo were present through Zoom. Weiser started the presentation for the project by giving a little background about them going before the town for some time now on several different occasions. As a result of the last plan commission meeting, they attended a few months

prior, they have went back to the drawing board and made several changes to make this plan presentable and reflect the nature of the project they would like to bring to this community. They were fortunate enough to have the staff and Dave Austgen be willing to meet with them on several occasions to fix a lot of issues and concerns so that once they returned, they could do it in a well-planned manner. Weiser stated they included all that they intended to do in the PUD contract they have been working on and referenced at every point possible the specific recreational activities and locations in the drawings as well. Weiser said the Crossroads YMCA is an organization that educates and instructs kids, and provides an opportunity for them to enjoy recreation, and to learn how important recreation is in their lives, which is why they chose this fast-growing community to present this plan to. Their goal is to serve the children and the future leaders of the community. Buckmaster provided drawings of Phase 1 and 2 of the project as reference point for the commission and the audience. Buckmaster stated that they have done a lot of research about the effects of day camp. Current and former campers that they have reported that relationship skills, appreciation for others, emotional regulation and responsibility were among the things they learned at camp that they consider to be most important in their everyday lives. In a survey they constructed, 70% of parents surveyed believed their child has gained a sense of self confidence through the experiences they've had at camp, 63% have learned new activities, and 70% have made new friends. Buckmaster wanted to reassure the residents and board members that have had issues previously that this is not a free for all day camp, they have a curriculum, they are outcome driven, and have highly trained staff. Phase 1 includes a renovation of the clubhouse, which will be used as an eating area, an activity area, check in/check out area, and some staff offices. Phase 1 also includes program villages, tech activity areas for crafts and music, climbing tower, and adventure-based activities, and a beach front area. All of the areas will be supervised by qualified staff and will practice the buddy system. Phase 2 a program building that will act as a shelter area, a drop off and pick-up area, and activity building. Buckmaster addressed some comments made at previous meetings about the days and times of operation, and said that it will be Monday-Friday and the camp day will end at 6:00PM. The projected age is 10 years and older. As far as noise goes, in what they have presented, they have put at least a 100-foot barrier between the residences and the camp. You won't see a structure until about 225 feet from existing residences. The camp is open to everyone, not just members of the Y, but you will have to register. They are looking to have anywhere from 175 kids to 200 kids. The number of employees is ratio based. For 200 kids, you would need at least 25-30 staff members. Most of the children will be dropped off and picked up by their parents, but they have talked about maybe providing bus transportation for kids from other towns. Becker asked how many other camps they had like this already up and running. Buckmaster said this is going to be the first outdoor camp, the others are all indoor. Becker said he remembered them showing drawings of other camps that they had out in the middle of nowhere, Buckmaster said those were just examples. Kiepora wants a documented plan of Phase 3 so they can get a better idea of what to expect in the future before moving further. Carnahan asked Buckmaster to explain what the buffer would be that would go on the south side of the property by the creek to separate the South Shore subdivision from the noise. Buckmaster said that the distance alone would act as a barrier and would accommodate the noise. Buckmaster said that they are taking their construction plans slower, especially with phase 3 so there isn't an overabundance of construction to disrupt the residents. Austgen said that the public's questions are relevant and they need to be addressed because they aren't going away. Buckmaster said that all the issues that were presented before, they have made modifications to address them.

- 2 Town Engineer's Comments: In Oliphant's opinion, the petitioners request to not have to expand the roadway should not be approved. He would like more detail on security plans for after hours. Oliphant believes that this will be a 2-Lot subdivision by the way it's looking. Oliphant stated they will be formalizing their comments into a letter pretty quickly for the petitioner.

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- 3 Building Department Comments: Eberly stated that there was a meeting about this and they went through the site plan and the contract. They identified issues that they saw and thought needed to be changed, but the petitioner has a right to ask for what they want to ask for. For example, they don't show sidewalks on the property and the building department believes they should include, but they have still submitted it without them. The plan commission can decide if they want to go through with it without the petitioner making the suggested changes. The building department still wants to point out the changes they believed they should make, which they made some changes but chose to opt out of making others. Murr provided a written report that contained a review of what was sent to her, some of the comments were addressed and were minor, some of the others were not addressed. Murr believes they need to clarify the name throughout the PUD document, all sheets referenced in the document should include a date since there will be changes as they go through documents just to be sure they have the most recent version, on page 6 they had questions on trip generation and how it was calculated, page 7-8 is recognizing the sidewalks and the setback off of 145th and the deceleration lane that the drawing needs to be consistent with the language, the building heights need to be clarified, the beach and waterfront activities need clarification on how many boats, there needs to a time frame of completion. A PUD has to be completed in 5 years, so because of that 5-year contract, the building department does not believe that they will be completed with all 3 phases in the time frame, pending approval in the first place. Because of that, the building department suggested that perhaps they leave Phase 3 out altogether. Let it be known, if they stray away from the presented contract and plan approved, they will have to go back before the board and ask for an amendment. Kubiak asked how the property will be maintained, Buckmaster said the property wouldn't be kept as greens, but it will be well maintained. Buckmaster stated that upon approval, they are also becoming part of the community and will maintain the property to a level that everyone can be proud of.
- 4 Commission's Discussion: Kiepura asked for clarification that there would be no staff or campers staying overnight. Kiepura asked how the number and size of the parking spaces were determined. Buckmaster stated that the parking spaces were 9x18. Ban stated that there's not a lot of data for a reasonable number of parking spaces in a day camp, but what they did was applied the parking requirements and standards for elementary schools and came up with a total of 42 required parking spaces and when they reach phase 2, they will have 143 parking spaces. Dessauer asked what the benefits were that this day camp would be bringing to this community. Buckmaster said it benefits the kids and provides a lot of services for children and families. Dessauer expressed her concerns that since this wouldn't be closed to Cedar Lake residents, it would be bringing in more traffic and things of that nature. Wilkening stated they have to make sure they're making the best decision for the residents, and as of now he believes there's no sustainability that is beneficial to the community, he would like more detail. Wilkening opened the floor to public comment.
- 5 Public Discussion:
 - 5.a David Abshire, 14605 Blaine St, wants to know if the YMCA is planning to purchase the entire property from John Hayes because he believes the plan is unclear. He would like to see a detailed plan for Phase 3 so the people of the South Shore Subdivision can have a better understanding of exactly what they will be facing down the road.
 - 5.b Donna Corey, 14605 Bryan St, stated all the other YMCA camps of this nature are in a nonresidential area. She doesn't believe that Cedar Lake, a busy lake in the summer time with 200+ motor boats driving around, is a good place for a day camp. There are bike runs that zoom through the area. She doesn't believe that it is an appropriate setting for this kind of camp due to the drinking and partying that occurs around the lake, but she loves the idea.
 - 5.c Eric Gluth, 14530 Blaine St, is concerned with the type of camp because on one part a kid's camp is shown and on a different part a family camp is shown. She

- is also concerned that if Phase 3 isn't specified, that her and her neighbors will have to come to meetings years down the line to fight what's going to happen and she hopes the board takes that into consideration.
- 5.d John Vanramshort, 14507 Lakeshore Dr, believes areas are zoned the way they are for a reason, so too many things don't get all mixed up. He doesn't believe that this type of thing will mix well with the surrounding areas.
- 5.e Colleen Schieben, 14625 Blaine St, is concerned that the drainage in the back of the properties in the subdivision is a serious situation. From the creek to the backyard is flooded a lot. They also have a NIPSCO easement, and the only way NIPSCO can get to their property is through the golf course and they're back there quite often, so with this camp, how will NIPSCO access the lines. She also feels an approval or change in zoning without knowing Phase 3 should not be done.
- 5.f Debra Carey, 7205 W 145th Ave, questioned that if this gets approved, if the plan is to widen 145th Ave. Oliphant said the petitioner is proposing not to. Carey asked if it does have to be widened, what would the effect be for existing businesses on Morse. Oliphant said the widening would only happen in front of the petitioner's property and would taper back; it wouldn't be abrupt.
- 5.g Greg Parker, 14823 Morse St, stated that the board has an obligation to review all phases of this project and what it could potentially be for the future. He stated they are obligated to consider the residents of the town before anything else. He also believes that it is irresponsible of the staff to suggest they leave out Phase 3.
- 5.h Troy Reader, 14616 Lee St, believes it's a good idea but a bad location. Reader specified he moved to the area he did because it was near a golf course and was quiet.
- 5.i Joyce Gluth, 14527 Lee St, thinks that it's going to be too much noise and too much activity. It should be in a nonresidential place.
- 5.j Dan Schieben, 14625 Blaine St, agrees with everyone else that it is a great idea but a bad location. There is too much congestion in the area to begin with.
- 5.k Dan Freeman, 14702 Bryan St, is concerned about the boat docks proposed that are 200 feet out due to the hunting zone regulations, because there are duck blinds not far from the property discussed. Carnahan stated that the regulations of hunting on the lake are regulated by the state.

Update Items:

1. Disposal of cremated remains – Eberly stated that he received a complaint a few weeks prior regarding the burial of cremated animal remains. Eberly sent a letter to the owner of the property letting them know they were in violation of the BZA actions and that it needed to come to a stop. The owner's attorney contacted Eberly and advised him that they were not in violation of the BZA action because they weren't doing what they asked to be able to do, which was a pet cemetery. Eberly advised the attorney to speak to Austgen, and he has not since done that. Eberly stated that there are no environmental impacts, but regardless a second letter was sent reiterating what the previous letter stated because it is a commercial use of a residential property, which is a violation of the zoning ordinance punishable by a fine of \$25-\$2500 for every day they violate. A fine has not been issued yet, after the second warning, if they continue to do it, they will begin fining them.

2. Rose Garden Estates Water Main Extension – They were told we didn't want a roundabout connection. They can't link directly into the Ledgestone main, so they have to go under it, but they planned to go under and come back around it and there was a series of five 22-degree bends. They were told no, and resubmitted with wider bends, which is still not acceptable. They responded again but Oliphant hasn't had a chance to get back to him. Kubiak said it was a challenging area, but the whole point to the loop was to try to bore from the Lennar property under the road and then

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tie into the water main without getting into the road base. They were now told exactly what was expected, the valve vault with one 45-degree bend.

Public Comment: None

Adjournment: 9:52 PM

Press Session:

Plan Commission Public Meeting – January 20, 2021

Plan Commission Work Session – February 3, 2021

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.