



CEDAR LAKE PLAN COMMISSION PUBLIC MEETING MINUTES
CEDAR LAKE TOWN HALL, 7408 CONSTITUTION AVENUE, CEDAR LAKE, INDIANA
March 16, 2022 at 7:00 pm

CALL TO ORDER:

Mr. Wilkening called the Plan Commission Public Meeting to order on Wednesday, March 16, 2022, at 7:02 pm with its members attending on-site and electronically. The Pledge of Allegiance was recited by all.

ROLL CALL:

Members Present: Robert Carnahan; John Foreman; Heather Dessauer (via Zoom); 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; Jill Murr, Planning Director; Chris Salatas, Town Manager; and Ashley Abernathy, Recording Secretary. **Absent:** none.

1. Minutes

Mr. Wilkening stated the first order of business was for the approval of the Minutes from the February 16, 2022, Public Meeting, the March 1, 2022, Special Public Meeting, and March 2, 2022, Regular Work Session. A motion was made by Mr. Becker and seconded by Mr. Kiepura to approve the Minutes from the February 16, 2022, Public Meeting, the March 1, 2022, Special Public Meeting, and March 2, 2022, Regular Work Session. The motion passed unanimously by roll-call vote:

Mr. Carnahan Aye
Mr. Sharpe Aye
Mr. Becker Aye
Mr. Kiepura Aye
Mr. Wilkening Aye

2. 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. Wilkening advised there had been a request from the Petitioner to be moved to the end of the meeting, and this item will be tabled to the end of the meeting.

3. Perez – KNR Lakeview – 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. Wilkening asked Ms. Murr about the KNR Lakeview title. Ms. Murr advised Mr. Jack Huls contacted her because Mr. and Mrs. Perez were wanting to name their subdivision KNR Lakeview. This will be on the official document.

Mr. Glenn Borren, DVG Team, representing the Petitioner, stated the only change that has occurred since the approval of the Preliminary Plat was the name change to the plat and some minor clean-up of the plat. All changes were submitted to Mr. Oliphant for his approval.

Mr. Oliphant advised the Plan Commission there will need to be a small Letter of Credit of \$4,430.25 and a three-percent inspection fee of \$120.83. These numbers are listed in the letter dated March 14, 2022.

At 7:06 pm Ms. Dessauer joined the meeting via Zoom. Ms. Dessauer was advised she would not be able to vote due to attending via Zoom. Ms. Dessauer acknowledged she could not vote.

At 7:07 pm Mr. Foreman arrived for the meeting.

Mr. Wilkening entertained a motion for this item and advised for any motion to include Mr. Oliphant's letter. A motion was made by Mr. Kiepura and seconded by Mr. Becker to approve the Final Plat for a Two (2) Lot Subdivision contingent upon the March 14, 2022, Christopher Burke Engineering letter, and the demolition permit being pulled prior to the signing of the Mylars. The motion passed unanimously by roll-call vote:

Mr. Carnahan Aye
Mr. Foreman Aye
Mr. Sharpe Aye
Mr. Becker Aye
Mr. Kiepura Aye
Mr. Wilkening Aye

4. 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 were requesting their Final Plat. They received their Preliminary Plat at the February meeting, and at the BZA Meeting on March 10, 2022, received approval to have the 60-foot of frontage versus the 80-foot of frontage required by Ordinance. They are ready to proceed with Final Plat, and their contractor has submitted a Building Permit application for their proposed addition.

Mr. Wilkening entertained a motion for this item. A motion was made by Mr. Foreman and seconded by Mr. Becker to approve the Final Plat for a One (1) Lot Subdivision. The motion passed unanimously by roll-call vote:

Mr. Carnahan Aye
Mr. Foreman Aye
Mr. Sharpe Aye
Mr. Becker Aye
Mr. Kiepura Aye
Mr. Wilkening Aye

5. 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. Tim Krause, Black River Bells, LLC, and Mr. Jeremy Wagner, Excel Engineering, were present for this petition. Mr. Krause advised they were requesting Final Plat approval.

Mr. Wilkening asked if this item will be receiving a US 41 address. Mr. Oliphant advised when the parcel gets platted it will receive the US 41 address, and the address will be 13313 Wicker Avenue.

Mr. Wilkening asked Mr. Oliphant if he had any further comments for this petition. Mr. Oliphant stated there are two small contingencies. The first is to be copied on any future correspondence with INDOT and to receive the design calculations for a small retaining wall. There is a small Letter of Credit related to water main installation and sidewalk. This is noted in the March 14, 2022, letter.

Ms. Murr advised the Plan Commission the Petitioner has paid the three-percent inspection fee. Mr. Oliphant stated the inspection fee was \$1,572.00 and the Performance Letter of Credit will be \$57,640.00.

Mr. Wilkening entertained a motion for this item. A motion was made by Mr. Kiepura and seconded by Mr. Becker to approve the Final Plat to include the March 14, 2022, Christopher Burke Engineering letter. The motion passed unanimously by roll-call vote:

March 16, 2022

Mr. Carnahan Aye

Mr. Foreman Aye

Mr. Sharpe Aye

Mr. Becker Aye

Mr. Kiepura Aye

Mr. Wilkening Aye

6. Cedar Lake United Methodist Church – One (1) Lot Subdivision

Owner: Cedar Lake United Methodist Church

Petitioner: Richard Henry

Mr. Wilkening stated the next order of business was for a One (1) Lot Subdivision for Cedar Lake United Methodist Church in the vicinity of 7124 West 137th Place with a request for a Preliminary Plat extension by Petitioner Mr. Richard Henry.

Mr. Ken Puent, Pastor of Cedar Lake United Methodist Church, representing the Petitioner, stated there had been some administrative errors due to COVID and other issues since the Preliminary Plat approval in 2018 for a One (1) Lot Subdivision to incorporate the Food Pantry the Church was building. The Final Plat had been submitted in 2018, and Mr. Oliphant had responded with a letter asking for some corrections. The corrections had been made, but not sent back to Mr. Oliphant for review. They were sent in 2021. As such, they are requesting an extension on their Preliminary Plat to obtain Final Plat approval.

Mr. Wilkening asked Mr. Oliphant if he was good with the plat extension. Mr. Oliphant responded in the affirmative.

Ms. Murr advised she had discussed this item with Mr. Austgen and it had been discussed at their last Work Session.

Mr. Kiepura asked how long the extension would be good for if approved. Mr. Austgen advised it would be for one year.

Mr. Wilkening entertained a motion for this item. A motion was made by Mr. Foreman and seconded by Mr. Becker to approve the extension for a Preliminary Plat. The motion passed unanimously by roll-call vote:

Mr. Carnahan Aye

Mr. Foreman Aye

Mr. Sharpe Aye

Mr. Becker Aye

Mr. Kiepura Aye

Mr. Wilkening Aye

7. Peoples Bank – Performance Surety

March 16, 2022

Mr. Wilkening stated the next order of business was for a Performance Surety request by the Peoples Bank to accept the Performance Surety of \$14,000.

Mr. Salatas advised the Plan Commission the Town Council approved the Performance Surety contingent upon the Plan Commission's approval. This is for the asphalt for People's Bank, due to the plants not being opened yet for the season.

Mr. Wilkening asked Mr. Oliphant if the \$14,000 was the appropriate amount for the Performance Surety. Mr. Oliphant responded in the affirmative.

Mr. Wilkening entertained a motion for this item. A motion was made by Mr. Becker and seconded by Mr. Sharpe to accept the Performance Surety of \$14,000. The motion passed unanimously by roll-call vote:

Mr. Carnahan Aye
Mr. Foreman Aye
Mr. Sharpe Aye
Mr. Becker Aye
Mr. Kiepura Aye
Mr. Wilkening Aye

2. Cedar View – Final Plat – Two (2) Lot Subdivision & Site Plan – Continued

Owner: James & Samantha Brooker

Petitioner: Cedar Lake Property LLC

Vicinity 7936 Lake Shore Drive, Cedar Lake, IN 46303

Mr. James Brooker stated they were seeking Final Plat for their Two (2) Lot Subdivision.

Mr. Oliphant advised the Plan Commission he has no further engineering comments. The three-percent fee will be \$383.10 and the Letter of Credit will be \$14,047.00. This is listed in the letter that was sent on February 24, 2022.

Mr. Wilkening entertained a motion for this item. A motion was made by Mr. Sharpe and seconded by Mr. Kiepura to approve the Final Plat for a Two (2) Lot Subdivision contingent upon the February 24, 2022, Christopher Burke Engineering letter. The motion passed unanimously by roll-call vote:

Mr. Carnahan Aye
Mr. Foreman Aye
Mr. Sharpe Aye
Mr. Becker Aye
Mr. Kiepura Aye
Mr. Wilkening Aye

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

Ms. Nanci Shander stated she is present regarding three subdivision lots located on Colfax. She has had discussions with Ms. Murr and Mr. Kubiak regarding her property. She is wanting to obtain a waiver on placing utilities on the back two lots, as her and her husband only want to develop the front lot, which already has utilities. Discussion ensued regarding the location of Ms. Shander's property.

Mr. Wilkening advised Ms. Shander a waiver would not be being granted tonight and asked Mr. Oliphant if the first step would be to create a One (1) Lot subdivision. Mr. Oliphant stated that would be an option.

Mr. Wilkening asked Ms. Shander to discuss what information she has been given by staff. Ms. Shander stated they would need to receive a variance for not having the front of the house facing the street. They had been advised they would need to follow the requirements of the subdivision process and put in the road and curbs. Her and her husband do not have any intentions on developing the back two lots and discussed at length what her and her husband would like to do with the lots.

Mr. Wilkening advised Ms. Shander if what she is requesting is waived, the rest of the lots could never be developed. Ms. Shander stated their intentions were to never develop the lots. Mr. Wilkening advised this would need to be discussed at a Plan Commission Work Session, with the deviation requests. Discussion ensued regarding the subdivision the lots are located in and what was required for the development of the subdivision, including water main, utilities, and the like. Discussion also ensued regarding what Ms. Shander would need to do for the Work Session.

Ms. Murr advised the Plan Commission Ms. Shander was directed to come in front of the Plan Commission to see if any waivers would be entertained. The concern is not what the Shanders are wanting to do. The concern is if anything should happen and the lots ever get sold or go for tax sale, then there would be lots without utilities.

Mr. Oliphant stated in order to get the initial subdivision granted, waivers had already been granted for reduction in public infrastructure. If the requirement is waived to extended to the back lots, it would make the properties to the west have to extend the infrastructure. Discussion ensued regarding the potential issues with the potential waivers the Shanders are wanting to request. Further discussion ensued regarding what is needed for the Work Session.

Mr. Jerry Koster stated the homeowners in Summer Winds were advised once the subdivision is 80 percent complete and the developer does the parking lot and the streets, he would receive his bond money back and would no longer be in the subdivision. He wanted to know how they would know if the developer was 80 percent built. Discussion ensued regarding how to determine if the 80 percent mark is hit and the developer wanting to combine all the Letters of Credit into one Letter of Credit.

Mr. Oliphant advised the Petitioner the developer had the intentions to pave everything at once. However, he cannot just leave, the Performance Letter of Credit converts in to a Maintenance Letter of Credit for three years. Discussion ensued regarding the developer needing to complete infrastructure and how to do determine the 80 percent build out.

Mr. Koster advised the Plan Commission the developer had provided a letter in December stating they would do the road and be out of the development in the spring. Mr. Wilkening asked Mr. Salatas if Mr. Koster could be provided the percentage the subdivision is completed. Mr. Salatas responded in the affirmative. Further discussion ensued on how they determine how many permits have been pulled and

the inspection the developer needs to conduct before the Performance Letter of Credit can be converted. Discussion also ensued regarding how many houses were left to be developed in Summer Winds.

Mr. Koster stated his other question was about a lamp located on 133rd Avenue and King Drive that looks like a Town lamp. They have been told it is not a Town lamp, that it is the developer's lamp, and it has not been working for a couple of years. Mr. Oliphant asked Mr. Koster about the location. Mr. Koster advised it was in the island when you turn into the development. Mr. Oliphant stated the lamp located in the median is the developer's lamp. One of the items they will inspect will be the lighting before they convert the Letter of Credit.

Mr. Koster stated his last concern was for a sign that was placed on 133rd Place and King drive. The sign has been removed, but the metal bracket and sandbags are still in the same location. He does not know who to contact to remove the sign. Mr. Koster was advised it would be noted to be taken care of.

Mr. Salatas requested the Plan Commission consider moving the Work Session meetings to begin at 6 pm. The Commissioners stated they would consider moving the Work Sessions to 6 pm.

Adjournment: Mr. Wilkening adjourned the meeting at 7:52 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: March 16, 2022, Minutes of the Public Meeting