



CEDAR LAKE PLAN COMMISSION WORK SESSION MINUTES
CEDAR LAKE TOWN HALL, 7408 CONSTITUTION AVENUE, CEDAR LAKE, INDIANA
July 6, 2022 at 7:00 pm

Call To Order:

Mr. Kiepura called the Plan Commission Work Session to order on Wednesday, July 6, 2022, at 7:00 pm with its members attending on-site. The Pledge of Allegiance was recited by all.

Roll Call:

Members Present via Zoom: None. **Members Present On-Site:** Robert Carnahan; John Foreman; Heather Dessauer; Richard Sharpe, Secretary; Chuck Becker; and John Kiepura, Vice President. A quorum was attained. **Also present:** Don Oliphant, Town Engineer (arrived at 7:03 pm); David Austgen, Town Attorney; Chris Salatas, Town Manager; and Ashley Abernathy, Recording Secretary. **Absent:** None.

Mr. Kiepura welcomed Mr. Parker to the Plan Commission.

Old Business:

1. Nyby Development Corp – Preliminary Plat for a One (1) Lot Subdivision & Site Plan
Owner/Petitioner: NYBY Development Corp; 1370 Dune Meadows Dr., Porter, IN 46304
Vicinity: 9710 West 133rd Ave., Cedar Lake, IN 46303

Mr. Kiepura stated the first order of old business was for the Preliminary Plat for a One Lot Subdivision and a Site Plan for a property located at 9710 West 133rd Avenue by Petitioner NYBY Development Corporation.

Mr. Tony Peuquet, Chester Incorporated, and Mr. David Lee, Nyby Development, were present for this petition. Mr. Peuquet stated they are looking to construct a wood building approximately 5,400 square feet which will be utilized for automotive repair. They have received their review back from Mr. Oliphant based off of their previous submission to the Plan Commission. The main concern had been for the screening along the north-side property, and they have determined to have that screening to be a fence.

Mr. Oliphant arrived at 7:03 pm.

Mr. Lee advised the property owner to the apartments had reached out requesting for arborvitaes to be installed along that property line instead of a fence. However, it had been discussed at the previous Plan Commission meeting having a fence installed due to the utilities located along the north property line.

Mr. Kiepura asked if there was going to be screening created along the west side of the property. Mr. Salatas advised there is currently existing vegetation.

Mr. Kiepura asked if there were any comments from the Building Department. Mr. Salatas advised the major concern had been the screening along the north side of the property being vegetation due to the utilities located along that easement. The preference is for the fence, which the Petitioner has addressed and agreed to a fence.

Mr. Oliphant advised the review letter is minor.

Mr. Becker asked if this has been in front of the BZA. Mr. Salatas responded they received 3 Developmental Variances from the BZA and have 1 outstanding Developmental Variance. They will appear in front of the BZA at their July Meeting. Mr. Sharpe asked what the outstanding Developmental Variance was for. Mr. Salatas stated it was for the lot size. Discussion ensued.

Mr. Foreman commented while the property is properly zoned and is certain the property owners will maintain the property well, he has concerns with having a business of this style along the 133rd Corridor. This style of business is better suited for the Industrial Park. Mr. Lee stated when they went for approval at Winfield, they had similar concerns and invited the Plan Commission members to go and look at their Winfield location. Discussion ensued.

Mr. Parker inquired on if this property had always been zoned B-3. Mr. Foreman responded in the affirmative.

Mr. Kiepura asked if there would be cars delivered by tow trucks. Mr. Lee responded there may be one from time to time and explained the business operations, including them not leaving cars outside overnight, and most of their business is small repairs. Winfield had similar concerns and in approximately 3 years, they have not had any issues. Discussion ensued.

Mr. Sharpe asked if the building was going to be a wooden structure. Mr. Lee responded in the affirmative and stated it would have a brick exterior and siding. They had determined it was more reasonable to purchase and build. His opinion is this style of structure would provide the best-looking building, especially in the Town's main stretch.

New Business:

1. Beacon Pointe East – Final Plat – Unit 4

Owner: Petitioner: Beacon Pointe of Cedar Lake LLC, 8900 Wicker Avenue, St. John, IN 46373
Vicinity: 9000 West 141 Avenue, Cedar Lake, IN 46303

Mr. Kiepura stated the first order of new business was for a Final Plat request for Beacon Pointe East Unit 4 in the vicinity of 9000 West 141st Avenue.

Jack Slager, Schilling Development, representing the Petitioner, stated they are requesting Final Plat approval for Beacon Pointe East, Unit 4, which will be the final phase. This will tie in all the existing

roadways that have not yet been completed. There will be 77 units, with duplexes along the railroad tracks and the rest of the lots will be cottage homes. The infrastructure has been being constructed on. All the sewers and water have had testing conducted and passed. The roads will begin being installed the following week.

Mr. Kiepura asked which phase included the connectivity of the sidewalk over the railroad tracks. Mr. Slager advised they were not allowed to take the sidewalks over the railroad tracks. They had only been allowed to take the sidewalks to the railroad tracks. Mr. Kiepura asked if the railroad tracks will then provide the connectivity. Mr. Oliphant responded in the affirmative and stated that CSX is supposed to provide the connectivity if there are sidewalks provided up to the railroad tracks. Discussion ensued.

Mr. Foreman asked if this was going to be the portion in front of the Wynkoop property. Mr. Slager responded in the negative and advised this would be to the north of the property. They have done the phase to the east of the Wynkoop property and have replaced the sidewalk. They need to complete the grading for this portion of the property. They are waiting on NIPSCO to continue doing work that needs to be completed in the front of the subdivision.

Mr. Oliphant stated they are reviewing infrastructure related items, which will help determine the Letter of Credit amount. Mr. Sharpe asked if the Letter of Credit will be set by the Public Meeting. Mr. Oliphant responded in the affirmative.

2. Lakeside – Unit 2 – Extension of Preliminary Plat
Owner/Petitioner: Cedar Lake 133, LLC, 8900 Wicker Avenue, St. John, IN 46373
Vicinity: 5711 West 133rd Avenue, Cedar Lake, IN 46303

Mr. Kiepura stated the next order of business was a request for an extension of the Preliminary Plat for Lakeside Unit 2, which is set to expire on September 18, 2022; this request is to extend the Preliminary Plat to September 18, 2023.

Mr. Jack Slager, Schilling Development, representing the Petitioner, explained when they originally began Lakeside, they were only allowed to put up 54 lots. They brought forth the Preliminary Plat for Unit 2 in 2019, and they were unable to continue work due to the lack of water supply. They had a similar request last year, while waiting for the completion of the water supply extension.

Mr. Carnahan advised they had done test wells in the subdivision. There was enough water capacity; however, the water was poor quality. The Town has purchased the Lighthouse Well and intends to run the waterlines over to Robin's Nest and Lakeview. Discussion ensued.

3. 141 Partners LLC – Preliminary Plat for One Lot Subdivision & Site Plan
Owner: Mike Neubauer, 8913 West 142nd Place, Cedar Lake, IN 46303
Petitioner: 141 Partners LLC, 10702 West 141st Avenue, Cedar Lake, IN 46303
Vicinity: 107020 West 141st Avenue, Cedar Lake, IN 46303

Mr. Kiepura stated the next order of business is for a Preliminary Plat for a One Lot Subdivision and Site Plan in the vicinity of 10702 West 141st Avenue.

Mr. Russ Pozen, DVG Team, and Mr. Mike Neubauer were both present for this petition. Mr. Pozen provided a packet to the Plan Commission.

Mr. Pozen advised the site and number of buildings have not changed. The largest difference between prior discussions and the information handed out is there have been some engineering review items completed. They are anticipating having a response back to Mr. Oliphant by the end of the week in hopes of having the plans ready for the Public Meeting.

Mr. Oliphant advised the biggest concern he saw from the renderings was the chain link fence. Mr. Pozen commented in regards to the chain link fence, he was uncertain if that had changed with the Zoning Ordinance update. He had thought that if the adjacent property was non-residential property, they could utilize a chain link fence. Mr. Salatas advised it would need to be checked. Discussion ensued.

Mr. Foreman asked if the Petitioners have gone in front of the BZA. Mr. Pozen advised they went in front of the BZA for a Special Exception, which they have received. Mr. Foreman discussed the benefit of having asked for a variance for the chain link fence at that time.

Mr. Austgen asked if the Petitioner has advertised for the Public Hearing. Mr. Pozen responded he believed they have. Further discussion ensued regarding the fencing for the property.

Mr. Pozen stated he feels the style of the buildings fit with the neighborhood and feels as though this property is a perfect fit for this Site Plan.

Mr. Kiepura asked if there would need to be a submission to the BZA regarding the fence. Mr. Pozen stated if they so desired. Mr. Neubauer asked if it had been an item they could request before they begin construction. Mr. Pozen advised it was an option they could take.

Mr. Salatas asked what the underlying Zoning District was for Hanover Schools. Mr. Austgen advised it is a PUD. The property the school is on was brought in as an Agriculture zoning by annexation. Mr. Salatas clarified he was inquiring due to the Zoning Ordinance stating if the property was to abut a residential property it would require an opaque fence screening. Discussion ensued.

Update Items:

1. Building Regulations & Fee Amendment

Mr. Salatas advised a study and analysis process is currently under way. This study is evaluating Building Department fees and regulations, with a focus on the fees currently. He anticipates having this item done before the end of the year.

2. Larson Danielson/Peoples Bank – Performance Letter of Credit Expires August 9, 2022

Mr. Oliphant advised the majority of the work is done for the Larson Danielson/Peoples Bank Performance Letter of Credit. The only remaining items are landscaping and seeding of grass, which could be tied to the Building Permit. This could potentially be converted into a Maintenance Letter of Credit, and he will have better information regarding that at the next meeting.

3. Rose Garden Estates, Unit 3 – Performance Letter of Credit Expires August 22, 2022

6. Rose Garden Estates, Unit 1 – Performance Letter of Credit Expires October 14, 2022

Mr. Oliphant discussed both Item 3 and Item 6 simultaneously and advised it has been over a year since they conducted an inspection and will need to conduct a re-inspection of the entire subdivision for both Rose Garden Estates, Unit 1 and Unit 3 Performance Letters of Credit. There may be a reduction in the Letters of Credit; however, it is more likely they will keep the Letters of Credit at the full amount.

Mr. Carnahan advised there have been numerous complaints about the poor quality of the sidewalks in the subdivision.

4. Great Oaks Storage Lot 1 – Maintenance Letter of Credit Expires September 4, 2022

Mr. Oliphant advised this Letter of Credit had only been for the water main extension. All that is needed to do is have Public Works check the water main. If everything is okay, then the Maintenance Letter of Credit should be okay to expire.

5. Birchwood, Phase 1 – Performance Letter of Credit Expires October 5, 2022

Mr. Oliphant advised they are far along. He believes the only item remaining is the paving of Phase 1. Mr. Jeff Yatsko has advised him they plan on doing the paving soon and should hopefully be converted into a Maintenance Letter of Credit during the summer.

7. Off Shore Estates – Performance Letter of Credit Expires October 30, 2022

Mr. Oliphant stated this is a small 8 or 9-lot subdivision located off of 136th Avenue. There are approximately 3 or 4 lots built for this subdivision. He is going to be recommending a waiver for the 80% requirement for the paving, so the subdivision can be paved. The threshold is 80% completed; however, this is typically for the larger subdivisions. The Developer is only doing 1 lot at a time. His preference is to allow the Developer to pave the subdivision and rotate the Letter of Credit into a Maintenance Letter of Credit.

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

Mr. Becker welcomed Mr. Parker to the Plan Commission. Mr. Parker thanked Mr. Becker.

Adjournment: Mr. Kiepura adjourned the meeting at 7:40 pm.

TOWN OF CEDAR LAKE PLAN COMMISSION

John Kiepora, Vice-President

Richard Sharpe, Secretary

Greg Parker, 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 July 6, 2022.