



CEDAR LAKE PLAN COMMISSION PUBLIC MEETING MINUTES
CEDAR LAKE TOWN HALL, 7408 CONSTITUTION AVENUE, CEDAR LAKE, INDIANA
July 20, 2022 at 7:00 pm

Call To Order:

Mr. John Kiepura called the Plan Commission Public Meeting to order on Wednesday, July 20, 2022, at 7:00 pm with its members attending on-site and electronically. 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; Chuck Becker; Richard Sharpe, Secretary; Greg Parker, Vice President; and John Kiepura, President. A quorum was attained. **Also present:** Don Oliphant, Town Engineer; David Austgen, Town Attorney; Chris Salatas, Town Manager; and Ashley Abernathy, Recording Secretary. **Absent:** None.

Nomination and Appointment of Officers

President

Mr. Kiepura advised the first order of business was for the nomination and appointment of officers and opened the nominations for President. A nomination was made by Mr. Foreman and seconded by Mr. Becker to nominate Mr. Kiepura as President; no other nominations were made. The nomination passed unanimously by roll-call vote:

Mr. Carnahan	Aye
Mr. Foreman	Aye
Mr. Sharpe	Aye
Ms. Dessauer	Aye
Mr. Becker	Aye
Mr. Parker	Aye
Mr. Kiepura	Aye

Vice President

An amendment was made to the agenda due to Mr. Kiepura having been the Vice President to allow for the nomination and appointment of a new Vice President of the Plan Commission.

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Mr. Kiepura opened the floor for nominations for Vice President. A nomination was made by Mr. Becker and seconded by Ms. Dessauer to nominate Mr. Parker as Vice President of the Plan Commission; not other nominations were made. The nomination passed unanimously by roll-call vote:

Mr. Carnahan Aye
Mr. Foreman Aye
Mr. Sharpe Aye
Ms. Dessauer Aye
Mr. Becker Aye
Mr. Parker Aye
Mr. Kiepura Aye

Minutes:

June 15, 2022

Mr. Kiepura entertained a motion for the June 15, 2022, Public Meeting. A motion was made by Mr. Foreman and seconded by Mr. Sharpe to approve the same. Motion passed unanimously by roll-call vote:

Mr. Carnahan Aye
Mr. Foreman Aye
Mr. Sharpe Aye
Ms. Dessauer Aye
Mr. Becker Aye
Mr. Parker Aye
Mr. Kiepura Aye

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.

Mr. Jack Slager, Schilling Development, representing the Petitioner, stated they were requesting Final Plat approval of the Beacon Pointe East, Unit 4, which is the final portion of the subdivision. This Unit will have a total of 77 units. They are completing the infrastructure in the area, including the installation of the curb and grading for the lots.

Mr. Slager advised the 3% Inspection fee had been paid and they are working with the bank to secure the Letter of Credit.

Mr. Oliphant stated everything is in order with the Final Plat. The Letter of Credit amount is \$792,266.90. The total for the 3% inspection fee was \$43,152.96, and there is an MS4 fee of \$2,000. Mr. Slager advised the MS4 fee has been paid, as well.

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A motion was made by Mr. Sharpe and seconded by Ms. Dessauer to approve the Final Plat with a Performance Letter of Credit in the amount of \$792,266.90. Motion passed unanimously by roll-call vote:

Mr. Carnahan Aye
Mr. Foreman Aye
Mr. Sharpe Aye
Ms. Dessauer Aye
Mr. Becker Aye
Mr. Parker Aye
Mr. Kiepura Aye

Mr. Foreman asked Mr. Slager if there has been any dialogue between themselves and the Wynkoops. Mr. Slager responded in the affirmative and advised they have graded their yard and addressed the sidewalks.

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. Slager, Schilling Development, representing the Petitioner, stated they were seeking their third extension to their Preliminary Plat. They have completed the first phase of Lakeside of the 54 homes, and are awaiting the extension of the water main in order to continue building the subdivision. They believe they have completed the sewer requirements needed and believe the Town is working on the extension of the water main.

Mr. Austgen advised the Town Council was provided a schedule by the Town's Utility Engineer for the East Side Water Improvements and discussed the timeline.

Mr. Carnahan noted this project is not able to be completed for the original number of homes until the water has been extended and the Petitioner has brought forth a plan for an additional 519 homes.

A motion was made by Mr. Parker and seconded by Mr. Becker to approve the 12-month extension for the Preliminary Plat for Lakeside Unit 2, to extend the expiration of the Preliminary Plat from September 18, 2022, to September 18, 2023. Motion passed unanimously by roll-call vote:

Mr. Carnahan Aye
Mr. Foreman Aye
Mr. Sharpe Aye
Ms. Dessauer Aye
Mr. Becker Aye
Mr. Parker Aye
Mr. Kiepura Aye

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: 10702 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 by Petitioner 141 Partners LLC in the vicinity of 10702 West 141st Avenue. Mr. Austgen advised the legals are in order.

Mr. Russ Pozen, DVG Team, present with Mr. Mike Neubauer, advised the Plan Commission they need to submit revised engineering plans to Mr. Oliphant. Any action that the Commissioners may approve will need to be contingent upon engineering review. Regarding the plans of the property, they have not changed any of their plans from their original presentation to the Town.

Mr. Pozen discussed they were advised to move the fence along the east side of the property further into the property due to the downstream slope. They are proposing to install the fence along the top of the berm. Regarding the fencing along the west side of the property, there had been discussions about having a chain link fence along the railroad track. Mr. Pozen stated he had conducted an extensive review of the current Zoning Ordinance and was unable to find any language that prohibited a chain link fence along the railroad track.

Mr. Carnahan asked if they were conducting the construction in two phases, with the first phase the 8 buildings to the north of the property and the second will be the 5 buildings to the south. Mr. Pozen stated that is correct. Discussion ensued.

Mr. Kiepura asked if the chain link fence will be coated. Mr. Neubauer advised he did not have a preference if the fence was coated or not. However, he feels the coated fence would last longer, and look nicer. Thus, if it is a requirement of the Plan Commission, he is agreeable with a coated chain link fence.

Mr. Austgen advised the Plan Commission they are allowed to impose reasonable conditions upon a land use by State Statute. If the Plan Commission determines there needs to be a reasonable condition set with the fence for the property, his recommendation is that the motion include a special finding.

Mr. Oliphant stated the engineering letter from June 30th is still outstanding. He had not had a chance to review the Ordinance in regards to the chain link fence. Mr. Salatas advised he reviewed it, and is in agreement with Mr. Pozen that there is no restriction of the chain link along the west side. Mr. Oliphant recommended the south fence line remain opaque due to the residential properties along the southern border. Discussion ensued.

Mr. Kiepura opened the floor for public comment. None was present; however, a remonstrance letter was provided to the Plan Commission.

Mr. Foreman read the remonstrance letter into the record.

Hello,

My opposition for another storage facility in cedar lake begins with there are already 3 facilities within approx. 5-mile radius of this proposed plan. One can argue such facilities invite crime and drug use, I don't support bringing that next door to a middle, elementary school, as well as a large residential area. My assumption would be your reply is that this facility will be well lite and on that very note the light pollution from that facility adversely affects the esthetic and ambiance of my very property in addition to other nearby residential properties. On the matter of ascetics, the renderings depict curb appeal from what would be the front or street view however there is no such appeal on the back or sides where is where most residence who will have to have this in their line of sight would see. The investment benefits fewer people than proposing something that will give back to the community by way of green space for people and animals or retail space that will allow the community to grow financially and be a more of valuable resource or an attraction as a destination town being less than 2 miles from the lake. One can also speak to that a self-storage facility offers low employment opportunities to the community whereas other investments could offer more of higher employment opportunities.

I feel that I have provided sufficient reason to object to the proposal and hope that my voice does in fact matter to the community as a long-standing resident. If you could please confirm receipt of this message and advise how notice of a decision will be provided.

Thank you,
Rebecca Barajas

Rose Garden Resident

Mr. Foreman commented due to the odd shape and location of the property, he respectfully disagrees with Ms. Barajas remonstrance. He feels this will be a valuable asset due to the proximity of the facility to the residential subdivision.

Mr. Kiepora closed the public portion for this item.

Mr. Pozen commented that Mr. Neubauer will address some of the comments in the letter. However, in regards to security, they are working with Mr. Neubauer to ensure there is proper lighting and security for the property. They will have cameras installed on the property. Regarding the lighting, they are working to ensure the lighting meets the required Town Ordinances to reduce any negative impact to the adjacent residential properties while still ensuring there is adequate lighting for security. The property will be fenced in and require a key card to access the facility.

Mr. Neubauer advised they conducted a study of the storage facilities in the area and their study showed that the storage facilities are full with a waiting list to obtain a storage unit. While they have low employment opportunities with their facility, it was determined this is a need for the community due to the growth of the Town and the inability to obtain a storage unit at other storage facilities.

Mr. Neubauer further addressed the security concerns and advised they will have a timestamp of who entered the facility, and there will be security cameras throughout the facility. If there comes a time the police need any information from them due to an investigation, they will be able to provide them footage and log entries.

Mr. Foreman inquired what the intended business hours for the facility will be. Mr. Pozen responded the business hours will be from 7 am to 10 pm seven days a week.

Mr. Oliphant asked how the lighting change would after closing. Mr. Pozen advised that is being worked through. Mr. Kiepura inquired if there would still be some lighting left on overnight. Mr. Neubauer responded in the affirmative and stated there will always be some lighting left on.

Ms. Dessauer asked if there was going to be an opaque fence along the rear. Mr. Neubauer responded in the affirmative and commented their intentions are to build the buildings the same design. With the front two buildings, they are able to add windows and a porch for a more appealing street view. However, they are unable to make the other storage buildings more aesthetically pleasing. The entirety of the property will be white buildings with black roofs. Discussion ensued.

Mr. Becker asked if there was going to be any outdoor storage. Mr. Neubauer responded in the negative.

Mr. Salatas noted this will likely be included within the TIF District, as there is currently an analysis of the TIF District occurring.

A motion was made by Mr. Foreman and seconded by Ms. Dessauer to approve the Preliminary Plat and Site Plan with the contingencies that the south fence is an opaque fence and all comments on the Christopher Burke Engineering letter dated June 30, 2022 being addressed. Motion passed unanimously by roll-call vote:

Mr. Carnahan Aye
Mr. Foreman Aye
Mr. Sharpe Aye
Ms. Dessauer Aye
Mr. Becker Aye
Mr. Parker Aye
Mr. Kiepura Aye

4. Offshore Estates – Waiver of the 80% Build-Out Requirement

Mr. Kiepura stated the next order of business is for a waiver of the 80% build-out requirement for Offshore Estates.

Mr. Dave Carey stated he is requesting a wavier for the 80% building requirement and looking to potentially have a Letter of Credit reduction.

Mr. Oliphant discussed the requirements for the developer to have obtained 80% occupancy of the subdivision in order to install the surface coat of the asphalt. This subdivision is currently about 60% and was a 9-lot subdivision. Mr. Carey commented it is a 9-lot subdivision, with 4 homes built and there is a foundation in place for the 5th house.

Mr. Oliphant commented the developer would like to reduce the Performance Letter of Credit to Maintenance Letter of Credit, which cannot be done currently. The Performance Letter of Credit is reduced to a 10% Letter of Credit and the reduction will not be able to happen until the surface asphalt and final inspections are conducted.

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Mr. Carey stated his intentions are to obtain the final coat of asphalt, with the approval of the Plan Commission. The streetlights will begin being installed potentially within the week. The rest of the vacant lots will be vegetated.

Mr. Oliphant stated any consideration by the Plan Commission at this meeting would be for the waiver of the 80% to allow for the paving to be completed. Discussion ensued.

Mr. Foreman asked if they waive the 80% requirement and some of the infrastructure would be broken, who would cover the cost of fixing the damage. Mr. Oliphant advised it would be the developer and the Letter of Credit will not be reduced to Maintenance Letter of Credit until all the required work is done. Afterward, there will be the Maintenance Letter of Credit for three years.

A motion was made by Mr. Foreman and seconded by Mr. Parker to approve the waiver of the 80% build-out requirement. Motion passed unanimously by roll-call vote:

Mr. Carnahan Aye
Mr. Foreman Aye
Mr. Sharpe Aye
Ms. Dessauer Aye
Mr. Becker Aye
Mr. Parker Aye
Mr. Kiepura Aye

Update Items:

1. Building Regulations & Fee Amendment

Mr. Salatas advised this was still being reviewed and was being evaluated with the Town's consultants and Mr. Austgen. It should be ready to go before the end of the year.

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

Mr. Oliphant advised there are some minor items that are remaining to be completed on the frontage of the property. If there is a Special Public Meeting on August 3rd, it would be advisable to have this on the agenda to set a pull date if the work is not complete.

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

Mr. Oliphant advised they have renewed their Letter of Credit in full and this can be removed from the agenda for another year.

Mr. Carnahan asked for information on what is occurring with the sidewalks in the subdivision. Mr. Oliphant stated all 3 phases of the subdivision are under the full Letter of Credit. Mr. Salatas advised if they needed to conduct work on the sidewalk, the amount available in the Letter of Credit will be able to cover the work. Mr. Oliphant advised between all three Letters of Credit the amount is close to \$10 million.

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

Mr. Oliphant advised he believes this has been inspected by Public Works. He has not received the report back at this point and time, but he believes everything is in good working order.

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

Mr. Oliphant advised this will likely rotate into a Maintenance Letter of Credit before October. Mr. Jeff Yatsko with Olthof Homes has been discussing installing the surface coat for Phases 1 through 3. It is possible all their Letters of Credit will convert into a singular Maintenance Letter of Credit.

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

Mr. Oliphant advised there will need to be a reinspection completed for Unit 1. The reinspection will occur within the next month due to the size of the unit.

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

No further discussions.

8. Nyby Development – Preliminary Plat for One Lot Subdivision & Site Plan

Mr. Salatas advised this project is currently waiting for the next BZA meeting due to being deferred on a 2-Ayes to 2-Nays vote for the lot size. Their previous BZA approvals are contingent upon the final BZA approval. Mr. Salatas discussed the Petitioner needs a Developmental Variance due to the lot size requirement in a B-3 Zoning being 40,000 square feet and the size of their lot is approximately 23,800 square feet.

Mr. Parker inquired if the Petitioner had been in discussions with the Town prior to purchasing the property regarding the requirements needed to build upon the lot. Mr. Salatas advised they had. However, they had begun discussion before he became Town Manager. The project had been started under Jill Murr and she had discussions with the Petitioner about the change in Ordinance. He is uncertain if they were provided a date of the change of Ordinance and discussed the submittal of applications. Discussion ensued.

Mr. Parker asked if the 40,000 square feet was adopted into the Ordinance for a level of control over the planning of B-3 Zoning Districts. Mr. Salatas advised he had not been involved in the update of the Zoning Ordinance; his thoughts are they changed the lot size due to the intense usages allowed in a B-3 Zoning District.

Mr. Parker discussed his thoughts on the 133rd Corridor in regards to planning and the continuation of bad planning and the construction of a specialized business and building in the main thoroughfare of the Town. He feels there are better locations in the Town for this style of business.

Mr. Kiepora asked if the project was started before the Ordinance change. Mr. Austgen stated he did not believe they had. Mr. Salatas stated there had been no permits submitted, and only one application had been submitted prior to the adoption of the Zoning Ordinance. Both applications for the BZA and the Plan Commission would have needed to be submitted prior to the change in Ordinances. Discussion ensued.

Mr. Oliphant commented the Petitioner had staff level communications prior to the adoption of the new Zoning Ordinance, and this is where some of the miscommunication has come in. He is unaware if they were advised of the change in lot size for the B-3 Zoning District.

Mr. Kiepura stated it had been his impression that this project and applications were started prior to the change of the Zoning Ordinance. His thoughts had been if this was started prior to the change in the Zoning Ordinance, the Petitioner should be allowed to continue under the old Zoning Ordinance. Mr. Salatas advised he could not speak for anything that had been discussed prior to his employment with the Town. He is aware they had been in discussions with Jill Murr; however, she is no longer with the Town. Regardless, there are examples of other businesses having been advised of the change of Zoning Ordinance. Discussion ensued regarding the 133rd Corridor.

Mr. Kiepura asked if this particular parcel is unbuildable. Mr. Austgen commented it is buildable with variances. Mr. Salatas discussed if the property is rezoned to a B-1 or B-2 Zoning, the property would be able to conform with the current Zoning regulations. However, the proposed business would not be able to operate on that property due to only being allowed in a B-3 Zoning District.

Mr. Parker asked if there was a business park coming to Town. Mr. Austgen responded in the affirmative and stated there is currently one business park with another business park being annexed in.

Ms. Dessauer asked to confirm that currently this project is stalled pending BZA approval. Mr. Salatas responded in the affirmative.

Mr. Kiepura commented the discussion tonight had not been relayed to them at the BZA, as Mr. Salatas just presented it. He had been for this project due to thinking everything had been together before the change in the Zoning Ordinance. However, it does not appear that was not accurate. Mr. Salatas stated the project was partially under the old Zoning Ordinance and partially under the new Zoning Ordinance. Discussion ensued.

Mr. Salatas noted that a part of poor planning to him was the rush to get in an application prior to the changing of the Zoning Ordinance and the application missing documents that are typically required with the submittal of an application, versus the documents coming after the submittal of the application.

9. McArthur School – Final Plat

Mr. Salatas stated the request is for the Plan Commission to hold a Special Public Meeting on August 3, 2022, to approve the Final Plat of the One Lot Subdivision for MacArthur Schools. This will allow for the school to be able to pull Building Permits and begin the project for the expansion of the school.

Mr. Parker asked if they were working without a permit. Mr. Salatas advised the work they are doing is permitted.

Mr. Salatas advised they have had conversations with the project manager about cleaning up their site and the street. Mr. Dion Katsouros is on the Zoom call.

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Mr. Katsouros stated upon receiving communications from Mr. Salatas, he followed up with the site supervisors from Larson-Danielson and McAllister and has directed them to sweep the road regularly or as directed.

Mr. Salatas advised if the Plan Commission was in agreement, a Special Public Meeting would be advertised for August 3, 2022. Mr. Kiepura asked if it would be before or after the Work Session. Mr. Salatas stated that would be the pleasure of the Plan Commission. Discussion ensued.

Mr. Kiepura stated the Special Public Meeting will be held at 7 pm before the regularly scheduled Work Session.

Mr. Oliphant advised the Final Plat is in order, they are currently determining the Letter of Credit amount.

Public Comment: None was had.

Adjournment: Mr. Kiepura adjourned the meeting at 8:05 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 Public Meeting July 20, 2022.