



CEDAR LAKE PLAN COMMISSION PUBLIC MEETING MINUTES
CEDAR LAKE TOWN HALL, 7408 CONSTITUTION AVENUE, CEDAR LAKE, INDIANA
August 17, 2022 at 7:00 pm

Call To Order:

Mr. Kiepura called the Plan Commission Public Meeting to order on Wednesday, August 17, 2022, at 7:15 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; David Austgen, Town Attorney; Chris Salatas, Town Manager; and Ashley Abernathy, Recording Secretary. **Absent:** None.

Minutes

Mr. Kiepura stated the first order of business was for the minutes from the July 6, 2022 Work Session, July 20, 2022 Public Meeting, and August 3, 2022 Special Public Meeting and Work Session; a motion was made by Ms. Dessauer and seconded by Mr. Parker 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. Oak Brook – PUD Amendment

Owner/Petitioner: Cedar Lake Residential Inc., 8900 Wicker Avenue, St. John, IN 46373

Vicinity: 10918 West 129th Avenue, Cedar Lake, IN 46303

Mr. Kiepura stated the first order of business for the Work Session was for a PUD Amendment by Petitioner Cedar Lake Residential Inc. to amend the existing PUD Plan to allow the substitution of the development entity from Cedar Lake Residential LLC to Cedar Lake Residential Inc. for the property located in the vicinity of 10918 West 129th Avenue.

Mr. Jack Slager, Schilling Development, representing the Petitioner, stated they would like to request a deferral for both Agenda Items 1 and 2, due to needing to process both items at the same time. Currently, they are not as far along with the development on the property as they would like. As such, they would like to request a deferral to the September 7, 2022 Meeting and are requesting a Special Public Meeting to be held on that date, if the Plan Commission agrees to the same.

Mr. Austgen asked Mr. Slager with the first Agenda item being ministerial why they were requesting the deferral for this item. Mr. Slager advised they are still evaluating which ownership they will be processing the subdivision under.

A motion was made by Mr. Parker and seconded by Mr. Becker to defer Agenda Items 1 and 2 to September 7, 2022 and hold a Special Public Meeting for 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

2. Oak Brook – Final Plat – Phase 1

Owner: Cedar Lake Residential, LLC, P.O. Box 677, St. John, IN 46373

Petitioner: Schilling Development, 8900 Wicker Avenue, St. John, IN 46373

Vicinity: US 41 Cedar Lake, IN 46303

See above petition.

3. Beacon Pointe – Unit 6 – Final Plat

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

Vicinity: 13830 Parrish Avenue, Cedar Lake, IN 46303

Mr. Kiepura stated the next order of business was for the Final Plat for Beacon Pointe Unit 6 by Petitioner Beacon Pointe of Cedar Lake LLC for the property in the vicinity of 13830 Parrish Avenue.

Mr. Jack Slager, Schilling Development, representing the Petitioner, stated this is similar to their previous petition, they would like to request a deferral for Agenda Items 3 and 4. They have the underground infrastructure in and are awaiting the roads being paved. As such, they would like to request a deferral for Agenda Items 3 and 4 to the Special Public Meeting on September 7, 2022.

A motion was made by Mr. Parker and seconded by Mr. Becker to defer Agenda Items 3 and 4 to the September 7, 2022 Special Public Meeting. Motion passed unanimously by roll-call vote:

Mr. Carnahan Aye
Mr. Foreman Aye

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

Mr. Kiepura advised the Special Public Meeting would occur after the regularly scheduled Work Session.

4. Beacon Pointe – Unit 7 – Final Plat

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

Vicinity: 13830 Parrish Avenue, Cedar Lake, IN 46303

See above petition.

5. Dykstra's 1st Addition – Final Plat for a One (1) Lot Subdivision

Owner: R&R Properties / Rich Dykstra; 11003 Lake Central Drive, St. John, IN 46373

Petitioner: Rich Dykstra; 11003 Lake Central Drive, St. John, IN 46373

**Vicinity: Located approximately 200 feet west of Morse Street, on the north side of 136th Place
- Woodland Shores Add Pt. of Outlots I & J**

Mr. Kiepura stated the next order of business was for a Final Plat for a One Lot Subdivision by Petitioner Mr. Rich Dykstra for a property located in the vicinity of approximately 200 feet west of Morse Street, on the north side of 136th Place - Woodland Shores Add Pt. of Outlots I & J.

Mr. Ken Peach, Coldwell Banker, representing the Petitioner, stated they are requesting the Plan Commission's approval of the Final Plat and advised they have updated the language for the stormwater on the plat. He hopes the language is to the approval of the Town.

Mr. Oliphant read the added note into the record.

1. THIS LOT IS SUBJECT TO ALL STORMWATER ORDINANCE NO. 1218 (OR LATEST EDITION) REQUIREMENTS FOR STORMWATER DETENTION. THE FINAL DESIGN AND PLACEMENT OF REQUIRED STORMWATER DETENTION ON THIS LOT SHALL BE APPROVED BY THE TOWN ENGINEER OR TOWN DESIGNEE PRIOR TO THE ISSUANCE OF A TOWN BUILDING PERMIT. UPON CONSTRUCTION OF THE STORMWATER DETENTION FACILITY OR OTHER APPROVED FACILITY (FACILITY), A DRAINAGE EASEMENT WILL HENCEFORTH BE ESTABLISHED OVER THE FACILITY AND 10 FT. BEYOND ITS LIMITS. ALL ACTIVITIES REQUIRED TO MAINTAIN THE REQUIRED DETENTION VOLUME, OUTLET/INFILTRATION FUNCTIONALITY, VEGETATION, ETC. SHALL BE COMPLETED BY THE HOMEOWNER IN PERPETUITY. IF THE FACILITY IS NOT PROPERLY MAINTAINED IN PERPETUITY (AS DETERMINED BY THE TOWN ENGINEER OR TOWN DESIGNEE), THE TOWN MAY LIEN THE PARCEL UNTIL SUCH REPAIRS HAVE BEEN COMPLETED TO BRING THE FACILITY INTO COMPLIANCE WITH ALL TOWN ORDINANCES AND/OR PREVIOUS DESIGN REQUIREMENTS.

Mr. Kiepura asked if this language covered the concerns of the Plan Commission. Mr. Austgen responded the language is close, and he has a meeting with Mr. Salatas. During this meeting, they will review the language. The language is close enough the Plan Commission may consider action of approval contingent upon the clean-up of the language.

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A motion was made by Mr. Parker and seconded by Ms. Dessauer to approve the Final Plat for the One Lot Subdivision with the July 15, 2022 Christopher Burke Engineering letter contingent upon Town staff and attorney review. Motion passed by 6-Ayes to 0-Nays to 1-Abstention by roll-call vote:

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

**6. 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 advised he will be recusing himself from speaking on this petition and passed the gavel to Mr. Parker.

Mr. Parker stated the next order of 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. Foreman discussed the Town Council Meeting the night prior and the temporary moratorium placed on the 133rd Corridor for Commercial Zoned properties, in particular for B-3, that occurred. Mr. Austgen commented the moratorium was put in place to allow for a study analysis of the 133rd Commercial Corridor and to allow for a review of the Zone Map.

Mr. Foreman advised this will potentially be further addressed at their next Work Session and there is discussion on obtaining training for the Plan Commission and the BZA. Discussion ensued.

Mr. Parker asked Mr. Austgen if a deferral is in order for this item. Mr. Austgen advised a deferral would be the preferred action and to have the deferral be coterminous with the moratorium.

Mr. Foreman asked if this item can be left on the agenda as an Update Item. Mr. Salatas responded in the affirmative.

A motion was made by Mr. Foreman and seconded by Ms. Dessauer to defer this item, to be coterminous with the moratorium for the 133rd Avenue Commercial Corridor enacted at the August 16, 2022 Town Council Meeting. Motion passed by 6-Ayes to 0-Nays to 1-Abstention by roll-call vote:

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

Mr. Parker passed the gavel back to Mr. Kiepura.

Update Items:

1. Building Regulations & Fee Amendment

No update was provided.

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

Mr. Oliphant stated they issued a letter on August 8, 2022 stating that Public Works has no further comment and the Maintenance Letter of Credit could expire on September 4, 2022.

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

Mr. Oliphant advised Mr. Jeff Yatsko, Olthof Homes, had advised him that all the streets are paved in Phase One. He believes all the as-builts are up to standard. An inspection needs to occur and this will likely be able to convert to a Maintenance Letter of Credit within the next month or so. A letter will be created reflecting this statement.

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

Mr. Oliphant advised they will likely see a request during the September meetings for a reduction or a roll-over.

Mr. Carnahan asked if there were still over 100 items to be corrected in Phase One. Mr. Oliphant responded the last inspection resulted in that number of corrections to be done.

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

Mr. Oliphant advised this developer is able to complete the surface paving and install the street lights. Once these items are complete, the letter can be converted to a Maintenance Letter of Credit.

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

Mr. Parker asked if there is anything the Plan Commission will need to do in regards to the Zoning Map. Mr. Austgen advised there will need to be some data collection that needs to occur, and in three weeks there will be a report given and discussion occurring regarding the 133rd Commercial Corridor. If there is a change to the Zoning in that area, a Public Hearing will be conducted with a recommendation to the Town Council for an amendment to the Zoning Ordinance and Zone Map. Discussion ensued.

Mr. Foreman requested having some bound Zoning Ordinances printed for distribution. Mr. Salatas agreed to the same and advised he would make these copies available after any potential update to the Zoning Ordinance is complete.

Adjournment: Mr. Kiepura adjourned the meeting at 8:01 pm.

TOWN OF CEDAR LAKE PLAN COMMISSION

John Kiepura, President

Greg Parker, 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 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 Session August 17, 2022 Public Meeting.