



CEDAR LAKE PLAN COMMISSION PUBLIC MEETING MINUTES
CEDAR LAKE TOWN HALL, 7408 CONSTITUTION AVENUE, CEDAR LAKE, INDIANA
September 21, 2022 at 7:00 pm

Call To Order:

Mr. Kiepura called the Plan Commission Public Meeting to order on Wednesday, September 21, 2022, at 7:02 pm with its members attending on-site. The Pledge of Allegiance was said by all.

Roll Call:

Members Present via Zoom: None. **Members Present On-Site:** John Foreman; Heather Dessauer; Richard Sharpe, Secretary; Chuck Becker; 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:** Robert Carnahan.

Minutes

Mr. Kiepura entertained a motion for the August 17, 2022 Public Meeting, September 7, 2022 Work Session and Special Public Meeting Minutes; a motion was made by Mr. Parker and seconded by Mr. Sharpe to approve the same. Motion passed unanimously by roll-call vote:

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

Old Business

1. 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 first 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 they are requesting Final Plat for Beacon Pointe Units 6 and 7. This is a continuation of Beacon Pointe West and both Units are single-family lots. They have all their infrastructure in and grading complete. They have paid their 3% Inspection Fee and MS4 Inspection Fees. The Letter of Credit is being prepared and will be delivered to the Town when complete.

Mr. Oliphant noted that Beacon Pointe Unit 6 will be 18 Residential Lots and 1 Outlot. They have a letter dated September 16, 2022 included in their packet. The 3% Inspection Fee is \$16,048.07, MS4 Inspection Fee of \$2,000, and the amount for the Performance Letter of Credit is \$207,191.88.

A motion was made by Mr. Parker and seconded by Mr. Sharpe to approve the Final Plat for Beacon Pointe Unit 6 for 18 Residential Lots and 1 Outlot noting the September 16, 2022, Christopher B Burke Engineering Letter and for a 3% Inspection fee of \$16,048.07, an MS4 Inspection Fee of \$2,000, and a Performance Letter of Credit of \$207,191.88. Motion passed unanimously by roll-call vote:

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

2. 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

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 Beacon Pointe Unit 6. They have paid their 3% Inspection Fee and MS4 Inspection Fee and the Performance Letter of Credit will be delivered to the Town once prepared. This phase is for 36 Residential Lots and 1 Outlot. They have their infrastructure in and have paid their inspection fees.

Mr. Oliphant advised this phase has the same letter as Phase 6 and is dated September 16, 2022, with a 3% Inspection Fee of \$37,160.78, MS4 Inspection fee of \$2,000, and a Performance Letter of Credit of \$446,075.71.

A motion was made by Mr. Foreman and seconded by Mr. Becker to approve the Final Plat for Beacon Pointe Unit 7 for 36 Residential Lots and 1 Outlot noting the September 16, 2022, Christopher B Burke Engineering Letter and for a 3% Inspection fee of \$37,160.78, an MS4 Inspection Fee of \$2,000, and a Performance Letter of Credit of \$446,075.71. Motion passed unanimously by roll-call vote:

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

New Business

1. Birchwood, Phase 1 – Request for Extension Performance Letter of Credit

Mr. Kiepura stated the first order of business is for the rotation of the Performance Letter of Credit to Maintenance Letter of Credit for Birchwood, Phase 1.

Mr. Jeff Yatsko, Olthof Homes, stated they are wanting to extend their Performance Letter of Credit as their Performance Letter of Credit expires October 5, 2022. They are still completing their list of work left to be finished. They are approximately halfway through the list of work, but they need some more time to complete the work before the expiration of the Letter of Credit.

Mr. Foreman asked how long they were wanting to extend their Letter of Credit for. Mr. Yatsko responded they were looking to extend it for 1 year with the anticipation of converting the Performance Letter of Credit into a Maintenance Letter of Credit before the year is up.

Mr. Oliphant noted that the Performance Letter of Credit was in the amount of \$565,070.19. Mr. Yatsko confirmed the amount.

A motion was made by Ms. Dessauer and seconded by Mr. Becker to approve the extension of the Performance Letter of Credit for 1 year. Motion passed unanimously by roll-call vote:

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

2. Cedar Lake Storage LLC – Request for Reduction in Performance Letter of Credit

Mr. Kiepura stated the next order of business is for a request to reduce the Performance Letter of Credit for Cedar Lake Storage LLC.

Ms. Abernathy advised there is a letter from Mr. Oliphant dated September 8, 2022, included in the Plan Commission's packet.

Mr. Oliphant stated there had been two separate Letters of Credit for this property and discussed the improvements completed to allow for a reduction in the Letters of Credit.

Mr. Foreman asked if they could open for business. Mr. Oliphant advised they could open. There is residual tie-in for the sidewalk to be completed and the sidewalk extended to the east. They have met all Phase 1 requirements and they are currently requesting a reduction in the Letters of Credit to reflect the work completed.

A motion was made by Mr. Parker and seconded by Mr. Foreman to grant the Petitioner's request to reduce their Performance Letters of Credit as noted by the September 8, 2022, Christopher B. Burke Engineering Letter to the amounts of \$7,700.00 and \$113,181.48. Motion passed unanimously by roll-call vote:

Mr. Foreman	Aye
Mr. Sharpe	Aye

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

3. Hanover Community School Corp. – Final Plat Amendment

Owner: Hannover Middle School Building Corp., 9520 W. 133rd Avenue, Cedar Lake, IN 46303

Petitioner: Hanover Community School Corp., 9520 W. 133rd Avenue, Cedar Lake, IN 46303

Mr. Kiepura stated the next order of business is for a Final Plat Amendment for Hanover Community School Corporation to allow for the address on the Administration Building to be changed to 14525 Wicker and Red Cedars Elementary School to be changed to 10735 West 141st Avenue.

Mr. Steve Goff, representing the school, was present for this petition.

Mr. Kiepura advised it was the Commission's understanding they were wanting to update their address for mail delivery purposes. Mr. Goff stated they are needing the updated addresses not only for mailing purposes, but also for safety consideration. When they petitioned to put in their fire system, the addresses being requested are the addresses assigned to the buildings by the State Fire Marshall.

A motion was made by Mr. Parker and seconded by Mr. Sharpe to approve the Final Plat Amendment to allow for the Administration Building to be addressed as 14525 Wicker Avenue and for Red Cedars Elementary School to be addressed as 10735 West 141st Avenue. Motion passed unanimously by roll-call vote:

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

4. Rose Garden Estates, Unit 1 – Performance Letter of Credit Extension

Mr. Kiepura stated the next order of business is for the Performance Letter of Credit Extension for Rose Garden Estates, Unit 1.

Mr. Oliphant advised they have submitted an extension request for the full amount.

Mr. Austgen commented the Town received a Letter of Credit to have an extension of the Letter of Credit for \$6.7 million that was originally submitted in 2018.

Mr. Kiepura asked if they were approving an extension for 1 year. Mr. Foreman responded it would be an extension for a year from the expiration date. Mr. Austgen concurred with Mr. Foreman's statement.

Ms. Dessauer asked if there were any more phases of Rose Garden. Mr. Oliphant responded all phases have been platted and there are less than 10 Building Permits to be pulled for the subdivision. Discussion ensued.

Mr. Austgen advised it is the Town's recommendation to accept the extension for the 1 year.

A motion was made by Mr. Parker and seconded by Ms. Dessauer to approve the Performance Letter of Credit extension for one year past its expiration date. Motion passed unanimously by roll-call vote:

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

5. Black River Bells LLC – Acceptance of Certified Check in lieu of Performance Letter of Credit

Mr. Kiepura stated the next order of business is for the acceptance of a Certified Check in lieu of a Performance Letter of Credit by Black River Bells LLC.

Mr. Aaron Humphrey, representing the Petitioner, was present on Zoom for this item.

Mr. Salatas advised the Plan Commission the Petitioner is requesting to submit a Certified Check in lieu of a Performance Letter of Credit. At the Town Council meeting the night prior, it was approved to allow for the submission of a Certified Check in lieu of a Performance Letter of Credit. If the Plan Commission gives their approval, the Mylars can be released for recording when the Town receives the Certified Check.

Mr. Kiepura asked what the amount of the Certified Check would be. Mr. Salatas responded the Performance Letter of Credit amount noted in the March 14, 2022 Christopher B Burke Engineering Letter is \$57,640.00. Mr. Oliphant concurred with Mr. Salatas' statement.

A motion was made by Mr. Parker and seconded by Mr. Sharpe to accept the Certified Check in lieu of the Performance Letter of Credit. Motion passed unanimously by roll-call vote:

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 item was being worked on and will be forthcoming.

2. 133rd Commercial Corridor Moratorium
3. Nyby Development Corp. – Preliminary Plat for One Lot Subdivision & Site Plan.

Mr. Salatas stated these items are also going to be forthcoming. Himself and Mr. Austgen have been meeting regularly regarding the 133rd Commercial Corridor Moratorium.

Mr. Kiepura asked when they would be seeing this. Mr. Austgen advised there are a lot of projects that are being tied together, including an update to the TIF District. There has been a lot of review ongoing. There will be a request for the Plan Commission to attend a Public Meeting in October.

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

Mr. Oliphant advised they are awaiting on Mr. Dave Cary to pave the road. He will reach out to him to find out where he is on the process. The subdivision is 9 Residential Lots and 1 Commercial Lot.

Ms. Dessauer asked if they would need to provide a date at the next meeting. Mr. Oliphant advised they would need to vote on a pull date or the developer would need to extend the Performance Letter of Credit.

Discussion ensued regarding the difficulties in receiving paving materials.

5. Lakeside Unit 1, Block 2 – Maintenance Letter of Credit Expires December 3, 2022

Mr. Oliphant advised Public Works has been notified to initiate the final inspections. Mr. Kiepura asked if this phase has the final coat of asphalt. Mr. Oliphant responded in the affirmative.

Mr. Kiepura asked when they begin to begin working on Lakeside Unit 2 if the trucks will be going over the final asphalt. Mr. Oliphant responded in the affirmative and advised they were at that end of the 3-year maintenance period. Before they begin construction, a pre-construction video will be made. If it can be proven the damage is due to the construction, there will be a path for recourse. Discussion ensued.

Mr. Becker asked if they had been provided with an updated number of how many houses can be built with the existing water system. Mr. Salatas responded the developer stated they could build an additional 55 houses and the Town was stating 30 houses. Mr. Neil Simstad was running the calculations. However, there has not been an update provided to the Town yet.

6. Rose Garden Estates – Performance Letter of Credit Expires December 9, 2022

Mr. Oliphant stated this will likely be extended. There has not been a request made to begin an inspection of this phase.

7. Beacon Pointe, Unit 4 – Performance Letter of Credit Expires December 1, 2022

Mr. Oliphant stated the developer has done some milling Friday of the week prior. They will be correcting some errors on 141st Avenue. There are a few minor items remaining on their letter, and hopefully this should convert to a Maintenance Letter of Credit.

8. Sumer Winds Unit 2 – Performance Letter of Credit Expires December 20, 2022

Mr. Oliphant stated he was unsure of the status of this development. There had been contact with the developer earlier in the summer and have not heard from them since. They have not met the percentage requirements for final asphalt, and there are binder issues that need to be corrected.

Mr. Foreman asked if there was still building occurring. Mr. Oliphant responded in the affirmative and commented this is one of the slowest building developments in Town.

Mr. Parker asked how much time was needed to pull on a Letter of Credit. Mr. Austgen advised 3 to 4 days would be needed.

Mr. Oliphant advised the initial intent had been to roll all 3 Letters of Credit into one Maintenance Letter of Credit.

9. Summer Winds Unit 3 – Performance Letter of Credit Expires December 23, 2022

Mr. Oliphant stated this was a small phase of 8 Lots. The developer was in contact earlier in the year regarding when they could install final pavement and wanting to install the final asphalt for the entire subdivision at once. He has not heard anything from them since early summer.

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

Mr. Becker asked if there was going to be a timeline included on PUDs. Mr. Austgen commented this will come in when the utilities are ready. Once they begin the subdivision work, they will work on the development in phases. Mr. Becker expressed concern of approving the PUD and then the property is sold to another developer.

Mr. Parker asked if Lakeside South would need a PUD Approval. Mr. Austgen responded he was uncertain if they would rezone the property as a PUD Development.

Mr. Oliphant advised the development could be done similar to Oak Brook and discussed the restrictions and details included in Oak Brook's PUD. Mr. Austgen agreed there are Covenants and Restrictions that can be utilized. There will be encouragement to the Plan Commission to include a form base and include requirements to preserve the value of the property.

Mr. Parker discussed the potential benefit of staying within the Subdivision Control Ordinance requirements along the east side of the lake due to the utility supply. Mr. Austgen commented on the developer wanting to develop and sell the property due to the duration of time they have owned the property.

Ms. Dessauer asked what the date would be in October for the Public Meeting the Plan Commission needs to attend. Mr. Austgen responded he did not have a date at this time. The date will be provided to the Plan Commission. They are anticipating the third Monday of October for the Public Meeting.

Mr. Kiepura asked if the Public Meeting they are going to be asked to attend involves the 133rd Commercial Corridor Moratorium. Mr. Salatas responded in the negative and advised it was going to be for the TIF District.

Adjournment: Mr. Kiepura adjourned the meeting at 7:40 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 Public Meeting September 21, 2022.