



CEDAR LAKE PLAN COMMISSION WORK SESSION MINUTES
CEDAR LAKE TOWN HALL, 7408 CONSTITUTION AVENUE, CEDAR LAKE, INDIANA
October 5, 2022 at 7:00 pm

Call To Order:

Mr. Kiepura called the Plan Commission Work Session to order on Wednesday, October 5, 2022, at 7:00 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:** 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, Planning Director. **Absent:** Robert Carnahan; Heather Dessauer; and John Foreman.

Mr. Kiepura congratulated Ms. Abernathy on her promotion to Planning Director and thanked her for her service as the Recording Secretary.

New Business

1. Offshore Estates – Conversion of Performance Letter of Credit to Maintenance 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 Offshore Estates.

Mr. Dave Carey stated they have installed the final coat of asphalt and installed the street lights and street signs. Currently, the Performance Letter of Credit is \$33,388.38. He is requesting a reduction in the amount for the Letter of Credit.

Mr. Oliphant advised the Performance Letter of Credit had been reduced to 10% and that a Maintenance Letter of Credit is typically carried at 10%. Unless a waiver is requested, the roll over amount will remain the \$33,388.38. Historically, the Plan Commission has not provided a reduction in the Maintenance Letter of Credit.

Mr. Carey inquired how long is the Maintenance Letter of Credit period. Mr. Oliphant responded it was a three-year period.

Mr. Carey stated he understood the reason for the Maintenance Letter of Credit and he was willing to have the money available should something need to occur. However, he would like for the amount to be reduced to a reasonable amount. Mr. Kiepura asked what Mr. Carey felt was a reasonable amount. Mr. Carey responded he felt anywhere between \$15,000 to \$17,000.

Mr. Kiepura asked Mr. Oliphant for confirmation that the current Performance Letter of Credit is at the lowest amount for Letters of Credit. Mr. Oliphant responded Mr. Carey received a waiver to reduce the Performance Letter of Credit to the 10% that would carry over into a Maintenance Letter of Credit. Discussion ensued.

Mr. Salatas commented his thoughts that the potential reduction would be the cost to replace or repair the road within the next three years if it were to fail. Mr. Oliphant explained the reason for the 10% requirement for the Maintenance Letter of Credit and why it is required. Additionally, there was explanation given for why the requirement for a Performance Letter of Credit is at 25%.

The Plan Commission determined not to wave the 10% minimum requirement for a Maintenance Letter of Credit.

2. Centennial Villas – Extension of Preliminary Plat

Owner: Cedar Lake Development LLC, 8051 Wicker Avenue, St. John, IN 46373

Petitioner: Olthof Homes, 8051 Wicker Avenue, St. John, IN 46373

Vicinity: 13830 Parrish Avenue, Cedar Lake, IN 46303

Mr. Kiepura stated the next order of business is for a request to extend the Preliminary Plat for Centennial Villas Unit 3 by Petitioner Olthof Homes.

Mr. Jeff Yatsko stated they are requesting to extend their Preliminary Plat for 1 year. Currently, they have received Final Plat for Units 1 and 2, and Unit 3 is the final remaining phase. They have installed utilities, but they are waiting until next year for paving.

Mr. Oliphant asked how many lots are in Unit 3. Mr. Yatsko responded there are approximately 12 to 14 lots in Unit 3.

Mr. Yatsko advised the Commission they are still working on Unit 2 and will not have Unit 3 paved in time before the plants close for the season.

Mr. Kiepura asked when they anticipate paving the subdivision. Mr. Yatsko responded they anticipate paving the final phase in the spring.

Ms. Abernathy advised the Preliminary Plat would expire on October 20. If an extension is granted, it would extend the Preliminary Plat to October 20, 2023.

3. Harvest Creek (Formerly Silver Meadows) – Preliminary Plat for a 98-Lot Subdivision and Rezone

Owner/Petitioner: Diamond Peak Group LLC, 1313 White Hawk Drive, Crown Point, IN 46307

Vicinity: 9210 W. 155th Avenue, Cedar Lake, IN 46303

Mr. Kiepura stated the next order of business is for a Preliminary Plat for a 98-Lot Subdivision and a Rezone from Agricultural to PUD by Petitioner Diamond Peak Group LLC for a property located in the vicinity of 9210 West 155th Avenue. Mr. Michael Herbers, Diamond Peak Group, was present with Mr. Jonathon Baccino, DVG Team, and Mr. Mark Anderson, Anderson and Anderson, on behalf of the petition.

Mr. Herbers stated they changed the name of the subdivision due to receiving feedback if it was for a 55 year and older community. It was re-branded to the name Harvest Creek for first glance

or hearing. DVG is working diligently on getting plans with revisions made with Mr. Oliphant in regard to a reduction in size of smaller homes. Mr. Anderson included in the PUD agreement a maximum of 20% will fall with a smaller footprint. They will offer 8 to 10 different models of homes in different colors.

They anticipate having a Development Agreement and ordinance for the next meeting.

4. Bugaboo Subdivision – Preliminary Plat for a One Lot Subdivision

Owner: Creative Dermal Restoration LLC, 332 East 125th Place, Crown Point, IN 46307

Petitioner: Donald Frey, 332 East 125th Place, Crown Point, IN 46307

Vicinity: 13315 Lincoln Plaza Way aka 109 Broadway, Cedar Lake, IN 46303

Mr. Kiepura stated the next order of business is for a Preliminary Plat for a One Lot Subdivision by Petitioner Mr. Donald Frey for a property located in the vicinity of 13315 Lincoln Plaza Way, also known as 109 Broadway.

Mr. Salatas commented that this was requested by the Town to clean up the site. There are two addresses on the property. It was asked the Petitioner go through process to clean up the area on this particular road.

Ms. Abernathy commented that he was advised to be here to get review comments back from you to see if he would be on the October public meeting. Will reach out to him again to find out why he wasn't here. He will be at the BZA for additional developmental variances in conjunction with cleaning up property.

Mr. Kiepura directed this item to the November Work Session.

5. Duddy – Concept Plan

Owner/Petitioner: Robert & Joanne Duddy, 3625 Wirth Rd, Highland, IN 46322

Vicinity: 12721 Cline Avenue, Cedar Lake, IN 46303

Mr. Kiepura stated the next order of business is for a Concept Plan for a Two Lot Subdivision to Three Lot Subdivision by Petitioner Mr. Robert Duddy and Ms. Joanne Duddy for a property located in the vicinity of 12721 Cline Avenue.

Mr. Duddy stated that he and his wife purchased property back in 2017. Previous owner had a preliminary three lot subdivision plat and went through council meetings. They are looking to re-energize the project and have concerns with new requirements, current costs, and the economy. One potential option is selling the existing duplex that fronts on Cline Avenue to afford the two-lot subdivision on Lee St. It is a two-acre property with frontage on Cline Avenue, just North of the roundabout. Current ordinance requires street improvements along Cline Avenue.

Mr. Duddy expressed it would be excessive to do road improvements on Lee and Cline. The request is to only do improvements along Lee St. and Lee Cove. If not, they would divide the property and sell the front half with the existing duplex and create a 2-lot subdivision along Lee. Discussion ensued.

Mr. Kiepura asked what is the anticipated size on Cline going to be. Ms. Abernathy the width of the rear lot is 160 feet and the front 140 feet. Mr. Duddy stated they are proposing two separate lots off of Lee Street. Each lot will have a width of 87.5 feet.

Mr. Oliphant asked if the Southern portion of the proposed development had originally been part of Lee Cove Subdivision. Mr. Duddy responded in the negative.

Mr. Oliphant commented on Lee Cove being included as a portion of the property. Mr. Duddy commented on the same and discussed the original Christopher B. Burke Engineering Letter that the previous property owner received.

Mr. Duddy stated their concerns if they have to improve the roads on both sides of the property.

Mr. Austgen advised the Petitioner can request waivers from the Plan Commission.

Discussion ensued regarding the street improvements requirements with the platting process.

Mr. Kiepura asked for clarification with the platting process if improvements need to be done on Cline and Lee. Mr. Oliphant clarified as part of the platting process improvements would need to be done on both. However, he would be in favor of extending sidewalks on Lee and not Cline due to improvements on Cline Avenue.

Mr. Austgen advised any waivers requested would need to be made part of the application.

Mr. Duddy commented part of the reason they were present tonight was to get feedback from the Plan Commission regarding infrastructure improvements. With the discussion to improve Lee Street and potentially waive improvements on Cline Avenue, they are able to look at costs and estimates to move forward with the project.

Ms. Abernathy stated that after meeting that updating zoning map and with update to zoning ordinance that it is now zone R2 and would need to re-zone as well as an RT. Discussion ensued regarding re-zoning.

Mr. Austgen discussed Mr. Duddy would need to bring everything, he is requesting for waivers and subdivision plat in one application. Zone change is a separate application and can be heard simultaneously. Mr. Duddy asked for clarification if he is to bring all requests at one time. Mr. Austgen responded in the affirmative.

Mr. Oliphant advised depending on how the survey turns out, there may need to be some BZA variances applied for.

6. Railside Business Park – Concept Plan

Owner: Henn Holdings, LLC, 10702 West 141st Avenue, Cedar Lake, IN 46303

Petitioner: Henn Holdings, LLC represented by Vis Law, PO Box 980, Cedar Lake, IN 46303

Vicinity: 10702 West 141st Avenue, Cedar Lake, IN 46303

Mr. Kiepura stated the next order of business is for the Concept Plan for a Rezone to a PUD for Railside Business Park by Petitioner Henn Holdings, LLC for the property located in the vicinity of 10702 West 141st Avenue.

Mr. Nathan Vis, Vis Law, representing the Petitioners present with Robin Pappenheim, DVG Team, were present to discuss the Concept Plan.

Mr. Vis discussed they are proposing a 28-lot business commercial subdivision. Currently the property is zoned agricultural and their proposal is to re-zone to PUD. Additionally, they are proposing the front lots to be zoned B3 and remaining lots would be zoned M1. Each lot is approximately 200 feet in width. They would like to include language into the PUD Agreement that will allow purchaser to buy multiple lots in build upon them without the need of waivers or variances.

Mr. Parker asked if the ability to build upon multiple lots is for the B3 lots or M1 lots. Mr. Vis responded M1. Mr. Parker suggested allowing both B3 and M1 lots to build upon multiple lots without the need for waiver and variances. Discussion ensued.

Mr. Kiepora asked what will be the average size of the lots. Mr. Vis responded each lot is approximately 200 feet wide by 300 feet in depth.

Mr. Austgen asked for the reason behind of the offset and is it due to the lay of the land. Mr. Vis responded in the affirmative and stated additionally the reason for the offset is the desire to have larger lots.

Mr. Parker stated it could be in the PUD Agreement.

Mr. Vis stated that they are not seeking relief to go higher than 30 feet.

Mr. Vis commented that the modification would be put into the PUD for 65% lot coverage allotment versus the 50%.

In response to questions asked about the petition, Mr. Vis responded:

- They are willing to provide temporary parking relief for the ball fields after they have the roadway in that area;
- They request an increase in the size of lot coverage to 65 percent for overhangs and exterior storage for both materials and equipment;
- They would request building setback be 15 feet for the B3 lots and parking as close as 5 feet for the M1 lots;
- There may be a well on one of the properties;
- There are five residential properties on the western edge of the site;
- They would like to deviate from the prohibition of outdoor storage and use a 6-foot barrier to shield the relevant areas and use tarps to cover materials that are 15 feet in height;
- They would request a purchase of two or more lots not require re-subdivide and only combine the parcel numbers at county;
- Implementing sidewalks on 141st. Waiver for sidewalks for commercial development and walkability.
- There is a limitation of 60 square feet for signs. There may be two separate signs needed.
- The heavy equipment traffic not to go along 141st., but on commercial development and need signage.
- Seeking storm water fee reduction.
- Seeking a reduction of the need to maintain the performance bond in relationship to percentage of work that has been done.

Mr. Austgen advised they need to see the site plan.

Mr. Vis stated that the proposal PUD to outline what is automatically allowed to shield by a 6-foot vegetative screen instead of 8 feet. General discussion regarding requirements ensued.

Mr. Kiepura asked about screening from residential properties not in the town. Mr. Austgen advised we only provide screening to areas inside the municipal boundaries.

Ms. Pappenheim, DVG team, has been working on a traffic study. Doing traffic studies for the middle school on 141st as well as at US 41. They will analyze intersections for Level of Service, and check the vision triangle for line of sight.

Ms. Pappenheim wants to have the entrance farther away from the railroad tracks than the middle school and provide a right turn and a deceleration lane and a small left-turn lane into the middle school on 141st. Avenue.

7. Monastery Woods North Subdivision

Mr. Kiepura stated the next order of business is for discussion regarding Monastery Woods North Subdivision by Petitioner Wes Morin.

Mr. Morin stated:

- We are looking at doing the next units at North end. One on the West and one on the East. They want to do East first because there is a property owner adjacent and needs access to sewer line.
- Keep basic approved plan, but basic upgrades need completing. Finished 127th in cooperation with Building Department except two houses. We upgraded piping for water, sewer, and storm sewer for each lot.
- We need to work with Engineers to re-design entire storm sewer system.
- The first page handed out shows overall of Carey Street and loop coming around. The second page is Unit 1 of same family, North of 129th.
- Propose doing in two phases. We would put all underground infrastructure in: water, sewer, storm sewer, all drainage, retention and pave the road to first unit.
- Do second phase when economically feasible.
- The third page of the concept plan is the detail of Carey Street going North.
- The fourth and fifth pages are details of those lots
- The last page is overall utility master plan which needs to meet the current requirements with storm sewers. We want to add some catch basins.

Mr. Sharpe asked if there any unfinished streets in this phase. Mr. Morin stated there are no unfinished streets except this unit and Hess Street. We finished 127th Avenue.

Mr. Morin commented that the sewer line didn't have the laterals in. The water line was not in on Hess Street and we had to bring it down to 127th Avenue and connect to water line on Carey Street. We can loop the water line and then pave the street, curbs and gutters.

Mr. Oliphant stated there is nothing in the un-platted areas. Retention basins were constructed in these phases, ponds are built, streets are cut in. But the bond was pulled and that's why 127th Avenue wasn't fully funded and finished.

Mr. Oliphant advised they need to start from scratch.

Discussions ensued regarding variances and lots.

Mr. Morin commented:

- We are ready to get re-approved and re-recorded.
- We would like to start in the ground in the Spring.
- We need to find out exactly what the Engineers want regarding the storm sewer.

Update Items:

1. Building Regulations & Fee Amendment

Mr. Salatas advised this is being worked on.

2. 133rd Commercial Corridor Moratorium

Mr. Salatas advised a meeting occurred with Mr. Austgen and Ms. Abernathy. This is being worked on.

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

Mr. Salatas stated this item is tied directly to the previous item.

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

Ms. Abernathy advised this item can be removed.

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

Mr. Kiepura stated this was discussed earlier.

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

Mr. Oliphant advised Public Works has been advised to inspect this unit and it should be able to expire.

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

Mr. Oliphant advised he believes they will extend in full.

8. Beacon Pointe, Unit 4 – Performance Letter of Credit Expires December 11, 2022

Mr. Oliphant advised this is likely to convert to a Maintenance Letter of Credit.

9. Summer Winds Unit 2 – Performance Letter of Credit Expires December 20, 2022
10. Summer Winds Unit 3 – Performance Letter of Credit Expires December 23, 2022

Mr. Oliphant stated these two items can be discussed together and there has been no communication from the developer.

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

Mr. Austgen requested the Work Session be moved to 6 p.m. The Plan Commission agreed.

Adjournment: Mr. Kiepura adjourned the Work Session at 8:34 pm

TOWN OF CEDAR LAKE PLAN COMMISSION

John Kiepora, 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 Work Session October 5, 2022.