



**CEDAR LAKE PLAN COMMISSION WORK SESSION MINUTES**  
**CEDAR LAKE TOWN HALL, 7408 CONSTITUTION AVENUE, CEDAR LAKE, INDIANA**  
**November 9, 2022 at 6:00 pm**

**Call To Order:**

Mr. Kiepura called the Plan Commission Work Session to order on Wednesday, November 9, 2022, at 6:00 pm with its members attending on-site. The Pledge of Allegiance was said by all.

**Roll Call:**

**Members Present via Zoom:** Chuck Becker, Robert Carnahan **Members Present On-Site:** John Foreman; Richard Sharpe, Secretary; Greg Parker, Vice President; and John Kiepura, President. A quorum was attained. **Also present:** Don Oliphant, Town Engineer; Chris Salatas, Town Manager; and Ashley Abernathy, Planning Director. **Absent:** Heather Dessauer; David Austgen, Town Attorney.

**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 W. 133rd Ave., Cedar Lake, IN 46303**

Mr. Kiepura stated the first order of old business is for Petitioner is requesting a Preliminary Plat for a One (1) Lot Subdivision & Site Plan.

Mr. David Lee, 1370 Dune Meadows Drive, Porter, IN, stated they received the Board of Zoning Appeals approval on the variances. They want to petition for the preliminary plat for the auto repair shop at 9710 West 133<sup>rd</sup> Avenue.

Mr. Foreman is present at 6:03 pm.

Ms. Abernathy stated back in August that the moratorium had been put in place by the Town Council and it is still in effect. This item was deferred coterminous with the moratorium. Until the moratorium is resolved and completed, no action can be taken on this item.

Mr. Lee commented they talked to counsel and they stated the BZA variance was approved and this moratorium took effect after the variance, they should not have to follow this moratorium. The approvals were received before this moratorium took effect and they had ten days to appeal the BZA decision and they have no record of this decision being appealed.

Ms. Abernathy stated the deferral made at the Plan Commission based on the record, and we can send those minutes, is that this item was deferred coterminous with moratorium. No approvals can be made along the 133<sup>rd</sup> Corridor until the moratorium is lifted.

Mr. Lee asked if the moratorium is being worked on. Mr. Salatas stated that the moratorium is being reviewed by the Town Attorney and a recommendation will be coming to the Plan Commission from staff and the Attorney.

Mr. Foreman commented they are trying to get it done as quickly as possible. Mr. Lee stated since they had all the approvals before the moratorium took effect, they should under the ordinance should not be required to follow this.

Mr. Salatas stated that the Plan Commission and Town Council levels that weighs heavily and this is a work session and no decisions can be made. Mr. Salatas commented that staff will reach out when the moratorium recommendation is coming to the Plan Commission and to attend that meeting.

**2. 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 old business is Petitioner is requesting Preliminary Plat for a 98-Lot Subdivision and a Rezone from Agriculture to PUD.

Mr. Jack Huls, from DVG and Mr. Michael Herbers from Diamond Peak stated they submitted the Engineering Report and received review comments from Mr. Oliphant and re-submitted those comments. Mr. Austgen has the PUD documents for review and is working with Mr. Anderson on that matter. They have advertised for public hearing for the following week.

Ms. Abernathy asked when the agenda should go out due to the Veteran's Day. Mr. Kiepura indicated the following Monday end of day was acceptable. Discussion ensued.

**3. Bugaboo Subdivision – Preliminary Plat for a One Lot Subdivision**

**Owner: Creative Dermal Restoration LLC, 332 East 125<sup>th</sup> Place, Crown Point, IN 46307**

**Petitioner: Donald Frey, 332 East 125<sup>th</sup> 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. Don Frey, 332 East 125<sup>th</sup> Place, Crown Point stated they are applying for a preliminary plat for a one lot subdivision.

Mr. Salatas stated the Town requested Mr. Frey go through the platting process due to this property having two addresses. They are trying to clean up this specific area, so that way Mr. Frey's and other properties on this corridor will only have one address.

Mr. Kiepura asked if the one lot subdivision is good to go, but need to clean up the address. Mr. Salatas responded in the affirmative and because they are going through a one lot subdivision, triggers the Board of Zoning Appeal variances which Mr. Frey also is petitioning the Board of Zoning Appeals.

Mr. Kiepura asked how long do they think the address will take. Ms. Abernathy commented once the final plat is recorded, then we will be able to get the new address and new tax ID.

Mr. Salatas stated because the Public Hearing was not advertised in time, they will have to come to the December public meeting, and requested the Petitioner not be required at the December work session due to being present tonight.

Mr. Oliphant stated that a letter was issued in August and was sent to the surveyor and they haven't heard anything back and only minor things need to be done like the expiration date and adding an easement. Mr. Oliphant will reach out again to the surveyor. Discussion ensued.

Mr. Kiepura stated let the record reflect that Mr. Parker is here.

**New Business:**

**1. Henn's Family 2nd Addition – Preliminary Plat for a Two Lot Subdivision**  
**Owner: Richard Henn, 9303 W 133rd Avenue, Cedar Lake IN 46303**  
**Petitioner: Nathan D. Vis, Vis Law, 12634 Wicker Avenue, Cedar Lake, IN 46303**  
**Vicinity: 9303 W 133rd Avenue, Cedar Lake IN 46303**

Mr. Kiepura stated the next order of business is a request for a requesting a for a Two Lot Subdivision by Petitioner Nathan Vis.

Mr. Nathan Vis, Vis Law, stated they are seeking a preliminary plat for a two-lot subdivision at 9303 W. 133<sup>rd</sup> Avenue. There was a one-lot subdivision created approximately three years ago, and there was a variance request to allow a larger size accessory building to be built on the property. They would like to split the parcel into a four-acre parcel in the front and, a six-acre parcel in the back. They submitted a preliminary plat to the Town. There is access to water and sewer adjacent to Parrish and the client understands the cost to run the sewer and water up the driveway to the edge. Surveyors have come out to look at the topography and there is no limitation to put a home to the South. Discussion ensued.

Mr. Kiepura asked by splitting the property, how does this affect the large barn on the property. Mr. Vis stated the approval was granted by this Board and by the Board of Zoning Appeals a couple of years ago and the approval was granted for that particular building was not contingent upon it remaining a ten-acre parcel. Discussion ensued.

Mr. Parker stated that the old Zoning Ordinance, was admitted at one time to allow certain square footage about building based on the more acreage you have. Mr. Vis stated the four acres will be the front half and the back half of the property will be six acres.

Mr. Salatas stated they would still be over the maximum amount of square footage for an accessory structure and that is why the Board of Zoning Appeals granted the variance. As long as the variance was not contingent on it not being subdivided, and as long as the parcel ID number matches up to the original parcel where the Board of Zoning Appeals variances originally granted, there should be no effect on the variance granted. Discussion ensued.

**2. Birchwood Farms – Extension of Preliminary Plat**  
**Owner: Hanover Development LLC, 8051 Wicker Ave, Suite A, St. John, IN 46373**  
**Petitioner: Olthof Homes, Jeff Yatsko, 80151 Wicker Ave, Suite A, St. John, IN 46373**  
**Vicinity: 12412 Wicker Avenue, Cedar Lake, IN 46303**

Mr. Kiepura stated the next order of business is Petitioner is requesting the Extension of the Preliminary Plat approval.

Mr. Jeff Yatsko, Olthof Homes stated they would be seeking a plat extension for Birchwood Farms. They have six lots left and it is about to expire. Mr. Kiepura asked how long the extension should be for. Mr. Yatsko commented six months.

### **3. Beacon Pointe East, Unit 1 – Extension of Performance Letter of Credit**

Mr. Kiepura stated the next order of business is for Extension of Performance Letter of Credit.

Ms. Abernathy stated she mistakenly didn't get this on the Update Item. An extension was done at the Town Council level. The extension will have to be approved from the Commission at their next meeting. The extension will be for six months since it didn't convert to Maintenance Letter of Credit.

### **4. Rose Garden Estates, Unit 2 – Extension of Performance Letter of Credit**

Mr. Kiepura stated the next order of business is for Extension of Performance Letter of Credit. Ms. Abernathy stated they requested an extension for a year and will need approval from the Commission at their next meeting.

### **5. Tarver – Concept Plan**

**Owner: Eddie Tarver Jr. 1348 Benton St., Gary, IN 46403; & Michael Phillips**

**Petitioner: Eddie Tarver Jr., 1348 Benton St., Gary, IN 46303**

**Vicinity: 7020 W 139th Place, Cedar Lake, IN 46303**

Mr. Kiepura stated the next order of business is Petitioner is presenting a Concept Plan for a One Lot Subdivision.

Ms. Abernathy stated no one is present. This property has been on the Unsafe Building for about a year. It has gone through a couple of different owners. Their intent is to demolish the existing property into a one lot subdivision and rebuild.

Ms. Abernathy stated she would send them a notification to come to the next meeting. Mr. Kiepura stated he would like to see a drawing.

### **6. Novak Business Park – Concept Plan**

**Owner/Petitioner: Karen Ann Novak and Phillip M. Novack Co-Trustees of Karen Ann Novak Revocable Trust dated June 4, 2004, 4 Cherry Hills Drive, Pekin, IL 61554**

**Vicinity: 13020 Wicker Avenue, Cedar Lake, IN 46303**

Mr. Kiepura stated the next order of business is Petitioner is requesting a Concept Plan for an 18-Lot Commercial/Business Subdivision.

Mr. Vis stated this is a property the Board is familiar with. Mr. Phil Novak and a team from DVG are present. The idea for this Concept Plan is for a mixed-use development with B-2 Zoning and some residential mixed-use zoning. The proposed plan is an 18-unit commercial development. These are sizable lots of each lot being an acre and a half. This would be a B-2 zoning and they would plan for a PUD to be submitted on this development. This will be fronted by streets;

including Highway 41 Corridor. In addition to the ingress and egress through 129<sup>th</sup>, they are anticipating another ingress point for this proposed development will be directly across from Bobb Auto Group. There has been some conversation with INDOT and it sounds positive, but in the future INDOT may want to add traffic signals. Discussion ensued.

Mr. Carnahan stated in 2025 they hope to start the turn lane down the center of 41. They have 160 parcels that they have to get to have the room they need to put the center lane in. Discussion ensued.

Mr. Vis commented there are five lots adjacent to Highway 41 and three that run alongside the back of an adjacent residential community. On the West side is a very large residential/agricultural lot. There is an existing natural screen that runs along the entire backside of the property that is on the West side of out lot A.

Mr. Jack Huls, DVG, stated that they are in the preliminary land planning process. They did detention calculation to make sure that the pond would meet the ordinances. They are aware that this area will convey over 129<sup>th</sup> through some residential and is tributary to Wicker Meadows. Discussion ensued.

Ms. Robin Pappenheim, DVG, stated they are working on a traffic impact study for this site. The analysis is for a traffic signal at 129<sup>th</sup> and US 41. They will need INDOT approval to put a traffic signal up. Discussion ensued regarding driveways and turn lanes.

Mr. Vis asked does a B-2 Zoning emphasis an 18-lot of this size has as a vision for this area. Mr. Foreman responded in the affirmative. The whole corridor is a B-3 and they would need permission to become B-2. Mr. Vis responded that in the PUD they will work in good uses for that area and enlarge in that scope.

Mr. Kiepura asked are the lots one acre lots. Mr. Vis responded the smallest lot is 1.4 acres and the largest lot is two acres. Mr. Vis stated a couple items requested in the PUD are some of the unique shapes of some of the lots and requesting a decreased set back when it comes to the Highway 41 corridor. Discussion ensued. They would also request increasing the lot coverage from 50% of building on the capacity to control water to 65% square footage.

#### **7. Pine Crest Incorporated – Concept Plan**

**Owner: Pine Crest Incorporated, 14415 Lauerman, Cedar Lake, IN 46303**

**Petitioner: Nathan D. Vis, 12632 Wicker Ave, Cedar Lake, IN 46303**

Mr. Kiepura stated the next order of business is Petitioner is requesting a Concept Plan for a rezone to PUD and a One Lot Subdivision.

Mr. Nathan Vis, Vis Law, stated they would like to re-shape and maximize the use of that property. Phase 1 would be to condense the current business operations into the southern edge of the property. They would like to install an indoor storage location for boats and they can be stored in the winter. This is zoned resort right now. They would like to create a PUD that encapsulates the harbor area and allow for a variety of uses. They have the height variance for a 42-foot-high building. The second item is regarding the roadway that abuts that location and encroaches onto the client's property. They would like to waive the need to any sidewalk requirements through there and they would like to shift the roadway to create a boardwalk. They would like both asphalt compact gravel for parking and storage.

Mr. Oliphant stated they have done full waiver from detention with properties directly adjacent to the lake and in turn would like to see some greenspace given. Mr. Vis asked in Phase 2 can they give more greenspace considering the small impact area that would be Phase 1. Mr. Oliphant commented potentially if there will be a combination of hardscape of concrete, asphalt and gravel. Mr. Vis responded in the affirmative.

Mr. Vis asked if they can get a legal created. There are three different parcels that comprise what is going to be this PUD. They will communicate with the Town Attorney to get something on file. Ms. Abernathy commented they can get a legal description off of the GIS.

Mr. Oliphant asked if they can do one large PUD. Mr. Vis commented that the North section will be much different than this and would like to have a smaller PUD. Discussion ensued.

Mr. Bob Gross commented by the street is a greenspace between the boardwalk and the newer portion of the seawall. An agreement has been signed to re-do the seawall and stop the additional road because of this project. Discussion ensued.

**Update Items:**

1. Building Regulations & Fee Amendment

Mr. Salatas advised this is being worked on.

2. 133<sup>rd</sup> Commercial Corridor Moratorium

Mr. Salatas advised this is being worked on.

3. Tech Credit Uniton – Maintenance Letter of Credit Expires November 20, 2022

Mr. Oliphant advised it will likely expire.

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

Mr. Oliphant stated they were notified all of the items were addressed from Schilling and will need to be re-inspected.

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

Mr. Oliphant stated they issued a letter recommending a rollover from Performance into Maintenance on the 4<sup>th</sup>, they crack sealed 141<sup>st</sup> and their obligations are complete.

6. Summer Winds Unit 2 – Performance Letter of Credit Expires December 20, 2022

Mr. Oliphant commented he reached out to Mr. Tim Dinga on December 4, 2022 by email and we haven't heard anything regarding Summer Winds Unit 2 and Unit 3. They need to extend; otherwise, we will need to make a motion at the next meeting to set a pull date.

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

Same as previous.

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

Mr. Henry Sterk, 15063 Ivy Street discussed Lot #86 of Cedar Lake Ministries. The lot has an easement from 1956 and runs down the middle which is very vague. DVG surveyed the area and marked the actual phone line; the real location of it and it is way off. It makes it unbuildable. We would like the actual phone line for the setbacks. Mr. Oliphant commented he would need to see the easement and if it is dedicated to private communication company; we cannot do anything with it.

Mr. Parker stated they want the line to reflect the actual location rather than split the lot in two. Mr. Oliphant commented that the utility company needs to be notified to remove the line or shift the easement.

Mr. Foreman asked if AT&T owns the easement. Mr. Sterk responded in the affirmative. This is the line that goes across the lake.

Mr. Kiepura asked where does the line run. Mr. Sterk commented the actual easement according to what the Surveyors found is South of there. Mr. Foreman asked if the line is North of the walking path. Mr. Sterk responded in the affirmative. Mr. Oliphant stated it is a private utility and not sure what the Town can do.

Mr. Parker asked if there is a solution to this. Mr. Oliphant stated a solution would be to move the utility and re-record the easement. Mr. Oliphant commented he can reach out to AT&T and find out what kind of line it is and if they are willing to move it.

Ms. Abernathy stated when the PUD Agreement was done all of the vacant lots including this lot are not allowed to be built on until the Ministries does a storm water study. There is a list of lots that are flagged in the subdivision book that are located in the Building Department that cannot get a permit, or build until this is done and presented to the Plan Commission.

Mr. Sterk asked if it was individual lots or a mass study for all the lots and all the lots do not connect. Mr. Oliphant stated this lot was included in the study and is included in the North Woods. Discussion ensued.

Mr. Nick Whorley, 7000 West 127<sup>th</sup> Place, commented that the Fed Ex Company is not a Fed Ex and was abandoned and moved out that was in the vicinity of Hunley's Bar. Mr. Foreman commented that the Board is not sure of this business ever existed.

**Adjournment:** Mr. Kiepura adjourned the Work Session at 7:18 pm

## TOWN OF CEDAR LAKE PLAN COMMISSION

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John Kiepura, President

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Greg Parker, Vice-President

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Richard Sharpe, Secretary

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John Foreman, Member

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Robert Carnahan, Member

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Heather Dessauer, Member

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Chuck Becker, Member

ATTEST:

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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 November 9, 2022.*