



CEDAR LAKE PLAN COMMISSION PUBLIC SESSION MINUTES
CEDAR LAKE TOWN HALL, 7408 CONSTITUTION AVENUE, CEDAR LAKE, INDIANA
November 16, 2022 at 7:00 pm

Call To Order:

Mr. Kiepura called the Plan Commission Public Meeting to order on Wednesday, November 16, 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:** Robert Carnahan; Richard Sharpe, Secretary; Heather Dessauer; John Foreman; 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:** none

Minutes:

Mr. Kiepura entertained a motion for the October 19, 2022 Public Meeting Minutes; a motion was made by Mr. Parker and seconded by Mr. Foreman 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

1. 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 first order of business is for a Preliminary Plat for a 98-Lot Subdivision and a Rezone from Agriculture to PUD. Mr. Austgen advised the legals are in order.

Mr. Michael Herbers, Diamond Peak Group, 1313 White Hawk Drive, Crown Point, IN, stated they are seeking a primary plat approval for our 98-lot subdivision Harvest Creek at 155th Avenue and Parrish. We received comments back from Attorney Austgen and Mr. Oliphant is reviewing the most recent plans and should have it completed by end of next week.

Mr. Kiepura asked if there were any remonstrators for or against this project or a request.

Ms. Darlene Yak, 9520 W. 155th Place, Lowell, IN, asked how many acres will this subdivision be.

Mr. Austgen suggested Mr. Herbers come back to the podium and give the Commission and the audience a briefing of what they are doing, where they are doing it, the area they are doing it on, what the proposed use it. Mr. Foreman stated it is 40 acres on the corner of Parrish.

Ms. Yak asked if there is an approximate size of each lot. Is there a start-up date to start the infrastructure. What school system are they attending. What streets will there be access to this proposed subdivision. How many access points will there be.

Mr. Herbers stated the site is at 155th Avenue and Parrish Avenue in Cedar Lake. It is 40 acres and there will be 98 single family homes. The lot sizes will be 70 foot wide by 135 feet deep. The home size range will be from 1,500 square foot ranch to 3,000 square foot two-story home. The public access will be from 155th Avenue and also Parrish. There will be two entrances to this development. The start-up date is economy dependent. Mr. Carnahan asked if it will be the Lowell School System. Mr. Herbers responded in the affirmative.

Mr. John Yak, 9520 W. 155th Place, Lowell, IN, asked if a survey was done with the general public and the sediment de-watering facility. Mr. Herbers stated they have not surveyed the general public. There have been numerous meetings with the Town to discuss this project, the length and use and potential "downfalls." They do not see this hindering the development with the dewatering facility to the North.

Mr. Salatas stated they will continue to review and work on utilities.

Mr. Austgen commented some of the information is coalescing into the final product. It is seen in the engineering submissions, in the documents and all this will get locked down into the instruments.

Ms. Abernathy is recommending a deferral and come back to the next work session.

Mr. Mark Anderson, Anderson & Anderson, 9211 Broadway, requested a favorable recommendation be made subject to Legal, Engineering and Building. Mr. Carnahan stated they will need to remove the red marks on Mr. Austgen's Planned Unit Development in place for the next meeting. Mr. Austgen stated that will be driven by the information from Mr. Oliphant and from the developer represented.

A motion was made by Mr. Parker and seconded by Ms. Dessauer to defer this Petition to the next Public Hearing. 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. 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 for a Petitioner requesting a Preliminary Plat for a Two Lot Subdivision.

Mr. Nathan Vis, Vis Law, 12632 Wicker Avenue, Cedar Lake, IN, stated his client wants to subdivide his 10 acres for a more useable location for a second residential home. The one lot subdivision was granted by this Commission about three years ago and they would like to divide it into a two-lot subdivision. The split will occur in a ravine that is in the middle of the property and turning the existing property that has Mr. Henn's home and building on to approximately four and a half acres and the remainder will be approximately six acres located in the back. The second parcel will be accessed from Parrish Avenue and a driveway can be put in at that location.

Mr. Kiepura asked if there were any remonstrators for or against this Petition.

Mr. Luke Canezovich, 9320 W. 135th Place, stated the setback to the driveway looks like it would be in my yard. The other concern is there a half of football field size swamp from my yard to the East toward the tracks. My backyard was not graded correctly and a lot of money and time have been spent raising my yard up to alleviate the water problems. If dirt gets pushed back on Mr. Henn's property, the water flow may change.

Mr. Kiepura stated the Town Engineer would have to look at the survey on this parcel before anything is built and not to adversely affect neighboring parcels of land. Mr. Kiepura asked about the setback on the driveway. Mr. Oliphant stated there aren't any setbacks on the driveway and can be on the property line.

Mr. Oliphant stated their review letter addresses the concerns and the site plan would be reviewed at the building permit stage. They would advise during that time the best way to potentially correct the problem.

Mr. Kiepura closed the session for public comment.

Ms. Abernathy stated any recommendations that any approvals have a contingency made that any alterations done to the newly installed curb, gutter, sidewalk be replaced to where it is at today. Mr. Oliphant stated this will be a contingency of final plat and they will be required to do a Letter of Credit.

Mr. Oliphant stated they issued a letter on November 14, 2022, and recommending approval with two contingencies. The first one is the review at building permit level and the site plan review, and then three engineering waivers that are typical of the smaller plats; one being stormwater detention, park dedication and tree placement requirements.

Ms. Dessauer asked what the actual frontage is. Mr. Oliphant stated 35 feet. Mr. Parker commented the new zoning ordinance covers flag lots.

A motion was made by Mr. Parker and seconded by Mr. Sharpe to approve the preliminary plat for two lot subdivision contingents upon Engineer's Letter of November 14, 2022, and submittal of the Engineering Report. 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. Vis asked if he could respond to the prior speaker's concerns. Mr. Kiepura responded in the affirmative. Mr. Vis stated the proposed driveway would be 12 feet wide and with an approximately 35-foot-wide land strip and there would be an excess of 20 feet before they get from the edge of the driveway to the edge of the yard. In the survey that was done, they anticipated a swale that is going to put in that location recognizing the drainage issue that exists from years prior.

3. 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 an Extension of a Preliminary Plat approval.

Mr. Jeff Yatsko, Olthof Homes, stated they are seeking a one-year extension on the primary plat. The plat is ready to expire.

Ms. Abernathy stated their last final plat was at the December meeting last year and the December meeting this year would be when their preliminary plat expires.

A motion was made by Mr. Foreman and seconded by Mr. Becker to grant the extension of Preliminary Plat for one year. 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. Beacon Pointe East, Unit 1 – Extension of Performance Letter of Credit

Mr. Kiepura stated the next order of business is for Beacon Point East, Unit 1, Extension of Performance of Letter of Credit.

Ms. Abernathy stated it got missed for the agenda last month and was supposed to expire November 4, 2022, and the Town Council approved the extension for six months. They are working on getting it converted to Maintenance Letter of Credit.

A motion was made by Mr. Carnahan and seconded by Ms. Dessauer to grant the Extension of Performance Letter of Credit. 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

5. Rose Garden Estates, Unit 2 – Extension of Performance Letter of Credit

Mr. Kiepura stated the next order of business is for Rose Garden Estates, Unit 2, Extension of Performance Letter of Credit.

Ms. Abernathy stated they submitted an extension request for a year.

A motion was made by Mr. Foreman and seconded by Mr. Becker to grant the Extension of Performance Letter of Credit for one year. 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

6. Beacon Pointe, Unit 4 – Conversion to Maintenance Letter of Credit

Mr. Kiepura stated the next order of business is for Beacon Pointe, Unit 4 Conversion to Maintenance Letter of Credit.

Ms. Abernathy stated they addressed all of their punch list items but some. They issued a letter to convert to Maintenance Letter of Credit. Mr. Oliphant stated the amount is \$99,032.17 and that should be posted for a period of three years.

A motion was made by Mr. Foreman and seconded by Ms. Dessauer to approve the conversion of Maintenance Letter of Credit for Beacon Pointe, Unit 4 in the amount \$99,032.17 for three years. 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 is being worked on.

2. 133rd Commercial Corridor Moratorium

Mr. Austgen stated there will be a lot of data that will allow to make some assessment and get some strategies. It is being mapped now.

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

Mr. Oliphant stated the inspection was completed and a letter was issued on November 12, 2022. There is nothing to repair and the letter can expire.

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

Mr. Oliphant stated they addressed all repair items minus one sidewalk crack. This can expire.

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

Mr. Oliphant stated he has not heard anything. A pull date can be set to December 13, 2022

A motion was made by Ms. Dessauer and seconded by Mr. Sharpe to move items 5 and 6 regarding Summer Winds Unit 2 and 3 to an action item. 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

A motion was made by Ms. Dessauer and seconded by Mr. Sharpe set a pull date for Summer Winds Unit 2 Performance Letter of Credit and Summer Winds Unit 3 to December 13, 2022. 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

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

Mr. Austgen would like to offer an explanation for distinguishing between the two items on the agenda. The first project was for a 40-acre parcel for a subdivision between 98 and 104 lots. There was a PUD proposal and it entails a significant amount of integration of all the various Town Codes and requirements.

Adjournment: Mr. Kiepura adjourned the Work Session at 7:42 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 November 16, 2022.