



CEDAR LAKE PLAN COMMISSION PUBLIC MEETING MINUTES
CEDAR LAKE TOWN HALL, 7408 CONSTITUTION AVENUE, CEDAR LAKE, INDIANA
December 7, 2022 at 6:00 pm

Call To Order:

Mr. Parker called the Plan Commission Work Session on Wednesday, December 7, 2022, at 6:06 pm with its members attending on-site and electronically. The Pledge of Allegiance was said by all.

Roll Call:

Members Present via Zoom: none **Members Present On-Site:** John Foreman, Richard Sharpe, Secretary; Chuck Becker; Greg Parker, Vice President **Also present:** Don Oliphant, Town Engineer; David Austgen, Town Attorney; Chris Salatas, Town Manager; Ashley Abernathy, Planning Director and Cheryl Hajduk, Recording Secretary. **Absent:** Robert Carnahan, Heather Dessauer, John Kiepura, President

Old Business:

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. Parker stated that the first order of old business is for a request for a Preliminary Plat for a 98-Lot Subdivision and a Rezone from Agriculture to PUD

Mr. Huls, DVG Team, is requesting a deferral for December to be put on the January Plan Commission Agenda.

Request acknowledged.

New Business:

1. Birchwood Farms – Planned Unit Development Amendment

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. Parker stated the first order of new business is for a request for an amendment to the Birchwood PUD.

Mr. Yatsko, Olthof Homes, stated they are asking for a minor PUD amendment for Birchwood Farms, due to a title issue. Lots 1 and 2 was deeded to them, but was also deeded to CL Vending. We will remove the two lots out of Birchwood and the remaining will become part of the outlot.

Mr. Parker asked if this was going to be a problem with the PUD and Mr. Yatsko stated “no.”

Mr. Austgen asked if they are noticing this in the Public Hearing to amend the PUD. Ms. Abernathy stated she did not provide legal notice for publication because this is a ministerial act and we did not advertise for that one.

2. Railside – Rezone and Preliminary Plat

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

Petitioner: Vis Law, PO Box 980, Cedar Lake, IN 46303

Vicinity: 10702 W 11st Avenue, Cedar Lake, IN 46303

Mr. Parker stated the next order of business is for a request for a Rezone from Agriculture (Ag) to a Planned Unit Development (PUD) and a Preliminary Plat for a 29-Lot Subdivision and will be discussed at the end.

3. Tarver – Concept Plan

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

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

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

Mr. Parker stated the next order of business is a Request for a Concept Plan for a One Lot Subdivision.

Petitioner is not present. There has been no communication between Petitioner and Ms. Abernathy. The Plan Commission directed the removal of the item from agenda.

4. Cedar Lake RE LLC – Concept Plan

Owner/Petitioner: Cedar Lake RE LLC, 11131 Fairbanks Ct, Crown Point, IN 46307

Vicinity: 9717 W 133rd Avenue, Cedar Lake, IN 46303

Mr. Parker stated the next order of business is a Request for a Concept Plan for the development of a Culver's Restaurant.

Mr. Terpstra stated they would like to open a Culver's at 9717 W. 133rd Avenue, which is the old Chase bank building.

- We would like to raise the building and re-build.
- I had a preliminary meeting with Mr. Oliphant regarding water hook-up and drainage. There will be two points of egress and ingress from 133rd Avenue. The front of the building will face West. The East side will be drive area.
- The Culver's in Hammond will be what this Culver's will look like. We are looking to have 46 parking spaces.
- The bypass lane may move from the middle to outside lane for vehicles to go through safely. Drive through to be exit only.

Mr. Oliphant stated they have the bypass lane which is key. The recommendation would be the right exit point on 133rd be right only exit from the drive through.

Mr. Sharpe asked what the seating capacity is. Mr. Terpstra said the seating capacity would be 60-70.

Mr. Foreman asked how many cars come through drive through. Mr. Terpstra stated approximately 60% of vehicles come through the drive through.

Mr. Oliphant asked if there were going to be two drive through lanes. Mr. Terpstra stated there would be one permanent menu board and order point in left lane and right lane will have the electrical run to have a register and tablet operator.

Ms. Abernathy stated that the outdoor dining and electric message board sign need to go through BZA.

5. L & L Capital Assets, LLC – Concept Plan

Owner/Petitioner: L & L Capital Assets, LLC, 11125 Delaware Parkway, Crown Point, IN 46307
Vicinity: 13310 W 133rd Drive, Cedar Lake, IN 46303

Mr. Parker stated the next order of business is a Request for a Concept Plan for the development of a Rezone from R-1 to R-M

In response to questions asked about the Concept Plan, Mr. Lambert, L & L Capital Assets discussed:

- This parcel is a large lot and across the street from Ready Mix and East of the railroad tracks.
- They would like to do something with this land as income property and make four plex (four townhomes).
- Lot is elevated with a nice view to the lake. The second story will have a bay window in the living room. The garage is below. This could attract long term tenants to the property.
- It needs foundation and slab work to make the building the size it needs to be. We drew in a large concrete driveway, and you would drive right up from 133rd and wrap around to East side of parcel.
- The garage side on front and allows the backside to have yards.
- It could be seasonal type people, good tenants to rent out and maintain.
- Across the street is commercial zoning, residential zoning and trailer zoning.

Mr. Lambert stated they reviewed the RM zoning requirements and determined they would be able to meet all permitted uses and requirements.

Mr. Foreman asked what the property is currently zoned. Multiple individuals responded it is zoned as R1.

Mr. Lambert commented the east facing yard drops off severely where existing slab elevation is now to street level.

Mr. Lindemulder stated that they will install curves, sidewalks and drainage.

Mr. Austgen advised that currently there are no obvious issues with the update to the zoning ordinance. A re-zone is a policy decision of the Plan Commission and Town Council based on overall desire of what would like to be seen on that lot. Mr. Oliphant agreed with Mr. Austgen regarding the policy call. Any Site Plan Approval and the like would require sidewalks, curbs and drainage. We would need retention because there is a six-inch pipe through a rear yard.

Discussion ensued regarding drainage.

Mr. Parker wants to go to physically look at the area and see what's around there. His preference is to stay close to ordinance and zoning map.

Mr. Foreman stated to him and this is an enhancement with a view of the lake. Currently there is 24% of RM and RT lots in town today.

Mr. Parker asked to put this on next work session.

Ms. Abernathy commented that this can go on next work session agenda. She will make an effort to get pictures of property before next meeting.

6. 8120 Lake Shore Drive – Concept Plan

Owner: Bob Schane, 6320 Grand Avenue, Hammond, IN 46323
Petitioner: Samuel Leonhardt, 875 Berkshire Place, Crete, IL 60411
Vicinity: 8120 Lake Shore Drive, Cedar Lake, IN 46303

Mr. Parker stated the next order of business is a Request for Concept Plan for a One Lot Subdivision

Mr. Lopez commented that we got the permit for demolition and started cleaning it up.

Mr. Parker asked if any structure will be saved. Mr. Lopez stated that some of the structure will be saved. It is a cinderblock foundation. The structural engineer needs to come in and look; then structural plan can be done. They have the survey and we have paperwork for the building.

Mr. Parker asked where this property got to in the unsafe building process. Ms. Abernathy stated there was a demolition order.

Mr. Sharpe asked if they own property. Mr. Lopez responded in the affirmative. Ms. Abernathy stated when they filed the concept plan paperwork, Mr. Schane was still owner.

Mr. Parker asked are there any issues of concern for this project. Mr. Austgen commented that there is no problem with zoning ordinance as long as they build on the footprint.

Mr. Parker asked if this is a metes-and-bounds parcel. Ms. Abernathy stated part is a metes-and-bounds parcel and part is plated. Lot will be cleaned up and made into one lot subdivision. This will provide right-of-way dedication along Lake Shore Drive. They will need variances and a better parking situation along property.

Mr. Parker asked what do they need variances for. It was discussed there would need to be front yard and rear yard setback variances and engineering waivers.

Mr. Parker asked if the Structural Engineer is scheduled. Mr. Leonhardt said "yes."

Mr. Leonhardt stated that the name would be "Lakeshore Bar & Grill." This will bring food and have a modern restaurant.

Mr. Salatas stated they will need a more substantial Concept Plan and what it will look like.

Mr. Leonhardt advised they will get everything up to code.

Ms. Abernathy stated there are no contingencies on their interior permit. Their permit is for one year.

Mr. Oliphant advised there is a large culvert along the North property line and discussed the culvert.

7. 9720 W 133rd Avenue – Concept Plan

Owner: Howard J. & Susan L. Skorka, 15714 Colfax Street, Lowell, IN 46356

Petitioner: Boyer Construction Group Corp., 9901 Express Drive, Highland, IN 46322

Vicinity: 9720 W 133rd Avenue, Cedar Lake, IN 46303

Mr. Parker stated the next order of business is a Request for Concept Plan for a Rezone.

Mr. Pozen, DVG Team, stated they would like to subdivide the two parcels and discussed their concept plan:

- This location is by the school. The West parcel is Zone B1 and the East parcel is Zone B3. We want to zone these parcels to Zone B1. The West parcel to sub-divided will be a Centier Bank and East will be commercial.
- Everything on the parcels will be demolished.
- The property will have two new entrances and the two entrances that are existing will be eliminated.
- There will be a cross access easement agreement between Centier Bank and the East commercial property.
- They will be requesting the following variances: rear yard setback, side yard setback, and front yard setback.

- Along the East property line, they will install the required trees for screening due to the property being zoned RM.
- We would like to hear about drainage in this area by the Engineer. This is a developed site to be re-developed.

Mr. Oliphant stated they would need detention unless they have an Engineering Waiver and there isn't a regional pond that is dedicated.

Mr. Foreman asked if the pond in the area was owned by Hanover Central. Mr. Oliphant responded in the affirmative.

Mr. Foreman stated worst case scenario is to do retention under the drive.

Mr. Pozen asked if instead of a retention system they utilize a hydraulic separator. Mr. Oliphant stated these waivers are not usually granted unless you are adjacent to the lake. Per the Stormwater Ordinance there is language included, for if 80% of the lot is existing impervious surface. However, he does not believe they meet that requirement.

Mr. Parker asked Mr. Austgen if he had any comments for this project. Mr. Austgen advised that a commercial PUD would be beneficial and it gives flexibility to the Engineers. The commercial PUD would allow for the development of the property without the need for variances. Discussion ensued.

Mr. Parker asked if there were conflicts with the Zoning Ordinance. Mr. Pozen responded in the negative and advised their proposed uses are allowable per ordinance.

Mr. Sharpe asked what is the size of the other building. Mr. Pozen stated 2,800 square feet.

Ms. Abernathy summarized that tonight was the concept plan for the re-zone. There is no advertisement for a re-zone at this point in time.

Discussion ensued regarding the re-zone.

Ms. Abernathy advised part of the reason this is presented as a concept plan is due to the Moratorium. With the Moratorium, the Plan Commission would not be able to vote upon the re-zone. Mr. Austgen advised they will be providing a report regarding the Moratorium later on in the evening.

2. Railside – Rezone and Preliminary Plat

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

Petitioner: Vis Law, PO Box 980, Cedar Lake, IN 46303

Vicinity: 10702 W 11st Avenue, Cedar Lake, IN 46303

Mr. Parker stated the next order of business is for a request for a Rezone from Agriculture (Ag) to a Planned Unit Development (PUD) and a Preliminary Plat for a 29-Lot Subdivision

Mr. Vis, Vis Law, provided copies of the proposed PUD Ordinance and Development Agreement, and discussed at length the documents provided.

- This is a 29 commercial lot development with three outlots that will have B3 and M1 Zoning Classifications.
- They are proposing the three detention lots be transferred to the Town of Cedar Lake for ownership and maintenance.
- If an individual purchases adjacent lots, they are able to join them together without needing BZA or Plan Commission approvals.
- Seeking a 65% lot coverage.
- Proposed uses and prohibited uses in both Zoning Classifications

- Proposed bulk standards for both Zoning Classifications.
- Provide screening between any lots abutting any residential lot.
- Allowing open storage without the need of Plan Commission or BZA approval.
- Requesting a waiver of sidewalks in the development.
- Prohibited and allowable signage for the development.
- Requesting the ability all public improvements including final asphalt layer completed prior to recording the final plat. They will be seeking a reduction in the Letter of Credit.
- Anticipate having all improvements done in 18 months.

Mr. Oliphant commented there needs to be language included that the two zonings cannot be combined. Mr. Vis asked if they could allow them to conjoin if the use was for B3. The Commission members responded that would be an acceptable use.

Mr. Oliphant advised smaller front yard setbacks can run into public utilities which is not advisable. The preference is for a minimum 12 foot easement just outside of the right of way in the front yard setback.

Mr. Vis asked if they could install greenscape into the 30 foot water utility easement located along the Western boundary of the property. Mr. Salatas responded in the negative and advised the preference is to keep it open for maintenance purposes.

Mr. Vis asked if the road can be named Railside Street. Mr. Foreman responded it would depend on the grid system at Lake County and review from Public Safety Officials and the Post Office.

Mr. Oliphant asked if there is a section on multi-tenants. Mr. Vis responded there is a potential for multi-tenants.

Mr. Oliphant asked if they are designing for a ten year release with the detention basins. Mr. Vis responded that the detention basins are designed for a ten year release by town standards. Mr. Oliphant advised that it is a 100 year standard.

Mr. Oliphant inquired why they want the town to take over the detention basins. Mr. Vis responded that it creates a sense of continuity and consistency if the town maintains the detention basins. Additionally, he feels the revenue created from this development will be able to substantiate for the maintenance of the basins. They feel the detention basins will assist other developments in addition to theirs. Discussion ensued.

Mr. Parker asked when are they looking to have this ready for approval. Mr. Vis responded at the January public meeting.

Mr. Foreman asked what other communities do in regards to detention basins and commercial industrial business parks and if they never take them over. Mr. Oliphant responded he was not aware of any municipality taking over detention basins and commercial industrial business parks. Discussion ensued

Update Items:

1. Building Regulations & Fee Amendment

Mr. Austgen advised nearing completion.

2. 133rd Commercial Corridor Moratorium

Mr. Austgen stated more to come.

3. Sumer Winds Unit 1 – Performance Letter of Credit Expires February 15, 2023

Discussion ensued regarding the pull date set for Summer Winds Units 2 and 3 Performance Letters of Credit

Mr. Oliphant stated there is no update regarding Summer Winds Unit 1

4. Cedar View – Performance Letter of Credit Expires February 15, 2023

Ms. Abernathy advised they will likely need to extend the Performance Letter of Credit.

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

Mr. Foreman commented with Railside they cannot deed the outlots to the town and request credit for them.
Mr. Salatas agreed with Mr. Foreman's comments.

Adjournment: Mr. Parker adjourned the Work Session at 7:38 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:

Cheryl Hajduk, 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 December 7, 2022.