



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

Call To Order:

Mr. Kiepura called the Plan Commission Public Meeting to order on Wednesday, December 21, 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; 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; Ashley Abernathy, Planning Director; and Cheryl Hajduk, Recording Secretary. **Absent:** none

Minutes

Mr. Kiepura entertained a motion for the October 17, 2022 Joint Town Council, RDC, and Plan Commission Minutes and December 7, 2022 Work Session; a motion was made by Mr. Parker and seconded by Mr. Becker 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

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. Kiepura stated the first order of business was for an Amendment to the Planned Unit Development for Birchwood Farms located in the vicinity of 12412 Wicker Avenue.

Mr. Yatsko stated they have a title issue with a 100-foot strip of property on Birchwood Farms. They would like to do a minor PUD amendment and want to remove two lots out of Birchwood Farms.

Mr. Kiepura asked if this has to be done paper wise. Mr. Austen responded in the affirmative and stated to help finalize the plat.

A motion was made by Ms. Dessauer and seconded by Mr. Foreman to approve the minor amendment to the Planned Unit Development to remove two lots on Birchwood Farms. 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. 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 was for the Preliminary Plat for a One Lot Subdivision for the property in the vicinity of 13315 Lincoln Plaza Way aka 109 Broadway.

Mr. Don Frey stated he wanted a one lot subdivision. Mr. Austgen stated this is a petition to a one lot subdivision plat the parcel which Petitioner owns the business. The public hearing was required. The public hearing has been noticed timely in newspaper and not so timely in the certified mailing of adjacent owners. The difference is minor between what is required and what occurred. The recommendation is to consider a motion to accept the irregularity of the notice so that the one lot subdivision can move on and be considered.

Mr. Carnahan stated there should be a motion on the legals. Mr. Austgen concurred.

Mr. Kiepura asked for a motion to the same.

A motion was made by Mr. Foreman and seconded by Ms. Dessauer to accept the irregularity of the mailing notices for the proper notice for the legal advertisements. 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. Austgen stated with that waiver the Public Hearing is now proper. Mr. Kiepura asked if there were any more comments. Mr. Oliphant stated he wasn't sure if the August 11th letter is outstanding. The

comments were minor, including the typical one lot subdivision waivers, requesting an easement on the rear and set back lines. This can be addressed prior to final plat approval and actual recording.

Mr. Kiepura opened the public hearing for this item; seeing none, the public hearing was closed at this item.

Ms. Abernathy stated he was before the BZA last month and got approval for all variances needed for the existing structure on the existing lot. It is requested that the address be the Lincoln Plaza Way address to make it cleaner on both East and West side of that road. Discussion ensued.

A motion was made by Ms. Dessauer and seconded by Mr. Foreman to approve the Petitioner's request contingent upon the August 11, 2022 letter from the Town Engineer. 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

3. Summer Winds, Unit 2 – Extension Performance Letter of Credit

Mr. Kiepura stated the next order of business is for the Extension of the Performance Letter of Credit for Summer Winds, Unit 2.

Ms. Abernathy stated they received an extension request for Units 2 and 3 at the same time. They are requesting a year extension for Summer Winds Unit 2 for \$279,817.13. This will be extended to December 20, 2023. It was approved at the Town Council Meeting on December 20, 2022.

Mr. Foreman asked Ms. Abernathy if they were contacted. Ms. Abernathy stated she had not contacted the developer due to hearing Mr. Huls and Mr. Oliphant discussing they would be contacting them. Moving forward she will ensure she reaches out to developers regarding Letters of Credit. Discussion ensued.

A motion was made by Mr. Foreman and seconded by Mr. Sharpe to accept the Unit 2 Extension Performance Letter of Credit in the amount of \$279,817.13. 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. Summer Winds, Unit 3 – Extension of Performance Letter of Credit

Mr. Kiepura stated the next order of business is for an extension of Performance Letter of Credit for Summer Winds, Unit 3.

Ms. Abernathy stated this is in the amount of \$14,575.48 and they requesting an extension to December 23, 2023. The Town Council approved this on December 20, 2022.

Mr. Foreman asked why is this only \$14,575.48. Mr. Oliphant commented this is a small unit.

A motion was made by Mr. Parker and seconded by Mr. Becker to grant the Petitioner's extension of Performance Letter of Credit for \$14,575.48. 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

Ms. Austgen stated they are working on it.

2. 133rd Commercial Corridor Moratorium

Mr. Austgen stated they are working on it.

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

Mr. Oliphant stated they are working on it.

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

Ms. Abernathy stated she saw Petitioner and reminded him that the Letter expires in February. He advised they would be extending the Letter of Credit.

Public Comment: Mr. Kiepura opened the floor for Public Comment. None was had.

Adjournment: Mr. Kiepura adjourned the meeting at 7:23 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:

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 Public Meeting December 21, 2022.