



**CEDAR LAKE PLAN COMMISSION PUBLIC MEETING MINUTES**  
**CEDAR LAKE TOWN HALL, 7408 CONSTITUTION AVENUE, CEDAR LAKE, INDIANA**  
**January 18, 2023 at 7:00 pm**

**Call To Order:**

Mr. Kiepura called the Plan Commission Public Meeting to order on Wednesday, January 18, 2023, at 7:17 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; Ryan Deutmeyer, 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 5, 2022 Work Session; December 21, 2022 Public Meeting; and January 4, 2023 Special Public Meeting, a motion was made by Ms. Dessauer and seconded by Mr. Parker 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

**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. Kiepura stated the first order of old business was for Petitioner is requesting Preliminary Plat for a 98-Lot Subdivision and a Rezone from Agriculture to PUD.

Ms. Abernathy stated the Petitioner was not here and he sent an email requesting a deferral to the February 1, 2023 Work Session. We received Engineering and legal review and they would like time to

review and update their plans and documents. Mr. Foreman asked if the attorneys have had communication. Mr. Deutmeyer commented Mr. Austgen reported to him there has been communication and everything looks good so far. Mr. Oliphant commented they are getting close. Discussion ensued.

Mr. Kiepura asked if there are any remonstrators for or against this project; seeing none, Mr. Kiepura closed the public hearing until the next Public Meeting.

Mr. Kiepura asked on the waiver it says developers and staff met and agree that the park or greenspace they are offering is sufficient. Why can't they give all of the greenspace per the Ordinance. Mr. Salatas stated they would be able to by taking out lots and they would not provide any equipment for that park plan. It would be open space. Mr. Kiepura commented they are taking out two acres and that is eight houses.

Ms. Dessauer commented the problem is there was not a park close by and by supplying not just greenspace that we had to take care of more but a park that more people could enjoy. Discussion ensued.

Ms. Abernathy stated our subdivision control ordinance allows for them to do a fee in lieu of parks, land and in the case of Diamond Peak they are putting in the park equipment. Mr. Foreman commented with this location there is the acreage where the de-watering facility is and the extra 40 acres less 1/14<sup>th</sup> and the remaining acreage is going to be a park. Discussion ensued regarding parks.

A motion was made by Mr. Foreman and seconded by Mr. Becker to defer this to the next work session. 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 Mr. Foreman and seconded by Ms. Dessauer to defer the Rezone to the next work session. 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. Henn's Family 2nd Addition – Final 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 first order of new business was for Petitioner is requesting the Final Plat for a Two Lot Subdivision.

Mr. Rob Henn, 13733 Wicker Avenue, Cedar Lake, IN, stated they are requesting approval for the final plat.

A motion was made by Mr. Parker and seconded by Mr. Sharpe to approve the final plat for a two-lot subdivision. 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. Wicker Enterprise, LLC – Site Plan**

**Owner: Gerald L. DeYoung Trustee, 1318 Ballybunion Ct, Dyer, IN 46311**

**Petitioner: Wicker Enterprise, LLC, 13321 Wicker Avenue, Cedar Lake, IN 46303**

**Vicinity: US 41 & 135th Place, Cedar Lake, IN 46303**

Mr. Kiepura stated the next order of new business was Petitioner is requesting a Site Plan for a new Law Office.

Mr. Doug Rettig, DVG, stated they are here for site plan approval.

Mr. Oliphant commented there were some comments related to the lighting but that will be addressed when they engage in MEP Engineering and that will be dealt with on the building side. If this gets approved, it will require a Performance Letter of Credit for the sidewalk, curb work and for the public right-of-way. The amount for the Performance Letter of Credit would be \$23,463.00 and the inspection fee would be \$639.90. Mr. Foreman asked if this is per the January 13, 2023 letter. Mr. Oliphant responded in the affirmative.

Mr. Rettig asked can the Letter of Credit be waived. This is a small project and the majority is a concrete driveway encroached to the parking lot. Can we handle this differently like the residential projects where they hold money in escrow at the building permit stage. In this case there is some sidewalk that goes along 135<sup>th</sup> Place. Mr. Foreman agreed to reduce the Letter of Credit and that they are present business owners in the community.

Mr. Kiepura asked what is the purpose of Letter of Credit. Mr. Foreman commented the purpose of a Letter of Credit is if the business went defunct and they do not finish the driveway and sidewalk, we take the money out of our bank account and we pay a general contractor to do it. They would not get occupancy without it being complete. Discussion ensued.

Mr. Foreman commented we can do a reduction in the Letter of Credit of 50%. Discussion ensued regarding the reduction and concerns for setting precedence. Mr. Deutmeyer commented one thing the Plan Commission is concerned about is setting precedence. Will others come in and look at the meeting minutes to rely upon he cannot say. However, if they do, there is something to push back on and say in this instance, they decided to reduce it. It is under the Board's discretion to do on a one-time basis based upon the facts on this particular case, it is the Board's ability to do so.

Ms. Jennifer Irons Jostes, Wicker Enterprises, commented we are trying to build a law office. We understand that a part of this is the sidewalk being the public right of way and we want to get the sidewalk completed. Can we look into reducing this to the completion of that sidewalk rather than the whole amount and if something goes wrong, that piece is completed.

Ms. Dessauer commented we have not done a reduction before, but they are business owners and it would be fine to do a reduction in the Letter of Credit.

Mr. Foreman commented the amount would be \$11,731.50 which is half of the 23,463.00. The inspection fee is \$639.90. Mr. Oliphant asked if we require a Maintenance Letter of Credit at the end of the Performance, do we hold it against the total or that number. Mr. Foreman stated this number. Mr. Oliphant commented it will be 10% of the overall. It will be 2,133.00.

A motion was made by Mr. Foreman and seconded by Mr. Parker to approve Wicker Enterprises LLC Site Plan with the reduction in the Performance Letter of Credit to 50% of what Mr. Oliphant has in the January 12, 2023 letter in the amount of \$11,731.50 and to keep the 3% inspection fee of \$639.90 contingent on the January 13, 2023 CBBEL letter with the exception of the dollar amount. The eventual Maintenance Letter of Credit would be based off the new amount mentioned in the motion. 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. Cedar View – Extension of Performance Letter of Credit**

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

Ms. Abernathy stated they are requesting an extension to February 15, 2024. The original amount was \$14,047.00. The permit was pulled at the end of December 2022.

A motion was made by Ms. Dessauer and seconded by Mr. Foreman to extend the Performance Letter of Credit for Cedar View from February 15, 2023 to February 15, 2024. 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 1 –Performance Letter of Credit Expires February 15, 2023**

Mr. Kiepura stated the next order of business is for an extension of Performance Letter of Credit for Summer Winds, Unit 1.

Ms. Abernathy commented they are aware of the impending expiration, and their banker mentioned the intent was to extend, but there is nothing and they are waiting for us to set a pull date. Ms. Dessauer asked if they had set a pull date. Ms. Abernathy commented not on this one but on Summer Winds Units 2 and 3, we had for December 13, 2022, and they got them in on time to get onto the Town Council Agenda for them to accept and it was ratified the next day. On December 22, 2022, I emailed Mr. Dinga and he emailed his banker. They asked for the pull date and stated they were going to extend but they had no intent in having it ready. Discussion ensued in length regarding setting a pull date.

A motion was made by Mr. Parker and seconded by Ms. Dessauer to pull the Letter of Credit on Summer Winds, Unit 1 on February 8, 2023. 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. 133<sup>rd</sup> Commercial Corridor Moratorium

Mr. Austgen stated they are working on it. Mr. Salatas commented that the 133<sup>rd</sup> will most likely come in first.

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

**Adjournment:** Mr. Kiepura adjourned the meeting at 7:54 pm

## TOWN OF CEDAR LAKE PLAN COMMISSION

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John Kiepora, 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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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 January 18, 2023.*