



**CEDAR LAKE PLAN COMMISSION PUBLIC MEETING MINUTES
CEDAR LAKE TOWN HALL, 7408 CONSTITUTION AVENUE, CEDAR LAKE, INDIANA
February 15, 2023 at 7:00 pm**

Call To Order:

Mr. Kiepura called the Plan Commission Public Meeting to order on Wednesday, February 15, 2023, at 7:18 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; 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 November 9, 2022 Work Session; November 16, 2022 Public Meeting; and January 4, 2023 Work Session, a motion was made by Mr. Parker and seconded by Mr. Sharpe to approve the same. Motion passed unanimously by roll-call vote:

Mr. Carnahan	Aye
Mr. Foreman	Aye
Mr. Sharpe	Aye
Ms. Dessauer	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 requesting a Preliminary Plat for a 98-Lot Subdivision and a Rezone from Agriculture to PUD.

Mr. Mark Anderson, Anderson & Anderson, 9211 Broadway, Merrillville, IN, stated there were outstanding issues regarding the PUD documentation and has been reviewed by the Town's Attorney and

the documentation has been signed off on. Mr. Oliphant signed off on the Engineering section. We would like to move forward with the PUD recommendation and the primary plat.

Mr. Oliphant stated we issued a letter on February 10, 2023, with a couple of remaining items but we are recommending approval contingent on these being addressed in the letter. Ms. Abernathy stated they are in order.

Mr. Kiepura asked if there are any remonstrators for or against this project; seeing none, Mr. Kiepura closed the floor for public comment.

Mr. Austgen stated there are two actions. The PUD zone map amendatory ordinance with a PUD Agreement and the subdivision plat which is the preliminary plat application. Those two are dependent on each other but separate legal actions are required. The documents have been reviewed and have been revised. There is a request to consider in this motion to allow us to put space fillers in for dates and numbers for the documents. When the motions are made to the PUD, referencing specifically the PUD guidelines and the PUD Development Agreement as conditions of the PUD approval plus the zone change. The residential use components of it would be important. We would have a complete record and certification. We will reference those items as necessary for the transmittal from Diamond Peak to the Town Council with the recommendation. If favorable motions are made, certification from Diamond Peak to the Town Council would be appropriate based upon the conditions that were recommended. This matter will be on the agenda for the Town Council to assure action.

Mr. Foreman asked if from the legal standpoint, proper date fillers with the document as well as the PUD Guidelines, conditions as it pertains to the application. Mr. Austgen responded in the affirmative. We have been addressing this in the public meetings since November 2022. We didn't catch the dates in the document and we didn't want to do that unless we knew affirmably or otherwise.

Mr. Parker asked what part needs to be done first. Mr. Austgen advised the subdivision plat would be the simplest. It is a one lot subdivision with the site plan which is embedded into the PUD.

A motion was made by Mr. Foreman and seconded by Mr. Parker to send a favorable recommendation to the Town Council for a rezone from Agriculture to PUD and contingent on the February 10, 2023 letter by Christopher B. Burke Engineering as well as the items in the record by legal which consists of proper date fillers within the PUD Agreement and meets the guidelines and conditions as discussed on application. Motion passed unanimously by roll-call vote:

Mr. Carnahan	Aye
Mr. Foreman	Aye
Mr. Sharpe	Aye
Ms. Dessauer	Aye
Mr. Parker	Aye
Mr. Kiepura	Aye

A motion was made by Mr. Foreman and seconded by Mr. Sharpe to approve the primary plat for the 98-lot subdivision and contingent on the Christopher B. Burke Engineering letter dated February 10, 2023 as well as the legals as described in the prior motion. Motion passed unanimously by roll-call vote:

Mr. Carnahan Aye
Mr. Foreman Aye
Mr. Sharpe Aye
Ms. Dessauer Aye
Mr. Parker Aye
Mr. Kiepura Aye

Mr. Austgen read into the record the certification which is recommended to the Town Council and are attached at the end of these minutes. The reason is so that the documentation closes with the understanding of what this is. We started with a land swape transaction with this developer and in a very cooperative way and it benefitted us and them. We locked down the legal and the understanding of the Town's files and understandings of the developer by way of the Board's actions. I recommend you make a motion to direct the President of the Plan Commission to execute the Certification.

Mr. Carnahan commented the approved minutes will not take place until March. Mr. Austgen stated they will be appended when they come, but we make the file right and the documents connected to the correct paperwork. All of the documents that were talked about will be appended, the exhibits, the PUD Guidelines, PUD Development Agreement, the Legal Description, subdivision plat and that will be a package to the Town Council by the way of this Certification. It will also be what certifications of Findings of Fact and conclusions and this is in furtherance of this.

A motion was made by Mr. Foreman and seconded by Mr. Parker for the Certification document be signed by the Plan Commission President and the agenda be amended. Motion passed unanimously by roll-call vote:

Mr. Carnahan Aye
Mr. Foreman Aye
Mr. Sharpe Aye
Ms. Dessauer Aye
Mr. Parker Aye
Mr. Kiepura Aye

New Business:

1. Centennial Estates, Phase One – Conversion of Performance Letter of Credit to Maintenance Letter of Credit

Mr. Kiepura stated the first order of new business was for Centennial Estates, Phase One, Conversion of Performance Letter of Credit to Maintenance Letter of Credit.

Mr. Jeff Yatsko, Olthoff Homes, stated we are seeking to convert our Letter of Credit of Performance to Maintenance Letter of Credit. We have completed all the punch list items and have provided the original Letter of Credit to Ms. Abernathy. Mr. Oliphant issued a letter on January 6, 2023 and can be converted to Maintenance Letter of Credit. The amount is for \$107,235.11 for three years.

Mr. Austgen advised Mr. Oliphant's letter dated January 6, 2023 be attached to the Maintenance Letter of Credit so there is an easy reference to it.

A motion was made by Mr. Foreman and seconded by Ms. Dessauer to approve the conversion of Performance Letter of Credit to Maintenance Letter of Credit and to include the Christopher Burke Engineering Letter dated January 6, 2023. Motion passed unanimously by roll-call vote:

Mr. Carnahan Aye
Mr. Foreman Aye
Mr. Sharpe Aye
Ms. Dessauer Aye
Mr. Parker Aye
Mr. Kiepura Aye

2. Summer Winds, Unit 1 – Extension of the Performance Letter of Credit

Mr. Kiepura stated the next order of new business was for Summer Winds, Unit 1, Extension of the Performance Letter of Credit.

Ms. Abernathy stated this is similar to Units 2 and 3. They got this in before the pull date and it was on the Town Council Agenda and the extension to be accepted and the amount for \$244,187.85.

A motion was made by Ms. Dessauer and seconded by Mr. Parker to accept the extension of the Performance Letter of Credit in the amount of \$244,187.85. Motion passed unanimously by roll-call vote:

Mr. Carnahan Aye
Mr. Foreman Aye
Mr. Sharpe Aye
Ms. Dessauer 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

Ms. Austgen stated they are drafting.

3. Beacon Pointe East, Unit 1 – Performance Letter of Credit expires May 4, 2023.

Mr. Oliphant stated they are coordinating with Schillings and potentially rolling into Maintenance.

4. Beacon Pointe West, Unit 5 – Performance Letter of Credit expires May 19, 2023.

Mr. Oliphant stated this may need to be extended.

5. Hanover Community School Corp – Performance Letter of Credit expires May 24, 2023.

Mr. Oliphant stated this is dependent on water. They had some issues on water and this is what the Letter of Credit is for.

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

Mr. Parker asked about other proposed developments coming. Mr. Salatas stated there was a concept plan submitted as part of an annexation but has not come before the Plan Commission yet. As far as any other potential developments regarding that developer, there is no official communication to the town regarding any concept plan or renderings.

Mr. Foreman stated unfortunately, Chuck Becker sent in his Letter of Resignation.

Mr. Foreman commented there used to be a Building Inspector on this Board. Is there something legal that says a building inspector that is an employee of the Town still cannot be on this Board. It could be valuable. Mr. Austgen stated Statute 36-7-4-207 does permit this and you will see that makeup of what our Advisory Plan Commission is. Discussion ensued regarding having an employee on the Board.

Mr. Foreman stated we have a Master Plan that has not been up dated in a while. The last update was for the 41 Corridor was in 2021. We have areas of the Town where the zoning has been for a long time. Years ago multi family homes were built all over town, but the people who want to build next to the trailer park. Maybe the master plan can get updated where zoning should go. Discussion ensued.

Mr. Parker stated there are places in Town that have the zoning for the type of development and that zoning is in a lot of areas. When R-1 is changed to other zoning, you open up the opportunity for everybody to change their zoning. Why spend the time and money on a zoning ordinance or a zoning map. Discussion ensued regarding the betterment of the town.

Mr. Austgen commented when was the last time we looked at the Comprehensive Plan. It is part of Findings of Fact for every zone change under Section 603, Comprehensive Plan.

Adjournment: Mr. Kiepura adjourned the meeting at 8:03 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

TBD, 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 February 15, 2023.