



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

Call To Order:

Mr. Kiepura called the Plan Commission Public Meeting to order on Wednesday, March 15, 2023, at 7:01 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 January 18, 2023 Public Meeting; February 1, 2023 Work Session; and February 15, 2023 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. Parker	Aye
Mr. Kiepura	Aye

1. 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 141st Avenue, Cedar Lake, IN 46303

Mr. Kiepura stated the first order of business is for a Petitioner is requesting a Rezone from Agriculture (A) and R-2 Residential Single-Family to a Planned Unit Development (PUD) and a Preliminary Plat for a 28-Lot Subdivision. Mr. Austgen commented legals are in order.

Mr. Nathan Vis, Vis Law, stated they are seeking approval for the PUD. In regards to the Engineering and traffic study, there is a question as to whether or not the increase in traffic is going to be created and is going to require some further agreement between my client and the Town. The school corporation has

backup traffic on 141st Avenue as they wait to turn left into their driveway as well as backup on their driveway turning onto 141st Avenue. A traffic study was analyzed showing that a creation of a right turn lane with my client's proposed development, this will offer remedy to the backup traffic that turns left into the school zone. There will be increased traffic over time with my client's proposed development and with the development that is going on. Discussion ensued regarding a right turn lane. The traffic study shows there is backup when school is starting and letting out. The question is does further study need to be evaluated for the proposed traffic that will increase over time that my client's development may contribute to and future development will contribute to and should there be an agreement between my client and the Town before we seek approval from the Board.

The Traffic Engineer needs to evaluate and make a proposal or recommendation to the Town.

What is the Commission's perception as to the involvement with any ongoing developments of 141st Avenue beyond what is directly in front of my client's property. Mr. Foreman asked are they building a deceleration lane across the whole front of the property. Mr. Vis commented a deceleration lane will be from the rail road track to the point when turning right into the development. Discussion ensued regarding the traffic study and future growth.

If it is a Policy decision that decides if my clients contribute to an intersection that is not owned by the Town that decision should be made by elected officials. If we can get approval from this Board pending further review from an appointed subcommittee of Mr. Sharpe and Mr. Foreman within the next three weeks so we can make the deadline of April 1, 2023 and if my clients disagree with any recommendations that another appointed group would make, we can come back for further review. Discussion ensued regarding breaking ground on the property.

Mr. Austgen commented this is all in the details now and there are a lot of legalities and engineering to it and we are pulling this together. Mr. Vis stated the PUD is there except for the issue of whether or not the Town is going to be making a request for some form of contribution to roadway improvements on 141st Avenue. Mr. Oliphant stated we have not had enough time to get through the recent submittals that need to be completed or give a recommendation and if there is a need for future improvements, this needs to be in agreement. We are close with engineering for the subdivision. Discussion ensued.

Mr. Vis asked how close is the County to implementing the design. Mr. Oliphant commented those plans were done long ago and wasn't dependent on any studies. Discussion ensued.

Mr. Vis asked does further study merit the fact that this should be expanded. What extent does the client's development contribute or cause that. If my clients contribute to this, the position is we have not asked for any public give in for the entire development that we are doing, but contributing to the improvements adding to the property tax rolls. We are studying the addition of five to eight more car lengths to be added to the potential turn lane. Mr. Oliphant commented Engineering recommendations will drive the policy decision by this Board, but at this time we do not have enough information to make that decision. We anticipate what responsibility your client has whether it be extending the study, money, turn lanes or intersections.

Mr. Kiepura commented if the reports state if there is a turn lane needed at Route 41, what is the report going to show. Mr. Oliphant commented if the two lanes start going to long out there, there is no point for a right turn lane anymore. Discussion ensued.

Mr. Austgen stated they should be able to get a temporary permit to start the build. Discussion ensued regarding possibly 1,300 homes coming to Cedar Lake and a traffic study will be needed. Mr. Oliphant commented there will need a town wide traffic study done. We want to know what the impact will be with this development is on the current corridor and there are also future projections on the same study that gives an idea of what's happening beyond it.

Ms. Abernathy stated the recommendation is to defer and have three weeks to get things together and a clean PUD document to review and possibly having a Special Public Meeting on April 5, 2023 at the next work session.

Mr. Kiepura asked if there were any remonstrators for or against this project; none were had. Mr. Austgen advised to leave public comment open.

Mr. Foreman asked if the PUD is ready to go. Mr. Austgen responded in the negative. The ordinance is ready but the actions are not, but most likely will be ready in three weeks. Discussion ensued.

Mr. Austgen stated there is a gray area in contracting the zoning and the plan and it may not be understandable when there is a recommendation from Staff, Petitioner or Counsel.

A motion was made by Mr. Foreman and seconded by Ms. Dessauer to defer this matter to the April 5, 2023 and continue the Public Hearing. 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 Ms. Dessauer to defer the rezone to the April 5, 2023 Special Public Meeting. 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. 2023-01 Culver's – Site Plan

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

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

Request: Petitioner is requesting Site Plan approval for a new restaurant

Mr. Kiepura stated the next order of business is for Petitioner is requesting Site Plan approval for a new restaurant.

Ms. Abernathy stated the Petitioner is not present and is requesting a deferral because Engineering needs more time.

A motion was made by Mr. Carnahan and seconded by Mr. Parker to defer this item to the April 5, 2023 Work Session. 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

Mr. Austgen stated they are working on it. The building permit is not ready. Mr. Salatas stated the Subdivision Control Ordinances will come around the same time and will be coincided with the Flood Plain Ordinance and those are tracked together, referenced and are clean documents.

2. 133rd Commercial Corridor Moratorium

Mr. Austgen stated they are advertising for a Public Hearing on April 19, 2023. The building permit is not ready. Mr. Salatas stated the Subdivision Control Ordinances will come around the same time and will be coincided with the Flood Plain Ordinance and those are tracked together, referenced and are clean documents.

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

Mr. Oliphant stated they are anticipating converting to a Maintenance.

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

Mr. Oliphant stated they are going to extend for one year, but asked for a reduction to the maximum reduction allowable.

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

Will get extended.

6. Perez – Performance Letter of Credit expires June 14, 2023

Will get extended.

Public Comment: Ms. Brandi Lynn Chalmers, 7416 W. 142nd Avenue, Cedar Lake, IN, stated she was inquiring about having poultry and livestock on her property.

Ms. Abernathy stated this topic is in the Zoning Ordinance, Agricultural Uses, Chapter 5 and read the Ordinance. Poultry and livestock are allowed on a property with acreage of eight acres or more. If they want to go in front of Board of Zoning Appeals, they can request a variance.

Mr. Parker asked is this in the current Zoning Ordinance. Ms. Abernathy responded in the affirmative. It would have to be an amendment to the Zoning Ordinance to change the language from Chapter 5.

Mr. Parker asked Ms. Chalmers if she was requesting an amendment to the Ordinance. Ms. Chalmers stated this would be for all people in town limits who have access to poultry but not specific to a subdivision or Home Owners Association.

Mr. Parker asked who would address this. Ms. Abernathy commented the Plan Commission would determine if an amendment to the Zoning Ordinance is allowable to remove the agriculture uses in Chapter 5 and allow it to where it could be more than just an agricultural use.

Mr. Salatas stated this would be a recommendation and if this is found favorable by the Plan Commission to make a change to the Zoning Ordinance, it can then go to the Town Council. Discussion ensued.

Mr. Kiepura asked Ms. Chalmers how big is her property. Ms. Chalmers commented about an acre.

Ms. Dessauer commented there is a lot to this as to who will manage this and do neighbors want chickens living near them. Discussion ensued. Ms. Abernathy stated this is part of the Zoning Ordinance and anyone who wants to have chickens are allowed to come before the Board of Zoning Appeals and request a Developmental Variance. The three Findings of Fact would have to be proved to get an approval.

Ms. Abernathy commented our inspectors have been ensuring violations are not occurring, we do not want people just doing things on their own and getting violation fees and violating our Town Code.

Mr. Kiepura stated he does not want to see the ordinance changed. If you have an acre or less, you should not have any type of livestock on your property. Discussion ensued.

Mr. Carnahan commented he will be going to the Northwest Indiana Regional Planning Commission and will ask the different municipalities how many of them permit chickens.

Adjournment: Mr. Kiepura adjourned the meeting at 8:07 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

Jim Hunley, 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 March 15, 2023.