



**CEDAR LAKE PLAN COMMISSION WORK SESSION MINUTES**  
**CEDAR LAKE TOWN HALL, 7408 CONSTITUTION AVENUE, CEDAR LAKE, INDIANA**  
**April 5, 2023 at 6:00 pm**

**Call To Order:**

Mr. Kiepura called the Plan Commission Work Session to order on Wednesday, April 5, 2023 at 6:03 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; James Hunley Richard Sharpe, Secretary; 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:** Heather Dessauer, Greg Parker, Vice President

**1. 9720 W 133<sup>rd</sup> Avenue – Rezone, Preliminary Plat & Site 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 133<sup>rd</sup> Avenue, Cedar Lake, IN 46303

Mr. Kiepura stated the first order of business is for Petitioners are requesting a Rezone from B-1 and B-3 to Commercial PUD, a Preliminary Plat for a two (2) lot subdivision, and Site Plan approval.

Mr. Bruce Boyer, Boyer Properties, and Mr. Russ Pozen, DVG, 9720 W. 133<sup>rd</sup> Avenue, Cedar Lake, IN, stated we are proposing to redevelop this area into a two-lot subdivision. The first lot will be Centier Bank and the second lot will be a small commercial building. We presented the site plan in December 2022 and it was suggested we pursue a Planned Unit Development instead of variances. We have submitted the subdivision plat and the Engineering drawings. We would like to proceed to a public hearing.

Mr. Sharpe asked is the Italian Ice building going to stay on the property. Mr. Boyer responded in the negative.

Mr. Foreman asked Ms. Abernathy what were the last things discussed when we ended this subject a couple of months ago. Ms. Abernathy commented there was discussion about the Cross Access Agreement, all the variances that would be needed and it was suggested at the time to take a re-look at it and potentially going into a PUD development instead of doing a two-lot subdivision with a site plan and all the variances that was then needed. It was suggested at that time from Mr. Austgen to do a Commercial PUD.

Mr. Boyer commented we will have cross access to cross parking between the two lots. Mr. Pozen commented detention on both lots will be located underground, essentially on the west lot underneath the pavement. We also put in our PUD documents some of the signage requirements for Centier and for the future retail buildings.

Mr. Foreman asked what are they showing for screening on the east and the west. Mr. Boyer commented we do not have the landscape plan shown here, but we are required to have fencing along the east side where the driveway leads back to the apartment complex and the rear will require fencing.

Ms. Abernathy stated there are a couple of comments e.g., as permitted uses, it is stated Animal Hospital but in the prohibited uses it states Animal Clinic. Also, there is a reference to parcel 1 and lot 1. There needs to be some clean up making it all cohesive and adding in all the requested setbacks in the PUD.

Mr. Oliphant commented it is in our queue to look at. Mr. Boyer asked for two weeks. Mr. Foreman commented they should work with Staff and the Town Engineer.

Mr. Carnahan commented this will add to our TIF District.

## **2. 2023-03 – Obadiah Taylor – Vacation of Subdivision**

Owner/Petitioners: Michael & Nanci Shander, 3452 Sally Dr., Steger, IL 60475 & Batz Enterprises, LLC, 7329 McConnell Ave., Lowell, IN 46356

Vicinity: 13221 Colfax Street, 13131 Colfax Street, 13137 Colfax Street & 13177 Colfax Street, Cedar Lake, IN 46303

Mr. Kiepura stated the next order of business is for Petitioners are requesting a vacation of the Obadiah Taylor Subdivision.

Ms. Abernathy stated the Petitioners are not here nor is their attorney.

Mr. Foreman asked are they getting rid of the sub-divided subdivision so they can create a new subdivision. Mr. Kiepura stated they have to develop the street on all three parcels and they only want to build on the front part. If they go back to vacate what they have now and go back to the original which the seller had done a couple of years ago then they would be in a better position to financially do it.

Mr. Carnahan commented they did not know they had to put the road in and we were trying to work with them and try to get it so they can build because they invested their money into this property.

Mr. Kiepura stated there are three separate lots and if they get it vacated back, if they develop on the first lot, do they have to bring the street past in front of all three lots. Mr. Oliphant stated technically yes. Mr. Foreman commented not if they make a one-lot subdivision. Mr. Oliphant stated it is lot frontage and they can waive it. Mr. Foreman asked if this Board can waive it. Mr. Oliphant responded in the affirmative.

Mr. Foreman commented it makes no sense to put in a road in and the people on the West side benefit from it. Ms. Abernathy read both the Subdivision and Zoning Ordinance and in Ordinance 498, Title 1, Section 6 and Ordinance 1402, Chapter 6.2, Section B. I went there, took pictures and walked down that road. It felt like it was sinking and how can we get equipment out there to build their house. How do we expect our public safety to go out there in case of an emergency. If we allow to build on a road that is not up to Town standards and the Town standards would have to meet what was approved by all the waivers

of the Obadiah Taylor Subdivision. Should they vacate it, all those waivers go away and they have to re-go through the whole process again. For the Board to grant a waiver, there are three Findings of Fact that have to be given that the granting of the waiver and read the Findings of Fact.

Mr. Foreman stated it is unique and not applicable. If they vacate it, they would meet some of the Findings of Fact. Right now, there is a house on Lot 1 and a garage and a road out front called Colfax. If they were to access that lot that they are already accessing, what is the difference.

Ms. Abernathy stated what would prevent a future petitioner coming in on a similar road from making that an argument. Mr. Foreman commented there are things this Board has to consider above and beyond the rules. Discussion ensued.

Mr. Sharpe commented the petitioner has to be here. Mr. Kiepura stated this is a work session and no decisions will be made and if they want to proceed, they need to be at the next work session. Discussion ensued.

**3. 2023-04 Kolber – 10833 W 133<sup>rd</sup> Ave – Concept Plan**

Owner: Industrial Drive Properties LLC, 11363 W 135<sup>th</sup> Pl, Cedar Lake, IN 46303

Petitioner: Steven Kolber, 828 Davis Street, Suite 300, Evanston, IL 60201 on behalf of CWK

Properties: Cedar Lake LLC. 0 7949 W 79<sup>th</sup> Street, Unit 2, Bridgeview, IL 60455

Mr. Kiepura stated the next order of business is for Petitioner is requesting a Concept Plan for a Site Plan for a two (2) unit restaurant.

Nobody was present.

**4. Ordinance 1458 - Zoning Ordinance Amendment – 133<sup>rd</sup> Avenue Commercial Corridor Overlay District**

Mr. Kiepura stated the next order of business is for Ordinance 1458 – Zoning Ordinance Amendment – 133<sup>rd</sup> Avenue Commercial Corridor Overlay District.

Mr. Austgen stated this is the Overlay Zoning District Project we have been working on. This creates an overlay on the 133<sup>rd</sup> Avenue Corridor from Parrish Avenue west to Route 41. It is for a distance from center line of 133<sup>rd</sup> Avenue, 350 feet on each side of the center line for a total of 700 feet. The restrictions are for establishing the Overlay Zoning District and it is so that property uses would be compatible and incompatible by way of the zoning permitted and then uses that require Variance of Use. District Boundary, Section B and the Permitted Uses, Section C, Page 2. The use is identified including those permitted in the underlying B-1 and B-2 Zoning District are permitted only upon grant and approval of Variance of Use by jurisdictional body that would be the Town Council following the Board of Zoning Appeals Public Hearing. On Page 3, shows what type uses there are. We didn't specify each and every use. It is described in categories of uses and with the parameters set forth. We think it is the method and manner by which you could make compatible for purposes of quality, value, enhancement and maintenance and for comparison compatibility uses in that corridor.

Mr. Kiepura asked if the square footage of the lot has decreased. What is the 10,000 square feet for. Ms. Abernathy commented this is for the B-2 requirement. A B-2 lot is a 10,000 square foot required minimum.

Mr. Foreman asked is the entire overlay district all 10,000 square feet now. Ms. Abernathy commented pretty close, maybe a couple under that are legal non-conformity as they sit today. Mr. Austgen commented this is intended for vacant parcels and we studied that. There are very few vacant parcels in the Corridor. Redevelopment will give us another set of scenarios and minimum yard area was re-affirmed by this Ordinance.

Mr. Carnahan asked do we have that automotive place that wanted to go in there at 133<sup>rd</sup> and will this stop them from proceeding forward. Mr. Austgen stated this would include without any Variances of Use them from proceeding. Mr. Carnahan commented if Nagy's or Tom & Ed's was to be unoccupied for six months then somebody can come in. Mr. Austgen stated they would have to follow the Ordinance including compliance with the overlays zoning requirements so that the corridor is compatible in use and tight, quality and value with the other parcels and properties. Mr. Carnahan asked are we trying to move those into Route 41 industrial parks. Mr. Austgen commented its policy objective.

#### **Update Items:**

##### **1. Black River Bells, LLC – Site Plan Update**

Ms. Abernathy commented they are looking at removing one of the drive through lanes that was initially approved and a reduction in the front patio area. If the Board feels there needs to be an updated site plan approval, we can have this in front of you for that approval.

Mr. Carnahan asked if their builder is now licensed in the Town. Ms. Abernathy commented they are working on obtaining their Lake County license so that they can be registered with us.

Mr. Jeremy Wagner, Black River Bells, stated the patio is eliminated and there is just a sidewalk along the building.

Ms. Abernathy stated she can put this on the agenda for approval at the next meeting.

##### **2. Building Regulations & Fee Amendment**

Being worked on.

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

Mr. Oliphant commented Schilling Development expressed they wanted to go into Maintenance. They completed a field visit and an encompassing letter will be going out. Some items will need to be corrected.

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

Mr. Oliphant commented Schilling Development expressed to reduce to the maximum allowable reduction of 25%. We will provide a number and maintain performance.

##### **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.

**7. Cedar Lake Storage – Public Performance Letter of Credit expires July 1, 2023**

Mr. Oliphant commented he has not heard anything from them. They have time.

**8. Beacon Point East, Unit 2 – Performance Letter of Credit expires July 28, 2023**

Mr. Oliphant commented Schilling Development expressed they wanted to go into Maintenance. They completed a field visit and an encompassing letter will be going out. Some items will need to be corrected.

**Public Comment:** None was had.

**Adjournment:** Mr. Kiepura adjourned the meeting at 6:33 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 April 5, 2023.*