



CEDAR LAKE PLAN COMMISSION SPECIAL PUBLIC MEETING 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 Special Public Meeting to order on Wednesday, April 5, 2023, at 6:33 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. 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 Petitioner is requesting a Rezone from Agriculture (Ag) and R-2 to a Planned Unit Development (PUD) and a Preliminary Plat for a 29-Lot Subdivision.

Mr. Nathan Vis, Vis Law, stated at our last meeting there were a couple of items that needed to be reviewed. The Town Engineer and Officials still wanted some time to review some of the transportation studies along 141st Avenue. It is my understanding that all parties upon review of the 141st Avenue and the school crossing are happy with the design and the way the traffic flow is going to go move through there. My clients are paying for all of the improvements that are going to be implemented between the school crossing and 141st Avenue. This will allow for a bypass lane to ensure traffic does not get backed up over the railroad tracks. As far as 141st Avenue and Route 41, this was the most significant issue that was still awaiting further assessment from the Town's Traffic Study Engineer as well as input from INDOT. There is continuing increased traffic that is coming from the direction of the lake and there will be some traffic from my client's businesses as well. We have had conversation with the County and they have acquired all of the land that they need, and it is their plan to go public for a Letting of what they are deeming a five vehicles right-hand turn lane. For the people waiting to turn left onto Highway 41 from 141st Avenue from between the times of 8:00 a.m. to 9:00 a.m. and then again in the afternoon, their wait time may be increased 5 to 10 seconds. For those two time periods puts that intersection at an F rating according to INDOT. We have been in contact with INDOT in regards to this and they are aware of this intersection and they have indicated they continue to do traffic studies themselves on this intersection. We have received confirmation from them in writing that they acknowledge this intersection is under

State jurisdiction, and when the time comes based upon their markers to implement additional highway features that this intersection, is going to be on INDOT's cost and not on the Town or any other private developer. It was brought up that my clients were free to put down the top coat now rather than wait the 80% build out. There will be heavy machinery coming in and new development, my client's may want to wait to install that. We have agreed that once my client has a built out and ensuring that there is a maintenance bond that is sufficient to ensure if additional repairs need to happen to that top coat that those areas that are necessarily agreed to with parameters can be re-milled and re-surfaced to ensure that when the Town receives this public infrastructure that my clients are paying for and they are getting roadway that is in great condition.

In the Development Agreement that was sent to the Town for approval, looking at 18E my clients were willing to contribute per lot for each owner that would be obtaining a building permit \$1,500 toward public infrastructure. It was my clients understanding at that point that dollars may be needed for the Town to contribute towards the 141st Avenue and Route 41 intersection. With the State funding any intersection improvements at 141st Avenue and Route 41, my clients are requesting this be stricken from the Development Agreement. It is our request that the Plan Commission approve the PUD Agreement, Development Agreement as submitted this evening subject to further attorney review and minus Section 18E in the Development Agreement.

Mr. Oliphant stated a letter was issued on March 30, 2023. We were going to keep in Performance and not Maintenance. Our findings from the traffic impact study, the level of service is going from an E to an F and is passed at being beyond. Our recommendation is that a light goes in sooner rather than later. It is not in the Town's jurisdiction and we cannot force INDOT to do it. Our evaluation is that the loading we are stacking from growth and from the site specifically, warrants a signal. We recognize INDOT has provided in writing an email that says "if it is warranted, they will pay for it all." Nobody knows when that will go in and they are budgeted out for five years. Discussion ensued.

Ms. Abernathy stated she got comments over to Mr. Austgen and he has reviewed them and has his own comments that were sent over to Mr. Vis for final cleanup in the PUD.

Mr. Kiepura asked if there is anyone for or against this Petitioner's request. Seeing none, public comment is closed.

Mr. Carnahan commented there is consideration in dropping that charge for each property and that will get removed since the State is going to cover the cost. Mr. Foreman commented they are asking for it to be approved and submitted minus 18E and this was the \$1,500 we talked about in order to go towards the right turn lane. Discussion ensued.

A motion was made by Mr. Foreman and seconded by Mr. Sharpe to send a favorable recommendation to the Town Council for the rezone and for approval of preliminary plat with the contingency to not put down the top coat but keeping it in Performance Bond and also making the approval as submitted minus Item 18E which was the \$1,500 per building, contingent on the March 30, 2023 letter, the INDOT emailed letter, allow time for the Attorneys to clean up the documents, and to withhold the signatures pending completion of those documents and legal code. Motion passed unanimously by roll-call vote:

Mr. Carnahan	Aye
Mr. Foreman	Aye
Mr. Sharpe	Aye
Mr. Hunley	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

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

Mr. John Terpstra, 11131 Fairbanks Ct., Crown Point, IN, stated we received a comment from Mr. Oliphant in a letter and we addressed a majority of those issues and there may be a couple outstanding. We are attempting to develop the site at 9717 W. 133rd Avenue, Cedar Lake, IN from its current condition as a closed Chase Bank branch and developing a Culver's Restaurant. The site plan includes underground storm detention with detail that was sent to the Town Engineer for review. There are some impervious pavers that were placed in the parking lot to comply with the exception to reduce the amount of stormwater detention that was required for the site. We have a double drive through and there is an egress only point on the eastern side facing North out of the drive lane areas. We made the pathway on the north side of the building going West a one-way traffic pattern to avoid any congestion. The point of ingress and egress to the west facing north will have directional signage. There is an egress and ingress pattern that goes out on the south end of the west side of the property. There is a pass-through lane and we did remove the one parking stall that is diagonal outside of the drive window. The pass-through lane does allow for adequate space for emergency vehicles. All the variances are in line with what the plan shows. We would recommend the Commission to approve the site plan as submitted.

Mr. Oliphant stated we issued a March 30, 2023 letter recommending approval with several contingencies. They are related to lighting; we didn't get photo metrics until recent. We had two comments on the stormwater report regarding the impervious pavers.

A motion was made by Mr. Foreman and seconded by Mr. Carnahan to approve the site plan for Culver's on 133rd contingent on the 133rd Corridor Moratorium being completed as well as Christopher Burke Engineering March 30, 2023 letter. Motion passed unanimously by roll-call vote:

Mr. Carnahan	Aye
Mr. Foreman	Aye
Mr. Sharpe	Aye
Mr. Hunley	Aye
Mr. Kiepura	Aye

Public Comment: None was had.

Adjournment: Meeting was adjourned at 6:55 pm.

TOWN OF CEDAR LAKE PLAN COMMISSION

John Kiepura, 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 Special Public Meeting April 5, 2023.