



CEDAR LAKE PLAN COMMISSION PUBLIC MEETING MINUTES
CEDAR LAKE TOWN HALL, 7408 CONSTITUTION AVENUE, CEDAR LAKE, INDIANA
April 19, 2023 at 7:00 pm

Call To Order:

Mr. Kiepura called the Plan Commission Public Meeting to order on Wednesday, April 19, 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; James Hunley; 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: John Foreman

Minutes

Mr. Kiepura entertained a motion for the March 1, 2023 Work Session Meeting minutes and March 15, 2023 Public Meeting minutes; a motion was made by Ms. Dessauer and seconded by Mr. Hunley to approve the same. Motion passed unanimously by roll-call vote:

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

New Business:

1. 9720 W 133rd 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 133rd Avenue, Cedar Lake, IN 46303

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

Mr. Bruce Boyer, Boyer Construction, 9901 Express Drive, Highland, IN, stated we are seeking approval of a two-lot development located at 9720 W. 133rd Avenue, Cedar Lake, IN. We would like to construct a Centier Bank facility and a small additional commercial building on the adjacent lot. We are asking for the PUD approval, Preliminary Plat for the two-lot subdivision and Site Plan Approval. We received comments from Engineering and we have revised all of our drawings and re-submitted them.

Mr. Oliphant stated we issued a letter on April 14, 2023, but there was lighting, photo metrics, and the storm water report missing. We have not had a chance to review the re-submittal. Discussion ensued that they are not ready. Mr. Parker asked if they should move it to the next public meeting and work session or have a special public meeting. Mr. Austgen commented this would be up to the Plan Commission.

Mr. Boyer commented we would like to request this be at the next study session meeting. We submitted the photo metrics plan, landscape plan, we picked up all comments, re-submitted everything, and it just needs to be reviewed. Discussion ensued regarding Boyer Construction wanting to get started as soon as possible. Mr. Carnahan asked if they have underground storage for stormwater. Mr. Boyer responded in the affirmative.

Ms. Dessauer asked if this should go on the work session agenda in two weeks or in four weeks. Mr. Oliphant commented they will do their best to review it and Mr. Austgen needs to review the PUD documents. Discussion ensued. Ms. Abernathy commented they would like to work with the Engineers and legal team and make sure everything is in good working order.

Mr. Kiepora asked if there are any remonstrators for or against this Petition; seeing none, Mr. Kiepora closed public comment for this meeting, but public comment will remain open.

A motion was made by Ms. Dessauer and seconded by Mr. Parker to defer this matter to the next public meeting on May 17, 2023. Motion passed by roll-call vote:

Mr. Carnahan	Nah
Mr. Hunley	Nah
Ms. Dessauer	Aye
Mr. Sharpe	Aye
Mr. Parker	Aye
Mr. Kiepora	Aye

2. Black River Bells, LLC – Site Plan Update

Owner/Petitioner: Black River Bells, LLC, 7915 Kensington Court, Brighton, MI 48116
Vicinity: 13313 Wicker Avenue, Cedar Lake, IN 46303
Request: Petitioner is requesting approval for an updated Site Plan

Mr. Kiepora stated the next order of business is for an approval for a Site Plan Update.

Mr. Jeremy Wagner, Excel Engineering, stated we updated the plan to remove the patio from in front of the building. We removed one order lane so there will only be one order lane.

Ms. Abernathy commented they would have needed a variance if there were outdoor seating; seeing they removed this from the site plan, a variance will not be needed.

Mr. Carnahan asked if the developer received a license to operate in Cedar Lake. Mr. Wagner commented they were working on it.

A motion was made by Mr. Sharpe and seconded by Ms. Dessauer to approve the updated site plan. Motion passed unanimously by roll-call vote:

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

3. Ordinance 1458 – Zoning Ordinance Amendment – 133rd Avenue Commercial Corridor Overlay District

Mr. Austgen stated the legals are in order for the Public Hearing.

Ms. Abernathy stated this is a proposed Overlay Ordinance for the 133rd District and it would be establishing the overlay corridor 350 feet North of the center line of 133rd and 350 feet South of the center line of 133rd from Wicker to Parrish. It would allow for B-2 uses and B-1 uses in the Overlay District, existing residential would continue to exist as existing residential until a time a future owner determines to no longer use it as residential and then it will need to comply with the Overlay Ordinance. Anything outside the B-2 use would then need a Variance of Use in front of Board of Zoning Appeals and Town Council. There are a couple of additional uses that are currently outlined needing additional Variance of Uses.

Mr. Parker asked does this match the Zoning Ordinance. Mr. Austgen stated it will when it gets adopted. The requirement within the Overlay District allows B-2 zoning uses as of right or permitted and beyond that variances of uses are required. Mr. Austgen commented the zoning regulation is very important and took a lot of study. We were looking for ways to preserve, protect and enhance value and use in the corridor. Planning and consideration met the standards that are set forth in the Indiana Code 36-7-4-603 by combining those elements, quality, comprehensive plan, compatible, preservation of values and property. Mr. Austgen read a portion of the Ordinance 1402, Section 7.8, Section A, B and C. Staff, Town Engineer and I felt this was a simple and easy to understand what was permitted and what was retained. Any and all other uses of the property within the 133rd Avenue Commercial Corridor Overlay Zoning District including the following are hereafter only permitted upon grant and approval of a variance of use by the Town Jurisdictional Planning Authority:

- A. Commercial mixed uses consisting of office and retail uses.
- B. Residential mixed uses provided set precedent use are located on the 2nd floor or higher and feature internal access to each unit.
- C. Accessory buildings are not permitted deconstructed within the zoning.

Ms. Abernathy stated we were looking at where the lines fell and language was drafted stating if 75% or more of the property is located outside of the commercial Corridor District that it would be exempt from the requirements of the Overlay District. If more than 75% is in, then it will have to comply with this. This will allow for properties that have only a small portion of the lot inside allowing that property to be exempt and allow the Building Department understand that these particular parcels because there is a greater amount of land outside of the district does not fall within the Overlay District.

Mr. Austgen commented this was an attempt to bring a uniform set of criteria for an overlay. The zoning on this street is no different than anything else in Cedar Lake. It is unique, individual, e.g., we have a setback on the southside of 133rd Avenue, East of the railroad tracks, and southside that caused setbacks in business buildings have been constructed over time, e.g., O'Reilly's. Those buildings are setback because of zoning and lots of records that were done pre-incorporation. We looked at the area on both sides of 133rd Avenue, and how it is maintained but probably any commercial area is subject to change and modernization or updating. Discussion ensued.

Mr. Carnahan asked will this be only on the west side of the lake. Mr. Austgen stated this is why it is titled Overlay District so there is no misunderstanding and this is between Parrish and Route 41.

Mr. Carnahan asked if Tom & Ed's, Nagy's, Precision if they go out of business for six months then they revert back to a commercial and can it be re-established. Ms. Abernathy commented not without a Variance of Use. If a recommendation is given on this and is sent to the Town Council for approval, everything that is existing would become a legal non-conforming if it does not conform with the Overlay District. If it is out of use for six months or greater, then it has to comply with the Overlay District or seek a Variance of Use from the Board of Zoning Appeals and Town Council.

Mr. Carnahan commented the residents on 133rd Avenue can sell their property and become a business but only with these guidelines. Ms. Abernathy commented as long as it's within this overlay.

Mr. Kiepora asked if there are any remonstrators for or against this Zoning Ordinance Amendment.

Mr. Carl Sprehe, 7326 W. 143rd Avenue, asked what is the setback requirement for the center line and 133rd to the front of the building you're proposing. Mr. Austgen stated we are not proposing any buildings. This is for property owners who may want to develop or improve or change the use of the property. Mr. Carnahan commented he wants to know if from the center of the road to the front of the building is 50-foot and would that be included in the 350-foot. Mr. Austgen commented the property is not in that setback, it puts it 50-feet on 133rd on the south side. Mr. Sprehe asked what criteria is being established in the event the parcel cannot identify that 350 or is 350 just a criteria within that change. Mr. Austgen stated there would be a variance.

Ms. Vicki Vicari, 502 E. Commercial Avenue, Lowell, IN stated she owns the property on the northeast corner of US 41 and 133rd. Any business that is there currently will be legal non-forming, nothing changes and we run business as usual. If we go out of business for a period of six months or longer new rules apply to anybody going into that property correct. Mr. Austgen commented that is fair. Ms. Vicari asked if residents can continue to live in their homes and nothing changes, but if they sell the property, then it can no longer be a residence.

Ms. Abernathy stated residential use continues until a such a time the current and/or future property owners determine to no longer use it as residential. For example, a house in this Overlay Districts sells

and the new owner decides to open up a boutique beauty salon, then they would have to comply with the Overlay District. If they want to keep it as a residential, they can. Ms. Vicari asked in this Overlay District will there be any other requirements as far as changing esthetic purposes of the buildings. Does anything have to conform for a certain visual. Ms. Abernathy commented nothing is proposed at this time.

Mr. Rich Stech, 13514 Osborn, Cedar Lake, stated there is a house at 11104 W. 133rd and my understanding it is in the process of being torn down. Will it be up to the owner if someone buys it and what it is going to be zoned. It would be in between two residential buildings. Mr. Salatas stated it would be zoned whatever it is currently zoned. The property owner could petition this Board for a re-zone depending on the expected use if they want to use it and that would be a Public Hearing which would be required. Ms. Abernathy commented it is already zoned a B-2. Mr. Salatas commented a business can buy that lot as long as it complies with all of the requirements up in the Zoning District then they can build on that.

Mr. Carnahan asked what if they want to build another house there. Ms. Abernathy stated they would have to petition the BZA for a Variance of Use.

Mr. Joseph Siwinski, 13825 Huseman, stated he owns a shop at 10800 133rd, asked regarding this proposal and if you are going to have a public hearing to maybe demonstrate what the changes are what you are looking for. I haven't seen any of those changes. You are taking away property rights and with leaving it up to a Board later on if he wanted to sell his building or someone else did. It is not indicated what the proposals are. It's an overlay for a whole street and he thinks that we would want to know what the proposals are. We need to have a presentation of what the changes are. Ms. Abernathy stated it is to propose only to allow B-2 uses, a B-2 use is a community business. That allows for any B-2 Zoning District, there's a lengthy amount that is allowable in B-2 and also allows for everything in B-1 which is the neighborhood business zoning classification. All together there's about 70 total permitted uses in the district combined. What it does not allow for is anything B-3 which is general business which is heavier uses and light industrial. Mr. Siwinski commented maybe have this in common terms so people can understand.

Ms. Dessauer stated this has been on our agenda for about eight months. For us, and for anyone else that attended meetings or checked in with what's going on in the Town in general, this isn't something that was put in front of us. We have a lot of knowledge of this as the public should to. People can go to meetings or go on Youtube to watch the meetings. Mr. Siwinski commented the Public Notice should have come out sooner so there could be public input into what it is being proposed. We are the ones that own them and being affected and then subject to the Board's approval for a special use. Maybe it would have changed in the beginning because if you're operating within a room of yourself, but you want the public's opinion to help shape that and get a better product. The suggestion is that there needs to be another public hearing to be able to show what it is exactly what you're doing and not in some code form, but in a demonstration. Ms. Abernathy discussed the different uses in B-1 and B-2.

Ms. Vicari commented the Board has looked at this in the last six months and you do this every day. We received a letter in the mail that said there's a meeting tonight in regard to this corridor and it affects our property. The information Mr. Austgen gave us is informative; however, we don't have it to look at, dissect, reference or absorb. If this were included in the letter, maybe it would have eliminated a lot of the questions and concerns that we as property owners in this community have. Discussion ensued.

Mr. Carnahan asked if we should defer this for a month. Mr. Siwinski commented a presentation would show this is why we're doing this. What is the objective of doing this and why just here. Discussion ensued. Maybe it can be made in other parts of the town so that we have good things that can come because of that. Something that concerned me is we were trying to get a uniform standard here of certain things and if the buildings uniform standard is what you are looking for, I would not support that. One of the things that makes Cedar Lake unique is the unique buildings and different things and I think people like that eclectic style.

Mr. Parker commented what caused this to be looked at was there was a new Zoning Ordinance adopted to update an old Zoning Ordinance and the map didn't match the requirements of the new zoning. That is why the zoning map had to get updated to make the new Zoning Ordinance functional. Nobody realized until the Zoning Ordinance was adopted that it needed to be updated in addition. This cleans things up for definitions of use that match the new Zoning Ordinance.

Mr. Kiepora commented we are trying to set up a system so everybody will be consistent with the type of business they are going to put in there. We don't want B-3 going in on to small of a property. We want to keep it B-1 and B-2, but if you have a business in there now that is a B-3, it doesn't affect your business. It affects down the road. Discussion ensued. Mr. Parker commented they want to make sure their private property rights are protected. We do not want to rely on a Board to approve everything if they want to sell a building.

Mr. Carnahan asked if what they want to see is a map that shows all the buildings and shows 350 feet on both sides. Lengthy discussion ensued of what the presentation should look like and how the public can come to the meetings and remonstrate for or against a Petition.

Mr. Paul Perez, 10733 W. 133rd Avenue, stated I have an automotive service center and the B-2 does not work in my building. I cannot bank on someone in the future buying the property and putting a business zoned B-2 in there. There are probably 20-25 uses that goes down from B-3 to B-2. That affects my bottom line and my neighbors' bottom line. Ms. Abernathy mentioned to me this company is grandfathered and if it was sold for a similar use, that would be ok by the Town's Ordinances. I don't trust that too much, things change, rules change. I'm all for beautifying the Town and there are some eyesores that need to be taken care, but in my situation, it does affect me. When I sell this building in the future, it will not be a B-2. Discussion ensued regarding the B-3 zoning building that Mr. Perez owns.

Mr. Todd Jenkins, 10805 W. 133rd Avenue, stated my business is an investment. I feel this is going to devalue our properties. While my property by itself is not useable, in combination with the neighbors' business, somebody would want to do a B-3. Mr. Parker commented if the three properties are put together, they can still be proposed B-3 if the square footage requirement from the properties combines enough to meet the Ordinance. Discussion ensued. Mr. Jenkins stated I want to put on the record that I'm against this. Mr. Parker commented unfortunately, some of that discussion should have been had when the Zoning Ordinance was getting worked on and before it was approved because the Zoning Ordinance has been adopted and the Zoning District has to meet it or the Zoning Ordinance has to change. For B-3 zoning, it requires 40,000 square feet. Mr. Jenkins commented the combination of the neighbors' businesses, would meet that. Mr. Parker commented if it adds up. Lengthy discussion ensued. Mr. Jenkins asked if the Zoning Ordinance was a public hearing. Ms. Abernathy stated it was properly noticed in the public hearing for three to four months starting in December 2021. Discussion ensued.

Mr. Nolan Beke, 7325 W. 143rd Avenue, asked what is the criteria for proper notification. Mr. Austgen advised the affected property owners are noticed with a verification with a list of owners, certified mail is provided to them with the Notice of the Public Hearing and there is publication in two newspapers before ten days before the Public Hearing that notifies the public and those are the legal requirements.

Mr. Perez asked what is he classified. Mr. Austgen stated legal non-conforming. Mr. Parker commented your B-3 use is good as long as you have your business there unless it goes empty for six months. Lengthy discussion ensued regarding what type of use would go into his property if it sold. Mr. Austgen stated in many transactions with commercial property, the zoning endorsements are sought and title insurance companies issue coverage for based upon letter reports from the Planning Director about the Zoning District, classification and the permitted use. Those are the insurance policies to your preservation of value and the building of transfer of property for similar use.

Discussion ensued regarding B-3 zoning and legal nonconforming properties.

Mr. Perez commented when there is talk of new development, drainage, infrastructure, do they lose the property to commercial rights. Ms. Dessauer commented this is the 75% rule. Ms. Abernathy stated when we created the Zoning Ordinance, there is property that is greater than 75% of the lot falls outside of this. Some of the property when the 350 line was drawn, only small bits of the land of their parcel would be encapsulated in which would stretch it down further south in those 350 feet. The change was determining if 75% of the lot falls outside that boundary line, they are exempt from the Overlay District, but if more than 75% is in, then it has to comply if they don't continue their use.

Mr. Perez asked if their residences on there are above 75%, then there is no issue to them because their entire property is exempt, not that 25% on the overlay. Mr. Salatas stated our attorney commented that residential properties are exempt from this so they can continue to live in their homes unabated.

A written communication from Mr. Jerry DeYoung, 1318 Ballybunion Court, Dyer, IN, stated he owns a building with the following addresses: 9740, 9742, and 9744 W. 133rd Avenue, Cedar Lake, IN. This building has three residential units on the second level and three commercial units on the street level. The three apartments on the second level are two-bedroom units with an exterior rear entrance that is not enclosed per the proposed overlay and the open stairway is not allowed and he has three mixed use office and retail tenants on the main level where office space will not be allowed in this corridor. There are probably other issues that I am not aware of with my property that do not conform to the proposed overlay district requirements.

I understand that my current building will be considered legal but non-conforming. However, my biggest concern is if I propose any tenant (residential or office) or building changes, I will be forced to make the tenant or building conforming. I am requesting that my building be grandfathered so we do not have to be concerned about being forced to make a change that was never a requirement in the past. I understand the Town making this requirement for new buildings, but please do not push this proposal on current properties.

Thank you for your consideration.
Jerry DeYoung

Ms. Dessauer asked if the lower level is office space and the second level is apartments and according to what is happening, with the exception we are asking that any second-floor residential units have an inside

access and his tenants get in from the exterior. That is the only issue, correct. Mr. Austgen stated this makes him legal non-conforming in that structure. Ms. Dessauer commented his mixed use, commercial on the lower level, his residential on the second level is fine, but there is exterior access to the units as opposed to the interior and if he sells, it's commercial space, mixed use and the purchaser has the same intent to keep the businesses there with two residential spaces upstairs with an exterior entrance, can he do that. Ms. Abernathy commented as long as they maintain the same use. Ms. Dessauer asked without saying he is grandfathered in and as long as the use is the same going forward as it is currently, he would be ok. Mr. Parker commented unless it is empty for six months. Mr. Austgen commented the Zoning Ordinance still applies.

Mr. Terry Broadhurst, 13513 Morse Street, stated he wanted to clarify what was discussed about the approval of the overlay. From his understanding, everyone received their letter for tonight's meeting to come in for the approval of the Ordinance Amendment. It was discussed this process was going on for months and anyone could have come in to see what was happening. I've been to the meetings and every time it was discussed it was on the Update Items and it was always between Mr. Salatas and Mr. Austgen and always stated "working on it." There were never any updates with information given to the public or any renderings. I understand the upgrades and moving the Town forward, but I want to make sure everyone realizes that between the last six to eight months this has been an Update Item. There was never an announcement for a public meeting for the public to come and listen to what was being worked on. There wasn't any detail on this. The important part of doing something this big, it's important to involve the public and so many things are getting changed so fast everywhere you look and it should start first with the public. That way if it gets passed or not, at least everybody has a voice in the process.

Mr. Kiepora commented public comment is closed.

Ms. Dessauer commented she has an idea and since the Zoning Ordinance has been changed and there is some misunderstanding, would it be an option to have another meeting with a presentation and if people wanted to ask questions, they can do so. Mr. Parker asked is there a potential to change the Zoning Ordinance. All of the rules have been made and adopted for the new Zoning Ordinance. The map didn't catch the Zoning Ordinance. If the Zoning Ordinance is adopted and is the law for the municipality unless you change the Ordinance, but everything should work. Mr. Dessauer commented there is confusion and another meeting can put people at ease about it.

Ms. Elizabeth Paluzzi, 9714 West 133rd Avenue, stated she was looking for a site plan that includes the overlay. This has been going on for about six months and was never notified in the beginning of the process but only at the end of the process. Ms. Abernathy commented she can get it posted on the website, along with the Ordinance.

Mr. Siwinski commented he believes that any Ordinance that is made can be modified if the public has a different opinion and the Board agrees with that in the future if it makes more sense if there is public input. Discussion ensued.

Ms. Vicari commented she understood public comment was closed, but new discussion has been brought to the table and public comment is important again. We just want to be informed. A map that shows this property because it affects all of us along 133rd, but it also affects the people who live in the neighborhood behind 133rd between Route 41 and the railroad tracks on the south side of the road. It could affect somebody who lives in a home behind a business on the north side of the tracks from Route 41 to 133rd Avenue. If we have a map and a list what B-1, B-2, B-3 means, because if you don't own something, you

don't know. Mr. Kiepura commented we are talking about having a work session and inviting whoever wants to come to it. Discussion ensued.

Ms. Paluzzi commented she saw the map and it incorporates my entire property and my existing building and the property I have alongside that building. If I chose to build another residential building there, would that be allowed. Mr. Parker commented not without a variance. Discussion ensued regarding possibly building in the Overlay District in the future and staff could explain what would need to be done.

Mr. Kiepura commented public comment is closed.

Mr. Kiepura commented it is suggested we have a meeting at the work session to discuss the questions and they can give us some questions. We can put a handout together so they would have a map and other information. Mr. Carnahan commented if we do that, the work session will be May 3, 2023 at 6 pm on the first Wednesday of the month and 7 pm on the third Thursday. Mr. Kiepura stated this item would be last on the agenda.

A motion was made by Ms. Dessauer and seconded by Mr. Carnahan to defer this item to the next Work Session on May 3, 2023 at 6 pm with a prepared short presentation and a handout available. Motion passed unanimously by roll-call vote:

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

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

Ms. Abernathy commented they are requesting an extension to August 4, 2023. They got a punch list back from Mr. Oliphant earlier this month, the work was not going to be completed by the time of expiration. Mr. Oliphant asked should we set a pull date. Mr. Austgen responded in the affirmative. The pull date would be April 27, 2023.

A motion was made by Ms. Dessauer and seconded by Mr. Parker to set a pull date of April 27, 2023 for Beacon Point East, Unit 1. Motion passed unanimously by roll-call vote:

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

Update Items:

1. Building Regulations & Fee Amendment

Mr. Austgen stated they are working on it. Mr. Kiepura commented we discussed everything prior to that and legal is going over reviewing it and making sure the terminology is correct.

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

Ms. Abernathy stated they will be requesting a year extension and has the letter. Mr. Oliphant commented it is also a reduction and it needs to be voted on for the next public meeting. It is for the reduction to the maximum reduction allowable.

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

Ms. Abernathy commented she reached out to the school. This will need to be extended. Mr. Oliphant commented this may be on the May 17, 2023 also if we do not hear back from them.

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

Ms. Abernathy commented their intent is to extend.

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

Mr. Oliphant commented hopefully it will rotate and will have a better idea sometime in May.

6. Beacon Point East, Unit 2 – Performance Letter of Credit expires July 29, 2023

Mr. Oliphant commented Unit 1 and 2 punch lists are combined into one based on the expiration date of July 28, 2023. The hope is to roll over into one Maintenance Letter of Credit.

Public Comment: Ms. Angie Mikolajczak, 12806 Lee Cove Court, commented there is vacant property behind my home and the last week I've seen Cedar Lake utilities on that property and also an infrastructure vehicle on that property. I'm curious how do I find out what is going on behind me. Discussion ensued. Ms. Abernathy commented it is in a R-2 Zoning District. It is currently a metes and bounds. At this time; there is no formal application made, but it would need to go through the subdivision process which would need to be publicly noticed. Discussion ensued regarding the utility trucks that were on that property. Ms. Dessauer commented if someone wants to build on that land, they would have to come with a plan and come before the Plan Commission. Discussion ensued regarding that the property is metes and bounds. Ms. Mikolajczak asked if something gets built on that property, how much time do I have to discuss what is going on with the property. Mr. Austgen commented she would receive the letter ten days before the public hearing. Ms. Abernathy stated she is able to come in and see the plan, and discuss the plan.

Mr. Jerry Wilkening, 10826 West 131st Avenue, asked if the punch list Beacon Point would include the pond. Mr. Oliphant responded in the affirmative. Mr. Wilkening asked if originally there were three locations for the lake dredging. Mr. Oliphant stated there are 12 spots. Mr. Wilkening asked we are not changing any of the depth of the shallow areas on the north or south end of the lake. Mr. Oliphant

commented we are changing some pockets every now and then. We are staying away from the shores for the majority of it.

Mr. Wilkening commented when the Brunt Farm was approved there was another plan for it. In 2006 or in 2008, was that approved for mixed use. Mr. Austgen responded in the affirmative and did not include apartment buildings. Mr. Carnahan commented they sold 20 acres to Schilling.

Mr. Carnahan asked if there is a meeting scheduled for the restoration. Mr. Oliphant responded in the affirmative on May 8, 2023 at 6 pm.

Mr. Paul Perez, 10733 W. 133rd Avenue, asked what is going next to the CVS. Mr. Carnahan commented a Taco Bell and a Domino's Pizza across the street from the Chamber of Commerce. Mr. Oliphant commented nothing has started yet.

Adjournment: Mr. Kiepura adjourned the meeting at 9:04 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 19, 2023.