



CEDAR LAKE PLAN COMMISSION PUBLIC MEETING MINUTES
CEDAR LAKE TOWN HALL, 7408 CONSTITUTION AVENUE, CEDAR LAKE, INDIANA
May 17, 2023 at 7:00 pm

Call To Order:

Mr. Kiepura called the Plan Commission Public Meeting to order on Wednesday, May 17, 2023, at 7:00 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; Ashley Abernathy, Planning Director; and Cheryl Hajduk, Recording Secretary.

Absent: John Foreman; Chris Salatas, Town Manager

Minutes

Mr. Kiepura entertained a motion for the April 5, 2023 Work Session Meeting minutes and April 5, 2023 Special Public Meeting minutes, a motion was made by Mr. Sharpe and seconded by Mr. Parker 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

Old Business:

1. Boyer - 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 old 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. Bruce Boyer, Boyer Construction, 9901 Express Drive, Highland, IN, stated we are looking to redevelop the property located at 9720 W. 133rd Avenue into a Centier Bank and another commercial building. We

have addressed all of the comments from Mr. Oliphant and we re-submitted everything. We are seeking approval for the re-zone to a Commercial Planned Unit Development, Site Plan approval and a two-lot subdivision.

Mr. Oliphant stated we issued a letter on May 12, 2023, the PUD comments are back and there was a re-submittal. We have photometrics and we can work that out.

Ms. Abernathy commented they put in the language that was requested to allow reduced setbacks, and signage being on from 5 am to 11 pm. All of the major comments have been addressed.

Mr. Kiepura asked if there were any remonstrators for or against this request. Seeing none; public comment is closed.

Mr. Austgen stated there are three items on the agenda to consider with regard to this petition. The certification you make to the Town Council will send a recommendation on the zoning change to the PUD zoning. The site plan will be contingent upon the PUD zoning occurring and the primary plat will give approval if you consider it to be in good shape and regarding the Ordinance. If you certify a favorable recommendation for the zone map amendment to occur for the PUD zoning, the Ordinance needs to be in final draft form and can be ready for the next Town Council meeting.

Mr. Kiepura asked if any approval we give will be contingent upon the Town Council passing that Ordinance. Mr. Austgen responded in the affirmative.

A motion was made by Ms. Dessauer and seconded by Mr. Hunley to approve a Rezone from B-1 & B-3 to Commercial PUD and to send a favorable recommendation to the Town Council. Motion passed by roll-call vote:

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

A motion was made by Ms. Dessauer and seconded by Mr. Parker to approve the Preliminary Plat contingent on Mr. Oliphant's letter dated May 12, 2023 as well as approval from the Town Council for the PUD. Motion passed by roll-call vote:

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

A motion was made by Ms. Dessauer and seconded by Mr. Sharpe to approve the Site Plan contingent on the Preliminary Plat and also contingent on the acceptance of the PUD to include Mr. Oliphant's letter dated May 12, 2023 and any comments from Building Department. Motion passed by roll-call vote:

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

A motion was made by Mr. Carnahan and seconded by Mr. Hunley to have the Ordinance 1461 and prepare appropriate language sent to the Town Council. Motion passed 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. 2023-05 – Lakeview Business Park – PUD Amendment

Owner: E3, LLC, 1341 McCoy Drive, Schererville, IN 46375

Petitioner: CLBD South, LLC, P.O. Box 488, Dyer, IN 46311

Vicinity: 13735-13923 Wicker Avenue, Cedar Lake, IN 46303

Mr. Kiepura stated the next order of new business is for a Petition requesting an approval for a PUD Amendment.

Mr. Andrew Bultema, P.O. Box 488, Dyer, IN, stated this is an amendment to the PUD which was a request by several interested buyers for lots in Lakeview Business Park.

Mr. Kiepura read Section One of the Amendment to PUD Ordinance.

Ms. Abernathy commented she had minor comments on the language of the top portion of the Ordinance. All the comments and prepared Ordinance went to Mr. Austgen. Mr. Austgen stated the PUD has some development partners and they have met with town staff and developer staff. This was explained in the context of what is being proposed to be developed on this property. It was felt in the meeting we had the information provided was reasonable and consistent with the report made to you about minor versus major and requiring public hearing or not. It was concluded that these changes were not substantial and that the public hearing process would follow in an Ordinance Amendment, so in the background that's what this is about. The matter is simple adjustment of property lines and development standards for the project. There is a strong recommendation for this to be considered by you and will take a small amendment with a favorable recommendation to the Town Council and this matter could be accomplished with purposes of the development contemplated.

Ms. Dessauer asked what was the original agreement to allow multiple buildings on one lot with a setback of 20-feet. Ms. Abernathy stated the Ordinance only allows for one primary structure on one lot. This allows for two smaller footprint buildings on a singular lot, because these are larger lots and allows the ability to build two small units on one lot provided that they have 20-feet of setback between each building. Ms. Dessauer asked if this is for ancillary structures. Ms. Abernathy responded in the negative. It would allow for multiple primary structures. Mr. Carnahan commented most of the lots are one-acre lots.

A motion was made by Ms. Dessauer and seconded by Mr. Parker to send a favorable recommendation to the Town Council for the Amendment to PUD Ordinance and contingent upon Mr. Oliphant checking the triangle site line for the movement of the sign. 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

2. Beacon Pointe East, Unit 1 Performance Letter of Credit Extension Request

Ms. Abernathy stated last month we set a pull date because they were looking at extending but we did not have the Letter of Credit received. We have reviewed the extension request and it has been accepted by the Town Council. We need to retroactively accept the extension to August 4, 2023.

A motion was made by Mr. Parker and seconded by Ms. Dessauer to approve the extension Letter of Credit to August 4, 2023. 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. Beacon Pointe West, Unit 5 Performance Letter of Credit Extension Request

Ms. Abernathy stated they are requesting an extension for an additional year until next May 19, 2024 and they are also requesting a reduction in the amount to \$212,835.71. The Town Council acted favorably on this last night because the expiration for this is May 19, 2023.

Ms. Dessauer asked why is there a reduction. Mr. Oliphant stated they are reducing it to the maximum allowable of 25% of the original estimated costs. They only have paving, surface coat and some sidewalk; this will more than cover the costs. The remaining costs for those items are around \$50,000.

A motion was made by Ms. Dessauer and seconded by Mr. Carnahan to accept the reduction of the Letter of Credit to \$212,835.71 along with extending to May 19, 2024. 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. Lakeview Business Park – Conversion of Performance Letter of Credit to Maintenance Letter of Credit

Mr. Andrew Bultema, CLBD South, P.O. Box 488, Dyer, IN, stated we are requesting to move from Performance to Maintenance. We completed everything from Mr. Oliphant's and the Town's list and we would like to move forward.

Mr. Oliphant stated this will rotate into Maintenance Letter of Credit. The fields inspections have passed, so it's in order to be rotated for \$217,777.62 for three years. Ms. Abernathy commented the expiration date on the Letter of Credit received is May 17, 2026.

Mr. Austgen asked with the proposed developments standards amended slightly, do any of those impact anything you reviewed for conversion or change from Performance to Maintenance. Mr. Oliphant responded in the negative. Mr. Austgen commented we don't have any surprise expenses to those items of inquiry by developers. They want to know who is responsible, and who did what. Mr. Oliphant commented it will all remain current.

Ms. Abernathy stated it is the recommendation that we append Mr. Oliphant's letter of April 27, 2023 to the Letter of Credit.

A motion was made by Mr. Parker and seconded by Ms. Dessauer to the reduction of Performance Letter of Credit to Maintenance Letter of Credit in the amount of \$217,777.62 for a three-year period. 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

5. Hanover Community School Corp Performance Letter of Credit Extension Request

Ms. Abernathy stated she received the Letter of Credit extension request from Hanover School and they are extending until May 24, 2024. This was extended at the Town Council because of the expiration date.

A motion was made by Ms. Dessauer and seconded by Mr. Carnahan to approve the Letter of Credit extension to May 24, 2024. 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

6. Perez Performance Letter of Credit Extension Request

Ms. Abernathy stated she received an extension request and they are requesting an extension to June 14, 2024 and they are not reducing the amount as this is only for the sidewalk.

A motion was made by Mr. Parker and seconded by Ms. Dessauer to extend the Letter of Credit to June 14, 2024. 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

Ms. Abernathy commented it is still being reviewed. Potentially July at the earliest.

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

Ms. Abernathy stated they want to extend. Discussion ensued regarding storing anything outside unless it was paved.

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

Mr. Oliphant commented Unit 1 is extended to August 2023. They will address our punch list item letter dated April 6, 2023 to rotate to Maintenance. Beacon Point East 1 was extended to August 4, 2023.

4. Beacon Pointe Unit 1A – Maintenance Letter of Credit expires August 5, 2023

5. Beacon Pointe Unit 2 – Maintenance Letter of Credit expires August 6, 2023

Mr. Oliphant commented they notified Public Works to begin maintenance inspections and our staff will begin surface inspections. A punch list will be ready so they can get out of Maintenance before the expiration dates.

6. Rose Garden Estates Unit 3 – Performance Letter of Credit expires August 22, 2023

Mr. Carnahan asked on Unit 1 there were 100 items that were on the list, have those been corrected. Mr. Oliphant stated we issued a cumulative letter on April 20, 2023 and it included remaining items from Phase 1. They are down 25 comments from the original 100. We did field inspections for Units 2 and 3 and we provided an additional 85 comments.

Ms. Dessauer asked have we converted anything from Units 1 and 2. Mr. Oliphant commented we have never reduced or converted. We don't have as build's yet for Phase 2 or 3 and Public Works hasn't started infrastructure inspections yet. Discussion ensued at length with getting this project completed and there are estimated 50 lots left.

Ms. Abernathy commented they need to re-pull four to six home permits that expired, were renewed, and expired again.

Ms. Dessauer asked what do we need to do. Mr. Austgen advised the staff to contact and connect with them for assessment and status purposes. Mr. Oliphant stated we will start pushing them in conjunction with the Town Manager. Discussion ensued in length.

Public Comment:

Ms. Cheryl Parker, 7227 W. 136th Court, asked is this the developer who has been here, and will be building a lot more in the near future. Ms. Dessauer commented this is Lennar in Rose Garden who we are talking about. Mr. Carnahan this is across from Centennial. Ms. Parker asked does this impact any future developments. Mr. Austgen stated it does.

Ms. Abernathy commented at the Town Council meeting, the 133rd Commercial Corridor Moratorium was lifted by the Town Council. Mr. Carnahan commented the 133rd Commercial Corridor Overlay will be on the next work session for people to comment on.

Adjournment: Mr. Kiepora adjourned the meeting at 7:42 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 May 17, 2023.