



CEDAR LAKE PLAN COMMISSION WORK SESSION MEETING MINUTES
CEDAR LAKE TOWN HALL, 7408 CONSTITUTION AVENUE, CEDAR LAKE, INDIANA
June 7, 2023 at 6:00 pm

Call To Order:

Mr. Kiepura called the Plan Commission Public Meeting to order on Wednesday, June 7, 2023, at 6:02 pm with its members attending electronically and on-site. The Pledge of Allegiance was said by all.

Roll Call:

Members Present via Zoom: John Foreman **Members Present On-Site:** 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: Robert Carnahan

Work Session:

1. NYBY Development Corp – Preliminary Plat for a One (1) Lot Subdivision & Site Plan

Owner/Petitioner: NYBY Development Corp; 1370 Dune Meadows Dr., Porter, IN 46304

Vicinity: 9710 W. 133rd Avenue, Cedar Lake, IN 46303

Mr. Kiepura stated the first order of business is for a request for a Preliminary Plat for a One Lot Subdivision & Site Plan.

Mr. Nathan Vis, Vis Law, stated on behalf of NYBY Development, we are proposing a 5,400 square foot building to be operated by NYBY Service Center which will be an automotive center. There have been in front of the Board of Zoning Appeals for approvals for variances for front, side, rear setback and a variance for a lot size. We were attempting to come before you for a Preliminary Plat last November; however, there was a moratorium that was enacted in August of last year that was recently lifted. Discussion ensued regarding what the building consists of. We have a letter dated from August of last year from Engineering that there is nothing further for review, just building regulations. We would like to request to come to the Public Hearing in two weeks to seek Preliminary Plat approval.

Mr. Parker commented the square footage for this site still exists. Mr. Vis stated there was a Variance granted for the square footage in August of 2022 from the Board of Zoning Appeals for a Variance for the lot size. Ms. Abernathy stated in June of 2022, they received the first three Variances they needed which was side yard setbacks, rear yard setbacks and parking in the front yard. The original petition has been filed with the Plan Commission in February 24, 2022, which was prior to the Ordinance 1402 being adopted by the Town, but because no BZA applications have been applied for, the first BZA application came in April of 2022, and it put this petition under Zoning Ordinance 1402 which required the fourth

Variance of the lot size, because Zoning Ordinance 1402 requires 40,000 square feet versus the 20,000 square feet that was in 496 for a B-3 Zoning District. They applied for the fourth Variance in June of 2022 and it was heard in July of 2022 and deferred to August where it got approval. On August 16, 2022, at the Town Council Meeting, the Moratorium was put into place, and on May 16, 2023 the Moratorium was lifted which allowed this item to come back on the agenda.

Mr. Parker commented Ordinance 1402 has been adopted by the Town Council and requires 40,000 square feet for B-3 lot. Discussion ensued regarding the setbacks that were requested. Mr. Parker commented there was a lot of work done on the 133rd Corridor. He wasn't sure how a Zoning Ordinance is good when a Variance is granted to deviate from it.

Ms. Abernathy commented they started communications with Ms. Jill Murr back in December of 2021. Mr. David Lee, Nyby Development, stated his first meeting with Ms. Murr was October 1, 2021. Mr. Parker commented the process wasn't completed before the Ordinance was adopted. Mr. Lee commented our Site Plan was submitted before the Ordinance passed.

Mr. Vis stated the application was made before the Town Council approved the Ordinance change. Discussion ensued. The square footage of this building never violated the pass code for the existing code. Mr. Parker commented there has been significant discussion recently about people who own B-3 parcels and what they would have to do to develop B-3 parcels, including the amount of property needs to be acquired to meet the Zoning Ordinance the way it exists. Discussion ensued.

Mr. Austgen stated all of the approvals will be recommended or advised to be made with all of the land use approvals required to be approved, so that all of the items that are open are connected to this project. Mr. Parker asked shouldn't that meeting be had and that decision be made before we move forward tonight on anything. Mr. Austgen commented this is a work study session.

Mr. Kiepora stated tomorrow's meeting is about extending the approvals because it is getting close to the deadline, but we need to figure out what to do with the undersized lot. Mr. Parker stated his position is the same from the beginning on how the Zoning Ordinance took effort, time and money that went into the 133rd Corridor. Discussion ensued in length regarding the Zoning Ordinance.

Mr. Vis stated we would like to request to come back in two weeks for Public Hearing for Site Plan approval. Mr. Kiepora commented we will see this on the agenda for the Public Hearing in two weeks.

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. Kiepora stated the next order of business is for a request for a vacation of the Obadiah Taylor Subdivision.

Ms. Abernathy stated no one is present. A letter was sent over two weeks ago and there has been no communication.

Mr. Austgen stated his recommendation is to remove this from the agenda. What they are looking for is to be able to do some construction and pull permits. The best way to do this is a re-plat and put it into a one-lot subdivision versus vacating what was a metes and bounds property. This would be a least effective and least efficient method of doing what they want to do for end use. It defeats our lot of record and practice of requiring that for building purposes and construction.

Mr. Kiepura stated this has gone on long enough and they have not been here and no response from Ms. Abernathy's replies. My recommendation is to remove this from the agenda. Mr. Austgen advised this can be removed from the agenda in two weeks. Discussion ensued.

Ms. Abernathy commented this has never been publicly advertised because at the first meeting there was discussion of what they can potentially do and they talked about coming back to the next work session so then it was deferred to the next work session, so no public advertisement has been made for this petition and has not gone to a public meeting.

Ms. Abernathy stated she will send them a letter advising them that due to their lack of attendance, the item has been removed and if they would like to get back in front of the Plan Commission, they will need to file a new petition.

3. 2023-07 Yonk's Way Resub – Two Lot Subdivision

Owner/Petitioner: L & L Capital Assets LLC, P.O. Box 2010, Cedar Lake, IN 46303

Vicinity: 13310 W. 133rd Avenue, Cedar Lake, IN 46303

Mr. Kiepura stated the next order of business is for a request for a Preliminary Plat for a Two-Lot Subdivision.

Mr. Jack Huls, DVG, representing the Petitioner, stated at the last meeting there was some favorable discussions regarding a two-lot subdivision in a R-1 District. Since then, we have been employed to do some engineering and some survey work. We have had conversations with Ms. Abernathy regarding the project. Mr. Parker asked if this was going to a PUD. Ms. Abernathy stated they are going to leave it as an R-1 zoning and they are seeking four variances from the Board of Zoning Appeals to allow for reduction in setback lots.

Mr. Huls commented a lot of previous conversations were related to multi-family use of the parcel but the feedback was not desired by the Plan Commission. We would like to do two single-family lots and the zoning code shows it is currently zoned R-1. The number of variances that would be needed are the same no matter the zoning classification. The decision was to not seek the re-zone because then we would have to go in front of the Plan Commission and ask for Variances. We are seeking Variances from the BZA, which will be lot width, side yard setbacks. The reduction in the side yard currently is 30 feet and we are asking for a reduction of 20 feet. That was previously granted when it was a one-lot subdivision.

There were Developmental Waivers granted from this Board for detention, public road improvements, sidewalk improvements and drainage improvements as part of that one-lot subdivision, there were Variances granted because of the steep side slope for the house to be placed as far back and as far South on the lot. We are asking for the side-yard to be reduced to eight-feet and that would match the R-2 zone and we are also asking for a reduction to 12,500 square feet which normally is 15,000 square feet. For a corner lot width is 100-feet and 90-feet for a regular lot, we are asking for 80-feet and 75-feet. We are proposing to making improvements to the road, which would be curb and gutter on the frontage of the

lot on the North and East. When curbs go on a road, many times it requires drainage structures to be put in so we are including two drainage structures on 133rd. Currently, there is a six-inch ductal pipe and we went over the challenges with Mr. Oliphant that are out there. We are proposing that we would include sidewalks with the construction by the builder. We are requesting to be heard in two weeks at the Public Hearing and this is dependent on action from the Board of Zoning Appeals. Discussion ensued.

Mr. Parker commented both of the lots are going to have a greater square footage than is required for a pre-platted subdivision. Ms. Abernathy stated the interior lot will be 12,193 square feet and the exterior will be 12,787 square feet. The R-2 requires 12,500 square feet for corner and 10,000 square feet for interior.

Mr. Huls commented we have engaged the various land owners around us. There is M-1 use, residential properties, and we have talked to them and they are in favor and we have written proof which can be entered into the record. We submitted Engineering plans and Mr. Oliphant wrote a review with recommendations. We missed the zoning classification on the North and a couple of things we need to pick up on the primary plat. Mr. Oliphant stated we issued our letter on June 1st and there are minor comments and similar waivers to the last subdivision of stormwater detention, park dedication, street placements and cleaning up some addressing. When it will come to final plat, it will require some type of Performance Letter of Credit for the curbs, the sidewalk to probably go with the building permit. There will be some drainage improvements proposed with the development.

4. Lakeside South – Concept Plan

Owner: Cedar Lake 133, LLC, 8900 Wicker Avenue, St. John, IN 46373

Petitioner: Schilling Development, 8900 Wicker Avenue, St. John, IN 46373

Vicinity: 5604 West 141st Avenue, Cedar Lake, IN 46303

Mr. Kiepora stated the next order of business is for a Concept Plan for Lakeside South and discussing Rezoning the property to a P.U.D.

Mr. Jack Slager, Schilling Development, representing Cedar Lake 133, LLC and the Lakeside Development, stated Lakeside, Unit 1 was developed in 2017 and 2018. We came in 2019 and received approval on the balance of the original 80-acre site. We developed the first 54 lots and we're waiting for additional water capacity on the East side of Town. The water capacity is there, and the water tower is almost complete. The new water lines and wells are coming together, so it looks like we are going to re-start the development this Fall, and are able to put in 50 to 55 lots which will be called Unit 2, Block 1.

We came in last year with a Concept Plan for the 200-acres that is Lakeside South and at that time we proposed 600 units of three different products; cottage homes, paired villas and single-family lots. We received feedback from the Plan Commission at that time. Since September we have been researching and working with land planners, landscape architects, and the builders that are going to be a part of this development. This parcel was annexed into the Town last year and there was a four-acre strip that was acquired later and it needed to be annexed and was approved by the Town Council. We have 220 acres on this property and is currently zoned agricultural.

We have a revised version which is down from 600 units to 550 units and we have five product types. We have increased the number of single-family lots, decreased the number of paired villas and increased the amount of open space. We are trying to preserve the natural trees that are on the site. We split the large detention area, which is now two smaller lakes so we can break up some of the open space and won't

seem so dense. There will be a park with playground equipment near the entrance. Discussion ensued regarding a paved walkway and bike path to Founders Creek and we know that the Town has plans for a trail along Founders Creek and there will be funding for that. We have a mix of single-family lots of 60-foot lots, 70-foot lots with the majority being 80-foot lots. The paired villas are proposed to be 90-foot lots. Discussion ensued. The challenge with this site is there isn't municipal water or sewer available. We will be running a one-mile sewer all the way to Morse Street and it will tie into the main line on Morse Street. The Town will have the water line run from the new wells at the Lighthouse down 141st to the Southwest corner of our property and we will be taking the 12-inch water line continuing down 141st through our site and Lakeside and tie back to the new water tower. Due to the size of the project, it will take approximately six to eight years to develop and at least ten years to build out. [We originally asked for a density of 2.7 per acre and approximately 600 units] Now it is down to 2.5 units per acre with the 500 units. We are trying to put in a lot of greenspaces, walking trails and preserving trees.

Mr. Slager commented we are only a land developer; we do not do any building ourselves. We are primarily a material supplier, but we also develop lots and work with multiple builders which we hand select. We create strong covenants for the whole development that require high architectural standards and high-quality construction. We create strong Home Owner's Associations to maintain the common areas to enforce the covenants. We have a Home Owner's Association established in Lakeside and will continue through Lakeside South. We would like to request PUD Zoning and we will work with the Town on what that looks like and it will be a substantial set of rules that blends our covenants with the Town's Ordinances. We would like to move toward the zoning to a PUD without completing full engineering on the entire 550 lot development. This would be a recommendation to the Town Council for the re-zone.

Mr. Kiepura asked if the only ingress and egress is through the original subdivision. Mr. Slager stated there will be a main entrance on 141st to the South and we are providing a future road connection out to Cedar Lake Road which is on the East side and also a future road connection North to Cedar Lake Road. When we make our next phase of Lakeside, we will make this connection of 135th Place to Robin's Nest. If there were ever an emergency, there is a connection between Robin's Nest and Lakeside and each will have emergency access.

Mr. Kiepura commented there is a concern with traffic flow in the area, and asked will there be a traffic study. Mr. Slager commented we have talked about this with Mr. Jack Huls from DVG and they have the ability to put a study together. We need to be comfortable with the design and the number to put forth the traffic study. We will look at what direction the traffic is going to go and this is an eight-to-ten-year development.

Ms. Dessauer asked why does Schilling need to feel comfortable with the number or gauge if the Plan Commission feels comfortable with the number. Mr. Slager commented he wanted to gauge if the Plan Commission was comfortable with it. Ms. Dessauer stated she does not feel comfortable with the number and does not know how the Town can support this kind of development. Discussion ensued.

Mr. Slager commented our goal is to work through the approval process through the rest of this year and potentially be able to start next year. As we look to restarting the development of Lakeside, and in order to do that, we need to run the mile long sewer line all the way to Morse to get to Lakeside. We need to know where the roads are going to go and we have an easement through the woods and come through a middle cornfield and there will be a future road and lots. We also need to run the water line.

Mr. Kiepura commented traffic comes into a big play and discussion ensued.

Mr. Kiepura stated he does not like 60-foot-wide lots and something bigger should be looked at. Mr. Slager commented all lot sizes have 8-foot side yards. This is a minimum and many will be more. The 60-foot lot is maintenance free and the Association takes care of the lawn, irrigation and snow removal. As the lot gets bigger, it gets more expensive to do and the Association fees are higher. The 60-foot gets us the density we want. Discussion ensued.

Mr. Slager stated we are trying to master plan something nice and the total to the Town in building permits would be 7.3 million dollars and some of that is system development charges and some is park impact fees. The infrastructure costs that we are looking at in terms of roads and sewers that we are putting in is about 33 million dollars and the three percent inspection fee is around one million dollars. The property taxes generated by this development when fully developed annually to the Town will be approximately 2.5 million dollars. The increased valuation to the Town of Cedar Lake long term will be 220 million dollars. Mr. Parker discussed commuting in traffic and supporting the population in the Town.

Mr. Slager commented the Town is doing a good job in keeping up with the roads and improving the roads. Some of the fees that will be coming into the Town that will be used to enhance some of the roads and whatever roads we don't end up doing long term that there is a benefit to the Town in terms of tax revenue, increased valuation, building permit revenue and all of that revenue coming into the Town that can be used for some of these improvements.

Mr. Parker asked if here any way to make this less dense. Mr. Slager commented from a financial standpoint, no and we have done the math; we came in with 600 lots originally and we cut back 50 lots. We have a 1.5-million-dollar sewer line to come in and a million-dollar water line will run through the property. We have some hardships on us that we are trying to balance the density to be able to make that happen. The Town has spent time and money investing in the water system for this side of Town. Discussion ensued.

Mr. Foreman asked does the HOA or POA restrict people from putting a pool in and with 135-foot-deep lots, some people in the future will ask if they can put a pool in. Mr. Slager stated on the maintenance free smaller lots, they will be restricted to not having fences, pools or sheds. Discussion ensued.

Mr. Kiepura stated to try and get the 60-foot lots to 70-foot lots since we are in the talking stages.

Mr. Austgen commented Ordinance 1402 has a Development Plan or PUD Agreement proponent to it and probably us getting the bullets of what you are proposing would be important so they could begin putting their arms around it while you are looking at it also and that will be part of the PUD Agreement. Mr. Slager stated our next step is to work on the PUD guidelines so everybody can see what we are proposing in terms of quality level of housing, size restrictions, material restrictions and landscape restrictions. Mr. Austgen stated we will look at the utility part very carefully.

Ms. Abernathy commented our Comprehensive Plan calls for a low density being anything under three so by coming in at 2.5 they are meeting our low-density requirements. This is by no means suggesting they go with the 65 by 135, since that is part of what the PUD negotiations are for is for us to negotiate with the developer and what it is that you as a Plan Commission and we as the Town wants. Discussion ensued regarding the demographic change. Ms. Dessauer commented her opposition is not the 60-foot lots and she stated it is a good product and she likes the planning. The issue is how our Town at this point where

we are at today could support this and cannot see ten years from now because so much can change from now and ten years.

Mr. Foreman commented the way we would handle this is the infrastructure like the West side sewer interceptor and now the new water tower on the North end of Town as well as additional water lines. The improvements for infrastructure have been going on and as the next decade goes, the community should be thinking about residential TIF that is now passed in order to fix existing roads. Discussion ensued.

Lengthy discussion ensued regarding demographics and lot sizes.

Ms. Dessauer asked what is the plan now. Mr. Slager commented this will be done in maybe ten phases. We can start a development schedule and you can see what the numbers would look like over time. As we develop, there is a lag of the development to the building to the occupancy so there is that lag of years.

Mr. Oliphant stated they will be required to do a traffic impact study and will be a broader study than what a typical subdivision would be because of 133rd Avenue and 141st Avenue. This will require traffic improvements, roadway improvements. Discussion ensued regarding connecting roads and a connection to Founders Trail.

Mr. Oliphant asked if they want PUD approval without any Engineering. Mr. Slager responded in the affirmative. We do not want to spend six months and a half of million dollars engineering this. Mr. Oliphant stated there has to be some level of comfort, maybe 50% so we know especially with the large infrastructure improvements, water and sanitary to make sure it works with the land plan. Discussion ensued.

Lengthy discussion ensued regarding Founder's Park and density population.

Mr. Slager commented the traffic study and counts have been looked at already. A typical two-lane road maxes out at 10,000 cars. The County gives us traffic counts on a lot of the roads. The intersections are what we need to look at. Mr. Oliphant commented when you are adding traffic you are putting pressure on the roads that aren't in great shape and they deteriorate.

Mr. Hunley asked if the detention areas will have aeration. Mr. Slager responded in the affirmative.

5. Ord 1458 – 133rd Commercial Corridor Overlay District

Ms. Abernathy stated after the last work session she did a data analysis and looked at ten random lots in each Zoning District along the 133rd Commercial Corridor to get the total AV for each those areas and what is the total AV for just the land that it sits on. An average for a total of B-1 is \$437,200, for B-2 is \$703,940 and for B-3 is \$347,960 and this is with the improvements. For just the land that it is sitting on is \$129,544 for B-1, \$123,090 for B-2 and \$80,570 for B-3. When all were compared for each of the Zoning Districts, I put together two graphs that are in the packet for both of them. B-2 is the highest-ranking AV for that entire corridor and what it is showing by trends is that when it is zoned B-2 it is the highest valued property in that area. When there were talks through the meetings during public comment sessions that by putting on the B-2 Overlay, we would be reducing, prohibiting, taking away the property value. The math from the Assessor's Report Cards show that it actually would help in improving it.

Mr. Parker asked what was the intent for the 133rd Corridor when the Zoning Ordinance being worked on and was adopted. Mr. Austen commented there was no discussion or specific focus on 133rd. The B-2 Zoning District classification is looked at just like B-1 or residential. We did not talk about this separately. Discussion ensued.

Mr. Foreman commented the intent was for the parts of the Town are going to grow like the 41 Corridor. When we finished the Ordinance and focused on this, B-1, B-2, B-3 and we were thinking growth versus what we have platted all over the lake. Mr. Parker agreed but doesn't understand how this automotive shop seemed logical after doing all of the work on a Zoning Ordinance to create a better environment to plan 133rd Corridor and everywhere. If the intent was to have a quality plan going forward in every Zoning District, why would NYBY Development be considered after putting the thought and process into the Zoning Ordinance. Ms. Abernathy commented she cannot speak to her predecessor or what her thoughts, opinions and discussions had been. Our Comprehensive Plan since 2012 has called for 133rd Corridor to be a pedestrian friendly corridor. The definition for a B-3 is not pedestrian friendly, but motorist friendly.

Mr. Parker stated that wasn't the intent when the Zoning Ordinance was adopted. Mr. Foreman commented the premise was primarily a larger picture and not so much 133rd. Discussion ensued.

Mr. Austgen stated there are very few parcels that are subjected to an Overlay if created. Discussion ensued.

Mr. Parker stated he understands now what the intent was and it wasn't just for the 133rd Corridor. One variance away from the Zoning Ordinance and whatever parcels are left in the 133rd Corridor now become targets because the precedence will be set. There is a potential for NYBY to put together the 40,000 square feet for the B-3 use. Have they done the research in having that done. The next person that comes in you're going to have a hard time holding them to that standard. Discussion ensued in length regarding NYBY. Ms. Dessauer commented the Variances have been approved by the Board of Zoning Appeals.

Mr. Oliphant asked were the Zoning Variances contingent on them getting plat approval. Mr. Austgen responded in the affirmative.

Ms. Abernathy commented the Overlay District doesn't change the underlying zoning remains. We are not changing people's zoning, but if this goes forward, we are protecting a Corridor where the Town has invested a lot of time and money to make it a desirable corridor. It adds to a protection of that corridor so you cannot just have another auto repair shop, another heavy B-3 use to come in if they meet all of the requirements. Then they would need to go in front of the Board of Zoning Appeals and then Town Council to get approval through a Variance of Use. If properties sell and get re-developed it would then have future redevelopment in that Corridor to then meet the B-2 Overlay requirements providing an additional protection to the Corridor to allow for what the more desirable business or intended which is that pedestrian friendly use on a neighborhood business Corridor. Discussion ensued.

Mr. Austgen commented there is record to rely on and to focus being on protection of the Zoning District, the Corridor and the protection of the eight-to-ten-million-dollar taxpayer investment in the Corridor and that's what it is. We talked about that as we worked on developing the criteria and the business reasons for doing an overlay and it's about taxpayer dollars and the benefit to the entire community and not to a single business owner and that was talked about and emphasized.

Mr. Kiepura commented this is a unique situation because things started prior to an adoption of an Ordinance. This Petitioner was requesting variances and some were granted and then fell into a glitch about being 22,000 square feet instead of 40,000 square feet and does this set a precedence, no, because whoever may come in and want the same thing and not start their Petition prior to Ordinance change. Mr. Parker commented it is not a hardship because they started it before the Ordinance changed. They did not prove it was a hardship.

Mr. Austgen commented before the next work study session, we put together B-2 and B-3 Zoning Districts in our zoning and we carry this on and assess and maybe beefing up or deleting or excising uses. Ms. Dessauer asked you mean the differences between the B-2 and B-3. Mr. Austgen responded in the affirmative.

Ms. Abernathy commented if a business closes for six months, it loses its legal non-conforming status and it would need to go in front of the Plan Commission or the Board of Zoning Appeals depending if they are changing the building, changing the site plan or if they are wanting a B-3 use, they would need to go for Variances, if it does not meet the requirements.

Mr. Oliphant asked if the Overlay District would affect two cases. One, for B-3 current parcels or combined parcels in the future that exceed 40,000 square feet or legal non-conforming if it sits vacant for six months. Discussion ensued.

Ms. Abernathy commented something that was mentioned was looking at doing architectural standards and maybe we put this discussion on hold for a couple of months and we go back to the drawing board and look at updating this to create an Overlay District with architectural standards. Any re-development and future development would have to comply with what would be desirable or an architectural look.

Mr. Austgen commented this was for purposes of staff and us talking and creating some form base data and information. Ms. Abernathy stated she can move this to Update Items. Mr. Austgen commented we can have a thought process about the corridor, protecting it even if it isn't this corridor. He thinks in our lifetimes we will see development on the northeast corner of US 41 and 133rd and we are going to see dilapidated old homes coming down within our lifetime and changing of use so there will be some reasons for at least studying it and preparing maybe not with this tool because it's just a planning tools like this a method of enhancement of value, quality of life and how people use and keep their land, but we could put ourselves in the preparatory position and amend the Ordinance accordingly. Discussion ensued.

Attorney Discussion:

Mr. Austgen commented that Lakeside South is a next level generation of PUD and this is to remind us all of a lot of things that have happened regarding this property. The Lakeside development was a 200-acre farm that had a big detention base in the middle like most farm fields, and was the target of potential Cedar Lake eastside growth. This was at a time there was no growth on the east side of Cedar Lake and Mr. Jim Wieser brought a client in to purchase that farm for annexation. The reason was to build homes and expand the community. We didn't know until that annexation occurred, and learned there was a problem with or lack of full capacity water supply and volume for firefighting purposes suppression. It began an intense dialogue that was made between the developer, town staff and Town Council at the time. Schilling came in to develop the appropriate amount of water for purposes of development and consider approval of a small number of lots.

Schilling Development and the Town have worked together in a cooperative manner in regards to east side water development. There were a lot of things done for the goodwill investing in the community on the east side of town. Schilling Development is going to extend sewer and water lines a mile each. That is a good investment on their part and is good for us as a Town. There has been a tremendous amount of quid pro quo types of things. The proposed development has been anticipated for quite some time and you can see some things are starting to tie themselves in when you see the concept drawing that was provided to us.

You see Founders Creek and you see the trail being proposed, that is a real project and wasn't thought about when we started this, but it evolved to this point and we own almost all the land we need to build that project and we have the grant money. There is going to be a trail and people are going to be able to get into Lemon Lake County Park without endangering their lives. The safety factors have been viewed and there's a lot of cooperation about how that goes. He was asked tonight for his outline of the development. A note was made about quid pro quo and some of these considerations are valid considerations in comparison to invalid ones.

Update Items:

1. Building Regulations & Fee Amendment

Ms. Abernathy commented they are currently in staff review. Maybe July.

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

Ms. Abernathy commented they are looking at extending it. The banker who handles the Letter of Credit is working on getting the extension over.

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

Mr. Oliphant commented they have their punch list along with Unit 1.

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 we have completed our field reviews and the punch list letter should be going out tomorrow. Public Works have completed their storm and water reviews. We are awaiting sewer reviews.

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

Mr. Oliphant commented at the last meeting we contacted them directly and asked what is going on with the outstanding punch lists. We received a call back and they are working on it. Our last punch list letter went out on April 20, 2023 which had field notes for Units 2 and 3 and that doesn't include any as builds for Units 2 or 3. We have not received them yet. This does not include Public Works inspections.

Ms. Dessauer asked at what point can we step in. We have spent so much time on this. Mr. Austgen stated we can get involved at any time.

Mr. Oliphant commented they only have 10 lots left. Ms. Abernathy commented they have pulled permits. Discussion ensued. Mr. Oliphant commented they are almost done, but there is a lot to do on our end.

Mr. Austgen asked if there is enough surety. Mr. Oliphant responded in the affirmative. They will probably do surface all at once and have a better end product. Lengthy discussion ensued.

Public Comment:

Mr. Jerry Wilkening, 10826 W. 131st Avenue, commented about Beacon Pointe, Beacon East and West which is across the road that Schillings brings a quality product. There have been some tradeoffs with Beacon Pointe and with the park. I agree with Mr. Oliphant that the park plan is short. Beacon Pointe barter was less than beneficial to the taxpayers and hopefully that will get dialed in. The other thing is NYBY. The Ordinance is supposed to sort out the existing non-conforming property with the rate of the property. From a planning point of view, the NYBY property to the north, does it create some problems with easements. Mr. Oliphant responded in the negative. There is a water and sewer line.

Mr. Wilkening commented when it comes to hardships, "I want" is not a hardship and can be considered monetary and I think that may be illegal or I could be wrong. When it comes to Beacon and Lakeside and park, it would be appreciated to stay on top of it. Have the MS4 issues been resolved at Beacon Point? Mr. Oliphant stated the last inspection recommended another fine for Beacon East and West.

Mr. Wilkening commented when it comes to the 133rd Corridor, a lot of those little pieces that have been discussed was not one of the topics and the group went through the details and made some modifications that's the 40,000 square feet.

Mr. Terry Broadhurst, 14513 Morse Street, commented about the discussion regarding Lakeside and it was talked about 560 homes and then it went down to 530 when they did the straight R-2 grid map. The one thing that was not mentioned on record about the straight R-2 grid map with 530. Each one of those units would have been a single-family unit. There wouldn't be any townhomes, villas which would have been multiple roof tops on one unit. The traffic would have been less at the grid section at 530 which is two cars. If there are two townhomes then there are four cars on one unit, so that would reduce the traffic and volume of people when you talk about density. Mr. Austgen had talked about quid pro quo and I'm not denying you are right or wrong but it was mentioned contradictory to what the developer talked about. It was talked that they are going to run a mile worth of sewage line, but the water line through the property was already ran by Cedar Lake the developer said. The water is at the corner of the lot and was already installed by the taxpayers and he said he would cover the water inside the development which is standard.

Ms. Abernathy stated they are going to run it up and connect it to the existing water main on 133rd which will loop. Mr. Oliphant commented the sewer is the addition and they are running it all the way to the main.

Mr. Chuck Becker, 6100 W. 136th Place, commented that the traffic off of 141st with all of the houses that want to go in there, you are going to have a pinch point off of 141st Avenue and Morse Street, and 133rd Avenue and Morse Street, and how are all the vehicles going to be able to come through. They talk about future expansion with the farm field just across the street and possibly developing that. What if another developer comes in and wants to develop before the rest of the phases. We need to think about that and

the density. There was nothing said about the greenspace and it needs to be there. As the Town grows, we need to look and plan for the future. Mr. Oliphant commented there will be a traffic study done. Discussion ensued.

Mr. Becker commented this community was not meant to develop like they want to. Mr. Oliphant commented there are two major thoroughfares across the lake and we are always going to have that.

Discussion ensued regarding Lemon Lake Park.

Mr. Wilkening commented there is a lot of traffic around Lemon Lake Park and is not substitute for Lakeside Park. Putting equipment in for kids at Phase 2, 3 or 5, that doesn't seem right. It worked out fine for Monestary North and it would work out good for these other places. The Kiwanis Park was traded, substituted for more real estate and that did not benefit the taxpayers like it should have.

Mr. Nick Whorley, 7000 W. 127th Place, commented there is a house being built by the roundabout and it is being built on the corner. Ms. Abernathy commented it is a permitted, single-family residence that is on a platted subdivision.

Mr. Chuck Becker, 6100 W. 136th Place, inquired about the house that is for sale on Lake Shore Drive. Ms. Abernathy commented it is listed as a one bedroom, one bathroom home.

Adjournment: Mr. Kiepora adjourned the meeting at 8:33 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 Public Meeting June 7, 2023.