



CEDAR LAKE PLAN COMMISSION WORK SESSION MEETING MINUTES
CEDAR LAKE TOWN HALL, 7408 CONSTITUTION AVENUE, CEDAR LAKE, INDIANA
August 2, 2023 at 6:00 pm

Call To Order:

Mr. Kiepura called the Plan Commission Public Meeting to order on Wednesday, August 2, 2023, at 6:04 pm with its members attending on-site and via zoom. The Pledge of Allegiance was said by all.

Roll Call:

Members Present via Zoom: Heather Dessauer **Members Present On-Site:** Robert Carnahan; James Hunley; John Foreman; 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: Richard Sharpe, Secretary

Work Session:

1. 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. Kiepura stated the first order of business is for a Concept Plan for Lakeside South and discuss Rezoning the property to a PUD.

Mr. Jack Slager, Schilling Development, representing Cedar Lake 133, LLC, stated we have a slightly revised plan, but we still have three different products which are single-family, paired villa and maintenance-free single-family product. We now have all 70-foot lots for the maintenance-free section of single-family. We still have the 80-foot lots and 90-foot-wide lots for the paired villas. We are now showing a future road connection out the westside of the project that will cross Founders Creek and will tie in with the Lotton property that will be developed the west of us. Those two properties will connect with a road across Founders Creek and we will have a fourth access point that will go out to Morse Street, which will be in the last phase.

Mr. Carnahan commented he spent some time with the residents of Beacon Pointe East and they are not happy. The items need to be corrected before an approval is given. Mr. Slager commented he knows of the issues in Beacon Pointe and our Engineers have been in communication with the Town's Engineers and the site was built according to the approved plans and it functions properly, but there are some

maintenance issues and we proposed a potential solution and that is being reviewed by the Engineer. Discussion ensued.

Mr. Hunley asked is the future road to the West contingent on the land being sold. Mr. Slager stated they have been in communications with the developer that owns the property to the West and they want the connection also.

Mr. Hunley asked if the sewer plant is capable of handling the 550 new homes and what Lotton wants to build. Mr. Oliphant commented it is capable of it. Mr. Salatas stated JMOB that oversees the operations for the sewer plant have a proposal from Wessler Engineering to do a service area exploration of what a future build out would be so we can plan an appropriately sized expansion onto the facility. Discussion ensued.

Mr. Slager commented we are going to continue to work on the Planned Unit Development and we will work on that with the staff. We propose to advertise for the Public Hearing, September 20, 2023 Plan Commission Meeting. The traffic impact study will be ready in two weeks.

Mr. Hunley asked will there be a barrier by the park. Mr. Slager commented we will set the playground equipment off the road and we will have landscaping on both sides of the road. There will be a couple of parking spaces at the park also. Mr. Foreman asked if the park will be done prior to 80% build out. Mr. Slager responded in the affirmative.

2. Pine Crest – One Lot Subdivision & Rezone

Owner: Pine Crest Incorporated, C/O Vis Law, 12632 Wicker Avenue, Cedar Lake, IN 46303

Petitioner: Nathan D. Vis, 12632 Wicker Avenue, Cedar Lake, IN 46303

Vicinity: 8504 West 146th Avenue, Cedar Lake, IN 46303

Mr. Kiepura stated the next order of business is for a request for a One Lot Subdivision & Rezone.

Mr. Nathan Vis, Vis Law, on behalf of Pine Crest Incorporated, stated we would like to be on the public agenda in the upcoming weeks for a one lot subdivision and rezone. Pinecrest is a full-service operation marina and storage facility. With the increased amount of traffic that has been coming to Cedar Lake, as well as, the increased growth on the lake, my client would like the marina inlet be turned into a hub of boating operations for storage and long-term maintenance.

We would like to create a one-lot subdivision that would encompass the entirety marina inlet. We have submitted a proposed Planned Unit Development. This would be a full-service operation for all marina and related uses. We understand there is nearby residential and the two have co-existed for several decades and we want to ensure that it will continue. We have outlined available commercial and retail uses that would be available to use at the marina. The parking lot is not public, but will be a private parking lot to allow for recreational vehicle storage, fuel station, private development for protection, and recreational boats. There will be a retail business to sell items, such as boats, engines, fishing equipment, bait, and food will be available for purchase. Discussion ensued regarding a possible restaurant in the future and any resort uses that are currently allowed by the local code. The proposed uses would encompass all the needs of my client as he consolidates the business to this location and looks to serve the boating community here.

The Engineering drawing from DVG shows what the proposed development is going to look like. We are requesting 50% building coverage area of ground surfaces that does not include water. For the front yard, which is the swale with the roadway at 147th Avenue, we are asking for a distance of 25-feet from the building line to the street right-of-way for any future expansions. Due to ancient surveying when this road was platted, the existing roadway cuts into my client's property. One of the requests in the Development Agreement is the Town would agree to go no further North of the existing roadway. Otherwise, this would encroach upon the marina area. The other request is to not have any requirement to have a sidewalk through that area. Discussion ensued.

One of the buildings on the right-hand side is near the property line; we are proposing along the right side there would be a five-foot green buffer strip, which would be 50% of evergreens a minimum of five-feet tall. At the North, adjacent to 146th Street, we would want a strip of five-feet of greenspace and that would have 50% of evergreens a minimum of five-feet in height. Because this is right next to the lake, a concern is the sheeting of water right off of the property into the lake. There is a hard non-porous surface which is concrete or asphalt that can lead to easy sheeting going off of it. We are proposing that on the inside of the marina inlet that touches the right-side of the property, that we would have a green belt of grasses in the natural area that would be in the first 15-feet of the water's edge that would ensure the water sheeting off of the property and buildings would be slowed down by that natural filter area before it makes its way into the lake. We would like to allow the parking lots and storage lot areas to be a crushed aggregate so it can help absorb some of the moisture of the rainfall.

My client received approval at the Board of Zoning Appeals for a building to be located on this parcel and the maximum height would be no less than 42-feet in height. This would be a cold storage building for boats to be stored on site. The other items in our Plan Unit Development that are differing from the code would be at the eastern edge of the marina and my client would include additional landscaping. The other proposed item is along the entirety of the marina, after the cold storage building is built, my client would re-do the entire seawall with vinyl and the pedestrian walkway around the entirety of the marina. Discussion ensued regarding water sheeting to not come off of the building.

The other proposed item would be water service from the Town. We were under the impression there was a water line there; however, there is not. This section will be removed from the Agreement with an addition that once water comes through to connect with the Town's water system, we will connect to the system. My client would mirror the lighting that the Town has been incorporating throughout. Discussion ensued regarding parking lots and parking spaces.

We are requesting relief from sidewalks at 147th Avenue, park impact fees recognizing the service this has on the Cedar Lake Park and this is going to be contributing to the community. On 146th Avenue, the roadway juts out to the inlet for the marina and it doesn't make sense to have the roadway extend that far out. We are not going to build a bridge and we would like to vacate the triangle that's there, but agree to give the Town an easement if the Town wants to access Cedar Lake from that location.

Mr. Carnahan commented he does not like stone parking lots and asked where this restaurant will be at. Mr. Vis commented there is no anticipated restaurant at this time, but the property has the capacity to have a restaurant. Mr. Vis commented because of the proximity to the lake and rainwater that hits the ground and if there is concrete or asphalt, it is going to exacerbate and lead to runoff coming off of the hardened surface. Discussion ensued.

Mr. Hunley asked if this will impact the campground. Mr. Vis responded in the negative. This development will encompass the entirety of the marina area.

Mr. Hunley commented there is a little beach at the entrance to the canal to the North, will this be protected from the boats coming in and out. Mr. Vis commented there will be no impact to that.

Mr. Kiepura asked if the road is widened, the request is that it will not go closer towards the harbor. Mr. Vis responded in the affirmative. There is a chain link fence that is protecting my client on the South and throughout the winter months, someone can skid off the roadway and hit the fence. There is 20-feet between the hardened asphalt to the water and right now there is 7-feet to step off of a boat to a hardened concrete area of the fence and the edge of the roadway. If the roadway pushes any more to the North, you can run into a potential safety concern. My client would like to keep the fence there, but long term put in a nicer looking fence.

Mr. Kiepura asked if this would be alright with the Town and can they go the opposite direction on the other side of the street. Mr. Salatas commented as long as there is enough right-of-way, we can. Mr. Oliphant commented he isn't sure if we need to expand the road into the parcel, but it would need curb and gutter. There is a bigger greenspace area on the southwest on the other side, the right-of-way is skewed and off center. Discussion ensued regarding sidewalk projects.

Mr. Kiepura commented we need to be consistent with pavement for the lots. Mr. Vis commented we do not have an opportunity to catch the water and slow it before it sheets into the lake. Discussion ensued regarding gravel lots and where on the parcel would there be asphalt and gravel lots.

Mr. Foreman asked if the parking spots would be asphalt. Mr. Vis responded in the affirmative.

Mr. Vis commented his client will be bringing in heavy equipment to pile drive the shorelines and if asphalt is required, then it will need to be re-installed.

Mr. Kiepura asked how much is aggregate. Mr. Vis commented almost everything. Mr. Oliphant stated it is a combination of aggregate and aggregate with greenish spaces. Further discussion ensued in length about asphalt compared to gravel lots.

Mr. Foreman discussed that this business is here and it will be improved, so it's impervious and he would be alright with not having asphalt. Mr. Hunley commented 75% of this property is crushed gravel.

Mr. Austgen commented Mr. Vis has given a significant amount of detail of the scope and nature of the project proposed development of the site. This would seem to be one of those conditions or terms that ought to be included or considered in the Development Agreement as part of the parcel for the proposal. One of those specific terms, for example, and not to misinterpret what was said, but would the Town be willing to work with your clients and phase or integrate a plan bases for the improvements to be made or required to be made. This is a perfect term to articulate as one of the conditions. In Paragraph 15 on page 4 of the Development Agreement there is the beginning of a list of those specific details that this really is the need of discussion and what the Town gets back in consideration for the negotiation of the Development Agreement. How does he balance this and make a proposal to the Town for this development to proceed in an efficient manner. How he sees it is the approval of the Ordinance that includes an exhibit of the Development Agreement pertaining the language of these terms and the business plan.

Mr. Vis commented that the Town states there are standards and there are various means to do it and how do we collaborate to fulfill the need of the community. Mr. Austgen commented it has been laid out of no sidewalks, no park area, and it's begun that dialogue. Now it's a matter of articulating it so that it comes back to you clean with this meeting and these comments and an articulation of Town stance on the important items to the Town.

Mr. Carnahan commented if we give these items up, there should be some compromising and give us the asphalt. Discussion ensued regarding the Eco Restoration.

Mr. Parker commented everyone should have the same set of rules. If there is a way to make things better, that enhances the life of the Eco Restoration now would be the time to do it. He isn't opposed to seeing things done in phases and to come up with a provision for that. Because we are doing Eco Restoration, it is time to do something to prevent anything from infiltrating into the lake.

Mr. Vis commented this is why we came up with the idea of the green strip to run along the entire marina edge to act as a barrier. Mr. Parker commented from an aggregate you are still going to get that to empty into the lake during rainstorms. Discussion ensued.

Mr. Vis commented we need to hear more from Engineering regarding reviewing the entirety of the project and discuss that. We will work with Mr. Austgen, Mr. Salatas and Ms. Abernathy regarding the Development Agreement.

Mr. Bob Gross commented if the asphalt is too close to the building and we are using multi-ton forklifts, the asphalt will break and that is why we need to do reinforced concrete around the whole building. Discussion ensued.

Mr. Vis commented we would like to be on the public agenda in September. Mr. Kiepora stated he doesn't see a problem with them coming back to the next work session.

3. 2023-08 – Seal Tight Exteriors – Concept Plan

Owner: Seal Tight Exteriors, 3239 Loverock Avenue, Steger, IL 60475

Petitioner: Adam McAlpine, PE, 398 E 400 N, Valparaiso, IN 46383

Vicinity: 13741 Osborn Street, Cedar Lake, IN 46303

Mr. Kiepora stated the next order of business is for a Petition requesting a Concept Plan for a Site Plan for a new business in the Lakeview Business Park

Mr. Adam McAlpine, 398 E. 400 N., Valparaiso, IN, on behalf of Seal Tight Exteriors, stated they would like to relocate to Cedar Lake, IN and they bought Lot 10 in the Lakeview Business Park. This is a Planned Unit Development with its own design regulations. They would like to build a pre-engineered building with four vehicle bays, and a front office area. We are working with Mr. Oliphant and he provided a review and comments. We are working through those and we will re-submit them to the Town. There will be ten parking spaces for the business and an exterior storage area with asphalt.

Mr. Kiepora asked where are the materials going to be stored. Mr. McAlpine commented he will inquire with the owner. Mr. Kiepora commented how much material and installation will be stored. Discussion ensued.

Mr. Foreman commented when the Business Park was created, there was a list of Covenants of do's and don'ts. Most of the questions are covered in the agreement that was drafted. Mr. Austgen stated they are part of the Development Agreement and it is embedded in the economic criteria, standards and setbacks. Discussion ensued.

Ms. Abernathy stated the Use they are proposing is one of the allowable Uses from the PUD and it is for contractor, commercial, contractor storage or warehouse.

Mr. Kiepura commented they will be back for the next work session.

4. 2023-10 – Birchwood Phase 5 – Final Plat

Owner/Petitioner: Hanover Development LLC, 8051 Wicker Avenue, St. John, IN 46373

Vicinity: Approx. 12400 Wicker Avenue, Cedar Lake, IN 46303

Mr. Kiepura stated the next order of business is for a Petition requesting Final Plat for Birchwood Farms Phase 5.

Mr. Jeff Yatsko, Olthof Homes, stated we are seeking final plat approval for Birchwood Phase 5. These are the last four lots of Birchwood. We have the Maintenance Letter of Credit to clean up. We will be back in two weeks asking for approval of the Final Plat.

Mr. Oliphant commented the Letter of Credit will be lumped into Item #5 to convert everything into Maintenance for phases 1 through 3 and 5.

5. Birchwood Farms – Conversion of Performance Letter of Credit to Maintenance Letter of Credit for Phases 1 – 3, and 5

Mr. Kiepura stated the next order of business is Conversion of Performance Letter of Credit to Maintenance Letter of Credit for Phases 1 – 3, and 5.

Mr. Oliphant commented this item will be converted with Birchwood Phase 5.

6. Birchwood Farms – Replacement to Birchwood Phase 4 Performance Letter of Credit

Ms. Abernathy stated they are changing the bank lender. This will be in front of the Board for the August Public Meeting to accept the replacement Letter of Credit.

7. 2023-12 – Locasto – Concept Plan

Owner: CLBD South LLC, 13729 Wicker Avenue, Cedar Lake, IN 46303

Petitioner: RC Development LLC, 9142 Maple Drive, St. John, IN 46373

Vicinity: 13771 Osborne Street, Cedar Lake, IN 46303

Mr. Kiepura stated the next order of business is for a Petition requesting to discuss a Concept Plan for a new two building commercial business located in the Lakeview Business Park.

Mr. Rick Locasto, 9142 Maple Drive, St. John, IN, stated we would like to build two buildings on Lot 12 of the Lakeview Business Park. It is going to be contractor's garages and we market to small contractors looking for storage space and an office to work from. There is one building on the North setback line and

one building on the South setback line and the building was 240-feet long but after meeting with FBI, there would not be enough space for parking. We went down to 192-feet that would allow for parking. Parking will be West of the buildings; the drive will be off of Osborne and a center asphalt driveway would be 65-feet wide from building front to building front. Each space will be 50 by 32-feet for 1,600 square feet. There will be 1,400 square feet of storage and a 12 by 12 office space with a restroom. There will be 12-foot wide by 14-foot-high overhead door and a man door off in the rear wall. Discussion ensued.

Mr. Kiepura asked what will be stored in here. Mr. Locasto commented plumber, painting, and conduit materials. Mr. Kiepura asked if there will be trucks parked overnight. Mr. Locasto commented they can park inside.

Mr. Carnahan commented it was developed as a light Industrial Park and it won't have the same restrictions that are in the other Business Parks in Town.

Ms. Abernathy commented to start the Site Plan and to get the application done.

8. 2023-13 – Lakeside – Preliminary Plat Extension

Owner: Cedar Lake 133, LLC, PO Box 677, St. John, IN 46373

Petitioner: Schilling Development, PO Box 677, St. John, IN 46373

Vicinity: 5711 West 133rd Avenue, Cedar Lake, IN 46303

Mr. Kiepura stated the next order of business is for a Petition requesting a one-year extension for the Preliminary Plat for Lakeside, Unit 2 from September 18, 2023 to September 18, 2024.

Mr. Jack Slager, Schilling Development, stated this is a project that is on-going and we received Preliminary Plat Approval in the past. Our primary plat is good for 12-months and each time we final plat a section, Lakeside has been extended in the past and this is part of original Lakeside Development.

Mr. Kiepura stated they will be back for the public hearing in two weeks.

9. 2023-14 – Beacon Pointe – Preliminary Plat Extension

Owner: Beacon Pointe of Cedar Lake, LLC, PO Box 677, St. John, IN 46373

Petitioner: Schilling Development, PO Box 677, St. John, IN 46373

Vicinity: 13830 Parrish Avenue, Cedar Lake, IN 46303

Mr. Kiepura stated the next order of business is for a Petition requesting a one-year extension for the Preliminary Plat for Beacon Pointe – Units 6, 7, and 8 (West) from September 21, 2023 to September 21, 2024.

Mr. Jack Slager, Schilling Development, stated this is a project that is on-going and we received Preliminary Plat Approval in the past and each time we final plat a section, Beacon Pointe has been extended in the past.

Mr. Kiepura stated they will be back for the public hearing in two weeks.

10. 2023-15 – Oak Brook – Preliminary Plat Extension

Owner: Cedar Lake Residential, PO Box 677, St. John, IN 46373

Petitioner: Schilling Development, PO Box 677, St. John, IN 46373

Vicinity: North side of 129th Avenue, approximately a quarter mile east of US 41

Mr. Kiepura stated the next order of business is for a Petition requesting a one-year extension for the Preliminary Plat for Oak Brook, from September 7, 2023 to September 7, 2024.

Mr. Jack Slager, Schilling Development, stated this is a project that is on-going and we received Preliminary Plat Approval in the past and each time we final plat a section, Oak Brook has been extended in the past.

Mr. Kiepura stated they will be back for the public hearing in two weeks.

11. 2023-17 – Yonk's Way – Final Plat

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

Vicinity: 13310 West 133rd Avenue, Cedar Lake, IN 46303

Mr. Kiepura stated the next order of business is for a Petition requesting the Final Plat for a Two Lot Subdivision.

Mr. Jack Huls, DVG, stated the Final Plat has been submitted and we are working on the Letter of Credit and we will be ready in a couple of weeks.

Ms. Abernathy commented she made an error and they need to go in front of the Board of Zoning Appeals for one more Variance before we can do Final Plat.

12. 2023-21 – Nyby Development – Final Plat

Owner: Nyby Development Corp., 1370 Dune Meadows Drive, Porter, IN 46304

Petitioner: Nyby Development Corp., David Lee, 1370 Dune Meadows Drive, Porter, IN 46304

Vicinity: 9710 West 133rd Avenue, Cedar Lake, IN 46303

Mr. Kiepura stated the next order of business is for a Petition requesting the Final Plat for a One Lot Subdivision.

Mr. Nathan Vis, Vis Law, on behalf of NYBY Development, and Mr. David Lee, stated we are requesting to be put on the Public Meeting Agenda at the end of the month to approve the Final Plat for this development. The Board requested a set of Uses and Covenant Restrictions for the property that was gone through extensively. The Approval of a Final Plat is outstanding on the Use Commitment so we have a legal description. The Use Commitment outlines the hours, the timing over the weekend and the cleanliness of what would be stored outside.

Mr. Kiepura stated they will be back in a couple weeks for the Public Meeting.

13. 2023-02 – Monastery Woods – Reinstatement of Preliminary Plat

Owner: New Century Development, 2036 West 81st Avenue, Suite B, Merrillville, IN 46410

Petitioner: Olthof Homes, 8051 Wicker Avenue, Cedar Lake, IN 416303

Vicinity: 9727 West 129th Avenue, Cedar Lake, IN 46303

Mr. Kiepura stated the next order of business is for a Petition requesting the reinstatement of the Preliminary Plat for Monastery Woods North.

Mr. Kevin Patsko, Olthof Homes, stated we are requesting a renewal for Primary Plat, Phase 3 for Monastery Woods Subdivision. It is currently zoned R-2 and there are 88 lots remaining from the original 322 which were previously platted in 2006. The ravine put up the two sections and is currently under the control of the Monastery Woods HOA. Mr. Frank Moore of New Century Development was here in October of 2022 and there were several points about the engineering of the site which has since been accommodated for updated engineering guidelines. We are providing sanitary sewer access between Lots 113 and 114, for two adjacent properties along Parrish Avenue and then moving sump pump drainage to the rear of the yard to deposit into the detention areas. Most of these were updated in the Engineering and we submitted to staff on July 7, 2023. There was a request to have parallel water mains around Carey Street and Hess Street, however; we received comments from Public Works and the Utility Engineer that these would not be needed because neither street is a dead end, so the mains will move back into the single main.

Mr. Chip Krusmarck was here in March 2023 and received confirmation from Attorney Austgen that it was at the discretion of the Commission to reinstate the Primary Plat. We satisfied all of the updated engineering since 2006. The change to the water mains and comments from Public Works and the Utility Engineer are currently being worked through and will be reflected in the updated Engineering prior to the Public Hearing. We would like to be back for the August Public Meeting.

Mr. Carnahan asked what are the size of the lots. Mr. Ed Recktenwall, Olthof Homes, responded they are 80 by 125.

Mr. Foreman asked did we add 30-foot utility easements in the back yards after Monastery Woods North, Phase 1. Mr. Oliphant commented they all have utility easements; the drainage was the issue. Discussion ensued.

Mr. Carnahan where does it drain to and what direction. Mr. Oliphant stated North and discussed the drainage route.

Mr. Kiepura commented he would like the Reinstatement of a Preliminary Plat explained. Mr. Austgen commented there is exclusive jurisdiction over plats in Indiana code and in your Ordinances, you have the opportunity and the right jurisdictionally to act out on the plat, and if their predecessors had timely undertaken their responsibilities and completed their tasks and built out their subdivision, you wouldn't see anybody speaking here. If they had not done that and someone comes along and there is a plat to be reinstated so that it could continue the development according to the provisions of the approval you have the exclusive jurisdiction to consider that. Discussion ensued regarding Centennial that wasn't started, but was platted and approved.

Mr. Kiepura asked do we have the option to reinstate it or deny. Mr. Austgen commented the Board can say “no” and this empty piece of land or a development plan is subject to development applications by these developers or others, they would start from zero.

Mr. Kiepura asked if we say “yes” then they can build off of the plans that were approved long ago and if we say “no” they would have to redevelop or come up with new plans. Mr. Austgen responded in the affirmative.

Mr. Kiepura asked if anything was changing from the original approval. Mr. Recktenwall commented we kept the plat how it was and we updated the Engineering to the new standard. The Engineering standards apply to the previous plat and those lots were part R-2 and they are staying R-2.

Mr. Oliphant commented we are getting through the review because it is a new subdivision and new engineering but similar and we are familiar with it.

Discussion ensued regarding what meeting should they come back to. Mr. Kiepura stated they will come back to the next Public Meeting in two weeks.

14. 2023-06 – Centennial – Reinstatement of Preliminary Plat

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

Petitioner: Olthof Homes, 8051 Wicker Avenue, St. John, IN 46373

Vicinity: 10702 West 141st Avenue, Cedar Lake, IN 46303

Mr. Kiepura stated the next order of business is for a Petition requesting the reinstatement of the Preliminary Plat for Centennial.

Mr. Ed Recktenwall, Olthof Homes, 8051 Wicker Avenue, stated this is similar to Monastery Woods and we are looking to reinstate the Centennial Primary Plat. The Primary Plat and PUD Zoning was done in 2008. In 2007, we did the Primary Plat with 610 total units and at that time, it hit the economic downturn. At that time there were 16 acres that fell out of contract with us and another local developer picked it up. They held on to those acres for a long time and we finalized the real estate that we have with Centennial and the 16 acres is still out there, but we were under the impression it was under the current PUD zoning. We are looking to reinstate the Primary Plat and the PUD allowed for townhomes in that section. We are proposing townhomes. The plat that was submitted for reinstatement shows 138-unit townhomes and they are 22 and a half feet wide by 80-feet deep. There are seven or eight units per building and are front loaders.

Mr. Carnahan asked are the 16 acres south of the Industrial Park. Mr. Recktenwall responded in the affirmative.

Mr. Recktenwall stated we submitted a new plat and updated Engineering for that section and we received Public Works comments and are waiting on Engineering review and then we can address those comments.

Mr. Kiepura asked if something else can be built besides townhomes. Mr. Recktenwall commented the intention was to maintain the original PUD and we prefer townhomes. Discussion ensued.

Mr. Austgen commented some of the Council members will recall the anticipated plan for the 16 acres was for the extension of the Industrial Park usage that went away. This parcel was irregular facing to the West of the railroad and to the North of the Industrial Park to East and to the South of duplexes and townhomes and because of those circumstances and the lay of the land discussions had at staff level and it was Council that this was appropriate for the type of proposal that was being made to reduce density dramatically. There are two entrances and two exits, infrastructure and there's a connection to the existing Centennial parcels. Discussion ensued.

Ms. Abernathy discussed heavier commercial and industrial uses, density, and single-family homes around this area.

Mr. Recktenwall commented this was zoned as a PUD and it had certain areas that were programmed for certain product types. We do not want to change the zoning, but to file a plat that was already designated in that area.

Mr. Carnahan commented we wanted development and because we weren't getting a lot and now, we have everybody coming, we can determine what kind of development we want in the Town.

Mr. Kiepura commented he would like to see something other than townhomes, but if this is what was approved, but could they look into other type of housing. Mr. Recktenwall commented we could look into something else, but it would probably be an attached product.

Ms. Abernathy commented when Mr. Krusmarck was here in May of this year and presented the Concept Plan there was discussion to amend the PUD because they were reducing the proposed density and changing the style to make it a nicer product because they came up with a newer townhome model. We would need an updated PUD amendment and reinstatement of the plat and a PUD Amendment document prior to that. The PUD amendment is from the recommendation of the attorney because we are reducing density, changing the style, and design of the layout.

Discussion ensued regarding what should be in the PUD Amendment.

Ms. Abernathy commented this petition will not be ready for Public Hearing in August, but it can be advertised. Mr. Kiepura stated they can come back to the next work session.

Mr. Oliphant asked if wavering on the use is going to change significantly and does the Board want to give that kind of guidance to the petitioner right now but that affects Engineering review. This can be reviewed of what was presented. If the use changes, then the Engineering changes to some extent and the plan will change.

Mr. Foreman commented back in 2006 the PUD was set up the way it was set up. Mr. Austgen commented what is difficult is the lapse of time and the lack of development. The approvals for the PUD and reinstatement discussions are about getting it back on the table and getting it right and getting the requirements from the PUD in place, maturity and Engineering needs to update to the current.

Mr. Oliphant asked about the reinstatement of the Preliminary Plat and stated the lot lines of the plat itself did not change much from 2006 to 2023. The uses stayed the same but the lot layout has changed significantly from the original and how we should handle this.

Mr. Kiepura asked if the style of the townhouse is the only change. Ms. Abernathy commented also reducing the amount.

Mr. Carnahan asked there will be less units. Ms. Abernathy responded in the affirmative. Mr. Austgen stated this is why there is an amended PUD applied for.

Mr. Oliphant stated Engineering is vastly different than the other one. The other one is the same minus rear yard and because this has changed, roads and location have changed slightly. The storm sewer and detention are going to change. There are more modifications to the site plan on this one than Monastery North.

15. 2023-16 – Centennial Villas – Phase 3 Final Plat

Owner/Petitioner: Cedar Lake Development LLC, 8051 Wicker Avenue, Suite A, St. John, IN 46373

Vicinity: Approx. 13800 Freedom Way, Cedar Lake, IN 46303

Mr. Kiepura stated the next order of business is for a Petition requesting Final Plat for Centennial Villas, Phase 3 for a total of 13 lots.

Mr. Jeff Yatsko, Olthof Homes, stated this is for Centennial Villas, phase 3 for 13 lots and is a total of 26 units. This is the last phase. We received the letter from Mr. Oliphant and all of the improvements are in and we received the Letter of Credit and that is in process and the letter will be with staff for the next meeting. We will be back in two weeks seeking Final Plat approval.

Mr. Oliphant commented the plat is in order and this is the last phase. This will eventually connect to Summer Winds at King Street. We are working out Letter of Credit values.

Ms. Abernathy commented we had minor comments and they have been addressed.

16. 2023-17 – Railside – Final Plat

Owner/Petitioner: Henn Holdings LLC, 10702 West 141st Avenue, Cedar Lake, IN 46303

Vicinity: 10702 West 141st Avenue, Cedar Lake, IN 46303

Mr. Kiepura stated the next order of business is for a Petition requesting Final Plat for the Commercial/Industrial Subdivision known as Railside.

Ms. Abernathy stated they are requesting a deferral at this time. They decided to wait on going for the Final Plat and we will put it back on the agenda when they notify us.

Attorney Austgen left the meeting and Special Town Counsel Joe Calderon was present.

17. 2023-18 – Bay Bridge – Rezone

Owner/Petitioner: J3 LLC, 14400 Lake Shore Drive, Cedar Lake, IN 46303

Vicinity: Between 149th and Colfax to 153rd Avenue, Cedar Lake, IN 46303

Mr. Kiepura stated the next order of business is for a Petition requesting a Rezone from Agriculture to Planned Unit Development (PUD) and to amend the existing Planned Unit Development (PUD) Zoning into one cohesive Planned Unit Development (PUD).

Mr. Steve Kil, J3 LLC, 14400 Lake Shore Drive, and Town Attorney Joe Calderon, stated this is the existing zoning for Bay Bridge and we annexed a 20-acre on the north side of Bay Bridge which is agricultural. We also have RM PUD, R-2 PUD, R-1 PUD and is bordered by 153rd Avenue on the South. We would like to re-do the Planned Unit Development and add the 20-acres. This is also boarded by Cherry Street and 153rd Avenue on the South. This will have single-family homes, duplexes, and front-loaded townhomes.

Mr. Carnahan commented he doesn't like the 50-foot lot size. Discussion ensued regarding the sizes of the homes that are proposed. Mr. Kil commented we would like to re-do everything and start over. We have prepared a Development Plan, and the PUD Guidelines that are required by the Ordinance.

Mr. Kiepura commented we have not had a lot of time to review this Petition, but would like to see concrete driveways and 70-foot-wide homes. Discussion ensued.

Mr. Kil commented there are three different single-family products and we are proposing four different builders in this area. We are leaving a lot of woods on this property and by Lake Dale.

Mr. Foreman asked if the single-family on the southside are a walk-out. Mr. Kil responded in the affirmative. Discussion ensued.

Mr. Kiepura asked if there can be a different product other than townhomes. Mr. Kil commented we are trying to make something better and we already have zoning on this property.

Mr. Parker asked how did they get zoning without a plat. Ms. Abernathy stated it was annexed with zoning in 2006.

Mr. Foreman asked where will the bridge be. Mr. Kil commented the bridge will be off of 153rd Avenue. The second entrance will be to the North and another entrance will be to the South. Discussion ensued in length regarding a bridge and roads being built.

Mr. Parker asked should we be looking at a Concept until there is a DNR permit and the things that they need to have access to that property. Mr. Calderon stated it is not a prerequisite for the Plan Commission's consideration. Any type of PUD can impose a condition if it moves forward to make sure all permits are required. They will not spend the money until they know they have a plan that is approved by the Town. Discussion ensued.

Mr. Kil commented the PUD is a zoning function and this is why we are here right now as opposed to asking for platting and we have a long way to go. Discussion ensued.

Mr. Foreman asked if Bay Bridge is age restricted. Mr. Kil responded it is a 55 and older community. Discussion ensued regarding what it means to live in a 55 and older community, TIF's and how the HOA has to monitor the 55 and older at all times.

Mr. Parker commented there might be an argument on the age restricted TIF, but on something that isn't age restricted where there aren't a lot of children present in those communities, we are taking money away from the schools and providing funding for the developer or the municipality and the schools would have to do a referendum and we still have to pay for it.

Mr. Hunley asked if the HOA will be maintained by the residents. Mr. Kil stated anyone buying into this project will be buying into the HOA; it will be automatic if the person is a resident of this community. The developer will maintain the HOA until all the homes are sold and then will be turned over to the residents which is a 15-year process. Discussion ensued in length regarding HOA's.

18. 2023-19 – Founders Creek – Rezone

Owner/Petitioner: LBL Development LLC, 14400 Lake Shore Drive, Cedar Lake, IN 46303

Vicinity: 13621 Morse Street, Cedar Lake, IN 46303

Mr. Kiepura stated the next order of business is for a Petition requesting a Rezone from a Multiple Zoned Property (MZ) of R-1, R-T, R-M, and B-2 to a Planned Unit Development (PUD).

Mr. Steve Kil, LBL Development LLC, 14400 Lake Shore Drive, stated the property along Morse Street is currently zoned B-2, RM, RT, and R-1 in the back. It has a significant amount of multi-family and we are proposing to re-do the development plan and we would like to put in townhomes with commercial business on Morse Street. There will be 384 units on Founders Creek with the property on Morse Street being maintained as business. The primary entrance will be on Morse and the secondary entrance will be into Lakeside South going East and going to the North there could be a turnaround. This may be another access point, but we would need to work with the Town on that. The wooded area off of Morse Street will remain. This is a Planned Unit Development with an HOA and will not be an age restricted area. Discussion ensued.

Mr. Kiepura asked if there will be a park. Mr. Kil responded in the negative. Mr. Kiepura stated there needs to be a park per the Ordinance.

Mr. Foreman discussed he would like to see the corner next to the Methodist Church be given to the Town so we can fund proper park events, improve Morse Street and plan for the future of the Town. Discussion ensued in length. Mr. Kil commented they are open to suggestions as to what the Town wants to see.

Mr. Kil asked if there is a park impact fee. Mr. Salatas stated we have a park Plan Dedication Matrix within our Subdivision Control Ordinance and it also has a dollar amount if there's an exchange of land for money if the Plan Commission decides they do not want all of the land that the Land Dedication Matrix stipulates and we also have a park impact fee.

Discussion ensued regarding this is a Concept Plan and a park would need to be discussed.

Mr. Foreman asked if the facade is vinyl. Mr. Kil commented we require a hardy board, but in the PUD, there isn't any restrictions for it. Discussion ensued.

19. 2023-20 – Red Cedars – Rezone

Owner/Petitioner: LBL Development LLC, 14400 Lake Shore Drive, Cedar Lake, IN 46303

Vicinity: 14400 Lake Shore Drive, Cedar Lake, IN 46303

Mr. Kiepura stated the next order of business is for a Petition requesting a Rezone from Wetlands and Watercourse and R-1 to a Planned Unit Development (PUD).

Mr. Steve Kil, LBL Development, 14400 Lake Shore Drive, stated this is the old South Shore Golf Course. We are looking to isolate the development part of it to the southside of the golf course. We are proposing

townhomes on Morse Street with front fences and 8-foot-wide walking path down Morse Street all the way down 145th Street and would dead-end at the lake. We are also proposing 50 and 60-foot-wide lot single-family homes. On the northside of 145th Street, there will be some larger lots and those are reserved for the Lotton Family. There is a proposed office and warehouse on this parcel. There are a total of 439 units but we are preserving 50.9% of the open space and there will be no construction on this space.

Mr. Kiepura asked what is behind the houses along the lake. Mr. Kil commented that is reserved for the Lotton Family. Discussion ensued.

Mr. Kiepura asked if the detentions will be new. Mr. Kil responded in the affirmative.

Mr. Parker asked what is the current zoning on this parcel. Mr. Kil stated is R-1, wetland and watercourse.

Mr. Parker asked why would we go from R-1 zoning to mixed use zoning. Mr. Kil commented to preserve some of the property and would be deed restricted. Discussion ensued.

Mr. Kiepura asked if by the office and warehouse those are townhomes. Mr. Kil responded in the affirmative. Mr. Kiepura asked what is going to be stored in the commercial warehouse. Mr. Kil commented large equipment will be stored. Discussion ensued the equipment that would be stored in the warehouse and the disturbance it may cause in a residential area.

Mr. Kiepura commented they can come back to the next work session.

Discussion ensued regarding how much review has been done from the Building Department from the last three petitions.

20. Rose Garden Estates Unit 3 – Extension of Performance Letter of Credit

Ms. Abernathy stated they submitted an Extension Letter of Credit and they are looking for an additional year and no reduction.

Mr. Oliphant stated their concrete contractor reached out and would like to go over their punch list along with their paving contractor. We do not have as builds for Units 2 and 3 or any underground inspections have been completed. Discussion ensued regarding punch lists.

Update Items:

1. Building Regulations & Fee Amendment

Mr. Salatas commented we are still working on it.

2. Birchwood Phase 1 – Performance Letter of Credit expires October 5, 2023

Mr. Oliphant commented this is being taken care of with Agenda #5 Item. This will go away when all phases are rolled into maintenance.

3. Centennial Phase 12 – Maintenance Letter of Credit expires October 13, 2023

Mr. Oliphant commented they have our punch list and from Public Works.

4. Rose Garden Estates Unit 1 – Performance Letter of Credit expires October 14, 2023
Ms. Abernathy commented she has not received anything, but they will probably want an extension.

5. Beacon Pointe East Unit 3 – Performance Letter of Credit expires November 5, 2023

Mr. Oliphant commented they will reach out to Schilling.

Public Comment:

Ms. Brenda Roberts, 15008 Morse Street, commented about property that has been in her family for many years and knows a lot about the Bay Bridge property. The marsh area flows on the west side underground into Lake Dale. They need to look into the problem with DNR before they start to develop.

Mr. Tim Brown, 14702 Cline Avenue, commented there is a specific purpose for a PUD and that is to have open space in lieu of higher density. Red Cedars needs larger open space.

Mary Jo Dickson, 8711 West 132nd Place, Meyer Manor, commented we need to learn from the past and it is difficult to get safety vehicles around when houses are on top of each other. Ms. Dixon wants to know if there is enough water and sewer for all of these new developments. DNR has been out looking at the wells because there is an issue.

Ms. Sandy Herman, 7429 W. 136th Court, commented 384 units are proposed to be developed along with commercial and another 439 units near her home. Will there be a third lane put in on Morse Street. Does the Town have to wait for the TIF. Mr. Salatas stated if the TIF is selected to fund the project, then yes. Ms. Herman commented the roadway will not be able to accommodate these vehicles on the road. Mr. Kiepura discussed TIF's along with factors for building a road.

Mr. Richard Theil, 13513 Industrial Drive Properties, commented there was an agreement with Centennial, however, he is disappointed with any slanderous comments made towards Mr. Theil and his business and comments were made from a Board member. He tried doing a land swap numerous times with Schilling. Mr. Teal received a letter from the Town trying to eminent domain his property and they wanted \$3,000 for further economic development. Mr. Teal wants his attorney to review the minutes of this meeting and also the May 5, 2023 meeting. Mr. Foreman discussed eminent domain in length.

Ms. Cheryl Parker, 7227 W. 136th Court, commented the gentleman was asking for a re-zone on the wetlands and her understanding is the jurisdiction of the DNR and try to get a permit. Mr. Oliphant commented it would be the U.S. Army Core or IDEM.

Mr. Bob Groszek, 14055 Deodor Street, commented he was glad that there is a plan to clean up the mess in the swamp behind our homes. Possibly future permits should be held off until the issue is resolved and any future development that they are going to do, those people aren't left with a swamp.

Mr. Paul Fancik, 1019 North Lakeview Drive, Lowell, IN, commented he likes that Bay Bridge is age restricted and it will not interfere with the Tri Creek School System. The lot sizes are too small, but most important is the bridge coming across the water and is proposing Clinton for the cars to drive down instead of cars going across the bridge.

Mr. Terry Broadhurst, 14513 Morse Street, commented on the Morse Street elevations of the property, it doesn't seem there will be access other than walkways to Morse Street. The drivers would be coming from the back and the cars would be coming from the inside of the subdivision, not coming in off of Morse Street and will not be fenced in. Ms. Abernathy commented the townhomes will be like the ones on Indiana Avenue.

Mr. Broadhurst commented about the marina parking lot and permeable brick pavers could be used. The crushed gravel and not wanting to do asphalt because of the weight of the equipment but there isn't gravel inside of the pole barn structure and there will be concrete to the launch pad at the waterway and the heavy equipment can drive over that. The responsibility should be on the owner instead of responsibility of Variances. They should also fix the road and put the sidewalk in and that would separate East and West the whole south end of the lake. More discussion ensued regarding the road.

Mr. Broadhurst commented that the wetlands should be considered as open space for Red Cedars.

Ms. Barb Orze, 10290 W. 138th Place, commented Bay Bridge is age restricted and that will be a lot of townhomes and there will be many stairs. Ms. Abernathy commented they will be single-level. Ms. Orze asked do people not like condominiums here. Mr. Parker commented developers do not want to build them because it is smaller than everything else.

Adjournment: Mr. Kiepura adjourned the meeting at 9:58 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

These Minutes 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.

Minutes of August 2, 2023