



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

Call To Order:

Mr. Kiepura called the Plan Commission Work Session to order on Wednesday, September 6, 2023, at 6:00 pm with its members attending via zoom and on-site. The Pledge of Allegiance was said by all.

Roll Call:

Members Present On-Site: Robert Carnahan; James Hunley; John Foreman; Richard Sharpe, Secretary Greg Parker, Vice President; and John Kiepura, President. A quorum was attained. **Also present:** Don Oliphant, Town Engineer; David Austgen, Town Attorney; Chris Salatas, Town Manager; Ashley Abernathy, Planning Director; and Cheryl Hajduk, Recording Secretary.

Present via Zoom: Joe Calderon

Absent: Heather Dessauer

Work Session:

1. 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 first order of business is for a petition requesting a Preliminary Plat for a One Lot Subdivision and a Rezone from Resort to Planned Unit Development (PUD).

Mr. Nathan Vis, Vis Law, on behalf of Pine Crest Incorporated, stated they had discussions with the Town Engineer and Town Officials regarding the finished base and what the surface area was going to look like in this proposed development and the client is in agreement with the concerns from the last meeting. When the project is completed, a hardened surface will be on top of the entirety of the area. The greenbelt area adjacent to the marina is anticipated significant amount of water that would fall on the asphalt area and off of the boat storage building and towards the marina area. They discussed with Mr. Oliphant what it would look like and how it would slow down the water, allow it to cool and have an opportunity to filter before it drains into the marina. The roadway to the entrance will be concrete built to commercial standards to access into the area. The finished product would be a hardened surface of either asphalt or concrete, but there is a timing issue with the implementation of that. In the Development Agreement, they are proposing the boat storage building to be constructed on or before May 1, 2024. The next part of the project would be the deepening of the marina area subject to Indiana Department of Natural Resources approval, as well as, excavating the shoreline, which would be done on or before July 30, 2025. Once the edge is put along the marina, the next step will be the marina boardwalk

with ADA accessibility and lighting improvements with greenspace. The final proposed step is finishing surface area throughout the project. They sent revisions back to Mr. Oliphant to the requests, one of which, is a waiver of parking requirements and number of parking.

They added in the Planned Unit Development the number of indoor seatings would be accommodated by the number of parking spaces available if a small restaurant were to be built in the future. There was a question about the entrance off of Lauerman Street and should that conform to a commercial drive approach which is part of the Development Agreement. The five-foot wide landscape buffer would be evergreens or arborvitaes. The majority of the rest of the development has not changed from the original submission. Discussion ensued.

Mr. Oliphant commented we issued a letter on August 24, 2023 and some of the bigger items were not to install sidewalk along 147th Street and Lauerman Street, requesting no further improvements within the public right-of-way for the streets and no public lighting improvements. There is a tight right-of way especially with the proximity of the marina to the roadway and widening significantly is not possible, but a sidewalk can be cut through there. Discussion ensued.

Ms. Abernathy commented she has not had a chance to review Mr. Vis's most recent submittal. Mr. Austgen stated they are reviewing and looking at technical comments.

Mr. Foreman commented waiving the lighting requirement, as well as, the other items Mr. Oliphant mentioned is fine.

Mr. Hunley asked will the boats be stored in the parking lot. Mr. Vis commented the height of the storage has been approved and it would allow for boats to be stored indoors.

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

2. 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. Kiepura 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.

Ms. Abernathy stated no one was present and has not received any communication, but we did receive updated Engineering Plans. This petition will go on the October agenda.

3. 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 a petition requesting the Final Plat for a Two Lot Subdivision.

Mr. Jack Huls, DVG, representing L & L Capital Assets, stated we have a request regarding the Final Plat for the surety requirements for this Petition. Mr. Oliphant prepared a Letter of Credit value and the

Ordinance specifies for it to come in the form of a Letter of Credit. In the past, there have been Petitions that have been allowed to provide a bond for that surety. They are asking if they can provide a bond for the surety in lieu of a Letter of Credit.

Ms. Abernathy stated the Ordinance specifies it has to be a Performance Letter of Credit by the subdivider. We do offer in lieu of, as long as it is approved by the Plan Commission. We allow for cash in the amount required, other negotiable securities or a combination of cash or other negotiable securities.

Mr. Kiepura commented they will be back in two weeks for Public Hearing.

4. 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 they were here for the renewal of the Preliminary Plat for Phase Three of Monastery Woods. They have updated the Engineering based on Mr. Oliphant's last review letter from August 15, 2023. Unfortunately, they haven't received the updated Engineering plans. They are continuing to work through HOA matters to create a stand-alone HOA for this particular part of Monastery Woods or to join with the existing.

Mr. Foreman asked is the stub part of the Engineering. Mr. Patsko commented we looked into that and the feasibility is not easy to deal with and we are trying to acquire the right-of-way between Carey Street and Hess Street and extending out through the land to Parrish Avenue. Mr. Foreman commented 20 years down the road, if there was another subdivision, it would be easier not to have to drive to 129th Street to go East of Parrish Avenue or West of US 41.

Mr. Patsko commented they want to keep the plat as it was originally intended back in 2006. Discussion ensued.

Mr. Oliphant stated the two right-of-way's that go into this parcel, one is a proper right-of-way, 33-feet wide and is dedicated. The other is 125th Street, which is also platted and is 20-feet wide. Discussion ensued regarding stubbing one of the lots for a future plan. Mr. Patsko commented they can look into this, but they prefer to go with the original plat.

Mr. Oliphant stated we have our August 15, 2023 letter outstanding. Once we get Engineering back, then we will review it.

Mr. Austgen asked is there is a difference between the reinstatement and on the terms of the approval from 2006 versus re-engineering and adding sub-streets and additional infrastructure. There are two different time periods and two different reviews and components put to this and it affects the time and review. Mr. Kiepura asked is this contingent upon review. Mr. Austgen commented the Petition is to reinstate Monastery Woods North exactly as it was. This was talked about in concept meetings and here about adjustments to each update and modernization. Utilities and road need to be considered, but they asked for a plan that was identical to what was done before.

Mr. Carnahan asked what kind of tool do we have to make them do like Mr. Foreman suggested after we approve something like this and then be told “no.” Mr. Austgen commented the petition is for reinstatement for the existing plat. Discussion ensued.

Mr. Kiepura asked what does Engineering have to review. Mr. Oliphant commented there are new Ordinances and Codes that were approved in 2006. There are different lighting standards, Stormwater Ordinance that changes some nuances to the engineering. The plan itself had ten comments and they were ministerial.

5. 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.

Mr. Jack Huls, DVG, stated they received Primary Plat on the PUD and would like to proceed with the Final Plat. There is a petition for next month’s agenda for a building site plan within the subdivision already. Mr. Oliphant put together the Letter of Credit values and some minor review comments on the Final Plat.

Mr. Oliphant stated the Letter of Credit is set right now and what the improvements will be in two weeks and how much that’s reduced, so it will be a decent amount of work to get that number settled in.

6. 2023-22 Bank Shots Bar & Grill – Rezone & Preliminary Plat

Owner/Petitioner: Bank Shots Bar & Grill, Inc., 875 Berkshire Place, Crete, IL 60417

Vicinity: 8120 Lake Shore Drive, Cedar Lake, IN 46303

Mr. Kiepura stated the next order of business is for a petition requesting a Rezone from B-2 to a Commercial Planned Unit Development (PUD) and the Preliminary Plat for a One Lot Subdivision.

Mr. Adam Sworden, on behalf of Bank Shots Bar & Grill, stated there was a submission on August 2, 2023 with various information and a re-submission with plans. They have had discussions with Ms. Abernathy regarding this being a small site, with limited parking that operated as a bar and grill. It is currently zoned B-2 and a special use would be needed for the bar function. There have been discussions about circulation, parking, setbacks and other issues. Discussion ensued regarding the sidewalk project and if there enough space to have outdoor seating for the restaurant and creating a structural buffer for safety.

Mr. Sworden commented there has been a preliminary site plan based on the prior drawings. They wanted to get the process started and they would like to have a site plan proposal for the next meeting. Discussion ensued regarding parking and there are currently 22 parking spaces. The land area and building size are 2,000 square feet.

Mr. Carnahan commented he likes what he sees and some of the details can be worked out.

Mr. Parker commented the fence and the outdoor seating in the front will not work for that location. The public safety aspect needs to be addressed. Discussion ensued in length regarding what is the best way for the restaurant to function.

Mr. Hunley asked if a rooftop patio would be feasible. Mr. Sworden commented the roof would have to be re-done and can be looked into regarding code requirements. Mr. Parker commented to reach out to the Fire Chief to see what his thoughts are.

Ms. Abernathy commented they did have a structural engineer look at the basement foundation to make sure it was structurally safe and it came back that it was structurally sound. Discussion ensued regarding the parking challenges.

Mr. Sworden commented about re-zoning from B-2 to PUD and working through some of these other things versus going through the zoning and the special use for the bar, multiple variance requests for all of this. Are we comfortable with going forward as a PUD. Mr. Austgen stated this is a classic PUD with the combination of considerations. Discussion ensued regarding outdoor seating.

Mr. Oliphant commented there are going to be some hurdles and the concern is the parking, traffic flow and overflow parking. Mr. Sworden commented they spoke with the residents around the site, and they are looking forward to something going into that location. Discussion ensued.

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

7. 2023-23 Lakeside South – Rezone

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 next order of business is for a Petition requesting a Rezone from R-1 and Agriculture to Planned Unit Development (PUD).

Mr. Jack Slager, Schilling Development, representing Cedar Lake 133, LLC, stated there haven't been any changes and there are 550 units, multiple different products and the main entrance will be off of 141st Avenue with a stub to the east and a stub to the north and a stub to the west that will tie in with the Lotton Founder's Creek Development. This Development will provide an oversized 12-inch water main from the Town's water main through to Lakeside that will make the connection for the Lighthouse well being connected to the new water tower. There will be an offsite, oversized sanitary sewer that will service this property and several adjacent properties. The traffic impact study is complete and was given to the Plan Commission. The study was from 133rd Street to 141st Street and Morse Street to Reeder Road. The analysis was done for peak hours of morning and evening with the highest traffic being rush hour traffic. Discussion ensued in length regarding traffic study.

Mr. Hunley asked if they are putting in a lift station. Mr. Slager responded in the negative and they are running a gravity sewer all the way from Morse Street and the sewer can handle three times more than just this property. Discussion ensued in length regarding water supply.

Mr. Parker asked is there an IDEM permit that has been granted to run the Lighthouse well. Mr. Austgen responded in the negative, but it doesn't mean that the Engineers are not working on this. The Town bought the lighthouse well for the reason to have a supply and gallon flow that would be compatible with and dependable for improvements, infrastructure, new development on the east side of Town and we knew we needed water supply because of what we experienced in other areas. As part of the solution to the supply that we needed in those areas, the well purchase was necessary.

Mr. Foreman discussed in length regarding revamping of the lift stations, control panels, and a tank needing to be added, changes that are needed to happen with the water.

Mr. Parker asked if the Plan Commissioners could be provided with the current situation of what we have for water supply and sewer capacity so we can make an educated decision going forward. Mr. Austgen stated it is Public Record and it includes Sewer and Drain Ordinance, NPDES Permit, documentation from Federal Government on all of the monthly reports of operation. Mr. Parker commented in the Subdivision Control Ordinance, the Statement of Intent has many facets to it specifically, utilities, water line sizes, locations should be considered, sanitary line, size and location. The wells, water supply, well logs, and test well results, could be used to make an educated decision on what we think based on what we can evaluate as we are appointed to the Plan Commission on making a logical decision on what happens going forward. Mr. Austgen commented that is a provision in the Subdivision Control Ordinance and it has been there since 1989. It is a burden of the developer applicant to provide information and related to the Statement of Intent that is not on the staff side or Town side, it is part of another group. Mr. Slager commented with all of the approvals we go through here; we also seek approvals from IDEM for water mains and for sanitary sewer. We require a capacity checklist letter that is signed by the Lowell Wastewater Treatment Plant before we put pipes in the ground.

Mr. Kiepora asked when do they plan to start building. Mr. Slager commented this is a Spring development project and we would have six months of development; which would allow to start home construction Fall of 2024 and occupancy in Spring of 2025.

Mr. Austgen stated staff, myself, and Engineers have carefully looked at everything of the project company before you and next week and we have a meeting to discuss technical, legal and documentation.

Mr. Austgen commented all of this is based upon having money in the bank sufficient to do everything. The money is paid to the Municipal Water Utility responsively to build infrastructure, but we have not used it exhaustively and it has been on a plan progressive basis. This is what staff and engineering has done to make certain we do this and do it right.

Mr. Hunley commented he is against a PUD that has any outstanding items that have not been corrected.

8. Cedar Lake Storage – Requesting Alteration to Previous Approvals

Mr. Nathan Vis, Vis Law, stated they are requesting a deferral on this matter. The clients have questions in the Development Agreement regarding outdoor use and are asking for a one-month deferral.

Mr. Carnahan commented they had a lot of hurdles; the parking lot is now paved and they have done a wonderful job and it is a beautiful facility.

9. 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, stated we had a review done by Attorney Joe Calderon and there are a lot of similarities for each subdivision in the PUD's. Mr. Calderon requested that a definition of Age Restricted Housing Program be put into the PUD Guidelines. We submitted an Age Restricted Housing Program complete with the survey forms that are required. Monterey Street is for the secondary access and Cherry Street is called out in the PUD. We will add a maximum number of detached and attached units and is on the Development Plan also. There are some special conditions for single-family detached dwelling, minimum lot area, lot width which is in the PUD Guidelines, measurement of front-yard setback and is from the right-of-way line and this will be clarified. Minimum building separation, side yards, square footages of first floor area. The special conditions for the detached dwellings are listed and will be put in the PUD Guidelines.

Mr. Parker commented we do not have a public hearing for any subdivision in this community until we feel that they are ready for a public hearing. Are these items ready for a public hearing. Mr. Calderon stated there are two competing interests in terms of an applicant and their desire to have a public hearing and the Plan Commission's desire to have a proposal that it believes it can properly digest and present and discuss before it is comfortable making certification to the Council, being the end result of a public hearing. The statute says if a Plan Commission or Town Council initiates a rezoning, which is not the case here, then a public hearing must take place within 60-days. Within the same statute upon the Plan Commission receiving a proposal, a public hearing must take place in 60-days. The Town's PUD Ordinance indicates that a PUD is not right for consideration until such time there is a chance to provide comments to the applicant. It can be considered that this preliminary process is part of receipt. Once comments are provided to the Petitioner and they reply back, this is the receipt of the PUD Ordinance for consideration as a zoning change. The Town's Ordinance seems to dictate that.

Mr. Calderon commented he has been in correspondence with Ms. Abernathy and we did not receive any proposed changes to the documents following the August 2, 2023 meeting. The comments we have are "how did the guidelines relate to the plan and the concept plans and how do the guidelines relate to the Zoning Ordinance." Mr. Kil received these comments late, but it is the Plan Commissions purview to determine whether it has truly received a proposal or not, which is what the Statute says. We aren't sure if the proposal is where it needs to be in accordance with the Zoning Ordinance to schedule a public hearing.

Mr. Foreman asked was there a PUD called Bay Bridge in 2006-2007. Mr. Carnahan commented it was called Pods, but doesn't recall it being a PUD. Mr. Parker commented it was annexed and the guidelines may have been different at the time and they have changed several times over the years. Mr. Parker stated he was told that the property was annexed into the Town of Cedar Lake with zoning but no plat. Mr. Salatas commented it was annexed with PUD zoning and referencing pods.

Mr. Kil commented the zoning that is existing on this property is RT-PUD, RM-PUD, R-1-PUD. It was all PUD zoning. Mr. Parker stated the zoning exists because there were no clauses in place or expirations, because a Twilight Clause would have been a good idea. Discussion ensued.

Mr. Parker asked if the engineering could be done. Mr. Kil commented that is asking a lot to spend in engineering without a Development Plan that we could engineer to. Discussion ensued.

Mr. Parker commented if they are going to update the plan and use the existing zoning the way that it works and there is a good plat, access to get to it, and they commit to a lot size standard; the subdivision will probably get approved because the zoning already exists. Discussion ensued.

Mr. Kil commented they annexed the 20 acres into this property and it will need zoning, incorporation of a new Development Plan, new PUD Guidelines, Development Agreement and all of the things that are required now that weren't required back in 2006-2007.

Mr. Parker commented we are expected to consider a subdivision that is years off for development. We cannot plan for utilities because these things get forgotten about and we are supposed to consider that. Discussion ensued.

Mr. Kil commented we are proposing a residential TIF. Discussion ensued regarding age restricted residents.

Mr. Kiepura asked where is the second entrance. Mr. Kil commented it would have to be improved which would be Cherry Street up Viceroy Street to the north.

Mr. Hunley asked if the HOA is going to be developer owned or resident owned. Mr. Kil responded the HOA will be run by a management company. The developer will maintain the HOA, but it will be turned over to the residents upon a certain percentage of completion of the project.

Mr. Kiepura commented they are here to get a re-zone to a PUD and we can do the re-zoning without lot sizes and not have to approve any lot sizes or covenants or HOA's. Mr. Calderon stated you cannot re-zone to blanket a PUD by the Ordinance and by the Statutory Guidelines. There has to be a combination of text that sets forth parameters, as well as, in this phase a conceptual development plan that paints the idea that matches the text. In making my comments, trying to marry that up and provide some semblance of certainty because there was vagueness and a little too much flexibility in what was presented and it isn't in anybody's interest to provide a plan that could have many different interpretations down the road. Some of the things that was heard during this testimony regarding the bridge and access can and should be part of the PUD Agreement, which needs to be negotiated more than where we are currently or they can be commitments or conditions that are imposed. There is a lot of work arounds to answer questions. You cannot go to a PUD that has nothing behind it.

Mr. Kiepura asked do we have to have a public hearing. Mr. Calderon commented the Statute provides that there is a time frame to have a public hearing when a developer or applicant initiates a proposal. The language is when the Plan Commission receives it. The PUD Ordinance has a pre-hearing negotiation which is what is happening now and the Board is taking in information and providing comments and once the comments are provided back to the applicant, that is when a public hearing is scheduled. Until such time that the PUD is deemed received by the Board and following this initial negotiation, that's when it is

received and that is when a public hearing is scheduled. The other way to manage would be to ask Mr. Kil if he would be ok tabling the public hearing to October or the Board can take that action.

Mr. Carnahan commented why would there be a public hearing if there is a possibility it may be denied. Mr. Kil commented the plan has not changed. Discussion ensued regarding receiving comments back.

Mr. Parker discussed his conversation with the Fire Chief regarding 50-foot lots and the safety in case of a fire in this type of environment.

Mr. Hunley commented if they want to go as is, we should let them do so.

Mr. Foreman commented they filed this request a couple of months ago to re-zone from agricultural to PUD and incorporating additional acres into one cohesive PUD. What kind of a liability are our taxpayers in from a timeline standpoint if we were as a commissioner or Council to stall. Mr. Calderon stated there could be litigation and a Court saying you have to have a public hearing or they can bypass you and go straight to the Council by litigation. There should be a vetted PUD Ordinance to certify to the Council. The Council doesn't have an opportunity to amend something that is certified. It becomes more expensive proposition from the standpoint of the Plan Commission stalling.

Mr. Parker stated the Plan Commission takes its time, piece by piece and studies things as they come in and the time is granted for them to do that.

Mr. Oliphant commented we were under the impression that there would be changes based on the last meeting, we have not initiated the Engineering review, which is dependent on the Plan. We will review the Development Plan and how that corresponds to the Development Agreement, the PUD and we need to start that and get those comments out. Discussion ensued.

Mr. Parker commented as time goes by, demographics change and the uses change, it becomes a significant challenge for anybody working in a pre-platted area in Town if anyone has done it, they have to get four or five variances before doing anything and we cannot learn from past history. Mr. Kil commented this is a controlled, new development with proper streets, curbs, utilities, sewer, water and infrastructure.

Mr. Carnahan commented can the smaller homes built in this community handle the sewer capacity at the plant. Discussion ensued regarding growth, jobs, businesses.

Mr. Kiepura stated we have not properly reviewed this yet and it is not ready for a public hearing. Mr. Calderon commented the Town's Ordinance is very specific when it says the Board shall receive and review the application and the Preliminary Development Plan and then prepare recommendations with respect to those items. Once recommendations are provided to the developer indicating your position, which is trying to be figured out, that is when it is authorized and provide notice of a public hearing. The statute requires the Plan Commission has to have a public hearing within 60-days upon receipt of a proposal. This proposal is a proposal under the Town's PUD Ordinance until such time until there has been a chance to review and make a recommendation back to the applicant.

Mr. Carnahan stated they advertised for a public hearing and sent out certified letters. Mr. Kil responded they did advertise and send out certified letters. The statute says 60-days and we followed the PUD Regulations of the community. We submitted an application that is whole and it doesn't have voids and

has the documents that we need that are required and 60-days go by and we are in the second work session and we do understand that some of the Board doesn't like 50-foot-wide lots. Mr. Parker commented this Plan Commission is used to reviewing subdivisions one at a time and going through them, making comments, and negotiating. Discussion ensued.

Mr. Kil stated we talked about minimum building separation and there is at least 10-feet between buildings. There is a minimum for Bay Bridge of 1,200 square feet for the first floor. The detached will be 50-feet by 115-feet and 50-feet by 150-feet. The façade materials will be full exterior. Terraces, patios, decks are exclusion from finished floor which is in the PUD Guidelines. Minimum number of open spaces will be put in the Guidelines. Age Restricted Housing Program will be added to the PUD Guidelines. There are private drives for the townhomes and curbing at 24-feet minimum. Mr. Kiepura asked the private drive is for one house. Mr. Kil commented for a few houses that are on a private drive and will be maintained by the HOA. For the private drives, there will be a Town Engineer approved a turnaround at the dead end. There will be five-foot sidewalk setbacks separated from back of curb by a 5-foot-wide planning strip. We are proposing a sidewalk on the back of the curb for the private drives that are not through streets. These are private drives off of the public road where there will be a group of homes. There is a landscaping plan and we included the elevations for everything that we are proposing to build that has all the landscaping including in it.

Mr. Kiepura asked if they can discuss with Mr. Lotton to put in 70-foot-wide lots and 8-foot side yards. Mr. Kil responded yes.

Mr. Kiepura asked after the public hearing, do we have to act at the public hearing or do we have a time period to act. Mr. Calderon commented it is ten days after the conclusion of the public hearing to make a certification to the Town Council. Mr. Kiepura commented he thought they had 60-days. Mr. Calderon stated that the 60-day time clock started when they filed a complete application. Mr. Kiepura stated that the Statute says we have 60-days after the public hearing and another 60-days to act upon. Mr. Calderon stated the Plan Commission has ten days. The Town Council has 90-days to act or not act on a certified proposal. Mr. Kiepura read IC 36-7-4-607 Zoning Ordinance. Mr. Calderon stated the proper Statute for a rezoning is a map change, which is governed by Section 608 and there is no additional 60-day window. The Commission shall within 60-days hold a public hearing within ten business days after the Commission determines its recommendation, if any, the Commission shall certify the proposal.

Mr. Foreman asked if the next two items on the agenda; Section 607 would be applicable. Mr. Calderon commented it would be Section 608.

Mr. Parker asked will Bay Bridge be ready in two weeks for a public hearing. Mr. Calderon commented it would be technically ready but not fully vetted the way the Plan Commission is used to working with the Town Engineer and others. The risk to the applicant is the Plan Commission doesn't like it and certifies with a negative recommendation. This could be a risk to the developer when they get to Town Council. The documents need to be in shape to provide the level of certainty that the PUD requirements state in your own Zoning Ordinance.

Mr. Oliphant commented we still need to get into the Developmental Plan and how that relates to the PUD documents and the Development Agreement to provide any guidance that may be taken into consideration with whatever vote or certification is made to the Council.

Mr. Calderon stated a fair compromise and respecting what the developer wants out of this; that being respectful for the Commission to have to consider a recommendation and the developer would consider pushing the public hearing to the second meeting in October to give sufficient time to get through all of this and so we can have a Developmental Agreement, PUD Guidelines, Engineering Report in sufficient shape for the Plan Commission to make a decision. Mr. Foreman commented we have had special public meetings after a work session, so that may be something to consider. Discussion ensued.

Mr. Carnahan commented at the next public meeting someone can make a motion to continue to the next work session if the votes are there to do that. If not, possibly go to the October public meeting. Mr. Calderon stated the Plan Commission should have initiated its willingness to hold a public hearing.

10. 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. Kiepora 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 this is similar to Bay Bridge that it has existing zoning on the property. They are looking to re-zone it into a PUD and the current zoning is MZ, R-1, R-T, R-M and B-2.

Mr. Parker asked why can they not build on the current zoning. Mr. Kil commented it would be a better use of the property with townhomes.

Mr. Foreman asked what is the percentage of the density. Mr. Calderon commented the guidelines are 6.6 per acre. Ms. Abernathy commented in the Comprehensive Plan that is currently active, if the Illiana Roadway did not go through, which it did not, it has been removed from Illinois and Indiana; this is the Town's Land Use Alternative that we are supposed to be utilizing to compare all of our projects to. In that area, it showed the mix of medium density residential and high density residential. Discussion ensued.

Mr. Parker asked if they can rezone this to a R-1 PUD and 70-foot lots. Mr. Kil commented he cannot answer that right now.

Mr. Kil stated he has all of the comments from Mr. Calderon which mimics Bay Bridge. There is a well site on the property and we would propose the Town institute a Residential TIF on the property. This is different than an Age Restricted TIF and there is a lot more latitude for the community to use the actual TIF money and that is where the tax money can be captured and the TIF money goes through 20 years and not 25 years. The Legislature was clear on that and can be used to offset operating expenses for police, fire and for public safety. The south parcel property on Morse Street can be given to the Town which would be 2.5 acres. Ms. Abernathy commented it would B-2 to the north. Mr. Kiepora commented there would be a buffer zone between the commercial and residential zone. The southern parcel of property that is on Morse Street would be dedicated to the Town, if the Town would utilize it for extra parking, there would be a buffer zone. The primary road connection will be on Morse Street and there would be a road connection into the east that was just presented this evening. There will be a future connection to the north, but the request is to rezone to a residential PUD.

Mr. Foreman asked if the driveways will be concrete. Mr. Kil responded in the affirmative. Discussion ensued.

Mr. Foreman asked what the density classification is here. Ms. Abernathy commented it depends, but falls into medium under the Comprehensive Plan, but under the Subdivision Control Ordinance it falls in the high density.

11. 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. Kiepora 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. They are proposing a single-family detached product and a single-family attached product. The townhomes will be rear loaded.

Mr. Kiepora commented there will be a sidewalk along Morse Street south of Tastee Top and along the west side of Tastee Top and along 145th Street. When the northside of the property gets developed, will there be sidewalks on that side. Mr. Kil stated they are proposing an 8-foot-wide walkway along the entire Morse Street. They are proposing a concrete path from the southern end of the development, up North Morse Street, around Tastee Top, along 145th Avenue to Cedar Lake.

Mr. Kiepora commented he isn't seeing the measurements of the townhomes. Mr. Kil commented it is included in the PUD Guidelines. They range from 50-feet by 115-feet, 50-feet by 150-feet and front setback of 25-feet, side setback is 5-feet and the corner units are 15-feet. The rear yard setback would be 25-feet. The finished floor will range from 1,200 to 2,600 square feet. The homes will have a detached two-car garage. All driveways will be concrete, asphalt or brick pavers. The attached dwelling will have a lot area of 75-feet by 115-feet. Mr. Kiepora asked are the 25-foot setbacks for all of the units, because they are supposed to be 30-feet. Mr. Kiepora asked what are the dimensions and how many homes will be reserved for Mr. Lotton's personal use. Mr. Kil stated there are five lots with a minimum of 100-feet for each lot. Discussion ensued regarding the private property.

Mr. Kiepora commented they are proposing a commercial office and warehouse in a residential area. Mr. Kil stated this is different because this is our office space and it is currently zoned R-1 and a zone change would be needed. Discussion ensued. Mr. Calderon commented there should be a list for restricted and permitted uses for the commercial property.

Mr. Parker asked if R-1 PUD can be considered for that entire parcel of no townhomes.

Update Items:

1. Building Regulations & Fee Amendment

Mr. Salatas commented it has been presented and if there are any requests on different percentage calculations, send it over and it can be amended. Ms. Abernathy commented they received the rest of the proposed fee changes and they will go out to the Plan Commission.

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

Mr. Oliphant commented they received an email from Mr. Yatsko on October 5, 2023 regarding the punch list and they requested a re-inspection.

3. Rose Garden Estates Unit 1 – Performance Letter of Credit expires October 14, 2023

Ms. Abernathy commented they submitted a request to extend for an additional year in full.

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

Mr. Oliphant commented they issues a small punch list and will be able to rotate into maintenance.

5. Rose Garden Estates Unit 2 – Performance Letter of Credit expires December 9, 2023

Ms. Abernathy commented they are going to extend.

6. Ledgestone – Performance Letter of Credit expires December 7, 2023

Mr. Oliphant stated this is a maintenance expiration and we initiated a request for a review with Public Works for all underground and we will initiate our own inspections and provide a punch list to Ledgestone to complete prior to expiration.

7. Summer Winds Unit 2 – Performance Letter of Credit expires December 20, 2023

8. Summer Winds Unit 3 – Performance Letter of Credit expires December 23, 2023

Mr. Oliphant commented they have not met their minimum built out requirements to surface yet and they are close.

Public Comment:

Mr. Chuck Becker, 6100 W. 136th Place, asked if the Plan Commission asked for any unreasonable conditions from Mr. Kil on any of these developments, if not, why is this getting pushed through. Ms. Abernathy read Indiana State Code, IC 36-7-4-608 Zoning Ordinance.

Mr. Oliphant commented once they get into it at development, it is treated like any other development that comes into town.

Mr. Becker commented once we get all of the information, do the studies, and make sure the resources are there, then approve it.

Mr. Kiepura commented they are governed by the law and the laws push it through.

Ms. Brenda Roberts, 15008 Morse Street, asked does she have the opportunity to say yes or no to this development. Ms. Abernathy stated when all adjacent property owners are affected to new development, they are required to be notified so they can speak for or against the development at the public hearing.

Ms. Roberts commented she was looking for maps online. Ms. Abernathy commented she will get the maps online. Ms. Roberts commented we need to know what it entails because there will be an ecological disturbance.

Mary Jo Dickson, 8711 West 132nd Place, commented she wanted to thank a couple of the Board members for going to the sewer plant and she would like the Board to think about water. There are 90 wells drilled in this community in the last three years. These people have been here and sometimes without water because of where their wells are located. They cannot get equipment in there.

Mr. Jason Griffen, 12823 Carey Street, commented he agrees with the developer losing a lot and the community is going to gain a lot by that and appreciates the thought about future development. Mr. Foreman explained the TIF for Monastery Woods North. Mr. Salatas commented Carmel, IN has a website that explains TIFs.

Mr. Jeff Bunge, 14619 Bell Place, commented he was astounded of what went on in the meeting. Where does the Wetlands and Waterways run of the old golf course. Mr. Oliphant commented it is the wetland area south of 147th Court, which is south of Southshore Subdivision. Mr. Bunge asked the area of parks they are designing is not in the wetland designation. Mr. Oliphant stated it will need to be looked at and other portions of the golf course that are not residential lots are showing open space. There is private open space north of 145th Street, and how this will be publicly accessible parkland and will need to be evaluated. Discussion ensued.

Mr. Bunge asked is 145th and Morse Street are they federal emergency evacuation route streets. Ms. Abernathy commented Morse Street is, but 145th Street is not. Mr. Bunge commented there is a 40-foot setback off of Morse Street.

Mr. Bunge asked if the pond at Founders Creek will be maintained. Mr. Oliphant responded in the affirmative. Mr. Foreman commented the woods to the east of that pond are staying.

Mr. Bunge commented that the 55 and older community will not have kids living in this type of community is not correct as grandparents are helping raise their grandchildren more nowadays.

Mr. Parker commented there was discussion about the future of widening of Morse Street and the right-of-way should be considered in the planning rather than after something gets built.

Ms. Gail Brannon, 7014 W. 139th Place, asked are there any other parcels of land that were zoned long ago. Mr. Parker commented there could be. Discussion ensued regarding legal non-conformity.

Mr. Terry Broadhurst, 14513 Morse Street, commented the lawyer talked about 60-days from the application, but it is 60-days from tonight's comments. There are three big projects and to have a public

hearing in two weeks from now there isn't enough time and was wondering if the Commission can make a motion to slow this down. Ms. Abernathy stated they were here at the August 2, 2023 Work Session.

Mr. Broadhurst commented the they are trying to zone to different properties disconnected under one thoroughfare under one PUD. It should be two separate PUD's since it will be zoned two separate zonings. The townhomes that would be along Morse Street doesn't allow for any on-street parking.

Mr. Jerry Wilkening, 10826 W. 131st Avenue, commented Mr. Kil's was mixing up road and private driveway. Is the blacktop that he is going to be putting in is going to need to meet road regulations. Mr. Oliphant stated unless they are requesting a deviation from the standards, the Board has to accept it or not.

Mr. Wilkening commented we need to trust the public safety professionals. There are seven findings to prove for a PUD and he doesn't think Mr. Lotton and Mr. Kil have proved any of the findings.

Ms. Barb Orze, 10290 W. 138th Place, commented she wanted to thank Mr. Parker and Mr. Kiepura and she enjoys coming to these meetings and learns a lot. She has an interest in looking long term with ground water supply and she questioned the information about the wells are available through the Town. Mr. Salatas stated the only information that qualifies can be released under the Freedom Information Act, but some information is protected by Federal Law. Ms. Abernathy commented when there is a public information request, we are not allowed to provide information or help fill out the form. Ms. Orze discussed wells and when wells run dry. Mr. Kiepura stated we have a professional engineer that informs if there is enough potable water to accommodate the houses that want to be built.

Ms. Meg Daily, 14819 Morse Street, commented she was representing Golfview Estates which is across from the golf course. They are not in favor of re-zoning Red Cedars and to keep it R-1 and also, they are not in favor of townhomes. There isn't enough room for parking and deliveries. Ms. Daily commented she wanted to thank Schilling for their willingness to negotiate in good faith and doesn't feel that Mr. Lotton wants to negotiate in good faith. More research needs to be done regarding these three projects.

Ms. Daily asked is Cedar Lake a unique area that just has wells. Mr. Foreman stated because we are south of the Continental Divide, we cannot get Lake Michigan water. We are similar to St. John, Indiana and sometimes water has to be bought from Schererville.

Adjournment: Mr. Kiepura adjourned the meeting at 10:03 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 September 6, 2023