



**CEDAR LAKE PLAN COMMISSION PUBLIC MEETING MINUTES**  
**CEDAR LAKE TOWN HALL, 7408 CONSTITUTION AVENUE, CEDAR LAKE, INDIANA**  
**September 20, 2023 at 7:00 pm**

**Call To Order:**

Mr. Kiepura called the Plan Commission Public Meeting to order on Wednesday, September 20, 2023, at 7:00 pm with its members attending on-site. The Pledge of Allegiance was said by all.

**Roll Call:**

**Members Present via Zoom:** None. **Members Present On-Site:** Robert Carnahan; James Hunley; Richard Sharpe, Secretary; Greg Parker, Vice President; and John Kiepura, President. A quorum was attained. **Also present:** Don Oliphant, Town Engineer; David Austgen, Town Attorney; Ashley Abernathy, Planning Director; and Cheryl Hajduk, Recording Secretary.

**Absent:** David Abshire

**Minutes:**

Mr. Kiepura entertained a motion for the August 2, 2023 Work Session minutes and August 16, 2023 Public Session Meeting minutes, a motion was made by Mr. Parker and seconded by Mr. Hunley to approve the same. Motion passed unanimously by roll-call vote:

Mr. Carnahan	Aye
Mr. Foreman	Aye
Mr. Hunley	Aye
Mr. Sharpe	Aye
Mr. Parker	Aye
Mr. Kiepura	Aye

Mr. Kiepura commented he watched the Utility Board Meeting and according to that meeting and an email that he received from the Water Engineer:

- Once Paradise Cove is online and is connected with Lakeside to the east side water main interceptor the four production wells will be at 200 gallons per minute.
- Each of the pumps with the largest calculated out of service and the firm production capacity is 864,000 gallons per day.
- The actual uses of the proposed units of more than 505 units could be permitted immediately after those improvements; however, those units are permitted over time and 2,106 units can be added, plus the proposed Brunt Farm of 1,000 gallons per minute wells that is Founders Creek and Peerless is working on and those unit numbers are up from 1,747 and 7,290 respectively.

- Adding an additional elevated or ground storage will not change the firm rate due to the capacity of the system, but will provide fire protection capacity and normalize the well pump operations to allow the pumps to fill overnight and drain the tanks during the days and during high demand.
- There have been 3.2 million gallons per day over the last 12 months versus the 2008 flow of 3.8 million gallons per day, which before adjustments gives each community an additional 2,000 unit based on today's flows, and that's wastewater.
- Wessler is working on improvement projects for the JMOB to at capacity to the six million gallons per day with options for 10 million gallons per day.

Mr. Carnahan commented Cedar Lake and Lowell have 2,900 taps.

Mr. Hunley commented according to Indiana Code 36-10-3-6, Board Member Heather Dessauer did not receive notice when she was voted off of the Board. The removal process is in the 200 Series of the Indiana Code and there is not specifically an advance notice requirement. The removal or termination is cause, which is being asked about. Due process is the necessity of giving a reason or notice in advance. There is an appeal period under the Indiana Code, which is a 30-day appeal process.

Ms. Dessauer commented she still has not received notice. Mr. Austgen stated the legalities and the due process is required. Ms. Dessauer commented what happened at the Town Council Meeting was inappropriate, illegal and unethical.

**Agenda:**

**1. 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 141<sup>st</sup> Avenue, Cedar Lake, IN 46303

Mr. Kiepora stated the first order of business is a Petition requesting a Rezone from R-1 and Agriculture to Planned Unit Development (PUD). Mr. Austgen advised legals are in order, but any action taken on this matter should be contingent on verification.

Mr. Jack Slager, Schilling Development, stated they are representing Cedar Lake 133, LLC of the Lakeside Subdivision. Mr. Slager gave a brief history of what Schilling Development does. The original Lakeside was developed in 2016 and 2017, but they had to wait for more water supply. They have been to many Plan Commission and staff meetings over the last few years and they provided drain tile studies, a traffic impact study, and have revised the plan six times. They designed and permitted a mile of over-sized sanitary sewer that will service this project along with adjoining properties. They will provide a needed connection of the Town's water supply from 141<sup>st</sup> Avenue through the Lakeside Development that will connect to the Town's water storage tank. Drainage analysis has been done on the property and detention ponds have been sized based on the Town's Stormwater Ordinance. There are a total of 550 units on 220 acres for a density of 2.5 units per acre which is the same at the original Lakeside and adjoining Robin's Nest Development. All of the units will require landscaping with irrigation and all will require architectural review. There will be a trail system through the project and along 141<sup>st</sup> Street that will connect into the Town's future Founder's Creek Trail System. This project will have approximately a ten-year build out as long as the economy stays solid. They are requesting a favorable recommendation to the Town Council from agricultural to a Planned Unit Development based on the Concept Plan that was submitted.

Mr. Oliphant stated there is a letter dated September 19, 2023 and we are far along on the zoning. We have been given Preliminary Engineering that drives home their Site Plan as it's shown. The Utility Engineer was given the analysis for sewer and water and were provided preliminary plans for the subdivision. The detention basins on the Engineering plan are properly sized based on their uses. There is a section in the letter regarding Infrastructure Improvement Agreements that is going to go with future improvements with the site that aren't known yet. They should be memorialized in this along with the water and sewer improvement upgrades and should be in there as well.

Mr. Carnahan asked if they going to start from 141<sup>st</sup> Avenue and work back North and then onto Lakeside 2 and move South where they will meet eventually. Mr. Slager responded in the affirmative.

Mr. Parker asked is this ready with contingencies or should this item be deferred to another meeting. Mr. Oliphant commented it is right in-between in his opinion. There is a traffic impact study which is part of the review process and it is not normally given this early, but it is difficult to say what is going to be the developer's responsibility and our responsibility. The roadway improvements need to be memorialized in the PUD.

Mr. Parker asked if there can be a deferral for one month to get the rest of the contingencies worked out. Mr. Slager commented he would not want to defer because they have gone through Mr. Oliphant's letter and have responded to it. We would like to get the re-zoning in place, so we can finish knowing what some of the requirements are.

Mr. Carnahan stated we could approve it on the contingencies that Mr. Oliphant mentioned in the letter.

Mr. Kiepora asked if there were any remonstrators for or against this project.

Mr. Zander Lewis, 1161 West 161<sup>st</sup> Avenue, commented we should defer the vote until we have a new Board that we have elected in. We are overpopulated. Mr. Parker commented this is close to meeting its requirements and they have done their due diligence.

Mr. Scott Gable, 14701 Morse Street, asked how many single-family homes are there out of the 550 units. Ms. Abernathy commented 196 homes. Mr. Gable asked can they defer this for 30-days to get the road studies done. Mr. Parker commented there is no reason we should defer this to get it completely finished.

Mr. Kenny Dashel, 14321 Lakeshore Drive, commented he noticed that infrastructure is missing. It is building the foundation up i.e., hospitals, grocery stores, schools and other things. The proper traffic studies aren't done.

Mr. Foreman commented the State passed a new State Law called Residential TIF. We are trying to work in unison for the Residential TIF in order to capture some tax dollars and keep it from going to the north end of the County.

Ms. Pamela Davenport, 13035 Schubert Street, commented she walks every day and has to dodge traffic and has a hard time getting out of her subdivision because of the traffic. The roads cannot handle all of the traffic.

Mr. Frank Lewindowski, 13701 Lauerman Street, commented there needs to be fair and even representation and right now we do not have that. Mr. Lewindowski discussed a Board member being voted off the Plan Commission.

Mr. Tom Gregor, 60008 West 146<sup>th</sup> Avenue, asked if TIF could be defined. Mr. Foreman explained what a TIF is.

Mr. Kiepura closed the public portion of this hearing.

Ms. Abernathy stated the review is completed and Mr. Austgen is in receipt of comments and responses.

Mr. Foreman commented this is a preliminary plan and it is a ten-year project and Engineering should move forward.

A motion was made by Mr. Foreman and seconded by Mr. Sharpe to send a favorable recommendation to the Town Council for the Lakeside South Rezone from R-1 and Agricultural to Planned Unit Development and contingent upon verification of legal, as well as, the September 19, 2023 Letter from Christopher B. Burke Engineering for Motion passed by roll-call vote, 4-Ayes to 2-Nays:

Mr. Carnahan	Aye
Mr. Foreman	Aye
Mr. Hunley	Nay
Mr. Sharpe	Aye
Mr. Parker	Nay
Mr. Kiepura	Aye

## **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 146<sup>th</sup> Avenue, Cedar Lake, IN 46303

Mr. Kiepura stated the next order of business is for a One Lot Subdivision & Rezone from Resort to Planned Unit Development (PUD). Mr. Austgen advised legals are in order, but any action taken will need verification.

Mr. Nathan Vis, Vis Law on behalf of Pine Crest Incorporated, stated there were a few minor details, but we now have a proposed Planned Unit Development. This proposal is located at the southern end of the lake near the marina where Pine Crest is located. They are looking to consolidate to have a boat storage building. The phasing of this project is in good order, but there was a concern about the drainage, as well as, the entry/egress way and this was addressed with the Engineers prior to this meeting. The Development Agreement has existing uses for both storage and maintenance and these uses can continue as we phase out the proposed development. There is a final Site Plan and we spoke with staff and there was a request to waive any future Site Plan reviews before this Board due to specificity. We would not waive any continuing obligation to continue to work with the Town Engineer and staff with any future Site Plan review that would be needed. The Planned Unit Development Agreement clarified there was a variety of proposed uses such as appliances for boats, appliance repair, business professional offices, and marina emphasis that could be located on this particular piece of property.

Mr. Oliphant commented we issued a letter on September 15, 2023, and the remaining comments are minor. Some of the comments that were added prior to meetings for waivers is the Petitioner is asking for are no sidewalks to be installed, improvement of the public right-of-way in their frontage and no public lighting improvements in the public right-of-way. This is a unique parcel and it is space within their own right-of-way before it gets into the marina itself. Any anticipated improvements through there will be difficult.

Mr. Kiepora asked if there were any remonstrators for or against Pine Crest Marina.

Mr. Carl Springer, 7326 W. 143<sup>rd</sup> Avenue, commented on this development, what is going to be on this parcel. Mr. Oliphant commented there will be a boat storage building with a future ability to create a small building off of the frontage. Mr. Springer commented this will be utilized as a business and why is it going to be re-zoned, because we do not want to add to any safety issues with traffic. Mr. Oliphant commented there will be a larger frontage.

Mr. Robert Phillips, 14620 Huseman Street, commented he doesn't understand why this has to be re-zoned for business because it is a business. It will run through his backyard. Mr. Kiepora commented the marina section is being re-zoned.

Mr. Kiepora closed the public portion of this hearing.

Ms. Abernathy stated Mr. Vis, Mr. Austgen and myself went over the PUD Agreement and it was re-submitted, but I have not had a chance to review all of it. Any recommendations would be with legal and staff review. Mr. Austgen commented it was substantial business documents, Ordinance Covenants, and Agreement.

Mr. Austgen advised the provision should be for legal, staff and party agreement on the final verbiage. The concepts are covered and the waiver of sites approval is a policy call. The proposed uses are identified as items one through six in the Agreement. The item of approval on the Site Plan has historically been for business improvement vested by you and if it is appropriate to identifying it. This is a substantial waiver. Mr. Parker asked is this going to be contingent on that. Mr. Austgen stated it isn't contingent on the finalizing of the importance in the document. Mr. Parker asked are we are looking for legal review, staff review and the legal understanding. Mr. Austgen responded in the affirmative.

Mr. Oliphant stated it will also be contingent on our letter dated September 15, 2023.

Mr. Vis commented there are a couple of clarifications. There is an item in Mr. Oliphant's letter that requested an easement of approximately 12-feet for Nipsco running in front of Lauerman and we would request this be reduced to 10-feet. There was a suggestion in the letter that asked for an additional 5-feet of right-of-way North along Lauerman and it was indicated there isn't a lot of room where we are proposing to put ornamental lights, as well as, or ornamental fencing long term. We are comfortable without it, but that is a policy call. Discussion ensued.

Mr. Vis stated there is a triangular area that dips into the channel and that is a right-of-way that the Town maintained from when there was a railway that used to loop right next to the lake from a century ago. That should have been cleaned up a long time ago. We had discussed that we go through a process with the Town Council that they would remit that back to the two adjacent land owners, and after speaking with Mr. Austgen, he indicated due to the minor area that we are talking about, he would recommend to

the Board and to the Council to do a quick claim of that triangular piece that juts out into the marina shore from the Town to the client. In return, we would obtain an easement should the Town need to access the channel.

Mr. Hunley commented Pine Crest has been a business in the Town for years and has worked hard maintaining the lake.

A motion was made by Mr. Parker and seconded by Mr. Hunley to send a favorable recommendation to the Town Council for a Rezone from Resort to Planned Unit Development contingent on legal review, staff review, legal verbiage, letter of September 15, 2023, Engineering comments and concerns, and recommending a quick claim deed of the triangle parcel and an easement in return. Motion passed unanimously by roll-call vote:

Mr. Carnahan	Aye
Mr. Foreman	Aye
Mr. Hunley	Aye
Mr. Sharpe	Aye
Mr. Parker	Aye
Mr. Kiepura	Aye

A motion was made by Mr. Parker and seconded by Mr. Foreman to approve this Preliminary Plat with the same contingencies as the Planned Unit Development. Motion passed unanimously by roll-call vote:

Mr. Carnahan	Aye
Mr. Foreman	Aye
Mr. Hunley	Aye
Mr. Sharpe	Aye
Mr. Parker	Aye
Mr. Kiepura	Aye

### **3. 2023-17 – Yonk’s Way – Final Plat**

Owner/Petitioner: L & L Capital Assets LLC, PO 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, representing L & L Capital Assets LLC, stated this is for a Final Plat request. Prior to hearing the Final Plat, we made a request at the work session earlier this month regarding the surety and we would like to get a motion regarding the Final Plat.

Mr. Kiepura commented they want a Performance Bond instead of a Letter of Credit for the same amount.

Mr. Austgen stated that was the request and was dialogued at the work session. Since 1989, the Ordinances with this Town has required Letter of Credit or cash, most of which has to do with protecting the Town and he understands why Mr. Huls is asking. It is the Board’s decision to wave this decision, but to have something specific as to the reason why, so we can distinguish this action in the future.

Mr. Huls stated the Ordinance does allow you to consider surety in another manner other than a Letter of Credit, so we are seeking relief from that Ordinance considering the extenuating circumstances on this. This is not a large development; it is two single-family lots. We are going into wintertime and will not have the opportunity to perform the work this year, but we would like to record these lots and a bond is an economical way to do that and it also allows the developer to prepare the building plan and submit building permits. The Ordinance is written for larger developments and deal with Performance Letters of Credit to make sure that the community is not at risk for substantial public improvements. This is not the case in this project. We are asking for separation of that from the Final Plat action.

Mr. Kiepura asked who is writing the bond. Mr. Eric Lindemulder responded West Bend Mutual. Discussion ensued regarding Surety Bonds, Letters of Credit and allowing waivers.

Ms. Abernathy commented we have always done Letter of Credit and there have been very few exceptions in the past. Per Ordinance 498, the Letter of Credit is the standard and a waiver can be asked for, but with approval from the Plan Commission. Discussion ensued.

A motion was made by Mr. Foreman and seconded by Mr. Hunley to allow the waiver of the Performance Bond and utilize the surety bond from West Bend Mutual. Motion failed by roll-call vote 3-Ayes, 3-Nays:

Mr. Carnahan	Nay
Mr. Foreman	Aye
Mr. Hunley	Aye
Mr. Sharpe	Nay
Mr. Parker	Nay
Mr. Kiepura	Aye

Mr. Huls stated they would like to defer this Petition to May 2024, so they can utilize the full timeline and according to the Ordinance for the Primary Plat approval which is 12 months from approval. They can use that time for construction of the public improvements and will come back in May 2024 to seek Final Plat approval. Mr. Austgen stated this should be on the work study session in May 2024 followed by a public meeting.

A motion was made by Mr. Foreman and seconded by Mr. Parker to defer Yonk's Way Final Plat to May 2024 Work Session. Motion passed unanimously by roll-call vote:

Mr. Carnahan	Aye
Mr. Foreman	Aye
Mr. Hunley	Aye
Mr. Sharpe	Aye
Mr. Parker	Aye
Mr. Kiepura	Aye

#### **4. 2023-02 – Monastery Woods – Reinstatement of Preliminary Plat - Continued**

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

Petitioner: Olthof Homes, 8051 Wicker Avenue, Cedar Lake, IN 46303

Vicinity: 9727 West 129<sup>th</sup> Avenue, Cedar Lake, IN 46303

Mr. Kiepura stated the next order of business is a petition request for the Reinstatement of the Preliminary Plat for Monastery Woods North.

Mr. Kevin Paszko, Olthof Homes, stated we are here for the Preliminary Plat for Phase 3 of Monastery Woods Subdivision. There are 88 lots left from the original plans that were platted in 2006 with 322 lots in the entire Monastery Woods Subdivision both North and South. This property is currently zoned R-2 and there is a detention area in the center.

We previously submitted an engineering update to Mr. Oliphant on September 7, 2023 but we have not heard of any formal comments back at this time. Mr. Oliphant mentioned nothing major needs to be fixed. Mr. Foreman had mentioned in a previous meeting of putting in a sub road and Lot 121 will be used for a sub road. We will put in a 60-foot right-of-way for a future road connection out across the parcel east to connect to Parrish Avenue. All of the proper setbacks are in place for both lots 120 and 122. There is a 30-foot setback on either side and the only part that is restricted is the building envelope, but we can accommodate that and restrict which floor plans can be constructed on those two lots. Lot 121 allows for usable space if that road goes all the way through on that parcel to the west, as well as, having the proper distance between where this intersection would be at 127<sup>th</sup> Avenue and it is over 200-feet, which the Subdivision Control Ordinance states. We can install the road improvements for that stub as conditions to this or dedicate the right-of-way in the future.

Mr. Paszko stated we would like to ask for approval with a contingency of updating the existing plat and engineering to reflect the road stub, as well as, any other changes.

Mr. Carnahan asked if Lot 121 will go east of Parrish and for a potential future road. Mr. Paszko responded in the affirmative.

Mr. Oliphant commented we received a re-submittal on September 7, 2023 and we are 90% done with minimal comments. Lot 121 is the best to stub out to that parcel to the east with grades, and separation from the southern intersection. We recommend the stub be put in now along with water and sanitary stubs to the east property boundary.

Mr. Kiepura asked if there were any remonstrators for or against Monastery Woods. Seeing none; public portion of this hearing is closed.

Mr. Austgen asked does this plat presentation and design that was reviewed today solve the Town's sewer concerns at 12546 and 12548 Parrish Avenue. Mr. Oliphant commented it does and they are providing a drainage utility easement between Lots 113 and 114 and extending their sanitary lateral all the way back to the un-subdivided parcels. They will have the ability to tap onto that main and their existing service lines will fit into it.

Mr. Oliphant asked about how the covenants were going to be handled. Mr. Paszko stated we are still working through that and as of right now, this land is still legally part of existing covenants that are on file with the county.

Ms. Abernathy commented there are no further comments from Public Works or the Utility Engineer and they stated the re-submittal satisfied all of the comments they had.



A motion was made by Mr. Foreman and seconded by Mr. Sharpe to approve Monastery Woods reinstatement of the Preliminary Plat contingent on remaining Engineering comments from August 9, 2023 Christopher Burke letter and future. Motion passed unanimously by roll-call vote:

Mr. Carnahan Aye  
Mr. Foreman Aye  
Mr. Hunley Aye  
Mr. Sharpe Aye  
Mr. Parker Aye  
Mr. Kiepura Aye

**5. 2023-17 -Railside – Final Plat**

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

Vicinity: 10702 West 141<sup>st</sup> Avenue, Cedar Lake, IN 46303

Mr. Kiepura stated the next order of business is a petition requesting the Final Plat for the commercial/industrial subdivision known at Railside.

Mr. Jack Huls, DVG, stated we are seeking the Final Plat for this project. We are largely done with the underground and gearing up to install the roads in the next month. Mr. Oliphant has a review letter for your consideration and it establishes some numbers for the Board to consider and our new comments have been addressed. We are also seeking approval on that.

Mr. Oliphant stated the September 15, 2023 letter recommends approval with five minor contingencies on the plat itself. The Letter of Credit values have been set based on installed infrastructure by the developer and our Engineers estimate problems with costs. We went through our normal fees for final plat and the 3% inspection fee through the development will be \$120,439.52. The Letter of Credit is \$3,102,838.53 and the MS4 inspection fee for this site is \$1,500.

Ms. Abernathy commented if approvals are granted, we will need a Letter of Credit submitted along with the inspection fee and the MS4 fee. Once the Letter of Credit is submitted, then we can get mylars signed.

A motion was made by Mr. Parker and seconded by Mr. Foreman to approve the Final Plat for the commercial/industrial subdivision known as Railside contingent on Engineer's comments, the Letter of Credit in the amount of \$3,102,838.53, the MS4 inspection fee in the amount of \$1,500 and the 3% inspection fee in the amount of \$120,439.52. Motion passed unanimously by roll-call vote:

Mr. Carnahan Aye  
Mr. Foreman Aye  
Mr. Hunley Aye  
Mr. Sharpe Aye  
Mr. Parker Aye  
Mr. Kiepura Aye

**6. 2023-18 – Bay Bridge - Rezone**

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

Vicinity: Between 149<sup>th</sup> and Colfax to 153<sup>rd</sup> 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. Calderon advised legals have been received, but they need to be verified.

Mr. Steve Kil, J3 LLC, 14400 Lake Shore Drive, and Mr. Tim Ochs, legal counsel, were present for the petition. Mr. Kil stated the request is mostly unchanged, but we answered questions from the PUD Guidelines that were given to us by Mr. Calderon and staff. Bay Bridge is unique that there is a Planned Unit Development zoning on the project and the units allow to build what we are proposing now. There is 210 acres on the site and 110 acres of open space. Mr. Kiepura requested a road cut to the North in the one area, which is not a problem and Mr. Salatas wanted the easternmost drives to the north dedicated as a dedicated public road instead of a private road.

Mr. Kiepura commented we are looking for wider widths and a couple of different entrance and exits other than the bridge. Mr. Kiepura read aloud the seven PUD Findings that are needed. Mr. Kiepura asked if they are aware of these findings. Mr. Kil responded in the affirmative.

Mr. Tim Ochs, Attorney at Ice, Miller, One American Square, Suite 300, Indianapolis, IN, stated we believe we meet all of the requirements. The requirements are for re-zoning to a PUD and we aren't doing that; we are amending an existing PUD, because we would like to change the Site Plan. We believe a superior Land Plan which already exists. Under the Land Plan for existence, the existing PUD there is only one point and that is not changing which was already approved.

Mr. Kiepura asked are they going to change anything or negotiate. Mr. Ochs commented we were asked to modify the lot widths and the developer is not willing to do that at this point. Discussion ensued.

Mr. Kil stated the road that was going to be private will be a publicly dedicated street to get out to the north. Discussion ensued.

Mr. Oliphant stated we issued a letter on September 15, 2023 and we brought up the Findings of Fact of five, six and seven and a lot of information to potentially concur that the information has been provided and would include traffic flow, preliminary engineering and construction sequencing. There are concerns about the northern access and what is shown on the Development Plan that the private streets would access that point and that point is also outside of Cedar Lake's jurisdiction. The only point of ingress backed into the Town's jurisdictions does not appear to be a right-of-way. One of our comments is to provide Title Work to ensure that 147<sup>th</sup> Street does connect into Reeder Road, but right now on the County GIS, it does not show as connecting. There are comments about some of the waiver requests regarding setbacks, comments about how they are going to manage open space areas, park areas, and how that corresponds to current Ordinances. It was noted that the bridge is a large variation from the original approved PUD. There isn't engineering or traffic studies to support that.

Mr. Kiepura asked what is the side yard widths. Mr. Kil responded 5-feet. Mr. Kiepura commented we need at least 8-feet side yard for safety reasons. Discussion ensued.

Mr. Kil commented this is an approved zoning of a Plan Unit Development and we are presenting an alternate land plan that removes all of the units from the lower section by 153<sup>rd</sup> Street and all of the units that back up to this subdivision and we think we have a far superior Land Plan to what's already approved for us. We would like to proceed as we have drawn it; we have an existing approval that is in place.

Mr. Oliphant asked why can't the original PUD be relied on from Engineering. Mr. Kil commented the only Engineering they were able to get was the exception of the bridge. Discussion ensued.

Mr. Kiepura asked if a traffic study was done. Mr. Kil responded in the negative. Mr. Ochs commented if this were a new PUD, the existing PUD allows more units than what is shown and doing a traffic study with the number of trips is not changing from the current entitlement to the property and from our perspective is a waste of money.

Mr. Parker commented this PUD was approved in 2003 and nothing was done with it and they got approval and they sold a PUD development without a plat. It was incomplete when it was approved. Mr. Ochs commented this can be criticized from the Plan Commission or Town Council back when it was originally done, but it was approved and it does exist. Mr. Parker stated it was approved by what the Town considered at that time and standards, requirements and citizens expectations change and that is where we are at today. Discussion ensued in length.

Mr. Ochs commented my client is not willing to spend the money that is suggested and this plan as presented is more sensitive to the surrounding neighbors and it does not increase the overall number of units. If this is something the Town does not want, they can deny it and go back to the old one.

Mr. Calderon stated the Ordinance and Section C, two speaks to the expiration of the Development Plan, a final Development Plan if it is not acted upon after a certain period of time and this has not been the case here. There is a concern on the reliance on the old Development Plan, but it doesn't take away an underlying Ordinance that calls for something to be developed here. Based on the current Ordinance, the old Development Plan can be turned into a plat and building permits.

Mr. Ochs commented we disagree with that position and there are other existing Ordinances adopted by the Town that suggest otherwise, but this isn't before the Board at this time. Our request is to amend the Planned Unit Development to the plan that is shown.

Mr. Foreman stated it would be good to compromise on something other than what was initially presented because it is more sensitive. The ability to widen the lots and the other things that have been brought up would be beneficial. Mr. Parker commented this is going to take a significant amount of time.

Mr. Kil commented the concern is moving the 50-foot lots to 70-foot lots and what about the townhomes. Mr. Kiepura commented he isn't good with townhomes, but there needs to be negotiating. Mr. Kil commented they are connected single-family homes, but age restricted. Discussion ensued regarding the difference between townhomes and duplexes.

Mr. Kiepura asked if there were any remonstrators for or against Petition.

Ms. Sarah Devine, 6200 W. 147<sup>th</sup> Avenue, commented the existing outlet they are speaking of is through 148<sup>th</sup> Street and is also known as Cherry Street. There is not an outlet to Reeder Road, and it goes through 147<sup>th</sup> Street which is a narrow road. There is a blind hill there and the kids like to play around there. Mr.

Oliphant commented she is making valid points regarding roadway conditions, traffic loading and none of this is improved to our standard but these roads are not in our Town.

Ms. Devine commented the Lake Dale bridge area is a tight area and is barely two lanes.

Mr. Chuck Becker, 6100 W. 136<sup>th</sup> Place, commented there has been no planning on this and is a waste of time to have a public meeting and there have been no negotiations. We need twilight clauses. Mr. Parker commented we cannot plan for anything when there isn't an expiration date for a project.

Mr. Becker commented standards change and this is irresponsible to have a public meeting. We should have these meetings at the high school where more people can attend and give their comments. These developments are being talked about before January and they aren't planned out.

Ms. Tracy Haskell, 13436 Osbourne Street, commented the school districts pay for engineering, and traffic studies. We don't have funds for developers, we take tax payers money to do that to get our things passed through planning. Maybe they should talk to the developer and if the schools can do it, then the developer has the money to do it.

Ms. Tamara Polison, 13626 Morse Street, commented it seems like all subdivisions have townhomes, paired cottages, and condominiums. Build single-family homes instead. The traffic is so bad in this area and needs to be taken in account.

Mr. Ryan Brown, 14701 Morse Street, commented we do not like it, they are just jamming houses in and not willing to budge.

Mr. Tanner Lewis, 11601 W. 126<sup>th</sup> Avenue, commented these people are not willing to compromise.

Mr. Jack Yauger, 14722 Reeder Court, commented some of the area that is in Bay Bridge is unincorporated Crown Point, Indiana, and Cedar Lake doesn't have anything to do with this. Who is going to develop this and put the roads in. Reeder Road does not have any sidewalks and people speed down this road, so what is it going to be like when homes are built in this area.

Mr. Dan Powers, 15020 Clark Street, Crown Point, IN commented we cannot stand in the way of universal progress; however, this is a small rural Town and Cedar Lake is growing and it's wonderful. How many planned homes are going to be built. Mr. Kil responded 587 homes. Mr. Powers commented the infrastructure has fallen through the cracks and many other homes are going to be built in this area, it's a bad idea.

Mr. Nick Recupito, 14110 Cottage Grove Street, commented he served on the Board of Zoning Appeals in the past and this Board needs all of the facts so it can be planned correctly. The Joint Management Oversight Board which handles the waste water treatment plant between Lowell and Cedar Lake and a couple of the details is that the wastewater treatment plant has a capacity of 2,900 units; however, we approved the Wrestler Task Order #15 and this was an evaluation of the wastewater treatment plant at the July 25, 2023 JMOB meeting and it was stated that this task order will re-evaluate projections and flawless data and it looks like flows might be higher than anticipated over the next couple of decades. There is another Task Order being prepared, which is #16 and it will determine what items will be required in the future based off evaluations. The Town Manager in Lowell, IN stated they want to get this going right now. Our east side water system has an immediate capacity of 91 permits and there are projects in

the works on the east side. The Board's duty is to protect the interest of current residents first. The Wastewater Treatment Plant has nothing guaranteed in those numbers. The current residents do not want to pay for all of this and there are more questions than answers.

Mr. Tom Woods, 12334 Kennedy Street, commented this is the making of Sauk Village, IL. We do not want it.

Ms. Sarah Devine, 6200 W. 147th Avenue, commented our neighborhood has been around for a while, it is small and quiet and we want to keep it that way.

September 20, 2023

To Town of Cedar Lake:

We received notification in the form of a certified letter from J3LLC about the rezoning of the land known as Bay Bridge. We are assuming a rezoning is for the purpose of putting in a subdivision in this area north of 153<sup>rd</sup> Avenue, Cedar Lake.

We own property near this area and our residence is on 147<sup>th</sup> Avenue, Crown Point, Indiana. Our family has owned properties in this subdivision for 60 years, consequently there are five different five Devine families who live near or on this road. We are extremely concerned if this subdivision is put in place, there will be a lot of construction traffic through our small neighborhood streets to get access to this area for developing the subdivision.

Our streets are narrow and when two vehicles are coming down the road, especially if one is a truck, bus, garbage truck, etc the other must pull off on side of road so said vehicle can pass. We have already experienced some semi-trucks pulling logs out of this proposed area down King street. Our neighborhood streets cannot handle this much traffic. We also have a blind hill on 147<sup>th</sup> Avenue that is dangerous if anyone is riding bikes, such as neighbor children and a car comes cruising down or up that hill. Increased traffic on this road would only heighten that hazard. We do not have sidewalks in our neighborhood that would provide an alternative path for walkers or bikers. Not only are our roads narrow, 147<sup>th</sup> is only partially paved in front of our residence leaving the rest of the road gravel. We were required to pave the road that fronted our residence, by the county, when we built our home here in 1993. If this road is used for main access, it should be paved completely to the proposed property known as Bay Bridge—has this been communicated to the developer?

If this developer wishes to re-zone the land for a subdivision, we would request he get access in the Lake Dale area instead of the access roads of 147<sup>th</sup> Avenue and King street in our neighborhood. As we see more and more subdivisions added to Cedar Lake, consideration must be given to the extra traffic this puts on our roads and the frustration it brings to the residents here. While the developing of Cedar Lake is a beautiful thing to behold, the added traffic is becoming quite the problem. At least in our quiet neighborhoods, we don't want continuous traffic or construction traffic up and down our streets all day.

Respectfully,

Herb & Rhonda Devine

Mr. Kiepura closed the public portion of this hearing.

Ms. Abernathy stated we received a re-submittal with redline comments and we are working on the review and will also get in touch with legal counsel regarding this.

Mr. Hunley asked if the entrance is South of 147<sup>th</sup> Street and that it is an unincorporated area. Mr. Kil responded in the affirmative and we know the streets are gravel and they will need to be paved. There is a right-of-way there and understand about the improvement of the roads.

Mr. Foreman discussed how growth is coming, this is a unique area and getting a residential TIF in Cedar Lake.

Mr. Parker commented the PUD Guidelines have not been met, Mr. Oliphant's letter and concerns have not been met, the two exits are not adequate, the traffic flow study has not been done, the northern and southern access is questionable, some of this property is outside of Cedar Lake's jurisdiction, the Title Work for 143<sup>rd</sup> to Reeder Road is not done, there have been no studies on the bridges, the five-foot side yards are not allowed.

A motion was made by Mr. Parker and seconded by Mr. Carnahan to table this item until such time for the work to be done on this project. Motion passed by roll-call vote 4-Ayes to, 2-Nays:

Mr. Carnahan	Aye
Mr. Foreman	Nay
Mr. Hunley	Aye
Mr. Sharpe	Nay
Mr. Parker	Aye
Mr. Kiepura	Aye

#### **7. 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 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. Calderon advised legals are in order, but need to be verified.

Mr. Steve Kil, LBL Development LLC, 14400 Lake Shore Drive, and Mr. Tim Ochs, stated we received a series of comments from staff and Mr. Calderon. We have the redlined version so it shows what the changes are. The project is across the street from Town Hall to the North and East. There is an existing PUD on this property with existing zoning. We came up with a design that is better than what was previous land plan on the property. Mr. Parker commented the 2008 land plan is better. Discussion ensued.

Mr. Kil asked what should be built for this project. Mr. Parker commented R-1 PUD. Mr. Kil commented the R-1 PUD is not agreeable.

Mr. Foreman commented in the future we have an opportunity to widen Morse Street. Discussion ensued.

Mr. Oliphant asked is this property currently zoned as a PUD. Ms. Abernathy commented it is multi-zoned as B-2, R-1, RT and R-M, but will verify this.

Mr. Oliphant stated the letter from September 15, 2023, since the PUD Guidelines and Development Agreement were similar to the prior petition, a lot of the comments noted from the prior petition apply for this. There isn't any traffic circulation information to make an informed decision and no preliminary engineering or utility infrastructure items that were provided to make that decision. Phasing and sequencing of the development all of our Finding of Facts are in Section D.

Mr. Kiepura asked if there were any remonstrators for or against Petition.

Mr. Steve Rybenski, 1361 Morse Street, commented has never seen a plan like this before and doesn't want to see this passed.

Mr. Ryan Fox, 7015 W. 135<sup>th</sup> Avenue, commented the requirements are for zoning as PUD because it is not currently zoned as a PUD, so these requirements need to be met in order to change the zoning. Rush hour traffic is now here on this side of the lake. If you are going to develop this land, develop it as it is zoned currently and put single-family houses on it.

Mr. Justin Bush, 6913 W. 135<sup>th</sup> Avenue, commented this is the second plan I have seen with townhomes wanting to be built and my concern is where are the kids going to go to school. The schools are over run now and needing to be added on.

Ms. Pamela Davenport, 13033 Schubert Street, commented the homes down Parrish Avenue have acreage and they are not stacked on top of each other. It would be nice to see single-family homes.

Mr. Chuck Becker, 6100 W. 136<sup>th</sup> Place, commented we do not have all of the information about all of the zones yet. There needs to be a twilight clause for expiration on land not being built on. He asked if TIF can be explained. Mr. Salatas gave a brief explanation of how TIF works and referred individuals to the Carmel, IN Redevelopment Commission website for a more detailed explanation.

Mr. Becker commented taxes will eventually go up to help with the schools.

Mr. Tom Frick, 8008 W. 146<sup>th</sup> Avenue, asked where are the parks and where are the kids supposed to go. The traffic is so bad in this County and now it takes so long to get places because of the traffic. We need to slow down.

Ms. Donna Corey, 14605 Bryan Street, asked where are the sidewalks and is it budgeted to increase the size of Morse Street. Cedar Lake is a wonderful place for progress, but put in single-family homes. There have been many rumors, and some are true, so hopefully they all will not be true. Mr. Foreman commented presently we have a \$3.5 million grant to bring sidewalks around to the town grounds to the North and the widening of Morse Street would enable additional land to be able to put sidewalks in.

Mr. Tom Flamm, 14505 Morse Street, commented he received a certified letter in the mail and wasn't sure what this development refers to, but what are the plans to widen Morse Street. Mr. Foreman commented it is the goal of the Town Council to pursue that and widen the road and it needing to be a three-lane road.

Mr. Tom Woods, 12334 Kennedy Street, Cedar Lake, commented this is his first meeting and cannot believe what he is hearing and Mr. Lotton is turning Cedar Lake into Potterville.

Ms. Cheryl Parker, 7227 W. 136<sup>th</sup> Avenue, asked Mr. Kil refers to the traffic study and engineering expense that Mr. Lotton doesn't care to pay for that, but isn't that part of the developer's expense to put the project together and present that for approval. Mr. Kil commented we will eventually do the engineering. Ms. Parker asked if engineering and traffic studies were done for the Gates of St. John. Mr. Kil commented we did the studies.

Mr. Erick Heines, 7513 W. 136<sup>th</sup> Avenue, commented we recently bought our house and what is this going to do with the wells. What are the plans. Mr. Kiepora commented he read a report at the beginning of the meeting explaining water sources. There are times when a developer will put a well in or find a well on the property.

Mr. Kil stated we have identified a well site on the property and should not affect residential wells in the future. Discussion ensued in length regarding wells.

Ms. Tracy Haskell, 13436 Osbourne Street, commented the schools depend on taxpayers' money to run the schools.

Ms. Jennifer Prunsky, 14617 Blaine Street, commented we are wasting time with these developments and why can't we wait until all of the information is given. Put in only single-family homes.

Mr. Ryan Brown, 14701 Morse Street, commented this is another development where too many homes are being put onto this property. We need to have this meeting at a different location where more people can attend. Put in single-family homes only.

Mr. Kiepura closed the public portion of Founders Creek.

Ms. Abernathy commented we received a re-submittal with redline comments and we are working on the review and will also get in touch with legal counsel regarding this.

Mr. Foreman commented there are pros and cons that was demonstrated through the remonstrators and trying to negotiate some of the land and try to have the ability to use it and re-build and fix the east side of Cedar Lake.

A motion was made by Mr. Foreman and seconded by Mr. Sharpe to defer this item to the next work session for a better idea of the project. Motion failed by roll-call vote, 2-Ayes to, 4-Nays:

Mr. Carnahan	Nay
Mr. Foreman	Aye
Mr. Hunley	Nay
Mr. Sharpe	Aye
Mr. Parker	Nay
Mr. Kiepura	Nay

A motion was made by Mr. Parker and seconded by Mr. Carnahan to table this Petition for the following reasons: the PUD Guidelines have not been met, Mr. Oliphant's comments need to be addressed, a traffic study needs to be completed, the traffic flow needs to be addressed and the number of homes is too dense. The staff, attorneys, and Mr. Kil will need to work through the documents to recommend the Plan Commission that it will be right to come back to a Plan Commission Meeting. Motion passed unanimously by roll-call vote:

Mr. Carnahan	Aye
Mr. Foreman	Aye
Mr. Hunley	Aye
Mr. Sharpe	Aye
Mr. Parker	Aye
Mr. Kiepura	Aye



**8. 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 a Petition requesting a Rezone from Wetlands and Watercourse and R-1 to a Planned Unit Development (PUD). Mr. Calderon advised legals have been received, but need verification.

Mr. Steve Kil, LBL Development LLC, stated there will be large estate lots for Mr. Lotton and his family. All of the other property is proposed as is. The lakefront for Surprise Park and park will not be touched and isn't owned by anyone. When the clubhouse is torn down, a warehouse and offices are proposed for personal business use on the north side of 145<sup>th</sup> Street. The property where the golf holes are will stay as is and will be open space. There will not be any encroachment onto Surprise Park. On the south side, there are 217 proposed townhomes and we do not want to encroach on the hill.

Mr. Parker commented there are people at this meeting from Surprise Park that are concerned about traffic moving through the old street stub that goes through. Mr. Kil stated there isn't a street stub in Surprise Park. Discussion ensued.

Mr. Kil stated there will be a private drive coming off of 145<sup>th</sup> Street to access Mr. Lotton's homes. We are proposing an access off of Morse Street and one off of 145<sup>th</sup> Street of private driveways.

Mr. Oliphant commented there is a platted right-of-way that comes to the north portion of the parcel and it is vacated through the parcel but it comes to the parcel.

Mr. Parker asked they are not proposing on Mr. Lotton's side of the property to move any traffic through Surprise Park, including the commercial warehouse. Mr. Ochs stated that is correct.

Mr. Carnahan commented this is going to create a lot of traffic coming off of 145<sup>th</sup> Street and Morse Street.

Mr. Kil commented these would be 60-foot lots and make sure we keep the whole street scape on Morse Street and we are not putting any homes on 145<sup>th</sup> Street. There would be an entrance at the southern end onto Morse Street and another entrance onto 145<sup>th</sup> Street. Discussion ensued.

Mr. Kiepura asked what is the proposed width of Mr. Lotton's homes. Mr. Kil responded 100-feet by 300-feet.

Mr. Kiepura asked how will they exit the commercial piece of property in the residential area. Mr. Kil commented it will be directly to Morse Street. Mr. Kiepura commented we do not want to see a commercial area with the townhomes. Mr. Kil responded the townhomes will not be built in this area, and it isn't going to be a large warehouse. Discussion ensued.

Mr. Carnahan asked what is the width of the townhomes. Mr. Kil responded those will range from four units to eight units each depending on the building.

Mr. Foreman asked what about additional parking. Mr. Kil commented there will be four parking spots per unit. There will be some parking to the North and some on-street parking. Discussion ensued regarding parking.

Mr. Oliphant stated in the September 15, 2023 letter, there isn't any traffic circulation information to make an informed decision or any preliminary engineering to support the use and need. The utility extensions are a lot and one of the bigger comments is the detention is shown on the south portion is not feasible and cannot get a runoff to the detention basin with the creek there. It will have to shift and take up some open space. On the Purpose and Intent Statement, the PUD Guidelines restrict access to the northern parcel, the intent and purpose conflict. It is hard to call it open space when residents that live to the south do not have access to it.

Mr. Carnahan read a text from Mr. Mike Rice and he is against rezoning of wetlands. Mr. Kil commented the entire project will be a Planned Unit Development and the wetland will not be disturbed.

Mr. Kiepora asked if there were any remonstrators for or against Red Cedars.

Mr. Scott Gable, 14701 Morse Street, commented he appreciates what Cedar Lake is trying to do. We do not want townhomes on Morse Street.

Ms. Rachel Brown, 14701 Morse Street, commented growth and change are inevitable, but the rate that we do it, can be controlled. We are asking to do it in a way that makes sense to the people who live here. Our schools are full, we don't have enough teachers or bus drivers and we need to think of these things moving forward.

Ms. Mary Gallo, 7210 W. 134<sup>th</sup> Place, asked will Morse Street be expanded before or after these projects. Will property be taken from the east or west side of Morse Street to expand that when it's built. Mr. Foreman commented we would ask for the center of the road and 50-feet to the west from them. We would not disturb anyone from the center line to the east. They can dedicate the land now even though we do not have the money now to do a road widening project. Mr. Kil commented we are dedicating 50-feet of right-of-way from 145<sup>th</sup> to the edge of our property on Morse Street. It will be 20-feet from the right-of way, but there will also be a walking path, so it will lie between the road and the front yards to.

Ms. Meg Jehle, 14819 Morse Street, asked it will be 20-feet from the first townhome. Mr. Kil responded in the affirmative.

Ms. Brenda Roberts, 15008 Morse Street, commented she is against all three of these projects and especially this one. She is asking for the maps of the plans. According to Indiana Code, 32 - 26, you have to be 10 to 15-feet away from her property and the existing owner needs to be aware of the proposed building project. The setback is not far enough back and a fence needs to be put in at the border of her property. The density in Red Cedars is poor and the plot sizes are not correct.

Mr. Greg Gawne, 14627 Morse Street, commented he is against townhomes going up in this area. Developing and changing is a way of life, but only single-family homes should be built. Morse Street is the main street going into town and this will be the first thing people will see going into town of a long row of townhomes. They do not increase home values.

Mr. Danny Dashed, 14321 Lakeshore Drive, commented this project is in violation of Section 2 and 5 of the Zoning Ordinance. Townhomes are not compatible and Morse Street cannot handle more traffic. I have a 99-year Quick Deed & Trust #190101 and it was left to Surprise Park Properties and to the Home Improvement Association. We own all of that property and it crosses some of the lines in some of the rezoning.

Discussion ensued in length regarding vacating a road.

Mr. Jerry Wilkening, 10826 W. 131<sup>st</sup> Avenue, commented many times it has been said in these meetings to trust the professionals and engineers. There are many questions with few answers.

Mr. Ryan Brown, 14701 Morse Street, commented there is no reason to re-zone large parcels of property and they do not have the community's interest and we do not want it. Table this to next year.

Mr. Tom Frick, 8008 W. 146<sup>th</sup> Avenue, commented so many people moving in with these projects, how are they going to get lake access and this needs to be thought through better.

Mr. Scott Burkhardt, 14337 Elm Street, asked who is paying for all of the infrastructure. Mr. Foreman commented the Residential TIF. The majority of infrastructure improvements and the other added benefits would be done in the future with Residential TIF.

Mr. Terry Broadhurst, 14513 Morse Street, commented he would like to thank the Board tonight with the decisions that were made and the questions that were asked. The Town has a voice and have been heard clearly.

Mr. Tanner Lewis, 11601 W. 126<sup>th</sup> Avenue, commented this Petition needs to be tabled to come up with a better plan.

Ms. Meg Jehle, 14819 Morse Street, commented this property was sold as R-1 and should stay R-1, no townhomes or commercial.

Mr. Chuck Becker, 6100 W. 136<sup>th</sup> Place, commented where will the water be coming from for this subdivision. We will need results from the wells and do not approve this until there is proper water.

Ms. Sara Blanchard, 7320 W. 143<sup>rd</sup> Place, commented we do not want to uproot from this Town for these people to move in and pay for that to happen.

Mr. Kiepura closed the public portion of Red Cedars.

Ms. Abernathy commented we received a re-submittal with redline comments and we are working on the review and will also get in touch with legal counsel regarding this.

A motion was made by Mr. Parker and seconded by Mr. Carnahan to table this item for the following reasons: there is no reason to rezone this property, no commercial zoning, the September 15, 2023 needs to be addressed, traffic study needs to be done, pre-engineering needs to take place, utility extension concerns need to be addressed, the detention needs to work, PUD Guidelines need to be met, and the Intent and Purpose for the open space needs to be explained and the density is not acceptable and until such time to negotiate and work on these items. Motion passed unanimously by roll-call vote:

Mr. Carnahan	Aye
Mr. Foreman	Aye
Mr. Hunley	Aye
Mr. Sharpe	Aye
Mr. Parker	Aye
Mr. Kiepura	Aye

**Update Items:**

1. Building Regulations & Fee Amendment

Mr. Salatas stated there has been no feedback.

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

Mr. Oliphant commented Olthof has met all of their punch list items and can be let go.

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

Ms. Abernathy requested that the Plan Commission amends the agenda to add the Letter of Credit extension that was received a couple of weeks ago and they are asking to extend Unit 1 for an additional year with no reduction.

A motion was made by Mr. Parker and seconded by Mr. Carnahan to amend the agenda to consider another update item. Motion passed unanimously by roll-call vote:

Mr. Carnahan	Aye
Mr. Foreman	Aye
Mr. Hunley	Aye
Mr. Sharpe	Aye
Mr. Parker	Aye
Mr. Kiepura	Aye

A motion was made by Mr. Parker and seconded by Mr. Foreman to extend the Letter of Credit for the current amount for one year to October 2024 for Unit 1 of Rose Garden Estates. Motion passed unanimously by roll-call vote:

Mr. Carnahan	Aye
Mr. Foreman	Aye
Mr. Hunley	Aye
Mr. Sharpe	Aye
Mr. Parker	Aye
Mr. Kiepura	Aye

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

Mr. Oliphant commented the developer has the punch list and may be able to rotate after asphalt is down.

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

Ms. Abernathy commented they will be receiving another Letter of Credit extension. Mr. Oliphant commented they provided Units 2 and 3 as builds. We will update the original Phase 1 punch list which is two plus years old.

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

Mr. Oliphant commented we completed our inspections and Public Works is released to complete theirs and Storm is completed. We are waiting on sewer and water. This is a Maintenance Letter of 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 there has been little response from the current developer. They do not meet our 80% build out to final surface to get this into maintenance. They have binder repairs that need to be done in the subdivision before they can surface.

**Public Comment:**

Mr. Chuck Becker, 6011 W. 136<sup>th</sup> Place, commented removing a Plan Commission member at the last minute was a bad idea.

Mr. John Dessauer, 13941 Lakeview Point Road, commented he respects the Board and Town Council and Attorney Dave Austgen. There are appointees that are Republican and Democrat on the Board and citizen members. There are different view points on things and it is more diverse. It is upsetting that Mr. Foreman handled removing Ms. Dessauer unprofessionally. Mr. Austgen had stated removal of appointees are different than removal of members on the Board. Discussion ensued regarding the definitions of removing someone from a Board. Ms. Dessauer has felt harassed, threatened and in a position that hasn't been healthy. Decisions should not have been made like this for personnel regarding absences at meetings.

Ms. Tracy Haskell, 13436 Osborne Street, commented she is the Cedar Lake Hanover Democrat Organization Chairman and last night's Town Council meeting was unlawful. The statute requires the citizen appointments to Plan Commission no more than two can be from the same political party and now there are three Republicans and one Democrat. An Independent is not a political party. A Democrat was removed and unlawfully put a Republican in their spot. This cannot be done.

Mr. Tanner Lewis, 11601 W. 126<sup>th</sup> Avenue, commented he wanted to thank the Board on how they voted tonight and we need a larger space for these meetings. So many people were here and cannot be heard.

Mr. Carl Sprehe, 7326 W. 143<sup>rd</sup> Street, commented they voted the right way tonight to table these projects. The lot sizes need to be looked at and they need to meet all the requirements and needs to suit the community and stay within the guidelines.

**Adjournment:** Mr. Kiepora adjourned the meeting at 11:37 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 20, 2023*