



CEDAR LAKE PLAN COMMISSION PUBLIC MEETING MINUTES
CEDAR LAKE TOWN HALL, 7408 CONSTITUTION AVENUE, CEDAR LAKE, INDIANA
October 18, 2023 at 7:00 pm

Call To Order:

Mr. Kiepura called the Plan Commission Public Meeting to order on Wednesday, October 18, 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; John Foreman; Heather Dessauer; Richard Sharpe, Secretary; Greg Parker, Vice President; and John Kiepura, President. A quorum was attained. **Also present:** Don Oliphant, Town Engineer; David Austgen, Town Attorney; Chris Salatas, Town Manager; Ashley Abernathy, Planning Director; and Cheryl Hajduk, Recording Secretary.

Absent: None

Agenda:

1. Appointment to Unsafe Building Department

Mr. Kiepura entertained a motion for an appointment to the Unsafe Building Department. A motion was made by Mr. Parker and seconded by Mr. Hunley to appoint Heather Dessauer to the Unsafe Building Department. Motion passed unanimously by roll-call vote:

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

2. 2023-08 – Seal Tight Exteriors – Site 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 Site Plan for a new business in the Lakeview Business Park.

Mr. Adam McAlpine, 398 E. 400 N., Valparaiso, IN, on behalf of Seal Tight Exteriors, commented his client owns a roofing company and would like to relocate his business to the Lakeview Business Park. We are

working with the Town Engineer on the Plan Review Process and we have the review letter dated October 17, 2023 and we will get some items clarified.

Mr. Oliphant stated we received a re-submittal and we turned it around, but we were hopeful to be further along. There isn't a lot that will affect the Land Plan. Mr. Kiepura asked can this be contingent on Engineer review. Mr. Oliphant responded in the affirmative.

Mr. Carnahan asked if the business can be explained. Mr. McAlpine stated this business will be in the Lakeview Business Park, East of Route 41. This will be Lot 10 off of Osborn Street which is set back in the Business Park. This is a roofing company that has been in business for 20 years. Mr. Kiepura commented they do commercial roofing and materials will be delivered to the job site. Any storage needed will be inside the building and there will be a concrete pad on the outside if some items need to be stored.

Ms. Abernathy commented at the last meeting the owner of the company stated ten employees would be parking at this office. The Ordinance requires a minimum of five spaces. They would be exceeding our minimum requirement for parking with an additional space for handicap. It fits within the PUD Guidelines which allows for commercial and industrial businesses in that area.

A motion was made by Mr. Foreman and seconded by Mr. Parker to be contingent on Christopher Burke's Engineering letter of October 17, 2023 to approve the Site Plan for Seal Tight Exteriors. Motion passed by roll-call vote: 6-Ayes, to 1-Nay

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

3. Cedar Lake Storage – Requesting Alteration to Previous Approvals

Mr. Kiepura stated the next order of business is for Cedar Lake Storage requesting alteration to previous approvals.

Mr. Nathan Vis, Vis Law, 12632 Wicker Avenue, on behalf of Cedar Lake Storage, stated this is a project that started in 2020-2021 and there have been many improvements to this property. My clients are requesting to have some outdoor storage in the winter months before they complete the paving next Spring. At the Board of Zoning Appeals meeting last week, a nine-month Temporary Variance was approved to allow for 20 units on the gravel area which will need to be paved by the September 15, 2024 deadline and extend an additional \$10,000 to their Line of Credit to ensure if the Town has to pull on the Line of Credit to allow for moving vehicles back and forth from a tow company. The BZA also requested monthly verification with pictures to Ms. Abernathy that they are not exceeding the 20 unit amount and request this be put on the Plan Commission and Board of Zoning Appeals agendas in June, July and August 2024 to ensure they are completing the paving work as soon as they can get on the paving schedule.

Mr. Oliphant commented we were tasked to figure out how many spots they can potentially fit on the gravel area based on the proposed Site Plan and that would be about 20 units, but several more can fit. Ms. Abernathy did some research regarding towing cars, RV's and boats which can range between \$100

to \$250 per unit. Depending on how many units they think they can get out there, a Letter of Credit increase would be based on how we should calculate it. If it is approved, a hard deadline should be set for the paving to be done by June 1, 2024.

Mr. Vis commented we need to increase the Line of Credit of Mr. Oliphant's suggestion to \$20,000 and my clients will agree to that. We would agree to have a July 1, 2024 deadline to have the paving complete. Discussion ensued regarding scheduling when the paving can be done.

Ms. Dessauer asked for clarity of why this went to the Board of Zoning Appeals and then the Plan Commission. Ms. Abernathy stated it appeared at the Plan Commission at the September Work Session and requested a deferral to the October Work Session. They requested at the October Work Session to use the gravel and because the Zoning Ordinance does not allow for any parking on gravel, they needed a Variance.

Mr. Vis stated during the Development Plan Process that got passed at this level, my client should have asked to allow for temporary use during the build-out process.

Ms. Abernathy commented they need to complete their occupancy permit requirements for the Building Department which are outstanding and they need to discuss U-Haul use which was not approved previously. Mr. Vis asked what are we waiting occupancy for. Ms. Abernathy responded for the pole barn and they never got approval for gravel and it was during one of the final occupancy inspections that it was revealed to a building inspector that they were parking on the gravel and it was not in compliance with their approvals. It was brought to their attention there was to be no parking on the gravel and then they asked for relief from that. They were told that they had to see the Plan Commission and the BZA. In order for them to get occupancy finalized, we needed to know if the Plan Commission and BZA would be in approval of them parking on the gravel.

Mr. Carnahan asked can occupancy get approved after this motion is approved. Ms. Abernathy responded in the affirmative.

Mr. Austgen commented these items should have a reasonable time period because of the business completion matters that Ms. Abernathy discussed and ten business days would suffice.

A motion was made by Mr. Parker and seconded by Mr. Foreman to approve a temporary approval to the Amendment based on an additional \$20,000 to the Letter of Credit, monthly photos to be submitted to Ms. Abernathy to show there are no more than 20 units on the gravel and a deadline of June 15, 2024 for paving completion. Ten business days will be given for Cedar Lake Storage to discuss U-haul use and occupancy permit requirements with the Building Department. Motion passed unanimously by roll-call vote:

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

4. 2023-26 Commonwealth Electric – Site Plan

Owner: Henn Holdings/Commonwealth Electric, 13733 Wicker Avenue, Cedar Lake, IN 46303
Petitioner: Rob Henn/Henn & Sons Construction, 13733 Wicker Avenue, Cedar Lake, IN 46303
Vicinity: 13741 Alexander Street, Cedar Lake, IN 46303 – Lot 21 Railside Subdivision

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

Mr. Jack Huls, DVG, 1155 Troutline, Crown Point, IN, commented we are representing Henn Holdings for Lot 21 in the Railside Subdivision. The Final Plat has been recorded and delivered to the Town and there is a Tax I.D. number established. We have addressed the review comments from Mr. Oliphant and there was an oversight regarding the pipe material. This is a pole barn type of building for industrial use and it is a residential and commercial contractor business. There will be a small amount of parking for visitors, the entire area is paved and the photometric plan shows the lighting fits in to the lighting standards. We have a landscape plan that has been submitted.

Mr. Oliphant commented we have a letter dated October 17, 2023 and has three minor contingencies relating to their MEP Plans.

Ms. Abernathy commented this is within the approved PUD plan for this subdivision.

A motion was made by Mr. Foreman and seconded by Ms. Dessauer to approve the Commonwealth Electric Site Plan contingent on Christopher Burke's Engineering letter dated October 17, 2023 consisting of the MEP Plan and the renderings along with the pipe material change. Motion passed unanimously by roll-call vote:

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

Update Items:

1. Building Regulations & Fee Amendment

Ms. Abernathy commented we are still waiting on feedback.

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

Mr. Oliphant stated there will be a Special Public Meeting on November 1, 2023. They are finishing up a few concrete items, but they are not ready yet.

Mr. Carnahan asked if this will reduce their costs. Mr. Oliphant commented this will rotate into a Maintenance Letter of Credit for a period of three years and will drop the costs of that unit down 10 percent, which will be \$42,226.69.

Mr. Oliphant stated we should have a pull date of October 31, 2023 in case they do not have it done.

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

Mr. Oliphant stated this is ongoing and our punch list is done which is lengthy. It will be for the full dollar amount.

4. Ledgestone – Maintenance Letter of Credit expires December 7, 2023.

Mr. Oliphant commented Public Works issued their punch list on September 26, 2023 and we issued ours on September 29, 2023 and items are being addressed.

5. Summer Winds Unit 2 – Performance Letter of Credit expires December 20, 2023
6. Summer Winds Unit 3 – Performance Letter of Credit expires December 23, 2023

Mr. Oliphant commented they have not heard anything.

7. Beacon Pointe East Unit 2 – Performance Letter of Credit expires January 30, 2024
8. Beacon Pointe East Unit 1 – Performance Letter of Credit expires January 30, 2024

Mr. Oliphant commented these were extended. They expired in June and got extended for six months. The detention re-shaping is in Unit 1. Concrete items are still being worked on.

9. Beacon Pointe East Unit 1A – Maintenance Letter of Credit expires January 30, 2024
10. Beacon Pointe East Unit 2 – Maintenance Letter of Credit expires January 30, 2024

Mr. Oliphant stated they have had our punch list since June 2023 and they have crack sealer left.

Public Comment:

Mr. Parker commented there are people at this meeting tonight that are concerned about Red Cedars and we should talk about it in preparation for the next meeting. There was a request to the Plan Commission.

Ms. Abernathy commented they re-submitted new plans and they removed all but one townhome that would be in the upper quadrant and is now all single-family homes. The recommendation from the Special Attorney for this item is to make a motion to take this off of the table so it could be brought back to the Plan Commission at a work session to discuss. They submitted a Wetlands and Delineation Report and updated engineering plans. Discussion ensued.

Mr. Oliphant asked has their proposed Zoning and Concept Plan changed since last submittal and do they need to file a new application. Mr. Austgen responded very likely.

Mr. Jerry Wilkening, 10826 W. 131th Avenue, asked is this the northside of Red Cedars for the family homes being built. Ms. Abernathy responded in the affirmative.

Mr. Wilkening asked will there be an announcement to the public at the next work session meeting on November 1, 2023 regarding the Special Meeting. Mr. Kiepura responded in the affirmative.

Mr. Ken Dassel, 14321 Lake Shore Drive, commented if Red Cedars is bypassed on the table tonight, they can come in on a work session and present a new petition and can be approved. Mr. Foreman commented we have not seen any new plan and if it is brought back to the work session, it would be vetted and would be months out.

Adjournment: Mr. Kiepora adjourned the meeting at 7:45 pm.

TOWN OF CEDAR LAKE PLAN COMMISSION

John Kiepura, President

Greg Parker, Vice-President

Richard Sharpe, Secretary

John Foreman, Member

Robert Carnahan, Member

Heather Dessauer, Member

Jim Hunley, Member

ATTEST:

Cheryl Hajduk, Recording Secretary

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 October 18, 2023.