



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

Call To Order:

Mr. Kiepura called the Plan Commission Work Session to order on Wednesday, December 6, 2023, at 6:00 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; Heather Dessauer; James Hunley; Richard Sharpe, Secretary; Greg Parker, Vice President; and John Kiepura, President. A quorum was attained. **Also present:** David Austgen, Town Attorney; Ashley Abernathy, Planning Director and Cheryl Hajduk, Recording Secretary.

Absent: John Foreman; Don Oliphant, Town Engineer

Work Session:

1. 2023-06 – Centennial – PUD Amendment & Reinstatement of Preliminary Plat

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

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

Mr. Kiepura stated the first order of business is for a Petition requesting to amend the PUD Ordinance and to re-establish the Preliminary Plat for Centennial.

Mr. Richard Anderson, 9211 Broadway, Merrillville, IN, commented we had some engineering problems and we submitted responses to each of the items listed on November 21, 2023. The engineering was not as far along as the Amendment that was provided and the other issues. We would like a public hearing later this month.

Mr. Carnahan asked if the items were partially answered. Ms. Abernathy stated the initial comments from Mr. Oliphant were partially addressed and explained further what they needed to do to address his comments.

Mr. Parker asked if there were any discussions with Mr. Oliphant before he left for vacation. Ms. Abernathy commented she spoke with Mr. Oliphant before he left and the list was substantial, but there was nothing major. Discussion ensued.

Mr. Austgen stated the reason this is unique is because the Engineer is out of town for an extended period of time and this affects schedules and review times.

Ms. Abernathy commented the Utility Engineer stated the utility related comments have been addressed. Mr. Austgen commented the comments from the Utility Engineer need to be in writing.

2. 2023-29 Vardaros-Karalis – Concept Plan

Owner: Fotis Vardaros, 13400 Limerick Drive, St. John, IN 46373

Petitioner: Jimmy Karalis, 15190 W. 153rd Avenue, Cedar Lake, IN 46303

Vicinity: 13336 Wicker Avenue, Cedar Lake, IN 46303

Mr. Kiepura stated the next order of business is for a Petition presenting a Concept Plan for a One Lot Subdivision and a Site Plan for a new Commercial Business Plaza.

Mr. Doug Homier, McMahon Engineering, 952 S. State Road, Valparaiso, IN, commented we met with Town staff and we made a Concept Plan showing two buildings on one lot. We have 75,000 square feet and based on the Ordinance; we need 40,000 square feet for a lot. We do not have enough square feet for two lots. We would not need an access easement because of the one lot and we would engineer everything once we received the go ahead for two lots.

Mr. Parker asked is this going to be a B-3 use. Mr. Jimmy Karalis commented this is going to be for event planning and commercial rentals with a total of six units. Mr. Parker asked since this is zoned B-3 now, it doesn't need to be B-3 for that use. Ms. Abernathy stated it depends on what they want to do for the commercial rental. If it is for storage rental, then that will determine which zoning it needs to be. Discussion ensued regarding lot sizes and the uses of the buildings.

Mr. Parker commented the uses will make a difference. Will there be a contractor in one of these units. Mr. Karalis responded in the affirmative and there will be a main entrance with an overhead door, so mainly the parking of vehicles and there will not be any fencing put up. Mr. Kiepura commented there is 40,000 square feet which will cover the B-3, and the contractor can go into the 40,000 square foot lot and the other lot is 35,000 square feet and is short of B-3 which can be re-zoned to B-2. Discussion ensued regarding rezoning, and the square feet for these two lots.

Mr. Kiepura commented he does not like Variances on two lots and would like to see B-3 with 40,000 square feet and B-2 with 35,000 square feet.

Mr. Homier asked will there be a problem bringing in a subdivision in with multiple zonings, because we are going to have a two-lot subdivision with one lot being B-3 and the other lot will be B-2. Mr. Austgen responded as long as the Subdivision Plat is followed. Discussion ensued.

3. 2023-30 Torok – Concept Plan

Owner/Petitioner: Andrea & Anita Torok, 1360 N Sandburg Terr. Apt. 1202, Chicago, IL 60610

Vicinity: 8510 W 146th Avenue, Cedar Lake, IN 46303

Mr. Kiepura stated the next order of business is for a Petition requesting a Concept Plan for a One Lot Subdivision and Site Plan for an addition onto the existing home.

Ms. Andrea Torok, 1360 N. Sandburg Terr. Apt. 1202, Chicago, IL 60610, commented we own the house at 8510 W. 146th Avenue and we purchased the adjacent property at 8514 W. 146th Avenue, and we would

like to combine both properties and put an addition from the current house to the property we purchased. We would like to put two bedrooms on the first floor after we combine the properties and put an addition onto the house. The building addition will consist of a bedroom, a hallway, and a bathroom. The garage from the original home will be partly be made into a bedroom.

Mr. Kiepura asked if the original house and garage are on the property. Ms. Torok commented only the garage is on the property that we just purchased. We will use the foundation of the garage and the structure will be re-vamped.

Mr. Parker asked is the foundation approved to be used. Ms. Abernathy stated the contractor will need to take a look at it to see if it ok to use. As long as Floodplain Regulations are followed, because this is located in a floodplain, there should not be an issue. Discussion ensued regarding the seawall near the property and when the fence will be going in on their property.

Mr. Kiepura asked how does this fit with coverage on the property. Ms. Abernathy commented they are under the 25% lot coverage.

Mr. Parker asked will there need to be a legal description clean up. Ms. Abernathy stated this is to clean up the description, modernize it, combine the three lots into one lot subdivision and then create the addition between the old garage that is remaining and then the original house that they purchased. Discussion ensued regarding the lots being combined.

Ms. Abernathy commented they will be at the next work session to discuss the Preliminary Plat.

4. 2023-31 Cedar Lake Storage – Rezone

Owner: Cedar Lake Storage, LLC, C/O Vis Law, 12632 Wicker Avenue, Cedar Lake, IN 46303

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

Vicinity: 9019 W 133rd Avenue, Cedar Lake, IN 46303

Mr. Kiepura stated the next order of business is for a Petition requesting a Rezone from M-1 to B-2.

Mr. Nathan Vis, 12632 Wicker Avenue, Cedar Lake, commented this property is zoned M-1, which is unique. There is a business type building on the front side of the property and they would like to have a tenant in this building. My clients have a contract with U-Haul where people can rent a truck or a trailer and for my clients to have this relationship with U-Haul, they would need to come before the Plan Commission and get approval to park a truck near the fence for advertising. My clients should have come before the Plan Commission a couple of years ago and requested a re-zone to this property to a B-2 zoning.

Mr. Vis commented we would like to come to the next public hearing for the rezone from M-1 to B-2.

Mr. Parker asked if this was a prior use that required M-1 zoning. Ms. Abernathy commented she believes it was zoned that at the Town's inception. Discussion ensued regarding the M-1 zoning.

Mr. Carnahan asked where is the U-Haul truck going to be parked. Mr. Vis commented behind the fence for visibility.

Mr. Kiepura asked there may be four different businesses on this property. Mr. Vis commented the storage business in back, the relationship with U-Haul, and the possibility of two or three businesses in the front.

Mr. Kiepura asked do they need a multiple Use Variance. Ms. Abernathy commented we do not restrict it to one primary use on a lot. Residential automatically restricts it to one primary structure. There would only be one style of use. If the parking and building are adequate, a realtor and insurance agent can be in the same building.

Mr. Austgen stated if there is a zone change, some consideration of Use Commitments might be appropriate by the way of use, if not zoning. Any formality of zone change would need some confirmation of continuation of Site Plan, the conditions in terms that you and the Board of Zoning Appeals thought appropriate related to the Site Plan and locking down of those parameters and conditions. The Use Commitment can be part of the zoning.

Ms. Dessauer asked does the signage for the businesses go on the building. Ms. Abernathy commented a monument sign has to be 10-feet from the right-of-way line and they do not have the capability to put a monument sign on the property. Ms. Dessauer commented she does not like the idea of three or four businesses on this property. Ms. Abernathy stated the Board of Zoning Appeals requires a Use Commitment and the Commitment can state how many businesses can go in there. Mr. Austgen responded in the affirmative and this is the purpose of having this type of security document.

Mr. Kiepura asked do we do this now. Mr. Austgen stated in the context of the presentation to you of the zone change and the certification you would make with a recommendation the Town Council. Those are the legal requirements. Discussion ensued regarding how many businesses can go in this space.

Mr. Parker commented if the U-Haul is allowed, the zoning change is allowed and the storage is already approved and if they choose to do office or retail space in that building, it will need another Site Plan and revision at that time. Discussion ensued in length regarding zoning, parking spaces, office or retail space going into the building.

Mr. Austgen stated this could be part of the recommendation to the Town Council at the conclusion of the public hearing so it can be inserted into the Ordinance and everyone has the guide in the Amendment to the Zoning Ordinance.

Mr. Kiepura asked is there a minimum office space size. Ms. Abernathy commented we do not have that stated in the Zoning Ordinance. Discussion ensued.

Ms. Abernathy stated we require Occupancy Permits for all new businesses. If a business moves out and a business moves in, they have to submit Occupancy Permit. We require a parking plan, ADA compliance, bathrooms and it all gets reviewed. Discussion ensued.

Mr. Austgen commented for discussion at the public hearing a colored Site Plan to be available for the Commission to have something to work off of and utilize.

5. 2023-32 Price Point Builders – Concept Plan

Owner: Price Point Builders, C/O Vis Law, 12632 Wicker Avenue, Cedar Lake, IN 46303

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

Vicinity: 12819 Cline Avenue, Cedar Lake, IN 46303

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

Mr. Nathan Vis, 12632 Wicker Avenue, on behalf of Price Point Builders, commented this lot is located by the roundabout and has frontage of 157-feet and we are proposing a two-lot subdivision. There is Cedar Lake owned property that is owned on the southern section that my client has expressed interest in purchasing, but this will need to be discussed with the Town.

Mr. Parker commented these lots never got subdivided and platted and it was part of Lee Cove. Has any engineering been done yet. Mr. Vis commented just the survey and preliminary engineering to ensure that the lots are buildable and we have access for water and sewer. Mr. Parker commented stormwater from this property affects other properties that were part of Lee Cove and this never got addressed because this went defuncted at the time. Discussion ensued.

Mr. Vis commented there is a proposed survey for the lots, but my client can get a topographical survey done. Discussion ensued regarding surveys and the previous builders.

Mr. Parker asked if there were any liens on any demolition from properties in this area in the past and is it collectible. Mr. Austen responded in the negative. Discussion ensued regarding who owned the property in the past.

Mr. Vis commented we need a topographical survey, engineering to be reviewed, and schedule a meeting with Mr. Oliphant prior to the next meeting.

Mr. Parker commented the drainage needs a resolution. Mr. Austgen commented the soil here was always questionable. The floodplain and wetland had characteristics to it and those lots that ended up being platted in Lee Cove were squeezed out of what they had.

6. 2023-33 Bugaboo's Subdivision – Preliminary Plat Extension

Owner/Petitioner: Donald Frey, 332 East 125th Place, Crown Point, IN 46307

Vicinity: 13315 Lincoln Plaza Way aka 109 Broadway, Cedar Lake, IN 46303

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

Ms. Abernathy commented nobody is present, but they are requesting an extension on the Preliminary Plat that this Board granted in December 2022. They survey needs to be completed and the final plat can be conducted.

Mr. Kiepura asked would this be a one-year extension. Mr. Austgen responded it can be.

Update Items:

1. Building Regulations & Fee Amendment

Ms. Abernathy commented there isn't an update at this time. Mr. Austgen commented we are working on scheduling an educational workshop for Plan Commission, BZA and Town Council.

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

Ms. Abernathy commented the last items are being worked on.

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

Mr. Abernathy commented Unit 2 will be able to convert and Unit 1 will be extended.

5. Beacon Pointe Unit 1A – Maintenance Letter of Credit expires January 30, 2024

Ms. Abernathy commented this is ok to expire.

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

Ms. Abernathy commented this is likely going to expire.

7. Summer Winds Unit 1 – Performance Letter of Credit expires February 15, 2024

Ms. Abernathy commented she will reach out to the developer and this will get extended.

8. Cedar View – Performance Letter of Credit expires February 15, 2024

Ms. Abernathy commented she will reach out to the developer and this will get extended.

Tabled:

2023-18 Bay Bridge

2023-19 Founders Creek

2023-20 Red Cedars

Public Comment:

Ms. Angie Mikolajczak, 12807 Lee Court, commented we would be affected by any development by Price Point Builders. They built my home as well. There are problems with stormwater, which has been addressed, as well as, a road that has been used for a number of years and it runs from Cline Avenue to the developer's residence to Lee Cove. Lee Street is an underdeveloped one lane road that descends into my front yard. The proposed property is elevated land will probably be 10-feet from my backyard.

Delivery vehicles that come close to my backyard turn around to go through the drive through to come out on Lee Street. There is a lot of traffic coming and going on the one lane road because the GPS gives wrong directions for the delivery vehicles delivering to this area.

Ms. Mikolajczak commented she was not notified of this meeting, but was notified of the BZA meeting on December 14, 2023. I am providing written objections to the Board of Zoning Appeals.

There has been heavy equipment near my property, semi-trucks drive back by my property unloading and loading of items.

Mr. Parker asked are these vehicles and heavy equipment from the project by the roundabout. Ms. Mikolajczak responded in the negative. This is coming from the developer. My home and the proposed developer for this property is my second neighbor on Lee Cove. There is carport, shed, steel container and trailers. Discussion ensued regarding the property owner was told that these items need to be removed.

Ms. Mikolajczak stated if they were going to develop Lee Cove, which is on an undeveloped road, why didn't the developer come with a plan from the beginning and come later that property needs to be annexed because of the cut outs which the developer made. The developer wants a Variance to put two lots there. I would like to see the lots off of Cline Avenue instead of near my backyard.

Mr. Austgen commented Mr. Gatto will go out to the property and inspect the issues that were presented.

Mr. Chuck Becker, 6100 W. 136th Place, asked was action taken on the LedgeStone Maintenance Letter of Credit. Ms. Abernathy commented they were completing their items and there were minor items remaining.

Ms. Maria Sumara, 13318 Morse Street, commented with the Domino's going in and the developers are pushing the dirt up against the fence and it is a mess. Ms. Abernathy commented they were installing the stormwater silt fencing as required by their SWIP and they put serpents up. They are supposed to move their dirt pile to the approved location according to their SWIP.

Mr. Kiepura asked if the Taco Bell and will there be a right in and right-out island or blacktop with an arrow. Ms. Abernathy commented the Site Plan does not require a pork chop. Mr. Kiepura commented there needs to be an island.

Adjournment: Mr. Kiepura adjourned the meeting at 7:39 pm.

TOWN OF CEDAR LAKE PLAN COMMISSION

John Kiepura, President

Jerry Wilkening, Vice-President

Heather Dessauer, Secretary

James Hunley, Member

Robert Carnahan, Member

Greg Parker, Member

Chuck Becker, 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 December 6, 2023