



CEDAR LAKE PLAN COMMISSION WORK SESSION MEETING MINUTES
CEDAR LAKE TOWN HALL, 7408 CONSTITUTION AVENUE, CEDAR LAKE, INDIANA
January 3, 2024 at 6:00 pm

Call To Order:

Mr. Kiepura called the Plan Commission Work Session to order on Wednesday, January 3, 2024, at 6:07 pm with its members attending on-site and via zoom. The Pledge of Allegiance was said by all.

Roll Call:

Members Present via Zoom: Ashley Abernathy, Planning Director

Members Present On-Site: Chuck Becker; Greg Parker; Robert Carnahan; James Hunley; Heather Dessauer, Secretary; Jerry Wilkening, Vice-President (present at 6:26 pm); and John Kiepura, President. A quorum was attained. **Also present:** Don Oliphant, Town Engineer; David Austgen, Town Attorney; and Cheryl Hajduk, Recording Secretary.

Absent: None

Work Session:

1. 2023-04 – Kolber – Site Plan

Petitioner: Steven Kolber, 828 Davis Street, Suite 300, Evanston, IL 60201

Owner: CWK Properties – Cedar Lake LLC, 7949 W. 79th Street, Unit 2, Bridgeview, IL 60455

Mr. Kiepura stated the first order of business is for a Petition requesting a Concept Plan for a Site Plan for a two (2) unit restaurant.

Mr. Oliphant stated we have not received anything new. Our original letter from October 26, 2023 is still outstanding. We have reached out to them on multiple occasions to discuss any necessary improvements.

Ms. Abernathy commented they sent an updated Site Plan and is in the packet. They are taking away the Osborne entrance. They paid for their Board of Zoning Appeals application.

Ms. Dessauer asked was the concern about the delivery traffic in and out of Osborne Street. Mr. Oliphant commented their original Site Plan did show an access point off of Osborne Street. The current condition of Osborne Street would need a turn lane. Discussion ensued.

Mr. Steven Kolber, 828 Davis Street, Suite 300, Evanston, IL, commented this is for the corner of 133rd Avenue and Osborne Street. At the last meeting, we presented a side road access onto Osborne Street, but at this time my client does not want to pursue the side road access. A new Site Plan shows the curb being held back. This will be better for truck access, and deliveries. The floor plans, elevations and the

building itself has not changed. We have been in front of the Board of Zoning Appeals for front yard set back because of the corner lot because the west parking lot is within a front yard setback. We are also looking for a Variance on the east setback as well.

Discussion ensued regarding not accessing Osborne Street.

Mr. Carnahan asked is the entrance on the east end of the lot. Mr. Kolber responded in the affirmative.

Mr. Wilkening asked how are they going to terminate the parking lot on Osborne Street. Mr. Oliphant stated this would be part of the demolition plan and the existing edge of pavement would have to be removed. Discussion ensued.

2. 2023-22 Bank Shots Bar & Grill – Rezone & Preliminary Plat

Owner/Petitioner: Bank Shots Bar & Grill, Inc., 875 Berkshire Place, Crete, IL 60474

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

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

Attorney Adam Sworden, on behalf of Bank Shots Bar & Grill, commented we submitted a latest Concept Plan regarding traffic circulation both internal and external to this site. We have a difficult triangular type site and we are trying to maximize parking and get the dumpster corral on the west side of the building. We want a buffer between Lake Shore Drive traffic, the restaurant and the awkward small space between the building, sidewalk and public improvements. There is a total of 23 parking spaces with this configuration, 15 normal spaces and 4 motorcycle/golf cart spaces and one ADA accessible space. This Concept Plan addresses the concerns about how do we eliminate the potential for increased traffic conflict from vehicular movement along Lake Shore Drive. This Concept Plan eliminates the eastern side of the site of ingress and egress from parking. Everything will come through a 24-foot entrance, which will be off of Foster Drive.

Mr. Sworden commented the second Site Plan is a Planned Unit Development, which there will be a written agreement with the Town. There have been discussions to have this area more pedestrian friendly. The vision is to have the road improvements from the round-about to the East and further West. We want to look at an option of how do we maximize parking, create a buffer design and improve the pedestrian access to this site. We would have 28 total parking spaces, 13 would be normal parking spaces, four motorcycle/hybrid spaces, one ADA space at the northeast side of the building, but incorporate additional parallel spaces along the northside of the property interior to the site, but also several spaces along Lake Shore Drive and creating a parking area that acts as a buffer, but it will also naturally act as a traffic calling device as people are coming off of the round-about, because cars will be parked along the street front. Discussion ensued.

Mr. Sworden commented the main floor plan consists of table seating and will also have pool tables and bar seating. Discussion ensued regarding the layout of the restaurant.

Mr. Sworden asked if there has been any input from the Fire Department regarding occupancy. Ms. Abernathy commented she has not heard anything back from the Fire Chief at this time.

Mr. Sworden commented his clients would like feedback on the Site Plan, as they like the aesthetic, the environment they want to create at this location and the added benefit in the increase of the total number of parking spaces.

Mr. Kiepora stated the parking at this location is a problem. Mr. Oliphant stated the parallel parking on Lake Shore Drive will not work. This existing structure had limited seating and now it will be twice as dense, and there aren't half of the parking spots that would be required.

Mr. Kiepora commented we do not want businesses using residential streets. The only entrance and exit would be off of Foster Avenue and that will create a lot of traffic. Discussion ensued.

Ms. Dessauer commented the last meeting we were concerned about traffic and parking and now the Concept Plan has more seats and is denser. This building has been sitting vacant for almost two years.

Mr. Sworden stated we are looking at the maximum of what we can do in this location. If we limit the seating to the Code for the parking standard, this will have the required parking needed. Discussion ensued regarding parking at this site. Part of the reason we are doing a Planned Unit Development is we would need an alcohol beverage permit to operate, which triggers the need for a Variance and parking issue. We need to know the reduction in parking at this site other than what the current Town Standard is for one space for every two seats.

Mr. Parker commented with summer type activity, and if this place gets popular, what is the long-term solution for parking. We need the Police and Fire Department's comments.

Mr. Kiepora asked if the bar seating was counted for parking. Mr. Sworden responded in the affirmative.

Ms. Abernathy commented she did calculations based off of the rooftop seating, first floor and the basement and all together 53 parking spaces would be needed.

3. 2023-27 Blue Sky – Concept Plan

Owner: Region Holdings, Inc., 425 Joliet Street, Dyer, IN 46311

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

Vicinity: 14517 Parrish Avenue, Cedar Lake, IN 46303

Mr. Kiepora stated the next order of business is for a Petition requesting a Concept Plan for the proposed Blue Sky Development.

Mr. Kevin Paszko, Olthof Homes, 8051 Wicker Avenue, St. John, IN, commented we have a third Concept Plan presentation for the Blue Sky Development. This is an 80-acre parcel at the intersection of 141st Avenue and Parrish Avenue and it completed the annexation process in October 2023 and received agricultural zoning. We are currently asking for a Planned Unit Development Rezone to have a variety of products, which would be single-family homes, villas, and single-family attached paired cottages. There are two park areas proposed, on the north and south end. There would be walking trails, connectivity to Rose Garden Estates, landscaping along 141st Avenue and Parrish Avenue and a proposed well site or water tower. We have decreased the number of paired cottages and villa lots and now the villa lots are 70-feet wide instead of 60-feet wide. The villa lots are now on the border of the property and the paired

cottage lots will now be in the interior of the property. The total units have been decreased from 206 units to 195 units. The density reduction is 2.6 dwelling per acre to 2.4 dwelling units per acre.

Mr. Paszko commented from the November 2023, there were two concerns of a traffic study for the area and the utility information that we could get. The traffic study was done by First Group Engineering and it covered the intersection of 141st Avenue and Parrish Avenue since that is the intersection which is mostly impacted by our project. We expanded to other intersections in the area for the traffic study, which included 141st Street and Route 41, 141st Street and Heritage Way, 141st Street and Garden Way, which are the Rose Garden Estates entrances, 141st Street and Blue Sky North entrance, Parrish Avenue and the Blue Sky East entrance and Parrish Avenue and 151st Avenue. We sent the traffic study that DVG, Inc. conducted for Railside to First Group Engineering which allowed for a comprehensive view of the traffic situation between 141st Street and Route 41. We received the revised traffic study results on December 18, 2023 and it came back with two recommended traffic improvements for any of the intersections. A traffic signal would need to be at 141st Street and Route 41, which is in INDOT's jurisdiction. The second recommended improvement was a westbound passing blister at the intersection of 141st Street and Blue Sky entrance. We think there is an alternate option of a through lane in that area instead of a passing blister. We can shift 141st Street South in that section onto our property to create a left-hand turn lane for westbound traffic instead of having the passing blister. The north side of the road is curbed and there is plenty of right-of-way to work with on the north boundary as well.

Mr. Paszko stated we had a meeting with staff and Mr. Neil Simstad on November 14, 2023 to discuss sewer and water information. We received updates on the west side Sewer Project, as well as, where we can connect for sewer, which would be the Rose Garden lift station for the northern portion of our property and lift station #11 which is located southeast of our property. We received information from Mr. Tony Perez, which stated that the Rose Garden Estates lift station was built with the capacity of plus or minus 600 units. Between the 352 units at Rose Garden Estates and the 195 units at Blue Sky make for a total of 547 units using that lift station. There is a 12-inch water main that runs down Parrish Avenue that we can tie into and there is capacity for wastewater, but we did not get concrete numbers.

Mr. Paszko commented we will meet with Nipsco in the near future to go over systems planning for this project and to get more information regarding connections and future expansion of the gas and electric infrastructure for the property.

Mr. Kiepora asked if they are going to pursue the water tower at the northwest corner. Mr. Paszko responded in the affirmative.

Mr. Kiepora asked what are the lot sizes for the houses that say "homes by others." Mr. Paszko commented 70 by 125 feet.

Mr. Kiepora commented he would like to see something in writing from Mr. Simstad regarding capacity for wastewater.

Mr. Kiepora asked if the well has been tested for water. Mr. Paszko responded in the negative.

Mr. Paszko commented we would like to move on to the rezoning phase, but this would be the Board's discretion.

Discussion ensued regarding a through lane instead of the passing blister at 141st Street.

Mr. Becker asked how big will the parks be. Mr. Paszko stated an acre in size each.

Mr. Parker commented he doesn't like the idea of the passing blister. As things continue to develop in other areas, we have a potential bottleneck because we would have a place for people to pass cars getting into the Blue Sky subdivision.

Ms. Dessauer asked is the intention to tap into Rose Garden Estate's for water. Mr. Paszko stated we would conduct the test first and see what the results yielded and then we can proceed. If the well test is not good enough, then we can make that another park area.

Mr. Hunley asked what happens if we approve this Concept Plan and IDEM states there isn't enough water. Mr. Oliphant stated they would need to do a Water Extension Notice of Intent, which documents would have to be submitted stating the public water system has adequate capacity to do it and if it doesn't and they do not provide the right documentation, they cannot put anything in the ground.

Mr. Hunley and Mr. Becker commented they are opposed to paired villas.

Mr. Parker asked how long will it take to get information from the JMOB. Mr. Austgen stated three or four months. The monthly report can be read to get information regarding testing, water flow, volume loading and any issues that were had in that month. Discussion ensued.

Discussion ensued regarding if a test well will be drilled on the property.

Mr. Austgen asked about the 12-inch water main, is it an oversizing of the water lines that connect this property to Cedar Lake. Mr. Oliphant stated the 12-inch on Parrish Avenue is existing. Mr. Austgen asked if there was an increase in capacity requirement of the developer. Mr. Oliphant commented that would be partial to what potentially will be drilled and what the water turns out to be, but this is an unanswerable question at the moment.

4. 2023-30 Torok – Preliminary Plat

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

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

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

Ms. Andrea Torok, 1360 N. Sandburg Terr., Apt. 1202, Chicago, IL 60610, commented my sister and I own property at the southwest corner of the lake and we originally had a two-story home with the bedrooms on the second floor. We bought the adjacent property and is also adjacent to the Pine crest channel. We have torn down that house and shed on that property to make room for equipment to put in a new sea wall. We tore down the old chain link fence and we had approval for a new vinyl fence. We would like to request a one lot subdivision and we would like to be able to build an addition between the original property and the garage on the new property that will contain bedrooms on the first floor. We have had the Preliminary and Final Plat Surveys completed. Mr. Stuart Allen is here from Torenga if there are any questions that need answered.

Mr. Kiepora commented the lot coverage would be fine and the addition would be within limits. There is nothing other than making the one lot subdivision and making it legal.

Mr. Oliphant commented we may add a utility easement to the frontage, but it is not a concern.

Mr. Wilkening asked is the dead end of 146th Street resolved. Mr. Oliphant commented that was resolved with Pine crest Marina. Discussion ensued.

Mr. Austgen asked are there conditions or waivers being considered for this. This is a one lot subdivision with an irregular parcel that has a lot of unusual amenities and characteristics and are we processing conditions or waivers with one lot subdivision. Ms. Abernathy stated they have not requested any waivers to my knowledge for sidewalk or stormwater detention. Mr. Oliphant commented we will have our recommendations for waivers for sidewalk and detention. We rarely require detention for lots that front directly onto the lake, especially one lot residential. Mr. Allen commented we are reducing the amount of coverage significantly. Discussion ensued.

Mr. Austgen commented not all parcels are the same and are treated differently with different characteristics. We need to make sure we are doing this uniformly across the board so people are receiving the same consistent explanations and requests.

Mr. Kiepura asked can we move ahead with contingent. Mr. Austgen stated we can impose any reasonable condition that is deemed appropriate under the law, Subdivision Statute and our Ordinance. We are looking for uniformity at people being treated and their properties being treated alike or similarly.

Mr. Allen asked are we looking for a waiver for detention and sidewalks. Mr. Oliphant commented it would be for public improvements. Discussion ensued.

Mr. Kiepura commented they will be back for public hearing in two weeks as long as Engineering has enough time to complete their tasks.

5. 2023-31 Cedar Lake Storage – Rezone

Owner: Cedar Lake Storage, LLC, C/O Vis Law, 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, Vis Law, 12632 Wicker Avenue, on behalf of Cedar Lake Storage, commented this is a project that is zoned M-1 and they received a special exception Variance to allow them to have outdoor storage. There is storage in the back and in the front is a business building that my client's have renovated. My clients would like to get a tenant for the front business building and my clients would like to go from a B-2 to a M-1 zoning. We have a proposed final Zoning Commitment. My clients maintain a small office in the back and we would be seeking two businesses to occupy this building. It is 2,800 square feet and there would be plenty of room for two businesses with a total of 14 parking spots that they would commit to and would be made available.

Mr. Vis stated his clients would like to be allowed a business use with U-Haul or other storage service providers. This would be considered a third business. A U-Haul truck can be stored outside in the lot for visibility. The proposed Zoning Commitment has a proposed Site Plan showing 14 parking spaces and it would be for this owner only and all other zoning codes would apply. Discussion ensued.

Mr. Kiepura asked is the U-Haul truck going to be between the fence and the building. Mr. Vis commented this is a big lot and discussion ensued regarding where the U-Haul will be parked.

Ms. Dessauer asked where does the parking of a U-Haul truck belong in the agreement. Mr. Austgen stated in the body of it for clarity's sake and it runs with the land as a recordable instrument and the language in the motion can state this.

Mr. Vis commented the U-Haul is a contractual relationship with the storage facility and is unique where they will store a couple of trailers or trucks on the property and they work with the existing owner to exchange keys or there may be drop boxes.

Ms. Dessauer stated she would like to see language in the agreement of the placement of the U-Haul on the property.

6. 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, Vis Law, 12632 Wicker Avenue, on behalf of Price Point Builders, commented there have been some concerns from an adjacent land owner, as well as, drainage issues and improper building practices happening and an ongoing business there. Mr. Kubiak went to the property and the land owner put up a carport on the property and has been instructed to remove it.

Mr. Carnahan commented he went out there and there are trailers on the property, a carport is being occupied, and there is a pile of construction material on the property. Discussion ensued.

Mr. Vis stated he is asking for a 30-day deferral to next month.

7. 2024-01 Faith Church – Site Plan

Owner/Petitioner: Faith Reformed Church Inc – Bryan Ford, 100 81st Ave., Dyer, IN 46311

Vicinity: 6729 W. 133rd Avenue, Cedar Lake, IN 46303

Mr. Kiepura stated the next order of business is for a Petition requesting a Site Plan approval for an expansion on the existing Faith Church building and parking lot.

Mr. Jack Slager, Schilling Development and Mr. Brian Ford, Dave Weemhoff, Pastor of Faith Church Cedar Lake, along with Mr. Ted Rohn, architect for this project and Mr. Jack Huls, DVG, Inc., commented in 2007, Faith Church launched a multi-site expansion and there are currently five campuses for Faith Church. We are looking at an expansion of the site that would include a new worship center that will seat 700 to 800 people and will include expansion of the parking lot.

Mr. Huls commented the site was previously developed and the detention facility was constructed on the south end. The detention facility drive-out basin is located South of the parking lot. We are proposing an expansion of that detention facility to anticipate any future growth at this site. We have accommodated

the entire site beyond the parking lot and green spaces to be future parking or future building. We have looked out beyond this current expansion for those detention facilities. The building is at the high spot and the site drains dramatically to the South and moves out through a ditch on the southeast corner of the site. We are making improvements along the southside of the building for access for lining up drive aisles and drop off spaces and improving some vehicular movement through the parking lot. On the southeast corner of the existing parking lot, we are in filling it with a bump out that creates a traffic hassle and widening some egress spaces.

Mr. Rohn commented the main addition will have a worship center, a sanctuary with restrooms, accessory spaces and storage space. There will be an atrium for coming in and out of the building. The existing building will be connected to the new building with a fire wall between the buildings and a sprinkler system. The addition will not have a lower level and it will match the existing portion of the main level of the existing. Discussion ensued regarding the architectural drawings for the site.

Mr. Rome stated the lower portion of the site with the windows may look like there will be a lower level, but those are faux windows so it will not look like one big blank wall facing the North. The height of the building will need a Variance, because the height from the street level, which is the walkout basement level is exceedingly high, but the predominate floor level and three sides of the structure are at the South and West ends. The building height to the roof line on those portions of the building is 30-feet, 6-inches with a couple of parapets.

Mr. Kiepura asked what is the number in height that is above the Ordinance. Mr. Rohn commented on the three sides, the southwest and the eastside is 30-feet, 6-inches to the roofline and at the front, which is the northside would be 42-feet, 5-inches, but the parapets will go higher than that. Mr. Kiepura asked will it be the same roofline. Mr. Rohn stated because the new sanctuary is wider in capacity, we have more volume in height and the spans and structures are deeper.

Mr. Carnahan asked how many parking spots will there be. Mr. Huls commented 277 parking spaces are required, but we will have 358 parking spaces, which includes 12 ADA parking spaces. Discussion ensued.

Mr. Huls stated there is an area for stormwater quality that will be in the main footprint of the pond. The main body of the pond will be dry. We have some oversized pipe to handle the runoff that goes to the northside of the building.

8. 2024-02 Joyful Acres – Concept Plan

Owner/Petitioner: Linsey Porter, 6425 W. 141st Avenue, Cedar Lake, IN 46303

Vicinity: 6425 W. 141st 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.

Mr. Jack Huls, DVG, Inc., representing the Petitioner, commented this is a six-acre parcel on 141st Avenue and we are going through the Subdivision Process to get a recorded lot for a one-lot subdivision. There are some vacations of right-of-way and we made some Petitions to the Town Council regarding that. This is a primary plat that we would like consideration at the next meeting.

Mr. Wilkening asked if there were any stormwater issues. Mr. Huls commented we are seeking the waivers for detention and we are looking to put a house on the northwest corner and there will not be

much improvement on this site. We would ask for that waiver on the sidewalk and public improvements related to 141st Avenue and those would all be similar waivers that we would seek on a one lot subdivision.

Mr. Oliphant stated there is a large wetland on this property, but has no effect on the plat itself. Discussion ensued.

Mr. Oliphant commented we need to look at the vacation requests and we need to make sure they are not landlocking anything and then the one-lot subdivision review based on this lot.

9. Beacon Pointe East Unit 2 Conversion of Performance Letter to Credit to Maintenance Letter of Credit.

Mr. Oliphant stated we are good and there is a letter dated December 20, 2023 and can rotate into Maintenance in the amount of \$72,854.19.

Update Items:

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

Mr. Oliphant commented this will get extended.

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

Mr. Oliphant commented this was discussed with Schilling.

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

Mr. Oliphant commented there is one item and will be done in two weeks.

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

Mr. Oliphant commented there is no update, but will likely get extended.

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

Mr. Oliphant commented this will likely to be extended.

Plan Commission Discussion:

Topics or areas of focus Plan Commissioners would like to learn more information about in future training sessions.

Mr. Kiepura asked the Commission if there is anything they would like to learn more about in future training sessions.

Mr. Parker commented Unsafe Building.

Mr. Kiepura commented training on PUD's and how is it beneficial to the Town; other than the developer. What are the pros and cons of PUD's and what are their intent.

Mr. Austgen commented utilities as it pertains to planning in zoning and development. Mr. Hunley commented he would like more information on water and sewage.

Discussion ensued regarding one-lot subdivisions and Mr. Parker commented there is hope to simplify some of the processes or adjust them based on situations.

Discussion ensued regarding agenda item deadlines. Ms. Abernathy commented the Plan Commission Rules and Regulations say that agendas and packets turned out two days prior. It is always been the working practice of the Plan Commission that all documents need to be submitted by Friday at noon so that packets can be distributed to the Plan Commission, so that the Commission has the weekend to review and look at the documents to make an informed decision. The Town Code for Town Council says that any item has to be submitted five business days prior to the meeting. If the Plan Commission would like, we can adjust our submission filing deadline packet material items to be five business days; otherwise, filing deadlines for new petitions are Friday, the month prior to the meeting by noon.

Tabled:

2023-18 Bay Bridge

2023-19 Founders Creek

2023-20 Red Cedars

Public Comment:

Mr. Wilkening commented the vacation shown on the Linsey Porter property's south end shows the property out in the middle of 141st Street. Mr. Oliphant commented they will have to dedicate the right-of-way. Mr. Wilkening asked what about the left side of the road. Mr. Oliphant stated they are dedicating it and not vacating it, because it would have created a landlocked parcel on the westside.

Mr. Huls stated the Berkley Place is an area we are not sure if it is recorded as a public right-of-way or not, but that is what we show there and what we are doing is we are making it official on this plat by saying there's a right-of-way there and it is unclear to us, so we are going to re-grant it on this plat.

Mr. Oliphant commented we will have to take a look and there is probably Title Work. Mr. Huls stated it is an unrecorded subdivision and there some of the old county subdivisions are unrecorded, so you cannot get line work on that, but it is apparent that there is something there.

Ms. Abernathy commented the Vacation Petition has been filed.

Ms. Angie Mikolajczak, 12806 Lee Court, commented Price Point Builders asked for a deferral and they also asked for a deferral at the last BZA meeting. I received a notice to be at the BZA meeting on January 11, 2024. She doesn't understand the process if Price Point is talking about a Concept Plan and is still trying to get a Variance. According to the new notice I received, I would have had ten days to respond, but I only had three days for additional written objections to the new Variance that they are asking for.

Ms. Abernathy commented the BZA Public Hearing is for them to ask for a reduction in the building line. If the Plan Commission approves the plat, they would need that Variance. They are looking at getting that Variance, so the plat can move forward if they have that Variance. They had to re-advertise because the original advertisement was incorrect. They had it stated saying a 40-foot building setback line off of Cline they only had it at 30-feet.

Discussion ensued regarding what is going on at the property in question.

Ms. Dessauer asked when can they be taken off of the agenda because of the list of items that they need to take care of. Ms. Mikolajczak commented these items are in the drainage easement. Discussion ensued.

Mr. Wilkening commented there are pending citations that Mr. Vis alluded to. If there are citations on the property, how can the BZA be making decisions. Discussion ensued in length.

Ms. Abernathy asked since this is a Concept Plan and has never been properly noticed, it hasn't gone for Public Hearing at Plan Commission, do they need to take action at a Public Meeting. Mr. Austgen stated he recommended they do, so the record is made and followed. We are meeting anyway, so it is an agenda item.

Discussion ensued in length regarding receiving notices in time for a Public Hearing. Ms. Abernathy stated Notices need to be mailed out a minimum of ten days prior to a Public Meeting.

Mr. Parker commented the owner in question has been using this property for a construction and storage site in a residential Zoning District. Items are being moved in and about the property and being moved across a dirt road and onto Cline Avenue. It is not an improved street, or a legal access, even though it has a cutout, because there is no reason to be in there and if there weren't any documentation of the visit out there, that is an issue. We need to document things.

Ms. Wilkening commented Ms. Abernathy would send a letter for the property to come into compliance.

Ms. Dessauer asked is Price Point Builders coming to the next BZA meeting. Mr. Austgen commented it is his understanding he will be in attendance. Mr. Kiepura commented we wouldn't entertain any decisions because he is in violations on the property and has presented anything to this Commission for us to look at to see if a Variance should be granted or not.

Mr. Austgen stated he should be served a Notice of Violations. That is how the hearing would start of the identification of that condition of the property and because of that condition you are not going to proceed. Mr. Austgen stated to solicit a motion and take a vote and put it on the record.

Mr. Wilkening asked what is the standard time frame to clean up the property. Mr. Austgen stated there is no standard time frame in the Ordinance, but it depends on what the violations are.

Ms. Gail Brannon, 7014 W. 139th Place, commented there is a house hanging off of the cliff by the roundabout. This looks like a dangerous situation.

Mr. Oliphant commented this can be brought up to the Building Department.

Mr. Kiepura commented a construction fence should be put up around the house.

Mr. Terry Broadhurst, 14513 Morse Street, commented the southside of the property's elevation is a vertical wall of three or four feet in some areas. They graded the ground all the way to that side of that lot with a vertical 3-foot wall pushed up against a neighbor's fence. They created a channel of water that is going to run through that vertical wall and the existing building. It just doesn't look like it is the house

on the hill that looks like is going to fall, but it looks like there is going to be another six inches of curb, 3 inches of pavement inside that, which puts it five-feet above the footing of the house next door. Discussion ensued.

Mr. Broadhurst commented the elevation is on the south side of the property and there is a retention pond on the west end of the property and it looks like it was piled up with black dirt. The black dirt is going to eventually wash away. Discussion ensued.

Adjournment: Mr. Kiepura adjourned the meeting at 9:09 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 January 3, 2024