



CEDAR LAKE PLAN COMMISSION PUBLIC MEETING MINUTES
CEDAR LAKE TOWN HALL, 7408 CONSTITUTION AVENUE, CEDAR LAKE, INDIANA
January 17, 2024 at 7:00 pm

Call To Order:

Mr. Kiepura called the Plan Commission Public Meeting to order on Wednesday, January 17, 2024, at 7:01 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:** Chuck Becker; Greg Parker; Robert Carnahan; James Hunley; Heather Dessauer, Secretary; Jerry Wilkening, Vice President; and John Kiepura, President. A quorum was attained. **Also present:** Don Oliphant, Town Engineer; Ryan Deutmeyer, Town Attorney; Ashley Abernathy, Planning Director; and Cheryl Hajduk, Recording Secretary.

Absent:

Minutes:

Mr. Kiepura entertained a motion for the November 15, 2023 Public Meeting, December 6, 2023 Work Session, December 6, 2023 Special Public Meeting, and December 20, 2023 Public Meeting, a motion was made by Ms. Dessauer and seconded by Mr. Parker to approve the same. Motion passed unanimously by roll-call vote:

Mr. Becker	Aye
Mr. Parker	Aye
Mr. Carnahan	Aye
Mr. Hunley	Aye
Ms. Dessauer	Aye
Mr. Wilkening	Aye
Mr. Kiepura	Aye

Agenda:

1. 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. Kiepura stated the first 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 we are combining two properties on the southwest corner of Cedar Lake. The original property was a two-story house with the bedrooms on the second floor. The property we bought is adjacent to it and adjacent to the property

we bought is the Pine Crest Marina channel. After we purchased the house next door, we tore down the house and the shed by the water in order to put in a new sea wall. We also tore down the chain link fence and bushes adjacent to the marina so Pine Crest could also put in a new sea wall. We used the same company and same sea wall. Both of these properties reside at the end of 146th Avenue, which is a dead-end street. We would like to have a one lot subdivision approved so we can put on a building addition to the current house. The building addition will consist of a bedroom, bathroom and hallway that links the original house to the garage and the new property. We will be converting part of the original garage to a bedroom. We will have two bedrooms on the ground floor. As part of our Petition, we have in the past, provided the Preliminary and Plat Surveys from Torenga Engineering and also the building addition plans from Henn Construction.

Mr. Oliphant stated we issued a letter on January 11, 2024 and there are minor comments recommending engineering waivers. Those are storm water detention since it is immediately adjacent to the lake, park dedication, tree placement and sidewalks.

Mr. Kiepura asked if there were any remonstrators for or against this Petition. Seeing none; public comment is closed.

Ms. Abernathy commented the total lot coverage with the addition would be 16.9 percent lot coverage in a Resort Zoning District that allows for 50 percent lot coverage, so they are under the lot coverage.

Mr. Wilkening asked what are the contingencies other than the storm, trees, park and sidewalks. Mr. Oliphant commented it would be stormwater detention, park dedication, tree placement requirement and sidewalk and the remaining comments is listing the existing zoning of an adjacent parcel along with owners and addresses. They have a 15-foot fronting utility easement, but we prefer it be utility and drainage easement. We are adding provisions for each easement located on that and recording information needs to be updated. There is a discrepancy between a fronting distance on their plat compared to the one we have for Pine Crest.

Mr. Wilkening asked what will be the address to this property. Ms. Torok commented it will be 8510 W. 146th Avenue.

A motion was made by Mr. Parker and seconded by Mr. Wilkening to approve the Preliminary Plat for a One Lot Subdivision contingent on comments from the January 11, 2024 letter from Christopher B. Burke. Motion passed unanimously by roll-call vote:

Mr. Becker Aye
Mr. Parker Aye
Mr. Carnahan Aye
Mr. Hunley Aye
Ms. Dessauer Aye
Mr. Wilkening Aye
Mr. Kiepura Aye

2. 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. Deutmeyer stated we cannot confirm if Attorney Vis sent a copy of the legals for the certified mailings that went out, so we cannot confirm addresses yet. He will deliver them to the Town. If there is an approval, it will need to be contingent on this item being resolved.

Mr. Carnahan asked is this 133rd Avenue or Lake Shore Drive. Mr. Vis commented 133rd Avenue is the address and is what Lake County shows.

Mr. Nathan Vis, Vis Law, 12632 Wicker Avenue, on behalf of Cedar Lake Storage, commented at the last meeting Ms. Dessauer asked to clarify in the proposed Zoning Commitment a clarification as to where any U-Haul trucks, if applicable, would be located and a proposed amendment to indicate that attached to the Zoning Commitment is going to be a map. There are seven parking spots in front of the fence and what is indicated is on the farthest to the right and those would be the limitations as to where any proposed U-Haul trucks would be located.

Mr. Carnahan commented if people who park there park close to the fence or close to the school bus pick up for the kids. Mr. Vis commented his clients are unaware of any bus drop off location. Discussion ensued.

Mr. Kiepura asked will they be renting trailers. Mr. Vis commented if they do, they will be in the back of the building.

Ms. Dessauer asked there will be two business in the building. Mr. Vis responded in the affirmative and we submitted a proposed layout as to what the interior will look like and what the Zoning Commitment limits is to two business to operate on the premises, one of which would be the existing Cedar Lake Storage and any new business would have to work with the Building Department to comply with the rules and regulations. If my clients were to corroborate with a U-Haul or another moving company, that wouldn't be viewed as a third business, that it would be viewed under the offices of the storage company.

Mr. Kiepura asked would the U-Haul be considered a separate business from the storage. Mr. Vis stated they are a collaborative business. Mr. Kiepura commented there is going to be storage, U-Haul and another business renting out the building, so that would be three uses. Mr. Vis commented that would be three potential businesses that are operating on the property.

Mr. Kiepura asked will there be a letter stating this regarding the potential businesses. Mr. Vis stated this will be a recorded document that will be recorded against the property, which will be the Zoning Commitment.

Mr. Kiepura asked if there were any remonstrators for or against this Petition. Seeing none; public comment is closed.

Ms. Abernathy commented she had some comments for Mr. Vis regarding some language in the Zoning Commitment. Any recommendation to the Town Council we ask that it be contingent on legal and staff finalizing the Zoning Commitment document.

Mr. Wilkening asked how many U-Haul vehicles are going to be on the property at one time. Mr. Vis commented there isn't a maximum at one time. Mr. Wilkening commented the trailers inside the fence will be put in spaces, so they can be anywhere. Mr. Vis responded in the negative. It would be a maximum

number of items to be stored on the backside of the property. So, if there was going to be a U-Haul trailer or truck that would fit one of the allowed maximum spaces that would be on the back side of the property.

Mr. Wilkening asked about signage on the building. Mr. Vis stated the current Ordinance states if two businesses were inside the building, one sign would have to be shared.

A motion was made by Mr. Parker and seconded by Mr. Carnahan to send a favorable recommendation to the Town Council requesting a Rezone from M-1 to B-2 contingent upon staff and legal verification, with legal notices in order and no more than two businesses can operate on the property. Motion passed unanimously by roll-call vote:

Mr. Becker Aye
Mr. Parker Aye
Mr. Carnahan Aye
Mr. Hunley Aye
Ms. Dessauer Aye
Mr. Wilkening Aye
Mr. Kiepura Aye

3. Consider Removal of 2023-32 Price Point from the Agenda

Mr. Kiepura commented at the Board of Zoning Appeals meeting, they withdrew their Petition to the BZA for the Variances they were looking for.

Mr. Nathan Vis, Vis Law, on behalf of Price Point, commented there has been conversation with regard to a structure on this property and there are also concerns that there are drainage issues. My client is working with the neighbor that built the carport to remove it.

Mr. Vis stated we formally withdraw this Petition. If there are citations or written requests to remove things on the property, that this be cited, so my client is aware of the expectation to the Town is. Once that is cleared up, we can come back, as well as, in front of the Board of Zoning Appeals.

Mr. Wilkening asked this property is challenging as far as water goes, because it lays between the two hills. Mr. Oliphant commented to an extent, but it has a decent grade on it to beat those challenges.

Mr. Wilkening asked are there any written citations by the Town. Ms. Abernathy commented official written citations were sent out in the mail today.

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

Mr. Kiepura stated the next order of business is for Beacon Pointe East Unit 2 Conversion of Performance Letter of Credit to Maintenance Letter of Credit.

Mr. Oliphant commented we issued a letter on December 20, 2023 recommending rotation acceptance of this phase rotating it to a Maintenance Letter of Credit for a period of three years. The amount for this development will be \$72,854.19.

A motion was made by Mr. Carnahan and seconded by Mr. Wilkening to convert the Performance Letter of Credit to Maintenance Letter of Credit for Beacon Pointe East Unit 2. Motion passed unanimously by roll-call vote:

Mr. Becker Aye
Mr. Parker Aye
Mr. Carnahan Aye
Mr. Hunley Aye
Ms. Dessauer Aye
Mr. Wilkening Aye
Mr. Kiepura Aye

5. Beacon Pointe East Unit 1 Extension of Performance Letter of Credit

Mr. Kiepura stated the next order of business is for Beacon Pointe East Unit 1 Extension of Performance Letter of Credit.

Mr. Oliphant stated they are still working on drainage and other items.

Ms. Abernathy commented they are requesting an extension to July 30, 2024 in the amount of \$341,736.80.

A motion was made by Mr. Wilkening and seconded by Mr. Becker to extend the Performance Letter of Credit in the amount of \$341,736.80 for Beacon Pointe East Unit 1. Motion passed unanimously by roll-call vote:

Mr. Becker Aye
Mr. Parker Aye
Mr. Carnahan Aye
Mr. Hunley Aye
Ms. Dessauer Aye
Mr. Wilkening Aye
Mr. Kiepura Aye

6. Cedar View Extension of Performance Letter of Credit

Mr. Kiepura stated the next order of business is for an Extension of Performance Letter of Credit for Cedar View.

Ms. Abernathy commented they are requesting a full year extension to extend this to February 15, 2025 in the amount of \$14,047.00.

A motion was made by Ms. Dessauer and seconded by Mr. Becker to approve the extension of the Performance Letter of Credit in the amount of \$14,047.00 to February 15, 2025. Motion passed unanimously by roll-call vote:

Mr. Becker Aye
Mr. Parker Aye
Mr. Carnahan Aye
Mr. Hunley Aye
Ms. Dessauer Aye
Mr. Wilkening Aye
Mr. Kiepura Aye

7. Summer Winds Unit 1 Letter of Credit

Mr. Kiepura stated the next order of business is for Summer Winds Unit 1 Letter of Credit.

Ms. Abernathy commented the Commission needs to set a pull date or decide to hold a Special Public Meeting on February 7, 2024 to set a pull date at that time. I sent out a few emails to the developer to remind them they need an extension if they want to extend like they did for Units 2 and 3. There has been no communication back.

Mr. Kiepura stated we need to set a pull date.

Mr. Kiepura asked what if they decide to want an extension after getting the notice of the pull date. Ms. Abernathy commented they would have to go on the Town Council Agenda and then it will need to be ratified at the next Plan Commission Public Meeting.

Ms. Abernathy commented the Letter of Credit is in the amount of \$244,187.85.

Mr. Parker commented he is fine with setting the pull date, but he doesn't want to pull on it. Mr. Oliphant commented Units 2 and 3 were extended and it would be odd to pull on one phase and had two that were current.

A motion was made by Mr. Wilkening and seconded by Mr. Becker that February 7, 2024 be the pull date for Summer Winds Letter of Credit in the amount of \$244,187.85 and for a letter to be sent to the bank and the developer. Motion passed unanimously by roll-call vote:

Mr. Becker Aye
Mr. Parker Aye
Mr. Carnahan Aye
Mr. Hunley Aye
Ms. Dessauer Aye
Mr. Wilkening Aye
Mr. Kiepura Aye

Plan Commission Discussion:
Amending Zoning Ordinance 1402 to add clarifying language

Mr. Kiepura stated the next order of business is Plan Commission Discussion: Amending Zoning Ordinance 1402 to add clarifying language and that Amendment states that no pole barn shall be used for a primary residence and no pole barn can be installed unless it is over 1,001 square feet. At the Board of Zoning Appeals, we had a request for a Variance to put up a barndominium, which is basically a pole barn that people live in. The Ordinance is vague and we are looking for new language to put in the Ordinance to clarify.

Mr. Parker asked what is the square footage. Ms. Abernathy commented 1,001 square feet provided it is an accessory structure and that it meets all of the other criteria of the accessory structure of the Zoning Ordinance and the only areas that allow for that amount of accessory structure size by right without a Variance is anything that is 1.01 acres or greater.

Mr. Wilkening commented it says metal or post and beam construction. It was a Board of Zoning Appeals requirement for this and the Building Department explained this. Ms. Abernathy commented we did and we also told them that from the building inspector's research that any residential structure has to be built to residential code in Indiana. We cannot say you can build a structure that does not Residential Building Code. Any post-frame building and any building built with posts that doesn't meet that code. The code requires a full foundation whether it's slab or basement, but it requires a full foundation.

Ms. Dessauer read Zoning Ordinance 1402. Ms. Abernathy commented their argument was if they had metal siding it did not make it a metal building. Discussion ensued of what should be clarified in the Ordinance.

Mr. Kiepura commented at the BZA meeting, they were going to put in a footing all the way around to erect this pole barn. The posts would go down 4-feet and would sit on the footing. Discussion ensued regarding what definitions of barndominium and pole barns are and discussions with examples of each.

Mr. Parker commented maybe the Amendment to the Ordinance can state no corrugated siding, or corrugated metal.

Ms. Abernathy commented we wanted input from the Plan Commission before legal begins drafting an amendment to the Ordinance.

Mr. Wilkening stated it's residential, it should be built like a residential home. Anything else is not a residential. We are talking about the foundation, framing and totality. Discussion ensued.

Mr. Kiepura commented we need the definition of what a pole barn is and what a metal building is to start with. As far as plating with metal, it needs to be defined as metal plating on a house to be similar to the profile of poly vinyl siding with six- or eight-inch exposure.

Mr. Oliphant commented there should be discussion of the definition of a pole barn and residential structure, but do not marry them together and define them further. I would prefer to see Ordinances to have some ambiguity in them so they can be interpreted on a case-by-case basis. Discussion ensued.

Mr. Deutmeyer stated we need to identify specifically what the definitions may be in need of change are, so this discussion can evolve. Discussion ensued.

Mr. Parker stated it is a post-frame building that is not suitable in our Zoning Ordinance already for residential dwelling.

Update Items:

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

Mr. Oliphant commented they met all of their punch list requirements and they are being allowed to expire. A letter to the file will state that.

Tabled:

2023-18 Bay Bridge

2023-19 Founders Creek

2023-20 Red Cedars

Public Comment:

Ms. Angie Mikolajczak, 12806 Lee Court, asked regarding Price Point Builders, was the grading fine near their property. Mr. Oliphant stated Mr. Wilkening asked if the grading would preclude any building and I stated “no.”

Ms. Mikolajczak commented on January 4, 2024, I came to the Storm Water Board Meeting and asked for assistance, because I am an adjacent property owner. Mr. Oliphant commented we have not made it out there yet due to the weather.

Ms. Mikolajczak commented she is wondering how the grading is being based on. Mr. Oliphant commented there is plenty of grade to make something work and whatever that something is, is a different question. It isn't a site where there is a hole being dug and there is no way to fix it.

Mr. Parker asked if the corrugated storage unit was permitted. Ms. Dessauer asked if this is included in the citation. Ms. Abernathy responded in the affirmative.

Ms. Mikolajczak stated there is a carport, shed, and a steel cart. There is now an “no trespassing” sign on the road and there is also a sign that says “closed” going onto his property. Is he not supposed to use this road. Ms. Abernathy commented this is a private drive and it is on his property.

Mr. Kiepora commented the same person who owns that property owns that house where the driveway goes through, so he is permitted to drive across his property. It is not a road.

Mr. Parker commented he has been using the property for construction and storage and that is not a permitted use in an R-1 Residential District. He cannot operate a construction business on that property. Discussion ensued.

Discussion ensued regarding the information Ms. Mikolajczak provided to the Board of Zoning Appeals and Plan Commission for the record.

Ms. Mikolajczak commented several years ago, I have seen in the Lake County Court Records and the Town issued local Ordinance violations on this person in the past for unauthorized accumulation, but when does it end. Ms. Abernathy commented if it is Code Enforcement, I have no record of that on the Building Department end.

Ms. Mikolajczak asked when you say a citation, do you mean to go through the Police Department and to the Courts or do you mean through your office. Mr. Deutmeyer stated it would be done through the Police Department. The Code Enforcement Officer would go out there and leave a citation or mail it.

Discussion ensued in length regarding citations on this person's property and accessing the private drive with semis and heavy equipment.

Mr. Parker commented this is going to take a while to get figured out.

Ms. Abernathy commented they were given five business days to bring into compliance and should it not be brought into compliance; a fine will be assessed in accordance with the Zoning Ordinance. Discussion ensued in length regarding fines.

Ms. Mikolajczak commented she doesn't want to sound like she is being unreasonable, that the neighbor was told by Ms. Abernathy eight months ago to take the items down in his yard.

Mr. Terry Broadhurst, 14513 Morse Street, commented there were a couple of comments made about the neighbor having access to his property through the driveway off of Cline Avenue. The GIS shows that the property is connected to his home and it is not allowed for two entrances to a single residential property, so if he did connect the two properties, meaning his house and the property that he has all the storage on, he would have to probably get rid of one entrance. The driveway off of Cline Avenue is access to that property only and not to the house.

Mr. Oliphant stated the properties are connected. There are two separate parcels owned by the same person. Discussion ensued.

Ms. Jennifer Prunsky, 14617 Blaine Street, commented we need a moratorium on the tabled items and we do not move forward on anything until we have a better idea of where we are at with infrastructure.

Mr. Kiepura commented the Plan Commission can only move these items off of the table.

Ms. Prunsky commented the Code Enforcement Officer was mentioned at this meeting. I have had a discussion with the Code Enforcement Officer in the past and she has stated that she is incredibly busy. This is a full-time problem and there are homes in this area that have been a concern for a very long time. The Town needs full-time efforts and Ms. Abernathy had commented they will get to it when they get to it when I asked about a particular house.

Ms. Abernathy commented she had stated when Mr. Gatto had a moment to inspect the property he would. At the time, we were short a building inspector. Ms. Prunsky commented we are doing more with less and the issue with unsafe building is, it is getting worse. The nuisance tickets need to be written and it is a full-time job. Discussion ensued.

Ms. Prunsky commented maybe there can be some kind of auction process with stipulations of whoever buys these properties have certain rules that they adhere to of maintaining and cleaning it up.

Ms. Prunsky asked is there a shared data file regarding the unsafe houses to show where they are in the process. Ms. Abernathy commented there is a portal on the Town website to look things up.

Mr. Kenny Daschel, 14321 Lake Shore Drive, commented there was a gentleman that was here about three months ago with the trailers and he was going to claim hardship. With the new Plan Commission, we need to make the process shorter. We shouldn't have to wait for years for something to be planned. There needs to be a time limit of three to five years of something being built, and if it isn't completed, the process needs to start over.

Ms. Abernathy stated the Zoning Ordinance has built in that any PUD development that the Development Agreement has to be started within 18 months of approval and only one extension can be asked for and can be granted for up to six months. After that, the Development Plan expires. After the 18 months, they have their done their plans, they have their plats, their pulling their first building permit and the plan is able to be good and can continue to move forward similar to primary plats when they come in as a big development and they plat one phase and extend the primary plat expiration deadline. There is a fail safe built into the Ordinance for Planned Unit Development.

Adjournment: Mr. Kiepura adjourned the meeting at 8:46 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 17, 2024.