



CEDAR LAKE PLAN COMMISSION WORK SESSION MEETING MINUTES
CEDAR LAKE TOWN HALL, 7408 CONSTITUTION AVENUE, CEDAR LAKE, INDIANA
February 7, 2024 at 6:00 pm

Call To Order:

Mr. Kiepura called the Plan Commission Work Session to order on Wednesday, February 7, 2024, 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: Chuck Becker; Greg Parker; Robert Carnahan; James Hunley; Heather Dessauer, Secretary; Jerry Wilkening, Vice-President (was present at 6:05); and John Kiepura, President. A quorum was attained. **Also present:** Don Oliphant, Town Engineer; David Austgen, Town Attorney; Ashley Abernathy, Planning Director; and Cheryl Hajduk, Recording Secretary.

Absent: None

Work Session:

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 Final Plat for a One Lot Subdivision.

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. 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. We have previously submitted the Preliminary Plats by Torenga and also the building addition plans by Henn Construction. We are here to today requesting the Final Plat approval in two weeks.

Ms. Abernathy commented instead of the address being 8514 W 146th Avenue, Cedar Lake, the recommendation would be 8510 W. 146th Avenue, Cedar Lake.

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. Nathan Vis, Vis Law, 12632 Wicker Avenue, commented I sent out notices, but they were inadvertently sent to the wrong addresses. I have been working with Town staff and the correct notices have been sent out and we will be back in two weeks.

Mr. Vis stated this property is used for interior storage and it is also a commercial building that is located on the property for business use. The current zoning is M-1, which is high industrial use and my client would like to rezone this to B-2. The reason is rent space and not have to come for a Variance in order to occupy the space in the future.

3. 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 Huls, DVG, Inc., representing the Petitioner, commented we are looking to do a parking lot expansion to the East and also to the South, which includes an upgrade to the detention facilities that is on the southeast corner of the property and we are also going to be locating another detention facility on the northwest corner of the property. We have done some sight lighting calculations and will comply with the Ordinances.

Mr. Carnahan commented the parking lot accommodates 225 parking spaces and asked if the expansion will give 800 parking spaces. Mr. Huls commented the Ordinance states we need one space for every three seats, but we will be providing 358 parking spaces in Phase 1, with a potential of 90 extra spaces.

Mr. Oliphant stated we issued a letter on February 1, 2024 and we need to get through that before the next meeting.

Mr. Ted Rohn, architect for this project commented the new addition meets the existing building on the west end and progressively goes up higher as you go West. One of the reasons we need a height Variance is because the floor line is set level with the existing. The majority of the roofline is 37-feet, but because it is a walk out condition along 133rd Avenue, it is higher. It does pitch higher and we have long span girder trusses and bar joists to accommodate the 800 seats.

Mr. Kiepura asked what is the height at the west end on the southside. Mr. Rohn commented the height at the highest point, which is a parapet at 53-feet.

Mr. Wilkening asked will this expansion require more domestic water for fire sprinklers. Mr. Rohn commented the fire protection company stated the building has sufficient flow from the sprinklers.

4. 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 Preliminary Plat for a One Lot Subdivision.

Mr. Jack Huls, DVG, Inc., representing the Petitioner, commented this is a six-acre parcel that is located on 141st Avenue and is West of Morse Street. The reason for this one lot subdivision is that the code requires any building permits to be pulled against the recorded lot. It is not a recorded lot and we would like to rebuild a house on the property near the previous house that was taken down.

Mr. Carnahan asked will the house be built on the existing foundation. Ms. Abernathy commented the existing foundation has been removed.

Mr. Oliphant commented we have an existing letter from January 11, 2024 that needs to be addressed.

Mr. Wilkening asked what is the acreage to have a hobby farm. Are there certain circumstances and details that have to be upheld regarding runoff. Mr. Oliphant commented this will be dependent what the Zoning Code states with the hobby farm. Ms. Abernathy stated we do not have hobby farms. The agricultural uses for poultry, fowl, livestock, animals, anything that goes on a farm is supposed to be on an agriculturally zoned lot of eight-acres or greater. If it is less, it needs a Developmental Variance. If it is not zoned agriculture, it would need a Variance of Use. They did get a favorable recommendation on a 3 to 1 vote at the Board of Zoning Appeals January Meeting of keeping six pigs, and a combination of 20 ducks and chicken total. It is waiting for a Use Commitment to go to the Town Council for their approval or denial.

Ms. Dessauer asked what is the status of the containers on the property. Ms. Abernathy commented part of the Variance application was to utilize a comex box on the property prior to construction. When people are constructing a house, we allow for a comex box on the property to store materials, equipment, and supplies. Once a house is completed, a comex box has to be removed. Their request was to use the comex box prior to construction and convert it into an accessory structure.

Ms. Dessauer asked the original Board of Zoning Appeals meeting was for the farm. Ms. Abernathy stated for the Use Variance and for Developmental Variance. The Use Variance was for the farm animals and the Developmental Variance was for to build a barndominium style house as a post-frame building style house with metal siding and for the use of the comex box prior to the construction and then to convert it into an accessory structure.

Ms. Dessauer asked who is going to police if it gets approved as a box. Ms. Abernathy stated if approved, it would be part of their Building Permit to be reviewed by the Building Department and Building Inspectors. If they do not follow what is approved by the BZA, then we can follow along with the Zoning Ordinance along with fines and penalties.

Mr. Kiepura commented the barndominium and the comex box have not been approved yet. Discussion ensued in length and how there is now another comex box on the property.

Mr. Wilkening asked once the second comex box was known, that is an immediate violation. Was there a violation written. Ms. Abernathy commented she will check with the Building Inspector who saw it on the property.

Mr. Wilkening stated every time, every day that goes by, the violation is another violation, correct. Mr. Austgen stated that is what the Ordinance states.

Mr. Wilkening asked how many ducks and chickens can be on the property. Mr. Kieपुरa stated any combination up to 20 total.

Mr. Huls commented he does not have anything to do with the Board of Zoning Appeals Petitions that have been filed. We are contracted to prepare the documents for the Primary Plat. The legal process of creating a One-Lot Subdivision is separate from those matters and can go forward. Whatever gets built, the process will need a legal lot of record.

Mr. Kieपुरa stated the One-Lot Subdivision will be seen through and this is a separate Petition.

Ms. Dessauer commented if there are violations on a property, nothing should be granted to that property. Mr. Austgen stated there is a tie to these and part of the reason why we are having the discussions is because of the totality of circumstances, and is presented by a Petitioner who has an unanimity of purpose for that 6.1 acres.

Mr. Austgen stated Ms. Dessauer's point that a parcel that is in violation should be subject of a Petition to approval for some other land use or for something in our codes or requirements and should not and this is a good place to start, but Ordinance 1402 gives more reason of proximity of our Zoning Ordinance text to be enforced.

Mr. Hunley commented the moratorium that is in place and with this being six-acres, can this move forward. Mr. Carnahan commented this is in the queue and can move forward.

Mr. Huls stated we have advertised for the Primary Plat and it seems these things should be said to the Petitioner. In two weeks, the Petitioner will be present and the concerns can be voiced to them regarding the violations and defer at that time to the next month.

Ms. Abernathy stated we have not advertised yet. When it comes for Primary Plat, the advertisements get sent out the next day after the work session if the Plan Commission say it is ok to go to Public Hearing.

Mr. Kieपुरa stated this item will be taken off of the agenda for now.

5. 2024-03 Dairy Queen – Site Plan

Owner: Ted Vinyard, 9917 W 133rd Avenue, Cedar Lake, IN 46303

Petitioner: Hamstra Builders, 12028 N 200 W, Wheatfield, IN 46392

Vicinity: 9917 W 133rd Avenue, Cedar Lake, IN 46303

Mr. Kieपुरa stated the next order of business is for a Petition requesting a Site Plan approval for an addition and remodel for the existing Dairy Queen.

Mr. Ted Vinyard, 9917 W 133rd Avenue, Cedar Lake, commented we would like to propose a remodel that Dairy Queen Corporate is requiring us to do. We are expanding our kitchens to our new hot and cold kitchens that will bring it up to modernization. There will be a small addition to the West that allows us the width to relocate the bathrooms. On the Site Plan, we are eliminating some of the concrete off of the front and reducing some of the size of the patio, which reduces the overall coverage with a small increase in the southwest corner where the new trash receptacle enclosure would be.

Mr. Kiepura asked will they lose any parking spots. Mr. Vinyard commented on the Site Plan the parking will stay the same. We only lose 3-feet off of the sidewalk and increasing to the West. The South is the addition and increases the workspace, storeroom and the interior.

Mr. Oliphant stated we issued a letter on January 31, 2024. Is there lighting being added or taken away. Mr. Vinyard commented there are no lighting plan changes. Mr. Oliphant commented there is detention showing on the demolition and the development plan, but there isn't any detention out there now and there isn't any information that is proposed. Mr. Vinyard commented the space that is back there now is overgrown and we are proposing to clean it up and improve the flow back there. Mr. Oliphant commented we need to be clearer of what is going on back there. Discussion ensued.

Mr. Oliphant commented a threshold is broken, because the threshold is noted on the letter stating that 500 square foot of a building or 7,000 square feet of disturbance. Both of those thresholds are being broken that require detention. It would only be required for the improvements as they sit today and not retroactive to what was there. If there is something existing there, it can be cleaned up and made more efficient. It drains south into Summerwinds. Discussion ensued in length regarding if detention exists.

Mr. Vinyard asked how do you define detention. Mr. Oliphant commented it has to be a depression that has a controlled release. If this was built in the early 1990's, there would not be any Ordinances to dictate that it would ever go in them.

Mr. Hunley asked instead of cleaning the detention area out now, could they enlarge the detention area. Mr. Oliphant commented he doesn't think there is one there. We will have to go out there and take a look.

Mr. Vinyard stated the sewer drain comes back toward the area in the back and has to tie in somewhere. Mr. Oliphant commented the sanitary sewer connection is back there, but not storm sewer. There is a water main back there also.

Mr. Vinyard asked will this have to be field inspected. Mr. Oliphant stated it will have to be field inspected, because it will be an above-ground outfall. There isn't an active storm sewer back there except for the one on the rear yards of Summerwinds.

Mr. Vinyard asked does he need a detention pond. Mr. Oliphant commented unless an Engineering Waiver is granted from the Plan Commission. Discussion ensued regarding a detention pond and how big it needs to be.

Mr. Wilkening commented the area in the back has not been maintained, overgrown and this is not allowed. There was a small detention in the back and became overgrown. It was put there to avoid flooding in the back.

Mr. Oliphant stated with the new regulations, they need to submit an Operations Maintenance Plan to keep it maintained in perpetuity.

Mr. Wilkening commented it needs to be cleaned up and is not the same depression that was there long ago.

6. Beacon Pointe East Unit 4 Reduction of Performance Letter of Credit

Mr. Oliphant stated this will be reduced to the maximum allowable amount of 25 percent of the original Letter of Credit and is further enough along that the utilities have been tested and approved. The as builds have been approved and the remaining items are surface pavement related. The recommendation reduction would be \$359,508.00.

7. Beacon Pointe Unit 6 Reduction of Performance Letter of Credit

Mr. Oliphant stated they have a long way to go to building. This will be reduced to \$133,733.95.

8. Beacon Pointe Unit 7 Reduction of Performance Letter of Credit

Mr. Oliphant stated there aren't any building permits pulled. The roads and utilities are in. This will be reduced to \$309,673.13.

Ms. Abernathy commented the bank reached out today and all of the Letters of Credit that we accept from People's Bank, they have an exhibit and part of their letter was that if a reduction is allowed and granted that they can put it on the exhibit and make sure it was acceptable to the Plan Commission before they move forward before doing all four letters or if we wanted brand new letters since none of them are expiring. If so, they can fill out the form, the developer, Mr. Oliphant and the Town would sign off. It will get appended to the letter, because it is still an active Performance Letter.

The Plan Commission requested new letters.

9. Lakeside Unit 2 Block 1 Reduction of Performance Letter of Credit

Mr. Oliphant stated they got the infrastructure down at the end of the year and this is reduced to \$605,505.40.

Update Items:

1. Beacon Pointe West Unit 5 – Performance Letter of Credit expires May 19, 2024

Mr. Oliphant commented this is down to its minimum reduction. They are planning on paving toward the end of the year. This will likely roll over into Maintenance in the Fall.

2. Hanover Community School Corp – Performance Letter of Credit expires May 24, 2024

Mr. Oliphant commented we have not received any as built. We extended this a year ago about some issues with the water main and bury depth. We haven't heard anything since then.

Mr. Carnahan commented the School Corporation wants to have a meeting with the Town Council. Discussion ensued.

Mr. Wilkening asked how much is outstanding as far as financial assurance for the school project. Mr. Oliphant commented he isn't sure, but they never received a reduction and whatever they posted initially, it is still active.

Ms. Dessauer asked what is the most reasonable, expedited way to handle this, so it is not wasting time and money on the Town part and on the School Corporation.

Mr. Wilkening commented that everything that Skillman has been given be sent to the School Board and if they have any questions, they can discuss their questions with Mr. Oliphant and if they need legal clarification, they can call Mr. Austgen.

Ms. Abernathy commented the Letter of Credit that we are holding is \$373,557.25.

Mr. Wilkening asked what needs to be done in relationship to the money that is still in our hands. Mr. Oliphant commented the bulk of that credit is water main related.

Mr. Parker commented to Ms. Abernathy before the meeting takes place before the Town Council and the School Corporation, we need the documentation on everything that is needed to satisfy the Town needs.

Ms. Dessauer commented this is our School Corporation and it comes down to our tax dollars.

Tabled:

2023-18 Bay Bridge

2023-19 Founders Creek

2023-20 Red Cedars

Public Comment:

Ms. Angie Mikolajczak, 12806 Lee Court, commented there were discussions at this meeting about violations and code enforcements. I came to the Plan Commission Meeting on January 17, 2024 and was told to contact Code Enforcement at the Police Station to see if they wrote any written citations. The Code Enforcement Officer spoke with me and she said the items I were referring to on the records request had nothing to do with Code Enforcement and had everything to do with the Building Department. She explained what Code Enforcement cites residents for. On February 2, 2024, there were some building violations that were written to the property owner regarding some things that had happened. Discussion ensued regarding the conversations between the Code Enforcement Officer.

Mr. Parker asked what is it going to take to get this resolved. Ms. Abernathy commented the owner reached out and the person that owns the shed and the carport had a major surgery and cannot move or lift anything, so they are asking for additional time to remove these items. They informed the Building Department that the comex box and trailer have been removed. Ms. Abernathy asked for them to send proof that these items have been removed.

Ms. Mikolajczak commented since I have brought this matter to the attention, regarding the drainage in my backyard and it has been confirmed, it is not just my house, the whole entire subdivision was made without

the proper engineering that was granted by the Commission. Since this has been to the attention to the Commission, it was back in April that the Town was back in that property. Discussion ensued.

Ms. Abernathy commented a Building Inspector will go out to see that the comex box and some materials have been removed.

Mr. Parker commented he will talk to Chief Fisher regarding what is going on with Ms. Mikolajczak's neighbor.

Ms. Marie Sumara, 13318 Morse Street, commented the property next to Domino's on the southside, the gravel is now coming onto my property and it is bending the fence. I met with Ms. Abernathy and Mr. Kubiak and asked if there is anything that can be done about it. Mr. Kubiak was going to make a phone call, but we haven't heard anything back. The front house always gets water every time it rains.

Ms. Abernathy commented Engineering was provided a list of Ms. Sumara's questions to prepare his responses to the questions.

Mr. Oliphant stated he received the questions and responded to all discussing the retaining walls, a detention basin, property lines, side slopes, an opaque fence, structure fill will be capped with black dirt, interim condition to stop all drainage issues.

Mr. Austgen commented to put the developer on notice. Mr. Parker stated to have everything documented.

Mr. Wilkening commented we need present documentation and we need past documentation regarding site visits and what has been seen and what has been given in instructions, if any.

Mr. Wilkening asked the 8-foot privacy wall will be how many feet from the fence that is existing. Mr. Oliphant commented if the fence is directly on the property line, there is a three-foot separation between the property line and the face of the wall. The fence will be on top of the wall.

Mr. Austgen asked is there a Petition on file regarding Price Point Builders. Ms. Abernathy commented they withdrew everything.

Mr. Kiepura asked can the property owner at Lee Cove do anything about the drainage issue. Mr. Austgen commented probably not at the Plan Commission Level, but at the Storm Board, it can.

Mr. Oliphant commented it is an item on the Storm Board. I went to the site and the 2008 Site Plan that was approved was not graded per the plan, and with the development of that property, we can correct it if it ever does come back to the Plan Commission.

Adjournment: Mr. Kiepura adjourned the meeting at 7:50 pm.

TOWN OF CEDAR LAKE PLAN COMMISSION

John Kieपुरa, 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 February 7, 2024