



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

Call To Order:

Mr. Kiepura called the Plan Commission Work Session to order on Wednesday, March 6, 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; 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

Mr. Carnahan commented there is water on the west side of the lake, but we do not have enough storage. There is a possibility of a sprinkling ban in this area. We are waiting for the lighthouse well approved by IDEM. The sewer has problems and the financial advisor mentioned that the bill would go up \$5 a month and a \$2 increase for garbage and the \$40 million to expand the plant in Lowell, it will cost an extra \$74.25 a month. The sewer portion of the bill would go from \$48 to \$127.25.

Mr. Carnahan commented at the Town Council meeting, a motion was made to direct the Attorney to prepare a Resolution to take the \$2.1 million out of the Eco Restoration and put it back into the sewer funds where that money was taken. We hope that the State or the County will help the dredging project to continue.

Work Session:

1. 2023-09 – 141st Partners – Final Plat

Owner: 141st Partners LLC, Mike Neubauer, 2802 East 139th Avenue, Crown Point, IN 46307

Petitioner: 141st Partners LLC, 2802 East 139th Avenue, Crown Point, IN 46307

Vicinity: 10702 West 141st 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.

Mr. Mike Neubauer, 2802 East 139th Avenue, Crown Point, IN, and Russ Pozen, DVG, commented this property was before the Plan Commission for Primary Plat and this is East of the railroad tracks and West of Rose Garden. We wanted to use the time to get some of the public infrastructure installed, which is mainly

the water main. My client has installed the water main and submitted an as-built to the Town which is waiting for review and inspection. We are working with the Town for a final updated Letter of Credit.

Mr. Oliphant commented if they want a reduction in the Letter of Credit, it will not be ready in two weeks. We received the survey last month and we need to check with Public Works. There is an outstanding letter from June 21, 2023 and that will be updated with the reduced Letter of Credit value.

Mr. Pozen commented we want the opportunity to work with the Town to have my client determine if they want to wait the time to get the lower Letter of Credits. Discussion ensued.

Mr. Oliphant asked if they knew they were grading well off onto the railroad property. The silt fence is two-feet off the ballast of the rock and it was straight graded. As a result, the cross covert was blocked underneath the railroad that drains at the Hanover northern pond. Discussion ensued.

Ms. Abernathy commented they got an extension for the Final Plat last July 2023, and an extension for their Board of Zoning Appeals Variances in May 2023. They will need approvals before May 2024 for a permit or they will have to go through the Variance process again.

Mr. Kiepura commented the 27-inch pipe needs to be opened up.

Mr. Oliphant commented they are coordinating with Public Works to get their inspections done and we will do our as built review.

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. Kiepura stated the next order of business is for a Petition requesting a Rezone & Preliminary Plat.

Ms. Dessauer gave a brief history of this Petition and why it is on the Unsafe Active List.

Mr. Joseph Lopez, 8120 Lake Shore Drive, commented we would like build in stages, and our goal right now is to get the place open. We are limited on parking and the seating will accommodate the parking.

Ms. Dessauer commented this new plan will get them off of the Unsafe Active List and get the business open.

Mr. Lopez commented there will be 52 seats with this new Concept Plan and 26 parking spots.

Ms. Abernathy commented from the January Work Session there were 15 normal spaces of the 10-feet by 20-feet, 3 parallel parking spaces, one ADA space and four compact motorcycle spaces. Discussion ensued in length regarding how much parking will be needed for the restaurant with no entry or exit on Lake Shore Drive and to come back with a concise plan at the next meeting.

3. 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 we were deferred because of violations that needed to be addressed. Ms. Abernathy confirmed all of the violations have been taken care of.

Mr. Huls commented this is a six-acre parcel that is a metes and bounds that we would like to make a one lot subdivision and to conform with the Ordinances.

Mr. Carnahan asked how much does the pond take up in the six acres. Mr. Huls stated two acres.

Mr. Oliphant commented the January 11, 2024 letter is still outstanding, and there are only minor issues.

Mr. Huls commented we have to plat this and do the legal notices and we can be on the agenda in two weeks for Preliminary Plat.

Ms. Dessauer asked will this be a different usage for this property. Mr. Huls commented they pulled all of their petitions and in order to move forward, we need a one lot subdivision on this property.

Ms. Abernathy asked do they need to seek relief from the Moratorium from the Council. Mr. Austgen commented they do not.

Mr. Wilkening asked where does the pond drain to. Mr. Oliphant commented it drains North.

Mr. Huls commented this relates to one of Mr. Oliphant's comments referring to a guardrail in the area that the drainage goes through and also there is a right-of-way that was vacated.

4. 2024-04 Centennial Villas Resub – Preliminary Plat

Owner: Cedar Lake Development, LLC, 8051 Wicker Avenue, St. John, IN 46373

Petitioner: Olthof Homes, LLC, 8051 Wicker Avenue, St. John, IN 46373

Vicinity: 13614, 13604 & 13594 Freedom Way, Cedar Lake, IN 46303

Mr. Kiepura stated the next order of business is for a Petition requesting a re-subdivision of Lots 18, 19 and 20 in Centennial Villas.

Mr. Jeff Yatsko, Olthof Homes, 8051 Wicker Avenue, St. John, IN, commented we came before the Plan Commission in December 2023 and we received approval for Centennial Townhomes, which sits West of Centennial Villas. A contingency of Centennial Townhomes was that we provided a second access. There was an access to the South which ties into the existing Centennial subdivision and then we were asked to provide an access through Centennial Villas. This would require us to lose a lot and we would take three lots from Centennial Villas and plat them into two lots to allow the right-of-way to come through and connect into Freedom Way. We submitted the Plat, which was three lots and now turning into two lots.

Mr. Oliphant asked do we want to pull another Letter of Credit or can we include these public improvements in the Letter of Credit for Centennial Townhomes. Mr. Austgen stated as long as we have public meeting action by the Plan Commission, it can be together with Centennial Townhomes.

Mr. Oliphant asked when will the entrance construction start and will it start South to North. Mr. Olthof commented the plan is to start South to North; however, we would like the road in.

Ms. Abernathy commented we do not have any major comments as part of their approvals in December 2023 that they had to appear in March to re-subdivide Centennial Villas to remove Lot 19 to become a public right-of-way.

Mr. Kiepura commented all of the paperwork needs to be in order before the next meeting.

5. 2024-05 StorSafe – Concept Plan

Owner/Petitioner: Storsafe of Cedar Lake, LLC, 5301 Dempster St., Suite 300, Skokie, IL 60077

Vicinity: 13649 Wicker 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 updated Site Plan review for an existing storage facility.

Mr. James Sayegh, 5301 Dempster St., Suite 300, Skokie, IL 60077, commented we met with Ms. Abernathy before we bought the property and we propose to add one building at the front of the site, which is 22,230 square feet and will be climate controlled. This site will have a stately appearance, while being sensitive to the neighbor to the North. We show parking in the front yard setback to let customers get to their unit conveniently. We can comply with the parking requirement by putting it behind the building depending on the feedback from the Board.

Mr. Sayegh stated we made an allowance for new detention towards the back. In the development of the parcel, adjacent the provision made for the storm detention for this site. We will need the civil engineering to go to wherever it needs to go and we will comply. We are not adding any bathrooms and there will not be a need for water. We will add hydrants along the parkway and up through the site. If we need additional detention, we have made a provision for it.

Mr. Becker asked if the whole property is going to be asphalted. Mr. Sayegh commented we are going to improve the front of the site with this building and the rear of the site is parking right now. We will come back at a later time for Phase 2.

Mr. Carnahan asked will there be any campers or boats parked on the gravel. Mr. Sayegh stated they will be stored in the back for now and, this area would be in Phase 2 at a later date.

Mr. Kiepura asked does this building need sprinklers. Mr. Sayegh responded in the negative and discussion ensued regarding non-combustible storage buildings.

Mr. Sayegh commented we are going to have landscaping in the front with discussion of how much greenspace will be up in the front of the building.

Mr. Wilkening asked what are the hours of operation. Mr. Sayegh commented we will conform to Cedar Lake's Ordinances, but we have the potential with technology to have people come whenever they want.

Mr. Wilkening asked how big is each unit of what is being proposed. Mr. Sayegh commented the average size is 111.8 square feet and there are several points of access into the building. Discussion ensued.

Mr. Wilkening asked the area with the gravel in the back, is that where the stormwater recession was put many years ago with the last change. Mr. Huls responded in the affirmative.

Mr. Becker asked what about the property to the North. Mr. Sayegh commented when we bought the property, we wanted to make sure that the driveway didn't have any right to it and they are not landlocked. They do have their proper driveway and curb cut is further North and there is a 60-foot setback and gives open space to the South.

Mr. Kiepura commented the Petition is for an updated Site Plan review for an existing storage facility. Ms. Abernathy commented they are updating the Site Plan to include this new building on the front and petitioning for a one lot subdivision to make it a legal lot of record.

Mr. Sayegh commented we will be improving the condition of the asphalt that is there.

Discussion ensued at length of how the business of Storsafe works and Storsafe's intent for the property. Mr. Wilkening inquired of when Phase 2 would start. Mr. Sayegh commented a year after the new building is built and we are in lease up. Discussion ensued regarding what people want for their storage needs in the future.

Mr. Oliphant asked if we eliminate the parking in the front and put it in the rear, what does that mean. Mr. Sayegh commented we are going to hold to a conventional parking dimension and it is not too tight. Mr. Oliphant commented there is a sewer easement in this area.

Mr. Oliphant asked if the parking is eliminated in the front, does this eliminate direct access units. Mr. Sayegh commented there will be a drive out and people will pull alongside. Discussion ensued.

Mr. Oliphant asked would you shift your gate further East past the parking. Mr. Sayegh commented we would create a small loading area, which there is room for alongside the gate.

Mr. Oliphant advised to put screening along the north boundary. The residential use wraps around and the large wooded area is zone R-2. Discussion ensued regarding screening around the building.

6. 2024-06 – Kreith & Carlin – Concept Plan

Owner: Jeffrey Thomas & Julie Faith Carlin, 5030 W 100th Lane, Crown Point, IN 46307

Petitioner: Cory Kreith, Younique Design + Build, 2700 Valparaiso St., Unit 1506, Valparaiso, IN 46384

Vicinity: 6949-70 W 126th 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. Cory Kreith, Younique Design + Build, 2700 Valparaiso St., Unit 1506, Valparaiso, IN commented we received a favorable approval from the Town Council for relief from the developmental moratorium. They ask that we do not subdivide it further than what we are going to do for the single-family residence. This property is on West 126th Avenue, West of Fairbanks. There is the easterly parcel and the central parcel

that we are looking to combine. We are looking to impact approximately thirty five percent of the property with one single-family residence.

Mr. Wilkening commented there is a lot of elevation changes and who is responsible for the storm water and ravines that pushes the limits of Vermillion on the curve. Mr. Oliphant commented they are categorized as mutual drains and it is the responsibility of the homeowner and is a shared responsibility.

Mr. Carnahan asked are we going to tear up and roads and curbs that were recently done. Mr. Oliphant commented they will have to do a curb cut.

7. 2024-07 Kubal – Concept Plan

Owner: Martha Ann Kubal, Trs dtd 1/31/92, 13305 Morse Street, Cedar Lake, IN 46303

Petitioner: Brian Kubal, 13305 Morse Street, Cedar Lake, IN 46303

Vicinity: 13135 Morse Street, 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 with one outlot.

Mr. Stuart Allen, Torenga Surveying, representing Mr. Kubal, commented there is an existing building with a parking lot south of it and wanted to make the building compatible with the Zoning Ordinance. The north lot would have sufficient parking for eight seats for a small business. The south parking lot exists as an outlot and is not big enough to put a building on. Discussion ensued regarding the parking lots.

Mr. Kiepura asked Mr. Kubal wants to combine the north property and the parking lot on the south to make a one lot subdivision. Mr. Allen commented the existing parking lot that is connected to the building, which is Lot 19 and there is an existing parking lot there now that was built after that concept was done and that parking lot is an outlot and it is not large enough to have a building on it, so that existing parking lot would be overflow parking for all those different businesses.

Mr. Austgen commented the outlot exists so it can be platted and identified legally and it is an appendage to the one lot subdivision that is proposed, which is a lot of record and it is a paperwork cleanup.

Mr. Austgen stated to state on the plat that no structures or no improvements to be included and that will keep it the way it is.

Mr. Wilkening asked if he sells the north part, doesn't that need to be designated overflow parking for any of those businesses in the shopping center. Ms. Dessauer commented this is a paperwork cleanup.

Ms. Abernathy stated they need to get the Preliminary Plat for next month for the one lot and the outlot, as well as, a Use Variance in front of the Board of Zoning Appeals to continue the use of the parking in a B-2 Zoning District. We only allow for parking garages and parking lots in a B-3 Zoning District. It is for the Use Variance that is already there.

Mr. Austgen commented the Use is a continuation of the Use and is Legal Non-Conforming. It is being redesignated or clarified designated in the body of the plat.

Mr. Oliphant asked is the building vacant. Mr. Austgen responded in the affirmative.

Mr. Oliphant commented doing this plat as a lot of record is legal non-conforming, and do they need Variances for building setbacks, parking in the front and rear. There will be some dedicated right-of-way.

Mr. Allen stated he submitted the Preliminary Plat. Mr. Oliphant commented he is looking at the northwest corner is in the middle of the road currently. The road will need to be in the right-of-way. Discussion ensued.

Mr. Allen commented he put the minimum setbacks on the plat, regardless of the building that exists structurally there now. The subdivision plat itself will have building lines that go through that existing building.

Mr. Kiepura asked to make this a one lot subdivision with an outlot, doesn't this tie the two pieces of property together. Mr. Oliphant commented they will be two separate pieces of property.

8. 2024-08 – Moody Dental – Concept Plan

Owner: Moody Dental, 11 US 30 Schererville, IN 46375

Petitioner: Van Ryn Architects, 2027 US Hwy 41, Schererville, IN 46375

Vicinity: 13815 Wicker Avenue, Cedar Lake, IN 46303

Mr. Kiepura stated the next order of business is for a Petition requesting a Concept Plan for a Site Plan for a new dental office building.

Mr. Bryan Van Ryn, 175 Cone Flower Drive, Dyer, IN 46311, commented we would like to open a new dental office in the Lakeview Business Park, Lot #16. We are going to flip-flop the parking lot on the Site Plan to the North and East versus of having it on Route 41. The building will move over to the 75-foot building setback line. This will have 58 parking spots, plus three ADA spots and the building will be 9,000 square feet instead of 8,100 square feet as previously planned.

Mr. Wilkening asked if there were any sign discussions with this property when it was developed. Mr. Oliphant commented in the Planned Unit Development, they wanted to do a master sign.

Ms. Abernathy stated in the Planned Unit Development, it was going to be on the northside of Route 41 for the big monument sign and when we did the amendment early last year, it moved to Lot #16 with the location to be approved and determined by the Town Engineer.

Mr. Oliphant commented each lot can have some signage, but at this time, we do not know what that is.

Mr. Van Ryn commented it will be a digital readout lighting sign and there will be lighted signs on the building and some ground lighting.

9. 2024-09 – Van Ryn Architects – Concept Plan

Owner: CLBD South LLC, 13729 Wicker Avenue, Cedar Lake, IN 46303

Petitioner: Van Ryn Architects, 2027 US Hwy 41, Schererville, IN 46375

Vicinity: 13721 Osborne Street, Cedar Lake, IN 46303

Mr. Kiepura stated the next order of business is for a Petition requesting a Concept Plan for a new warehouse and shipping facility.

Mr. Bryan Van Ryn, 175 Cone Flower Drive, Dyer, IN 46311, commented we want to put a warehouse in Lot #8 in the Lakeview Business Park. The building size is about 24,000 square feet. The owner would like to use 12,000 square feet and sub-lease the other half or grow into it if he can. There is a wide drive on 137th Street, because semis will have to come in and out of that area and the trucks will not be in the street when they are backed into the loading dock. Each tenant will have an office area and minimum parking spaces is needed. The signage will be on the building itself.

10. Amendment to Rose Garden Unit 2 Performance Letter of Credit

Ms. Abernathy commented BMO reached out and they amended the Letter of Credit to officially remove People's Bank as the advising bank to add the drawing location should we need to draw on Rose Garden Estates Unit 2. When we extended the Letter of Credit, we approved the bank change and now they are requesting an amendment to be done to officially remove the advising bank and input where we can draw from should we need to.

Update Items:

1. Cedar Lake Storage – Phase 2 Update

Ms. Abernathy commented when they requested the use of the gravel portion, as a part of the approvals, three months before their expiration it was requested for it to appear as an Update Item on the Plan Commission and the Board of Zoning Appeals and we are keeping up with the updates. They have been consistently been sending the pictures to show how many units they have on the property.

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

Mr. Oliphant commented they need to do the final coat of asphalt. They will most likely extend for six months.

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

Ms. Abernathy commented she will get in touch with the school. They met with the Town Council and the Building Department has the directives and find out if we are extending this for an additional year or what their intention is to the Letter of Credit.

4. Perez – Performance Letter of Credit expires June 14, 2024

Ms. Abernathy commented Mr. Perez put the property up for sale. There is a potential buyer.

Ms. Dessauer asked what is the Letter of Credit for. Mr. Oliphant stated for curb and gutter for \$4,400 and Mr. Perez is still responsible.

Tabled:

2023-18 Bay Bridge

2023-19 Founders Creek

2023-20 Red Cedars

Public Comment: None was had.

Adjournment: Mr. Kiepura adjourned the meeting at 8:03 pm.

TOWN OF CEDAR LAKE PLAN COMMISSION

John Kiepora, 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 March 6, 2024