



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

Call To Order:

Mr. Kiepura called the Plan Commission Work Session to order on Wednesday, April 3, 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; 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: Heather Dessauer, Secretary

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

Vicinity: 10833 W 133rd Avenue, Cedar Lake, IN 46303

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

Ms. Abernathy commented the Petitioner is not present and a Notice will be sent for them to be present at the next work session next month.

2. 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 next order of business is for a Petition requesting a Final Plat for a One Lot Subdivision.

Mr. Russ Pozen, DVG, Inc. on behalf of 141st Partners, commented since the last meeting, to date, the Final Plat was sent to Mr. Oliphant. The client has paid inspection fees and the Letter of Credit will be prepared.

His contractor was on site and they cleaned up the east downstream section, which drains into the Rose Garden storm water structure and we also have some erosion control measures done. There is a culvert on the west of the railroad property, and this area will get cleaned up as well. The water main is completely installed, but whatever amount of the Letter of Credit is, will take care of anything on the site as we proceed.

Mr. Oliphant commented they unleashed the culvert, which was backing up water significantly to the West and just let it rip. It ripped up their detention basin and it discharged into Rose Garden. We have not done any official follow-up inspection yet, but we have been out there since.

Mr. Pozen commented they will need to fix the detention basin and get it satisfactory for the Town. Mr. Oliphant stated it is up to the Board if they are going to allow this to move forward. The Plat is in order and we need to come up with Letter of Credit value based on everything that was submitted and inspected. We can be ready in two weeks.

Mr. Oliphant commented the site maintenance needs to be done. Mr. Kiepura asked if this will be done before the next meeting. Mr. Pozen commented my client is committed to getting it done.

Mr. Oliphant commented we contacted Norfolk Southern Railroad for all of the culverts on that line as they drain all of Hanover Middle School's ponds on the west side and they are deteriorating, and they are not maintained. We tried to get the railroad's maintenance crew out there to clean them up. Discussion ensued regarding the culverts.

3. 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 Preliminary Plat for a One Lot Subdivision.

Mr. Adam Sworden, Sworden Law, on behalf of the Petitioner, commented we also have Mr. Adam McAlpine here, who is the Engineer and we have a proposed Site Plan with a new plan for parking and seating in the restaurant based on the Town Ordinance. The proposed plan would have 23 regular parking spots, one ADA parking spots and spaces for golf carts and motorcycles in the southwest corner of the site. There would be no access off of Lake Shore Drive. We will be submitting for the Variances we need for the property. Discussion ensued regarding the Variances.

Mr. Sworden stated there is a site analysis in the packet that goes through the preliminary design work for the compensatory storage underneath the parking lot and there is a rough calculation for this. There are drawings of how this will be proposed with a utility plan.

Mr. Oliphant asked how many seats are allowed and what are the parking requirements. Ms. Abernathy commented there would be 19 full parking spots, but not including the four spots, because the Plan Commission was not in favor of this. There would be a total of 38 seats in the restaurant, but for employees, it would be one space for every two employees that would be on shift at a time. Discussion ensued regarding parking spots for the employees.

Mr. Kiepura commented the exit will need to be a left turn only and not going through the residential neighborhood and this has been requested in past meetings. Discussion ensued in length regarding signage.

Mr. Oliphant commented there is a large twin CMP, old trunk sewer going through the northern boundary and this is showing the storm sewer going through it to get to an underground system and this may not work. Discussion ensued regarding the underground system.

Mr. Kiepura asked will there will be a buffer fence. Mr. Sworden responded in the affirmative.

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 Final Plat for a One Lot Subdivision and a waiver from the 30-Day Requirement between Preliminary Plat and Final Plat, with the Town withholding signatures until after the 30 days.

Mr. Jack Huls, DVG, Inc., representing the Petitioner, commented we were here last month for preliminary approval for this 6-acre parcel. We are here for the Final Plat, and we would like to have that heard in two weeks.

Ms. Abernathy commented part of the platting requirements is that there is supposed to be 30-days between when the Preliminary Plat is approved by the Plan Commission and when the Final Plat is brought in front of the Plan Commission. The Preliminary Plat was approved at the March meeting and the April Public Meeting would be April 17, 2024, and that would be three days before the 30-day period. They are requesting that the Plan Commission allows for them to proceed with the Final Plat. We would withhold signatures on the Final Plat, which cannot be recorded until after April 20, 2024.

Ms. Abernathy commented last Fall a Correction Notice was put on the property, which started the whole process with this property. There had been a basement foundation that was left over from an unsafe house. The Unsafe Board preferred that it be removed, but the previous owner wanted to keep it because he planned on re-building it, even though it was not determined if it was re-buildable. They allowed the previous owner to fill in with dirt where the foundation was.

Ms. Abernathy commented when the Porter's purchased it, they made the property safe by removing the unsafe foundation. Part of the items that needed to be corrected with the Building Department was to fill in the hole from the unsafe foundation that was removed and from the earth work that was done. With the wetlands that is located on that property, we told them they had to put up erosion control, because we wanted to make sure that we are not going to have any sediment from what they are doing impacting the wetland.

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. Kiepura 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, IN, commented we are working to address the issues that we had with the detention basin and we submitted a report that we needed for that.

Mr. Adam McAlpine, McAlpine Consulting, 398 East 400 North, Valparaiso, IN, commented we have prepared a Stormwater Drainage Report for the Dairy Queen improvements. Due to the nature of the improvements, the Stormwater Drainage Ordinance requirements need to be followed and the Dairy Queen site does not have any existing storm sewers and the water flows south to the woods. There is a detention pond in the wooded area, where we will clear the trees, hollow out a detention pond, put an outlet structure within that pond that will outlet to the neighborhood storm sewer system to the south. We will dig swales on the west and east sides of the parking lot, get it all in the shed to the south and get it into the detention pond, then it will outlet into the storm sewer, which will be a controlled release.

Mr. Kiepura asked the kitchen is getting expanded. Mr. Vinyard commented the whole store will be remodeled and the kitchen will be a hot and cold kitchen and additional storage inside.

Mr. Wilkening asked if the existing concrete to the north will be removed. Mr. Vinyard commented we are going to cut the front half of the existing patio, because it is too big.

6. 2024-05 StorSafe – Preliminary Plat

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 Preliminary Plat for a One Lot Subdivision and updated Site Plan review for an existing storage facility.

Mr. Jack Huls, DVG, Inc., representing the Petitioner, commented we need to create a One Lot Subdivision. We will be taking the metes and bounds parcel of the existing storage area and the metes and bounds property of the parcel that is out front and adding them together and making a One Lot Subdivision. On future agendas, there will be the Site Plan and also the Final Plat. We have the review letter from Mr. Oliphant.

Mr. Oliphant stated we issued a letter on April 2, 2024 and the comments are minor.

Mr. Huls stated we know where the sanitary sewer is, because we did the subdivision to the South and we put some additional easements on there that may or may not be needed. We are in discussions with Mr. Oliphant regarding the existing detention facility that is there and that will come up with the Site Plan and if it is needed, we will add it to the Final Plat.

Mr. Carnahan asked is this the 18-lot subdivision South of Henn & Sons. Mr. Oliphant commented it is North of it.

Mr. Huls commented the existing storage is on a metes and bounds parcel that was in the County and then there is a small rectangular piece that lies on the northwest corner, which is where the proposed building would go, but in order to get a building permit and to make this whole site as one site, we need to do this One Lot Subdivision.

7. 2024-06 – Kreith & Carlin – Preliminary Plat

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 Preliminary Plat for a One Lot Subdivision for a single-family residential home.

Mr. Cory Kreith, Younique Design + Build, 2700 Valparaiso St., Unit 1506, Valparaiso, IN commented we are requesting Preliminary Plat approval for the One Lot Subdivision. We were here last month discussing what we wanted to do on the property and the paperwork has been submitted.

Mr. Stuart Allen, Torenga Surveying, 907 Ridge Road, Munster, IN, was in attendance.

Mr. Oliphant stated we are working on a letter and it will not be a problem in two weeks.

8. 2024-07 Kubal – Preliminary Plat

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 Preliminary Plat for a One Lot Subdivision with one Outlot.

Mr. Brian Kubal, 7600 W. 136th Court, Cedar Lake, IN, commented we would like to split up some property.

Mr. Stuart Allen, Torenga Surveying, 907 Ridge Road, Munster, IN representing Mr. Kubal, commented there is an existing building structure which is on the north side of the property. The parking lot is not large enough for the zoning, so it will have to go through a Variance to allow that outlot to be an outlot and have just parking on it and have restrictions of that forever. Discussion ensued regarding the parking if a business goes into the building.

Ms. Abernathy stated they will get the Developmental Variances since they are going into two separate lots of the building setbacks of how far it is from the existing building, so we are conforming by way of approvals from the appropriate board.

9. 2024-10 – Schilling Development – Preliminary Plat

Owner: Cedar Lake 133, LLC, P.O. Box 677, St. John, IN 46373

Petitioner: Schilling Development, P.O. Box 677, St. John, IN 46373

Vicinity: 5604 W. 141st Avenue, Cedar Lake, IN 46303

Mr. Kiepura stated the next order of business is for a Petition requesting a Preliminary Plat for Lakeside South Unit 1 for a total of 34 Lots and 4 Out lots.

Mr. Jack Huls, DVG, Inc., representing the Petitioner, commented this is Unit 1 of Lakeside South, which is a large Planned Unit Development on the northside of 141st Avenue. We have been doing a lot of the engineering for the whole subdivision, but we aren't in a position to submit the whole package, since there is a lot of storm sewer design and a lot of water main design for 200-acres. This case is a 24-acre parcel and

we are able to do the detention pond for that unit within the limits of the subdivision. We proceeded with the final engineering for this Unit and will do a Primary Plat. The Unit includes a mix of the different products. There are nine single-family homes that are Lots 388 through 396 that are the 80-foot-wide lots and are very similar to the product type to the original Lakeside to the north. Lots 397 through 408 are 70-foot-wide single-family lots with zero maintenance. Lots 580 through 592 are the paired villa lots consisting of 26 units.

Mr. Huls commented Mr. Oliphant submitted his review letter and was thorough. We have addressed most of the comments. The water and sewer issues have been discussed with Public Works.

Mr. Carnahan asked what are the four outlots. Mr. Huls commented one is the detention pond, the existing pond, the parking area and landscaping with 12-15-foot-tall berms. Discussion ensued regarding berms and bringing this feature to this subdivision.

Mr. Huls discussed park improvements and a bike path, which will run along the southside of the berm on 141st Street. Discussion ensued regarding the park, bike path and the existing pond.

Mr. Hunley asked do any of the road exit through Robin's Nest. Mr. Huls responded in the negative.

Mr. Huls stated the water system will need good water pressure by looping, so we will be coming down Lakeside Boulevard from 133rd Avenue, and that will provide the main line. We will also need a secondary line, and that will be the right-of-way into Robin's Nest.

Mr. Becker asked if the park is supposed to be with the original Lakeside. Mr. Huls commented this park was required for this subdivision. Mr. Oliphant commented there is a parcel, but it was going to be for wells, which has since been capped because the water quality isn't good enough.

Mr. Oliphant commented the water and sewer are the most important items right now. This is important to our new wells south of here and our upgraded wells at Robin's Nest. We are doing this in phases and it has to work with the Master Plan.

Mr. Carnahan asked if Engineering is working with IDEM. Mr. Oliphant responded in the affirmative. Mr. Carnahan commented the pipes will have to go in on their property and it will eventually be all connected and it will go over to the Krystal Oaks water tower. Discussion ensued in length regarding the water main.

Mr. Austgen stated we do not have the reimbursement agreements for sewer and water; they are in draft.

Mr. Austgen commented this doesn't seem realistic this will be ready in two weeks and this item can be on the agenda at the Special Meeting on May 1, 2024.

Update Items:

1. Cedar Lake Storage – Phase 2 Update

Ms. Abernathy commented the paving should be done the first week of June 2024 and they are aware of the upcoming deadline to get this completed.

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

Mr. Oliphant commented this will likely extend for six months.

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

Mr. Oliphant commented there is nothing new on our end.

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

Ms. Abernathy commented they intend on extending.

5. Cedar Lake Storage – Performance Letter of Credit expires July 1, 2024

Ms. Abernathy commented this is their Public Letter of Credit alongside 133rd Street. Mr. Oliphant commented it should rotate into Maintenance in June 2024.

6. Beacon Pointe Unit 3 – Maintenance Letter of Credit expires July 12, 2024

Mr. Oliphant commented we need to do a field inspection and get them a punch list prior to expiration.

7. Beacon Pointe East, Unit 4 – Performance Letter of Credit expires July 25, 2024

Mr. Oliphant commented this is the northern phase and it might rotate, but it will probably extend.

8. Beacon Pointe East, Unit 1, Performance Letter of Credit expires July 30, 2024

Mr. Oliphant commented this one has the detention basin in the front and they are anticipating on having everything done before July 30, 2024.

Tabled:

2023-18 Bay Bridge

2023-19 Founders Creek

2023-20 Red Cedars

Public Comment:

Mr. Robert Grosek, 14505 Deodor Street, commented he appreciates Schilling Development taking care of the pond behind our five homes on Deodor Street. The culvert downstream of that pond was full and so was North halfway.

Mr. Grosek asked are they getting close to eight percent. Ms. Abernathy commented it depends on what section and some have converted into Maintenance and are in the Town's inventory.

Mr. Grosek asked the tubes that go under the road, who is responsible for maintaining to clean. Mr. Oliphant commented the Town when accepted into the inventory.

Discussion ensued regarding restrictors and how they are part of the storm sewer system.

Adjournment: Mr. Kiepura adjourned the meeting at 7:35 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 April 3, 2024