CEDAR LAKE PLAN COMMISSION PUBLIC MEETING MINUTES
CEDAR LAKE TOWN HALL, 7408 CONSTITUTION AVENUE, CEDAR LAKE, INDIANA
May 21, 2025 at 7:00 pm

Call To Order:

Mr. Kiepura called the Plan Commission Public Meeting to order on Wednesday, May 21, 2025, at 7:00 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:** Luke Sherry, Town Engineer; David Austgen, Town Attorney; Terrence Conley, Planning Director; Tim Kubiak, Director of Operations; and Cheryl Hajduk, Recording Secretary
Absent: Ben Eldridge, Town Manager

Minutes: December 18, 2024 Public Meeting; January 8, 2025 Work Session; January 15, 2025 Public Meeting; February 5, 2025 Work Session; February 5, 2025 Special Public Meeting

A motion was made by Mr. Parker and seconded by Mr. Hunley to approve the December 18, 2024 Public Meeting; January 8, 2025 Work Session; January 15, 2025 Public Meeting; February 5, 2025 Work Session; February 5, 2025 Special Public Meeting. Motion unanimously passed by roll-call vote.

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

Old Business:

1. **Approval of Permit for Work within Right-of-Way, Easement, Town Property Form and a recommendation to the Town Council for approval.**

Mr. Kiepura commented the first item of old business is for an approval for a form for a Permit for Work within right-of-way, easement and a recommendation to the Town Council for approval.

Mr. Conley commented there is a lot of work in the right-of-way’s in the Town. This form is to update what we already have and to make it more concise with Town requirements. The pavement, concrete and basic fees for permitted use.

A motion was made by Mr. Hunley and seconded by Mr. Becker to approve the Permit for Work within right-of-way, easement, Town property form and to send a favorable recommendation to the Town Council. Motion passed by roll-call vote: 4 – ayes to 1 - nay

Mr. Becker	Aye
Mr. Parker	Aye
Mr. Carnahan	Aye
Mr. Hunley	Aye
Mr. Wilkening	Nay
Mr. Kiepura	Aye

2. **2023-04 Kolber – Site Plan**
   Owner: CWK Properties – Cedar Lake LLC, 7949 W. 79th Street, Bridgeview, IL
   Petitioner: Steven Kolber, 828 Davis Street, Evanston, IL 60201
   Vicinity: 10833 W. 133rd Avenue, Cedar Lake, IN 46303

Mr. Kiepura commented the next item of old business is for Petitioner requesting Site Plan developmental approval for Jet's Pizza and Wingstop

No petitioner was present. Continue to the next public hearing.

A motion was made by Mr. Wilkening and seconded by Mr. Parker to continue this Petition to the next Public Meeting. Motion unanimously passed by roll-call vote:

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

3. **2024-04 – Centennial Villas – Phase 2 – Replat of Lots 18, 19, 20**
   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 commented the next item of old business is for Petitioner requesting a re-subdivision replat of Preliminary and Final Plat (hold Final Plat for 30-days) of Lots 18, 19, and 20 in Centennial Villas. Mr. Austgen advised legals are in order.

Mr. Kevin Paszko, Olthof Homes, 8051 Wicker Avenue, St. John, IN, commented we would like to request Primary and Final Plat for approval of re-plat of Lots 18, 19 and 20 of Centennial Villas, Phase 2. This would re-plat the two corner lots and a segment of right-of-way for future connection into the Centennial Townhomes project at some point in the future. The mylars will be given to the Town to hold onto for 30-days. The water main installation is part of the road improvements and we will be placing a 12-inch sleeve in the ground for us to put the main in. The rest of the improvements will go in as planned for the Centennial Townhomes.

Mr. Paszko commented nothing else has changed in relation to the request for the previously approved road improvements.

Mr. Sherry commented this is good to go, but the water main and sleeve will need to be covered based on Phase 2 and there would not be a gap in assurity while road improvements are done.

Mr. Paszko commented the cost of the improvements will be rolled into the Maintenance Letter of Credit for Phase 2 of Centennial Villas.

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

A motion was made by Mr. Wilkening and seconded by Mr. Parker to approve the Petitioner's request for the re-plat for Lots 18, 19 and 20 of the Preliminary Plat in Centennial Villas. Motion unanimously passed by roll-call vote:

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

A motion was made by Mr. Wilkening and seconded by Mr. Becker to approve the Petitioner's request for the Final Plat and hold the mylars for 30-days for Lots 18, 19 and 20 in Centennial Villas and contingent on comments from Christopher B. Burke's letter dated March 11, 2024. Motion unanimously passed by roll-call vote:

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

4. **2025-21 – Damjanovic (JJ's) – Site Plan**
   Owner: Chris Damjanovic, 12203 White Oak Drive, Crown Point, IN 46307
   Petitioner: Chris Damjanovic, 12203 White Oak Drive, Crown Point, IN 46307
   Vicinity: 7936 Lake Shore Drive, Cedar Lake, IN 46303

Mr. Kiepura commented the next item of old business is for Petitioner requesting Site Plan & development approval for new business and approval of dive-up service window.

Mr. Kiepura commented this should be for drive-up pick-up window only.

Mr. Chris Damjanovic, 12203 White Oake Drive, Crown Point, IN 46307, commented the original plans were drawings and delivery. Discussion ensued regarding wait time at Jimmy John's. They average about six cars total in line from window to the speaker box and around dinner time, the average is four cars.

Mr. Damjanovic commented we have this drawn up as a drive-through. Mr. Becker commented this was approved for a pick-up window only and not a drive-through window for that location.

Mr. Carnahan asked we can change that, if needed. Mr. Austgen responded in the affirmative.

Mr. Paker asked could we do a 90 or 120-day approval to see how this works at this location. Mr. Austgen commented it would be a approve or dis-approve process. It may be imposed reasonable conditions and if the Board does not feel comfortable at this moment, this matter can be deferred. Discussion ensued regarding the traffic pattern and more traffic in the summertime.

Mr. Wilkening asked how much seating will be inside. Mr. Damjanovic commented we can remove four seats and we would have roughly six total employees, three drivers during peak times. Discussion ensued in length regarding the parking in the Jimmy John's lot and the Domino's cars in the lot with some of their cars being used for advertising.

Mr. Parker asked can this be contingent on Jimmy John's has one side of the parking lot and Domino's has the other side of the lot. Mr. Austgen commented it can be done on the part of the property that is being used by Jimmy John's and make that part of the approval.

Mr. Wilkening asked there are 20 seats in the restaurant. Mr. Damjanovic responded there are sixteen seats and we would need eight parking spots and spots for employees.

Mr. Conley commented in the definition of drive-through in the Ordinance, it states that the drive-through approval stays with the business only. Mr. Damjanovic commented we have a ten-year lease with two five-year options.

Mr. Kiepura asked how do we get a guarantee from Domino's that they are going to move those cars from surrounding stores. Mr. Damjanovic commented he can get in writing from the owner of Domino's and bring it to the Plan Commission Board. Mr. Kiepura commented we want to get that on the record because we do not want to hinder Jimmy John's parking with Domino's cars just sitting there.

Mr. Austgen commented it should be on the Site Plan to reflect what we are talking about for consideration and approval.

Mr. Kiepura asked what is the timeframe. Mr. Damjanovic commented our contractors are ready to go and it is a six-week build out time.

Mr. Kubiak commented it is beyond our control with customers parking in the lots. People will park where they find a space. Discussion ensured regarding enforcement of where the delivery cars will park on the lots.

Mr. Austgen commented we are talking about two properties, with one that has received approval and none of this was taken in account at that development, but it was processed for approval. We now have this property and this business owner crossing into the other property owner's business. If there is to be cross-over of use of the property, the plat should be clean and there should be a license for cross-access agreement between them for purposes of access parking, thorough traffic and should be reflected in the approval.

Discussion ensued regarding delivery trucks delivering supplies very early in the morning.

Discussion ensued regarding signage for no boat traffic.

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

More discussion regarding parking in both Jimmy John's and Domino's lots.

A motion was made by Mr. Hunley and seconded by Mr. Carnahan to approve the development for a new business, with a 20-seat capacity total inside and outside, and a letter from Domino's referencing parking arrangements to be submitted to the Building Department for delivery vehicles. This approval is contingent on the Building Department receiving the letter. Also, to allow Jimmy John's to have drive-thru window for pickup for food. Motion unanimously passed by roll-call vote:

Mr. Becker	Nay
Mr. Parker	Nay
Mr. Carnahan	Aye
Mr. Hunley	Aye
Mr. Wilkening	Aye
Mr. Kiepura	Aye

5. **2025-22 – Henn Holdings LLC – Site Plan**
   Owner: Henn Holdings, LLC, 13733 Wicker Avenue, Cedar Lake, IN 46303
   Petitioner: Henn Holdings, LLC, 13733 Wicker Avenue, Cedar Lake, IN 46303
   Vicinity: 13861 Alexander Street, Cedar Lake, IN 46303

Mr. Kiepura commented the next item of old business is for Petitioner requesting Site Plan approval for Railside, Lot 22.

Mr. Jack Huls, DVG, commented they were representing the Petitioner and we are seeking one waiver for the side-yard screening. We received minor comments back from Mr. Oliphant. There was comment about an easement and that easement is still on the property, but within another Nipsco easement and does not need to be vacated.

Mr. Sherry commented there was a review letter with only minor items. Our recommendation is contingent from Mr. Oliphant dated May 20, 2025.

Mr. Kubiak commented about the mechanical. Mr. Huls commented there will be a small meter closet with a two-inch water surface into the building and there will be separate meters split out into the tenants from there and that adjustment will be made. It will be on the Building Permit and satisfied at that point.

A motion was made by Mr. Parker and seconded by Mr. Wilkening to approve the request for the Site Plan for Railside, Lot 22 and contingent on Christopher B. Burke's letter dated May 20, 2025. Motion unanimously passed by roll-call vote:

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

6. 2025-26 – Azucar Ice Cream – Occupancy for ice cream shop
Owner: RTJR II, LLC, 11363 W. 135th Place, Cedar Lake, IN 46303
Petitioner: Julian Bravo, 13212 Wicker Avenue, Cedar Lake, IN 46303
Vicinity: 13212 Wicker Avenue, Unit A, Cedar Lake, IN 46303

Mr. Kiepura commented the next item of old business is for Petitioner requesting occupancy for an ice cream shop and a waiver for the lighting requirement.

Mr. Julian Bravo, 13212 Wicker Avenue, Cedar Lake, IN and Richard Thiel, representing RTJR II LLC, 11363 W. 135th Place, Cedar Lake, commented the wording on the agenda is a little off and the Petitioner is seeking approval of new business and waiver of Chapter 17 Site Plan review, due to the fact it is a like for like business. The Site Plan was approved a couple of years ago.

Mr. Austgen commented this goes under the standards of Site Plan review process. This is not for public hearing.

Mr. Wilkening asked what needs to be done on the outside of the building. Mr. Thiel commented nothing needs to be done. Discussion ensued if Route 41 gets widened and there would be ingress and egress to the property owner to the North from Route 41.

Mr. Conley commented we didn't want a review done on the lighting again, because it was already approved previously.

A motion was made by Mr. Parker and seconded by Mr. Becker to approve the Site Plan and occupancy for this business for the second time. Motion unanimously passed by roll-call vote:

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

Update Items:

Mr. Wilkening commented we approve a lot of items and some things do not seem like they are being taken care of. What are we doing with Winding Creek, which was the property that was split up. Mr. Austgen commented he doesn't have an update as of right now.

Mr. Wilkening asked about the yellow garage, which is North of Route 41, was never permitted. What is the status and has been there a long time. Mr. Kubiak commented Mr. Eldridge is working on Winding Creek and the yellow garage.

Mr. Wilkening asked what is the status of the ministries building. Mr. Kubiak commented the accessory structure was not part of the Planned Unit Development and a permit has not been issued yet.

Mr. Wilkening asked about the new light pole, was there a permit for that. Mr. Kubiak commented not for that.

Mr. Wilkening asked about the water garden on the property off of Morse Street and 136th Place. Mr. Kubiak commented they turned in their new plans to Mr. Oliphant and they are going to move forward with getting it done.

Mr. Wilkening commented there was a semi-truck parked in the driveway at the old cabinet shop on Route 41 over the weekend. When this was approved, there was supposed to be screening to the South, once they established of getting asphalt and sealcoating.

1. 2025-06 -Surf Internet – Discussions on producing bond and not a Letter of Credit

Mr. Pat McCauley, Surf Internet, 68446 County Road, 37 Millersburg, commented we had discussion points as to why we cannot do a Letter of Credit and how the Town would access our bonds. We are privately funded by our private equity groups and our private credit firms; we are not funded by traditional banks. We can produce a letter that is attached to the packet that was given out, which states their financial backing. Mr. McCauley discussed their process.

Mr. Kiepura commented he understood that bonds are hard to draw on. Mr. Austgen commented it is the experience that it is.

Mr. Wilkening commented and adjuster would be involved with an average turn-around time of 30-60 days and we would need to be 90-days ahead of them.

Discussion ensued regarding if the Town were to take a check for the process.

Mr. Sherry asked will this be done in phases. Mr. McCauley commented we break it down by surveying areas, which are about 35,000 feet of linear footage. Mr. Kiepura commented on the phases and one phase will be done at a time and will be its own permit.

Mr. Kiepura commented the maintenance period would be for three years.

Mr. Austgen stated the Town does not take bonds; it is in the Town Ordinance. Discussion ensued regarding the Town can take cash for the project.

Mr. Scott Franko, Surf Internet, asked was there language in a document regarding the process of getting cash or when it comes back to the company. Mr. Austgen commented something would need to be produced.

2. Hanover Community School Corp – Performance Letter of Credit in the amount of $373,557.25 to expire on May 24, 2025.

Mr. Sherry commented this is for the elementary school off of 141st and they were dealing with water main issues.

Mr. Wilkening asked was there indemnification with the fire hydrant. Mr. Kubiak commented the school was taking on the responsibility and wasn't sure if it was 100% percent completed.

Mr. Conley commented the limits are exactly stated and this follows the same format like everything else. The amount is good, as well as, the extension for the time-frame. It was for the work at the school.

3. Perez – Performance Letter of Credit in the amount of $4,430.25 to expire on June 14, 2025

Mr. Conley commented Mr. Perez sold the property and there is another person involved and this will expire at that time. Mr. Sherry reviewed the property and the work has not been completed. The recommendation would be to pull it.

Mr. Kubiak commented the South part was sold last year or the year before. Mr. Kiepura commented he understood that Mr. Perez was going to keep the Letter of Credit active through him.

A motion was made by Mr. Wilkening and seconded by Mr. Parker to set a pull date of June 10, 2025 for this Performance Letter of Credit in the amount of $4,430.25 that will expire on June 14, 2025. Motion unanimously passed by roll-call vote:

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

4. Cedar Lake Storage – Performance Letter of Credit in the amount of $7,700.00 to expire on July 1, 2025

Mr. Kubiak commented there is 15-feet of sidewalk on the east side of the property by the mailboxes that need to be completed.

5. Centier Bank – Boyer Construction – Performance Letter of Credit in the amount of $71,467.00 to expire on July 19, 2025

Mr. Kubiak commented we will follow-up on this.

6. Beacon Pointe East – Unit 4 - Performance Letter of Credit in the amount of $359,608.00 to expire on July 25, 2025

Mr. Sherry commented this will rotate into Maintenance. They are over their 80%, but there is a small punch-list.

7. Larson Danielson (Peoples Bank) – Maintenance Letter of Credit in the amount of $2,732.10 to expire on August 8, 2025

Mr. Sherry commented the last item was for the sidewalk to be inspected.

8. Rose Garden Estates – Unit 3 – Performance Letter of Credit in the amount of $1,913,079.85 to expire on August 22, 2025

Mr. Tom McSharry, Lennar Homes, 1700 E. Golf Avenue, Schaumburg, IL, commented everything is done for the improvements out there and we have landscapers taking care of the west berms. Nipsco has everything hooked up and the pond aerators are in. We are hopeful by June 22, 2025 with CBBEL and the Town to rotate into Maintenance or be able to reduce.

Tabled:
2023-18 Bay Bridge
2023-19 Founders Creek
2023-20 Red Cedars

Public Comment:

Mr. James Kypuros, 14316 Clover Avenue, Cedar Lake, IN, commented Lennar is doing a nice job and they brought in a lot of dirt, but they are not addressing the entire berm. They are not overseeding the whole berm. There is not a plan for the trees and a lot of them have eroded and need dirt and them mulch.

Mr. McSharry commented the landscape company is overseeing the bear spots, overseeding and the erosion. The trees have been turned over to the HOA.

Mr. Wilkening asked about 141st storage and will they be coming back for an amendment. Mr. Kubiak commented we are trying to figure out what was approved and we are looking into it. There aren't any State releases yet for the build-outs.

Mr. Kiepura commented the intercept lines were supposed to go along Parrish Avenue on the west side. There was a 40-foot easement. Is that correct. There was a gentleman who went in for a permit to put a deck up and he could not get the permit because the permit for a swimming pool was not finalized because he built it 18-inches into the easement and the shed was moved out and then moved back. The line is going behind Mr. Hunley's house. Was the easement to be reduced.

Mr. Kubiak commented the last Planning Director looked into this matter. It does need to be looked into further. Mr. Kiepura commented he put a deck up. Mr. Kubiak commented the deck is not in the easement and this was discussed when Mr. Bunge was the Town Manager. There are pools that are in the easement and the deck is on his property and is in compliant. Discussion ensued.

Mr. Austgen commented this will need a re-plat done for the easement, but the Town needs the approval from the property owners. The Town would be the Petitioner and the Owner would be the official applicant.

Mr. Kubiak commented the right-of-way for Lauerman was 40-foot and Parrish was left as part of the subdivision process and then a 30-foot easement. The confusion was the 30-foot easement was from Parrish Avenue to the fences and then they had their yards. Realistically, it was a 40-foot right-of-way from Parrish Avenue; there is 70-feet there and comes to the back.

Mr. Kiepura commented the Board of Zoning Appeals cannot approve anything in the easement.

Mr. Carnahan commented we need to have a plan to eliminate this issue.

Adjournment: Mr. Kiepura adjourned the meeting at 9:01 pm.

TOWN OF CEDAR LAKE PLAN COMMISSION

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John Kiepura, President

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Jerry Wilkening, Vice-President

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Pete Swick, Member

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James Hunley, Member

____
Robert Carnahan, Member

____
Greg Parker, Member

____
Chuck Becker, Member

ATTEST:

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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 May 21, 2025