



CEDAR LAKE PLAN COMMISSION SPECIAL PUBLIC MEETING MINUTES
CEDAR LAKE TOWN HALL, 7408 CONSTITUTION AVENUE, CEDAR LAKE, INDIANA
November 5, 2025 at 6:00 pm

Call To Order:

Mr. Kiepura called the Plan Commission Special Public Meeting to order on Wednesday, November 5, 2025, at 6:55 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: Greg Parker; Robert Carnahan; Pete Swick; James Hunley; Jerry Wilkening, Vice-President and John Kiepura, President. A quorum was attained. **Also present:** Ben Eldridge, Town Manager; Luke Sherry, Town Engineer; David Austgen, Town Attorney; Tim Kubiak, Director of Operations; Cheryl Hajduk, Recording Secretary

Absent: Chuck Becker

1. Lakeside – Unit 2, Block 1 – Performance Letter of Credit in the amount of \$605,505.40 to expire on November 15, 2025

Mr. Kubiak commented Mr. Slager did not know they were on the agenda for Lakeside Unit 2. They are asking for a six-month extension.

A motion was made by Mr. Hunley and seconded by Mr. Parker to set a pull-date of November 10, 2025. Motion passed unanimously by roll-call vote:

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

2. Beacon Pointe- Unit 4 – Maintenance Letter of Credit in the amount of \$99,032.17 to expire on November 16, 2025

A motion was made by Mr. Parker and seconded by Mr. Wilkening to set a pull-date of November 10, 2025. Motion passed unanimously by roll-call vote:

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

1. 2025-11 – BSC Real Estate (Friary Farms) – Rezone

Petitioner: Nathan Vis, Vis Law, 12632 Wicker Avenue, Cedar Lake, IN
Owner: BSC Real Estate LLC
Vicinity: 12921 Parrish Avenue, Cedar Lake, IN 46303
Parcel Id #: 45-15-22-301-002.000-014

Mr. Kiepura stated the first order of business is Petitioner is requesting a Rezone to a Planned Unit Development.

Mr. Nathan Vis, Vis Law, 12632 Wicker Avenue, commented he was present on behalf of BSC Real Estate.

Mr. Austgen stated we are here for a favorable recommendation or no recommendation and is not a decision for the Plan Commission.

Mr. Vis commented we wanted as well to ensure that we have a clean ordinance and clear understanding here in all parties. At the end of our last meeting, there was a couple opportunity areas, as well as, we needed some opportunity for attorney Austgen and myself to dialogue back and forth. Those areas included some clarification on utility installation timing, ensuring that there was good town oversight of future site plan and engineering improvements.

Mr. Parker commented it was indicated in the last meeting, 18 months for the lift station, for the sewer, and was this trimmed down to a year. Mr. Vis commented there were two items clarifying the timing of the build out and then clarifying that there could be no commercial activity in the existing building until we attach it to sewer and water. Those were the specific areas that Mr. Austgen and I went back and forth on here, and I believe we have agreement. Mr. Vis went through the changes on the Development Agreement public utility infrastructure. As we've identified, it's going to be private infrastructure. B, clarified that the easement that's going to be extended to the town along Parrish Avenue is going and must be shown on the final recorded plat. C, Mr. Austgen raised a question about the limitation on park area dedication, impact fees. He was raising that again for the board to assess whether or not you wanted to keep that in there. That's been in there from the very beginning. My client's position is that we've limited the amount of what can be built on these 60 acres down to a maximum of 20%. There's a significant amount there that's being left for use for recreation areas and green space. 5D, any improvements which are necessary for turn lanes up Parrish Avenue would be paid for by the developer. On page six, it was clarified in there that there'd be a cap of engineering and legal fees of \$5,000. There's been good review back and forth yanking that from the agreement here. On page seven, section G, a question was raised, how fast can we move to seek to install the utility lift station and the potable water lines. How about we agree that we will get the NOI application in and the two lot subdivision in by June 15th of 2026.

Mr. Vis commented we proposed is that needs to be applied for by June 15, 2026. We need approval from the state of Indiana and the Town and then after that we can build it in. It was suggested six months from that approval date. H, on that same page, there was a concern raised last time, making sure that we don't suddenly have commercial operations out of the three-story building and no commercial operations out of the three-story building until we've tapped in for water and for sewer.

Mr. Vis commented on page six of exhibit D, one of the questions was there anything that we want to prohibit from B2 or B1 usage that will not go into this particular location. It was referenced that tobacco and vape shops shall be prohibited and shall not be allowed in there. We recognize that the site plan that we have is not an engineered site plan. This site plan needs to be delineated by a qualified engineer and then subsequently approved and we are confident in the town engineer and the building department staff that it meets the standards of this PUD as well as the town code. On page 7k to the right that the application for a

two-lot subdivision shall be made on or before for June 15, 2026. We've emphasized that vehicle traffic cannot operate on those walking and jogging paths. M, we clarified that the overnight stays for the camping will be capped at three consecutive evenings.

Mr. Vis commented whatever is on the Site Plan right now is what's being approved. If there's a variation for a new building or structure beyond it, that has to come back before you for approval. We want to emphasize that this commission has the approval authority for any modifications to this site plan. P, emphasize there that the exterior concert hall is restricted in size as contrast be accommodated by the installed parking lot areas and the businesses that are operational out there at the very bottom. Mr. Austgen raised a question, how are we going to enforce the number of animals that are out there. That again was a question that was raised by the commission and deemed that as any other enforceability matter that we have, whether it's local authorities.

Mr. Vis commented page nine, we have S and T restricts the use of these walking paths. You can't use motorized vehicles or snowmobiles. My client is significantly drawing back the maximum amount that can be developed in here down to 20%. This is a clear emphasis that those items that are on the site plan may be developed. But we have also added in that there's a proposed third parking lot. My client is making the conciliation here that if the third parking lot needs to go in, he has to come back before you for authority to put in that third parking lot. Any fire hydrants which are to be installed are going to be installed and maintained by the owner, who is the developer. Page 12, there's an emphasis that any easements which are going to be given to the Town have to be again identified and approved in the final plat by the town engineer. Pages 13 and 14, Mr. Austgen wanted to emphasize that any installation for sanitary, sewer and water service must be approved by the Town Engineer.

Mr. Vis commented a couple of items there that we've added in reference that the existing parking lot has a potential addition of 15,000 square feet. The second bullet point there we've gone back to again rather than developer shall have the option of installing, we've swapped it to here. They shall install necessary potable water infrastructure and sewer infrastructure as timely allowed underneath phase two. We've added a maximum amount size for the second parking lot which would accommodate the future wedding venue. We need to emphasize that anytime we're going to make a building it's got to meet the Town Engineer and Building Department. The wedding venue once it's built needs to meet town code and inspections and approval. You'll see my clients made a concession that if that's necessary based upon use of the premises that would be subject to future site plan modification by this body if a third parking lot is needed. There is a section that calls for along the way that any changes to the original proposed site plan require your approval. Any required business licenses must be obtained before this body. The developer shall be required to outline that the delay in implementing the phases is related to circumstances beyond developer's control.

Mr. Vis commented there was a concern raised at the last meeting that there were vehicle traffic or ATV traffic that had gone from my client's property onto adjacent neighbor's property. Turns out that when my client first bought the property, there was a family member that was over that was riding an ATV that rode on that area. Wasn't aware that was not their property. There was a suggestion to investigate the feasibility of installing a fence. We've prepared this to show you that the proposed fence would be through what's really thick underbrush that's between properties. We had conversation with insurance officials who have said don't install a fence in the middle of the woods there. It's a huge liability risk for people walking through. It's a significant distance away from the majority of the activities that are going to be happening mapping on this property. Discussion ensued regarding fence.

Discussion ensued regarding seeing Mr. Vis' revisions at this meeting and that there is no assurity or penalties for things that need to be done at a certain time. Mr. Vis stated this is a private development.

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Mr. Kubiak commented parking lot one is an additional 15,000 square feet like parking lot two. There will be 45,000 square feet of parking spaces. The concern with like the pavilion or the music thing is going to be based on the size of the parking. Discussion ensued.

Mr. Wilkening commented there is a lot that is open-ended. Discussion ensued regarding a deadline and penalties.

Mr. Vis commented once the NOI is approved, the lift station has to be installed within six months.

Mr. Wilkening commented we have a huge deviation from our developmental guidelines.

Mr. Vis commented as it was mentioned last meeting, when it comes to the state code regarding PUDs, traditionally what you see is it's a two-step process where first you approve the zoning and the conceptual portion of it, and then you can have a second step where it's the engineer drawings. Unfortunately, our existing PUD section meshes the two together, which oftentimes makes sense when you have something like what we had earlier this evening when it's a clear, for example, residential development. We've all recognized this is really, really unique. We have gone back and forth in a wide variety of things and the level of confidence from my client isn't really high. That's why I've tried to be as detailed as possible and emphasize as much as possible the fact that the town engineer and the town building department has to approve all of the site plan developments that are going to happen based upon this drawing.

Mr. Austgen stated you had a lot more clarity because that's what our ordinance requires and adoption of that, those ordinances, if you will, for those developments, has a high degree of certainty and detail. Mr. Vis and I also agree that this is unique. There is a different approach on our regulation. It's his burden, of course, to advocate for his clients, but it is not necessarily what's in your ordinance. Your ordinance has more specific clarity, detail requirements, accountability on top of it.

Mr. Sherry commented his concern in the future was there are going to be different buildings on the same sanitary and water hookup, but if a piece of the property gets sold off, they are relying on one property owner to another private property owner.

Mr. Wilkening commented if anything gets separated, a new two-lot subdivision will need to be approved.

Mr. Austgen commented it might be most appropriate in the scenario you're describing, rather than a two-lot subdivision, it'd be a one lot subdivision and it have site plan components that govern the use and the spacing and all of the improvements and requirements within it. If you have two lots as proposed and presented, but you have seven uses, how is that going to actually work practically for end use, structured improvements, development activities, access ingress, egress of the entities of accessibility, just a lot of things kind of play. I think that goes to where we're trying to put paper together that had terms that looked for ways to make that happen.

Mr. Vis commented we did include that in there. It's specifically written in on page 13 that there's going to be a public utility easement. That was a request that we discussed last meeting whether or not these should be public utilities or private. The consensus was that it should be private, but we need to ensure that we have a public utility easement so the town can access them. Specifically built in a 20-foot public utility easement.

Mr. Parker commented he wants to make sure we don't have problems down the road. The farm fence kind of a sticking point for me.

Mr. Vis commented for four or five months here we've been operating off the same Site Plan and now it's coming up this evening, perhaps an emphasis that it needs to be an engineered site plan before we can consider it. Respectfully, I put forward, but I don't think it's necessary because of all the checkpoints that we have moving forward, they're significant. There does need to be developed an engineered site plan here moving forward that needs to be reviewed by Mr. Sherry and town staff and everyone.

Mr. Parker commented he feels like we could get there in the phases. If the phases were timely and we get a chance to examine everything that. Rather than trying to visualize what it would be on the front side and miss multiple things.

Mr. Wilkening commented he didn't see why we can't move on to an engineered site plan. We can, kind of pick through Mr. Austgen's suggestion about a one lot sub-division. Doesn't seem like a bad idea because it would be like the ministries. Here's what can happen in the space coverages. The staff has some concerns. Mr. Kiepura commented two weeks ago at the meeting, I asked, can we get all the information, all the questions, all the details you want to this gentleman here and that lady and gentleman over there. We have it in two weeks so we can go through this. Everybody said, yes, we can, and now we're running into a brick wall.

Mr. Wilkening commented open ended is there's not a deadline where one thing has to stop. One thing gets finished and the next things get started.

Mr. Austgen asked can we have a discussion about solution. We all agree that this is more conceptual than it is hard. I think we can agree there's degrees to that, but that's okay. There's a development plan presented. We've had it. We know it. We know the piece of land. We know the proposals that are presented. There's nothing really unknown to us about the land. What appears to be the need and request of the developer owner is that this thing keep moving forward. A plan, a strategy I've used in the past and seen use in the past passed is conditional approval. Conditional approval in this instance, I think means that Mr. Vis and I clean up the legal terms, get it to you with sufficient time to review and consider those items and that they be embedded into an Ordinance that is certified to your Town Council. The recommendation for conditional would be my recommendation you send that to the Town Council with, so that in the event of non-compliance, a time period certain, let's say we talked about NOI's, IDEM, permits, processes, anything could trip that up and it's out of our control as it is the developer owner's control. That's a condition. The conditions of approval in this document could be condition. What happens with the PUD ordinance with development agreement, site plan, PUD guidelines and regulations contained within them are that when approved, when acted upon publicly by our council to be adopted, recordation occurs and it really locks in the ordinance and the development approval for use of the land having condition to that ordinance adoption, that in the event in some fashion, the language would have to be worked out. In the event the fault, the conditions set forth are not met within, let's say, a two-year time period, the ordinance adopted by the Town Council, if in fact, I'm assuming it would be would be rescinded and repealed and subject for that. That gives the folks a chance to get their start. It gives us an ordinance, although, albeit with conditions. That is the surety we have. I see surety as being necessary in some fashion.

Mr. Wilkening asked if there was a motion made for a conditional approval recommendation to the council for a zone change. Does that move this forward after tonight so they can begin doing what they need to do.

Mr. Austgen stated in his opinion, it could. It'll depend on the language specifically. And from your lawyer's perspective, I would need to review this documentation we just received. There's a lot of red, blue, pink and other colors on the document.

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Mr. Carnahan commented he is frustrated over the fact that when somebody comes in here, we should have some sort of a procedure to tell them what to do.

Mr. Vis commented we talked about how we're in agreement with the June 15 date. What if we approve this subject to my clients submitting before you by June 15, 2026. A site plan which meets the spirit will already have been outlined for your approval. It gives my client the assurance that he can develop a site plan with it and it gives you guys the ability to look at that site plan and approve it by June 15, 2026.

Mr. Vis commented what I have said specifically and consistently when you look on the site plan that we have are the buildings, the sizes, the uses, et cetera. At the end of the day, can I tell you right now where the water and the utility lines are going to go? No. I do think we've got significant specificity in here that is going to. You'll be able to say, hey, this. Now you've got this over here. Now you put this over here. This is new. And I'll say, yes, it's new, but it gives you guys that second bite at the apple, which is what you're looking for. And I can appreciate you want that specificity. My client also needs the assurance.

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

Mr. Kubiak commented his same concern is I'm glad we got a parking lot size 200 vehicles. The music thing is based on the size of the parking; he would just like to see some kind of a finite number. Being that this is a PUD and it's approved for these uses. The 20% lot coverage is now 531,432 square feet of building coverage excluding parking lot. That is 20% lot coverage for 61 acres. Right now, they only have 200 parking spaces according to the 45,000 square feet which is, reasonable as could be with the potential of another parking lot. I feel that there's nothing there. But that number frightens me a bit just to think that if this thing is saying that we could have 20% lot coverage excluding parking lots, that's the number. I can think of a lot of things that I wouldn't want there. That's 531,000 square feet. So. The development plan and between that this drawing development plan and the written PUD ordinance that Mr. Vis provided, that's the parameters that are, that they are dictated to stay inside of with this PUD approval.

Mr. Kiepura commented if they go beyond what's on the site plan, then they still have to come before us get permitted for you do all that. We still have safeguards and control measures here to see that they stay within the parameters that we're building in right now.

Mr. Sherry commented there is that kind of circular reference with the parking lot versus the building that in the previous area does seem very high considering what they want to do.

A motion was made by Mr. Parker and seconded by Mr. Wilkening to defer this Petition one more time so everyone has a good understanding of everything that is in it. Motion failed by roll-call vote:

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

A motion was made by Mr. Wilkening and seconded by Mr. Parker to send a conditional favorable recommendation to the Town Council for the conditional zoning change, not limited to, legal review of all

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documentation, engineering and staff concerns to meet the Developmental Standards in totality. Motion passed unanimously by roll-call vote:

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

Public Comment:

Mr. Dave Carey, 14016 Fairbanks Street, commented on behalf of the Yacht Club and the routine is we take the piers out of the water and stack them along the property line. We have received a red tag for outside storage.

Mr. Eldridge commented he was told we needed to crack down on outside storage. Heated discussion ensued. Mr. Greg Parker left the meeting at 8:00 pm.

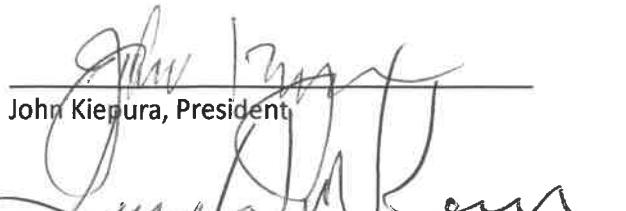
Ms. (inaudible from Youtube), commented about the Friary and it will affect a lot of people. There will be more building here and she is against the Friary.

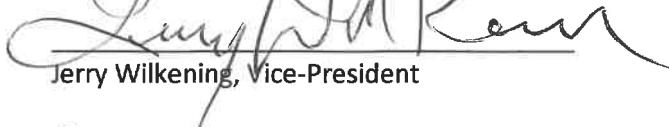
Mr. Rich Cruswick, 10080 W. 138th Avenue, President of Summerwinds HOA, commented there are open-issues on the punch list and will need to be checked. Opening up King Street will bring more traffic. The west side of the subdivision has water drainage from the other businesses. Also, some of the fencing back there is getting bad.

Ms. Kathleen Broomhead, 14351 W. 135th Avenue, asked how long will the gas station on Route 41 take and will there be lights on Route 41.

Adjournment: 8:08 pm

TOWN OF CEDAR LAKE PLAN COMMISSION

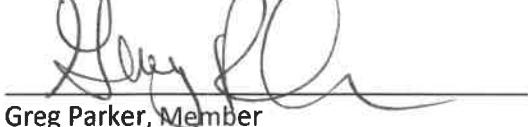

John Kiepura, President


Jerry Wilkening, Vice-President


Pete Swick, Member

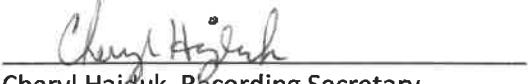

James Hunley, Member


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 November 5, 2025 Special Meeting