



CEDAR LAKE PLAN COMMISSION PUBLIC MEETING
CEDAR LAKE TOWN HALL, 7408 CONSTITUTION AVENUE, CEDAR LAKE, INDIANA
June 16, 2021, at 7:00 pm

CALL TO ORDER:

Mr. Jerry Wilkening called the Plan Commission Public Meeting to order at 7:06 pm., on Wednesday, June 16, 2021, with its Members attending on-site and electronically. The Pledge of Allegiance was recited by all.

ROLL CALL:

Members Present: Robert Carnahan; John Foreman (present electronically via Zoom); Richard Sharpe; Heather Dessauer (present electronically via Zoom); Chuck Becker; John Kiepura, Vice-President; Jerry Wilkening, President. A quorum was attained. **Also present:** Don Oliphant, Town Engineer; David Austgen, Town Attorney; Jill Murr, Planning Director; and Margaret Abernathy, Recording Secretary, Pro Tem. **Absent:** None

MINUTES:

A motion was made by Mr. Kiepura and seconded by Mr. Becker to approve the minutes for the May 19, 2021, Public Meeting and the June 2, 2021, Special Work Session. Motion carried unanimously by roll-call vote:

Robert Carnahan	Aye
John Foreman	Aye
Richard Sharpe	Aye
Heather Dessauer	Aye
Chuck Becker	Aye
John Kiepura	Aye
Jerry Wilkening	Aye

PUBLIC MEETING:

1. Plan Commission Secretary Appointment

This item was moved until later in the meeting, please see page 10.

2. Centennial Villas, Phase 1 – Final Plat

Vicinity of 13800 Freedom Way – Petitioner: Cedar Lake Development, LLC / Cameron Wignall, Olthof Homes

Mr. Wilkening advised that the next item on the agenda is Centennial Villas, Phase 1, located in the vicinity of 13800 Freedom Way. The petitioner is requesting Final Plat approval.

Attorney Austgen advised that everything is in order and that this is a ministerial action.

Plan Commission Public Meeting
June 16, 2021

Mr. Cameron Wignall of Olthof Homes representing Cedar Lake Development, LLC, requested final plat approval for Centennial Villas, Phase 1.

Mr. Oliphant advised that the plat contains 21 Residential Duplex Lots, or 42 units, and 2 outlots. The plat is in order, the 3% inspection fee is \$28,038.24, the reduced Performance Letter of Credit is \$270,895.46, and the MS4 inspection fee is \$2000.00.

A motion was made by Mr. Kiepura and seconded by Mr. Becker to approve the Final Plat for Centennial Villas, Phase 1, for 21 lots and 2 outlots to include the \$28,038.24 inspection fee, the \$270,895.46 Letter of Credit, and the \$2000.00 MS4 inspection fee, and referencing in Mr. Oliphant's review letter dated June 16, 2021. Motion carried unanimously by roll-call vote:

Robert Carnahan	Aye
John Foreman	Aye
Richard Sharpe	Aye
Heather Dessauer	Aye
Chuck Becker	Aye
John Kiepura	Aye
Jerry Wilkening	Aye

3. Thorn's Addition – Final Plat, One-Lot (1-lot) Subdivision
Vicinity: 12608 Alexander Street – Petitioners: James and Pamela Thorn

Mr. Wilkening advised that the next item on the agenda is Thorn's Addition for Final Plat on a 1-lot subdivision located at 12608 Alexander Street. The petitioners James and Pamela Thorn are requesting Final Plat approval for a 1-lot subdivision. Attorney Austgen advised that this petition is before the Commission as the Mylar for the Final Plat was not here the last time. Mr. Oliphant had no comments.

Mr. Thorn requested Final Plat approval so he could start his project.

A motion was made by Mr. Kiepura and seconded by Mr. Carnahan to approve the Final Plat on the 1-lot subdivision. Motion carried unanimously by roll-call vote:

Robert Carnahan	Aye
John Foreman	Aye
Richard Sharpe	Aye
Heather Dessauer	Aye
Chuck Becker	Aye
John Kiepura	Aye
Jerry Wilkening	Aye

4. Beacon Pointe, Unit 3 – Performance Letter of Credit
Petitioner: Beacon Pointe of Cedar Lake, LLC / Kevin Hunt, Schilling Development

Mr. Wilkening advised that the next item on the agenda is Beacon Pointe, Unit 3, requesting to convert a Performance Letter of Credit to a Maintenance Letter of Credit; the Performance Letter of Credit expires on July 12, 2021.

Plan Commission Public Meeting
June 16, 2021

Mr. Kevin Hunt, Schilling Development representing Beacon Pointe, stated that they are asking to convert their Performance Letter of Credit to a Maintenance Letter of Credit in the amount of \$51,110.89 as listed in Mr. Oliphant's review letter.

Mr. Oliphant advised that the Maintenance Letter of Credit would be for a period of three years.

Attorney Austgen advised that any action should include Mr. Oliphant letter of report. Ms. Murr asked for a pull date of Tuesday, July 6, 2021, if the Town does not receive the Maintenance Letter of Credit prior to the expiration date of July 12, 2021, because there is not another public meeting scheduled before then.

A motion was made by Mr. Kiepura and seconded by Mr. Becker to approve the request to convert the Performance Letter of Credit to a Maintenance Letter of Credit in the amount of \$51,110.89, with a pull-date of July 6, 2021, if this is not accomplished, referencing Mr. Oliphant's letter of June 16, 2021. Motion carried unanimously by roll-call vote:

Robert Carnahan	Aye
John Foreman	Aye
Richard Sharpe	Aye
Heather Dessauer	Aye
Chuck Becker	Aye
John Kiepura	Aye
Jerry Wilkening	Aye

5. Lakeview Business Park – Rezone, Preliminary Plat, and Site Plan

Vicinity: 13729, 13735-13923 Wicker Avenue – Petitioner: CLBD South, LLC / Greg Bouwer

Mr. Wilkening advised that the next item on the agenda is Lakeview Business Park requesting a Rezone, Preliminary Plat, and Site Plan. The petitioner is CLBD South, LLC. The vicinity is 13729, 13735-13923 Wicker Avenue.

Attorney Austgen advised that he cannot tell if the legal is in order for this petition and that any action made should be made contingent upon such.

Mr. Greg Bouwer, present on behalf of CLBD South, LLC, thanked Mr. Oliphant for delivering his review comments to their engineer in a timely fashion. Mr. Bouwer stated that the property is a 33.531-acre tract which includes the Bear's Den lot, which is in town. They are trying to create an 18-lot business park, commercial/industrial subdivision with one outlot, Outlot A, for a detention pond. The lots range from approximately 1 acre to 2.4 acres. They have tendered a prepared Development Agreement, Development Plan, a Water Line Development Agreement to the Town. CLBD South, LLC, has tendered a reduced list of uses that will be included in the Development Plan and be made a part of a binding agreement to develop the project as presented.

Mr. Bouwer requested that the Public Hearing be opened tonight, contingent upon the legal being correct. They would like to receive approval from the Town Council in July. If that requires them to attend a special meeting in between now and the next Town Council meeting in July, they are happy to do so.

Plan Commission Public Meeting
June 16, 2021

Mr. Wilkening advised that there are eight pages to Mr. Oliphant's review letter. We are not trying to slow the process down; however, with the magnitude of this project, it needs to be looked over thoroughly.

Ms. Murr stated that there have been discussions continually regarding this large project, and the Plan Commission has the lists, agreements, and the engineering review in the meeting packet.

Mr. Oliphant advised that the letter is long, but there are no "smoking guns" in there to say nothing would work. There are some engineering intricacies.

Mr. Wilkening opened the floor for the Public Hearing at 7:24 p.m.

Mark Stenger, 13925 Wicker Avenue, asked where the deceleration lane would be; there is a ditch and a median in that area that he maintains and wants to know how the project will impact the ditch. He is concerned with the increased traffic that this will create.

Mr. Huls, DVG Team, stated that there will be an accel-decel lane. They are restricted to a specific location by INDOT for the location of the curb cut. Deceleration lanes are proposed for the southbound traffic in the existing median, widening the existing crossover in the median, and accel and decel lanes are proposed for northbound traffic. All of those would be located in the INDOT right-of-way. Along with the pavement widening, there will be required ditch improvements because a lane is being added. All of the improvements are occurring in front of Lot 16 with the widening occurring approximately 20 feet south of the utility pole and continues to and beyond the entrance. Their traffic engineer has done all the necessary calculations, which the State has for review. They are prepared to submit the INDOT permit. The intersection was designed with truck traffic in mind, and all the radii account for that traffic.

Mr. Oliphant advised that about 30 feet of the beginning taper would be in front of Mr. Stenger's property.

When asked about the screening of the property, Mr. Huls stated that there is a 10-foot buffer on the east and south side the property. They intend to maintain that buffer so that view would not change significantly. Mr. Oliphant noted that there is a conservation easement on the property.

Elizabeth Canty, 13650 Wicker Avenue, stated that she owns the property directly across the street with her husband Stewart Clark and that she would like to know what will be built. Her primary concern is the drainage. The retention pond on the north side of the property is going to feed into her front pasture, where her horses are located. They rely on the pasture to feed the horses in the summertime. At this time, Lake County Ordinance 1274-A requires the homeowner to maintain the natural drainage on the property. They have a 1964 International backhoe that can barely dredge the little creek on their property now. She asked what the 2-year rainfall release would be and how often that would be released. Her front yard turns into a lake after a heavy rain, and she does not want that on a regular basis. They created that small creek ten years ago, and it needs to be dredged. She is not prepared to spend more time and money on it for the extra water that will be coming through her property. She asked if the pond on the north side is for use only by the 18-lot subdivision, noting that she believes the Kretz' farm located east of the property in question was sold. She further commented that the increased traffic is a safety concern; she uses the left lane to turn right onto her property with the horse trailer.

Mr. Huls responded that the existing elevation of U.S. 41 on the east side of the road is 728 to 729, which is about a 10-foot grade difference along the road. When the State put in the guard rail, they entered into

an agreement with the property owner at that time for access restrictions, which is why they have the specific location for the roadcut. They have been working with INDOT on the project since February or March. The improvements by Redbud Landscaping are similar to the proposed improvements for this property. There are drainage structures in the median that they will be relocating. All of the proposed improvements have been submitted to Mr. Oliphant and INDOT for review. They have a thirty-six-inch (36") culvert that goes across U.S. 41. The drainage from the ball fields and the Kretz' property to the north comes into the property. There is a drain tile there that goes to the 36-inch culvert. All the offsite water will bypass through their site. They have used a model for concentration that would be appropriate for wall-to-wall pavement. They are trying to ensure that the storm sewer and detention facilities are adequate, so they have gone conservative with their calculations. They are using more conservative county numbers for those calculations. They are providing a connection for the Kretz' property to the east for future use so that it does not discharge at grade. The culvert grade is 725 to 731 in elevation grades with the side built up from that. The water level will not be increased above the culvert across U.S. 41, and the intensity of events will be significantly reduced. The current pond is very flat, and they are creating a regional detention pond. They are incorporating the U-Lock and the Bear's Den water into their detention pond.

Ms. Canty asked how many elevations to the west were reviewed when considering the 36-inch culvert because the middle of her field is 718 feet. She also asked who is responsible for the accompanying silt, noting that she is an engineer.

Mr. Oliphant explained that the detention pond has to meet their outlet point, which is the 36-inch culvert that is just below 725 feet. That is the rough number where the pond is releasing. The change in numbers between the current condition and when they build their pond and the releases that will be seen from it are: The 2-year peak release will drop roughly 30 percent; 10-year, 49 percent; and 100-year, roughly 20 percent. The release is a constant release. There would be a 2-stage restrictor, one at the base level and another at a higher level. When that becomes exceeded, it will overtop. They can overtop because they are bypassing flow from the east.

When the Kretz farm does develop, that developer will also have to put detention in as well, so this flow rate will compound and keep reducing as it gets more developed. Mr. Oliphant further explained that they are pushing 15 to 16-acre feet, which is a higher-than-average ratio. Typically, that number is around 20 percent, and they are up around 33 percent and 35 percent. They are required to mitigate for the existing storage on top of what is needed for the proposed storage.

Mr. Stenger spoke again and stated that the water from 133rd, the Kretz' property, runs to a culvert under the railroad tracks and comes out somewhere by Utopia on the other side of the tracks. He then asked if this project would create more water for the ball fields. Mr. Stenger asked everyone to consider all the projects going on to ensure it does not affect the softball programs. He also asked if they are going to help him with all the additional water that will gravitate to his property because it currently flows to the woods.

Mr. Oliphant told him that this project would not increase the water to the ball fields.

Mr. Huls stated that there is a 4-acre area to the south of the subdivision that flows into the subdivision, and they have made accommodations for that. They provided four connections into the storm sewer for all that water so that it does not go over land. The engineering plan specifies that all site plans must have storm sewer extended to the property lines to accommodate the same, all of which has been included in

Plan Commission Public Meeting
June 16, 2021

their calculations. The drainage report is comprehensive and thorough. Mr. Oliphant added that there are four different offsite areas that are being taken into this area.

Attorney Austgen advised that all the comments made during the PUD remonstrance should be incorporated into the Preliminary Plat.

Mr. Bouwer stated that they would request any action that could be taken tonight; otherwise, they would ask the Plan Commission to hold a special meeting on July 7, 2021, for this petition as they have been before the Plan Commission many times.

Mr. Wilkening asked Attorney Austgen if he would be ready for a special meeting on July 7, 2021. Attorney Austgen responded that he needs to share comments with the Plan Commission about the proposed PUD Development Agreement and Development Plan, the ordinance itself, and the exhibits. He received Mr. Oliphant's comments by email two days ago. He had a second communication that was incomplete, and there was a May Notice on or about May 24, 2021. Attorney Austgen stated that he has not had time to review the items with the Plan Commission. They are very substantive pertaining to the use, activity, conditions of the PUD. The Council mentioned a water reimbursement agreement proposal, which is a Utility Board item, and he has only had a first run look at those documents today.

Mr. Wilkening asked if Attorney Austgen is suggesting a tentative special meeting. Attorney Austgen responded in the affirmative and advised him to leave the Public Hearing open.

A Motion was made by Mr. Foreman and seconded by Mr. Sharpe to defer all matters on this project to a Special Public Meeting on July 7, 2021. Motion carried unanimously by roll-call vote:

Robert Carnahan	Aye
John Foreman	Aye
Richard Sharpe	Aye
Heather Dessauer	Aye
Chuck Becker	Aye
John Kiepora	Aye
Jerry Wilkening	Aye

6. Henn – Preliminary Plat Extension of a One-Lot Subdivision
Vicinity: 13301 Lincoln Plaza – Petitioner: Richard Henn

Mr. Wilkening advised that the next item on the agenda is Henn's Preliminary Plat extension for a 1-lot subdivision. The petitioner is Richard Henn for the property located in the vicinity of 13301 Lincoln Plaza, a.k.a. the King Building.

Mr. Richard Henn requested an extension of the Preliminary Plat.

Mr. Oliphant advised that Tim Kubiak was by that property already to install the Town's drain. He was attempting to hook it up, but there is a 6-inch clay tile that runs down the west side that needs to be removed and replaced. It drained part of the assessor's roof. Mr. Oliphant added that the Town will be putting in a new basin. Mr. Henn stated that they will have Torrenge come in and do a replat. Mr. Oliphant

Plan Commission Public Meeting
June 16, 2021

stated that he does not need to have an easement drafted; it would just be a private line. The Town will install a catch basin will be in the Town's easement.

Ms. Murr requested that the Plan Commission make the extension for 60 days and stated that if they would like to consider the Final Plat at the special meeting, she would add it to that agenda.

A Motion was made by Mr. Becker and seconded by Mr. Carnahan to grant a 60-day extension for the Preliminary Plat. Motion carried unanimously by roll-call vote:

Robert Carnahan	Aye
John Foreman	Aye
Richard Sharpe	Aye
Heather Dessauer	Aye
Chuck Becker	Aye
John Kiepura	Aye
Jerry Wilkening	Aye

Mr. Wilkening stated that if all items are in order, the Final Plat for this property may be placed on the July 7, 2021, Special Public Meeting agenda.

7. Henn – Preliminary Plat for a One-Lot Subdivision and Site Plan

Vicinity: 13324 Wicker Avenue – Petitioner: Rob Henn / Henn & Sons Construction

Mr. Wilkening advised that the next item on the agenda is Henn Preliminary Plat for a 1-lot subdivision and Site Plan. The petitioner is Rob Henn, Henn & Sons Construction. The request is for Preliminary Plat of a 1-lot subdivision with waivers and a Site Plan. This is for the property commonly known as All Tire.

Mr. Rob Henn of Henn & Sons Construction stated that they have hired DVG for this project and turned the floor over to Ryan Marovich.

Attorney Austgen stated that he does not have the proofs of publication showing timely publication of this Public Hearing. The two newspapers published this on June 9, 2021; and ten days' publication is required. Mr. Wilkening asked for Attorney Austgen's recommendation. Attorney Austgen recommended that this be republished for Public Hearing at the July 7, 2021, meeting.

Mr. Wilkening encouraged them to review the sidewalk fee in lieu of comment from December 2020 that has been slipping away. It was briefly discussed at the work session two weeks ago. Mr. Foreman stated that the policy hasn't been created yet. Mr. Wilkening responded that he is running the meeting here, adding that it has been a matter of discussion and that it needs to be addressed.

Mr. Wilkening stated that he knows it is one of the waivers; however, it has been discussed and left off these items for quite some time. He added that he is unsure why, but he doesn't want this to be an issue and a surprise on July 7th. Mr. Wilkening further stated that Mr. Foreman was very clear about his original comments from December regarding the sidewalk, the distances, the dollar amounts. If there are any other concerns or discussion about this. Mr. Foreman's voiced his opinion that there's no policy. He understands that; however, there is a waiver of it that is being requested along with stormwater and some other things. Mr. Wilkening asked all to be conscious of that.

Plan Commission Public Meeting
June 16, 2021

Mr. Wilkening asked if there is a fee in lieu of number for that property. Mr. Oliphant responded that the fee said \$35 a linear foot. This is 85 feet.

Mr. Wilkening stated that they took one parcel and split it into two so that there is one business on each side. Grand Prize Cars is using all the frontage. Mr. Henn told Mr. Wilkening that his comment is not entirely correct and that there had always been three parcels there with their own parcel numbers.

Mr. Wilkening stated that there are now two parcels being the north half and the south half. Mr. Henn confirmed the same. Mr. Wilkening stated that he needs clarification that all the frontage cannot be used for another business. Mr. Henn concurred.

Mr. Henn asked for clarification with Mr. Wilkening's concern is with the sidewalk. It was discussed at a past meeting, and there had been no policy in place. It isn't that they are trying to not do it; but it is a matter of there being no sidewalks on that street anywhere. It doesn't make sense to have one that goes nowhere. He further stated that INDOT is going to be redoing that section, so they wouldn't know what elevation to install the sidewalk.

Mr. Wilkening stated that he is correct, all those concerns have been voiced by others at the podium. There is property on 141st who will have a sidewalk to nowhere someday. Mr. Henn stated that is a more residential area.

Mr. Wilkening stated that the fee in lieu of a sidewalk is not something that is new. There may not be a policy for it, but it is nothing new. If it becomes an issue, he doesn't want any surprises. Between this project and the Gard's building, the sidewalk fee in lieu of round number is \$7500.

Mr. Henn stated that Mr. Frazee of All Tire needs two more bays, or he is going to move. He has agreed to let Henn & Sons work through the process. They are on a tight budget, and while that isn't the Plan Commission's concern, it should be so that we don't lose a good business.

Mr. Wilkening made it clear that the fee in lieu of a sidewalk has not been forgotten about by the Commissioners. Mr. Henn stated that they have asked for a sidewalk waiver.

Attorney Austgen advised that the petitioner has filed their application and paid the fee, that should take care of everything except for the Plan Commission's scheduling of a special agenda item on July 7, 2021, and for that to be readvertised.

A Motion was made by Mr. Foreman and seconded by Mr. Kiepura to defer all matters of this petition to the July 7, 2021, Special Public Meeting. Motion carried unanimously by roll-call vote:

Robert Carnahan	Aye
John Foreman	Aye
Richard Sharpe	Aye
Heather Dessauer	Aye
Chuck Becker	Aye
John Kiepura	Aye
Jerry Wilkening	Aye

1. Plan Commission Secretary Appointment (continued from above)

Mr. Wilkening brought the meeting back to Agenda Item No. 1 and stated that it seems we need a secretary appointment from the Commission to sign Mylars. He asked if that is the sole responsibility.

Ms. Murr responded that there are other responsibilities. This is something that has been reviewed in the Rules & Regulations. Mr. Tim Kubiak had filled that role, but he was at those meetings. The Subdivision Control Ordinance states that the Plan Commission Secretary signs off on these documents. Some communities appoint their Planning Director. In discussion with Mr. Eberly, it was recommended that it be someone who is at the meetings and is readily available should something need to be signed.

Mr. Foreman recommended asking Mr. Tony Gatto, Building Inspector, if he is interested. Mr. Wilkening stated that he doesn't come to the meetings. Mr. Forman stated that we would have to ask him to attend those meetings; having someone from the inspector side that knows what is going on is a good idea. Mr. Wilkening stated that he was confused about the item and why it was on the agenda. He further stated that Ms. Murr said that since Mr. Kubiak is not at the meetings, he shouldn't be signing them.

Attorney Austgen advised that it is the Plan Commission's call per I.C. 36-7-4-304, which states, "The plan commission may appoint and fix the duties of the secretary, who is not required to be a member of the commission." Thus, it is discretionary if they wish to have one or not.

Mr. Wilkening stated that if he is not here to sign the Mylars, John Kiepora can sign them as Vice-President. Ms. Murr responded that is her understanding, but she recommended getting a legal opinion on that. Attorney Austgen affirmed that the statement is exactly right.

Mr. Wilkening asked the Commissioners if they want to consider appointing a secretary. Ms. Murr advised that there is a signature line for a Plan Commission Secretary on the plats. Mr. Oliphant stated that it is a requirement of the Subdivision Control Ordinance, and stated that the certification of that would have to be changed in the Subdivision Control Ordinance. Attorney Austgen advised that elsewhere, he's rendered the opinion that the recording secretary can do, and he suggested the same be considered here.

Mr. Jack Huls, DVG Team, stated that they put the person's name who will be signing the plat on the Mylars. Attorney Austgen stated that it does not have to be printed on there. Mr. Huls stated that they can leave it off and list only the title, but they would have to print their name in addition to signing their name.

Mr. Wilkening asked if Ms. Murr could sign the Mylars. Mr. Huls stated that a printed secretary's name is on those Mylars, so they would have to be reprinted with the correct name at the cost of \$100 per Mylar in materials; Lake County will not accept Mylars that have an eraser mark.

Discussion ensued.

Ms. Murr advised that the Subdivision Control Ordinance states that the Plan Commission President and Secretary signs the documents.

Mr. Wilkening entertained any motions.

Plan Commission Public Meeting
June 16, 2021

A Motion was made by Mr. Kiepura and seconded by Mr. Becker to appoint Rick Sharpe as Plan Commission Secretary effective July 1, 2021. Motion carried unanimously by roll-call vote:

Robert Carnahan	Aye
John Foreman	Aye
Richard Sharpe	Aye
Heather Dessauer	Aye
Chuck Becker	Aye
John Kiepura	Aye
Jerry Wilkening	Aye

UPDATE ITEMS:

1. Comprehensive Plan Amendment Cedar Lake Ministries

Mr. Wilkening advised that the Public Hearing is June 30, 2021. Attorney Austgen advised that this is not the final draft.

2. Birchwood Farms, Phase 3, Final Plat – July Meeting

Mr. Wilkening asked if that will be good to go. Ms. Murr stated that it will go to the Work Session and then the Public Meeting in July. She noted it is the same for Beacon Pointe East and Rose Garden Estates as well. Mr. Wilkening asked that nothing else be added to the July 7, 2021, Special Public Meeting.

3. Beacon Pointe East, Phase 2, Final Plat – July Meeting – Same as Item 2.

4. Rose Garden Estates, Unit 3, Final Plat – July Meeting – Same as Item 2.

5. Hardig, One-Lot Subdivision – July Meeting –

Mr. Wilkening stated that this 1-lot subdivision will be at the July Work Session and Public Meeting.

6. People's Bank, Site Plan – July Meeting

Mr. Wilkening stated that this item will be on the July Work Session and Public Meeting.

7. CL Storage – July Meeting

Mr. Wilkening stated that this item will be on the July Work Session and Public Meeting. Mr. Oliphant advised that they just resubmitted today. Mr. Wilkening asked if the property will be black-topped. Mr. Oliphant stated that he does not know.

Mr. Wilkening stated that one of the gentlemen said they would, and what Ryan Marovich submitted showed gravel and he started talking about sheet flowing, which is not what was discussed. Mr. Oliphant stated that they can still have sheet flowing; however, the Zoning Ordinance is clear that that a parking area must be concrete or asphalt.

8. Resolution No. 2021-02, Plan Commission Rules & Regulations – July Meeting

Mr. Wilkening asked if this would be at the Work Session or Public Meeting. Ms. Murr responded that there were updates to the document. The resolution will be ready for the Work Session with consideration of the Resolution at the Public Meeting.

9. Zoning Ordinance Amendment – July Meeting

Mr. Wilkening noted that this will take place at the 6 p.m. meeting.

10. Cedar Lake Conference Association (Cedar Lake Ministries) PUD Amendment – July Meeting

Mr. Wilkening asked if this will be at the July meeting. Ms. Murr responded that there have been communications back and forth with Mr. Eberly, Mr. Nate Peterson, and herself.

Mr. Oliphant advised that Mr. Nathan Peterson is in attendance via Zoom.

Mr. Wilkening asked if correspondence is being done with legal. Ms. Murr stated that there was only a telephone conference see where everything is with dates. Mr. Wilkening stated that there was a lengthy correction list and asked if that is being worked through.

Mr. Peterson, Cedar Lake Ministries, stated that he received a revised legal updated PUD incorporating Mr. Oliphant's items as well as Attorney Austgen's comments. He will be sending that to Ms. Murr tomorrow. They plan to be at the Work Session and doing their Public Meeting in July.

Mr. Wilkening asked if the onsite boat marina use is addressed in the PUD. Mr. Peterson stated that the way that it is currently written and covered is all of the current uses as of the date of the PUD are approved, so that is how the use is covered. Mr. Peterson added that he is not saying that they shouldn't add it to the list.

Mr. Wilkening stated that Lot 2 has a broad spectrum of adjectives. It mentions buildings and retail business. If we have more than one business, we need to know what is going on there. That information should include the boat docking and whatnot. Mr. Peterson agreed that it should be added to the list.

Attorney Austgen stated that this is incredibly confusing to him. This big piece of land does not have much in the way of a description of parcels within the documents that we've received. He stated that he doesn't know what staff is doing or what conversations the staff has had with Cedar Lake Ministries. He stated that if we don't have all of those details and nuances when decisions are being made – there is only one shot at this to make it right, to make it clean, and make it understandable. Mr. Wilkening stated that his goal is to see this 100-year-old property be used for another 100 years with some stipulations.

Attorney Austgen stated that he had sent a letter this month asking for every communication, every document to put arms around the legality because it is a legal contract. We are negotiating a land use here. Mr. Wilkening asked Mr. Peterson if he can send Attorney Austgen what he has and to continue copying him on the communications.

Plan Commission Public Meeting
June 16, 2021

Attorney Austgen stated that the Plan Commission needs it too. They are making the decisions, and he is only reviewing the legal documents. Mr. Peterson agreed with the comments and stated that this is unlike any other thing he has experienced. We are trying to write a land use agreement on a piece of property that is 100 years old and has 100 years of uses already in place. There is no standard form that you can pull off of some previous development that can be applied to this one. This is a very complicated parcel.

Mr. Peterson commented that he read all of Attorney Austgen's redlines and agrees with them. He will be sending out the revised version tomorrow that theoretically takes into account legal, engineering, Plan Commission comments, taking into account building. He is not saying that they got them all right, but this is their attempt to incorporate all of them. He believes there will have to be some dialogue, probably a conference call with John Terpstra and Dave Austgen, a conference call with Mr. Oliphant, Mr. Eberly, Ms. Murr, and himself. Hopefully that will be able to be tackled in the next week and a half or so to put as many sets of eyes on this as possible. If all parties can read and understand it, that's the best we can do.

Mr. Wilkening stated that Mr. Peterson is striving for everything and the kitchen sink. At some point, having everything in there that can be done without some oversight or approval may not be a reasonable thing to consider. Mr. Wilkening said that he doesn't know that it is reasonable to try to get this so complete to include everything. Mr. Wilkening stated if they are going to put up a climbing wall in the future, the taxpayers need to see that. He understands they are activities.

Mr. Foreman said that what Mr. Peterson said makes perfect sense. Let's get it as good as we can. They have been great neighbors for 100 years, and they've always worked with the community. They are for the community; they are for the kids. Let's take a look at what they are getting ready, look at it and read it, and if we like it, let's roll.

Mr. Wilkening stated that as Attorney Austgen said, there is a lot of it that he has not seen. If he still has legal questions, the rest of us should have concerns that he hasn't seen it. He doesn't want a document on July 7th that needs more red pen. We are running out of time for some of this and the properties that are for sale.

Mr. Peterson stated that they have been working on this for seven months now, and he was disappointed to hear that Mr. Wilkening hasn't read the document in totality yet after six months, because it is pretty much in its same format. The list of businesses has been on there since day one. From an overall structure standpoint, we're really far down the road on this thing. He reminded everyone that this started with them asking to build a zipline. The Town's requested that we do this exercise. Mr. Wilkening concurred with Mr. Peterson.

Mr. Peterson commented that it was stated that Cedar Lake Ministries needs to tell the Town what we're going to do. We need to get it all in there. We just can't do one thing at a time; we need to do it all. He stated that that's what was asked for and the road that they took. It is getting to a point where it is understandable, so he would like to keep everyone on that track.

Mr. Wilkening stated that he thinks that it is understandable and took the blame for not getting through it as thoroughly as he would like to have. All those little things that we talked about after and during meetings, he would like to see it in there; existing – future stormwater items, existing stormwater issues, timelines for remedies and things like that, which he believes are reasonable requests.

Attorney Austgen advised that all the things that Mr. Wilkening listed are all mandatory. There will be a subdivision plat accompanying the PUD, so it is not an item that can be ignored, and the criteria within it. There is a lot of acreage here. Mr. Eberly and Mr. Oliphant have been out tromping around in mud and water looking at storm drainage issues.

Mr. Wilkening asked Mr. Peterson to understand that he is not starting at the beginning with a red pen. He knows mostly what is there. He stated that he thinks when it says "retail business on Lot 2", retail business requires blacktop and parking and that has not been the case for the use at this point in the activity areas. There is some clarification needed. If a Farmers Market is a retail, he gets it, but the phrase retail could mean anything. He gets the activity of food trucks on Saturdays and Sundays, but it is a little grey.

Mr. Peterson stated that it could stem from the Candy Cabin that sells sweatshirts and T-shirts and things like that. If they were to consider something like a thrift store, they would have to bring that into the Town with all the parking and asphalt and meet all those regulations and associated studies with Site Plan approval.

Mr. Wilkening stated that he was referring to Lot 2. Mr. Peterson stated that he doesn't believe that it is lot specific; it's all the ministry operational lots. There is a list of lots in there that you can match up.

Mr. Wilkening said every winter it could be covered with boats that are not in use. Mr. Peterson stated that storing boats is not a use. Mr. Wilkening stated that those are the kinds of things he wants to make sure because in the past, a great idea becomes a real idea.

Mr. Peterson stated that he will get the draft into Ms. Murr to distribute it. He stated that they will have some conference calls, making sure that they have any comments that have been outstanding. Attorney Austgen and Attorney Terpstra will be on that call. We will start hitting that on Monday.

11. Summer Winds, Unit 1, Performance Letter of Credit Expires August 15, 2021

Mr. Wilkening questioned the item. Ms. Murr advised that Mr. Wilkening had requested previously that as Letters of Credit are about to expire to have them as an update item approximately three to four months in advance.

Mr. Wilkening stated that these will remain on the agendas going forward until they change.

12. Centennial, Phase 15, Performance Letter of Credit Expires September 5, 2021

Notification only; no discussion was had.

PUBLIC COMMENT: None was had.

ADJOURNMENT: Mr. Wilkening adjourned the meeting at 9:15 p.m.

TOWN OF CEDAR LAKE PLAN COMMISSION

Jerry Wilkening, President

John Kiepura, Vice-President

Robert Carnahan, Member

John Foreman, Member

Richard Sharpe, Member

Heather Dessauer, Member

Chuck Becker, Member

ATTEST:

Margaret R. Abernathy, Recording Secretary

The Minutes of the Cedar Lake Plan Commission Public Meeting 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 are 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 IC 5-1.5-2-2.5.*

Cedar Lake Plan Commission: Minutes of June 16, 2021

The Town of Cedar Lake is subject to the requirements of the Americans with Disabilities Act of 1990. Individuals with disabilities who plan to attend this meeting and who require certain accommodations in order to allow them to observe and/or participate in this meeting, or who have questions regarding accessibility of the meeting or the facilities, please contact the Town Hall at (219) 374-7400.