



**CEDAR LAKE PLAN COMMISSION MINUTES  
CEDAR LAKE TOWN HALL, 7408 CONSTITUTION AVENUE, CEDAR LAKE, INDIANA  
OCTOBER 20, 2021 at 7:00 PM**

**CALL TO ORDER:**

Mr. Wilkening called the Plan Commission meeting to order at 7:01 PM, on Wednesday, October, 20, 2021, with its members attending on-site and remotely. The Pledge of Allegiance was recited by all.

**ROLL CALL:**

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

**MINUTES:**

Mr. Wilkening stated the first item on the agenda tonight was for the approval of the minutes for the August 4, 2021, Work Session Minutes; the August 18, 2021, Public Meeting; the September 1, 2021, Zoning Ordinance Work Session; the September 15, 2021, Public Meeting, and the October 6, 2021, Work Session. Mr. Wilkening asked if any of the Commissioners had any questions about any of the minutes. Mr. Foreman asked if the one set of minutes was better with the updates. Mr. Becker responded in the affirmative.

Mr. Wilkening entertained a motion for these minutes. A motion was made by Mr. Becker and seconded by Mr. Kiepura to approve the minutes of the August 4, 2021, Work Session; the August 18, 2021, Public Meeting; the September 1, 2021, Zoning Ordinance Work Session; the September 15, 2021, Public Meeting, and the October 6, 2021, Work Session. The motion passed unanimously by roll call vote.

Mr. Carnahan – Aye  
Mr. Foreman – Aye  
Mr. Sharpe – Aye  
Ms. Dessauer – Aye  
Mr. Becker – Aye  
Mr. Kiepura – Aye  
Mr. Wilkening – Aye

**New Business:**

**1. Centennial Phase 15 – Letter of Credit**  
**Petitioner: Centennial Development LLC**

Mr. Wilkening stated that the first order of New Business was to accept the improvements and convert the Performance Letter of Credit to a Maintenance Letter of Credit for Centennial Phase 15 by Centennial Development LLC.

Mr. Jeff Yatsko, Olthof Homes, stated they are asking to convert their Performance Letter of Credit for Phase 15 to Maintenance Letter of Credit. The letter from Mr. Oliphant had the amount of \$32,811.68, so they are asking for approval to convert the Letter of Credit.

Mr. Wilkening asked if the Commissioners had any questions about the conversion or Mr. Oliphant's letter. There was none. Mr. Wilkening entertained a motion for this item.

A motion was made by Mr. Carnahan and seconded by Mr. Becker to approve converting the Performance Letter of Credit to a Maintenance Letter of Credit in the amount of \$32,811.68 for a 3-year period. The motion passed unanimously by roll call vote.

Mr. Carnahan – Aye  
Mr. Foreman – Aye  
Mr. Sharpe – Aye  
Ms. Dessauer – Aye  
Mr. Becker – Aye  
Mr. Kiepura – Aye  
Mr. Wilkening – Aye

**2. Cedar Lake Storage – Final Plat – One (1) Lot Subdivision**  
**Owner: Cedar Lake Storage LLC**  
**Petitioner: Tim Porter**  
**Vicinity: 9011-9019 West 133<sup>rd</sup> Avenue, Cedar Lake, IN 46303**

Mr. Wilkening stated the next order of business was for the Final Plat of a One (1) Lot Subdivision for Cedar Lake Storage LLC in the vicinity of 9011-9019 West 133<sup>rd</sup> Avenue by Petitioner Mr. Tim Porter.

Mr. Porter stated they are here to raise their Letter of Credit and get approval for Final Plat. Mr. Wilkening asked Mr. Austgen if the Letter of Credit submitted from the bank is good. Mr. Austgen responded it is close. He sent a markings and comments to Mr. Greg Bracco and he does not expect any difficulties with it. Any action the Plan Commission takes can be contingent upon the Letter of Credit being finalized.

Mr. Wilkening asked Mr. Oliphant if he is good with the \$242,741.40. Mr. Oliphant responded in the affirmative and that amount will suffice for any improvements to structures for Phase 1 and Phase 2. There was a separate Letter of Credit for the public improvement that was noted in the September 15, 2021, letter. The amount of that Letter of Credit would be \$18,854.00. There is the 3% inspection fee which would be \$514.20 and the MS4 inspections would be \$1,000.

Mr. Wilkening asked Ms. Murr if all this is order on paper. Ms. Murr responded in the affirmative it was in the last meeting's packet. Mr. Wilkening stated just for clarification the \$242,741.40 is added to the \$18,854.00, the \$514.20, and the \$1,000. Ms. Murr stated it is a separate Letter of Credit for their private improvement. Mr. Wilkening asked if that Letter of Credit is good. Ms. Murr responded that Letter of

Credit, based on Mr. Austgen and the bank's discussion, is good on the dollar amount. It is just finalizing the document of the draft itself.

Mr. Carnahan asked if the \$1,000 is for the MS4. Mr. Oliphant responded in the affirmative. Mr. Wilkening asked where is the Letter of Credit for the \$18,854.00. Ms. Murr responded she was looking in the September 15, 2021, meeting packet. Mr. Wilkening asked if that has not been paid already. Ms. Murr responded in the negative, and before the Final Plat would be issued with the signatures, it needs to be paid for.

Mr. Austgen stated it is his view there is a necessary license agreement or license granted by the property owner applicant to grant entry to the Town in the event that the Letter of Credit needs to be called and finish the paving, and this be included in the motion.

Mr. Wilkening asked the Commissioners if they were clear on what is needed for the motion. Mr. Foreman asked if the license part could be clarified. Mr. Wilkening stated Mr. Austgen suggested a license to enter the property, an agreement with the Town, if the blacktop has to be finished.

Mr. Wilkening asked Ms. Murr if she had anything from the Building Department. Ms. Murr stated Mr. Oliphant had his letter dated September 15 with the dollar amounts, which were confirmed at the last Plan Commission meeting. The Letter of Credit was the last item for the private improvements. Mr. Carnahan stated the Letter of Credit for private improvement was for \$242,741.40. Ms. Murr responded in the affirmative.

Mr. Wilkening entertained a motion for this item. A motion was made by Mr. Foreman and seconded by Mr. Kiepura to approve the Final Plat for a One (1) Lot subdivision, with the contingencies of the license agreement to be able to enter the property in the event of needing to finish the blacktop and the Letter of Credit specifying the \$242,741.40, the 3% fee of \$514.20, the MS4 Fee of \$1,000, and the \$18,854.00 for the second Letter of Credit for public improvements. The motion passed unanimously by roll call vote.

Mr. Carnahan – Aye  
Mr. Foreman – Aye  
Mr. Sharpe – Aye  
Ms. Dessauer – Aye  
Mr. Becker – Aye  
Mr. Kiepura – Aye  
Mr. Wilkening – Aye

**3. Sedor – Final Plat – One (1) Lot Subdivision**

**Owner: Edward A Sedor as Personal Representative of the Estate of Joseph Sedor**

**Petitioner: Joseph C. Svetanoff**

**Vicinity: 13615 Cedar Street, Cedar Lake, IN 46303**

Mr. Wilkening stated the next order of business was for the Final Plat of a One (1) Lot subdivision by Petitioner Mr. Joseph Svetanoff. Mr. Svetanoff commented on the same.

Mr. Wilkening asked Mr. Austgen if the legals were in order. Mr. Austgen responded in the affirmative. Mr. Wilkening asked Mr. Oliphant if everything was good. Mr. Oliphant responded in the affirmative and

the letter had been sent out September 14, 2021. There should only be 3 contingencies. Mr. Wilkening asked the Commissioners if they had any discussion for this item. None was had.

Mr. Wilkening entertained a motion for this item and asked for the contingencies listed in Mr. Oliphant's letter to be included in the motion. A motion was made by Mr. Foreman and seconded by Mr. Sharpe to approve the Final Plat for a One (1) Lot Subdivision with the following contingencies:

- "1. We recommend that the following engineering waivers be considered:
  - a. Stormwater Detention.
  - b. Widening and improvements to the public roadway frontages.
  - c. Park Dedication
  - d. Tree Placement Requirements
  - e. Fronting Sidewalk Requirements
2. Any future site plan related to this parcel will be reviewed prior to a building permit being issued to address existing drainage concerns in the surrounding area.
3. The northeast property corner should be set as soon as access allows. Any future building permits will be withheld pending placement of this monument."

The motion passed 5 Ayes to 1 Abstain by roll call vote.

Mr. Carnahan – Aye

Mr. Foreman – Aye

Mr. Sharpe – Aye

Ms. Dessauer – Aye

Mr. Becker – Abstain

Mr. Kiepura – Aye

Mr. Wilkening – Aye

**4. Beacon Pointe – Units 6, 7, & 8 – Preliminary Plat**

**Petitioner: Beacon Pointe of Cedar Lake LLC**

**Vicinity: 13800 Parrish Avenue, Cedar Lake, IN 46303**

Mr. Wilkening stated the next order of business was for the Preliminary Plat for Beacon Pointe, Units 6, 7, and 8 in the vicinity of 13800 Parrish Avenue.

Mr. Jack Huls, DVG Team, representing Beacon Pointe of Cedar Lake LLC, state this is what was formally called the Beacon Pointe West, Unit 5 has already been platted. This is the final area to the north of the detention pond, next to Utopia. This will extend King Street down through Summer Winds, connects to Beacon Pointe Lane, providing connectivity. They have prepared engineering plans and plats in accordance with Town ordinances. They are requesting Preliminary Plat for approval.

Mr. Austgen advised the Commissioners the legals are in order for the public hearing. Mr. Wilkening thanked Mr. Austgen and stated there was a letter from Mr. Oliphant that was received on October 15, 2021. Mr. Wilkening asked Mr. Oliphant if he had any concerns for this item. Mr. Oliphant responded there are five notes on the letter. One is regarding the Declaration of Covenants and Restrictions to include Beacon Pointe 6 through 8. There is a blanket easement issue with the plat, that can be cleaned up prior to Final Plat. Item 1 and Item 4 go together about the Park Dedication requirements and how those requirements are being addressed.

Mr. Wilkening asked Mr. Huls how they are addressing the park. Mr. Huls stated they had submitted a letter to Mr. Oliphant and Ms. Murr should have a copy of this letter. It has been updated, so the Commissioners may or may not have the most recent version of the letter. They had done a calculation based on the formulas that are in the Town's ordinance. Mr. Huls discussed the formulas used to obtain the calculation for Park Dedication acreage dedication including DVG's calculated number versus Mr. Oliphant's number.

Mr. Huls continued stating there is a land contribution that has been included as part of the plats which is shown on the original Master Plan. There is a large park area on King Street, which is half of the land contribution requirement. There will park improvements which will apply including, sidewalk extensions from Utopia subdivision connectivity. There is also a large 2-acre area that will be leveled and seeded and prepared for play areas.

Mr. Wilkening asked if that was Outlot D. Mr. Huls commented on the same and there is an Outlot D that is platted as part of Centennial Villas and Outlot E included in the Beacon Pointe subdivision adjoin. Mr. Wilkening stated the Petitioner is talking about the pond west of King Street and the pond is located in Summer Winds Unit. Mr. Huls approached the dais and illustrated on the Preliminary Plat provided to the Plan Commissioners in their packet the area he was discussing.

Mr. Foreman stated that Mr. Oliphant had in his letter that it should be asked what the changes are in lieu of and asked Mr. Oliphant to clarify what he means. Mr. Oliphant responded the letter had been adjusted during the week and the total dedication required is about 4.45 acres. The Petitioner has provided roughly about 2 acres by combining Outlot E for Beacon Pointe and Outlot D for Centennial Villas. The remaining is about 2.4 acres which could be fee-in-lieu of, contribution of sidewalks, or the like to make up the rest.

Mr. Foreman asked Mr. Oliphant if some of the items Mr. Huls mentioned would suffice. Mr. Oliphant responded it would be a policy call. Mr. Oliphant discussed the request from the Plan Commission to provide connectivity between the neighborhoods and how the final Park Dedication will be taken care of.

Mr. Wilkening asked what formula was used, since there are two formulas available. Mr. Oliphant responded the calculations presented by the Petitioner is they assessed the per acre value. The Subdivision Ordinance requires a fair market value of improved land, the Petitioner has set the value at approximately \$25,000 an acre and for the approximate 2.4 acres that remain not dedicated the approximate value would be \$61,000 in contribution. Mr. Oliphant discussed the Petitioner has submitted a rough estimate for the sidewalk connectivity, and the amount is similar to the approximate value left needing to be contributed. Discussion ensued about the remaining dedication, providing connectivity between the neighborhoods, and the calculation for the proposed sidewalk.

Mr. Becker asked for clarification that an approved lot is valued at \$25,000 an acre. Discussion ensued about if it was \$25,000 per lot or \$25,000 per acre. Mr. Oliphant clarified the Petitioner listed it as \$25,000 per acre, which he would say is geared more towards unimproved.

Mr. Huls asked if it was possible to obtain recent values that the Plan Commission has accepted for Park Dedication in other subdivisions. Mr. Austgen commented and stated it is public record. Mr. Huls discussed obtaining previous Park Dedication values from recent meeting minutes to see the reason for the land valuation.

Mr. Foreman stated it was listed in the letter from Mr. Oliphant that the required amount of dedication is 4 acres and asked with the number of residential lots is it a good practice to deduct park land. Mr. Oliphant responded it is a planning question, and what the Commissioners want goes with the Comprehensive Plan, and discussed various park lands throughout the neighborhoods. This is more of a policy question. Discussion further ensued about park dedication and who should be taking care of the parks, including the Petitioners original concept plan with Park Dedication. Discussion also ensued about what the Ordinance allows for development.

Mr. Wilkening asked the Commissioners if they had any comments. Mr. Carnahan stated he would like to see more park land for the kids to be able to go to and if there is not enough park land it could cause problems in the future. Mr. Foreman stated this had been reviewed and agreed upon, the only problem is the value and how to guess the value. Discussion ensued about the different formulas and their calculations and how to potentially word a motion for this item.

Mr. Austgen advised conducting the public portion of the meeting. Mr. Wilkening asked if there was any public comment for or against this item. None was had. Mr. Wilkening closed the public portion of this item.

Mr. Foreman asked Mr. Oliphant if the letter on October 15, 2021, with his comment was this something that just came up or has been previously discussed. Mr. Oliphant stated since this is the last portion of the subdivision to be Preliminary Plat, the Outlots may have been seen as part of concept plans. However, this is the first he has seen anything engineering wise. When Beacon Pointe 5 was approved it was discussed that Park Dedication requirements would be satisfied with Units 6 through 8. Technically, the Ordinance states Park Dedication will be handled at Final Plat.

Mr. Wilkening stated Mr. Austgen is recommending the Park Dedication be taken care of with Preliminary Plat. Mr. Carnahan commented that Mr. Austgen recommended deferring this item. Mr. Wilkening commented on the same. Mr. Foreman asked Mr. Huls about potentially changing the numbers. Mr. Huls stated he cannot make any commitments for the developers regarding values. Discussion ensued about deferring this item to the Work Session and furthering discussion about Park Dedication then.

Mr. Wilkening asked Mr. Huls if he needed anything from the Plan Commission. Mr. Huls responded he believes the first portion is determining the acreage requirements are with use of the formula, and there is no disagreement on the acreage required. There is now a land contribution and fee in lieu of contribution. They have acreage they are dedicating as part of it, addressing half the requirement. The remaining portion is what is being discussed for a fee in lieu of contribution. Mr. Huls discussed the developer may feel that they are being double hit for doing what was requested of them. Discussion ensued about the sidewalk and the work that would need to be done for the sidewalk including, safety railing and guard rail repairs.

Mr. Wilkening asked with Outlot D and Outlot E how much of the lots are used as a waterway. Mr. Huls responded a little less than a half-acre. Mr. Wilkening asked if all the water pools into Outlot F. Mr. Huls responded in the affirmative. Outlot F is a 2-acre square and straight grades from the houses down to the pond. It will appear flat and a great place to play.

Mr. Foreman asked Mr. Oliphant if he had any value for the items the Petitioner discussed. Mr. Oliphant responded they looked at a lump sum cost, but the cost needs to be broken down a bit more. Mr. Foreman

asked if Mr. Oliphant was not comfortable giving a number. Mr. Oliphant responded he is not and explained why. Discussion ensued about if the sidewalk could equal the dedication amount left, what the concept of the handrail is, and a pedestrian fence along the sidewalk.

Mr. Wilkening discussed breaking this down and having further discussion would be beneficial. Mr. Huls asked if the Plan Commission is looking for a specific breakdown of what is intending to be done for their park land contribution and stated he would work with Ms. Murr to go through previous minutes to determine if there are any values from previous meetings to use as discussion pieces.

Mr. Wilkening asked Mr. Oliphant what is being used now for sidewalk costs and if it is \$30 per foot and 4 feet wide. Mr. Oliphant responded 5 feet wide, and he does not remember what was put in the Fee in Lieu of Sidewalk Ordinance. As a point of order, Beacon Pointe East and Beacon Point Central were PUDs. Discussion ensued about what has been used as a sidewalk fee in lieu of number as being \$35 and the length of the sidewalk for the connectivity.

Mr. Wilkening asked the Commissioners if they had any further questions. None was had. Discussion ensued about a potential Special Public Session for this item or if a regular deferral would be what is needed.

Mr. Wilkening entertained a motion for this item. A motion was made by Mr. Kiepura and seconded by Mr. Becker to defer this item to the November 3, 2021, Work Session. The motion passed unanimously by roll call vote.

Mr. Carnahan – Aye  
Mr. Foreman – Aye  
Mr. Sharpe – Aye  
Ms. Dessauer – Aye  
Mr. Becker – Aye  
Mr. Kiepura – Aye  
Mr. Wilkening – Aye

**5. Centennial Estates – Phase 2 – Final Plat**  
**Petitioner: Cedar Lake Development LLC**  
**Vicinity: 13830 Parrish Avenue, Cedar Lake, IN 46303**

Mr. Wilkening advised that the next item was for Centennial Estates, Phase 2, Final Plat by Petitioner Cedar Lake Development LLC in the vicinity of 13830 Parrish Avenue. The Petitioner is requesting Final Plat for Centennial Estates, Phase 2 for a total of 26 lots. Mr. Yatsko, Olthof Homes, commented on the same. They received Mr. Oliphant letter with the Performance Letter of Credit, inspection, and MS4 fee amounts and they have no problem with any of the amounts.

Mr. Wilkening advised the Commissioners to include the amounts from Mr. Oliphant's letter in the motion. Mr. Wilkening asked Mr. Austgen if the legals were in order for this item. Mr. Austgen responded in the affirmative.

Mr. Wilkening asked Mr. Oliphant if he had any comment for this item. Mr. Oliphant responded this will complete Centennial Estates, so the connection in Centennial will be complete. The overall Letter of Credit

value required would be \$132,532.10 which is the maximum reduction allowed of 25%. The 3% inspection fee will be \$15,903.85 and the MS4 fee is \$2,000.

Mr. Wilkening asked if any of the Commissioners had any questions regarding the petition. Mr. Foreman asked Mr. Oliphant if all the numbers were in his letter. Mr. Oliphant responded in the affirmative. Mr. Wilkening asked Mr. Oliphant that the \$530,128.40 is the old number. Mr. Oliphant stated that would be the full freight amount, and it was included as that is the number utilized to determine the Maintenance Letter of Credit.

Ms. Murr stated the document in front of the Plan Commission on Centennial Estates, Phase 2, has Tradewind Place running north and south. This road has been changed to Alexandria Lane. This was reviewed with Police and Fire.

Mr. Wilkening entertained a motion for this item. A motion was made by Mr. Kiepura and seconded by Mr. Sharpe to approve the Final Plat for Centennial Estates, Phase 2 for a total of 26 lots to include Mr. Oliphant's letter from October 14, 2021. The motion passed unanimously by roll call vote.

Mr. Carnahan – Aye  
Mr. Foreman – Aye  
Mr. Sharpe – Aye  
Ms. Dessauer – Aye  
Mr. Becker – Aye  
Mr. Kiepura – Aye  
Mr. Wilkening – Aye

**6. Centennial Villas – Phase 2 – Final Plat**

**Petitioner: Cedar Lake Development LLC**

**Vicinity: approximately 13800 Freedom Way, Cedar Lake, IN 46303**

Mr. Wilkening stated that the next order of business was for Centennial Villas, Phase 2, Final Plat by Petitioner Cedar Lake Development LLC in the vicinity of approximately 13800 Freedom Way. The Petitioner is requesting Final Plat for Phase 2 of Centennial Villas for a total of 14 lots. Mr. Yatsko commented on the same. This phase does not complete the Villas, there are 14 lots that will be duplexes so it will be 28 units. They received the review letter and are comfortable with all the amounts listed. Mr. Carnahan asked about if the 3% inspection fee was \$12,472.84, and the credit is \$415,761.35. Mr. Yatsko responded that was the full amount.

Mr. Wilkening asked Mr. Austgen if all the legals were in order. Mr. Austgen responded in the affirmative. Mr. Wilkening asked Mr. Oliphant to discuss the numbers in his letter to the Petitioner. Mr. Oliphant responded Mr. Carnahan is correct that the \$12,472.84 is the 3% inspection fee, it is a reduced Letter of Credit with a value of \$103,940.34, and there is the \$2,000 MS4 Fee. Mr. Austgen asked what was the date of the letter. Mr. Wilkening responded the letter is dated October 14, 2021.

Mr. Wilkening asked the Commissioners if they had any comments or questions for this petition. None was had. Mr. Wilkening asked Ms. Murr if she had anything from the Building Department. Ms. Murr responded in the negative.



Mr. Wilkening entertained a motion for this item. A motion was made by Mr. Kiepura and seconded by Mr. Becker to approve the Final Plat for Centennial Villas, Phase 2 for a total of 14 lots to include Mr. Oliphant's letter from October 14, 2021. The motion passed unanimously by roll call vote.

Mr. Carnahan – Aye  
Mr. Foreman – Aye  
Mr. Sharpe – Aye  
Ms. Dessauer – Aye  
Mr. Becker – Aye  
Mr. Kiepura – Aye  
Mr. Wilkening – Aye

**7. Starcevic – Preliminary Plat – One (1) Lot Subdivision**  
**Petitioner: Tom Starcevic**  
**Vicinity: 7615 West 142<sup>nd</sup> Avenue, Cedar Lake, IN 46303**

Mr. Wilkening stated the next order of business was for the Preliminary Plat for a One (1) Lot Subdivision by Mr. Tom Starcevic in the vicinity 7615 West 142<sup>nd</sup> Avenue. Mr. Wilkening asked Mr. Austgen if the legals are in order. Mr. Austgen responded in the affirmative.

Mr. Wilkening stated there has not been an approval from the BZA for this item and asked Mr. Austgen for his legal opinion on how any approval at the Plan Commission would affect any potential approval from the BZA. Mr. Austgen responded it could potentially affect the use of the property and explained how it would affect the BZA process.

Mr. Foreman stated this is a Preliminary Plat for a One (1) Lot Subdivision and discussed his thoughts on why he did not think identifying the Preliminary Plat not being connected to the BZA. Mr. Wilkening responded that is why he asked Mr. Austgen his question. Ms. Murr stated the plat in front of them is being presented to the BZA requesting specific setbacks due to the lot being a corner lot and a narrower lot. The plat presented to the Plan Commission is based upon the BZA approval of those setbacks, otherwise the setbacks would have to be 30 feet off of Greenleaf and 30 feet off of 142<sup>nd</sup> Avenue. Discussion ensued about the setback variances and how those setbacks tie this petition to a BZA approval.

Mr. Foreman asked Mr. Oliphant if the plat the Commissioners were looking at is different than the one on Lake County GIS. Mr. Oliphant stated it was only going to show property lines and it is the setbacks where there are issues. What is shown on there are the setbacks dependent upon the BZA's approval. Mr. Oliphant discussed the setbacks needed by the lot being a corner lot and the effect it would have on the lot. Further discussions ensued about the setbacks and why there is added difficulty with Preliminary Plat.

Mr. Wilkening asked Ms. Murr if there were any concerns with the survey in the Plan Commissions packet. Ms. Murr responded only the concerns noted in Mr. Oliphant's letter, there had been some question on the Right of Way along Greenleaf.

Mr. Wilkening stated he remembered there had been discussion on the Greenleaf Right of Way and asked Mr. Oliphant and Mr. Starcevic if an agreement had been reached for the Right of Way. Mr. Oliphant stated the initial recommendation had been the 12 feet of Right of Way to keep Greenleaf. It was then asked what the minimum requirement of Right of Way would be and Mr. Oliphant explained that the minimum would be either a 10-foot Right of Way or a skewed 10 to 7-foot Right of Way due to the curve

of the road. Mr. Wilkening clarified that 7 to 10 is the very minimum. Mr. Oliphant responded in the affirmative, but he prefers that the Right of Way be straight but it does not need to be. Mr. Wilkening asked Mr. Oliphant if there were any other items that need to be reviewed. Mr. Oliphant responded they request that the sewer easement be actually surveyed and located to make sure the easement on the plat is correct.

Mr. Starcevic stated they have not responded to the latest request for the 10-foot easement request on Greenleaf. They would like clarification on why they are being asked for a 10-foot easement. With 142<sup>nd</sup> Avenue, they have provided 4.95 feet of their property at a length of 150-feet to the Town to provide for a fuller roadway. Now they are being asked for 10 to 12 feet of roadway on Greenleaf to make it a 30-foot road. Mr. Starcevic discussed at length the roads that his lot is against, the easements requested for the road, and that all of their requests have been deferred.

Mr. Wilkening asked Mr. Oliphant if he is suggesting that Greenleaf be 30 feet wide. Mr. Oliphant responded in the negative. Greenleaf as it is, is inside of the Petitioner's property. It is not unreasonable or uncommon to ask for Right of Way dedication to encompass public roadways. In order for the Town to legally and safely maintain the roadway in the future, it needs to be within the public Right of Way. Mr. Foreman asked if they need both 142<sup>nd</sup> Avenue and Greenleaf. Mr. Oliphant responded in the affirmative and explained why 142<sup>nd</sup> Avenue had to be dedicated.

Mr. Austgen asked Mr. Wilkening if he could respond from a legal perspective. Mr. Wilkening responded in the affirmative. Mr. Austgen stated the monetary concerns of the Petitioner are not the Town's concerns. The Zoning Ordinance and Subdivision Ordinance are the law of the Town. If he wants to build his improvements following the ordinances he would not need to be in front of the Commissioners. The Town does enforce its ordinances and the ordinances uniformly apply specifications and details for improvement.

Mr. Wilkening discussed the ongoing discussions of the BZA and the variances requested. Mr. Foreman stated they have not seen that and all that is being discussed is a One (1) Lot Subdivision. Mr. Wilkening commented hardship had been discussed and asked Mr. Oliphant the road is clearly in his yard and asking for more of his yard is not making sense. Discussion ensued on property lines and roads being located on property with if there is a different way to fix this. Discussion also ensued about Greenleaf being on the neighboring property and if it would be their burden as well for the Right of Way.

Mr. Foreman stated based on Mr. Oliphant's comments he better understands the Greenleaf Right of Way request, and they are there for a Preliminary Plat One (1) Lot Subdivision. It is a pretty cut and dry but he did not realize it was tied up with the BZA. Mr. Wilkening stated it wasn't cut and dry because of the setbacks. Mr. Foreman responded if they could get the setbacks being suggested for this additional 10 feet, he is good with everything.

Mr. Wilkening asked if the property to the South a meet and bounds parcel. Mr. Oliphant it appears to be a meet and bounds parcel.

Mr. Wilkening stated based on everything he is hearing; a deferral would be in order and asked Ms. Murr if she had any other comments. Ms. Murr stated based on the letter from Mr. Oliphant and the deferral from the BZA, anything approved of would have contingencies. Discussion ensued about if the agenda item is approved it would need to meet current ordinance setbacks.

Mr. Foreman asked where the building he is wanting to build is located on the lot. Mr. Wilkening responded it was the square in Parcel 1 in the Commissioner's agenda packet.

Ms. Murr stated additionally for their next Plan Commission meeting he would not have an update from the BZA.

Mr. Wilkening asked the Petitioner if the house does not have a garage. Mr. Starcevic responded in the affirmative. Mr. Wilkening discussed when granting a variance and someone comes along years later and requests a different variance. That new Petitioner's would have hardship from a different BZA item. Discussion ensued about the garage that Mr. Starcevic is requesting through the BZA.

Ms. Murr asked Mr. Wilkening if the Petitioner could submit documents later due to when the BZA meeting occurs. Mr. Wilkening asked the Commissioners if they had any issues with Mr. Starcevic submitting documents later than typically allowed. The Commissioners responded in the negative.

Mr. Wilkening asked if there was any public comment for or against this petition. None was had. Mr. Wilkening closed the public portion for this item.

Mr. Wilkening entertained a motion for this item. A motion was made by Mr. Becker and seconded by Mr. Sharpe to defer this item to the November 17, 2021, Public Meeting. The motion passed unanimously by roll call vote.

Mr. Carnahan – Aye  
Mr. Foreman – Aye  
Mr. Sharpe – Aye  
Ms. Dessauer – Aye  
Mr. Becker – Aye  
Mr. Kiepura – Aye  
Mr. Wilkening – Aye

**8. Cedar View – Preliminary Plat – Two (2) Lot Subdivision and Site Plan**  
**Owner: James & Samantha Booker**  
**Petitioner: Cedar Lake Property LLC**  
**Vicinity: 7936 Lake Shore Drive, Cedar Lake, IN 46303**

Mr. Wilkening stated that the next order of business was for a Preliminary Plat of a Two (2) Lot Subdivision by Petitioner Cedar Lake Property LLC in the vicinity of 7936 Lake Shore Drive. Mr. Wilkening stated no Petitioner is present for this item and he does not know of any new information submitted by the deadline for this petition. Ms. Murr responded in the affirmative. Mr. Wilkening asked if Ms. Murr has received any information. Ms. Murr responded there has been communication that day. Mr. Wilkening asked if they will be at the next work session. Ms. Murr responded in the affirmative.

Mr. Wilkening advised Mr. Oliphant had extensive comments in his letter regarding issues such as retaining wall, architectural rendering, and a lighting plan. Mr. Wilkening asked if Ms. Murr had any further comments. Ms. Murr responded in the negative.

Mr. Foreman asked if anyone had looked at the lot to see if there could be an entrance on the left. Mr. Wilkening responded he did not disagree with Mr. Foreman, and the Petitioner has his team of experts.

Discussion ensued about not being able to give approval on not having a left hand turn into the property and the items not addressed on Mr. Oliphant's letter.

Mr. Carnahan commented he was advised they had a dumpster on the property. Mr. Wilkening asked if there was any information on the shipping container sitting on the lot. Ms. Murr advised she had no information and she has not been able to connect to the right people regarding that.

Ms. Murr asked if there needed to be a motion to defer this item. Mr. Austgen advised it would need a motion or could be directed to deferral. Mr. Wilkening directed this item be deferred to the Work Session.

**9. Wahlberg – 7315 Lake Shore Drive – Rezone**

**Owner: S&N LLC**

**Petitioner: Fred Wahlberg**

**Vicinity: 7309-7319 Lake Shore Drive, Cedar Lake, IN 46303**

Mr. Wilkening stated the next order of business was for a Rezone in the vicinity of 7309-7319 Lake Shore Drive. The Petitioner Mr. Fred Wahlberg is requesting for the property to be rezoned from B3 to R2. Mr. Fred Wahlberg and Mr. Jeff Wahlberg were present for this item.

Mr. Wilkening asked the Petitioners if they are asking to rezone this property from B3 to R2. Mr. Fred Wahlberg responded in the affirmative. Mr. Wilkening asked why they were requesting that. Mr. Fred Wahlberg responded for financing and to use it as a residence. Mr. Jeff Wahlberg stated it was for him to get a loan and the bank does not want to give him a loan for a commercial property.

Mr. Austgen advised that legals are in order for this item.

Mr. Wilkening asked if there were some caveats to this property due to the 2012 Comprehensive Plan and asked Mr. Austgen if there was any reason why this could not be a Special Use Variance. Mr. Austgen responded it should have been due to the content of the Town's Comprehensive plan. Mr. Wilkening stated he had a copy of the 2012 Comprehensive Plan with the 2018 Amendment.

Mr. Foreman stated it looks like the all the lots of the property are 150 feet by about 90 feet. He is not sure if they are all zoned the same and asked Ms. Murr if they were. Ms. Murr advised that in the Commissioners meeting packet there was a document that listed all of the zoning of the properties around the Petitioner's lot. Mr. Wilkening asked if everything to the south of them is zoned R2 as well. Ms. Murr responded in the affirmative.

Mr. Wilkening asked how many parcels are there in the lot. The answer was 6 Parcels. Mr. Austgen asked if the parcels will be long enough for a garage. Mr. Foreman responded in the negative and that when they were platted it was to the edge of the roadway.

Mr. Wilkening asked Mr. Jeff Wahlberg if he was going to fix it up and live there. Mr. Jeff Wahlberg responded in the affirmative. Mr. Carnahan stated he was already living there. Mr. Jeff Wahlberg stated Mr. Carnahan's statement is correct.

Mr. Foreman stated what has been talked about is going from the Fire Station all the way to the east side of the ice cream shop and making it all of the zoning so there can be retail and parks, make it more pedestrian family. Mr. Foreman explained the Comprehensive Plan and what they are requesting is against what the Town is wanting to do. He believes the suggestion by Mr. Wilkening is interesting.

Mr. Wilkening stated the Petitioner is already living there, and is using it as an R2 when it is a B3 Zoning. It is probably worth more as a B3 Zoning, but the Petitioner is wanting to obtain a mortgage loan. The Special Use Variance would give the documents and the verbiage to go to the lender to get the loan. This would allow the property to maintain its zoning and value.

Mr. Foreman asked the Petitioners if they would be willing to have a Special Use Variance. Mr. Fred Wahlberg responded he believes so. Mr. Wilkening advised checking with the bank to ensure a Special Use Variance for the property would allow them to get what they need.

Mr. Foreman commented it is a nice piece of property on the lake. Mr. Jeff Wahlberg commented on the same and that it is a nice residential property. Mr. Foreman discussed the Comprehensive Plan to the Petitioners and gave his copy of the Comprehensive Plan to the Petitioner.

Mr. Wilkening asked the Commissioner's their thoughts on the petition. Ms. Dessauer stated she agrees with the Special Use versus a rezone. Mr. Carnahan stated he wants to work with the Petitioners and wants to know if he would be able to get a loan with a Variance. Mr. Wilkening responded as long as the language dictates it is being used as a residence it should be okay.

Mr. Austgen advised they are in an area that is beyond the scope of the Plan Commission. Mr. Wilkening agreed with Mr. Austgen and he just thinks the Special Use would need to be explored and deferring this item. Mr. Kiepura asked why would there be a deferral. Mr. Austgen stated if they are going to go the Use Variance path, they would need to go to the BZA.

Mr. Wilkening stated they have an option of voting on the item, or the Petitioners could retract. Mr. Foreman clarified that Mr. Austgen was stating the Special Use is not at the Plan Commission. Discussion ensued about the property using a Special Use Variance and legalities.

Mr. Wilkening asked if they would be better having the Petitioner withdraw their request or voting on the item. Mr. Austgen advised if they vote they have to pay reasonable regard to the statutory criteria and it would be better if they did not have to vote.

Mr. Kiepura stated would think a deferral is in order so the Petitioner could find out if a Special Use Variance would work, so they would not have to go through the whole process again. If the Petitioner finds out they can use the Special Use they can advise Ms. Murr and withdraw their petition and submit to the BZA.

Mr. Wilkening asked the Petitioner what they would like to do. Mr. Fred Wahlberg responded if Mr. Jeff Wahlberg could get the financing with the Special Use Variance, they would be amenable to doing a deferral and finding out if the bank would finance with a Special Use Variance.

Mr. Jeff Wahlberg asked if they would need to be back at the November 3<sup>rd</sup> meeting. Mr. Foreman responded if the bank approves, it is a different meeting platform. Mr. Fred Wahlberg asked if they would work with Ms. Murr then. Mr. Foreman responded in the affirmative and Ms. Murr and the Building Department would help them.

Mr. Kiepura asked if the Petitioners were requesting a deferral. The Petitioners responded in the affirmative.

A motion was made by Mr. Kiepura and seconded by Mr. Foreman to grant a deferral to the next Work Session.

Ms. Murr asked Mr. Austgen if they would need to open the floor to public comment since it is being deferred. Mr. Kiepura and Mr. Foreman withdrew their motion to allow for public comment.

Mr. Wilkening opened the floor to public comment for this item and asked if there was anyone present to speak on it. Mr. Timothy Leonhardt stated he has the property next to the Petitioner and he would like for them to be R2 versus doing a Special Use Variance and requested a copy of the Comprehensive Plan. Mr. Wilkening responded he could have his copy. Mr. Leonhardt thanked Mr. Wilkening and reiterated he would like to see the property be rezoned. Mr. Wilkening closed the public portion with no further public comment.

Mr. Wilkening entertained a motion for this item. A motion was made by Mr. Kiepura and seconded Mr. Foreman to defer this item to the November 3, 2021, Work Session. The motion passed unanimously by roll call vote.

Mr. Carnahan – Aye

Mr. Foreman – Aye

Mr. Sharpe – Aye

Ms. Dessauer – Aye

Mr. Becker – Aye

Mr. Kiepura – Aye

Mr. Wilkening – Aye

**10. Brown – 14917 Morse Street – Preliminary Plat – One (1) Lot Subdivision**

**Petitioner: Ryan Brown**

**Vicinity: 14719 Morse Street, Cedar Lake, IN 46303**

Mr. Wilkening stated that the next order of business was for the Preliminary Plat of a One (1) Lot Subdivision in vicinity of 14719 Morse Street by Petitioner Mr. Ryan Brown. Mr. Wilkening asked Mr. Austgen if the legals were in order. Mr. Austgen responded in the affirmative.

Mr. Wilkening stated Mr. Oliphant had a letter regarding this property and asked Mr. Oliphant for his comments. Mr. Oliphant stated there is some uniqueness to the property. The Town owns 2 parcels on the property, one is a 50 by 50 parcel and the other is 50 by 70 parcel and has a lift station. Mr. Oliphant explained the history of the 50 by 50 parcel and the 2 parcels are causing issues with legal descriptions. Mr. Oliphant stated it has been recommended that the Town Quit-Claim Deed the 50 by 50 parcel to Mr. Brown, in order to clean up the One (1) Lot Subdivision. There was a motion at the Town Council meeting the day prior to do a Quit-Claim Deed. Mr. Oliphant stated he and Mr. Stuart Allen, Mr. Brown's Surveyor, would work to clean up the survey, and he recommends deferring this item to November.

Mr. Foreman stated the parcel he has highlighted on Lake County GIS is what was discussed at the Town Council Meeting. Giving the Petitioner the Deed would give him 170 feet of frontage. Mr. Foreman discussed the lift station and that access would still be had to it. Discussion ensued about needing to go through the Quit-Claim Deed process prior to platting the lot.

Mr. Austgen asked Mr. Oliphant if he or Mr. Allen had a legal description. Mr. Oliphant stated Mr. Allen has it, and he needs to obtain a copy of it. Ms. Murr asked if it would be able to ready in the next week or so and asked Mr. Austgen how long it would take to draft the document, if the Commissioners would consider having a Special Public Meeting for this item on November 3, 2021. Mr. Wilkening commented on the same and asked Mr. Oliphant for his recommendation. Mr. Oliphant stated if the parcel can be deeded to the Petitioner, it addresses items 4 through 6 on his letter and the other comments are ministerial. He would obtain the title work Mr. Allen has and send the title work to Mr. Austgen.

Mr. Wilkening asked Mr. Brown how much of the property would be a conservation and the total acreage of the property. Mr. Brown responded it is a 15.5-acre lot and 4.75 to 5 acres in the front of the property would be in the One (1) Lot subdivision. Mr. Wilkening asked if he was doing a house with no garage. Mr. Brown responded in the affirmative and stated the property has a garage. Mr. Oliphant stated there are 2 lots on the property; he is only plotting one of them. Discussion ensued about the second lot of the property.

Mr. Austgen asked about the drainage of the parcel, if it drains from west to east. Mr. Wilkening responded in the affirmative and that it also drains to the south. Mr. Austgen asked if there is a reason both lots are not being platted. Mr. Wilkening stated it was going to be 2 lots. One is going to be useable and the second will not be. Mr. Austgen responded that one will be a lot of record and the other will not. Mr. Wilkening asked if there was no long-term legal issue with that. Mr. Austgen responded none that he could see. Discussion ensued about the Petitioner's plans for the lot and that any future plans would go in front of the Building Department.

Mr. Wilkening asked about the concerns with cleaning the plat up. Ms. Murr responded there is a 50 by 50 parcel in the front that is currently owned by the Town through some history; by deeding that parcel back to the Petitioner it would clean up the plat. Mr. Wilkening asked if part of the 50 by 50 parcel would be in part of what the Petitioner was going to use. Ms. Murr responded in the affirmative. Discussion ensued about what would occur with deeding the parcel back to the Petitioner, the Lift Station parcel, and maintaining the easement on the property.

Mr. Wilkening asked if there was anyone present for or against this petitioner. Mr. Jeff Bunge stated he is not here to remonstrate; he just wants to get an idea of what the Petitioner is wanting to do. Mr. Bunge asked Mr. Austgen if there is an easement where the sewer line is. Mr. Brown and Ms. Murr responded in the affirmative. Mr. Wilkening advised there is a 20 feet easement for the sewer.

Mr. Bunge asked Mr. Brown if everything he is proposing with the creek will be in Lot 2. Mr. Brown responded everything they are going to build on will be in the front lot. Mr. Brown discussed what he is planning to build on Lot 1. Mr. Wilkening asked Mr. Brown if he planned on building east of the sanitary sewer line. Mr. Brown responded in the negative. Mr. Bunge stated any further concern would be if there is any fencing around due to the topography of the area and forest area that he would like to see preserved. All of that is east of the sewer line, which the Petitioner stated he was not building past.

Mr. Austgen stated if it was a Two (2) Lot subdivision they could prohibit or place a covenant on the plat that there could be no structures constructed east of the sewer line easement. Mr. Oliphant stated for clarity the second lot is about 99% within the floodways of Cedar Creek, and is heavily restricted for any form of building.

Mr. Wilkening stated since there are no more public comments for this item the public portion for this item is closed.

Mr. Wilkening asked Mr. Brown if he is requesting a deferral to the Work Session if there is a Special Public Meeting approved. Mr. Brown responded in the affirmative. Mr. Wilkening asked the Commissioners if there was any problem with having a Special Public Meeting for this item on November 3, 2021. The Commissioners responded in the negative.

Mr. Wilkening asked if there would need to be a vote regarding the Special Public Meeting for the Preliminary Plat of a One (1) Lot subdivision of the Brown property on 14917 Morse Street. Mr. Austgen responded in the affirmative. Mr. Kiepura inquired why there is going to be a Special Public Meeting. Ms. Murr responded due to the timing of cleaning up the plat. Discussion ensued on having a Special Public Meeting and when Mr. Brown would apply for a Building Permit and start construction on the property.

Mr. Wilkening entertained a motion to defer this item to November 3, 2021. A motion was made by Mr. Becker and seconded by Mr. Sharpe to defer this item to November 3, 2021 have a Special Public Meeting. The motion passed unanimously by roll call vote.

Mr. Carnahan – Aye  
Mr. Foreman – Aye  
Mr. Sharpe – Aye  
Ms. Dessauer – Aye  
Mr. Becker – Aye  
Mr. Kiepura – Aye  
Mr. Wilkening – Aye

#### **11. Resolution No. 2021-02 – Plan Commission Rules & Regulations**

Mr. Wilkening stated the next order of business was for Resolution No. 2012-02 – Plan Commission Rules & Regulations. Mr. Wilkening asked if any of the Commissioners had any discussion points on this item currently. Mr. Wilkening asked if anyone was ready to make a motion and vote on this item or if they needed more discussion. Mr. Carnahan asked if there was more that they needed to look at. Mr. Wilkening commented on the same.

Mr. Wilkening asked Ms. Murr what some of the other items they were looking for. Ms. Murr responded she thought they were on a final draft for this item. It was the BZA that had more questions. This was updated based on commentary from a previous work session, where Mr. Eberly presented it to the Commissioners. Mr. Austgen created the Resolution to go with the document. The Planning Application have been included.

Mr. Wilkening stated he thinks where this got caught up at the BZA, is some of the duties that would go to the Petitioner were feeling really good about and ensuring they receive unbiased information. Mr. Wilkening discussed the commentary that arose at the BZA meeting and his fears of putting some of the duties on the Petitioner. Mr. Wilkening stated knowing what would be given to the Petitioner and an itemized list would help. Ms. Murr asked if this would be the same request from the Plan Commission as from the BZA. The Commissioners responded in the affirmative.



Mr. Wilkening asked if they would need a motion regarding this item. Ms. Murr responded in the negative due to it being for consideration. It can be put on their Work Session meeting.

Mr. Sharpe inquired about the list that was discussed. Mr. Wilkening stated Ms. Murr would provide the information. Ms. Murr responded it would be like a checklist of what needs to be done. The Petitioner would not have to create the ad, only publish it in the newspaper. Mr. Wilkening asked who creates the legal ad. Ms. Murr responded she has been and she still would provide the ad to the Petitioner. Discussion ensued about what has been discussed with Mr. Eberly previously and what they need to ensure is accurate.

Ms. Murr asked if the Plan Commission would like this item on the Work Session. Mr. Wilkening responded in the affirmative.

## **12. Fee in Lieu of Sidewalk Ordinance**

Mr. Wilkening stated the next order of business was for the Fee in Lieu of Sidewalk Ordinance. Mr. Wilkening stated this needs to be discussed at the Work Session.

Mr. Kiepura asked if there was going to be language in there for legacy lots. Mr. Wilkening responded he could not recall at the moment. Mr. Foreman asked if this would be legal. Mr. Austgen responded that it is a loaded question. Discussion ensued about sidewalks being done on one side of the lake versus the other.

Mr. Wilkening asked if the Petitioner agreed to the Fee in Lieu of Sidewalk, would that be an issue. Mr. Austgen advised that the Petitioner would view they do not have a lot of choice and the Town would need to be incredibly careful with this. Mr. Foreman discussed the sidewalks used on Hanover school's land. Mr. Austgen discussed the difference with the Hanover School sidewalk.

Mr. Wilkening asked if they should have a map of where they would like sidewalks to go and pick where they would like for their contribution to go. Mr. Austgen responded it would be the same story.

Mr. Austgen asked Mr. Wilkening if he had shared his letter from September 28, with the rest of the Commissioners. Mr. Wilkening responded in the negative. Mr. Austgen stated he thinks there is a way to do it, it just has to be drafted carefully.

Mr. Kiepura stated as he recalls, sidewalks are not waived in new subdivisions. As such, developers are removed from this equation. Mr. Austgen responded Mr. Foreman example is a good example. Discussion ensued about the Hanover School sidewalk and about where there would be issues with putting in sidewalks. Discussion ensued about how to potentially give the Petitioner the choice in where they would want a sidewalk to be.

Mr. Foreman stated the logic is sound, it is the legality that is the issue. Mr. Austgen responded there are people waiting for a Section 1983 case, which would be a Federal Case, in which the Town or any entities of the Town could be sued for using a governmental policy to do something illegal or improper.

Mr. Wilkening asked what other municipalities are doing. Mr. Austgen stated the Subdivision Ordinance needs attention, and the Zoning Ordinance should be completed shortly. The Subdivision Ordinance is a primarily a specification instrument. It is the first thing a developer looks at when presenting a client with

a concept plan. Mr. Wilkening commented that with Mr. Oliphant's letter, one of the waivers is to waive the sidewalk. Mr. Austgen stated there is not a procedure for waiving the sidewalk.

Mr. Wilkening asked if having a master sidewalk plan and having a petitioner pick a portion of it for a Fee in Lieu of Sidewalk is defensible in a Court of Law. Mr. Austgen responded it could be. Most towns he has worked for has sidewalks be mandatory.

Mr. Wilkening asked if they could vote to eliminate the Fee in Lieu of Sidewalk. Mr. Foreman responded they could do what they want, they invented it. Mr. Austgen stated it would be a favorable or unfavorable recommendation to the Town Council due to being an ordinance. Mr. Foreman commented this ordinance does not currently exist. Mr. Austgen commented on the same. Mr. Wilkening stated there is nothing to eliminate then. Mr. Foreman responded in the affirmative.

Mr. Wilkening asked Mr. Austgen if there is some more discovery on this item. Mr. Austgen responded he would like for his letter to be shared with the Plan Commission.

### **Update Items**

#### **1. Subdivision Control Ordinance**

Mr. Wilkening asked if they were going to be going through this again soon. Ms. Murr responded they will resume going through their Zoning Ordinance on November 3, 2021, at 6 PM.

#### **2. Letters of Credit:**

- a. Beacon Pointe – Unit 1 – Maintenance LOC expires November 2, 2021**
- b. Lakeside – Unit 1, Block 1 – Maintenance LOC expires November 14, 2021**
- c. Beacon Pointe – Unit 4 – Performance LOC expires December 11, 2021**
- d. Summer Winds – Unit 2 – Performance LOC expires December 20, 2021**
- e. Summer Winds – Unit 3 – Performance LOC expires December 23, 2021**

Mr. Wilkening asked if the Maintenance Letter of Credit for Beacon Pointe Unit 1 is on track. Ms. Murr responded in the affirmative. The Maintenance Letter of Credit expiring, this has been in place for 3 years. They anticipate having all of the work completed. They would like to set a date of October 28 to have the work completed and inspected or start the pull process. Mr. Wilkening asked if they need a vote on that. Mr. Austgen responded in the negative.

Mr. Wilkening asked about the Maintenance Letter of Credit for Lakeside, Unit 1, Block 1. Ms. Murr responded they anticipate the work listed in Mr. Oliphant's letter being completed and they have communicated with Ms. Murr. They anticipate all work being done. However, there needs to be a set pull date of the Tuesday the week the Maintenance Letter of Credit expires.

Mr. Wilkening discussed the Performance Letter of Credit for Beacon Pointe Unit 4. Ms. Murr responded these are Performance Letter of Credit that are expiring in December. They will be on the November agenda for update. Mr. Wilkening asked if it is the same thing for the Summer Winds Performance Letter of Credit. Ms. Murr responded in the affirmative and they are hoping to get Units 1, 2, and 3 all into one Maintenance Letter of Credit.

Plan Commission Public Meeting  
October 20, 2021

Mr. Wilkening asked Mr. Oliphant if he had any concerns with any of the updates on the Letters of Credit. Mr. Oliphant responded in the negative. The two most pressing ones are the Beacon Pointe Unit 1 and Lakeside, Unit 1, Block 1. Based on communications from Mr. Jack Slager, they should be good to just let them expire.

**Public Comment:** None was had.

**ADJOURNMENT:** Mr. Wilkening adjourned the meeting at 9:33 PM.

**TOWN OF CEDAR LAKE PLAN COMMISSION**

---

Jerry Wilkening, President

---

John Kiepura, Vice-President

---

Richard Sharpe, Member

---

John Foreman, Member

---

Robert Carnahan, Member

---

Heather Dessauer, Member

---

Chuck Becker, Member

ATTEST:

---

Ashley Abernathy, Recording Secretary

*The Minutes of the Cedar Lake Plan Commission Meeting are transcribed pursuant to IC 5-14-15-4(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.*

*Cedar Lake Plan Commission: October 20, 2021 Minutes of the Public Meeting*