



**CEDAR LAKE PLAN COMMISSION MINUTES  
CEDAR LAKE TOWN HALL, 7408 CONSTITUTION AVENUE, CEDAR LAKE, INDIANA  
NOVEMBER 17, 2021 at 7:00 PM**

**CALL TO ORDER:**

Mr. Wilkening called the Plan Commission meeting to order at 7:01 PM, on Wednesday, November 17, 2021, with its members attending on-site and remotely. The Pledge of Allegiance was recited by all.

**ROLL CALL:**

**Members Present:** Richard Sharpe; John Foreman; 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; Rick Eberly, Town Manager (via Zoom); and Ashley Abernathy, Recording Secretary. **Absent:** Robert Carnahan and Heather Dessauer.

**MINUTES:**

Mr. Wilkening stated the first item on the agenda tonight was for the approval of the minutes for the October 20, 2021 Public Meeting, and the November 3, 2021, Zoning Ordinance Work Session, Special Public Meeting, and Regular Work Session.

Mr. Wilkening entertained a motion for these minutes. A motion was made by Mr. Sharpe and seconded by Mr. Kiepura to approve the minutes for the October 20, 2021 Public Meeting, and the November 3, 2021, Zoning Ordinance Work Session, Special Public Meeting, and Regular Work Session. The motion passed unanimously by roll call vote.

Mr. Foreman – Aye

Mr. Sharpe – Aye

Mr. Becker – Aye

Mr. Kiepura – Aye

Mr. Wilkening – Aye

**Public Meeting:**

**1. Brown – Final Plat – One (1) Lot subdivision**

**Petitioner: Ryan Brown**

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

Mr. Wilkening stated the first order of business for the Public Meeting was for the Final Plat for a One (1) Lot subdivision by Petitioner Mr. Ryan Brown in the vicinity of 14719 Morse Street.

Mr. Wilkening asked Mr. Oliphant if everything was in order for this item. Mr. Oliphant responded the November 12, 2021 letter should be included in the Plan Commission's packet, with the following waivers for stormwater detention, public improvements, park dedication, tree placement, and sidewalk placement.

Mr. Wilkening asked Mr. Brown if he had any questions. Mr. Brown responded in the negative.

Mr. Wilkening asked the Commissioners if they had any questions or comments for this item. None were had.

Mr. Austgen advised the Commissioners for the record that the Quit-Claim deed needs to be conveyed before the plat is recorded.

Ms. Murr advised the Plan Commission there is still the 30-day waiting period for this item due to Preliminary Plat being approved at the November Special Public Meeting. There is still two weeks before the plat can be signed.

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. The motion passed unanimously by roll-call vote:

Mr. Foreman – Aye

Mr. Sharpe – Aye

Mr. Becker – Aye

Mr. Kiepura – Aye

Mr. Wilkening – Aye

Mr. Oliphant advised the Plan Commission that the Quit-Claim deed has been recorded.

**2. 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 Slager, Schilling Development, representing the Petitioner Beacon Pointe of Cedar Lake LLC, stated they are requesting Preliminary Plat approval for Beacon Pointe Units 6, 7, and 8. This is the final section of Beacon Pointe West and final 89 single family lots which will be developed in thirds. The Plan Commission had conducted the Public Hearing a month ago and it was closed. There was extensive discussion at the last Work Session regarding the Park Dedication. There will be approximately a 2-acre parcel of land that will be improved and developed, in addition to \$60,000 of improvement.

Mr. Oliphant asked the Petitioner if there was still the plan to have the park be publicly dedicated while the HOA maintains the land. Mr. Slager responded in the affirmative and stated the HOA would maintain the park while the Town would own it.

Mr. Austgen asked what language was going to be included in the plat. Mr. Slager responded it was currently at Preliminary Plat, but when they go for the Final Plat for the section that has the park, they could dedicate it as public park or provide the deed at that time.

Mr. Austgen clarified he was looking for the agreement for the HOA to maintain the park. Mr. Slager responded when they Final Plat this section, most likely with Unit 6, they would have an HOA document that states they would maintain the park.

Mr. Wilkening asked if maintain is mowing the grass. Mr. Oliphant commented with maintain would have to be defined. Discussion ensued about including language for maintain to include any potential play ground and everything on the park land.

Mr. Wilkening asked Mr. Austgen if he had any further comments. Mr. Austgen responded the legals are in order, this was opened as a public hearing in October and it was deferred to continue to tonight's meeting.

Mr. Wilkening asked Ms. Murr if she had any comments. Ms. Murr responded in the negative.

Mr. Wilkening asked if any of the Commissioners had any comment. None were had.

Mr. Wilkening asked if there was any public comment for or against this item. None were had.

Mr. Wilkening entertained a motion for this item. A motion was made by Mr. Foreman and seconded by Mr. Becker to approve the Preliminary Plat for Beacon Pointe Units 6, 7, and 8 for 89 single-family home lots, contingent on the October 15, 2021, Christopher Burke Engineering letter, the varied stormwater calculations prepared by the DVG Team, and the park dedication for the 2 acres and once Final Plat is done the necessary language on the Plat for the park, as noted in the October 15, 2021, letter. The motion passed unanimously by roll-call vote:

Mr. Foreman – Aye

Mr. Sharpe – Aye

Mr. Becker – Aye

Mr. Kiepora – Aye

Mr. Wilkening – Aye

**Amended Agenda Item:**

**Beacon Pointe, Unit 4, Performance Letter of Credit, expiring December 11, 2021**

Mr. Slager asked the Plan Commissioners to discuss the Beacon Pointe Letter of Credit listed at the end of the agenda. The Plan Commission agreed to discuss the Beacon Pointe, Unit 4, Performance Letter of Credit.

Mr. Slager stated Mr. Oliphant and himself have discussed the Performance Letter of Credit which expires December 11, 2021, before the next Plan Commission Public Meeting. They are requesting an extension on the Letter of Credit for 6 months. Mr. Slager stated Mr. Oliphant suggested they could do a 10 percent versus a 25 percent value on that 6-month extension.

Mr. Oliphant commented he suggested it, not that he recommended it.

Mr. Slager stated if the Plan Commission agrees, they would have the bank prepare the necessary document to extend the Performance Letter of Credit for 6-month at the 10 percent versus the 25 percent.

Mr. Oliphant stated some of the reminding items are pavement and concrete related, and they are at the end of the season to make those changes to it.

Mr. Wilkening asked Mr. Oliphant for clarification on the suggestion. Mr. Oliphant stated there are very minor items remaining on the Performance Letter of Credit and time is running out to address those for the year. Mr. Wilkening asked if the 10 percent is more than enough to cover the remaining items. Mr. Oliphant responded in the affirmative, and stated they would need to do a waiver to get the 10 percent because the Town's minimum performance level is 25 percent and the current letter is being carried at 90 percent at about \$1.1 million.

Mr. Slager stated the 10 percent value would be around \$99,000 and the remaining items are weather related.

Mr. Austgen asked Mr. Oliphant if he needed to detail that. Mr. Oliphant responded he has the number and he can detail the items in the letter.

Mr. Wilkening asked if this update item has now become an agenda item. Mr. Austgen responded in the affirmative and stated a simple motion would amend the agenda.

Mr. Wilkening asked if anyone would like to make a motion to amend the agenda for Beacon Pointe, Unit 4, Performance Letter of Credit that expires December 11, 2021. A motion was made by Mr. Foreman and seconded by Mr. Kiepora to amend the agenda and make a favorable recommendation to do the 10 percent versus the 25 percent contingent upon Mr. Oliphant's letter being attached and in the amount of \$99,032.17. The motion passed unanimously by roll-call vote:

Mr. Foreman – Aye

Mr. Sharpe – Aye

Mr. Becker – Aye

Mr. Kiepora – Aye

Mr. Wilkening – Aye

### **3. 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 advised the Commissioners what had occurred at the last BZA meeting, and there are a couple of items left to be addressed in Mr. Oliphant's letter. Mr. Oliphant responded the two items that remain are the Right of Way dedication and locating the sewer through the western portion of the property.

Mr. Wilkening asked the Petitioner if he had any update regarding the sewer. Mr. Starcevic responded in the negative and stated his surveyor is supposed to locate it. However, they have not had it located and they called the Utility Department to locate it for them. They located the manhole cover is, but not where the sewer line runs across the property.

Mr. Wilkening asked if there were no drawings for the sewer locations. Mr. Oliphant responded in the negative and stated they know there is a manhole on the north and south property line. Mr. Austgen asked Mr. Oliphant if there were not catalogs of the sewers. Mr. Oliphant responded there were old sewer

atlases, but they are not reliable for locating a sewer. Discussion ensued on using the old sewer atlases for locating the sewer and how it would not be reliable for a survey.

Mr. Wilkening asked Mr. Starcevic if there had been any progress made regarding the Right of Way off of Greenleaf. Mr. Starcevic responded they are willing to give 3 feet to make the road match between Greenleaf and 142<sup>nd</sup> Avenue and discussed the dedication they did for 142<sup>nd</sup> Avenue due to the road being 17.5 feet wide. They feel that asking for a 10 to 7-foot Right of Way on Greenleaf is a tough ask because it is a 20-foot wide 100-foot-long gravel road. They are willing to go to a 3-foot Right of Way to match the Right of Way dedication off of 142<sup>nd</sup> Avenue.

Mr. Foreman asked Mr. Oliphant if 142<sup>nd</sup> Avenue is 20 feet wide. Mr. Oliphant commented the two Right of Way are not related to each other. Mr. Foreman clarified he was asking what the current width of 142<sup>nd</sup> is. Mr. Starcevic stated it is currently 17.5 feet wide. Discussion ensued about the length of 142<sup>nd</sup> Avenue and the Right of Way dedication by the Petitioner.

Mr. Foreman asked Mr. Oliphant if the suggestion from the Petitioner of dedicating a 3-foot Right of Way on Greenleaf is a reasonable suggestion. Mr. Oliphant responded in the negative and stated the two Right of Ways are different from each other. The reason the two Right of Ways are being requested are similar, but the Greenleaf Place actual road is not in the Right of Way. The edge of the pavement is out of the Public Right of Way and is in the Petitioner's yard, which is common in some of the older subdivisions in Cedar Lake.

Mr. Oliphant stated the original Right of Way request off of Greenleaf was for 12 feet, they came down to a variable Right of Way width 10 feet from the north corner and 7 feet at the south corner that gives 3 feet beyond the edge of pavement, so any future maintenance can be conducted. The variable 10 to 7-foot variable Right of Way is the minimum that he would recommend.

Mr. Kiepora asked if Greenleaf Place is currently paved. Mr. Oliphant stated it is a rough road, but if the road is ever repaved, the Town is not allowed to enter his property to pave the road without the Right of Way. Mr. Kiepora asked if there were plans to pave the road. Mr. Oliphant responded potentially and a lot of the local side roads have been paved in the past two years.

Mr. Foreman asked the Petitioner if he understood what Mr. Oliphant was discussing. Mr. Starcevic responded in the affirmative. Mr. Foreman asked if the Petitioner would be okay with the Right of Way dedication on Greenleaf. Mr. Starcevic stated he was willing to concede a little bit and discussed his other neighbors who have part of Greenleaf in their yard as well. Mr. Oliphant stated they would ask the same thing from Mr. Starcevic neighbor to the south. Discussion ensued where the Right of Way for Greenleaf goes to the properties of the south.

Mr. Wilkening commented once more on getting the location of the sewer on the Plat of Survey. Mr. Oliphant stated he thinks the Petitioner's surveyor obtained the one sewer off of a different drawing, but there is another sewer around the walk. Mr. Starcevic asked if that was supposed to be in the easement that walks down to the pier. Mr. Oliphant responded in the affirmative. Mr. Starcevic asked if they had to dig up the easement area to locate the sewer. Mr. Oliphant responded it should be exposed. Mr. Starcevic stated it is not exposed.

Mr. Foreman asked Mr. Oliphant if he is comfortable making the Preliminary Plat approved contingent on the sewer being marked on it. Mr. Oliphant responded in the affirmative. Discussion ensued on allowing the sewer location to be a contingency of approval.

Mr. Wilkening commented the other item that would need resolved is the Right of Way dedication off of Greenleaf. Mr. Starcevic asked if Mr. Oliphant would be willing to compromise and do a 5 to 2-foot Right of Way. Mr. Oliphant stated he already compromised and the 10 to 7-foot Right of Way is the bare minimum he is willing to recommend. Mr. Wilkening advised the Petitioner to follow through with the recommendation from the Town Engineer.

Mr. Wilkening asked Mr. Eberly if he had any comments for this item. Mr. Eberly stated he agrees with Mr. Oliphant that the road needs to be within the Right of Way.

Mr. Wilkening asked the Petitioner if he is okay with a contingency for the location of the sewer and for the Right of Way dedication to be 10 to 7 feet off of Greenleaf. Mr. Starcevic 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 Preliminary Plat for a One (1) Lot Subdivision contingent upon the sewer line being located, the Greenleaf Right of Way being a skewed 10-foot on the north to 7-foot on the south, and the waivers included in Mr. Oliphant's letter. The motion passed unanimously by roll-call vote:

Mr. Foreman – Aye  
Mr. Sharpe – Aye  
Mr. Becker – Aye  
Mr. Kiepura – Aye  
Mr. Wilkening – Aye

Mr. Austgen asked Mr. Oliphant if he anticipated seeing the sewer lines noted on the Plat and connected to the manholes to get a record of them. Mr. Oliphant responded in the affirmative.

**4. 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 asked Mr. Austgen if the legals were in order. Ms. Murr advised this was a deferred public item. Mr. Austgen stated the legals were in order when the public hearing was originally advertised.

Mr. Wilkening asked Mr. Brooker if he had any other comments, as he had not been at the previous work session. Mr. Brooker stated they were not due to needing to complete a few items.

Mr. Wilkening asked Mr. Oliphant about the remaining items not addressed in his letter. Mr. Oliphant stated it is mainly lighting related due to never receiving a revised photometric plan and plans for the building. Mr. Wilkening commented he had asked a few times for an architectural rendering of the building. There had also been discussion about the hours the lights would be on, and he does not think anyone has any issues about lights being on around the building; however, he does not think the business

sign needs to be on all night. Mr. Wilkening asked if there is any other list of items not addressed or provided yet. Ms. Murr responded in the negative.

Mr. Foreman asked if the entrance to the west had been discussed any more. Mr. Wilkening responded the Petitioner had not been at the work session, and he cannot speak for the Petitioner, but the concession had been that there was no left-hand turn. Discussion ensued about a left-hand turn off the round-a-bout onto the property being unsafe and against the INDOT classifications.

Mr. Wilkening thanked Mr. Foreman for his ideas and stated that is not what is being presented, the left hand turned had been discussed extensively at the last meeting and they cannot approve a left-hand turn.

Mr. Brooker agreed there had been an extensive talk about the left-hand turn and stated after that meeting, he had gone to the property and sat in the parking lot. Mr. Brooker discussed at length the lighting of the signs and light poles in the area, and expressed he felt he was being asked to do things that have not been asked of other businesses in the area, for example the spacing of the bollards. The Petitioner stated he was willing to work with the Town, the lighting and engineering questions were completed by the Petitioner's engineer and that a photometric plan has been submitted and the rest of the requests, such as an architectural rendering could be completed after approval.

Mr. Brooker discussed at the last meeting he attended there had been discussion about the round-a-bout, the striping and delineators, being placed by INDOT. He stated that was not correct. Public record shows that the drawings approved by INDOT had no delineators or striping and used examples of other round-a-bouts in Lake and Porter Counties that do not have delineators or striping. Mr. Brooker claimed the delineators were put in due to the signage being hit and believes a request is coming through to remove them. Mr. Brooker claimed it is not fair to state the striping and delineator were approved by the State of Indiana and it needs to be readdressed to evaluate allowing a left-hand turn into the property.

Mr. Wilkening commented the design of the round-a-bout was professionally done. Mr. Brooker asked the Commissioners if they knew who had designed the round-a-bout. Mr. Wilkening responded StructurePoint. Mr. Brooker commented on the same and stated that StructurePoint engineered their property it to be wide enough to allow a left-in, left-out.

Mr. Brooker claimed the spacing after the round-a-bout was enough to allow for both a left- and right-in and a right-out of the property. Mr. Brooker further discussed the delineators, the restriction of a left-hand turn-in and that it would restrict a business from ever occurring on the property. Mr. Brooker stated if this property is not approved with a left-hand turn, the property would not be developed.

Mr. Foreman discussed with the Petitioner about doing an easement and coming into the property from off of Cline Avenue. Mr. Wilkening thanked Mr. Foreman for his idea and advised they could not make a decision on that idea. Mr. Wilkening advised what is being discussed should have been talked about at the last Work Session meeting.

Mr. Wilkening stated asking for an architectural rendering was a reasonable request, and it could have been a picture of another Domino's. Mr. Brooker responded that he had shown a rendering of a drawing to the Plan Commission after the second request for a design, and that he could show it on the computer tonight. Mr. Wilkening advised this all needed to be discussed at a Work Session, not at a Public Meeting.

Mr. Kiepora advised the Petitioner they based their thinking for the left-hand turn was based off of the Chief of Police's statements. He views that area as a potential back-up and discussed the different variables that need to be taken into consideration.

Mr. Oliphant stated aside from the delineators, the other primary concern is traffic from the drive-through backing into the round-a-bout causing a traffic hazard, especially if a Dunkin' Donuts is the drive-through business. Mr. Oliphant advised the only way a left-hand turn could be considered would be to obtain a traffic study to evaluate the impact.

Mr. Brooker asked the Commissioners to take into consideration that there would be a reduction in traffic due to being two Dunkin' Donuts in Cedar Lake, if Dunkin' Donuts even comes into the facility as there had been no response from Dunkin' Donuts since the Concept Plan was presented in February. The only business that he knows for sure is wanting to come into the location is Domino's.

Mr. Brooker suggested the use of a sign to tell patrons of the business if the drive-through is full to pull into a parking spot and discussed that he did not want to cause any traffic issues but traffic is inevitable. Mr. Oliphant advised the Petitioner that is what a traffic study would do, evaluate the daily traffic. Discussion ensued about doing a traffic study and what a traffic study reviews.

Ms. Murr stated the turn out definitely needs to be a right-out. She likes the idea about coming into the back of the property but her concern is the corner of the property has a major power pole. There would be concerns with the pole being knocked down. Ms. Murr advised the pictures being displayed were taken that day with the Chief of Police.

Ms. Murr advised the Commissioners she was informed by the Chief of Police that the yellow striping is an extension of the concrete barrier and if someone makes a left turn in over that striping, they can receive a ticket from the Police Department.

Mr. Brooker stated the striping was not part of the plan approved by INDOT. Ms. Murr advised the Petitioner it was part of a Change Order. Discussion ensued about the striping on the pavement including when the striping was added, that traffic cannot cross the striping, and when the striping was added.

Mr. Wilkening stated there are a few things that need worked through and advised the Petitioner to come back in 2 weeks to the work session. Mr. Brooker asked Mr. Wilkening what he would like to be presented at that time. Mr. Wilkening responded to have an architectural rendering, after-hours lighting idea, and that the Petitioner would need to be okay with a right-in, right-out.

Mr. Brooker stated he believes if there is not a left-turn into the property it is a dead project. Mr. Wilkening advised the Petitioner that is a decision for him to make.

Mr. Wilkening asked Mr. Oliphant if he had any other comments with either the Preliminary Plat or the Site Plan. Mr. Oliphant stated the Preliminary Plat is in order, it needs a small easement added, but that can be done at the Final Plat.

Mr. Brooker asked the Commissioners what they were wanting to see in at the next meeting. Mr. Wilkening advised the left-turn would be a determination by the Petitioner. Otherwise, they would like to see the rendering and to e-mail that to Ms. Murr so it can be distributed.



Ms. Murr asked the Petitioner if he wasn't able to get the Site Plan, would he still want to finish the Preliminary Plat to have the Two (2) Lot Subdivision. The BZA approval for the property is dependent upon the approval of Final Plat, and work cannot be done on the house until after final approval. Mr. Oliphant stated the Site Plan and the Preliminary Plat are closely related. Discussion ensued about if the Site Plan changes, the Preliminary Plat process would start over again.

Mr. Wilkening invited the Petitioner to come back to the next Work Session. Mr. Brooker asked what would be discussed. Mr. Wilkening responded the Petitioner's decision regarding the left-turn.

Mr. Brooker asked Mr. Oliphant about the potential for a left-turn lane off of the round-a-bout and if the Town would be involved and help with the cost. Mr. Wilkening stated that was not something the Plan Commission was comfortable answering. This would need to be discussed with the Town Council and the Town Administrator.

Mr. Brooker requested to defer this item to the next Plan Commission Work Session.

Mr. Wilkening entertained a motion to defer this item. A motion was made by Mr. Kiepura and seconded by Mr. Sharpe to defer this item to the December 1, 2021, Work Session. The motion passed unanimously by roll-call vote:

Mr. Foreman – Aye

Mr. Sharpe – Aye

Mr. Becker – Aye

Mr. Kiepura – Aye

Mr. Wilkening – Aye

#### **5. 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 Ms. Murr if there was any update on this item.

Ms. Murr stated there had been discussions with the Plan Commission and BZA being run concurrently with advertising. The checklist provided to the Plan Commission is different from the checklist for the BZA due to the differences in application and advertising. The ultimate goal was to have something in place by January 1, 2021.

Mr. Wilkening requested the Plan Commission review the Rules & Regulations. Mr. Austgen advised there is a review meeting in which this could be discussed. Ms. Murr stated the Plan Commission had a Special Work Session meeting November 29, 2021, to discuss the Zoning Ordinance and there is still a Special Work Session scheduled for 6 PM on December 1, 2021.

Mr. Wilkening asked Mr. Austgen if he had any thoughts on this item. Mr. Austgen responded what has been discussed is what the Commissioners have talked about occurring with the review and the timeline.

Ms. Murr advised the Plan Commission if they had any comments or questions they wanted to share, to e-mail her and she would put together a list of those comments for review on November 29<sup>th</sup>.

Mr. Wilkening asked Mr. Eberly if he had any other comments on the Plan Commission Rules & Regulations. Mr. Eberly responded in the negative.

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

Mr. Wilkening stated the next order of business was for the Fee in Lieu of Sidewalk Ordinance and discussed there are templates or options for homeowners or developers. Mr. Wilkening asked Mr. Eberly if he has looked over any of the Fee in Lieu of Sidewalk programs that had been provided from a surrounding municipality.

Mr. Eberly stated he has seen the one from the town south of Cedar Lake and that is the only one he has seen. Mr. Wilkening asked Mr. Eberly for his thoughts on their program, and if he had any concerns. Mr. Eberly responded some aspects are similar to what Mr. Austgen has put together for the Plan Commission and discussed there has to be an acknowledgement by the individual seeking the waiver that they are voluntarily paying the Fee in Lieu of. The individual would recognize the money could be spent anywhere in Town on a pedestrian way.

Mr. Wilkening asked about the amount of the fee that is paid. Mr. Eberly responded he does not know if the amount of the fee makes a difference, but in the example from Lowell, they do have a caveat that the Petitioner has to recognize that they are paying that fee in lieu of putting a sidewalk in. Mr. Wilkening asked if would be a different document with a signature. Mr. Eberly responded in the affirmative.

Mr. Foreman commented his thoughts on the cost being less if the Petitioner donates the money, and he thinks it is a good idea. Mr. Wilkening discussed the advantage for Legacy Lots to not have a sidewalk to nowhere. Discussion ensued about Lowell's fee in lieu of sidewalk being 80 percent.

Mr. Foreman asked Ms. Murr and Mr. Eberly if different towns and cities in Indiana should be e-mailed to see if they had a Fee in Lieu of Sidewalk program. Ms. Murr responded there are a few communities around the Indianapolis area that have one. Mr. Foreman asked if there was a blanket e-mail sent to other municipalities in Indiana. Ms. Murr responded in the negative.

Mr. Wilkening asked Ms. Murr if the discussion of the sidewalk would occur in the office. Ms. Murr responded in the affirmative.

Mr. Wilkening discussed with a reduction would need to be considered by the Commissioners, especially with consideration to the Legacy Lots and asked Mr. Austgen if there would be any issues with that. Mr. Austgen responded in the negative and stated theoretically it has challenges regardless of what type of lot it is. Discussion ensued about the creation of a topographical map with locations for sidewalks.

Mr. Wilkening commented about needing a form of assurance for the Petitioner to know the funds will be used. Mr. Oliphant discussed creating a visual map to include pedestrian ways on it.

Ms. Murr asked about potentially adding this to the November 29, 2021, Special Work Session or on December 1, 2021, to finish discussing this item. Mr. Wilkening responded in the affirmative.

Mr. Austgen advised to not lose focus for what the meeting on November 29, 2021 was set up for.

## **Update Items**

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

Mr. Wilkening asked if this was going to be discussed in the next couple of weeks. Mr. Austgen and Ms. Murr both advised this would be discussed after the Zoning Ordinance.

## **2. Wahlberg – 7315 Lake Shore Drive – Rezone**

Mr. Wilkening asked if this was complete. Ms. Murr stated an application to the BZA for the Variance of Use. However, there has not been a formal written withdrawal of their application. Mr. Austgen advised telling the Petitioner to withdraw their application.

Mr. Wilkening asked Ms. Murr if she anticipates them withdrawing their request. Ms. Murr responded in the affirmative.

## **3. Letters of Credit:**

- a. Beacon Pointe – Unit 4 – Performance LOC expires December 11, 2021**
- b. Summer Winds – Unit 2 – Performance LOC expires December 20, 2021**
- c. Summer Winds – Unit 3 – Performance LOC expires December 23, 2021**
- d. Centennial – Phase 10 – Maintenance LOC expires January 15, 2022**
- e. Ms. Brenda Roberts, ReUnity Development LLC, 15008 Morse Street**

Mr. Wilkening stated the Beacon Pointe, Unit 4, Letter of Credit has already been taken care of.

Mr. Wilkening asked if everything is good with Summer Winds, Unit 2, Performance Letter of Credit. Mr. Oliphant stated it is still their understanding that Summer Winds is going to combine Units 1, 2, and 3 together under a new Performance Letter of Credit. Ms. Murr advised she has received communication from the bank, and they will be providing Letter of Credit in the first or second week of December.

Mr. Wilkening asked about the Maintenance Letter of Credit for Centennial Phase 10. Mr. Oliphant stated they have a small list of items to complete, but it should be okay.

Mr. Wilkening stated the last update item was for Ms. Brenda Roberts, ReUnity Development LLC, and commented no Petitioner was present for this item. Mr. Wilkening advised removing this from the agenda. Mr. Austgen advised this is a legal topic and to not discuss this item again unless a specific set of criteria are met.

**Public Comment:** None was had.

**ADJOURNMENT:** Mr. Wilkening adjourned the meeting at 8:42 PM.

**TOWN OF CEDAR LAKE PLAN COMMISSION**

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Jerry Wilkening, President

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John Kiepora, Vice-President

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Richard Sharpe, Member

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John Foreman, Member

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Robert Carnahan, Member

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Heather Dessauer, Member

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Chuck Becker, Member

ATTEST:

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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: November 17, 2021 Minutes of the Public Meeting*