



CEDAR LAKE PLAN COMMISSION PUBLIC MEETING MINUTES
CEDAR LAKE TOWN HALL, 7408 CONSTITUTION AVENUE, CEDAR LAKE, INDIANA
January 19, 2022 at 7:00 pm

CALL TO ORDER:

Mr. Wilkening called the Plan Commission Public Meeting to order on Wednesday, January 19, 2022, at 7:01 pm with its members attending on-site and remotely. The Pledge of Allegiance was recited by all.

ROLL CALL:

Members Present: Robert Carnahan (via Zoom); John Foreman (via Zoom); Heather Dessauer; Richard Sharpe; Chuck Becker (via Zoom); John Kiepura, Vice President; Jerry Wilkening, President. A quorum was attained. **Also present:** Don Oliphant, Town Engineer; Ryan Deutmeyer, Town Attorney; David Austgen, Town Attorney (arrived at 8:11 pm); Jill Murr, Planning Director; and Ashley Abernathy, Recording Secretary. **Absent:** None.

1. Nomination and Appointment of Officers:

Secretary:

Mr. Wilkening stated the first order of Business was for the nomination and appointment of officers for the Secretary of the Plan Commission. A nomination was made by Mr. Kiepura and seconded by Ms. Dessauer to nominate Mr. Sharpe as Secretary for the Plan Commission. The nomination passed unanimously by roll-call vote:

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

2. Minutes

Mr. Wilkening stated the next order of business was for the approval of the Minutes for April 21, 2021, Public Meeting, May 5, 2021, Work Session; November 29, 2021, Special Work Session; December 15, 2021, Public Meeting and January 3, 2022 Special Public Meeting and Work Session and entertained a motion to approve the Minutes. A motion was made by Ms. Dessauer and seconded by Mr. Sharpe to approve the Minutes for April 21, 2021, Public Meeting, May 5, 2021, Work Session; November 29, 2021, Special Work Session; December 15, 2021, Public Meeting and January 3, 2022 Special Public Meeting and Work Session. The motion passed unanimously by roll-call vote:

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

3. Franciscan – Cedar Lake Health Center – Site Plan

Owner: R.M. Teibel & Associates, Inc.

Petitioner: Tonn & Blank Construction

Vicinity: 6831 West 133rd Avenue, Cedar Lake, IN 46303

Mr. Wilkening stated the next order of business was for the Site Plan for Franciscan Cedar Lake Health Center in the vicinity of 6831 West 133rd Avenue by Petitioner Tonn & Blank Construction. The Petitioner is requesting a Site Plan approval for a 1,500 square foot addition. Mr. Ross Warner was present on behalf of the Petitioner.

Mr. Wilkening asked Mr. Oliphant if he had any comments for this item. Mr. Oliphant stated all comments have been addressed and he recommends a waiver from stormwater detention, due to it already being provided. The total square footage for the new impervious surfaces is 3,800 square feet and is really small.

Mr. Wilkening asked if the provided retention is to the west of the property. Mr. Oliphant responded in the affirmative.

Mr. Wilkening asked if any of the Commissioners had any questions or comments. None were had.

Mr. Wilkening asked Ms. Murr if she had anything further 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 Ms. Dessauer to approve the Site Plan for a 1,500 square foot addition with the waiver of stormwater detention. The motion passed unanimously by roll-call vote:

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

4. Black River Bells, LLC – Preliminary Plat for a One (1) Lot subdivision & Site Plan

Owner: ARDT III, LLC

Petitioner: Black River Bells, LLC

Vicinity: 11109 West 133rd Avenue, Cedar Lake, IN 46303

Mr. Wilkening stated the next order of business was for the Preliminary Plat of a One (1) Lot subdivision and Site Plan in the vicinity of 11109 West 133rd Avenue by Petitioner Black River Bells, LLC.

Mr. Tim Krause, representing the Petitioner, was present for the item and stated Mr. Jeremy Wagner, Excel Engineering, is on Zoom if the Commissioners have any questions.

Mr. Wilkening asked Mr. Krause if he had any commentary to make at this time. Mr. Krause responded he had no comments and it was his understanding that Mr. Oliphant and Mr. Wagner worked together and satisfied all comments.

Mr. Wilkening asked Mr. Oliphant if he had any comments for this item. Mr. Oliphant stated they had issued a letter today. He believes the Petitioner is still working on an ingress-egress agreement with Tom & Ed's Auto Shop and asked Mr. Krause if he had an update on that.

Mr. Krause stated the cross-access agreement with CVS has been denied. Mr. Oliphant asked what is the agreement with the auto shop. Mr. Krause responded they did not have anything new regarding a potential ingress-egress with the auto shop.

Mr. Wilkening advised the Commissioners any motion made tonight would need to restrict access to 133rd Avenue until there is an easement access agreement and approval from the Plan Commission. Mr. Oliphant stated there is currently an existing access between the two properties. However, there is no formal agreement between the Petitioner and the auto shop.

Mr. Wilkening asked Mr. Deutmeyer if the business is put in and they start using the access off of 133rd Avenue, would that be between the business and the private property owner. Mr. Deutmeyer asked if there was no direct access onto the property. Mr. Oliphant stated there was and indicated on Lake County GIS where the access was.

Mr. Deutmeyer asked if the Taco Bell parcel was going to have any access onto US 41. Mr. Krause responded in the affirmative and stated it would be a right-in, right-out. Mr. Oliphant stated the access will be remaining through Tom & Ed's Auto Shop.

Mr. Deutmeyer asked Mr. Wilkening to reiterate his question. Mr. Wilkening stated his question was if an approval was given for this item, and the public started using the access off of 133rd Avenue, would that be between the business owner and Tom & Eds. Mr. Deutmeyer stated if there is approval given, that no approval be given for use of access through that particular channel, unless or until there is a cross-access agreement. Mr. Wilkening asked if that should be in the motion. Mr. Deutmeyer responded in the affirmative.

Mr. Wilkening asked if a cross-access agreement is agreed upon, should that come back in front of the Plan Commission. Mr. Deutmeyer responded in the affirmative.

Mr. Oliphant advised they are still working on addressing. However, that can be addressed at Final Plat. It could be addressed off of US 41 or 133rd Avenue, without a cross-access agreement, it will most likely be addressed off of US 41. Mr. Wilkening stated it is advertised as being addressed off of 133rd Avenue. Discussion ensued about the property being addressed off of 133rd Avenue.

Mr. Oliphant stated the few remaining comments were for sidewalk, providing drawings for the retaining wall, and other than those, this should be fine.

Mr. Carnahan asked where is the 4-foot wall located. Mr. Oliphant stated it was going to be on the south side of the property.

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Mr. Wilkening asked Mr. Oliphant if he was good with the Site Plan other than the cross-access agreement. Mr. Oliphant responded in the affirmative.

Mr. Wilkening asked the Commissioners if they had any questions. Mr. Foreman stated if the Petitioners do not have a legal way to get on or off the property, if anything gets approved, the Plan Commission needs to act like the access from 133rd Avenue is not part of this. If the Petitioner obtains a cross-access agreement, then they would come back to the Plan Commission.

Mr. Wilkening asked Ms. Murr if she had any further comments from the Building Department. Ms. Murr stated she would just like for the Plan Commission to note Mr. Oliphant's January 19, 2022, letter in any motion made for the Site Plan.

Mr. Wilkening entertained a motion for the Preliminary Plat for a One (1) Lot Subdivision. A motion was made by Mr. Kiepura and seconded by Mr. Sharpe to approve the Preliminary Plat for a One (1) Lot Subdivision. The motion passed unanimously by roll-call vote:

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

Mr. Wilkening entertained a motion for the Site Plan. A motion was made by Mr. Kiepura and seconded by Mr. Sharpe to approve the Site Plan with the January 19, 2022, Christopher B. Burke Engineering letter and access will be restricted to Wicker Avenue or US 41, right-in and right-out; no access will be allowed through the east side of the property out to 133rd Avenue; and if an easement agreement is obtained, the Petitioner is to come back before the Plan Commission for approval of the exit. The motion passed unanimously by roll-call vote:

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

5. Schilling Distribution Center – Preliminary Plat

Owner: Lake County LBM LLC

Petitioner: Schilling Development

Vicinity: 10501 West 133rd Avenue, Cedar Lake, IN 46303

Mr. Wilkening stated the next order of business was for the Preliminary Plat of a One (1) Lot subdivision in the vicinity of 10501 West 133rd Avenue by Petitioner Shilling Development.

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Mr. Jack Slager, present on behalf of the Petitioner, stated they are requesting the Preliminary Plat for the One (1) Lot Subdivision for the existing Cedar Lake Distribution center, that will allow them to apply for a Building Permit for their proposed addition. They have advertised for the public hearing for tonight and request to conduct the public hearing. They were originally going to request to do a Preliminary Plat, waive the rules and do Final Plat at the same meeting. Instead, they are going to ask for Preliminary Plat approval with the contingency the Preliminary Plat is contingent upon the new Zoning Ordinance being passed prior to the Final Plat to allow them to front on a non-public street.

Mr. Wilkening asked if the reason they are requesting that contingency is due to Industrial Drive being private. Mr. Oliphant responded in the affirmative and stated their concerns go away when the new language of the new Zoning Ordinance gets approve.

Mr. Slager stated if they are conditioned on that and come back in 30 days to do the Final Plat, it should all be good by then.

Mr. Wilkening asked Mr. Deutmeyer if the legals are in order for this item. Mr. Deutmeyer responded in the affirmative.

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

Mr. Wilkening asked Mr. Slager if he had any further comment for this item. Mr. Slager responded in the negative.

Mr. Wilkening asked Mr. Oliphant if he had any comments Mr. Oliphant stated they have tabled this item, until the new Zoning Ordinance is acted upon. The December 23, 2021, letter still stands and as the new Zoning Ordinance gets adopted his comments go away.

Mr. Wilkening asked Ms. Murr if she had any comments from the Building Department. Ms. Murr commented her comment are similar to Mr. Oliphant's, and this petition is to create an addition onto the building with no additional parking needed.

Mr. Wilkening asked the Commissioners if any of them had any questions or comments regarding this item. None were had.

Mr. Oliphant asked Mr. Slager to clarify, if they are going to front off of Industrial drive, will the address remain off of 133rd Avenue. Mr. Slager stated that is correct.

Mr. Wilkening entertained a motion for this item. A motion was made by Mr. Sharpe and seconded by Mr. Becker to approve the Preliminary Plat for a One (1) Lot Subdivision contingent upon the adoption of the proposed Zoning Ordinance. The motion passed unanimously by roll-call vote

Mr. Carnahan Aye

Mr. Foreman Aye

Ms. Dessauer Aye

Mr. Sharpe Aye

Mr. Becker Aye

Mr. Kiepura Aye

Mr. Wilkening Aye

6. Cedar View – Preliminary Plat – Two (2) Lot subdivision & Site Plan

Owner: James & Samantha Brooker

Petitioner: Cedar Lake Property LLC

Vicinity: 7936 Lake Shore Drive, Cedar Lake, IN 46303

Mr. Wilkening stated the next order of business was for the Preliminary Plat of a Two (2) Lot subdivision and Site Plan in the vicinity of 7936 Lake Shore Drive by Petitioner Cedar Lake Property LLC.

Mr. Jim Brooker, present on behalf of the Petitioner, stated they were requesting the Preliminary Plat for a Two (2) Lot Subdivision and Site Plan.

Mr. Wilkening asked Mr. Oliphant if the Site Plan includes a porkchop. Mr. Oliphant responded in the affirmative.

Mr. Wilkening asked Mr. Oliphant if every comment was taken care of with the exception of the one electrical item. Mr. Oliphant responded in the affirmative.

Mr. Wilkening asked Mr. Oliphant if he remembered the number of waivers that got approved at the BZA. Mr. Oliphant responded in the negative.

Ms. Murr advised the Commissioners that any motion should include Mr. Oliphant's January 10, 2022, letter, including the waiver of sidewalk along the parcel's frontage and MS4 fee.

Ms. Dessauer asked why the sidewalk is being waived. Mr. Oliphant stated the grade and the lighting placement along Lake Shore Drive would not allow for a sidewalk. There is also a sidewalk along the other side of the road with a crosswalk located at the round-a-bout.

Mr. Deutmeyer advised the Plan Commission due to there being the separation between the Preliminary Plat and Site Plan to act on them separately.

Mr. Wilkening entertained a motion for the Preliminary Plat for the Two (2) Lot subdivision. A motion was made by Mr. Becker and seconded by Ms. Dessauer to approve the Preliminary Plat for a Two (2) Lot subdivision to include the Christopher B. Burke Engineering letter dated January 10, 2022 and the sidewalk waiver. The motion passed unanimously by roll-call vote:

Mr. Carnahan Aye

Mr. Foreman Aye

Ms. Dessauer Aye

Mr. Sharpe Aye

Mr. Becker Aye

Mr. Kiepura Aye

Mr. Wilkening Aye

Mr. Wilkening stated with the second motion needing to regard the Site Plan and he clarified with Mr. Oliphant that the directional concrete divider is called a porkchop and is included on the Site Plan. This is located on the Site Plan. Mr. Oliphant commented on the same and advised the Commissioners that the Site Plan is located on page 16 of the packet on the Meeting iPad, they can view it.

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Mr. Wilkening asked Mr. Deutmeyer if they would need to include the right-in and right-out for the Site Plan. Mr. Deutmeyer stated he did not believe, as long as the Site Plan accurately reflects what has been discussed. If there are any other contingencies or changes, it would need to be incorporated in the motion.

Ms. Murr advised the Plan Commission that the Site Plan only has one drive-through. Originally there had been two drive-throughs. Mr. Oliphant advised the Plan Commission the Site Plan included in the packet is not the most current, due to a radius change on the Site Plan. Just reference his current letter that has the correct Site Plan listed in it.

Mr. Wilkening asked if that was the January 10, 2022, letter. Mr. Oliphant responded in the affirmative.

Mr. Wilkening asked if the radius changed was to the porkchop. Mr. Oliphant stated it was for the radius of the outside right turn to widen it out.

Mr. Wilkening entertained a motion for the Site Plan. A motion was made by Mr. Sharpe and seconded by Mr. Carnahan to approve the Site Plan and to include the January 10, 2022, Christopher B. Burke Engineering Letter. The motion failed 3-Ayes to 4-Nays by roll-call vote:

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

Mr. Wilkening asked Mr. Deutmeyer what would be their next action with the motion failing. Mr. Deutmeyer stated they would need another motion.

Mr. Wilkening entertained another motion for the Site Plan. A motion was made by Mr. Foreman to approve the Site Plan contingent upon the January 10, 2022, Christopher B. Burke Engineering Letter and a west entry somewhere from the west.

Mr. Wilkening asked if there was a second for the motion from Mr. Foreman. Ms. Dessauer asked if the west entrance hasn't already been discussed. Mr. Wilkening stated Ms. Dessauer was correct, that has already been discussed.

Mr. Brooker asked if he could say something. Mr. Wilkening responded in the affirmative. Mr. Brooker stated they have complied with all of the requests from the Plan Commission, and he is not sure what the "no's" are at this point. He had asked at the last meeting or so, what they needed to do, and put in a porkchop. There had been a pizza place there prior, and an apron was placed onto the property when the round-a-bout was created. The property is zoned correctly for businesses. He sat down with Town staff to work with them with for his petition. He is not understanding the no to the Site Plan at this point.

Mr. Wilkening asked Mr. Deutmeyer if now would be the time for an explanation on the "no" votes. Mr. Deutmeyer stated technically, the Petitioner does not need to be given the opportunity to speak due to being in the voting process, and they have entertained him.

Mr. Carnahan stated he feels they are supposed to be giving these Petitioners the information they need on what they need to do. It seems like they are not doing that with this one business. Mr. Wilkening stated there has been a lot of information exchanged for this one petition. Mr. Carnahan asked what needs to be done to approve this item.

Mr. Wilkening asked Mr. Deutmeyer if he needs to solicit another motion. Mr. Deutmeyer responded in the affirmative and stated if there is not a motion received that action can be taken on, then there would be no action and it would de facto get deferred.

Ms. Dessauer asked Mr. Foreman what the difference is between this right-in and right-out and the Taco Bell right-in and right-out. Mr. Foreman responded with Taco Bell on US 41, if someone is going south, they are going to have to pass the traffic on the right, a median, and traffic going north-bound. With this item, someone is coming out of a round-a-bout and someone is stopped to try to turn left, even with no left-hand turn, and has the potential for an accident.

Mr. Carnahan asked Mr. Foreman to restate his motion. Mr. Foreman stated he was trying to make a motion to approve contingent upon adding some sort of entrance so traffic from the north or west able to get into the parking lot. He realizes that could be a challenge.

Ms. Dessauer asked how that would change the right-in and right-out. Mr. Wilkening commented it would not. Mr. Foreman stated it would just allow an option for traffic to come in from the west.

Mr. Wilkening asked Ms. Murr when the new Town Manager would be starting. Ms. Murr advised it would be after the Plan Commission's next Work Session.

Mr. Wilkening asked Mr. Oliphant if he had any thoughts. Mr. Oliphant responded in the negative and stated it has become a policy decision about what they want to see at that location.

A motion was made by Mr. Foreman and seconded by Mr. Carnahan to approve the Site Plan contingent upon the January 10, 2022, Christopher B. Burke Engineering Letter and a west entry somewhere from the west.

Mr. Deutmeyer stated the issue with this motion is the Site Plan in front of them is what they need to act on. He understands what Mr. Foreman is wanting to accomplish. Mr. Wilkening asked Mr. Deutmeyer if he is stating they cannot vote on anything that is not in front of them. Mr. Deutmeyer stated how could they approve something that is ambiguous.

Mr. Deutmeyer asked if the motion was still on the floor. Mr. Wilkening asked Mr. Foreman or Mr. Carnahan if either of them would like to retract their motion.

Mr. Foreman stated he understands what Mr. Deutmeyer is saying. However, by making the motion contingent upon a west entrance, he would imagine they would need to approve the location of the west entrance. Mr. Foreman asked Mr. Deutmeyer if that was his concern with his contingency. Mr. Deutmeyer stated his concern is they are moving to approve the Site Plan and the Site Plan in front of them has no reference to a western entrance, with no clue on the location, design, and the engineering would be. Discussion ensued regarding the contingency of having a western entrance.

Mr. Wilkening asked Mr. Foreman and Mr. Carnahan if either are wanting to vote on their motion or retract their motion, which is advisable by legal. Mr. Foreman and Mr. Carnahan both stated they would retract their motion.

Mr. Wilkening stated the prior motion has been withdrawn and asked if there was any other motion for this item.

Ms. Dessauer stated she truly feels that they need to give this Petitioner direction and asked from the Commissioners who gave an answer of no, what is the direction for this petition, short of coming back to the next Work Session or waiting for the new Town Manager. Mr. Wilkening stated he does not have an answer for her. They have voted on the Preliminary Plat, which has been approved, but everyone is not okay with what is being presented on the Site Plan.

Mr. Brooker stated at the meeting in December a comment had been made if a porkchop was put in, the Plan Commission would be okay with it and he was under the impression if he put in the porkchop, it would be approved. He put in the porkchop based off of their feedback, and now this month there are more issues with the Site Plan. They received 7 or 8 variances from the BZA to help the project, leading them to believe everything was going to be moving forward. At this point, he is not understanding what the holdup of the Site Plan is.

Mr. Wilkening stated there has been a lot discussed regarding this petition and there are four Commissioners that do not feel that it is a good plan, at this time and the Plan Commission cannot design it for him. Mr. Brooker commented he does not want the Plan Commission to design it for him. The property is zoned correctly per Town Ordinances and asked what they are wanting to see done with the property. Mr. Wilkening stated they cannot suggest what they want in that space.

Mr. Carnahan commented they need to advise the Petitioner what to do.

Mr. Foreman asked the Commissioners if the drive-through was removed would that change the outcome and what if it is approved with no drive-through. Mr. Wilkening asked the Petitioner if there was no drive-through for the property would it affect his petition. Mr. Brooker responded in the negative and stated the guaranteed restaurant going in the building does not need a drive-through.

Mr. Wilkening advised Mr. Foreman the answer to his question is the property does not need a drive-through.

Mr. Foreman commented his point is they have been working with this Petitioner for months, and he bought a property that was properly zoned and previously had a business there. Since the business had been there the round-a-bout was built, and having one or two heavy traffic dependent was a cause for concern. Therefore, if it is a sit-down restaurant and spend some time at the place, it is not as huge of a traffic issue as a drive-through would be.

Mr. Wilkening asked Mr. Deutmeyer if he could solicit a motion that would eliminate the drive-through. Mr. Deutmeyer responded it is subject to whatever review Mr. Oliphant would need to do, and if Mr. Oliphant would need to do anything additional for review Mr. Oliphant would have to do.

Mr. Wilkening asked the Petitioner could he safely say it would be two businesses. Mr. Brooker responded in the affirmative.

Mr. Oliphant asked about the variances granted at the BZA, and if any of them dealt with the drive-through. Ms. Murr advised the Plan Commission drive-throughs exclusively go through the Plan Commission and are allowed in a B-1 Zoning District, which makes them allowable in a B-2 Zoning District. However, anything with a drive-through needs to go through the Plan Commission for approval. Discussion ensued regarding the removal of the drive-through and the potential effect it could have on the business, including parking and the variances granted at the BZA.

Mr. Brooker asked if he removed the drive-through could the window remain as a pick-up window. Domino's pizza has a few restaurants with pick-up windows, no one is ordering at the window and no backing up. An individual goes and picks up their pizza.

Mr. Wilkening asked how the pick-up window would work. Mr. Oliphant stated the individual would still pull around the building. Ms. Dessauer stated it would be like the pick-up window at Aurelio's Pizza. Discussion ensued on the difference between a drive-through and a pick-up window with the drive-through requiring a menu board and intercom and a pick-up window does not require those.

Mr. Wilkening asked if there would still be a line of cars created. Mr. Brooker stated the Site Plan was created to have the amount of stacking for 14 cars.

Mr. Oliphant stated having it be a pick-up window instead of a drive-through would create more stacking in a way. A drive-through would start at the right side of the "U" shown on the Site Plan. With no one stopping to place an order to stack behind it, the queue for the property would start at the window. Discussion ensued about the stacking for a pick-up window and the elimination of the drive-through but allowing for a pick-up window.

Mr. Foreman stated he lost connection briefly and asked the property was still going to be a two-business lot. Mr. Wilkening responded in the affirmative.

Mr. Wilkening advised Mr. Foreman they had discussed allowing a pick-up window in place of a drive-through.

Mr. Deutmeyer asked the Plan Commission for the record, the distinction they are making here is that a drive-through requires a menu-board and a pick-up window is just the window. So, to eliminate the drive-through, it means getting rid of the intercom and the menu board. Mr. Oliphant stated he believes so. Ms. Murr commented in the same.

Mr. Wilkening entertained another motion for the Site Plan. A motion was made by Mr. Foreman and seconded by Mr. Becker to approve the Site Plan contingent upon the January 10, 2022, Christopher B. Burke Engineering Letter and that there be no drive-through on the lot and allow for a pick-up window on the west side of the building. The motion passed 5-Ayes to 2-Nays by roll-call vote:

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

7. Oak Brook – Preliminary Plat – 81 Lot and 2 Outlot Subdivision

Owner: Cedar Lake Residential LLC

Petitioner: Schilling Development

Vicinity: US 41 & 10918 West 129th Avenue, Cedar Lake, IN 46303

Mr. Wilkening stated the next order of business was for the Preliminary Plat of an 81 Lot and 2 Outlot Subdivision in the vicinity of US 41 and 10918 West 129th Avenue by Petitioner Schilling Development.

Mr. Slager, Schilling Development, representing the Petitioner, stated they have discussed this one for quite some time, with the original PUD agreement being approved 3 years ago. At the December Meeting they held the public hearing, and they were close to obtaining Preliminary Plat approval. There had been some outstanding items that engineering had been needing. They have cleaned up a lot of the engineering. They received a list last night from Mr. Oliphant and they have already began addressing those items. They are requesting Preliminary Plat at this time, contingent upon Mr. Oliphant's letter from the night prior.

Mr. Wilkening asked Mr. Oliphant for his comments regarding this item. Mr. Oliphant stated the list looks worse than what it really is. He and Mr. Huls have already discussed the entire letter and nothing will affect the Site Plan. It is to correct minor items throughout, such as adjusting some storm sewers, changing a couple of addresses.

Mr. Wilkening asked who decides if there is a change of the Site Plan that it needs to come back to the Plan Commission for another public hearing. Mr. Oliphant stated it would need to be a pretty significant change to the Site Plan and discussed he did not anticipate the Site Plan to change. With the Site Plan they have the fencing in place, the east side of the entrance is remaining natural, and there is a large Outlot on the west side near the waterway is remaining untouched.

Mr. Wilkening asked if that Outlot is the load area by US 41. Mr. Oliphant responded in the negative. Mr. Slager responded in the same and stated as they come in on the entrance the creek is located on the left, as well as the detention area, due to being a wetlands. Mr. Oliphant stated the western boundary is the centerline of the creek.

Mr. Slager stated there is going to be a HOA that will maintain both sides of the entrance.

Mr. Wilkening asked if there was no park or anything with the project. Mr. Oliphant stated there is an Outlot in the center portion that is being deeded as an Outlot.

Mr. Wilkening asked if the Outlot Mr. Oliphant is referring to is Outlot B. Mr. Slager responded in the affirmative and stated it is a nice heavily wooded area that they are wanting to remain in that condition. Mr. Oliphant commented he believed it was vetted during the Zoning Approval.

Mr. Wilkening commented the Outlot has a utility drainage easement and asked that they were going to leave it all wooded. Mr. Oliphant stated that is a blanket utility easement due to a storm sewer being located in that area.

Mr. Wilkening asked if 2.2 acres works for a park for this subdivision. Mr. Oliphant stated this was part of the PUD approval.

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

Mr. Wilkening asked Ms. Murr if she had any further comments from the Building Department. Ms. Murr stated she had nothing additional, and to just make it contingent upon Mr. Oliphant's letter.

Mr. Oliphant asked if the public hearing was closed in the last meeting. Ms. Murr responded in the affirmative.

Ms. Dessauer asked Mr. Slager if he had no issues with what is being requested by Mr. Oliphant due to it being a long list. Mr. Sharpe stated he did not, it was some storm sewer issues, some addresses, and they will work through it. Mr. Oliphant stated if there were any major changes, they would bring the Site Plan back in front of the Plan Commission. Discussion ensued regarding what a drastic change would be such as shrinking of any lot sizes.

Mr. Wilkening asked if any member of the Commission would like to make a motion for the 80 lot and 2 Out lot subdivision. Mr. Slager commented that it is actually 81 lots and Lot 81 is the lot on 129th Avenue. Ms. Murr stated she had thought there was a number issues with the lots that made it 80 lots, not 81. Discussion ensued about it being 81 lots and not 80 lots, and the subdivision having a total of 110 units.

Mr. Wilkening entertained a motion for this item. A motion was made by Ms. Dessauer and seconded by Mr. Sharpe to approve the Preliminary Plat for an 81 Lot and 2 Outlot Subdivision contingent upon the Christopher B. Burke Engineering letter dated January 18, 2022. The motion passed unanimously by roll-call vote:

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

8. Cedar Lake Ministries – Unit 2 – Final Plat – One (1) Lot subdivision

Owner: Cedar Lake Ministries

Petitioner: Brett Knoll, Executive Director, Cedar Lake Ministries

Vicinity: 8816 West 137th 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 Unit 2 in Cedar Lake Ministries in the vicinity of 8816 West 137th Avenue by Petitioner Mr. Brett Knoll, Executive Director, Cedar Lake Ministries.

Mr. Huls, DVG Team, representing the Petitioner, stated Cedar Lake Ministries was presented in front of them over the course of the last year with the PUD Agreement. One of the items obtained during the PUD process had been a Preliminary Plat approval for a One (1) Lot subdivision, which is the remaining portion of the Conference Grounds that is not platted. What is being presented is the Final Plat, which will wrap everything up for the Ministries. Mr. Nathan Peterson is present online, and members of the Cedar Lake Ministries Board are present as well.

Mr. Wilkening asked Mr. Oliphant if he had any comments with the Final Plat. Mr. Oliphant stated he has no issues with the Final Plat. The only note he has in his letter was if and when there is a Site Plan, they would need to come back to the Plan Commission.

Mr. Wilkening asked if Unit 2 is the open area by the woods on the Conference Grounds. Mr. Huls responded in the affirmative and stated it is the only area of the Conference Grounds that is not platted.

Mr. Wilkening asked the Plan Commission if they had any questions. None were had.

Mr. Wilkening entertained a motion for this item. A motion was made by Ms. Dessauer and seconded by Mr. Sharpe to approve the Final Plat for a One (1) Lot Subdivision for Unit 2 of Cedar Lake Ministries. The motion passed unanimously by roll-call vote:

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

Mr. Peterson stated he wanted to thank the Plan Commission and everyone else for their work on the PUD.

9. Stenger – 13418 Wicker Avenue – Final Plat
Petitioner: Gerald Stenger
Vicinity: 13418 Wicker Avenue, Cedar Lake, IN 46303

Mr. Wilkening stated the next order of business was for the Final Plat of a One (1) Lot subdivision in the vicinity of 13418 Wicker Avenue by Petitioner Gerald Stenger.

Mr. Huls, DVG Team, representing the Petitioner, stated this was in front of the Plan Commission previously for a Rezone and a Preliminary Plat. They are concluding the project with the Final Plat.

Mr. Wilkening asked Mr. Oliphant if he had any comments for this item. Mr. Oliphant stated his only comment at this time is that any future Site Plan would need to come back in front of the Plan Commission.

Mr. Austgen arrived at 8:11 pm.

Mr. Wilkening asked if any of the Plan Commission members had any questions. None were had.

Mr. Wilkening asked Ms. Murr if she had any comments or questions at this time. Ms. Murr responded in the negative.

Mr. Wilkening asked Mr. Austgen if he had anything for this item. Mr. Austgen responded in the negative.

Mr. Wilkening entertained a motion for this item. A motion was made by Mr. Kiepura and seconded by Ms. Dessauer to approve the Final Plat for a One (1) Lot Subdivision. The motion passed unanimously by roll-call vote:

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

10. Resolution No. 2021-04 – Zoning Ordinance & Zoning Map
Deferred from December 15, 2021

Mr. Wilkening stated the next order of business was for Resolution No. 2021-04, Zoning Ordinance and Zoning Map that was deferred from December 15, 2021. Mr. Wilkening stated he did not believe this has been fully reviewed by legal and asked Ms. Murr if she had any comments at this time.

Ms. Murr stated she had resent the last update that Mr. Eberly had completed after the last Work Session to Mr. Austgen. Mr. Wilkening asked if that was regarding the 35 feet to 30 feet in the R-2 Zoning District. Ms. Murr responded in the affirmative.

Mr. Oliphant stated he believed there has been an update to the definition of an improved road.

Mr. Wilkening asked if the Commissioners had any questions at this time. None were had.

Mr. Wilkening asked Mr. Austgen for his comments regarding the Zoning Ordinance. Mr. Austgen stated his last discussion with Mr. Eberly was their attempt to identify the remaining items to be addressed from the Plan Commission's review. He had talked with Ms. Murr briefly about the Zoning Ordinance. He has the last edits from Mr. Eberly with the markings in it that reflect the changes that had been discussed. He thinks that one more efficient meeting could yield the completion of the document. He is hoping the Plan Commission would consider the meeting in February to get through the Zoning Ordinance and get a recommendation to the Town Council to get the Zoning Ordinance approved.

Mr. Foreman stated on January 6, 2022, Mr. Eberly had sent an updated Zoning Ordinance and asked if Mr. Austgen had a date to which copy, he was referring to. Mr. Austgen stated he did not have the copy with him, and it should be the same document Mr. Foreman is referring to. Discussion ensued as to the last update to the Zoning Ordinance that was distributed.

Mr. Foreman stated that no matter how many times they go through the document, it will still be a work in progress and they will still find modifications that will need to be made in the future. He suggests having a boiler plate how to fix the Ordinance quicker moving forward. He thinks they have a good working document that mirrors everything they have been working towards over the years and to move on this document.

Mr. Austgen suggested at the February Work Session to go through the Ordinance thoroughly one more time to be certain what is written in the Ordinance is what the Plan Commission agreed upon. There will be changes made in the future, and they will learn it as petitions come forward.

Mr. Wilkening asked if at the Work Session could the changes and modifications be designated so they do not have to go through every line of text. Ms. Murr advised the final document Mr. Eberly had distributed they are noted and the document has the changes that came out of the January Work Session, as well.

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Ms. Murr stated she could provide the Plan Commission a paper copy if they would prefer. Tonight, is the continued public hearing on this matter and asked if the public hearing will be continued to the Work Session. Mr. Austgen stated he would not recommend that. His recommendation is for the Zoning Ordinance to be continued to the February Public Meeting and designated the Work Session to go through and make any changes.

Mr. Foreman stated they have gone through the whole document and the only thing that had stood out as a problem was the height in the R-2 Zoning District. Those changes have been made as of January 6, 2022, and he did not see the need to go through the whole document again. Mr. Wilkening commented that was what he was asking, is if they could just discuss the highlighted parts.

Mr. Wilkening asked Mr. Austgen to provide the Plan Commission could have his version with changes and modifications.

Mr. Wilkening asked the Plan Commission if everyone was okay with reviewing this item at the February Work Session.

Mr. Oliphant advised the Plan Commission that the Zoning Map was on the display board and he had a full print out of it as well.

Mr. Kiepura stated his thought was that everything was completed and that they were ready to vote on the Zoning Ordinance tonight. He does not understand why they cannot vote on the document tonight.

Mr. Foreman stated he just reviewed the document quickly and read a change made to the document for what an improved road would be to meet Town Standards. He is of the same opinion of Mr. Kiepura, they have spent a lot of time on this, and he thinks they have a good working document.

Mr. Wilkening asked Mr. Austgen if there is some verbiage and language that needs to be identified and cleared up. Mr. Austgen responded there are probably some that do.

Mr. Austgen advised that the Plan Commission is able to act on this tonight, but to be aware of there could be changes and work needing to be made in the future. Discussion ensued regarding discussing the Zoning Ordinance at the next Work Session and the potential of updates being made in the future.

Mr. Wilkening asked if there was any public comment for or against the Zoning Ordinance and Zoning Map in the audience. None were had. Mr. Wilkening closed the public portion for the meeting tonight, with the public hearing remaining open.

Mr. Wilkening entertained a motion for this item. A motion was made to defer this item to the February Work Session by Ms. Dessauer and seconded by Mr. Sharpe. The motion passed by 4 Ayes to 3 Nays by roll-call vote:

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

Mr. Austgen asked that any comments or questions needing to be discussed with the Zoning Ordinance send them to Ms. Murr so they could be ready for the Work Session.

Ms. Murr advised the Commissioners if they want a hard copy to advise her and one would be printed out.

11. Perez – 13901 Laque Drive – Preliminary Plat
Petitioner: Ricardo Perez
Vicinity: 13901 Laque Drive, Cedar Lake, IN 46303

Mr. Wilkening stated the next order of business was for the Preliminary Plat of a Two (2) Lot subdivision in the vicinity of 13901 Laque Drive by Petitioner Mr. Ricardo Perez.

Mr. Huls, DVG Team, representing the Petitioner, stated the Mr. and Mrs. Perez are present if there are any questions for them. They are requesting a Two (2) Lot subdivision and the property lies at the end of Binyon Road and there is currently a residence located on this property. They are seeking to create two lots to be developed there, and both of them will exceed ordinance requirements for R-2 Zoning District. They have discussed this with the Plan Commission previously and are looking to hear what the Public and the Plan Commission has to say for this petition.

Mr. Wilkening asked that the proposed utility easement that runs along the south side of the easement, is a proposed private drive and utility easement and ends at the Perez's property line. Mr. Huls responded in the affirmative.

Mr. Wilkening asked Mr. Austgen if there is still the 1892 document for Laque Drive. Mr. Austgen responded in the affirmative. Mr. Huls advised the Plan Commission in regard to the easements, they have provided ingress/egress access.

Mr. Wilkening asked Mr. Oliphant if he had any comments for this item. Mr. Oliphant stated he has a letter from December 20, 2021. This is similar to the Schilling Distribution Center. It would need to wait until the proposed Zoning Ordinance is adopted because Lot 2 does not have any access.

Mr. Huls stated they would request similar consideration be given for this petition that was given for the Schilling Development. Mr. Oliphant stated this project is a little bit more complicated and asked if the other side of the sanitary sewer was located. Mr. Huls responded in the affirmative and stated the crews found the easement in Laque Drive.

Mr. Wilkening asked Mr. Austgen if he had any more information regarding the Laque Drive easement. Mr. Austgen responded in the negative and stated the public hearing is properly being conducted.

Mr. Wilkening asked Mr. Oliphant if he had any further comments at this time. Mr. Oliphant stated it is a unique petition and commented he still has some minor comments he is looking over. Without reviewing the most recent submittal he cannot say that the comments from the December 20, 2021, letter has fully been addressed.

Mr. Huls stated the private drive is going to be removed and reconstructed as part of Lot 2's home construction. It will be rebuilt to any standard that the Town has at the time and placed in its proper location. Mr. Oliphant commented in the new Zoning Ordinance with the definition of improved road, there starts to become Site Plan implications.

Mr. Huls stated the lots will be individual residential lots and the Town has a procedure of approving those through the Building Department and inspections being done. Mr. Oliphant does review the as-builts after completion and they are confident these will be built properly.

Mr. Oliphant asked what the current owner's plan is for the existing house. Mr. Huls responded they understand that as a pre-requisite for Final Plat and the recording of the Final Plat the house would need to be removed prior to the signing of the document. The owners have made accommodations for that. Discussion ensued about the Town holding the plat signatures until the house is demolished.

Mr. Wilkening asked Mr. Huls if he understood what Mr. Oliphant was discussing with the sanitary line being in the roadway. Mr. Oliphant stated it did not need to be in the roadway necessarily, as long as it was within the easement lines.

Mr. Wilkening asked if there was anyone present for or against this item.

Mr. Chris Boyer stated he was on the property that was exactly adjacent to Mr. and Mrs. Perez. He is not present to stall the project, but he is concerned with Laque Drive and what is going to happen with that. Laque Drive is the only legal access that he has to get in and out of his property and for him to sell his property, he would need to create something new. Mr. Boyer asked what kind of plans are there so the easement will remain open and there is access to his property. He is also concerned with mail and trash, as well.

Mr. Wilkening asked Mr. Huls with his interpretation of the 1892 Document was that Laque Drive was all private per property. Mr. Huls stated the document provided by Mr. Binyon provided access for the landowners as he sold properties along the lake to provide access for the property owner to go back to Binyon Road. They have access along Laque Drive per that document.

Mr. Wilkening asked if that document will remain. Mr. Huls responded in the affirmative and stated the ingress/egress puts that document on a plat form. Laque Drive had not been described by a specific location, merely as by the bluff. They have located the current location of Laque drive and put an ingress/egress easement, with similar provisions that the 1892 Document has on the plat, so that access will remain for the property owners along Laque Drive.

Mr. Boyer asked if that access will remain forever. Mr. Huls responded in the affirmative and stated what the document does not do is give access to the public to Laque Drive.

Mr. Oliphant stated currently in the easement provision they reference all the pin numbers going southwest. Mr. Huls stated they had tied the easement agreement to the tax id numbers, so the access is tied to the parcels.

Mr. Oliphant asked Mr. Austgen if that would be sufficient with tying the easement to the parcels due to pin numbers changing, and if they would need to reference the latest deed. Mr. Austgen responded that the pin number do change and discussed needing to have land descriptions for the easement agreement.

Mr. Oliphant advised Mr. Boyer the alley to the south of his property, that is not Laque Drive, they owner is proposing to be a completely private drive. Mr. Boyer stated he does not currently have access from there currently. Discussion ensued regarding how the properties that would retain access off of Laque Drive should be identified on the plat and access remaining open for the property owners on Laque Drive.

Mr. Wilkening asked if there was any more public comment for or against this petition.

Mr. John Van Proyen stated it was his understanding there had been previous discussions with Mr. and Mrs. Perez on additional work that could be done to privatize Laque Drive, and that is what he would like to discuss. He would like to obtain a gate at the beginning and at the end of the private portion of Laque Drive. Mr. Van Proyen indicated the area he was discussing on the Lake County GIS map being displayed.

Mr. Wilkening advised Mr. Van Proyen what he is discussing appears to be completely different from what is being requested in the petition by Mr. and Mrs. Perez. Mr. Van Proyen stated his only concern is that it would entail opening their entrance to the public.

Mr. Oliphant stated he agrees with Mr. Wilkening what Mr. Van Proyen is discussing is a separate item. There would be nothing to preclude them from placing a gate and that would be separate. Mr. Austgen commented it would be a private owner agreement.

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

Mr. Huls stated they had anticipated these comments from the property owners. As such, they have accommodated ingress and egress rights to the property owners that utilize Laque Drive currently. His surveyor is the one who recommended the use of the tax id numbers due to them being official numbers. They do change; however, a record is kept at County as to the previous tax id numbers. The documents would be time stamped and they would be able to trace the properties that would benefit from the easement. Discussion ensued at length regarding the easement along Laque Drive and the original 1892 Document and who would have access to Laque Drive.

Mr. Huls stated Laque is a private drive and there could be restrictions included such as a gate, but that is not something the Plan Commission would need to speak on. The placement of the gate would need to be granted approval due to it being a fence in the front yard. That would need to be an agreement with the property owners.

Mr. Wilkening asked if Mr. Huls was stating that Binyon Road will be the front yard and the lake side will be the back yard. Mr. Huls stated the Ordinance states the front yard is determined by the public Right of Way.

Ms. Murr asked what the houses along Laque are addressed off of. Mr. Huls responded they are addressed off of Laque Drive. Ms. Murr asked with the second addition of Binyon is Laque Drive public or private. Mr. Oliphant responded Lake County GIS indicates it is public.

Ms. Murr discussed if the public portion of Laque would need to be vacated to make it private, in which the Town would no longer maintain it. As well, even with the addition of the ingress/egress easement including utility, that would not include garbage or mail. Further discussion ensued regarding the 1892 Document and having a Title Company interpret the document. Further discussion also ensued regarding how the ingress/egress easement is prescribed to the other property owners needing tax id numbers, legal description, or both.

Mr. Huls asked the Plan Commission what they would expect in order for this petition to move forward. Mr. Wilkening stated he would like to know that everything is straightened out and no one is crossing any

boundaries. What is being discussed is a Preliminary Plat for a Two (2) Lot subdivision and asked if the rest of the items could be worked out.

Mr. Austgen advised the Plan Commission with Preliminary Plat being the substantive time of the process and if details are left out before the resolution of the Final Plat that are substantive and could affect property rights or development activities, the opportunity to do it correctly may be missed. The Final Plat is typically a ministerial function under the 700 series. The issues would need to be solved before the Preliminary Plat.

Mr. Wilkening stated he would like to make sure they are staying within the petition set forth by Mr. and Mrs. Perez. Mr. Huls stated what Mr. Wilkening is discussing is what he is trying to say. He does not disagree with the process, and he is not pushing for the Preliminary Plat approval this evening. What he is requesting is what are the items that the Plan Commission or legals are concerned about that he needs to address so they can come back and make this request and be certain their concerns have been addressed.

Mr. Foreman asked if it was safe to assume Laque Drive has been being plowed by the Town. Multiple individuals responded in the affirmative. Mr. Foreman asked Mr. Austgen from a legal standpoint is this similar to a project across the street where an individual wanted to do work but could not because he had no access to get to his land due to his neighbor across the street owning the road. Is this similar to that, or does each individual own the road. Mr. Oliphant stated each person owns the road.

Mr. Austgen advised Mr. Huls the idea of what his clients want to do is clear. The legalities with the easement, legals, and confirmation of rights and responsibilities are what is needing work done and rendered his legal advice to the Plan Commission.

Mr. Wilkening stated Mr. Huls is discussing that his clients are going out of their way to maintain the same style of access on Laque Drive and asked Mr. Oliphant if he has some concerns about the petition as it is presented. Mr. Oliphant stated he agrees with Mr. Huls that his clients are taking the right steps to preserve the access of the other lots. Currently, the only access being preserved is for the unsubdivided lots and it is not including the ones in Binyon's second addition that appear to utilize that as their access point. Further discussion ensued on how to provide legal access on the ingress/egress easement for Laque Drive including the legal description being included on the plat.

Mr. Austgen suggested to arrange a meeting with Mr. Huls to discuss what needs to be produced on the Preliminary Plat.

Mr. Carnahan stated it sounds like this item needs to be deferred until they receive more information. Mr. Wilkening commented they just wanted to ensure the Petitioner had the right information for the next meeting.

Mr. Huls asked if there were any other concerns other than the ingress/egress easement.

Mr. Becker asked if this was going to be a private road and if the Town is going to plow it or not, who would be responsible for maintaining the road and salting it. Mr. Wilkening stated that is a good question and asked Mr. Oliphant for his thoughts. Mr. Oliphant stated it is debatable if it should be plowed at all. However, this is not the only road like it in Town that is being plowed. Discussion ensued regarding whether or not private roads should be being plowed by the Town.

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Ms. Dessauer asked if the remonstrators would need to be notified of the next meeting. Mr. Austgen advised continuing the public meeting. Further discussion ensued about Laque Drive being plowed, it legally it is not supposed to be being done, and services occurring on the road.

Mr. Wilkening entertained a motion to continue the public hearing. A motion was made by Mr. Sharpe and seconded by Ms. Dessauer to continue the Public Hearing to February 2, 2022. The motion passed unanimously by roll-call vote:

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

Mr. Wilkening asked the Petitioner if they are requesting a deferral. Mr. Huls responded in the affirmative and stated he would like to request a deferral to February 2, 2022.

Mr. Wilkening entertained a motion for a deferral for this item. A motion was made by Mr. Kiepura and seconded by Mr. Sharpe to defer this item to February 2, 2022. The motion passed by 6-Ayes to 1-Nay by roll-call vote:

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

Public Comment: Mr. Wilkening opened the floor for public comment.

Mr. Dave Harkabus stated he has been in Cedar Lake his whole life and he remembers discussion occurring throughout the years regarding Laque Drive. There has not been a lot of action on Laque Drive. He is not present to insult anyone, he just wants to state the proposed development is not taking away rights from anyone, as long as the easement is approved. No one is trying to restrict or change anything regarding Laque Drive. No one has formed a committee or tried to fix Laque Drive. There are a lot of things that could be fixed after this development on Laque Drive. It seems like there is an ongoing problem that is getting lumped into a lot being split into two and new houses being built.

Mr. Wilkening stated he does not think anyone has an issue with the project. He thinks they are just trying to preserve what Mr. Binyon started and no additional problems are being created.

Ms. Murr asked the Plan Commission if they would entertain a Special Work Session to discuss the Zoning Ordinance. The Plan Commission agreed to a Special Work Session at 6 pm on February 2, 2022.

Adjournment: Mr. Wilkening adjourned the meeting at 9:22 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 Public 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: January 19, 2022, Minutes of the Public Meeting