



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

CALL TO ORDER:

Mr. Wilkening called the Plan Commission Special Public Meeting to order on Wednesday, February 7, 2022, at 7:04 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); Richard Sharpe; Chuck Becker; John Kiepora, Vice-President; and Jerry Wilkening, President. A quorum was attained. **Also present:** Don Oliphant, Town Engineer; David Austgen, Town Attorney; Chris Salatas, Town Manager; and Ashley Abernathy, Recording Secretary. **Absent:** Heather Dessauer; and Jill Murr, Planning Director.

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

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

Mr. Jack Huls, DVG Team, representing the Petitioner, stated at their last meeting there had been some items that needed to be addressed. They had a meeting with the Town's Attorney and Engineer to discuss those items. They made some adjustments that took longer than originally anticipated to get a response back from engineering. This item is subject to the Plan Commission's Zoning Change, which is currently being discussed. He appreciated Mr. Sharpe and Mr. Foreman making the recommendation to have this item be held at a Special Public Meeting and had anticipated this item being ready. However, they were needing to request a deferral to the regular Public Meeting.

Mr. Austgen asked Mr. Huls if that would be enough time. Mr. Huls stated he believed it would. All the items that had been discussed regarding the legal descriptions have been added to the plat. The other items Mr. Oliphant had in his letter have been addressed. He believes it should be enough time for the review to occur.

Mr. Wilkening asked if it was ever worked out if Laque Drive is private and if the Town is still plowing it. Mr. Austgen stated the Town may not be plowing the road anymore, but Laque Drive is a private road.

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Mr. Wilkening asked if the house at the end of the road is a part of this neighborhood or is it part of the unfinished road. Mr. Oliphant stated the property on the corner is part of subdivided lots, and is part of Binyon's Second Addition.

Mr. Wilkening asked if the individual at the end of the road is going to have rights to utilize Laque Drive on the plat. Mr. Huls responded in the affirmative.

Mr. Wilkening asked Mr. Austgen if the Town maintaining and plowing the road is over with at this time. Mr. Austgen stated he cannot answer that question definitively and he does not want to until the plat is processed for approval.

Mr. Wilkening commented he was only asking because there had been mention of a gate at the previous meeting. Mr. Huls stated the Petitioner is not requesting a gate as part of the petition. Mr. Wilkening commented it had been a discussion at the previous meeting. Mr. Huls agreed and stated it had been a discussion from an adjacent property owner. The Petitioner is not averse to the discussion of a gate, but that is not part of their request. Their request is only for the Two (2) Lot subdivision to divide the property. They are not considering Laque Drive to be the private drive by which they are using for ingress and egress into their parcels. The private drive they would be utilizing would be the road that is on the southeast side of the property.

Mr. Wilkening asked Mr. Huls from Mr. Perez's house south as it was written in 1892, every property owners has the right to cross to the next property to get to the end. Mr. Huls stated the document from 1892 only relates to the three properties that were pre-existing. It is not direct adjacent property owners included in that document. There are two parcels in the middle that are older homes, and those two houses along with Mr. Perez's house were the original houses. Mr. Huls explained that the document was to allow for the properties existing to exit to Morse Street because when the document was creating Binyon Road was not existing. Laque Drive was never intended for the use in which it is currently being utilized.

Mr. Oliphant stated they are referencing the 1892 Document on the plat and created it as a catch all for the remaining lots to allow for the ingress, egress. Mr. Huls stated they do recognize that the property owners do have certain ingress, egress rights.

Mr. Oliphant commented with the parcels at the end of Laque Drive, which is several lots within Binyon's Second Addition, the intention is when or if those parcels ever become developed, they would be required to improve 140th Avenue as part of the Subdivision Control Ordinance.

Mr. Austgen asked if there were any issues for emergency services accessing any lots on Laque Drive. Mr. Huls stated he has not been advised of any issues. Their intent is to allow emergency services to utilize the private drive in the back to get to the parcels along Laque Drive. They are not planning to obstruct that in anyway. Discussion ensued about if a gate is put up in the future having a code for emergency services to have access to Laque Drive.

Mr. Wilkening asked if the sewer line has been located on the plat. Mr. Huls responded in the affirmative.

Mr. Wilkening asked Mr. Oliphant if the easement around the back side of the property was okay. Mr. Oliphant responded in the affirmative and stated that was essentially going to be the access point to

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Binyon for the second lot and it would be the improved road essentially. The properties will still be addressed off of Laque Drive because of the other existing lots to the south.

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

Mr. Austgen asked Mr. Oliphant if he would have enough time to review the plat. Mr. Oliphant responded in the affirmative and stated he started reviewing the item and it should be done in enough time.

Mr. Huls advised that previously on the plat, they only had the tax id number for the beneficiaries of the easement. They went to Lake County and obtained the last date of record and the beneficiaries of the easement are identified by legal description and the record.

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 February Public Meeting. The motion passed unanimously by roll-call vote:

Mr. Carnahan Aye

Mr. Foreman Aye

Mr. Sharpe Aye

Mr. Becker Aye

Mr. Kiepura Aye

Mr. Wilkening Aye

Adjournment: Mr. Wilkening adjourned the Special Public Meeting at 7:13 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 Special 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: February 7, 2022, Minutes of the Special Public Meeting