LAPORTE COUNTY PLAN COMMISSION

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Michael Polan
Building Commissioner

Dear Members:

The regular meeting of the LaPorte County Plan Commission was held on Tuesday, **October 27th, 2026 at 6:00 p.m.** in the Assembly Room of the County Complex.

Members Present:	Rita Beaty	Jimmy Pressel
	John Matwyshyn	Andy Chlupacek
	Steve Holifield	Anthony Oss
	Eric Pointon	John Carr
Members absent	Joe Tuholski	

Present: Andrew Voeltz, Attorney, Michael Polan, Recording Secretary, Janet Cole, Administrative Specialist

Pledge of Allegiance.

Rita Beaty: Could I have an approval for the agenda for this evening, please?

Eric Pointon: Actually, no, we have an amendment to the agenda. Sorry. Petition #2 is to be tabled for lack of notice.

Rita Beat: Correct. So petition #2 will possibly be held on November 24th at the next plan commission.

Okay, so could I have an approval for the agenda with the second petition tabled, please?

Eric Pointon: I make a motion to approve the agenda.

Steve Holified: Second

Anthony Oss: Can I make a comment for a correction?

Rita Beaty: Sure.

Anthony Oss: Alright. Then page two, there were some conversations about the field court case. There's a name and cause number instead of clause number, just typos more than anything. I just want to make sure we can correct those. Instead of Royer, it is Reuer.

Steve Holified: I make a motion to approve the minutes.

Eric Pointon: Second.

Rita Beaty: So motion with the changes indicated on page two.

Got a motion and a second.

Motion carried and approved 8 – 0.

Rita Beaty: All right, we'll go ahead with petition number one.

> **Petitioner Shilton Properties LLC. represented by Bradley J. Adamsky of Drayton, Beige, Sirugo & Elliott LLP** respectfully petition the Plan Commission to vacate portion of E. Lakeshore Drive running in a northeast/southwest direction between North Mulberry Lane and N. Cottonwood Lane in New Carlisle, IN Indiana Code 36-78-3-13

Attorney Adamsky: I'm attorney Brad Adamsky with Drayton, Biege, Sirugo & Elliott here on behalf of the petitioners, Shilton Properties LLC, and specifically their property at 7577 East Lakeshore Drive, New Carlisle. Our petition included a couple of aerial shots from Beacon, which show the stretch of Lakeshore Drive, which we are seeking to have vacated.

I have some additional documents that I can pass out, including the original plat of Hudson Lake Beach, which is the section of this subdivision or this area where this road was originally platted. And then I have a couple of other pictures showing the current condition of that road. So I'll pass those out.

Attorney Voeltz: Thank you. Madam President, notice is adequate. And then as a matter of record, point of order, the petitioner's representative that is represented by Brad Adamski tonight, I have previously represented her in some capacity. I just needed to disclose that.

Rita Beaty: Thank you.

Attorney Adamsky: So again, as you look at these pictures, the reason we're here tonight is kind of a, as far as procedure is concerned, it's an overlap between the county Joint Zoning Ordinance and Indiana Code, which talks about when you have a platted right-of-way or a platted road. There's a procedure to seek to vacate it if you're an adjacent property owner and the road is, you know, in this case, certainly not being used.

As you can see in those pictures, this first picture is as you come down North Mulberry and turn onto East Lakeshore Drive. This section of pavement is all that exists of Lakeshore Drive. As that ends, it turns into the driveway leading up to my client's property. There is no paving beyond that, just grass. The second picture would be coming down the road on the other side, which is again platted but not developed after a certain point. And you can see that in the aerial photos as well.

So what we're asking for is a recommendation from the Planning Commission to the County Commissioners to vacate that section of East Lakeshore Drive. It's not a great picture, but the plat that we got from the recorder's office, if you look at the second page, down at the south of that, you can actually see where it says Lake Shore Drive and it is dotted. That's the platted and approved plat. So this was accepted as a public right-of-way, just never developed into one. So we request that it be vacated.

We do not have a survey of the property, but the measurements that we've taken off a Beacon, it's about 182 feet. I can provide that as well. That shows that's the stretch of the road, the 182 feet that we're asking to be vacated.

As far as concerns that this is a road adjacent to the water's edge or the shore, we would certainly probably hear some remonstrance or hear some comments from that. I would point out two things specifically on that. One is that there are specific grounds for remonstrance under the Indiana Code Section 36.73-13, the grounds for a remonstrance or an objection are that the vacation would hinder the growth or orderly development of the unit or neighborhood in which it is located or to which it is contiguous.

The vacation would make access to land so the aggrieved person by means of public way difficult or inconvenient. The vacation would hinder the public's access to a church, school, or other public building or place. The vacation would hinder the use of a public way by a neighborhood which is located to which is contiguous. Though it's not in there, you also can't landlock a property. None of those are met here, right? We're talking about a strip of land that there are two access roads driving down to the lake on either side of it. This is just a grass field. There's nothing developed there. It's not platted as a public beach. It's not platted as a public access point.

There is a second piece of legal precedent that I would call to the board's attention, but also to the board's attorney's attention. This was just a local case, so it's persuasive, certainly not binding on anybody other than the parties that were involved in it, but it was a case Roger Teska versus Richard Lipinski under cause number 46CO1-2405-PI-1147. And in that case, in a 2025, or sorry, 2024 decision on Hudson Lake, a local court and our local judge in our circuit court determined that in that stretch, just as here, where Lakeshore Drive was between the property and the edge of the lake, the property owner owned to that distance with the road crossing their property. That case was specifically about pier rights and the ability of people to put a pier along Lakeshore Drive on property that they had no other ownership of. And the court very clearly said that the plaintiffs in that case were the owners of the riparian rights within their side property, extended a reasonable distance into Hudson Lake, and the defendants and any person's claim through them do not have any riparian rights. So even though there was a public road there, that doesn't create riparian rights for the public in general.

As far as any other restrictions, we went back through the deed record dating all the way back to, you know, the 1930s when this was platted and originally deeded to the company that then developed the subdivision. There are some covenants and restrictions, but those are largely about the use of the property, about certain businesses not being allowed. And then there is certain archaic or now unconstitutional language about certain people that can't own property out there. So, I mean, that's an unfortunate part of our history that shows up in deed records, but there's nothing there that says that this is a public beach. So we have those records as well. If the board has any questions regarding that.

With that, I'll see if you have any questions.

Steve Holifield: These, the two-color photos you handed out, those are from two different ends of that access?

Attorney Adamsky: The one is, as this would actually be Lakeshore Drive.

Steve Holifield: Lakeshore Drive, which is just past North Mulberry Lane.

Attorney Adamsky: Correct. And the other is Cottonwood coming down south towards the lake.

Steve Holifield: Okay, those are not listed. Those roads are not listed on.

Eric Pointon: On the second page.

Steve Holifield: Oh, I see okay. So that road dead ends also?

Attorney Adamsky: Yes.

Steve Holifield: Okay. And the lot that's asking for this to be vacated is the, I'm going to call it the northeast corner of Lakeshore and Mulberry, that house that's in the picture. There's no, nothing's marked, I'm just calling it Northland.

Attorney Adamsky: Sure.

Steve Holifield: Okay. And which would be the two-story with the big giant porch on this house here.

Attorney Adamsky: Yes.

Anthony Oss: Mr. Adamsky, you're just talking about vacating a portion of what would have been the extension of Lakeshore Drive. You're not dealing with anything on Cottonwood. I mean, I'm from the aerials Cottonwood, I guess. I don't know exactly where the line is. Maybe you just talked about, there's no plat or proposed plat to kind of show how much we're really vacating.

Attorney Adamsky: Let me show the measurement picture. These are two pictures just taken off the county website. One is zoomed in a little closer, but yeah, it's just that what's adjacent to this property doesn't extend up to Cottonwood because they don't own the adjacent property to Cottonwood. So those property owners could certainly come in and seek the same remedy, but that's not what we're asking for tonight.

Steve Holifield: So what's outlined the red line. It's not being asked to be vacated.

Attorney Adamsky: The red is what is being asked to be vacated.

Steve Holifield: Okay, so for the outlined in blue property.

Attorney Adamsky: Correct.

Steve Holifield: Okay, that's what I said, two properties there.

Rita Beaty: Yeah, from the north to south side of that blue line, just. Along their lakefront basically, is what they're trying to.

Attorney Adamsky: And you'll see the two numbers here, the 101 and then the 81. That's just the measurement of the 1st and then the second angle cutting up the shoreline.

Steve Holifield: And it would not affect access for the first house?

Attorney Adamsky: Correct. The Walls would still have access because we're not seeking to vacate the portion of their property. They're actually here tonight. They may seek their own petition at some point in the future, but obviously that would affect my client's property. So then we have to work on a team.

Steve Holifield: The blacktop is not being asked to be vacated.

Attorney Adamsky: No.

Steve Holifield: Okay.

Attorney Adamsky: No, just where the grass is.

Steve Holifield: Okay.

Attorney Adamsky: The platted, but clearly undeveloped road.

Rita Beaty: Any other questions for the attorney?

John Matwyshyn: At this time, I question whether that includes the shoreline. It does not. The request for vacation includes the shoreline, or is it simply the place where a road would be placed if they were developed?

Attorney Adamsky: It's asking for the road, the platted road, to be vacated.

John Matwyshyn: But not the shore?

Attorney Adamsky: The rights as the case that I already said, that already belongs to the property owners by corridor. So regardless of what you do tonight, those riparian rights already exist for my clients or for the other Lakeshore properties, just because the roads between their property don't affect, according to La Porte Circuit Court, their riparian rights.

John Matwyshyn: Do the other homeowners in Hudson Lake Beach have any rights to the shore?

Attorney Adamsky: Not according to that court order by the circuit court. Now, they may have rights at the end of North Mulberry and North Cottage Lane, because those are rights-of-way that lead down to the lake.

Rita Beaty: Where the public access is from.

John Matwyshyn: Right, there's a dock there on one. And that is actually slightly off to the West.

Steve Holifield: Yeah, on Lakeshore Drive, but not these other roads.

Attorney Adamsky: Correct. Right. And we're not asking anything to do with those other properties.

Rita Beaty: All right. Any other questions from the board at this time? Any other questions for the attorney at this time?

Okay, thank you. Are there any remonstrators for or against this petition this evening? If there are any, please step forward, state your name and address. Any remonstrators? Come on up.

Kristen Smith: My name is Kristen Smith. I'm here on behalf of my dad, Wayne Smith, because I'm kind of speaking for him. His address is 12511 South Mansfield in Alsip, Illinois. I just had a couple of questions since we did not get to see any of those pictures that you were given. Can we, the other landowners, please see some of those?

Rita Beaty: Which pictures are you referring to?

Kristen Smith: So we were only given a couple of black-and-white photos. So anything with color lines that you're referring to that would show the designated area.

Rita Beaty: Did you get one for the red line?

Kristen Smith: Is it OK to pass one back to some other owners? Ok, thank you.

So my original question was: I couldn't hear the attorney when he was speaking. How many feet was it from the front of the property, going east towards Cottonwood Lane that he is asking to have vacated?

Rita Beaty: Okay, we can have the attorney respond once you've asked your questions. He'll be happy to answer those for you.

Kristen Smith: Okay, so that was my first question. And then my second one was, this red line, now that I'm looking at it, because this was not really indicated on the black and white version that we received, this looks like it is extending onto Cottonwood Lane, if I'm not mistaken. So I would just like some further information on that.

Rita Beaty: Okay. Thank you.

Kristen Smith: Thank you.

Rita Beaty: Any other remonstrators for or against this petition? Any other remonstrators? Going once. Twice? Okay. Brad, would you like to come back up and address those concerns, please?

Attorney Adamsky: Hopefully the picture shows the red line a little more clearly there. But the answer to that would be, we're not seeking vacation of Cottonwood Drive. So even though, of course, Lakeshore Drive does go through that section, you're not vacating that as a public right-of-way. Cottonwood would still be in existence. That's not part of our petition.

Rita Beaty: So it's only for the length of the property owner's property that you're trying to vacate.

Attorney Adamsky: For Lakeshore Drive specifically.

Eric Pointon: Which was how many feet?

Attorney Adamsky: Right. So like if you wanted to draw a line straight down here where Cottonwood extends, arguably that would still be public.

Rita Beaty: Correct. Right. So it's just the frontage on their property, 182 feet.

Attorney Adamsky: Right. Subject to Cottonwood.

Rita Beaty: Correct. Any other questions from the board at this time?

Anthony Oss: When we make, whether or not we make a recommendation, when does this get, how does the planning process of this and approval go, Mr. Polan?

Michael Polan: This actually would not be a recommendation to the commissioners; that decision, whatever it is, would be a permanent address with the Plan Commission. That statute was updated recently.

Anthony Oss: OK.

Michael Polan: If this were to be vacated, GIS and real estate would make a record, and they would make the amendments.

Steve Holifield: With Mulberry and Cottonwood, it will not affect any other parcels. They still have entrance and access on those two roads.

Attorney Adamsky: Correct. Nothing's being landlocked.

Anthony Oss: And to be clear, Lakeshore Drive doesn't continue in this area as far as a paved accessible road.

Attorney Adamsky: Correct.

Anthony Oss: I think there is no extension of Lakeshore Drive from what I can tell anywhere to the east of this either.

Attorney Adamsky: It would probably be underwater under the original plat as you go further east. I mean, that's the way the shoreline has crept up.

Anthony Oss: Yeah, I mean, as I'm looking, you can see on this GIS that's been platted a ways down, but then there's sort of a terminus point. The only challenge is I don't know precisely what or how to describe what we're approving, other than to say that it would be. Just like Lakeshore Drive, I mean, it's very hard to read.

Attorney Adamsky: Sure. Right. So in history, what we've done with vacations like this, as you can say, it's the stretch of road by measurement adjacent to the petitioner's property, you know, and identified by parcel number or, you know.

Rita Beaty: Yeah, because commonly we've got a road that we're vacating and right now we got dirt.

Attorney Adamsky: Yeah, grass.

Rita Beaty: Correct.

Eric Pointon: Continuation of the property lines.

Anthony Oss: And that this is the original plat. There's enough detail and information on here to recreate that.

Attorney Adamsky: Yeah, we could probably- I mean, we could either identify it by parcel number, or that plat probably has the original, or we could get it off Beacon too, what the original lot numbers are. All these lots are combined, so there's probably three or four different lot numbers along there. So we can say the road is adjacent to lots.

Steve Holifield: Yeah, a significant number of lots to build from compared to when it was platted.

Attorney Adamsky: Right. Yeah, these are lots 4379 to 4384 and then 4390 to 4394. So it's probably 4390 to 4394 that are adjacent to the road.

Rita Beaty: Yeah, it's 4379 to 4384. Okay.

Attorney Adamsky: On the original plat,

Rita Beaty: Thanks. Any other questions for the attorney?

I'll entertain a motion for or against.

Steve Holifield: I make a motion that we vacate that 182 feet of North Lakeshore Drive, to the intersection of Cottonwood Lane.

Attorney Adamsky: East Lakeshore Drive.

Steve Holifield: East Lakeshore Drive to Cottonwood Drive.

Rita Beaty: Do we want to go 182 feet, because what if it's really 181 feet?

Eric Pointon: We want to tie it to the lot, right to the lot.

Steve Holifield: OK, so subject to the lots.

Anthony Oss: Extension of the lots. Yeah, only including Lakeshore Drive.

Eric Pointon: Continuation of the lot line.

Rita Beaty: Yeah, continuation of the lot line.

Eric Pointon: I will second that.

Rita Beaty: Mr. Attorney, how should we describe?

Attorney Voeltz: Madam President, point of order. You do have a motion and a second. So discussion is appropriate now. Pursuant to Beacon, which is the LaPorte County's GIS, it does indicate that lot numbers 4384, 4383, 4382, 4381, 4380, 4379 would be the lots as described for this portion of this parcel that would be subject to the petition to vacate.

Rita Beaty: Okay. We have a first and a second, with the additional lot numbers.

Steve Holifield: I can't read that.

Rita Beaty: There we go. That's why I blew it up on here. Thank you. So 4379 through 4384 contiguous lots for Hudson Lake Beach. Thank you. All right, so we have a motion. and a second. Any other discussion? All those in favor, signify by saying "Aye." Any opposed? One nay. Motion carries. Congratulations. Good luck with your vacation. All right.

Petition passes 7 - 1

Rita Beaty: Okay, moving on to old business.

Steve Holifield: I'd like to bring up something. We need to work on the upgrade of the solar ordinance from earlier this year and never went anywhere. We need to finish that and get it done, with the way these people are coming in and attacking our county. There's another one coming up now. So I would like to have the solar committee meet again and look at that and then have it placed on the next agenda for next month's meeting to update that.

Eric Pointon: We also need to talk about the data center. The data center committee needs.

Steve Holifield: Yes, we can do them all the same day if we like.

Anthony Oss: Just to coordinate with the KIP overlay districts, just to make sure we're on the same page there and bring any issues to the Plan Commission.

Rita Beaty: And do we know who we have currently on the solar ordinance and the data center ordinance committees?

Steve Holifield: Myself, John Carr, Eric Pointon, and Tony Oss, I believe.

Rita Beaty: For solar? That's solar.

Steve Holifield: For the data center.

Rita Beaty: That's the data. Is that the exact same ones for both?

Steve Holifield: I think it's about the same on both, yeah.

Rita Beaty: OK, alright, yes, if you guys can get that done.

Steve Holifield: I'll get emails out to you guys towards the end of the week about something, put something together next week.

Eric Pointon: Yeah, we can only have two on the BZA, so well, I guess that doesn't matter. You can have, yes, you're good. It was all the same, yes. It's been a long day.

Rita Beaty: Okay. All right. Thankfully, you guys coordinate your meeting dates and then report as you can, please, with the building commissioner. All right. Any other old business?

Mitch Bishop: Are we going to schedule that for the November Plan Commission meeting, the comprehensive plan, the Antero Group, the consultant that worked on it for the last, I don't know, 16, 18 months. They'll be here to present.

Rita Beaty: So that will be on November 24th. at 6 P.m. in this location. So for those who will re-watch the meeting.

Mitch Bishop: I believe I sent the link to everybody maybe 3 or 4 weeks ago.

Rita Beaty: So it's been a while. Yeah, I remember that one.

Mitch Bishop: I could resend it.

Steve Holfield: Would you please:

Rita Beaty: Okay. Any other old business? New business? No new business from that side of the room? Okay.

Michael Polan: Okay, one new order.

Rita Beaty: I wasn't quick enough, sorry.

Michael Polan: We're losing our new employee, so in that slot, we're now experiencing the second turnover.

Rita Beaty: Well, that's too bad.

Steve Holifield: Yeah, we can't give you a public sector.

Michael Polan: Yeah, the private sector pays more with better benefits, so it's hard to keep staff.

Eric Pointon: All right, well. I'd like to say, if their teacher is watching, they stayed through the whole meeting, and thank you for coming. (Two students from South Central Government observed the meeting,)

Rita Beaty: Yes, we appreciate you being here.

Steve Holifield: Isn't government interesting?

Rita Beaty: Sometimes it's not as fun as it looks this evening.

Eric Pointon: And I'd like to make a motion to adjourn.

Jimmy Pressel: Second.

Motion carried and approved 8 – 0. Meeting adjourned at 6:47 p.m.

Rita Beaty, President

Michael Polan, Recording Secretary