

## **HIGHLAND PLAN COMMISSION**

Minutes of the Meeting of  
Wednesday, July 15, 2020

The Highland Plan Commission met in regular session on July 15, 2020 via two venues, at the Lincoln Center, 2450 Lincoln St. and through a Zoom Meeting Format, Meeting ID 93718890250 – Password 934 390. The Pledge of Allegiance was led by Commissioner Martini. The meeting opened at 7:10 P.M. led by Commissioner Turich.

**ROLL CALL:** Present on roll call: Commissioners Doug Turich, Joseph Grzymiski, Mark Kendra, Mario Martini, Bernie Zemen and James Kisse. Also present Ken Mika, Building Commissioner/Zoning Administrator, John Phipps and Derek Snyder of Nies Engineering and Plan Commission Attorney John Reed. Commissioner Vander Woude was absent

**MINUTES:** Commissioner Turich asked if there were any deletions, additions or corrections to the minutes of the June 17, 2020 regular meeting. Hearing none they were approved as posted.

**ANNOUNCEMENTS:** The next study session will be held on August 5, 2020 at 6:30 P.M. The next business meeting will be held on August 19, 2020 at 7:00 P.M.

**COMMUNICATION: None**

**OLD BUSINESS: Docket No. 2020-01** Public Hearing for S.J. Highland LLC represented by Attorney Jim Wieser for a proposed Senior Living Facility on the 19+/acres commonly known as the Scheeringa Farm located between Cline Ave. and Kleinman Rd. The petitioner has filed petitions before the Plan Commission for Rezoning of the property from R1A to R3PUD and for a (2) lot Subdivision.

Attorney Wieser introduced himself along with Sam Russell of the Russell Group, Steve Kudwa, project engineer and Jennifer Smith General Counsel Engineer for the Russell Group. Ms. Smith was present via Zoom. Mr. Wieser reviewed some of the changes made regarding the proposed facility from when the project was first introduced. He noted that this is Phase 1 of the project. The first change mentioned was the facility going from four stories to three. There was a request from the Fire Department that there be an extended hard surface area on the north side of the building for access purposes, that change was made. The building placement was re-configured to face the front of what is currently Ernie Strack Dr. There will be sufficient parking on the east side of the project. There are (2) main access points to the project, one entrance off of Cline Ave. and the other off of Ernie Strack Drive. There is a provision off to the north, a roadway that will be utilized as an access point for fire personnel and as a service road for vendors and delivery trucks. The project is a Senior Living Facility which will provide independent living, assisted living and memory care. There will be 60 independent living units, 55 assisted living units and 21 memory care units for a total of 136 units. The project is in an “H” format which provides for a better flow of traffic internally and externally. There were engineering issues that were addressed. There is a Town’s PUD Ordinance and a Preliminary plan was presented for the PUD.

Mr. Weiser said besides asking for Zoning and Subdivision approval, he is also asking that the Plan Commissioner's recommend to the Town Council approval of Preliminary plan. Mr. Wieser commented on a conversation from Commissioner Vander Woude that was made at the Plan Commissions' June Study Session regarding developing 43<sup>rd</sup> St. Mr. Wieser said based upon that suggestion, there would have to be a conversation with the property owner's to the north regarding a temporary grading easement. He continued the neighbors to the north were approached and there was a meeting. The outcome was that they are busy at this time and were not ready to commit and might be able to get the proposal to their legal counsel for review. Mr. Wieser continued that issue would not directly affect this project at this time.

Mr. Wieser spoke of the value he felt the Senior Living Facility would provide for the Town.

- (1) It is a 40 million dollar project that would provide 400 skilled/Union construction jobs.
- (2) The facility would provide 85 – 100 full time jobs.
- (3) The real estate tax value would be in excess of 5 million dollars per year
- (4) Ernie Strack Drive would be a fully improved road
- (5) There would be minimal impact on services such as first responders
- (6) Would provide a quality of life for the residents and for the families to have nearby access to visit them.
- (7) Housing market would be opened up to younger families
- (8) Meets the needs of the Town
- (9) Operating partner model living style and provides social, physical and recreational activity

Commissioner Turich asked if the Proofs of Publication were in order. Attorney Reed replied yes. Commissioner Turich asked if there were any comments from the Board.

Commissioner Kisse asked about the last meeting's conversation regarding the 85 – 100 jobs and the 3 million dollars in payroll that would generate. Attorney Wieser confirmed that to be true.

Commissioner Turich opened the meeting to the Public.

Mr. Randy Palmateer who is the Business Manager for Northwestern Indiana Builders and Construction Trades Council spoke. He said that with all the issues regarding Covid 19 his workforce has come to a standstill and it's projects like this that keeps food on the table and pays the bills. This will also help to keep dollars local. He said there is an agreement signed with Mr. Russell for the Senior Living Facility project. There will be local, skilled Union workers on the project.

Mr. Larry Kondrat of 8115 4<sup>th</sup> St. commented that he is against the Senior Living Facility, as he does not feel it is the best fiscal fit for receiving tax dollars for the Town. He voiced concerns about the Town having to rebuild Ernie Strack Drive at the Town's expense and about what will transpire with future Phases.

Mr. Rick Volbrecht of 9221 Parkway Dr. spoke. He feels it would take 20 years for the Town to benefit from the property taxes generated from the Senior Living Facility. He is concerned with the water runoff issue the facility would produce. He is opposed to the project.

Ms. Dana Jank of 8927 Grace St. commented she was not sure when the project started if she was for or against it. She did attend a few of the meetings and is for the project going forward. She is not sure what benefit the farm is giving to the Town. She feels the owner of the property should be allowed to do what they want with it. She said if this project is not approved it would be some other project. She believes everything is in order for the project to move forward.

Mr. James Lively of 3141 Martha inquired about previous conversations of using eminent domain to acquire some property for the roadway for Ernie Strack Dr. That said, he didn't know if this was still the plan. He is against enforcing eminent domain. He continued he felt there would not be a better use for property than the Senior Living Facility, that eventually it would be developed in some manner and this would be the best use. He too was concerned about the taxes. He questioned the comment about good paying jobs and would have liked to see a breakdown of the job wages.

Mr. Wieser responded to the question regarding eminent domain. He said there is an agreement between the Town, The Town Council, The Russell Group and Griffland to develop and fully improve Ernie Strack Dr. In order to do that they are dedicating an appropriate Right of Way on their side to do that construction. He continued that to fully improve the drive there would have to be an acquisition of approximately 40 feet of drive of Ken Scheeringa's property on the south side, right off of Kleinman Ave. That acquisition is between the Town and Mr. Ken Scheeringa. If they could not come to an agreement regarding compensation, then the Town is obligated by the terms of the agreement to exercise eminent domain to get that piece of the road and he would be compensated under the laws of the State of Indiana.

There was a comment from Mr. Lively asking why Mr. Scheeringa would not just be asked about or offered an agreement instead of having to enforce eminent domain. Mr. Wieser responded he believed there were discussions with Mr. Scheeringa, but Mr. Wieser said he doesn't know what numbers or offers were discussed. He further states he believes the offer was rejected by Mr. Scheeringa.

Mr. Ken Scheeringa of 9613 Kleinman Rd. commented that there was a discussion with him when the Senior Living Facility was on the agenda in 2019. He continued he has not heard anything since then. He said the discussion was with a different group of people due to there being an election and there are now some different Town Council members serving. He said he is surprised that no new conversation has taken place.

The public comment from the Lincoln Center was complete. The following public comment was from people attending the meeting via the Zoom format.

Mr. Mark Schocke of 3645 Manor Dr., President of the Town Council commented that the agreement that transpired with the previous Town Council was in September 2019 and that he recently executed an executive order, basically terminating that agreement. He does believe he

will be challenged on that order. He continued that he has been against the plan from the beginning and is still against the project for multiple reasons, which he has stated numerous times before. He mentioned that the approval has to come before the Town Council and at that point he will have his full comments. He asked for some clarification from Mr. Palmateer regarding the contractors that would be working on the job as to how many would be union contractors. He also commented that 43<sup>rd</sup> St. is only 30-foot wide and that if the project were favorably approved that they would be approving only half of a street.

Mr. Palmateer responded, saying he represents all the trade unions in Northwest Indiana, minus the laborers and operating engineers, and that the agreement understanding is the construction jobs will be utilized by his workforce. Mr. Schocke asked how many of the 400 jobs mentioned previously Mr. Wieser would be union jobs and Mr. Palmateer responded per the memorandum, 100 per cent.

Ms. Wendy Semners of 9201 Kennedy Ave commented that she thinks people on social media are confused as to where their vegetables will be coming from. She asked if the farm stand that is on the property will be going away as part of this development? Mr. Turich replied the property to the south of the farm stand is being developed and the farm stand would remain. She inquired as to who owns the property currently. The response was a conglomeration within the Strack's organization. She commented then that the Scheeringa's do not own any of the property and that was confirmed.

Mr. Terry Steagall of 8577 Kleinman Rd. commented that he feels there are numerous benefits to having the Senior project in Highland since there currently are none. He feels it's important for seniors who wish to stay in the community and stay close to their families. He spoke of two neighbors on his block who had Alzheimer's and had to move out of the area due to there being no other facility available in Highland to meet their needs. He commented that the location is a good fit as there is a drug store, grocery store, other retail stores and doctors close by for the facility residents to utilize if needed.

Commissioner Turich asked if there were any other comments from the Zoom Platform. Hearing none, he closed the Public Hearing.

Commissioner Grzyski commented regarding that this whole process has been a long one and he appreciated everyone that attended the meeting via the Lincoln Center meeting and Zoom. He said he was surprised that it appears to be 50 for and 50 against the project. He felt he himself was somewhat on the fence. He further commented that the farm owners want to sell the farm and that he feels the Town needs to be developed. He feels the Town is so far behind the other neighboring communities regarding development. He said it is hard for him to say no to this project. He reiterated that these are not apartments, it is for an age group of fifty and over. He felt some remonstrators just threw out lies when speaking and that was very frustrating. He said they are not apartments, it is an assisted living project. There is a memory care unit and said he felt the developers were very honest. He said he does not do social media, he feels it's silly, but someone shared a comment to him that the Town would have to hire more police officers to police that area. He asked did people think the seniors would be partying? He appreciates the

Russell Group and feels Mr. Wieser put together a good presentation and said, obviously, he is for the project.

Commissioner Kissee likes the idea of keeping Highland residents in the area. He spoke of quality of life and the demographic of people in the Town over fifty. He felt there is a benefit of being able to keep family members in Highland their entire lives. He continued there is an additional benefit regarding a vision for the future by having the Senior Living Facility in Highland. He stated that the need for memory care is coming at an earlier age, as early as fifty-five and sixty. He mentioned the infrastructure near the proposed facility, the banks, grocery store and how their infrastructure will help support the proposed facility.

Commissioner Kendra asked Clerk Treasurer Michael Griffin what his take is regarding the T.I.F. and what monetary benefit the community would receive from the Senior Living Facility and that we would not have to wait twenty years to recoup monies.

Mr. Griffin responded he was attending the meeting as a public official but also as a resident listening to the debate and had not expected to be summoned to reply to this. He continued that he does not have the total construction value of the project in front of him and could not remember the total value. He continued that it does add significant assessed value to the community. He evaluates it on two levels, one is tax based that is property tax sorted and the other value is for the employment it will bring. One of the representations is about the income. We would receive 2 percent of the total amount collected. Based on that he feels the Town would receive upward of sixty thousand dollars or more. He did feel this would be tax positive for the Town.

Commissioner Grzymiski posed the question to Clerk Treasurer Griffin regarding the tillable property between the farm and the Scheeringa's. His question was if another developer came in and wanted to build twenty - five homes instead of the proposed senior center, what would the tax income be.

Mr. Griffin said he would try to respond to Mr. Grzymiski's hypothetical question. Mr. Griffin voiced his personal opinion first versus his professional training. He said he would love for it to be residential community as he grew up here. He said 72 percent of the tax base is residential. He grew up in a single family residence. He then spoke as a fiscal officer stating that he does think they have to diversify their property tax base. He spoke of a practical fact, that being whatever the value would be, this property regarding the property taxes, is only being protected by the circuit breaker up to 3 per cent of its maximum value. Whereas residential properties would be protected at 1 percent. He said that gap in taxes is something the Town would not collect. Thirty eight percent of the property taxes people pay in Highland comes back to the Town directly which gets significantly reduced due to the cap. He said he likes residential property personally, however as a property tax generator manor, residential properties do not generate the tax revenue the way people expect it to.

Commissioner Grzymiski motioned to make a favorable recommendation to rezone the property from R1A to R3 PUD. Commissioner Kendra seconded and it passed unanimously with a vote of 6 - 0.

Commissioner Martini motioned to approve the replat to a (2) lot Subdivision contingent upon the Town Council approval of the recommendation to rezone from R1A to R3PUD. Commissioner Zemen seconded and it passed with a unanimous vote of 6 – 0.

**BUSINESS FROM THE FLOOR:**

Attorney Wieser commented that as he reads the Ordinance, the Plan Commission would be required to recommend to the Town Council approval of the Preliminary PUD, which would then be finalized through the Town Council. Attorney Reed responded he believes that would be covered under the Motion to Rezone from R1A to R3PUD. R3PUD implicating the approval or positive recommendation of the ordinance under the 1500 series for the PUD. Attorney Wieser responded he would accept that, he just needed the clarification.

**ADJOURNMENT:** There being no further business to come before the Board, Commissioner Grzymiski moved to adjourn. Commissioner Martini seconded the motion and it passed by a roll call vote of 6 – 0. Meeting adjourned at 8:20 P.M.