

## **HIGHLAND PLAN COMMISSION**

Minutes of the Meeting of  
Wednesday, September 18, 2019

The Highland Plan Commission met in regular session on September 18, 2019 in the meeting room of the Municipal Building, 3333 Ridge Road, Highland, Indiana. The Pledge of Allegiance was led by Commissioner Schocke. The meeting opened at 7:00 P.M. led by Commissioner Grzymski.

**ROLL CALL:** Present on roll call: Commissioners Joseph Grzymski, Mario Martini, Mark Schocke, Tom Vander Woude and Bernie Zemen. Also present Ken Mika, Building Commissioner, Attorney Jared Tauber and John Phipps, Plan Commission Engineer, Nies Engineering. Absent Commissioner Turich & Kendra.

**MINUTES:** Commissioner Grzymski asked if there were any deletions, additions or corrections to the minutes of the August 21, 2019 regular meeting. Hearing none they were approved as posted.

**ANNOUNCEMENTS:** The next study session will be held on October 2, 2019 at 6:30 P.M. The next business meeting will be held on October 16, 2019 at 7:00 P.M.

**COMMUNICATION:** Communication received from Attorney Jim Weiser requesting a Continued Public Hearing to the October 16, 2019 Plan Commission Meeting.

**OLD BUSINESS: Docket No. 2019-06 Continued Public Hearing** for Attorney Jim Wieser representing petitioner S.J. Highland, LLC/David Smith of Russell Construction and Real Estate Development for the proposed Rezoning from R-1A to R-3 PUD and Subdivision of the property commonly referred to as Scheeringa Farms comprised of approximately 19 acres +/-, for a proposed Senior Living Facility to include independent, assisted and memory care. The area is bordered by an unknown distance to the North, Ernie Strack Drive (Not a public Street) to the south, Kleinman Rd to the west and Cline to the east.

Russell Construction representative Attorney Wieser requested a continued Public Hearing to the October 16, 2019 Plan Commission meeting due to the engineering documentation not being complete, specifically the traffic study.

Commissioner Grzymski thanked all the potential remonstrators attending the evenings meeting for being present and believed most were attending regarding the proposed senior housing facility. Mr. Grzymski reiterated that the public hearing would be continued and that there would not be a vote until the October 16<sup>th</sup> meeting.

Commissioner Schocke asked if the public attending the meeting could speak.

Attorney Wieser replied legally he could not as that would open up a Public Hearing and that the Commissioners had just voted to continue the Public Hearing. Also that all the information is not available to be able to reply to questions that may be asked.

Commissioner Schocke then asked again if the remonstrators could speak.

Attorney Tauber responded that he would not recommend that reinforcing the fact that not all information was available and that the plan commission would basically be going through a Public Meeting twice.

Commissioner Schocke once more asked if a Public Hearing could be opened.

Commissioner Grzymiski responded that he did not want to open the Public Hearing by recommendation of the Plan Commissioners Attorney Jared Tauber.

Commissioner Martini motioned to continue the Public Hearing to October 16, 2019. Commissioner Zemen seconded and it passed with a roll call vote of 4 - 1. Commissioner Schocke voted no.

Attorney Tauber wanted to confirm that Attorney Wieser was going to repost all the signs on the property. Attorney Wieser responded yes and that it would be compliant with the Town's Ordinance and the signs would have the new date and time of the meeting.

**NEW BUSINESS: Docket No. 2019-07 Public Hearing** for Primary Plat Approval for Lakeview Homes & Development for a (10) lot subdivision located at the real property address of 9516 Kennedy Ave., to be known as 9515 Hook St. through 9532 Hook St., for the purpose of building new single family homes. The petitioner is Lakeview Homes & Development, Inc., 521 Cochran Dr., Crown Point, IN 46307.

Atty. Tauber stated that the Proofs of Publication were in compliance with IC 5-3-1.

Mr. Lozevski requested Primary Plat approval for his proposed (10) Lot Subdivision located at the real property address of 9516 Kennedy Ave., to be known as 9515 Hook St. through 9532 Hook St.

Commissioner Schocke referenced a conversation in the Study Session regarding the drainage and a way to deal with it Mr. Lozevski's was to extend the property line to the east side of the property and that would bring the property into compliance and that extension would be reflected on his plat. Mr. Lozevski replied yes.

Commissioner Zemen asked what style and size the proposed houses would be. Mr. Lozevski replied there would be a mix of properties ranging from customized ranches, one and half to two story homes, with or without basements and approximately 1500 to 2000 square feet.

Commissioner Grzymiski opened the Public Hearing.

Larry Kondrat of 8115 4<sup>th</sup> Pl asked about the price point of the proposed homes. Mr. Lozevski responded they would be similar to the Seberger Farms Subdivision homes although his homes would be more custom and with custom homes sometimes the price is at more of a premium.

Gregory Rosen of 2630 43<sup>rd</sup> St. asked about the size of the lots and if there would be a retention pond. Mr. Lozevski responded the lots would be between 65' x 170' on the west side and 65' x 190' on the east side, that there would be a retention pond and there would be fencing separating

his property from the Church's property. Mr. Rosen asked about the tree line, if they would be coming down and Mr. Lozevski responded the trees would be staying.

Commissioner Grzymiski closed the Public Hearing.

Commissioner Schocke motioned to approve Docket No. 2019-07 requesting Primary Plat approval contingent that the Plat that has been submitted is amended in accordance with what Mr. Lozevski said with regard to the east side of the premises and extending the property line. Commissioner Martini seconded and unanimously passed with a roll call vote of 5 – 0.

**BUSINESS FROM THE FLOOR:** Doug Bush of 9145 Liable Rd. asked the Commission if the Public Meeting did not transpire at the next Public Hearing that the Commission would stop continuing it and have the petitioners start the process over again. Mr. Bush's thought that this would help keep the public from having to come back each month.

Commissioner Grzymiski thanked Mr. Bush for his comment.

Robert Hill of 3727 43<sup>rd</sup> St spoke and wanted to reinforce what Mr. Bush said and asked if the information would be available regarding the drainage as well as traffic.

Mr. Grzymiski responded the reason for the continuance is that the petitioner did not have all the information that this Board has requested. Items like the traffic and drainage study.

Mr. Hill responded he had concerns due to an article in the Gazebo Express that implied in Mr. Hill's opinion that this is already a done deal and if it is a done deal just how bad is the Plan Commission going to screw over the residents.

Mr. Grzymiski told Mr. Hill that he volunteers his time personally and he is not trying to screw anyone and respectfully asked that Mr. Hill sit down now and that Mr. Hill's comments were now over.

Mr. Schocke said he lives in the neighborhood and has his eye on the project because it is going to affect everyone.

Mr. Grzymiski said that everyone on the Board are keeping their eyes on it and that no one on the Board is keeping their eyes on anything more than the other Board members and wanted that to be on the record.

Joe Poplas of 3634 Condit St said the Board is planning on doing something and the Board hasn't figured it out yet. He continued and said if you guys want some acreage why don't they utilize the vacant Ultra store.

Mr. Zemen replied that property has a 20 million dollar value to it.

Mr. Poplas referenced gaining more in taxes. Mr. Zemen said he wished they could use the Ultra property.

Mr. Schocke remarked he wished Mr. Wieser had stayed and responded to remonstrator's questions.

Mr. Grzymiski commented that currently no senior citizen housing developer is knocking on the Town's door to develop the Ultra Shopping Center that he is aware of.

Mr. Poplas commented that there is a whole bunch of people who don't want the senior housing center.

Mr. Grzymiski responded the Plan Commissions responsibility is to listen to the developer and the public and then the Plan Commission would make a decision.

Mr. Kondrat of 8114 4<sup>th</sup> Pl. commented he felt the Plan Commission was doing the job they were supposed to be doing.

Jennifer Vanek of 9438 Cline Ave. asked why it is so important that this parcel of land be developed and feels Scheeringa Farms is a huge asset to the Town and referenced there isn't another facility like it in any nearby Town.

The resident of 9436 shared the same sentiment of Jennifer Vanek.

Mr. Grzymiski said someone is selling that property. The developer is coming to potentially develop something. Mr. Grzymiski reiterated the role of the Plan Commission is to listen.

Kimberly Venturella of 9049 Liable Rd. asked if the Plan Commission will reconvene to discuss the proposed development on October 16<sup>th</sup>. Mr. Grzymiski replied yes. She then asked if the Town's people have a say. Mr. Grzymiski responded the public does have a say and doesn't want to drag this out any longer. He referenced Cardinal Campus and that a lot of residents came to speak at the Plan Commission meeting for that development and just repeated that the Plan Commission's responsibility is to vote what they feel is best for Highland and then it is submitted to the Town Council who makes the ultimate decision.

Mr. Schocke said there will be an official public meeting and that when the public hearing is opened every member of the public that shows up will have the opportunity to speak.

Ms. Venturella asked if there would be pictures or visible documentation available to review at the next public meeting.

Mr. Schocke mentioned requesting some documents from the Building Department but that nothing is finalized. She asked if there would be more next month and Mr. Schocke said he hopes so.

Building Commissioner Mr. Mika said most likely at the official public hearing when all the documents are in order they will most likely have a power point presentation showing potential issues as to how the drainage will be controlled and how the buildings will look.

Renee Reinhart of 3626 38<sup>th</sup> St. asked if it was the Plan Commissions decision to rezone the land from agricultural to have anybody build on it.

Mr. Mika replied that the property is not zoned agricultural. That particular Use is R1-A which is the Town's designation of large lot single family. Ms. Reinhart asked if it would have to be rezoned to make buildable to a commercial property. Mr. Mika replied yes, anything that would be outside of single family large lot.

Ms. Reinhart then asked that the Commission think about how this town was funded, that her grandparents grew up on farms in town and that agriculture was a large part of the town at one point. She also feels the farm brings education to the town and a healthy life.

Mr. Volbrecht of 9221 Parkway Dr. asked if the proposed senior facility would be tax exempt.

The Plan Commission did not have an answer and hoped that at the next meeting an answer could be provided by attorney Wieser.

Mr. Volbrecht asked if this was an allocation zone and if so far how long. Attorney Tauber responded that the Plan Commission has nothing to do with the property taxes.

Jack Havlin of 3711 44<sup>th</sup> St. asked if the Town has any rules or bylaws that restricts how long a Public meeting can be continued. He asked if it could be continued indefinitely.

Mr. Grzynski replied he thought there would be a limit, that the Board would have to vote and then the petitioner would have to start all over.

Charles Applegate of 3625 Highway commented he believed there were some incentives for this property.

Mr. Grzynski responded if there were any incentives he would like to know about them, to enlighten him as he is not aware of any.

**ADJOURNMENT:** There being no further business to come before the Board, Commissioner Zemen moved to adjourn. Commissioner Martini seconded the motion and it passed by a voice vote. Meeting adjourned at 7:40 P.M.