

HIGHLAND PLAN COMMISSION

Minutes of the Meeting of
Wednesday, July 17, 2019

The Highland Plan Commission met in regular session on July 17, 2019 in the meeting room of the Municipal Building, 3333 Ridge Road, Highland, Indiana. The Pledge of Allegiance was led by Commissioner Turich. The meeting opened at 7:00 P.M. led by Commissioner Turich.

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

MINUTES: Commissioner Turich asked if there were any deletions, additions or corrections to the minutes of the June 19, 2019 regular meeting. Hearing none they were approved as posted.

ANNOUNCEMENTS: The next study session will be held on August 7, 2019 at 6:30 P.M. The next business meeting will be held on August 21, 2019 at 7:00 P.M.

COMMUNICATION: None.

OLD BUSINESS: Docket No. 2019-02 Continued Public Hearing for primary plat approval for a (5) lot subdivision located at the real property address of 9516 Kennedy Ave.(between 43rd & 44th St.) for the purpose of building new single family homes. The petitioner is Lakeview Homes & Development, Inc., 521 Cochran Dr., Crown Point, IN 46307.

Communication was received from the petitioner Jovan Lozevski of Lakeview Homes & Development, Inc. requesting to withdraw his current petition proposal. This would also involve removal of the assigned Docket No. 2019-02 from future agendas. The petitioner will file a new petition request encompassing the expansion of the original subdivision plans. Commissioner Martini motioned to allow Lakeview Homes & Development to withdraw their petition of Docket No 2019-02. Commissioner Schocke seconded and it unanimously passed with a roll call vote of 6 – 0.

NEW BUSINESS: Docket No. 2019-04 Approval of Findings of Fact. Erik Pieters of PBS and Carmen Arvia of DVG Team, Inc., representing Kurt Pramuk, who is seeking Plan Commission approval for a Downtown Zoning Overlay District Development Plan for construction of a proposed Dental clinic to be located at 2706 Highway Ave. Commissioner Martini motioned to approve the Findings of Fact. Commissioner Schocke seconded and it unanimously passed with a roll call vote of 6 – 0.

NEW BUSINESS: Docket No. 2019-06 Preliminary 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.

Mr. David Smith of Russell Corporation was present along with Attorney Randy Wyllie of Wieser & Wyllie. Mr. Weiser was not able to attend the Preliminary Hearing.

Mr. Smith displayed a site plan for the proposed Senior Living Facility to be located between Kleinman Rd. to the West, Cline Ave to the East, Ernie Strack Drive and an unknown distance to the North commonly known as Scheeringa Farms. Mr. Smith says to the best of his knowledge plans have been finalized between their Attorney Jim Wieser, their Civil Engineer and the Town of Highland's Attorney Rhett Tauber. He believes there is a configuration and a consensus as to how the property will be laid out. He wants to make sure the Plan Commission and the Town's Engineer are all on the same page. He hopes to have engineering plans that are more complete by the next Public Hearing.

Mr. Smith pointed to the base line drawing of the site plan. He referenced how at one point there had been talk of putting a new Public Works facility at this site, but that those plans have changed. He notes that the main building was kept in its original location and that a second phase of independent senior housing was added. There was talk of adding villa type housing which would be age restricted to seniors. This would be a first phase with approximately 135 units. The project cost would run approximately 40 million dollars and would generate 70 to 80 full time jobs. He states this first phase would be located through where half the width of 43rd St is back to the property line. When developed it would be primarily four parcels with the fourth parcel being the lot for the detention facility. He says they will meet all the ordinances for landscaping.

Commissioner Martini asked if they would be developing Ernie Strack Drive. Mr. Smith replied yes it would be fully improved, widened and the utilities would go through there.

Mr. Schocke asked about parcel four which he believes the Russell Group would be acquiring from The Griffland Plaza. Mr. Schocke believes the intent was to acquire that in order to make the current Ernie Strack Dr. in parody with 44th St. which would be to the west.

Mr. Smith replied yes, and that in order to make it comply with the Town's standard an additional right of way had to be provided.

Mr. Kendra asked Mr. Smith about Ernie Strack Drive and believed he heard Mr. Smith say the Town would be obtaining Ernie Strack Drive. Mr. Smith replied yes. Mr. Kendra asked where that information came from. Mr. Smith replied that for the area that was controlled by Griffland and he was working with Derek Snyder of Nies Engineering, Attorney Rhett Tauber and Attorney Jim Wieser who were in negotiations with Jeff Strack (of Griffland) through his Attorney Glen Patterson.

Mr. Schocke asked if the Russell Group was seeking any Tax Increment Financing or Tax Abatement funding through the Commercial Corridor Overlay District in that area.

Mr. Smith replied they were working with a third party to present the information to the Town's Attorney and the Town's Clerk Treasurer.

Mr. Schocke voiced concerns that complete engineering plan weren't available at this point and was hesitant to allow the project to move forward to the next stage, that being the Public Hearing. Mr. Van Der Woude was also hesitant to allow the project to move forward for what he too felt was a lack of information.

Mr. Mika noted the Plan Commission had worked through a Planned Unit Development previously, that there was a need with not only the engineering side to be complete, but also the building design, building materials, landscaping, and lighting plans. Also was the project going to be phased in at different levels and if so what will be in phase one, two etc. Mr. Mika felt these were all aspects the Plan Commission had to take into consideration.

Mr. Smith asked that the Plan Commission move forward with what was being presented tonight and that the project would develop through phases as time went on.

Commissioner Martini motioned to approve the petitioner a Public Hearing for Rezoning and Subdivision. Commissioner Kendra seconded and passed with a vote of 5 -1. Commissioner Schocke voted no.

BUSINESS FROM THE FLOOR: Mr. Larry Kondrat of 8115 4th Pl E. inquired as to whether a permit for a retention pond had been pulled yet for the drainage issue at the Town's High School located at 9135 Erie. There were concerns voiced at the Plan Commission meeting that took place on June 19, 2019.

Mr. Mika replied he would be happy to answer the question, but commented he did not feel this was the venue for Mr. Kondrat to voice his concerns. Mr. Mika stated this issue is between the School Town & the Civil Town and they have not been issues a permit for the drainage or the football field due to the fact that the engineering is still ongoing.

Mr. Kondrat also inquired about Hillside Funeral Home located at 8941 Kleinman Rd. He asked if when the original building was constructed was there a detention pond.

Mr. Mika replied there was a partially constructed pond and then at some point after occupancy it was covered. Then Hillside came back to the Plan Commission through the Public Hearing process and a redesign of a detention area was made, which is what has been established along the east property.

Mr. Kondrat asked if there was a permit issued for the detention pond before he covered up the parking lot. Mr. Mika replied no.

Mr. Kondrat asked if the detention pond holds all the water the people on Ohio Pl. are complaining about, not only entering onto their property but also into their ductwork. He asked if that detention pond is capturing all the water it is supposed to. Mr. Mika replied no, not all of it and that there are some elevation differences in which Hillside Funeral Home's engineer has staked and some cleaning up on the southeast corner that needs to be done to make it effective.

Mr. Kondrat asked if anyone had threatened to withhold Hillside Funerals Homes' business license. The Plan Commission members responded that there had been discussions regarding that topic.

Mr. Kondrat asked why the business was still operating. Mr. Schocke asked if the person with the authority to pull the business license was the Clerk Treasurer. Mr. Mika stated he does not believe there is actually a process based on the Town's current ordinance. Mr. Kondrat asked if there was a fine. Mr. Mika replied no. Mr. Mika added that during this whole process the Plan Commission has attempted to get the issues resolved.

Mr. Volbrecht of 9221 Parkway Dr. echoed Mr. Kondrat's concerns.

Mr. Schocke inquired as to how some kind of new legislation were to be introduced to have an enforcement mechanism, i.e. to pull a business license or to give a fine, where does that process start. Would that be with the Plan Commission or the Town Council? The response was with the Town Council.

Commissioner Turich commented that the Plan Commission is very aware of the situation and trying to resolve the issue as soon as possible. In addition, the Plan Commission has been extremely clear on what they have asked for and that things do not slip through the cracks.

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 8:05 P.M.