

## **HIGHLAND PLAN COMMISSION**

Minutes of the Meeting of  
Wednesday, October 16, 2019

The Highland Plan Commission met in regular session on October 16, 2019 in the meeting room of the Municipal Building, 3333 Ridge Road, Highland, Indiana. The Pledge of Allegiance was led by Commissioner Martini. The meeting opened at 7:00 P.M. led by Commissioner Turich.

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

**MINUTES:** Commissioner Turich asked if there were any deletions, additions or corrections to the minutes of the September 18, 2019 regular meeting. Hearing none they were approved as posted.

**ANNOUNCEMENTS:** The next study session will be held on November 6, 2019 at 6:30 P.M. The next business meeting will be held on November 20, 2019 at 7:00 P.M.

**COMMUNICATION:** Communication received from Attorney Jim Weiser requesting a Continued Public Hearing to the November 20, 2019 Plan Commission Meeting.

Communication received from Jovan Lozevski of Lakeview Homes & Development requesting a Continued Public Hearing to the November 20, 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.

Attorney Randy Wyllie of Wieser & Wyllie present on behalf of Attorney Wieser to request a Continued Public Hearing to November 20, 2019 Plan Commission Meeting for SJ Highland, LLC/David Smith of Russell Construction. Additional information still required for a Public Hearing to transpire and hoped for a full roster of Board Members available. Commissioner Martini motioned to continue the Public Hearing. Commissioner Kendra seconded and it passed with a roll call vote of 4 – 1. Commissioner Schocke voted no.

Mr. Schocke commented to Attorney Wyllie regarding how many continuances have been requested, going back to July 2019 and how the plans and information required are still lacking to be able to move forward.

Attorney Wyllie was asked to stay to answer questions from the residents and he declined, stating he did not have any information to offer.

**OLD 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.

Communication was received from Mr. Lozevski requesting a Continued Public Hearing to the November 20, 2019 Plan Commission Meeting due to berm issues. Commissioner Martini motioned to continue the Public Hearing. Commissioner Zemen seconded and unanimously passed with a roll call vote of 5 – 0.

### **BUSINESS FROM THE FLOOR:**

Commissioner Turich mentioned the Plan Commission does not have all the information/facts regarding the Senior Housing Project, but would be as forthcoming as possible to questions asked.

Larry Kondrat of 8115 4<sup>th</sup> Pl commented that he has been attending the Plan Commission Meetings & Study Sessions. He commented that the last study session and the one before that the Plan Commission had requested that the Russell Group bring all their designs and that the Russell Group has not shown up with any plans. Mr. Kondrat asked if this is normal procedure.

Commissioner Turich replied that personally speaking, he feels that a continuance is not that abnormal. He referenced other properties in the Town that have gone through multiple continuances in the past and he referenced Cardinal Campus. He referenced the meeting from (2) weeks ago that there was a different person at that meeting, then was at the original meeting. Mr. Turich felt that the message given to that one individual to give to the developer was not as clear as the Plan Commission would have expected. Mr. Turich feels that Mr. Smith of the Russell Group is aware, as of today, what the Plan Commission is requesting, so that is why he gave a vote to continue.

Robert Hill of 3727 43<sup>rd</sup> St asked at what point is this viewed as stonewalling. He commented he felt it was disrespectful that Attorney Wyllie did not stay and answer questions.

Commissioner Schocke commented that the Plan Commission did ask that Attorney Wyllie stay to answer questions.

Commissioner Turich replied that Attorney Wyllie is not apprised of the situation. He replied to Mr. Hill's question regarding stonewalling and referenced another project in Town that was continued approximately six times. He again referenced the Plan Commission not having enough information to make a decision.

Mr. Hill asked about the signs that are posted which have information as to when the meetings will take place. He said they were supposed to be updated and were not.

Attorney Tauber said that the petitioner knew the meeting was going to be continued and were not going to advertise.

Commissioner Schocke commented he thought the petitioner should have to advertise.

Kimberly Venturella of 9049 Liable Rd. commented she felt Mr. Schocke was a welcome voice to the community. She also referenced getting a heads up regarding the meetings and if the Plan Commission were going to grant a continuance and how long the continuances could go on.

Commissioner Turich referenced what transpired tonight was a smidgen of what conversations have taken place at the study session meetings. He said at the study session meetings there have been two to three hours of conversations regarding the petitioner's request. He said that is why they were able to make the decision at tonight's meeting to vote to grant the continuance.

Ms. Venturella asked again about being notified in advance if there was going to be a continuance granted at the public meeting.

Attorney Tauber commented that the petitioner was going to repost the signs, but that since he knew he was going to file for a continuance, which is why he did not repost the signs.

Ms. Venturella then asked if the information could be posted on some sort of website.

Mr. Mika reiterated that the petitioner was going to post the signs until it was decided that the meeting was going to be continued. He then referenced the last public hearing meeting and that if residents had questions they could call the building department.

Joseph Poplas of 3634 Condit St. commented that there are two lawyers up at the podium and how many times would they ask for continuances in front of a judge before he would get upset and say no more. He said he thinks there have been no papers for review and the Plan Commission continues to grant the petitioner continuances.

Commissioner Turich replied that Mr. Poplas statement was incorrect and that the Plan Commission has reviewed many documents and the Plan Commission has asked the petitioner for more information numerous times before. Commissioner Turich invited Mr. Poplas to a study session meeting so he would be more informed as to what is transpiring with the petitioner.

Lydia Schotts 10226 Kennedy Ave. commented she was at the study session and said the study sessions are very informative and the language in the study session is different from at the Public Hearings. She referenced that at the study sessions the public would not be able to comment but that they could get a better understanding of what is happening regarding the petitioner and the Plan Commission members. She did commend the members and said the meeting was 2.5 hours long and they are trying, but it is the other side that is delaying progress.

A resident asked if the study sessions are posted and Mr. Turich replied they are announced at the Plan Commission meetings.

Mr. Mika said the study sessions are the first Wednesday of each month at 6:30 pm and the Public meetings are the third Wednesday of each month at 7:00 pm. He said there may be exceptions due to the holidays but that was not the case for the time frame of these particular meetings.

A resident asked about if something changes. What if someone calls and they are told the meeting is cancelled and then something changes, like the petitioner saying they have something for the Plan Commission, would they be able to move forward without a Public Hearing.

Commissioner Schocke replied no, and Mr. Mika replied they would have to give a ten-day notice not including the day of the Public Hearing. Mr. Mika also said there would have to be a Public Hearing.

Commissioner Turich added the Plan Commission would not just go ahead and approve the petitioner's request, in example of the petitioner giving information right before the Public Hearing. He said the Plan Commission would have to have ample time to review the petitioner's plans prior to any Plan Commission meeting.

John Phipps of Nies Engineering added that the professional who would be reviewing the plans would communicate to the Plan Commission in writing telling them they are not ready to make a recommendation on approval or no approval. He said that happens frequently with continuances and that would keep a last minute head fake from occurring.

Joe Scheeringa of 8820 Kleinman Rd. referenced that he built his house five years ago and came to all the meetings he had to with all his information to comply with what he needed to do to get his house built. He wondered how with a multimillion-dollar project being presented that the petitioner could not even show up with a poster board of what they are proposing.

Mr. Turich replied he did not know because he is not the petitioner.

Mr. Scheeringa questioned the petitioner's trustworthiness.

Mr. Mika remarked that there are two things trying to be accomplished with this project, one is subdivision and the other rezoning. The rezoning is a PUD (Planned Unit Development). In regards to the PUD every single detail needs to be spelled out in the development. Right down to building elevations, design, building materials, colors, landscaping, lighting plan and site plan. He continued that whatever they would receive from the petitioner it would be a very detailed approval. He stated that the Plan Commission would either give a favorable, unfavorable or no action recommendation to the Town Council and the Town Council would ultimately decide on the project's approval. He states that whatever would be approved, the petitioner is locked into what the Plan Commission is requesting of the developer.

Jennifer Vanek of 9438 Cline asked what the benefit would be to approve the petitioners request for the Town.

Mr. Mika felt that question should be answered by the developer. He also said this was not a Public Hearing, so that could not be answered for this meeting. This is just comments from the floor, so they could not be speaking on behalf of the petitioner.

A resident from Griffith asked what the benefit is to keep continuing the Public Hearings as opposed to just tabling the petitioner request.

Commissioner Turich stated he felt what the Plan Commission is doing is a form of tabling the petitioner. He again stated he feels they are making progress.

Another resident said he felt the Plan Commission have already made up their minds.

Commissioner Turich took offense to his comment. He said to the resident that he wasn't sure what that resident felt Mr. Turich was doing up on the dais. He continued he was a volunteering member of the community. He asked why the resident assumed he was there to just rubber stamp the project. He continued that if he was there to rubber stamp the project he would ignore every question that was being asked and walk out the door. He continued that every member on the Board has put in an A plus effort to make sure the Commission is getting all the facts. He felt it wasn't fair of the resident to say the Board doesn't care.

The resident replied he did not say Mr. Turich didn't care and he was not implying that.

Attorney Tauber replied if they did table the continuance's the petitioners would have to re file and that would be at least another sixty days to be set for a preliminary hearing and then a Public Hearing.

Mr. Martini commented that he believes the developer is aware at this point everything that is required to move the project forward.

Janille Scheeringa of 9436 Kleinman Ave said she called the building department for information regarding the study session and was told there was no study session meeting.

Jennifer Vanek posed the question again about who should be asked about the benefit of the Senior Center if it wasn't the Plan Commission members obligation to answer. She continued that she felt the farm would be, is more beneficial to the Town that a senior housing center would be.

Commissioner Turich said that should be asked of the Town Council.

Jack Havlin of 3711 44<sup>th</sup> St. requested that he petitioner and their representative be present at the next public meeting to answer questions. Attorney Tauber stated they would all be present at the next meeting.

Michael Lapinne of 9333 5<sup>th</sup> St. asked the opinion of the Plan Commission members if they would be open to a women who is a member of Operation Moving Up who is looking for one to five acres to put up ten tiny houses to get homeless veterans off the street and a second phase of

building a community building for job counseling and training if the members would support a project like that.

Mr. Mika responded that without seeing any kind of plans it would be difficult to say if that would be allowed.

Mr. Turich replied he does not have enough information to support or not support that idea.

Mr. Zemen spoke and said he feels the majority of people at the meeting would like to see nothing on that site and left as is.

Mr. Martini leaned more in the direction of having the assisted living center/memory care units on that spot due to personal reasons.

Mr. Schocke said he would need to see plans to make that determination.

Mr. Kendra agreed with the need to see plans.

Renee Reinhart of 3626 38<sup>th</sup> St. spoke and did not think that most people would be able to afford the senior living center that the petitioner is proposing and that it would not benefit the majority of the Highland residents. She also commented that she has been to the Town Council meetings and other meetings to get involved in what is happening in Town. She said she understands that the Commission(ers) are passionate about their positions but feels it is the Commissioners position to listen to the residents and to keep calm and to take the emotion out of it.

A resident was concerned about how this would affect drainage onto his property.

Commissioner Turich said his understanding to the process regarding drainage is the engineering would be done to assure that the water from this site would stay on the site and discharge slowly.

Joe Scheeringa of 8820 Kleinman showed the Commissioners a picture of his back yard and how now even without the housing center being built yet that his yard floods.

Commissioner Schocke re-visited earlier statements regarding the engineering for the drainage that would have to be approved prior to any plans being pushed through. He commented that at this stage there are no engineering plans available to review.

Christine Walaszek of 3747 44<sup>th</sup> St. referenced Mr. Wyllie's comment about there being five board members available instead of the seven that are on the Plan Commission.

Another resident spoke of Michael Barsich's property and how his property floods to the extent that they were able to go tubing on their property.

Commissioner Turich commented that he felt that spoke to the fact that the whole Town has flooding issues at some point or another.

Mr. Phipps of Nies Engineering commented that the effect of drainage from the site of the proposed building for the Senior Center is what is being controlled. He said if there is an area a block away or half a mile away that they may have their own problems and the solutions that are proposed here will not address those issues. He said the system is designed for everybody to take care of their own water and this petitioner would be held to that standard.

A resident asked if this could compound drainage issues. He asked if Mr. Phipps was he the independent engineer for the Town and Mr. Phipps replied yes. The resident then asked if there was anything in the code that protects people so the system does not overwhelm their properties drainage.

Mr. Phipps said that is not really how that works. He said it takes care of the drain in a very conservative way from that particular site. He continued that if a property is a block away and there were drainage problems now they would not get worse but the issue would not get better.

Another resident commented on the drainage ditch by the proposed development site and how the water cannot drain due to all the foliage in the ditch. He feels that if the land is raised up it will effect everyone around the property.

Commissioner Turich replied he would wait to see the engineering plans before he could say if that was true or false.

Commissioner Schocke referenced the ditch and asked would happen to the ditch if the senior center were built. He felt it should be addressed. Mr. Mika commented the Russell Group was asked about that, but they have not responded.

Lydia Schott asked if they were going to disconnect the water from Griffith and just have it on Highland.

Mr. Mika responded for clarification Strack and Van Til's has always been on Griffith's sanitary system. He said that through EPA and the Town of Griffith over the years that they have attempted to get Stracks off the sanitary system. He said what that means is they would disconnect from the Griffith sanitary side and tie into the Highland side which is a more efficient means. Plus at the request of the EPA and the Town of Griffith they are getting what they have asked for years. He said that is not going to cause a problem the Town of Highland's system.

Amber Smith of 3515 Garfield commented about the developments proposed four-story height that it is quite tall and how the height of the building would fit into the area.

Mary Lawrence of 9332 O'Day Dr. commented that the developer has built may other properties and asked why there is such a hold on this project. Commissioner Turich responded that when the developer was asked that by the Plan Commission the response was that the Town of Highland does things different from other towns.

A resident asked if the development had to be four stories. Commissioner Turich replied that was not a bad question and felt the Plan Commission could look into it that issue at the next study session.

**ADJOURNMENT:** There being no further business to come before the Board, Commissioner Martini moved to adjourn. Commissioner Zemen seconded the motion and it passed by a voice vote. Meeting adjourned at 8:12 P.M.