

## **HIGHLAND PLAN COMMISSION**

Minutes of the Meeting of  
Wednesday, November 18, 2020

The Highland Plan Commission met in regular session on November 18, 2020 via a Zoom Meeting Format, Meeting ID 912 7384 8485 Password 232937. The Pledge of Allegiance was led by Commissioner Kisse. The meeting opened at 7:00 P.M. led by Commissioner Turich.

**ROLL CALL:** Present on roll call: Commissioners Doug Turich, Joseph Grzynski, Mark Kendra, Mario Martini, Bernie Zemen and James Kisse. Also present Ken Mika, Building Commissioner/Zoning Administrator, Plan Commission Attorney John Reed and Plan Commissioners John Phipps and Derek Snyder. Mr. Snyder attended late in the meeting. Absent Commissioner Vander Woude.

**MINUTES:** Commissioner Turich asked if there were any deletions, additions or corrections to the minutes of the October 21, 2020 regular meeting. Hearing none, they stand approved as posted.

**ANNOUNCEMENTS:** The next study session will be held on December 2, 2020 at 6:30 P.M. The next business meeting will be held on December 16, 2020 at 7:00 P.M.

### **COMMUNICATION: None**

Attorney Reed referenced SJ Highland Preliminary Hearing that is on the agenda for tonight's plan commission meeting. He said he was aware a lot of people were interested in this particular matter. He wanted to clarify what the petitioner was asking. He said the petitioner was on the agenda tonight for a preliminary meeting, to request a Public Hearing for the Plan Commission Meeting of December 16, 2020. He said the meeting tonight was not for approval of a primary plat or rezone. He said people would have an opportunity to make comments at next month's meeting, as well as tonight. He also clarified what stage in the process the petitioner is at with this petition. Nothing has changed from the previous meetings, just a basic re-do, due to an error in the property legal description as had been included in their originally advertised legal notice. He also asked that all participants in tonight's meeting keep their comments civil and constructive and to try to keep their comments to the (2) minutes allotted.

Commissioner Turich gave instructions to participants with questions that they would have to raise their hands via the Zoom format to be recognized.

**NEW BUSINESS: Docket 2020-02 Consideration for Primary Plat Approval** for a proposed (1) Lot Subdivision and consideration of approval of the proposed Indianapolis Blvd. Zoning Overlay District Development Plan for proposed Gas Station and related convenience store at the northeast corner of Indianapolis Blvd. Representing the Petitioner, Carmen Arvia/DVG Team, Inc., 1155 Troutwine Rd., Crown Point, In. for Paramvir Singh of Good Luck LLC, Inc.

Commissioner Mika relayed that the petitioner, Good Luck LLC, represented by Carmen Arvia of DVG Team (who was not present at this meeting), was requesting a continuance of their Public Hearing for Primary Plat approval and consideration of approval of the Zoning Overlay

District Development Plan to next month's meeting of December 16, 2020. This request was due to the fact their Proof of Publication missed the required time frame allotted to be published in the paper. He relayed the petitioner would have to re publish the legal notice and to re post their signs.

Commissioner Martini motioned to reschedule the Public Hearing to the December 16, 2020 Meeting. Commissioner Grzyski seconded and it passed with a unanimous vote of 6 – 0.

**NEW BUSINESS: Docket 2020-03** Preliminary 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 Randy Wyllie was present on behalf of Attorney Wieser, who could not attend the meeting. Attorney Wyllie was requesting to be put on the agenda for next month's Public Hearing meeting, as they had to re file their petition for a Senior Housing Facility due to a property legal description error. He reiterated that this petition does not include the Scheeringa Farm stand and petting zoo. It is for the parcel directly south of that.

Commissioner Grzyski motioned to grant the Public Hearing for SJ Highland LLC for the December 16, 2020 Meeting. Commissioner Martini seconded and it passed with a unanimous roll call vote of 6 – 0.

**BUSINESS FROM THE FLOOR:** Town Council President Mark Schocke stated that this issue has been looked at multiple times. He wanted to remind the Commissioners that there are a couple of building code issues he feels should be investigated, specifically the width of 43<sup>rd</sup> St. He feels the Commissioners have approved one half of a street. He also shared that he has a 21-second video of the Stracks parking lot flooding he took during the summer and would like to share that with the Commissioners, but he did not have it readily available.

Aaron Stryker questioned if the subdivision request was going to be the same as the previously approved plan. Mr. Stryker was confusing the Cardinal Campus Subdivision request with this petitioner.

Janille Scheeringa commented that this project will in fact hurt the petting zoo and the farm and asked the Plan Commission to help them out by giving the Scheeringa's a chance to buy the land. She agrees with Councilman Schocke regarding the flooding issues.

Michael Blejski thought the Plan Commissioners may have been open to keeping the farm. Commissioner Turich relayed he believed since the land is under contract, the contract would have to be terminated for consideration of other buyers being eligible for purchase. Attorney Reed confirmed this to be the case.

Mike Maloney asked if the entire property was being re-zoned to an R3. Commissioner Turich replied it would go from an R1A to an R3PUD. Mr. Maloney showed concern that the other phases of this project could potentially be approved for apartments.

Councilman Schocke shared the video of the water in the Stracks parking lot.

Mr. Mika wanted to clarify that regarding Mr. Maloney's concerns about potentially having apartments built, that an R3 would also allow for Single, Two and Multi-Family Zoning. Mr. Mika said he does not believe it is the Town's intention to just allow for apartments.

Renee Reinhart and Marcia McCarty both showed concern about the project turning into apartments and are in favor of the property staying a farm.

Commissioner Grzyski said this is a touchy situation, a big project for Highland and they have been working on this project for 18 months. He referenced previous conversations regarding the tax base versus single-family homes and he believes this project would be more beneficial tax wise. He mentioned this property is privately owned and the Plan Commission cannot tell a developer to go buy the Ultra Property. He said this project is between the developer and the property owner. He referenced the flooding issues and relayed there is a Town Engineer who has looked at the storm water drainage issues and has assured the Plan Commission that this project will not cause more flooding issues and perhaps fix some of the flooding nearby.

Commissioner Martini said that as long as he is a Plan Commissioner, he would not allow apartments to be built at this location.

Commissioner Kisse believes this is a way to diversify the Town's tax base, gives a cradle to grave opportunity for residents and thinks the developer is from a reputable company.

Harvey Crouch asked if the property is still zoned as R1A. Attorney Reed replied that any legal actions that happened before were null and void and the property is still zoned as it was prior. Mr. Crouch wondered if at the next month's Plan Commission meeting if any grievances voiced would make a difference to the Plan Commission vote. Mr. Reed said he did not know how the vote would transpire, but that everyone would have the opportunity to voice their concerns.

There was conversation inquiring to have a referendum for this proposed project. Attorney Reed stated that referendums are normally done regarding bond issues and this proposed project would not be applicable for a referendum. Someone inquired about seeing the bylaws and Attorney Reed replied copies of the bylaws would be available at Town Hall.

Commissioner Grzyski wanted to respond to a comment from Dan Piech that was on the Zoom Chat. Mr. Piech wants to know why all the people on the screen are white. Commissioner Grzyski replied that firstly he doesn't appreciate that type of racist tone. Secondly, he replied that he was appointed as a public servant by the Town Council President to be on this committee. Commissioner Grzyski asked that Mr. Piech unmute his microphone so Mr. Piech could respond to Commissioner Grzyski's comment. Mr. Piech did not respond.

Steve, a resident who lives close to the Scheeringa Farm, commented he does not believe the proposed project would improve his property value, he believes it would lower his property value. He also voiced concerns about flooding issues and that the Senior center would not be affordable for most people.

Michael Upchurch is not in favor of the Scheeringa Farm going away.

Linda W. does not feel that the proposed senior facility would be affordable.

Chris Kornaus asked who decides what is best for the Town of Highland.

Commissioner Turich responded there are several steps to the process. It starts with the Plan Commission, then goes to the Town Council and then would go through Redevelopment. He stated that the Plan Commission is only one step in the process.

Jack Havlin brought up an earlier comment that the Plan Commission's responsibility is not to assess tax value, but there was conversation regarding the tax base via the Plan Commission. Commissioner Grzymiski responded that reference was to a past meeting's conversation with Michael Griffin. Mr. Havlin wanted to say that regarding the contract, that he feels if the plan commission wanted to do so they could give an unfavorable recommendation and the contract would be null and void.

David Markusic brought up having a referendum to vote on the proposed project. Attorney Reed responded it is not a proper subject for a referendum.

Stephanie had concerns regarding 43<sup>rd</sup> on the north side of the property and wondered how part of it could be taken without eminent domain. She also feels there have been Town Council secret meetings and that is part of the reason everyone is upset.

Commissioner Turich responded he has watched all of the Town Council Meetings and he has not heard anything about eminent domain on the north side of the property, but it was brought up regarding the south side of the property. He continued there have been conversations with the owner on the south side of the property regarding Ernie Strack Drive. However that is a conversation that has been had with the Town Council and the attorneys, not the Plan Commission and believes there has been an agreement made with that property owner.

Commissioner Kendra commented regarding the 30 ft. of the drive on the north side of the property. From what Commissioner Kendra remembered that was just to be an access road for deliveries, not a public road, and they would be willing to pave it instead of just leaving it as a gravel road.

Jeannine Scheeringa responded this road is on the blue prints that were given to her family by an engineer from the Russell Group. She continued that they asked about the road, because it is 40 feet from the Scheeringas property barn door. She said the blue prints say that they are going to, in time, they would put in a full road, a 60 foot road, with curbs and the whole access going on to Cline Ave with only a turning lane going to the south. She said anybody that wants to come

see these, at the farm, she would be there on Friday. She continued that she was told that the property owners that are to the west of them, they have given rights to allow for this road, but Scheeringas have not and when they say eminent domain they are talking 2 separate pieces of property. One from Kenny Scheeringa, who is a family member, and one from them. which she believes is going to happen if this project is approved. She asked not to let it get to the Plan Commission. She asking to stop the project right now. She would like the opportunity to buy the land.

Commissioner Turich replied this is the first time he has heard any conversation regarding eminent domain for the north side, for their property, for the second half of 43<sup>rd</sup> St. He asked who was saying that this is on the table? She replied an engineer from Russell Group. She said he spent half of the afternoon with them on the farm, because they weren't getting any answers. She said Jim Wieser told them the sewer was going the opposite way and there was no information that was given to them that was true. She continued, regarding the Russell Group, if you want anything from us, to send out an engineer. She continued that the things that he said scared them. He told them that the Town is planning on this property (the Scheeringa's). She asked what if they're not willing. He said (the engineer) that you may as well get money for it because if the Town wants it, they're going to get it.

Commissioner Mika responded he was present when Russell Group met with them, along with the town's engineer Derek Snyder and the project's engineer. Mr. Mika continued there has never been any talk of eminent domain in reference in picking up that north half of what the petitioner is dedicating on their south half. He continued the idea was to put the proposal in for their half of the road, which is 30 feet, which will act as one of the access points into their property and as a Fire Dept. access road. He said when they met, with the family, what was attempting to be sought, was a temporary grading easement agreement, to put in a drainage structure, which ultimately would have helped the farm side, if in fact the petitioner and the Scheeringa family agreed to it. He said there was no talk, and the Town is not interested in eminent domain. He said that when and if the farm is sold, eventually with what has been dedicated to the west off of Kleinman by a few property owners and if there is any future development to the north, then this road can go in.

Jeannine Scheeringa asked Mr. Mika if he was talking about the temporary easement the Town offered the Scheeringas. She said it was the construction company that offered the Scheeringas ten dollars for this easement. She asked if this was the piece of paper Mr. Mika was referencing.

Mr. Mika responded he did not know what the dollar amount was or if there was a dollar amount. He said this is something they could ask the petitioners attorney. He continued that the temporary grading easement, which was being proposed, was being sought by the petitioner and not the Town and would have been valid for a certain period of time. Janine said she believed there is no such thing as a temporary easement.

Derek Snyder responded there was a time frame and it was for two years and at the end of the two years the petitioners rights would go away. He said the reason they were going for the easement was pertaining to the ditch that is north of the farm and it winds around both property lines and what they were proposing to do was avoid having a deep four or five foot drop off from

the edge of their road. They would basically get rid of the ditch and run it through a storm sewer pipe and gradually slope from the road back to the property to the north and that is what the grading easement is for. Janine Scheeringa believed the pipe is partially on the Scheeringa's land.

Commissioner Turich relayed these are some of the topics he has written down, he would be reviewing them and would discuss them with the other Commissioner's, probably at the next study session.

Janine Scheeringa referenced Janelle's conversation she had with Mr. Mika, the Town engineer and the engineer from Russell Group Steve Kudwa. She said that after Mr. Mika and the Town engineer left, Mr. Kudwa stayed and the Scheeringas and Mr. Kudwa walked the property and stayed for a long time. She said they walked behind the barn to the fields they own behind the barn and by the greenhouses, which is all wetlands. She said there was water present at the time and Mr. Kudwa told them that he could make the water go the way they wanted it and that 43<sup>rd</sup> St is going to go through no matter if the Scheeringas wanted it to go through or not. That if they gave them a million dollars and they walked out of their barn door, they would be hit by a car. She continued Mr. Kudwa said that whether the Scheeringas want it to go through you might as well get money for it because the Town is going to take it. She thinks she may even have a recording of the conversation. Commissioner Turich said he would like to hear the recording and talk to some other people regarding the validity of the conversation. Commissioner Turich asked Councilman Schocke if he was aware of this conversation and he replied he was not until now.

Ken Scheeringa who owns the property to the south of the farm spoke. He wanted to thank the Town. He stated he could not believe that if Jeff Strack wanted to sell his property that it would come to this type of discussion and problem. He stated he felt that if he wanted to sell his property no one should be able tell him who to sell his property to. He said he was sorry the Scheeringas did not get a chance to buy the property, but that others have drug his and Jeff Stracks name through the mud. He thinks it's a shame how this is transpiring. He said they are elected officials and thought they were fantastic before this happened and now people think they are jerks. He said he is tired of hearing it. He said the Commissioners are doing what they think is best for the Town.

**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 8:46 P.M.