

HIGHLAND PLAN COMMISSION

Minutes of the Meeting of
Wednesday, May 17, 2017

The Highland Plan Commission met in regular session on May 17, 2017 in the meeting room of the Municipal Building, 3333 Ridge Road, Highland, Indiana. The Pledge of Allegiance was led by Commissioner Zemen. The meeting opened at 7:00 P.M. led by Commissioner Schocke.

ROLL CALL: Present on roll call: Commissioners: Joseph Grzymiski, Mario Martini, Doug Turich, Mark Kendra, Tom Vander Woude, Mark Schocke, Mark Kendra and Bernie Zemen. Also present: Ken Mika, Building Commissioner, Attorney Jared Tauber, Redevelopment Director Cecile Petro and John Phipps, Plan Commission Engineer, Nies Engineering. Also, in attendance were residents from Whispering Oaks subdivision and other Highland residents.

MINUTES: Commissioner Schocke asked if there were any deletions, additions or corrections to the minutes of the April 19, 2017 regular meeting. Hearing none they were approved as posted.

ANNOUNCEMENTS: The next study session will be held on June 7, 2017 at 6:30 P.M. The next business meeting will be held on June 21, 2017 at 7:00 P.M.

COMMUNICATION: Commissioner Schocke acknowledged the receipt of 16 letters from home owners in Whispering Oaks subdivision dated between 12/02/16 and 12/09/16. He continued that they have been distributed to the members of the Plan Commission and will be entered in the record in the file. He stated that he had reviewed them. He also acknowledged a document received May 15, 2017 with questions from homeowners from Whispering Oaks subdivision regarding the proposed Main Street / Cardinal Campus of Highland project and they have been distributed to the members and he had reviewed them.

OLD BUSINESS: Approval of Findings of Fact for Docket # 2016-05 for a proposed two-lot subdivision combining the properties located at 3722 38th Street and 9006 Kleinman for the purpose of building a new single family home and accessory structure. Petitioners are Joe and Shelia Windsor of 9009 Arbor Hill Dr, Highland, represented by Mr. Gary Torrenga, Torrenga Engineering, 907 Ridge Rd., Munster, IN 46321.

Commissioner Martini motioned to approve the Findings of Fact. The motion was seconded by Commissioner Turich and unanimously passed by a roll call vote of 7 – 0.

Public Hearing Docket # 2017-01 for an amendment to the zoning ordinance and Preliminary Planned Unit Development Plan for the proposed Main Street Project / Cardinal Campus of Highland located on the north side of Main just east of Prairie Avenue (2245 105th, 2209, 2213, 2235, 2237 Main Street) (5 adjacent lots) for the purpose of a proposed development of professional office buildings and a luxury boutique hotel (30 rooms). The petitioner CG Indiana

Holdings, LLC, 1515 Busch Pkwy., Buffalo Grove, IL 60089 is requesting that the zoning be amended from a R-2 (Single & Two Family Residence) to B-PUD (Business Planned Unit Development). Petitioner is represented by Attorney Mr. James Wieser, Wieser & Wyllie, LLP, 429 W. Lincoln Highway, Schererville, IN 46375.

Attorney Jared Tauber stated that the proofs of publication were in order.

Attorney Wieser introduced Dr. Claude Gendreau, principle of the development, CG Indiana Holdings LLC. He described the location of the project as being on the north side of Main St. and at the intersection of Prairie Avenue. He continued that a they have a presentation prepared and also stated that they have presented a comprehensive development plan. He continued that at the conclusion of the presentation he would attempt to persuade the Commission that the project meets the statutory criteria the Commission and the Town Council are obligated to pay reasonable regard to.

Mr. Doug Farr, President of Farr Associates, introduced himself and spoke about his firm's expertise in urban design and zoning. He introduced his team; Tim Kirby, project manager, from FARR Associates; Tom Price from Conservation Design Forum and Tim Doron from Sam Schwartz, Transportation Consultants.

Mr. Tom Price introduced himself stating that his firm was a landscape architecture as well as civil engineers focused on sustainable development practices.

Mr. Tim Kirby started the presentation with a description of the project goals for this project. As urban planners, he described the connections that enhance physical, social and economic development that provide a successful place. He contrasted this to suburban sprawl. He discussed that there is currently a lot of cut through traffic on Prairie Avenue and they took that into consideration hoping to help with that situation.

The site is approximately 9.27 acres and there is a 50-foot easement for an oil pipeline on the north section of the property. He showed a map indicating what he termed a pedestrian prohibited zone, as the sidewalk on the west side of Prairie ends at Main Street and does not begin on the south side of Main Street until east of Plum Creek Dr. in Schererville not allowing for any safe crossing of Main St. He showed a slide of the internal private drive that illustrated where the entrances to the project will be. Another slide showed designated public and semi-public open spaces. He described mixed use zoning. He described the project as primarily professional office space however, the addition of the boutique hotel hopes to achieve balance of different kinds of use.

He spoke about the economic development aspect of the project as bringing high wage professionals to the area. He referenced Highland's 2004 Master Plan, which is a living document, which showed this area as having B-PUD potential and that is what they are asking for. He showed some slides comparing what would be allowed in a B-3 zoned district and a B-PUD including the parking ratio to the building and stated that the storm water is typically held in a large detention basin. He showed the slide that was the original site plan that they presented to residents in September 2016. He continued that the feedback that they received early on when

they had the meeting with the public at Lincoln Center had caused a revision to the project by relocating the hotel to the northwest portion of the site.

He encouraged the attendees of the meeting to look at the model that they had and showed slides of the revised site plan illustrating where the internal street would be, the location of the buildings, the fountain square and gardens. He continued that there are currently some massive trees on the site which they will preserve. He discussed the use of the permeable pavers and referenced the Town's Redevelopment standards encouraging the use of this type of surface for parking. He explained their analysis of the traffic. He stated that as urban designers & traffic engineers they know that a wider street encourages faster traffic. He discussed the possibility of a 4 way stop also at the intersection of Prairie & Timberidge.

They had been asked by the Town to dedicated 10' of private property on Main St. which allows for a generous sidewalk and green space and they have a 16 ft. setback for the buildings. He pointed out the current R-2 zoning allows for buildings to have a maximum height of 35 feet versus their office buildings which are approximately 31 feet. He also stated that the closest house is 100 feet away from their building.

He spoke about the construction of the buildings. The office buildings will be brick veneer with large aluminum frame windows with clear vinyl signage on windows. The hotel will have limestone veneer. He went on to describe the hotel's proposed canopy and the signage on it.

The next topic was the proposed signage for the property, their design and locations. There are 3 monuments signs: Main Street and Plum Creek Dr, Main Street and Prairie Av., Prairie and Timberidge Lane. The two located on Main St. would be 10' tall, with a square footage of 56 feet and the one located on Prairie & Timberidge Ln. would be 7' tall with a square footage of 56 feet. He explained that they may not be able to have the external lighting concealed in landscaping so that they may have back lit channel letters instead or no lighting at all. The slide showed a sign for Valparaiso University as a reference to the design for their signs. He continued to speak about the project's exterior lighting design. They are pursuing LEED NB certification. (Leadership in Energy and Environmental Design for Neighborhood Development) He stated that there will be full cut off light according to the LEED ND requirements; they will be shining lights on only what needs to be lit for safety or for beauty. All the lights can be dimmed. At key intersections, the lights will shine right down on the intersection. Parking lot lights will be higher to cover the area needed, street lights will be lower to be more at a pedestrian scale. Between the buildings there will be festoon style lighting.

In closing his presentation, Tim Kirby explained the Phasing Plan. There are to be 3 buildings in Phase One located in the southeast section of the property. The internal street will be done and all the right of way improvements along Prairie Ave. and Main St. as well as all of the perimeter landscaping is to be done in Phase One. Mr. Kirby closed his presentation speaking about the social connections and the public open space that can enhance social connections and act as an amenity to the area.

Mr. Tom Price from Conservation Design Forum started his presentation. His first slide illustrated that the planned water main connection showed an existing 8" water main on Prairie

and an existing 18" water main on Main St. They will be connecting to them. Sanitary sewer begins to the south and flows north & east and ties into the Town's sanitary sewer just north of the intersection at Timberidge Ln. and Prairie. He said that the larger storm water pipes run under the road. He explained the permeable paver system. Storm water is under the ground and drains to stone and an internal storm sewer. They are adding storm sewer on north side of Main and will be adding to the existing also on the east side of Prairie. He continued originally the plan was for the storm water to drain to the existing Whispering Oaks detentions ponds, which engineering would be fine, but in response to the residents they are now extending the storm sewer, north to Ramblewood and will tie into an existing 30" storm sewer. This is downstream from the existing basins and will not discharge into either of them.

He explained a slide that showed all of the storm storage on the site and explained that the road through the project will have brick pavers and under that is 3' of gravel which will provide storm water storage and also the structural basis for the road. All parking areas behind the buildings both on east and west sides will have 2' of gravel also for water storage & structural basis for the parking on the permeable pavers. Water goes through the pavers most of the time it rains, if for some reason it does not, in the front of the buildings are landscape areas that are depressed and there are curb cuts for any excess water to allow water into the landscape areas.

He explained how the computer modeling works to make sure it meets the requirements of the Town for water storage. Another slide showed the rate of flow and shows the run off coming off the site during very heavy rain falls. He explained that there are also several restrictors throughout the site that control the flow to stay in the gravel. After the construction of this project the flow will be 20% less of the current conditions for the area in a heavy rainfall. He next showed a slide showing the comparisons of the surrounding developments. It showed the run off from the Cardinal Campus and also the existing Whispering Oaks basins on the east and the west which illustrated the flow rate of the water coming off of them. The next slide showed a regional model of what the impact would be in the area illustrating that they are slowing the water flow down so that there would have not been an increase on the Whispering Oaks basins and now since they are going all the way to Ramblewood the model indicated that the level in these basins may decrease slightly.

The next slide illustrates fire protection is adequate and fire truck access is also adequate. Every area of the site was accessible.

Mr. Wieser stated regarding signage when it had been originally submitted they had referred to an exhibit that had not been included, so it has been reworked and now have a comprehensive plan. Mr. Mika had made some comments and they have been incorporated, but they will give us a cleaner copy of the submission.

Mr. Wieser stated that typically projects of this nature are done by a regional or national developer. Mr. Wieser emphasized the fact that the developer in this case will have his own business in this project. Mr. Wieser said there will be a document showing what will be the permitted uses in this B-PUD, there will be uses that are permitted in a B3 zoned district that will be excluded.

Mr. Wieser spoke to the statutory criteria in Indiana for rezoning. He stated that the Plan Commission as well as the Town Council need to pay reasonable regard to the comprehensive/master plan. He continued that they looked at Highland's Master Plan and they feel that this project had hit the comprehensive plan on the head. It appears that this community had anticipated this type of development when the master plan was amended in 2004.

He continued another requirement is that the project has to be consistent with the current conditions & character of the structures in that district. He described in general that the project is commercial and there are commercial uses on the east, south, and northeast. So, what they are doing is a logical extension of the master/comprehensive plan. And they believe it is the most desirable use for the land to be used as professional office buildings & a hotel. He believes with the modern design, the developer having his business within the project that they meet the criteria. He continued a third aspect is that there is a conservation of property values for the jurisdiction. The whole town of Highland is the jurisdiction. Ultimately, the taxable value of the property would be in the interest of the whole Town of Highland. Also, it needs to promote orderly development and growth. He continued that they strongly think that they meet the statutory criteria.

He continued that they appreciate the time the commissioners and the residents have put in on this. He said that it was because of comments by residents that they have the current design and current storm water design. He believes because of this they actually have a better project.

Commission Schocke commented that prior to him opening up the public hearing he would ask everyone to be civil and respectful. The individual speaking time would be limited to two minutes, the same as what occurs at Town Council & the School Board meetings. He continued that everyone should not repeat the same questions and also asked no one to block the exits.

Commissioner Schocke opened the public hearing.

Mr. George Van Til, 3020 Lakeside Drive, stated that the presentation was well thought out and professional. He requested that the 16 letters would be read at the meeting or at least referenced in summary so the public would know what the residents had written. He also asked if there could be more of a natural barrier between the development & the residential area as you go north on Prairie Ave., that it was a relatively short distance. He commented that it one of the quietest & nicest neighborhoods in Highland. He acknowledged that the development would be better than other types of projects that would be allowed by the ordinance. He noted the change to the storm water plan was a lot better.

Ms. Dawn Largus, 2105 Ramblewood, posed her question. Where on Ramblewood Dr. would the water drainage be going? Mr. Phipps answered that that 30" storm sewer that is downstream of her drainage and downstream of the Whispering Oaks detention basins. She asked about the trees. It was explained that the large trees on the sketch are existing and the new trees would be in line with the code as far as their height, that would depend on the species.

Ms. Nanette Wauchop, 2117 Ramblewood Dr., her concern was the time line of the 3 phases. After the two buildings are leased up, they believe it would be 2 years after completion of phase one.

Ms. Violet Lesko, 10335 Prairie, her concern was about traffic going down Prairie Ave. Would there be a stop light at Main & Prairie and speed bumps. Commissioner Schocke commented that he knows that there have been traffic studies and that is being discussed with the Town's Traffic Safety Commission which typically meet on the first Tuesday of the month.

Ms. Carol Kerr, 2185 Timberidge Ln., read from a prepared statement. In part it said, that whenever you see drawings of the campus, they never show our homes, like we don't exist. She continued that the office & hotel people will be looking down on the resident's patios, porches etc. She commented that this was not what they envisioned when they bought their homes in a residential zoned district.

Ms. Barbara McQueen, 2234 Ramblewood Dr., explained that when their home was purchased they had been told that Ramblewood Dr., would never to US 41, however that changed when Meijer came in. She made recommendations for stop signs at 3 locations in the area. She said she has had to contact the Highland Police Dept. on numerous locations regarding the traffic. Commissioner Schocke directed her to talk with the Traffic Safety Commission.

Mr. Rick Volbrecht, 9241 Parkway Dr., commented on having the letters from the residents being heard. He went on to talk about the drainage issue. He commented that the original plan had the water going into the Whispering Oaks basins, which are owned by the Association. The plan is now to go to a 30" drain that was there premised on residential zoning and his concern was that there will now be water from 9 acres being pushed through there. He continued that he is opposed to the project. He also commented that none of the commissioners lived west of Indianapolis Blvd.

Ms. Judy Mestrovich, 10362 Prairie commented that she has been opposed to this project from the beginning. She stated that when she had purchased the home she had asked about this property and was told that it was wetlands and zoned residential. She commented that she would never want to live in a commercial area.

Ms. Marlene Lessner, 10342 Prairie Av., stated she was opposed to the project.

Ms. Carol Claussen, 2225 Whispering Oaks Ct., spoke regarding the wetlands on the south side of Whispering Oaks Ct. what would become of them. It was explained that was not the petitioner's property and that they also had a 50' easement there.

Mr. Larry Kondrat, 8115 4th Pl. East, stated he was opposed to the project. This is a residential area and he also lives in a residential area on the north side. He commented that this would lead the way to other development that would take park land. He commented there are no schools in the Whispering Oaks area. He commented that it is his experience that the locals do not hang out in hotels or at a fountain in a parking lot. He also had concerns regarding pushing 9 acres of storm water through 30" pipe.

Ms. Sharon Will, 10398 Timberidge Ln., brought up the tax abatement issue regarding the project. How many years of taxes for free? She continued that there is existing empty office space. She continued if it was developed as residential, those homeowners would shop locally. She stated there are hotels near 80/94 and also on US 30, and wondered how many empty rooms they have.

Ms. Louise Segal, 2146 Timberidge Ct., stated that her house was the farthest west house in Whispering Oaks and she has had a problem with water ever since she has been there. She had some drains installed but still experiences water at times. She asked if her house floods who will be responsible. She does not have flood insurance and she does not want to have to buy it.

Commissioner Schocke brought up the fact that the drainage issue has been brought up several times and he thought that from an engineering standpoint the drainage to the 30" pipe was feasible and was resolved.

Mr. Price commented that existing storm water currently runs off the property, yes there is grass and trees now and yes there will be more pavement but it goes into the gravel. He continued that even the roof water will fall to the pavement or the landscaping and get infiltrated into the gravel. He explained the function of the restrictors which are small and release the water at a very slow rate and hold the water in the gravel storage.

Mr. Phipps commented that the 36" of stone under some of the road and 24" stone under most of parking, he had calculated approximately 8" of storage in the stone. He commented that a 100-year rain fall is 7".

Ms. Marie Russo, 2185 Ramblewood Dr., commented that she thought this development was better than what else could be there. She voiced her support of the project.

Ms. Irene Teets, 2147 Oakwood Ct., asked if she had heard that they were planning on putting in cottonwood trees? She was told no, that was not the case.

Ms. Linda Ochman, 2256 Whispering Oaks Ct., her concern was overflow parking on the streets.

Mr. Tim Kirby stated that they had worked with Sam Schwartz Transportation Consultants to optimize the parking. Mr. Tim Doron, of Sam Schwartz stated that environmentally they did not want to put in the parking for a hotel as well as the parking for the office complex. He explained that this was shared parking which is a standard used by national engineering groups. He continued that hotel and office use do not peak at the same time. She also asked about a massive oak tree that was behind her house and her neighbor. The response was that no trees not on their property would be touched.

Ms. Mandy Barbee, 2260 Whispering Oaks Ct., lives by the easement. She asked that in reference to the parking on that side will there be any other barrier. They responded that there is a line of trees and also, they would be putting in a 6-foot fence. They also noted that the lighting would be aimed away.

Mr. Stephen Schwegman, 10338 Prairie, wanted to voice his support for the project. He noted that the property was going to be developed sooner or later. He said he would not buy a single family residence on those properties. He commented that the properties have been for sale for years, and no developer came in to build condo's or townhomes. He also noted he had visited the Doctor's hotel in Homewood and it was a very nice establishment.

Ms. Patricia Abbasi, 2184 Timberidge Ln., stated she was opposed coming in and nervous about the lighting and lighting on the signs shining into the residential properties. She also commented that they did a good job on the presentation.

Commissioner Schocke commented that the Commission had strict regulations regarding how many lumens can be produced in an area.

Mr. Don Dykstra, 2192 Timberidge Ln., commented that the architect and the developer had invited the Whispering Oaks residents to attend an informational meeting on September 19, 2016. He commented that the developer had made it very clear that he wanted to be a good neighbor and work with the residents and they were asked for their comments. Some concerns were presented and he was pleased with the positive results from the developer. He added that the developer was especially concerned with sustainability, green architecture and planning. They will be providing green space and saving as many trees as possible. He said he believed that the project would be an important addition to the Town.

Commissioner Schocke closed the public hearing.

Commissioner Turich clarified that the utilities would be private and maintained by them. He used an example of a water main break and asked who would be responsible for the repair. Attorney Wieser stated that he received an email from Mr. Phipps earlier in the day and since it was the first time it had been brought up before, he thought they would probably respond favorably but had to discuss further.

There was previous discussion at the Traffic Safety Meeting regarding plowing that the road and it was determined that it would be a private drive. Mr. Mika thought it had been decided that the road was private and not a public thoroughfare and as part of that the utilities within the respective easements would be private.

Commissioner Kendra asked about future expansion to 4 lanes on Main. Attorney Wieser said that had been done already. Mr. Mika stated that was part of the additional 10' that has already been dedicated as easement along Main.

Commissioner Vander Woude asked regarding a maintenance plan for the permeable pavement system. He said that would need to be included in the Final Plan Unit Development Plan. He asked at what point would the Plan Commission see a list of permitted uses. It was discussed that it would be part of the Final Plan Unit Development Plan as part of the declarations they believe.

Commissioner Martini motioned to make a favorable recommendation to the Town Council for the rezoning to a B-PUD. The motion was seconded by Commissioner Grzymiski and passed unanimously by a roll call vote of 7 – 0.

Commissioner Turich motioned to approve the Preliminary Plan Unit Development Plan contingent on the Plan Commission's approval of subdivision and approval of the Final Plan Unit Development Plan. The motion was seconded by Commissioner Martini and unanimously passed by a roll call vote of 7 -0.

NEW BUSINESS: Preliminary Hearing for primary plat approval for a one lot subdivision. The petitioner, CG Indiana Holdings, LLC, 1515 Busch Pkwy., Buffalo Grove, IL 60089. Petitioner is represented by Attorney Mr. James Wieser, Wieser & Wyllie, LLP, 429 W. Lincoln Highway, Schererville, IN 46375.

Attorney Wieser stated that they will need to have a one lot subdivision for the purpose of obtaining a proper plat and requested a public hearing for the public meeting of June 21, 2017.

Commissioner Vander Woude motioned to approve the request for a public hearing. The motioned was seconded by Commissioner Martini and was unanimously passed by a roll call vote of 7 – 0.

BUSINESS FROM THE FLOOR: Ms. Beverly Dohman, 10402 Timberidge Ln., stated she had been at another meeting and it was a madhouse, nothing was settled and the residents were not happy then and she believes they are not happy now.

Mr. George Van Til asked Commissioner Schocke if he could explain why the letters were not referenced. Commissioner Schocke stated that they are public documents and anyone could review or get copies through Mr. Mika.

A resident asked how long was this project going to take. Dr. Claude Gendreau, explained that it would take about a year and a half to build Phase one which is the 3 buildings.

He stated he wanted to assure everyone that he is committed to being a good neighbor and bring value to the area. He will be there on a daily basis and said they would be able to see him. He thanked the residents for being here and their participation. He has enjoyed their input and believes it made the project better.

A resident asked about getting yellow lines painted on the curbs in the area that say resident parking. She was directed to the Traffic Safety Commission

ADJOURNMENT: There being no further business to come before the Board, Commissioner Grzymiski moved to adjourn. Commissioner Martini seconded the motion and it was unanimously carried by a voice vote. Meeting adjourned at 9:04 P.M.