

HIGHLAND PLAN COMMISSION
Study Session Minutes
March 2, 2022

Study Session began at 6:30 P.M.

In attendance were: Commissioner's Balczo, Briseno, Grzymiski, Kisse, Martini and Turich. Also in attendance were Ken Mika, Building Commissioner/Zoning Administrator, Plan Commission Engineer Derek Snyder & Attorney John Reed. Commissioner Zemen was absent.

Those in attendance met with Rich Clousing, regarding a change being proposed for an existing Subdivision "Nevers Cove" PUD.

Mr. Mika gave the commission members a brief history which included the following: The R-PUD was approved approximately 24-25 years ago. As part of the approved plan (4) 8-Unit, 3 story condominiums were to be built. Two of the condo buildings were built, and 2 of the lots were never constructed due to the developer having to file for bankruptcy and the remaining lots going into foreclosure. Once the foreclosure matter was resolved, the remaining lots were purchased by a church, and ultimately sold to Mr. Clousing.

Mr. Clousing is claiming that it would not be feasible in today's market to build the 2 remaining condo buildings as approved.

Mr. Clousing is proposing to build (2) 4 – Unit Townhomes in place of the (2) 8- Unit Condo Buildings.

Mr. Mika displayed some photos of the area for the Commissioner not familiar with the site and surrounding area.

The Town has some concern in that due to the lack of maintenance that hasn't occurred beyond the built up units. Longwood Drive (Private Drive) hasn't been maintained nor the area involving the detention pond. The drive is full of potholes and it looks as though the snow has been removed from the developed side and the plow piled and blocked the remainder of the loop of Longwood Dr., which would be a problem should emergency equipment need to gain access to the Condos.

The concern raised is why the existing property owners haven't maintained this area considering the Covenant/Homeowners Association should share this responsibility and whether they are aware of this? And how this project will define their responsibility.

Mr. Clousing stated they have made several attempts in contacting the representatives of the Homeowners Association by certified mail and in person with no success.

In reviewing a copy of the Covenant, it appeared as though there was an exhibit "A" that was missing from the document that was being referenced. Attorney Reed stated that he was going out to County the following day and he would see if he could find a complete copy.

Mr. Mika stated that the proposed change to the existing PUD would be a major modification and would require that the petitioner have a Public Hearing regarding the change.

Moving forward the Plan Commission must decide if the proposed revision to the PUD makes sense, and will not upset the balance, or character of what has been established so as to not make things look piece meal.

The Covenant/Homeowners matter must be resolved.

Commissioner Turich commented that more needs to be seen prior to proceeding. Mr. Mika suggested that if Mr. Clousing decided to continue in the process that he should retain legal counsel to represent him in the process which would ultimately include preparing the respective ordinance.

Mr. Clousing hoped to have some things worked out by next month's study session.

Study Session ended at 7:10 P.M.

Ken Mika

Building Commissioner / Zoning Administrator