The regular meeting of the Board of Zoning Appeals of the City of Hammond was held on Tuesday, January 28, 2025 at 6:00 p.m., Council Chambers, 2nd Floor, Hammond City Hall, 5925 Calumet Avenue, Hammond, IN 46320, and via www.Zoom.us

Kathleen Hill called the meeting to order at 6:02 p.m. Ms. Hill led the reciting of the Pledge of Allegiance.

PRESENT	ABSENT	ALSO PRESENT
Cynthia Jasso (IP)		Brian L. Poland, AICP
Roger Brock (IP)		Director of City Planner
William Hutton (IP)		
Dan Faulkner (IP)		Tom Novak
Kathleen Hill (IP)		Assistant City Planner
		Shannon Morris-Smith
		BZA Recording Secretary
		Dave Westland
		BZA Attorney

PRESENT: FOUR (5) ABSENT: ZERO (0) QUORUM

ELECTION OF OFFICERS FOR 2025

Mr. Poland opened up the Election of Officers for 2025. Mr. Poland asked for a nomination for Chairperson. Mr. Brock motioned to nominate Kathleen Hill, seconded by Mr. Faulkner. There were no other nominations. Roll call vote. Roger Brock/yes, William Hutton/yes, Cynthia Jasso/yes, Dan Faulkner/yes, Kathleen Hill/yes. 5"Ayes", 0 "Nays", 0 "Abstentions" 0 "Absent". Motion carried.

Mr. Poland asked for a nomination for Vice-Chairperson. Mr. Hutton motioned to nominate Mr. Brock, seconded by Mr. Faulkner. There were no other nominations. Roll call vote. Roger Brock/yes, William Hutton/yes, Cynthia Jasso/yes, Dan Faulkner/yes, Kathleen Hill/yes. 5 "Ayes", 0 "Nays", 0 "Abstentions" 0 "Absent". Motion carried.

Mr. Poland closed the Election of Officers for 2025.

APPROVAL OF MINUTES

Chairperson Hill called for a motion to approve the minutes for September 24, 2024. Mr. Brock so moved, seconded by Ms. Jasso. Roll call vote. Roger Brock/yes, William Hutton/yes, Cynthia Jasso/yes, Dan Faulkner/yes, Kathleen Hill/yes. 5 "Ayes", 0 "Nays", 0 "Abstentions" 0 "Absent". Motion carried.

Chairperson Hill called for a motion to approve the minutes for October 29, 2024. Ms. Jasso so moved, seconded by Mr. Brock. Roll call vote. Roger Brock/yes, William Hutton/yes, Cynthia Jasso/yes, Dan Faulkner/yes, Kathleen Hill/yes. 5 "Ayes", 0 "Nays", 0 "Abstentions" 0 "Absent". Motion carried.

OLD BUSINESS

Z-24-12 Petition of Rafael Hermosillo for a Variance of Use from Zoning Ordinance Title VII 8.11(6) to allow an Event Space General Facility in a C-1 Local Commercial District to Title VII 7.10 permitted uses located at 3534-36 165th Street within the City of Hammond, Lake County, Indiana

Mr. Poland stated there was a letter from the petitioner withdrawing the petition.

NEW BUSINESS

Z-25-01 Petition of NWI Hohman, LLC for a conditional use regarding T/S 24.30 to operate an Event Space General Facility upon the property located at 5231 Hohman Avenue in a C-3 Central Business District in the City of Hammond

Chairperson Hill asked the secretary if the notification requirements had been met. Ms. Morris-Smith stated "Yes".

Scott Yahne, Attorney, 3 Lincoln Highway, Suite 201, Valparaiso, IN 46383, represented the petitioner. Anastacia Fratto and Sharon Hart, NWI Hohman, LLC. development team members were also present. Mr. Yahne stated he was the attorney for NWI Hohman, LLC., located at 5231 Hohman Avenue, the former Bank Calumet building. There were five (5) petitions prepared for 5231 Hohman Avenue. This building was vacant for a long time, sustained water damage from flooding, and deterioration. In 2022, the petitioner was before the Board to obtain approval for residential units market rate apartments above the first (1st) floor. The apartments were on floors two through nine (2-9). There was also a request to reauthorize the action that was approved in 2022.

There was a discussion on the first-floor space features. The petitioner was seeking approval of a conditional use to operate an Event Space General Facility. The property at 5231 Hohman Avenue was located in a C-3 Central Business District of downtown Hammond. The proposed business name was the Reserve A Grand Venue, commonly known as The Reserve. The petitioner has invested twenty-nine million dollars ($29,000,000) into the building. There were some delays in construction due to COVID-19, material shortage/cost, and more flooding. The anticipated opening date for the building was this spring.

The Reserve would be a grand hall venue for weddings, City functions, corporate events, and some music events. The venue anticipated approximately fifty (50) events a year. Weddings would typically be on the weekends, business, fundraisers, and music events would be in the evenings. The fire code occupancy was 398, the petitioner requested an occupancy of 268. There would be food service/catering, and an alcohol permit has been obtained. There was further discussion on the noise ordinance, and the event closing time of midnight. Mr. Yahne further stated the petitioner operates the Barrel House in Michigan City. This property was restored and operates as an event space. A high professional status in operating the venue has been maintained.

The fire and security service were discussed. There will be a direct fire system to the fire station. There will also be a private security system that will monitor the entrances, lobby, hallways. In addition, there will be a controlled entry system to the building.

Mr. Yahne concluded his presentation.

Chairperson Hill asked if there were any questions from the Board. Chairperson Hill asked for clarification on "Vendor". Mr. Yahne stated vendor was related to "entertainment, weddings, etc".

Mr. Poland commented that the Event Space ordinance was adopted in 2024 to address some issues that were taking place all over the City. Prior to the Event Space Ordinance, the term Place of Assembly as used for places that had wedding, repast, birthday, and other smaller event. Mr. Poland further stated the Towle Theatre was identified separately in the zoning ordinance separately from an event space.

Mr. Hutton commended the petitioner on the work that has been done to restore the property.

Chairperson Hill asked if there were any questions from the staff. Mr. Novak asked for clarification on the proposed advertisement occupancy for the event space. Ms. Hart stated 250-270 would be marketed for a sit-down event. Mr. Novak asked if there was an advertisement number for a cocktail event. Ms. Hart stated no more than 300 was anticipated for the space.

Mr. Poland stated 398 was the number that has been applied to the cases. There was also a number of 350 that was seen advertised. Staff was seeking clarification on the correct number of the occupancy request. Mr. Yahne stated 398 was the correct occupancy number that was requested.

Mr. Hutton asked how the fire department arrived at 398 occupancy. Mr. Poland stated the Fire Department has their criteria for occupancy.

Chairperson Hill asked if there would be police officers present at events depending on the number of occupants. Ms. Hart stated there would be staff security and off duty police officers required for events with alcohol. Events under 50 people without alcohol security was not required.

Mr. Novak informed the petitioner that there was a program available that business owners could connect their security system camera directly to the Police Department to view at all times.

Chairperson Hill asked if there were any additional questions from the Board. There were none.

Chairperson Hill opened the floor for public comments.

Patrick Mysliwy, 53 Munich Court, Hammond, IN 46320
-Concerned about parking and security for parking
-Concerned about trash issue that took place from the previous night club

Mr. Poland asked Mr. Mysliwy to ask his questions when the petitions addressing the parking have been reviewed.

Chairperson Hill closed the floor for public comments.

Chairperson Hill asked if there were any additional questions from the Board members.

Chairperson Hill asked for staff to read the staff report recommendations (Z-25-01), however it is included in its entirety.

Mr. Novak made a correction to the staff report on Page 3, Section A, on the second line. The kitchen and bar staging area at the "SW" corner of the building, was corrected to the "NE" corner of the building.

Zoning Citation

Title IX C-3 Central Commercial District, **Section 9.11** Conditional Uses,
(12) "Event Space General Facility (Subject to Title XIX Zoning and Conditional Provisions)"

Background

The subject property, commonly known as 5231 Hohman Ave, is an 82.75' x 191.2' (15,821.8 SF, 0.363-acre) rectangular corner parcel. Located at the SE corner of one of the most prominent intersections in Downtown Hammond – Fayette St. and Hohman Ave. In both the 1981 and 2003 City Zoning Ordinances, the subject property and all neighboring blocks is zoned C-3 Central Business District. These properties are a mix of parking lots, residential, office space, retail, restaurants, and businesses offering other types of services.

The 10-story Bank Calumet Building, the tallest in Downtown Hammond, fronts for 82' 9" on Hohman Ave. and for 154' 9" on Fayette St. with a ground floor footprint of 12,723 SF. There are main floor entrances on both streets. In the rear is a parking lot 36' 5.5" deep and accessible via a 14' wide alleyway.

In recent years, there has been ongoing rehabilitation work by petitioner, NWI Hohman, LLC. Their intention is to begin leasing 100 market-rate apartments of various sizes and amenities as "The Banc" in Spring 2025, while repurposing the multi-level bank lobby into commercial tenants and a co-working area for residents. These apartments were approved as a conditional use by the BZA on September 28, 2021, under Case No. Z-21-25. Current petition will request this new conditional use be approved while reauthorizing 2021's conditional use.

The property is identified as Outstanding on the Indiana Historic Site and Structures Survey and is individually eligible for listing on both the National Register of Historic Places and the Indiana State Register. Its north and west façades consist of limestone with Beaux-Arts flourishes, while its south and east façades consist of brick.

The subject property sits within a "Mixed Office/Commercial" land use designation in the 1992 City of Hammond Comprehensive Land Use Plan. A walkable community with businesses that increase pedestrian traffic and function as community gathering spaces along this commercial corridor are key components in Jeff Speck's 2019 Downtown Hammond Master Plan.

Petition

Petitioner NWI Hohman, LLC, owner of the property, requests the Board grant a conditional use permit for an event space general facility. Proposal is to operate The Reserve, utilizing the majority of the 1st (ground) floor of the building – the former bank lobby. Opening set for May 2025. Events would range from social gatherings like wedding receptions to business luncheons and seminars to non-profit fundraiser dinners to pop-up shops and entrepreneurial showcases. Based on experience operating their Michigan City venue, well-attended wedding receptions and other common events average 150 attendees. Rarely will they approach their maximum requested occupancy of 398 persons. This 398-maximum occupancy aligns with what is approved by the Hammond Fire Department.

The proposed generalized layouts for a medium capacity wedding reception-type event and a closer-to-full capacity event, like a business seminar with vendor tables, are illustrated in Exhibit B Floor Plan in petitioner's supplemental documents submitted to Board.

Related matters of parking are being considered in the developmental variances of concurrent BZA cases Z-25-02(B)(C)(D).

Analysis

A successful and safely run event space facility can be a major draw for a downtown urban area. Event spaces were considered a fitting use for downtown commercial spaces when classified a conditional use in the C-3 District. They are to be allowed in principal as long as their operations and potential impact are reviewed and evaluated by the BZA.

The parent company of petitioner has experience operating a very similar situation at their Barrelhouse the Venue, located near the Blue Chip Casino in Michigan City, which they wish to reproduce here. This Michigan City event space offers limited on-site parking surrounded by single family homes and operates smoothly. At least 50 events

are expected per calendar year. The majority of events will occur on weekends and in the evening.

In February 2024, City Ordinance 9625 amended Zoning Ordinance 8514 to include new definitions of event space facilities, regulate them as a conditional use in certain zoning districts, and codify basic rules regarding operations and parking provided under Title XIX, Section 19.18.50.

Consideration needs to be given towards hours of operation, noise, liquor, food service/catering regulations, property maintenance, and event security. Over recent months, City Planning Staff has met with petitioner and discussed The Reserve's compliance with T/S 19.18.50. Staff have been assured that, disregarding those specific developmental variances requested in Z-25-02(A)(B)(C)(D), petitioner can comply:

Title XIX ZONING AND CONDITIONAL PROVISIONS
Section 19.18.50 EVENT SPACE FACILITIES
Subsection 19.18.50.05 General Provisions.

a. Food service and/or catering is subject to the Lake County Health Department provisions.

- The Reserve will have an approved list of licensed caterers which clients can select from.
- There is a kitchen and bar at NE corner of building for food staging and alcohol.

b. The provision of liquor shall be subject to Alcohol and Tobacco Commission (ATC) provisions and other applicable State Statutes.

- The Reserve provides alcohol in accordance with ATC provisions. Not all events will serve.
- The Reserve utilizes a beverage vendor and in-house licensed bartenders.
- The State of Indiana Alcohol & Tobacco Commission approved petitioner's request for Escrow Permit #CH4530254 for a "Beer Wine & Liquor - Catering Hall" permit on 09/17/2024.

c. The number of public restrooms shall be in accordance with the International Building Code (IBC) and the Building Commissioner.

- One men's and one women's ADA-compliant restroom.

d. Music/Entertainment - Music or entertainment shall not be the primary purpose of the Event Space Facility and. For example, music and dancing may be secondary to a wedding reception, but a concert, play, or stage performance is not permitted.

- Petitioner concurrently submits for a developmental variance regarding this provision under BZA Case No. Z-25-02(A). Please, refer to materials and staff report on that case.

e. Noise standards shall be in accordance with the provisions of the noise ordinance and HDEM (Municipal Code Chapter 97).

- Given building's heavy concrete walls and central downtown location, noise should not be an issue. Petitioner is aware of Chapter 97 of Municipal Code, the "Noise Ordinance."

f. The Event Space Facility shall conclude by 12:00 a.m.

- All events to cease activity by 12:00 a.m. Time is given after 12:00 a.m. for patrons to vacate.

Subsection 19.18.50.10 Parking and Occupancy

Petitioner concurrently submits for developmental variances regarding this provision under BZA Case Nos. Z-25-02(B)(C)(D). Please, refer to materials and staff reports on those cases.

For the record, the petitioner's request is for a 398-maximum occupancy. This figure comes from determination by the fire code. Petitioner can accommodate 268 patrons seated comfortably. Petitioner expects most events to top out at 150 patrons or smaller.

The impact to existing infrastructure should not be an issue if operations handled as described by petitioner.

Reviews and Approvals

City Planning Staff has reviewed materials provided by the petitioner.

Comment are pending from the Building Commissioner, Chief Fire Inspector, City Engineer, Superintendent of Wastewater Management, nor Director of the Hammond Department of Environmental Management.

Building Permit # B24-02832, issued on Nov. 18, 2024, permitted work within the proposed event space area, including fire protection systems. ("Curtain wall replacement, new mechanical, plumbing, electrical, fire protection systems, and new finishes") The Building Department and Fire Department approved these plans. Petitioner to maintain contact with Building and Fire Departments if any changes occur to plans and continue to call-in for inspection of work.

The City of Hammond invites any local business to connect their business's security camera system with the Police Department's FUSUS system so P.D. may have access to a live feed of the security cameras as need be.

Standards for Granting a Conditional Use

1) The approval will not be injurious to the public health, safety, morals, and general welfare of
the community.
2) The use and the value of the area adjacent to the property related to the conditional use will not be affected in a substantially adverse manner.
3) The approval will not have an adverse effect on the density of the adjacent area and the area will not be burdened by an excessive number of similar uses in the area.
4) The approval will not have an adverse impact on the transportation network, public utilities and educational facilities.
5) The approval will not have an adverse impact on the environment or natural resources.
6) The approval will not have an adverse impact on historical, architectural, cultural and archaeological resources.
7) The approval does not substantially interfere with the Comprehensive City Zoning Plan.
8) The approval will be in compliance with applicable provisions established elsewhere in the Zoning Ordinance.
9) The approval shall provide for reasonable accommodation pursuant to Section 24.53.

Staff Recommendation

Staff has reviewed the petitioner's request and recommends that the BZA grant the conditional use should the Board feel the petitioner has met the standards, subject to the following conditions:
1.) Approval of the developmental variance cases known as Z-25-02(A)(B)(C)(D), and compliance with all of those cases' conditions;
2.) Maximum occupancy shall be set at 398 persons unless determined to be a lower figure by the Hammond Fire Department following changes to event space area at a future time;
3.) Rough and final approvals by City of Hammond on all required inspections of work performed under Building Permit # B24-02832.
Pursuant to T/S 24.42(3), should the BZA grant the conditional use for event space general facility under this petition, the Board is requested to reauthorize the "residential above ground floor" conditional use granted for Z-21-25.

Mr. Novak concluded the reading of the recommendation section of the staff report.

Chairperson Hill asked if there were any questions from the Board members. Chairperson Hill asked for clarification on the last recommendation. Mr. Novak stated that the BZA granted a conditional use for "residential above ground floor" in case Z-21-25 for the apartments. The zoning ordinance is written that any additional conditional uses approved replace the previous conditional use, unless the previous conditional use has been reauthorized.

Chairperson Hill asked if there were any other additions or amendments to the findings of facts. There were none.

FINDINGS OF FACT

1. The approval will not be injurious to the public health, safety, morals, and general welfare of the community.

a) Security will be provided by petitioner for events.

b) Clients will be vetted prior to acceptance of contract for services.

c) The plans for the event space area, including food prep area and bathrooms, have approval from the Building Department and Fire Department.

d) Petitioner will operate within their "Beer Wine & Liquor - Catering Hall" license issued by the State of Indiana Alcohol and Tobacco Commission (ATC).

e) Petitioner will maintain their required licenses and permits with the Lake County Health Department.

2. The use and the value of the area adjacent to the property related to the conditional use will not be affected in a substantially adverse manner.

a) One of the most prominent storefronts and corners in Downtown Hammond has sat vacant/disused for five years and will now be occupied and have a visible presence.

b) The increase in foot traffic and out-of-town visitors may help word-of-mouth awareness for adjacent business owners and Downtown Hammond.

3. The approval will not have an adverse effect on the density of the adjacent area and the area will not be burdened by an excessive number of similar uses in the area.

a) There are no other currently operating event space general facilities in Downtown Hammond or the C-3 District overall.

b) The Towle Theater is 250' away; The Towle Theater is permitted parking for their events separately from the event space provisions.

4. The approval will not have an adverse impact on the transportation network, public utilities and educational facilities.

a) The peak parking demand for The Reserve are on weekends and evenings, during off-peak hours for Downtown Hammond overall.

b) The redesign of Hohman Ave. and Sibley St, completed in Summer 2024, purposefully increased on-street parking along this corridor.

5. The approval will not have an adverse impact on the environment or natural resources.

a) The property is rehabilitating a century-old space vacant/disused for five years.

b) Petitioner complies with Indiana Department of Environmental Management (IDEM) and Hammond Department of Environmental Management (HDEM) requirements.

c) The building is located in the Central Planning District III and there are no natural areas in the vicinity.

6. The approval will not have an adverse impact on historical, architectural, cultural and archaeological resources.

a) The property is identified as Outstanding on the Indiana Historic Site and Structures Survey.

b) The property is individually eligible for listing on both the National Register of Historic Places and the Indiana State Register.

7. The approval does not substantially interfere with the Comprehensive City Zoning Plan.

a) The subject property sits within a "Mixed Office/Commercial" land use designation in the 1992 City of Hammond Comprehensive Land Use Plan.

b) A walkable community with businesses that increase pedestrian traffic and function as community gathering spaces along the Hohman Avenue commercial corridor are key components in Jeff Speck's 2019 Downtown Hammond Master Plan.

c) Zoning Ordinance 8514 as amended by Ordinance 9625 allows for "Event Space General Facility" as a conditional use in the C-3 District.

8. The approval will be in compliance with applicable provisions established elsewhere in the Zoning Ordinance.

a) Petitioner will comply with T/S 19.18.50.05(a, b, c, e, f) General Provisions of Event Space Facilities.

9. The approval shall provide for reasonable accommodation pursuant to Section 24.53.

N/A

Chairperson Hill asked for a motion to accept the amended staff report into the record subject to the three (3) conditions as presented by staff and to adopt the Finding of Fact as amended into the record (Z-25-01). Mr. Brock so moved, seconded by Mr. Faulkner. Roll call vote. Cynthia Jasso/yes, Dan Faulkner/yes, Roger Brock/yes, William Hutton/yes, Kathleen Hill/yes. 5 "Ayes", 0 "Nays", 0 "Abstentions" 0 "Absent". Motion carried.

Chairperson Hill asked for a motion to approve the conditional use (Z-25-01), subject to the three (3) conditions. Mr. Brock so moved, seconded by Ms. Jasso. Roll call vote. Cynthia Jasso/yes, Dan Faulkner/yes, Roger Brock/yes, William Hutton/yes, Kathleen Hill/yes. 5 "Ayes", 0 "Nays", 0 "Abstentions" 0 "Absent". Motion carried.

Chairperson Hill asked for a motion to reauthorize the conditional granted to Z-21-25. Ms. Jasso so moved, seconded by Mr. Brock. Roll call vote. Cynthia Jasso/yes, Dan Faulkner/yes, Roger Brock/yes, William Hutton/yes, Kathleen Hill/yes. 5 "Ayes", 0 "Nays", 0 "Abstentions" 0 "Absent". Motion carried.

Z-25-02(A) Petition of NWI Hohman, LLC for a developmental variance regarding T/S 19.18.50.05 (d) to allow music or entertainment as a limited accessory use which music may be the primary purpose at no more than 30% of the events held at the Petitioner's Event Space Facility, during any given year at property located at 5231 Hohman Avenue in a C-3 Central Business District in the City of Hammond

Chairperson Hill asked the secretary if the notification requirements had been met for all petitions. Ms. Morris-Smith stated "Yes".

Scott Yahne, Attorney, 3 Lincoln Highway, Suite 201, Valparaiso, IN 46383, represented the petitioner. Anastacia Fratto and Sharon Hart, NWI Hohman, LLC. development team members were also present. Mr. Yahne stated this was 1 of 4 developmental variances. This petition was related to music and entertainment allowed up to a limited number of events. The petitions were all related to parking. Mr. Yahne further stated the petitioner was seeking approval to provide music or entertainment as a limited accessory use. Music and tickets events would be the primary purpose at no more than 30% of the events at the Reserve. There were 50 events anticipated per year. The events would be primarily in the evenings and weekends.

Chairperson Hill asked if there were any questions from the Board. Mr. Faulkner asked how would concerts be allowed in event space when its restricted. Mr. Poland stated

the petitioner was asking for 30% of the 50 events to be concerts to be approved by the Board with a developmental variance. Mr. Poland further stated a wedding with music would not count toward the developmental variance because it is already allowed.

Ms. Jasso asked if the 30% was applied to the 50 events that were indicated previously. Mr. Yahne stated "Yes", 30% of 50 would be 15 music only events.

Chairperson Hill asked if the 50 events were random and would the number change. Mr. Yahne stated "Yes" the exact number was unknown. Chairperson Hill asked if the music only events would end at midnight. Mr. Yahne stated "Yes". Chairperson Hill asked how would the residents enter the building with the event space occupying the lobby. Mr. Yahne stated there was an entrance to the event space and there was a separate entrance for the residents to access in the front. There was also a rear entrance that residents were able to access.

Chairperson Hill asked if there were any additional questions from the Board. There were none.

Chairperson Hill opened the floor for public comments. There were none.

Chairperson Hill closed the floor for public comments.

Chairperson Hill asked if there were any additional questions from the Board members.

Chairperson Hill asked for staff to read the staff report recommendations (Z-25-02A), however it is included in its entirety.

Mr. Novak made a correction to the staff report on Page 3, under Staff Recommendation a fifth recommendation was added regarding compliance with Chapter 97 of Hammond Municipal Code as it relates to noise.

<u>Zoning Citation</u>
Title XIX Zoning and Conditional Provisions, **Section 19.18.50** Event Space Facilities
Subsection 19.18.50.05 General Provisions
(d) "Music/Entertainment - Music or entertainment shall not be the primary purpose of the Event Space Facility and. For example, music and dancing may be secondary to a wedding reception, but a concert, play, or stage performance is not permitted."

Background

In February 2024, City Ordinance 9625 amended Zoning Ordinance 8514 to include new definitions of event space facilities, regulate them as a conditional use in certain zoning districts, and codify rules regarding their basic operations provided under Title XIX, Section 19.18.50. This included defining an event space distinctly as not a music/performance venue. Music or entertainment should be incidental to an event, not its organizing purpose. For example, an event space should not host ticketed events with live entertainment or touring musicians.

The 10-story, 99-year old Bank Calumet Building makes this 0.363-acre corner parcel at Fayette St. and Hohman Ave a focal point of Downtown Hammond. Petitioner plans to open an event space facility, The Reserve – A Grand Venue, as early as May 2025 in its historic bank lobby, which with its vaulted ceilings is like a great hall. The event space use itself is considered in a concurrent BZA Case, Z-25-01.

The property and its neighborhood are zoned C-3 Central Business District. These properties are a mix of parking lots, residential, office space, retail, restaurants, and businesses offering other types of services. The subject property sits within a "Mixed Office/Commercial" land use designation in the 1992 City of Hammond Comprehensive Land Use Plan. A walkable community with a focus on pedestrian access and shared public parking are major components of Jeff Speck's 2019 Downtown Hammond Master Plan.

Petition

T/S 19.18.50.05(d) provides that music or entertainment shall not be the primary purpose of an Event Space General Facility. Petitioner NWI Hohman, LLC, owner of the property, requests the Board grant a developmental variance allowing music, performance, or entertainment as a limited accessory use, under which music, performance, or live entertainment may be the primary purpose at no more than fifteen (**15**) events held at Petitioner's Event Space Facility, during any calendar year.
For example, a concert of dueling pianos, where attendees come to listen to a form of musical entertainment, is a successful event at their Michigan City event space Barrelhouse the Venue, which they would wish to bring here a few or more times a year.

Per the Ordinance, a concert, play, or stage performance is not permitted. The music, performance, and entertainment as a limited accessory use is intended to allow music

and entertainment activities on a limited basis and are distinct from music as a secondary activity to a wedding reception or other event in which music is not a primary purpose. These activities (wedding reception or similar in which music or entertainment is not a primary purpose) are permitted and do not count in the 15 events limitation.

Analysis

Music, performance, and entertainment events as a limited accessory use here could act as a draw to both Hammond residents and out-of-town visitors to Downtown Hammond. Providing a place for entertainment that could become a well-known name in the Calumet Region would do well for increasing pedestrian traffic and money spent downtown. That is in line with both the 1992 Comprehensive Land Use Plan and the 2019 Downtown Hammond Master Plan, as well as complimentary to the goals of the Hammond Redevelopment Commission.

The parent company of petitioner has experience operating a similar situation at their Barrelhouse the Venue, located near the Blue Chip Casino in Michigan City, which they wish to emulate here. This Michigan City event space, surrounded by single family homes, hosts the occasional live music event, offers limited on-site parking and operates smoothly. The petitioner's parent company has seen financial success and a proven path forward for investors with what has been developed at Barrelhouse the Venue, a renovated historic building in Michigan City, and wishes to recreate this success at The Reserve.

Petitioner intends to begin leasing 100 market-rate apartments on floors 2-9 as "The Banc" in Spring 2025. There are main floor entrances/exits to the proposed event space on both Hohman Ave. and Fayette St, while residents will enter via an exclusive third secure door to access elevators for their apartments. The two operations are wholly separated on the floor plan. The event space covers a substantial portion of the 12,723 SF ground floor footprint. The architecture and multi-story ceilings of the lobby coupled with the proximity of residents on the lower floors should trigger questions of noise dampening and quality-of-life considerations for the residents. It is important if noise issues do arise on the interior or exterior, then petitioner take all available actions to address them. Outside noise concerns may be allayed by the building's heavy limestone and brick exterior walls, entrances/exits which open to enclosed vestibules, and central downtown location. Petitioner has confirmed they are aware of Hammond Municipal Code Chapter 97 – the "Noise Ordinance."

Most events will occur on weekends and/or evenings, when many other business types downtown are closed. The impact to existing infrastructure should not be an issue if operations are handled as described by petitioner. The number of people who will come

downtown for these music/entertainment events will be similar to attendance at larger events regularly held at The Reserve. Security will always be on site for events and will aid in dispersal of crowds inside and out for particularly large events as needed.

The petitioner's request in other concurrent BZA cases is for a 398-maximum occupancy. While seeing a "full house" show at maximum occupancy may be a good sign for business here, petitioner does not expect the majority of music or entertainment events to approach 398.

Considerations of parking are to be made in concurrent BZA Cases Z-25-02(B), Z-25-02(C), and Z-25-02(D). Please, refer to the submitted materials and staff reports regarding those cases. It should be noted here that petitioner is in talks with nearby businesses to utilize their substantial parking for overflow at larger events – a valet or shuttle service would be offered.

Reviews and Approvals
City Planning Staff has reviewed materials provided by the petitioner.

Comments are pending from the Building Commissioner, Chief Fire Inspector, City Engineer, and Superintendent of Wastewater Management.

Director of the Hammond Department of Environmental Management (HDEM) Ron Novak requests a condition of approval be added stating compliance with Chapter 97 of the Hammond Municipal Ordinance, as it outlines noise and regulations regarding it.

Standards for Granting a Developmental Variance
1) The approval will not be injurious to the public health, safety, morals, and general welfare of the community.
2) The use and the value of the area adjacent to the property related to the conditional use will not be affected in a substantially adverse manner.
3) The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property.

Staff Recommendation

Staff has reviewed the petitioner's request and recommends that the BZA grant the developmental variance should the Board feel the petitioner has met the standards, subject to the following conditions:

1.) Approval of the conditional use case known as Z-25-01, and compliance with all of that case's conditions;

2.) Approval of the developmental variance cases known as Z-25-02(B), Z-25-02(C) and Z-25-02(D), and compliance with all of those cases' conditions;

3.) Music ceasing and event space area closing by 12:00 a.m.;

4.) Events where music or live entertainment serves as the primary purpose shall be limited to no more than fifteen (15) separate events in any given calendar year. Activities permitted in T/S 19.18.50.05 (d) (i.e. wedding reception or similar in which music or entertainment is not a primary purpose) are not counted in this limitation;

5.) Compliance with Chapter 97 of Hammond Municipal Code as it relates to noise.

Mr. Novak concluded the reading of the recommendation section of the staff report.

Chairperson Hill asked if there were any questions from the Board members.

Chairperson Hill asked if there were any other additions or amendments to the findings of facts. Mr. Poland made an amendment to the amendment by striking the word "pollution" in the two places that said "noise pollution".

FINDINGS OF FACT

1) The approval will not be injurious to the public health, safety, morals, and general welfare of the community.

a) Security will be provided by petitioner for events; security will always be on site for events and will aid in dispersal of crowds for particularly large events as needed.

b) The maximum occupancy will be set at 398 persons and is derived by fire code.

c) The music must cease and the event space area must close by 12:00 a.m.

d) The maximum of 15 music/entertainment oriented events as a limited accessory use provides balance and flexibility and not be in conflict with the residential uses of the building.

e) Petitioner has confirmed aware of Chapter 97 of Municipal Code, the "Noise Ordinance."

f) Outside noise concerns may be allayed by the building's heavy limestone and brick exterior walls, entrances/exits which open to enclosed vestibules, and central downtown location.

g) Vaulted two-story ceiling of lobby and amplified nature of concerts creates noise concern for residents of The Banc which petitioner must plan to minimize.
2) The use and the value of the area adjacent to the property related to the conditional use will not be affected in a substantially adverse manner.
a) The increase in foot traffic and out-of-town visitors may help word-of-mouth awareness for adjacent business owners and Downtown Hammond.
b) Well-attended entertainment events are the hallmark of an active, livable downtown as long as well-managed.
3) The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property.
a) The petitioner's parent company has seen financial success and a proven path forward for investors with what has been developed at Barrelhouse the Venue, a renovated historic building in Michigan City, and wishes to reproduce this success at The Reserve.
b) To allow a single commercial space to operate as both a traditional event space and offer limited ticketed live music and entertainment events, fulfilling petitioner's vision for property, relief must be granted from T/S 19.18.50.05(d).
c) Petitioner will comply with T/S 19.18.50.05(a, b, c, e, f) General Provisions of Event Space Facilities.

Chairperson Hill asked if there were any additional questions from the Board. Chairperson Hill stated she was concerned about #4 that indicated 15 events. Mr. Poland stated there was a projected number of 50 events per year 15 was mathematically 30% of 50. A variable number would become an administrative task to determine if the petitioner has been complying with the developmental variance. There was further discussion on the subject.

Anastacia Fratto, NWI Hohman LLC., 5231 Hohman Avenue, Hammond, IN 46320, stated they were the owner/operator of the event space and the building. The residents would use the space on days that there would not be events. Ms. Fratto asked the Board to consider 20 musical events per year to cover any venue use growth. The request was also to cover the petitioner to not have to return to the BZA to adjust this number.

Chairperson Hill asked how many musical events did the Barrel House in Michigan City, IN had last year. Ms. Fratto stated 12 musical events.

There was a discussion with Attorney Westland on the appropriate way to amend the requested musical events. Attorney Westland stated there was a verbal amendment that was appropriate to consider. Mr. Poland stated the decision was up to the Board. Mr. Poland further stated he had a concern about the impact on the Towle Theatre, and he wanted to make sure that weddings, etc., were not included in the 30%. Attorney Westland further stated that 30% had good intentions, but a specific number would be better to establish in place of the percentage. There was a consensus to retain the number of 15 music events per year.

Chairperson Hill asked if there were any other additions or amendments to the findings of facts. There were none.

Chairperson Hill asked for a motion to adopt the amended staff report into the record subject to the five (5) conditions as presented by staff and to adopt the Finding of Fact as amended into the record (Z-25-02A). Mr. Faulkner so moved, seconded by Mr. Brock. Roll call vote. Cynthia Jasso/yes, Dan Faulkner/yes, Roger Brock/yes, William Hutton/yes, Kathleen Hill/yes. 5 "Ayes", 0 "Nays", 0 "Abstentions" 0 "Absent". Motion carried.

Chairperson Hill asked for a motion to approve the developmental variance (Z-25-02A), subject to the five (5) conditions as amended. Mr. Brock so moved, seconded by Ms. Jasso. Roll call vote. Cynthia Jasso/yes, Dan Faulkner/yes, Roger Brock/yes, William Hutton/yes, Kathleen Hill/yes. 5 "Ayes", 0 "Nays", 0 "Abstentions" 0 "Absent". Motion carried.

Z-25-02(B) Petition of NWI Hohman, LLC for a developmental variance regarding T/S 19.18.50.10(a) to allow the Petitioner to meet the parking requirements by making an allowance for parking outside of a walking distance o 300 feet up to a maximum of 600 feet from the main entrance of the Event Space Facility located at 5231 Hohman Avenue in a C-3 Central Business District in the City of Hammond

Chairperson Hill made a correction to the next case number from Z-25-03(C) to Z-25-02(C).

Z-25-02(C) Petition of NWI Hohman, LLC for a developmental variance regarding T/S 19.18.50.10(b) for an allowance to consider on street parking within 600 feet when determining the maximum occupancy for the Event Space Facility located at 5231 Hohman Avenue in a C-3 Central Business District in the City of Hammond

Z-25-02(D) Petition of NWI Hohman, LLC for a developmental variance regarding T/S 19.18.50.10 (b) for an allowance to consider on street parking when determining the parking requirements for the Event Space Facility in Accordance with the Downtown Hammond Master Plan located at 5231 Hohman Avenue in a C-3 Central Business District in the City of Hammond

Mr. Poland asked Mr. Yahne to distinguish the case number during his presentation.

Mr. Yahne summarized Z-25-02(B). The petitioner was seeking a developmental variance to allow parking outside a walking distance of 300′ from the main entrance to 600′ due to an insufficient number of parking spaces within 300′. A downtown building does not typically have their own dedicated parking lots.

The parking demand baseline was estimated for 150 people. There would be times when the attendance would be scaled up for larger events. There were 183 on street parking spaces within 600′ and 177 off street parking space. The total number of parking spaces within 600′ was 360 parking spaces.

Mr. Yahne summarized Z-25-02(C). The petitioner was seeking a developmental variance to allow the maximum occupancy determination to be calculated on 600′, and not the 300′. Mr. Yahne further stated a fundamental of the Downtown Hammond Master Plan was to create a walkable downtown. There was thought on the parking spaces location and flow for the traffic and people visiting downtown venues.

Mr. Yahne summarized Z-25-02(D). The petitioner was seeking a developmental variance related to public parking lots and street parking. The number of street parking was discussed. The design of street parking was created to accommodate businesses, commerce, activity, and having human activity in the downtown area.

There was a discussion on a higher demand for street parking during customary business hours and a lesser demand for street parking during the evening hours. The petitioner would mainly have events during the evening and weekends.

Chairperson Hill asked if there were any questions from the Board. There were none.

Chairperson Hill opened the floor for public comments.

Patrick Mysliwy, 53 Munich Court, Hammond, IN 46320
-What thought has been given to the expanded parking area
-Concerned about the history of the Aquavor activities that spilled over into the parking lots and after the venue closed.
-Will there be security to patrol the area after the venue has closed.

Mr. Yahne stated there would be security on hand for events over 50 people, and all events with alcohol. Security would be off duty Hammond Police officers. The petitioner did not have the authority to patrol the streets. There would be a direct link to the Police Department and open communication. Mr. Yahne further stated this venue was nothing like Aquavor.

Mr. Poland discussed the difference between Aquavor and The Reserve. Aquavor was a bar that had music events that got out of hand. The event space operates differently from a bar with different activity rules. There was further discussion on communicating with the Police Department to advise them of when events will take place in case extra patrol cars will be needed to patrol the area.

Chairperson Hill closed the floor for public comments.

Chairperson Hill asked if there were any additional questions from the Board members.

Chairperson Hill asked for staff to read the staff report recommendations (Z-25-02B), however it is included in its entirety.

Zoning Citation
Title XIX Zoning and Conditional Provisions, **Section 19.18.50** Event Space Facilities
Subsection 19.18.50.10 Parking and Occupancy
(a) "Parking shall be provided in accordance with T/S 20.31, T/S 20.32, and T/S 20.42.01 (F)"

Background
In February 2024, City Ordinance 9625 amended Zoning Ordinance 8514. This included adding Title XIX, Section 19.18.50.10, which codified rules regarding parking at event space facilities. Petitioner is concurrently requesting a conditional use for an event space general facility in BZA Case No. Z-25-01 and permission to host a number of music/entertainment events within this space as a limited accessory use in

developmental variance Case No. Z-25-02(A). During this case and the two following cases, developmental variances regarding parking will be considered.

This facility is to be known as The Reserve – A Grand Venue and set to open as early as May 2025. At least 50 events are expected per calendar year.

The 0.363-acre subject property sits at the SE corner of Fayette St. and Hohman Ave. In the 1981 and 2003 City Zoning Ordinances, the subject property and all neighboring blocks are zoned C-3 Central Business District. These properties are a mix of parking lots, residential, office space, retail, restaurants, and businesses offering other types of services.

The subject property sits within a "Mixed Office/Commercial" land use designation in the 1992 City of Hammond Comprehensive Land Use Plan. A walkable community with a focus on pedestrian traffic and shared public parking are major components of Jeff Speck's 2019 Downtown Hammond Master Plan.

Petition

Petitioner NWI Hohman, LLC, owner of the property, requests the Board grant a developmental variance allowing parking spaces within 600' to be counted to meet the parking requirements of the Zoning Ordinance, in particular the requirements of event space general facilities.

Under T/S 20.31.01, off-street parking spaces not on the subject parcel but within 300' of the main entrance of a business may be counted, as long as in a public parking lot or if permission is given by parcel owner. By petitioning for relief from T/S 19.18.50.10(a), petitioner is in turn asking for relief from T/S 20.31.01 and its 300' rule.

That is, petitioner requests the Board double the radius of how far away parking spaces may be counted from the front door of this event space business – from 300' to 600'.

Approval of this developmental variance accounts for one of three developmental variances which must be granted in order for The Reserve to comply with Zoning Ordinance regarding event space parking. BZA Case Nos. Z-25-02(C) and Z-25-02(D) will consider other aspects of T/S 19.18.50.10 – setting of maximum occupancy and counting on-street public parking, respectively.

Analysis

Under T/S 19.18.50.10(b) and T/S 20.42.01(F), one (1) parking space allows for three (3) persons towards the maximum occupancy of event space facilities. Petitioner requests a 398-person maximum occupancy, which translates to a requirement to provide 133 parking spaces to event space guests.

On November 18, 2024, a foot survey was taken of the streets within 600′ of the main entrance of 5231 Hohman Ave. The results of that survey are contained in the following tables. The tables show figures for public **on-street parking** within 300′ and within 600′ as well as for **off-street parking** across three (3) public parking lots found within 600′:

ON-STREET PARKING SPACES	
	# of parking spaces
Hohman Ave.	
within 300'	**71**
within 600'	**112**
Sibley St.	
within 300'	**0**
within 600'	**20**
Fayette St.	
within 300'	**14**
within 600'	**26**
Rimbach St.	
within 300'	**16**
within 600'	**23**
Russell St.	
within 300'	**0**
within 600'	**2**
TOTAL within **300'**:	**101**
TOTAL within **600'**:	**183**

OFF-STREET PARKING SPACES WITHIN 600'	
	# of parking spaces
422 Sibley St.	**18**
140-42 Rimbach St.	**12**
225 Russell St.	**147**
TOTAL within **600'**:	**177**

TOTAL ON - STREET AND OFF-STREET SPACES WITHIN **300'**	**101**
TOTAL ON - STREET AND OFF-STREET SPACES WITHIN 600'	**360**

Within 300', a total of approximately 101 parking spaces exist, short of the 133 required. Within 600', that figure increases to approximately 360 spaces. That is a **3.5x** increase in available parking by doubling the radius. When considering expectations for pedestrian traffic in a walkable downtown, a distance of 600' is a reasonable distance to walk.

Public (Off-Street) Parking Lots:

- **422 Sibley St**: This 18-space parking lot immediately north of The Banc's residents-only parking lot is shared by a number of adjacent businesses, including the Towle Theater and Paul Henry's Art Gallery. Available parking may be very limited here during theater performances or gallery receptions. Lot is a straight walk down the alleyway to The Reserve.

- **140-42 Rimbach St**: Deputy Chief Executive Operator of the Hammond Water Department Jaime Prieto has given the OK for The Reserve to utilize their 12-space parking lot expansion next door to the new Hammond Water Department Office during non-office hours.

- **225 Russell St**: This is by far the largest public parking lot within 600'. Only a portion of the parking lot is within 600', hence only a 147-space portion is shown available. This parking lot is utilized during the daytime on weekdays by the Lake County Superior Courthouse at 232 Russel St, but the Court is closed on evening and weekends. It must be noted in the next couple of years, a majority-portion of this parking lot will be taken and redeveloped for Station Square when the South Shore Line Downtown Train Station is built.

Therefore, this figure of 177 total off-street parking spaces (**all over 300'**) may shrink substantially in the future unless new public parking options nearby are pursued by the City or developers. For now, off-street parking in the three public parking lots accounts for 49% of that 360 total figure.

One critical aspect in analyzing these figures is understanding the impact that their public nature has on their use by guests of The Reserve. The Reserve intends to rely entirely on publicly available parking spaces. This is in line with key components of the 2019 Downtown Hammond Master Plan and its walkable community rhetoric. This is also in line with Zoning Ordinance T/S 9.40, "Individual uses [in the C-3 District] are not required to provide on-site off-street parking." In light of this, consideration of a 600' radius for available parking is reasonable. Maximum occupancy of event spaces

must be set by available parking spaces, and so, parameters must still be set at this C-3 District property.

The petitioner is not guaranteed 360 parking spaces within 600', but to the portion available of these 360 at any given time. Petitioner has taken steps to manage this:

- Most events will be on weekends and/or evenings, when parking demand has fallen from its daytime peak. This is due to the preponderance of businesses downtown practicing daytime weekday hours of operation.
- Based on experience operating their Michigan City venue, the average wedding reception and other such common events are not expected to exceed 150-225 guests, meaning a diminished parking need of 50-75 spaces per Ordinance – 38-56% of 398-maximum requested
- Petitioner has been in talks with nearby property owners to utilize their substantial private parking facilities for overflow valet parking when requested at larger events.

The 360 spaces potentially available within 600' compared to the 133 space requirement allows for a large buffer between parking expectations and parking realities. The impact to existing infrastructure should not be an issue if operations are handled as described by petitioner.

Reviews and Approvals

City Planning Staff has reviewed materials provided by the petitioner. Comments are pending from the Building Commissioner, Chief Fire Inspector, City Engineer, Superintendent of Wastewater Management, and Director of the Hammond Department of Environmental Management.

Standards for Granting a Developmental Variance

1) The approval will not be injurious to the public health, safety, morals, and general welfare of the community.
2) The use and the value of the area adjacent to the property related to the conditional use will not be affected in a substantially adverse manner.
3) The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property.

Staff Recommendation

Staff has reviewed the petitioner's request and recommends that the BZA grant the developmental variance should the Board feel the petitioner has met the standards, subject to the following conditions:

1.) Approval of the conditional use case known as Z-25-01, and compliance with all of that case's conditions;
2.) Approval of the developmental variance cases known as Z-25-02(C) and Z-25-02(D), and compliance with all of those cases' conditions.

Mr. Novak concluded the reading of the recommendation section of the staff report.

Chairperson Hill asked if there were any questions from the Board members.

Chairperson Hill asked if there were any other additions or amendments to the findings of facts. There were none.

FINDINGS OF FACT

1) The approval will not be injurious to the public health, safety, morals, and general welfare of the community.

a) The increase in foot traffic on public streets, especially from out-of-town visitors, may help word-of-mouth awareness for adjacent business owners and Downtown Hammond.

b) There may be valet and/or shuttle parking at off-site parking facilities leased for use to The Reserve by their respective property owners but no leases have been signed yet.

2) The use and the value of the area adjacent to the property related to the conditional use will not be affected in a substantially adverse manner.

a) There are approximately 101 on-street parking spaces available to the public within 300' of the front entrance of The Reserve.

b) There are approximately 360 parking spaces available to the public within 600' of the front entrance of The Reserve.

c) The peak parking demand for The Reserve are on weekends and evenings, during off-peak hours for Downtown Hammond overall.

d) Off-street parking in the three (3) public parking lots accounts for 177 of that 360 figure (49%), and all three public parking lots are more than 300' away.

e) The redesign of Hohman Ave. and Sibley St, completed in Summer 2024, purposefully increased on-street parking along this corridor – there are 112 spaces on Hohman Ave. and 20 spaces on Sibley St. within 600' of the front door of The Reserve.

3) The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property.

a) T/S 9.40 states that off-street parking is not an individual requirement in the C-3 District and that community parking lots are encouraged, but compliance with T/S 19.18.50.10 requires setting a number of parking spaces available to event space guests.

b) Petitioner will comply with T/S 19.18.50.05(a, b, c, e, f) General Provisions of Event Space Facilities.
c) The 2019 Downtown Hammond Master Plan encourages pedestrian traffic and getting residents and visitors to walk longer distances within reason; this exposes people to more businesses, lightens parking strain, and lessens focus on car-centric planning

Chairperson Hill asked if there were any additional questions from the Board. There were none.

Chairperson Hill asked if there were any other additions or amendments to the findings of facts. There were none.

Chairperson Hill asked for a motion to adopt the staff report as presented into the record subject to the two (2) conditions as presented by staff and to adopt the Finding of Fact into the record (Z-25-02B). Mr. Brock so moved, seconded by Ms. Jasso. Roll call vote. Cynthia Jasso/yes, Dan Faulkner/yes, Roger Brock/yes, William Hutton/yes, Kathleen Hill/yes. 5 "Ayes", 0 "Nays", 0 "Abstentions" 0 "Absent". Motion carried.

Chairperson Hill asked for a motion to approve the developmental variance (Z-25-02B), subject to the two (2) conditions. Mr. Brock so moved, seconded by Mr. Faulkner. Roll call vote. Cynthia Jasso/yes, Dan Faulkner/yes, Roger Brock/yes, William Hutton/yes, Kathleen Hill/yes. 5 "Ayes", 0 "Nays", 0 "Abstentions" 0 "Absent". Motion carried.

Chairperson Hill asked for staff to read the staff report recommendations (Z-25-02C), however it is included in its entirety.

Zoning Citation
Title XIX Zoning and Conditional Provisions, **Section 19.18.50** Event Space Facilities
Subsection 19.18.50.10 Parking and Occupancy
(b) "The maximum occupancy of an Event Space General Facility is determined by the lesser of: 1) the maximum number of people that can be accommodated in accordance with such designed capacity as determine by the occupancy permit or applicable building code; or 2) the number determined by 3 times the number of Off-Street parking spaces provided on-site and the authorized parking within 300 feet of the main entrance per T/S 20.31.01. On-street parking is excluded unless authorized by the Board of Zoning Appeals."

Background

In February 2024, City Ordinance 9625 amended Zoning Ordinance 8514. This included adding Title XIX, Section 19.18.50.10, which codified rules regarding parking at event space facilities. Relevant to the Board in this case, it created a ratio which ties maximum occupancy to available parking: 3 persons per 1 parking space.

The 0.363-acre subject property sits at the SE corner of Fayette St. and Hohman Ave. In the 1981 and 2003 City Zoning Ordinances, the subject property and all neighboring blocks are zoned C-3 Central Business District. These properties are a mix of parking lots, residential, office space, retail, restaurants, and businesses offering other types of services.

The subject property sits within a "Mixed Office/Commercial" land use designation in the 1992 City of Hammond Comprehensive Land Use Plan. A walkable community with a focus on pedestrian traffic and shared public parking are major components of Jeff Speck's 2019 Downtown Hammond Master Plan.

Petition

Petitioner NWI Hohman, LLC, owner of the property, requests the Board grant a developmental variance to allow consideration for both on-street and off-street public parking within 600' when determining the maximum occupancy of the event space known as The Reserve.

Approval of this developmental variance accounts for one of three developmental variances which must be granted in order for The Reserve to comply with Zoning Ordinance regarding event space parking and maximum occupancy – Case Nos. Z-25-02(B), Z-25-02(C), and Z-25-02(D).

Analysis

The petitioner requests a 398-person maximum occupancy. Per T/S 19.18.50.10(b) and T/S 20.42.01(F), there is thus a requirement to provide 133 parking spaces to event space guests. This staff report will assume the 600' radius to measure available parking was

approved in Z-25-02(B). The consideration in this case should be whether the 398-person maximum occupancy requested, given its requirement of 133 parking spaces, is a reasonable request. The other way to calculate parking versus occupancy is to identify the number of available parking spaces times 3.

This developmental variance recognizes the role T/S 19.18.50.10(b) plays in tying maximum occupancy for an event space general facility to number of available parking spaces. Concurrent BZA Case No. Z-25-02(B) extends radius of available parking from 300' to 600' solely to meet parking requirements. In this petition, Z-25-02(C), the Board is asked to consider increasing this radius to 600' and to consider on-street parking *in determining* the maximum occupancy.

Petitioner's 398 figure comes from determination by the fire code and aligns with what is approved by the Hammond Fire Department. Petitioner can accommodate 268 patrons seated comfortably. Based on experience operating their Michigan City venue, the average wedding reception and other such common events would top out at 150 attendees. Most events will occur on weekends and/or evenings, when many other business types downtown are closed. The impact to existing infrastructure should not be an issue if operations handled as described by petitioner.

On November 18, 2024, a foot survey was taken of public parking within 600' of the main entrance. The results are illustrated on aerial photos with text/graphics overlaid. **See attachment**.

When future development comes, this figure of 177 total off-street parking spaces may shrink substantially unless new public parking options nearby are pursued by the City. One critical aspect in analyzing these figures is understanding the impact that their public nature has on their use by guests of The Reserve. The Reserve intends to rely entirely on publicly available parking spaces. This is in line with key components of the 2019 Downtown Hammond Master Plan and its walkable community rhetoric. This is also in line with Zoning Ordinance T/S 9.40, "Individual uses [in the C-3 District] are not required to provide on-site off-street parking." In light of this, consideration of a 600' radius for available parking is reasonable. Maximum occupancy of event spaces must be set by available parking spaces, and so, parameters must still be set at this C-3 District property.

The petitioner is not guaranteed 360 parking spaces within 600', but to the portion available of these 360 at any given time. Petitioner has taken steps to manage this:

- Most events will be on weekends and/or evenings, when parking demand has fallen from its daytime peak. This is due to the preponderance of businesses downtown practicing
daytime weekday hours of operation.

- Based on experience operating their Michigan City venue, the average wedding reception and other such common events are not expected to exceed 150-225 guests, meaning a diminished parking need of 50-75 spaces per Ordinance – 38-56% of 398-maximum requested
- Petitioner has been in talks with nearby property owners to utilize their substantial private parking facilities for overflow valet parking when requested at larger events.

The 360 spaces potentially available within 600' compared to the 133 space requirement allows for a large buffer between parking expectations and parking realities. The impact to existing infrastructure should not be an issue if operations are handled as described by petitioner.

Reviews and Approvals

City Planning Staff has reviewed materials provided by the petitioner. Comments are pending from the Building Commissioner, Chief Fire Inspector, City Engineer, Superintendent of Wastewater Management, and Director of the Hammond Department of Environmental Management.

Standards for Granting a Developmental Variance

1) The approval will not be injurious to the public health, safety, morals, and general welfare of the community.
2) The use and the value of the area adjacent to the property related to the conditional use will not be affected in a substantially adverse manner.
3) The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property.

Staff Recommendation

Staff has reviewed the petitioner's request and recommends that the BZA grant the developmental variance should the Board feel the petitioner has met the standards, subject to the following conditions:

1.) Approval of the conditional use case known as Z-25-01, and compliance with all of that case's conditions;
2.) Approval of the developmental variance cases known as Z-25-02(B) and Z-25-02(D), and compliance with all of those cases' conditions.

Mr. Novak concluded the reading of the recommendation section of the staff report.

Chairperson Hill asked if there were any questions from the Board members.

Chairperson Hill asked if there were any other additions or amendments to the findings of facts. There were none.

FINDINGS OF FACT

4) The approval will not be injurious to the public health, safety, morals, and general welfare of the community.

a) The Fire Department determined a maximum occupancy of 398 persons.

b) The Reserve can seat 268 patrons comfortably and has drawn preliminary floor plans.

c) The average large social event like a wedding reception will be around 150-225 guests.

d) There may be valet and/or shuttle parking at off-site parking facilities leased for use to The Reserve by their respective property owners but no leases have been signed yet.

e) Security will be provided by petitioner for events and aid in dispersal of crowds and traffic management for larger events; The Reserve will inform clients of public parking options.

5) The use and the value of the area adjacent to the property related to the conditional use will not be affected in a substantially adverse manner.

a) The 398-person maximum occupancy requires 133 parking spaces for patrons' vehicles per T/S 19.18.50.10(b); available public parking in petitioner's request is shown to be approximately 360 – or 227 in excess.

b) Not all 360 public parking spaces will be available to The Reserve and availability will range depending on time of day and day of week or during community events.

c) Hohman Avenue was recently reconstructed with a two-lane traffic design that showcases ample public parking meant to accommodate businesses like The Reserve.

6) The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property.

a) Petitioner will comply with T/S 19.18.50.05(a, b, c, e, f) General Provisions of Event Space Facilities.

b) T/S 9.40 states that off-street parking is not an individual requirement in the C-3 District and that community parking lots are encouraged

Chairperson Hill asked if there were any additional questions from the Board. There were none.

Chairperson Hill asked if there were any other additions or amendments to the findings of facts. There were none.

Chairperson Hill asked for a motion to adopt the staff report as presented into the record subject to the two (2) conditions as presented by staff and to adopt the Finding of Fact into the record (Z-25-02C). Mr. Brock so moved, seconded by Ms. Jasso. Roll call vote. Cynthia Jasso/yes, Dan Faulkner/yes, Roger Brock/yes, William Hutton/yes, Kathleen Hill/yes. 5 "Ayes", 0 "Nays", 0 "Abstentions" 0 "Absent". Motion carried.

Chairperson Hill asked for a motion to approve the developmental variance (Z-25-02C), subject to the two (2) conditions. Mr. Faulkner so moved, seconded by Mr. Brock. Roll call vote. Cynthia Jasso/yes, Dan Faulkner/yes, Roger Brock/yes, William Hutton/yes, Kathleen Hill/yes. 5 "Ayes", 0 "Nays", 0 "Abstentions" 0 "Absent". Motion carried.

Chairperson Hill asked for staff to read the staff report recommendations (Z-25-02D), however it is included in its entirety.

Zoning Citation
Title XIX Zoning and Conditional Provisions, **Section 19.18.50** Event Space Facilities
Subsection 19.18.50.10 Parking and Occupancy
(b) "On-street parking is excluded unless authorized by the Board of Zoning Appeals."

Background
The event space facility ordinance enacted in February 2024 was explicitly written to give the BZA the ability to count on-street parking towards Zoning Ordinance compliance. The Board is to consider such a request with this case.

The subject property is a 15,822 SF rectangular parcel at the SE corner of one of the most prominent intersections in Downtown Hammond – Fayette St. and Hohman Ave. The subject property and all neighboring blocks are zoned C-3 Central Business District, a district which encourages common parking resources. These properties are a mix of

parking lots, residential, office space, retail, restaurants, and businesses offering other types of services.

The Bank Calumet Building features main floor entrances/exits to the event space on each street, directly opening to on-street public parking to the north and west. A redesign of Hohman Ave. (and nearby Sibley St.) to include abundant on-street public parking debuted in Summer 2024.

The subject property sits within a "Mixed Office/Commercial" land use designation in the 1992 City of Hammond Comprehensive Land Use Plan. A walkable community with a focus on pedestrian access and shared public parking are major components of Jeff Speck's 2019 Downtown Hammond Master Plan.

Petition

Petitioner NWI Hohman, LLC, owner of the property, requests the Board grant a developmental variance allowing on-street public parking spaces counted to meet requirements in the Zoning Ordinance for petitioned event space.

Furthermore, this developmental variance must be approved in order to consider the parking relief requests made in Cases Z-25-02(B) and Z-25-02(C).

Analysis

The petitioner requests a 398-person maximum occupancy, which translates to a requirement to provide **133** parking spaces to event space guests.

On November 18, 2024, an on-foot survey was taken of public parking within 600' of the main entrance of 5231 Hohman Ave:

TOTAL **ON-STREET** PARKING SPACES	**183**	**51%**	PERCENTAGE OF TOTAL AVAILABLE PARKING SPACES
TOTAL **OFF-STREET** PARKING SPACES	**177**	**49%**	PERCENTAGE OF TOTAL AVAILABLE PARKING SPACES

The City has completed a reconstruction of Hohman Avenue to reduce the number of lanes and created parking in the middle of street. This is following the 2019 Downtown Hammond Master Plan. The additional on-street parking is to increase the available parking within walking distance of the businesses. There are several developments that are being considered which will reduce the number of spaces within the common off-street parking lots. This only increases the importance of and dependence on on-street parking by businesses in traditional downtown buildings like The Reserve. On-street parking is essential to many commercial corridors and it is all many businesses have had consistent access to for decades in dense downtowns such as Hammond.

Petitioner is aware they are not guaranteed 183 on-street parking spaces. They understand they have access to the portion available of these 183 at any given time and that number will change depending on time of day and day of week. They will try to be considerate of the Towle Theater's schedule and of downtown community events and street-closing fests.

While many Hohman Ave. businesses depend on on-street parking, the majority require low parking demands. Many of the other businesses along Hohman Ave. which compete for parking operate primarily weekday and daytime hours, opposite of The Reserve. The Reserve is attempting to take advantage of this by leasing overflow parking from large businesses and institutions which are closed during their events, and offering valet/shuttle service to these farther-than-600' locations. No leases have been signed as of January 24, 2025.

Hohman Ave. accounts for 112 spaces or nearly one-third (**31%**) of **public parking** available within 600'. It accounts for **61%** of **on-street parking** available within 600'. Petitioner's request to consider on-street parking to comply with Zoning Ordinance is reasonable. Such a request is in-line with the sentiment of T/S 9.40, which waives minimum off-street parking space requirements for businesses. The event space ordinance was written to explicitly give the BZA the ability to count on-street parking. It recognizes there is much nuance in parking conditions worthy of Board consideration throughout our 23 square mile city.

Reviews and Approvals

City Planning Staff has reviewed materials provided by the petitioner.
Comments are pending from the Building Commissioner, Chief Fire Inspector, City Engineer, Superintendent of Wastewater Management, and Director of the Hammond Department of Environmental Management.

Standards for Granting a Developmental Variance

1) The approval will not be injurious to the public health, safety, morals, and general welfare of the community.
2) The use and the value of the area adjacent to the property related to the conditional use will not be affected in a substantially adverse manner.
3) The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property.

Staff Recommendation

Staff has reviewed the petitioner's request and recommends that the BZA grant the developmental variance should the Board feel the petitioner has met the standards, subject to the following conditions:

1.) Approval of the conditional use case known as Z-25-01, and compliance with all of that case's conditions;

2.) Approval of the developmental variance cases known as Z-25-02(B) and Z-25-02(C), and compliance with all of those cases' conditions.

Mr. Novak concluded the reading of the recommendation section of the staff report.

Chairperson Hill asked if there were any questions from the Board members.

Chairperson Hill asked if there were any other additions or amendments to the findings of facts. There were none.

FINDINGS OF FACT

1) The approval will not be injurious to the public health, safety, morals, and general welfare of the community.

a) Operates most often during times not associated with downtown peak parking demand, with the majority of types of businesses on Hohman Ave. creating a low parking demand.

b) There may be valet and/or shuttle parking at off-site parking facilities leased for use to The Reserve by their respective property owners but no leases have been signed yet.

c) Hohman Ave. has been redesigned with 12' wide sidewalks to increase pedestrian safety.

2) The use and the value of the area adjacent to the property related to the conditional use will not be affected in a substantially adverse manner.

a) There are approximately 183 on-street parking spaces available to the public within 600' of the front entrance of The Reserve, accounting for 51% of the public parking available.

b) There are approximately 177 off-street parking spaces available to the public within 600' of the front entrance of The Reserve.

c) There are only three (3) public parking lots within 600' of The Reserve and development may shrink or remove them in coming years.

d) Hohman Avenue's two-lane reconstruction completed in 2024 created approximately 112 spaces within 600' of The Reserve, accounting for 31% of the public parking available.

3) The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property.
a) The 2019 Downtown Hammond Master Plan seeks ways to not penalize businesses for depending on public parking and encourages rights-of-way designed to maximize parking; this directly inspired Hohman Avenue's redesign.
b) T/S 9.40 states that off-street parking is not an individual requirement in the C-3 District and that community parking lots are encouraged, but compliance with T/S 19.18.50.10 requires setting a number of parking spaces available to event space guests.
c) Petitioner will comply with T/S 19.18.50.05(a, b, c, e, f) General Provisions of Event Space Facilities.

Chairperson Hill asked if there were any additional questions from the Board. There were none.

Chairperson Hill asked if there were any other additions or amendments to the findings of facts. There were none.

Chairperson Hill asked for a motion to adopt the staff report as presented into the record subject to the two (2) conditions as presented by staff and to adopt the Finding of Fact into the record (Z-25-02D). Mr. Brock so moved, seconded by Mr. Faulkner. Roll call vote. Cynthia Jasso/yes, Dan Faulkner/yes, Roger Brock/yes, William Hutton/yes, Kathleen Hill/yes. 5 "Ayes", 0 "Nays", 0 "Abstentions" 0 "Absent". Motion carried.

Chairperson Hill asked for a motion to approve the developmental variance (Z-25-02D), subject to the two (2) conditions. Mr. Brock so moved, seconded by Ms. Jasso. Roll call vote. Cynthia Jasso/yes, Dan Faulkner/yes, Roger Brock/yes, William Hutton/yes, Kathleen Hill/yes. 5 "Ayes", 0 "Nays", 0 "Abstentions" 0 "Absent". Motion carried.

COMMISSIONER COMMENTS
Chairperson Hill wished the Board a Happy Valentine's Day.

STAFF COMMENTS
Chairperson Hill motioned for approval of the 2025 BZA calendar. Mr. Faulkner so moved, seconded by Mr. Brock. Roll call vote. Cynthia Jasso/yes, Dan Faulkner/yes, Roger Brock/yes, William Hutton/yes, Kathleen Hill/yes. 5 "Ayes", 0 "Nays", 0 "Abstentions" 0 "Absent". Motion carried.

PUBLIC COMMENTS
There were none.

ADJOURNMENT
Chairperson Hill motioned to adjourn the meeting. Ms. Jasso so moved, seconded by Mr. Brock. The meeting was adjourned at 8:10 p.m.

PREPARED BY:

Shannon Morris-Smith

Shannon Morris-Smith
Secretary to the Board of Zoning Appeals

APPROVED BY THE BOARD OF ZONING APPEALS:

Kathleen Hill
Chairperson

Date Approved: 3/25/25