

The meeting of the Plan Commission of the City of Hammond, Indiana was held on Monday, August 19, 2024, in the Council Chamber, 2nd Floor, 5925 Calumet Avenue, Hammond, IN 46320, and via www.Zoom.us, at 6:00 p.m.

President Button called the meeting to order at 6:00 p.m. President Button led the Pledge of Allegiance. President Button called for the roll call.

PRESENT

Roger Brock (IP)
Michael Dye (Z)
Ronald Sims (IP)
William Hutton (IP)
Dan Spitale (IP)
Thomas Dabertin (IP)
Marcus Taylor (Z)
Dean Button (IP)

ABSENT

Thomas Kazmierczak

ALSO PRESENT

Brian L. Poland, AICP
Director of City Planning

Tom Novak
Asst. City Planner

Shannon Morris-Smith
Secretary

Dave Westland
Plan Commission Attorney

PRESENT – 8

ABSENT – 1

QUORUM

APPROVAL OF MINUTES

President Button called for a motion to approve the minutes of the June 25, 2024 meeting. Mr. Hutton so moved, seconded by Mr. Dabertin. Roll call vote. Roger Brock/yes, Michael Dye/yes, Ronald Sims/yes, William Hutton/yes, Dan Spitale/yes, Thomas Dabertin/yes, Marcus Taylor/yes, Dean Button/yes. Eight “Ayes”, Zero “Nays”, One “Absent”, and Zero “Abstentions”. Motion passed.

OLD BUSINESS

There was none.

NEW BUSINESS

CP-24-07

Petition of NH Vegas, LLC for Approval of a 1 Lot Subdivision Known as Luke’s 267 Station Addition Replat to the City of Hammond Located at 1051 and 1053 Indianapolis Boulevard which is Zoned C-4, within the City of Hammond

President Button stated the petitioner has requested to have the petition tabled to the September 16, 2024 meeting, due to a notification error. Mr. Hutton motioned to table CP-24-07 to the September 16, 2024 meeting, seconded by Mr. Spitale. Roll call vote. Roger Brock/yes, Michael Dye/yes, Ronald Sims/yes, William Hutton/yes, Dan Spitale/yes, Thomas Dabertin/yes, Marcus Taylor/yes, Dean Button/yes. Eight “Ayes”, Zero “Nays”, One “Absent”, and Zero “Abstentions”. Motion passed.

CP-24-08 Determination of Parking Requirements pursuant to Title XX,
Section 20.46.03

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

Brian L. Poland, City of Hammond, Director of City Planning, 5925 Calumet Avenue-Room G-17, Hammond, Indiana 46320, represented the petitioner. Mr. Poland stated he would act on behalf of the petitioner and the reviewer if there were no objections from the Commissioners. There were not any objections.

Mr. Poland stated that a determination was needed for a parking ratio that the zoning ordinance did not state. There was a provision that references that the Plan Commission could determine a parking ratio. The parking ratio for a group homes and community residences was before the Commissioners. A group home was a residential living facility comprised of eight (8) or less residents. This is usually a family like situation, and are typically individuals with disabilities, and other types of conditions that fall under the Fair Housing Laws. A group home would function like a single-family home. A community residence was similar that houses nine (9) or more individuals living together with the same circumstances. The difference is the community residence was larger than the number of people in a typical household.

There was a review of the analysis of various residential facilities that were similar to group homes or community residences. Mr. Poland stated the proposal for group home parking ratio should be treated like other single-family residences in the neighborhood. This would be two (2) parking spaces up to four (4) per residence. The proposal for a community residence ratio was one (1) parking space per resident plus employee parking. An administrative variance would allow staff to change the ratio if certain conditions have been met. The proposal listed seven (7) characteristics. Two or more were needed to be met before staff could grant the administrative variance. There was a discussion on the seven (7) characteristics needed. The employee parking ratio would not be allowed to have consideration of a reduction in the parking ratio.

President Button asked if there were any questions from the Commissioners. Mr. Hutton asked who would the group home service. Mr. Poland stated the group home service was not the topic of the parking determination.

Attorney Westland further stated this was a policy determination for how the Hammond ordinance would globally deal with parking ratios in general. A case by case situation would allow an administrative variance.

President Button asked why visitors would not be considered in the ratio. Mr. Poland stated by the nature of the facilities the likelihood of visitors would be zero. And the group home would be treated like a single-family home in regards to the parking allowed.

Mr. Button asked how would ADA compliance work with this parking determination. Mr. Poland stated any off-street parking lot would have to comply with the sizes, spaces, etc.

Attorney Westland stated anytime that any time services are offered to the public ADA compliance would be required. There would not be anything in the Hammond ordinance that would supersede the ADA requirements.

There was further discussion on ADA requirements and various situations.

President Button asked if there were any additional questions for the petitioner. There were none.

President Button opened up the public hearing. There was none.

President Button closed the public hearing.

President Button asked if there were any additional questions from the Commissioners. There were none.

Mr. Poland summarized the staff report, but it is presented below in its entirety.

BACKGROUND

A petitioner has come forward seeking to develop a community residence. A community residence is a residential facility for individuals with disabilities or are otherwise covered by the Fair Housing to live in a communal family-like setting. A community residence by definition has an occupancy of 9 residents or more, plus staff. Similar to a community residence is a group home, except that a group home is for an occupancy of 8 residents or less.

The Zoning Ordinance does not provide for a parking ratio requirement. However, in T/S 20.46.03, the Plan Commission can determine the parking space requirements for uses not otherwise specified.

The staff is requesting the Plan Commission to make a determination and to set the parking ratio for community residences and group homes.

ANALYSIS

By definition, group homes and community residences are intended to be integrated into residential neighborhoods or mixed-use areas. A parking ratio that is set too high would potentially result in large paved areas in a residential neighborhood, perhaps even resulting in the demolition of adjacent homes. A parking ratio that is too low would potentially result in a competition for street parking. This could have negative consequences in a residential neighborhood.

Group homes or community residences could be: for residents of different ages (children to adults), reasonable accommodations under ADA may need consideration; the property may be limited in size; transportation services may be provided, or the provider may set its owner policy for restricting or limiting private cars.

There are parking ratios in the Zoning Ordinance for various residential facilities that are similar but yet not quite adequate to address group homes or community residences.

T/S 20.41.01 A	Multiple family dwellings:	1.5 spaces per dwelling unit
T/S 20.41.01 E	Independent Living Senior	Multiple Family Dwellings: 1 space per unit, plus 10% for visitors, plus parking for employees
T/S 20.41.01 F	Assisted Living Facilities:	1 space per 3 units, plus 10% for visitors, plus parking for employees
T/S 20.41.02 A	Boarding or rooming house	2 spaces, plus 1 for each two lodging Rooms.
T/S 20.42.01 D	Day Care Centers	1 parking space per employee, plus 1 space per 10 pupils

Staff believes that none of these adequately match the characteristics and concerns of providing adequate parking for group homes and community residences. Group homes are intended to blend into the neighborhood and be no different as any other single family residence. Community residences, due to the larger number of residents, can be treated differently than single family residences.

STAFF PROPOSAL

In order provide for a parking ratio that requires the least necessary number of spaces and has the least negative impact in the surrounding area, staff proposes the following for community residences and group homes

Group home	-	Per T/S 20.41.01 (B) single-family residences ratio.
Community residence	-	1 parking space per resident plus employee parking

Staff may grant an administrative variance if two or more of the criteria are met:

- 1) Limitations of the size of the property.
- 2) Residents are under legal driving age.
- 3) Provider policy restrictions limiting privately owned vehicles.
- 4) Provider policy restrictions on visitors.
- 5) Provider provided transportation services.
- 6) Reasonable accommodation under ADA.
- 7) Compliance with Fair Housing Laws.

A minimum parking for employees is required and staff shall not grant an administrative variance to reduce or eliminate the employee parking.

RECOMMENDATION

Staff recommends for the Plan Commission to determine under T/S 20.46.03 that the proposed parking ratio for group homes and community residences is accepted as proposed.

If the Plan Commission agrees with the recommendation, the staff requests that this report be adopted by the Plan Commission as Preliminary Findings of Fact.

The presentation was concluded.

President Button asked if there were any questions from the Commissioners. There were none.

President Button called for a motion that the Plan Commission determine under T/S 20.46.03 that the proposed parking ratio for group homes and community residences is accepted as proposed. Mr. Brock so moved, seconded by Mr. Taylor. Roll call vote. Roll call vote. Roger Brock/yes, Michael Dye/yes, Ronald Sims/yes, William Hutton/yes, Dan Spitale/yes, Thomas Dabertin/yes, Marcus Taylor/yes, Dean Button/yes. Eight "Ayes", Zero "Nays", One "Absent", and Zero "Abstentions". Motion passed.

President Button called for a motion that the Plan Commission adopt the staff report as findings of fact. Mr. Dabertin so moved, seconded by Mr. Brock. Roll call vote. Roger Brock/yes, Michael Dye/yes, Ronald Sims/yes, William Hutton/yes, Dan Spitale/yes, Thomas Dabertin/yes, Marcus Taylor/yes, Dean Button/yes. Eight "Ayes", Zero "Nays", One "Absent", and Zero "Abstentions". Motion passed.

CORRESPONDENCE

There was none.

COMMISSIONER'S COMMENTS

There were none.

STAFF COMMENTS

Mr. Poland reminded the Commissioners that CP-24-07 would be on the agenda for the September 16, 2024 meeting.

PUBLIC COMMENTS

There were none.

ADJOURNMENT

President Button called for a motion to adjourn, Mr. Dabertin so moved, seconded by Mr. Spitale. The meeting adjourned at 6:33 p.m. "Ayes" all. Motion carried.

PREPARED BY



Shannon Morris-Smith,
Secretary to Plan Commission

APPROVED BY THE PLAN COMMISSION



Dean Button, President

Date Approved: 10-21-24