

The meeting of the Plan Commission of the City of Hammond, Indiana was held on Monday, June 16, 2025, in the Council Chamber, 2<sup>nd</sup> Floor, 5925 Calumet Avenue, Hammond, IN 46320, and via [www.Zoom.us](http://www.Zoom.us), at 6:01 p.m.

President Button called the meeting to order at 6:01 p.m. President Button led the Pledge of Allegiance. President Button called for the roll call.

**PRESENT**

Roger Brock (IP)  
Dean Button (IP)  
Thomas Dabertin (IP)  
Michael Dye (IP)  
William Hutton (IP)  
Thomas Kazmierczak (IP)  
Ronald Sims (IP)  
Daniel Spitale (IP)

**ABSENT**

Marcus Taylor

**ALSO PRESENT**

Brian L. Poland, AICP  
Director of City Planner

Tom Novak  
Asst. City Planner

Shannon Morris-Smith  
Recording Secretary

Dave Westland  
Attorney

**PRESENT – 8**

**ABSENT – 1**

**QUORUM**

**APPROVAL OF MINUTES**

President Button called for a motion to approve the minutes of the May 19, 2025 meeting. Mr. Dye so moved, seconded by Mr. Hutton. Roll call vote. Roger Brock/yes, Thomas Dabertin/yes, Mike Dye/yes, William Hutton/yes, Thomas Kazmierczak/yes, Ronald Sims/yes, Dan Spitale/yes, Dean Button/yes. Eight “Ayes”, Zero “Nays”, One “Absent”, and Zero “Abstentions”. Motion passed.

**OLD BUSINESS**

There was none.

**NEW BUSINESS**

CP-25-05

Petition of Hammond Mercantile Plaza, LLC for Approval of a 1 Lot Subdivision of Hammond Briar East Mercantile Plaza Addition to the City of Hammond Located at 3514 169<sup>th</sup> Street which is Zoned C-2 within the City of Hammond, Lake County, Indiana

President Button asked if the notification requirements had been met. Ms. Morris-Smith noted for the record that the notice of affected property owner letters were mailed to the property owners within three hundred (300) feet of the subject property. However, the individual site addresses were not included in the letter to identify the property owned. President Button asked Attorney Westland if there were any concerns over the public

notification requirements. Attorney Westland stated "No". The notifications met the state statute and it was ok to proceed legally.

Jim Weiser, Attorney, 429 W. Lincoln Highway, Schererville, IN 46320, and Russ Pozen, DVG Team, Inc. Director of Engineering, 1155 Troutwine Road, Crown Point, IN 46307, represented the petitioner. Mr. Wieser stated there were two (2) proposed projects. The first petition was a request for a 1 lot subdivision that was approximately .7 acres, located at 3514 169<sup>th</sup> Street within the Briar Ridge shopping center. The project would replace the existing vacant bank building.

Mr. Wieser stated there were issues with a cross access agreement and a property line easement that needed to be worked through with staff. There was a condition that the staff had to record easements and provide the recorded documents to the City. Mr. Wieser further stated there would be two (2) businesses at the subject property. The existing building would be demolished and a new building would be constructed. One business would be a Dollar Tree and the second business would be connected with a drive-through restaurant. There was a lot of input placed on the traffic flow configuration design so there would not be any problems or concerns.

There was a discussion on the property lines and utilities. The property line extended to the centerline of 169<sup>th</sup> Street. There was a re-dedication of half of 169<sup>th</sup> Street to provide an accurate plat to be made. Mr. Wieser further stated the proposed project would be a significant improvement with two (2) new businesses. There was not a request for any incentive or tax abatement.

President Button asked if there were any questions from the Commissioners. President Button confirmed that the project was a 2.5-million-dollar investment. Mr. Wieser stated "Yes".

Mr. Poland corrected that there was not a shared parking agreement. The petitioner would need to go to the BZA for a parking variance. Mr. Poland further stated there were access and utility easement agreements.

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 reviewed information with the Commissioners. The proper dedication of the portion of 169<sup>th</sup> Street on north side of the parcel is a part of the subdivision. The legal description would be converted into the proper format. The subject property is an outlot in the shopping center district and includes the large parcel with miscellaneous buildings and units. The minimum lot size requirement was four (4) acres. The Plan Commission

could accept smaller lot sizes if the outlots were collectively less than 40% of the entire shopping center boundary area. Mr. Poland further stated the O'Reilly property had a cross access easement that was set at the time the O'Reilly lot was created. The agreement modified the boundary and extends it to the southern boundary of the O'Reilly lot that corresponds with the subject property.

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

### **BACKGROUND**

Hammond Mercantile Plaza LLC is the petitioner to subdivide property at 3514 169<sup>th</sup> Street. The property is the former location of a Mercantile Bank/Harris Bank branch. It is located as an outlot within the Briar East Shopping Center in a C-2 Shopping Center District. The property to the south, east and west is zone C-2 and is the Briar East Shopping Center with two adjacent outlots for O'Reilly Autoparts and Sharks Restaurant.

The proposed subdivision is for one-lot in order to convert the property into the standard lot number/lot name format. The lot is 30,450 SF (0.70 acres). The lot is a pre-existing separately owned parcel. In accordance with T/S 8.30, the Plan Commission can approve a development plan in the Shopping Center District for a lot that is smaller than the minimum 4 acres as long as the smaller commercial outlots is less than 40% of the total area of the C-2 district. The Briar East Shopping Center/C-2 District consists of 7 lots with a total acreage of 15.5 M/L. The existing 6 commercial lots are 6.39 acres M/L. This requirement is met. T/S 8.30 also allows the Plan Commission to allow for lots dimensions less than the average lot width. The proposed lot meets and exceeds the minimum boundary/property line of 100 feet

According to the GIS, the property extends to the centerline of the street. There is some documentation of the street area being an "exception" in the legal description as well as acquisition of some street right-of-way for a City street project. However, there is no documentation that a formal dedication of the street area has occurred. Therefore, the subdivision plat dedicates or rededicates the half street of 169<sup>th</sup> Street abutting the lot boundaries for a length of 160 feet.

There are existing utilities from the previous development. The utility connections serving the new development will connect into 169<sup>th</sup> Street. The petitioner proposes a cross access and Sanitary District easement that connects with the adjoining O'Reilly Autoparts (3540 169<sup>th</sup> Street, Lot 2 Hammond Briar East Center Addition). This allows vehicular movements between and through the two lots and covers the Sanitary lines that cross property boundaries. The plat also shows an amendment to an existing access easement on the east side

common property line of the subject property and the O'Reilly/3540 169<sup>th</sup> Street lot to extend the existing access easement on to the common south property lines. The subdivision plat also identifies the existing agreement for Common Area (Doc No. 67802 Rec. 8-7-1970) that allows for access across the lots within the Briar East Shopping Center.

**STAFF RECOMMENDATION**

The subdivision plat was sent out for agency review. No objections were received.

Staff's opinion is that the plat meets the requirements set forth in the Subdivision Control Ordinance and recommends that the Plan Commission grant preliminary and final approval of the subdivision plat, subject to:

- 1) the completion of any technical corrections to the plat and the proposed easement documents;
- 2) the recordation of the easement documents before the recording of the subdivision plat.

If the Plan Commission agrees with the staff report, it is recommended that the staff report is adopted as findings of fact.

The presentation was concluded.

President Button asked if there were any questions from the Commissioners. Mr. Kazmierczak asked if the O'Reilly and bank building were one lot and if the lot was being subdivided. Mr. Poland stated "No". The O'Reilly lot was a part of the main property. The O'Reilly lot was created about 4-5 years ago and the Hammond Briar East Shopping Center Addition was created. This excluded the Shark's building. This property has always been identified as its own tax parcel. The subdivision was specific to the subject property.

President Button called for a motion to grant preliminary and final approval of the subdivision plat subject to the two recommendations. Mr. Dabertin so moved, seconded by Mr. Dye. Roll call vote. Roger Brock/yes, Thomas Dabertin/yes, Mike Dye/yes, William Hutton/yes, Thomas Kazmierczak/yes, Ronald Sims/yes, Dan Spitale/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 moved, seconded by Mr. Spitale. Roll call vote. Roger Brock/yes, Thomas Dabertin/yes, Mike Dye/yes, William Hutton/yes, Thomas Kazmierczak/yes, Ronald Sims/yes, Dan Spitale/yes, Dean Button/yes. Nine "Ayes", Zero "Nays", One "Absent", and Zero "Abstentions". Motion passed.

CP-25-06      Petition of Hammond Mercantile Plaza, LLC for Approval of a Development Plan in a C-2 Shopping Center District Located at 3514 169<sup>th</sup> Street within the City of Hammond, Lake County, Indiana.

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

Jim Weiser, Attorney, 429 W. Lincoln Highway, Schererville, IN 46320, and Russ Pozen, DVG Team, Inc. Director of Engineering, 1155 Troutwine Road, Crown Point, IN 46307, represented the petitioner. Mr. Wieser commented that the Office of City Planning staff does a very thorough job reviewing and working with the petitioner to make sure everything is appropriate, proper, and meets all of the subdivision ordinance requirements.

Mr. Wieser stated the project was within a redevelopment area and went before the Redevelopment Commission on April 15, 2025. The landscaping, screening, and exterior architectural features were appropriate, compliant, and consistent with adjoining properties in the area. The signage and lighting have met the provisions of the C-2 Shopping Center District and the zoning ordinance. Mr. Wisier further stated the development plan included everything that was in the subdivision presentation.

President Button asked if there were any questions from the Commissioners. Mr. Kazmierczak asked if there were any concerns about this being the third type of dollar store in the same area. Mr. Wieser stated that the petitioner investigated this early on. The petitioner has successfully opened stores within Hammond and across the country. Traffic patterns and demographics were based in deciding to invest in a new store. Mr. Poland further stated the same petitioner opened the O'Reilly site in the same area.

Mr. Poland asked the petitioner to confirm that a restaurant tenant has not been identified. Mr. Wieser stated "Yes".

President Button asked if there were any additional questions from the Commissioners.

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

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

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

## **BACKGROUND**

The petitioner, Hammond Mercantile Plaza, LLC, is the owner of the subject parcel. Subject parcel is being formally platted as Hammond Briar East Mercantile Plaza Addition to the City of Hammond, Indiana, in concurrent Case

No. CP-25-05. The petitioner is seeking approval of the Final Development Plan to construct a 2-unit commercial building which will include a national retail chain and potentially a restaurant with a drive-through. Retail stores and restaurants are permitted uses in a C-2 Shopping Center District, while a restaurant with a drive-through is a conditional use. At this time, it is unknown if a restaurant with a drive-through will be developed.

The proposed commercial building is a 10,033 SF, one-story building and will have a peak height of 26' 4". 25 parking spaces are proposed in a lot north of the building between the front property line (169<sup>th</sup> St.) and the building.

#### **REVIEW OF FINAL DEVELOPMENT PLAN WITH PRELIMINARY DEVELOPMENT PLAN**

Per T/S 27.02, a development plan is required property located within a C-2 Shopping Center District. Per T/S 8.30, the Plan Commission may modify specified minimum lot size requirements.

The C-2 district includes 7 parcels/lots at the SW corner of 169<sup>th</sup> Street and Grand Avenue for a total of 15.5 M/L acres, exceeding the minimum 4 acres. The 6 outlot parcels are 6.39 acres M/L which is slightly more than 40%, but is not a significant difference. The subject property exceeds the 100' minimum property and boundary line dimension. The lot width is 160', which is less than the minimum average lot width of 200'.

Per T/S 8.31, the Plan Commission may modify the specified building setbacks and parking area setbacks. The site plan shows a 12' and 16' building setbacks for the side and rear yards and 9', 12' 6", and 19' setbacks for the parking lot located in front of the building.

The minimum landscaping requirement has been met. The lighting output as shown on the photometric drawing meets the 3 footcandles at the property line requirement. All drainage is handled by underground storm sewers with the sewer line crossing into the adjacent O'Reilly property which is permitted by the proposed utility easement. All other utilities shown are sufficient, subject to any final technical review by the respective utility companies.

Access to the property is provided via the properties on the east, south, and west as governed by the proposed access easement on the adjacent O'Reilly property and the existing Common Area agreement.

Preliminary sign information meets the requirements.

The outstanding matters are a developmental variance for the number of parking spaces and a conditional use for the drive-through, subject to the BZA.

The Final Development Plan is otherwise in compliance with the applicable provisions of the Zoning Ordinance; subject to the Plan Commission's concurrence with the lot dimension and setback modifications and the BZA's approval of the specified actions.

#### **REVIEW OF FINAL DEVELOPMENT PLAN WITH T/S 27.04**

- A. The Final Development Plan is consistent with the Zoning Ordinance and the Comprehensive Plan.
- B.
  - 1) The site is generally level with no unusual features or natural areas.
  - 2) The proposed development is consistent with the C-2 zoning and the surrounding Shopping Center development. The restaurant drive-through is subject to approval of a conditional use. An R-1 Single Family Residential district is across 169<sup>th</sup> St. to the north.
  - 3) Cross-access easements and the Common Areas agreement provide access to 169<sup>th</sup> Street.
  - 4) No curb cuts on the subject property are proposed.
  - 5) Internal vehicular and pedestrian traffic and access is safe and efficient. Connections are made through the adjacent C-2 properties.
  - 6) Vehicular and pedestrian traffic and access is safe and efficient. Authorized connections are made through and access the adjacent C-2 properties.
  - 7) Preliminary stormwater information has been provided and accepted by the City Engineer.
  - 8) New utility connections will be provided to the parcel.
  - 9) All dedications of the half-width of 169<sup>th</sup> St. and cross-access easements were completed with the Final Plat.
  - 10) The required number of parking spaces is not compliant and is subject to a developmental variance. The parking spaces size and access drive widths are compliant.

- 11) The reduced building and parking setbacks, building placement, and building orientation are consistent with the adjacent existing commercial outlot developments. Site landscaping and screening are compliant. Exterior architectural features and exterior materials are compliant and consistent with the adjacent development and the requirements of the Redevelopment Plan for the Florida-Parrish Subarea Expansion Area of the Gateways Redevelopment Area.
- 12) The site is well designed and efficient.
- 13) Preliminary signage information and lighting meet the applicable provisions of the C-2 Shopping Center District and the Zoning Ordinance.
- 14) The development will be compatible with the Shopping Center area.

**STAFF RECOMMENDATION-Granting of the Final Development Plan.**

The project has been determined to be compliant with the Redevelopment Plan of the area and went before the Hammond Redevelopment Commission on April 15, 2020. Staff recommends that the Plan Commission approve the Final Development Plan and the modifications to the area and width and setback requirements for the proposed 2-unit commercial building, subject to:

1. Final technical review and approval of plans by City Staff;
2. Approval of any actions that may be required by the Board of Zoning Appeals;
3. Approval of Plan Commission Case No. CP-25-05 and its conditions.

**FINDINGS OF FACT PER T/S 27.05**

Staff recommends that the Plan Commission adopt the staff report as Findings of Fact and also make the following Findings of Fact.

- 27.05 A 1) The development plan complies with the applicable provisions of Title VIII C-2 Shopping Center District in Zoning Ordinance 8514, as amended Staff recommends that the development plan be approved with the proposed area and width requirements per T/S 8.30 and proposed setbacks per T/S 8.31.
- 27.05 A 2) The Hammond Briar East Mercantile Plaza Addition is compliant with the Subdivision Control Ordinance.
- 27.05 A 3) The proposed development is compatible with the adjacent development.
- 27.05 A 4) The proposed development is consistent with the intent and purpose of Zoning Ordinance 8514 and the Comprehensive Plan.

The presentation was concluded.

President Button asked if there were any questions from the Commissioners. Mr. Kazmierczak asked how many parking spaces were short of the requirement. Mr. Pozen stated the required parking spaces were 47, and 25 spaces were provided. Mr. Kazmierczak asked if there was a shared parking agreement. Mr. Poland stated "No". There was a discussion on parking in other locations of the shopping center.

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

President Button called for a motion that the Plan Commission approve the Final Development Plan and the modifications to the area and width and setback requirements for the proposed 2-unit commercial building, subject to:

1. Final technical review and approval of plans by City Staff;
2. Approval of any actions that may be required by the Board of Zoning Appeals;
3. Approval of Plan Commission Case No. CP-25-05 and its conditions.

Mr. Dabertin so moved, seconded by Mr. Dye. Roll call vote. Roger Brock/yes, Thomas Dabertin/yes, Mike Dye/yes, William Hutton/yes, Thomas Kazmierczak/yes, Ronald Sims/yes, Dan Spitale/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 modified as findings of fact.

- 27.05 A 1) The development plan complies with the applicable provisions of Title VIII C-2 Shopping Center District in Zoning Ordinance 8514, as amended. Staff recommends that the development plan be approved with the proposed area and width requirements per T/S 8.30 and proposed setbacks per T/S 8.31.
- 27.05 A 2) The Hammond Briar East Mercantile Plaza Addition is compliant with the Subdivision Control Ordinance.
- 27.05 A 3) The proposed development is compatible with the adjacent development.
- 27.05 A 4) The proposed development is consistent with the intent and purpose of Zoning Ordinance 8514 and the Comprehensive Plan.

Mr. Dabertin moved, seconded by Mr. Dye. Roll call vote. Roger Brock/yes, Thomas Dabertin/yes, Mike Dye/yes, William Hutton/yes, Thomas Kazmierczak/yes, Ronald Sims/yes, Dan Spitale/yes, Dean Button/yes. Nine "Ayes", Zero "Nays", One "Absent", and Zero "Abstentions". Motion passed.

### **CORRESPONDENCE**

There was none.

### **COMMISSIONER'S COMMENTS**

President Button wished the Commissioners a happy Juneteenth & 4<sup>th</sup> of July.

**STAFF COMMENTS**

Mr. Poland advised the Commissioner that a July meeting was not anticipated.

**PUBLIC COMMENTS**

There were none.

**ADJOURNMENT**

President Button called for a motion to adjourn, Mr. Dye so moved, seconded by Mr. Kazmierczak. The meeting adjourned at 6:39 p.m. "Ayes" all, Motion carried.

**PREPARED BY**

*Shannon Morris-Smith*

Shannon Morris-Smith,  
Secretary to Plan Commission

**APPROVED BY THE PLAN COMMISSION**

*Dean Button*  
\_\_\_\_\_  
Dean Button, President

*for DEAN BUTTON*

Date Approved: 10-20-2025