The meeting of the Plan Commission of the City of Hammond, Indiana was held on Tuesday, February 17, 2026, 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	ABSENT	ALSO PRESENT
Roger Brock (IP)		Brian L. Poland, AICP
Dean Button (IP)		Director of City Planner
Thomas Dabertin (Z)		
Michael Dye (Z)		Tom Novak
Michael Opinker (IP)		Asst. City Planner
Thomas Kazmierczak (IP)		
Ronald Sims (IP)		Shannon Morris-Smith
Daniel Spitale (IP)		Secretary to the Plan
Marcus Taylor (IP)		Commission
		Dave Westland
		Plan Commission Attorney
PRESENT – 9	ABSENT – 0	QUORUM

APPROVAL OF MINUTES

President Button called for a motion to approve the minutes of the January 20. 2026 meeting. Mr. Spitale so moved, seconded by Mr. Taylor. Roll call vote. Roger Brock/yes, Thomas Dabertin/yes, Mike Dye/yes, Michael Opinker/yes, Thomas Kazmierczak/yes, Ronald Sims/yes, Dan Spitale/yes, Marcus Taylor/yes, Dean Button/yes. Nine "Ayes", Zero "Nays", Zero "Absent", and Zero "Abstentions". Motion passed.

OLD BUSINESS

There was none.

NEW BUSINESS

CP-26-04 Petition of the Hammond Redevelopment Commission for Approval of a 6 Lot Subdivision of Orchard Park Second Addition to the City of Hammond Located at the 3200 Block of 175th Street which is Zoned R-1 Single Family Residential District within the City of Hammond, Lake County, Indiana

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

President Button asked the Commissioners if there were any objections to Mr. Poland acting as the petitioner and the reviewer. There were no objections.

Mr. Poland stated the Hammond Redevelopment Commission was the owner of the property. The property located between Orchard Drive and 175th Street is the Orchard Park Addition. South of 175th Street is another vacant piece of property that had a "tail" of land that runs east/west along the southern border. The twenty-foot wide "tail" of land runs along several properties south of the Idaho Avenue lots and 176th Street. The property owners along this tail of property have been contacted separately because various properties have encroachments on the City's property.

There would be six lots created in the subdivision. The lots were proposed to range from 7500 SF to 11,900 SF. The southern lots were oddly shaped due to creating the cul-de-sac. The depth of those lots were not the depth that a subdivision would normally have. Mr. Poland further stated Florida Avenue would be extended. Torrenga Engineers was in the process of designing the street, sewers, and water utilities. Pre-existing utility easements already serve Parrish Avenue, Idaho Avenue, and 176th Street on the south. A pole line exists on the east side of the proposed property behind the Idaho Avenue property. The last pole and guy wire that lies on the property line and encroaches into the proposed subdivision. Mr. Poland further stated the City Engineer has contacted NIPSCO to relocate the pole into the existing platted easement behind the Idaho Avenue properties.

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

President Button opened up the public hearing.

Louis Justiniano, 7523 Parrish Avenue, Hammond, IN 46323
-Concerned about the elevations of the properties
-Drainage on the properties
-Effects of his property with flooding
-Would there be a change to his backyard easement

President Button closed the public hearing.

Mr. Poland stated the surveyors have been out to the site. The utilities were being located to identify how it would affect a new subdivision. Mr. Poland deferred the question of drainage to President Button, City Engineer.

President Button stated the subdivision was in design for the roadway. There would be stormwater facilities to drain the roadway to eliminate drainage to the street and not the backyards. President Button further stated the City ordinance does not permit new property to direct water on their property onto their neighbor's property. The City would have to design implications that would not allow water to go onto the neighboring

property. There was a discussion for Mr. Justiniano to contact President Button if there were any drainage issues after construction. President Button stated there would not be any changes to the backyard easement. Mr. Poland further stated the utility pole would be moved somewhere within the fifteen-foot easement.

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
The Hammond Redevelopment Commission is the petitioner for property in the 3200 block of 175th Street. The property is located between Parrish Avenue and Idaho Avenue. North of 175th Street is the 11-lot Orchard Park First Addition which is the 7400 block of Florida Avenue. The intent of the subdivision is to divide the property into 6 lots and dedicate the Florida Avenue cul-de-sac.

The property is zoned R-1 Single-Family Residential. The lots range from 7500 SF to 11,920 SF. The lots meet the meet and exceed the minimum lot area and width requirements.

A new segment of Florida Avenue is being dedicated. The length of the street to the center of the cul-de-sac circle is 292 +/- feet. This is less than the 500 length allowed in the Subdivision Ordinance 4829. The diameter of the circle approximately 81 feet but it is a truncated circle due to the limitations caused by the available property. In Ordinance 2992, the circular right-of-way was defined as 80 foot diameter, but not a truncated circle. However, Ordinance 4829 which replaced Ordinance 2992 (i.e. is no longer in effect) does not define the circular right-of-way but leaves the determination to the City Engineer under the latest standards as provided by the Board of Public Works and Safety.

The width of the straight portion of Florida Avenue is 41'. This is less than the 50' minimum width for residential streets as defined in Ordinance 2992 adopted in 1953. Ordinance 4492 adopted in 1979 amended the width to 45' specifically to New Hampshire Place between 173rd Street and 173rd Place in the Trails End First Addition.

Ordinance 2992 defines the back of curb to back of curb length as 29 feet. Ordinance 4829 does not define the backs of curb dimension but leaves the determination to the City Engineer under the latest standards as provided by the Board of Public Works and Safety. The current standard is 31 feet between the backs of curb. The street is being designed to the 31' dimension.

Under Ordinance 4829 Title G Section 2 D. [City Code 157.081 (D)], sidewalks are required on both sides of the street in conformance with standards as adopted by the Board of Public Works and Safety. Due to the dimension, size, and shape of the subject property, it is not possible to have residential lots fronting on both sides of the street. The

rear yards of the 7500 block of Idaho Avenue back up to the proposed Florida Avenue. Therefore, there is no sidewalk proposed for the east side of Florida Avenue.

The property is surrounded by existing utility easements on the adjacent subdivision plats with the existing pole lines in place. The southernmost electric pole and guy wire on the east side of Florida Avenue crosses on to the property line and partially is outside of the platted easement. This location is in conflict with the proposed development and is a burden on Lot 6. NIPSCO has been contacted to move their pole into the pre-existing utility easement. Water and sewer are being designed to be under the pavement or within the parkway. A 10' utility easement is provided in the front yards of the lots for other utilities.

STAFF REVIEW

Ordinance 4829 provides for the granting of variances by the Plan Commission and excludes the BZA. However, the state statute language has changed and that the Plan Commission can't grant variances, but it can grant waivers to the standards that are fixed in the subdivision ordinance. IC 36-7-4-918.5 (c).

The Plan Commission can consider a waiver to Ordinance 4829 Title G Section 2 D. [City Code 157.081 (D)], regarding not requiring sidewalks on the east side of proposed Florida Avenue. Ordinance 4829 does not provide for the Plan Commission to approve the reduction in the street width.

STAFF RECOMMENDATION

The subdivision plat was sent out for agency review. Not all responses were received. Comcast and AT&T sought clarification regarding the City's request to NIPSCO to move the east side southernmost utility pole. AT&T had no objection to the relocation. Comcast's final response is pending. Water Department has no objections. No responses were received from Sanitary District, NIPSCO, or Astound.

Staff's recommendation is to grant the waiver to not require sidewalks on the east side of proposed Florida Avenue for the following reasons:
Per City Code 157.091 [Ord 4829 Title H Section 2 (A)]

1. Granting the [waiver] will not be detrimental to the public health, safety, or welfare or injurious to other property.

Sidewalks are typically adjacent to the front of the lot along a street as a means to provide public access across properties. The elimination of the sidewalk on the east side of Florida Avenue has no adverse consequence to the rear sides of the abutting Idaho Avenue properties and eliminates an attractive nuisance to view or access the rear yards

2. The conditions upon which the request for a [waiver] is based are unique to the property for which the [waiver] is sought and are not applicable generally to other property.

The parent parcel narrows north to south. In order to maximize the size of the residential lots, the lots were only on one side of the street. There is no room available for a sidewalk on the east side.

3 Because of the particular physical surrounding, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience if the strict letter of these regulations [is] carried out. Financial hardship does not constitute grounds for a [waiver].

There is a hardship due to the size and shape of the property preventing a traditional street with houses on both sides. No room is available for a sidewalk that has no practical use purpose.

4. The [waiver] shall not in any manner vary the provisions of the Zoning Ordinance or Flood Control Ordinance.

The sidewalk requirements are not referenced in the Zoning Ordinance or Flood Control Ordinance. There is no impact on those ordinances.

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) Technical corrections of the subdivision plat.
2) Approval of the waiver to eliminate the sidewalk on the east side of Florida Avenue.
3) Approval of the City Engineer and the Board of Public Works and Safety on reducing the width of the street to 41 feet.

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. There were none.

President Button called for a motion to grant a waiver to not require a sidewalk on the east side of the proposed Florida Avenue for the reasons stated in the staff report. Mr. Dabertin so moved, seconded by Mr. Kazmierczak. Roll call vote. Roger Brock/yes, Thomas Dabertin/yes, Mike Dye/yes, Michael Opinker/yes, Thomas Kazmierczak/yes, Ronald Sims/yes, Dan Spitale/yes, Marcus/Taylor/yes, Dean Button/yes. Nine "Ayes", Zero "Nays", Zero "Absent", and Zero "Abstentions". Motion passed.

President Button called for a motion that the Plan Commission grant preliminary and final approval of the subdivision plat, subject to the three (3) conditions. Mr. Kazmierczak so moved, seconded by Mr. Spitale. Roll call vote. Roger Brock/yes,

Thomas Dabertin/yes, Mike Dye/yes, Michael Opinker/yes, Thomas Kazmierczak/yes, Ronald Sims/yes, Dan Spitale/yes, Marcus/Taylor/yes, Dean Button/yes. Nine "Ayes", Zero "Nays", Zero "Absent", and Zero "Abstentions". Motion passed.

President Button called for a motion that the Plan Commission adopt the staff report as findings of fact, subject to the three (3) conditions. Mr. Dabertin so moved, seconded by Mr. Kazmierczak. Roll call vote. Roger Brock/yes, Thomas Dabertin/yes, Mike Dye/yes, Michael Opinker/yes, Thomas Kazmierczak/yes, Ronald Sims/yes, Dan Spitale/yes, Marcus/Taylor/yes, Dean Button/yes. Nine "Ayes", Zero "Nays", Zero "Absent", and Zero "Abstentions". Motion passed.

CORRESPONDENCE
There was none.

COMMISSIONER'S COMMENTS
There were none.

STAFF COMMENTS
Mr. Poland advised the Commissioners that there would not be a March Plan Commission meeting.

PUBLIC COMMENTS
There were none.

ADJOURNMENT
President Button called for a motion to adjourn, Mr. Kazmierczak so moved, seconded by Mr. Taylor. The meeting adjourned at 6:27 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, President

Date Approved: 5/18/26