

The meeting of the Plan Commission of the City of Hammond, Indiana was held on Tuesday, January 17, 2023, 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)
Dean Button (IP)
Michael Dye (Z)
Anne Herbert (Z)
William Hutton (IP)
Thomas Kazmierczak (IP)
Dan Spitale (IP)
Sharon Szany (IP)
Marcus Taylor (IP)

ABSENT

ALSO PRESENT

Brian L. Poland, AICP
Director of City Planner

Tom Novak
Asst. City Planner

Shannon Morris-Smith
Secretary

Dave Westland
Plan Commission Attorney

PRESENT – 9

ABSENT – 0

QUORUM

Election of Officers for 2023

President Button asked for a nomination for President. Mr. Hutton motioned to nominate Dean Button for President, seconded by Mr. Spitale. There were no other nominations. Roll call vote. Roger Brock/yes, Mike Dye/yes, Anne Herbert/yes, William Hutton/yes, Thomas Kazmierczak/yes, Dan Spitale/yes, Sharon Szany/yes, Marcus/Taylor/yes, Dean Button/yes. Nine “Ayes”, Zero “Nays”, Zero “Absent”, and Zero “Abstentions”. Motion passed.

President Button asked for a nomination for Vice-President. Mr. Kazmierczak nominated Mr. Hutton for Vice-President, seconded by Ms. Szany. There were no other nominations. Roll call vote. Roger Brock/yes, Mike Dye/yes, Anne Herbert/yes, William Hutton/yes, Thomas Kazmierczak/yes, Dan Spitale/yes, Sharon Szany/yes, Marcus Taylor/yes, Dean Button/yes. Nine “Ayes”, Zero “Nays”, Zero “Absent”, and Zero “Abstentions”. Motion passed.

President Button asked for a nomination for appointment to the BZA. Mr. Brock nominated Mr. Hutton, seconded by Mr. Spitale. There were no other nominations. Roll call vote. Roger Brock/yes, Mike Dye/yes, Anne Herbert/yes, William Hutton/yes, Thomas Kazmierczak/yes, Dan Spitale/yes, Sharon Szany/yes, Marcus Taylor/yes, Dean Button/yes. Nine “Ayes”, Zero “Nays”, Zero “Absent”, and Zero “Abstentions”. Motion passed.

APPROVAL OF MINUTES

President Button called for a motion to table the minutes of the December 19, 2022 to the February 21, 2023 meeting. Mr. Kazmierczak so moved, seconded by Mr. Taylor. Roll call vote. Roger Brock/yes, Mike Dye/yes, Anne Herbert/yes, William Hutton/yes, Thomas Kazmierczak/yes, Dan Spitale/yes, Sharon Szany/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-23-01

Petition of Luke Land II, LLC for Final Development Plan Approval in a PUD Planned Unit Development District Located at 1035 5th Avenue within the City of Hammond, Lake County, Indiana

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

Dan Tursman, Luke Land II, LLC., Director of Development, 3592 N. Hobart Road, Hobart, IN 46342, represented the petitioner. Mr. Tursman requested approval of the final development plan at 1035 5th Avenue in the Marina Development District PUD. A part of the protocol of the PUD was to present a final development plan. The petition was for development of a retail store on Lot 2. Mr. Tursman further stated the request was to construct a 10,000 square foot retail building for a single stand-alone tenant. The package presented to the Commission included the proposed site plans, architectural renderings and drawing, and additional information about the proposed project. Upon approval of the development plan, construction would begin in the spring. A completion time line was projected for the store to open before the end of the year.

President Button asked if there were any questions from the Commissioners. President Button asked if this was the final lot within the PUD. Mr. Tursman stated "Yes".

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

President Button closed the public hearing.

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

Mr. Poland stated for the record that there had been a lot of discussion regarding the design of the building and orientation of the main entrance. Staff expressed a lot of concern about the orientation facing the southwest as opposed to facing directly out to 5th Avenue. The angular orientation of the main entrance was an improvement upon the original request to directly face the Ross development to the south of the building

Mr. Poland further stated there was a second entrance added to the facade that faced 5th Avenue. Staff felt it was very important to have customer interaction facing the street. The architectural treatments of the northwest corner that faces into the intersection of Roby Drive and 5th Avenue had higher architectural detail than what was originally given to the staff.

The elevations were reviewed and discussed by Mr. Poland. Mr. Poland identified the corner façade that faced Wal-Mart. There was an entrance door on the corner facing the primary parking lot that was added on the left of the drawing. The second elevation faced the intersection of Roby Drive and Fifth Avenue. The raised cornice detail, the pilasters, and change of materials that were consistent with the other facades were important detail to staff that helped staff to handle the building's orientation.

The dumpsters were now facing the Casino Drive overpass. The interior arrangement was designed so the service areas were facing the Casino Drive overpass. Mr. Poland further stated the petitioner has worked with staff to address the staff's concerns.

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

BACKGROUND

The petitioner (Luke Land II, LLC) is seeking approval for a final development plan for the property at 1035 5th Avenue. The proposed development is for 10,122 SF retail one-story building. The site includes 59 parking spaces. The building is a combination of masonry and EIFS with raised cornice access features.

ANALYSIS (T/S 16.51 Final Development Plan)

A. That the final development plan is in compliance with the PUD District Ordinance and applicable provisions of the Zoning Ordinance.

The development is in compliance with the PUD District Ordinance, with the exception of the orientation of the front façade.

B. That adequate provision is made for safe and efficient pedestrian and vehicular circulation within the site.

Adequate provisions for pedestrian and vehicular access is provided for. .

C. That the location, dimensions, and arrangements of all open spaces, yards, access ways, entrances, exits, pedestrian ways, widths of roads, streets, and sidewalks are adequate to provide safe and efficient ingress and egress to and from public streets and highways serving the development.

The access ways for pedestrian meet the requirements as well as the vehicular access ways. Adequate landscape areas are provided for. Appropriate access is maintained to the public streets.

D. That the size and capacity of all areas to be used for automobile access, parking, loading, and unloading, are in compliance with applicable parking provisions in the PUD District Ordinance or Off-Street Parking and Loading regulations.

All parking, access, loading, and unloading areas are in compliance with the applicable standards.

E. That the location, uses planned, elevation, major exterior treatment, dimensions, gross floor area, building coverage, and height of each building or other structure are compliant with the PUD District Ordinance.

All of the provisions for location, uses, elevation, exterior treatment, dimensions, gross floor area, building coverage, and height are in compliance with the applicable provisions. The building is not oriented to face 5th Avenue. The developer has provided a secondary entrance that does face 5th Avenue to meet the intent of this requirement.

F. That the location and arrangement of all areas devoted to planted lawns, trees, recreation, natural areas, drainage areas and retention ponds, and similar purposes are identified and a maintenance mechanism has been established for the required open spaces.

The proposed development is in compliance with all landscape provisions applicable to the site. No detention areas are required.

G. That provisions made for the location of existing or proposed sewage disposal, water supply, storm water drainage, parking lot light, and other utilities are sufficient and compliant.

Provisions for sewer, water, storm, parking lot lights and utilities are compliant, subject to final engineering design approval from the respective agencies.

H. That Sufficient additional data as may have been required by the Plan Commission or City Council subsequent to the approval of the preliminary plan to enable the Plan Commission to judge the effectiveness of the design and character of the entire Planned Unit Development District and to consider properly such things as the relationship to surrounding area, anticipated traffic, public health, safety and general welfare [are sufficient and compliant].

The additional entrance and façade details make for a better architectural design for the development.

FINAL DEVELOPMENT PLAN APPROVAL

RECOMMENDATION

Final engineering details are pending.

Staff recommends that the Plan Commission grant final development plan approval subject to the final technical review.

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. Mr. Hutton asked if the primary entrance was located on the southwest corner. Mr. Poland stated both entrances would serve as the primary entrances. The plumbing, bathrooms, storage

rooms, and service areas were located on the eastern façade that faced the overpass as opposed to being on the northern side.

Mr. Hutton asked if there were overhead doors on the second rendering. Mr. Tursman stated "No". It was an architectural detail like cement board siding used on some of the other buildings in the development.

President Button called for a motion that the Plan Commission Plan grant final development plan approval subject to the final technical review. Ms. Szany so moved, seconded by Mr. Taylor. Roll call vote. Roger Brock/yes, Mike Dye/yes, Anne Herbert/yes, William Hutton/yes, Thomas Kazmierczak/yes, Dan Spitale/yes, Sharon Szany/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 amended staff report as preliminary findings of fact. Mr. Taylor so moved, seconded by Ms. Herbert. Roll call vote. Roger Brock/yes, Mike Dye/yes, Anne Herbert/yes, William Hutton/yes, Thomas Kazmierczak/yes, Dan Spitale/yes, Sharon Szany/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 discussed with the Commissioners comments made by Dave Pustek at a recent Mayor's Night Out. Mr. Pustek was at the December 19, 2022 Plan Commission meeting and expressed some concerns regarding the notification requirements that the plan commission had. Mr. Pustek suggested that the notifications should be sent out earlier, and that the notification area should be increased from 300 feet to 1000 feet.

Mr. Poland asked Attorney Westland if the other communities used a 300 foot area and if certified mail was used. Attorney Westland stated in his opinion the Plan Commission was not the appropriate body to change the notification requirements. The 300 feet area was consistent with other communities that he represented. Attorney Westland further stated there were some communities that did place a sign on the property as an additional notification of an upcoming petition. Attorney Westland stated the City Council could by ordinance require more than a ten (10) day mailing time.

Mr. Poland discussed the results of staff reviewing various notifications sent out to property owners within various parts of the city where the Plan Commission was the petitioner. The average from postmark to receipt of the green card was 3-8 days. There

were other deliveries from 11-20 day. The unknown factor is when the property owner actually picked up the certified mail from the post office. Mr. Poland further stated he vast majority of people had received their notices within 3-4 days of post mark this was a good indication that this was not a significant problem.

Mr. Poland asked the Commissioner's if there were any thoughts or suggestions about changing the procedure. Mr. Hutton stated he believed that the status quo has served the department and the City well and there was no need to make any changes. Mr. Hutton stated he agreed that you cannot control when the notices are dropped off and picked up at the Post Office, or any other variable that may delay receipt of the mailing.

President Button stated the Plan Commission cannot control the number of certified mailings delivered to a property owner per day. This was a Postal Service decision and a subject that should be taken to a higher level of government. The Plan Commission has done everything to meet compliance that is required to notify property owners within the regulations. President Button agreed with Mr. Hutton that there should not be any changes.

Mr. Poland stated his conclusion was that there was not a significant problem as Mr. Pustek has stated. Mr. Poland further stated this was a meeting notification, and the notification allows property owners to call, email, or attend the meeting via Zoom.us. Ms. Morris-Smith emailed the file information to Mr. Pustek per his request. The meetings are published in the Times and available on the gohammond.com website. Mr. Poland stated he would discuss further with Attorney Westland regarding signage on the subject property. Mr. Poland discussed the difference between certified mailings and certificate of mailing.

Attorney Westland stated that the ability to attend meetings has gotten significantly easier since COVID-19 and Governor Holcomb passing legislature to allow people to appear via Zoom.us and other electronic means.

President Button stated he felt this topic should be added to the February 21, 2023 meeting after more research by Attorney Westland. There were not any objections from the Commissioners.

President Button asked if there were any other staff comments. Mr. Poland stated there would be a February 21, 2023 meeting.

PUBLIC COMMENTS

There were none.

ADJOURNMENT

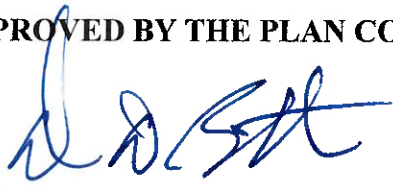
President Button called for a motion to adjourn, Ms. Szany so moved, seconded by Mr. Kazmierczak. The meeting adjourned at 6:46 p.m. "Ayes" all. Motion carried.

PREPARED BY

Shannon Morris-Smith

Shannon Morris-Smith,
Secretary to Plan Commission

APPROVED BY THE PLAN COMMISSION



Dean Button, President

Date Approved: 2-21-23