

The meeting of the Plan Commission of the City of Hammond, Indiana was held on Tuesday, March 20, 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	ABSENT	ALSO PRESENT
Roger Brock (IP)		Brian L. Poland, AICP
Dean Button (IP)		Director of City Planner
Michael Dye (IP)		
Anne Herbert (Z)		Tom Novak
William Hutton (IP)		Asst. City Planner
Thomas Kazmierczak (IP)		
Dan Spitale (IP)		Dave Westland
Sharon Szany (IP)		Plan Commission Attorney
Marcus Taylor (IP)		

PRESENT – 9 **ABSENT – 0** **QUORUM**

APPROVAL OF MINUTES

President Button called for a motion to table the minutes of the February 21, 2023 meeting. Mr. Dye so moved, seconded by Mr. Kazmierczak. 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-23-04 Petition of McDonald’s Corporation for a Two Lot Subdivision Known as McDonald’s Calumet Avenue Addition to the City of Hammond in a C-4 General Commercial District Located at 823 Chicago Street and 4611-21 Calumet Avenue within the City of Hammond

President Button asked if the notification requirements had been met. Mr. Novak stated “yes”.

Attorney James Yannakopoulos, Koransky, Bouwer, and Poracky, 425 Joliet Street, Suite 425, Dyer, Indiana 46311, represented the petitioner. Mr. Yannakopoulos stated McDonald’s owned most of the property located at the northeast corner of Chicago Street and Calumet Avenue. A trust owns a small adjacent parcel that makes up two (2) of the

twenty three (23) old twenty five (25) foot wide lots originally platted on this corner through the old Towle and Avery Subdivision platted back in 1886. The goal of the re-subdivision would be to realign the lot lines so the existing McDonald's improvements would be located on one lot. The excess vacant land owned by McDonald's would be combined with the smaller trust property that was under contract to be purchased by McDonald's to create a second lot. This lot would be sold off and developed into another commercial use.

Mr. Yannakopoulos further stated he has worked with Brian Poland, Director of City Planning, and his assistant Shannon Morris-Smith to finalize the appropriate documentation. Mr. Yannakopoulos welcomed any additional request or comments from the Commissioners.

President Button asked if there were any questions from the Commissioners. President Button stated he had a technical correction to consider on the plat. Chicago Street was also listed as State Route 312. The Indiana Department of Transportation relinquished control of Chicago Street from White Oak Avenue west through the City of Hammond including this section. President Button requested that State Route 312 be removed. Mr. Yannakopoulos stated he would contact the surveyor to make the changed and noted in the mylars.

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

BACKGROUND

The petitioner, McDonald's Corporation, is representing itself and Rodney D. Lubeznik Living Trust in this action to create a two-lot subdivision at the northeast corner of Calumet Avenue and Chicago Street. The Lubeznik Trust is currently the owner of 823 Chicago Street. McDonald's is owner of the remainder of the property. There is an agreement between the two owners in which the Lubeznik Trust will convey its parcel to McDonald's. It is intended that the conveyance document will be recorded prior to the recording of the subdivision plat; therefore, resolving all of the ownership issues.

Proposed Lot 1 is the property currently used for the McDonald's restaurant. It is 1.12 acres. Proposed Lot 2 is the vacant land to the east at the northwest corner of Chicago Street and Cedar Avenue. It is .65 acres. Both lots meet the minimum requirements for the C-4 zoning district. Proposed Lot 2 would then be made available for development.

There are existing utilities that cross the N-S midpoint of Lot 2. These utilities lines serve the McDonald's. A utility easement is established to cover the area. Through the

agency review process, Comcast had requested that the easement was increased to physically cover their service lines.

Along Calumet Avenue there is a 10-foot-wide area being dedicated as public right-of-way. It currently is a physical part of the street but the records were unclear as to whether this was properly dedicated. The plat dedication/rededication resolves this question. Along Chicago Street, portions of the property were taken for the widening and approach to the Chicago Street/Calumet Avenue intersection. The documents of the take by INDOT and the City of Hammond are identified on the plat and reflects the previous dedication as public street.

STAFF RECOMMENDATION

The subdivision plat has been sent out for agency review. As noted above, Comcast's request has been incorporated into the plat. No other objections or concerns were received.

The staff's opinion is that the plat meets the requirements set forth in the Subdivision Control Ordinance and recommends for preliminary and final approval of the subdivision plat subject to the technical corrections requested by staff and City Engineer.

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 that the Plan Commission grant preliminary and final approval of the subdivision plat subject to the technical corrections requested by staff and City Engineer. Mr. Dye so moved, seconded by Ms. Szany. Roll call vote. Roger Brock/yes, Mike Dye/yes, Anne Herbert/yes, William Hutton/yes, Thomas Kazmierczak/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 preliminary findings of fact. Mr. Dye 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, 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 be an April 17, 2023 Plan Commission meeting.

PUBLIC COMMENTS

There were none.

ADJOURNMENT

President Button called for a motion to adjourn, Mr. Spitalo so moved, seconded by Mr. Kazmierczak. The meeting adjourned at 6:13 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: 4-17-23