

The regular meeting of the Board of Zoning Appeals of the City of Hammond was held on Tuesday, January 31, 2023 at 6:00 p.m., Council Chambers, 2<sup>nd</sup> Floor, Hammond City Hall, 5925 Calumet Avenue, Hammond, IN 46320, and via [www.Zoom.us](http://www.Zoom.us)

Kathleen Hill called the meeting to order at 6:05 p.m. Ms. Hill led the reciting of the Pledge of Allegiance.

PRESENT

Dennis Radowski (IP)  
Roger Brock (IP)  
William Hutton (IP)  
Kathleen Hill (IP)

ABSENT

Nancy Ragin (Z)

ALSO PRESENT

Brian L. Poland, AICP  
Director of City Planner

Tom Novak  
Assistant City Planner

Shannon Morris-Smith  
BZA Secretary

Dave Westland  
BZA Attorney

PRESENT: FOUR (4)

ABSENT: ONE (1)

QUORUM

ELECTION OF OFFICERS FOR 2023

Attorney Westland opened up the Election of Officers for 2023. Attorney Westland asked for a nomination for a Chairperson. Mr. Brock motioned to nominate Kathleen Hill, seconded by Mr. Hutton. There were no other nominations. Roll call vote. Dennis Radowski/yes, Roger Brock/yes, William Hutton/yes, Kathleen Hill/yes. 4 "Ayes", 0 "Nays", 0 "Abstentions" 1 "Absent". Motion carried.

Attorney Westland asked for a nomination for Vice-Chairperson. Mr. Hutton motioned to nominate Mr. Brock, seconded by Mr. Radowski. There were no other nominations. Roll call vote. Dennis Radowski/yes, Roger Brock/yes, William Hutton/yes, Kathleen Hill/yes. 4 "Ayes", 0 "Nays", 0 "Abstentions" 1 "Absent". Motion carried.

Attorney Westland closed the Election of Officers for 2023.

### APPROVAL OF MINUTES

Chairperson Hill called for a motion to approve the minutes for June 1, 2022. Mr. Radowski so moved, seconded by Mr. Hutton. Roll call vote. Dennis Radowski/yes, Roger Brock/yes, William Hutton/yes, Kathleen Hill/yes. 4 "Ayes", 0 "Nays", 0 "Abstentions" 1 "Absent". Motion carried.

Chairperson Hill called for a motion to approve the minutes of August 30, 2022. Mr. Hutton so moved, seconded by Mr. Radowski. Roll call vote. Dennis Radowski/yes; Roger Brock/yes; William Hutton/yes; Kathleen Hill/yes. 4 "Ayes", 0 "Nays", 0 "Abstentions, 1 "Absent". Motion carried.

Chairperson Hill called for a motion to table the minutes of December 6, 2022. Mr. Brock so moved, seconded by Mr. Hutton. Roll call vote. Dennis Radowski/yes; Roger Brock/yes; William Hutton/yes; Kathleen Hill/yes. 4 "Ayes", 0 "Nays", 0 "Abstentions, 1 "Absent". Motion carried.

### OLD BUSINESS

There was none.

### NEW BUSINESS

Z-23-01 Petition of Amerco Real Estate Company (AREC) for a conditional use regarding Title X, Section 10.11 (15) to allow a self-service storage facility in a C-4 General Commercial District, located at 6303 Calumet Avenue in the City of Hammond

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

Rick Rottweiler, District VP, U-Haul, 3649 W. Belle Plaine, #1, Chicago, IL, 60618. Mr. Rottweiler gave the history of U-Haul, the company's various products, and locations. Mr. Rottweiler stated the property located at 6303 Calumet Avenue was the proposed location for the proposed expansion site. The proposed site plan included a three (3) story self-storage facility in the northwest corner of the property. There would be two (2) drives to access the facility. There would be truck and trailer sharing onsite. Landscaping to screen in the property has been proposed. Mr. Rottweiler further reviewed the conceptual renderings with the Board. This included the north, south, east, and southeast elevations with signage and proposed materials to construct the facility.

Mr. Rottweiler reviewed the four (4) petitions that were being proposed (Z-23-01, Z-23-02, Z-23-03(A), Z-23-03(B)). The petitioner was interested in the property at 6303 Calumet Avenue because the current facility located at 822-165<sup>th</sup> Street was older and dated. The company purchased the current building in 1977 and has been in the community since 1977. The new property at 6303 Calumet Avenue would allow the company to build and move their main operations. This would provide a modernized product for the community. There would be a state-of-the-art facility with climate-controlled rooms, individually alarmed rooms, and covered load and unload access.

There was further discussion on the building design and signage. The construction material would be brick and wood panel. The petitioner presented an overview of other facilities that were constructed from the ground up.

Mr. Rottweiler stated the facility would have security features. This would include state-of-the-art burglar and Max Alarm System with twenty-four (24) hour monitoring and interior motion detectors on all storage floors, stairwells, and main show room. A hands-free intercom systems that communicates to all Max Security stations throughout all floors of the storage. This was designed for customer use, and to provide assistance at any time. Mr. Rottweiler further stated there was twenty-four (24) hour digital HD video surveillance with remote web base viewing. All of the rooms would be individually alarmed, and would be armed/disarmed by a keypad or card swipe. The security gates would be programmed to only allow paying customers to access the exterior storage. There would also be sixteen (16) color HD day and night cameras to display the facilities interior, exterior, and elevators. Lastly, there would be multiple audible sirens for storage and burglar alarms, and a U-Haul patented latch would be used on all units.

Mr. Rottweiler reviewed U-Haul's Sustainability Programs. This included the Re-Use Center, Take a Box-Leave a Box, Biodegradable Packing Peanuts, and Green Building Features, and Go Zero. Mr. Rottweiler further reviewed a note on traffic study and commercial uses.

The petitioner stated the benefits of the new facility to the City would be:

- Promotes growth in your community
- Promote sustainability via shared truck System. This reduces customer trip-length and CO<sub>2</sub> emissions
- The proposed U-Haul would add to the property value and increase the tax base which strengthens the economic base of the community.

- Promotes reuse programs, that help reduce tree harvesting and pulp manufacturing.
- The planned U-Haul expansion would adhere to City Code and standards, creating a new use for an existing site that's been vacant for 34 years.

Mr. Rottweiler concluded his presentation.

Chairperson Hill asked if there were any questions from the Board. Mr. Hutton asked for photos relating to the covered loading and unloading area. Mr. Hutton asked if all vehicles would load and unload at this location. Mr. Rottweiler stated this was a protected area from the elements. There were a couple of designated spots. A customer would be able to pull in and unload items to place into storage. Mr. Hutton asked if the traffic study that was presented was the traffic study for the proposed site. Mr. Rottweiler stated "No". The company would be willing to provide a traffic study for the proposed property. Mr. Hutton asked how the proposed site would impact the school, residential properties, and the church surrounding the site. Mr. Rottweiler stated he did not believe there would be a negative impact. There would be screening around the facility with landscaping, and the traffic flow of returning equipment would be directed through signage and stripping throughout the facility. Mr. Hutton asked if propane tanks would be stored at the facility. Mr. Rottweiler stated there would not be propane at this location. Mr. Hutton asked if a Phase I Environmental was done on the entire property. Mr. Rottweiler stated there was a Phase I and Phase II Environmental done on the property. The company would be willing to address any additional questions or remediation moving forward. If the site needed remediation the company was willing to address any concerns and rectifying them. Mr. Rottweiler further stated if remediation was needed the company would be willing to remediate the site.

Chairperson Hill asked the petitioner if the environmental report to address the City's concerns was available to address their concerns. Mr. Poland clarified that Environmental Management has received the Phase I report. There were additional questions that were formulated from the Phase I report. The report did not address concerns related to the fire that took place on the site thirty-four (34) years ago on the property. And the materials that were present on the property when the fire took place.

Mr. Hutton asked about the status of the Phase II. Mr. Rottweiler stated there was additional reporting that he did not have with him. If there were questions or concerns that would require additional reporting to address the concerns presented today.

Chairperson Hill asked if the current site would be moved to the proposed site. Mr. Rottweiler the primary operations would be moved to the new property. The existing site would still be maintained and renovated. The current facility was older, dated, and needed to be upgraded. Chairperson Hill asked if the petitioner had purchased the proposed property. Mr. Rottweiler stated the petitioner was under contract.

Chairperson Hill asked if there were any additional questions from the Board. There were none.

Mr. Poland stated technically Z-23-01 was the only case that was called and currently being reviewed.

Mr. Poland asked for clarification on the Re-Use Center. Mr. Rottweiler stated there was a sectioned off area for lightly used items that a current customer may no longer have a use for, and allows another customers to take the items.

Mr. Poland stated the basic facts pertaining to the number of units was not presented. Mr. Rottweiler stated the site plans showed six hundred ninety (690) rooms were proposed to be built at 6303 Calumet Avenue. This was approximately fifty two thousand seven hundred seventy five (52,775) total net rentable square feet of self-storage space. Nineteen thousand three hundred seventy (19,370) square feet would be climate controlled. Nineteen thousand two hundred sixty (19,260) square feet would be heated.

Mr. Poland asked what types of controls are there for tenants that want to store flammable or hazardous chemicals. Mr. Rottweiler stated there were specific restrictions on every storage contract and posted throughout the facility on the rules boards to inform tenants of the restricted materials. Mr. Poland asked how this was enforced. Mr. Rottweiler stated there were discussions at the start of the rental, there are employees working on the premises when tenants are moving in, and maintenance that monitor the facility.

Mr. Hutton asked if the building was sprinkled. Mr. Rottweiler stated there were not construction drawings available at this time, but they would follow all building codes.

Chairperson Hill asked the petitioner if there was anything additional to present to the Board. There was none.

Chairperson Hill opened the floor for public comments. There were none.

Chairperson Hill closed the floor for public comments.

Chairperson Hill asked if there were any additional questions from the Board members. There were none.

Mr. Poland asked Mr. Novak to explain Exhibit B. Mr. Novak stated the City began canvassing the number of self-storage facilities in August 2022. BZA documents, permits, and visual confirmation were done. The analysis concluded there were thirty one hundred forty four (3144) self-storage units. Two thousand forty self-storage units were found within  $\frac{3}{4}$  of a mile of another facility. Sixty five percent (65%) of the total storage units were within the general vicinity of 165<sup>th</sup> Street. The existing U-Haul facility was the closest facility to the general vicinity. Mr. Novak further stated the number of units was inaccurate because half of the information was not available for occupancy. The petitioners proposed facility would increase the units by thirty four percent (34%) in this general vicinity.

Mr. Poland stated Exhibit A was attached to the staff report. This was a memo from the Department of Environmental Management. The letter makes reference to the fire thirty four (34) years ago and the impact of the property from the chemicals that were present during the time of the fire. Mr. Poland further stated this concern would need to be addressed.

Chairperson Hill asked if the concerns from Environmental Management was related to the construction at the proposed site. Mr. Poland stated "Yes". This would be related to ground disturbance, swip protection, and wind control of products dissipating.

Chairperson Hill asked for staff to read the staff report recommendations (Z-23-01), however it is included in its entirety.

**Zoning Citation**

**Z-23-01** Title X C-4 General Commercial District Section 10.11 Conditional Uses (15) Self Service Storage Facilities subject to conditions in Title XIX Zoning and Conditional Provisions.

**Background**

Amerco Real Estate Company (AREC), petitioner, is the wholly owned real estate subsidiary of the U-Haul system. AREC is the contingent contract purchaser of real estate commonly known as 6303 Calumet Avenue, which is currently jointly-owned by Lee Breitowich & Sandra S. Breitowich. AREC's intention is to construct a 3-story, climatized self-service storage facility under the U-Haul branding. This new facility will serve in addition to U-Haul's existing 214-unit self-service storage and truck and trailer rental facility at 822 165<sup>th</sup> St. and 828 Ridge St, which is to remain open.

This property is a 4-sided, irregularly shaped 2.751-acre (119,852.46 SF) vacant lot at the SE corner of Kenwood St. and Calumet Ave/US Rte. 41. It sits within one of the city's primary commercial corridors and is zoned C-4 General Commercial District. The site is in City Planning District III Central Hammond, particularly the neighborhood historically known as East Hammond/Maywood. This is one of if not the largest vacant commercial parcel on Calumet Ave. within the vicinity of I-80/94, which runs across Hammond about 1½ miles to the south of here.

The subject parcel is zoned C-4 General Commercial District and bounded by C-4 General Commercial, S-1 Open Space & Recreational Facilities, S-2 Institutional, and R-1U Urban Single-Family Residential Districts. Neighboring C-4 District properties are found along Calumet Ave. to the north, west, and south, though it should be noted that within this C-4 District there is a row of single-family homes along Calumet Ave. to the immediate south. The opposite corner of the Calumet Ave. and Kenwood St. intersection is S-2 District and home to Lew Wallace Elementary School. In the opposite direction, to the SE, is another S-2 District and home to Annie Burns-Hicks (formerly Maywood) Elementary School. To the east is a S-1 District upon which the Erie Lackawanna Bike Recreational trail runs. Across this trail further east is a R-4 High Density Residential District and home to the Mt. Zion Pleasant View Apartment Building which hosts senior citizen housing. South of the E-W alley on the south side of 6303 Calumet Ave. is a R-1U District which consists entirely of single-family homes all constructed in the 1920s in the Park Ridge Addition, platted in 1919.

AREC submitted a Phase I Environmental Study by Partner Engineering & Science, Inc, dated to Sept. 2021. Portions of prior Phase II Environmental Studies were incorporated into this newer Phase I study, including soil samples taken in June 2017. Included as an attachment (Exhibit A, dated January 24, 2023) is the response from Hammond Department of Environmental Management (HDEM) Director Ron Novak regarding the Phase I study and the environmental history of the site. The report discusses the long

term vacancy of the property and the occupancy history of MGR Feed Company, a fueling station, laundry and other property uses. The MGR Company was demolished after a fire in or around April 1989 leaving the potential of contamination from the product and resulting consequences of the spread of the contaminants. His conclusion is that additional investigation of the environmental conditions is warranted.

**Petition**

The petitioner requests a conditional use permit for a self-service storage facility per TS/S 10.11(15) in accordance with the conditions in T/S 19.70 and Title X.

If the conditional use permit is granted, AREC plans to construct a new 3-story/40' tall, 82,044 SF building in the NW quadrant of the parcel. The building consists of a 27,348 SF footprint and 690 internally accessed self-service storage units. Storage unit sizes are to vary from 5' x 5' to 10' x 15', with 60% of the total (414 units) to be climate-controlled. Twenty (20) are to be ADA-compliant.

As proposed, the site will feature improved landscaping that will meet city rules and regulations for a C-4 General Commercial District. This is to include perimeter landscaping 10'-wide at its narrowest and screening in the form of a row of trees on all 4 edges of property. A striped and drained parking lot will feature fifteen (15) off-street parking spaces, two (2) of which will be ADA-compliant. A 40'-wide driveway apron for ingress/egress with Kenwood St. is proposed for the NE corner of the parcel. At the SW corner of the parcel, a 30' wide driveway apron is proposed; AREC has engaged in negotiations with INDOT over approval for this access point on to the State-controlled Calumet Ave/US Rte. 41 ROW. The City has not yet been informed of INDOT's final decision. Currently, an alleyway that services the single-family residential neighborhood along the southern boundary of the parcel and intersects Calumet Ave. 13' 4" to the south of the proposed driveway apron.

The hours of operation for the front office are to be 7 days a week from 7:00am to 7:00pm.

The petitioner has not yet indicated that the self-storage facility will establish site rules such as the prohibition of firearms, drugs and other nuisance items, no practice of musical instruments, no work on vehicles, no dogs loose on site, and no overnight in trailers, motor-homes, or storage units. Such site rules have been established via end-user contracts at the other self-service storage facilities which have been in front of the BZA for conditional use permits.



As of January 17, 2023, the petitioner indicates their existing 214-unit, non-climate-controlled 2-story self-service storage facility (822 165<sup>th</sup> St.) will remain open at the intersection of 165<sup>th</sup> St, Ridge St, and Calumet Ave/US Rte. 41. The facility is located just under 1,000' due south of 6303 Calumet Ave.

### Analysis

The Board has heard four (4) petitions for self-service storage facilities in the past six (6) years. The prior cases that were heard and approved are as follows:

1. Z-16-05 (12/7/2016) 6641 Columbia Ave. Convert an existing building into a 49,879 SF multi-story self-service storage facility and construct a new self-service storage building with 824 units
2. Z-17-01 (03/29/2017) 6804 Columbia Ave, 6822 Columbia Ave, 1134 Spruce St. Construct three new self-service storage buildings with 64 units
3. Z-20-13 (12/01/2020) 950 165th St. Construct a new self-service storage building and convert an existing building into a self-service storage facility with 353 units
4. Z-21-26 (09/28/2021) 6641 Columbia Ave. Construct another new self-service storage building with 87 units

The total number of new storage units within these facilities totals to 1,328 in a small geographic area of the City.

City Staff began canvassing existing self-service storage facilities in the City of Hammond in August 2022 in order to understand the density of this use within city limits. Data was either offered by the facilities or extrapolated from BZA cases, building permits, and visual inspection of facilities. A chart of the results is included in Exhibit B.

The results indicate an estimated total of 3,144 storage units across eight (8) facilities. Of the citywide total of 3,144 units, 65% (2,040 units) reside within less than one-mile from the subject parcel, all along or adjacent to the 165<sup>th</sup> St. and Columbia Avenue corridors. These units are spread out across six (6) non-contiguous properties. The nearest existing self-service storage facility is just under 1,000' due south. 1,371 of these 2,040 units are climate-controlled (67%) and 1,585 of these 2,040 units are internally accessed (78%). If petition is approved, the number of storage units in this geographic area within the vicinity of 165<sup>th</sup> St. would increase to 2,730 – an increase of one-third (34% or 690 units). This would be a substantial increase in the density, or geographic concentration, of such a use.

While AREC self-reports that its occupancy rate at its existing 214-unit U-Haul facility to the south is 95%, other facilities self-report an approximate 4/5<sup>th</sup> occupancy rate and others may be potentially lower. Self-reported occupancy rates account for only 59% of the City's total number of storage units, and so, the figure given in Exhibit B of an approximate 88.7% occupancy rate citywide is a very rough estimate which is missing data for 1,289 units.

Based on the City's canvas, there are 2,040 storage units and over 200,000 SF of existing self-service storage space within an approximately one-mile radius of the subject property. This is a high geographic concentration of self-storage space in a city of approximately 24 square miles.

The City has enacted zoning regulations in the past in order to manage the density of a number of other commercial uses in order to mitigate their deleterious secondary effects. Therefore, a buffer zone between self-service storage facilities or a limit on quantity of facilities within a specified geographic area would not be unprecedented.

The City of Hammond's Comprehensive Land Use Plan designates this area of Calumet Ave. and Kenwood St. for Low Density Residential Use. The neighborhood to the immediate south consists of single-family residences served by the adjacent Annie Burns-Hicks Elementary School.

The square footage of impervious surface will increase by 93,716 SF and thus increase stormwater surface runoff which must be treated by the Hammond Sanitary District (HSD). HSD has confirmed the sewer main access point will be Calumet Ave. and that its sanitary and stormwater components are separated. U-Haul indicated in September 2022 their intentions were to hire an engineer to design underground stormwater detention chambers. No plans received yet.

As stated earlier, the proposed self-service storage facility will be held to the conditions set forth in T/S 19.70, with cross references Title X, Title XX, Title XI, and Title XX of Zoning Ordinance. While the perimeter landscaping is to meet the minimum set forth in T/S 22.70, the narrowest section of perimeter landscaping (10'-wide) is to run along the east edge of the property which is a boundary shared with Erie Lackawanna Bike Recreational trail and the grounds of Annie Burn-Hicks Elementary School. Robust screening between a commercial use and recreational and primary educational uses is important. The site plan makes no mention of a fence along the southern property

boundary, as a 6' tall fence or "packed compact hedge" is required along lot lines shared with residential districts per T/S 22.72(3).

Consideration should also be given to the increase in vehicular traffic to a site adjacent to two elementary schools, an at-grade bike trail crossing and a high-density senior citizen housing apartment. The City has not been informed whether INDOT has given preliminary approval for the proposed driveway apron on Calumet Ave/US 41.

Whether approved by INDOT or not, the majority of truck and trailer rental traffic will be funneled to Kenwood St, a residential street where said bike trail crosses. There are concerns about the truck and trailer rental existing on to Kenwood Street and turning into the neighborhood. Kenwood Street does not have a traffic signal for the rental vehicles to access Calumet Avenue.

For an analysis of the environmental condition of the property and concerns over the lack of required environmental data and proof of remediation, see the attached memo from HDEM Director Ron Novak dated January 24<sup>th</sup>, 2023, attached as Exhibit A.

### **Reviews and Approvals**

City Planning staff has reviewed materials provided by the petitioner.

There were no objections from the Building Commissioner, Chief Fire Inspector, City Engineer, nor Superintendent of Wastewater Management.

There were serious concerns voiced by Ron Novak, the Director of the Hammond Department of Environmental Management (HDEM), which have been summarized by Director Novak's memo (Exhibit A.)

Some of Director Novak's concerns regard insufficient data provided by AREC. In particular, a Phase I study from 2021 incorporated portions of prior Phase I & Phase II studies, but Director Novak requires the entirety of these Phase I and Phase II studies and their data sets for proper evaluation. Director Novak also voices concerns that the environmental consultant partner did not contact HDEM staff for City records or to interview relevant City Staff during their information gathering. Another point Director Novak makes pertains to the banning of certain items within the storage units – e.g. chemicals, flammable, paints, etc. No detailed listing of those items has been provided, nor U Haul's methods and procedures the U-Haul staff will implement in regards to determining those items are not initially part of the stored materials. The absence of

required information prevents Director Novak from reporting any final conclusions drawn to the BZA. Please, refer to Director Novak's attached memo.

**STANDARDS FOR GRANTING A CONDITIONAL USE:**

- 1) The approval will not be injurious to the public health, safety, morals, and general welfare of the community.
- 2) The use and the value of the area adjacent to the property related to the conditional use will not be affected in a substantially adverse manner.
- 3) The approval will not have an adverse effect on the density of the adjacent area and the area will not be burdened by an excessive number of similar uses in the area.
- 4) The approval will not have an adverse impact on the transportation network, public utilities and educational facilities.
- 5) The approval will not have an adverse impact on the environment or natural resources.
- 6) The approval will not have an adverse impact on historical, architectural, cultural and archaeological resources.
- 7) The approval does not substantially interfere with the Comprehensive City Zoning Plan.
- 8) The approval will be in compliance with applicable provisions established elsewhere in the Zoning Ordinance.
- 9) The approval shall provide for reasonable accommodation pursuant to Section 24.53.

**Recommendation**

**Staff has reviewed the petitioner's request and recommends that the BZA denies the conditional use permit primarily due to the excessive number of self-service storage facilities and number of storage units in a small geographic area of the City, as well as unanswered concerns about the environmental conditions of the property.**

Mr. Poland concluded the reading of the recommendation section of the staff report.

Chairperson Hill asked if there were any questions from the Board members.

Chairperson Hill asked if there were any other additions or amendments to the findings of facts. There were none.

**FINDINGS OF FACT**

**1. The approval will not be injurious to the public health, safety, morals, and general welfare of the community.**

a) Environmental data and history regarding the site, in particular missing Phase I and Phase II reports, has created serious concerns for HDEM Director Ron Novak which cannot be resolved at this time.

a) AREC has not made the City aware of any recorded agreement banning any flammable, combustible, toxic, living, illegal, or otherwise dangerous materials to be stored on site.

b) Fire safety and fire safety equipment maintenance details have not been disclosed by AREC.

c) The nature of such a use means a large collection of flammable materials within one building near a busy highway (US Rte. 41).

d) Perimeter landscaping and screening by use of trees has been proposed but no fence has been proposed by AREC, notably missing from the property line shared with the R-1U District to the south which requires a 6' tall privacy fence.

e) The area will feature a security camera system.

**2. The use and the value of the area adjacent to the property related to the conditional use will not be affected in a substantially adverse manner.**

a) AREC has not confirmed a ban on certain customer activity, i.e. work on cars, music, etc.

b) This self-service storage facility will be on a parcel which fronts on a State-controlled Federal highway ROW (US Route 41/Calumet Ave.) and major commercial corridor, as well as border a primarily residential street (Kenwood St.) and along an alleyway shared with a residential neighborhood to the south.

c) Traffic on a primarily residential street (Kenwood St.) with bike trail crossing will increase; Kenwood St. is marked as the primary ingress point to property.

d) The placing of a new curb cut and ingress/egress onto State-controlled Calumet Ave/US Rte. 41 only 13' 4" north of an existing alleyway intersection with Calumet Ave. may create an unsafe traffic situation and unnecessarily burden traffic on a major arterial road.

e) The property has sat vacant and poorly maintained for 34 years and fronts along a major commercial corridor, thus carefully planned development of this unused land would increase its property tax valuation.

**3. The approval will not have an adverse effect on the density of the adjacent area and the area will not be burdened by an excessive number of similar uses in the area.**

- a) There are approximately 3,144 leasable storage units across eight (8) self-service storage facilities within the City of Hammond.
- b) 65% (2,040) of these storage units are along or adjacent to the 165<sup>th</sup> St. corridor within the South Hammond area.
- c) These 2,040 units are located at the six (6) self-service storage facilities within  $\frac{3}{4}$  of a mile from 6303 Calumet Ave.
- d) There is over 200,000 SF of existing self-service storage space across these six (6) facilities.
- e) The nearest existing self-service storage facility is just under 1,000' due south of 6303 Calumet Ave. at the intersection of Calumet Ave, 165<sup>th</sup> St, and Ridge St.
- f) If petition is approved, the number of storage units in this geographic area within the vicinity of 165<sup>th</sup> St. would increase to 2,730 – an increase of one-third (34% or 690 units).
- g) Some self-service storage facilities self-report their occupancy rate at over 90%, but not all facilities self-report such a high occupancy rate – one rough estimate by the City could put vacant self-service storage units available for lease within the city at this time at as high as around 600 units.
- h) Within the past six years, the Board of Zoning Appeals has heard and approved four petitions for self-service storage facilities and these facilities are host to 1,328 storage units.
- i) All of the self-service storage facilities approved by the Board of Zoning Appeals during the past six years are within  $\frac{3}{4}$  of a mile of 6303 Calumet Ave.

**4. The approval will not have an adverse impact on the transportation network, public utilities and educational facilities.**

- a) The placing of a new curb cut and ingress/egress onto State-controlled Calumet Ave/US Rte. 41 only 13' 4" north of an existing alleyway intersection with Calumet Ave. may create an unsafe traffic situation and unnecessarily burden traffic on a major arterial road.
- b) Consideration should be given to the increase in vehicular traffic to a site adjacent to two elementary schools, an at-grade bike trail crossing and a high-density senior citizen housing apartment.
- c) No residential use proposed, so, no impact on enrollment at educational facilities.
- d) 93,716 SF of new impervious surface will drastically increase surface run-off and may increase strain on neighborhood stormwater sewer system; plans for proposed underground stormwater detention chambers have not been shared by AREC.
- e) Limited potable water use means limited impact on water mains and sanitary sewers.

**5. The approval will not have an adverse impact on the environment or natural resources.**

a) Environmental data and history regarding the site, in particular missing Phase I and Phase II reports, has created serious concerns for HDEM Director Ron Novak which cannot be resolved at this time.

b) Environmental contamination may exist in the soil and groundwater of the site due to an April 1989 fire at MGR Feed Co, Inc, and its historical use as a vehicle fueling and service station, as lumber and coal yards, and as a rail yard, which will be disturbed and potentially made airborne during site prep work and construction.

c) This same environmental contamination could be a source for vapor intrusion into the new building by soil vapors and other volatile chemicals.

d) If approved, AREC will have to further investigate and mitigate any environmental contamination found on the site to HDEM, IDEM, and EPA standards, which could end up remediating a potential brownfield site.

**6. The approval will not have an adverse impact on historical, architectural, cultural and archaeological resources.**

a.) There are no known historical, architectural, cultural, or archaeological resources identified in the Lake County Interim Report.

**7. The approval does not substantially interfere with the Comprehensive City Zoning Plan.**

a) The 1992 Comprehensive City Land Use Plan designates this site and the land immediately south of it for Low Density Residential Use.

b) The conditional use for a "self-service storage facility" is allowable in a C-4: General Commercial District if Board of Zoning Appeals' approval is granted.

**8. The approval will be in compliance with applicable provisions established elsewhere in the Zoning Ordinance.**

a) Perimeter landscaping and screening by use of trees has been proposed but no fence has been proposed by AREC, notably missing from the property line shared with the R-1U District to the south which requires a 6' tall privacy fence.

b) Petitioner has filed for a conditional use permit in Case No. Z-23-02 requesting a truck and trailer rental operation in a C-4 District as prescribed in Title X.

c) Petitioner has filed for a developmental variance in Case No. Z-23-03(A) requesting building height to be up to 40' and 3-stories, in excess of the maximum 15' peak height and single story as prescribed in T/S 19.70.15.

d) Petitioner has filed for a developmental variance in Case No. Z-23-03 (B) requesting gross floor area of building to be up to 83,000 SF in excess of the maximum 10,000 SF prescribed in T/S 19.70.20.

e) The petitioner must comply with all other applicable provisions in Zoning Ordinance, Title XIX Zoning and Conditional Provisions, Section 19.70 entitled "Self Service Storage Facilities and cross-references in Title X C-4 General Commercial District, Title XXI Signs, Title XXII Fences and Landscaping

**9. The approval shall provide for reasonable accommodation pursuant to Section 24.53.**

a) Section 24.53 does not apply to this conditional use permit application.

Chairperson Hill asked for a motion to adopt the staff report subject to the nine (9) conditions as presented by staff and to adopt the Finding of Fact into the record (Z-23-01). Mr. Radowski so moved, seconded by Mr. Brock. Roll call vote. Dennis Radowski/yes, Roger Brock/yes, William Hutton/yes, Kathleen Hill/yes. 4 "Ayes", 0 "Nays", 0 "Abstentions", 1 "Absent". Motion passed.

Chairperson Hill asked for a motion to deny the conditional use permit (Z-23-01), subject to the nine (9) conditions. Mr. Brock so moved, seconded by Mr. Radowski. Roll call vote. Dennis Radowski/yes, Roger Brock/yes, William Hutton/yes, Kathleen Hill/Abstained. 3 "Ayes", 0 Nays, 1 Abstentions, 1 "Absent". Motion carried.

Attorney Westland stated it was the decision of the petitioner if they wanted to proceed with Z-23-02, Z-23-03 (A), and Z-23-03 (B). Mr. Rottweiler stated the petitioner would proceed. Attorney Westland stated that Z-23-01 was denied, and how the other cases would affect the overall layout of the property if the self-storage facility has been denied. Attorney Westland stated the BZA would only be able to consider the site plan that was attached to Z-23-01, for the Z-23-02 petition. Attorney Westland further stated he site plan would be irrelevant because the site plan was denied. There was further discussion with the petitioner. Mr. Studer stated the petitioner would modify the site plan to give Z-23-02, Z-23-03 (A), and Z-23-03 (B) a better chance of approval. Mr. Studer stated the petitioner would continue the remaining petitions.

Chairperson Hill asked if a meeting date could be decided on to keep the petitions from being continued repeatedly. Attorney Westland stated if the meeting date on the matter was announced tonight that would serve as the public notice and there would not be a need for additional notifications. Attorney Westland further stated that if the meeting was set for a future meeting date and the petitioner needed more time things because a little more tenuous. Mr. Studer asked if the meeting was set for the March 28, 2023 meeting would notifications be required. Attorney Westland stated a motion to



continue the petition to the March 28, 2023 meeting date, the petitioner would not need to do notifications.

Mr. Hutton asked Mr. Poland when the staff would need the new site plan. Mr. Poland stated by February 24, 2023.

Chairperson Hill asked for a motion to table Z-23-02, Z-23-03 (A), and Z-23-03 (B) to the March 28, 2023 BZA meeting. Mr. Hutton so moved, seconded by Mr. Radowski. Roll call vote. Radowski/yes, Roger Brock/yes, William Hutton/yes, Kathleen Hill/yes. 4 "Ayes", 0 "Nays", 0 "Abstentions", 1 "Absent". Motion passed.

COMMISSIONER COMMENTS

There were none.

STAFF COMMENTS

Mr. Poland stated there would be a February 28, 2023 meeting.

PUBLIC COMMENTS

There were none.

ADJOURNMENT

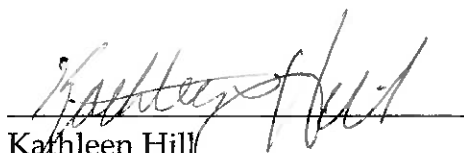
Chairperson Hill adjourned the meeting at 7:21 p.m.

PREPARED BY:



Shannon Morris-Smith  
Secretary to the Board of Zoning Appeals

APPROVED BY THE BOARD OF ZONING APPEALS:

  
Kathleen Hill  
Chairperson

Date Approved: 5/31/23