



# BOARD OF ZONING APPEALS STAFF REPORT

**To:** Members of the Board of Zoning Appeals

**From:** Tom Vander Woude, Planning Director

**Meeting Date:** December 13, 2022

**Agenda Item:** BZA Docket No. 22-016

**Hearing:** **PRELIMINARY HEARING**

**Application Type:** **Developmental Standards Variance**

**Summary:** Munster Properties LLC requesting approval of a variance from *Table 26-6.4050-1* to allow a reduction in the required parking spaces for a medical office at 10350 Calumet Avenue.

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**Applicant:** GastingerWalker& representing Munster Properties LLC

**Property Address:** 10350 Calumet Avenue

**Current Zoning:** CD-4.A General Urban A Character District

**Adjacent Zoning:** North: CD-4.B  
South: CD-4.A  
East: CD-4.A  
West: CD-4.A

**Action Requested:** Schedule Public Hearing

**Additional Actions Required:** Hold Public Hearing  
Findings of Fact

**Staff Recommendation:** **Schedule Public Hearing**

**Attachments:** BZA 22-016 variance application

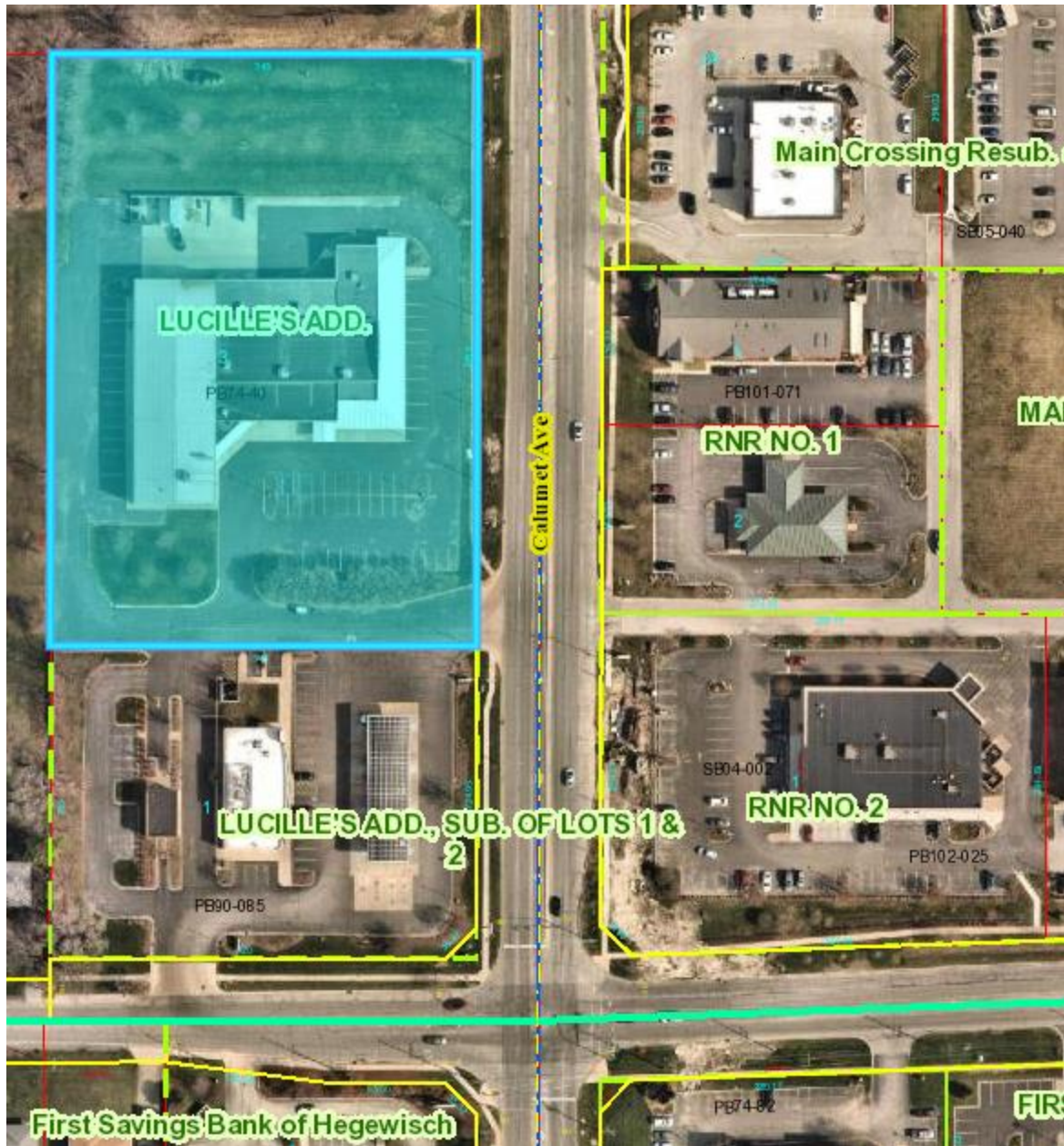


Figure 1: Subject property highlighted in blue.

## BACKGROUND

GastingerWalker& representing Munster Properties LLC has submitted an application for approval of a variance from Table 26-6.4050-1 to allow a reduction in the required parking spaces for a medical office at 10350 Calumet Avenue. The applicant is seeking to renovate the former Calumet Harley-Davidson dealership and repair shop into a medical office with three tenants. Proposed improvements to the property include an interior remodel, expansion and reconfiguration of the parking lot, new stormwater detention area, and additional and enhanced landscaping.

The subject property includes a 29,754 square foot building with canopies totaling an additional approximately 600 square feet and a parking area with 74 parking spaces. The building and parking lot were constructed in 2002 for the previous user of the property, which was a motorcycle dealer and repair shop. These uses have a lower parking requirement than a medical office.

- Motor Vehicle Body Shop, Maintenance, Repair, Service or Cleaning: 1 space per service bay
- Motor Vehicle Sales, Rental, or Leasing with or without Parts Sales: 2.5 spaces per 1,000 square feet of floor area

The proposed medical offices require 5.7 spaces per 1000 square feet of gross floor area. The required parking for this site with a medical building area of 30,177 sf is 173 parking spaces. The applicant proposes adding parking areas in the southwest corner and the north edge of the property to increase the number of parking spaces on site to 134 total.

The requested variance is to reduce the required number of parking spaces by 39.

## DISCUSSION

The applicant has represented that their use does not require the number of spaces required by Town ordinance. The applicant has provided an alternative standard for determining required parking spaces from the Institute for Transportation Engineers, which has a ratio of 4.27 spaces per 1,000 square feet floor area. Based on this computation, only 129 spaces are needed.

The Board of Zoning Appeals has given consideration to alternative parking standards in the past. In 2019, under BZA Docket No. 18-010, the Board of Zoning Appeals granted a parking variance to NP Building Partners, LLC to permit the redevelopment of the property at 9445 Calumet Avenue with the North Point Orthopedics medical office. The applicant had presented a report from the August 2007 ITE (Institute for Transportation Engineers) Journal that recommended a ratio of 4.5 parking spaces/1000 gross square feet for medical office buildings as the evidence in support of the variance request.

Staff notes that two of the proposed parking spaces are located in the first lot layer (the area between the front façade and the lot line) and two are located in the second lot layer (the first 20 feet of the side yard). While the existing parking in front of the building is permitted to remain, the Munster Zoning Ordinance prohibits new parking in the first lot layer and requires that all parking in the second lot layer be screened by an enhanced hedge. Eliminating these spaces will increase the requested variance by two to four spaces.

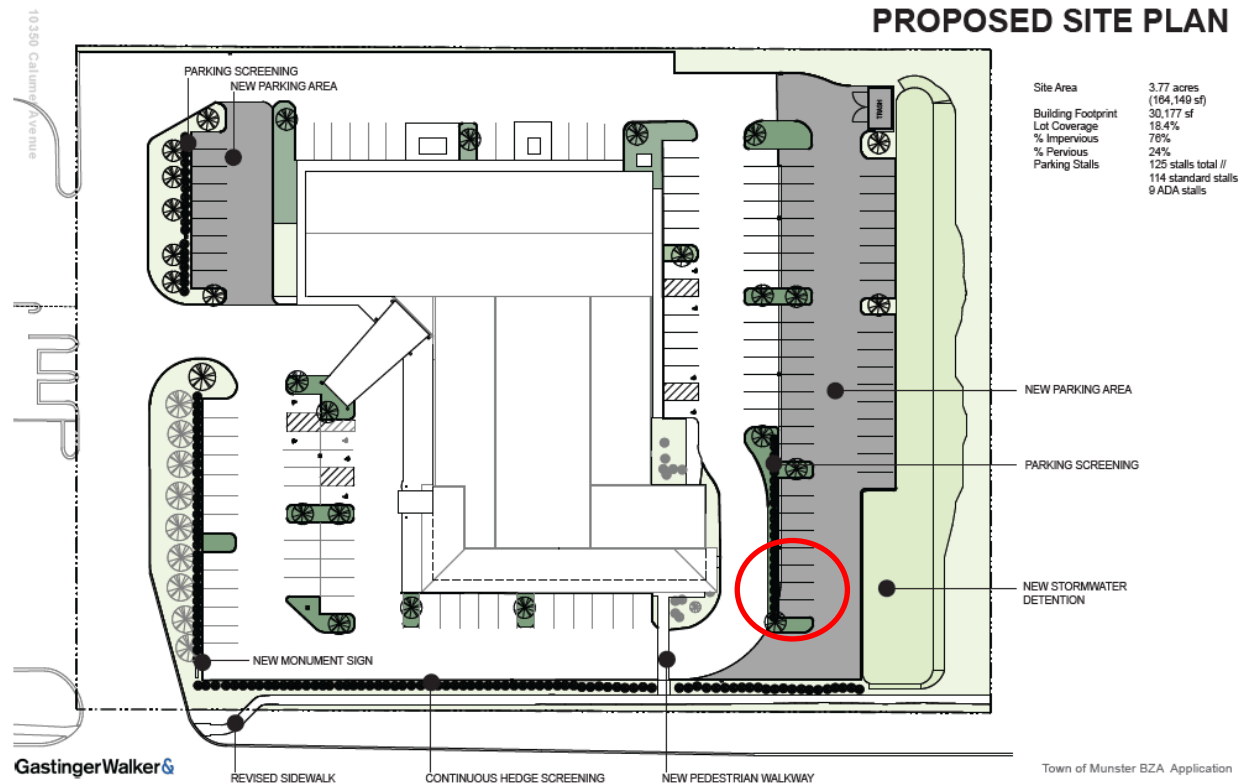


Figure 2 New parking in 1<sup>st</sup> and 2<sup>nd</sup> lot layer circled in red is prohibited.

## VARIANCE STANDARDS

The variance process is established to provide relief to a property owner when, due to unique circumstances, compliance with the zoning code imposes a hardship or practical difficulty on a property owner. The BZA is under no obligation to grant a variance. It is the petitioner's responsibility to prove a hardship or practical difficulty. The BZA should ask the petition to address the criteria listed below.

Sec. 26-6.804.I of the Munster Zoning Code states that the basis for a variance is as follows:

### g. General Standards.

A Variance may be granted only if the Decision-Making Authority has made the following determinations for such Variance:

- i. the practical difficulties or unnecessary hardships that would be incurred by strict application of the Use or Development standard, as applicable, are unique and not shared by all properties in the vicinity and are not self-imposed;
- ii. such Variance is the minimum Variance that will relieve such practical difficulties or unnecessary hardships, as applicable;
- iii. such Variance is in the spirit of the general purposes and intent of this Article as stated in Division 1; and



- iv. such Variance is so designed as to provide reasonable consideration to, among other things, the character of the neighborhood, District, or Civic Zone, the conservation of property values in the vicinity, and the guidance of Development in accordance with the Comprehensive Plan.

h. Specific to Development standards Variances:

A Variance from Development Standards may be approved or approved with conditions only if:

- i. it will not be injurious to the public health, safety, morals, and general welfare of the community;
- ii. the use and value of the area Adjacent to the property included in the Variance will not be affected in a substantially adverse manner; and
- iii. the strict application of the Development standards will result in practical difficulties in the use of the property.

**The applicant has addressed these criteria in the attached application.**

## **RECOMMENDATION**

The Board of Zoning Appeals may wish to consider the following motion:

*Motion to schedule a public hearing for BZA Docket No. 22-016.*



Petition BZA \_\_\_\_\_ - \_\_\_\_\_

Date: \_\_\_\_\_

Application Fee: \$ \_\_\_\_\_

Sign Fee: \$ \_\_\_\_\_

**Town of Munster Board of Zoning Appeals Petition Application**

**OWNER INFORMATION:**

Munster Properties LLC (contact: Roger McDowell, COO) 708-226-3653

Name of Owner

Phone Number

10719 W 160th St, Orland Park IL 60467

rmcdowell@orthoexperts.com

Street address, City, ST, ZIP Code

Email address

**APPLICANT OR PETITIONER INFORMATION (if different than above):**

GastingerWalker& (contact: Laura Pastine) 816-569-0841

Name of Applicant/Petitioner

Phone Number

817 Wyandotte, Kansas City MO 64105

lpastine@gastingerwalker.com

Street address, City, ST, ZIP Code

Email address

**PROPERTY INFORMATION:**

Munster Properties LLC

Business or Development Name (if applicable)

10350 Calumet Avenue

CD-4.A

Address of Property or Legal Description

Current Zoning

**APPLICATION INFORMATION:**

Please select what this Application is for:

☒ Variance If yes, select one of the following: ☐ Use ☒ Developmental Standards

☐ Conditional Use

☐ Administrative Appeal

**Brief Description of Project and List of Variances or Conditional Uses Being Requested (if applicable):**

The project is the renovation of an existing 30,000 sf building for use as a medical office building with three tenants. As part of the renovation scope of work, the building will increase parking, add landscaping, provide stormwater detention, and upgrade utilities in addition to the tenant finish of each tenant space.

The project is requesting a Development Standards Variance to allow the proposed parking count be approved for this project.

Neikirk Engineering (contact: Tiffany Lehman) 314-365-3050

Name of Registered Engineer, Architect or Land Surveyor

Phone Number

306 North Market St., Ste 101, Mt. Carmel IL 62863

tlehman@neikirk.us

Street address, City, ST, ZIP Code

Email address

## DEVELOPMENTAL VARIANCE CONDITIONS OF APPROVAL

The Munster Board of Zoning Appeals is authorized to hear petitions for developmental standards variances and to approve or deny. The Board of Zoning Appeals may also impose reasonable conditions and restrictions. Indiana Code 36-7-4-918.5 lists the legal criteria for a developmental standards variance:

1. The approval will not be injurious to the public health, safety, morals, and general welfare of the community. Explain why this statement is true in this case:

Approval of the Development Standards Variance to allow the proposed parking count will not be injurious to public health, safety, morals, and welfare. The parking count provided meets other standards like the Institute of Transportation Engineers parking ratio for medical office use. Our parking count is also at a higher ratio than neighboring project recently awarded similar development standards variances.

2. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner. Explain why this statement is true in this case:

The use and value of the areas adjacent the project will not be adversely affected. The existing building will be improved and repaired with landscaping added to increase the aesthetic of the property.

3. The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property. Explain why this statement is true in this case:

The strict application of the zoning ordinance for parking quantity is not possible on our site. Using the required dimensions for drive lanes and parking stalls, combined with landscape requirements, stormwater detention requirements, and limits to where new parking can be added (not at the first lot layer), we do not physically have enough site area to get to the parking count required.

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***Attach additional pages if necessary***

25 November 2022

**RE: Project Narrative for BZA APPLICATION**  
**10350 Calumet Avenue, Munster, Indiana 46321**

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### **ATTACHMENTS**

The exhibits included in this BZA Application include:

1. BZA Application with Owner consent signature page, proof of ownership, Conditions of Approval form.
2. Written narrative (this document)
3. Visual narrative
4. Site Plan drawing set including Existing Condition, Demolition Plan, Site Plan, Grading Plan, Utility Plan, Erosion and Sediment Control Plan, Landscaping Plan, Site Lighting Photometrics, and Truck Turning Study.
5. Survey
6. Site Plan Review Meeting drawing set

### **REQUEST FOR DEVELOPMENT STANDARDS VARIANCE**

We are requesting a Development Standards Variance through Munster's BZA process to allow our parking count to be approved for this project. This parking count is based on maximizing all site area while satisfying requirements for landscaping improvements of the entire site and adding stormwater detention required for the new paved areas.

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### **OVERVIEW**

The current building at 10350 Calumet Avenue has been purchased by Munster Properties, LLC with the building being divided into 3 tenant spaces all to be business occupancy falling under Office Use Category - Medical or Dental Office / Medical or Dental Clinic / Outpatient Clinic in the Munster Character-Based Code.

The tenant spaces will include an ambulatory surgical center (Plum Creek Surgery Center), an orthopedic clinic (Midwest Orthopaedic Consultants), and a future tenant anticipated to be a medical office tenant.

Beyond the individual improvement work for each tenant space, the building will have a scope of work under the Landlord Core package which will capture work completed to common core spaces (main entry, public restrooms, MEP systems), addition of drive-thru canopy, exterior envelope

# GastingerWalker&



repairs to the existing building, all site improvements (paving, landscaping, site lighting, etc.), and preparing the shell space for future tenant.

The building is anticipated to be permitted with the Town of Munster through 4 drawing packages:

Drawing Package #1 – Plum Creek Surgery Center Tenant Improvements (submitted to IDHS October 2022)

Drawing Package #2 – Munster Properties Landlord Core (to be submitted December 2022)

Drawing Package #3 – Midwest Orthopaedic Consultants Tenant Improvements (to be submitted December 2022)

Drawing Package #4 – Future Tenant Improvements (TBD)

### **UTILITIES**

The improvements needed for the proposed use of the building include upgrading the existing water line to 3" and upgrading the sanitary to 6". Water and electrical will have one master meter with submetering for tenants. The existing fire department connection and 6" fire line is to remain. The existing well is to be closed.

### **PARKING**

The building was originally constructed in 2001 with 70 parking spaces, which has been increased slightly to the current parking count of 74 parking spaces.

In reviewing the Munster Character-Based Code, the site use was updated from the previous building use as a Harley Davidson dealership to Office Use Category - Medical or Dental Office / Medical or Dental Clinic / Outpatient Clinic.

This Office Use Category has a parking ratio of 5.7 spaces per 1,000 square feet of floor area.

Using the building area of 30,177 sf, that gives a required parking load of 173 parking spaces.

Based on the existing layout of drives, parking spaces, and easements, we were able to add 64 for a total of 134 parking spaces. This total count includes ADA parking provided, space needed for exterior equipment, landscaping requirements across the entire site, and site area set aside for stormwater detention at the north edge of the site.

The parking ratio for this layout is 4.4 spaces per 1,000 sf.

In looking at other standards, the ITE 4<sup>th</sup> edition shows Medical clinic parking loading at 4.27 spaces per 1,000 sf – which translates to 129 required parking spaces.



Additionally, in looking at other recently constructed properties, a similar project at 730 45<sup>th</sup> Street (Orthopedic Specialists of Northwest Indiana) appears to provide approximately 101 spaces for their building of similar use of 27,608 sf. This gives them a parking load of 3.69 spaces per 1,000 sf. Using that ratio on our site, the required parking would be 112 spaces.

### **LANDSCAPING**

The current site has the majority of its greenspace at the north end with greenspace also provided along Calumet Ave. to the east, screening parking to the south, and at the existing transformer on the west.

The proposed site plan is designed to meet Munster Code District Standards

- First Lot Layer > 10 ft, min. 30% landscaped
- Min. 25% of landscaped area must be groundcover, evergreen trees, or shrubs.
- First Lot Layer > 15 ft, 1 tree per 30 ft of non-building Frontage
- Hedge Screen height 3 to 3.5 feet, 15 feet O.C., 90% opacity @ Front Lot Layer
- Hedge Screen height 5 to 6 feet, 80% opacity @ Front Lot Layer I
- Minimum 5 ft landscaped buffer at parking fronting
- At least 1 tree per 2,000 sf of parking lot area

### **STORMWATER DETENTION**

The existing site does not include any stormwater structures, with all runoff captured into the municipal storm system.

To detain the stormwater due to increased site paving, the north portion of the site has been sized to meet the storm calculations provided by the civil engineer.

### **ENTRY DRIVEWAY**

The driveway into the site is through a shared entry drive with the Graham's Market BP gas station from Calumet Ave. It is currently wider than the 24 ft. max width for driveways in non-residential first lot layers.

With the shared drive being with a gas station, there was the question of turning radius needed for large vehicles, especially tanker trucks.

A turning radius study was completed to ensure a tanker truck (WB-50 shown) could stay in its lane turning off of and on to Calumet Ave. For this reason, it was recommended by our civil engineer to keep the existing condition shown. This study is provided as a full-size sheet from the engineer, with visual also shown in the visual narrative.



### **SIDEWALK IMPROVEMENTS**

To allow for better pedestrian walkability, the existing sidewalk along Calumet Ave. is shown revised at the entry drive. The revised sidewalk provides a new ADA Sidewalk Ramp aligned with the existing sidewalk ramp on the south side of the existing curb cut.

Additionally, an ADA Sidewalk Ramp from the existing sidewalk on Calumet Ave. is provided at the north end of the site with striped pedestrian walkway to the existing sidewalk at the east side of the building.

### **MONUMENT SIGN**

The existing monument sign is located at the northeast corner of the site in the expanded drive lane of the proposed expanded parking area. The revised greenspace to the north of the current monument sign location is dedicated for stormwater detention.

We are showing the relocated monument sign at the southeast corner of the site at the entry drive. The proposed location is shown inset from the utility easement to prevent the sign or sign base footings from blocking utility access.

### **TRASH ENCLOSURE**

The existing trash enclosure is 3-sided CMU with open 4<sup>th</sup> side facing west.

The trash location is being moved northwest to allow for expansion of parking. The new enclosure is shown compliant with the standards of fully enclosed on 3 sides with 4<sup>th</sup> side a self-closing gate (Table 26-6.405.A-6 District Standards)

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## **I. PARCEL INFORMATION**

### **1. Current Parcel Information**

Source:	Town of Munster Zoning Maps
Property ID:	450636476009000027
Address:	10350 Calumet Avenue, Munster, Indiana 46321
Legal Description:	<b>10350 Calumet:</b> Lucille's Addition Lot 3
Class:	454 – Auto sales & service
Zoning Class:	CD-4. A



Special Restrictions: General Urban – A District  
(reference Munster Character-Based Code)  
Ground Floor Residential Use Restriction

**2. Assessor Information**

Source: Lake County Indiana Assessor  
Local Parcel ID: 007-18-28-0560-0003  
Parcel ID: 45-06-36-476-009.000-027  
Address: 10350 Calumet Avenue, Munster, Indiana 46321  
Legal Description: LUCILLE'S ADDITION LOT 3  
Class: 454 – Auto sales & service  
Tax District: 028 – Munster Corp (North)  
Neighborhood: Neighborhood- 18910 / 18910-027 / 1.0000  
Township: 0007 - NORTH TOWNSHIP

**3. Building Owner Information**

Building Owner: Munster Properties, LLC  
10719 160<sup>th</sup> Street  
Orland Park, IL 60467

**4. Building Information**

Year Built: 2001 with addition in 2014  
Property Area: 3.768 acres / 164,149 sf (per Alta survey)  
Building Area: 30,177 sf

**5. New Parcel Information**

Class: Office Use Category - Medical or Dental Office / Medical or  
Dental Clinic / Outpatient Clinic  
\*\*Permitted in CD-4. A Zoning District  
Zoning Class: CD-4. A  
General Urban – A District  
(reference Munster Character-Based Code)  
Parking Load Requirements: 5.7 spaces per 1,000 square feet of floor area  
  
Calculation:  
30,177 sf / 5.7 ratio = 172

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**II. CODE INFORMATION**

**1. Building Code**

Municipality: Town of Munster, Indiana





Model Codes: State of Indiana Building Codes per Municipal Ordinance Sec. 26-33

Indiana Building Code  
2018 International Fire Code  
2018 International Plumbing Code  
2018 International Mechanical Code  
2018 International Fuel Gas Code  
2018 International Energy Conservation Code  
2017 National Electrical Code

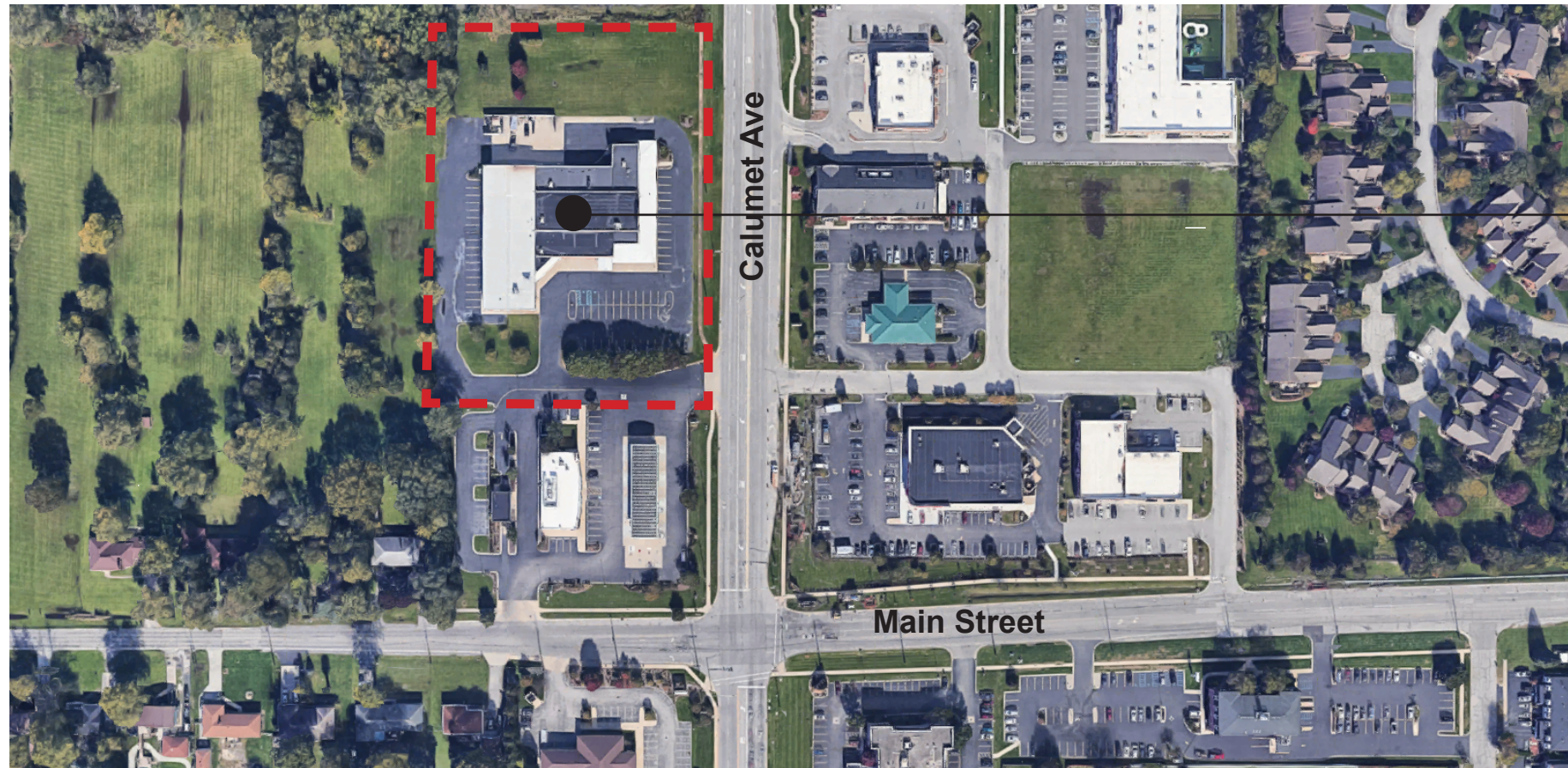
## **2. Original Code Data from 2001**

Source: Original Construction drawings dated 5/16/2001  
Building Code: Indiana Building Code 1998 Edition  
Occupancy: B / S-3  
Construction Type: V-N  
Total Building Area: 25,574 sf  
Zoning: C-I Highway Commercial  
Parking Provided: 68 spaces, 2 ADA spaces (70 total)  
Fire Suppression: Fully sprinklered to S-3 occupancy requirements  
Structural Design Criteria: Snow Load: 30 psf  
Wind Load: 85 mph  
Exposure: B

\*\*Building renovated with addition in 2013







# EXISTING SITE USE

## PROJECT LOCATION

10350 Calumet Avenue

The existing site is located just north of the cross section of Main Street and Calumet Avenue. The existing building shares and entry driveway with Access Easement in place for use by the gas station to the south.

## ZONING

The site is CD-4.A zoning (General Urban - A Character District) with an allowed principal use of Medical Office in the Office Use Category.

The existing building aligns with the Commercial Building principal building type of the Munster Character-Based Code as a small to medium sized detached non-residential building designed to facilitate pedestrian-oriented office use.



## PREVIOUS USE

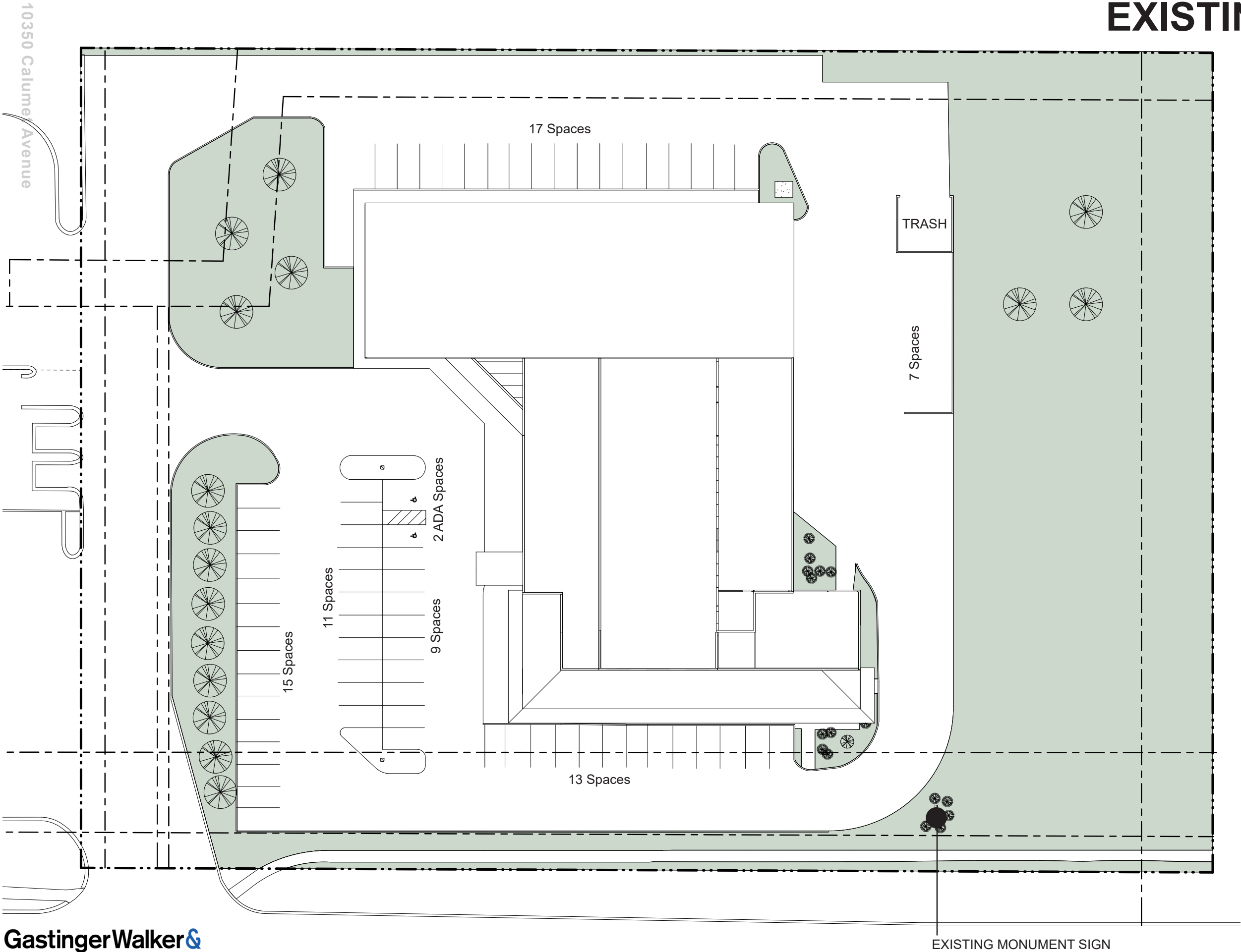
The property was purchased in May 2022 from Calumet Properties LLC with the previous building use as Calumet Harley Davidson.

## PROPOSED USE

The new owner, Munster Properties LLC, intends to develop the existing property to be medical office with 3 tenants.



# EXISTING SITE PLAN

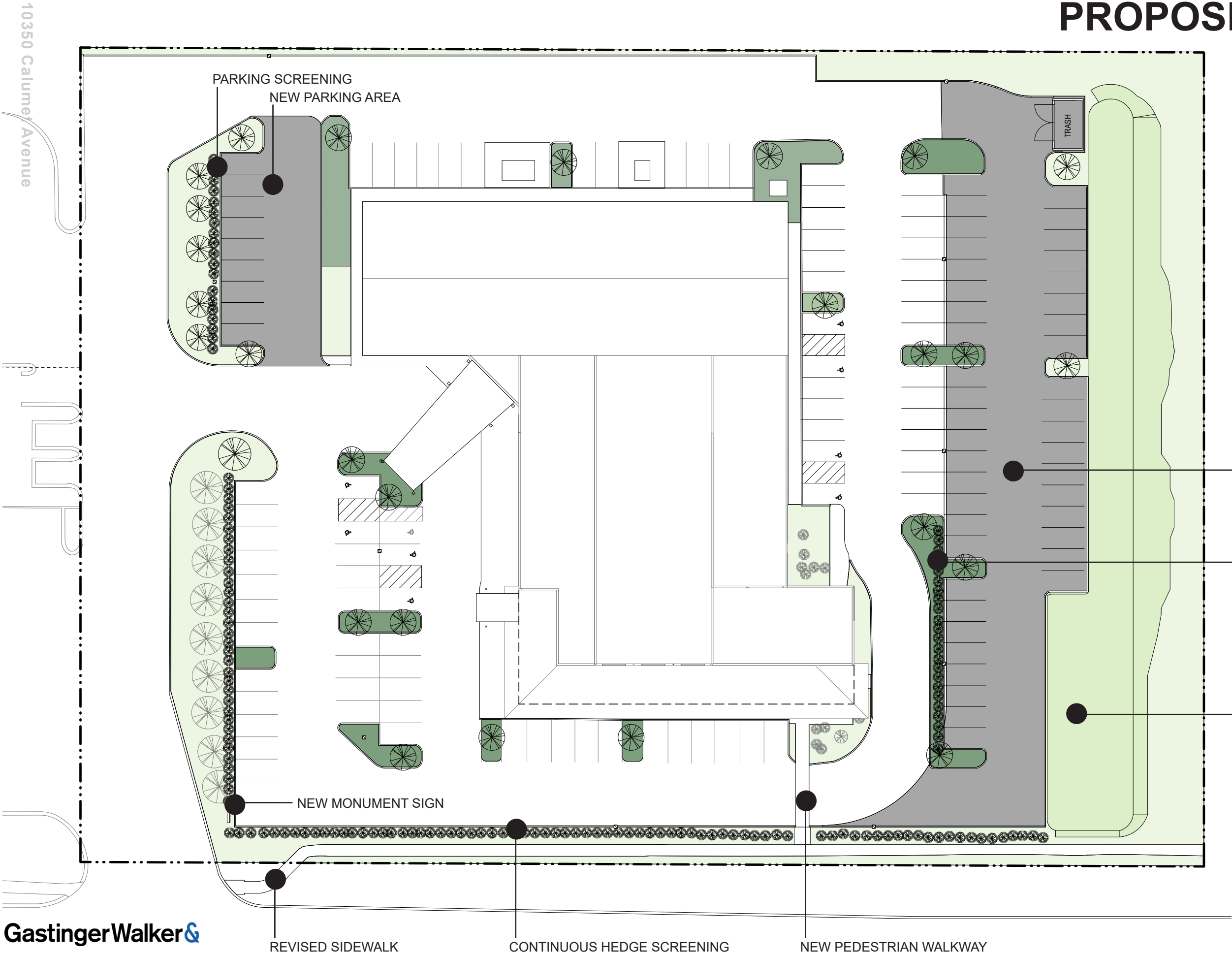


Site Area	3.77 acres (164,149 sf)
Building Footprint	30,177 sf
Lot Coverage	18.4%
% Impervious	66%
% Pervious	34%
Parking Stalls	74 stalls total // 72 standard stalls 2 ADA stalls

## PERMITTED NONCONFORMING CONDITIONS

- Existing front setback is 68', above the 20' max. The front setback is not being increased.
- Existing combined side setback is 267.9', above the 130' max. The side setbacks are not being increased.
- Existing parking is located in the 1st lot layer. No additional parking is being added to the 1st lot layer.
- Existing shared driveway is greater than the 24' max in first lot layer. The driveway is not being modified.

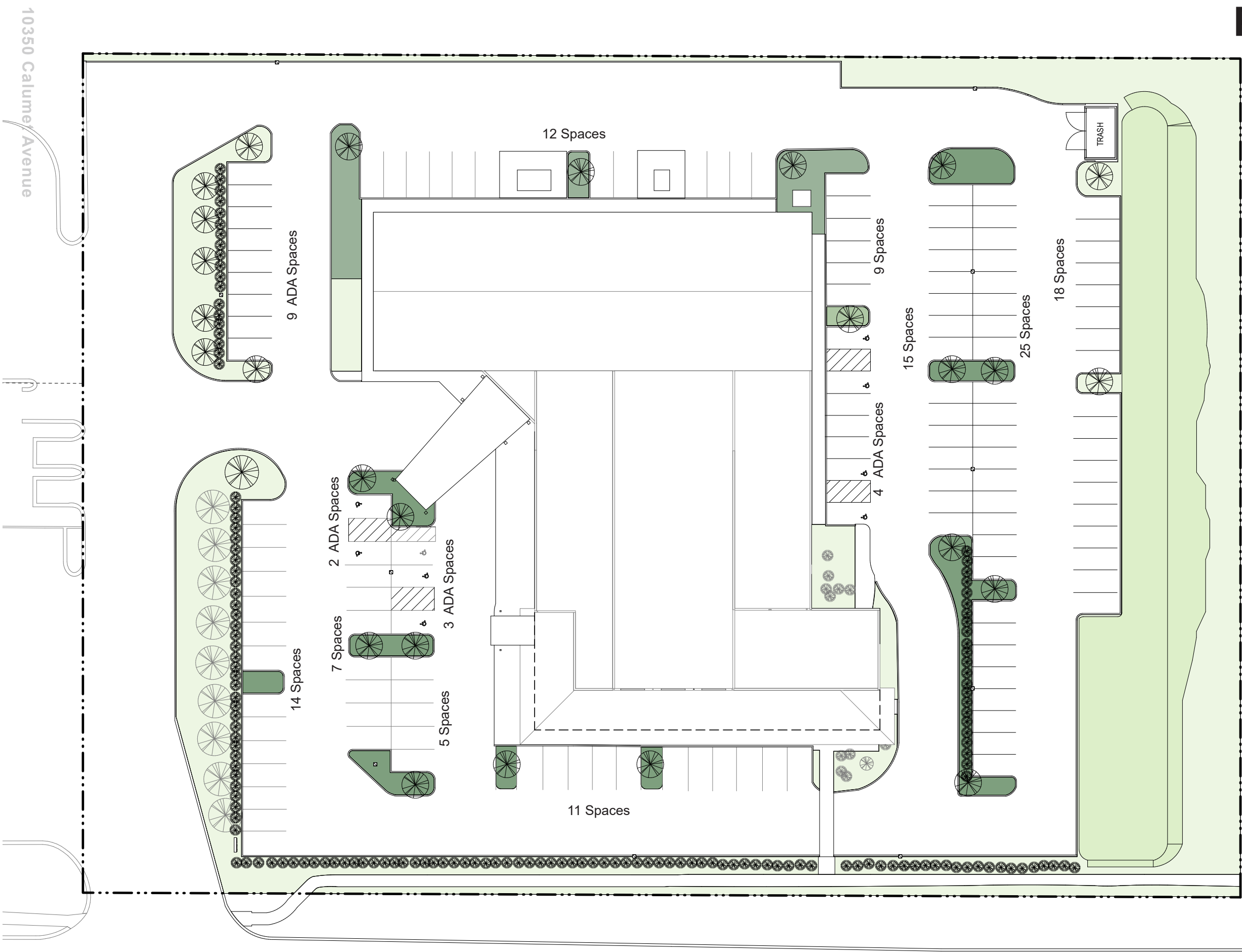
# PROPOSED SITE PLAN



Site Area	3.77 acres (164,149 sf)
Building Footprint	30,177 sf
Lot Coverage	18.4%
% Impervious	76%
% Pervious	24%
Parking Stalls	125 stalls total // 114 standard stalls 9 ADA stalls



# PARKING LOAD



After accommodating landscaping and stormwater detention requirements, the amount of parking we are able to fit on the current site is 134 parking spaces.

We currently are below the parking count per the ratio in the Munster Character-Based Code, while above the ratio in looking at similar standards (ITE) and local projects recently developed.

**Munster Character-Based Code**  
Table 26-6.405.O-1 Vehicular Parking Requirements

Medical Office principal use	5.7 spaces per 1,000 square feet floor area
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For 30,177 sf, required parking load is 172 spaces

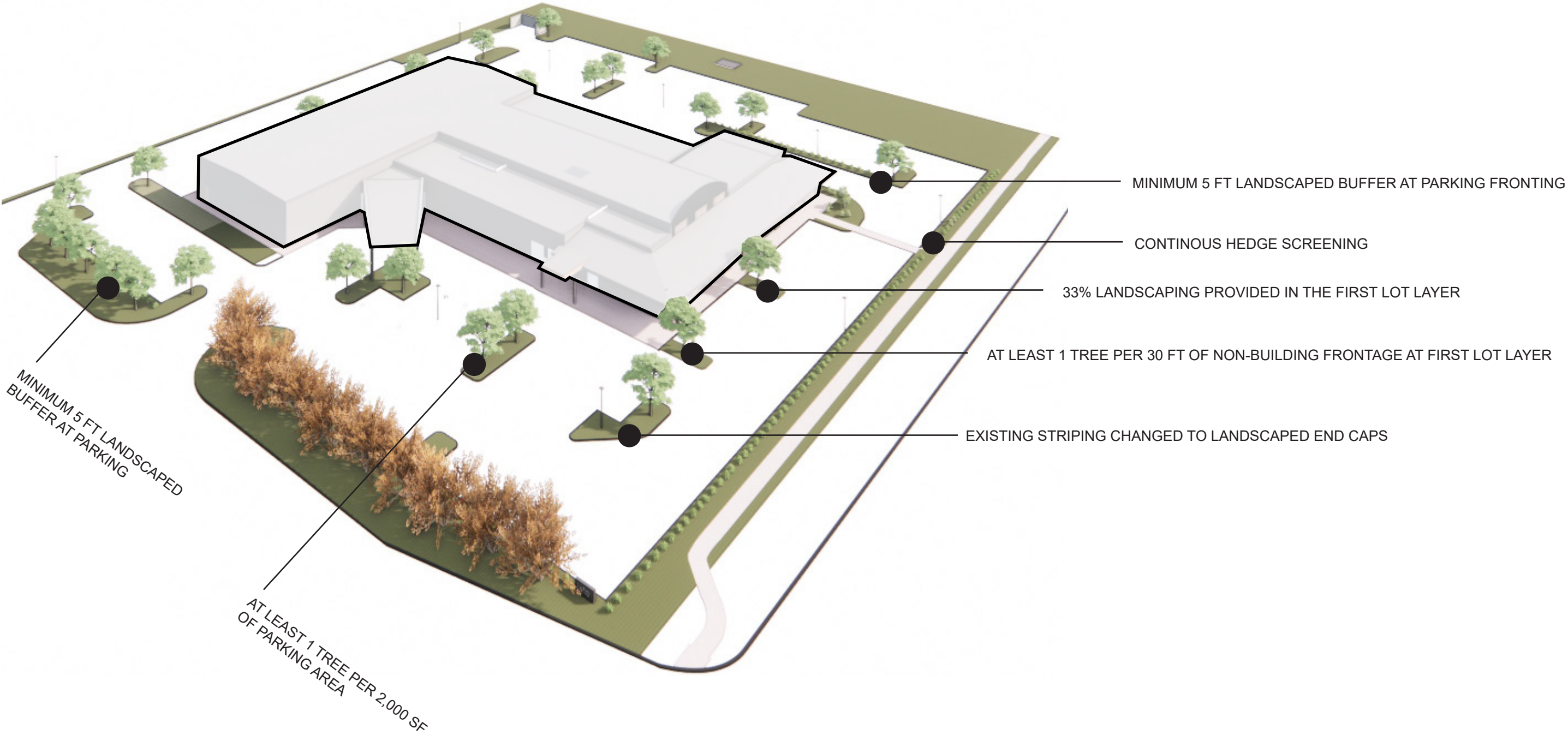
**ITE, 4th edition**  
Medical Office principal use | 4.27 spaces per 1,000 square feet floor area

For 30,177 sf, required parking load is 129 spaces

**Local Precedent**  
Similar Orthopedic Medical Office | 3.69 spaces per 1,000 square feet floor area

For 30,177 sf, required parking load is 112 spaces

# LANDSCAPING





# ENTRY DRIVE



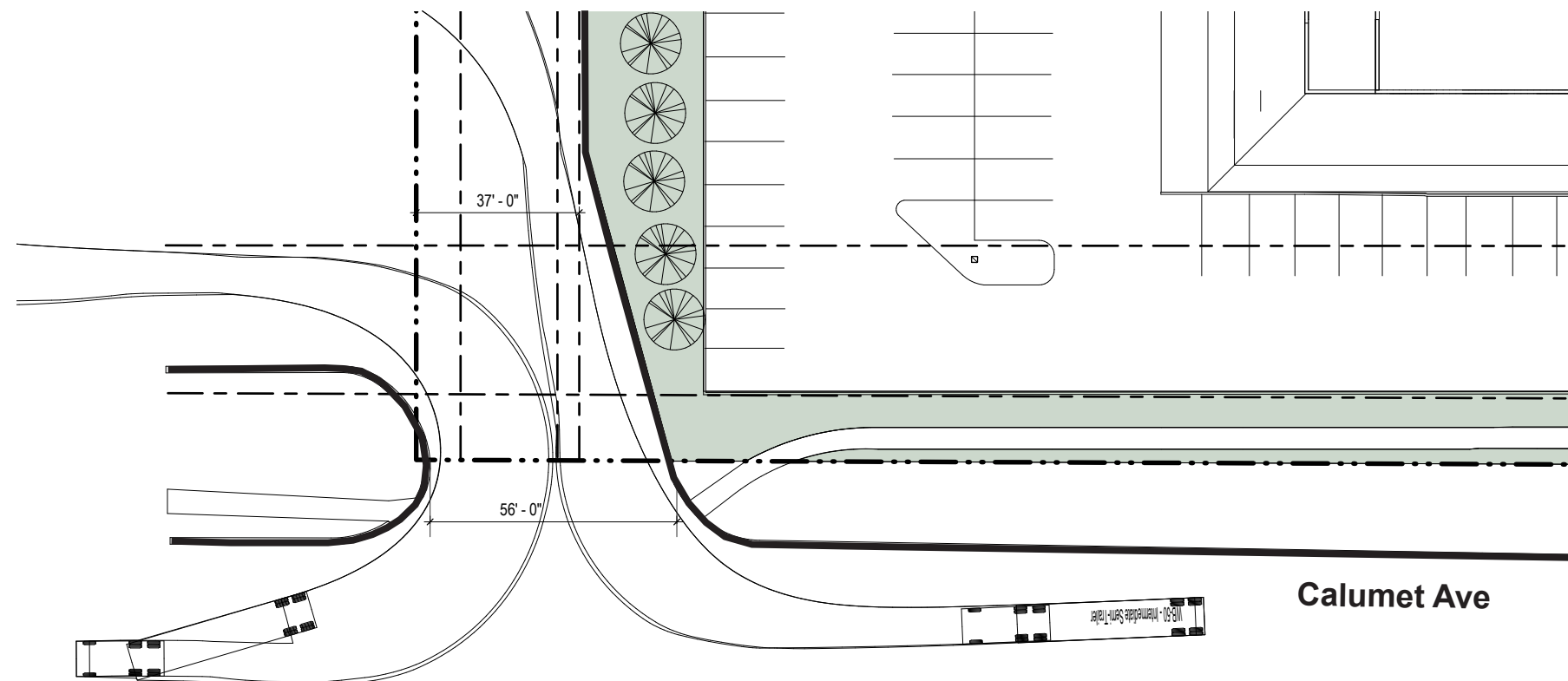
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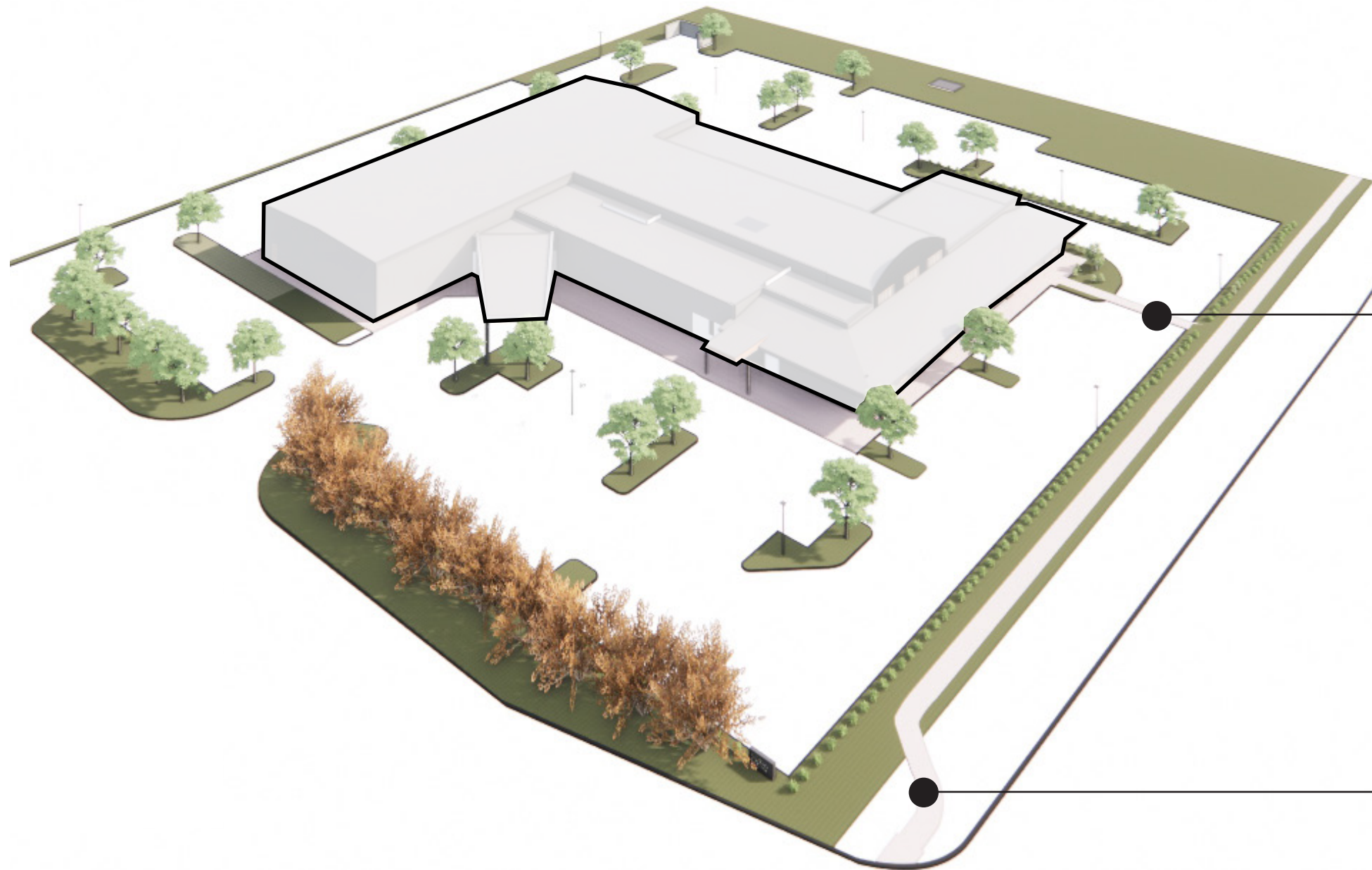
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A turning radius study was completed to ensure a tanker truck (WB-50 shown) could stay in its lane turning off of and on to Calumet Ave. For this reason, it was recommended by our civil engineer to keep the existing condition shown.



# SIDEWALK IMPROVEMENTS



## PEDESTRIAN WALKWAY

ADA Sidewalk Ramp from existing sidewalk on Calumet Ave. with striped pedestrian walkway to existing sidewalk at the east side of the building.

## SIDEWALK RE-ALIGNMENT

Revised sidewalk to align new ADA Sidewalk Ramp with existing sidewalk ramp on the south side of the existing curb cut.