

ORDINANCE NO. 2022- 46

**AN ORDINANCE OF THE CITY OF HOBART, INDIANA
PROVIDING THAT THE ZONING ORDINANCE OF THE CITY OF HOBART,
LAKE COUNTY, INDIANA BE AMENDED BY CHANGING AN
ESTABLISHED B-3 ZONE TO M-1 ZONE CLASSIFICATION**

WHEREAS, THE HOBART CITY PLAN COMMISSION by a majority vote recommended that its **Petition No. 22-51A** be adopted and that the Council rezone this property.

NOW THEREFORE, BE IT ORDAINED by the Common Council of the City of Hobart, Indiana:

SECTION 1. That, the City Zoning Ordinance No. 93-59 as amended and readopted as amended under Ordinance No. 2001-41 and entitled "Zoning Ordinance of the City of Hobart, Indiana", and particularly the zone maps which are made a part of said Ordinance No. 93-59, be and the same is hereby amended by making certain changes as follows:

By changing the following described real estate on the zone maps from its established zoning B-3 (Highway Oriented Business District) classification to M-1 (Light Manufacturing District) zoning classification:

PART OF THE WEST HALF OF THE SOUTHWEST QUARTER OF SECTION 24, TOWNSHIP 35 NORTH, RANGE 8 WEST OF THE SECOND PRINCIPAL MERIDIAN, IN THE CITY OF HOBART, LAKE COUNTY, INDIANA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE INTERSECTION OF THE WEST LINE OF SAID WEST HALF OF THE SOUTHWEST QUARTER OF SECTION 24 AND THE SOUTH RIGHT-OF-WAY LINE U.S. HIGHWAY 30; THENCE SOUTH 89 DEGREES 39 MINUTES 01 SECONDS EAST, 30.00 FEET ALONG SAID SOUTH RIGHT-OF-WAY LINE (BEARING BASIS FOR THIS DESCRIPTION IS INDIANA STATE PLANE COORDINATE SYSTEM, WEST ZONE, NAD83); THENCE SOUTH 00 DEGREES 12 MINUTES 28 SECONDS EAST PARALLEL TO THE WEST LINE OF SAID SOUTHWEST QUARTER OF SECTION 24, 609.55 FEET; THENCE NORTH 89 DEGREES 50 MINUTES 14 SECONDS EAST, 10.00 FEET TO THE SOUTHEAST CORNER OF RISS SQUARE, AS SHOWN IN PLAT BOOK 47, PAGE 28; THENCE CONTINUING NORTH 89 DEGREES 50 MINUTES 14 SECONDS EAST, 635.50 FEET ALONG THE SOUTH LINE OF SAID RISS SQUARE TO THE SOUTHEAST CORNER THEREOF, SAID POINT BEING THE POINT OF BEGINNING; THENCE NORTH 00 DEGREES 11 MINUTES 05 SECONDS WEST, 134.78 FEET ALONG THE EAST LINE THEREOF; THENCE SOUTH 89 DEGREES 39 MINUTES 01 SECOND EAST, 428.12 FEET; THENCE SOUTH 00 DEGREES 11 MINUTES 05 SECONDS EAST, 130.95 FEET; THENCE SOUTH 89 DEGREES 50 MINUTES 14

SECONDS WEST, 428.10 FEET TO THE POINT OF BEGINNING, CONTAINING 1.31 ACRES, MORE OR LESS.

SECTION 2. The City Council now finds that the above zone change will not be injurious to the public health, safety, morals and general welfare of the community and the use or value of the area adjacent to the property included in this Ordinance will not be affected in a substantially adverse manner and the need for the change in zoning herein arises from a condition peculiar to the property involved and the condition is not due to the general condition of the neighborhood. The Council further finds that the strict application of the terms of the zoning ordinance will constitute an unusual and unnecessary hardship if applied to the property herein if this rezoning were not granted and this rezoning does not interfere substantially with the comprehensive plan.

SECTION 3. The Common Council of the City of Hobart finds the zone change will take effect upon the following conditions being fulfilled by the owner:

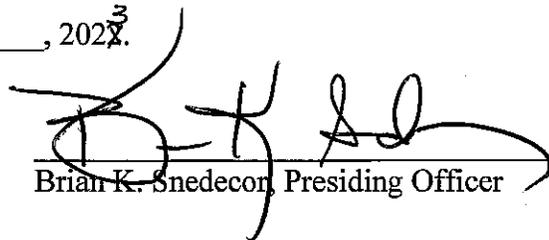
All buildings or uses permitted and placed upon said described real estate shall fully conform to all the provisions of the Zoning Ordinance of the City of Hobart, Indiana and shall have obtained the proper permits.

SECTION 4. That the City Engineer and/or Zoning Administrator is hereby authorized and directed upon the enactment and approval of this Ordinance, to cause a change to be made on the zone maps, to make certain notations in ink thereof and to record the date of passage of this Ordinance.

SECTION 5. Since an emergency exists for the immediate taking effect of this Ordinance, the same shall be in fully force and effect from and after its passage by the Common Council of the City of Hobart; upon the approval of the Mayor of the City of Hobart Indiana; and as soon thereafter as otherwise provided for by law.

PASSED and ADOPTED by the Common Council of the City of Hobart, Indiana on this

4/13 day of JANUARY, 2023.

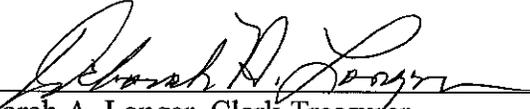

Brian K. Snedecor, Presiding Officer

ATTEST:


Deborah A. Longer, Clerk-Treasurer

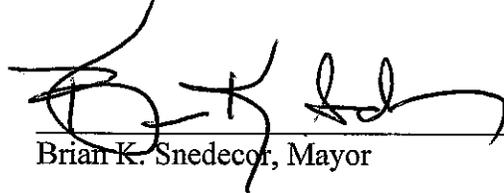
Presented by me to the Mayor of the City of Hobart, Indiana, for his approval and signature this

4th day of JANUARY, 202~~2~~³ at 6:30 o'clock P. M.

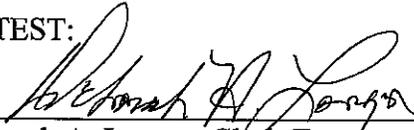

Deborah A. Longer, Clerk-Treasurer

APPROVED and SIGNED by me, the Mayor of the City of Hobart, this 4th day of

JANUARY, 202~~2~~³.


Brian K. Snedecor, Mayor

ATTEST:


Deborah A. Longer, Clerk-Treasurer

**CERTIFICATION AND REPORT TO
COMMON COUNCIL OF THE CITY OF HOBART ON
ZONE MAP CHANGE**

CERTIFICATION TO: Common Council of the City of Hobart

FROM: Ross Pietrzak, City Planner

RE: Change to be made on the zone map.

DATE: December 5, 2022

PETITIONER: David Lasser
1100 W. US 30
Merrillville, IN 46410

REQUEST: Proposed rezone from B-3 (Highway Oriented Business District) to M-1 (Light Manufacturing District)

PROPOSED USE: Light manufacturing

GENERAL LOCATION: Approx. 700' east & 700' south from the SE corner of US 30 & Colorado Street

LEGAL DESCRIPTION: PART OF THE WEST HALF OF THE SOUTHWEST QUARTER OF SECTION 24, TOWNSHIP 35 NORTH, RANGE 8 WEST OF THE SECOND PRINCIPAL MERIDIAN, IN THE CITY OF HOBART, LAKE COUNTY, INDIANA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE INTERSECTION OF THE WEST LINE OF SAID WEST HALF OF THE SOUTHWEST QUARTER OF SECTION 24 AND THE SOUTH RIGHT-OF-WAY LINE U.S. HIGHWAY 30; THENCE SOUTH 89 DEGREES 39 MINUTES 01 SECONDS EAST, 30.00 FEET ALONG SAID SOUTH RIGHT-OF-WAY LINE (BEARING BASIS FOR THIS DESCRIPTION IS INDIANA STATE PLANE COORDINATE SYSTEM, WEST ZONE, NAD83); THENCE SOUTH 00 DEGREES 12 MINUTES 28 SECONDS EAST PARALLEL TO THE WEST LINE OF SAID SOUTHWEST QUARTER OF SECTION 24, 609.55 FEET; THENCE NORTH 89 DEGREES 50 MINUTES 14 SECONDS EAST, 10.00 FEET TO THE SOUTHEAST CORNER OF RISS SQUARE, AS SHOWN IN PLAT BOOK 47, PAGE 28; THENCE CONTINUING NORTH 89 DEGREES 50 MINUTES 14 SECONDS EAST, 635.50 FEET ALONG THE SOUTH LINE OF SAID RISS SQUARE TO THE SOUTHEAST CORNER THEREOF, SAID POINT BEING THE POINT OF BEGINNING; THENCE NORTH 00 DEGREES 11 MINUTES 05 SECONDS WEST, 134.78 FEET ALONG THE EAST LINE THEREOF; THENCE SOUTH 89 DEGREES 39 MINUTES 01 SECOND EAST, 428.12 FEET; THENCE SOUTH 00 DEGREES 11 MINUTES 05 SECONDS EAST, 130.95 FEET; THENCE SOUTH 89 DEGREES 50 MINUTES 14 SECONDS WEST, 428.10 FEET TO THE POINT OF

BEGINNING, CONTAINING 1.31 ACRES, MORE OR LESS.

PLAN COMMISSION PETITION NO.: 22-51A

DATE OF PLAN COMMISSION ACTION: December 1, 2022

DEADLINE FOR CITY COUNCIL ACTION: March 5, 2023

CERTIFICATION:

ACTION TAKEN BY PLAN COMMISSION:

Recommendation to the Common Council to Approve the change of zone requested
(Favorable recommendation)

CONDITIONS: None

VOTE: 8-0

I certify that the foregoing information accurately represents the action taken on this matter by the City of Hobart Plan Commission.



Ross Pietrzak, City Planner
City of Hobart

REZONE
B-3 to M-1

PC 22-51A

Findings of Fact

In the following space please provide the reason and concept of why you propose to amend the zoning map and provide justification. Consider the following in your response;

- (1) the comprehensive plan;
- (2) current conditions and the character of current structures and uses in each district;
- (3) the most desirable use for which the land in each district is adapted;
- (4) the conservation of property values throughout the jurisdiction; and
- (5) responsible development and growth.

The overall 23 ac site is being subdivided into 2 parcels and sold separately. Most of the 19 ac, southern portion of the site is already zoned M-1. Rezoning a small portion of the 19 ac site from B-3 to M-1 is in the spirit of the comprehensive plan. Adjacent sites are zoned M-1, so surrounding property values are not impacted.

The rezone should/should not be granted because; (Must meet all the following requirements.)

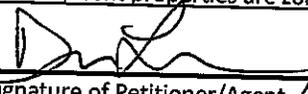
(a) the petition is not "spot zoning" which will confer a special benefit to the petitioner on a small tract of land with no commensurate benefit to the community.

(b) the comprehensive plan will not be disrupted or destroyed because:
M-1 zoning is in place on adjacent properties

(c) the land involved is suitable for the proposed land change because:
18 of the 19 acres are already zoned M-1

(d) the topography is suitable for the proposed land use without adverse effect upon the surrounding land because: the site is flat

(e) the property value of adjacent property would not be decreased because:
adjacent properties are zoned M-1. Property directly north is zoned B-3 with no adverse impact

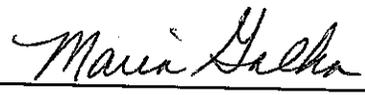

Signature of Petitioner/Agent *POB David Hassler, by POB*

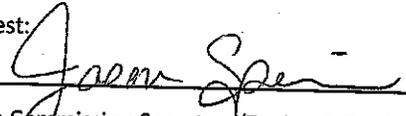
11/8/2022
Date

Decision:

After public hearing and review by the Hobart Advisory Plan Commission for the recommendation to rezone, the Plan Commission now finds that the Petition to Rezone **Does or Does Not** comply with the standards in the zoning ordinance.

All of which this 1st day of December, 2022 by a majority vote of the Hobart Advisory Plan Commission.


Plan Commission President

Attest:

Plan Commission Secretary/Zoning Official

MEMORANDUM

DATE: DECEMBER 5, 2022

TO: HOBART COMMON COUNCIL MEMBERS
MAYOR BRIAN K. SNEDECOR
CITY ATTORNEY HEATHER McCARTHY

FROM: ROSS PIETRZAK, CITY PLANNER

RE: PETITION TO REZONE PROPERTY
PLAN COMMISSION PETITION 22-51A

Attached please find a Certification and Proposed Ordinance for your consideration regarding Plan Commission Petition 22-51A a petition request to rezone from B-3 (Highway Oriented Business District) to M-1 (Light Manufacturing District), zoned B-3, 1.31 acres +/-

DRAFT MINUTES OF THE PLAN COMMISSION MEETING OF DECEMBER 1, 2022:
Petitions 22-51 & 22-51A were discussed together. Representing Indiana Land Trust was Dave Lasser/Commercial Insites. Mr. Lasser, via Zoom, requested to rezone 1.31 acres from B-3 to M-1 and include into Lot 2 of a proposed 2-lot subdivision. The new property line between lots 1 & 2 will align with the properties to the east and correspond with the south parking lot for the development to the west. Upon future development of the lots, a complete site plan will be provided indicating access, drainage and all requirements necessary for site plan approval. Ms. Galka opened the public hearing for Petitions 22-51 & 22-51A. Attorney Richard Anderson, 9211 Broadway, Merrillville. *Mr. Anderson stated he represents the owner on the west side of Colorado Street and that the drainage flows from the east to the west on his client's property. He did not have any issues with the rezone but with the subdivision since the plat does not show any drainage detention or easements and if approved, what guarantee these issues will be addressed.* Discussion ensued regarding the proposed subdivision. Hearing no further public comments Ms. Galka closed the public hearings. Mr. Vinzant motioned for a Favorable Recommendation to the Common Council for Petition 22-51A including all discussion and Findings of Fact, seconded by Mr. Brooks. All ayes, motion carried. (8-0)