

ORDINANCE NO. 2025-05

**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 R-1 ZONE TO A-1 ZONE CLASSIFICATION**

WHEREAS, THE HOBART CITY PLAN COMMISSION by a majority vote recommended that its **Petition No. 25-01** 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 R-1 (Single Family Residential District) classification to A-1 (Agricultural District) zoning classification:

All of the SW 1/4, NE 1/4 and all of the SE 1/4, NW 1/4 except the South 259.9 feet of the West 172.45 feet of Section 21 Township 36 North, Range 7 West of the 2nd P.M., containing 78.887 acres, more or less and also all that part of the SW 1/4 NW 1/4 of Section 21. Township 26 North, Range 7 West of the 2nd P.M. which lies easterly of the Center line of the bituminous county road except the South 259.9 feet thereof and containing 0.523 acres, more or less.

And

Part of the East 1/2, Section 21, Township 36 North, Range 7 West of the 2nd P.M., described as Beginning at a point on the South line of the NE 1/4 of said Section 21 and 660 feet West of the Southeast corner thereof thence North 750 feet; thence West 840 feet; thence Southwesterly to a point 300 feet North of the South line of the NE 1/4 of said Section 21 and 1700 feet West of the East line of said Section 21; thence Southwesterly to a point on the South line of the NE 1/4 and 560 feet East of the West line of the East 1/2 of said Section 21; thence West 560 feet to the West line of said East 1/2; thence South 500 feet on the West line of said East 1/2; thence Northeasterly to a point on the East-West center line of said Section 21 and 650 feet East of the North-South centerline of said Section 21; thence East to the point of beginning, containing 22.53 acres more or less.

ALSO beginning at the Northeast corner of the SW 1/4, SE 1/4 of Section 21, Township 36 North, Range 7 West of the 2nd P.M.; thence West on the North line of said SW 1/4, SE 1/4 a distance of 180 feet; thence Southwesterly to a point South of the North line and 420 feet West of the East line of said SW 1/4, SE 1/4; thence West 900 feet; thence South 570 feet; thence East 240 feet; thence North 420 feet; thence East 800 feet; thence Northeasterly to a point 200 feet South of the North line and 160 feet West of the East line; thence East 160 feet; thence North 200 feet to the point of beginning, containing 7.35 acres more or less

AND ALSO Part of the SE 1/4, NW 1/4 Section 21, Township 36 North, Range 7 West of the 2nd P.M. described as: Beginning at a point on the South line of the SE 1/4, NW 1/4 of said Section 21 and 160.45 feet East of the Southwest corner thereof; thence North parallel to the West line of said SE 1/4, NW 1/4 a distance of 259.9 feet; thence West 160.45 feet to the West line of said SE 1/4, NW 1/4; thence North 150 feet; thence East 300 feet; thence North 200 feet; thence East 140 feet; thence South 200 feet; thence East 250 feet; thence South 50 feet; thence Southwesterly to a point 300 feet North of the South line and 530 feet East of the West line of said SE 1/4, NW 1/4; thence Southwesterly to a point 360.45 feet East of the Southwest corner of the SE 1/4, NW 1/4 of said Section 21; thence West 200 feet to the point of beginning, containing 4.33 acres more or less.

And

PARCEL 1. The North 120 rods of the West Half of the Southeast Quarter of Section 21, Township 36 North, Range 7 West of the Second Principal Meridian in Lake County, Indiana, containing 60 acres more or less.

And

Part of the North 1/2 of the SW 1/4 of Section 21, Township 36 North, Range 7 West of the 2nd P.M., in Lake County, Indiana, described as follows:

Beginning at a point on the North line of the SW 1/4 of said Section 21 and 1,748.23 feet East of the Northwest corner thereof; thence South 00°00'31" East, 100.19 feet; thence Southwesterly along a curve to the left with a radius of 249.75 feet for a distance of 119.92 feet; thence Southwesterly along a curve to the right with a radius of 384.72 feet for a distance of 69.39 feet; thence South 63°50'00" West, 132.5 feet; thence Southwesterly along a curve to the right with a radius of 228.17 feet for a distance of 33.06 feet; thence Southwesterly to the Northeast corner of Nob Hill Unit NO. 6 as recorded in Plat Book 46, page 127, in the Office of the Recorder of Lake County, Indiana, said point being 30 feet North of the Northeast corner of Lot 1, in said Nob Hill Unit No. 6; thence South 00°00'00" West, 23.68 feet; thence Northeasterly along a curve to the left with a radius of 288.18 feet for a distance of 71.17 feet; thence North 63°50'00" East, 132.50 feet; thence Northeasterly along a curve to the left with a radius of 444.72 feet for a distance of 80.21 feet; thence Northeasterly along a curve to the right with a radius of 189.75 feet for a distance of 20.01 feet; thence South 30°27'29" East, 96.47 feet; thence South 00°00'00" East, 250.74 feet, more or less, to the North line of Lot 4, Nob Hill, Unit No. 4, as recorded in Plat Book 44, page 140, in the Office of the Recorder of Lake County, Indiana; thence North 89°23'59" East, 35.01 feet to the Northeast corner of said Lot 4; thence South 33°05'37" East, 176.51 feet; thence South 13°05'37" West, 176.51 feet to the Southeast corner of Lot 7 in said Nob Hill Unit No. 4; thence South 68°22'23" East to the Northeast corner of Lot 7, in Nob Hill Unit NO. 5, as recorded in Plat Book 46, page 126, in the Office of the Recorder of Lake County, Indiana; thence South 00°00'00" West, 420.0 feet to the South line of the North 1/2 of the SW 1/4 of said Section 21; thence Easterly 709 feet, more or less to the Southeast corner of the North 1/2 of the SW 1/4 of said Section 21; thence Northerly along the East line of the Southwest corner 1,316.7 feet, more or less, to the Northeast corner of the SW 1/4 of said Section 21; thence South 89°59'29" West along the North line of the SW 1/4 of said Section 21, a distance of 900 feet, more or less, to the point of beginning.

Also

Part of the SE 1/4 of the SW 1/4 of Section 21 Township 36 North Range 7 West of the 2nd P.M. in Lake County, Indiana described as beginning at the Northeast corner of Lot 12, Nob Hill Country Estates as recorded in Plat Book 48, page 121 in the Office of the Recorder of Lake County, Indiana; thence South 00°01'42" East 440.00 feet; thence South 40°59'26" West, 493.17 feet, more or less, to the North line of Nob Hill Commercial Estates as recorded in Plat Book 45, page 86 in the Office of the Recorder of Lake County, Indiana, thence South 89°59'57" East along

said North line 468.79 feet, more or less, to a point 465 feet West of the East line of the SW ¼ of said Section 21; thence North 01°39' 11" West 110.00 feet; thence South 89°59'58" East 215 feet; thence South 01°39'11" East, 110.00 feet; thence South 89 degrees 59 minutes 57 seconds East, 250 feet to the East line of the SE ¼ of said Section 21; thence North along the East line of said SW ¼ 816.46 feet, more or less, to the Northeast corner of the SE ¼ of the SW ¼ of said Section 21; thence West 592 feet, more or less to the point of beginning.

And

The Southeast Quarter of the Northeast Quarter of Section 21, Township 36 North, Range 7 West of the Second Principal Meridian, in Lake County, Indiana, excepting therefrom the following described real estate: Beginning at a point 477.45 feet South of the Northeast corner of the southeast Quarter of the Northeast Quarter of said section 21: thence North 90 degrees west, 300.00 feet: thence South 00 degrees East, 300.00 feet; thence South 90 degrees East, 300.00 feet; thence North 00 degrees West, 300.00 feet to the Point of Beginning.

And

The Northeast Quarter of the Southeast Quarter of Section 21, Township 36 North, Range 7 West of the Second Principal Meridian, in Lake County, Indiana, except the East 220 feet of the North 198 feet thereof.

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:

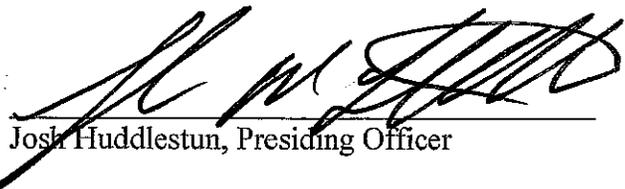
All buildings or uses permitted and placed upon said described real estate shall fully conform to all the provisions of the Zoning Ordinance of the City of Hobart, Indiana and shall have obtained the proper permits.

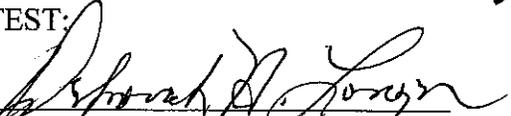
SECTION 4. That the City Engineer and/or Zoning Administrator is hereby authorized and directed upon the enactment and approval of this Ordinance, to cause a change to be made on the zone maps, to make certain notations in ink thereof and to record the date of passage of this Ordinance.

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.

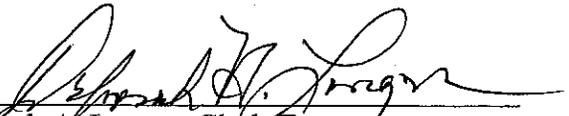
PASSED and ADOPTED by the Common Council of the City of Hobart, Indiana on this

5th day of FEBRUARY, 2025.

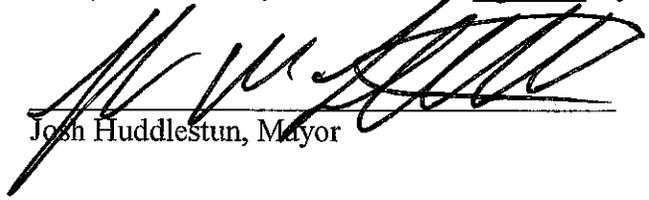

Josh Huddlestun, Presiding Officer

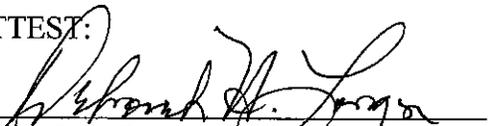
ATTEST:

Deborah A. Longer, Clerk-Treasurer

Presented by me to the Mayor of the City of Hobart, Indiana, for his approval and signature this
5th day of FEBRUARY, 2025 at 7:00 o'clock P.M.


Deborah A. Longer, Clerk-Treasurer

APPROVED and SIGNED by me, the Mayor of the City of Hobart, this 5th day of
FEBRUARY, 2025.


Josh Huddlestun, 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: Steve McDermott, City Planner

RE: Change to be made on the zoning map.

DATE: January 7, 2025

PETITIONER: Oaktree Farm, LLC; Johnson Farm Produce, Inc.; Black Oak Farm
LLC & Pin Oak Farm LLC
c/o Todd A Leeth/Leeth Law LLC
2700 Valparaiso St. #2412
Valparaiso, IN 46384

REQUEST: Change zone from R-1 (Single Family Residential District)
classification to A-1 (Agricultural District)

PROPOSED USE: Agritainment

GENERAL LOCATION: Approx. ¼ mile west & north from the NW corner of County Line
& Ridge Road

LEGAL DESCRIPTION All of the SW 1/4, NE 1/4 and all of the SE 1/4, NW 1/4 except the South 259.9 feet of the West 172.45 feet of Section 21 Township 36 North, Range 7 West of the 2nd P.M., containing 78.887 acres, more or less and also all that part of the SW 1/4 NW 1/4 of Section 21. Township 26 North, Range 7 West of the 2nd P.M. which lies easterly of the Center line of the bituminous county road except the South 259.9 feet thereof and containing 0.523 acres, more or less.

And

Part of the East 1/2, Section 21, Township 36 North, Range 7 West of the 2nd P.M., described as Beginning at a point on the South line of the NE 1/4 of said Section 21 and 660 feet West of the Southeast corner thereof thence North 750 feet; thence West 840 feet; thence Southwesterly to a point 300 feet North of the South line of the NE 1/4 of said Section 21 and 1700 feet West of the East line of said Section 21; thence Southwesterly to a point on the South line of the NE 1/4 and 560 feet East of the West line of the East 1/2 of said Section 21; thence West 560 feet to the West line of said East 1/2; thence South 500 feet on the West line of said East 1/2; thence Northeasterly to a point on the East-West center line of said Section 21 and 650 feet East of the North-South centerline of said Section 21; thence East to the point of beginning, containing 22.53 acres more or less.

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line of said SE 1/4, NW 1/4; thence North 150 feet; thence East 300 feet; thence North 200 feet; thence East 140 feet; thence South 200 feet; thence East 250 feet; thence South 50 feet; thence Southwesterly to a point 300 feet North of the South line and 530 feet East of the West line of said SE ¼, NW ¼; thence Southwesterly to a point

360.45 feet East of the Southwest corner of the SE 1/4, NW 1/4 of said Section 21; thence West 200 feet to the point of beginning, containing 4.33 acres more or less.

And

PARCEL 1. The North 120 rods of the West Half of the Southeast Quarter of Section 21, Township 36 North, Range 7 West of the Second Principal Meridian in Lake County, Indiana, containing 60 acres more or less.

And

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Part of the SE ¼ of the SW ¼ of Section 21 Township 36 North Range 7 West of the 2nd P.M. in Lake County, Indiana described as beginning at the Northeast corner of Lot 12, Nob Hill Country Estates as recorded in Plat Book 48, page 121 in the Office of the Recorder of Lake County, Indiana; thence South 00°01'42" East 440.00 feet; thence South 40°59'26" West, 493.17 feet, more or less, to the North line of Nob Hill Commercial Estates as recorded in Plat Book 45, page 86 in the Office of the Recorder of Lake County, Indiana, thence South 89°59'57" East along said North line 468.79 feet, more or less, to a point 465 feet West of the East line of the SW ¼ of said Section 21; thence North 01°39' 11" West 110.00 feet; thence South 89°59'58" East 215 feet; thence South 01°39'11" East, 110.00 feet; thence South 89 degrees 59 minutes 57 seconds East, 250 feet to the East line of the SE ¼ of said Section 21; thence North along the East line of said SW ¼ 816.46 feet, more or less, to the Northeast corner of the SE ¼ of the SW ¼ of said Section 21; thence West 592 feet, more or less to the point of beginning.

And

The Southeast Quarter of the Northeast Quarter of Section 21, Township 36 North, Range 7 West of the Second Principal Meridian, in Lake County, Indiana, excepting therefrom the following described real estate: Beginning at a point 477.45 feet South of the Northeast corner of the southeast Quarter of the Northeast Quarter of said section 21: thence North 90 degrees west, 300.00 feet: thence South 00 degrees East, 300.00 feet; thence South 90 degrees East, 300.00 feet; thence North 00 degrees West, 300.00 feet to the Point of Beginning.

And

The Northeast Quarter of the Southeast Quarter of Section 21, Township 36 North, Range 7 West of the Second Principal Meridian, in Lake County, Indiana, except the East 220 feet of the North 198 feet thereof.

PLAN COMMISSION PETITION NO.: 25-01

DATE OF PLAN COMMISSION ACTION: January 2, 2025

DEADLINE FOR CITY COUNCIL ACTION: April 7, 2025

CERTIFICATION:

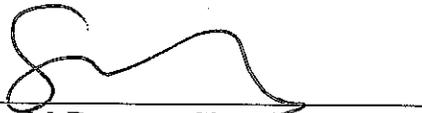
ACTION TAKEN BY PLAN COMMISSION:

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.



Steve McDermott, City Planner
City of Hobart

25-01
Johnson's
Farm - R-1 to A-1

**CITY OF HOBART
PLAN COMMISSION**

APPLICATION TO AMEND TO THE ZONING MAP

PETITIONER'S PROPOSED FINDINGS OF FACT

Petitioner: Johnson Farm Produce Inc., Oaktree Farm, LLC, Black Oak Farm LLC
and Pin Oak Farm LLC

Legal Description: Exhibit "A"

Location: 8960 Ridge Road, Hobart, Indiana 46342

Current Zoning: R-1 – Single Family Residence District

Proposed Zoning: A-1 Agricultural District

The above named Petitioner, by counsel, Todd A. Leeth of Leeth Law LLC, now makes the proposed Findings of Fact in support of Petitioner's Application for Amendment to the Zoning Map (the "Petition") to change certain real estate described on Exhibit "A" (herein after referred to as the "Subject Parcel") attached hereto and incorporated herein from the R-1 – Single Family Residence District to a A-1 Agricultural District to allow for a mixed use incorporating the existing traditional agricultural uses and existing and future agricultural/entertainment uses.

After hearing Petitioner's arguments and evidence in support of the change and amendment to the zone map, remonstrance and opposition or the opportunity for the receipt thereof, and comments, reports or recommendations of staff and others, the Plan Commission and Common Council, after paying reasonable regard the comprehensive plan, current conditions and the character of current structures and uses in each district, the most desirable use for which

the land in each district is adapted, the conservation of property values throughout the jurisdiction, and responsible development and growth, now makes the following findings:

FINDINGS:

The Petition is well taken and the Zone Map should be amended to change the zoning classification for the Subject Parcel on the official zone map to the A-1 Agricultural District designation for the following reasons:

1. The Petition is not "spot zoning" which would confer a special benefit to the Petitioner on a small tract of land with no commensurate benefit to the community or create an isolated zoning district within the City. The Subject Parcel is adjacent to property currently located in the R-1 – Single Family Residence District but is primarily used for the agricultural purposes.
2. The comprehensive plan anticipates and encourages changes in City planning to meet changing needs and circumstances.
3. The comprehensive plan will not be disrupted or destroyed because the uses within the A-1 Agricultural District compliment the goals and objectives of the comprehensive plan, and will provide for a better quality of community life.
4. The Subject Parcel is suitable for the proposed uses because the property is of adequate size, consisting of approximately 189 +/- acres, to support the varying activities currently on the Subject Property.

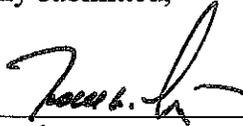
Many uses and activities currently enjoyed on the Subject Property are non-conforming uses which can be made conforming with the zone map amendment and proposed conditional use permit sought in conjunction with this Petition.

5. The topography is suitable for the proposed land use without adverse effect upon the surrounding land because the Subject Property is not subject to flooding, and all changes to the topography and vegetation will be minimal.

6. The property value of adjacent property would not be decreased because the Subject Property is located on Highway 6, a major thoroughfare, and Petitioner's existing uses of the Subject Property closely conform to many permitted uses within the A-1 Agricultural District proposed.

Dated this 3rd day of December, 2024.

Respectfully submitted,

By: 

Todd A. Leeth
LEETH LAW LLC
2700 Valparaiso St., #2412
Valparaiso, Indiana 46384

Attorney for Applicant

This Instrument Prepared By:

TODD A. LEETH
LEETH LAW LLC
2700 VALPARAISO ST., #2412
VALPARAISO, INDIANA 46384

LEETH
LAW

12/3/2024 12:01 PM

<https://leethlaw.sharepoint.com/sites/LeethLaw/Shared Documents/Client Folders/Juliett/Johnson Farm 19939/City of Hobart PUD - 1/Documents/Findings of Fact - A-1 Map Amend Application 2024-06-19.docx>

T. Johnson
ACEY *Rezone*

PC 2501

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 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:

___(c) the land involved is suitable for the proposed land change because:

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

___(e) the property value of adjacent property would not be decreased because:

Signature of Petitioner/Agent

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 2ND day of January, 2025 by a majority vote of the Hobart Advisory Plan Commission.

Maria Gahn

Plan Commission President

Attest: *Michele H...*

Plan Commission Secretary/Zoning Official

Regular meetings are held on the 1st and 3rd Wednesdays of each month in the Council Chambers, 2nd floor, Hobart City Hall

CITY OF HOBART
AGENDA ITEM REQUEST FORM

(PLEASE PRINT)

MEETING DATE: January 8, 2025

BOARD OF PUBLIC WORKS (3:30 p.m.)

COMMON COUNCIL (6:00 p.m.)

ITEM TO BE ADDED TO AGENDA Petition 25-01 Johnson's Farm
Rezone from R-1 to A-1

SUPPORTING DOCUMENTATION ATTACHED Memo/minutes, Certification & Report
Ordinance & Findings & Fact

REQUEST SUBMITTED BY JOY
ADDRESS (DEPARTMENT) PLANNING/ZONING
PHONE NUMBER (EXT) _____

DATE SUBMITTED January 7, 2025

MEMORANDUM

DATE: JANUARY 7, 2025

TO: HOBART COMMON COUNCIL MEMBERS
MAYOR JOSH HUDDLESTUN
CITY ATTORNEY HEATHER McCARTHY

FROM: STEVE McDERMOTT, CITY PLANNER

RE: PETITION TO REZONE PROPERTY
PLAN COMMISSION PETITION 25-01

Attached please find a Certification and Proposed Ordinance for your consideration regarding a request for a Rezone from R-1 (Single Family Residential District) to A-1 (Agricultural District) for property located approx. ¼ mile west & north from the NW corner of County Line & Ridge Rd., zoned R-1, 293 acres +/-

DRAFT PUBLIC HEARING MINUTES OF THE PLAN COMMISSION MEETING OF JANUARY 2, 2025: Attorney Todd Leeth was present speaking on behalf of the petitioner. He felt rezoning to agricultural would better encapsulate most of the several uses on the property such as agricultural entertainment, farming, commercial and a bakery. He noted that the previous city planner felt a PUD zone would best incorporate the different uses, but the Johnsons did not agree due to the restrictions and costs that a PUD would entail. Ms. Galka mentioned there has been several past concerns regarding the existing agricultural entertainment portion of the property and the lack of site plans. Mr. Leeth stated they are only proposing a rezone. He did not feel his clients would be in favor of providing a site plan for the existing uses but they will return for site plan if they add or expand to the property. Ms. Galka opened the public hearing for Petition 25-01. *Joseph Conn, 910 Lake Street felt this is a fine example of urban agriculture that should be promoted by the City and was in favor of the rezone. Patricia Corey, 7203 Colorado Street was in favor. Jennifer Johnson mentioned they are current in applying for permits. Josh Huddlestun, 102 Pembroke Dr. W noted the rezone is fresh start in moving forward and was in favor.* Hearing no further public comments, Ms. Galka closed the public hearing. Mr. Allen motioned for a Favorable Recommendation to the Common Council for Petition 25-01 including all discussion and Findings of Fact, seconded by Mr. Emig. All ayes, motion carried. (8-0)