

**ORDINANCE NO. 2025-06**

**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-2 & B-3 ZONE TO B-3 ZONE CLASSIFICATION**

WHEREAS, THE HOBART CITY PLAN COMMISSION by a majority vote recommended that its **Petition No. 25-04A** 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-2 (Single Family Residential District) & B-3 (Highway Oriented Business District) classification to B-3 (Highway Oriented Business District) zoning classification:

THE WEST 250 FEET OF E FOLLOWING: PART OF THE EAST HALF OF THE SOUTHEAST ¼ OF SECTION 24, TOWNSHIP 35 NORTH, RANGE 8 WEST OF THE 2<sup>nd</sup> PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING 2106.1 FEET NORTH OF THE SOUTHEAST CORNER THEREOF; THENCE WEST AND PARALLEL WITH THE SOUTH LINE OF U.S. HIGHWAY NO. 30, 522.5 FEET; THENCE NORTH AND PARALLEL WITH THE EAST LINE OF SAID SECTION, 435.6 FEET TO THE SOUTH LINE OF U.S. HIGHWAY NO. 30; THENCE EAST ALONG THE SOUTH LINE OF SAID HIGHWAY, 522.5 FEET TO THE EAST LINE OF SAID SECTION; THENCE SOUTH 435.6 FEET TO THE POINT OF BEGINNING, IN LAKE COUNTY, INDIANA.

PART OF THE EAST HALF OF THE SOUTHEAST QUARTER OF SECTION 24, TOWNSHIP 35 NORTH, RANGE 8 WEST OF THE SECOND PRINCIPAL MERIDIAN, IN LAKE COUNTY, INDIANA DESCRIBED AS FOLLOWS: COMMENCING 2106.1 FEET NORTH OF THE SOUTHEAST CORNER THEREOF, THENCE WEST AND PARALLEL WITH THE SOUTH LINE OF UNITED STATES HIGHWAY NO. 30, 272.5 FEET; THENCE NORTH AND PARALLEL WITH THE EAST LINE OF SAID SECTION 435.6 FEET TO THE SOUTH LINE OF UNITED STATES HIGHWAY NO. 30, 272.5 FEET TO THE EAST LINE OF SAID SECTION, THENCE SOUTH 435.6 FEET TO THE PLACE OF BEGINNING, IN LAKE COUNTY, INDIANA. EXCEPTING THEREFROM: FOR THE PURPOSES OF ESTABLISHING A LIMITED ACCESS FACILITY, THE PERMANENT EXTINGUISHMENT OF ALL RIGHTS AND EASEMENTS OF INGRESS AND EGRESS TO, FROM, AND ACROSS THE LIMITED ACCESS FACILITY (TO BE KNOWN AS U.S.R. 30 AND AS PROJECT F-200-1(002)), TO AND FROM THE OWNER'S ABUTTING LANDS, ALONG THE LINES DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF SECTION 24, TOWNSHIP 35 NORTH, RANGE 8 WEST, LAKE COUNTY, INDIANA; THENCE NORTH 0 DEGREES 01 MINUTES 34 SECONDS WEST 2,541.49 FEET ALONG THE EAST LINE OF SAID SECTION TO THE PROLONGED SOUTH BOUNDARY OF U.S.R. 30, THENCE ALONG THE PROLONGED BOUNDARY OF SAID U.S.R. 30 WESTERLY 20.00 FEET ALONG AN ARC TO THE LEFT AND HAVING A RADIUS OF 254,565.30 FEET AND SUBTENDED BY A LONG CHORD HAVING A BEARING OF NORTH 89 DEGREES 45 MINUTES 26 SECONDS WEST AND A LENGTH OF 20.00 FEET TO THE POINT OF BEGINNING OF THIS

DESCRIPTION, WHICH POINT IS WHERE THE WEST BOUNDARY OF CLAY STREET MEETS THE SOUTH BOUNDARY OF SAID U.S.R. 30; THENCE ALONG THE BOUNDARY OF SAID U.S.R. 30 WESTERLY 32.31 FEET ALONG AN ARC TO THE LEFT AND HAVING A RADIUS OF 254,563.30 FEET AND SUBTENDED BY A LONG CHORD HAVING A BEARING OF NORTH 89 DEGREES 45 MINUTES 47 SECONDS WEST AND A LENGTH OF 32.31 FEET; THENCE NORTH 89 DEGREES 46 MINUTES 00 SECONDS WEST 150.19 FEET ALONG SAID BOUNDARY TO THE TERMINUS. ALSO, BEIGINNING ON SAID BOUNDARY NORTH 89 DEGREES 46 MINUTES 00 SECONDS WEST 50.00 FEET FROM THE WEST END OF THE 150.19-FOOT COURSE DESCRIBED ABOVE: THENCE NORTH 89 DEGREES 46 MINUTES 00 SECONDS WEST 20.00 FEET ALONG SAID BOUNDARY AND TERMINATING ON THE WEST LINE OF THE OWNER'S LAND. THE ABOVE DESCRIBED ACCESS CONTROL LINE RESTRICTION SHALL BE A COVENANT RUNNING WITH THE LAND AND SHALL BE BINDING ON ALL SUCCESSORS IN TITLE TO THE SAID ABUTTING LANDS.

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:

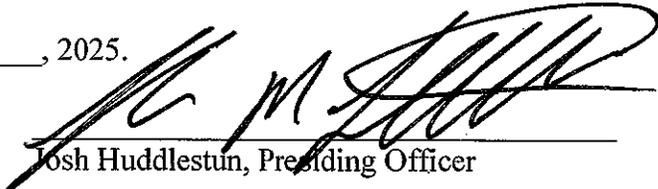
All buildings or uses permitted and placed upon said described real estate shall fully conform to all the provisions of the Zoning Ordinance of the City of Hobart, Indiana and shall have obtained the proper permits.

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.

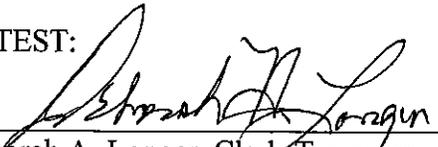
SECTION 5. Since an emergency exists for the immediate taking effect of this Ordinance, the same shall be in fully force and effect from and after its passage by the Common Council of the City of Hobart; upon the approval of the Mayor of the City of Hobart Indiana; and as soon thereafter as otherwise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

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

5<sup>th</sup> day of FEBRUARY, 2025.

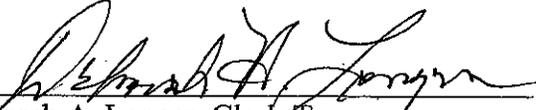
  
Josh Huddleston, Presiding Officer

ATTEST:

  
Deborah A. Longer, Clerk-Treasurer

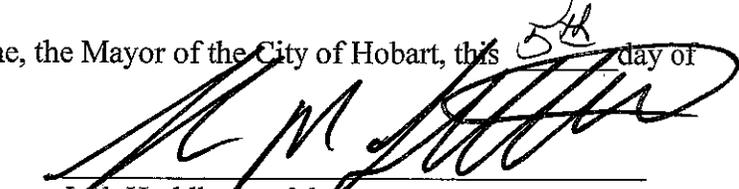
Presented by me to the Mayor of the City of Hobart, Indiana, for his approval and signature this

5<sup>th</sup> day of FEBRUARY, 2025 at 7:00 o'clock P.M.

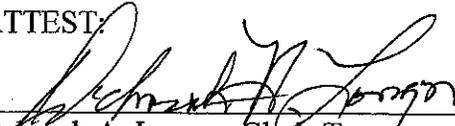
  
Deborah A. Longer, Clerk-Treasurer

APPROVED and SIGNED by me, the Mayor of the City of Hobart, this 5<sup>th</sup> day of

FEBRUARY, 2025.

  
Josh Huddleston, 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 6, 2025

PETITIONER: CASTO  
Rusty Young  
250 Civic Center, Ste. 500  
Columbus, Ohio 43215

REQUEST: Change zone from R-2 (Single Family Residential District) classification & B-3 (Highway Oriented Business District) to B-3 (Highway Oriented Business District)

PROPOSED USE: Gas station w/convenience store

GENERAL LOCATION: SW corner of US 30 & Clay Street

**LEGAL DESCRIPTION** THE WEST 250 FEET OF E FOLLOWING: PART OF THE EAST HALF OF THE SOUTHEAST ¼ OF SECTION 24, TOWNSHIP 35 NORTH, RANGE 8 WEST OF THE 2<sup>nd</sup> PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING 2106.1 FEET NORTH OF THE SOUTHEAST CORNER THEREOF; THENCE WEST AND PARALLEL WITH THE SOUTH LINE OF U.S. HIGHWAY NO. 30, 522.5 FEET; THENCE NORTH AND PARALLEL WITH THE EAST LINE OF SAID SECTION, 435.6 FEET TO THE SOUTH LINE OF U.S. HIGHWAY NO. 30; THENCE EAST ALONG THE SOUTH LINE OF SAID HIGHWAY, 522.5 FEET TO THE EAST LINE OF SAID SECTION; THENCE SOUTH 435.6 FEET TO THE POINT OF BEGINNING, IN LAKE COUNTY, INDIANA.

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PLAN COMMISSION PETITION NO.: 25-04A

DATE OF PLAN COMMISSION ACTION: January 2, 2025

DEADLINE FOR CITY COUNCIL ACTION: April 6, 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

REZONE  
LAC TRAC  
R-2 to B-3

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.

We believe that the proposed zone change is appropriate for this site. The proposed zone change is consistent with the comprehensive plan. The character and conditions along E. Lincoln Highway are predominantly commercial development and the current R-2 District zoning is inconsistent with the existing development pattern. The property is surrounded by B-3 District zoning thereby allowing the subject properties to develop consistent with adjacent and surrounding properties and property values.

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

X (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.

X (b) the comprehensive plan will not be disrupted or destroyed because:  
The prescribed future land use is "General Business"

X (c) the land involved is suitable for the proposed land change because:  
The property is surrounded by the B-3 District.

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

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

The property will be developed consistent with adjacent and surrounding properties/property values.

\* Craig Alan Rusty Henry  
Signature of Petitioner/Agent

12-3-24  
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 3 day of Jan, 2025 by a majority vote of the Hobart Advisory

Plan Commission.

Maria Geller

Plan Commission President

Attest:

Michael Stora

Plan Commission Secretary/Zoning Official

**MEMORANDUM**

**DATE:** JANUARY 6, 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 25-04A

Attached please find a Certification and Proposed Ordinance for your consideration regarding a request for a Rezone from R-2 (Single Family Residential District) & B-3 (Highway Oriented Business District) to B-3 (Highway Oriented Business District) for property located on the SW corner of US 30 & Clay Street, zoned R-2 & B-3, 5.23 acre

DRAFT PUBLIC HEARING MINUTES OF THE PLAN COMMISSION MEETING OF JANUARY 2, 2025: Present and representing CASTO was Jonathon Woche, Cincinnati, OH. Via Zoom was Rusty Young, also with CASTO. Mr. Woche requested to rezone the property from R-2 & B-3 to all B-3 for a proposed RaceTrac gas station and convenience store. Ms. Galka opened and closed the public hearing for Petition 25-04A without public comments. Mr. Allen motioned for a Favorable Recommendation to the Common Council for Petition 25-04A including all discussion and Findings of Fact, seconded by Mr. Schultz. All ayes, motion carried. (8-0)

Regular meetings are held on the 1<sup>st</sup> and 3<sup>rd</sup> Wednesdays of each month in the Council Chambers, 2<sup>nd</sup> 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 25-04A SW corner of Clay St. & US 30  
Rezone from B-3 & R-2 to B-3

A proposed RaceTrac gas station & convenience store

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

REQUEST SUBMITTED BY JOY

ADDRESS (DEPARTMENT) PLANNING/ZONING

PHONE NUMBER (EXT) \_\_\_\_\_

DATE SUBMITTED January 6, 2025