

ORDINANCE NO. 2019-19

**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 ZONE TO B-3 ZONE CLASSIFICATION**

WHEREAS, THE HOBART CITY PLAN COMMISSION by a majority vote recommended that its **Petition No. 19-26B** 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) classification to B-3 (Highway Oriented Business District) zoning classification:

Part of the West 1/2 of the Northwest 1/4 of the Northwest 1/4 of Section 33, Township 36 North, Range 7 West of the Second Principal Meridian, in the City of Hobart, Lake County, Indiana, described as follows: Beginning at a point 160 East of the Northwest Corner of the Northwest 1/4 of Section 33; thence East 167 feet; thence South, parallel to the West line of said Section, 404.19 feet; thence West, parallel to the North line of said Section, 167 feet to a point 160 feet East of the West line of said 1/4 Section; thence North, parallel with the said West line of said 1/4 Section, 404.19 feet to the North line of said 1/4 Section and the Point of Beginning. Containing 1.55 acres +/-.

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:

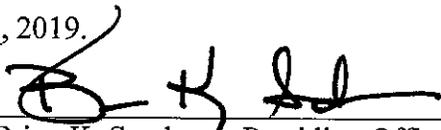
All buildings or uses permitted and placed upon said described real estate shall fully conform to all the provisions of the Zoning Ordinance of the City of Hobart, Indiana and shall have obtained the proper permits.

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.

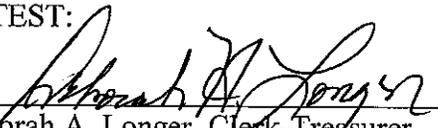
PASSED and ADOPTED by the Common Council of the City of Hobart, Indiana on this

21st day of August, 2019.



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

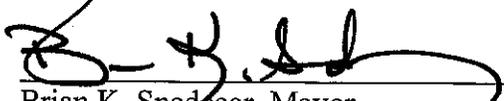
21st day of August, 2019 at 7:15 o'clock P. M.



Deborah A. Longer, Clerk-Treasurer

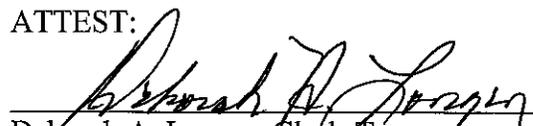
APPROVED and SIGNED by me, the Mayor of the City of Hobart, this 21st day of

August, 2019.



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: Sergio Mendoza, City Planner

RE: Change to be made on the zone map.

DATE: August 2, 2019

PETITIONER: Luke Land LLC/Brandon Dickinson
3592 N. Hobart Rd.
Hobart, IN 46342

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

PROPOSED USE: Proposed gas station/car wash/convenience store

GENERAL LOCATION: SE corner of State Road 130 and Cleveland Avenue

LEGAL DESCRIPTION Part of the West 1/2 of the Northwest 1/4 of the Northwest 1/4 of Section 33, Township 36 North, Range 7 West of the Second Principal Meridian, in the City of Hobart, Lake County, Indiana, described as follows: Beginning at a point 160 East of the Northwest Corner of the Northwest 1/4 of Section 33; thence East 167 feet; thence South, parallel to the West line of said Section, 404.19 feet; thence West, parallel to the North line of said Section, 167 feet to a point 160 feet East of the West line of said 1/4 Section; thence North, parallel with the said West line of said 1/4 Section, 404.19 feet to the North line of said 1/4 Section and the Point of Beginning. Containing 1.55 acres +/-.

PLAN COMMISSION PETITION NO.: 19-26B

DATE OF PLAN COMMISSION ACTION: August 1, 2019

DEADLINE FOR CITY COUNCIL ACTION: October 30, 2019

CERTIFICATION:

ACTION TAKEN BY PLAN COMMISSION:

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

CONDITIONS: None

VOTE: 5-0

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



Sergio Mendoza, City Planner
City of Hobart

Rezone
LUKE CARLIS LLC.

PC 19-26B

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 current building on the property is dilapidated at a corner of high visibility & importance. This development would allow for a new and modern gas station & convenience store at a location that is almost entirely zoned B3 today.

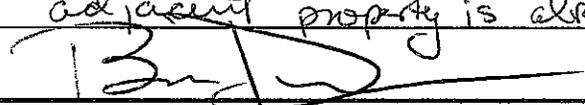
The rezone ~~should~~ should not be granted because; (Must meet all the following requirements.)

✓(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:
this use is aligned with the location as best/highest

✓(c) the land involved is suitable for the proposed land change because:
there will be no major disruption to the infrastructure & use is appropriate

✓(d) the topography is suitable for the proposed land use without adverse effect upon the surrounding land because: it will not create drainage issues

✓(e) the property value of adjacent property would not be decreased because:
adjacent property is already B-3, and significant existing tree buffering along Cleveland
 7-8-19

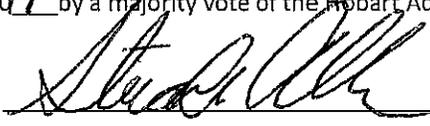
Signature of Petitioner/Agent

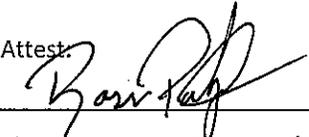
Date

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 1st day of August, 2019 by a majority vote of the Hobart Advisory Plan Commission.


Plan Commission President

Attest:
 7/8/19
Plan Commission Secretary/Zoning Official

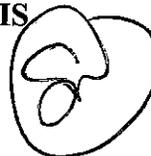
MEMORANDUM

DATE: AUGUST 2, 2019

TO: HOBART COMMON COUNCIL MEMBERS
MAYOR BRIAN K. SNEDECOR
CITY ATTORNEY ANTHONY DEBONIS

FROM: SERGIO MENDOZA, CITY PLANNER

RE: PETITION TO REZONE PROPERTY
PLAN COMMISSION PETITION 19-26B



Attached please find a Certification and Proposed Ordinance for your consideration regarding Plan Commission Petition 19-26B, a petition to rezone from R-2 (Single Family Residential District) to B-3 (Highway Oriented Business District) for property located on the SE corner of State Road 130 & Cleveland Avenue, zoned B-3 & R-2, 1.55 acres +/-.

DRAFT PUBLIC HEARING MINUTES FOR THE AUGUST 1, 2019 MEETING OF THE PLAN COMMISSION: Mr. Dickinson mentioned there was a discrepancy between the GIS and the zoning books in which it was found that a portion of parcel 3 was zoned R-2. He felt it was appropriated to create a single zoned lot. Mr. Allen opened and closed the public hearing for Petition 19-26B without public comments. Mr. Lain motioned for a Favorable Recommendation to the Common Council for Petition 19-26B including all discussion and Findings of Fact, seconded by Mr. Spain. All ayes, motion carried. (5-0)