

ORDINANCE NO. 2021- 37

**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, R-2 & PBP ZONE TO PUD ZONE CLASSIFICATION**

WHEREAS, THE HOBART CITY PLAN COMMISSION by a majority vote recommended that its **Petition No. 21-10A** be adopted and that the Council rezone this property.

WHEREAS, the Covenants and Restrictions for said PUD as adopted and recommended by the Commission, is attached hereto and made a part hereof as Exhibit "A;" and

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:

Ordinance 2021-09 is repealed in its entirety.

By changing the following described real estate on the zone maps from its established zoning B-3 (Highway Oriented Business District), R-2 (Single Family Residential District) & PBP (Planned Business Park District) classification to PUD (Planned Unit Development) zoning classification:

PRELIMINARY DESCRIPTION OF PROPERTY

LOT 1 OF ALBANESE ADDITION TO THE CITY OF HOBART, INDIANA, RECORDED AS DOCUMENT NUMBER 2014-022164 IN PLAT BOOK 107 PAGE 09 IN THE OFFICE OF THE RECORDER, LAKE COUNTY, INDIANA.

ALSO - LOT 1 OF US 30 ENTERPRISE PARK RECORDED IN PLAT BOOK 81 PAGE 99 IN SAID RECORDER'S OFFICE.

ALSO – LOT 2, LOT 3, LOT 4, AND A PRIVATE DRAINAGE EASEMENT RECORDED IN VELOCITY DEVELOPMENT IN PLAT BOOK 101 PAGE 44 IN SAID RECORDER'S OFFICE.

ALSO - A PARCEL OF LAND IN THE SOUTHEAST $\frac{1}{4}$ OF SECTION 19, TOWNSHIP 35 NORTH, RANGE 7 WEST OF THE 2ND PRINCIPAL MERIDIAN, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT A POINT ON THE EAST LINE OF THE WEST $\frac{1}{2}$ OF THE WEST $\frac{1}{2}$ OF THE SOUTHEAST $\frac{1}{4}$ OF SECTION 19, 100.00 FEET SOUTH OF ITS INTERSECTION WITH THE NORTH LINE OF THE SOUTH $\frac{1}{2}$ OF SECTION 19, AND POINT LOCATED IN THE SOUTH RIGHT OF WAY LINE OF U.S. ROUTE 30; THENCE WESTERLY 200 FEET ALONG THE SOUTH RIGHT OF WAY LINE TO A POINT; THENCE SOUTH 217.8 FEET ON A LINE PARALLEL TO THE EAST LINE OF THE WEST $\frac{1}{2}$ OF THE WEST $\frac{1}{2}$ OF THE SOUTHEAST $\frac{1}{4}$ OF SECTION 19; THENCE EAST 200.00 FEET ALONG A LINE PARALLEL TO THE SOUTH RIGHT OF WAY LINE OF U.S. ROUTE 30 TO A POINT ON THE EAST LINE OF THE WEST $\frac{1}{2}$ OF THE WEST $\frac{1}{2}$ OF THE SOUTHEAST $\frac{1}{4}$ OF SECTION 19; THENCE NORTHERLY 217.8 FEET ALONG THE SAID EAST LINE OF THE WEST $\frac{1}{2}$ OF THE WEST $\frac{1}{2}$ OF THE SOUTHEAST $\frac{1}{4}$ OF SECTION 19 TO THE PLACE OF COMMENCEMENT IN LAKE COUNTY, INDIANA, EXCEPTING THEREFROM THE NORTH 55.00 FEET FROM THE EASTERNMOST BOUNDARY TO THE WESTERNMOST BOUNDARY OF THE PARCEL, AND ALSO EXCEPTING THEREFROM THAT PART DEEDED TO THE STATE OF INDIANA BY QUIT CLAIM DEED RECORDED MAY 7, 1998 AS DOCUMENT NO. 98033129.

MORE COMMONLY KNOWN AS 5701 EAST 81ST AVE., MERRILLVILLE, INDIANA

ALSO - THAT PART OF THE EAST $\frac{1}{2}$ SW $\frac{1}{4}$ AND OF THE WEST $\frac{1}{2}$ WEST $\frac{1}{2}$ SE $\frac{1}{4}$ SECTION 19, TOWNSHIP 35 NORTH,

RANGE 7 WEST OF THE 2ND P.M., MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE INTERSECTION OF THE NORTH-SOUTH CENTERLINE OF SAID SECTION 19 WITH THE CENTERLINE OF A PUBLIC ROAD SAID POINT OF INTERSECTION BEING 1393.22 FEET SOUTH OF THE NE CORNER OF THE EAST $\frac{1}{2}$, SW $\frac{1}{4}$ OF SAID SECTION 19, THENCE WEST ALONG THE CENTER OF SAID PUBLIC ROAD 107.5 FEET, THENCE NORTH PARALLEL TO SAID NORTH-SOUTH CENTERLINE 351.90 FEET, MORE OR LESS, TO A POINT 281.52 FEET NORTH OF THE SOUTH LINE OF THE NORTH $\frac{1}{2}$, SOUTH $\frac{1}{2}$ OF SAID SECTION 19, THENCE EAST PARALLEL TO THE SOUTH LINE OF NORTH $\frac{1}{2}$ SOUTH $\frac{1}{2}$ OF SAID SECTION A DISTANCE OF 384.64 FEET ; THENCE SOUTH PARALLEL TO SAID NORTH-SOUTH CENTERLINE 340.03 FEET TO THE CENTERLINE OF SAID PUBLIC ROAD, THENCE WESTERLY ALONG THE CENTERLINE OF SAID PUBLIC ROAD 277.24 FEET, MORE OR LESS, TO THE POINT OF BEGINNING, CONTAINING 3.066 ACRES, MORE OR LESS.

MORE COMMONLY KNOWN AS: 5606 E 83RD AVE., MERRILLVILLE, INDIANA

ALSO- PART OF THE WEST $\frac{1}{2}$ OF THE WEST $\frac{1}{2}$ OF THE SOUTHEAST $\frac{1}{4}$ OF SECTION 19, TOWNSHIP 35 NORTH, RANGE 7 WEST OF THE 2ND PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS; COMMENCING AT THE INTERSECTION OF THE EAST LINE OF THE WEST $\frac{1}{2}$ OF THE WEST $\frac{1}{2}$ OF THE SOUTHEAST $\frac{1}{4}$ OF SAID SECTION 19 WITH THE CENTER LINE OF A PUBLIC ROAD; THENCE NORTH ALONG THE EAST LINE OF THE WEST $\frac{1}{2}$ OF THE WEST $\frac{1}{2}$ OF THE SOUTHEAST $\frac{1}{4}$ OF SAID SECTION 19, 324.62 FEET MORE OR LESS, TO A POINT 281.52 FEET NORTH OF THE SOUTH LINE

OF THE NORTH ½ OF THE SOUTH ½ OF SAID SECTION 19; THENCE WEST
PARALLEL TO THE SOUTH LINE OF THE NORTH ½

OF THE SOUTH ½ OF SAID SECTION 19, A DISTANCE OF 384.63 FEET; THENCE
SOUTH PARALLEL TO THE NORTH-SOUTH CENTER LINE OF SAID SECTION 19, A
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EASTERLY ALONG THE CENTER LINE OF SAID PUBLIC ROAD 384.82 FEET TO THE
PLACE OF BEGINNING, IN LAKE COUNTY, INDIANA.

MORE COMMONLY KNOWN AS: 5708 E 83RD AVE., MERRILLVILLE, INDIANA

TOTAL AREA OF ALL PARCELS BEING 49.81 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.

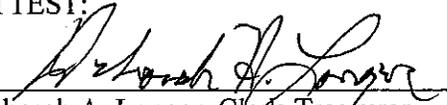
PASSED and ADOPTED by the Common Council of the City of Hobart, Indiana on this

3rd day of November, 2021.



Brian K. Shedecor, Presiding Officer

ATTEST:

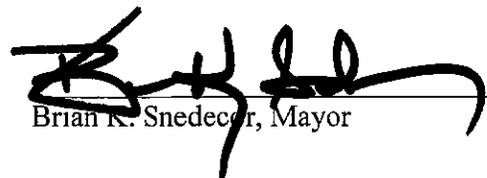

Deborah A. Longer, Clerk-Treasurer

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

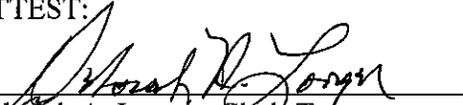
3rd day of November, 2021 at 7:35 o'clock P. M.


Deborah A. Longer, Clerk-Treasurer

APPROVED and SIGNED by me, the Mayor of the City of Hobart, this 3rd day of November, 2021.


Brian R. Snedecor, Mayor

ATTEST:


Deborah A. Longer, Clerk-Treasurer

**ALBANESE P.U.D. LIGHT MANUFACTURING DISTRICT
COVENANTS AND DECLARATIONS**

LEGAL DESCRIPTION:

LOT 1 OF ALBANESE ADDITION TO THE CITY OF HOBART, INDIANA, RECORDED AS DOCUMENT NUMBER 2014-022164 IN PLAT BOOK 107 PAGE 09 IN THE OFFICE OF THE RECORDER, LAKE COUNTY, INDIANA.

ALSO - LOT 1 OF US 30 ENTERPRISE PARK RECORDED IN PLAT BOOK 81 PAGE 99 IN SAID RECORDER'S OFFICE.

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I. PURPOSE.

The purpose of this subchapter is to establish a district designed and intended to accommodate; retail, production, processing, testing, wholesaling and warehousing uses, and other miscellaneous uses and conditional uses which are most compatible with uses typically located in a light manufacturing district setting with access to major highways. Care is taken to ensure minimal land use and traffic conflicts and to provide adequate separation from residences.

II. USE AND BULK REGULATIONS

- (A) Use and bulk regulations applying specifically to this PUD are set forth in this ordinance
- (B) Also applying to this PUD are additional regulations set forth in other subchapters and sections of the Hobart Municipal Code as follows:
 - (1) Section 154.004, Zoning districts, establishment and application;
 - (2) Section 154.005, Rules and interpretation of district boundaries;
 - (3) Section 154.006, General provisions and supplementary district regulations;
 - (4) Section 154.007, Definitions;
 - (5) Section 154.210 et seq., M1-Light Manufacturing Districts
 - (6) Sections 154.295 et seq., Planned Unit Development Districts;
 - (7) Sections 154.320 et seq., Mobile Homes and Mobile Home Parks;
 - (8) Sections 154.355 et seq., Off-Street Parking and Loading;
 - (9) Sections 154.375 et seq., Signs;

(10) Sections 154.415 et seq., Site Plan;

(11) Sections 154.460 et seq., Non-conforming Uses and Non-conforming Buildings; and

(12) Sections 154.480 et seq., Administration and Enforcement.

(C) When regulations for PUD districts are not identified in the Hobart Municipal Code sections referenced in section (B) above, this PUD shall abide by the regulations applicable to manufacturing districts and/or manufacturing uses.

(D) Citations to the Hobart Municipal Code in section (B) above and throughout this ordinance shall apply to the version of the code in effect at the adoption date of this ordinance and any revision of said code shall apply to the same or similar subject which may be enacted in the future.

III. PERMITTED USES.

(A) Warehousing

(B) Distribution

(C) Assembly

(D) Laboratories

(E) Office

(F) Research & Development

(G) Vehicle Repair and Maintenance- if contained within a completely enclosed building and accessory to a permitted use listed.

(H) Process Production

(I) Manufacturing

(J) Food Production

(K) Retail Sales

(L) Pharmaceutical products

(M) Parking if accessory to a permitted use

(N) Product Testing

(O) Water treatment facility

IV. LIGHT MANUFACTURING DEVELOPMENT AND DESIGN GUIDELINES

(A) *Lot Standards* – Lot Standards for each use dictate the minimum and/or maximum standards that apply to lots with a PUD Zoning District in any combination of Office-Service, Planned Business Park District, or Manufacturing/Light Industry use.

(1) Manufacturing and Light Industry Use: Minimum and/or maximum standards that apply to lots/parcels/sites with manufacturing and/or light industry use.

(a) Minimum Lot Area: 5 Acres

(b) Minimum Lot Width: One hundred fifty feet (150'). The minimum lot width is the allowable horizontal distance between the side property lines of a lot measured at right angles to its depth along a straight line parallel to the front lot line at the front setback line.

(c) Minimum Lot Frontage: Seventy feet (70') on a public street. The minimum length of a lot frontage shall be measured between side lot lines at the street right-of-way or private street easement.

(d) Maximum Lot coverage: Seventy-Five percent (75%) for all primary and accessory structures, drives and parking.

(B) *Yards and Setbacks* – Yard Setbacks for each use dictate the minimum and/or maximum standards that apply to lots/parcels/sites in a PUD Zone District with manufacturing/light industry use.

(1) Manufacturing/Light Industrial Use. Standards for each use dictate the minimum and/or maximum standards that apply to lots/parcels/sites with a manufacturing and/or light industry use:

(a) Front: Minimum of forty feet (40') from a local street road classification/cul-de-sac, forty-five feet (45') from a collector street road classification and fifty feet (50') from a major arterial. The horizontal space between the front lot line and the front setback line, extending to the side lines of the lot, generally parallel with and measured from the front lot line, defining the area in which no building or structure may be located above ground, except as provided here in.

(b) Side: Minimum forty feet (40'). The horizontal space between the side lot lines and the side setback lines, extending to the front and rear lot lines, generally parallel with and measured from each side lot line, defining the area in which no building or structure may be located above ground, except as provided here in. For corner and through lots, any side of a structure that faces a street shall meet front setback requirements.

1. Side Yard Exception: Minimum twenty-five feet (25') along the eastern property line.
 - (c) Rear: Minimum forty feet (40'). The horizontal space between the rear lot line and the rear setback line, extending to the side lines of the lot, generally parallel with and measured from the rear lot line, defining the area in which no building or structure may be located above ground except as provided here in.
 - (2) All uses in a PUD Manufacturing/Light Industry: Minimum and/or maximum standards that apply to lots/parcels/sites with a manufacturing/light industry use:
 - (a) Required front, rear, and side yards may include pedestrian walks, drives, entrance guard boxes, flag poles, fences, off-street parking areas, screening walls and similar appurtenant structures.
 - (b) Naturally Sensitive Areas Setback: Forty foot (40') minimum setback distance shall exist when structural development occurs on a lot or parcel that is adjacent to naturally sensitive areas including but not limited to riparian areas and wetlands. The City Planner, or his/her designee may determine if a feature constitutes a naturally sensitive area. This setback shall overlap front, side, and rear setbacks. The setback with the largest width shall apply. This shall exclude man made detention areas which are planned to be relocated.
- (C) *Site Layout: Orientation, Circulation, and Parking, all uses:*
- (1) Site planning encourages compatibility between the site and the buildings. Grading and other modifications to topography shall be permitted but shall avoid negative drainage impacts.
 - (a) All site planning and site furnishings shall ensure pedestrian ways are in compliance with the Americans with Disabilities Act (ADA) and ADA Standards for Accessible Design.
 - (2) Newly installed infrastructure and service revisions necessitated by exterior alteration shall be underground.
 - (3) Refuse and waste removal areas, service areas/yards, storage yards, and exterior work areas shall be screened from view from public ways, using materials consistent with building design. Perimeter buffer yard shall be considered acceptable screening.
 - (4) Building Orientation and Site Design
 - (a) All newly installed building facades facing an interstate highway, major or minor arterial or collector road classification or a residential district or use shall have a cohesive architecture treatment on all faces as well on any solid screening elements, such as walls, and must be a finished façade in compliance with the requirements in Section IV. (I).

(b) Loading Spaces – No loading spaces shall be permitted to face a major or minor arterial, collector road classification or other street where a residential district or use exists on the opposite side of said street, unless screened using a Type 3 screening buffer, as indicated in Section IV. (G) (4) (c) Bufferyard Type Requirement Table.

(c) Outside Storage – No outside storage shall be permitted between an established building line and the right-of-way of a major or minor arterial or collector or other street where a residential district exists on the opposite side of said street.

(D) Street, Vehicular, and Pedestrian Circulation

(1) Major arterials and major collector road classifications must have reasonable restrictions as to the numbers and location of access points in order to provide safe and sufficient traffic movement to and from adjacent lands.

(a) Shared access shall be coordinated with contiguous lots. Access at the side or rear of buildings is encouraged.

(b) New access points onto the major and minor arterials shall be coordinated with existing access points whenever possible and approved by the Plan Commission.

(2) No curb cuts shall be within two hundred feet (200') of any intersection of public roads.

(3) Opposing curb cuts shall align squarely or upon approval be offset no less than fifty feet (50').

(4) Sidewalk and Pedestrian Circulation shall complement the building design and site utilization in color, form, geometry, orientation and location.

(a) On-site circulation shall be clearly established with pavement markings and/or signage to guide and provide safe paths across parking areas.

(b) The on-site pedestrian circulation system must provide safe, direct, and convenient pedestrian routes connecting main entrances of buildings and uses with all other entrances and with available access points including parking, streets, sidewalks, and transit stops.

(E) Outside Sales, Display, and Storage

(1) All office-service, planned business park, and/or manufacturing/light industry uses, services, processing or storage shall be conducted in completely enclosed buildings unless outside/outdoor sales, displays, and storage complies with the indicated regulation hereafter.

(2) Outside/outdoor sales, displays, and storage, uses, services, processing or storage within a manufacturing/light industry use shall be conducted entirely within the rear or side yard and shall be in compliance with open lot selling guidelines when applicable as outlined in HMC §154.307 OPEN LOT SELLING.

- (3) Outside/outdoor storage areas, regardless of size, shall be on hard-surfaced, dust-free pavement. The pavement type and thickness shall be reviewed at the Site Plan Review Committee prior to obtaining Plan Commission approval, taking into consideration soil conditions and traffic loading. Pervious pavements and pavers including durable materials, suitable for parking such as cobblestones, brick, concrete formed blocks or cut stone, the system of which is specifically installed and designed for vehicular loads shall also be considered.
 - (a) All outdoor storage areas that are greater than five hundred (500) square feet shall not be placed in front yards abutting neighboring properties. These storage areas shall be in side and rear yards screened from view by the property perimeter berm, landscaping, or buildings.
 - (b) Outdoor storage within an area of five hundred (500) square feet or less shall not block handicapped parking areas, parking lot access aisles, and shall maintain a forty-two inch (42") clearance on all sidewalks.
- (4) Storage in Required Setbacks: No portion of any setback shall be used for permanent storage except during construction and in accordance with the terms of this section.
- (5) Bulk Storage for any new use in which bulk storage is permitted for structures, buildings or aboveground tanks used for bulk storage of flammable or explosive liquids, gases or other material and shall meet screening requirements.
 - (a) Bulk Storage shall not be located closer than fifty feet (50') to the property line.
 - (b) Bulk Storage areas shall be screened by buildings and/or Bufferyards.
- (6) However, open off-street loading facilities and open off-street parking of employee, customer/consumer motor vehicles may be unenclosed, except for the screening of parking and loading facilities as may be required under the provisions as set forth herein.

(F) Off Street Parking and Loading

- (1) Parking: As required under the provisions as set forth in OFF-STREET PARKING LOADING commencing with HMC §154.355 or as amended herein sets forth minimum requirements for parking lot design and buffering. Parking areas shall be planned to transition from the streetscape to the structure and to provide for adequate planting and safe pedestrian movement. The following standards / guidelines supplement those requirements.
 - (a) Minimum Parking Requirements:
 - 1. One (1) space per three thousand (3,000) square feet of gross floor area or as amended for each change of use and approved by the Hobart Plan Commission.
 - 2. Parking areas, wherever possible, shall be located to the side and rear of structures and away from streets and highways, thereby using buildings or other architectural

elements as a visual barrier or comply with a Type 3 Bufferyard as described in section IV. (G) (4) (c).

3. Parking spaces shall not directly abut structures. Provide adequate space of five feet (5') minimum for walkways between parking and structures for pedestrian access.
4. Landscape plantings and trees shall be required on the perimeter of parking lots visible from right of way to reduce the visual impact of large open areas of pavement and to reduce the buildup of heat on dark colored paving (heat island effect). Refer to section IV. (F) (2) for planting requirements. The landscape plantings will also reduce stormwater runoff. Off street parking areas shielded from view (such as those screened by berms, landscaping, or buildings) shall not be required to have perimeter or interior landscaping.

(2) Parking Area Landscaping:

(a) Parking lots shall be reasonably screened from streets and adjacent uses according to the following:

1. Bufferyards shall be required as stated in Section VI. (G) (1).
2. Perimeter landscaping shall screen parking areas from roadways and/or dissimilar and developed land uses not screened by bufferyards.

(b) Perimeter Plantings shall include a mix of trees, shrubs and groundcover and shall be planted around the perimeter of parking areas to provide screening, shade and visual variety to include:

1. One (1) tree shall be planted every thirty-five feet (35') of parking lot perimeter. Trees are not required to be evenly spaced, but distance between shall not exceed 90 feet.
2. Ten (10) shrubs per every thirty-five feet of parking lot perimeter.

(c) All required landscape areas shall be protected from vehicle travel through the use of curbing and/or wheelstops.

(3) Loading Berths:

(a) Loading areas shall be located as specified in above and:

1. Loading berths shall be designed with a minimum forty-five foot (45') concrete apron area immediately adjacent to the structure.
2. Loading berths shall provide for a minimum total depth of one hundred twenty feet (120') of clear area pavement (no parking included).

3. Loading berths shall be designed with a minimum twelve foot (12') by sixty foot (60') clear area dedicated for ingress-egress to the loading berth.
4. Loading berths shall be prohibited within two hundred feet (200') of a residential use. Measurement shall be taken from the nearest edge of the loading berth to nearest edge of the structure containing the residential use.

(b) All loading/delivery areas and delivery doors shall be screened so as not to be visible from or cast light onto any adjacent residential area, or pedestrian way while vehicles are parked or moving. Landscaping can be used to supplement the screening.

(c) Space Not To Be Used to Satisfy Parking Facility Requirements – No space allocated for any off-street loading berth shall, while so allocated, be used to satisfy the space requirements for any off-street parking facility, or portion thereof.

(G) *Bufferyards and Screening* – The intent of the buffering and screening standards is to lessen the potential conflicts between the possible uses in one zoning district and those uses in adjacent districts. Screening minimizes the friction between incompatible land uses and improves the aesthetic and functional quality of new development through the use of setbacks and landscaping. The potential degree of conflict between the uses determines the extent of the buffer required.

(1) The bufferyard standards only apply along the property lines where two (2) dissimilar and developed uses or zoning classifications meet. The required buffer yards shall be installed despite the presence of streets, alleys, and other features. Existing mature vegetation (such as streams and fences rows) may be cited towards required buffering.

(a) Bufferyard Exception: Bufferyard shall not be required on eastern property line.

(2) All required bufferyards shall be provided entirely on the subject property and shall be in addition to applicable setbacks required per section IV. (B).

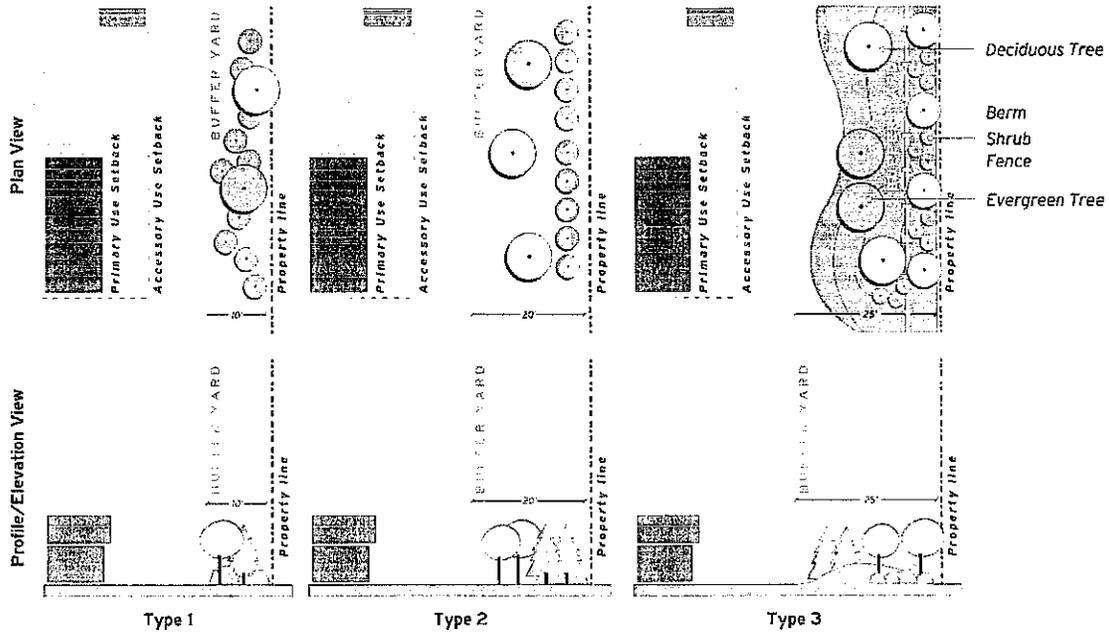
(3) All landscape material must be properly maintained, and kept in a neat and orderly appearance, free from all debris and refuse. Landscape materials are intended to grow, spread and mature over time. Pruning, limbing-up, topping and other growth-inhibiting measures may only be used to ensure the public safety and/or health of the vegetation.

(4) Screening may include landscaping, walls, fences, hedges, berms, and existing vegetation. The buffer width, height, and appropriate screening for similar and dissimilar uses and shall be in accordance with the applicable bufferyard regulations and as shown below in (G) (4) (a), Bufferyard Type Requirement Chart; (G) (4) (b) Bufferyard Type Illustration, and; (G) (4) (c) Bufferyard Type Setback Regulation Table:

(a) Bufferyard Type Requirement Chart.

NEW DEVELOPMENT – PUD ZONING				
EXISTING DEVELOPMENT – LAND USE		PUD <i>Office Service</i>	PUD <i>Planned Business Park</i>	PUD <i>Manufacturing</i>
	Residential	1	3	3
	Office – Service	N/A	3	3
	Neighborhood and Central Business	2	3	3
	Highway Business	2	1	2
	Planned Business Parks	3	N/A	2
	Light Manufacturing/ Industrial	3	1	N/A
	Heavy Manufacturing/ Industrial	3	2	1

(b) Bufferyard Type Illustration.



(c) Bufferyard Requirement Table.

Type 1	Bufferyard Type 1 shall include a minimum buffer width of 10 feet. One (1) broad-leaf deciduous canopy tree and one (1) evergreen tree shall be planted in the bufferyard for every 50 feet of boundary between the subject and adjoining properties. All evergreen trees shall be six (6) feet in height at the time of planting.
Type 2	Bufferyard Type 2 shall include a minimum buffer width of 20 feet. One (1) broad-leaf deciduous canopy tree and two (2) evergreen trees shall be planted in the bufferyard for every 50 feet of boundary between the subject and adjoining properties. All evergreen trees shall be six (6) feet in height at the time of planting. One (1) shrub shall be planted for every ten (10) feet of continuous boundary. Shrubs may be clustered.
Type 3	Bufferyard Type 3 shall include a minimum buffer width of 25 feet. Two (2) broad-leaf deciduous trees and two (2) evergreen trees shall be planted parallel to the property line in the bufferyard for every 50 feet of boundary between the subject and adjoining properties. All evergreen trees shall be six (6) feet in height at the time of planting. Shrubs shall be planted along 50 percent of the boundary. The plantings shall be supplemented by an earthen berm a minimum four (4) feet in height and a six-foot (6') high opaque fence /wall of wood, vinyl, PVC, composite, masonry or stone so that the overall effect is a minimum height screen of eight (8) feet. If earthen berm height is eight feet (8') or greater, opaque fence shall not be required. A minimum of seventy-five (75) percent of the plant material shall be located on the outside of the fence/wall or top of berm if no fence. Landscaping may be used to mitigate breaks in the berm or fence.

(H) *Landscaping Requirements:* All landscaping shall be used to enhance the public realm. Plantings shall be incorporated to define edges, enhance and direct views, and promote pedestrian use and enjoyment. Landscape plans must use a diverse, coordinated landscape palette to establish visual continuity with a site utilizing a landscape palette of analogous and complementary colors, type, size, coverage, placement and management.

- (1) All portions of every lot not occupied by structures, parking areas, or other paved surfaces shall be designed, constructed, and maintained in accordance with HMC §154.423 (D) (6) (c) Selection, maintenance, and installation of plant materials. And be in a cultivated landscape condition to include the following:
 - (a) All open portions of each parcel shall be planted with drought-tolerant grass or other vegetative ground cover.
 - (b) Loose stone, rock or gravel may be used as a landscaping accent, but shall not exceed ten percent (10%) of the area of the required yard in which it is used.
 - (c) All shrubs shall be a minimum of eighteen inches (18") in height at the time of planting, measured from the top of the rootball.
 - (d) All deciduous trees shall have a trunk measuring a minimum of two and a half inches (2-1/2") in diameter at six inches (6") above the rootball at the time of planting.
 - (e) Where more than five (5) trees are to be used, a mix of tree species shall be utilized.
 - (f) All evergreen trees shall be a minimum of six feet (6') in height at the time of planting measured from the top of the rootball.
- (2) Maintenance: All plant materials shall be allowed to grow and mature (after ten (10) year time period) over time and shall only be trimmed in the event of damage or disease. All plant material that dies shall be replaced during the soonest planting season (Spring or Fall). Replacement of dead plants is the responsibility of the property owner who shall:
 - (a) Prohibit topping, limbing-up, and other similar practices.
 - (b) Install drought tolerant species for large lot landscaping.
 - (c) Encourage groundcovers in place of turf grass.
- (3) Lot Yard Areas:
 - (a) All yards and other open areas that are to remain undeveloped and are not being held for future phased development shall include plant material.
 - (b) A minimum of one (1) tree shall be provided for every five thousand (5,000) square feet of yard area (excluding all common areas, buffer areas, landscape easements, parking lot interior and perimeter landscaped areas, and other similar features).

(l) *Building and Façade Design*

(1) New Construction

(a) All façades shall be designed with architectural details or relief in the façade to mitigate monotony in a fashion that is compatible with adjacent development. These features shall be located for maximum visual effect, along public right-of-ways. Building design shall include a minimum of two (2) of the following features on buildings 55 feet tall or less or four (4) of the following features on buildings greater than 55 feet tall:

1. Six (6) external corners to mitigate monotony
2. Horizontal reveals
3. Parapet offsets
4. Change in color or texture every 250 feet
5. Architectural features
6. Storefront glazing
7. Accent colors

(b) Multi-story Building: Building with multiple stories shall use design and features to define the ground floor (first floor) and add visual interest at a human scale by incorporating one or more of the following features:

1. Windows
2. Display areas
3. Canopies
4. Awnings
5. Wall art
6. Other architectural features integral to the building.

(c) Height: Building height shall be defined as the vertical distance as measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof:

1. Maximum building height shall not exceed 55' with the exception of one building, which shall be between 55' and 125' in height. The one building with height between 55' and 125' shall be limited to floor area of 100,000 sq. ft. or less. Said building shall be located at either the Distribution Center or the Warehouse as shown on the attached plan.

- (2) Additions to an Existing Building. All additions to an existing Buildings shall utilize building materials with a style, color, texture and architectural detailing which is compatible and harmonious with the materials used on the existing building, or as described in section IV. (I) (1).
- (3) Exterior Building Façade Renovations with No Building Additions or Minor Building Additions.
 - (a) Exterior Building façade renovations which involve no Building additions or only minor Building additions shall demonstrate reasonable efforts to incrementally bring the exterior façade, which is being renovated or added to, into compliance with the provisions for new construction specified in section IV. (I) (1). Full compliance with the provisions for new construction shall not be a requirement for approval.
 - (b) Exterior Building façade renovations shall not include the painting of brick, stone, architectural precast or other natural exterior wall or siding products.
- (4) Exterior Building Façade Renovation with Major Building Additions. Exterior Building façade renovations performed in connection with a major Building addition as described herein shall comply with the provisions for new construction specified above.
- (5) Front and side facades of buildings located on corner lots or parcels shall be of the same materials and similarly detailed.
- (6) Outdoor Employee Areas: If provided, any structures or enclosures erected for outdoor employee areas not located within a loading or service area shall be of the same or similar materials as the building.

(J) Fences and Walls

- (1) Fences and walls shall not exceed eight feet (8') in height in rear and side yards.
- (2) Fences shall be constructed of materials such as brick, stone, decorative block, metal or wood.
- (3) Landscaping shall be used to complement the fence.
- (4) Breaks should be provided by variation in height, columns, recesses, and projections. Maximum uninterrupted length of fence plane should be one hundred feet (100').
- (5) Barbed wire on fences is prohibited, alternative security fence design is recommended. Unless required for utilities.

(K) Signage.

- (1) Sign proposals shall be made of high-quality and durable materials when submitted with each Planned Unit Development Final Detailed Plan, and as referenced in this section.

- (2) Individual signs approved as part of Planned Unit Development Final Detailed Plan, and as referenced in this section shall require a sign Building Permit.
- (3) Character: Signs may incorporate sculptural and other art elements. These elements shall not be included in the calculation of sign height, or face area. Signage lettering shall be of appropriate style and size of the intended use and use type face that complements the overall façade character. Intricate, hard-to-read script display typefaces are prohibited. The total area of all signage shall not exceed the maximum square footage allowed as calculated by the formulas set forth herein.
- (4) Location: Signs shall front on the principal street, an off-street parking area or in the case of a corner lot, on that portion of the side street within fifty feet (50') of the principal street. Further, no advertising sign shall be located within seventy-five feet (75') of a residential district, nor shall such sign be located within one hundred feet (100') of any part of any other sign.
- (5) Projection: No sign shall project into the public right-of-way.
- (6) Sign Types:
 - (a) Monument Signs, Multi-tenant Signage, Directory Signage: All signage shall be cohesive and have a unified appearance using standard corporate fonts, but color palette must be consist throughout. One (1) such sign shall be located within one hundred feet (100') of each development/park complex, and shall have a minimum setback of ten feet (10') from that right-of-way. The sign shall have a maximum height of twelve feet (12'), as measured from the adjacent grade, and shall have a maximum sign face area of one hundred fifty (150) square feet. This sign may include up to thirty-two (32) square feet of face area for each business located in the development.
 - (b) Wall/Building Signs. All building signage shall be integrated into the building overall façade and shall be compatible with architectural pattern, style, and fenestration. The gross area in square feet of all signs located on a or all buildings on a zoning lot shall not exceed one (1) times the lineal feet of frontage of the lot, except on lots with frontages of fifty feet (50') or less between buildings, where the gross area in square feet of all signs on the lots shall not exceed one hundred square feet (100) of frontage of the lot. Example: a lot with a frontage of one hundred feet (100') may have a total gross area of all signs added together of no more than 1 x 100, or one hundred square feet (100).
 1. Message center (changeable screen) LED sign with dimensions up to 10'H x 30'L shall be allowed.
 - (c) Directional and Informational Signs: For use within a development/park complex shall be setback a minimum of two feet (2') from the right-of-way of any adjacent public street. Each sign shall be a maximum of forty-two inches (42") in height, and shall be limited to six (6) square feet of face area.

(L) Stormwater Management

- (1) Management of stormwater quantity and quality shall meet the requirements of the HMC Chapter 152 STORMWATER MANAGEMENT. To the extent possible, all retention requirements shall be accommodated in the least number of ponds or dry areas. Centralized detention shall be preferred to a series of smaller ponds or areas.
- (2) All detention areas shall be the responsibility of the owner or maintenance association for the industrial/business park in which they are located.
- (3) Applicants are encouraged to incorporate a combination of the Best Management Practices (BMPs) from HMC §152.063 APPROVED STORMWATER BEST MANAGEMENT PRACTICES (BMP) for post-construction stormwater quality management, or:
 - (a) Bioretention
 - (b) Filter strip
 - (c) Vegetated Swale
 - (d) Wet Pond

(M) Environmental Standards: Performance standards as noted in HMC sections shall apply:

- (1) Noise § 154.215
- (2) Odorous matter § 154.216
- (3) Vibrations § 154.217
- (4) Toxic or noxious matter § 154.218
- (5) Glare or heat § 154.219
- (6) Fire and explosive hazards § 154.220
- (7) Air pollution § 154.221
- (8) Water pollution § 154.222

(N) Exterior Lighting: Site lighting fixtures shall provide lighting for service areas and utilities; allow for safe navigation and minimize off-site glare; ensure light fixtures are compatible with the building and site design in size style, material; comply with HMC §154.358 (G) (4) Lighting; and the following requirements:

- (1) Illumination - All exterior lighting, including pole lights and wall pack lights, shall be LED (light emitting diode) or other type of lighting deemed appropriate and approved as part of a Site Plan. Lighting fixtures shall highlight distinctive features of building, including entrances, architectural details, signs, outdoor use areas, public art and fixtures shall be full cut-off fixtures utilizing low level of luminescence for architectural lighting and be directed at the surface being illuminated.
- (2) Pole Lights – Bollard or small or small-scale light fixtures with down-lighting to illuminate a pedestrian walkway shall be permissible. Pedestrian-scale lighting shall be used for pedestrian corridors. Pole mounted light fixtures shall not exceed twenty five feet (25') in height in pedestrian areas. Height may be increased to thirty-five feet (35') in parking areas. Height shall be measured as the distance between the grade level of the surface being illuminated and the bottom of the lighting fixture.
- (3) Wall Mounted Light Fixtures – Fixtures illuminating building facades shall be located, aimed, and shielded so that light is directed only onto the building facade. They shall be designed to wash the facade of the building with light (rather than providing a spotlight affect). Exterior facade lighting shall be contained on the building facade and shall focus on entries and coordinate with overall building architecture and site design.
- (4) Lumens and Watts – LED Lighting shall be utilized for all vehicular parking, travel surfaces, outdoor amenity areas, service areas, and shall emit and perform as followed:
 - (a) Ensure Kelvin (color temperature) of the LED bulbs selected is appropriate.
 - (b) Warm-white color between 4,000 – 5,000k shall be utilized, unless otherwise specified in this section.
 - (c) Cool-white color near 6,000k in public spaces shall be prohibited.
 - (d) Warmer color range between 2,500k – 3,000k shall be used to highlight architectural elements.
 - (e) All pole and wall pack light fixtures and wall pack light fixtures with a wattage of four hundred (400) watts or above, shall be equipped with a flat lens that does not protrude below the bottom edge of the housing.
- (5) Pole and Wall Pack Light Fixtures – All pole light fixtures and wallpack light fixtures shall be mounted parallel with the horizon and shall utilize a rigid mounting arm with no built-in up-tilt and no adjustment feature.
- (6) Vehicular Canopy Light Fixtures – All vehicular canopy light fixtures, including but not limited to gasoline service station canopies and bank drive through canopies, regardless of wattage, shall be equipped with a flat lens that does not protrude below the bottom edge of the light fixture.

- (7) Externally Illuminated Signs: Fixtures illuminating signs shall be located, aimed, and shielded so that light is directed only onto the sign face; with minimal light spillage around, below, and/or above the sign.
- (8) The use of site and parking lot lighting provided by a utility company does not relieve the owner or developer from conforming to lighting design standards.
- (9) The light utilized to illuminate a flag pole, shall be placed in such a manor to not allow light to encroach on neighboring properties.

(O) *Mechanical and Service Areas: Screening and Placement.*

- (1) All ground mechanical and electrical equipment shall be screened from view. The screens and enclosures shall be treated as an integral element of the building's appearance. Landscaping may be used for this purpose.
- (2) All mechanical equipment shall be located a minimum of fifty feet (50') from the property line, and shall not be located within a front or side setback.

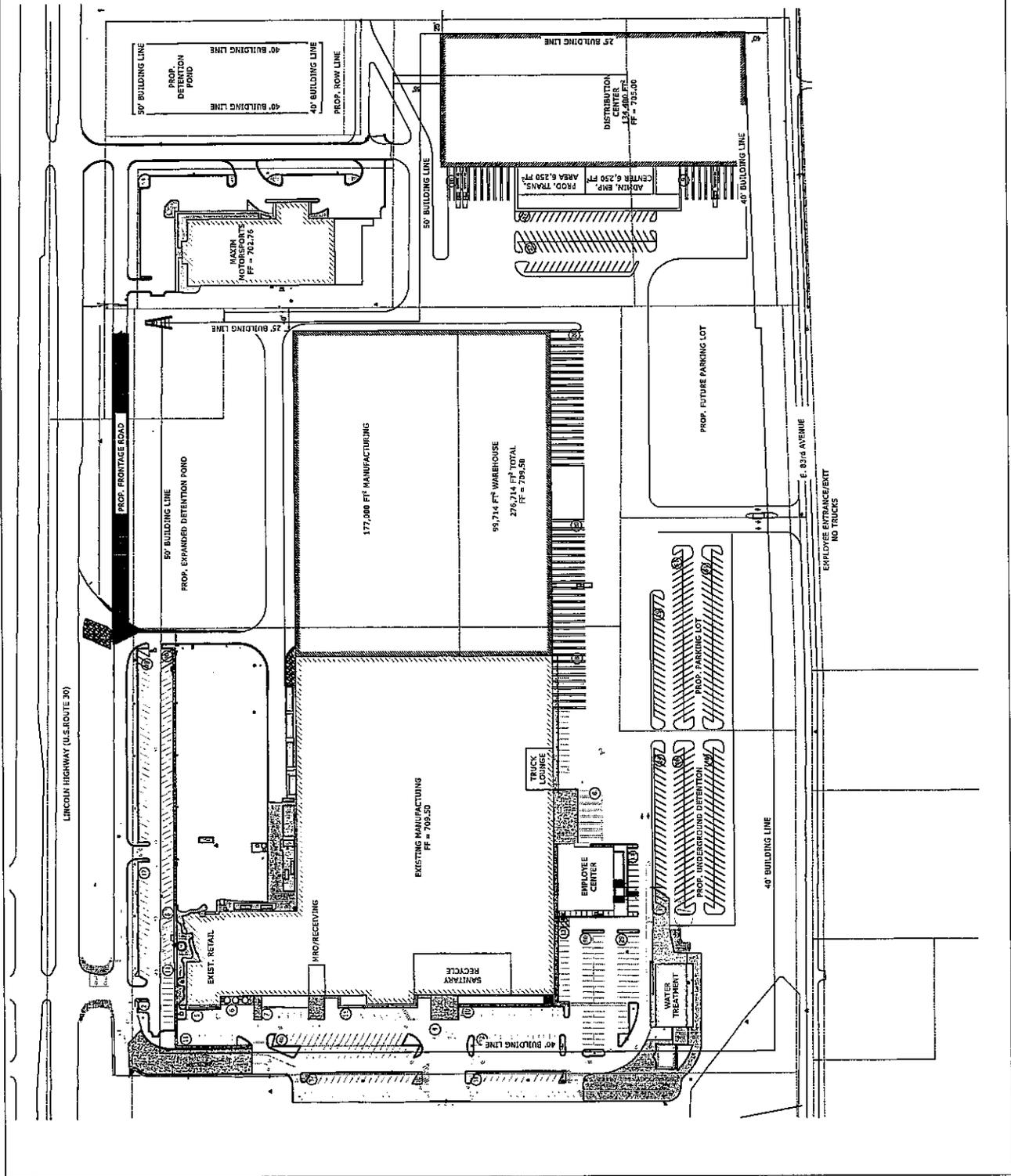
V. DEVELOPMENT PHASING

- (A) The construction of the development will be separated into three separate phases, some of which may be constructed concurrently.
- (1) Phase 1: Construction of the manufacturing building expansion, associated parking lot, and associated utilities.
 - (2) Phase 2: Construction of the distribution center, associated parking lot, and associated utilities.

Checked: NA	Customer: ALBANSSE
Drawing: COM	Project Name: EAST PROPERTY CONCEPT PLAN PHASE 2
Project: COM	Project Number: 20468
Date & Time: 05/02/11 07:30	Drawing Filename: I:\Projects\20468\Phase 2\20468.dwg

Project Number: 20468	Project Name: EAST PROPERTY CONCEPT PLAN PHASE 2
Drawing Filename: I:\Projects\20468\Phase 2\20468.dwg	Drawing Scale: 1" = 60'-0"
Project Number: 20468	Project Name: EAST PROPERTY CONCEPT PLAN PHASE 2


NIES Engineering, Inc.
 2411 177th Street, Hammond, Indiana 46324
 Phone: (219) 844-0900 Fax: (219) 844-7724
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EMPLOYEE ENTRANCE/EXIT
NO TRUCKS

**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: October 12, 2021

PETITIONER: SIR RLJ,LLC/James Dragon
5441 E. Lincoln Highway
Merrillville, IN 46410

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

PROPOSED USE: Light manufacturing

GENERAL LOCATION: Located approximately 1/3 mile west from the SW corner of US 30 & Grand Blvd. & 1/3 mile west from the NW corner of 83rd Ave. & Grand Blvd

LEGAL DESCRIPTION PRELIMINARY DESCRIPTION OF PROPERTY

LOT 1 OF ALBANESE ADDITION TO THE CITY OF HOBART, INDIANA, RECORDED AS DOCUMENT NUMBER 2014-022164 IN PLAT BOOK 107 PAGE 09 IN THE OFFICE OF THE RECORDER, LAKE COUNTY, INDIANA.

ALSO - LOT 1 OF US 30 ENTERPRISE PARK RECORDED IN PLAT BOOK 81 PAGE 99 IN SAID RECORDER'S OFFICE.

ALSO - LOT 2, LOT 3, LOT 4, AND A PRIVATE DRAINAGE EASEMENT RECORDED IN VELOCITY DEVELOPMENT IN PLAT BOOK 101 PAGE 44 IN SAID RECORDER'S OFFICE.

ALSO - A PARCEL OF LAND IN THE SOUTHEAST ¼ OF SECTION 19, TOWNSHIP 35 NORTH, RANGE 7 WEST OF THE 2ND PRINCIPAL MERIDIAN, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT A POINT ON THE EAST LINE OF THE WEST ½ OF THE WEST ½ OF THE SOUTHEAST ¼ OF SECTION 19, 100.00 FEET SOUTH OF ITS INTERSECTION WITH THE NORTH LINE OF THE SOUTH ½

OF SECTION 19, AND POINT LOCATED IN THE SOUTH RIGHT OF WAY LINE OF U.S. ROUTE 30; THENCE WESTERLY 200 FEET ALONG THE SOUTH RIGHT OF WAY LINE TO A POINT; THENCE SOUTH 217.8 FEET ON A LINE PARALLEL TO THE EAST LINE OF THE WEST ½ OF THE WEST ½ OF THE SOUTHEAST ¼ OF SECTION 19; THENCE EAST 200.00 FEET ALONG A LINE PARALLEL TO THE SOUTH RIGHT OF WAY LINE OF U.S. ROUTE 30 TO A POINT ON THE EAST LINE OF THE WEST ½ OF THE WEST ½ OF THE SOUTHEAST ¼ OF SECTION 19; THENCE NORTHERLY 217.8 FEET ALONG THE SAID EAST LINE OF THE WEST ½ OF THE WEST ½ OF THE SOUTHEAST ¼ OF SECTION 19 TO THE PLACE OF COMMENCEMENT IN LAKE COUNTY, INDIANA, EXCEPTING THEREFROM THE NORTH 55.00 FEET FROM THE EASTERNMOST BOUNDARY TO THE WESTERNMOST BOUNDARY OF THE PARCEL, AND ALSO EXCEPTING THEREFROM THAT PART DEEDED TO THE STATE OF INDIANA BY QUIT CLAIM DEED RECORDED MAY 7, 1998 AS DOCUMENT NO. 98033129.

MORE COMMONLY KNOWN AS 5701 EAST 81ST AVE.,
MERRILLVILLE, INDIANA

ALSO - THAT PART OF THE EAST ½ SW ¼ AND OF THE WEST ½ WEST ½ SE ¼ SECTION 19, TOWNSHIP 35 NORTH, RANGE 7 WEST OF THE 2ND P.M., MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE INTERSECTION OF THE NORTH-SOUTH CENTERLINE OF SAID SECTION 19 WITH THE CENTERLINE OF A PUBLIC ROAD SAID POINT OF INTERSECTION BEING 1393.22 FEET SOUTH OF THE NE CORNER OF THE EAST ½, SW ¼ OF SAID SECTION 19, THENCE WEST ALONG THE CENTER OF SAID PUBLIC ROAD 107.5 FEET, THENCE NORTH PARALLEL TO SAID NORTH-SOUTH CENTERLINE 351.90 FEET, MORE OR LESS, TO A POINT 281.52 FEET NORTH OF THE SOUTH LINE OF THE NORTH 1/2 , SOUTH ½ OF SAID SECTION 19, THENCE EAST PARALLEL TO THE SOUTH LINE OF NORTH ½ SOUTH ½ OF SAID SECTION A DISTANCE OF 384.64 FEET ; THENCE SOUTH PARALLEL TO SAID NORTH-SOUTH CENTERLINE 340.03 FEET TO THE CENTERLINE OF SAID PUBLIC ROAD, THENCE WESTERLY ALONG THE CENTERLINE OF SAID PUBLIC ROAD 277.24 FEET, MORE OR LESS, TO THE POINT OF BEGINNING, CONTAINING 3.066 ACRES, MORE OR LESS.

ALBANESE

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.

Albanese intends to expand their production and distribution capabilities at their existing location, which will require the acquisition of property. The zoning of the acquired properties does not support the proposed use.

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:
the land is contiguous with the existing property and is unoccupied or has been agreed to be purchased by Albanese.

___(c) the land involved is suitable for the proposed land change because:
the land is contiguous with the existing property and is unoccupied or has been agreed to be purchased by Albanese.

___(d) the topography is suitable for the proposed land use without adverse effect upon the surrounding land because: it is contiguous with the existing property and no major changes to the topography are present.

___(e) the property value of adjacent property would not be decreased because:
surrounding residential properties will be effectively screened by use of bufferyards. Remaining properties surrounding site are undeveloped.

Jana Moran
Signature of Petitioner/Agent

September 9, 2021

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 7th day of October, 2021 by a majority vote of the Hobart Advisory

Plan Commission.

Maria Galka

Plan Commission President

Attest:

Jason D. Spain
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

ORD 2021-37

(PLEASE PRINT)

MEETING DATE: OCTOBER 20, 2021

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

X COMMON COUNCIL (6:00 p.m.)

ITEM TO BE ADDED TO AGENDA PC 21-10A ALBANESE CANDY
PROPOSED AMENDMENT TO PUD & UPDATE PRELIMINARY PHASING PLAN

SUPPORTING DOCUMENTATION ATTACHED MEMO, MINUTES, ORDINANCE
FINDINGS OF FACT

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

DATE SUBMITTED OCTOBER 11, 2021

MEMORANDUM

DATE: **OCTOBER 12, 2021**

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 21-10A

Attached please find the draft minutes for your consideration regarding Plan Commission Petition 21-10A, a petition request for a proposed rezone from B-3, R-2 & PBP to PUD at 5441 E. Lincoln Highway located approximately 1/3 mile west from the SW corner of US 30 & Grand Blvd. & 1/3 mile west from the NW corner of 83rd Ave. & Grand Blvd. zoned B-3, R-2 & PBP, 44.19 acres

DRAFT PUBLIC HEARING MINUTES OF THE PLAN COMMISSION MEETING OF OCTOBER 7, 2021: Present were James Dragon and Chris Moore, Nies Engineering. Mr. Dragon requested to amend the PUD to include additional acquired properties. Mr. Pietrzak clarified the request to amend the legal description of the property and to update the preliminary phasing plan. Ms. Galka opened and closed the public hearing for Petition 21-10A without public comments. Mr. Spain motioned for a Favorable Recommendation to the Common Council for Petition 21-10A including all discussion and Findings of Fact, seconded by Mr. Chhutani. All ayes, motion carried. (8-0)